

# DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES

## DIVISION OF FAMILY SERVICES

### Office of Child Care Licensing

Statutory Authority: 29 Delaware Code, §9003; 31 Delaware Code, §§341-345

(29 Del.C. §9003; 31 Del.C. §§341-345)

#### PUBLIC NOTICE

#### FINAL

### DELACARE: Requirements for Family Child Care Homes and Requirements for Large Family Child Care Day Care Homes

#### Summary of the Evidence and Information Submitted

The Office of Child Care Licensing (OCCL) seeks to adopt revisions to the formerly entitled *Delacare: Requirements for Family Child Care Homes and Delacare; Requirements for Large Family Child Care Homes* which were previously adopted in 1994. To start the revision process applicable research findings, best practice information and trends in regulations of other States were reviewed. In June 2007 four focus groups were held, one each in Kent and Sussex Counties and two in New Castle County, consisting of Family Child Care (FCC) Providers and Large Family Child Care (LFCC) Providers. Participants agreeing to attend were chosen through a random selection basis. The focus groups were conducted by the National Child Care Information Center, which submitted a report on the findings to the OCCL. In July 2007 a survey was sent to every licensed FCC and LFCC Provider to solicit their input on regulatory change. Responses were recorded and an analysis was conducted for common themes in responses. From August 2007 to October 2007, a task force of FCC Providers, LFCC Providers, representatives of the OCCL, subject experts, parents, representatives of the Executive and Legislative Branches of State Government and those whose interests could be affected by the rule changes met for the purpose of making recommendations for revised Requirements. The task force reviewed the existing *Delacare Requirements for Family Child Care Homes and Delacare Requirements for Large Family Child Care Homes*, were provided information from the findings of the focus groups and provider surveys and trends and issues noted by the OCCL. The task force made recommendations that were considered in revising the Rules. Four informational meetings were held throughout the State in December 2007 attended by 92 people. At the informational meetings, an explanation of the major revisions was offered and participants' concerns and questions were addressed.

A public comment period was offered from December 1, 2007 to January 16, 2008 in which a total of 261 people or agencies sent in written comments and/or offered verbal comments. Public hearings were conducted throughout the State as follows: January 7, 2008 – Georgetown, January 8, 2008 – Bear; January 9, 2008 – Dover; and January 10, 2008 – Wilmington. While all comments presented during the public hearing period were noted and taken into consideration, the following is a listing of the issues shared during the public comment period more than one time (see OCCL website as listed below for full report on public hearing comments):

- Keep the grandfathering option regarding the qualification of currently licensed FCC and LFCC Providers (178)
- Don't make it harder for FCC Homes to keep license and operate (129)
- In support of own FCC Provider (126)
- FCC Home is more personal environment (116)
- Keep in mind differences of FCC Homes verses Centers (49)
- Many parents prefer FCC Home environment for child care (29)
- Eliminating grandfathering of currently licensed FCC Providers could make them ineligible at renewal and have unintended consequence of reducing FCC Homes (26)
- Child Development Associate Credential (CDA), *Training for Early Care and Education (TECE) 1 and 2*, Delaware Stars Program and college level education should be voluntary for qualifications (26)
- Support all reasonable strategies to enhance professionalism for FCC (25)

- Count previous experience for currently licensed providers in lieu of new qualifications (25)
- Requirement of annual training essential to continued professional growth (24)
- Require minimum of high school diploma for Providers (19)
- Offer time frame to get high school diploma for already licensed Providers (17)
- Inappropriate to release medical records to the Office of Child Care Licensing (12)
- Agree with not be able to provide child care for 24 hours (12)
- Substitute who are alone with children should have CPR and 1<sup>st</sup> Aid training (8)
- Agree with no TV viewing for children under 2 years of age (8)
- Agree with limited use of a Substitute (7)
- Rules are required for health, safety and protection of children (6)
- Did not get a copy of proposed rule changes (6)
- Learning activities are important (6)
- Supportive of enhanced/improved qualifications (5)
- Don't agree with not requiring (grandfathering option) high school diploma for currently licensed FCC Providers (4)
- Want pre-service & on-going professional development to be more strenuous (4)
- Do not make any changes (4)
- Do not agree with needing to be awake at all times when providing child care (4)
- Disagree with sign-in sheet for FCC (4)
- "Back to Sleep" – requiring infants to be placed on their back for sleeping – is important (4)
- Curriculum planning with training (4)
- Allow community-based training to count toward qualifications (3)
- Center educational qualifications are just as important for FCC and LFCC (3)
- Make *TECE 1* mandatory to qualify for FCC and LFCC (3)
- Kids in FCC deserve same as in Centers (3)
- Professional development opportunities are in place for proposed revisions (3)
- Providers not informed, need more time (3)
- Proposed rules = more documentation and paperwork (3)
- Parents can evaluate quality & performance of Provider (3)
- Rules are interfering with parental authority (3)
- Proposed changes = cost increases – rates of payment will go up (3)
- Need further clarification on use of substitute for emergencies verses regular use of substitute (3)
- Count CPR and 1<sup>st</sup> Aid training toward annual training requirement (3)
- Taking attendance of children in FCC is not necessary (2)
- Parents have right to choose what suits them (2)
- Not issuing license due to dependency issues is too broad (2)
- More educated child care workforce translates to better quality care (2)
- Proposed educational regulations for FCC could limit parental choices of care (2)
- Count experience of currently licensed providers without complaints year after year as evidence of knowledge (2)
- Being alert to children but not fully awake should be option when providing night child care (2)
- Parents need availability of 24 hour care (2)
- Agree with enhanced rules for night care (2)
- Clarify core areas of training (2)
- Supportive of annual training revisions (2)
- Allow carryover of two clock hours of training each licensure year (2)
- No need for daily infant record (2)
- Add non-prescription medications to information in child's file (2)
- Change "nearest" to "appropriate" for police/hospital (2)
- Clarify ground & basement level rules (2)
- Requiring that animals are certified as free from disease is inane, expensive and no real value in protecting children (2)
- Support space requirements/square footage per child in FCC (2)

- No exemption for bike helmets based on wheel size (2)
- Why not wear bike helmets on climbing equipment? (2)
- Hand washing sink being no more than 10 feet from diaper changing area is too close (2)
- Eliminate “not” rinsing diapers (2)
- Be consistent with sleeping rules for infants and children – blanket, pillows (2)
- Children in FCC start education there; become life long learners (2)
- Support changes to Program for Children and Equipment (2)
- Providers should cooperate with Program representatives for Individualized Family Service Plans (2)
- Do not agree with no TV viewing for children under 2 years of age (2)
- TV viewing for children under 2 years of age = 40 minutes then offer interaction (2)
- TV watching should be decided between parent and provider (2)
- Agree with no computer use for children under 2 years of age (2)
- Allow use of walker for special needs situations (2)
- Add that meals should be flavorful, attractive in appearance, at appropriate temperature and preserved to maintain nutritional value (2)
- State that LFCC License/Owner not engage in retaliation or reprisals of staff members for reporting abuse/neglect
- For LFCC – have the option of 6 preschool children plus 3 school-age children like Level II FCC Homes (2)

Further revisions were made to the *Delacare: Rules for Family Child Care Homes* and *Delacare: Rules for Large Family Child Care Homes* based on all comments received during the public comment period. These revisions include the following:

- Edits for spelling and grammar
- Structure changes of some Rules to help with clarity of the information presented
- Some rules reordered for easier reference.
- Several new definitions added for words used within the document to help readers better understand the licensure process
- Informational session added to help applicants better understand the application and overall licensure process
- Any substitute (used for emergency or non-emergency situations) required to have background check and health appraisal
- Requirement for providing medical records to the OCCL removed
- Clarification of primary focus during hours of operation - providing child care and what are distracting activities
- Pre-service (prior to licensure) training hours for Licensee of a new Level I FCC Home and new LFCC Assistant changed to requirement of twelve clock hours of specific training within first year of licensure and such training counting toward the first year’s annual training requirement. This change was made due to concerns about the ability to offer such pre-service training often enough to be able to keep the licensure process as expedient and cost effective as possible.
- To control for quality and effectiveness of first year’s licensure training must be approved by Office of Child Care Licensing specifically for qualifying for this Level or position and contain at least three clock hours in each of the following topic areas: child development, educational activities for children, positive behavior management & families/communities.
- CPR and 1<sup>st</sup> Aid training allowed to count toward annual training requirement
- Clarification of which children present at the Family Child Care Home or Large Family Child Care Home count toward capacity
- Specific fall zone requirements under outdoor play removed from Rules
- Helmets required for any bicycle or tricycle that have foot pedals
- Pets with diseases that can be spread to humans can not be kept in rooms used by children in care
- Pets no longer have to have documentation by a licensed veterinarian as free from disease
- Eye dressing, CPR barrier device and small plastic or metal splints no longer required in first aid kit
- United States Department of Agriculture (USDA)/Child and Adult Care Food Program (CACFP) Meal Patterns and Policies required to be followed by FCC and LFCC Homes whether or not enrolled in CACFP

program

- Specific references to Individualized Educational Program (IEP) and Individualized Family Service Plan (IFSP) removed from LFCC Home rules; cooperation with parents/guardians/other agencies is required as per Americans with Disabilities Act (ADA) and as stated in FCC and LFCC such as adaptations and accommodations must be made in activities and materials to support the positive development of all children including those with disabilities
- Children under twenty-four months may engage in limited (no more than one hour per day) television, digital video display (DVD) and video cassette viewing
- Use of walkers allowed when medically prescribed by health care provider
- Children (based on particular age) in overnight care must sleep in a crib or bed with mattress that is not directly on the floor
- Children (based on particular age) must be monitored while napping/sleeping; monitoring must be documented
- Overall, revisions represent a movement toward improving standards that are designed to ensure the health and safety of children in care and enhance the quality of their experience so they will be better prepared to succeed in school and in life.

### Finding of Facts

The Office of Child Care Licensing is within the Division of Family Services, Department of Services for Children, Youth and their Families. The Secretary of this Department finds that the further revisions are non-substantive, that it is appropriate to amend 9 DE Admin. Codes 103 and 104 or as it was otherwise known as *Delacare: Requirements for Family Child Care Homes* and *Delacare: Requirements for Large Family Child Care Homes*, and to adopt the revisions to the rules. The new titles will become *Delacare: Rules for Family Child Care Homes* and *Delacare: Rules for Large Family Child Care Homes*. The adoption of the revisions is sought to establish a new baseline of care which more appropriately reflects accepted quality standards that support healthy, safe and enriching early care and education and school-age practices in Family Child Care and Large Family Child Care Homes. The 1994 *Delacare: Requirements for Family Child Care Homes* and *Delacare: Requirements for Large Family Child Care Homes* do not reflect the body of knowledge that has been acquired in the field of early care and education. The existing Requirements no longer offer adequate safeguards or protection for children in care nor do they promote standards and practices that promote optimal development and learning in order for children to be ready for and succeed in school and life.

### Decision to Adopt the Rules

For the foregoing reasons, the Department Secretary concludes that it is appropriate to revise **9 DE Admin. Codes 103 and 104** and adopt the revisions to create a new set of rules titled *Delacare: Rules for Family Child Care Homes* and *Delacare: Rules for Large Family Child Care Homes*. Therefore, pursuant to **31 Delaware Code**, Chapter 3, Subchapter III, Subsections 341-345, also known as "The Delaware Child Care Act" and **29 Delaware Code**, Chapter 90, Subsection 9003(7), **9 DE Admin. Codes 103 and 104** is (attached?) and hereby adopted.

OCCL website - <http://kids.delaware.gov/occl/occl.shtml>

### Text and Citation

The text of **9 DE Admin. Codes 103 and 104** adopted hereby shall be in the form and said rules shall be cited as **9 DE Admin. Codes 103 and 104** in the Administrative Code of Regulations for the Department of Services for Children, Youth and their Families.

### Effective Date of Order

The actions hereinabove referred to were taken by the Secretary pursuant to **31 Delaware Code**, Chapter 3, Subchapter III, Subsections 341-345, also known as "The Delaware Child Care Act" and **29 Delaware Code**, Chapter 90, Subsection 9003(7) on (date). The effective date of this Order adopting *Delacare: Rules for Family*

*Child Care Homes and Delacare: Rules for Large Family Child Care Homes* shall be on January 1, 2009.  
IT IS SO ORDERED the 13th day of November 2008  
DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES  
Margaret J. Timki, Acting Secretary, Department of Services for Children, Youth and their Families  
Carlyse Giddins, Director, Division of Family Services  
Patricia Quinn, Administrator, Office of Child Care Licensing  
Approved for adoption on this 13th day of November 2008

## 100 Homes and Centers

## 103 Family Child Care Homes

### INTRODUCTION

#### 1.0 Legal Base

The legal base for these Licensing requirements Rules is in the **Delaware Code**, Title 31, Welfare, In General, Chapter 3, Child Welfare, Subchapter III, The Delaware Child Care Act, Subsections 341 – 344 345 and Title 29, State Government, Part VIII, Departments of Government, Chapter 90, Department of Services For Children, Youth And Their Families, Subsection 9003 (7).

#### 2.0 Purpose

The overall purpose of these requirements Rules is the protection and promotion of the health, safety, well-being, and positive development of children who receive family licensed child-care services in Family Child Care Homes.

### Part I. General Provisions

#### 3.0 Definition of Regulated Service

Family Child Care Home is a licensed child care service **[provided for part of a twenty-four (24) hour day,] offered by a person who [advertises or holds himself or herself out as conducting such a service on a regular basis, unattended by parent or guardian, and receives compensation for the service. This person has in custody or control one (1) to a maximum of six (6) children preschool-age or younger who live at and/or are present at the Family Child Care Home. In addition to the children preschool-age or younger, this person may also have custody or control of one (1) to a maximum of three (3) school-age children who do not live at the Family Child Care Home but are present only for before and after school, and/or during school holidays, and/or school vacation during the summer. All of these children are provided provides] care, education, protection, supervision and or guidance in [his or her the person's] private homes. [on a regular basis for one (1) to (6) six children] This does not including include the exclusive a child care of service provided exclusively to relatives [as defined by these Rules]. Service is provided for part of the twenty-four (24) hour day, unattended by parent or guardian, and for compensation.**

#### 4.0 Definition of Terms

"**Administrator**" means the individual responsible for the supervision and administration of the Office of Child Care Licensing.

**["Administrative Action" means the term applied to a group of enforcement actions initiated by the Office of Child Care Licensing against an Applicant or Licensee.]**

**"Administrative Appeal Hearing"** means the hearing provided to an Applicant or Licensee when the Applicant or Licensee has timely requested [an] appeal of the Division's decision to deny an application or revoke a Family Child Care License.

**["Administrative Review Hearing" means the hearing provided to a Licensee when the Licensee has requested an appeal of the Office of Child Care Licensing's decision on violations of these Rules.]**

"Adult" means a person who has reached his or her eighteenth (18<sup>th</sup>) birthday.

**["Agreement of Understanding" means a formal written document that is part of an administrative action, part of a corrective action plan, or used when a formal agreement is deemed necessary between the Licensee and the Office of Child Care Licensing which clearly explains and memorializes what actions a Licensee must take in order to maintain licensure.]**

"Applicant" means ~~[an individual any person]~~ applying for a Family Child Care License ~~[that is obtained from through]~~ the Office of Child Care Licensing."

"Background check" means a State (Delaware) and Federal (national) report of a person's entire criminal history, a search of the Department's child abuse and neglect records, and when applicable, a search of the Department of Health and Social Services' adult abuse registry.~~[or any other checks as required by State or Federal law.]~~

"Business Day(s)" means any weekday Monday through Friday. It does not include any weekend day (Saturday and Sunday) or any State of Delaware legal holiday that falls on a weekday.

~~"Caregiver" means the person who is issued the Family Child Care License by the Department and is responsible for the direct care, education, protection, supervision and guidance of the child in a family child care home.~~

~~"Change of Shift" means the simultaneous care of children from two shifts in which the ending time of the first shift overlaps the beginning time of the second shift two (2) hour period of time overlapping between two (2) full ~~[(at least eight (8) hours per shift)]~~ shifts of child care ~~[and the specific conditions in which additional children are allowed beyond the licensed capacity for that particular time period]~~. [A full shift shall be at least eight (8) hours long.] The change of shift care may be provided to no more than two (2) children for not more than two (2) hours in any child care day.~~

~~"Child" means any person who has not reached the age of eighteen (18) years and is in the care of the Family Child Care Home.~~

~~"Child Abuse and Neglect" means the abuse of a child as defined in Delaware Code, Title 16, Chapter 9 the physical injury by other than accidental means, injury resulting in a mental or emotional condition which is a result of abuse or neglect, negligent treatment, maltreatment, mistreatment, nontreatment, exploitation or abandonment, of a child under the age of eighteen (18) years.~~

"Child Care" means the providing of care, education, protection, supervision or guidance of children in a Family Child Care Home.

"Child Care Licensing Specialist" ~~[or "Child Care Licensing Supervisor"]~~ means ~~[the individual in employment an employee]~~ of the Department of Services for Children, Youth and their Families, Division of Family Services, Office of Child Care Licensing ~~[and who]~~ is responsible ~~[as per Delaware Code]~~ for performing regulatory activities including investigations, enforcement actions and decisions for licensure ~~[as set forth in Delaware Code and these Rules]~~.

**["Child Care Licensing Supervisor" means an employee of the Department of Services for Children, Youth and their Families, Division of Family Services, Office of Child Care Licensing who is responsible for performing supervisory and regulatory activities including investigations, enforcement actions and decisions for licensure as set forth in Delaware Code and these Rules.]**

"Child Neglect" means the neglect of a child [as] defined in Delaware Code, Title 16, Chapter 9.

"Child Sex Abuse" means any act against a child that is described as a sex offense as defined in Delaware Code, Title 11, Subsection 761 (d) or in subpart D. "sexual offenses" of subchapter I of Chapter 5 of Title 11 of the Delaware Code.

"Child with Disabilities" means a child who has been diagnosed by a qualified professional as having a physical, intellectual, emotional, developmental or chronic medical condition(s) or impairment(s) which would require modification(s) in the regular program of activities for ~~[that child at the Family Child Care Home]~~ or as defined by applicable Federal and State Laws.

"Clock Hour(s)" means the actual number of hours or time a ~~[participant licensee or staff member]~~ spends attending the instructional portion of a training to develop or enhance ~~[early care and education and school-age child]~~ care competencies.

"Complaint" means an accusation that a Licensee is not in compliance with these Rules or any applicable laws. Complaints may be written or oral and may be anonymous.

**["Complaint Investigation" means the process followed by the Office of Child Care Licensing to**

effectively investigate an accusation that a Licensee is not in compliance with these Rules or any applicable laws. The Licensee is notified of the complaint generally at the time of an unannounced visit regarding the particular complaint(s) and a written report is created stating the results of the investigation to the Licensee.]

**"Corrective Action Plan"** means a plan ~~[provided to]~~ **developed with** the Licensee by the Office of Child Care Licensing which specifies ~~[the how a Licensee corrects]~~ any non-compliance, **what the Licensee shall do to become compliant,** and the time frame in which the non-compliance shall be corrected.

~~["Delaware First" means the professional development system for early care and education and school age care professionals in Delaware.]~~

**"Department"** means the Department of Services for Children, Youth and Their Families.

**"Denial"** means the refusal **[by the Office of Child Care Licensing]** to issue a Family Child Care License after the receipt of an original or renewal application **[and the completion of an investigation]**. This constitutes refusal of official permission for the Applicant or Licensee to provide regulated service.

**"Direct Voice Contact"** means a Licensee speaking directly with a Child Care Licensing Specialist, Child Care Licensing Supervisor, or the Administrator from the Office of Child Care Licensing through a telephone call or face-to-face contact. A voice mail message is not acceptable **[and does not constitute direct voice contact]**.

~~"Division Director" means the Director of the Division of Family Service within the Department.~~

**["Division Director" means the Director of the Division of Family Services within the Department.]**

**"Family Child Care Home"** means a private home in which a **[person Licensee]** resides and provides a licensed child care service **[for one to six children at any one time]** who are not relatives of the Caregiver is provided **[but for no more than seventeen (17) consecutive hours in a twenty four (24) period]**.

**"Family Child Care License"** means a **[formal]** written certification, document whether provisional or annual, issued by the Department Office of Child Care Licensing **[to]** the applicant **[an individual permitting a person to operate a Family Child Care Home and]** to publicly document verifying that he/she, has self-certified compliance with has demonstrated compliance with the Requirements Delaware: Rules for Family Child Care Homes and the applicable codes, regulations, and laws.

**"Family Child Care Licensure"** means the process by which the Caregiver self-certifies that he/she has complied with the Requirements for Family Child Care Homes and the law.

**"Health Care Provider"** means a professionally licensed physician, advance practice nurse, (nurse practitioner), or physician assistant, such license being issued by an established licensing body.

**"Helper"** means a youth, at least ten (10) years of age and three years older than the oldest child in, who assists the Caregiver with child care. A Caregiver or substitute caregiver must be present when a helper is used.

**"Household member(s)"** means persons living together permanently or temporarily without regard to whether they are related to each other **[by marriage or blood]** and without regard to the length of time or continuity of such residence, and it may include persons who previously lived in the household such as paramours of a member of the **[child's]** household.

**["Infant" means any child who is under the age of twelve (12) months.**

**"Informal Conference"** means a meeting between the Office of Child Care Licensing and the Licensee to discuss non-compliance of a serious or repeated nature which, if not corrected on time and in an acceptable manner, may result in administrative action.]

**"Institutional Child Abuse or Neglect"** occurs means when a person responsible for a child's care in an out-of-home setting jeopardizes the well being of a child abuse or neglect which has occurred to a child in the Department's custody and/or [while] placed in a facility, center or home operated, contracted or licensed by the Department that results or may result in physical or emotional injury.

**"Licensee"** means the person who is issued the Family Child Care License, has legal responsibility for the Family Child Care Home, resides in the Family Child Care Home, provides child care, **[has control over the furnishings and use of space,]** and meets the qualifications and requirements of **[a]** Licensee as defined in these Rules.

**"Licensure"** means the issuing of a Family Child Care License **[by the office of Child Care Licensing]** when the Applicant has demonstrated compliance with *Delaware: Rules for Family Child Care Homes* and applicable codes, regulations, and laws.

**"Meal"** means breakfast, lunch, or dinner.

**"Night Child Care"** means child care provided in the evening and/or overnight between the hours of 8:00 P.M. and 6:00 A.M.

"**Office of Child Care Licensing**" means the governmental organization authorized by within the Department authorized under Delaware Code, Title 31, Chapter 3, Subchapter III, to assume specified Licensing responsibilities pursuant to 31 Del.C. Ch. 3, and 29 Del.C. §9003 prescribe, by regulations or otherwise, any reasonable standards for the conduct of child care facilities, institutions, agencies, associations or organizations and may license such of these to conform to such standards.

"**Parent(s)/guardian(s)**" means the child's natural or adoptive mother or father, guardian, or other legally responsible person a birth or adoptive parent, legal guardian or any other person having responsibility for, or legal custody of, a child.

"**Preschool-Age Child**" means a child ~~two (2)~~ who is between thirty-six (36) months and through four (4) five (5) years of age who is not yet attending a public or private kindergarten program [outside of the Family Child Care Home]. If a child is older than five (5) years of age and is not yet attending a public or private kindergarten program that child shall be considered in the preschool-age group until attending kindergarten or first grade which ever comes first.

"**Private Home**" means a non-public residence such as a house, duplex, townhouse, apartment or mobile home where the Garegiver Licensee lives resides and has control over the furnishings and use of space. An individual unit in public housing and university housing complexes is may be considered a private home.

"**Regularly or on a regular basis**" means child care services which are available and provided at a Family Child Care Home on more than one (1) day in any one (1) week or for periods longer than three (3) weeks in any calendar year.

"**Relative**" means a person having any of the following relationships by blood, marriage, or adoption between the Garegiver Licensee[, Substitute, household member] and the child in child care: parent, grandparent, great-grandparent, brother, sister, aunt, uncle, stepparent, stepbrother, and stepsister. A cousin, for the purpose of this definition, shall not be considered a relative.

"**Revocation**" means the process of rescinding a Family Child Care License during the effective dates of the Family Child Care License. If the process concludes with the decision of the Secretary of the Department to revoke the Family Child Care License, the Licensee shall cease operation of a Family Child Care Home within thirty (30) days of the decision.

"**Rule(s)**" means ~~[the Office of Child Care Licensing establishing]~~ a baseline or minimum standard required for a particular aspect of child care provided in a Family Child Care Home [as established by the Office of Child Care Licensing and known as Delacare: Rules for Family Child Care Homes]. A Licensee of a Family Child Care Home [may and] is encouraged to exceed the baseline or minimum standard required by these Rules.

"**Secretary**" means the Cabinet Secretary of the Department of Services for Children, Youth and Their Families

"**School-age care**" means child care for school-age children [who attend kindergarten or higher grade in a public or private school outside of the Family Child Care Home and are present at the Family Child Care Home during in] any of the following circumstances: before and/or after school; during school holidays; and/or summer months.

"**School-age Child**" means any child age five (5) years or older who is attending kindergarten or higher grade [outside of the Family Child Care Home.] in a public or private school. A child attending kindergarten, shall be considered school-age for the purpose of this definition, shall be considered a School-age Child beginning the first day attending kindergarten or first grade; which ever comes first.

"**Specialist**" means the individual Licensing specialist representing the Office of Child Care Licensing who is responsible for performing regulatory and enforcement activities in the licensure of child care facilities.

"**Snack**" means supplemental food served between meals.

"**Substitute Garegiver**" means the person(s) an adult designated by the Garegiver Licensee[, and approved by the Office of Child Care Licensing] to provide direct child care, education, protection, supervision and guidance of the child in the Garegiver's Family Child Care Home when the Garegiver Licensee is not present [due to emergency or specific planned, non-emergency situation(s)] and [who] meets the qualifications and requirements of Substitute as defined in these Rules.

"**Supervision**" means the Licensee or Substitute is physically present in the area or room where the children are being cared for and [are providing watchful oversight is constantly aware of where each child is, what each child is doing, how each child is managing, and is readily available to respond to each child's and timely attention to the children's actions and needs, requests and any emergency].

**"Suspension Hearing"** means an informal hearing between the Division **[Director or his/her designee,]** and the Licensee in order to determine whether the Family Child Care License remains suspended.

**["Temporary Suspension Order" or "Suspension Order"** means a notice issued by the Office of Child Care Licensing to the Licensee directing that Family Child Care services be discontinued on a **[date]** specified **[by the Office of Child Care Licensing date]**. The Licensee shall not provide Family Child Care services during the term of a **[Temporary]** Suspension Order.

**"Toddler"** means a child between the ages age of twelve (12) months and twenty four (24) under thirty-six (36) months.

**"Training"** means the successful participation in an organized professional development activity that is approved or accepted by the Office of Child Care Licensing **[the purpose of which is in order]** to develop or enhance **[early care and education or school age care child care]** competencies of the Licensee and Substitute of the Family Child Care Home.

**"Variance"** means the nontransferable written authorization issued by the ~~Department~~ Division after the Licensee has demonstrated an to use alternative means by which to meet the intent of the a specific licensing requirement(s) Rule. A variance is a conditional approval to operate outside of these Rules and is based on the need(s) or circumstance(s) of the Licensee and Family Child Care Home **[and does not endanger the health, care, safety, protection and supervision of children in child care]**.

## **5.0 General Requirements Family Child Care Licensure**

Any **[An individual A person]** operating shall not operate or **[maintain a Family Child Care Home provide child care services as defined in these Rules]** is required unless to have a Family Child Care License to do so is issued by the ~~Department~~ Office of Child Care Licensing. No individual is allowed to operate a family child care home without a Family Child Care License. **[Anyone who operates a Family Child Care Home without a license violates Delaware Code, Title 31, Chapter 3. Subchapter III, The Delaware Child Care Act and shall be fined not more than \$100 or imprisoned not more than three (3) months, or both.]**

## **6.0 Authority To Inspect**

6.1 The Licensee, adult household member(s), and Substitute shall permit access to the Family Child Care Home, ~~and respond to and cooperate with requests from authorized representatives of the Office of Child Care Licensing, and other State or local agencies and allow for the announced or unannounced inspection of any area or aspect of the operation of the Family Child Care Home which affects or potentially affects the children in child care including access to and request for information, files and records, for the purposes determining compliance and/or investigating complaints with applicable provisions of these Rules, and any other applicable codes, regulations, and laws,~~ during the hours of operation by representatives of the Office of Child Care Licensing and other State or local officials with responsibilities for monitoring, approving, or authorizing the use or safety of a Family Child Care Home, or provides payment for services provided at the Family Child Care Home.]

6.2 The Licensee, adult household member(s), and Substitute shall respond to and cooperate with requests from representatives of the Office of Child Care Licensing, and other authorized State or local officials and allow for the announced or unannounced inspection of any area or aspect of the operation of the Family Child Care Home which affects or potentially affects the children in child care including access to and request for information, files and records, and unlicensed space of the Family Child Care Home for the purposes of determining compliance and/or investigating complaints of non-conformity with applicable provisions of these Rules, or any other applicable codes, regulations, and laws including suspected child abuse and neglect.]

6.~~[23]~~ The Licensee shall not impede and shall permit the interview of **[the]** him or herself, household members, Substitute, any child in child care, and the parent(s)/guardian(s) of a child in child care by **[authorized]** representatives of the Office of Child Care Licensing, and other **[authorized]** State or local **[agencies officials]** for the purposes of determining compliance and/or investigating complaints **[of non-comformity]** with applicable provisions of these Rules, **[and or]** any other applicable codes, regulations, and laws.

~~Any Family Child Care Home License issued prior to the effective date is considered valid until the date the license expires. Upon expiration of the current family child care home license, a Family Child Care License must be obtained.~~

A Family Child Care License shall be issued only to the individual who is the applicant and for the address shown on the application and shall not be transferable, assignable or subject to sale.

The Caregiver shall comply with any restrictions on the maximum number of children in care which may be placed upon the Family Child Care Home by other applicable regulatory codes such as those related to fire safety and zoning.

The Family Child Care License shall be posted in a place conspicuous to the public. The certificate shall state the number of children the Family Child Care Home is authorized to have in care at any one time.

A Family Child Care Home shall allow Department representatives to inspect all aspects of the operation which impact on children in care. A Family Child Care Home shall allow Department representatives access to any information or records reasonably related to compliance with applicable Licensing requirements. Department representatives may make unannounced and announced visits during the effective dates of the license.

An investigation shall be made if a complaint is received by the Department. The Department shall notify the Family Child Care Home that a complaint is being investigated. The results of the Department's investigation shall be reported in writing to the Family Child Care Home investigated. If the complaint is substantiated or if other violations are found as a result of the investigation, the Family Child Care Home shall be required to correct the violations and come into full compliance with the State Law and Licensing requirements.

#### TYPES OF FAMILY CHILD CARE LICENSES

No fee shall be charged for the Family Child Care License.

### **7.0 Application Process**

**7.1 The Applicant shall attend informational and orientation sessions as provided by the Office of Child Care Licensing to receive information on the Delacare: Rules for Family Child Care Homes and the licensure process.**

**7.2 The Applicant shall successfully complete the application process as described in Rules 7.2 - 7.13 within a time period as established by the Office of Child Care Licensing.]**

**7.[43] The Applicant shall apply for a Family Child Care License on a form provided by the Office of Child Care Licensing. An application shall be required for initial licensure. [and upon A] renewal [application received by the Office of Child Care Licensing at least thirty (30) days prior to the expiration date of a Family Child Care License shall be required] when seeking to continue the operation of a Family Child Care Home.**

**7.[24] The Applicant shall sign a statement which certifies [that he/she]:**

**7.[24].1 [He/she] Has read and understands these Rules:**

**7.[24].2 [Intent Intends] to maintain [full or substantial] compliance with these Rules and any other applicable codes, regulations, and laws; and**

**7.[24].3 [Intent Intends] to provide child care for children throughout the majority of the licensure period(s).**

**7.4.4 Has provided information that is true to the best of his/her knowledge; and**

**7.4.5 Will not discriminate on the basis of sex, race, religion, cultural heritage, disability, marital status, or economic status.]**

**7.[35] The Applicant shall demonstrate to the satisfaction of the Office of Child Care Licensing that he/she and the Family Child Care Home is in [full or substantial] compliance with applicable provisions of these Rules, and any other applicable codes, regulations, and laws to qualify for a Family Child Care License.**

**~~7.4 The Applicant shall attend pre-licensing meeting(s) and/or training(s) and successfully complete the application process as described in Rule 7.0 within a time period as established by the Office of Child Care Licensing.]~~**

**7.[56] The Applicant shall submit a completed [and signed] application including all required materials to the Office of Child Care Licensing and when applicable, any other [agency as authorizations, inspections, or documents that state any limitations on the use of a home and/or property through deed restrictions, homeowners' association, lease or rental agreements, or as] required by their codes, regulations, or laws such as, but not limited to, the Division of Public Health, City or State Fire Marshal, Division of Revenue, Department of Natural Resources and Environmental Control, [City or County Offices of] Land Use or Zoning.**

**7.7 The Applicant shall provide written proof of an electrical inspection of the Family Child Care Home conducted by an inspection agency that is approved by the State Fire Marshal.]**

7.[68] The Applicant shall submit documentation of current certification in cardiopulmonary resuscitation (CPR) and completion of a **[current]** first aid course each applicable to the ages of the children in child care.

7.[79] The Applicant shall provide three (3) written letters of reference from three (3) adults who are familiar with the Applicant but who are not related to the Applicant. These references shall verify that the Applicant is of good character and reputation, respects and understands children, and is sensitive to meeting their needs.

7.[810] The Applicant shall sign a release of employment history form provided by the Office of Child Care Licensing that permits the Office of Child Care Licensing to obtain service letters as per **Delaware Code**, Title 19, Chapter 7, Section 708 from a current or most recent previous employer for him or herself, and any health care and/or child care facility for which the Applicant was employed within the past five (5) years of application for **[initial]** licensure.

7.[810].1 If **[a Licensee an Applicant]** has no prior employment history, five (5) letters of reference as specified in **Rule 7.9** shall be required to be provided.

7.[911] The Applicant, all household member(s) ~~[eighteen (18) years of age or older]~~, and Substitute shall ~~[be fingerprinted by the Delaware State Police]~~ provide or authorize the release of information required to determine that the health, safety or welfare of any child in child care would not be at risk.

**7.11.1** The applicant, household member who is eighteen (18) years of age or older, and Substitute shall be fingerprinted by the Delaware State Police for Family Child Care.]

7.[9.1 11.2]The Office of Child Care Licensing, ~~[at its discretion may]~~ when there is cause to believe the health, safety, or welfare of a child in child care may be at risk, ~~[may require request consent from a parent/guardian for]~~ a background check on a household member under eighteen (18) years of age.

**[7.11.3** The Office of Child Care Licensing may, when there is cause to believe the health, safety, or welfare of a child in child care may be at risk, request medical, psychological, counseling, school, probation and/or Division of Family Services records.

**7.11.4** The applicant shall sign a release for the results of an adult abuse registry check through the Department of Health and Social Services.]

~~[7.10] The Applicant shall sign a release for the result of an adult abuse registry check through the Department of Health and Social Services.]~~

7.[412]The Applicant shall provide written evidence of health appraisals attesting to his/her health, ~~[and]~~ the health of any adult household members, and Substitute.

7.[412].1 The written report from a health care provider shall have been completed within one (1) year prior to the date of initial licensure and include, at a minimum:

7.[412].1.1 Health history;

7.[412].1.2 Physical exam;

7.[412].1.3 Vision and hearing screening;

7.[412].1.4 Freedom from communicable tuberculosis (Tb) verified within one (1) year prior to the date of initial licensure, with further testing every five (5) years;

7.[412].1.5 A review of immunization status (such as measles, mumps, rubella, diphtheria, tetanus, and polio);

7.[412].1.6 A review of occupational health concerns;

7.[412].1.7 Assessment of need for vaccines against illnesses such as but not limited to, influenza, pneumococcus, and hepatitis B, and of risk from exposure to common childhood infections, such as parvovirus, CMV, and chicken pox; and

7.[412].1.8 Assessment of health related limitations or communicable diseases that may impair a person's ability to perform the child care or have direct access to children.

7.[4213]The Applicant shall provide health appraisals for children preschool-age or younger **[and not yet attending kindergarten,]** including school-age children who are not attending a public or private school **[and are]** living in the Family Child Care Home as specified in Rule 29.1.

~~[7.13] The Applicant shall provide written proof of an electrical inspection of the Family Child Care Home conducted by an inspection agency that is approved by the State Fire Marshal.]~~

## **8.0 Annual Family Child Care License**

**8.1** An The annual Family Child Care License shall be issued when the Family Child Care Home meets all the requirements set forth in the Requirements for Family Child Care Homes Office of Child Care Licensing determines that the Applicant ~~[who becomes the Licensee,]~~ and Family Child Care Home are in **[full**

~~or substantial~~ compliance with applicable provisions of these Rules. ~~[This includes the determination of suitability of the Applicant and household members based on the results of their background checks for the issuance of the initial annual Family Child Care License.]~~ An annual license shall be effective for one year from the date of issue, unless it is suspended, revoked or surrendered sooner.

8.2 The Licensee shall maintain ~~[full or substantial]~~ compliance with applicable provisions of these Rules and all other applicable local, State and Federal codes, regulations, and laws throughout the licensure period(s).

8.3 The annual Family Child Care License shall be issued only to the Licensee and for the address of the Family Child Care Home shown on the application. A Family Child Care License is not transferable, assignable or subject to sale

8.4 The annual Family Child Care License shall be effective for one (1) year from the date of issuance, unless it is:

8.4.1 Modified to a provisional Family Child Care License;

8.4.2 Revoked;

8.4.3 Surrendered prior to the expiration date

8.4.4 Nullified; or

8.4.5 Suspended.

8.5 The Licensee shall post the Family Child Care License ~~[in a place conspicuous to the public inside the Family Child Care Home in the area where child care is provided and visible to parent(s)/guardian(s)]~~.

8.6 The Licensee shall comply with any restrictions on the maximum number of children in child care which may be placed upon the Family Child Care Home by the Office of Child Care Licensing ~~[and]~~ or other applicable agencies' codes, regulations and laws such as those related to fire safety and zoning.

## 9.0 Provisional Family Child Care License

9.1 A provisional Family Child Care License may be issued for a period not to exceed six (6) months when ~~[ever]~~ a Caregiver Licensee is temporarily unable to comply with all of the requirements in the Requirements for Family Child Care Homes these Rules and the Office of Child Care Licensing has determined that:

9.1.1 There is no serious risk to the health, safety and well-being of the children;

9.1.2 The Licensee has agreed to fulfill and operate under conditions as stated in a written corrective action plan as ~~[designated developed]~~ by the Office of Child Care Licensing ~~[and the Licensee]; [and]~~

9.1.3 The Licensee demonstrates to the Office of Child Care Licensing of intent to comply ~~[with the corrective action plan; and]~~

9.1.4 The Licensee demonstrates good faith efforts to achieve compliance but requires additional time to achieve compliance with applicable provisions of these Rules.]

A provisional Family Child Care License may be issued when the Department determines that:

A Family Child Care Home is temporarily unable to comply with all of the requirements in the Requirements for Family Child Care Homes.

The effect of the noncompliance to any requirement does not present or will not present an unreasonable risk to the health, safety or well being of the children in care of the Family Child Care Home.

The Family Child Care Home has a plan of correction that has been approved by the Department.

9.2 A provisional Family Child Care License may be replaced with an annual Family Child Care License when all of the Licensee makes a written request to the Office of Child Care Licensing ~~[for the replacement of a provisional Family Child Care License with an annual Family Child Care License]~~ after the corrective action plan is completed by the Licensee and approved by the Office of Child Care Licensing. ~~[and when]~~ following conditions exist: ~~[the Office of Child Care Licensing determines that a Licensee:]~~

9.2.1 ~~[Has demonstrated the correction of all violations]~~ In advance of the expiration date of the provisional Family Child Care License. ~~[in accordance with]~~ a ~~[the agreed upon conditions as stated in the corrective action plan]~~ agreed to ~~[as designated by the]~~ Department ~~[Office of Child Care Licensing]~~ and Caregiver, the Caregiver corrects the deficiencies related to the requirements in advance of the expiration date of the provisional Family Child Care License and no additional areas of noncompliance exist. ~~[and:]~~

9.2.2 Compliance with the requirements has been verified by an on-site observation by a Department representative or by written evidence provided by the LFCCH ~~[Has come into and maintains full or]~~

**substantial compliance with applicable provisions of these Rules.]**

The Caregiver presents documentation of having attended training sessions, as required by the Department, relative to the noncompliance identified by the Department.

All other terms of the License remain the same.

**[9.3 A provisional Family Child Care License may be renewed when the Office of Child Care Licensing determines that a Licensee has demonstrated good faith efforts to achieve compliance but requires additional time to achieve full or substantial compliance with applicable provisions of these Rules.]**

A request to replace a provisional Family Child Care License prior to its expiration with an annual Family Child Care License must be made by the Family Child Care Home.

**10.0 Family Child Care License Renewal**

10.1 The Licensee shall be required to renew a Family Child Care License annually.

10.1.1 An annual Family Child Care License shall expire one (1) year from the date of issuance.

10.2 At least ninety (90) calendar days before the expiration of the current Family Child Care License, the Licensee shall make a request to the Office of Child Care Licensing by direct voice contact or in writing to obtain [a the] Family Child Care License [renewal] application [form materials.]

10.3 The Licensee shall submit a fully completed[, signed and notarized] Family Child Care License application form and all required materials to the Office of Child Care Licensing at least thirty (30) calendar days prior to the expiration of current Family Child Care License.

**[10.3.1 When a Licensee makes timely and complete application for renewal of an annual Family Child Care License, the current Family Child Care License shall not expire until the Office of Child Care Licensing makes a decision on the Family Child Care License renewal application.]**

**PROCEDURES FOR INITIAL FAMILY CHILD CARE LICENSURE**

~~Upon inquiry, an individual shall be mailed or given application materials.~~

~~The individual shall complete the application materials in their entirety.~~

~~The individual shall return the completed application materials to the Department at a required orientation/training session. At the completion of the orientation/training session, he/she shall sign a statement which certifies compliance with the law and requirements.~~

~~Upon review of the application, for compliance with Family Child Care Requirements, an annual Family Child Care License may be issued by the Department. If a Family Child Care 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.~~

**PROCEDURES FOR ANNUAL FAMILY CHILD CARE LICENSURE**

~~The Caregiver shall a request for an application for Family Child Care Licensure at least ninety (90) days before the expiration of the current Family Child Care License.~~

~~The Caregiver shall complete the application materials including a Statement of Licensure and return them to the Department thirty (30) days prior to license expiration.~~

~~The Department shall review the application for compliance with Requirements for Family Child Care Homes and issue an annual Family Child Care License if the requirements are met. If a Family Child Care 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.~~

**11.0 Notification to the Office of Child Care Licensing**

11.1 A Licensee shall immediately notify the Office of Child Care Licensing by direct voice contact during the Office of Child Care Licensing's business hours of the death of a child while in child care. If the death occurs after such business hours, the Licensee shall immediately call the 24-Hour Child Abuse/Neglect Hotline (currently listed as 1-800-292-9582).

11.2 A Licensee shall notify the Office of Child Care Licensing within one (1) business day by direct voice contact during the Office of Child Care Licensing's business hours if any of the following occur:

11.2.1 Any fire; flood; or any other serious damage due to any natural or man-made disaster(s) that impact the ability to operate safely;

11.2.2 Injury of a child while in the child care at a Family Child Care Home requiring inpatient or outpatient treatment. The direct voice contact shall be followed by a written report on a form provided by the Office of Child Care Licensing;

11.2.3 Suspected abuse or neglect of a child enrolled at the Family Child Care Home after immediately calling the 24-hour Child Abuse/Neglect Hotline (currently listed as 1-800-292-9582) to report the [suspected] abuse or neglect;

11.2.4 Any subsequent charges, arrests, or convictions [of himself/herself, the Substitute or household member; ~~or~~

11.2.5 Any involvement [~~of the Licensee, Substitute and household members~~] with the Department due to child abuse or neglect [of himself/herself, the Substitute, or household member]; or

11.2.[56] Any breakdown of equipment that could pose a threat to the health and safety of children in child care, including but not limited to, lack of operating toilets, interruption of running water, loss of telephone service, failure of smoke/fire alarm system, and failure of cooling or heating systems so that temperatures cannot be maintained within limits of Rule 34.5.

11.3 The Licensee shall notify the Office of Child Care Licensing within five (5) business days by direct voice contact and follow-up in writing to his/her assigned Child Care Licensing Specialist when there is a change in the:

11.3.1 Telephone number of the Family Child Care Home;

11.3.2 Shift(s) of child care provided;

11.3.3 Composition of household;

~~11.3.4 Physical space or rooms used at the Family Child Care Home for child care;~~

~~or]~~

11.3.[54] Substitute; or

11.3.[65] Intended use of a Substitute as specified in Rule 23.6.

**[11.4 The Licensee shall notify and receive approval by the Office of Child Care Licensing for any change in physical space or rooms prior to being used for child care at the Family Child Care Home.]**

11.[45] The Licensee shall report to the Office of Child Care Licensing in writing or by direct voice contact at least thirty (30) days in advance of a change in address of the Family Child Care Home. A new Family Child Care License shall be required at the new address prior to providing Family Child Care services at the new address.

## **12.0 Nullification of Family Child Care License**

12.1 A Family Child Care License shall immediately become null and void when the following occurs:

12.1.1 The Licensee no longer resides at the Family Child Care Home for which the Family Child Care License was issued;

12.1.2 The Licensee changes the location of the Family Child Care Home;

12.1.3 The Licensee surrenders the Family Child Care License to the Office of Child Care License;

12.1.4 The Family Child Care License has been denied;

12.1.5 The Family Child Care License has been revoked; or

12.1.6 The Family Child Care License has expired.

## **13.0 Complaint [Procedure Investigation]**

13.1 [An investigation by] The Office of Child Care Licensing shall [investigate when ~~be made if~~] a complaint is received regarding *Delacare: Rules for Family Child Care Homes*. The Office of Child Care Licensing shall notify the Licensee that a complaint is being investigated. The results of the Office of Child Care Licensing's investigation shall be reported in writing to the Licensee investigated. If the complaint is substantiated or if other violations are found as a result of the investigation, the Licensee shall be required to correct the violations and come into compliance with these Rules and any applicable Federal, State or local law or regulations.

13.1.1 Complaints relating specifically to codes, regulations, or laws of other State and local agencies [shall may] be referred to the appropriate agency for investigation. At the time of the referral, the Office of Child Care Licensing shall request a report from the other State and local agency on the investigation

findings [to determine compliance with Delacare Rules for Family Child Care Homes.

13.2 The Office of Child Care Licensing shall investigate a reported unlicensed Family Child Care Home and require the individual(s) providing unlicensed Family Child Care to cease operation upon notice from the Office of Child Care Licensing.]

13.3 ~~[An investigation by]~~ The Department of Services for Children, Youth and their Families, Division of Family Services, Office of Children's Services, Institutional Abuse Investigation Unit shall ~~[be made if investigate when]~~ a complaint is received regarding the abuse or neglect of a child at the Family Child Care Home. Law enforcement shall be notified and will conduct an investigation of any complaint that may constitute a crime.

~~[13.4 An investigation of a reported unlicensed Family Child Care Home shall be made and require the individual(s) providing unlicensed Family Child Care to cease operation upon notice from the Office of Child Care Licensing.]~~

#### 14.0 [Denial] Suspension, [or] Revocation ~~[Or Denial]~~ Of A Family Child Care License

14.1 The Department Division may ~~[deny an application,]~~ suspend, revoke or ~~[deny an application,]~~ or revoke a Family Child Care License for reasons which include good cause, ~~[for reasons]~~ including but are not limited to the following:

14.1.1 Failure to comply with the applicable provisions of 31 ~~Del.C.~~, Chapter 3, ~~[the]~~ State Law(s) or the Department's Rules and regulations pertaining to the law these Rules; or

14.1.2 Violation of the terms and or conditions of the Family Child Care License; administrative action ~~[or]~~ corrective action plan [, or agreement of understanding]; or

14.1.3 Use of fraud, ~~[or]~~ intentional or negligent misrepresentation in obtaining a Family Child Care License or in the subsequent operation of the Family Child Care Home; or

14.1.4 Refusal to furnish the Department with information, files, reports or and records to [authorized] representative(s) of the Office of Child Care Licensing and other [authorized] State or local [agencies officials] as required for the purposes [of] determining compliance and/or investigating complaints [of non-conformity] with applicable provisions of these Rules, and any other applicable codes, regulations, and laws; or

14.1.5 Refusal to permit ~~[respond to or cooperate with a request from an authorized representative of the]~~ Department ~~[permit access to the Family Child Care Home during the hours of operation by representatives of the]~~ Office of Child Care Licensing, and other State and ~~[local agencies and allow for the announced or unannounced inspection of any area or aspect of the operation of the]~~ officials with responsibilities for monitoring, approving, or authorizing the use or safety of a] Family Child Care Home[, or provides payment for services provided at the Family Child Care Home which affects or potentially affects the children in child care for the purposes determining compliance and/or investigating complaints with applicable provisions of these Rules, and any other applicable codes, regulations, and laws] to gain admission to the Family Child Care Home during operating hours; or

**[14.1.6 Refusal to respond to and cooperate with requests from representatives of the Office of Child Care Licensing, and other authorized State or local officials and allow for the announced or unannounced inspection of any area or aspect of the operation of the Family Child Care Home which affects or potentially affects the children in child care including access to unlicensed space of the Family Child Care Home for the purposes of determining compliance and/or investigating complaints of non-conformity with applicable provisions of these Rules, or any other applicable codes, regulations, and laws including suspected child abuse and neglect.]**

14.1.7 **[Engaging Engagement]** in any activity, policy, practice or conduct or practice, engaged in or permitted, which that adversely affects or presents a serious or imminent danger, or risk thereof to the health, safety and or well-being of any child attending the Family Child Care Home children; ~~[or]~~

14.1.8 Any Conduct that otherwise demonstrates unfitness by the Licensee [or Substitute] to operate a Family Child Care home or practice which is in violation of State Law and regulations related to child abuse and neglect. [;or

**14.1.9 Operation of any activity not permitted under local, State or Federal law at the Family Child Care Home.]**

14.2 If the health, safety or well-being of children in child care is in serious or imminent danger, or risk thereof, the Department Office of Child Care Licensing may immediately suspend the Family Child Care License

upon issuance of a written ~~[temporary]~~ suspension order. ~~The [initial temporary] suspension order may be verbal or written. Any verbal [temporary] suspension order shall be followed by a written [temporary] suspension order. Upon [receipt notification from the Office of Child Care Licensing of the initial suspension order], the Licensee shall cease operation of the Family Child Care Home. The [temporary written] suspension order will shall state the reason(s) for the [temporary] suspension. [Within ten (10) business days after the issuance of the written suspension order, the Licensee may relinquish the Family Child Care License to the Office of Child Care Licensing or request a suspension hearing.] Upon request of the Licensee [for a suspension hearing], the Division Director or [his/her] designee shall schedule a suspension hearing within ten (10) business days [of the issuance of the temporary suspension order] of the license, a conference with the Division Director will be held shall hold [at which the Licensee or] Licensee's [representative may be present [request]. The Division Director or his/her designee will make a determination if the suspension order will be continued.]~~

## 15.0 Appeal

15.1 ~~If a Family Child Care License is revoked the Division intends to deny an application, or revoke a Family Child Care License, the Family Child Care Home Division shall be notified by a letter stating mail a notice of intent to deny or revoke the Family Child Care License to the Licensee reason(s) for revocation and. Such notice shall specify the Licensee's setting forth the Family Child Care Home's rights to an appeal of the decision [and to request by requesting] an administrative appeal hearing. The Licensee shall request an administrative hearing within ten (10) business days of [the date receipt of] the notice [was mailed as based on the postmark. The Division's notice shall state the Rules and briefly summarize the facts upon which the intent to deny or revoke is based.]~~

Any person aggrieved by a final decision of the Department made with regard to the granting of a Family Child Care License, license revocation, or license denial shall be entitled to a hearing and review by a hearing officer, designated by the Secretary, who has had no previous involvement in the matter.

15.2 ~~Ten (10) days' notice, specifying reasons for proposed revocation or denial, shall be given before a revocation or denial occurs. If a written request or a verbal request made by direct voice contact request for an administrative appeal hearing, either written or verbal, is received by the Division within [the] ten (10) business days period of the date the notice of the intent to deny or revoke was [mailed received], the Division shall schedule a an administrative appeal hearing shall be held within thirty (30) business days from the date the request for an administrative appeal hearing is received, unless for good cause, the Hearing Officer grants postponement or the parties agree to postponement. The Hearing Officer makes a recommendation to the Secretary, who may accept, reject or modify. Revocation or denial shall not become effective until a written decision is rendered by the Secretary.~~

15.3 ~~The administrative appeal hearing shall be conducted by a Hearing Officer who has had no previous involvement in the matter prompting the administrative appeal hearing.~~

15.4 ~~If a Licensee requests an administrative appeal hearing within ten (10) business days of the date the notice of intent to deny or revoke was [mailed received,] the existing Family Child Care License shall remain in effect until an official written decision has been rendered subsequent to the administrative appeal hearing. The Office of Child Care Licensing shall have the authority to suspend the Family Child Care License immediately whenever the health, safety or well being of children in child care is in serious or imminent danger or risk thereof.~~

15.5 ~~If a Licensee does not make a request [for an administrative appeal hearing] within ten (10) business days of the date the notice of intent to deny or revoke was [mailed received for an administrative appeal hearing], the action in such notice seeking to deny or revoke a Family Child Care License shall become final and binding without any further right of review and take effect thirty (30) business days after the issuance of the notice. However, where stated in the Division's notice, if the health, safety or well-being of children in child care is in serious or imminent danger or risk thereof, denial or revocation shall be effective immediately upon the issuance of a written notice by the Division.~~

## 16.0 Rule Variances

16.1 ~~Upon the written request of an Applicant or Caregiver Licensee, the Department Division may grant a variance from a specific requirement(s) these Rules if there is clear and convincing evidence that the alternative to the requirement(s) complies with the Applicant or Licensee has documented to the satisfaction of the Division that the intent of the requirement(s) for which variance is sought specific Rule shall be satisfactorily~~

achieved in a manner other than that prescribed by the Rule [and that the health, safety or well being of children in child care is not in serious or imminent danger or risk thereof.]

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 applicant or Caregiver. A variance may remain in effect for as long as a Caregiver continues to comply with the intent of the requirement or may be time limited.

When a Family Child Care Home fails to comply with a variance agreement in any particular, the agreement shall be subject to immediate cancellation.

**[16.2 The Division may require a Licensee to provide notice of a variance request to the parent(s)/guardian(s) with children in the Family Child Care Home to offer them the opportunity to provide input on the variance request to the Division.]**

16.3 The Division shall render its decision on the request for variance in writing, including the conditions and Rule for which the variance is granted, and shall send a signed copy of the decision to the Applicant or Licensee. A copy of the decision shall be maintained on file by the Division and the Applicant or Licensee.

16.4 The variance may be, at the Office of Child Care Licensing's discretion, time-limited or indefinite but shall only remain in effect for as long as the Licensee continues to satisfactorily achieve the intent of the Rules [ conditions of the variance.] and maintain the health, care, safety, protection, [and] supervision[, or guidance] of children in child care.

16.5 The Division shall monitor the Licensee's compliance with the variance. If the Licensee fails to comply with the variance, the Division shall initiate necessary enforcement action and may revoke the variance.

## **Part II. Provisions for Operation of a Family Child Care Home**

### **17.0 General Qualifications and Requirements of Caregiver Licensee, and Family Household Members, and Substitute**

17.1 The Licensee and Substitute shall be [at least eighteen (18) years of age and] able to [read, understand, and] carry out these Rules.

17.2 The Licensee and Substitute shall have [the ability to do the following:]

17.2.1 [an understanding of Understand] and respect [for] children and [the child's family their families] and culture

17.2.2 [Meet] needs of children including, but not limited to, meeting [children's their] physical needs such as feeding and diapering;

17.2.3 [supervising children's Supervise children to ensure their safety and health during all] activities [of child care;]

17.2.4 [supporting Support] children's physical, intellectual, social and emotional growth;

17.2.5 [dealing Deal] with emergencies in a calm manner; and

17.2.6 [carrying Carry] out methods of positive behavior management as stipulated in these

Rules.

17.3 The Licensee, household members, and Substitute shall not have any conviction, current indictment, [outstanding warrant,] or substantial evidence of involvement in:

17.3.1 Any activity involving violence against a person;

17.3.2 Child abuse or neglect;

17.3.3 Possession, sale or distribution of illegal drugs;

17.3.4 Sexual misconduct;

17.3.5 Gross irresponsibility or disregard for the safety of others; or

17.3.6 Serious violations of accepted standards of honesty or ethical behavior

17.3.6.1 The Department may, at its own discretion, make exceptions to the above

Rule when it is documented that the health and safety of children would not be endangered except as prohibited by the Child Protection Registry Law as defined by Delaware Code, Title 16, Chapter 9, Subchapter II, Subsection 923.

17.4 The Licensee shall ensure that within five (5) business days of a current household member turning eighteen (18) years of age, an individual [who is eighteen (18) years of age or older] becoming a new household member, [and or a] new Substitute [being is] designated, [that] such individual is fingerprinted by the

Delaware State Police [for Family Child Care]. The Licensee shall provide verification of such fingerprinting to the Office of Child Care Licensing within fourteen (14) business days [of when the fingerprinting occurred].

17.4.1 The Office of Child Care Licensing [may, at its discretion] when there is cause to believe the health, safety, or welfare of a child in child care may be at risk, [may require request consent from a parent/guardian for] a background check on a household member under eighteen (18) years of age.

17.5 The Licensee shall ensure that household members eighteen (18) years of age and older and Substitutes are not left alone with children in child care at the Family Child Care Home until the results of all background checks are completed, suitability is determined and [such] household members and Substitute are approved by the Office of Child Care Licensing.

~~[17.6 Any person whose children are removed from his/her custody because of abuse, neglect, or dependency shall not be issued a License.]~~

17.6 Any person who has relinquished or otherwise lost custody of his/her children shall present documentation to the Department regarding the circumstances of this relinquishment [or loss of custody], for consideration in determining the suitability of licensure at the Family Child Care Home.

~~17.7 [The Licensee, household members or Substitute shall not be Any person who has been] convicted of any offense defined as child sex abuse in Delaware Code, Title 11 [shall not reside or provide child care in a Family Child Care Home].~~

17.8 The Licensee shall ensure that copies of his or her health appraisal, the health appraisal of adult household members, and Substitute are kept on file in the Family Child Care Home and updated to be consistent with household. [composition and whenever a new Substitute is available as specified in Rule 25.1.]

~~17.9 The Licensee, household members, and Substitute shall provide written [authorization to permit the release of medical records to the Office of Child Care Licensing] documentation from a health care provider] for the follow-up for known [medical health] problems [or as required by to] the Office of Child Care Licensing for the purposes of determining whether the [medical health] problem might create a significant risk to children.~~

~~17.10 The Licensee, household members and Substitute shall not be diagnosed or under treatment for [a any] serious mental illness which might create a significant risk of harm to children and provide written [authorization to permit the release of medical records] documentation from a health care provider] to the Office of Child Care Licensing for the purpose of determining whether a mental illness might create a significant risk to children.~~

17.11 The Licensee, [and] Substitute [, household member(s), and any person present in the Family Child Care Home] shall not consume [or be under the influence of] alcohol [or use illegal drugs while providing child care at ,illegal drugs or substances, misuse prescription or non-prescription medications any of which adversely affects the ability to provide child care and operation of] the Family Child Care Home.

~~[17.12 The Licensee, household members, Substitute and any person present in the Family Child Care Home shall not be under the influence of alcohol, other drug(s) or substance(s) which adversely affects children in child care and the operation of the Family Child Care Home.]~~

~~17.12 The Licensee shall have no other employment during the hours that children are in child care [or participate in activities that distract from providing child care.]~~

[17.13 The Licensee shall ensure that providing child care is the primary focus during the hours of operation of the Family Child Care Home. The Licensee shall not participate or allow participation by the Substitute in activities that distract from providing child care during that time. Examples of such distracting activities include but are not limited to:

17.13.1 Socializing or entertaining friends, family or others;

17.13.2 Using, playing with, or watching television, VCR's, DVD's, computers or other electronic equipment;

17.13.3 Unnecessarily communicating with others on the telephone, cell phone, computer, or other communication equipment;

17.13.4 Doing intensive housework, household chores, home repairs, or remodeling tasks; and

17.13.4 Involving oneself in hobbies, craft making, or leisure pursuits.]

17.14 The Licensee shall not provide care for individuals requiring convalescent or nursing care at the Family Child Care Home during the hours children are in child care.

17.15 The Licensee shall not provide foster care at the Family Child Care Home for children or adults without the prior written approval of the Department.

17.15.1 The decision for dual service shall be made by the Administrator based upon the recommendation of the Child Care Licensing Specialist and Foster Home Coordinator of the placing agency. The recommendation shall consider the specific needs of potential child care children and foster care placements.

17.15.2 The written approval shall include the number and ages of children/adults to be cared for in each program in accordance with requirements.

17.15.3 The decision for dual service shall be reviewed periodically.

17.15.4 Foster [care] children of preschool age and younger shall be counted in the capacity of the Family Child Care Home.

**[17.16 The Licensee or Substitute shall be responsible for the supervision of any child in the Family Child Care Home at all times.]**

**17.17 The Licensee shall ensure that children of any age present at the Family Child Care Home are not responsible for performing child care duties at any time.]**

The Caregiver shall:

~~Be at least eighteen (18) years of age and able to understand and carry out the Requirements for Family Child Care Homes.~~

~~Be physically and emotionally capable of performing activities related to providing child care, which include meeting children's physical needs such as feeding and diapering, supervising children's activities, supporting children's physical, intellectual, social and emotional growth, dealing with emergencies in a calm manner and carrying out methods of child guidance and discipline as stipulated in these requirements.—~~

~~Have an understanding of children and their needs together with an ability to relate to children with courtesy, respect, patience and affection, and an understanding and respect for the child's family and culture.~~

~~Reported and/or substantiated allegations of child abuse and/or neglect committed by a Caregiver or other household member shall be considered in determining the suitability of the Caregiver and home for family child care.~~

~~No Caregiver or other household members shall have 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.—~~

~~The Department 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.~~

~~Any person whose children are removed from his/her custody because of abuse or neglect shall not be issued a license.~~

~~A person who has relinquished or otherwise lost custody of his/her children shall present documentation to the Department regarding the circumstances of this relinquishment, for consideration in determining the suitability of the Family Child Care Home.—~~

~~No Caregiver or other household member shall not be diagnosed or under treatment for a serious mental illness which might create a significant risk of harm to children. The determination as to whether a mental illness might create a significant risk to children shall be made on the basis of written documentation by a licensed psychologist or psychiatrist.~~

~~No Caregiver or other household member present in the home while children are in care shall be under the influence of illegal drugs or alcohol. A Caregiver under the influence of illegal drugs or alcohol while providing child care shall be considered absent in the capacity of Caregiver and therefore is evidence of child neglect.~~

~~The Caregiver shall not take any substance or medication which would impair his/her ability to care for children.~~

~~The Caregiver shall have no other employment during the hours that children are in care.~~

~~The Caregiver shall not be licensed, or approved to care for convalescent, aged or patients requiring nursing care.~~

~~The Caregiver shall not provide foster care for children or adults without the prior written approval of the Department.~~

~~The decision for dual service shall be made by the Administrator based upon the recommendation of the Specialist and Foster Home Coordinator of the placing agency.—The recommendation shall consider the specific needs of potential child care children and foster care placements.~~

The written approval shall include the number and ages of children/adults to be cared for in each program in accordance with requirements.

The decision for dual service shall be reviewed periodically.

Foster children of preschool age and younger shall be counted in the capacity of the Family Child Care Home.

The Caregiver shall not discriminate on the basis of sex, race, religion, cultural heritage, disability, marital status, or economic status.

### **Orientation**

A Caregiver shall:

Have completed six (6) hours of orientation/training provided by the Department which will include but is not limited to such topics as Licensing Requirements for Family Child Care Homes, child development, child guidance and discipline, health and safety, child abuse awareness and reporting, nutrition and business practices.

Prior to licensure, Present documentation of current certification in pediatric first aid including rescue breathing and first aid for choking. Certification shall be renewed at intervals required by the certifying agency.

### **18.0 Training Equivalency**

**18.1 When qualifying for a Family Child Care License, the Licensee may, when applicable, use college/university credits based on specific topic areas/titles, substitutions for college/university credits, or other training that is demonstrated to be equivalent to a particular qualification in these Rules all as approved or accepted by the Office of Child Care Licensing.**

**18.1.1 Other topic areas related to the needs of the school age children served shall be considered when providing child care for that age group only.**

### **18.0 Qualification Process]**

**18.1 A Licensee and, when applicable, Substitute, shall submit written documentation such as copies of training certificates, transcripts, and/or diplomas to the Office of Child Care Licensing which successfully demonstrates meeting the qualifications for a particular Level and any other required training as stated in these Rules.**

**18.1.1 Other training may be acceptable when demonstrated to be equivalent to meeting the qualifications in these Rules. The Licensee shall provide documentation which supports his/her assertion that other training meets the qualification. The Office of Child Care Licensing shall make the final determination if the other training is equivalent to the qualifications.]**

### **19.0 Qualifications - Level I Family Child Care Home**

**19.1 [To qualify as a Level I Family Child Care Home,] The Licensee shall [be at least eighteen (18) years of age and] have at least a high school diploma or its equivalent [and successfully completion of one of the following qualifications: to qualify as a Level I Family Child Care Home.]**

**19.1.1 [Delaware First's "Introduction to Early Care and Education": The Licensee shall successfully complete twelve (12) clock hours of training within the first year of licensure. This training shall be approved by the Office of Child Care Licensing specifically for qualifying for Level I Family Child Care Home and include at least three (3) clock hours in each of the following topic areas: Child Development, Educational Activities for Children, Positive Behavior Management, and Families/Communities.**

**19.1.2 The training as stated in the above subsection shall count toward the first year's annual training requirement as per Rule 22.1 if successfully completed.**

**19.1.2 Delaware First's "Child Development":**

**19.1.3 Delaware First's "Introduction to Family Child Care": or**

**19.1.4 Training that is demonstrated to be equivalent as approved or accepted by the Office of Child Care Licensing.]**

**19.2 The Licensee who, before the effective date of these Rules, was licensed as Level I Family Child Care Home may continue to qualify based on *Delacare: Requirements for Family Child Care Homes (1994)* and provide child care as a Level I Family Child Care Home. The qualifications as stated in the Rule 20.3 shall be**

required in addition to any Level II Family Child Care Home qualifications when moving from Level I Family Child Care Home to Level II Family Child Care Home.

## **20.0 Qualifications - Level II Family Child Care [Home]**

20.1 A Licensee shall request approval ~~to~~ from the Office of Child Care Licensing when wanting to move from a Level I Family Child Care Home to ~~become~~ a Level II Family Child Care Home. ~~by submitting written documentation to the Office of Child Care Licensing that shows how he/she is fully qualified. The documentation shall consist of copies of training certificates, transcript(s), or diploma(s).~~ The Licensee shall not operate as a Level II Family Child Care Home until receiving] written approval from the Office of Child Care Licensing ~~[shall be necessary to increase a Level and the number of children served~~ which states the new level and the total number of children served.]

20.2 The Licensee shall have the following experience to qualify as a Level II Family Child Care Home:

20.2.1 Twenty-four (24) months of experience working with children in a group setting; or

~~20.2.2 Three (3) months of supervised student teaching with children in a group setting; or~~

~~20.2.3 Twenty-four (24) months providing child care as a Licensed as Level I Family Child Care Home Licensed as Level I Family Child Care Home and providing child care for a total of twenty four (24) months]~~ with no substantiated complaints, or substantial noncompliance.

20.3 The Licensee shall ~~[be at least eighteen (18) years of age and]~~ have at least a high school diploma or its equivalent, ~~[and successful completion~~ successfully complete] of one the following ~~[training]~~ to qualify as a Level II Family Child Care Home:

20.3.1 Sixty (60) clock hours of training ~~[as divided into~~ with a minimum of three(3) clock hours in each of] the following ~~[early care and education]~~ core topic areas: Child Development, ~~[fifteen (15) hours: Developmental Curriculum Planning twelve (12) hours: ,Educational Activities for Children,] Positive Behavior Management [twelve (12) hours:] Health [three (3) hours:] Safety [three (3) hours:] Nutrition [three (3) hours:] Families[/Communities, six (6) hours:] and Professionalism[/Business Practices/Administration related to operating a Family Child Care Home or child care facility six (6) hours:]~~

~~[20.3.2 Training for Early Care and Education 1:~~

~~20.3.3 A high school diploma from traditional high school's career pathway program in early childhood as recognized by the Office of Child Care Licensing:]~~

20.3.2 Three (3) college/university credits in ~~[early childhood education or~~ courses related to any of the following core topic areas:] Child Development[, Educational Activities for Children, Positive Behavior Management, Health, Safety, Nutrition, Families/Communities, and Professionalism/Business Practices/Administration related to operating a Family Child Care Home or child care facility ~~when caring for children preschool age or younger, and/or elementary education or school age care topics when caring for children kindergarten age and older]; or~~

~~[20.3.3 Qualified as at least an Early Childhood Assistant Teacher as per Delacare: Rules for Early Care and Education and School-Age Centers (2007).~~

~~20.3.5 Training that is demonstrated to be equivalent as accepted or approved by the Office of Child Care Licensing.]~~

20.4 The Licensee who, before the effective date of these Rules, was licensed as a Level II Family Child Care based on *Delacare: Requirements for Family Child Care Homes (1994)* shall have two (2) years from the effective date or no later than ~~[(date) January 1, 2011] to [complete the following training to continue to qualify and provide child care as a Level II Family Child Care Home;~~ meet one (1) of the qualifications as required in Rule 20.3]

~~20.4.1 Sixty (60) clock hours of training as divided into the following early care and education core topic areas: Child Development fifteen (15) hours: Developmental Curriculum Planning twelve (12) hours: Positive Behavior Management twelve (12) hours: Health three (3) hours: Safety three (3) hours: Nutrition three (3) hours: Families six (6) hours; and Professionalism six (6) hours.~~ Failure to meet one of the qualifications as required in Rule 21.1 on or before January 1, 2011 shall result in the Licensee being lowered to a Level I Family Child Care Home which includes the accompanying decrease in licensed capacity.]

## **21.0 First Aid and CPR Training**

**21.1** The Licensee and Substitute used for planned, non-emergency situations as stated in Rules 23.6.2, 23.6.3 & 23.6.4 and 23.7 shall have:

**21.1.1** Proof of current First Aid training or First Aid training taken every three (3) years if there is no expiration date;

**21.1.2** Proof of current certification in cardiopulmonary resuscitation (CPR); and

**21.1.3** The First Aid training and CPR certification shall be in accordance with the ages of the children enrolled in the Family Child Care Home at any given time.

## **22.0 Annual Training**

**22.1** The Licensee shall successfully complete at least twelve (12) clock hours of annual training as accepted or approved by the Office of Child Care Licensing.

**22.1.1** Annual training shall be within at least three (3) different core areas associated with ensuring health, safety or enhancing quality in child care in the Family Child Care Home as specified under 22.1.3 of this Rule.

**22.1.2** Annual training may be within one (1) or two (2) core areas if the Licensee is applying credits earned for successfully completing a college/university course or the training is six (6) or more clock hours in length.

**22.1.3** Topics shall include the following core areas: Child Development, Educational Activities for Children, Positive Behavior Management, Health, Safety, Nutrition, Families/Communities, Professionalism, and Business Practices/Administration related to operating a Family Child Care Home or child care facility.

**22.2** The Licensee shall complete annual training during the time period beginning at the start date and ending at the expiration date of the Family Child Care License.

## **23.0 Use of a Substitute (Also see Rules 17.1 -17.16 and 21.1)**

**23.1** The Licensee shall at minimum have an arrangement with a Substitute who is at least eighteen (18) years of age and available to assist in an emergency situation which is defined as an unplanned event or condition such as a serious or sudden illness, accident, or urgent circumstance requiring the immediate attention of the Licensee.

**23.2** The Licensee shall ensure that the name, address and telephone number of the Substitute is provided to the Office of Child Care Licensing and posted with other emergency numbers in the Family Child Care Home.

**23.3** The Licensee shall document on the form provided by the Office of Child Care Licensing that a Substitute is oriented to these Rules and the policies and procedures of the Family Child Care Home and has had the opportunity to ask questions and receive clarification before providing child care.]

**23.4** The Licensee shall review written information as provided by the Office of Child Care Licensing on safe sleeping practice, risk reduction of Sudden Infant Death Syndrome (SIDS), and child abuse and neglect reporting with a Substitute before he/she provides child care.

**23.5** The Licensee shall ensure the Substitute has access to each child's file in the Family Child Care Home and has been informed of any special or emergency information about each child and any issues of confidentiality regarding a child's information.

**23.6** The Licensee shall have the choice to close the Family Child Care Home or use a Substitute who provides child care in the Family Child Care Home in the absence of the Licensee. Prior notification to and approval for the use of the Substitute from the Office of Child Care Licensing is not required in the following situations:

**23.6.1** Emergencies as defined in Rule 23.1;

**23.6.2** Medical appointments;

**23.6.3** School appointments; or

**23.6.4** Time off for up to one (1) full week.

**23.7** The Licensee shall have the choice to close the Family Child Care Home or use a Substitute who provides child care in the Family Child Care Home. Prior notification (see Rule 11.3) to and approval for the use of the Substitute from the Office of Child Care Licensing is required in the following situations:

**23.7.1** Participating in training/classes held for three (3) or more sessions, student teaching, internship or practicum related to meeting qualifications, or annual training requirements as

required under these Rules;

23.7.2 Time off for more than one (1) full week with child care provided in the Family Child Care Home in the absence of the Licensee; or

23.7.3 Medical or maternity leave for more than one (1) full week with child care provided in the Family Child Care Home and the Licensee remaining in attendance at the Family Child Care Home.]

23.8 The Licensee shall inform the parent(s)/guardian(s) in advance whenever a Substitute will be caring for their children unless it is an emergency situation that does not allow time for notification. This notification shall include the identity of the Substitute.

#### **24.0 General Family Child Care [Capacity and] Licensee to Child Ratio**

~~24.1 The number of children or total capacity of a Family Child Care Home shall not exceed four (4) to six (6) children preschool age or younger depending on the designated Level.~~ The actual number of children allowed at the Family Child Care Home or total capacity at any given time shall be determined by the Licensee's experience, qualifications, ages of the children living in and/or present the Family Child Care Home; and the amount of usable space for child care in the Family Child Care Home]

~~24.2 The children, including foster care children,~~ Any child] preschool-age or younger, living in [and/or present] the Family Child Care Home shall count toward the total capacity.

[24.3 Any school-age child living in and/or present at the Family Child Care Home who is not attending a public or private school outside of the Family Child Care Home shall count toward the total capacity and will be required to take the place or slot of a child preschool-age or younger.

24.4 Any school-age child living in and present at the Family Child Care Home shall not count toward the total capacity of children if attending a public or private school outside of the Family Child Care Home.

24.5 Any school-age child not living in and/or present at the Family Child Care Home shall count toward the total capacity and may attend only for before and/or after school, and/or during school holidays, and/or school vacation in the summer

~~24.3 The school age children, including foster care children of that age, living in the Family Child Care Home shall not count toward the total capacity if attending a public or private school outside of the Family Child Care Home.~~

~~24.4 The age distributions of children preschool age or younger and the addition of other school aged children that do not live in the Family Child Care Home, shall be determined by the extent of the Licensee's experience, specified conditions such as square footage, and training as stipulated in these Rules.]~~

24.6 A Level I Family Child Care Home shall be licensed to provide child care [for one of the following options as follows:

24.6.1 Total of five (5) children preschool-age or younger; and no additional school-age children that do not live in the Family Child Care Home;

24.6.1.1 No more than two (2) of the five (5) children preschool-age or younger as mentioned above are under the age of twelve (12) months; and

24.6.1.2 No more than three (3) of the five (5) children preschool-age or younger as mentioned above are under the age of twenty-four (24) months; or

~~24.6.2 Total of four (4) children preschool-age or younger[, of whom no more than three (3) children are under the age of twenty four (24) months] and [no more than two (2) children are under the age of twelve (12) months; and a total of] two (2) additional school-age children [that do not live in the Family Child Care Home and attend only for before and/or after school, and/or during school holidays, and/or school vacation during the summer;~~

24.6.2.1 No more than two (2) of the four (4) children preschool-age or younger as mentioned above are under the age of twelve (12) months; and

24.6.2.2 No more than three (3) of the four (4) children preschool-age or younger as mentioned above are under the age of twenty-four (24) months; or

~~24.6.3 Total of five (5) children preschool age or younger, of whom no more than three (3) children are under the age of twenty four (24) months and, no more than two (2) children are under the age of twelve (12) months; and no school age children; or]~~

24.6.3 Total of six (6) school-age children [who do not live in the Family Child Care

Home and attend only for before and/or after school, and/or during school holidays, and/or school vacation during the summer]; and no children preschool-age or younger.

24.6.4 Other combinations of age-groupings of children shall be possible when staying within the limits of the maximum number of children allowed for an age group and for this Level, see examples in the Appendix, Level I Family Child Care Home Ratios.

24.7 A Level II Family Child Care Home shall be licensed to provide child care [for one of the following options as follows] :

24.7.1 Total of six (6) children preschool-age or younger [~~of whom no more than four (4) children are under the age of twenty four (24) months and no more than two (2) children are under the age of twelve (12) months;~~] and [a total of two (2) additional] three (3) additional] school-age children [who do not live in the Family Child Care Home and attend only for before and/or after school, and/or during school holidays, and/or school vacation during the summer];

24.7.1.1 No more than two (2) of the six (6) children preschool-age or younger as mentioned above are under the age of twelve (12) months; and

24.7.1.2 No more than three (3) of the six (6) children preschool-age or younger as mentioned above are under the age of twenty-four (24) months; or]

24.7.2 Total of six (6) children preschool-age or younger [~~of whom no more than four (4) children are under the age of twenty four (24) months and no more than two (2) children are under the age of twelve (12) months;~~] and [a total of two (2) additional] two (2) additional] school-age children [who do not live in the Family Child Care Home and attend only for before and/or after school, and/or during school holidays, and/or school vacation during the summer];

24.7.2.1 No more than two (2) of the six (6) children preschool-age or younger as mentioned above are under the age of twelve (12) months; and

24.7.2.2 No more than four (4) of the six (6) children preschool-age or younger as mentioned above are under the age of twenty-four (24) months; or]

24.7.3 Total of five (5) children preschool-age or younger [~~of whom no more than four (4) children are under the age of twenty four (24) months and no more than two (2) children are under the age of twelve (12) months;~~] and [a total of two (2) additional] no additional] school-age children [who do not live in the Family Child Care Home];

24.7.3.1 No more than three (3) of the five (5) children preschool-age or younger as mentioned above are under the age of twelve (12) months; and

24.7.3.2 No more than four (4) of the five (5) children preschool-age or younger as mentioned above are under the age of twenty-four (24) months; or

24.7.4 Total of four (4) children under the age of twenty-four (24) months[~~of whom no more than three (3) children are under the age of twelve (12) months;~~] and [a total of] two (2) additional school-age children [who do not live in the Family Child Care Home and attend only for before and/or after school, and/or during school holidays, and/or school vacation during the summer];

24.7.4.1 No more than three (3) of the four (4) children preschool-age or younger as mentioned above are under the age of twelve (12) months;] or

24.7.5 Total of nine (9) school-age children [who do not live in the Family Child Care Home and attend only for before and/or after school, and/or during school holidays, and/or school vacation during the summer]; and no children preschool-age or younger.

[24.7.6 Other combinations of age-groupings of children shall be possible when staying within the limits of the maximum number of children allowed for an age group and for this Level, see examples in the Appendix, Level II Family Child Care Home Ratios.]

## 25.0 Change of Shift Ratio

[The A] Licensee may provide child care for up to two (2) additional children. [~~only during the~~ for up to a ] two (2) hour period of time overlapping between two (2) full [~~at least eight (8) hours per shift)] shifts. ~~Before/ after school child care shall not be provided when caring for additional children during a change of shift. At no time shall the number of children younger than twenty four (24) months of age exceed the infant/ toddler capacity as specified in Rules 21.5 and 21.6. The Licensee shall notify the Office of Child Care Licensing in writing of the specific children and times involved in the change of shift situation.~~~~

25.1 Change of shift child care shall only be provided if prior approval is received from the

Office of Child Care Licensing.

25.2 The Licensee shall make a request in writing to the Office of Child Care Licensing and provide information on the ages of the children and exact time involved.

25.3 Before/after school child care shall not be provided when caring for additional children during a change of shift.

25.4 The number of children younger than twenty-four (24) months of age shall not be exceeded as specified in Rules 24.6 and 24.7 when caring for additional children during a change of shift.]

## **26.0 Night Child Care Ratio**

26.1 The Licensee shall provide child care for no more than [four (4) children of any age when licensed as a Level I Family Child Care Home or no more than] six (6) children of any age [when licensed as a Level II Family Child Care Home] when providing night child care in the evening and/or overnight. This includes children [~~including foster care children,~~] preschool-age or younger living in the Family Child Care Home who may sleep in his or her own bedroom.

26.1.1 The Licensee or Substitute shall remain awake at all times children are in child care.

## **27.0 Maximum Consecutive Hours of Child Care**

27.1 The Licensee shall provide no more than seventeen (17) hours of child care within a twenty-four (24) hour period with at least seven (7) consecutive hours of rest [~~between periods of child care provided~~ No other employment shall be permitted during the hours of rest.]

27.1.1 A Family Child Care Home licensed before the effective date of these Rules that offered child care for more than seventeen (17) hours shall have one (1) year from the new effective date or until [(date) January 1, 2010] to limit child care to no more than seventeen (17) hours within a twenty-four (24) hour period with at least [a] seven (7) hour period of rest. [~~between periods of child care provided.~~]

## **[28.0 Use of a Substitute**

~~28.1 The Licensee shall have an arrangement with a Substitute who is available to assist in emergency and limited non-emergency situations.~~

~~28.2 The Licensee shall ensure that the name, address and telephone number of the Substitute shall be provided to the Office of Child Care Licensing and shall be posted with other emergency numbers in the Family Child Care Home.~~

~~28.3 The Licensee shall document on the form provided by the Office of Child Care Licensing that the Substitute is oriented to these Rules and the policies and procedures of the Family Child Care Home and has had the opportunity to ask questions and receive clarification before providing child care.~~

~~28.4 The Licensee shall provide and review written information on safe sleeping practice, risk reduction of Sudden Infant Death Syndrome (SIDS), and child abuse and neglect reporting with the Substitute before he/she provides child care.~~

~~28.5 The Licensee shall ensure the use of a Substitute providing child care in the Family Child Care Home in the absence of the Licensee is permitted for the following situations and do not require the prior notification to and approval of the Office of Child Care Licensing:~~

~~28.5.1 Emergencies;~~

~~28.5.2 Medical appointments;~~

~~28.5.3 School appointments; or~~

~~28.5.4 Time off for up to one (1) full week.~~

~~28.6 The Licensee shall ensure the use of a Substitute in the Family Child Care Home and is permitted for the following circumstances and requires prior notification (see Rule 11.3) to and approval from the Office of Child Care Licensing:~~

~~28.6.1 Training/classes held for three (3) or more sessions, student teaching, internship or practicum all related to early care and education and/or school age care or related field;~~

~~28.6.2 Time off for more than one (1) full week with child care provided in the Family Child Care Home in the absence of the Licensee; or~~

~~28.6.3 Medical or maternity leave for more than one (1) full week with child care provided in the Family Child Care Home and the Licensee remaining in attendance at the Family Child Care Home.~~

~~28.7 The Licensee shall inform the parent(s)/guardian(s) in advance whenever a Substitute will be caring for their children unless in an emergency situation that does not allow time for notification. This notification shall include the identity of the Substitute.~~

~~28.8 The Licensee or Substitute shall be responsible for the supervision of children in child care at all times.~~

#### 29.0 Annual Training

~~26.1 The Licensee shall successfully complete at least twelve (12) clock hours of annual training accepted or approved by the Office of Child Care Licensing.~~

~~26.1.1 Annual training shall be within at least three (3) different core areas associated with improving quality in early care and education and school age care in the Family Child Care setting as specified under subsection "C" (below) of this Rule.~~

~~26.1.2 Annual training may be within one (1) to two (2) core areas if the Licensee is applying credits earned for successfully completing either a college/university course or clock hours from a training that is at least five (5) or more clock hours in length.~~

~~26.1.3 Topics shall include the following core areas: Child Development; Developmental Curriculum Activities or Planning; Caring for Special Needs Children; Positive Behavior Management; Health & Safety; Nutrition; Family/Community; Professionalism; and Business Practices/Administration.~~

~~26.2 The Licensee shall complete annual training during the time period beginning at the start date and ending at the expiration date of the Family Child Care License. Training in First Aid and CPR shall not count toward a Licensee's annual training requirement.~~

#### 27.0 First Aid and CPR Training

~~27.1 The Licensee and Substitute used for non-emergency situations as stated in Rule 25.6 shall have:~~

~~27.1.1 Proof of current First Aid training or First Aid training taken every three (3) years if there is no expiration date;~~

~~27.1.2 Remain currently certified in cardiopulmonary resuscitation (CPR) throughout the licensure; and~~

~~27.1.3 The First Aid training and CPR certification shall be applicable to any of the ages of the children enrolled in the Family Child Care Home at any given time.]~~

### Part III. Caregiver Licensee Responsibilities

#### 28.0 General Enrollment

~~28.1 The Caregiver Licensee shall provide give the any parent/guardian of each [who is inquiring about or planning to enroll a prior to enrolling a] child enrolled in the Family Child Care Home with information [as furnished by the Office of Child Care Licensing] detailing his or her right to inspect the active record [and] complaint files, procedures for making complaints, and [knowledge finding how to find] the Rules concerning a Family Child Care Home as described in *The Parents Right to Know Act* [and included in the] a copy of ["Licensing Information for Parents" as furnished by the] Department [Office of Child Care Licensing]. The Caregiver Licensee shall have written verification that each parent/guardian has received a copy this information by keeping the signed document in the child's file.~~

~~28.1.1 A copy of the signed document shall be given to the parent(s)/guardian(s);~~

~~28.1.2 In the event that the parent(s)/guardian(s) do not enroll the child, the signed document shall be kept on file as proof of providing the information.]~~

~~The Caregiver shall have written verification that each parent of an enrolled child has received a copy of:~~

~~Procedures related to the release of children;~~

~~Policy and procedures on discipline and guidance of children; and~~

~~Policy on health and prevention of communicable diseases, injuries and child abuse/ neglect.~~

#### 29.0 Child Health Appraisal]

~~29.1 The Licensee shall ensure that upon enrollment or no longer than one (1) month following enrollment, an age appropriate health appraisal is on file for each child unless required to enroll without~~

immunization(s) such as specified in the McKinney-Vento Homeless Assistance Act or any applicable local, State and Federal laws. The health appraisal shall have been conducted within the last twelve (12) months prior to admission and signed by a health care provider. Health appraisals shall be updated yearly for children preschool-aged or younger and not yet in kindergarten, including school-age children who are not attending a public or private school and are living in the Family Child Care Home, or in accordance with the recommended schedule for routine health supervision of the American Academy of Pediatrics. The health appraisal shall include:

29.1.1 A health history;

29.1.2 A physical and behavioral examination;

29.1.3 Growth and development;

29.1.4 Recommendations regarding required medication, restrictions or modifications of the child's activities, diet or child care;

29.1.5 Medical information pertinent to treatment in case of emergency;

29.1.6 Documentation of any recommended or required screening or testing such as for blood-lead or tuberculosis;

29.1.7 Documentation of the immunization status, with a listing of day, month and year of administration for each immunization required by the Division of Public Health as specified in Appendix, Recommended Childhood and Adolescent Immunization Schedule. For current information, the Licensee shall contact the Division of Public Health or refer to the CDC website - <http://www.cdc.gov/nip/recs/child-schedule.htm>.

29.1.7.1 The Licensee shall not permit a child to be admitted who is not age-appropriately vaccinated according to the most recent directive from the Division of Public Health unless a written plan has been established (see below) or as required by law to be admitted without immunization(s) such as specified in the McKinney-Vento Homeless Assistance Act or any applicable local, State and Federal laws and regulations.

29.1.7.2 If a child has not received immunizations as required for his age, the Licensee shall require a written plan for updating the immunizations within a reasonable time frame to be submitted to the Licensee within fourteen (14) days of the child's admission or as required by law such as specified in the McKinney-Vento Homeless Assistance Act or any applicable local, State and Federal laws and regulations.

29.1.7.3 If the additional required immunizations are not completed within the time frame specified in the written plan, the child shall be excluded from the Family Child Care Home until the immunizations have been obtained and written documentation is signed by the health care provider and has been submitted to the Licensee.]

29.2 The Licensee shall ensure that for school-age children, a copy of the most recent health appraisal as required by the child's school is also on file at the Family Child Care Home.]

29.3 The Licensee shall ensure that a child whose parent(s)/guardian(s) objects to immunizations on a religious basis submits a notarized statement to the Licensee explaining that the exemption is in compliance with State law, or in the case where the health care provider provides written documentation that such immunizations may be detrimental to the child's health, the child will be exempt from the immunization requirement.]

### **30.0 Parent(s)/Guardian(s) Communication**

30.1 The Licensee shall have an organized system of respectful communication with parent(s)/guardian(s) that ~~incorporates the use of a written policy regarding parent(s)/guardian(s) communication including strategies to encourage parent(s)/guardian(s) involvement in the Family Child Care Home as follows:~~ includes verbally discussing the following information during the enrollment process and on-going as needed

30.1.1 ~~[Assurances Explaining]~~ that parent(s)/guardian(s)' visits and monitoring of the Family Child Care Home are welcomed;

30.1.2 ~~[Assurances of nondiscrimination]~~ Explaining required nondiscriminatory practices] and respect for each child's family and culture;

30.1.3 ~~[Consultation Consulting]~~ with parent(s)/guardian(s) about child care practices specific to their children's culture and community, and ~~[provide about providing]~~ as much consistency as

possible in their child care practices especially concerning infants and toddlers.

30.1.4 **[Assurances Sharing an understanding]** that parent(s)/guardian(s) are of primary importance in children's development;

30.1.5 **[A procedure for Identifying the on-going needs of the child including]** learning about parent(s)/guardian(s) preferences and goals and any concerns or special circumstances that may influence the child's development[, behavior] and learning;

**[30.1.6 A typical daily schedule of program and activities at the Family Child Care Home:]**

30.1.6 **[A Establishing a]** procedure for **[keeping a daily record of sharing]** each infant's feeding, sleeping, and other routine activities **[and share these]** with the infant's parent(s)/guardian(s) at the end of each day; **[and]**

30.1.7 Explaining safety procedures such as indoor and outdoor safety, fire safety, pets, first aid, smoking prohibited, and emergency planning;

30.1.8 Explaining sanitation procedures such as disinfecting, standard precautions, and diapering and toileting; and

30.1.9 Explaining typical routine child care practices such as program for children including activities and equipment and sleeping-napping accommodations including procedures for night child care, if provided.

**[30.1.7 A written explanation of policies on positive behavior management, food service, safety and sanitation, release of children, routine and emergency health care, health exclusions, outbreak of communicable disease, reporting of accidents or critical incidents, mandatory reporting of child abuse and neglect, and when applicable, administration of medication and transporting children.]**

30.2 The Licensee shall have an organized system of respectful communication with parent(s)/guardian(s) that incorporates the use of a written policy including information provided during the enrollment process and updated as needed on the following information:

30.2.1 A typical daily schedule;

30.2.2 Positive behavior management techniques;

30.2.3 Health including emergency health care, health exclusions, and prevention of outbreak of communicable diseases;

30.2.4 Food and nutrition;

30.2.5 Procedures for release of children;

30.2.6 Reporting of accidents, injuries or critical incidents;

30.2.7 Mandatory reporting of child abuse and neglect;

30.2.8 Administration of medication procedures;

30.2.9 The use of safe sleep procedures for infants;

30.2.10 The presence of any animals or household pets regardless of the location within the Family Child Care Home; and

30.2.11 If provided, transportation of children.

30.3 The Licensee shall ensure that parent(s)/guardian(s) have free access to areas of the Family Child Care Home used for child care **[during the hours child care services are being provided]** while their children are in child care.

### **31.0 Child File**

31.1 The Licensee shall maintain an individual file for each child enrolled. The information in the file shall be obtained upon enrollment and updated at least annually or upon known changes to the information. The file shall contain the following information:

31.1.1 The child's full name, address, telephone number, and birth date;

31.1.2 Home and work addresses and telephone numbers of parent(s)/guardian(s);

31.1.3 Date of enrollment and hours/days child is scheduled to attend the Family Child Care Home;

31.1.4 Name, address and telephone number of emergency contact person **[other than parent(s)/guardian(s)]**;

31.1.5 Name of person(s) **[designated authorized]** by parent(s)/guardian(s) to whom the child may be released;

31.1.6 The name and telephone number of the child's health care provider, health appraisal reports, ~~and~~ health insurance and policy number for the child, and if applicable, notarized statement regarding objection to immunization(s) or documentation from a health care provider regarding detrimental nature of immunization(s):

31.1.7 ~~A~~ If applicable, a written statement signed by the parent(s)/guardian(s) describing any special problems, medical, developmental, or educational needs of the child including allergies, existing illnesses, or injuries, previous serious illness or injuries and any ~~prescribed~~ prescription and non-prescription medication including those for both continuous, long-term and emergency situations;

31.1.8 ~~Written~~ If applicable written consents signed by parent(s)/guardian(s) for special dietary needs, emergency medical treatment, release of child, swimming activities, ~~and when applicable,~~ administration of medication and permission for transporting the child on a routine or ~~field trip~~ off-premises basis;

31.1.9 If ~~provided by parent(s)/guardian(s),~~ applicable, relevant] copies of court orders on custody and visitation arrangements ~~provided by the parent(s)/guardian(s);~~

31.1.10 ~~"Licensing Information for Parents" form~~ Documentation of any notices required by the Federal, State, local governments or the Office of Child Care Licensing such as information specified in] (*The Parents Right to Know Act* ~~information~~) signed by the parent(s)/guardian(s); and

31.1.11 Reports of accidents, injuries or illnesses involving the child.

31.2 The Licensee shall keep emergency information about the child accessible at all times and ensure [that] such information will accompany the child any time [the child is] taken off [the] premises of the Family Child Care Home. This information shall include copies of the same information in the child's file except for the following:

31.2.1 Date of enrollment and hours/days child is scheduled to attend the Family Child Care Home;

31.2.2 "Licensing Information for Parents" form signed by the parent(s)/guardian(s) Documentation of any notices required by the Federal, State, local governments or the Office of Child Care Licensing - see Rule 31.1.10; and

31.2.3 Reports of accidents, injuries or illnesses involving the child.

31.3 The Licensee shall not disclose or permit the use of any information pertaining to an individual child or family unless the parent(s)/guardian(s) of the child has granted written permission to do so, [or] except in the course of official duties by ~~any authorized~~ representative(s) of the Office of Child Care Licensing, Division of Family Services, or other entities with statutory responsibility for issues relating to the health, safety and protection of children.

## **32.0 Daily Attendance of Children**

32.1 The Licensee shall ensure that daily attendance records are kept for children which identify the hours of the children's attendance each day.

32.2 The Licensee shall ensure [that] a system is established for taking attendance when the children arrive and depart the Family Child Care Home ~~and periodically throughout each day to ensure the whereabouts of children in attendance at any given time;~~

## **33.0 Release of Children**

33.1 The ~~Caregiver~~ Licensee or Substitute shall release children only to persons authorized by the parent(s)/guardian(s) who has placed the child(ren) in care ~~to receive the child~~.

33.2 The ~~Caregiver~~ Licensee shall have ~~and use a~~ written policy ~~and procedures~~ for the release of children ~~including that includes using the following procedures]:~~

33.2.1 ~~Ensuring documentation of A process for documenting] the release of [the a] child from the responsibility of the Licensee or Substitute to an authorized person;~~

33.2.2 Procedures for emergency release of children as individually requested by parent(s)/guardian(s);

~~33.2.3 Procedures regarding the release of the child to any person not known to the Caregiver Licensee or Substitute;~~

33.2.3 ~~Procedures A process] for handling situations in which a non-custodial parent attempts to claim the child without the consent of the custodial parent/guardian; and~~

33.2.4 ~~Procedures A process] to be followed when a person not authorized to receive~~

a child, or a person who is appears to be intoxicated or otherwise incapable of bringing the child home safely, requests release of a child.

33.3 The Licensee shall have a procedure to verify the identity of [any individual receiving a child an authorized person who is not previously known to the Licensee or Substitute] prior to releasing the child [when that person is not known to the Licensee or Substitute] and keep written documentation of such verification [for at least twenty four (24) hours in the child's file].

33.4 The Licensee shall ensure that when a parent/guardian calls the Family Child Care Home requesting emergency release of a child, the identity of the parent/guardian is verified prior to the release of the child [to the authorized person].

~~Parents shall have free access to areas of the home used for child care while their children are in care.~~

~~The Caregiver shall have a regular system of communication with parents concerning:~~

~~The child's daily activities and routines;~~

~~The child's developmental progress and concerns about the child's development and behavior;~~

~~and-~~

~~Accidents, injuries, illnesses, and other critical incidents.~~

~~The Caregiver shall report any suspected or alleged incident of child abuse and neglect to the Child Abuse/Neglect Reporting Number and shall cooperate fully in the investigation of any incident. The Toll free number is 1-800-292-9582.~~

~~The Caregiver shall report by telephone to the Department within one (1) working day:~~

~~Any accident, injury or illness occurring while a child is in care and resulting in in-patient or out-patient hospital treatment or death; or~~

~~A fire which requires the services of the fire department.~~

~~The verbal report shall be followed by a written report on a form provided by the Department.~~

~~The Caregiver shall report to the Department within five (5) days:~~

~~Any change in telephone number; or~~

~~Change in composition of household.~~

~~The Caregiver shall report to the Department any change in address thirty (30) days in advance of the move.~~

### **Training**

~~During the Caregiver's initial year of licensure, a Caregiver shall participate in at least fifteen (15) hours of Department approved training which will assist the caregiver in beginning the Family Child Care Home operation. The training shall include nine (9) hours of child development, appropriate caregiving and guidance of children's behavior and six (6) hours of infection control, business practices, nutrition, health and safety.~~

~~During each subsequent year of licensure, a Caregiver shall participate in at least twelve (12) hours of Department approved. Training shall include topics that will increase the Licensee's skill in working with children and their families and successfully operating the family child care Home such as child development, curriculum development, serving children with special needs, working with children and their families, health and safety, nutrition, infection control and business practices.~~

### **Substitute Caregiver**

~~The Caregiver shall have an arrangement with a substitute caregiver at least eighteen (18) years of age, available to assist in emergency situations. The name, address and telephone number of the substitute person/ persons shall be provided to the Department and shall be posted with other emergency numbers in the Family Child Care Home.~~

~~The Caregiver shall ensure the substitute is oriented to the Licensing requirements and the policies and procedures of the Family Child Care Home.~~

~~In non-emergency situations, the Caregiver's arrangement with a substitute caregiver may be used for the following purposes:~~

~~Vacations which last for no more than two (2) weeks, with care provided within the Caregiver's Family Child Care Home;~~

~~Weekly, for things such as doctor's appointments, shopping, banking, school appointments, and classes;~~

Maternity leave, if the Caregiver is in the Family Child Care Home; or  
Medical leave, for situations such as surgery, and recovery from an injury.

Caregiver must inform the parents in advance that a substitute will be caring for their children at these times.

In situations when the substitute shall be providing care for more than two (2) weeks the Office of Child Care Licensing shall be notified.

The Caregiver or substitute caregiver shall be responsible for the direct supervision of children in care at all times.

### **GAREGIVER TO CHILD RATIO**

The number of children in care in a Family Child Care Home shall not exceed six (6), including preschool age or younger children who are living in the home, as provided on the Family Child Care License. The age distributions and the addition of part-time school-aged children shall be determined by the extent of the Caregiver's training and experience in child care.

#### **Level I Family Child Care Home**

To qualify as a Level I Family Child Care Home, the Caregiver shall have met all of the conditions for initial licensure. A Level I Family Child Care Home may be licensed for one of the following:

Licensed to care for four (4) children, of whom no more than three (3) shall be under the age of two (2) years, with no more than two (2) children under twelve (12) months. Before/after school care for no more than two (2) additional children of school age may be provided for no more than a total of six (6) hours per day; or

Licensed to care for five (5) children, of whom no more than three (3) shall be under the age of two (2), with no more than two (2) children under twelve (12) months. Before/after school care of school-aged children is not permitted.

Appendix, Level I Ratios, provides a list of the possible variations of children by age groups permitted in each option of this requirement.

#### **Level II Family Child Care Home**

A Caregiver who is licensed before the effective date of these requirements shall have two (2) calendar years from the effective date to meet the qualifications for a Level II Child Care Home. A caregiver licensed after these requirements become effective shall meet the qualifications of these requirements for a Level II Child Care Home.

To qualify as a Level II Family Child Care Home, a Caregiver shall have met one of the following criteria:

Licensed at Level I for twenty four (24) months with no substantiated complaints or substantial noncompliance and completion of forty (40) clock hours of Department approved training or;

Have twenty four (24) months of experience providing care for children preschool age or younger in a group setting and completed forty (40) clock hours of Department approved training; or

Have twenty four (24) months of experience providing care for children preschool age or younger in a group setting and hold a Certificate of Completion from a vocational or technical high school child care program.

Hold NAFDC (National Association of Family Day Care) accreditation with no substantiated complaints or substantial noncompliance and completed twenty (20) clock hours of Department approved training or equivalent course work; or

Hold a CDA (Child Development Associate) credential with no substantiated complaints or substantial noncompliance; or

Hold a certificate, associate's or bachelor's degree in early childhood development and education.

Credentials awarded more than seven (7) years prior to the date of application shall be reviewed carefully unless the current and primary occupation of the applicant is in a field related to early care and education.

Documentation of one of the above must be submitted to and approved by the Office of Child Care Licensing, and a Level II license issued prior increasing the number of children in the Family Child Care Home.

A Level II Family Child Care Home may be licensed for one of the following:

Licensed to care for six (6) children, of whom no more than four (4) shall be under the age of two (2) years, with no more than two (2) children under the age of twelve (12) months. Before/after school care for no more than two (2) additional children of school age may be provided for no more than a total of six (6) hours per

day.

Licensed to care for six (6) children, of whom no more than three (3) shall be under the age of two (2) years, with no more than two (2) children under the age of twelve (12) months. Before/after school care for no more than three (3) additional children of school age may be provided for no more than a total of six (6) hours per day.

Licensed to care for five (5) children, of whom no more than four (4) shall be under the age of two (2), with no more than three (3) children under the age of twelve (12) months with no before/after school care; or licensed to care for four (4) children under the age of two (2), with no more than three (3) children under the age of twelve (12) months, and care to be provided for no more than two (2) school-aged children for no more than a total of six (6) hours per day.

Appendix, Level II Ratios, provides a list of the possible variations of children by age groups permitted in each option of this requirement.

A caregiver who is licensed before the effective date of these requirements shall have two (2) calendar years from the effective date to meet these infant and toddler ratios.

Full day care may be provided to school-aged children on school closing days and school vacations.

During winter vacation, spring vacation and summer vacation, the number of school-aged children must be no more than the number permitted under the current child care license as described in Requirements 86, 87 and 90.

During these vacation periods, the Caregiver is permitted to use a helper to assist with child care under the direct supervision of the Caregiver or substitute caregiver.

If a Family Child Care Home is not licensed to provide before and after school care, the Family Child Care Home may provide care for two additional children for a maximum of two hours per day. At no time may the number of children younger than two years of age exceed the infant/toddler capacity. The Caregiver shall notify the Department in writing of the specific children and times involved in the change of shift situation.

## Part IV. Physical Environment

### 34.0 General and Fire Safety

34.1 The Licensee shall ensure that the physical facilities of the Family Child Care Home and grounds shall present no hazard to the health and safety of the children.

~~Parents shall be informed about the presence of smokers in the home. Smoking shall not be permitted when the Caregiver is in direct physical contact with children.~~

~~Parents shall be informed of the presence of pets in the household.~~

34.2 The Licensee shall ensure that the Family Child Care Home and its furnishings shall be are kept in a clean and safe condition. All walls, floors, ceilings and other surfaces shall be clean and in good repair.

34.3 The Licensee shall ensure that the Family Child Care Home shall be is kept free from rodent and insect infestation.

34.4 The Licensee shall ensure that screens in good repair shall be are used on all windows, doors or other openings to the outside used for ventilation.

34.5 The Licensee shall ensure that ~~the~~ any room in the Family Child Care Home used by the children shall be kept heated [are is] maintained at a minimum temperature of at least sixty-five (65) degrees Fahrenheit (F.) and a maximum of eighty-five (85) degrees F. unless there is a conflict with Federal and State energy Laws. The minimum and maximum temperatures shall be taken at floor level.

34.5.1 The Licensee shall be required to temporarily close the Family Child Care Home if the minimum or maximum room temperatures cannot be maintained during all of the hours of operation.

34.6 The Licensee shall be aware of [all extreme] weather conditions [especially concerning extreme weather conditions] such as storms producing excessive wind, rain (flooding), hail, sleet, and snow; poor air quality; heat and humidity including heat advisories; or cold temperatures including wind chill factors that could affect the well being or health of children. Children shall not be allowed to play outside during extreme weather conditions.

34.7 The Licensee shall ensure that all floor or window fans in the Family Child Care Home are inaccessible to children and bear the safety certification mark of a nationally recognized, independent, third party testing laboratory such as Underwriter Laboratories (UL).

34.8 The Licensee shall ensure that furnaces, water heaters, all heating and cooling equipment is

safely shielded to prevent injury appliances, pipes, fans and other similar devices shall be kept in a safe condition and inaccessible to children.

34.8.1 **[Use of Any heating equipment prohibited under State Fire Code or Federal, State or local governmental agencies such as the following items:] unvented fuel fired heating equipment, including, but not limited to portable, open-flame, and kerosene space heaters [is prohibited shall not be used].**

34.8.2 Hot water pipes, steam radiators, electric space heaters, and wood-burning stoves shall be equipped with protective guards, or insulated, **[, or inaccessible]** to protect children against burns.

34.8.3 Electric space heaters shall be UL-approved listed by a nationally recognized, independent third party testing laboratory such as Underwriter Laboratories (UL) and inaccessible to children, and stable.

34.8.4 Fireplaces shall be securely screened or equipped with protective guards while in use.

34.9 The Licensee shall ensure that protective receptacle covers shall be are placed installed on in all electrical outlets receptacles not in use and all areas accessible to the children.

34.10 The Licensee shall ensure that the Family Child Care Home shall have has [a working an in-service cell or land-line] telephone. If a telephone is forbidden by religious beliefs, a telephone must be available within a short walking distance.

34.11 The Licensee shall ensure that telephone numbers of the [nearest] hospital, ambulance, police department, fire department and poison control center [available for assistance in the area serving the location of the Family Child Care Home or as requested for use by parent(s)/guardian(s) of the child enrolled] shall be are posted on or by near each telephone.

34.12 The Licensee shall ensure that an operable flashlight shall be is accessible at all times.

34.13 The Licensee shall ensure that clear glass doors or low windows [at or within twenty-four (24) inches of floor-level] in rooms used by children in child care at the Family Child Care Home shall be are clearly marked with a vision strip such as a decal(s), sticker(s), rail(s), or mesh located at [a child's eye level between one (1) and five (5) feet above floor level] to reduce the risk of colliding with the glass.

34.14 The Licensee shall ensure that stairways [over four steps], inside and outside, [over four steps] shall have have railings when used by children at the Family Child Care Home. Safety gates approved by the American Society for Testing and Materials (ASTM) at stairways shall be used at all times when infants and toddlers are in child care.

34.14.1 If the physical characteristics of the Garegiver's Family Child Care Home do not permit the installation of a safety gate(s) in accordance with the manufacturer's instructions, then the Garegiver Licensee shall implement have and adhere to a plan which will safely prevent the access of infants and toddlers to stairways.

34.15 The Licensee shall [~~inspect on a daily basis all exits~~ ensure that] stairways, hallways, windows, and doors from rooms and from the Family Child Care Home [~~to ensure each is are] unobstructed [not blocked by furnishings or other materials that inhibit movement] and [are] in working condition [throughout the hours of operation].~~

34.16 The Licensee shall ensure that all areas in a Family Child Care Home that are more than two (2) feet above the floor or grade below, such as porches, elevated walkways and elevated play areas are provided with guards (barriers) to prevent falls over the open side. The height of the guards shall not be less than forty-two (42) inches high and measured vertically to the top of the guard.

34.17 The Licensee shall ensure that children are cared for [in on the] ground level space in the Family Child Care Home including when night child care is provided.

**[34.17.1 One (1) level above or below ground level (for example, a split-level home) of the Family Child Care Home may be used if the vertical travel to that level is five (5) feet or less.**

**34.17.2 Child care shall not be provided on the second floor of the Family Child Care Home or on a level that requires climbing up a full flight of stairs or with a vertical travel of more than five (5) feet.]**

34.18 The Licensee shall ensure that every room used for child care has at least two exits or means of escape, at least one of which shall be a door or stairway providing unblocked travel to the outside of the Family Child Care Home at street or ground level. A second exit or means of escape may be a window which is easily opened, not more than forty-four (44) inches above the floor, and has an opening twenty (20) inches wide and twenty-four (24) inches high and opens to a total area of at least 5.7 square feet.

~~[The Licensee shall ensure that no room or space shall be used for child care which is accessible only by ladder, folding stairs, or through a trap door.]~~

34.19 The Licensee may use the basement level space for children in child care only if there is at least one(1) door that exits directly to the outside at ground level with the vertical travel ~~[or stairway]~~ to the ground level ~~[is]~~ not more than eight (8) feet and at least **[one of the following is in the basement of the Family Child Care Home]:**

34.19.1 One (1) window which is easily opened, is no more than forty-four (44) inches above the floor and has an opening twenty (20) inches wide and twenty-four (24) inches high and opens to a total of at least 5.7 square feet; or

34.19.2 Another door ~~[total of two (2) doors, one of which]~~ exits directly to the outside at ground level.

**[34.20 The Licensee shall ensure that each door used as an exit is not less than thirty-two (32) inches wide.**

**34.21 The Licensee shall ensure that every door lock in the rooms used by children in child care at the Family Child Care Home is designed to permit the opening of the locked door from the outside and the opening device is available to the Licensee or Substitute.**

**34.22 The Licensee shall ensure that every closet door latch in the rooms used by children in child care at the Family Child Care Home is designed so that children can open the door from inside the closet.]**

34.23 The Licensee may use a bathroom for the children in child care that is not on the ground level [if that is the only bathroom in the house].

~~[The Licensee shall ensure that every bathroom door lock in the rooms used by children in child care at the Family Child Care Home is designed to permit the opening of the locked door from the outside and the opening device is available to the Licensee or Substitute.~~

~~The Licensee shall ensure that each door used as an exit is not less than thirty two (32) inches wide.~~

~~The Licensee shall ensure that every closet door latch in the rooms used by children in child care at the Family Child Care Home is designed so that children can open the door from inside the closet.]~~

**[34.24 The Licensee shall ensure that no room or space shall be used for child care which is accessible only by ladder, folding stairs, or through a trap door.]**

34.25 For a Family Child Care Home ~~[built before 1993 and]~~ licensed before the effective date of these Rules, the Licensee shall ensure that ~~[a an]~~ operable smoke alarm which is listed by a nationally recognized testing laboratory is installed on ~~[the ceiling]~~ or six (6) to twelve (12) inches below the ceiling of each level of the Family Child Care Home and the basement.

34.25.1 All enclosed sleeping areas, such as a bedroom, shall have properly installed operable smoke alarm.

34.25.2 Smoke alarms shall be tested monthly~~[, and the batteries replaced at least yearly].~~ **[The monthly tests shall be documented in a log.**

**34.25.3 The batteries shall be replaced at least yearly.]**

34.26 For a Family Child Care Home licensed on or after the effective date of these Rules, the Licensee shall ensure that an operable smoke alarm, listed by a nationally recognized testing laboratory and powered by the Family Child Care Home's electrical service (hard-wired) with battery back-up, is installed in accordance with its listing on the ceiling of each level of the Family Child Care Home and the basement.

34.26.1 All enclosed sleeping areas, such as a bedroom, shall have properly installed operable smoke alarms, listed by a nationally recognized testing laboratory and powered by the Family Child Care Home's electrical service (hard-wired) with battery back-up.

34.26.2 Smoke alarms shall be tested monthly ~~[and the batteries replaced at least yearly].~~ **The monthly tests shall be documented in a log.**

**34.26.3 The batteries shall be replaced at least yearly.]**

34.27 The Licensee shall ensure that operable carbon monoxide warning equipment listed by a nationally recognized testing laboratory is at least on the ground level near any sleeping area used by the children in child care at the Family Child Care Home. The equipment shall be installed in accordance with its listing and the manufacturer's instructions.

34.27.1 Carbon monoxide warning equipment shall be tested monthly ~~[and the batteries~~

~~replaced at least yearly.~~ The monthly tests shall be documented in a log.

**34.27.2 The batteries shall be replaced at least yearly.]**

34.28 The Licensee shall not be required to have carbon monoxide warning equipment when the ~~[Large]~~ Family Child Care Home has:

34.28.1 No garage or the garage is **[a]** separate structure from the ~~[Large]~~ Family Child Care Home; and

34.28.2 No fuel-fired equipment using fuels such as gas, oil, wood, and kerosene, and all equipment is electric such as the heater, hot water heater, oven, range, dryer, and fireplaces.

34.29 The Licensee shall ensure that an electrical inspection of the Family Child Care Home shall be conducted every three (3) years by an inspection agency as accepted by the Office of Child Care Licensing.

34.30 The Licensee shall ensure that at a minimum, a charged portable dry chemical fire extinguisher rated 1A 10 BC, is available in the kitchen, stored out of the manufacturer 's container from which it was purchased, and is easily accessible. The extinguisher shall be used and maintained in accordance with the manufacturer's instructions.

34.31 The Licensee shall ensure that all flammable and hazardous materials, including matches and lighters, medicines, drugs, **[alcohol,]** cleaning materials, detergents, aerosol cans, plastic bags, firearms, ammunition, and other similar materials and objects are stored safely in areas inaccessible to children.

34.31.1 Firearms and ammunition, if present in the Family Child Care Home, shall be kept in a locked container or locked closet. Ammunition shall be kept separate from firearms.

34.32 The Licensee shall ensure that the Family Child Care Home's plumbing shall be kept in good working condition.

34.33 The Licensee shall ensure that the Family Child Care Home shall have at least one (1) flushing toilet and one (1) sink with hot and cold running water ~~[both located]~~ in the same indoor bathroom available for use by children in child care.

~~[The Licensee shall ensure that the Family Child Care Home has at one (1) sink with hot and cold running water in the kitchen/food preparation area.]~~

34.34 The Licensee shall ensure that garbage is kept in containers in an area inaccessible to children or securely covered.

34.34.1 Garbage and rubbish shall be removed daily from rooms ~~[occupied used]~~ by children in child care.

34.34.2 Garbage and rubbish shall be removed from the Family Child Care Home premises on a regular basis but not less than once a week.

### **[35.0 Kitchen (Also see Food Service and Nutrition Rule 50.1)**

35.1 The Licensee shall ensure that the kitchen and all food preparation, storage and serving areas and utensils in the Family Child Care Home are kept clean and sanitary.

35.2 The Licensee shall ensure the kitchen in the Family Child Care Home has at least one (1) sink with hot and cold running water in the kitchen/food preparation area.

35.3 The Licensee shall ensure the Family Child Care Home has a refrigerator to keep perishable foods cold at forty (40) degrees F. or colder with a working thermometer in the refrigerator.]

35.4 The Licensee shall ensure that a freezer is maintained so that food stored in the freezer stays frozen at zero (0) degrees F or colder) with a working thermometer in the freezer.

35.5 The Licensee shall ensure all dishes and utensils shall be air dried unless sanitized and dried in a dishwasher.

35.6 The Licensee shall ensure that all dishes, cups and glasses used by the children in child care are free from chips, cracks or other defects.

35.7 The Licensee shall ensure that each individual child has his or her own clean utensils - fork, spoon, knife, dish, cup or bottle as appropriate to the age of the child to eat with or be fed with. Such utensils or equipment shall not be shared with another child during feeding.

### **36.0 Indoor Space**

36.1 For the Family Child Care Home licensed before the effective date of these Rules, the Licensee shall ensure that the Family Child Care Home provides each child with adequate space for free

movement and active play.

36.1.1 If the total capacity of the Family Child Care Home is increased, or the indoor space used by children at the Family Child Care Home is increased, the Licensee shall be required to ensure a minimum of twenty-five (25) square feet of indoor space for each child in child care,

36.2 For the Family Child Care Home licensed on or after the effective date of these Rules, the Licensee shall ensure that the Family Child Care Home has a minimum of twenty-five (25) square feet of indoor space for each child in child care that allows for free movement and active play. Measurements shall be from wall to wall on the inside. Furniture that restricts children's free movement and active play shall be considered a deductible factor when determining square footage.

36.2.1 Toilet rooms, 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.

### 37.0 Outdoor Play Area

37.1 The Licensee shall provide opportunities for vigorous play and large muscle activity with attention to the diverse needs of the children served and their abilities to participate either on the premises of the Family Child Care Home or within safe walking distance of the Family Child Care Home.

37.2 The Licensee shall ensure that any outdoor play area is inspected before children begin to play to make sure there are no hazards such as, but not limited to, animal feces, toxic plants, outdoor equipment, lawn mower, cooking grill, or debris, and that any play equipment is safe for use.

37.2.1 Tool sheds, garages, and other outdoor facilities shall not be accessible to children in child care and securely latched or locked to prevent children from entering.

37.2.2 Children shall be in constant view while outdoors and not allowed to go in unobservable areas such as behind shrubbery.

37.3 The Licensee shall ensure that the outdoor play area of the Family Child Care Home is fenced when hazards are in close proximity to that area. Such hazards include, but are not limited to, high traffic roads, water in streams, rivers, ponds, lakes, pools, railroads, steep embankments or drop-offs, and high voltage wires or poles/towers.

37.3.1 Fencing shall be sturdy, safe and reinforced at intervals so as to give support, constructed to discourage climbing and to allow observation of children.

37.3.2 Fencing shall be a minimum of four (4) feet in height with openings no larger than three and one-half (3 ½) inches.

37.3.3 Gates shall be equipped with self-closing and positive self-latching closure mechanisms. The latch or securing device shall be high enough or such that small children cannot open it.

37.3.4 Fenced areas shall have at least two (2) exits, with at least one (1) being remote from the building.

37.4 For a Family Child Care Home licensed before the effective date of these Rules, the existing fencing of the Family Child Care Home shall be acceptable as long as it is safe, free from hazards and in good repair. When the fencing is replaced, the Licensee shall ensure the new fencing fully complies with Rule 37.3.

37.5 The Licensee shall ensure that all outdoor play equipment is sturdy, safe, clean and free from rough edges, sharp corners, pinch and crush points, splinters and exposed bolts.

37.6 The Licensee shall ensure that large outdoor play equipment is anchored firmly and not located on concrete or asphalt surfaces.

37.7 The Licensee shall ensure that all surfaces of the outdoor play area are made up of materials that do not present a safety or choking hazard, are free of unsafe contaminants such as steel wires and any unhealthy residue from deterioration of the materials used.

37.8 The Licensee shall ensure that if using gravel or stone-like surfacing, only pea gravel shall be acceptable as cover for the outdoor play area.

37.9 For a Family Child Care Home licensed before the effective date of these Rules, the existing gravel or stone-like surfacing shall be acceptable. The Licensee shall ensure that when replacing gravel or stone-like surfacing, only pea gravel shall be acceptable as per Rule 37.8.

37.10 The Licensee shall ensure that outdoor sandboxes or play areas containing sand shall be maintained in a safe and sanitary manner. Separate outdoor sandboxes shall be covered when not in use.

### 38.0 Riding Toys

38.1 A Licensee shall ensure that bicycles, tricycles, scooters, and other riding toys are the size appropriate for a child, in good condition and free of sharp edges or protrusions that may injure a child.

38.2 A Licensee shall prohibit the use of motorized riding toys by children at the Family Child Care Home during the hours of operation.

38.3 The Licensee shall ensure that all children wear approved safety helmets while riding outside on bicycles and tricycles that have foot pedals.

38.3.1 Children shall not share helmets unless helmets are made with a nonporous interior lining and easily cleanable straps. All interior and exterior surfaces of the helmet shall be wiped clean between users.

38.3.2 Helmets shall be removed before allowing children to use playground equipment unless a helmet has been medically prescribed by a health care provider for the safety of a particular child.

### 39.0 Swimming

39.1 The Licensee shall ensure that all children shall be under direct observation and supervision at all times while children are wading or swimming. During any swimming activity involving infants and/or toddlers, the children shall be within arm's length of the Licensee.

39.1.1 Permanent or built-in type swimming pools and wading pools that are left filled when not in use shall be inaccessible to children when not being used by the children.

39.1.2 The water in swimming pools used by children in child care shall be treated, cleaned and maintained in accordance with health practices and regulations as determined by the Division of Public Health.

39.1.3 The pool structure and associated equipment shall be maintained in a safe manner and be free of hazards.

39.1.4 Small portable wading pools shall be thoroughly cleaned and disinfected after each use.]

### 40.0 Pets

40.1 ~~The Licensee shall ensure that any animals or household pets shall be permitted provided that there is proof of rabies and other current required vaccinations for each animal at [the] Family Child Care Home are [documented by a licensed veterinarian are free from disease and] vaccinated as prescribed by law. Animals shall be free from disease and shall be cared for in a safe and sanitary manner.~~

~~40.1.1 Animals shall be cared for in a safe and sanitary manner.~~

~~40.1.2 Animals shall only be handled by children under close supervision of the Licensee~~

~~[Substitute,] or adult household member responsible for that pet.~~

~~40.1.3 Animals such as ferrets, turtles, iguanas, lizards or other reptiles, psittacine birds (birds of the parrot family), or any other animals that are known to be carriers of illnesses, or are sick [with a disease(s) that can be spread to humans] shall not be kept in rooms used by children in the Family Child Care Home.~~

~~40.1.4 Litter boxes or any container or materials used for collecting or containing animal feces or urine shall not be kept in rooms used by children in the Family Child Care Home.~~

~~40.1.5 Parent(s)/guardian(s) shall be informed of the presence of any animals or household pets regardless of the location within the Family Child Care Home.~~

### 41.0 Smoking Prohibited

41.1 The Licensee shall ensure that smoking is prohibited [during the hours of operation of the Family Child Care Home] when children attending the Family Child Care Home are present anywhere inside the Family Child Care Home, in the outdoor play area, while transporting children, and in the presence of children [during field trips or routine outings when off premises of the Family Child Care Home].

#### **[42.0 Emergency Planning**

**42.1 The Licensee shall have a written emergency plan describing procedures for both natural and man-made disasters for such situations as a fire, flood, earthquake, extreme weather conditions, power failure or utility disruptions, chemical or toxic spills, bomb threat or terrorist attack.**

**42.1.1 The emergency plan shall include procedures for training household member(s) and the Substitute, when applicable, about specific responsibilities during a disaster, accounting for all children, relocation process (if appropriate) and contacting appropriate emergency response agencies and parent(s)/guardian(s).**

**42.2 The Licensee shall have a posted written plan or diagram showing how the Family Child Care Home will be evacuated during an emergency.**

**42.2.1 Monthly evacuation drills shall be practiced from all exit locations at varied times during the hours of operation of the Family Child Care Home and during varied activities including nap time. Each drill shall be documented and include information on the date and time of day of the drill, who participated, the number of children who participated, and the total amount of time necessary to evacuate the Family Child Care Home.**

**42.3 The Licensee shall develop a written plan for procedures to shelter-in-place (staying indoors) at the Family Child Care Home for up to seventy-two (72) hours/three (3) days due to a natural or man-made disaster.**

**42.3.1 This plan shall include a list of emergency supplies for the child care of children and others present including procedures for feeding children and others present during the extended stay at the Family Child Care Home.**

### **PART V. HEALTH**

#### **43.0 Child Health**

**43.1 The Licensee shall ensure that each child is observed upon arrival and checked for common signs of communicable diseases, physical injury or other evidence of ill health.**

**43.2 The Licensee 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. The Substitute shall receive a copy of this plan and be trained in its implementation. Parent(s)/guardian(s) shall be given a copy of this plan at the time of enrollment. The plan shall include:**

**43.2.1 Procedures to be followed in case of illness or emergency, including methods of transportation and notification of parent(s)/guardian(s);**

**43.2.2 Procedures to be followed in case of illness or emergency, when parent(s)/guardian(s) cannot be reached;**

**43.2.3 Policies regarding administration of medication; and**

**43.2.4 Plans for the management of communicable disease including the following:**

**43.2.4.1 The list of symptoms of illness for which a child will be excluded from the Family Child Care Home or sent to his or her own home if symptoms occur after the child has been admitted for the day as specified in Rule 43.3;**

**43.2.4.2 The list of reportable communicable diseases for which a child will not be admitted to the Family Child Care Home without a written statement from a health care provider as specified in Rule 43.5.1; and**

**43.2.4.3 A written notice to the parent(s)/guardian(s) whenever an outbreak or exposure to a reportable communicable disease is known to have occurred.]**

**43.3. The Licensee shall not permit a child who has symptoms of illness specified below to be admitted or remain in the Family Child Care Home unless written documentation from a health care provider, or verbal approval with written follow-up, states the child has been diagnosed and the illness poses no serious health risk to the child or to other children. The symptoms of illness for exclusion shall include, but not be limited to the following:**

**43.3.1 Temperature: infants four (4) months old and younger, equivalent to 100**

degrees or greater even if there has not been a change in behavior;

43.3.2 Temperature: children older than four (4) months, equivalent to 101 degrees or greater; accompanied by behavior changes or other signs or symptoms of illness- until medical evaluation indicates inclusion in the Family Child Care Home;

43.3.2.1 Temperatures may be taken by way of axillary (armpit) using a glass or digital thermometer, using a temperature scanner, or if the child is four (4) years of age or older, orally (by mouth) using a glass or digital thermometer. Rectal or aural (ear) temperatures shall be taken only by a health care provider.

43.3.3 Symptoms and signs of possible severe illness such as lethargy (unusual tiredness, not responsive), uncontrolled coughing, irritability, persistent crying, difficult breathing, wheezing, or other unusual signs)- until medical evaluation allows inclusion;

43.3.4 Uncontrolled diarrhea, that is, increased number of stools (bowel movements), increased stool water, and/or decreased form that is not contained by the diaper- until diarrhea stops;

43.3.5 Blood in stools not explainable by dietary changes, medication, or hard stools;

43.3.6 Vomiting illness (two (2) or more episodes of vomiting in the previous twenty-four (24) hours) until vomiting resolves or until a health care provider determines the illness to be non-communicable, and the child is not in danger of dehydration;

43.3.7 Persistent abdominal pain (continues more than two (2) hours) or intermittent pain associated with fever or other signs or symptoms;

43.3.8 Mouth sores with drooling, unless a health care provider determines the condition is noninfectious;

43.3.9 Rash with fever or behavior change, until a health care provider determines that these symptoms do not indicate a communicable disease;

43.3.10 Purulent conjunctivitis (defined as pink or red conjunctiva with white or yellow eye discharge), until twenty-four (24) hours after treatment has been initiated;

43.3.11 Scabies, Head Lice or other infestation, until twenty-four (24) hours after treatment has been initiated;

43.3.12 Tuberculosis, until a health care provider states that the child is on appropriate therapy and can attend child care;

43.3.13 Impetigo, until twenty-four (24) hours after treatment has been initiated;

43.3.14 Strep throat or other streptococcal infection, until 24 hours after initial antibiotic treatment and cessation of fever;

43.3.15 Varicella-Zoster (chicken pox), until all sores have dried and crusted (usually six (6) days);

43.3.16 Shingles, only if sores cannot be covered by clothing or a dressing; if not exclude until sores have crusted and are dry;

43.3.17 Pertussis, until five (5) days of antibiotic treatment;

43.3.18 Mumps, until nine (9) days after onset of parotid gland swelling;

43.3.19 Hepatitis A virus, until one (1) week after onset of illness, jaundice or as directed by the health care provider when passive immunoprophylaxis (currently, immune serum globulin) has been administered to appropriate children and staff;

43.3.20 Measles, until five (5) days after onset of rash;

43.3.21 Rubella, until six (6) days after onset of rash;

43.3.22 Herpetic gingivostomatitis (cold sores), if the child is too young to have control of oral secretions; or

43.3.23 Unspecified illness if it limits the child's comfortable participation in activities or if it results in a need for greater child care than can be provided without compromising the health and safety of other children.

43.4 The Licensee may allow a child to return to the Family Child Care Home when the symptoms are no longer present or a health care provider indicates the child does not pose a serious health risk to the child or to other children.

43.5 The Licensee shall not permit a child with a reportable communicable disease, as specified

by the Division of Public Health to be admitted to or remain at the Family Child Care Home unless:

43.5.1 Written documentation from the child's health care provider states the child has been evaluated and presents no risk to the children or to others; or

43.5.2 The Licensee has reported the illness to the Division of Public Health and been advised that the child presents no health risk to others.

43.5.2.1 If there is a conflict in opinions of the health care provider and the Division of Public Health regarding the exclusion of a child, the Licensee shall follow the instructions of the Division of Public Health.

43.6 The Licensee shall report any reportable communicable disease to the Division of Public Health in accordance with Division of Public Health procedures. For current information on reportable communicable disease, the Licensee shall contact the Division of Public Health or refer to their website - <http://www.dhss.delaware.gov/dhss/dph/dpc/rptdisease.html>.

43.7 The Licensee shall ensure that when a child has been diagnosed as having a reportable vaccine-preventable communicable disease, all children who have not been immunized against the disease are excluded from the Family Child Care Home in accordance with Division of Public Health procedures.

43.8 The Licensee shall ensure that if a child who has already been admitted to the Family Child Care Home manifests any of the illnesses or symptoms specified in Rules 43.4 and 43.6, the Licensee shall ensure that the child's individual needs for rest, comfort, food, drink and appropriate activity are met until the child can be picked up by the parent/guardian.

#### 44.0 Standard Precautions

44.1 The Licensee shall ensure the use of standard precautions for protection from disease and infection. Spills of body fluids (i.e., urine, feces, blood, saliva, nasal discharge, eye discharge, and injury or tissue discharges) shall be cleaned up immediately, as follows:

44.1.1 For spills of vomit, urine, and feces on any surface including the floors, walls, bathrooms, table tops, toys, kitchen counter-tops, diaper-changing tables, toilet training chairs, the area shall be cleaned with liquid soap and water and disinfected.

44.1.2 For spills of blood or blood-containing body fluids and injury and tissue discharges, the area shall be cleaned with liquid soap and water and disinfected. Non-porous gloves shall be used in these situations.

44.1.3 For cleaning contaminated surfaces, avoid exposure of open skin sores or mucous membranes to blood or blood-containing body fluids and injury or tissue discharges by using non-porous gloves to protect hands when cleaning contaminated surfaces.

44.1.4 Blood-contaminated material and diapers shall be disposed of in a plastic bag with a secure tie.

44.1.5 Mops shall be cleaned, rinsed, disinfected, wrung dry and hung to dry.

#### 45.0 First Aid

45.1 ~~The Licensee shall ensure that a first aid kits shall be is readily available in the Family Child Care Home accessible [, but not to children,] in the Family Child Care Home [ , but not to children and] in vehicles used for transporting children in care at least contains. The first aid kit shall at least contain, but is not limited to the following:~~

~~The first aid kit in the Family Child Care Home shall contain the following:~~

~~45.1.1 Disposable nonporous gloves;~~

~~45.1.2 Scissors;~~

~~45.1.3 Tweezers;~~

~~45.1.4 A non-glass thermometer to measure a child's temperature;~~

~~45.1.5 Bandage tape;~~

~~45.1.6 Sterile gauze pads;~~

~~45.1.7 Flexible roller gauze;~~

~~45.1.8 Triangular bandages;~~

~~45.1.9 Safety pins;~~

Thermometer;  
**[45.1.10 ~~Eye dressing:~~**  
45.1.10 ~~Pen/pencil and note pad;~~  
45.1.11 ~~Instant cold pack;~~  
45.1.12 ~~Current American Academy of Pediatrics (AAP) or American Red Cross standard first aid text chart or equivalent first aid guide;~~  
~~Poison Control Center telephone number;~~  
~~Self-adhesive bandages; and~~  
~~Syrup of ipecac, not to be used without consulting the Poison Control Center or physician and not to be used after the expiration date on the bottle.~~

**[45.1.14 ~~GPR Barrier device:~~**

**[45.1.15 ~~Small plastic or metal splints:~~**

45.1.13 ~~Non-medicated adhesive strip bandages; and~~

45.1.14 ~~Plastic bags for cloths, gauze, and other materials used in handling blood.~~

45.2 ~~The Licensee shall ensure that a first aid kit is taken along when **[transporting] children **[on field trips and routine outings are being transported off premises of the Family Child Care Home]** and contains in vehicles used for transporting children the following materials in addition to those cited in Requirement 106A Rule 45.1 must be included in the first aid kit:**~~

~~Bandage tape;~~

~~Sterile gauze pads;~~

~~Flexible roller gauze;~~

~~Triangular bandages;~~

~~Pen/pencil and note pad;~~

~~Cold pack;~~

~~Coins for use in a pay phone; and~~

45.2.1 ~~Water and soap, or antiseptic wipe.;~~

45.2.2 ~~Liquid soap;~~

45.2.3 ~~Any regular and emergency medications needed for a child; and~~

45.2.4 ~~List of emergency phone numbers, and parent(s)/guardian(s) phone numbers,~~

~~and the Poison Control Center phone number.~~

**[45.3 The Licensee shall ensure the Poison Control Center phone number is posted in the Family Child Care Home for easy reference.]**

## 46.0 Child Accident and Injury

46.1 The Licensee shall ensure that when an accident or injury occurs to a child during the hours of child care, emergency action is taken to protect the child from further harm and the child's parent(s)/guardian(s) are notified.

46.1.1 The Licensee shall maintain an injury report for each incident in the child's file and report to the Office of Child Care Licensing an accident or injury which results in death or inpatient or outpatient treatment as required in Rules 11.1 and 11.3.2. An injury report shall include name of child, date, description of injury, how it occurred, first aid or medical care required, and parent(s)/guardian(s)' signature.

46.1.2 Whenever an injury report is necessary, the Licensee shall notify the child's parent(s)/guardian(s) of each incident. The Licensee shall maintain a record of when the parent(s)/guardian(s) were notified or of attempts to notify the parent(s)/guardian(s).

## 47.0 Administration of Medication

47.1 The Licensee shall only administer medication if trained and authorized in accordance with State law to administer medication to children.

47.2 The Licensee shall ensure that medication is not administered to a child unless the Licensee has received written permission from the child's parent(s)/guardian(s) for each medication to be administered.

47.3 The Licensee shall ensure that the parent(s)/guardian(s) of a child provide the following

information for each medication given and a record (medication log) is kept that includes:

- 47.3.1 The name of the child;
- 47.3.2 The child's date of birth;
- 47.3.3 Parent(s)/guardian(s) name(s), signature and date signed;
- 47.3.4 Child's known medication allergies;
- 47.3.5 Health care provider's name and phone number;
- 47.3.6 Pharmacy and phone number;
- 47.3.7 Name of medication;
- 47.3.8 Name of person administering medication with initials when having administered medication;
- 47.3.9 Dosage (amount given);
- 47.3.10 Frequency of dosage (how often given)
- 47.3.11 Schedule (time dosage is to be administered);
- 47.3.12 Route of administration (oral; eye, nose or throat drops; topical);
- 47.3.13 Expiration date of medication;
- 47.3.14 Start date of administering medication;
- 47.3.15 End date when stopping administration of medication;
- 47.3.16 Reason for medication;
- 47.3.17 Any special directions; and
- 47.3.18 Written notes are recorded for that child and the parent(s)/guardian(s) are advised of the occurrence (specific timing) of any health problems, such as diarrhea, vomiting, continuous hunger, refusal to eat, nosebleeds, skin rash or high temperature.

47.4 The Licensee shall ensure that all prescription medication is in its original container, properly labeled, has not expired, and is authorized by the child's health care provider.

47.4.1 Medication shall only be given to the child whose name appears on the prescription.

47.5 The Licensee shall ensure that all non-prescription medication is in its original container, properly labeled with directions for its administration, has not expired, and is labeled with the child's name.

47.5.1 Any deviations from the label instructions shall be in writing from the child's health care provider.

47.6 The Licensee shall not allow the administration of prescription or non-prescription medication that has expired and will immediately contact the parent(s)/guardian(s) of a child whose medication has expired to inform that parent(s)/guardian(s) of the situation and return the expired medication to the parent(s)/guardian(s).

47.7 The Licensee shall ensure that all medication in the Family Child Care Home is stored so as to be secure and inaccessible to children.

47.7.1 Medication requiring refrigeration shall be kept in closed containers separate from food.

47.8 The Licensee shall ensure that unused medication is returned to the parent(s)/guardian(s) when no longer needed by the child.

#### 48.0 Diapering and Toileting

48.1 The Licensee shall ensure that diapers, training pants and other clothing of children are changed when wet or soiled.

48.1.1 The Licensee shall have an established procedure for checking diapers and training pants.

48.1.2 The Licensee shall ensure that a supply of clean diapers, training pants and extra clothing are available for each child either by providing them directly or requiring the parent(s)/guardian(s) to provide.

48.1.3 The Licensee shall place soiled clothing in a sealed plastic container or bag and labeled with the child's name and returned to the child's parent(s)/guardian(s) at the end of the day.

48.2 The Licensee shall ensure the diaper-changing and toilet-training areas are:

- 48.2.1 Separate from the kitchen, food preparation and food serving areas; and
- 48.2.2 Have non-absorbent, non-porous, wipeable and washable surfaces, even after use of protective paper covering.
- 48.3 The Licensee shall locate toilet training chairs (potties) in an area that ensures children's privacy but allows for their supervision.
- 48.4 The Licensee shall have an established procedure for changing diapers or training pants to include at least the following steps that require:
  - 48.4.1 Changing diapers or training pants only in the diaper changing or toilet training area;
  - 46.4.2 Cleaning each child with an individual disposable sanitary wipe or single service washcloth;
  - 48.4.3 Disposing of a diaper or training pants in accordance with Rule 48.5;
  - 48.4.4 Washing the hands of the child and the person who changed the diaper or toilet training pants (regardless of glove usage) with soap and water immediately after each diaper change; and
  - 48.4.5 Cleaning and disinfecting the diaper changing or toilet training area with a disinfectant solution after each use.
- 48.5 The Licensee shall ensure that:
  - 48.5.1 Non-disposable soiled diapers and training pants are not rinsed and placed into a separate leak-proof plastic container or bag, labeled with the child's name, before transporting to a laundry or returning to the child's parent;
  - 48.5.2 Soiled disposable diapers are placed into a cleanable, foot-activated, and covered container that is used exclusively for diapers and lined with a leak-proof or impervious liner;
  - 48.5.3 Diaper containers that require a hand to push the used diaper through a narrow opening or have exterior surfaces that must be touched with a hand or the used diaper itself shall be prohibited;
  - 48.5.4 The diaper container shall be disinfected daily; and
  - 48.5.5 All soiled diapers are removed from the Family Child Care Home daily or more often unless the Licensee uses a commercial diaper service.

#### 49.0 Sanitation

- 49.1 The Licensee shall ensure that a disinfectant solution is used and is either a self-made solution consisting of one-fourth (1/4) cup of household bleach to each gallon of water, 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 is used in accordance with label instructions.
- 49.2 The Licensee shall ensure that the following equipment, items and surfaces are washed and disinfected after each use:
  - 49.2.1 Toilet training (potty) chairs which have first been emptied into a toilet;
  - 49.2.2 Sinks and faucets used for handwashing after the sink is used for rinsing a toilet training chair;
  - 49.2.3 Diaper-changing surfaces;
  - 49.2.4 Food preparation and eating surfaces such as counters, tables and high chair trays;
  - 49.2.5 Toys mouthed by children;
  - 49.2.6 Mops used for cleaning;
  - 49.2.7 Bibs; and
  - 49.2.8 Thermometers.
- 49.3 The Licensee shall ensure the following equipment, items, and surfaces are washed and disinfected at least daily:
  - 49.3.1 Toilets and toilet seats;
  - 49.3.2 Sinks and faucets;
  - 49.3.3 Diaper pails and lids;

- 49.3.4 Water tables and water play equipment;
- 49.3.5 Play tables;
- 49.3.6 Mats that are not stored separately; and
- 49.3.7 Smooth surfaced non-porous floors.

49.4 The Licensee shall take measures to reduce the spread of germs and disease among children in the Family Child Care Home by:

49.4.1 Using only washable toys with diapered child(ren); and

49.4.2 Washing pacifiers and other items placed in the mouth if dropped to the floor or ground.

49.5 The Licensee shall ensure that soap, single service towels, and toilet paper shall be available at all times.

49.6 The Licensee shall ensure that during the hours in which child care is provided any person in direct contact with children at the Family Child Care Home and all children in child care shall wash their hands regardless of glove usage with soap and running water and use single service towels for drying hands at least at the following times:

49.6.1 Before and after eating or handling any food or participating in a food activity;

49.6.2 Before and after giving medications;

49.6.3 Before and after caring for a child who may be sick;

49.6.4 Before and after using a water-play table with other children;

49.6.5 After toileting or diapering each child;

49.6.6 After coming into contact with blood, fecal matter, urine, vomit, nasal secretions or other body secretions;

49.6.7 After handling animals or their equipment or after coming into contact with an animal's body secretions;

49.6.8 After playing in a sandbox;

49.6.9 After outdoor play;

49.6.10 After cleaning; and

49.6.11 After taking out the garbage.

#### 50.0 Food Service and Nutrition. (Also see Kitchen Rule 35.0)

50.1 The Licensee shall have a written policy concerning food service provided to parent(s)/guardian(s) that includes the following:

50.1.1 A description of all food services provided;

50.1.2 Times of snacks and meals;

50.1.3 Procedures related to food allergies, religious dietary requirements and other special needs;

50.1.4 If applicable, nutritional information and guidelines concerning content of meals, snacks, or foods for special occasions when provided by parent(s)/guardian(s);

50.1.5 If applicable, procedures to prevent spoilage of food provided by parent(s)/guardian(s);

50.1.6 If applicable, a procedure to be followed by the Licensee if food provided by the parent(s)/guardian(s) for the child fails to meet nutritional requirements as specified in Rules 50.1-50.3.

50.2 The Licensee shall ensure that menus are planned in advance, dated and posted in the kitchen for review by parent(s)/guardian(s). Menus noting actual food served shall be retained for thirty (30) days. Any changes made in actual food served on a particular date shall be documented on the menu on or before that date.

50.3 The Licensee shall ensure that a supply of food and water shall be kept in stock for emergency situations that require an extended stay such as sheltering-in-place as per Rule 42.3 at the Family Child Care Home or in case of a power outage. Non-perishable foods, bottled water and any equipment necessary to serve or prepare foods without the use of electricity shall be included in the supply.

50.4 The Licensee shall ensure that meals and snacks meeting nutritional requirements as

specified in the Appendix, United States Department of Agriculture (USDA)/Child and Adult Care Food Program (CACFP) Meal Pattern Requirements and Policies for Infants and Children and are provided at the appropriate time in accordance with the following schedule which indicates the number of hours the child is present at the Family Child Care Home:

50.4.1	2 hours - 4 hours	1 snack;
50.4.2	4 hours - 6 hours	1 meal and 1 snack;
50.4.3	7 hours - 11 hours	2 meals and 1 snack, or 2 snacks and 1 meal based on time of child's arrival;
50.4.4	12 hours or more	3 meals and 2 snacks.

50.5 The Licensee shall ensure that meals and snacks meeting nutritional requirements as specified in the Appendix, USDA/CACFP Meal Pattern Requirements and Policies for Infants and Children are provided and adjusted in accordance to the age of the infant and child.

50.5.1 The Licensee shall have supplemental foods from all basic food groups to serve children if meals or snacks provided by parent(s)/guardian(s) fail to meet nutritional requirements as specified in Rules 50.1-50.3.

50.6 The Licensee shall provide age-appropriate food based on the basic food groups as follows:

- 50.6.1 Milk: fluid pasteurized cow's milk as age-appropriate;
- 50.6.2 Proteins: meat, fish, poultry, eggs, yogurt, cheese, peanut butter, dried beans, peas, and nuts;
- 50.6.3 Fruits and vegetables: include a variety of fresh vegetables and fruits; and
- 50.6.4 Grains: whole grains and enriched products such as breads, cereals, pastas, crackers and rice.

50.7 The Licensee shall ensure that all food served to children in the Family Child Care Home is clean, wholesome, flavorful, attractive in appearance, at the appropriate temperature, preserved for nutritional value, free from spoilage and adulteration, correctly labeled, safe for human consumption, and not subject to recall.

50.8 The Licensee shall ensure that when fruit juice is served, 100% - unsweetened juice is used, and not a fruit drink or fruit cocktail.

50.9 The Licensee shall ensure that children are encouraged but not forced to eat.

50.10 The Licensee shall introduce, as appropriate to the age of the child, a variety of food textures, finger foods, and a cup in the training of self-feeding and nutrition education.

50.11 The Licensee shall ensure that powdered milk is not used as a substitute for fluid milk for drinking purposes but may be used in cooking.

50.12 The Licensee shall ensure that special, therapeutic diets are served only upon written instruction for a child from the child's health care provider.

50.13 The Licensee shall ensure that if the parent(s)/guardian(s) of a child requests any modification of basic meal patterns (see Appendix, USDA/CACFP Meal Pattern Requirements and Policies for Infants and Children) due to a child's medical need(s) such as food allergies or food intolerance, the parent(s)/guardian(s) provide the Licensee with written documentation from the child's health care provider permitting the modification.

50.14 The Licensee shall ensure that if the parent(s)/guardian(s) of a child requests any modification of basic meal patterns (see Appendix, USDA/CACFP Meal Pattern Requirements and Policies for Infants and Children) due to a family's food preferences or religious beliefs, the parent(s)/guardian(s) provide the Licensee with written documentation specifying which foods are unacceptable and the food substitution allowed within the same food group.

50.15 The Licensee shall ensure that every effort will be made to accommodate the needs of the child who is being breast-fed, including allowing the mother to breastfeed her child at a designated place at the Family Child Care Home.

## 51.0 Toddlers and Older Children

51.1 The Licensee shall ensure that a breakfast served has at least one (1) item each from the milk (Rule 50.6.1), fruits and vegetables (Rule 50.6.3) and grain (Rule 50.6.4) food groups as described in

**Rule 50.6.**

**51.2** The Licensee shall ensure that a lunch or dinner served has one (1) item from each of the milk (Rule 50.6.1), protein (Rule 50.6.2) and grain (Rule 50.6.4) food groups and two (2) items from the fruit and vegetable (Rule 50.6.3) food groups as described in Rule 50.6.

**51.3** The Licensee shall ensure that a snack served has at least one (1) item from two (2) of the food groups as described in Rule 50.6.

**51.3.1** The Licensee shall, at a minimum, provide a snack(s) meeting nutritional requirements, even if parent(s)/guardian(s) provide meals.

**51.3.2** If milk or fruit/vegetable juice is not included with a snack, water shall also be served with that snack.

**51.4** The Licensee shall ensure that the use of a bottle is discouraged for children after one (1) year of age, and instead, the use of a cup is taught and encouraged.

**52.0 Infants**

**52.1** The Licensee shall provide meals and/or snacks for infants according to the following Rules except as noted following the procedures of Rules 50.5 and 50.6.

**52.2** The Licensee shall ensure that a written statement specifying food including specific formula or breast milk, and a feeding schedule shall be obtained from the parent(s)/guardian(s) for each infant as needed.

**52.3** The Licensee shall ensure that a daily written record of each infant's nutritional intake is maintained and provided to the parent(s)/guardian(s) upon request. Any feeding problems experienced by an infant shall be discussed with his/her parent(s)/guardian(s) before the infant's daily departure from the Family Child Care Home.

**52.4** The Licensee shall ensure that an infant is:

**52.4.1** Fed on demand or during a span of time consistent with the infant's eating habits;

**52.4.2** Held for all bottle-feeding:

**52.4.3** Not placed in his or her crib with a bottle for feeding;

**52.4.4** Not fed from a propped bottle; and

**52.4.5** Not feed semi-solid foods from a bottle.

**52.5** The Licensee shall ensure that when preparing and/or providing bottles of formula:

**52.5.1** Bottles and nipples maintained by the Licensee shall be washed and sanitized before use;

**52.5.2** Unprepared formula brought to the Family Child Care Home by parent(s)/guardian(s) or provided by the Licensee shall come from an unopened, factory-sealed container;

**52.5.3** Each infant's bottle of formula shall be individually labeled with the infant's name and refrigerated immediately upon arrival if prepared by parent(s)/guardian(s) or after preparation by the Licensee;

**52.5.4** Bottles of formula shall be warmed under running warm tap water or by placing them in a container of water that is no warmer than 120 degrees F and not be left in warm water for more than five (5) minutes;

**52.5.5** Bottles of formula shall not be warmed or thawed in a microwave oven;

**52.5.6** Mixing formula with cereal, fruit juice or any other foods in a bottle shall be considered a modification of a basic meal pattern and require written documentation from an infant's health care provider permitting the modification;

**52.5.7** Unused portions of formula in a bottle fed to an infant shall be discarded after each feeding that exceeds a period of one (1) hour from beginning of feeding; and

**52.5.8** Unused bottles of formula shall be dated as to when prepared if not returned to the parent(s)/guardian(s) at the end of each day; and

**52.5.9** Refrigerated, unused, prepared formula shall be discarded after forty-eight (48) hours.

**52.6** The Licensee shall ensure the following when expressed breast milk from a mother is brought into the Family Child Care Home for her own infant:

- 52.6.1 Breast milk shall be fed only to that mother's own infant;
- 52.6.2 Frozen breast milk shall be thawed under running cold water or in the refrigerator;
- 52.6.3 Bottles of breast milk shall not be warmed or thawed in a microwave oven;
- 52.6.4 Bottles of breast milk shall be warmed under running warm tap water or by placing them in a container of water that is no warmer than 120 degrees F and not be left in warm water for more than five (5) minutes;
- 52.6.5 Unused portions of breast milk shall be discarded after each feeding that exceeds a period of one (1) hour from beginning of feeding;
- 52.6.6 Expressed breast milk shall be discarded if it is in an unsanitary bottle or has been un-refrigerated for more than one (1) hour;
- 52.6.7 Refrigerated, unused, expressed breast milk that was never frozen shall be discarded after forty-eight (48) hours, or by three (3) months if frozen and stored in a deep freezer at zero (0) degrees F; and
- 52.6.8 Unused, frozen breast milk that has been thawed in the refrigerator shall be used within twenty-four (24) hours.
- 52.7 The Licensee shall ensure that cow's milk is not served to infants.
- 52.8 The Licensee shall ensure that when feeding food to infants:
- 52.8.1 An infant too young or medically unable to use a feeding chair or other age-appropriate seating apparatus shall be held when fed food;
- 52.8.2 The introduction to all new foods shall be made only with the parent(s)/guardian(s)' permission.
- 52.8.3 New foods shall be introduced one at a time on a gradual basis with the intent of ensuring health and nutritional well being;
- 52.8.4 Semi-solid foods may be introduced to infants four (4) to seven (7) months of age as requested by parent(s)/guardian(s) and shall be required once an infant is eight (8) months of age;
- 52.8.5 Infant foods shall be warmed by placing them in a container of water that is no warmer than 120 degrees F and not be left in warm water for more than five (5) minutes;
- 52.8.6 Infant foods shall not be warmed or thawed in a microwave oven;
- 52.8.7 Foods for infants shall be of a texture and consistency that promotes safe and optimal consumption; and
- 52.8.8 Baby food for each infant shall be served from a dish unless the entire contents of the jar will be served.
- 52.9 The Licensee shall encourage the use of a cup when an infant is developmentally capable of drinking from or holding a cup.
- 52.10 The Licensee shall ensure that infants are not offered juices until they are able to drink from a cup in order to develop behaviors that may prevent baby bottle tooth decay.

**[Space**

~~For the Family Child Care Home licensed before the effective date of these Rules, the Licensee shall ensure that the Family Child Care Home provides each child with adequate space for free movement and active play.~~

~~If the total capacity of the Family Child Care Home is increased, or the indoor space used by children at the Family Child Care Home is increased, the Licensee shall be required to ensure a minimum of twenty five (25) square feet of indoor space for each child in child care.~~

~~For the Family Child Care Home licensed on or after the effective date of these Rules, the Licensee shall ensure that the Family Child Care Home shall provide each child with adequate space has a minimum of twenty five (25) square feet of indoor space for each child in child care that allows for free movement and active play. Measurements shall be from wall to wall on the inside. Furniture that restricts children's free movement and active play shall be considered a deductible factor when determining square footage.~~

~~Toilet rooms, kitchen areas, 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:

The Licensee shall ensure that an outdoor play area for vigorous play and large muscle activity with attention to the needs of the diversity of children served and their abilities to participate, protected from hazards, shall be is available on the premises or within safe walking distance of the Family Child Care Home. Outdoor play areas shall be free of animal feces, toxic plants, debris, outdoor equipment lawn mower, cooking grills, or other materials that may present hazards to children in care.

The Licensee shall inspect the outdoor play area before children begin to play to ensure there are no hazards such as, but not limited to, animal feces, toxic plants, outdoor equipment lawn mower, cooking grill; and/or debris and any play equipment is safe for use.

Tool sheds, garages, and other outdoor facilities that are off limits to children shall be securely latched and inaccessible while children are in child care.

The Licensee shall ensure that the outdoor play area of the Family Child Care Home is fenced when hazards are in close proximity to that area. Such hazards include, but are not limited to, high traffic roads; water in streams, rivers, ponds and lakes; pools; railroads; steep embankments or drop offs; and high voltage wires or poles/towers.

Fencing shall be sturdy, safe and reinforced at intervals so as to give support, constructed to discourage climbing and not prevent observation of children.

Fencing shall be a minimum of four (4) feet in height with openings no larger than three and one half (3 1/2) inches.

Gates shall be equipped with self closing and positive self latching closure mechanisms. The latch or securing device shall be high enough or of a type such that small children cannot open it.

Fenced areas shall have at least two (2) exits, with at least one (1) being remote from the building.

For a Family Child Care Home licensed before the effective date of these Rules, the existing fencing of the Family Child Care Home shall be acceptable as long as it is safe, free from hazards and in good repair. When the fencing is replaced, the Licensee shall ensure the new fencing fully complies with Rule 37.4.

For a Family Child Care Home licensed on or after the effective date of these Rules, the Licensee shall ensure that the protective surface of the outdoor play area beneath and in the fall zone of climbing equipment, slides, swings and similar equipment at the Family Child Care Home is of approved resilient material which absorbs falls as follows:

Fall zones shall be determined by the height of the highest climbing surface of the equipment and consist of wood chips, mulch, engineered wood fibers, sand, pea gravel, safety tested shredded or unitary rubber or rubber like materials, or rubber mats.

The use of shredded tires shall be permitted if the Licensee obtains a guarantee from the supplier that the materials are free from steel wires or other contaminants including any unhealthy residue from deterioration of the shredded tires; and

All materials used for protective surfaces shall be of a size that prevents choking.

The materials used in the fall zone shall follow the instructions as listed in the most recent publication of the United States Consumer Product Safety Commission's (CPSC) Outdoor Home Playground Safety Handbook regarding critical heights of tested materials (see CPSC website at <http://www.epse.gov/epsepub/pubs/324.pdf>); or

The materials used in the fall zone shall follow the specific instructions as documented from the supplier to determine the appropriate depth or thickness.

Protective surfaces of the fall zone shall extend at least six (6) feet in all directions from the equipment. For swings, the protective surfacing shall extend, in back and front, twice the height of the suspending bar.

The Licensee shall ensure that all surfaces of the outdoor play area are made up of materials that do not present a safety or choking hazard.

For a Family Child Care Home licensed on or after the effective date of these Rules, only pea gravel shall be acceptable as cover for the outdoor play area if using gravel or stone like surfacing.

Riding Toys

A Licensee shall ensure that bicycles, trieycles, scooters, and other riding toys are the size

appropriate for a child, in good condition and free of sharp edges or protrusions that may injure a child.

The Licensee shall ensure that all children wear approved safety helmets while riding bicycles with wheels of twenty (20) or more inches in diameter.

Children shall not share helmets unless helmets are made with a nonporous interior lining and easily cleanable straps. All interior and exterior surfaces of the helmet shall be wiped clean between users.

Helmets shall be removed before allowing children to use playground equipment.

### **Sanitation**

The Licensee shall ensure that a disinfectant solution is used and is either a self made solution consisting of one fourth (1/4) cup of household bleach to each gallon of water, 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 used in accordance with label instructions.

The Licensee shall ensure that the following equipment, items and surfaces are washed and disinfected after use:

Toilet training (potty) chairs which have first been emptied into a toilet;

Sinks and faucets used for handwashing after the sink is used for rinsing a toilet training chair;

Diaper changing surfaces;

Food preparation and eating surfaces such as counters, tables and high chair trays;

Toys mouthed by children;

Mops used for cleaning;

Bibs; and

Thermometers.

The Licensee shall ensure the following equipment, items, and surfaces are washed and disinfected at least daily:

Toilets and toilet seats;

Sinks and faucets;

Diaper pails and lids;

Water tables and water play equipment;

Play tables;

Mats that are not stored separately; and

Smooth surfaced non porous floors

The Licensee shall take measures to reduce the spread of germs and disease among children in the Family Child Care Home by:

Using only washable toys with diapered child(ren); and

Washing pacifiers and other items placed in the mouth if dropped to the floor or ground.;

The kitchen and all food preparation, storage and serving areas and utensils shall be kept clean. The kitchen shall have hot and cold running water.

The plumbing shall be kept in good working condition.

The Family Child Care Home shall have at least one indoor flushing toilet and one sink with hot and cold running water.

Handwashing procedures shall follow recommendations of the Center for Disease Control, to prevent the spread of illness. Hands shall be scrubbed for a minimum of ten (10) seconds using soap and warm running water.

The Licensee shall ensure that soap, single service towels, and toilet paper shall be available at all times.

The Licensee shall ensure that all during the hours in which child care is provided adults any person in direct contact with children at the Family Child Care Home and all children in child care shall wash their hands regardless of glove usage with soap and running water and use single service towels for drying hands at least at the following times, and whenever hands are contaminated with body fluids:

Before any food service activity including preparation, table setting, handling, or serving;

After toileting or changing diapers;

After assisting a child with toilet use or nose wiping, and after a child has vomited;

Before and after eating meals or snacks; or  
After handling pets or other animals.  
Before and after eating or handling any food;  
Before and after giving medications;  
Before and after caring for a child who may be sick;  
Before and after using a water play table with other children;  
After toileting or diapering;  
After coming into contact with blood, fecal matter, urine, vomit, nasal secretions or other body secretions;  
After handling animals or their equipment or after coming into contact with an animal's body secretions;  
After playing in a sandbox;  
After outdoor play;  
After cleaning; and  
After taking out the garbage.]

Soap and toilet paper shall be available at all times. Paper towels or individual clean cloth towels for each child shall be available.

If cloth towels are used, they shall be washed or replaced daily.

Garbage shall be kept in containers in an area inaccessible to children or securely covered.

Garbage and rubbish shall be removed daily from rooms occupied by children and Caregiver.

Garbage and rubbish shall be removed from the premises on a regular basis but not less than once a week.

#### **Standard Precautions**

The Licensee shall ensure the use of standard precautions for protection from disease and infection. Spills of body fluids (i.e., urine, feces, blood, saliva, nasal discharge, eye discharge, and injury or tissue discharges) shall be cleaned up immediately, as follows:

For spills of vomit, urine, and feces on any surface including the floors, walls, bathrooms, table tops, toys, kitchen counter tops, diaper changing tables, toilet training chairs, the area shall be cleaned with soap and water and disinfected.

For spills of blood or blood containing body fluids and injury and tissue discharges, the area shall be cleaned with liquid soap and water and disinfected. Non porous gloves shall be used in these situations.

For cleaning contaminated surfaces, avoid exposure of open skin sores or mucous membranes to blood or blood containing body fluids and injury or tissue discharges by using non porous gloves to protect hands when cleaning contaminated surfaces.

Blood contaminated material and diapers shall be disposed of in a plastic bag with a secure tie.

Mops shall be cleaned, rinsed, disinfected, wrung dry and hung to dry.

#### **Diapering and Toileting**

The Licensee shall ensure that diapers, training pants and other clothing of children are changed when wet or soiled.

The Licensee shall have an established procedure for checking diapers and training pants at least hourly including visually inspecting children's diapers at least every two (2) hours.

The Licensee shall ensure that a supply of clean diapers, training pants and extra clothing are available for each child either by providing them directly or requiring the parent(s)/guardian(s) to provide.

Soiled clothing shall be washed or placed in a sealed plastic container or bag and labeled with the child's name and returned to the child's parent(s)/guardian(s) at the end of the day.

The Caregiver Licensee shall ensure the diaper changing and toilet training area is are:

Separate from the kitchen, food preparation and serving areas;

Easily accessible Located within ten (10) feet to of a handwashing sink;

Non absorbent, non porous, wipeable and washable, even after use of protective paper

covering; and

Toilet training chairs are located in an area which ensures children's privacy and supervision;

The Licensee shall have an established procedure for changing diapers or training pants to include at least the following steps that require:

Changing diapers or training pants only in the diaper changing or toilet training area;

Cleaning each child with an individual disposable sanitary wipe or single service washcloth;

Disposing of a diaper or training pants in accordance with Rule 41.4;

Washing the hands of the child and the person who changed the diaper or toilet training pant (regardless of glove usage) with soap and water immediately after each diaper change; and

Cleaning and sanitizing the diaper changing or toilet training area with a disinfectant solution after each use;

The Caregiver Licensee shall ensure that:

Use cloth diapers or disposable diapers;

Place Non disposable soiled diapers and training pants are not rinsed and placed without rinsing into a separate leak proof plastic bag, labeled with the child's name, before transporting to a laundry or returning to the child's parent;

Place Soiled disposable diapers are placed into a cleanable, foot activated, and covered container that is used exclusively for diapers and lined with a leak proof or impervious liner;

Diaper containers that require a hand to push the used diaper through a narrow opening or have exterior surfaces that must be touched with a hand or the used diaper itself shall be prohibited;

The diaper container shall be sanitized daily; and

Remove All soiled diapers are removed from the Family Child Care Home daily or more often unless the Caregiver Licensee uses a commercial diaper service;

Use disposable towels, disposable wipes or clean, reusable towels laundered between use for different children for cleaning the child; and

Immediately wash her/his hands and the hands of the child after diapering or helping the child with toileting.]

The Caregiver shall:

Use toilet training chairs only in an area separate from food preparation areas;

Locate toilet training chairs in an area which ensures children's privacy and adequate supervision;

Consult with the child's parent regarding initiating toilet training;

Locate toilet training equipment on washable, non-absorbent surfaces when in use; and

Disinfect toilet learning equipment after each use.

The Caregiver shall take reasonable measures to reduce the spread of communicable disease among children in the Family Child Care Home by:

Using only washable toys with diapered child(ren);

Washing washable toys on a regular basis;

Cleaning stuffed toys that are provided by the Family Child Care Home;

Washing toys mouthed by one child before they are used by another child; and

Washing pacifiers and other items placed in the mouth if dropped to the floor or ground.

### **Universal Precautions**

The Caregiver shall employ universal precautions for protection from disease and infection. Spills of body fluids (i.e., urine, feces, blood, saliva, nasal discharge, eye discharge, and injury or tissue discharges) shall be cleaned up immediately, as follows:

For spills of vomit, urine, and feces on any surface including the floors, walls, bathrooms, table tops, toys, kitchen counter tops, and diaper changing tables, the area shall be cleaned and disinfected.

For spills of blood or blood-containing body fluids and injury and tissue discharges, the area shall be cleaned and disinfected. Gloves shall be used in these situations unless the amount of blood or body fluid is so small that it can easily be contained by the material used for cleaning.

Persons involved in cleaning contaminated surfaces shall avoid exposure of open skin sores or mucous membranes to blood or blood-containing body fluids and injury or tissue discharges by using gloves to

protect hands when cleaning contaminated surfaces.

Blood-contaminated material and diapers shall be disposed of in a plastic bag with a secure tie. Mops shall be cleaned, rinsed, disinfected, wrung dry and hung to dry.

### **Disinfectant Solution**

The disinfectant solution to be used by the Caregiver shall be a self-made solution consisting of one-fourth cup of household bleach to each gallon of water, which shall be prepared daily, labeled, placed in a bottle that is sealed with a cap and stored out of the reach of children.

The sanitizing solution for dishwashing is one (1) teaspoon of bleach to one (1) gallon of water, should the caregiver choose to sanitize dishes.

Stairways, hallways and exits from rooms and from the home shall be unobstructed. Approved, easily opened protective gates and other safety devices for the protection of infants and toddlers are permitted.

Every room used for child care shall have at least two exits, at least one of which shall be a door or stairway providing unblocked travel to the outside of the home at street or ground level. No room or space shall be used for child care which is accessible only by ladder, folding stairs, or through a trap door.

Children shall be cared for in ground level space in the Family Child Care Home.

Basement level space may be used by children in care only if there is at a door that exits directly to the outside at ground level and at least one window which is easily openable, is no more than 44" inches above the floor, and has an opening 20" wide and 24" high, or there are two (2) doors, one of which exits directly to the outside at ground level.

Each door used as an exit shall not be less than 32 inches wide.

Every closet door latch shall be designed so that children can open the door from inside the closet.

Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency and the opening device shall be readily available to the Caregiver.

An operable smoke detector which is approved by a nationally recognized testing laboratory shall be installed on or 6 to 12 inches below the ceiling of each level of the home and the basement.

All enclosed sleeping areas, such as a bedroom, must have a properly installed smoke detector.

Smoke detectors shall be tested monthly, and the batteries replaced at least yearly.

Prior to licensure, an applicant must have an electrical inspection, conducted by an approved inspection agency, of the dwelling. Thereafter, an electrical inspection of the Family Child Care Home shall be conducted every five (5) years.

At a minimum, a portable dry chemical fire extinguisher rated 1A 10 BC, shall be provided in the kitchen. The extinguisher shall be used and maintained in accordance with the manufacturer's instructions.

Written fire evacuation procedures shall be established and practiced at least monthly from all exit locations at varied times of the day and during varied activities including nap time.

All flammable and hazardous materials, including matches and lighters, medicines, drugs, cleaning materials, detergents, aerosol cans, plastic bags, firearms, ammunition, and other similar materials and objects shall be stored safely in areas inaccessible to children.

Firearms and ammunition, if present in the home, shall be kept in a locked container or locked closet. Ammunition shall be kept separate from firearms.

### **[Emergency Planning**

**The Licensee shall have a written emergency plan describing procedures for both natural and man-made disasters for such situations as a fire, flood, earthquake, extreme weather conditions, power failure or utility disruptions, chemical or toxic spills, bomb threat or terrorist attack.**

**The emergency plan shall include procedures for training household member(s) and the Substitute, when applicable, about specific responsibilities during a disaster, accounting for all children, relocation process (if appropriate) and contacting appropriate emergency response agencies and parent(s)/guardian(s).**

**The Licensee shall have a posted written evacuation plan of the Family Child Care Home.**

**Monthly evacuation drills shall be practiced from all exit locations at varied times during the hours of operation of the Family Child Care Home and during varied activities including nap time. Each drill shall be documented and include information on the date and time of day of the drill, who participated, the number of children who participated, and the total amount of time necessary to evacuate the Family**

### Child Care Home:

The Licensee shall conduct monthly fire prevention inspections and post a copy of the latest inspection report in a conspicuous place at the Family Child Care Home.

The Licensee shall develop a written plan for procedures to shelter in place at the Family Child Care Home for an extended period due to a natural or man made disaster.

This plan shall include a list of emergency supplies for the child care of children and others present including procedures for feeding children and others present during the extended stay at the Family Child Care Home.]

### **EQUIPMENT**

A variety and sufficient supply of play equipment and materials shall be provided that is appropriate to the ages, developmental needs and individual interests of the children.

All equipment shall be sturdy, safe, clean and free from rough edges, sharp corners, pinch and crush points, splinters and exposed bolts. Large outdoor equipment shall be anchored firmly and shall not be located on concrete or asphalt surfaces.

### [Sleeping napping Accomodations

The Licensee shall ensure that each child shall have clean, age appropriate and comfortable individual rest equipment for sleep or rest such as a crib, playpen, cot, bed or mat and bedding. Children shall not share bedding. Each child under twelve months of age and/or not walking, shall sleep in a crib, playpen or bed with side rails and firm mattress of washable, non absorbent material. Mattresses shall fit tightly to prevent children's body parts from becoming wedged between mattress and crib or bed slats.

A child's rest equipment shall be labeled with the child's name and used only by the child while attending the Family Child Care Home.

Mattresses and sleeping equipment shall be covered with non absorbent, cleanable covering:

Cots, beds, mats and mattresses, and crib mattresses shall be cleaned when soiled or wet and sanitized at least weekly.

Rest equipment and bedding shall be cleaned and sanitized prior to being assigned to another child.

Each child under eighteen (18) months of age and not walking shall sleep in a crib or playpen. A child who is between twelve (12) and eighteen (18) months of age and is walking may sleep on a cot, bed, or mat and bedding with written permission from the child's parent(s)/guardian(s).

The Licensee shall ensure that sleeping mats are stored so that there is no contact with the sleeping surface of another mat or mats are disinfected after each use.

The Licensee shall ensure that cribs are not stacked while in use.

Cribs and playpens shall have slats so placed as to allow gaps of no larger than two and three eighths (2 3/8) inches.

Cribs and playpens shall have tops rails at least twenty (20) inches above the mattresses with the mattress set at its lowest position and side rails locked in its highest position.

Any latches on cribs or playpens shall be safe and secured.

Crib mattresses shall be firm and tight fitting.

Soft surfaces such as soft mattresses, pillows, sofas and waterbeds shall be prohibited as infant sleeping surfaces.

All pillows, bumper pads, quilts, comforters, sheepskin, stuffed toys, and any other soft products shall be removed from cribs while an infant is in the crib.

Toys or objects hung over an infant in a crib shall be held securely and be of a size and weight that would not injure an infant if the toy or object accidentally falls or if the infant pulls on the object.

The Licensee shall ensure that infants are placed on their backs when putting them down to sleep.

An exception to this Rule may be made due to a child's physical or medical condition. The Licensee shall have documentation from the child's health care provider stipulating the sleeping position for that child.

The Licensee shall ensure that seasonably appropriate top and bottom coverings, such as sheets

and blankets, are provided for each child.

Sheets and blankets or other bedding shall be cleaned when soiled or wet and at least on a weekly basis.

The Licensee shall ensure that rest equipment is maintained in a safe condition.]

Each child in care between the hours of 8:00 P. M. and 6:00 A. M. shall have an individual bed equipped with comfortable springs, and mattress, covered with sheets, pillow, pillowcase and blankets.

[The Licensee shall ensure that cribs, porta cribs, cots, sleeping bags, mats, or pads shall be placed at least three (3) feet apart, unless separated by screens.]

Crib and playpen slats shall be no more than 2-3/8 inches apart.

High chairs, when used, shall have a wide base and a T shaped safety strap.

Infant walkers shall be used only under the Caregiver's direct visual supervision. Infants shall not be placed in walkers for extended periods of time.

#### [Night Child Care

The Licensee providing night child care shall be on the ground level of the Family Child Care Home with the children in child care (see Rule 35.16).

The Licensee providing night child care shall ensure that quiet activities are provided to children before bedtime.

The Licensee providing night child care shall ensure that each child is given individual attention at bedtime and upon awakening.

The Licensee shall discuss with the parent(s)/guardian(s) any special preferences or habits of the child regarding bedtime and awakening.

The Licensee providing night child care shall ensure that each child in child care between the hours of 8:00 P. M. and 6:00 A. M., and is sleeping at the Family Child Care Home for four (4) or more hours, has an individual bed equipped with comfortable springs, and mattress, covered with sheets, pillow, pillowcase and blankets.

The Licensee providing night child care shall ensure that children over the age of four (4) do not share a dressing area with persons of the opposite sex.

The Licensee providing night child care shall ensure that child to child contact is prevented during the hours children are sleeping in the evening and/or overnight.

The Licensee providing night child care shall ensure that each child has individual, clean, and comfortable sleeping garments.

The Licensee providing night child care shall follow the parent(s)/guardian(s) preference regarding bathing the child as discussed with the parent(s)/guardian(s) and noted in the child's record.

If bathtubs and showers are used, they shall be equipped to prevent slipping.

Infants shall be bathed in age appropriate bathing facilities.

Portable bathing facilities shall be acceptable for bathing children before bedtime.

Under no circumstances shall a child be bathed in a sink utilized for cleaning dishes and/or utensils.

Each child shall be bathed in a bathtub, shower or portable bathing equipment that has been sanitized before each use.

Children shall be bathed individually and not be placed together in a bathtub or shower.

Water temperature shall be checked to prevent burns or scalding, or for water that is too cold.

Individual towels and washcloths shall be provided for each child.

The Licensee providing night child care shall ensure that no child is left unsupervised while in a bathtub or shower.

A child capable of bathing alone shall be allowed to bathe in private with written permission from parent(s)/guardian(s). The Licensee shall respect that child's privacy but be immediately available to ensure the child's safety to offer assistance when requested by the child.

The Licensee providing night child care shall ensure that there is a nightlight in the bathroom, hallway, and sleeping areas as dictated by the individual needs of the children.

The Licensee providing night child care shall ensure that combs, toothbrushes, brushes and other such personal items are marked with the owner's name and stored separately and used only by that child.

## Swimming

~~The Licensee shall ensure that all children shall be under direct observation directly supervised and supervision at all times while children are wading or swimming. During any swimming activity involving infants and/or toddlers, the children shall be within arm's length of the caregiver Licensee.~~

~~Permanent or built-in type swimming pools and wading pools that are left filled when not in use, shall be inaccessible to children when not being used by the children. The water in swimming pools used by children in child care shall be treated, cleaned and maintained in accordance with health practices and regulations as determined by the Division of Public Health.~~

~~Small portable or non-fixed wading pools shall be thoroughly cleaned and disinfected after each use.]~~

## Part VI Program for Children

### [53.0 Activities and Interactions]

53.1 The Caregiver Licensee shall provide varied developmentally appropriate activities designed to promote the children's development and school-readiness.

~~[53.1.1 Delaware Infant and Toddler Early Learning Foundations: A Curriculum Framework regarding infants and toddlers and Delaware Early Learning Foundations for School Success regarding preschoolers are available on the Delaware Department of Education website at (add current website).]~~

53.2 The Licensee shall ensure that activities and materials reflect children's cultures, and communities, including both familiar and new materials, pictures, and experiences.

53.3 The Licensee shall ensure that adaptations and accommodations be made in activities and materials as needed to support the positive development of all children including those with disabilities.

53.4 The Licensee shall develop and follow a daily routine or schedule that is posted for easy reference by parent(s)/guardian(s).

53.5 The Licensee shall ensure that the daily routine or schedule shall includes opportunities regular times for all of the following:

53.5.1 Indoor and outdoor time periods with;

53.5.2 alternating Active and quiet activities;

53.5.3 opportunity for Individual and group activities; ~~that can be done independently and/~~

or [with] assistance;

53.5.4 opportunities for children ~~[The ability to choose some materials freely, Free~~

choice activities];

~~activities that can be done independently and activities that require adult supervision;~~

~~outdoor time each day;~~

53.5.5 Rest or sleep; and

53.5.6 Meals and snacks.

53.6 The Licensee shall ensure that each child, according to his or her ability, is provided the opportunity for a minimum of twenty (20) minutes of moderate to vigorous physical activity indoors and outdoors, for every three (3) hours the child is in attendance between the hours of 7:00AM to 7:00PM.

53.7 The Licensee shall ensure that children shall have periods of outside play each day [depending upon] weather conditions [permitting] (see Rule 34.6).

[53.7.1 The Licensee shall ensure that] in the case of prolonged periods of inclement or extreme (hot or cold) weather conditions, [the] Caregiver [Licensee shall provide] alternative indoor space for active physical play [is provided for the children].

53.8 The Caregiver Licensee [or Substitute] shall [ensure that give] each child [receives] individual attention and physical comfort [during routine caregiving and planned activities].

Children, including infants and toddlers, shall be talked with individually throughout the day. The Caregiver shall initiate conversations with children and shall respond positively to children's communications.

The majority of every infant's waking hours shall be spent out of cribs and playpens in a safe place where he/she may move and explore freely. An infant, when awake, may remain in a crib or playpen as long as the child is content but never for periods longer than one (1) hour.

~~Children shall be offered choices of activities and shall be encouraged to be independent in self-care and in assisting with household tasks in a manner consistent with their age and developmental level.~~

53.9 The Licensee shall interact with infants providing the following opportunities throughout the day:

53.9.1 Offering frequent face to face interactions when they are awake;

53.9.2 Being held and carried;

53.9.3 Limiting time spent, while awake, in any confining equipment such as a crib, infant seat, swing, high chair or play pen to less than one-half (1/2) hour immediately after which opportunities for freedom of movement [are given] in a sanitary area protected from foot traffic;

53.9.4 Talking with infants during play, feeding and routine child care;

53.9.5 Reading to and looking at books with infants while holding or sitting close to them;

53.9.6 Providing varied materials, sights, sounds and other experiences for infants to explore with their senses;

53.9.7 Responding to infants' actions, sounds and beginning language;

53.9.8 Giving names to objects and experiences in the infants' environment;

53.9.9 Providing space and equipment to support infants' developing physical skills such as rolling over, sitting, scooting, crawling and standing; and

53.9.10 Providing materials and encouragement for infants' beginning pretend play alone, with other children and adults.

53.10 The Licensee shall interact with toddlers at their eye level, and whenever appropriate, sitting on the floor with toddlers, providing the following opportunities throughout the day:

53.10.1 Offering frequent face to face interactions with the toddlers;

53.10.2 Having conversations with toddlers during play, feeding, and routine child care;

53.10.3 Reading to and looking at books with toddlers individually and in small groups;

53.10.4 Encouraging children to play with one another with adult help;

53.10.5 Providing materials and encouragement for pretend play alone and with other children and adults;

53.10.6 Providing varied materials, sights, sounds, and other experiences for toddlers to explore with all their senses;

53.10.7 Providing opportunities for children to walk, run, climb, stack, balance, scribble, draw, and develop fine and large motor skills;

53.10.8 Responding to toddlers' words and actions with interest and encouragement;

53.10.9 Giving names to objects and experiences in the toddlers' environment; and

53.10.10 Supporting toddlers' development of independence and mastery of feeding, dressing, and other skills.

53.11 The Licensee shall interact with preschool-age and older children at their eye level, and whenever appropriate, sitting on the floor with the children, providing the following opportunities throughout the day:

53.11.1 Offering frequent face to face interactions with children;

53.11.2 Having conversations with children during play, meals and routine child care;

53.11.3 Reading to and looking at books with children individually and in groups;

53.11.4 Using rhymes, songs, and other ways to help children connect sounds and letters and develop other literacy skills;

53.11.5 Helping children develop mathematical and scientific concepts through play, projects, and investigations of the Family Child Care Home's environment;

53.11.6 Supporting the development of social competence through play and cooperative work with other children;

53.11.7 Providing materials and encouragement for more extended and complex pretend play alone and with other children and staff;

53.11.8 Providing varied materials, sights, sounds, and other experiences for children to investigate and talk about;

53.11.9 Providing opportunities for children to walk, run, climb, stack, balance, scribble, draw, write, and refine fine and large motor skills;

53.11.10' Responding to children's words and actions with interest and encouragement;

53.11.11 Giving names to objects and experiences in the children's environment; and

53.11.12 Supporting children's development of independence and mastery of skills.

53.12 The Licensee shall interact with school-age children and also provide the following daily opportunities when ~~[such aged school-age]~~ children are in attendance during out of school time:

53.12.1 Active physical play time and/or outdoor activities. If weather conditions do not permit outdoor play, children shall be given opportunities for active physical play indoors.

53.12.2 The time for socialization, conversation, relaxation, and quiet activities such as board or card games, reading, homework and studying.

53.12.3 Responsibility consistent with their ages for choosing, planning, carrying out and evaluating their own activities.

53.13 The Licensee shall ensure that television, digital video display (DVD) and videotape video cassette viewing shall be limited to no more than two (2) hours of age appropriate programs during the hours children are in care. is ~~[as follow]~~:

Adult programming shall not be viewed by children ~~[Children under twenty four (24) months of age are not engaged in television, DVD or video cassette viewing:]~~

53.13.1 Not permitted without the written approval of each child's parent(s)/guardian(s);

53.13.2 Limited to programs which are age-appropriate [, fun] and educational; and

53.13.3 ~~[Not Limited]~~ to ~~[exceed]~~ one (1) hour daily per child or group of children.

53.13.3.1 Viewing time periods may be extended for specific special events or occasions such as a current event, holiday or birthday celebration. Written documentation shall justify the reason(s) for extending the time period.

53.14 The Licensee shall ensure that the use of the computer shall be as follows:

53.14.1 Prohibited for children under twenty-four (24) months of age;

53.14.2 Not permitted without the written approval of each child's parent(s)/guardian(s);

53.14.3 Limited to programs, games and websites which are age-appropriate and educational;

53.14.4 ~~[Provides protections Protected]~~ from exposure to inappropriate websites such as those that are sexually explicit, violent, or use inappropriate language;

53.14.5 Supervised by an adult; and

53.14.6 ~~[Not Limited]~~ to ~~[exceed]~~ one (1) hour daily per child or group of children.

53.14.6.1 Usage time periods may be extended for special projects such as homework, researching topics, or special events or interests of a child or group of children. Written documentation shall justify the reason(s) for extending the usage period.

School age children shall be provided with supervised activities appropriate to their age and interests, including opportunities for:

Vigorous outdoor play;

Time to read or do homework;

Free play alone or with others; and

Creative and problem-solving activities.

~~[53-15 The Licensee shall ensure that children are not permitted off the Family Child Care Home premises without the caregiver Licensee or Substitute. An exception is made for children having written parental permission to be off the premises with a person other than the caregiver.]~~

## **54.0 Equipment**

54.1 The Licensee shall provide developmentally appropriate equipment and materials for a variety of indoor and outdoor activities. Materials and equipment shall promote a variety of experiences that support all children's social, emotional, language/literacy, intellectual, and physical development.

54.2 The Licensee shall ensure that materials and equipment ~~[be are]~~ available in a quantity to allow all children to benefit from their use and to allow a range of choices with, at least, duplicates of the most popular materials.

54.3 The Licensee shall ensure that toys, play equipment and other equipment used by the children are of sturdy and safe construction and free from hazards such as causing entrapment, and having rough edges, sharp corners, pinch and crush points, splinters, exposed bolts, small ~~[lose loose]~~ pieces and are free from recall.

54.3.1 For information on the recall of children's toys and equipment, please refer to the U.S. Consumer Product Safety Commission website at [www.cpsc.gov](http://www.cpsc.gov).

54.4 The Licensee shall provide infant seats with trays for table play and mealtime for children no

longer being held for feeding.

54.5 The Licensee shall ensure that high chairs or feeding tables with attached seats, if used, have a wide base and a T-shaped safety strap(s).

54.6 The Licensee shall prohibit the use of walkers [unless medically prescribed by a health care provider for the safety and mobility of a particular child].

54.7 The Licensee shall prohibit toys that explode or fire projectiles.

54.8 The Licensee 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.

## **55.0 Discipline Positive Behavior Management**

55.1 ~~The Caregiver~~ The Licensee shall have a written statement in plain language regarding the discipline and guidance positive behavior management of children. The statement on discipline positive behavior management shall be [routinely] provided to parent(s)/guardian(s) and Substitute Caregivers.

55.2 ~~A Caregiver~~ The Licensee shall ensure the use of positive developmentally [age]-appropriate methods of discipline and guidance behavior management of children which encourage self-control, self-direction, positive self-esteem, social responsibility and cooperation.

55.2.1 ~~Praise, rewards and encouragement~~ Prevention of behavioral problems shall be emphasized along with redirection of inappropriate behavior, rather than punishment. Prevention strategies shall include providing appropriate, educationally valuable materials and activities in an organized, stimulating environment, and setting realistic expectations for young children when planning the routine or schedule.

55.2.2 The Licensee shall praise and encourage children for positive behavior and redirect or guide inappropriate behavior into more positive actions, rather than relying on punishment.

55.2.3 Responses to a child's behavior shall be appropriate to the child's level of development and understanding.

55.2.4 "Time-outs " if used, shall be employed as a supplement to, not a substitute for, other developmentally appropriate, positive methods of ~~discipline and guidance~~ behavior management. i-"Time-out" shall be limited to brief periods: ~~approximately – no more than~~ one (1) minute for each year of a child's age. ii- Before using "time-out", the Caregiver Licensee shall ensure discuss the reasons for "time-out" are explained to the child in language appropriate to the child's level of development and understanding.

55.2.4.1 The first step for "time-out" shall be to remove the child from the group but keep the child within eyesight of the group that continues to participate in the activity. If this step is ineffective, the child may be removed from the room so that he/she is unable to participate, observe or hear the activity. A child removed from the group or room shall remain under visual supervision at all times. Children shall never be left unattended behind closed doors.

55.2.4.2 "Time-out" shall be in an area [approved for child care] that comfortably accommodates the child. "Time-out" shall be seen as a positive opportunity for the child to regroup and focus on appropriate behavior. Before rejoining the group or returning to the room, the Licensee shall talk to the child about alternatives to the inappropriate behavior in a way that shows faith in the child's ability to make more positive decisions in the future.

55.2.5 Corporal punishments inflicted in any way on a child's body including shaking, hair pulling, biting, pinching, slapping, or spanking shall be prohibited.

55.2.6 Children shall not be yelled at, humiliated, frightened, or verbally, physically or sexually abused **[or placed in an uncomfortable physical position].**

55.2.7 Disparaging comments about a child's appearance, ability, ethnicity, family and other personal characteristics shall be prohibited.

55.2.8 Children shall not be deprived of food or toilet use as ~~punishments~~ a consequence of inappropriate behavior.

55.2.9 Children shall not be tied, taped, chained, caged or placed in mechanical restraints as ~~punishment~~ a consequence of inappropriate behavior.

~~If a child is removed from the group as a discipline measure, the child must remain under visual supervision. Children shall never be left unattended behind closed doors.~~

55.2.10 Children Negative or punitive action shall not be ~~punished~~ be taken with children for not going to sleep, toileting accidents, failure to eat all or part of food or failure to complete a prescribed activity.

55.3 The Licensee shall ensure that [she/he and any Substitute models and demonstrates] positive

behavior management techniques and respectful communication interactions ~~[are modeled at the Family Child Care Home by him or her self or the Substitute while the children are in child care when relating to others and parent(s)/guardian(s) at the Family Child Care Home~~ while children are in child care at the Family Child Care Home when relating to any child, parent(s)/guardian(s), other adults, and representatives from the Office of Child Care Licensing and other inspecting agencies].

#### **[56.0 Napping/Sleeping Accommodations**

56.1. The Licensee shall have documentation from a child's health care provider when an exception to any Rule regarding napping/sleeping is necessary due to a child's physical or medical condition. The documentation shall stipulate the reason for the exception and what other accommodations shall be made.

56.2 The Licensee shall ensure that each child has clean, age appropriate, individual napping/sleeping equipment such as a crib, port-a-crib, playpen, cot, mat, sleeping bag, or bed.

56.2.1 Children shall not nap together or share the same napping/sleeping equipment.

56.2.2 A child's napping/sleeping equipment shall be labeled with the child's name and used only by that child while attending the Family Child Care Home during a particular shift - see Rule 56.8.2 for use by different child during another shift.

56.3 The Licensee shall ensure that each child under eighteen (18) months of age and not walking shall nap/sleep in a crib, port-a-crib, or playpen.

56.4 The Licensee shall ensure that a child who is between twelve (12) and eighteen (18) months of age and is walking, may nap/sleep on a cot, mat, or bed with protective rails with written permission from the child's parent(s)/guardian(s).

56.5 The Licensee shall ensure that a child who is eighteen (18) months of age and older shall nap/sleep on a cot, mat, sleeping bag, or bed, or may continue to nap/sleep in a crib, port-a-crib, or playpen as long as the child fits comfortably in this type of sleeping equipment.

56.6 The Licensee shall ensure that a child who is twelve (12) months of age or older (see Rules 56.1-56.4 for infants) is provided with seasonably appropriate bedding (coverings, sheets, and blankets) for his/her napping/sleeping equipment as follows:

56.6.1 The top of a mattress, cot, or pad of any napping/sleeping equipment shall be covered with non-absorbent, cleanable covering along with a sheet on top of that covering.

56.6.2 Additional sheet(s) and/or blanket(s) shall be provided, when necessary to keep a child warm while napping/sleeping.

56.6.3 A sleeping bag shall be placed on a covered pad (see above subsection "A") and not directly on the floor.

56.7 The Licensee shall ensure that napping/sleeping equipment shall be placed at least at least eighteen (18) inches apart.

56.8 The Licensee shall ensure that napping/sleeping equipment and bedding (covering, sheets, and blankets) are maintained in a clean and sanitary condition as follows:

56.8.1 Cleaned when soiled or wet, or disinfected at least weekly; and

56.8.2 Cleaned and disinfected prior to being assigned to another child.

56.9 The Licensee shall ensure that napping/sleeping equipment is stored so that the napping/sleeping side of one piece of equipment is not in direct contact with the napping/sleeping side of another piece of equipment or such side is disinfected before being used again.

#### **57.0 Safe Sleep Practices for Infants (Children under Twelve (12) Months of Age)**

57.1 The Licensee shall use safe sleep practices for infants (children under twelve (12) months of age) as recommended by the American Academy of Pediatrics - see current website information at <http://www.aap.org/healthtopics/Sleep.cfm> - as follows:

57.1.1 Soft surfaces such as soft mattresses, pillows, sofas and waterbeds shall be prohibited as sleeping surfaces.

57.1.2 Stacking cribs shall be prohibited.

57.1.3 Cribs, port-a-cribs, and playpens shall have slats so placed as to allow gaps

of no larger than two and three-eighths (2-3/8) inches.

57.1.4 Cribs, port-a-cribs, and playpens shall have top rails at least twenty (20) inches above the mattresses with the mattress set at its lowest position and side rails locked in its highest position.

57.1.5 Any latches on cribs, port-a-cribs, or playpens shall be safe, secured and present no hazard.

57.1.6 The crib, port-a-crib, and playpen's mattress or pads shall be firm and tight-fitting, covered with non-absorbent, cleanable covering directly on top of the mattress or pad along with a tight-fitting sheet on top of that covering.

57.1.7 Toys or objects hung over a crib, port-a-crib, or playpen shall be held securely and be of a size and weight that would not injure a child if the toy or object accidentally falls or if the child pulls on the object.

57.1.8 All items shall be removed from the crib, port-a-crib, or playpen when an infant is in the crib or playpen. These items include, but are not limited to, heavy blankets, comforters, quilts, pillows, sheep skin, stuffed animals, dolls or any toys.

57.2 The Licensee shall ensure that an infant is placed on his/her back when putting the infant down to nap/sleep.

57.3 The Licensee shall use the following options when keeping an infant warm while in a crib, port-a-crib, or playpen:

57.3.1 Use a blanket sleeper that is worn by the infant while napping/sleeping. Such blanket sleepers may be worn separately or on top of other clothing as long as the blanket sleeper fits comfortably (is not too big or small), and the infant does not get overheated; and/or

57.3.2 Use a thin blanket placed at the foot of the crib, tucked around the mattress or pad, reaching only as far as the infant's chest, and making sure the infant's head remains uncovered during nap/sleep.

57.4 The Licensee shall ensure that a written record is kept documenting the infant was visually monitored at least every thirty (30) minutes when placed in the crib, port-a-crib, or playpen to nap/sleep to observe the infant for normal breathing.]

## 58.0 Night Child Care

58.1 The Licensee providing night child care shall remain on the same level of the Family Child Care Home with the children in child care (see Rule 34.17).

58.2 The Licensee providing night child care shall follow Rules 56.1-56.4 and ensure that each child in child care between the hours of 8:00 P. M. and 6:00 A. M., and sleeping at the Family Child Care Home for four (4) or more hours, has the following sleeping equipment;

58.2.1 A child under eighteen (18) months of age and not walking shall sleep in a crib.

58.2.2 A child who is between twelve (12) and eighteen (18) months of age and is walking may sleep on a bed with protective rails with written permission from the child's parent(s)/guardian(s).

58.2.3 A child eighteen (18) months of age and older shall sleep on a bed or may continue to sleep in a crib as long as the child fits comfortably in the crib.

58.3 The Licensee shall ensure each bed is equipped with a mattress that is not directly on the floor.

58.3.1 The top of the mattress shall be covered with non-absorbent, cleanable mattress pad that covers the whole mattress.

58.3.2 A fitted or folded sheet covering the whole mattress is placed on top of the mattress pad.

58.3.3 Another sheet that covers the whole mattress is provided to cover the child.

58.3.4 A pillow covered with a pillow case that covers the whole pillow is provided.

58.3.5 A blanket/comforter/quilt is provided when necessary to keep a child warm while sleeping.

58.4 The Licensee providing night child care shall ensure that quiet activities are provided to children for not less than thirty (30) minutes before bedtime.

58.5 The Licensee providing night child care shall ensure that each child is given individual attention at bedtime and upon awakening.

58.6 The Licensee providing night child care shall follow the parent(s)/guardian(s) preference regarding any special preferences or habits of a child regarding bedtime and awakening and note the information provided in the child's file.

58.7 The Licensee providing night child care shall ensure that each child has his or her own combs, toothbrushes, brushes and other such personal items are marked with the child's name, used only by that child, and stored separately.

58.8 The Licensee providing night child care shall follow the parent(s)/guardian(s) preference regarding bathing the child and note the information provided in the child's file.

58.8.1 If bathtubs and showers are used, they shall be equipped to prevent slipping.

58.8.2 Infants shall be bathed in age-appropriate bathing facilities.

58.8.3 Under no circumstances shall a child be bathed in a sink.

58.8.4 Each child shall be bathed in a bathtub, shower or portable bathing equipment that has been disinfected before each use.

58.8.5 Children shall be bathed individually and not be placed together in a bathtub or shower.

58.8.6 Water temperature shall be checked before placing a child into a portable bathing facility, bathtub or shower; or monitored constantly while being rinsed under running water in a portable bathing facility or bath tub to prevent burns or scalding, or for water that is too hot or too cold.

58.8.7 Individual towels and washcloths shall be provided for each child.

58.9 The Licensee providing night child care shall ensure that no child is left unsupervised while in a bathtub or shower.

58.9.1 A child capable of bathing alone shall be allowed to bathe in private with written permission from parent(s)/guardian(s). The Licensee shall respect that child's privacy but immediately be available to ensure the child's safety to offer assistance when requested by the child.

58.10 The Licensee providing night child care shall ensure that children over the age of four (4) do not share a dressing area with persons of the opposite sex.

58.11 The Licensee providing night child care shall ensure that each child has clean garments made for sleeping comfortably.

58.12 The Licensee providing night child care shall ensure that there is a working nightlight in the bathroom, hallway, and sleeping areas as dictated by the individual needs of the children.

58.13 The Licensee providing night care shall ensure a written record is kept documenting the monitoring schedule for each child when placed in his/her sleep equipment to sleep between the hours of 8:00 P.M. and 6:00 A.M. including the following information:

58.13.1 Infants were monitored every thirty (30) minutes as per Rule 57.4;

58.13.2 Children twelve (12) months of age and older were monitored every sixty (60) minutes; and

58.13.3 Child to child physical contact was prevented.

#### **Kitchen, Food and Nutrition**

~~56.1 The Licensee shall ensure that the kitchen and all food preparation, storage and serving areas and utensils in the Family Child Care Home are kept clean and sanitary.~~

~~49.2 The Licensee shall ensure the kitchen in the Family Child Care Home has hot and cold running water.~~

~~49.3 The Licensee shall ensure the Family Child Care Home has a refrigerator to keep perishable foods cold at forty (40) degrees F. or colder with a working thermometer in the refrigerator.~~

~~49.4 The Licensee shall ensure that a freezer is maintained so that food stored in the freezer stays frozen at zero (0) degrees F or colder) with a working thermometer in the freezer.~~

~~49.5 The Licensee shall ensure all dishes and utensils shall be air dried.~~

~~49.6 The Licensee shall ensure that all dishes, cups and glasses used by the children in child care are free from chips, cracks or other defects.~~

~~49.7 The Licensee shall ensure that each individual child has his or her own clean utensils, fork,~~

~~spoon, knife, dish, cup or bottle as appropriate to the age of the child to eat with or be feed with. Such utensils or equipment shall not be shared with another child during feeding.~~

~~49.8 The Licensee shall ensure that meals and/or snacks are served in a safe and sanitary manner whether indoors or outdoors.~~

~~49.9 The Licensee shall have a written policy concerning food service including:~~

~~49.9.1 A description of all food services provided;~~

~~49.9.2 Times of snacks and meals;~~

~~49.9.3 Procedures related to food allergies, religious dietary requirements and other special needs;~~

~~49.9.4 If applicable, nutritional information and guidelines concerning content of meals, snacks, or foods for special occasions when provided by parent(s)/guardian(s);~~

~~49.9.5 If applicable, procedures to prevent spoilage of food provided by parent(s)/guardian(s);~~

~~49.9.6 If applicable, a procedure to be followed by the Licensee if food provided by the parent(s)/guardian(s) for the child fails to meet nutritional requirements as specified in Rules 49.23 through 51.3, and~~

~~49.9.7 This policy shall be provided to all parent(s)/guardian(s) at enrollment.~~

~~49.10 The Licensee shall ensure that menus are planned in advance, are dated and posted in the kitchen for review by parent(s)/guardian(s). Menus noting actual food served shall be retained for thirty (30) days. Any changes made in actual food served on a particular date shall be documented on the menu on or before that date.~~

~~49.11 The Licensee shall ensure that a supply of food and water shall be kept in stock for emergency situations that require an extended stay at the Family Child Care Home or in case of a power outage. Non perishable foods, bottled water and any equipment necessary to serve or prepare foods without the use of electricity shall be included in the supply.~~

~~49.12 The Licensee shall ensure that nutritional nutritious, appropriately timed scheduled meals and snacks shall be meeting nutritional requirements are served to children in care for four (4) in accordance with the following schedule which indicates the number of hours or more per day the child is present at the Family Child Care Home: No child is permitted to be without a meal or snack for exeesively long periods of time.~~

~~49.12.1 Exceptions to these meal and snack requirements shall only be made by written documentation by the child's health care provider~~

~~2 hours 4 hours 1 snack;~~

~~49.12.2 4 hours 6 hours 1 meal and 1 snack;~~

~~49.12.3 7 hours 11 hours 2 meals and 1 snack, or 2 snacks and 1 \_\_\_\_\_~~

~~meal based on time of child's arrival;~~

~~49.12.4 12 hours or more 3 meals and 2 snacks.~~

~~49.13 The Licensee shall ensure that all meals and snacks served to children, whether are provided by the Caregiver or parents, shall have at least one (1) item from each of the following food groups, except where noted, so that the daily nutritional needs of children can be met (serving sizes to be used for each age group can be found in the Appendix of these Requirements): in accordance to the current USDA/Child and Adult Care Food Program (CACFP) meal pattern requirements which are adjusted accordingly by the age of the infant and child as specified in Appendix, Delaware CACFP Meal Pattern Requirements for Infants and Delaware CACFP Meal Pattern Requirements for Children~~

~~49.13.1 Dairy products: milk, milk products, cheese; The Licensee shall have supplemental foods from all basic food groups to serve children if meals or snacks provided by parent(s)/guardian(s) fail to meet nutritional requirements as specified in Rules 50.1 through 50.3.~~

~~Protein group: meat, fish, poultry, eggs, peanut butter, dried beans, peas, cheese;~~

~~Two fruits or vegetables or one of each: including a wide variety of green, white, yellow and red vegetables and fruits; and~~

~~Grain group: whole grain and enriched breads, cereals, pasta, crackers, rice.~~

~~49.14 The Licensee shall provide age appropriate food based on the basic food groups as~~

follows:

49.14.1 Milk: fluid pasteurized cow's milk as age appropriate;

49.14.2 Proteins: meat, fish, poultry, eggs, yogurt, cheese, peanut butter, dried beans, peas, and nuts;

49.14.3 Fruits and vegetables: include a variety of fresh vegetables and fruits; and

49.14.4 Grains: whole grains and enriched products such as breads, cereals, pastas, crackers and rice.

49.15 The Licensee shall ensure that all food served to children in the Family Child Care Home is clean, wholesome, free from spoilage and adulteration, correctly labeled and safe for human consumption.

49.16 The Licensee shall ensure that when fruit juice is served, 100% unsweetened juice is used, and not a fruit drink or fruit cocktail.

49.17 The Licensee shall ensure that children are encouraged but not forced to eat.

49.18 The Licensee shall provide for the introduction of a variety of food textures, finger foods, and a cup in the training of self feeding and nutrition education.

49.19 The Licensee shall ensure that powdered milk is not used as a substitute for fluid milk for drinking purposes but may be used in cooking.

49.20 The Licensee shall ensure that special, therapeutic diets are served only upon written instruction for a child from the child's health care provider.

49.21 The Licensee shall ensure that if the parent(s)/guardian(s) of a child requests any modification of basic meal patterns (see Appendix, GAGFP Meal Pattern Requirements for Infants and GAGFP Meal Patterns Requirement for Children) due to a child's medical need(s) such as food allergies or food intolerance, the parent(s)/guardian(s) provide the Licensee with written documentation from the child's health care provider permitting the modification.

49.22 The Licensee shall ensure that if the parent(s)/guardian(s) of a child requests any modification of basic meal patterns (see Appendix, GAGFP Meal Pattern Requirements for Infants and GAGFP Meal Patterns Requirement for Children) due to a family's food preferences or religious beliefs, the parent(s)/guardian(s) provide the Licensee with written documentation specifying which foods are unacceptable and the food substitution allowed within the same food group.

49.23 The Licensee shall ensure that every effort will be made to accommodate the needs of the child who is being breast fed, including allowing the mother to breastfeed her child at a designated place at the Family Child Care Home.]

All snacks served to children shall include one item from two (2) of the four (4) food groups.

Meals for infants shall be provided according to the following guidelines:

Formula and feeding schedules for each infant shall be designated by the parent(s).

Baby food, breast milk or formula, after it has been prepared from concentrate or after the container has been opened, shall be refrigerated. Any contents remaining in the bottle after a feeding shall be discarded.

Introduction of all new food shall be made in consultation with the parent(s).

Baby food for each child shall be served from a dish unless the whole contents of the jar will be served.

Bottles shall be labeled with the individual child's name when there is more than one infant in care.

Infants under six (6) months of age shall be held by the Caregiver while being bottle fed. No infant shall be placed in his/her crib with a bottle for feeding.

Bottle propping and carrying of bottles by young children throughout the day and night shall be prohibited.

All milk and milk products shall be pasteurized. Powdered milk may be used only for cooking.

Only whole, pasteurized milk shall be served to children younger than 24 months of age who are not on formula or breast milk, except with the written direction of a parent and the child's health care provider.

Skim milk shall not be served, except with the written direction of a parent and the child's health care provider.

Refrigeration shall be used for perishable foods and shall maintain temperatures of 40 degrees Fahrenheit or below. Freezers shall maintain temperatures of 0 degrees Fahrenheit or below.

## **[50.0 Toddlers And Older Children**

50.1 The Licensee shall ensure that a breakfast served has at least one (1) item each from the milk (A), fruits and vegetables (C) and grain (D) food groups as described in Rule 49.13.

50.2 The Licensee shall ensure that a lunch or dinner served has one (1) item from each of the milk (A), protein (B) and grain (D) food groups and two (2) items from the fruit and vegetable (C) food groups as described in Rule 49.13.

50.3 The Licensee shall ensure that a snack served has at least one (1) item from two (2) of the food groups as described in Rule 49.13.

50.3.1 The Licensee shall, at a minimum, provide a snack(s) meeting nutritional requirements, even if parent(s)/guardian(s) provide meals.

50.3.2 If milk or fruit/vegetable juice is not included with a snack, water shall also be served with that snack.

50.4 The Licensee shall ensure that the use of a bottle is discouraged for children after one (1) year of age, and instead, teach and encourage the use of a cup.

#### 51.0 Infants

51.1 The Licensee shall provide meals and/or snacks for infants according to the following Rules except as noted following the procedures of Rules 49.20 through 49.21.

51.2 The Licensee shall ensure that a written statement specifying food including specific formula or breast milk, and a feeding schedule shall be obtained from the parent(s)/guardian(s) for each infant at least on a monthly basis or as needed.

51.3 The Licensee shall ensure that a daily written record of each infant's nutritional intake is maintained and provided to the parent(s)/guardian(s) upon request. Any feeding problems experienced by an infant shall be discussed with his/her parent(s)/guardian(s) before the infant's daily departure from the Family Child Care Home.

51.4 The Licensee shall ensure that an infant is:

51.4.1 Fed on demand or during a span of time consistent with the infant's eating habits;

51.4.2 Held for all bottle feeding;

51.4.3 Not placed in his or her crib with a bottle for feeding; and

51.4.4 Not fed from a propped bottle.

51.5 The Licensee shall ensure that when preparing and/or providing bottles of formula:

51.5.1 Bottles and nipples maintained by the Licensee shall be washed and sanitized before use;

51.5.2 Unprepared formula brought to the Family Child Care Home by parent(s)/guardian(s) or provided by the Licensee shall come from an unopened, factory sealed container;

51.5.3 Each infant's bottle of formula shall be individually labeled with the infant's name and refrigerated immediately upon arrival if prepared by parent(s)/guardian(s) or after preparation by the Licensee;

51.5.4 Bottles of formula shall be warmed under running warm tap water or by placing them in a container of water that is no warmer than 120 degrees F and not be left in warm water for more than five (5) minutes;

51.5.5 Bottles of formula shall not be warmed or thawed in a microwave oven;

51.5.6 Mixing formula with cereal, fruit juice or any other foods in a bottle shall be considered a modification of a basic meal pattern and require written documentation from an infant's health care provider permitting the modification;

51.5.7 Unused portions of formula in a bottle fed to an infant shall be discarded after each feeding that exceeds a period of one (1) hour from beginning of feeding; and

51.5.8 Unused bottles of formula shall be dated as to when prepared if not returned to the parent(s)/guardian(s) at the end of each day; and

51.5.9 Refrigerated, unused, prepared formula shall be discarded after forty eight (48) hours;

51.6 The Licensee shall ensure that when offering breast milk from a mother to her own infant:

51.6.1 Breast milk shall be fed only to that mother's own infant;

51.6.2 Frozen breast milk shall be thawed under running cold water or in the

refrigerator:

51.6.3 Bottles of breast milk shall not be warmed or thawed in a microwave oven;

51.6.4 Bottles of breast milk shall be warmed under running warm tap water or by placing them in a container of water that is no warmer than 120 degrees F and not be left in warm water for more than five (5) minutes;

51.6.5 Unused portions of breast milk shall be discarded after each feeding that exceeds a period of one (1) hour from beginning of feeding;

51.6.6 Expressed breast milk shall be discarded if it is in an unsanitary bottle or has been un-refrigerated for more than one (1) hour;

51.6.7 Refrigerated, unused, expressed breast milk that was never frozen shall be discarded after forty eight (48) hours, or by three (3) months if frozen and stored in a deep freezer at zero (0) degrees F;

51.6.8 Unused, frozen breast milk that has been thawed in the refrigerator shall be used within twenty four (24) hours;

51.7 The Licensee shall ensure that cow's milk is not served to infants;

51.8 The Licensee shall ensure that when feeding food to infants:

51.8.1 An infant too young to use a feeding chair or other age appropriate seating apparatus shall be held when fed food;

51.8.2 The introduction to all new foods shall be made only with the parent(s)/guardian(s)' permission;

51.8.3 New foods shall be introduced one at a time on a gradual basis with the intent of ensuring health and nutritional well being;

51.8.4 Semi-solid foods may be introduced to infants four (4) to seven (7) months of age as requested by parent(s)/guardian(s) and shall be required once an infant is eight (8) months of age;

51.8.5 Infant foods shall be warmed by placing them in a container of water that is no warmer than 120 degrees F and not be left in warm water for more than five (5) minutes;

51.8.6 Infant foods shall not be warmed or thawed in a microwave oven;

51.8.7 Foods for infants shall be of a texture and consistency that promotes safe and optimal consumption; and

51.8.8 Baby food for each infant shall be served from a dish unless the entire contents of the jar will be served;

51.9 The Licensee shall encourage the use of a cup when an infant is developmentally capable of drinking from or holding a cup;

51.10 The Licensee shall ensure that infants are not offered juices until they are able to drink from a cup in order to develop behaviors that may prevent baby bottle tooth decay;

## **52.0 Child Health**

52.1 The Licensee shall ensure that each child is observed upon arrival and checked for common signs of communicable diseases, physical injury or other evidence of ill health;

52.2 The Licensee 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. The Substitute shall receive a copy of this plan and be trained in its implementation. Parent(s)/guardian(s) shall be given a copy of this plan at the time of enrollment and include:

52.2.1 Procedures to be followed in case of illness or emergency, including methods of transportation and notification of parent(s)/guardian(s);

52.2.2 Procedures to be followed in case of illness or emergency, when parent(s)/guardian(s) cannot be reached;

52.2.3 The Licensee's policy regarding administration of medication; and

52.2.4 A plan for the management of communicable disease including the following:

52.2.4.1 The list of symptoms of illness for which a child will be excluded from the Family Child Care Home or sent to his or her own home if symptoms occur after the child has been admitted for the day as specified in Rule 52.6;

52.2.4.2 ~~The list of reportable communicable diseases for which a child will not be admitted to the Family Child Care Home without a written statement from a health care provider as specified in ; and~~

52.2.4.3 ~~Assurances that the parent(s)/guardian(s) whose child may have been exposed to a reportable communicable disease shall receive written notice of the outbreak of such disease at the Family Child Care Home.~~

52.3 ~~The Caregiver Licensee shall ensure that within one (1) month following admission, have on file an age appropriate health appraisal conducted within the last twelve (12) months prior to admission for each child enrolled not more than 30 days following admission is on file unless required to without immunization(s) such as specified in the McKinney Vente Homeless Assistance Act or any applicable local, State and Federal Laws. Health appraisals shall be certified by a licensed physician or nurse practitioner health care provider and shall be updated yearly up to age 5 and then for children preschool-aged or younger and not yet in kindergarten or in accordance with the recommended schedule for routine health supervision of the American Academy of Pediatrics. For children below school age, The health appraisal shall include:~~

52.3.1 ~~A health history;~~

52.3.2 ~~A physical and behavioral examination;~~

52.3.3 ~~Growth and development;~~

52.3.4 ~~Recommendations regarding required medication, restrictions or modifications of the child's activities, diet or care;~~

52.3.5 ~~Medical information pertinent to treatment in case of emergency;~~

52.3.6 ~~Documentation of any recommended or required screening or testing such as for blood lead or tuberculosis;~~

52.3.7 ~~Documentation of the immunization status, with a listing of day, month and year of administration for each immunization, according to the recommendations of required by the Division of Public Health, as specified in Appendix, Recommended Childhood and Adolescent Immunization Schedules. For current information, the Licensee shall contact the Division of Public Health or refer to the GDC website <http://www.cdc.gov/nip/rees/child-schedule.htm>.~~

52.3.7.1 ~~The Caregiver Licensee shall not permit a child to be admitted 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 the child who is not age appropriately vaccinated according to the most recent directive from the Division of Public Health unless a written plan has been established (see below) or as required by Law to be admitted without immunization(s) such as specified in the McKinney Vente Homeless Assistance Act or any applicable local, State and Federal Laws and regulations.~~

52.3.7.2 ~~If a child has not received adequate immunizations as required for his age, the Licensee shall a written plan for updating the immunizations within a reasonable time frame is to be submitted to the Caregiver Licensee within fourteen (14) days of the child's admission or as required by Law such as specified in the McKinney Vente Homeless Assistance Act or any applicable local, State and Federal Laws and regulations.~~

52.3.7.3 ~~If the additional required immunizations are not completed within the time frame specified in the written plan, the child shall be excluded from the Family Child Care Home until the immunizations have been obtained and written documentation that all needed immunizations for that child have been completed shall be of such has been submitted to the Caregiver within four (4) months from the date of admission Licensee.]~~

~~A description of any disability, sensory impairment, developmental variation, seizure disorder, or emotional or behavioral disturbance that may affect adaptation to child care (include previous surgery, serious illness, history of prematurity, etc. only if necessary for appropriate care);~~

~~An assessment of the child's growth based on developmental norms;~~

~~A description of health problems or findings from an examination or screening that need follow up;~~

~~Results of screenings—vision, hearing, dental, nutrition, developmental, tuberculosis, hemoglobin, urine, lead, and so forth;~~

~~Dates of significant communicable diseases (e.g., chicken pox);~~

~~Prescribed medication(s) including information on recognizing, documenting, and reporting~~

potential side effects;

A description of current acute or chronic health problems under or needing treatment;

A description of serious injuries sustained by the child in the past that required medical attention or hospitalization; and

Special instructions for the Caregiver.

For school-age children, the health record may consist of a copy of the child's school health record.

~~[52.4 The Licensee shall ensure that for school age children, a copy of the health appraisal required by the child's school is also on file at the Family Child Care Home.~~

~~52.5 The Licensee shall ensure that a child whose parent(s)/guardian(s) objects to immunizations on a religious basis or whose health care provider certifies that such immunizations may be detrimental to the child's health will be exempt from the immunization requirement provided that the parent(s)/guardian(s) submits to the Licensee a notarized statement explaining the exemption is in compliance with State Law.]~~

A Caregiver may administer medication only upon completion of approved training in accordance with State law.

The Caregiver shall report promptly to a parent any accidents, suspected illness, or other change observed in the health of a child.

When a communicable disease occurs, the Caregiver shall immediately notify the parent of an exposed child so that the child may be observed for symptoms of the disease.

The Caregiver shall require information from parents within 24 hours if the child has developed a known or suspected communicable disease, or if an immediate household member has developed such a disease.

~~[52.6 A Caregiver The Licensee shall not permit a child who has symptoms of illness specified below to be admitted or remain in the Caregiver's Family Child Care Home unless written documentation from a licensed physician health care provider, or verbal approval with written follow up, states the child has been diagnosed and poses no serious health risk to the child or to other children. The parent, legal guardian, or other person authorized by the parent shall be notified immediately when a child has a sign or symptom requiring exclusion from the Family Child Care Home. The symptoms of illness for possible exclusion, at the discretion of the Licensee, shall include, but not be limited to any of the following:~~

~~The illness prevents the child from participating comfortably in activities;~~

~~The illness results in a greater care need than the Caregiver can provide without compromising the health and safety of the other children; or~~

~~The child has any of the following conditions:~~

~~52.6.1 Temperature: infants four (4) months old and younger, equivalent to 100 degrees or greater even if there has not been a change in behavior;~~

~~52.6.2 Temperature: Oral temperature children older than four (4) months, equivalent to 101 degrees or greater; axillary (armpit) temperature 100 degrees or greater; accompanied by behavior changes or other signs or symptoms of illness until medical evaluation indicates inclusion in the facility Family Child Care Home. Oral temperature shall not be taken on children younger than four (4) years (or younger than three (3) years if a digital thermometer is used). Rectal temperature shall be taken only by persons with specific a licensed health training care provider;~~

~~52.6.3 Symptoms and signs of possible severe illness (such as unusual lethargy, uncontrolled coughing, irritability, persistent crying, difficult breathing, wheezing, or other unusual signs) until medical evaluation allows inclusion;~~

~~52.6.4 Uncontrolled diarrhea, that is, increased number of stools, increased stool water, and/or decreased form that is not contained by the diaper until diarrhea stops;~~

~~52.6.5 Blood in stools not explainable by dietary changes, medication, or hard stools;~~

~~52.6.6 Vomiting illness (two (2) or more episodes of vomiting in the previous twenty four (24) hours) until vomiting resolves or until a health care provider determines the illness to be non-communicable, and the child is not in danger of dehydration;~~

~~52.6.7 Persistent abdominal pain (continues more than two (2) hours) or intermittent pain associated with fever or other signs or symptoms;~~

~~52.6.8 Mouth sores with drooling, unless a health care provider or health official~~

determines the condition is noninfectious;

~~52.6.9 Rash with fever or behavior change, until a health care provider determines that these symptoms do not indicate a communicable disease;~~

~~52.6.10 Purulent conjunctivitis (defined as pink or red conjunctiva with white or yellow eye discharge), until twenty four (24) hours after treatment has been initiated;~~

~~52.6.11 Scabies, head lice, or other infestation, until twenty four (24) hours after treatment has been initiated;~~

~~52.6.12 Pediculosis (head lice), until twenty four (24) hours after treatment has been initiated;~~

~~52.6.13 Tuberculosis, until a health care provider or health official states that the child is on appropriate therapy and can attend child care;~~

~~52.6.14 Impetigo, until twenty four (24) hours after treatment has been initiated;~~

~~52.6.15 Strep throat or other streptococcal infection, until 24 hours after initial antibiotic treatment and cessation of fever;~~

~~52.6.16 Varicella Zoster (chicken pox), until at least 6 days after onset of rash or until all sores have dried and crusted (usually six (6) days);~~

~~52.6.17 Shingles, only if sores cannot be covered by clothing or a dressing; if not exclude until sores have crusted and are dry;~~

~~52.6.18 Pertussis, until five (5) days of appropriate antibiotic treatment (currently; erythromycin) to prevent an infection have been completed and a licensed physician states in writing the child may return;~~

~~52.6.19 Mumps, until nine (9) days after onset of parotid gland swelling and a licensed physician states in writing the child may return;~~

~~52.6.20 Hepatitis A virus, until one (1) week after onset of illness, jaundice or as directed by the health department when passive immunoprophylaxis (currently, immune serum globulin) has been administered to appropriate children and staff and a licensed physician states in writing the child may return;~~

~~52.6.21 Measles, until 6 five (5) days after onset of rash and a licensed physician states in writing the child may return;~~

~~52.6.22 Rubella, until six (6) days after onset of rash and a licensed physician states in writing the child may return;~~

~~52.6.23 Herpetic gingivostomatitis (cold sores), if the child is too young to have control of oral secretions; or~~

~~52.6.24 Unspecified respiratory illness if it limits the child's comfortable participation in activities or if it results in a need for greater child care than can be provided without compromising the health and safety of other children.; or~~

~~Herpetic gingivostomatitis (cold sores), if the child is too young to have control of oral secretions.~~

~~52.7 The Licensee may allow a child to return to the Family Child Care Home when the symptoms are no longer present or a health care provider indicates the child poses not serious health risk to the child or to other children.~~

~~52.8 The Licensee shall not permit a child with a reportable communicable disease, as specified by the Division of Public Health to be admitted to or remain at the Family Child Care Home unless:~~

~~52.8.1 Written documentation from the child's health care provider states the child has been evaluated and presents no risk to the children or to others;~~

~~52.8.2 The Licensee has reported the illness to the Division of Public Health and been advised the child presents no health risk to others; or~~

~~52.8.3 If there is a conflict in opinions of the health care provider and the Division of Public Health regarding the exclusion of a child, the Licensee shall follow the instructions of the Division of Public Health.~~

~~52.9 The Caregiver Licensee shall report any reportable communicable disease, listed in the table below, to the Division of Public Health in accordance with Division of Public Health procedures. For current information on reportable communicable disease, and follow instructions of the Licensee shall contact the Division of Public Health in the handling of the illness or refer to the website~~

TABLE OF REPORTABLE COMMUNICABLE DISEASES	
RESPIRATORY	GASTRO-INTESTINAL
Diphtheria-	Giardiasis
German Measles	Hepatitis A
Hemophilus Influenza Disease	Salmonellosis
Measles (rubeola)	Shigellosis
Bacterial (spinal) Meningitis	
Mumps	
Pertussis (whooping cough)	
Rubella	
Tuberculosis-	

The child may return to the Family Child Care Home when the symptoms are no longer present or a licensed physician/Division of Public Health indicates the child poses no serious health risk to the child or other children:-

~~**52.10 The Licensee shall ensure that when a child has been diagnosed as having a reportable vaccine preventable communicable disease, all children who have not been immunized against the disease are excluded from the Family Child Care Home in accordance with Division of Public Health procedures.**~~

~~**52.11 The Licensee shall ensure that if a child who has already been admitted to the Family Child Care Home manifests any of the illnesses or symptoms specified in Requirements 159-160 Rules 53.6 and 53.8, the Caregiver Licensee shall ensure that the child's individual needs for rest, comfort, food, drink and appropriate activity are met until the child can be picked up by the parent(s)/guardian or suitably cared for elsewhere.]**~~

The Caregiver shall provide parents with a written health policy including guidelines for the prevention and control of communicable diseases, injuries, and child abuse:-

**53.0 Administration of Medication**

~~**53.1 The Licensee shall only administer medication if trained and authorized in accordance with State Law to administer medication to children.**~~

~~**53.2 The Licensee shall ensure that medication is not administered to a child unless the Licensee has received written permission from the child's parent(s)/guardian(s) for each medication to be administered.**~~

~~**53.3 The Licensee shall ensure that the parent(s)/guardian(s) of a child provide the following information for each medication given:**~~

- ~~**53.3.1 The name of the child;**~~
- ~~**53.3.2 The child's date of birth;**~~
- ~~**53.3.3 Medication allergies;**~~
- ~~**53.3.4 Doctor's name and phone number;**~~
- ~~**53.3.5 Pharmacy and phone number;**~~
- ~~**53.3.6 Name of medication;**~~
- ~~**53.3.7 Dosage (amount given);**~~
- ~~**53.3.8 Time (when given);**~~
- ~~**53.3.9 Route of administration (oral; eye, nose or throat drops; topical; or vaginal or rectal suppositories);**~~
- ~~**53.3.10 Expiration date;**~~
- ~~**53.3.11 Start date;**~~
- ~~**53.3.12 End date;**~~
- ~~**53.3.13 Reason for medication; and**~~
- ~~**53.3.14 Any special directions.**~~

~~**53.4 The Licensee shall ensure that all prescription medication is in its original container, properly labeled, has not expired, and is authorized by the child's health care provider.**~~

~~53.4.1 Medication shall only be given to the child whose name appears on the prescription.~~

~~53.5 The Licensee shall ensure that all non prescription medication is in its original container, properly labeled with directions for its administration, has not expired, and is labeled with the child's name.~~

~~53.5.1 Any deviations from the label instructions shall be in writing from the child's health care provider.~~

~~53.6 The Licensee shall not allow the administration of prescription or non prescription medication that has expired and will immediately contact the parent(s)/guardian(s) of a child whose medication has expired to inform that parent(s)/guardian(s) of the situation.~~

~~53.7 The Licensee shall ensure that all medication in the Family Child Care Home is stored so as to be secure and inaccessible to children.~~

~~53.7.1 Medication requiring refrigeration shall be kept in closed containers separate from food.~~

~~53.8 The Licensee shall ensure that unused medication is returned to the parent(s)/guardian(s) when no longer needed by the child.~~

~~53.9 The Licensee shall keep a record of the administration of medication to children including medication dosage, time administered, by whom administered, and any adverse effects observed.~~

~~53.10 The Licensee shall ensure that when a child is receiving medication notes are recorded for that child and the parent(s)/guardian(s) are advised of the parent(s)/guardian(s) are advised of the occurrence of any health problems, such as diarrhea, vomiting, continuous hunger, refusal to eat, nosebleeds, skin rash or high temperature.~~

#### **54.0 Child Accident and Injury**

~~54.1 The Licensee shall ensure that when an accident or injury occurs to a child during the hours of child care, that emergency action is taken to protect the child from further harm and notify the child's parent(s)/guardian(s).~~

~~54.1.1 The Licensee shall maintain an injury report for each incident in the child's file and report to the Office of Child Care Licensing an accident or injury which results in death or inpatient or outpatient treatment as required in Rules 11.1 and 11.2.2. An injury report shall include name of child, date, description of injury, how it occurred, first aid or medical care required, and signed by the parent(s)/guardian(s).~~

~~54.1.2 Whenever an injury report is necessary, the Licensee shall notify the child's parent(s)/guardian(s) to report each incident. The Licensee shall maintain a record of when the parent(s)/guardian(s) were notified or of attempts to notify the parent(s)/guardian(s).]~~

#### **GAREGIVER HEALTH**

Upon initial application, the Caregiver shall provide written evidence of a health appraisals attesting to the health of the Caregiver(s), and the health of other adults who are regularly present in the home when children are in care. This includes other adults living in the home and substitute caregivers as described in Requirements 79. Copies of these health appraisals shall be kept on file in the Family Child Care Home and shall be updated to be consistent with household composition and whenever new substitutes are added. For children under six (6) years living in the home and helpers Requirement 154 shall be met.

The health appraisal shall include, at a minimum:

- Health history;
- Physical exam;
- Vision and hearing screening;
- Tuberculosis (Tb) screening;
- A review of immunization status (measles, mumps, rubella, diphtheria, tetanus, and polio);

- A review of occupational health concerns;

- Assessment of need for vaccines against influenza, pneumococcus, and hepatitis B, and of risk from exposure to common childhood infections, such as parvovirus, CMV, and chicken pox; and

- Assessment of health related limitations or communicable diseases that may impair the

Caregiver's ability to perform the job.

~~After initial Family Child Care Licensure, adults shall be required to provide written evidence of follow up for known medical problems or as required by the Office of Child Care Licensing.~~

~~For each adult as noted in Requirement 164, there shall be written evidence of freedom from active infections of tuberculosis verified within one year prior to initial application, with further testing required at intervals recommended by the Division of Public Health.~~

#### **[59.0 Off Premises of Family Child Care Home**

**59.1 The Licensee shall ensure that children are not permitted off the Family Child Care Home premises without the Licensee and/or Substitute.**

**59.2 The Licensee and/or Substitute shall provide constant supervision of children whenever off the Family Child Care Home premises to ensure safety.**

**59.2.1 Volunteering parent(s)/guardian(s) shall be supervised by the Licensee and/or Substitute at all times including during the transportation of children.**

**59.2.2 Volunteering parent(s)/guardian(s) shall not be left alone with children at any time other than their own child/children.**

**59.3 The Licensee shall have a safety policy for children whenever off the Family Child Care Home premises which includes the following:**

**59.3.1 A procedure for accounting of children at all times including a documented roll check of taking attendance when departing from the Family Child Care Home, arriving and departing from the destination, and arriving back at the Family Child Care Home;**

**59.3.2 A copy of and easy access to medical consent forms and emergency contact information for all children;**

**59.3.3 A proper storage container (such as for keeping a medication cool) for any medication that needs to be taken off premises for a child;**

**59.3.4 A traveling first aid kit available in accordance with Rule 45.2;**

**59.3.5 A plan for transportation of a child or all children in the event of an emergency; and**

**59.3.6 Tags for children or other means of providing only the Family Child Care Home's telephone number;**

**59.3.7 For security purposes, a child's name or any type of information that directly identifies the child shall not be placed on the child.**

**59.4 The Licensee shall ensure that volunteering parent(s)/guardian(s) comply with the following Transportation Rule 60.0 when transporting children other than their own children when on excursions with the Licensee and/or Substitute off the Family Child Care Home premises.]**

#### **60.0 Transportation [in a Vehicle]**

~~60.1 The Licensee shall ensure that the vehicle and operator of a vehicle used to transport children in care shall be in good, safe working condition and licensed in accordance with all applicable Federal, State and local Laws.~~

~~60.1.1 A first aid kit and emergency contact information for all children shall be in the vehicle when children are transported~~

~~60.2 The Licensee shall ensure that the operator of a vehicle not transport more persons, including children and adults, than the capacity of the vehicle [per the manufacturer's specifications].~~

~~60.3 The Licensee shall inspect the vehicle for safety before allowing children in child care to be transported in the vehicle.~~

~~60.4 The Licensee shall ensure that each child shall be is secured in an individual safety restraint system appropriate to the age, weight, and height of the child at all times while the vehicle, other than a school bus is in motion. All safety restraints shall be federally approved and so labeled according to the current applicable Federal Motor Vehicle Safety Standard. Child safety restraints shall be installed and used in accordance with the manufacturer's specifications and vehicle's instruction and shall be maintained in a safe working condition and free of any recall.~~

~~60.4.1 A child preschool age or younger shall only be transported on a school bus that is~~

properly equipped for child safety restraints unless written permission is received from the parent(s)/guardian(s) of that child allowing the child to be transported on a school bus unrestrained. The Licensee shall explain to parent(s)/guardian(s) in writing that while child safety restraints on school buses for children preschool age or younger are not currently required by State Law, the National Highway Traffic Administration recommends that children in this age group always be transported in school buses properly equipped for child safety restraints.

Children shall never be left unattended by an adult in a vehicle.

60.5 The Licensee shall inform ~~[parent(s)/guardian(s) about]~~ and obtain written permission from parent(s)/guardian(s) ~~[for any each time]~~ transportation provided. This permission shall:

60.5.1 Identify who is operating each vehicle.

60.5.2 Specify any special need or problem of a child which might require special attention during transportation; and

60.5.3 Require the operator of the vehicle to carry of the information with directions on handling any special need or problem.

60.6 The Licensee shall ensure that the operator of the vehicle shall have a valid driver's license that authorizes the driver to operate the ~~[type of]~~ vehicle being driven.

60.7 The Licensee shall ensure that ~~[a working phone and first aid kit the following]~~ are in ~~[all vehicles or available for each vehicle when]~~ transporting children.[:]

~~[60.7.1 An operable dry chemical fire extinguisher listed by the Underwriter's Laboratory in each vehicle;~~

~~60.7.2 A working phone such as a cell phone in each vehicle;~~

~~60.7.3 A traveling first aid kit as per Rule 45.2; and~~

~~60.7.4 Emergency contact information for each child in the vehicle.]~~

60.8 The Licensee shall ensure that all doors on vehicles are locked whenever the vehicle is in motion.

60.9 The Licensee shall ensure that children are never left unattended in the vehicle ~~[and the vehicle is inspected when finished transporting so that no child is left behind in the vehicle].~~

60.10 The Licensee shall not transport children in the open back of a truck.

60.11 The Licensee shall ensure that children are loaded and unloaded at the curbside of the vehicle or in a protected parking area or driveway.

60.12 The Licensee shall ensure that a vehicle used to transport children has an operable heater capable of maintaining a temperature of at least fifty (50) degrees F. in the vehicle.

60.13 The Licensee shall ensure that a vehicle ~~[is air conditioned when the vehicle's interior temperature exceeds eighty five (85) degrees F. and providing fresh air through open windows cannot reduce the temperature]~~ used to transport children either has an air conditioner capable of reducing the temperature or windows able to be opened to provide fresh air when the vehicle's interior temperature exceeds eighty-five (85) degree F].

~~[60.14 The Licensee shall ensure that each vehicle used to transport children is equipped with an operable dry chemical fire extinguisher listed by the Underwriter's Laboratory.~~

## **56.0 Field Trips**

~~56.1 The Licensee shall provide constant supervision of children during field trips off the Family Child Care Home premises to ensure safety.~~

~~56.1.1 Volunteering parent(s)/guardian(s) shall be supervised by the Licensee at all time including the transportation of children and not be alone with children other than their own child/ children at any time.~~

~~56.2 The Licensee shall have a safety policy for children on field trips which includes the following:~~

~~56.2.1 A list of the children present and check the roll frequently to ensure all children are accounted for at all times;~~

~~56.2.2 A copy of and easy access to medical consent forms and emergency contact information for all children;~~

~~56.2.3 A traveling first aid kit available in accordance with Rule 36.2;~~

~~56.2.4 Children shall have tags or other means of providing the Family Child Care Home's telephone number;~~

~~56.2.5 A plan for transportation of children in the event of an emergency; and~~

~~56.2.6 A documented roll check was conducted both before departing from the field trip site and again when returning to the Family Child Care Home.~~

~~56.3 The Licensee shall ensure that volunteering parent(s)/guardian(s) comply with Transportation Rules 55.1 through 55.14 when transporting children other than their own children on field trips.]~~

## **CHILD RECORDS**

The Caregiver shall maintain an individual record for each child enrolled with the following information:

The child's full name, address, telephone number, birth date, and date of enrollment;

Health appraisal reports;

Written consent signed by parent(s) regarding medications, or special dietary needs;

Written authorization signed by parent for emergency medical treatment;

Written permission signed by parent(s) for all transportation, trips and swimming activities provided by the Caregiver; and

Copies of reports of accidents, injuries or illnesses involving a child.

The Caregiver shall keep accessible at all times emergency contact information for each child in care. This information shall be provided upon enrollment and updated at least annually or upon changes in the information. This information shall include:

Home and work addresses and telephone numbers of parents;

Name, address and telephone number of emergency contact person;

Name, address and telephone number of the child's physician or other health care provider;

Health insurance coverage and policy number for child;

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;

Name of person(s) designated by parent(s) to whom the child may be released; and

Emergency contact information must accompany the child to all off-site excursions.

The Caregiver shall not disclose or permit the use of any information pertaining to an individual child or family unless the parent(s) of the child has granted written permission to do so, except in the course of performance of official duties and to employees or representatives of the Department.

## **104 Large Family Child Care Homes**

### **INTRODUCTION**

#### **1.0 Legal Base**

The legal base for these licensing requirements Rules is in the **Delaware Code**, Title 31, Welfare, In General, Chapter 3, Child Welfare, Subchapter II III, The Delaware Child Care Act, Subsections 341 – 344 345 and Title 29, State Government, Part VIII, Departments of Government, Chapter 90, Department of Services For Children, Youth And Their Families, Subsection 9003 (7).

#### **2.0 Purpose**

The overall purpose of these requirements Rules is the protection and promotion of the health, safety[, **and**] well-being, and positive development of children who receive large family licensed child care services in Large Family Child Care Homes.

### **Part I. General Provisions**

#### **3.0 Definition of Regulated Service**

Large Family Child Care Homes is a licensed child care service [provided for part of a twenty-four (24) hour day,] offered by ~~[persons~~ any person or entity including but not limited to an owner, association, agency or organization that advertises or holds himself, herself or itself out as conducting such a service. This person or entity has in custody or control seven (7) to a maximum of twelve (12) children preschool-

age or older who live at and/or are present at the Large Family Child Care Home. In addition to the children preschool-age or younger, this person or entity may also have custody or control of one (1) to a maximum of two (2) school-age children who do not live at the Large Family Child Care Home but are present only for before and after school, and/or during school holidays, and/or during the summer. All of these children are provided ~~who provide~~ care, education, protection, supervision and or guidance in a private homes or non-residential setting ~~[on a regular basis for seven (7) to twelve (12) children]~~, including preschool children who are related to the owner and/or caregivers. ~~[This does not including include the exclusive a child care of service provided exclusively to relatives. Service is provided for part of the twenty four (24) hour day, unattended by parent or guardian, and for compensation. [This does not include a child care service provided exclusively to relatives as defined by these Rules.]~~

#### 4.0 Definition of Terms

"Administrator" means the individual responsible for the supervision and administration of the Office of Child Care Licensing.

["Administrative Action" means the term applied to a group of enforcement actions initiated by the Office of Child Care Licensing against an Applicant or Licensee.]

"Administrative Appeal Hearing" means the hearing provided to an Applicant or Licensee when the Applicant or Licensee has [timely] requested appeal of the Division's decision to deny an application or revoke a Large Family Child License.

["Administrative Review Hearing" means the hearing provided to a Licensee when the Licensee has requested an appeal of the Office of Child Care Licensing's decision on violations of these Rules.]

"Adult" means a person who has reached his or her eighteenth (18<sup>th</sup>) birthday.

["Agreement of Understanding" means a formal written document that is part of an administrative action, part of a corrective action plan, or used when a formal agreement is deemed necessary between the Licensee and the Office of Child Care Licensing which clearly explains and memorializes what actions a Licensee must take in order to maintain licensure.]

"Applicant" means ~~[an individual]~~ any person or entity including but not limited to the perspective owner]. ~~[association,]~~ agency. ~~[or organization,]~~ ~~[corporation or partnership]~~ applying for a Large Family Child Care License ~~[that is obtained from through]~~ the Office of Child Care Licensing."

"Associate Caregiver" means a person ~~staff member who working works~~ under the observation and supervision of a Caregiver ~~who performs and provides direct child care functions~~ and related duties at a Large Family Child Care Home that was licensed before the effective date of these Rules. The Associate Caregiver may supervise Substitutes and meets the qualifications specified in ~~these~~ **Rules #84** of the previous *Delacare: Requirements for Large Family Child Care Homes (1994)*. The Associate Caregiver is renamed Large Family Child Care Assistant in these Rules.

"Background check" means a State (Delaware) and Federal (national) report of a person's entire criminal history, a search of the Department's child abuse and neglect records, and when applicable, a search of the Department of Health and Social Services' adult abuse registry ~~[or any other checks as required by State or Federal Law]~~.

"Business Day(s)" means any weekday Monday through Friday. It does not include the weekend ~~[day]~~ (Saturday and Sunday) or any State of Delaware legal holiday that falls on a weekday.

"Caregiver" means ~~the person the staff member with who is responsible for the direct responsibility for the total program of services provided to children and their families including providing child care, and related duties and, when applicable, managing the administrative aspects education, protection, supervision and guidance of the child in~~ at a Large Family Child Care Home ~~that was licensed before the effective date of these Rules.~~ The Caregiver supervises Assistant Caregivers and Substitutes and meets the qualifications specified in **Rules #61-63** of the previous *Delacare: Requirements for Large Family Child Care Homes (1994)*. The Caregiver is renamed Large Family Child Care Provider in these Rules.

"Change of Shift" means the two (2) hour period of time overlapping between two (2) full ~~[(at least eight (8) hours per shift)]~~ shifts of child care ~~[and the specific conditions in which additional children are allowed beyond the licensed capacity for that particular time period]~~. A full shift shall be at least eight (8) hours long].

"Child" means any person who has not reached the age of eighteen (18) years and ~~is in the care of the~~

Large Family Child Care Home.

**"Child Abuse and Neglect"** means the abuse of a child as ~~currently~~ defined in Delaware Code, Title 16, Chapter 9 the physical injury by other than accidental means, injury resulting in a mental or emotional condition which is a result of abuse or neglect, negligent treatment, maltreatment, mistreatment, nontreatment, exploitation or abandonment, of a child under the age of eighteen (18) years.

**"Child Care"** means the providing of care, education, protection, supervision or guidance of children in a Large Family Child Care Home.

**"Child Care Licensing Specialist" ~~or "Child Care Licensing Supervisor"~~** means ~~the individual in employment an employee~~ of the Department of Services for Children, Youth and their Families, Division of Family Services, Office of Child Care Licensing ~~and who~~ is responsible ~~as per Delaware Code~~ for performing regulatory ~~and enforcement~~ activities ~~including investigations, enforcement action and decisions~~ for licensure ~~as set forth in Delaware Code and these Rules~~.

**["Child Care Licensing Supervisor"** means **an employee of the Department of Services for Children, Youth and their Families, Division of Family Services, Office of Child Care Licensing who is responsible for performing supervisory and regulatory activities including investigations, enforcement actions and decisions for licensure as set forth in Delaware Code and these Rules.]**

**"Child Neglect"** means the neglect of a child defined in Delaware Code, Title 16, Chapter 9.

**"Child Sex Abuse"** means any act against a child that is described as a sex offense as defined in Delaware Code, Title 11, Subsection 761 (d) or in subpart D. "sexual offenses" of subchapter I. of Chapter 5 of Title 11 of the Delaware Code.

**"Child with Disabilities"** means a child who has been diagnosed by a qualified professional as having a physical, intellectual, emotional, developmental or chronic medical condition(s) or impairment(s) which would require modification(s) in the regular program of activities for that child ~~at the Large Family Child Care home~~ or as defined by applicable Federal and State Laws.

**"Clock Hour(s)"** means the actual number of hours or time a ~~participant licensee or staff member~~ spends attending the instructional portion of a training to develop or enhance ~~early care and education and school age child~~ care competencies.

**"Complaint"** means an accusation that a Licensee is not in compliance with these Rules or any applicable laws. Complaints may be written or oral and may be anonymous.

**["Complaint Investigation"** means **the process followed by the Office of Child Care Licensing to effectively investigate an accusation that a Licensee is not compliance with these Rules or any applicable laws. The Licensee is notified of the complaint, generally done at the time of an unannounced visit regarding the particular complaint(s) and a written report is created stating the results of the investigation to the Licensee.]**

**"Corrective Action Plan"** means a plan ~~provided to~~ developed with] the Licensee by the Office of Child Care Licensing which specifies ~~any non-compliance, what~~ the ~~how a~~ Licensee ~~corrects any non-compliance shall do to become compliant,~~ and the time frame in which the non-compliance shall be corrected.

**~~["Delaware First" means the professional development system for early care and education and school age care professionals in Delaware.]~~**

**"Department"** means the Department of Services for Children, Youth and Their Families.

**"Denial"** means the refusal ~~by the Office of Child Care Licensing~~ to issue a Large Family Child Care License after the receipt of an original or renewal application ~~and the completion of an investigation~~. This constitutes refusal of official permission for the Applicant or Licensee to provide regulated service.

**"Direct Observation"** (of ~~children or~~ staff members) means that staff members ~~with supervisory responsibilities~~ are physically present in the same room or area with ~~children or other~~ staff members ~~who are required to be supervised~~ and[,] are visually monitoring the interactions of ~~children and/of those~~ staff members ~~with children at the Large Family Child Care Home~~ and alert to any problems that may occur.

**"Direct Voice Contact"** means a Licensee speaking directly with a Child Care Licensing Specialist, Child Care Licensing Supervisor, or the Administrator from the Office of Child Care Licensing through a telephone call or face-to-face contact. A voice mail message is not acceptable ~~and does not constitute direct voice contact~~.

**"Division ~~Director~~"** means the ~~Director of the~~ Division of Family Service within the Department.

**["Division Director"** means **the Director of the Division of Family Services within the Department.]**

**"Health Care Provider"** means a professionally licensed physician, advance practice nurses (nurse practitioners) and physician assistants, such license being issued by an established licensing body.

"Helper" means a youth, at least ten (10) years of age and three years older than the oldest child in care, who assists the Caregiver with child care. A Caregiver or substitute caregiver must be present when a helper is used.

"Household member(s)" means persons living together permanently or temporarily without regard to whether they are related to each other [by blood or marriage] and without regard to the length of time or continuity of such residence, and it may include persons who previously lived in the household such as paramours of a member of the [child's] household.

~~"Individualized Educational Program" (IEP) means a written statement of a child's educational program which identifies the services for a child with disabilities or special needs so that he or she may grow and learn during the school year. To develop an IEP, the local education agency officials and others involved in the child's educational program meet to discuss education related goals.~~

~~"Individualized Family Service Plan" (IFSP) means a document written at least once each year by the parent(s)/guardian(s) and personnel serving infants/toddlers with disabilities or special needs.~~

"Infant" means any child who is under the age of twelve (12) months.

"Infant/Toddler Home" means a Large Family Child Care Home in which a licensed to child care service is provided for [up to] twelve (12) infants and/or toddlers. Child care in an Infant/Toddler Home may [also] be provided for [preschool-age] children other than [who are not infants and toddlers] in accordance with the Requirements *Delacare: Rules for Large Family Child Care Homes*.

**["Informal Conference" means a meeting between the Office of Child Care Licensing and the Licensee to discuss non-compliance of a serious or repeated nature which, if not corrected on time and in an acceptable manner, may result in administrative action.]**

"Institutional Child Abuse or Neglect" occurs means when a person responsible for a child's care in an out-of-home setting jeopardizes the well-being of a child abuse or neglect which has occurred to a child in the Department's custody and/or [while] placed in a facility, center or home operated, contracted or licensed by the Department that results or may result in physical or emotional injury.

"Large Family Child Care Assistant" means the staff member who works under the supervision, and when applicable, the direct observation of the Large Family Child Care Provider and provides child care and related duties at a Large Family Child Care Home. The Large Family Child Care Assistant may supervise Substitutes and meets the qualifications specified in **Rules 26.1 and 27.1 or 28.1.**

"Large Family Child Care Home" means a private home or non-residential setting in which a licensed child care service is provided **[for seven (7) to twelve (12) children at any one time]** who are not relatives of the Caregiver is provided.

"Large Family Child Care License" means a [formal] written document issued by the Office of Child Care Licensing [to an individual permitting a person or entity including but not limited to the owner, association, agency, or organization to operate a Large Family Child Care Home and] verifying [that he/she has demonstrated demonstration of] compliance with the *Delacare: Rules for Large Family Child Care Homes* and applicable codes, regulations and laws.

"Large Family Child Care Provider" means the staff member with direct responsibility for the total program of services provided to children and their families including providing child care and related duties and, when applicable, the managing the administrative aspects of a Large Family Child Care Home. The Large Family Child Care Provider supervises Large Family Child Care Assistants and Substitutes and meets the qualifications specified in **Rule 24.1** and when applicable, **Rules 23.1 and 25.1.**

"LFGCH" means a Large Family Child Care Home.

**"Licensee" means [the person(s) or entity any person or entity including but not limited to the owner, association, agency, or organization] that is issued the Large Family Child Care License[, and] has legal responsibility for and authority over the operation of the Large Family Child Care Home[, and meets the qualifications and requirements of a Licensee as defined in these Rules].**

"Licensure" means the issuing of a Large Family Child Care License [by the Office of Child Care Licensing] when the Applicant has demonstrated compliance with the *Delacare: Rules for Large Family Child Care Homes* and applicable codes, regulations, and laws.

"Meal" means breakfast, lunch, or dinner.

"Night Child Care" means child care is provided in the evening and/or overnight between the hours of 8:00 P.M. and 6:00 P.M.

~~"Owner" means the person(s), firm, partnership, association, organization, corporation or~~

**governmental entity with legal responsibility for and authority over the operation of the Large Family Child Care Home.]**

"Office of Child Care Licensing" means the governmental organization authorized by within the Department authorized under Delaware Code, Title 31, Chapter 3, Subchapter III, to assume specified Licensing responsibilities pursuant to 31 Del.C. Ch. 3, and 29 Del.C. §9003 prescribe, by regulations or otherwise, any reasonable standards for the conduct of child care facilities, institutions, agencies, associations or organizations and may license such of these to conform to such standards.

"Owner" means ~~[the person(s)]~~, firm, partnership, association, organization, corporation ~~[or]~~ governmental **[any person or]** entity **[including by not limited to the association, agency or organization]** who is issued the Large Family Child Care License and has **[with]** legal responsibility for and authority over the operation of the Large Family Child Care Home that was licensed before the effective date of these Rules under Delacare: Requirements for Large Family Child Care Homes. Owner is renamed Licensee in these Rules.

"Parent(s)/guardian(s)" means the child's natural or adoptive mother or father, guardian, or other legally responsible person a birth or adoptive parent, legal guardian or any other person having responsibility for, or legal custody of, a child.

"Preschool-Age Child" means a child ~~two (2)~~ who is between thirty-six (36) months and through four (4) five (5) years of age who is not yet attending a public or private kindergarten program [outside of the Large Family Child Care Home]. If a child is older than five (5) years of age and is not yet attending a public or private kindergarten program that child shall be considered in the preschool-age group until attending kindergarten or first grade which ever comes first.

**["Private Home" means a non public residence such as a house, duplex, townhouse, apartment or mobile home where the Licensee resides and has control over the furnishings and use of space. An individual unit in public housing and university housing complexes may be considered a private home.**

**"Professional Development" means the continuous pursuit of essential knowledge and skills needed to develop or enhance generally accepted competencies in the early care and education and school age field.]**

"Regularly or on a regular basis" means child care services which are available and provided at a Large Family Child Care Home on more than one (1) day in any one (1) week or for periods longer than three (3) weeks in any calendar year.

"Relative" means a person having any of the following relationships by blood, marriage, or adoption between the Caregiver Licensee, **[Substitute,]** household or staff member, and the child in child care: parent, grandparent, great-grandparent, brother, sister, aunt, uncle, stepparent, stepbrother, and stepsister. A cousin, for the purpose of this definition, shall not be considered a relative.

"Revocation" means the process of rescinding a Large Family Child Care License during the effective dates of the Large Family Child Care License. If the process concludes with the decision of the Secretary of the Department to revoke the Large Family Child Care License, the Licensee shall cease operation of a Large Family Child Care Home within thirty (30) days of the decision.

"Rule(s)" means ~~[the Office of Child Care Licensing establishing]~~ a baseline or minimum standard required for a particular aspect of child care provided in a Large Family Child Care Home **[as established by the Office of Child Care Licensing and known as Delacare Rules for Large Family Child Care Homes]. A Licensee of a Large Family Child Care Home [may and] is encouraged to exceed the baseline or minimum standard required by these Rules.**

"Secretary" means the Cabinet Secretary of the Department of Services for Children, Youth and Their Families

**["Section 504 Plan" means a document describing accommodations provided to a child to ensure full participation at the Family Child Home.]**

"School-age care" means child care for school-age children **[who attend kindergarten or higher grade in a public or private school outside of the Large Family Child Care Home and are present at the Large Family Child Care Home during in]** any of the following circumstances: before and/or after school; during school holidays; and/or summer months.

"School-age Child" means any child age five (5) years or older who is attending kindergarten or higher grade in a public or private school [in a public or private school outside of the Large Family Child Care Home]. A child attending kindergarten, shall be considered school-age for the purpose of this definition, shall be considered a School-age Child beginning the first day attending kindergarten or first grade[,] which ever comes

first.

"Specialist" means the individual licensing specialist representing the Office of Child Care Licensing who is responsible for performing regulatory and enforcement activities in the licensure of child care facilities.

"**Snack**" means supplemental food served between meals.

"**Staff Member**" means any full or part time employee(s) of a Large Family Child Care Home including the Substitute(s), and volunteer(s).

"**Substitute Caregiver**" means the person(s) staff member designated by the LFCGH Licensee[, and approved by the Office of Child Care Licensing] to provide direct child care, education, protection, supervision and guidance of the child in the LFCGH Large Family Child Care Home when the Caregiver Large Family Child Care Provider or Associate Caregiver Large Family Child Care Assistant is not present [due to emergency or specified planned, non-emergency situation(s) and who meets the qualifications and requirements of a Substitute as defined in these Rules]. The Substitute shall be under the supervision and direct observation of the Large Family Child Care Provider or, Large Family Child Care Assistant as qualified under **Rules 26.1 and 28.1**, at all times.

"**Supervision**" (of children) means the appropriate number of staff members are physically present in the area or room where children are being cared for and ~~[are providing watchful oversight~~ **are constantly aware of where each child is, what each child is doing, how each child is managing, and are readily available to respond to each child's and timely attention to the children's actions and needs[, requests and any emergency].**

["Supervision" (of staff) means performing monitoring and evaluation functions of assigned staff which includes the observation of interactions of assigned staff with children and families, staff's adherences to the *Delacare: Rules for Large Family Child Care Homes*, and the Large Family Child Care Home's policies and procedures. When performing monitoring functions, supervisory staff shall be physically present in the same room or area as assigned staff and directly observe staff to monitor on-going interaction with children.]

"**Suspension Hearing**" means an informal hearing between the Division [Director or his/her designee,] and the Licensee in order to determine whether the Large Family Child Care License remains suspended.

~~["Temporary Suspension Order" or]~~ "**Suspension Order**" means a notice issued by the Office of Child Care Licensing to the Licensee directing that Large Family Child Care services be discontinued on a **[date]** specified **[by the Office of Child Care Licensing date]**. The Licensee shall not provide Large Family Child Care services during the term of a **[Temporary]** Suspension Order.

"**Toddler**" means a child between the ages age of twelve (12) **[and]** twenty four (24) months and under thirty-six (36) months.

"**Training**" means the successful participation in an organized professional development activity that is approved or accepted by the Office of Child Care Licensing **[as designed in order]** to develop or enhance **[the early care and education or school age child care competencies of [the Licensee and] staff members of the Large Family Child Care Home.**

"**Variance**" means the nontransferable written authorization issued by the Department Division after the Licensee has demonstrated an ~~to use~~ alternative means by which to meet the intent of the a specific **[licensing]** requirement(s) Rule. A variance is a conditional approval to operate outside of these Rules and is based on the need(s) or circumstance(s) of the LFCGH Licensee and Large Family Child Care Home **[and does not endanger the health, care, safety, protection and supervision of children in child care].**

"**Volunteer**" means a person or staff member who provides an unpaid service or support to a Large Family Child Care Home.

## 5.0 **General Requirements Large Family Child Care Licensure**

~~No person [An individual~~ **A person or entity including but not limited to an owner, association, agency or organization]** shall not operate, establish, manage, conduct, assist in or ~~[maintain a provide child care services as defined in these Rules]~~ LFCGH, or hold out, advertise or represent by any means to do so, without first obtaining **[Large Family Child Care Home]** unless a Large Family Child Care License from to do so is issued by the Department pursuant to ~~31 Del. C., Chapter 3~~ Office of Child Care Licensing. Any person so involved shall be subject to criminal or civil penalties in accordance with State Law. **[Anyone who violates Delaware Code, Title 31, Chapter 3, Subchapter III, The Delaware Child Care Act shall be fined not more than \$100 or imprisoned not more than three (3) months, or both.]**

## **6.0 Authority To Inspect**

6.1 The Licensee, adult household and staff member(s), and Substitute shall permit access to the Large Family Child Care Home ~~[during the hours of operation by , and respond to and cooperate with requests from authorized]~~ representatives of the Office of Child Care Licensing, and other State or local agencies [with responsibilities for monitoring, approving or authorizing the use or safety of a Large Family Child Care Home, or provides payment for services provide at the Large Family Child Care Home ~~and allow for the announced or unannounced inspection of any area or aspect of the operation of the Large Family Child Care Home which affects or potentially affects the children in child care including access to and request for information, files and records, for the purposes determining compliance and/or investigating complaints with applicable provisions of these Rules, and any other applicable codes, regulations, and laws]~~.

[6.2 The Licensee, adult household and staff member(s), and Substitute shall respond to and cooperate with requests from representatives of the Office of Child Care Licensing, and other authorized State or local officials and allow for the announced or unannounced inspection of any area or aspect of the operation of the Large Family Child Care Home which affects or potentially affects the children in child care including access to and request for information, files and records, and unlicensed space of the Large Family Child Care Home for the purposes of determining compliance and/or investigating complaints of non-conformity with applicable provisions of these Rules, or any other applicable codes, regulations, and laws including suspected child abuse and neglect.]

6.[23] The Licensee, shall not impede and shall permit the interview of him or herself, household and staff members, Substitute, any child in child care, and the parent(s)/guardian(s) of a child in child care by ~~[authorized]~~ representatives of the Office of Child Care Licensing, and other ~~[authorized]~~ State or local ~~[agencies officials]~~ for the purposes of determining compliance and/or investigating complaints ~~[of non-conformity]~~ with applicable provisions of these Rules, and any other applicable codes, regulations, ~~[and or]~~ laws.

## **7.0 Authority to Request Other Inspections and Examinations**

The Office of Child Care Licensing is authorized to request the appropriate State and local fire, health and building officials to conduct inspections and examinations of a Large Family Child Care Home to determine compliance with State and local ordinances, codes, regulations, and laws with reports submitted to the Office of Child Care Licensing.

## **8.0 Application Process**

[8.1 The Applicant shall attend an orientation session as provided by the Office of Child Care Licensing to receive information on *Delacare: Rules for Large Family Child Care* and the licensure process.

8.2 The Applicant shall successfully complete the application process as described in Rules #79-90 within a time period as established by the Office of Child Care Licensing.]

8.[13] The Applicant shall apply for a Large Family Child Care License on a form provided by the Office of Child Care Licensing. An application shall be required for initial licensure~~[-, and upon. A] renewal [when seeking to continue the operation of~~ application received by the Office of Child Care Licensing at least thirty (30) days prior to the expiration date of] a Large Family Child Care ~~[Home License shall be required when seeking to continue the operation of a Large Family Child Care Home].~~

8.[24] The Applicant shall sign a statement which certifies [that he/she]:

8.[24].1 ~~[He/she]~~ Has read and understands these Rules:

8.[24].2 ~~[Intent Intends]~~ to maintain ~~[full or substantial]~~ compliance with these Rules and any other applicable codes, regulations, and laws: ~~[and]~~

~~[8.2.3]~~ 8.4.3 ~~[Intent Intends]~~ to provide child care for children throughout the majority of the licensure period(s);

8.4.4 Has provided information that is true to the best of his/her knowledge; and

8.4.5 Will not discriminate on the basis of sex, race, religion, cultural heritage, disability, marital status, or economic status.]

8.[35] The Applicant shall demonstrate to the satisfaction of the Office of Child Care Licensing that he/

she and the Large Family Child Care Home is in ~~[full or substantial]~~ compliance with applicable provisions of these Rules, and any other applicable codes, regulations, and laws to qualify for a Large Family Child Care License.

~~[8.4 The Applicant shall attend pre licensing meeting(s) and/or training(s) and successfully complete the application process as described in Rule 8.0 within a time period as established by the Office of Child Care Licensing.]~~

8.~~[56]~~ The Applicant shall submit a completed ~~[and signed]~~ application including all required materials to the Office of Child Care Licensing and when applicable, any other ~~[agency authorizations, inspections, or documents that state any limitations on the use of a home and/or property through deed restrictions, homeowners' association, lease or rental agreements, or]~~ as required by ~~[their]~~ codes, regulations, or laws such as, but not limited to, the Division of Public Health, City or State Fire Marshal, Division of Revenue, Department of Natural Resources and Environmental Control, ~~[City or County Offices of]~~ Land Use or Zoning.

~~[8.7 The Applicant shall provide written proof of an electrical inspection of the Large Family Child Care Home conducted by an inspection agency that is approved by the State Fire Marshal.~~

8.8 The Applicant shall show proof of property and comprehensive general liability insurance that specifically covers the Large Family Child Care Home business and maintain such insurance throughout all periods of licensure.]

8.~~[69]~~ The Applicant shall submit documentation of current certification in cardiopulmonary resuscitation (CPR) and completion of a ~~[current]~~ first aid course each applicable to the ages of the children in child care if serving as a staff member.

8.~~[710]~~ The Applicant shall provide two (2) written letters of reference from two (2) adults who are familiar with the Applicant but who are not related to the Applicant. These references shall verify that the Applicant is of good character and reputation, respects and understands children, and is sensitive to meeting their needs.

8.~~[811]~~ The Applicant shall sign a release of employment history form provided by the Office of Child Care Licensing that permits the Office of Child Care Licensing to obtain service letters as per **Delaware Code**, Title 19, Chapter 7, Section 708 from a current or most recent previous employer for him or herself, and any health care and/or child care facility for which the Applicant was employed within the past five (5) years of application ~~[for licensure for initial licensure]~~.

8.~~[811].1~~ If ~~[a Licensee an Applicant]~~ has no prior employment history, five (5) letters of reference as specified in **Rule 8.7** shall be required to be provided.

8.~~[912]~~ The Applicant, ~~[and]~~ all household member(s) ~~[eighteen (18) years of age or older, and any person that may be entitled by virtue of his/her position regarding the Large Family Child Care Home, such as but not limited to business ownership, corporate officer, or board membership to direct access to children at the Large Family Child Care Home]~~ shall ~~[be fingerprinted by the Delaware State Police]~~ provide or authorize the release of information required to determine the health, safety or welfare of any child in child care would not be at risk].

~~[8.12.1 The applicant, household member who is eighteen (18) years of age or older, and any person that may be entitled by virtue of his/her position regarding the Large Family Child Care Home, such as but not limited to business ownership, corporate officer, or board membership to direct access to children at the Large Family Child Care Home shall be fingerprinted by the Delaware State Police for Large Family Child Care.]~~

~~[8.9.4 8.12.2]~~ The Office of Child Care Licensing ~~[may]~~, ~~[at its discretion]~~ when there is cause to believe the health, safety, or welfare of a child in child care may be at risk, ~~[may require request consent from a parent/guardian for]~~ a background check on a household member under eighteen (18) years of age.

~~[8.12.3 The Office of Child Care Licensing may, when there is cause to believe the health, safety, or welfare of a child in child care may be at risk, request medical, psychological, counseling, school, probation and/or Division of Family Services records.]~~

8.12.4 The applicant shall sign a release for the result of an adult abuse registry check through the Department of Health and Social Services.

~~8.10 The Applicant shall sign a release for the result of an adult abuse registry check through the Department of Health and Social Services.]~~

8.~~[413]~~ The Applicant shall provide written evidence of health appraisals attesting to his/her health, and the health of any adult household members.

8.~~[413].1~~ The written report from a health care provider shall have been completed within

one (1) year prior to the date of initial licensure and include, at a minimum:

~~8.[413].1.1~~ Health history;

~~8.[413].1.2~~ Physical exam;

~~8.[413].1.3~~ Vision and hearing screening;

~~8.[413].1.4~~ Freedom from communicable tuberculosis (Tb) verified within one (1) year prior to the date of initial licensure, with further testing every five (5) years;

~~8.[413].1.5~~ A review of immunization status (such as measles, mumps, rubella, diphtheria, tetanus, and polio);

~~8.[413].1.6~~ A review of occupational health concerns;

~~8.[413].1.7~~ Assessment of need for vaccines against illnesses such as but not limited to, influenza, pneumococcus, and hepatitis B, and of risk from exposure to common childhood infections, such as parvovirus, CMV, and chicken pox; and

~~8.[413].1.8~~ Assessment of health related limitations or communicable diseases that may impair a person's ability to perform the child care or have direct access to children.

~~8.[4214]~~The Applicant shall provide a health appraisal for children preschool-age or younger **[and not yet attending kindergarten]**, including school-age children who are not attending a public or private school~~;~~ **and are** living in the Large Family Child Care Home as specified in **Rule 66.4.**

~~**[8.13**~~ **The Applicant shall provide written proof of an electrical inspection of the Large Family Child Care Home conducted by an inspection agency that is approved by the State Fire Marshal.]**

## **9.0 Annual Large Family Child Care License**

~~Any Group Day Care Home issued prior to the effective date of these requirements is considered valid until the date the license expires. Upon expiration of the current Group Day Care Home License, a LFCCH must be obtained.~~

~~9.1~~ The annual Large Family Child Care License shall be issued when the Office of Child Care Licensing determines that the Applicant ~~[who becomes the Licensee,]~~ and Large Family Child Care Home are in ~~[full or substantial]~~ compliance with applicable provisions of these Rules. ~~[This includes the determination of suitability of the Applicant and household members based on the results of background checks for the issuance of the initial annual Large Family Child Care License.]~~

~~9.2~~ The Licensee shall maintain ~~[full or substantial]~~ compliance with applicable provisions of these Rules and all other applicable local, State and Federal codes, regulations and laws throughout the licensure period(s).

~~9.3~~ A ~~The annual Large Family Child Care License~~ shall be issued only to the LFCCH ~~[Applicant who becomes the]~~ Licensee, for which application is made and for the address of the Large Family Child Care Home shown on the application~~]. and]~~ shall ~~[A Large Family Child Care License]~~ ~~is~~ not be transferable, assignable or subject to sale.

~~When a LFCCH 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.~~

~~The LFCCH shall comply with any restrictions on the maximum number of children in care which may be placed upon the LFCCH by other applicable regulatory codes such as those related to fire safety and zoning.~~

~~9.4~~ The annual Large Family Child Care License shall be effective for one (1) year from the date of issuance, unless it is:

~~9.4.1~~ Modified to a provisional Large Family Child Care License;

~~9.4.2~~ Revoked;

~~9.4.3~~ Surrendered prior to the expiration date

~~9.4.4~~ Nullified; or

~~9.4.5~~ Suspended.

~~9.5~~ The Licensee shall post the Large Family Child Care License shall be posted ~~[in a place conspicuous to the public inside the Large Family Child Care Home in the area where child care is provided and visible to parent(s)/guardian(s)].~~ The license shall state the number of children the LFCCH is authorized to have in care at any one time.

~~9.6~~ The Licensee shall comply with any restrictions on the maximum number of children in child care which may be placed upon the Large Family Child Care Home by the Office of Child Care Licensing ~~[and/]~~ or other applicable agencies' codes, regulations and laws such as those related to fire safety and zoning.

A LFCGH shall allow Department representatives to inspect all aspects of the operation which impact on children in care. A LFCGH shall allow Department representatives access to any information or records reasonably related to compliance with applicable licensing requirements. Department representatives may make unannounced and announced visits during the effective dates of the license.

## **10.0 Provisional Large Family Child Care License**

10.1 A provisional Large Family Child Care license may be issued for a period not to exceed six (6) month whenever ~~to a~~ LFCGH when ~~[a Licensee]~~ is temporarily unable to comply with all of the requirements in the Requirements for Large Family Child Care Homes these Rules and when the Office of Child Care Licensing determines that:

10.1.1 There is no serious risk to the health, safety and well-being of the children;

10.1.2 The Licensee has agreed to fulfill and operate under conditions as stated in a written corrective action plan as ~~designated developed~~ by the Office of Child Care Licensing~~;~~ and ~~[the Licensee];~~

10.1.3 The Licensee demonstrates to the Office of Child Care Licensing of intent to comply ~~[with the corrective action plan; and];~~

10.1.4 The Licensee demonstrates good faith efforts to achieve compliance but requires additional time to achieve compliance with applicable provisions of these Rules.]

41. A provisional license may be issued when the Department determines that:

A. A LFCGH is temporarily unable to comply with all of the requirements in the Requirements for Large Family Child Care Homes.

B. The effect of the noncompliance to any requirement does not present or will not present an unreasonable risk to the health, safety or well-being of the children in care of the LFCGH.

C. The LFCGH has a plan of correction that has been approved by the Department

10.2 A provisional Large Family Child Care License may be replaced with an annual Large Family Child Care License when all of the Licensee makes a written request to the Office of Child Care Licensing ~~[for the replacement of a provisional Large Family Child Care with an annual Large Family Child Care License]~~ after the corrective action plan is completed by the Licensee and approved by the Office of Child Care Licensing~~;~~ ~~when]~~ following conditions exist ~~[the Office of Child Care Licensing determines that a Licensee:]~~

[10.2.1] ~~[Has demonstrated the correction of all violations]~~ in advance of the expiration date of the provisional Large Family Child Care License~~]. In accordance with~~ [the agreed upon conditions as stated in the corrective action plan] agreed to ~~[as designated]~~ by the Department ~~[Office of Child Care Licensing]~~ and the LFCGH, the LFCGH corrects the deficiencies related to the requirements in advance of the expiration date of the provisional license and no additional areas of noncompliance exist.~~[and:]~~

B. Compliance with the requirements has been verified by an on-site observation by a Department representative or by written evidence provided by the LFCGH ~~[Has come into and maintains full or substantial compliance with applicable provisions of these Rules.]~~

C. The LFCGH presents documentation of having attended training sessions, as required by the Department, relative to the noncompliance identified by the Department.

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

~~[10.3 A provisional Large Family Child Care License may be renewed when the Office of Child Care Licensing determines that a Licensee has demonstrated good faith efforts to achieve compliance but requires additional time to achieve full or substantial compliance with applicable provisions of these Rules.]~~

43. A request to replace a provisional License an annual License must be made in writing by the LFCGH.

## **11.0 ~~[Procedures For] Large Family Child Care License Renewal~~**

11.1 The Licensee shall be required to renew a Large Family Child Care License annually.

11.1.1 An annual Large Family Child Care License shall expire one (1) year from the date of issuance.

11.2 At least ninety (90) calendar days before the expiration of the current Large Family Child Care License, the Licensee shall make a request to the Office of Child Care Licensing by direct voice contact or in writing to obtain ~~[a the]~~ Large Family Child Care License ~~[renewal]~~ application ~~[form materials.]~~

11.3 The Licensee shall submit a fully completed~~[, signed and notarized]~~ Large Family Child Care

License application form and all required materials to the Office of Child Care Licensing at least sixty (60) calendar days prior to the expiration of current **[Large] Family Child Care License.**

**[11.3.1 When a Licensee makes timely and complete application for renewal of an annual Large Family Child Care License, the current Large Family Child Care License shall not expire until the Office of Child Care Licensing makes a decision on the Large Family Child Care License renewal application.]**

#### PROCEDURES FOR INITIAL LICENSURE

44 Upon inquiry, an individual shall be mailed or given application materials.

45: The individual must apply for a license on a form provided by the Department and shall complete the application materials as stipulated.

46: 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 Large Family Child Care Homes;

B. Review the application, and 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 Administrator regarding licensure. An annual license shall be issued if the LFCCH meets all the requirements set forth in the Requirements. If a license is denied, the LFCCH shall be notified by a letter stating the reason(s) for denial and setting forth the applicant's rights to an appeal of from the decision.

#### PROCEDURES FOR ANNUAL LICENSURE

47: A LFCCH shall request from the Department a License application form at least ninety (90) days before the expiration of the LFCCH's current license.

48: A LFCCH shall submit the completed application to the Department at least sixty (60) days prior to License expiration.

49: The Department may conduct a review, including an on-site visit of the LFCCH, no later than thirty (30) days before expiration of the current license.

50: The Department representative shall make a recommendation to the Administrator regarding licensure. An annual license shall be issued if the LFCCH meets all the requirements set forth in the Requirements for Large Family Child Care Homes. 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 right to an appeal of the decision. If the Department cannot complete its review within the period set out in 46, the Administrator may extend the license for a period not to exceed thirty (30) days.

### **12.0 Notification to the Office of Child Care Licensing**

**12.1 A Licensee shall immediately notify the Office of Child Care Licensing by direct voice contact during the Office of Child Care Licensing's business hours of the death of a child while in child care. If the death occurs after such business hours, the Licensee shall immediately call the 24-Hour Child Abuse/Neglect Hotline (currently listed as 1-800-292-9582).**

**12.2 A Licensee shall notify the Office of Child Care Licensing within one (1) business day by direct voice contact during the Office of Child Care Licensing's business hours if any of the following occur:**

**12.2.1 Any fire; flood; or any other serious damage due to any natural or man-made disaster(s) that impact the ability to operate safely;**

**12.2.2 Injury of a child while in child care at a Large Family Child Care Home requiring inpatient or outpatient treatment. The direct voice contact shall be followed by a written report on a form provided by the Office of Child Care Licensing;**

12.2.3 Suspected abuse or neglect of a child enrolled at the Large Family Child Care Home ~~[and after]~~ immediately calling the 24-hour Child Abuse/Neglect Hotline (currently listed as 1-800-292-9582) to report the ~~[suspected]~~ abuse or neglect; ~~[or]~~

12.2.4 Any subsequent charges, arrests, or convictions ~~[of himself/herself, the Substitute or a household and staff member; or]~~

~~[12.2.5] Any involvement ~~[of the Licensee, household and staff members]~~ with the Department due to child abuse or neglect; ~~[of himself/herself, the Substitute, or a household or staff member; or]~~~~

12.2.~~[56]~~ Any breakdown of equipment that could pose a threat to the health and safety of children in child care, including but not limited to, lack of operating toilets, interruption of running water, loss of telephone service, failure of smoke/fire alarm system, and failure of cooling or heating systems so that temperatures cannot be maintained within limits of **Rule 47.6.**

12.3 The Licensee shall notify the Office of Child Care Licensing within five (5) business days by direct voice contact and follow-up in writing to his/her assigned Child Care Licensing Specialist when there is a change in the:

12.3.1 Telephone number of the Large Family Child Care Home;

12.3.2 Shift(s) of child care provided;

12.3.3 Composition of household;

~~[12.3.4 Physical space or rooms used at the Large Family Child Care Home for child care; or]~~

12.3.~~[54]~~ Staff member;

12.3.~~[65]~~ Substitute; or

12.3.~~[76]~~ Intended use of a Substitute as specified in **Rule 38.7.**

**[12.4 The Licensee shall notify the Office of Child Care Licensing prior to using and receive prior approval for any change in physical space or rooms used at the Large Family Child Care Home for child care.]**

12.5 The Licensee shall report to the Office of Child Care Licensing in writing or by direct voice contact at least thirty (30) days in advance of a change in address of the Large Family Child Care Home. A new Large Family Child Care License shall be required at the new address prior to providing ~~[Large Family]~~ Child Care services at the new address.

### **13.0 Nullification of [Large Family Child Care] License**

13.1 A Large Family Child Care Home License shall immediately become null and void when the following occurs:

13.1.1 The Licensee changes the location of the Large Family Child Care Home;

13.1.2 The Licensee surrenders the Large Family Child Care License to the Office of Child Care Licensing;

13.1.3 The Large Family Child Care License has been denied

13.1.4 The Large Family Child Care License has been revoked; or

13.1.5 The Large Family Child Care License has expired.

### **14.0 Complaint [~~Process~~ Investigation]**

14.1 ~~[An investigation by]~~ The Office of Child Care Licensing shall ~~[be made if investigate when]~~ a complaint is received regarding *Delacare: Rules for Large Family Child Care Homes* by the Department. The Department Office of Child Care Licensing shall notify the LFGCH Licensee that a complaint is being investigated. The results of the Department's Office of Child Care Licensing's investigation shall be reported in writing to the LFGCH Licensee investigated. If the complaint is substantiated or if other violations are found as a result of the investigation, the LFGCH Licensee shall be required to correct the violations and come into full compliance with the State Laws these Rules and licensing requirements any applicable Federal, State or local law or regulations promulgated by the Department.

14.1.1 Complaints relating specifically to codes, regulations, or laws of other State and local agencies ~~[shall may]~~ be referred to the appropriate agency for investigation. At the time of the referral, the Office of Child Care Licensing shall request a report from the other State and local agencies on the investigation findings **[to determine compliance with *Delacare: Rules for Large Family Child Care Homes*].**

**[14.2 The Office of Child Care Licensing shall investigate a reported unlicensed Large Family**

**Child Care Home and require the individual(s) providing unlicensed Large Family Child Care to cease operation upon notice from the Office of Child Care Licensing.]**

~~14.3 **[An investigation by]** The Department of Services for Children, Youth and their Families, Division of Family Services, Office of Children's Services, Institutional Abuse Investigation Unit shall **[be made if investigate when]** a complaint is received regarding the abuse or neglect of a child at the Large Family Child Care Home. Law enforcement shall be notified and will conduct an investigation of any complaint that may constitute a crime.~~

~~**[14.4 An investigation of a reported unlicensed Large Family Child Care Home shall be made and require the individual(s) providing unlicensed Large Family Child Care to cease operation upon notice from the Office of Child Care Licensing.]**~~

## **TYPES OF LICENSES**

No fee shall be charged for the license.

### ~~Annual-~~

~~An annual license shall be issued when the LFCGH meets all the requirements set forth in the Requirements for Family Child Care Homes. An annual license shall be effective for one year from the date of issue, unless it is suspended, revoked or surrendered sooner.~~

### ~~Provisional-~~

~~A provisional license may be issued for a period not to exceed six (6) month whenever a LFCGH Licensee is temporarily unable to comply with all of the requirements in the Requirements for Large Family Child Care Homes.~~

~~A provisional license may be issued when the Department determines that:~~

~~A LFCGH is temporarily unable to comply with all of the requirements in the Requirements for Large Family Child Care Homes.—~~

~~The effect of the noncompliance to any requirement does not present or will not present an unreasonable risk to the health, safety or well-being of the children in care of the LFCGH.~~

~~The LFCGH has a plan of correction that has been approved by the Department.~~

~~A provisional License may be replaced with an annual license when all of the following conditions exist:-~~

~~In accordance with a corrective action plan agreed to by the Department Office of Child Care Licensing and the LFCGH, the LFCGH corrects the deficiencies related to the requirements in advance of the expiration date of the provisional license and no additional areas of noncompliance exist.~~

~~Compliance with the requirements has been verified by an on-site observation by a Department representative or by written evidence provided by the LFCGH.~~

~~The LFCGH presents documentation of having attended training sessions, as required by the Department, relative to the noncompliance identified by the Department.—~~

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

~~A request to replace a provisional License an annual License must be made in writing by the LFCGH.—~~

## **PROCEDURES FOR INITIAL LICENSURE**

~~Upon inquiry, an individual shall be mailed or given application materials.~~

~~The individual must apply for a license on a form provided by the Department and shall complete the application materials as stipulated.~~

~~Within ninety (90) days after receipt of a completed application, a Department representative will make a reasonable effort to:~~

~~Provide consultation to aid the applicant in complying with the requirements for Large Family Child Care Homes;~~

~~Review the application, and confer with the applicant, and inspect the premises for which the application is made;~~

~~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;~~

Make a recommendation to the Administrator regarding licensure. An annual license shall be issued if the LFCCH meets all the requirements set forth in the Requirements. If a license is denied, the LFCCH shall be notified by a letter stating the reason(s) for denial and setting forth the applicant's rights to an appeal of from the decision.

#### **PROCEDURES FOR ANNUAL LICENSURE**

A LFCCH shall request from the Department a License application form at least ninety (90) days before the expiration of the LFCCH's current license.

A LFCCH shall submit the completed application to the Department at least sixty (60) days prior to License expiration.

The Department may conduct a review, including an on-site visit of the LFCCH, no later than thirty (30) days before expiration of the current license.

The Department representative shall make a recommendation to the Administrator regarding licensure. An annual license shall be issued if the LFCCH meets all the requirements set forth in the Requirements for Large Family Child Care Homes. 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 right to an appeal of the decision. If the Department cannot complete its review within the period set out in 46, the Administrator may extend the license for a period not to exceed thirty (30) days.

#### **15.0 [Denial,] Suspension, [or] Revocation [~~or Denial~~] of a Large Family Child Care License**

15.1 The Department Division may [~~suspend,~~] revoke ~~or deny~~ an application, [~~suspend~~] or revoke a Large Family Child Care License for reasons which include good cause, [~~for reasons~~] including but are not limited to the following:

15.1.1 Failure to comply with the applicable provisions of ~~31 Del.C., Chapter 3, State Law(s)~~ or the Department's rules and regulations pertaining to the law of these Rules; or

15.1.2 Violation of the terms and or conditions of the Large Family Child Care License; administrative action [~~or~~] corrective action plan[; **or agreement of understanding;**] or

15.1.3 Use of fraud, [~~or~~] intentional or negligent misrepresentation in obtaining a Large Family Child Care License or in the subsequent operation of the LFCCH Large Family Child Care Home; or

15.1.4 Refusal to furnish the Department with information, files, reports or and records to [authorized] representative(s) of the Office of Child Care Licensing[;] and other [authorized] State or local [agencies officials] as required for the purposes [~~of~~] determining compliance and/or investigating complaints [~~of non-conformity~~] with applicable provisions of these Rules, and any other applicable codes, regulations, and laws; or

15.1.5 Refusal to permit [**permit access to the Large Family Child Care Home during hours of operation by representatives of the Office of Child Care Licensing and other State or local officials with responsibilities for monitoring, approving, or authorizing the use or safety of a Large Family Child Care Home, or provides payment for services provided at the Large Family Child Care Home** ~~respond to or cooperate with a request from an authorized representative of the Department Office of Child Care Licensing, and other State and local agencies and allow for the announced or unannounced inspection of any area or aspect of the operation of the Family Child Care Home which affects or potentially affects the children in child care for the purposes determining compliance and/or investigating complaints with applicable provisions of these Rules, and any other applicable codes, regulations, and laws~~] to gain admission to the LFCCH during operating hours; or

[15.1.6 Refusal to respond to and cooperate with requests from representatives of the Office of Child Care Licensing, and other authorized State or local officials and allow for the announced or unannounced inspection of any area or aspect of the operation of the Large Family Child Care Home which affects or potentially affects the children in child care including access to unlicensed space of the Large Family Child Care Home for the purposes of determining compliance and/or investigating complaints of non-conformity with applicable provisions of these Rules, or any other applicable codes, regulations, and laws including suspected child abuse and neglect.]

15.1.[67] [**Engaging Engagement**] in any activity, policy, practice or conduct or practice, engaged in or permitted, which that adversely affects or presents a serious or imminent danger, or risk thereof to the health, safety and or well-being of any child attending the LFCCH children; [~~or~~]

15.1.[78] Any Conduct that otherwise demonstrates unfitness by the Licensee[, Substitute, a household or staff member] to operate a Large Family Child Care home or practice which is in violation of State Law and regulations related to child abuse and neglect[; or

**15.1.9 Operation of any activity not permitted under local, State or Federal law at the Large Family Child Care Home.]**

15.2 If the health, safety or well-being of children in child care is in serious or imminent danger, or risk thereof, the Department Office of Child Care Licensing may immediately suspend the Large Family Child Care License upon issuance of a written **[temporary]** suspension order. The **[initial temporary]** suspension order may be verbal or written. Any verbal **[temporary]** suspension order shall be followed by a written **[temporary]** suspension order. Upon **[receipt notification from the Office of Child Care Licensing of the initial suspension order]**, the Licensee shall cease operation of the Large Family Child Care Home. The **[temporary written]** suspension order will ~~shall~~ state the reason(s) for the **[temporary]** suspension. **[Within ten (10) business days after the issuance of the written suspension order, the Licensee may relinquish the Large Family Child Care License to the Office of Child Care Licensing or request a suspension hearing at which the Licensee and/or Licensee's representative may be present.]** Upon request of the Licensee **[for a suspension hearing]**, the Division Director or **[his/her]** designee shall schedule a suspension hearing within ten (10) business days of the **[issuance of the temporary suspension order of the license, a conference with the Division Director will be held shall hold at which the Licensee or Licensee's representative may be present Licensee's request]**. **[The Division Director or his/her designee will make a determination if the suspension order will be continued.]**

**16.0 Appeal**

16.1 If a license is revoked the Division intends to deny an application, or revoke a Large Family Child Care License to operate, the LFCCH Division shall be notified by a letter stating mail a notice of intent to deny or revoke the Large Family Child Care License to the Licensee reason(s) for revocation and. Such notice shall specify the Licensee's setting forth the LFCCH's rights to an appeal of the decision **[and request by requesting]** an administrative appeal hearing. The Licensee shall request an administrative hearing within ten (10) business days of **[the date receipt of]** the notice **[was mailed as based on the postmark. The Division's notice shall state the Rules and briefly summarize the facts upon which the intent to deny or revoke is based]**.

Any person aggrieved by a final decision of the Department made with regard to the granting of a license, license revocation, or license denial shall be entitled to a hearing and review by a hearing officer, designated by the Secretary, who has had no previous involvement in the matter.

16.2 Ten (10) days' notice, specifying reasons for proposed revocation or denial, shall be given before a revocation or denial occurs. If a written request or a verbal request made by direct voice contact, request for an administrative appeal hearing, either written or verbal, is received by the Division within **[the]** ten (10) business days period of the date the notice of the intent to deny or revoke was **[mailed received]**, the Division shall **[provide an opportunity for schedule]** a an administrative appeal hearing shall be held within thirty (30) business days from the date the request for an administrative appeal hearing is received, unless for good cause, the Hearing Officer grants postponement or parties agree to postponement. Revocation or denial shall not occur until a written decision is rendered.

16.3 The administrative appeal hearing shall be conducted by a Hearing Officer who has had no previous involvement in the matter prompting the administrative appeal hearing.

16.4 If a Licensee requests an administrative appeal hearing within ten (10) business days of the date the notice of intent to deny or revoke was **[mailed received]**, the existing Large Family Child Care License shall remain in effect until an official written decision has been rendered subsequent to the administrative appeal hearing. The Office of Child Care Licensing shall have the authority to suspend the Large Family Child Care License immediately whenever the health, safety or well being of children in child care is in serious or imminent danger or risk thereof.

16.5 If a Licensee does not make a request **[for an administrative appeal hearing]** within ten (10) business days of the date the notice of intent to deny or revoke was **[mailed received for an administrative appeal hearing]**, the action in such notice seeking to deny or revoke a Large Family Child Care License shall become final and binding without any further right of review and take effect thirty (30) business days after the issuance of the notice. However, where stated in the Division's notice, if the health, safety or well-being of children in child care is in serious or imminent danger or risk thereof, denial or revocation shall be effective immediately

upon the issuance of a written notice by the Division.

## **17.0 Rule Variances**

17.1 Upon the written request of an Applicant or LFCCH Licensee, the Department Division may grant a variance from a specific requirement(s) these Rules if there is clear and convincing evidence that the alternative to the requirement(s) complies with the Applicant or Licensee has documented to the satisfaction of the Division that the intent of the requirement(s) for which variance is sought specific Rule shall be satisfactorily achieved in a manner other than that prescribed by the Rule **[and that the health, safety or well being of children in child care is not in serious or imminent danger or risk thereof].**

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 applicant or LFCCH. A variance may remain in effect for as long as a LFCCH continues to comply with the intent of the requirement or may be time-limited.

When a LFCCH fails to comply with a variance agreement in any particular, the agreement shall be subject to immediate cancellation.

**[17.2. The Division may require a Licensee to provide notice of a variance request to the parent(s)/guardian(s) with children in the Large Family Child Care Home to offer them the opportunity to provide input on the variance request to the Division.]**

17.[23] The Division shall render its decision on the request for variance in writing, including the conditions and Rules for which the variance is granted, and shall send a signed copy of the decision to the Applicant or Licensee. A copy of the decision shall be maintained on file by the Division and the Applicant or Licensee.

17.[34] The variance may be, at the Office of Child Care Licensing's discretion, time-limited or indefinite but shall only remain in effect as long as the Licensee continues to satisfactorily achieve the intent of the Rule **[, conditions of the variance,]** and maintain the health, care, safety, protection, supervision, **[or guidance]** of children in child care.

17.[45] The Division shall monitor the Licensee's compliance with the variance. If the Licensee fails to comply with the variance, the Division shall initiate necessary enforcement action and may revoke the variance.

## **Part II. Provisions for Operation of a LFCCH Large Family Child Care Home**

### **ORGANIZATION**

The Owner of a LFCCH shall ensure the LFCCH complies with the Requirements for Large Family Child Care Homes and all applicable Federal and State laws, ordinances and regulations.

The Owner shall serve as or appoint a person to serve as Caregiver of the LFCCH.

### **18.0 General Qualifications [Qualifications and] Requirements of Caregiver Licensee [and,] Household Members[, and Person with Direct Access to Children]**

18.1 The Licensee **[and,]** household members[, and any person that may be entitled by virtue of his/her position such as but not limited to business ownership, corporate officer, or board membership to direct access to children at the Large Family Child Care Home] shall not have any conviction, current indictment, **[outstanding warrant,]** or substantial evidence of involvement in:

18.1.1 Any activity involving violence against a person;

18.1.2 Child abuse or neglect;

18.1.3 Possession, sale or distribution of illegal drugs;

18.1.4 Sexual misconduct;

18.1.5 Gross irresponsibility or disregard for the safety of others; or

18.1.6 Serious violations of accepted standards of honesty or ethical behavior.

18.1.6.1 The Department may, at its own discretion, make exceptions to the above Rule when it is documented that the health and safety of children would not be endangered except as prohibited by the Child Protection Registry Law as defined by **Delaware Code**, Title 16, Chapter 9, Subchapter II, Subsection 923.

18.2 The Licensee shall ensure that within five (5) business days of a current household member turning eighteen (18) years of age, an individual **[who is eighteen (18) years of age]** becoming a new household

member, ~~[and new Substitute being designated, that~~ or any new person who may be entitled by virtue of his/her position regarding the Large Family Child Care Home such as but not limited to business ownership, corporate officer, or board membership to direct access to children at the Large Family Child Care Home,] such individual is fingerprinted by the Delaware State Police ~~[for Large Family Child Care]~~. The Licensee shall provide verification of such fingerprinting to the Office of Child Care Licensing within fourteen (14) business days ~~[of when the fingerprinting occurred]~~.

18.2.1 The Office of Child Care Licensing ~~[may]~~, ~~[at its discretion]~~ when there is cause to believe the health, safety, or welfare of a child in child care may be at risk, ~~[may require request consent from a parent/guardian for]~~ a background check on a household member under eighteen (18) years of age.

18.3 The Licensee shall ensure that household members eighteen (18) years of age and older, ~~[or any new person who may be entitled by virtue of his/her position regarding the Large Family Child Care Home such as but not limited to business ownership, corporate officer, or board membership to direct access to children at the Large Family Child Care Home]~~ are not left alone with children in child care at the Large Family Child Care Home until the results of all background checks are completed, suitability is determined and ~~[such]~~ household members ~~[or any new person who may be entitled by virtue of his/her position regarding the Large Family Child Care Home to direct access to children at the Large Family Child Care Home,]~~ are approved by the Office of Child Care Licensing.

~~[18.4 Any person whose children are removed from his/her custody because of abuse, neglect or dependency shall not be issued a license.]~~

~~[18.4.1 A Any] person who has relinquished or otherwise lost custody of his/her children shall present documentation to the Department regarding the circumstances of this relinquishment [or loss of custody], for consideration in determining the suitability of licensure at the Large Family Child Care Home.~~

~~18.[54 The Licensee and household members shall not be~~ Any person, including someone who may be entitled by virtue of his/her position regarding the Large Family Child Care Home such as but not limited to business ownership, corporate officer, or board membership to direct access to children at the Large Family Child Care Home,] convicted of any offense defined as child sex abuse in Delaware Code, Title 11 ~~[shall not reside or provide child care in a Large Family Child Care Home].~~

18.[65] The Licensee shall ensure that~~[, when serving as a staff member,]~~ copies of his or her health appraisal and the health appraisal of adult household members are kept on file at the Large Family Child Care Home and updated to be consistent with household composition.

18.[76] The Licensee and household members shall provide written ~~[authorization to permit the release of medical records to the Office of Child Care Licensing documentation from a health care provider]~~ for the follow-up for known ~~[medical health]~~ problems ~~[or as required by to]~~ the Office of Child Care Licensing for the purposes of determining whether the ~~[medical health]~~ problem might create a significant risk to children.

18.[87] The Licensee and household members shall not be diagnosed or under treatment for a~~[ny]~~ serious mental illness which might create a significant risk of harm to children and provide written ~~[authorization to permit the release of medical records documentation from a health care provider]~~ to the Office of Child Care Licensing for the purposed of determining whether a mental illness might create a significant risk to children.

18.8 The Licensee shall not consume ~~[or be under the influence of]~~ alcohol[, illegal drugs or substances, misuse prescription or non-prescription medication(s), ~~or use illegal drugs~~ any of which adversely affects the ability to provide child care and the operation of ~~while providing child care at]~~ the Large Family Child Care Home.

~~[18.10 The Licensee, household members, and any person present in the Large Family Child Care Home shall not be under the influence of alcohol, other drug(s) or substance(s) which adversely affects children in child care and the operation of the Large Family Child Care Home.~~

~~18.11 The Licensee shall have no other employment during the hours that children are in child care or participate in activities that distract from providing child care.]~~

18.[129] The Licensee shall not provide care for individuals requiring convalescent or nursing care at the Large Family Child Care Home during the hours children are in child care.

18.[1310] The Licensee shall not provide foster care at the Large Family Child Care Home for children or adults without the prior written approval of the Department.

18.10.1 The decision for dual service shall be made by the Administrator based upon the recommendation of the Child Care Licensing Specialist and Foster Home Coordinator of the placing agency. The recommendation shall consider the specific needs of potential child care children and foster care placements.

18.10.2 The written approval shall include the number and ages of children/adults to be cared for in each program in accordance with requirements.

18.10.3 The decision for dual service shall be reviewed periodically.

18.10.4 Foster **[care]** children of preschool age and younger shall be counted in the capacity of the Large Family Child Care Home.

## **19.0 General [Qualifications and Requirements] of Staff Member[s Requirements]**

19.1 The Licensee shall have on file for each staff member at least two (2) letters of reference from two (2) adults who are familiar with the staff member but who are not related to the staff member. These references shall verify that the staff member is of good character and reputation, respects and understands children, and is sensitive to meeting their needs.

19.2 The Licensee shall ensure that each staff member is able to read, understand and carry out the *Delaware: Rules for Large Family Child Care Homes*.

19.3 The Licensee shall ensure that each staff member has **[the ability to do the following:**

**19.3.1 ~~an understanding of~~ Understand] and respect ~~[for]~~ children and ~~[the child's family their families]~~ and culture[;]**

**[19.3.2 ~~and Meet the]~~ needs of children~~[- For the staff members assigned child care duties, this includes including]~~, but not limited to, ~~[meeting children's their]~~ physical needs such as feeding and diapering[;]**

**19.3.3 ~~supervising children's~~ Supervise children to ensure their safety and health during all] activities[; of child care;**

**19.3.4 ~~supporting~~ Support] children's physical, intellectual, social and emotional growth[;]**

**19.3.5 ~~dealing~~ Deal] with emergencies in a calm manner[;] and**

**[19.3.6 ~~carrying~~ Carry] out methods of positive behavior management as stipulated in these Rules ~~[and within the responsibilities of their particular position].~~**

19.4 The Licensee shall not employ or retain any person with any conviction, current indictment, **[outstanding warrant,]** or substantial evidence of involvement in:

19.4.1 Any activity involving violence against a person;

19.4.2 Child abuse or neglect;

19.4.3 Possession, sale or distribution of illegal drugs;

19.4.4 Sexual misconduct;

19.4.5 Gross irresponsibility or disregard for the safety of others; or

19.4.6 Serious violations of accepted standards of honesty or ethical behavior.

19.4.6.1 The Department may, at its own discretion, make exceptions to the above Rule when it is documented that the health and safety of children would not be endangered except as prohibited by the Child Protection Registry Law as defined by **Delaware Code**, Title 16, Chapter 9, Subchapter II, Subsection 923.

19.5 The Licensee shall not employ or retain in any capacity any person whose child or children are removed from his/her custody because of abuse, neglect, or dependency.

19.5.1 A person who has relinquished or other wise lost custody of his/her children shall present documentation to the Department regarding the circumstances of this relinquishment **[or loss of custody]**, for consideration in determining the suitability for employment at the Large Family Child Care Home.

19.6 The Licensee shall not employ or retain in any capacity any person convicted of any offense defined as child sex abuse in **Delaware Code**, Title 11, Chapter 85, Subchapter IV, Subsection 8550.

19.7 The Licensee shall require a staff member to sign a release of employment history form provided by the Office of Child Care Licensing **[and that permits the Office of Child Care Licensing]** to obtain service letters **[as per Delaware Code, Title 19, Chapter 7, Section 708]** from the staff member's current or most recent previous employer~~[- In addition, if the staff member was employed in a , and any]~~ health care facility and/or child care facility **[for which the staff member was employed]** within the past five (5) years~~[- the Licensee shall also obtain a service letter from such employer(s)].~~

**[19.7.1 If a staff member has no prior employment, five (5) letters of reference as specified in Rule #134 shall be required to be provided;]**

19.7.~~[42]~~ Volunteers who will be alone with children shall be required to provide service letters regardless of time spent at the **[Center Large Family Child Care Home]** providing unpaid services; or

19.7.[23] Volunteers who are not alone with children and are providing unpaid services of less than five (5) days or forty (40) hours a year shall not be required to provide service letters.

19.8 The Licensee shall require each staff member to be fingerprinted [for child care] by the Delaware State Police [for Large Family Child Care] as soon as they are hired or schedule an appointment to be fingerprinted no later than the fifth business day. The staff member shall be required to provide the fingerprint verification form to the licensee as proof of being fingerprinted.

19.8.1 Volunteers who will be alone with children shall be required to be fingerprinted regardless of time spent at the [Center Large Family Child Care Home] providing unpaid services; or

19.8.2 Volunteers who are not alone with children and are providing unpaid services of less than five (5) days or forty (40) hours a year shall not be required to be fingerprinted.

19.9 The Licensee shall request the results of an adult abuse registry check through the Department of Health and Social Services for a staff member as soon as they are hired or no later than the fifth business day.

19.10 The Licensee shall ensure that [a] staff member[s-are is] not left alone with children in child care at the Large Family Child Care Home until the results of all background checks are completed, suitability is determined and [the] staff member[s-are is] approved by the Office of Child Care Licensing.

**[19.11 The Licensee shall ensure that a staff member provides or authorizes the release of information to the Office of Child Care Licensing as required to determine that the health, safety or welfare of any child would not be at risk.**

**19.11.1 The Office of Child Care Licensing may, when there is cause to believe the health, safety, or welfare of a child in child care may be at risk, request medical, psychological, counseling, school, probation and/or Division of Family Services records.**

**19.12 The Licensee shall ensure that a staff member provides written evidence of a health appraisal attesting to his/her health on file at the Large Family Child Care Home within the first month of employment.**

**19.12.1 The written report from a health care provider shall have been completed within one (1) year and include, at a minimum:**

**19.12.1.1 Health history;**

**19.12.1.2 Physical exam;**

**19.12.1.3 Vision and hearing screening;**

**19.12.1.4 Freedom from communicable tuberculosis (Tb) verified within one (1) year prior to the date of initial employment at the Large Family Child Care Home, with further testing every fifth years of employment;**

**19.12.1.5 A review of immunization status (such as measles, mumps, rubella, diphtheria, tetanus, and polio);**

**19.12.1.6 A review of occupational health concerns;**

**19.12.1.7 Assessment of need for vaccines against illnesses such as but not limited to, influenza, pneumococcus, and hepatitis B, and of risk from exposure to common childhood infections, such as parvovirus, CMV, and chicken pox; and**

**19.12.1.8 Assessment of health related limitations or communicable diseases that may impair a person's ability to perform the child care or have direct access to children.**

**19.13 The Licensee shall ensure that a staff member provides written documentation from a health care provider for the follow-up for known health problems to the Office of Child Care Licensing for the purposes of determining whether the health problem might create a significant risk to children.**

**19.14 The Licensee shall ensure that a staff member is not diagnosed or under treatment for a serious mental illness which might create a significant risk of harm to children and provides written documentation from a health care provider to the Office of Child Care Licensing for the purposes of determining whether a mental illness might create a significant risk to children.**

**19.15 The Licensee shall have no other employment during the hours that children are in child care or participate in activities that distract from providing child care if also serving as a staff member.**

**19.16 The Licensee shall ensure that providing child care is the primary focus during the hours of operation of the Large Family Child Care Home and that any staff member does not participate in activities that distract from providing child care during that time. Examples of such distracting activities include but are not limited to:**

**19.16.1 Socializing or entertaining friends, family or others;**

- 19.16.2 Using, playing with, or watching television, VCR's, DVD's, computers or other electronic equipment;
- 19.16.3 Unnecessarily communicating with others on the telephone, cell phone, computer, or other communication equipment;
- 19.16.4 Doing intensive housework, household chores, home repairs, or remodeling tasks; and
- 19.16.5 Involving oneself in hobbies, craft making, or leisure pursuits.

19.[417] The Licensee shall inform [each] staff member[s] that ~~[the consumption of or use of illegal drugs is prohibited while providing~~ he or she shall not consume or be under the influence of] alcohol[, illegal drugs or substance, misuse prescription or non-prescription medication(s), any of which adversely affects his or her ability to provide] child care ~~[at~~ and the operation of] the Large Family Child Care Home.

### Part III. Staff Qualifications

#### ~~20.0 Previously Licensed Large Family Child Care Home~~

~~The Owner (renamed as Licensee in these Rules), Caregiver (renamed as Large Family Child Care Provider in these Rules) or Associate Caregiver (renamed as Large Family Child Care Assistant) of a Large Family Child Care Home that was licensed before the effective date of these Rules may continue qualify for the former positions as stated in the previous *Delaware: Requirement for Large Family Child Care Homes (1994)* only at the previously licensed Large Family Child Care Home.~~

#### 20.0 Qualification Process

20.1 A Licensee shall ensure that he/she and each staff member at a Large Family Child Care Home submits written documentation such as copies of training certificates, transcripts, and/or diplomas to the Office of Child Care Licensing successfully demonstrates meeting the qualifications of a particular position and any other required training as stated in these Rules.

20.2 Other training may be acceptable when demonstrated to be equivalent to meeting the qualifications in these Rules. The Licensee or staff member shall provide documentation which supports his/her assertion that other training meets the qualification. The Office of Child Care Licensing shall make the final determination if the other training is equivalent to the qualifications.

#### ~~21.0 Training Equivalency~~

~~21.1 When qualifying for a Large Family Child Care License or a position at the Large Family Child Care Home, the Licensee and staff members may, when applicable, use college/university credits based on specific topic areas/titles, substitutions for college/university credits, or other training that is demonstrated to be equivalent to a particular qualification in these Rules all as approved or accepted by the Office of Child Care Licensing.~~

~~21.1.1 Other topic areas related to the needs of school age children served shall be considered when providing child care for that age group only.~~

#### 21.0 Previously Licensed Large Family Child Care Home

21.1 The Owner (renamed as Licensee in these Rules), Caregiver (renamed as Large Family Child Care Provider in these Rules) or Associate Caregiver (renamed as Large Family Child Care Assistant) of a Large Family Child Care Home that was licensed before the effective date of these Rules may continue to qualify for the former positions as stated in the previous *Delaware: Requirements for Large Family Child Care Homes (1994)* only if remaining at the previously licensed Large Family Child Care Home.

21.1.1 Staff members hired after the effective date of these Rules at a Large Family Child Care Home that was licensed before the effective date of these Rules shall be required to meet the qualifications of these Rules for that position.]

#### 22.0 Licensee

22.1 The Caregiver Licensee shall:

22.1.1 Be at least twenty-one (21) years of age ~~[- have at least a high school diploma~~

~~or its equivalent]~~ and able to understand and carry out the Requirements for Large Family Child Care Homes;:

~~22.1.2~~ Have at least twenty-four (24) months of experience working with children in a group setting;

~~22.1.3~~ Have at least a high school diploma or its equivalent; ~~[and~~

~~22.1.4~~ Be able to read, understand and carry out the *Delacare: Rules for Large Family Child Care Homes*; and]

~~22.1.[45]~~ Be physically and emotionally capable of performing activities related to providing child care, which include Have ~~[the ability to do the following:~~

~~22.1.5.1~~ ~~an understanding of~~ Understand] and respect ~~[for]~~ children and their ~~[needs and for a child's family families]~~ and culture[;];

~~22.1.5.2~~ Meet the needs of children] including, but not limited to, ~~[meeting children's their]~~ physical needs such as feeding and diapering[;];

~~22.1.5.3~~ ~~supervising children's~~ Supervise children to ensure their safety and health during all] activities[~~of child care;~~];

~~22.1.5.4~~ ~~supporting~~ Support] children's physical, intellectual, social and emotional growth[;];

~~22.1.5.5~~ ~~dealing~~ Deal] with emergencies in a calm manner[;] and

~~[22.1.5.6~~ ~~carrying~~ Carry] out methods of child guidance and discipline positive behavior management as stipulated in these requirements Rules. Have an understanding of children and their needs together with an ability to relate to children with courtesy, respect, patience and affection, and an understanding and respect for the child's family and culture.

~~22.2~~ The Licensee shall serve as or appoint a person to serve as Large Family Child Care Provider of the Large Family Child Care Home.

~~22.3~~ The Licensee shall be considered a staff member and actively involved if present at the Large Family Child Care Home during the hours of operation for seven (7) or more hours per week and is required to follow all Rules concerning a staff member of a Large Family Child Care Home.

~~22.4~~ The Licensee shall only count toward staff/child ratios if fully qualified as at least a Large Family Child Care Assistant as described in **Rule 27.1** when not left alone with children or in **Rule 28.1** when left alone with children.

### **23.0 Administrative Training**

~~23.1~~ The Licensee or Large Family Child Care Provider of a Large Family Child Care Home licensed on or after the effective date of these Rules shall have at least nine (9) clock hours of training related to the administrative duties such as human resources/personnel and fiscal **[management]** for operating a Large Family Child Care Home or ~~[early care and education or school-age child]~~ care facility unless such duties are not the responsibility of the Licensee or Large Family Child Care Provider.

~~23.1.1~~ A written plan approved by the Office of Child Care Licensing shall be required if such duties are not the responsibility of the Licensee or Large Family Child Care Provider. The written plan shall identify the person/entity performing these duties and the qualifying factors regarding the person/entity. Any changes involving the person/entity performing these duties shall require a new plan approved by the Office of Child Care Licensing.

The LFCCH shall ensure the Caregiver meets one of the following requirements:

Licensed as Level II Family Child Care Provider for at least one year, or  
Employed in a licensed day care center for one (1) year working directly with children and having met the Caregiver qualifications, as defined in *Delacare: Requirements for Day Care Centers (1988)*, for that entire period, or;

Have nine (9) credit hours in Early Childhood Education and one (1) year of experience working with children in a group setting, or;

Hold a Child Development Associate Credential (CDA).

Have eighteen (18) months of experience providing care for children preschool age or younger in a group setting and hold a Certificate of Completion from a vocational or technical high school child care program.

### **24.0 Large Family Child Care Provider**

~~24.1~~ The Licensee shall ensure that the Large Family Child Care Provider is at least twenty-one (21)

years of age; has at least twenty-four (24) months of experience working with children in a group setting; has at least a high school diploma or its equivalent; and successful completion of at least one of the following qualifications:

- 24.1.1 "Training for Early Care and Education 1 and 2";
- 24.1.2 A Child Development Associate Credential (CDA) that is kept valid/current;
- 24.1.3 Delaware Department of Labor's Early Childhood Apprenticeship Program;
- 24.1.4 A high school diploma from a vocational/technical high school three (3) year program in early childhood education approved by Delaware's Department of Education;
- 24.1.5 Nine (9) college/university credits – three (3) in early childhood education, three (3) in child development, and three (3) in positive behavior management;
- 24.1.6 One (1) year early childhood diploma program from a two (2) year college;
- 24.1.7 An Associate degree from an accredited college or university and six (6) college/university credits of child development or early childhood education; or
- 24.1.8 **[Training that is demonstrated to be equivalent as approved or accepted by the Office of Child Care Licensing. Qualified as an at least an Early Childhood Teacher as per Delaware: Rules for Early Care and Education and School-Age Centers.]**

## **25.0 Large Family Child Care Provider - Infant and/or Toddler Care Training**

25.1 The LFCGH Licensee shall ensure that prior to accepting and caring for one (1) or more infant(s) and/or toddler(s), as described in Requirement **Rules 35.6 and 35.7**, the Caregiver Large Family Child Care Provider [(or Caregiver for Large Family Child Care Homes licensed before the effective date of these Rules)] has **[successfully]** completed ~~[a minimum of]~~ six (6) clock hours of Department approved training as accepted or approved by the Office of Child Care Licensing in infant [and]/[or] toddler caregiving child development. **[Infant training may be taken if only providing care for infants, and toddler training may be taken if only providing care for toddlers.]**

25.2 The Licensee shall ensure that the Large Family Child Care Provider (or Caregiver for Large Family Child Care Homes licensed before the effective date of these Rules) has at least twenty (20) clock hours of training as accepted or approved by the Office of Child Care Licensing that includes development, curriculum or educational activities, health, safety, and nutrition specifically related to infants and/or toddlers when approved as a Type Two (2) (Infant/Toddler Home, see **Rule #199**). Infant training may be taken if only providing care for infants, and toddler training may be taken if only providing care for toddlers.]

### First Aid Training

A Caregiver shall, prior to employment, present documentation of current certification in pediatric first aid including rescue breathing and first aid for choking. Certification shall be renewed at intervals required by the certifying agency.

## **26.0 Large Family Child Care Assistant**

The Licensee shall ensure that the Large Family Child Care Assistant is at least eighteen (18) years of age; and has a high school diploma or its equivalent.

## **27.0 Large Family Child Care Assistant – No Previous Experience or Training**

27.1 The Licensee shall require the Large Family Child Care Assistant without experience or training to remain under the supervision and direct observation of the Large Family Child Care Provider - not be left alone with a child or group of children at any time – and **[receive successfully complete]** at least the following **[training within six (6) months of the date of hire]**:

27.1.1 Proof of completing First Aid course and current certification in CPR **[within six (6) months of the date of hire]**. The First Aid and CPR training shall be **[applicable to any of in accordance with]** the ages of the children enrolled in the Large Family Child Care Home at any given time; and

27.1.2 **[Delaware First's Introduction to Early Care and Education** Twelve (12) clock hours of training within twelve (12) months of the date of hire. This training shall be approved by the Office of Child Care Licensing specifically for qualifying for a Large Family Child Care Assistant and include at least three (3) clock hours in each of the following topic areas: Child Development, Educational Activities

for Children, Positive Behavior Management, and Families/Communities];[or]

27.1.3 ~~[Delaware First's Child Development: Qualified as an Early Childhood Intern as per Delacare: Rules for Early Care and Education and School-Age Centers (2007) within twelve (12) months of the date of hire.~~

27.1.3.1 Any training in the above subsections shall count toward the first year's annual training requirement as per **Rule #165** if successfully completed.

27.1.4 ~~Delaware First's Introduction to Family Child Care; or~~

27.1.5 ~~Training that is demonstrated to be equivalent as approved or accepted by the Office of Child Care Licensing.]~~

## **28.0 Large Family Child Care Assistant - With Experience and Training**

28.1 The Licensee shall require the Large Family Child Care Assistant with training and experience to be under the supervision but not always under the direct observation of the Large Family Child Care Provider - may be left alone with a child or group of children – and have at least six (6) months of ~~[previous]~~ experience working with children in a group setting; ~~[a high school diploma or its equivalent;]~~ and ~~[successful completion of successfully complete]~~ at least ~~[the]~~ one of the following ~~[trainings]~~:

28.1.1 Sixty (60) clock hours of training ~~[as divided into]~~ with at least a minimum of three (3) clock hours in each of] the following ~~[early care and education]~~ core topic areas: Child Development ~~[– fifteen (15) hours;]~~ ~~Developmental Curriculum Planning Educational Activities for Children –twelve (12) hours;]~~ Positive Behavior Management ~~[– twelve (12) hours;]~~ Health ~~[– three (3) hours;]~~ Safety ~~[– three (3) hours;]~~ Nutrition ~~[– three (3) hours;]~~ Families/Communities ~~–six (6) hours;]~~ and Professionalism ~~[– six (6) hours;]~~

28.1.2 ~~Training for Early Care and Education 1;~~

28.1.3 ~~A high school diploma from traditional high school's career pathway program in early childhood as recognized by the Office of Child Care Licensing;]~~

28.1.[42] Three (3) college/university credits in ~~[early childhood education or courses related to any of the following core topic areas:]~~ Child Development[, ~~when caring for children preschool age or younger, and/or elementary education or school age care topics when caring for children kindergarten age and older Educational Activities for Children, Positive Behavior Management, Health, Safety, Nutrition, Families/Communities, and Professionalism]~~; or

28.1.[53] ~~Training that is demonstrated to be equivalent as accepted or approved by the Office of Child Care Licensing~~ Qualified as at least an Early Childhood Assistant Teacher as per *Delacare: Rules for Early Care and Education and School-Age Centers (2007)*].

## **[29.0 First Aid and CPR Training**

29.1 The Licensee shall ensure that staff members specifically including the Substitute used for non-emergency situations as stated in **Rules #174 B, C & D & 175** shall have:

29.1.1 Proof of current First Aid training or First Aid training taken every three (3) years if there is no expiration date;

29.1.2 Proof of current certification in cardiopulmonary resuscitation (CPR); and

29.1.3 The First Aid training and CPR certification shall be in accordance with the ages of the children enrolled in the Large Family Child Care Home at any given time.

## **30.0 Annual Training**

30.1 The actively involved Licensee, Large Family Child Care Provider, and Large Family Child Care Assistant (or Caregiver or Associate Caregiver for Large Family Child Care Homes licensed before the effective date of these Rules) shall successfully complete at least fifteen (15) clock hours of annual training as accepted or approved by the Office of Child Care Licensing.

30.1.1 Annual training shall be within at least three (3) different core areas associated with ensuring health, safety or enhancing quality in child care in the Large Family Child Care Home as specified under subsection 30.1.3 (below) of this Rule.

30.1.2 Annual training may be within one (1) or two (2) core areas if the Licensee or staff member is applying credits earned for successfully completing either a college/university course or the training is six (6) or more clock hours in length.

30.1.3 Topics shall include the following core areas: Child Development, Educational Activities for Children, Positive Behavior Management, Health, Safety, Nutrition, Families/Communities, Professionalism, and Business Practices/Administration related to operating a Large Family Child Care Home or child care facility.

30.2 The actively involved Licensee, Large Family Child Care Provider, and Large Family Child Care Assistant (or Caregiver or Associate Caregiver for Large Family Child Care Homes licensed before the effective date of these Rules) shall complete annual training during the time period beginning at the start date and ending at the expiration date of the License.]

**[29.0 31.0] Volunteer**

**[2931].1** The Licensee shall ensure that a volunteer is at least eighteen (18) years of age and, when not considered a staff member, is always under the supervision of the Large Family Child Care Provider and direct observation of at least the Large Family Child Care Assistant who is qualified as specified in **Rules 26.1 and 28.1** to be alone with children.

**[2931].2**The Licensee shall ensure that a volunteer counting toward the staff/child ratio is:

**[2931].2.1** Required to follow all Rules concerning a staff member;

**[2931].2.2** Qualified as at least a Large Family Child Care Assistant as specified in **Rules 26.1 and 27.1** if not left alone with children or **Rules 26.1 and 28.1** if left alone with children; and

**[2931].2.3** Present during the hours of operation for at least seven (7) or more hours per week.

**[30.0 First Aid and CPR Training**

**30.1** ~~The Licensee shall ensure that staff members, and Substitute used for non-emergency situations as stated in Rules 38.5.4 and 38.6 shall have:~~

**30.1.1** ~~Proof of current First Aid training or First Aid training every three (3) years if there is no expiration date;~~

**30.1.2** ~~Remain currently certified in cardiopulmonary resuscitation (CPR) throughout the licensure; and~~

**30.1.3** ~~The First Aid training and CPR certification shall be applicable to any of the ages of the children enrolled in the Large Family Child Care Home at any given time.]~~

**32.0 Use of a Substitute**

(Also see **Rules #134-150 and 164**)

32.1 The Licensee shall at minimum have an arrangement with a Substitute who is at least eighteen (18) years of age and available to assist in an emergency which is defined as an unplanned event or condition such as a serious or sudden illness, accident, or urgent circumstance requiring the immediate attention of the Large Family Child Care Provider or Large Family Child Care Assistant.

32.2 The Licensee shall ensure the name, address and telephone number of the Substitute is provided to the Office of Child Care Licensing and posted with other emergency numbers in the Large Family Child Care Home.

32.3 The Licensee shall document on the form provided by the Office of Child Care Licensing that the Substitute is oriented to these Rules and the policies and procedures of the Large Family Child Care Home and has had the opportunity to ask questions and receive clarification before providing child care.

32.4 The Licensee shall review written information as provided by the Office of Child Care Licensing on safe sleeping practice, risk reduction of Sudden Infant Death Syndrome (SIDS), and child abuse and neglect reporting with the Substitute before he/she provides child care.

32.5 The Licensee shall ensure the Substitute has access to each child's file in the Large Family Child Care Home and has been informed of any special or emergency information about each child and any issues of confidentiality regarding a child's information.

32.6 The Licensee shall have the choice to close the Large Family Child Care Home or use a Substitute who provides child care in the Large Family Child Care Home in the absence of the Large Family Child Care Provider or Large Family Child Care Assistant. Prior notification to and approval for the use of the Substitute from the Office of Child Care Licensing is not required in the following situations:

32.6.1 Emergencies as defined in **Rule #169**;

32.6.2 Medical appointments;

32.6.3 School appointments; or

32.6.4 Time off for up to one (1) full week.

32.7 The Licensee shall have the choice to close the Large Family Child Care Home or use a Substitute who provides child care in the Large Family Child Care Home. Prior notification (see **Rule #104**) to and approval for the use of the Substitute from the Office of Child Care Licensing is required in the following situations:

32.7.1 Participating in training/classes held for three (3) or more sessions, student teaching, internship or practicum related to meeting qualifications, or annual training requirements as required under these Rules;

32.7.2 Time off for more than one (1) full week with child care provided in the Large Family Child Care Home in the absence of the Large Family Child Care Provider or Large Family Child Care Assistant; or

32.7.3 Medical or maternity leave for more than one (1) full week with child care provided in the Large Family Child Care Home and the Large Family Child Care Provider or Large Family Child Care Assistant remaining in attendance at the Large Family Child Care Home.

32.8 The Licensee shall inform the parent(s)/guardian(s) in advance whenever a Substitute will be caring for their children unless it is an emergency situation that does not allow time for notification. This notification shall include the identity of the Substitute.]

#### **[3133].0 Personnel Files**

[3133].1 The Licensee shall have a personnel file for each staff member that includes the following information:

[3133].1.1 Name, date of birth, home address and telephone number;

[3133].1.2 Date of employment or volunteer start date;

[3133].1.3 Initial application form;

[3133].1.4 Reference letters;

[3133].1.5 Release of employment history form, Service Letters obtained and/or pertinent

documentation;

[3133].1.6 Documents attesting to professional development plans and qualifications;

[3133].1.7 Written records of required medical examinations and tuberculosis testing;

[3133].1.8 A statement signed by the staff member **[stating attesting to]** his or her status relative to any conviction, current indictment, or substantial evidence of involvement in any 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; or any case of child abuse or neglect substantiated by the Division of Family Services or the respective responsible entity in any other State or Country.

[3133].1.9 Verification of fingerprinting form;

[3133].1.10 Release form and verification of adult abuse registry check;

[3133].1.11 If transporting children, a copy of a current driver's license;

[3133].1.12 Copy of job description;

[3133].1.13 Orientation form that includes written documentation that the information as required in **Rule 23.1** was initially and periodically reviewed;

[3133].1.14 Record of attendance at training regarding annual training hours and/or meeting qualifications; and

[3133].1.15 Date of termination.

#### **[3234].0 Personnel Policies**

[3234].1 The Licensee shall have written personnel policies and practices and make them available to the staff member.

[3234].1.1 These policies shall include, as appropriate, procedures for hiring, discipline, dismissal, suspension and lay-off of the staff member in accordance with applicable laws.

[3234].1.2 A statement signed by the staff member on the orientation form shall confirm the

review of relevant personnel policies and practices and has had the opportunity to ask questions and receive clarification.

[3234].2The Licensee shall have a written [job] description for every staff member's job position at the Large Family Child Care Home

### **[3335].0Orientation For Staff Members**

[3335].1The Licensee shall document that [each] staff member[s] has been given an orientation training session with the opportunity to ask questions and receive clarification at the beginning of employment at the Large Family Child Care Home and periodic updates as information is revised on the following:

[3335].1.1 Emergency and evacuation procedures;

[3335].1.2 Policies on positive behavior management, routine and emergency health care, child accident and injury procedures, administration of medication, child care, goals and program for children, recordkeeping, family involvement, safety and sanitation procedures, nutrition and food safety, safe sleeping practices and risk reduction of Sudden Infant Death Syndrome (SIDS), transporting children (if applicable), and release of children;

[3335].1.3 Personnel and administrative policies;

[3335].1.4 Child abuse and neglect law and reporting requirements and procedures to report abuse and neglect;

[3335].1.5 Recognition of the symptoms of childhood illnesses, including reportable communicable diseases, child abuse, sexual abuse and neglect;

[3335].1.6 Information on any other Federal or State Laws or regulations applicable to children and families in child care including non-discrimination; and

[3335].1.7 Applicable [licensing Delacare;] Rules [for Large Child Care Homes] and the location of a copy of the complete Rules [which] shall be made available at the Large Family Child Care Home to review whenever requested.

### **[3436].0Child Abuse and Neglect**

[3436].1The Licensee shall provide each staff member of the Large Family Child Care Home with written information governing the reporting provision (as mandated reporters) of the Delaware child abuse and neglect law(s) and regulations, policies and procedures for reporting and documenting suspected abuse and neglect, and maintain on file written documentation of their receipt of this information.

[3436].2The Licensee shall not discourage, inhibit, penalize or otherwise impede any staff member from reporting any suspected or alleged incident of child abuse or neglect.

[3436].3The Licensee shall develop, adopt, follow and maintain on file written policies and procedures for handling any incident of suspected child abuse or neglect which occurs while a child is enrolled at the Large Family Child Care Home. The policies and procedures shall contain provisions specifying that:

[3436].3.1 The Licensee and/or staff members shall immediately report the suspected abuse or neglect as required by Law;

[3436].3.2 The Licensee shall immediately take remedial action to protect children from harm;

[3436].3.3 The Licensee shall take long-term corrective action to eliminate the factors or circumstances that may have caused or may have otherwise resulted in a continuing risk of abuse or neglect to children if the abuse or neglect occurred at the Large Family Child Care Home;

[3436].3.4 The staff member alleged to have perpetrated an incident of child abuse or neglect [at the Large Family Child Care Home] shall not have direct contact with any child, or be reassigned to other duties that do not involve contact with children until the investigation of the incident has been completed; and

[3436].3.5 The Licensee shall take disciplinary action, up to and including termination as required by **Rules 18.1, 18.4 and 18.5** and by Law, against any staff member who has committed an act of child abuse or neglect.

### **[37.0 Staffing**

**37.1 The Licensee shall ensure that the Large Family Child Care Home has at least one (1) staff member who meets the qualifications for the position of Large Family Child Care Provider (or Caregiver for Large Family Child Care Homes licensed before the effective date of these Rules).**

37.2 The Licensee shall ensure that the Large Family Child Care Home has at least one (1) staff member who meets the qualifications for the position of Large Family Child Care Assistant (or Associate Caregiver for Large Family Child Care Homes licensed before the effective date of these Rules).

37.3 The Licensee shall ensure that both a Large Family Child Care Provider and a Large Family Child Care Assistant (or both a Caregiver and Assistant Caregiver for Large Family Child Care Homes licensed before the effective date of these Rules) are present at the Large Family Child Care Home when seven (7) or more children preschool age or younger are in attendance, or when five (5) or more children under the age of twelve (12) months are in attendance.

37.4 The Licensee shall ensure that a staff member who meets the qualifications of the Large Family Child Care Provider (or Caregiver for Large Family Child Care Homes licensed before the effective date of these Rules) is present at the Large Family Child Care Home at least seventy-five percent (75%) of the hours of operation.

37.4.1 Two (2) Large Family Child Care Assistants (or two Associate Caregivers for Large Family Child Care Homes licensed before the effective date of these Rules) may be present at the Large Family Child Care Home when seven (7) or more children preschool age or younger are in attendance, or when five (5) or more children under the age of twelve (12) months are in attendance but for no more than twenty-five percent (25%) of the hours of operation.

37.5 The Licensee shall ensure that when the ratio of children to staff members at the Large Family Child Care Home is the same as a Level I or II Family Child Care Home (see Delacare: Rules for Family Child Care Homes) for at least a full shift, only one staff member qualified as a Large Family Child Care Provider is required to be present at the Large Family Child Care Home during at least seventy-five percent (75%) of the hours of operation of the full shift and, for the other twenty-five percent (25%), only one Large Family Child Care Assistant may be present.

37.6 The Licensee shall ensure that staff members are responsible for the supervision of any child in the Large Family Child Care Home at all times.

37.7 The Licensee shall ensure that children of any age present at the Large Family Child Care Home are not responsible for performing child care duties at any time.

### 38.0 Daily Attendance of Staff

38.1 The Licensee shall keep a written record of the daily schedule of the staff members, including their position titles, and their exact hours worked throughout the hours of operation of the Large Family Child Care Home.

### 3539].0 Staff To Child Ratios

~~[3539].1~~ The ~~[actual]~~ number of children ~~[allowed at the Large Family Child Care Home]~~ or total capacity ~~[of a Large Family Child Care Home at any given time]~~ shall ~~[not exceed twelve (12)]~~ be determined by the staff members' experience, qualifications, ages of the] children ~~[preschool age or younger]~~ living in and/or present at the Large Family Child Care Home, and the amount of usable space for child care in the Large Family Child Care Home].

~~[3539].2~~ ~~[The children, including foster care children,~~ Any child] preschool-age or younger, living in ~~[and/or present]~~ the Large Family Child Care Home shall count toward the total capacity.

[39.3 Any school-age child living in and/or present at the Large Family Child Care Home who is not attending a public or private school outside of the Large Family Child Care Home shall count toward the total capacity and will be required to take the place or slot of a child preschool-age or younger.

~~35.339.4~~ ~~The Any]~~ school-age ~~[children, including foster care children of that age,~~ child] living in ~~[and/or present at]~~ the Large Family Child Care Home shall not count toward the total capacity if attending a public or private school outside of the ~~[Large]~~ Family Child Care Home.

[39.5 Any school-age child not living in and present at the Large Family Child Care Home shall count toward the total capacity and may attend only for before and/or after school, and/or during school holidays, and/or school vacation in the summer.

~~35.439.6]~~ Staff member(s)' child(ren) of any age at the Large Family Child Care Home shall count toward the total capacity.

~~[35.5 Age distributions of children preschool age or younger and the addition of other school-aged children that do not live in the Large Family Child Care Home shall be determined as follows:~~

~~35.639.7]~~ A Type One (1) Large Family Child Care Home shall be licensed to provide child care as follows:

~~[35.6.139.7.1]~~ Total of twelve (12) children preschool-age or younger, ~~[of whom no more than four (4) children are under the age of twenty four (24) months, and no more than two (2) children are under the age of twelve (12) months;]~~ and ~~[a total of]~~ two (2) additional school-age children ~~[that do not live in the Large Family Child Care Home and attend only for before and/or after school, and/or during school holidays, and/or school vacation during the summer;]~~

~~39.7.1.1~~ No more than two (2) of the twelve (12) children as mentioned above are under the age of twelve (12) months; and

~~39.7.1.2~~ No more than four (4) of the twelve (12) children as mentioned above are under the age of twenty-four (24) months.]

~~[35.739.8]~~ A Type Two (2) Large Family Child Care Home (Infant/Toddler Home) shall be licensed to provide child care as follows:

~~[35.7.139.8.1]~~ Total of twelve (12) children ~~[preschool-age or younger who are primarily infants and toddlers]. [Child care in an Infant/Toddler Home may also be provided for preschool-age children in accordance with the *Delacare: Rules for Large Family Child Care Homes*.~~

~~35.7.1.139.8.1.1]~~ If ~~[more than five (5) six (6) or more]~~ children ~~[are]~~ under the age of twenty-four (24) months ~~[are present]~~, a ~~[second]~~ third staff member qualified as least a Large Family Child Care Assistant (or Associate Caregiver for Large Family Child Care Homes licensed before the effective date of these Rules) shall be ~~[required to be]~~ present.

~~[35.7.1.4]~~ ~~If the Licensee intends to seek approval as a Type Two (2) (Infant/Toddler Home), at least twenty (20) clock hours of training shall be completed by the Large Family Child Care Provider (or Caregiver for Large Family Child Care Homes licensed before the effective date of these Rules) in the areas of infant/toddler development and curriculum, and health, safety, and nutrition issues specifically related to infants/toddlers.~~

~~35.7.1.239.8.1.2]~~ Care for school-age children ~~[who do not live in the Large Family Child Care Home]~~ and additional children of any age due to a change of shift shall not ~~[be]~~ permitted in a Type Two (2) Large Family Child Care Home (Infant/Toddler Home).

#### **[3640].0 Change of Shift Ratio**

~~[40.1]~~ The Licensee may provide child care for up to two (2) additional children~~[, only during the for up to]~~ two (2) hour period of time overlapping between two (2) full ~~[(at least eight (8) hours per shift)]~~ shifts.

~~[40.1.1]~~ Change of shift child care shall only be provided if prior approval is received from the Office of Child Care Licensing.

~~40.1.2~~ The Licensee shall make a request in writing to the Office of Child Care Licensing and provide information on the ages of the children and exact time involved.

~~40.1.3]~~ Before/after school child care shall not be provided when caring for additional children during a change of shift.

~~[40.1.4]~~ ~~At no time shall t]~~he number of children younger than twenty-four (24) months of age ~~[exceed shall not be exceeded the infant/toddler capacity]~~ as specified in **Rules 35.6 and 35.7**. ~~[The Licensee shall notify the Office of Child Care Licensing in writing of the specific children and times involved in the change of shift situation.~~

#### **[3741].0 Night CHILD Care Ratio**

~~[3741].1]~~The Licensee shall provide child care for no more than twelve (12) children of any age when providing night child care in the evening or overnight. This includes children preschool-age or younger living in the Large Family Child Care Home. Additional restrictions on the number of children in night child care may apply based on State Fire Marshal regulations or zoning.

~~[3741].1.1]~~ The Licensee shall ensure staff members remain awake at all times children are in child care.

#### **[38.0 Use of a Substitute**

~~38.1~~ ~~The Licensee shall have an arrangement with a Substitute, who is at least eighteen (18) years of age, available to assist in emergency and limited non emergency situations when the Large~~

~~Family Child Care Provider or Large Family Child Care Assistant is unavailable.~~

~~38.2 The Licensee shall ensure the name, address and telephone number of the Substitute shall be provided to the Office of Child Care Licensing and shall be posted with other emergency numbers in the Large Family Child Care Home.~~

~~38.3 The Licensee shall document on the form provided by the Office of Child Care Licensing that the Substitute is oriented to these Rules and the policies and procedures of the Large Family Child Care Home and has had the opportunity to ask questions and receive clarification before providing child care.~~

~~38.4 The Licensee shall provide and review written information on safe sleeping practice, risk reduction of Sudden Infant Death Syndrome (SIDS), and child abuse and neglect reporting with the Substitute before he/she provides child care.~~

~~38.5 The Licensee shall ensure the use of a Substitute providing child care in the Large Family Child Care Home in the absence of the Large Family Child Care Provider or Large Family Child Care Assistant is permitted for the following situations and do not require the prior notification to and approval of the Office of Child Care Licensing:~~

~~38.5.1 Emergencies;~~

~~38.5.2 Medical appointments;~~

~~38.5.3 School appointments; or~~

~~38.5.4 Time off for up to one (1) full week.~~

~~38.6 The Licensee shall ensure the use of a Substitute in the Large Family Child Care Home and is permitted for the following circumstances and requires prior notification (see Rule 12.3) to and approval from the Office of Child Care Licensing:~~

~~38.6.1 Training/classes held for three (3) or more sessions, student teaching, internship or practicum all related to early care and education and/or school age care or related field;~~

~~38.6.2 Time off for more than one (1) full week with child care provided in the Large Family Child Care Home in the absence of the Large Family Child Care Provider or Large Family Child Care Assistant; or~~

~~38.6.3 Medical or maternity leave for more than one (1) full week with child care provided in the Large Family Child Care Home and the Large Family Child Care Provider or Large Family Child Care Assistant remaining in attendance at the Family Child Care Home.~~

~~38.7 The Licensee shall inform the parent(s)/guardian(s) in advance whenever a Substitute will be caring for their children unless an emergency situation does not allow time for notification. This notification shall include the identity of the Substitute.~~

### **39.0 Staffing**

~~39.1 The Licensee shall ensure that the Large Family Child Care Home has at least one (1) staff member who meets the qualifications for the position of Large Family Child Care Provider (or Caregiver for Large Family Child Care Homes licensed before the effective date of these Rules);~~

~~39.2 The Licensee shall ensure that a staff member who meets the qualifications of the Large Family Child Care Provider (or Caregiver for Large Family Child Care Homes licensed before the effective date of these Rules) is present at the Large Family Child Care Home at least seventy five percent (75%) of the hours of operation.~~

~~39.3 The Licensee shall ensure that the Large Family Child Care Home has at least one (1) staff member who meets the qualifications for the position of Large Family Child Care Assistant (or Associate Caregiver for Large Family Child Care Homes licensed before the effective date of these Rules);~~

~~39.4 The Licensee shall ensure that a Large Family Child Care Provider and a Large Family Child Care Assistant (or Caregiver and Assistant Caregiver for Large Family Child Care Homes licensed before the effective date of these Rules) are present at the Large Family Child Care Home when more than six (6) children are in attendance, or when there are more than four (4) children under the age of twelve (12) months;~~

~~39.4.1 Two (2) Large Family Child Care Assistants (or Associate Caregivers for Large Family Child Care Homes licensed before the effective date of these Rules) may be present at the Large Family Child Care Home when more than six (6) children are in attendance, or when there are more than four (4) children under the age of twelve (12) months for no more than twenty five percent (25%) of the~~

**hours of operation:**

~~39.5 The Licensee shall ensure that staff members are responsible for the supervision of children in child care at all times.~~

**40.0 Daily Attendance of Staff**

~~40.1 The Licensee keep a written record of the daily schedule of the staff members, including their position titles, and their exact hours worked throughout the hours of operation of the Large Family Child Care Home.]~~

LFCGH Licensed Prior to Effective Date

A Caregiver who is in that position at a particular LFCGH before the effective date of these requirements shall have two (2) calendar years from the effective date to meet the Caregiver qualifications as specified in Requirement 62 and 63. A person appointed Caregiver after these requirements become effective shall meet the qualifications of these requirements.

A Caregiver who is in that position at a particular LFCGH before the effective date of these requirements shall have 180 calendar days from the effective date to comply with Requirement 64. A person appointed Caregiver after these requirements become effective shall comply with Requirement 64.

**[41.0 Annual Training and Professional Development Plan**

~~41.1 A Caregiver The actively involved Licensee, Large Family Child Care Provider, and Large Family Child Care Assistant (or Caregiver or Associate Caregiver for Large Family Child Care Homes licensed before the effective date of these Rules) shall participate in successfully complete at least fifteen (15) hours of Department annual training accepted or approved training annually by the Office of Child Care Licensing. Training Topics shall include topics that will increase the Caregiver's skill in working with children and their families such as: following core areas: Child Development, Developmental Curriculum development, Activities or Planning; Caring for Children with Special Needs; appropriate caregiving and guidance of children's Positive Behavior Management; working with children and their families, Health, & Safety; infection control Nutrition; Family/Community; Professionalism; and Business Practices/ Administration.~~

~~41.2 The Licensee shall ensure that staff members complete annual training during the time period beginning at the start date and ending at the expiration date of the License. Training in First Aid and CPR shall not count toward the annual training requirement.~~

~~41.3 The actively involved Licensee, Large Family Child Care Provider, and Large Family Child Care Assistant (or Caregiver or Associate Caregiver for Large Family Child Care Homes licensed before the effective date of these Rules) shall develop a Professional Development Plan that includes:~~

~~41.3.1 Annual goals for professional development;~~

~~41.3.2 A description of how annual trainings are related to the goals;~~

~~41.3.3 Progress made toward the goals; and~~

~~41.3.4 All training completed during the time period including copies of training certificates and/or proof of successful completion of the training.]~~

**CHILD ABUSE AND NEGLECT**

~~Reported and/or substantiated allegations of child abuse and/or neglect committed by an Owner, Caregiver, other household member or person working directly with children shall be considered in determining the suitability.~~

~~A LFCCH shall ensure no employee or volunteer, in any capacity, or household member, if applicable, shall have 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.~~

~~The Department 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.~~

~~A LFCCH shall not employ or retain in any capacity any person whose children are removed from his/her custody because of abuse or neglect.~~

~~A LFCCH shall ensure no employee or volunteer, in any capacity or household member, if applicable, has~~

been diagnosed or under treatment for a serious mental illness which might create a risk to children. The determination as to whether a mental illness might create a risk to children shall be made on the basis of written documentation by a licensed psychologist or psychiatrist.

A LFCGH shall ensure no employee or volunteer, in any capacity, or household member, if applicable, is under the influence of illegal drugs or alcohol while children are in care. A Caregiver or Associate Caregiver under the influence of illegal drugs or alcohol while providing child care shall be considered absent in the capacity of Caregiver or Associate Caregiver and therefore per se evidence of child neglect exists.

No person working directly with children in a LFCGH shall take any substance or medication which would impair his/her ability to care for children.

#### **PROVISION OF OTHER REGULATED SERVICES**

The LFCGH shall not be licensed or approved to care for convalescent, aged or patients requiring nursing care.

The LFCGH shall not provide foster care for children or adults without the prior written approval of the Department.

The decision for dual service shall be made by the Administrator based upon the recommendation of the Specialist and foster home finder of the placing agency. The recommendation shall consider the specific needs of potential child care children and foster care placements.

The written approval shall include the number and ages of children/adults to be cared for in each program in accordance with requirements.

The decision for dual service shall be reviewed periodically.

Foster children of preschool age and younger shall be counted in the capacity of the LFCGH.

#### **DISCRIMINATION**

The LFCGH shall not discriminate on the basis of sex, race, religion, cultural heritage, disability, marital status, or economic status.

#### **[LICENSEE RESPONSIBILITIES]**

##### **42.0 Information Provided to Parents and Access to the LFCGH Enrollment**

42.1 The LFCGH Licensee shall **[ensure provide]** give the any parent/guardian of each [who is inquiring about or planning to enroll prior to enrolling] a child enrolled in the LFCGH Large Family Child Care Home [is provided] with information [as furnished by the Office of Child Care Licensing] detailing his or her right to inspect the active record[; and] complaint files, procedures for making complaints, and [knowledge finding how to find] the Rules concerning a Large Family Child Care Home as described in *The Parents Right to Know Act [and included in the a copy of "Licensing Information for Parents" as furnished by the Department Office of Child Care Licensing]*. The LFCGH Licensee shall **[ensure have have]** written verification that each parent/guardian has received a copy this information by keeping the signed document in the child's file.

**[42.1.1 A copy of the signed document shall be given to the parent(s)/guardian(s);**

**42.1.2 In the event that the parent(s)/guardian(s) do not enroll the child, the signed document shall be kept on file as proof of providing the information.]**

The LFCGH shall have written verification that each parent of an enrolled child has received a copy of:

Procedures related to the release of children;

Policy and procedures on discipline and guidance of children.

Policy on health and prevention of communicable diseases, injuries and child abuse.

Policy on pets, if pets will be present in the LFCGH.

##### **[43.0 Child Health Appraisal]**

43.1 The Licensee shall ensure that upon enrollment or no longer than one (1) month following enrollment that an age appropriate health appraisal is on file for each child unless required to enroll without immunization(s) such as specified in the McKinney-Vento Homeless Assistance Act or any applicable local, State and Federal laws. The health appraisal shall have been conducted within the last twelve (12) months prior to admission and signed by a health care provider. Health appraisals shall be updated yearly for children preschool-aged or younger and not yet in kindergarten, including school-age

children who are not attending a public or private school and are living in the Large Family Child Care Home, or in accordance with the recommended schedule for routine health supervision of the American Academy of Pediatrics. The health appraisal shall include:

43.1.1 A health history;

43.1.2 A physical and behavioral examination;

43.1.3 Growth and development;

43.1.4 Recommendations regarding required medication, restrictions or modifications of the child's activities, diet or care;

43.1.5 Medical information pertinent to treatment in case of emergency;

43.1.6 Documentation of any recommended or required screening or testing such as for blood-lead or tuberculosis;

43.1.7 Documentation of the immunization status, with a listing of day, month and year of administration for each immunization required by the Division of Public Health as specified in Appendix, Recommended Childhood and Adolescent Immunization Schedule. For current information, the Licensee shall contact the Division of Public Health or refer to the CDC website - <http://www.cdc.gov/nip/recs/child-schedule.htm>.

43.1.7.1 The Licensee shall not permit a child to be admitted who is not age-appropriately vaccinated according to the most recent directive from the Division of Public Health unless a written plan has been established (see below) or as required by law to be admitted without immunization(s) such as specified in the McKinney-Vento Homeless Assistance Act or any applicable local, State and Federal laws and regulations.

43.1.7.2 If a child has not received immunizations as required for his age, the Licensee shall require a written plan for updating the immunizations within a reasonable time frame to be submitted to the Licensee within fourteen (14) days of the child's admission or as required by law such as specified in the McKinney-Vento Homeless Assistance Act or any applicable local, State and Federal laws and regulations.

43.1.7.3 If the additional required immunizations are not completed within the time frame specified in the written plan, the child shall be excluded from the Large Family Child Care Home until the immunizations have been obtained and written documentation signed by the health care provider and has been submitted to the Licensee.

43.2 The Licensee shall ensure that for school-age children, a copy of the most recent health appraisal required by the child's school is also on file at the Large Family Child Care Home.

43.3 The Licensee shall ensure that a child whose parent(s)/guardian(s) objects to immunizations on a religious basis submits a notarized statement to the Licensee explaining that the exemption is in compliance with State law, or in the case where the health care provider provides written documentation that such immunizations may be detrimental to the child's health, the child will be exempt from the immunization requirement.

#### **4344].0 Parent(s)/Guardian(s) Communication**

~~[4344].1~~The LFCGH Licensee shall have a regular ~~[ensure the use of have]~~ an organized system of respectful communication with parent(s)/guardian(s) concerning that ~~[incorporates written policies regarding parent(s)/guardian(s)' communication including strategies to encourage parent(s)/guardian(s)' involvement in the Large Family Child Care Home as follows]~~ includes verbally discussing the following information during the enrollment process and on-going as needed]:

The child's daily activities and routines.

The child's developmental progress and concerns about the child's development and behavior.

Accidents, injuries, illnesses, and other critical incidents.

~~[4344].1.1~~ ~~[Assurances Explaining]~~ that parent(s)/guardian(s)' visits and monitoring of the Large Family Child Care Home are welcomed;

~~[4344].1.2~~ ~~[Assurances of nondiscrimination Explaining nondiscriminatory practices]~~ and respect for each child's family and culture;

~~[4344].1.3~~ ~~[Consultation consulting]~~ with parent(s)/guardian(s) about child care practices specific to their children's culture and community, and ~~[provide about providing]~~ as much consistency as possible in their child care practices especially concerning infants and toddlers.

~~[4344].1.4~~ **[Assurances Sharing an understanding]** that parent(s)/guardian(s) are of primary importance in children's development;

~~[4344].1.5~~ **[A procedure for Identifying the on-going needs of the child including]** learning about parent(s)/guardian(s) preferences and goals and any concerns or special circumstances that may influence the child's development[, behavior] and learning;

~~[4344].1.6~~ **[A statement describing how developmental and education goals for children will be addressed]** Establishing a procedure for sharing each infant's feeding, sleeping, and other routine activities with the infant's parent(s)/guardian(s) at the end of each day];

~~[4344].1.7~~ **[A typical daily schedule of programs and activities at the Large Family Child Care Home]** Explaining safety procedures such as indoor and outdoor safety, fire safety, pets, first aid, smoking prohibited, and emergency planning];

~~[4344].1.8~~ **[When applicable, information about procedures used to assess children's accomplishments and needs, and when there are concerns, to refer parent(s)/guardian(s) for additional help in the community;** Explaining sanitation procedures such as disinfecting, standard precautions, and diapering and toileting; and]

~~[4344].1.9~~ **[Multiple opportunities for involvement of all parent(s)/guardian(s) that includes an awareness of the diversity of families enrolled especially concerning cultural and language differences and the ability for parent(s)/guardian(s) to participate communicating in their native language whenever possible;** Explaining typical routine care practices such as program for children including activities and equipment and sleeping-napping accommodations including procedures for night care, if provided.

~~43.1.10~~ **A procedures for a minimum of one (1) parent(s)/guardian(s)' meeting annually with the Large Family Child Care Provider to share information about the child's progress and development; and**

~~43.1.11~~ **A written explanation of policies on positive behavior management, food service, safety and sanitation, release of children, routine and emergency health care, health exclusions, outbreak of communicable disease, reporting of accidents or critical incidents, mandatory reporting of child abuse and neglect, and when applicable, administration of medication and transporting children.**

44.2 The Licensee shall have an organized system of respectful communication with parent(s)/guardian(s) that incorporates the use of a written policy including information provided during the enrollment process and updated as needed on the following information:

44.2.1 A typical daily schedule;

44.2.2 Positive behavior management techniques;

44.2.3 Health including emergency health care, health exclusions, and prevention of outbreak of communicable diseases;

44.2.4 Food and nutrition;

44.2.5 Procedures for release of children;

44.2.6 Reporting of accidents, injuries or critical incidents;

44.2.7 Mandatory reporting of child abuse and neglect;

44.2.8 Administration of medication procedures;

44.2.9 The use of safe sleep procedures for infants;

44.2.10 The presence of any animals or household pets regardless of the location within the Large Family Child Care Home; and

44.2.11 If provided, transportation of children.]

~~[43.2 42.3]~~ A Licensee shall ensure that parents/guardians shall have free access to areas of the LFGCH Large Family Child Care Home used for child care [during the hours child care services are being provided] while their children are in child care.

#### **[4445].0 Child File**

44.1 The Licensee shall **[ensure that maintain]** an individual file for each child enrolled **[is maintained]**. The information in the file shall be obtained upon enrollment and updated at least annually or upon known changes to the information. The file shall contain the following information:

44.1.1 The child's full name, address, telephone number, and birth date;

44.1.2 Home and work addresses and telephone numbers of parent(s)/guardian(s);

44.1.3 Date of enrollment and hours/days child is scheduled to attend the Large Family Child Care Home;

44.1.4 Name, address and telephone number of emergency contact person **[other than parent(s)/guardian(s)]**;

44.1.5 Name of person(s) **[designated authorized]** by parent(s)/guardian(s) to whom the child may be released; **[and]**

44.1.6 The name and **[phone telephone]** number of the child's health care provider, health appraisal reports [,] and health insurance and policy number for the child[, and if applicable, notarized statement regarding objection to immunization(s) or documentation from a health care provider regarding detrimental nature of immunization(s)];

44.1.7 **[If applicable, A a]** written statement signed by the parent(s)/guardian(s) describing any special problems, medical, developmental, or educational needs of the child including allergies, existing illnesses, or injuries, previous serious illness or injuries and any **[prescribed prescription and non-prescription]** medication including those for both continuous, long-term and emergency situations;

44.1.8 **[If applicable, Ww]**ritten consents signed by parent(s)/guardian(s) special dietary needs, emergency medical treatment, release of child, swimming activities[, and when applicable,] administration of medication and permission for transporting the child on a routine or **[field trip off-premises]** basis;

**[44.1.9 If provided by the parent(s)/guardian(s) for a child who has been identified as having a disability or special need, copies of IEP, IFSP and Section 504 plan, and records of the child's progress in meeting developmental and educational goals, including copies of assessments and referrals special services:]**

44.1.~~109~~ If **[provided by parent(s)/guardian(s)]** applicable]. [relevant] copies of court orders on custody and visitation arrangements **[provided by the parents/guardian(s)]**;

44.1.~~110~~ **["Licensing Information for Parents" form containing** Documentation of any notices required by the Federal, State, local governments or the Office of Child Care Licensing such as information specified in] *The Parents' Right to Know Act* **[information]** signed by the parent(s)/guardian(s); and

44.1.~~1211~~ Reports of accidents, injuries or illnesses involving the child.

44.2 The Licensee shall **[ensure that keep]** emergency information about the child **[is kept]** accessible at all times and **[that]** such information will accompany the child any time **[the child is]** taken off[- the] premises of the Large Family Child Care Home. This information shall include copies of the same information in the child's file except for the following:

44.2.1 Date of enrollment and hours/days child is scheduled to attend the Large Family Child Care Home;

**[44.2.2 If provided for a child who has been identified as having a disability or special need, copies of IEP, IFSP and Section 504 plan, and records of the child's progress in meeting developmental and educational goals, including copies of assessments and referrals special services:]**

44.2.~~32~~ **["Licensing Information for Parents" form containing the Parents' Right to Know information signed by the parent(s)/guardian(s)]** Documentation of any notices required by the Federal, State, local governments or the Office of Child Care Licensing - see **Rule # 209J**]; and

44.2.~~43~~ Reports of accidents, injuries or illnesses involving the child.

44.3 The Licensee shall **[ensure that not disclose or permit the use of]** any information pertaining to an individual child or family **[is not disclosed or permitted to be used]** unless the parent(s)/guardian(s) of the child has granted written permission to do so, **[or] except [in the course of official duties] by [any authorized]** representative(s) of the Office of Child Care Licensing, Division of Family Services, or other entities with statutory responsibility for issues relating to the health, safety and protection of children.

#### **45.0 Daily Attendance of Children**

45.1 The Licensee shall ensure that daily attendance records are kept for children which identify the hours of the children's attendance each day.

45.2 The Licensee shall ensure **[that]** a system is established for taking attendance when the children arrive and depart the Large Family Child Care Home **[and periodically throughout each day to ensure the whereabouts of children in attendance at any given time]**.

#### **46.0 Release of Children**

46.1 The LFCGH Licensee shall ~~[ensure that release release]~~ children ~~[are]~~ only released to persons authorized by the parent(s)/guardian(s) who has placed the child(ren) in care ~~[to receive the child]~~.

46.2 The LFCGH Licensee shall have ~~[and use a]~~ written policy ~~[and procedures]~~ for the release of children ~~[including that includes using the following procedures]:~~

46.2.1 ~~[Ensuring documentation of A process for documenting]~~ the release of ~~[the a]~~ child from the responsibility of the staff members to an authorized person;

46.2.2 ~~[Procedures a process]~~ for ~~[the]~~ emergency release of ~~[children a child]~~ as ~~[individually]~~ requested by parent(s)/guardian(s);

~~[46.2.3 Procedures regarding the release of the child to any person not known to the Caregiver staff members;]~~

46.2.~~[43~~ ~~Procedures A process]~~ for handling situations in which a non-custodial parent attempts to claim the child without the consent of the custodial parent/guardian; and

46.2.~~[54~~ ~~Procedures A process]~~ to be followed when a person not authorized to receive a child, or a person who is ~~appears to be~~ intoxicated or otherwise incapable of bringing the child home safely, requests release of a child.

46.3 The Licensee shall have a procedure to verify the identity of ~~[any individual receiving a child an authorized person who is not previously known to staff member(s)]~~ prior to releasing the child ~~[when that person is not known to the staff members]~~ and keep written documentation of such verification ~~[for at least twenty four (24) hours in the child's file].~~

46.4 The Licensee shall ensure that when a parent/guardian calls the Large Family Child Care Home requesting emergency release of a child, the identity of the parent/guardian is verified prior to the release of the child ~~[to the authorized person].~~

## REPORTING REQUIREMENTS

The LFCGH shall report any suspected or alleged incident of child abuse and neglect to the Child Abuse/Neglect Reporting Number and shall cooperate fully in the investigation of any incident. The Toll-free number is 1-800-292-9582.

The LFCGH shall report by telephone to the Department within one (1) working day:

Any accident, injury or illness occurring while a child is in care and resulting in patient or out-patient hospitalization or death. The verbal report shall be followed by a written report on a form provided by the Department.

A fire which requires the services of the fire department.

The LFCGH shall notify to the Department in writing at least ninety (90) days before any of the following:

A planned change of ownership and/or sponsorship;

A planned change in location, name and/or telephone number of the LFCGH;

A planned change in composition of household, if applicable;

A planned reduction, addition or substantial change in the indoor or outdoor spaces of the LFCGH;

A planned change in the Caregiver;

A substantial planned change in services provided and/or population served;

A planned change in the hours of operation;

The LFCGH will give notice as soon as possible if any of the above changes occur without prior planning.

## PERSONNEL

Qualifications of Associate Caregiver

The Associate Caregiver shall:

Be at least eighteen (18) years of age and able to read and carry out the Requirements for Large Family Child Care Homes.

Be physically and emotionally capable of performing activities normally related to providing child care, such normal activities include lifting or picking up a child, preparing and/or serving meals, dealing with emergencies in a calm manner and carrying out methods of child guidance and discipline as stipulated in these requirements.

Have an understanding of children and their needs together with an ability to relate to children with courtesy, respect, patience and affection, and an understanding and respect for the child's family and culture.

Training of Associate Caregiver

The Associate Caregiver shall receive an orientation on the following:

Emergency and evacuation procedures;

LFCGH policies including discipline, health care, child care, sanitation procedures and release of children;

Child abuse and neglect law and reporting requirements;

Recognition of the symptoms of childhood illnesses, child abuse, sexual abuse and neglect;

Title VI Requirements;

Licensing Requirements.

During the first year of employment, the Associate caregiver shall obtain certification in pediatric first aid including rescue breathing and first aid for choking. The Associate Caregiver shall also complete six (6) hours of training in topics such as child development, appropriate caregiving and guidance of children's behavior.

During each subsequent year of employment, an Associate Caregiver shall maintain current first aid certification and shall complete twelve (12) hours of Department approved training. Training shall include topics such as child development, appropriate caregiving and guidance of children's behavior, health and safety, and infection control.

Substitute Caregiver

In addition to the Associate Caregiver, the LFCGH shall have an arrangement with a substitute caregiver, at least eighteen (18) years of age, available to assist in emergency situations when the licensee or second caregiver is unavailable. The name, address and telephone number of the substitute person/persons shall be provided to the Department and shall be posted with other emergency numbers in the LFCGH.

The LFCGH shall ensure the substitute caregiver receives orientation training in the following:-

A. Responsibilities of their particular functions;

B. Emergency and evacuation procedures, and;

C. LFCGH policies and procedures including discipline, child care, sanitation procedures and release of children.

## **NUMBER OF STAFF**

The number of children in care in a LFCGH shall not exceed twelve (12), including preschool age or younger children who are living in the home, as provided on the license. The age distributions and the addition of part-time school-aged children shall be determined as follows:

Type 1 LFCGH: Licensed to care for twelve (12) children, of whom no more than four (4) shall be under the age of two (2), and no more than two (2) under the age of one (1). A Type 1 LFCGH may provide before/after school care for no more than two (2) additional children of school age, for no more than a total of four (4) hours per day.

If more than one (1) shift of care is provided, overlapping care between shifts may occur for no more than two additional (2) children for no more than two (2) hours per day.

A Type 1 LFCGH shall not provide both before/after school care and overlapping care.

Type 2 LFCGH (Infant/Toddler Home): Licensed to care for twelve (12) children. School age care and overlapping care shall not be permitted in an Type 2 LFCGH (Infant/Toddler Home.) If more than five (5) of the children are under the age of two (2), a second associate caregiver must be present.

If the Caregiver intends to seek approval as a Type 2 (Infant/Toddler Home), at least 20 hours of training must be completed in the areas of infant/toddler development and curriculum, and health, safety, and nutrition issues specifically related to infant/toddler caregiving.

Full day care may be provided to school aged children on school closing days and school vacations.

During winter vacation, spring vacation, and summer vacation, the number of school aged children must be no more than the number permitted under the current license as described in Requirement 90.

During these vacation periods, the LFCGH is permitted to use a helper to assist with child care under the direct supervision of the Caregiver or Associate caregiver. If the Caregiver's own children under the age of twelve (12), plus the licensed capacity, bring the total number of children to more than fourteen (14), a person, at least as qualified as a helper, must assist with child care during these vacation periods.

In non-emergency situations, the LFCGH may arrange for the Associate Caregiver to be in charge of the

LFCGH with a substitute caregiver present for the following purposes:

Vacations which last for no more than two (2) weeks, with care provided within the LFCGH;

Weekly, for things such as doctor's appointments, shopping, banking, school appointments, and classes;

Maternity leave, if the LFCGH is in the Caregiver's home; and

The LFCGH must inform the parents in advance the Associate Caregiver will be caring for their children at these times with a substitute caregiver present.

The Caregiver, Associate Caregiver, or substitute caregiver, shall be responsible for the direct supervision of children in care at all times.

A Caregiver or Associate Caregiver shall be physically present at the LFCGH during the hours of operation.

An Associate Caregiver is required on the premises of the LFCGH when more than six (6) children are in attendance, or more than four (4) children under the age of one (1).

Every infant shall have an identified person who will assume the primary, but not the only responsibility for feeding, comforting, and otherwise caring for the infant's needs.

## Part IV. Physical Environment

### 47.0 General [and Fire Safety]

47.1 The LFCGH Licensee shall ensure every building, or part thereof used as a LFCGH Large Family Child Care Home, is constructed, used, furnished, maintained and equipped in compliance with all applicable requirements established by Federal, State, local and municipal regulatory bodies.

47.1.1 The LFCGH Licensee shall have written certification of compliance from appropriate regulatory bodies governing zoning, building construction and safety, sanitation and fire safety.

47.2 The Licensee shall ensure that the physical facilities of the LFCGH Large Family Child Care Home and grounds shall present no hazard to the health and safety of the children.

The LFCGH shall prohibit smoking in areas used by the children and in food preparation areas.

47.3 The LFCGH Licensee shall ensure that the Large Family Child Care Home and its furnishings shall be are kept in a clean and safe condition. All walls, floors, ceilings and other surfaces shall be clean and in good repair.

47.4 The LFCGH Licensee shall ensure that the Large Family Child Care Home shall be is kept free from rodent and insect infestation.

47.5 The LFCGH Licensee shall provide insect screening for [ensure that] screens in good repair are used on all outer doors and openable [all] windows, when such doors and windows are or other openings to the outside used for ventilation, provided that all requirements for fire safety have been met. This screening shall be in good repair.

47.6 The LFCGH Licensee shall be kept heated ensure that [the rooms any room] in the Large Family Child Care Home used by the children [are is] maintained at a minimum temperature of at least sixty-five (65) degrees Fahrenheit (F.) and a maximum of eighty-five (85) degrees F. unless there is a conflict with Federal and State energy Laws. The minimum and maximum temperatures shall be taken at floor level.

47.6.1 The Licensee shall be required to temporarily close the Large Family Child Care Home if the minimum or maximum room temperatures cannot be maintained during all of the hours of operation.

47.7 For a Large Family Child Care Home licensed on or after the effective date of these Rules, the Licensee shall ensure that air conditioning is used in [rooms any room] used by children to keep the room[s] comfortable as per Rule 47.6 during hot weather.

47.8 The Licensee shall be aware of [all extreme] weather conditions [especially concerning extreme weather conditions] such as storms producing excessive wind, rain (flooding), hail, sleet, and snow; poor air quality; heat and humidity including heat advisories; or cold temperatures including wind chill factors that could affect the well being or health of children. Children shall not be allowed to play outside during extreme weather conditions.

47.9 The Licensee shall ensure that all floor or window fans in the Large Family Child Care Home are inaccessible to children and bear the safety certification mark of a nationally recognized, independent, third party testing laboratory such as Underwriter Laboratories (UL).

47.10 The Licensee shall ensure that furnaces, water heaters, all heating and cooling equipment is

safely shielded to prevent the injury of appliances, pipes, fans and other similar devices shall be kept in a safe condition and inaccessible to children.

47.10.1 **[Use of Any heating equipment prohibited under State Fire Code or Federal, State or local governmental agencies such as the following items:] unvented fuel fired heating equipment, including, but not limited to portable, open-flame, and kerosene space heaters ~~is prohibited shall not be used~~.**

47.10.2 Hot water pipes, steam radiators, electric space heaters, and wood-burning stoves shall be equipped with protective guards[,], or insulated[, or inaccessible] to protect children against burns.

47.10.3 Electric space heaters shall be ~~UL-approved~~ listed by a nationally recognized, independent third party testing laboratory such as Underwriter Laboratories (UL) and, inaccessible to children, and stable.

47.10.4 Fireplaces shall be securely screened or equipped with protective guards while in use.

47.11 The Licensee shall ensure that protective **[receptacle]** covers shall be ~~are~~ placed installed on in all electrical outlets receptacles not in use and all areas accessible to the children.

47.12 The LFCGH Licensee shall ensure that the Large Family Child Care Home shall have ~~has~~ **[a working an in-service cell or land line]** telephone.

The LFCGH shall immediately notify the Department if telephone service to the LFCGH is to be discontinued or is no longer available.

If a telephone is forbidden by religious beliefs, a telephone must be available within a short walking distance.

47.13 The Licensee shall ensure that telephone numbers of the **[nearest]** hospital, ambulance, police department, fire department and poison control center **[shall be available for assistance in the area serving the location of the Large Family Child Care Home or as requested for use by parent(s)/guardians of the child enrolled]** are posted on or by each near [the] telephone.

47.14 The Licensee shall ensure that an operable flashlight shall be is accessible at all times.

47.15 The Licensee shall ensure that clear glass doors or low windows **[at or within twenty-four (24) inches of floor-level]** in the rooms used by children in child care at the Large Family Child Care Home shall be ~~are~~ clearly marked with a vision strip such as a decal(s), sticker(s), rail(s), or mesh located at a child's eye level to reduce the risk of colliding with the glass.

47.16 The Licensee shall ensure that stairways **[over four steps]**, inside and outside, **[over four steps]** shall have have railings when used by children in child care at the Large Family Child Care Home. Safety gates approved by the American Society for Testing and Materials (ASTM) at stairways shall be used at all times when infants and toddlers are in child care.

47.16.1 If the physical characteristics of the LFCGH Large Family Child Care Home do not permit the installation of a safety gate(s) in accordance with the manufacturer's instructions, then the LFCGH Licensee shall ~~implement~~ have and adhere to a plan which safely prevent the access of infants and toddlers to stairways.

47.17 The Licensee shall ensure ~~[staff members inspect on a daily basis all exits that]~~ stairways, hallways, windows, and doors from rooms and from the Large Family Child Care Home ~~[to ensure each is are]~~ unobstructed[- not blocked by furnishings or other materials that inhibit movement-] and [are] in working condition [throughout the hours of operation].

47.18 The Licensee shall ensure that all areas in a Large Family Child Care Home that are more than two (2) feet above the floor or grade below, such as porches, elevated walkways and elevated play areas are provided with guards (barriers) to prevent falls over the open side. The height of the guards shall not be less than forty-two (42) inches high and measured vertically to the top of the guard.

47.19 The Licensee shall ensure that children are cared for **[in on]** ground level space in the Large Family Child Care Home including when night care is provided.

**[47.19.1 One (1) level above or below ground level (for example, a split-level home) of the Large Family Child Care Home may be used if the vertical travel to that level is five (5) feet or less.**

**47.19.2 Child care shall not be provided on the second floor of the Large Family Child Care Home or on a level that requires climbing up a full flight of stairs or with a vertical travel of more than five (5) feet.]**

47.20 The Licensee shall ensure that every room used for child care has at least two exits or means of escape, at least one of which shall be a door or stairway providing unblocked travel to the outside of the

Large Family Child Care Home at street or ground level. A second exit or means of escape may be a window which is easily opened, not more than forty-four (44) inches above the floor, and has an opening twenty (20) inches wide and twenty-four (24) inches high and opens to a total area of at least 5.7 square feet.

**[47.21 The Licensee shall ensure that no room or space shall be used for child care which is accessible only by ladder, folding stairs, or through a trap door.]**

47.[2221] The Licensee may use the basement level space for children in child care only if there is at least one(1) door that exits directly to the outside at ground level with the vertical travel [or stairway] to the ground level [is] not more than eight (8) feet and at least [one of the following is in the basement of the Large Family Child Care Home]:

47.[2221].1 One (1) window which is easily opened, is no more than forty-four (44) inches above the floor and has an opening twenty (20) inches wide and twenty-four (24) inches high and opens to a total of at least 5.7 square feet; or

47.[2221].2 Another door – total of two (2) doors, one of which exits directly to the outside at ground level.

**[47.22 The Licensee shall ensure that each door used as an exit is not less than thirty-two (32) inches wide.]**

47.23 The Licensee shall ensure that every [bathroom] door lock in rooms used by children in child care at the Large Family Child Care Home is designed to permit the opening of the locked door from the outside [in an emergency] and the opening device is readily available to [the Large Family Child Care Provider or] staff member(s).

**[47.24 The Licensee shall ensure that each door used as an exit is not less than thirty two (32) inches wide.]**

47.[2524] The Licensee shall ensure that every closet door latch in the rooms used by children in child care at the Large Family Child Care Home is designed so that children can open the door from inside the closet.

**[47.25 The Licensee shall ensure that no room or space shall be used for child care which is accessible only by ladder, folding stairs, or through a trap door.]**

47.26 For a Large Family Child Care Home [built before 1993 and] licensed before the effective date of these Rules, the Licensee shall ensure that [a working an operable] smoke alarm which is listed by a nationally recognized testing laboratory is installed on [the ceiling] or six (6) to twelve (12) inches below the ceiling of each level of the Large Family Child Care Home and the basement.

47.26.1 All enclosed sleeping areas, such as a bedroom, shall have properly installed working smoke alarm.

47.26.2 Smoke alarms shall be tested monthly[~~, and the batteries replaced at least yearly~~]. [The monthly tests shall be documented in a log.

**47.26.3 The batteries shall be replaced at least yearly.]**

47.27 For a Large Family Child Care Home licensed on or after the effective date of these Rules, the Licensee shall ensure that an operable smoke alarm, listed by a nationally recognized testing laboratory and powered by the Large Family Child Care Home's electrical service (hard-wired) with battery back-up, is installed in accordance with its listing on the ceiling of each level of the Large Family Child Care Home and the basement.

46.27.1 All enclosed sleeping areas, such as a bedroom, shall have properly installed operable smoke alarms, listed by a nationally recognized testing laboratory and powered by the Large Family Child Care Home's electrical service (hard-wired) with battery back-up.

46.27.2 Smoke alarms shall be tested monthly[~~, and the batteries replaced at least yearly~~]. [The monthly tests shall be documented in a log.

**47.27.3 The batteries shall be replaced at least yearly.]**

47.28 The Licensee shall ensure that operable carbon monoxide warning equipment listed by a nationally recognized testing laboratory is at least on the ground level near any sleeping area used by the children in child care at the Large Family Child Care Home. The equipment shall be installed in accordance with its listing and the manufacturer's instructions.

47.28.1 Carbon monoxide warning equipment shall be tested monthly [and the batteries replaced at least yearly]. [The monthly tests shall be documented in a log.

**47.28.2 The batteries shall be replaced at least yearly.]**

47.29 The Licensee shall not be required to have carbon monoxide warning equipment when the

Large Family Child Care Home has:

47.29.1 No garage or the garage is **[a]** separate structure from the Large Family Child Care Home; and

47.29.2 No fuel-fired equipment using fuels such as gas, oil, wood, and kerosene, and all equipment is electric such as the heater, hot water heater, oven, range, dryer, and fireplaces.

47.30 The Licensee shall ensure that an electrical inspection of the Large Family Child Care Home shall be conducted every three (3) years by an electrical inspection agency as recognized by the State Fire Marshal.

47.31 The Licensee shall ensure that at a minimum, a charged portable dry chemical fire extinguisher rated 1A 10 BC, is available in the kitchen, stored out of the manufacturer 's container from which it was purchased, and is easily accessible. The extinguisher shall be used and maintained in accordance with the manufacturer's instructions.

47.32 The Licensee shall ensure that all flammable and hazardous materials, including matches and lighters, medicines, drugs, **[alcohol,]** cleaning materials, detergents, aerosol cans, plastic bags, firearms, ammunition, and other similar materials and objects are stored safely in areas inaccessible to children.

47.32.1 Firearms and ammunition, if present in the Large Family Child Care Home, shall be kept in a locked container or locked closet. Ammunition shall be kept separate from firearms.

47.33 The Licensee shall ensure that the Large Family Child Care Home's plumbing is kept in good working condition.

47.34 The Licensee shall ensure that the Large Family Child Care Home has at least one (1) indoor flushing toilet and one (1) sink with hot and cold running water on the ground level **[where in the same indoor bathroom available for use by children in] child care [is provided].**

47.35 The Licensee shall ensure that garbage is kept in containers in an area inaccessible to children or securely covered.

47.35.1 Garbage and rubbish shall be removed daily from rooms **[occupied used]** by children.

47.35.2 Garbage and rubbish shall be removed from the **[Large Family Child Care Home]** premises on a regular basis but not less than once a week.

#### **[48.0 Kitchen**

**(Also see Food Service and Nutrition Rules #317 - 345)]**

**48.1** The Licensee shall ensure that the kitchen and all food preparation, storage and serving areas and utensils in the Large Family Child Care Home are kept clean and sanitary.

**48.2** The Licensee shall ensure the kitchen in the Large Family Child Care Home has hot and cold running water.

**48.3** The Licensee shall ensure the Large Family Child Care Home has at least one (1) separate sink used only for hand-washing in the kitchen.

**48.4** The Licensee shall ensure that in addition to the hand-washing sink as per the above Rule, the Large Family Child Care Home shall also have one of the following options:

**48.4.1** Two (2) compartment sink in the kitchen - one compartment used for food preparation, and the other used for washing and sanitizing cooking and eating utensils; or

**48.4.2** One (1) other sink in the kitchen used for food preparation along with a dishwasher that has a sanitizer cycle used for washing and sanitizing cooking and eating utensils.

**48.5** The Licensee shall ensure the Large Family Child Care Home has an oven or microwave, and a range or cook top.

**48.6.** The Licensee shall ensure the Large Family Child Care Home has a refrigerator to keep perishable foods cold at forty (40) degrees F. or colder with a working thermometer in the refrigerator.

**48.7** The Licensee shall ensure that a freezer is maintained so that food stored in the freezer stays frozen at zero (0) degrees F. or colder with a working thermometer in the freezer.

**48.8** The Licensee shall ensure the Large Family Child Care Home has either an operable window or exhaust system for the removal of smoke and odors.

**48.9** The Licensee shall ensure all dishes and utensils shall be air dried unless sanitized and dried in a dishwasher.

**48.10** The Licensee shall ensure that all dishes, cups and glasses used by the children in child

care are free from chips, cracks or other defects.

48.11 The Licensee shall ensure that each individual child has his or her own clean utensils - fork, spoon, knife, dish, cup or bottle as appropriate to the age of the child to eat with or be fed with. Such utensils or equipment shall not be shared with another child during feeding.

#### 49.0 Indoor Space

49.1 The Licensee shall ensure that the Large Family Child Care Home has a minimum of thirty-five (35) square feet of indoor space for each child in child care that allows for free movement and active play. Measurements shall be from wall to wall on the inside. Furniture that restricts children's free movement and active play shall be considered a deductible factor when determining square footage.

49.1.1 Toilet rooms, kitchen areas, 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.

#### 50.0 Outdoor Play Area

50.1 The Licensee shall provide opportunities for vigorous play and large muscle activity with attention to the diverse needs of the children served and their abilities to participate either on the premises or within a safe walking distance of the Large Family Child Care Home as follows:

50.1.1 The outdoor play area shall provide at least fifty (50) square feet of play space for each child for the maximum number of children who will use the playground at any one (1) time; and

50.1.2 The outdoor play area shall accommodate at least one-half (1/2) of the licensed capacity of the Large Family Child Care Home at any one (1) time.

50.2 The Licensee shall ensure that any outdoor play area is inspected by a staff member before children begin to play to make sure there are no hazards such as, but not limited to, animal feces, toxic plants, outdoor equipment, lawn mower, cooking grill, or debris, and that any play equipment is safe for use.

50.2.1 Tool sheds, garages, and other outdoor facilities shall not be accessible to children in child care and securely latched or locked to prevent children from entering.

50.2.2 Children shall be in constant view of a staff member while outdoors and not allowed to go in unobservable areas such as behind shrubbery.

50.3 The Licensee shall ensure that the outdoor play area of the Large Family Child Care is fenced.

50.3.1 Fencing shall be sturdy, safe and reinforced at intervals so as to give support, constructed to discourage climbing and to allow observation of children.

50.3.2 Fencing shall be a minimum of four (4) feet in height with openings no larger than three and one-half (3 ½) inches.

50.3.3 Gates shall be equipped with self-closing and positive self-latching closure mechanisms. The latch or securing device shall be high enough or such that small children cannot open it.

50.3.4 The fenced area shall have at least two (2) exits, with at least one (1) being remote from the building.

50.4 For a Large Family Child Care Home licensed before the effective date of these Rules, the existing fencing of the outdoor play area on the premises of the Large Family Child Care Home shall be acceptable as long as it is safe, free from hazards and in good repair. When the fencing is replaced, the new fencing shall fully comply with **Rule #267**.

50.5 The Licensee shall ensure that all outdoor play equipment is sturdy, safe, clean and free from rough edges, sharp corners, pinch and crush points, splinters and exposed bolts.

50.6 The Licensee shall ensure that large outdoor play equipment is anchored firmly and not located on concrete or asphalt surfaces.

50.7 The Licensee shall ensure that all surfaces of the outdoor play area are made up of materials that do not present a safety or choking hazard, are free of unsafe contaminants such as steel wires and any unhealthy residue from deterioration of the materials used.

50.8 The Licensee shall ensure that if using gravel or stone-like surfacing, only pea gravel shall be acceptable as cover for the outdoor play area.

50.9 For a Large Family Child Care Home licensed before the effective date of these Rules, the existing gravel or stone-like surfacing shall be acceptable. When replacing gravel or stone-like surfacing, only pea gravel shall be acceptable as per **Rule #272**.

50.10 The Licensee shall ensure that outdoor sandboxes or play areas containing sand shall be maintained in a safe and sanitary manner. Separate outdoor sandboxes shall be covered when not in use.

#### 51.0 Riding Toys

51.1 The Licensee shall ensure that bicycles, tricycles, scooters, and other riding toys are the size appropriate for a child, in good condition and free of sharp edges or protrusions that may injure a child.

51.2 A Licensee shall prohibit the use of motorized riding toys by children at the Large Family Child Care Home during the hours of operation.

51.3 The Licensee shall ensure that all children wear approved safety helmets while riding outside on bicycles and tricycles that have foot pedals.

51.3.1 Children shall not share helmets unless helmets are made with a nonporous interior lining and easily cleanable straps. All interior and exterior surfaces of the helmet shall be wiped clean between users.

51.3.2 Helmets shall be removed before allowing children to use playground equipment unless a helmet has been medically prescribed by a health care provider for the safety of a particular child.

#### 52.0 Swimming

52.1 The Licensee shall ensure that all children shall be under direct observation and supervision of staff members at all times while children are wading or swimming. During any swimming activity involving infants and/or toddlers, there shall be a minimum of two staff members present in the water and the infants and/or toddlers shall be within arm's length of the staff member.

52.1.1 Permanent or built-in type swimming pools and wading pools that are left filled when not in use shall be inaccessible to children when not being used by the children.

52.1.2 The water in swimming pools used by children in child care shall be treated, cleaned and maintained in accordance with health practices and regulations as determined by the Division of Public Health.

52.1.3 The pool structure and associated equipment shall be maintained in a safe manner and be free of hazards.

52.1.4 Small portable wading pools shall be thoroughly cleaned and disinfected after each use.

#### 53.0 Pets

53.1 The Licensee shall ensure that any animals or household pets shall be permitted provided that there is proof of rabies and other current required vaccinations for each animal ~~kept in rooms used by children in at~~ the Large Family Child Care Home are ~~documented by a licensed veterinarian are free from disease and~~ vaccinated as prescribed by law. Animals shall be free from disease and shall be cared for in a safe and sanitary manner.

53.1.1 Animals are cared for in a safe and sanitary manner.

53.1.2 Animals ~~are shall~~ only be handled by children under close supervision of [a staff member or adult] household ~~or staff~~ member responsible for that pet.

53.1.3 Animals such as ferrets, turtles, iguanas, lizards or other reptiles, psittacine birds (birds of the parrot family), or any other animals that are known to be carriers of illnesses ~~or~~ are ~~sick with a disease(s) that can be spread to humans shall~~ not kept in rooms used by children in the Large Family Child Care Home.

53.1.4 Litter boxes or any container or materials used for collecting or containing animal feces or urine are not kept in rooms used by children in the Large Family Child Care Home.

53.1.5 Parent(s)/guardian(s) are informed of the presence of any animals or household pets regardless of the location within the Large Family Child Care Home.

#### 54.0 Smoking Prohibited

The Licensee shall ensure that smoking is prohibited [during the hours of operation of the Large Family Child Care Home] when children attending the Large Family Child Care Home are present anywhere inside the Large Family Child Care Home, in the outdoor play area, while transporting children, and in the presence of children [during field trips or routine outings when off-premises of the Large Family Child Care Home].

#### **[55.0 Emergency Planning**

**55.1 The Licensee shall have a written emergency plan describing procedures for both natural and man-made disasters for such situations as a fire, flood, earthquake, extreme weather conditions, power failure or utility disruptions, chemical or toxic spills, bomb threat or terrorist attack.**

**55.1.1 The emergency plan shall include procedures for training the staff members, and when applicable, household members, about specific responsibilities during a disaster, accounting for all children, relocation process (if appropriate) and contacting appropriate emergency response agencies and parent(s)/guardian(s).**

**55.2 The Licensee shall have a posted written plan or diagram showing how the Large Family Child Care Home will be evacuated during an emergency.**

**55.2.1 Monthly evacuation drills shall be practiced from all exit locations during the hours of operation of the Large Family Child Care Home and during varied activities including nap time. Each drill shall be documented and include information on the date and time of day of the drill, who participated, the number of children and staff members who participated, and the total amount of time necessary to evacuate the Large Family Child Care Home.**

**55.3 The Licensee shall develop a written plan for procedures to shelter-in-place (staying indoors) at the Large Family Child Care Home for up to seventy-two (72) hours/three (3) days due to a natural or man-made disaster.**

**55.3.1 This plan shall include a list of emergency supplies for the child care of children and others present including procedures for feeding of children and others present during the extended stay at the Large Family Child Care Home.**

**55.4 The Licensee or staff member shall conduct monthly fire prevention inspections and post a copy of the latest inspection report in a conspicuous place at the Large Family Child Care Home.**

## **HEALTH**

#### **56.0 Child Health**

**56.1 The Licensee shall have an arrangement with a health care provider who provides consultation on health policies and other issues related to the Large Family Child Care Home.**

**56.2 The Licensee shall ensure that each child is observed by a staff member upon arrival and checked for common signs of communicable diseases, physical injury or other evidence of ill health.**

**56.3 The Licensee 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. Staff members shall receive a copy of this plan and be trained in its implementation. Parent(s)/guardian(s) shall be given a copy of this plan at the time of enrollment. The plan shall include:**

**56.3.1 Procedures to be followed in case of illness or emergency, including methods of transportation and notification of parent(s)/guardian(s);**

**56.3.2 Procedures to be followed in case of illness or emergency, when parent(s)/guardian(s) cannot be reached;**

**56.3.3 Policies regarding administration of medication; and**

**56.3.4 Plans for the management of communicable disease including the following:**

**56.3.4.1 The list of symptoms of illness for which a child will be excluded from the Large Family Child Care Home or sent to his or her own home if symptoms occur after the child has been admitted for the day as specified in **Rule #288**;**

**56.3.4.2 The list of reportable communicable diseases for which a child will not be admitted to the Large Family Child Care Home without a written statement from a health care provider as specified in **Rule #290**; and**

**56.3.4.3 A written notice to the parent(s)/guardian(s) whenever an outbreak or exposure to a reportable communicable disease is known to have occurred.]**

**56.4 The Licensee shall not permit a child who has symptoms of illness specified below to be admitted or remain in the Large Family Child Care Home unless written documentation from a health care provider, or verbal approval with written follow-up, states the child has been diagnosed and the illness poses no serious health risk to the child or to other children. The symptoms of illness for exclusion shall include, but not be limited to the following:**

**56.4.1 Temperature: infants four (4) months old and younger, equivalent to 100 degrees or greater even if there has not been a change in behavior;**

**56.4.2 Temperature: children older than four (4) months, equivalent to 101 degrees or greater; accompanied by behavior changes or other signs or symptoms of illness- until medical evaluation indicates inclusion in the Large Family Child Care Home;**

**56.4.2.1 Temperatures may be taken by way of axillary (armpit) using a glass or digital thermometer, using a temperature scanner, or if the child is four (4) years of age or older, orally (by mouth) using a glass or digital thermometer. Rectal or aural (ear) temperatures shall be taken only by a health care provider.**

**56.4.3 Symptoms and signs of possible severe illness such as lethargy (unusual tiredness, not responsive), uncontrolled coughing, irritability, persistent crying, difficult breathing, wheezing, or other unusual signs)- until medical evaluation allows inclusion;**

**56.4.4 Uncontrolled diarrhea, that is, increased number of stools (bowel movements), increased stool water, and/or decreased form that is not contained by the diaper- until diarrhea stops;**

**56.4.5 Blood in stools not explainable by dietary changes, medication, or hard stools;**

**56.4.6 Vomiting illness (two (2) or more episodes of vomiting in the previous twenty-four (24) hours) until vomiting resolves or until a health care provider determines the illness to be non-communicable, and the child is not in danger of dehydration;**

**56.4.7 Persistent abdominal pain (continues more than two (2) hours) or intermittent pain associated with fever or other signs or symptoms;**

**56.4.8 Mouth sores with drooling, unless a health care provider determines the condition is noninfectious;**

**56.4.9 Rash with fever or behavior change, until a health care provider determines that these symptoms do not indicate a communicable disease;**

**56.4.10 Purulent conjunctivitis (defined as pink or red conjunctiva with white or yellow eye discharge), until twenty-four (24) hours after treatment has been initiated;**

**56.4.11 Scabies, head lice, or other infestation, until twenty-four (24) hours after treatment has been initiated;**

**56.4.12 Tuberculosis, until a health care provider states that the child is on appropriate therapy and can attend child care;**

**56.4.13 Impetigo, until twenty-four (24) hours after treatment has been initiated;**

**56.4.14 Strep throat or other streptococcal infection, until 24 hours after initial antibiotic treatment and cessation of fever;**

**56.4.15 Varicella-Zoster (chicken pox), until all sores have dried and crusted (usually six (6) days);**

**56.4.16 Shingles, only if sores cannot be covered by clothing or a dressing; if not exclude until sores have crusted and are dry;**

**56.4.17 Pertussis, until five (5) days of antibiotic treatment;**

**56.4.18 Mumps, until nine (9) days after onset of parotid gland swelling;**

**56.4.19 Hepatitis A virus, until one (1) week after onset of illness, jaundice or as directed by the health care provider when passive immunoprophylaxis (currently, immune serum globulin) has been administered to appropriate children and staff;**

**56.4.20 Measles, until five (5) days after onset of rash;**

**56.4.21 Rubella, until six (6) days after onset of rash;**

**56.4.22 Herpetic gingivostomatitis (cold sores), if the child is too young to have control of oral secretions; or**

**56.4.23 Unspecified illness if it limits the child's comfortable participation in activities or if it results in a need for greater child care than can be provided by a staff member without compromising the health and safety of other children.**

56.5 The Licensee may allow a child to return to the Large Family Child Care Home when the symptoms are no longer present or a health care provider indicates the child does not pose a serious health risk to the child or to other children.

56.6 The Licensee shall not permit a child with a reportable communicable disease, as specified by the Division of Public Health to be admitted to or remain at the Large Family Child Care Home unless:

56.6.1 Written documentation from the child's health care provider states the child has been evaluated and presents no risk to the children or to others; or

56.6.2 The Licensee has reported the illness to the Division of Public Health and been advised that the child presents no health risk to others.

56.6.2.1 If there is a conflict in opinions of the health care provider and the Division of Public Health regarding the exclusion of a child, the Licensee shall follow the instructions of the Division of Public Health.

56.7 The Licensee shall report any reportable communicable disease to the Division of Public Health in accordance with Division of Public Health procedures. For current information on reportable communicable disease, the Licensee shall contact the Division of Public Health or refer to their website - <http://www.dhss.delaware.gov/dhss/dph/dpc/rptdisease.html>.

56.8 The Licensee shall ensure that when a child has been diagnosed as having a reportable vaccine-preventable communicable disease, all children who have not been immunized against the disease are excluded from the Large Family Child Care Home in accordance with Division of Public Health procedures.

56.9 The Licensee shall ensure that if a child who has already been admitted to the Large Family Child Care Home manifests any of the illnesses or symptoms specified in **Rules #288 and 290**, the Licensee shall ensure that the child's individual needs for rest, comfort, food, drink and appropriate activity are met by a staff member until the child can be picked up by the parent/guardian.

#### 57.0 Standard Precautions

57.1 The Licensee shall ensure the use of standard precautions for protection from disease and infection. Spills of body fluids (i.e., urine, feces, blood, saliva, nasal discharge, eye discharge, and injury or tissue discharges) shall be cleaned up immediately, as follows:

57.1.1 For spills of vomit, urine, and feces on any surface including the floors, walls, bathrooms, table tops, toys, kitchen counter-tops, diaper-changing tables, toilet training chairs, the area shall be cleaned with liquid soap and water and disinfected.

57.1.2 For spills of blood or blood-containing body fluids and injury and tissue discharges, the area shall be cleaned with liquid soap and water and disinfected. Non-porous gloves shall be used in these situations.

57.1.3 For cleaning contaminated surfaces, avoid exposure of open skin sores or mucous membranes to blood or blood-containing body fluids and injury or tissue discharges by using non-porous gloves to protect hands when cleaning contaminated surfaces.

57.1.4 Blood-contaminated material and diapers shall be disposed of in a plastic bag with a secure tie.

57.1.5 Mops shall be cleaned, rinsed, disinfected, wrung dry and hung to dry.

#### 58.0 First Aid

58.1 The Licensee shall ensure that a first aid kits shall be is readily available in the LFCGH accessible to staff members, but not to children and in vehicles used for transporting children in care at least contains[, but is not limited to] the following:

The first aid kit in the LFCGH shall contain the following:

58.1.1 Disposable nonporous gloves;

58.1.2 Scissors;

58.1.3 Tweezers;

58.1.4 A non-glass thermometer to measure a child's temperature;

58.1.5 Bandage tape;

58.1.6 Sterile gauze pads;

58.1.7 Flexible roller gauze;

58.1.8 Triangular bandages;  
58.1.9 Safety pins;  
Thermometer;  
**[58.1.10 Eye dressing;**  
58.1.1[40] Pen/pencil and note pad;  
58.1.1[21] Instant cold pack;  
58.1.1[32] Current American Academy of Pediatrics (AAP) or American Red Cross standard first aid text chart or equivalent first aid guide; and  
Poison Control Center telephone number;  
Self-adhesive bandages; and  
Syrup of ipecac, not to be used without consulting the Poison Control Center or physician and not to be used after the expiration date on the bottle.  
**[58.1.14 GPR Barrier device;**  
**58.1.15 Small plastic or metal splints;**  
58.1.1[64] Non-medicated adhesive strip bandages; and  
58.1.1[75] Plastic bags for cloths, gauze, and other materials used in handling blood.  
58.2 The Licensee shall ensure that a first aid kit is taken along when transporting children **[on field trips and routine outings are being transported off premises of the Large Family Child Care Home]** and contains in vehicles used for transporting children the following materials in addition to those cited in Requirement 406A **Rule 50.1** must be included in the first aid kit:  
Bandage tape;  
Sterile gauze pads;  
Flexible roller gauze;  
Triangular bandages;  
Pen/pencil and note pad;  
Cold pack;  
Coins for use in a pay phone; and  
58.2.1 Water and soap, or antiseptic wipe.;  
58.2.2 Liquid soap;  
58.2.3 Any **[regular and]** emergency medications needed for a child; and  
58.2.4 List of emergency phone numbers, and parent(s)/guardian(s)' phone numbers, and the Poison Control Center phone number.

#### **[59.0 Child Accident and Injury]**

59.1 **The Licensee shall ensure that when an accident or injury occurs to a child during the hours of child care, that emergency action is taken to protect the child from further harm and the child's parent(s)/guardian(s) are notified.**

59.1.1 **The Licensee shall maintain an injury report for each incident in the child's file and report to the Office of Child Care Licensing an accident or injury which results in death or inpatient or outpatient treatment as required in **Rules #102 & 103B**. An injury report shall include name of child, date, description of injury, how it occurred, first aid or medical care required, and parent(s)/guardian(s)' signature.**

59.1.2 **Whenever an injury report is necessary, the Licensee shall notify the child's parent(s)/guardian(s) of each incident. The Licensee shall maintain a record of when the parent(s)/guardian(s) were notified or of attempts to notify the parent(s)/guardian(s).**

#### **60.0 Administration of Medication**

60.1 **The Licensee shall ensure that staff members only administer medication if trained and authorized in accordance with State law to administer medication to children.**

60.2 **The Licensee shall ensure that medication is not administered to a child unless the Licensee has received written permission from the child's parent(s)/guardian(s) for each medication to be administered.**

60.3 **The Licensee shall ensure that the parent(s)/guardian(s) of a child provide the following information for each medication given and a record (medication log) is kept that includes:**

60.3.1 The name of the child;  
60.3.2 The child's date of birth;  
60.3.3 Parent(s)/guardian(s) name(s), signature and date signed;  
60.3.4 Child's known medication allergies;  
60.3.5 Health care provider's name and phone number;  
60.3.6 Pharmacy and phone number;  
60.3.7 Name of medication;  
60.3.8 Name of person administering medication with initials when having administered medication;  
60.3.9 Dosage (amount given);  
60.3.10 Frequency of dosage (how often given)  
60.3.11 Schedule (time dosage is to be administered);  
60.3.12 Route of administration (oral; eye, nose or throat drops; topical);  
60.3.13 Expiration date of medication;  
60.3.14 Start date of administering medication;  
60.3.15 End date when stopping administration of medication;  
60.3.16 Reason for medication;  
60.3.17 Any special directions; and  
60.3.18 Written notes are recorded for that child and the parent(s)/guardian(s) are advised of the occurrence (specific timing) of any health problems, such as diarrhea, vomiting, continuous hunger, refusal to eat, nosebleeds, skin rash or high temperature.

60.4 The Licensee shall ensure that all prescription medication is in its original container, properly labeled, has not expired, and is authorized by the child's health care provider.

60.4.1 Medication shall only be given to the child whose name appears on the prescription.

60.5 The Licensee shall ensure that all non-prescription medication is in its original container, properly labeled with directions for its administration, has not expired, and is labeled with the child's name.

60.5.1 Any deviations from the label instructions shall be in writing from the child's health care provider.

60.6 The Licensee shall not allow the administration of prescription or non-prescription medication that has expired and will immediately contact the parent(s)/guardian(s) of a child whose medication has expired to inform that parent(s)/guardian(s) of the situation and return the expired medication to the parent(s)/guardian(s).

60.7 The Licensee shall ensure that all medication in the Large Family Child Care Home is stored so as to be secure and inaccessible to children.

60.7.1 Medication requiring refrigeration shall be kept in closed containers separate from food.

60.8 The Licensee shall ensure that unused medication is returned to the parent(s)/guardian(s) when no longer needed by the child.

## 61.0 Diapering and Toileting

61.1 The Licensee shall ensure that diapers, training pants and other clothing of children are changed when wet or soiled.

61.1.1 The Licensee shall have an established procedure for checking diapers and training pants.

61.1.2 The Licensee shall ensure that a supply of clean diapers, training pants and extra clothing are available for each child either by providing them directly or requiring the parent(s)/guardian(s) to provide.

61.1.3 The Licensee shall place soiled clothing in a sealed plastic container or bag and labeled with the child's name and returned to the child's parent(s)/guardian(s) at the end of the day.

61.2 The Licensee shall ensure the diaper-changing and toilet-training area are:

61.2.1 Separate from the kitchen, food preparation and serving areas; and

61.2.2 Non-absorbent, non-porous, wipeable and washable, even after use of protective

paper covering.

61.3 The Licensee shall locate toilet training chairs (potties) are located in an area which ensures children's privacy and supervision.

61.4 The Licensee shall have an established procedure for changing diapers or training pants to include at least the following steps that require:

61.4.1 Changing diapers or training pants only in the diaper changing or toilet training area;

61.4.2 Cleaning each child with an individual disposable sanitary wipe or single service washcloth;

61.4.3 Disposing of a diaper or training pants in accordance with **Rule #310**;

61.4.4 Washing the hands of the child and the person who changed the diaper or toilet training pants (regardless of glove usage) with soap and water immediately after each diaper change; and

61.4.5 Cleaning and disinfecting the diaper changing or toilet training area with a disinfectant solution after each use.

61.5 The Licensee shall ensure that:

61.5.1 Non-disposable soiled diapers and training pants are not rinsed and placed into a separate leak-proof plastic container or bag, labeled with the child's name, before transporting to a laundry or returning to the child's parent;

61.5.2 Soiled disposable diapers are placed into a cleanable, foot-activated, and covered container that is used exclusively for diapers and lined with a leak-proof or impervious liner;

61.5.3 Diaper containers that require a hand to push the used diaper through a narrow opening or have exterior surfaces that must be touched with a hand or the used diaper itself shall be prohibited;

61.5.4 The diaper container shall be disinfected daily; and

61.5.5 All soiled diapers are removed from the Large Family Child Care Home daily or more often unless the Licensee uses a commercial diaper service.

## 62.0 Sanitation

62.1 The Licensee shall ensure that a disinfectant solution is used and is either a self-made solution consisting of one-fourth (1/4) cup of household bleach to each gallon of water, 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 used in accordance with label instructions.

62.2 The Licensee shall ensure that the following equipment, items and surfaces are washed and disinfected after each use:

62.2.1 Toilet training (potty) chairs which have first been emptied into a toilet;

62.2.2 Sinks and faucets used for handwashing after the sink is used for rinsing a toilet training chair;

62.2.3 Diaper-changing surfaces;

62.2.4 Food preparation and eating surfaces such as counters, tables and high chair trays;

62.2.5 Toys mouthed by children;

62.2.6 Mops used for cleaning;

62.2.7 Bibs; and

62.2.8 Thermometers.

62.3 The Licensee shall ensure the following equipment, items, and surfaces are washed and disinfected at least daily:

62.3.1 Toilets and toilet seats;

62.3.2 Sinks and faucets;

62.3.3 Diaper pails and lids;

62.3.4 Water tables and water play equipment;

62.3.5 Play tables;

62.3.6 Mats that are not stored separately; and

62.3.7 Smooth surfaced non-porous floors.

62.4 The Licensee shall take measures to reduce the spread of germs and disease among

children in the Large Family Child Care Home by:

62.4.1 Using only washable toys with diapered child(ren); and

62.4.2 Washing pacifiers and other items placed in the mouth if dropped to the floor or ground.

62.5 The Licensee shall ensure that soap, single service towels, and toilet paper shall be available at all times.

62.6 The Licensee shall ensure that during the hours in which child care is provided any person in direct contact with children at the Large Family Child Care Home and all children in child care shall wash their hands regardless of glove usage with soap and running water and use single service towels for drying hands at least at the following times:

62.6.1 Before and after eating or handling any food or participating in a food activity;

62.6.2 Before and after giving medications;

62.6.3 Before and after caring for a child who may be sick;

62.6.4 Before and after using a water-play table with other children;

62.6.5 After toileting or diapering each child;

62.6.6 After coming into contact with blood, fecal matter, urine, vomit, nasal secretions or other body secretions;

62.6.7 After handling animals or their equipment or after coming into contact with an animal's body secretions;

62.6.8 After playing in a sandbox;

62.6.8 After outdoor play;

62.6.9 After cleaning; and

62.6.10 After taking out the garbage.

### 63.0 Food Service and Nutrition

[Also see **Kitchen Rules #253-263**]

63.1 The Licensee shall have a written policy concerning food service provided to parent(s)/guardian(s) that includes the following:

63.1.1 A description of all food services provided;

63.1.2 Times of snacks and meals;

63.1.3 Procedures related to food allergies, religious dietary requirements and other special needs;

63.1.4 If applicable, nutritional information and guidelines concerning content of meals, snacks, or foods for special occasions when provided by parent(s)/guardian(s);

63.1.5 If applicable, procedures to prevent spoilage of food provided by parent(s)/guardian(s);

63.1.6 If applicable, a procedure to be followed by the Licensee if food provided by the parent(s)/guardian(s) for the child fails to meet nutritional requirements as specified in **Rules # 330-332**.

63.2 The Licensee shall ensure that menus are planned in advance, dated and posted in the kitchen for review by parent(s)/guardian(s). Menus noting actual food served shall be retained for thirty (30) days. Any changes made in actual food served on a particular date shall be documented on the menu on or before that date.

63.3 The Licensee shall ensure that a supply of food and water shall be kept in stock for emergency situations that require an extended stay such as sheltering-in-place as per **Rule #283** at the Large Family Child Care Home or in case of a power outage. Non-perishable foods, bottled water and any equipment necessary to serve or prepare foods without the use of electricity shall be included in the supply.

63.4 The Licensee shall ensure that meals and snacks meeting nutritional requirements as specified in the Appendix, United States Department of Agriculture (USDA)/Child and Adult Care Food Program (CACFP) Meal Pattern Requirements and Policies for Infants and Children and are provided at the appropriate time in accordance with the following schedule which indicates the number of hours the child is present at the Large Family Child Care Home:

63.4.1 2 hours - 4 hours 1 snack;

63.4.2 4 hours - 6 hours 1 meal and 1 snack;

63.4.3 7 hours - 11 hours 2 meals and 1 snack, or 2 snacks and 1 meal based on time of child's arrival;

63.4.4 12 hours or more 3 meals and 2 snacks.

63.5 The Licensee shall ensure that meals and snacks meeting nutritional requirements as specified in the Appendix, USDA/CACFP Meal Pattern Requirements and Policies for Infants and Children are provided and adjusted in accordance to the age of the infant and child.

63.5.1 The Licensee shall have supplemental foods from all basic food groups to serve children if meals or snacks provided by parent(s)/guardian(s) fail to meet nutritional requirements as specified in **Rules #332-334**.

63.6 The Licensee shall provide age-appropriate food based on the basic food groups as follows:

63.6.1 Milk: fluid pasteurized cow's milk as age-appropriate;

63.6.2 Proteins: meat, fish, poultry, eggs, yogurt, cheese, peanut butter, dried beans, peas, and nuts;

63.6.3 Fruits and vegetables: include a variety of fresh vegetables and fruits; and

63.6.4 Grains: whole grains and enriched products such as breads, cereals, pastas, crackers and rice.

63.7 The Licensee shall ensure that all food served to children in the Large Family Child Care Home is clean, wholesome, flavorful, attractive in appearance, at the appropriate temperature, preserved for nutritional value, free from spoilage and adulteration, correctly labeled, safe for human consumption, and not subject to recall.

63.8 The Licensee shall ensure that when fruit juice is served, 100% - unsweetened juice is used, and not a fruit drink or fruit cocktail.

63.9 The Licensee shall ensure that children are encouraged but not forced to eat.

63.10 The Licensee shall introduce, as appropriate to the age of the child, a variety of food textures, finger foods, and a cup in the training of self-feeding and nutrition education.

63.11 The Licensee shall ensure that powdered milk is not used as a substitute for fluid milk for drinking purposes but may be used in cooking.

63.12 The Licensee shall ensure that special, therapeutic diets are served only upon written instruction for a child from the child's health care provider.

63.13 The Licensee shall ensure that if the parent(s)/guardian(s) of a child requests any modification of basic meal patterns (see Appendix, USDA/CACFP Meal Pattern Requirements and Policies for Infants and Children) due to a child's medical need(s) such as food allergies or food intolerance, the parent(s)/guardian(s) provide the Licensee with written documentation from the child's health care provider permitting the modification.

63.14 The Licensee shall ensure that if the parent(s)/guardian(s) of a child requests any modification of basic meal patterns (see Appendix, USDA/CACFP Meal Pattern Requirements and Policies for Infants and Children) due to a family's food preferences or religious beliefs, the parent(s)/guardian(s) provide the Licensee with written documentation specifying which foods are unacceptable and the food substitution allowed within the same food group.

63.15 The Licensee shall ensure that every effort will be made to accommodate the needs of the child who is being breast-fed, including allowing the mother to breastfeed her child at a designated place at the Large Family Child Care Home.

#### 64.0 Toddlers and Older Children

64.1 The Licensee shall ensure that a breakfast served has at least one (1) item each from the milk (A), fruits and vegetables (C) and grain (D) food groups as described in **Rule #322**.

64.2 The Licensee shall ensure that a lunch or dinner served has one (1) item from each of the milk (A), protein (B) and grain (D) food groups and two (2) items from the fruit and vegetable (C) food groups as described in **Rule #322**.

64.3 The Licensee shall ensure that a snack served has at least one (1) item from two (2) of the food groups as described in **Rule #322**.

64.3.1 The Licensee shall, at a minimum, provide a snack(s) meeting nutritional requirements, even if parent(s)/guardian(s) provide meals.

64.3.2 If milk or fruit/vegetable juice is not included with a snack, water shall also be served with that snack.

64.4 The Licensee shall ensure that the use of a bottle is discouraged for children after one (1) year of age, and instead, the use of a cup is taught and encouraged.

#### 65.0 Infants

65.1 The Licensee shall provide meals and/or snacks for infants according to the following Rules except as noted following the procedures of **Rules #329-330**.

65.2 The Licensee shall ensure that a written statement specifying food including specific formula or breast milk, and a feeding schedule shall be obtained from the parent(s)/guardian(s) for each infant as needed.

65.3 The Licensee shall ensure that a daily written record of each infant's nutritional intake is maintained and provided to the parent(s)/guardian(s) upon request. Any feeding problems experienced by an infant shall be discussed with his/her parent(s)/guardian(s) before the infant's daily departure from the Large Family Child Care Home.

65.4 The Licensee shall ensure that an infant is:

65.4.1 Fed on demand or during a span of time consistent with the infant's eating habits;

65.4.2 Held for all bottle-feeding;

65.4.3 Not placed in his or her crib with a bottle for feeding;

65.4.4 Not fed from a propped bottle; and

65.4.5 Not feed semi-solid foods from a bottle.

65.5 The Licensee shall ensure that when a staff member is preparing and/or providing bottles of formula:

65.5.1 Bottles and nipples maintained by the staff member shall be washed and sanitized before use;

65.5.2 Unprepared formula brought to the Large Family Child Care Home by parent(s)/guardian(s) or provided by the Licensee shall come from an unopened, factory-sealed container;

65.5.3 Each infant's bottle of formula shall be individually labeled with the infant's name and refrigerated immediately upon arrival if prepared by parent(s)/guardian(s) or after preparation by the Licensee;

65.5.4 Bottles of formula shall be warmed under running warm tap water or by placing them in a container of water that is no warmer than 120 degrees F and not be left in warm water for more than five (5) minutes;

65.5.5 Bottles of formula shall not be warmed or thawed in a microwave oven;

65.5.6 Mixing formula with cereal, fruit juice or any other foods in a bottle shall be considered a modification of a basic meal pattern and require written documentation from an infant's health care provider permitting the modification;

65.5.7 Unused portions of formula in a bottle fed to an infant shall be discarded after each feeding that exceeds a period of one (1) hour from beginning of feeding; and

65.5.8 Unused bottles of formula shall be dated as to when prepared if not returned to the parent(s)/guardian(s) at the end of each day; and

65.5.9 Refrigerated, unused, prepared formula shall be discarded after forty-eight (48) hours.

65.6 The Licensee shall ensure the following when expressed breast milk from a mother is brought into the Large Family Child Care Home for her own infant:

65.6.1 Breast milk shall be fed only to that mother's own infant;

65.6.2 Frozen breast milk shall be thawed under running cold water or in the refrigerator;

65.6.3 Bottles of breast milk shall not be warmed or thawed in a microwave oven;

65.6.4 Bottles of breast milk shall be warmed under running warm tap water or by placing them in a container of water that is no warmer than 120 degrees F and not be left in warm water for more than five (5) minutes;

65.6.5 Unused portions of breast milk shall be discarded after each feeding that exceeds a period of one (1) hour from beginning of feeding;

65.6.6 Expressed breast milk shall be discarded if it is in an unsanitary bottle or has been

un-refrigerated for more than one (1) hour;

65.6.7 Refrigerated, unused, expressed breast milk that was never frozen shall be discarded after forty-eight (48) hours, or by three (3) months if frozen and stored in a deep freezer at zero (0) degrees F; and

65.6.8 Unused, frozen breast milk that has been thawed in the refrigerator shall be used within twenty-four (24) hours.

65.7 The Licensee shall ensure that cow's milk is not served to infants.

65.8 The Licensee shall ensure that when feeding food to infants:

65.8.1 An infant too young or medically unable to use a feeding chair or other age-appropriate seating apparatus shall be held when fed food;

65.8.2 The introduction to all new foods shall be made only with the parent(s)/guardian(s)' permission.

65.8.3 New foods shall be introduced one at a time on a gradual basis with the intent of ensuring health and nutritional well being;

65.8.4 Semi-solid foods may be introduced to infants four (4) to seven (7) months of age as requested by parent(s)/guardian(s) and shall be required once an infant is eight (8) months of age;

65.8.5 Infant foods shall be warmed by placing them in a container of water that is no warmer than 120 degrees F and not be left in warm water for more than five (5) minutes;

65.8.6 Infant foods shall not be warmed or thawed in a microwave oven;

65.8.7 Foods for infants shall be of a texture and consistency that promotes safe and optimal consumption; and

65.8.8 Baby food for each infant shall be served from a dish unless the entire contents of the jar will be served.

65.9 The Licensee shall encourage the use of a cup when an infant is developmentally capable of drinking from or holding a cup.

65.10 The Licensee shall ensure that infants are not offered juices until they are able to drink from a cup in order to develop behaviors that may prevent baby bottle tooth decay.

## Space

~~The LFCGH Licensee shall provide each child with adequate space for free movement and active play with a minimum of thirty five (35) square feet of usable floor space per child exclusive of hallways, bathrooms, lockers, cribs, laundry and furnace rooms, and kitchen areas. Measurements shall be from wall to wall on the inside. Furniture that restricts children's free movement and active play shall be considered a deductible factor when determining square footage.~~

~~Toilet rooms, kitchen areas, 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.~~

~~The Licensee shall ensure that an outdoor play area of fifty (50) square feet of play space per child for vigorous play and large muscle activity with attention to the needs of the diversity of children served and their abilities to participate, enclosed by fencing and protected from hazards shall be available on the premises or within safe walking distance of the Large Family Child Care Home. Outdoor play areas shall be free of animal feces, toxic plants, debris, or other materials that may present hazards to children in care.~~

~~Fencing shall be sturdy, safe and reinforced at intervals so as to give adequate support.~~

~~The Licensee ensure the outdoor play area is inspected before children begin to play to ensure there are no hazards such as, but not limited to, animal feces, toxic plants, outdoor equipment lawn mower, cooking grill; and/or debris and any play equipment is safe for use.~~

~~Tool sheds, garages, and other outdoor facilities that are off limits to children shall be securely latched and inaccessible while children are in child care.~~

~~The Licensee shall ensure that fencing around the outdoor play area is:~~

~~Sturdy, safe and reinforced at intervals so as to give support, constructed to discourage climbing and not prevent observation of children.~~

~~A minimum of four (4) feet in height with openings no larger than three and one half (3 1/2) inches.~~

Gates shall be equipped with self closing and positive self latching closure mechanisms. The latch or securing device shall be high enough or of a type such that small children cannot open it.

Fenced areas shall have at least two (2) exits, with at least one (1) being remote from the building.

For a Large Family Child Care Home licensed before the effective date of these Rules, the existing fencing of the Large Family Child Care Home shall be acceptable as long as it is safe, free from hazards and in good repair. When the fencing is replaced, the new fencing shall fully comply with this Rule.

For a Large Family Child Care Home licensed on or after the effective date of these Rules, the Licensee shall ensure that the protective surface of the outdoor play area beneath and in the fall zone of climbing equipment, slides, swings and similar equipment at the Large Family Child Care Home is of approved resilient material which absorbs falls as follows:

Fall zones shall be determined by the height of the highest climbing surface of the equipment and consist of wood chips, mulch, engineered wood fibers, sand, pea gravel, safety-tested shredded or unitary rubber or rubber like materials, or rubber mats.

The use of shredded tires shall be permitted if the Licensee obtains a guarantee from the supplier that the materials are free from steel wires or other contaminants including any unhealthy residue from deterioration of the shredded tires; and

All materials used for protective surfaces shall be of a size that prevents choking;

The materials used in the fall zone shall follow the instructions as listed in the most recent publication of the United States Consumer Product Safety Commission's (CPSC) *Outdoor Home Playground Safety Handbook* regarding critical heights of tested materials (see CPSC website at <http://www.cpsc.gov/epsepub/pubs/324.pdf>); or

The materials used in the fall zone shall follow the specific instructions as documented from the supplier to determine the appropriate depth or thickness.

Protective surfaces of the fall zone shall extend at least six (6) feet in all directions from the equipment. For swings, the protective surfacing shall extend, in back and front, twice the height of the suspending bar.

The Licensee shall ensure that all surfaces of the outdoor play area of the Large Family Child Care Home are made up of materials that do not present a safety or choking hazard.

For a Large Family Child Care Home licensed on or after the effective date of these Rules, only pea gravel shall be acceptable as cover for the outdoor play area if using gravel or stone like surfacing.

### Riding Toys

The Licensee shall ensure that bicycles, trieycles, scooters, and other riding toys are the size appropriate for a child, in good condition and free of sharp edges or protrusions that may injure a child.

The Licensee shall ensure that all children wear approved safety helmets while riding bicycles with wheels of twenty (20) or more inches in diameter.

Children shall not share helmets unless helmets are made with a nonporous interior lining and easily cleanable straps. All interior and exterior surfaces of the helmet shall be wiped clean between users.

Helmets shall be removed before allowing children to use climbing equipment in the outdoor play area.

### Sanitation

The Licensee shall ensure that areas and equipment specified in Rules 53.2 and 53.3 are washed with soap and water and disinfected as required.

The disinfectant solution shall either be a self made solution consisting of one fourth (1/4) cup of household bleach to each gallon of water, which is 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 used in accordance with label instructions.~~

~~The Licensee shall ensure that the following equipment, items and surfaces are washed and disinfected after use:~~

~~toilet training chair:~~ ~~Toilet training (potty) chairs which have first been emptied into a toilet;~~  
~~Sinks and faucets used for handwashing after the sink is used for rinsing a~~

~~chair trays:~~ ~~Diaper changing surfaces;~~  
~~Food preparation and eating surfaces such as counters, tables and high~~

~~Toys mouthed by children;~~

~~Mops used for cleaning;~~

~~Bibs; and~~

~~Thermometers.~~

~~The Licensee shall ensure the following equipment, items, and surfaces are washed and disinfected at least daily:~~

~~Toilets and toilet seats;~~

~~Sinks and faucets;~~

~~Diaper pails and lids;~~

~~Water tables and water play equipment;~~

~~Play tables;~~

~~Mats that are not stored separately; and~~

~~Smooth surfaced non porous floors~~

~~The Licensee shall only use washable toys with diapered children.]~~

The kitchen and all food preparation, storage and serving areas and utensils shall be kept clean. The kitchen shall have hot and cold running water.

A. The LFCGH shall have an oven or microwave, a range or cook top, a refrigerator and equipment for washing, rinsing and sanitizing cooking and eating utensils.

B. The LFCGH shall have a handwashing sink in the food preparation area, separate from the sink used for food preparation and dishwashing.

C. The LFCGH shall have either an operable window or suitable exhaust system for the removal of smoke and odors.

D. All dishes and utensils shall be air dried.

E. All dishes, cups and glasses used by the children in care shall be free from chips, cracks or other defects.

The plumbing shall be kept in good working condition.

The LFCGH shall have at least one indoor flushing toilet and one sink with hot and cold running water on the same level on which care is provided.

Handwashing procedures shall follow recommendations of the Center for Disease Control, to prevent the spread of illness. Hands shall be scrubbed for a minimum of ten (10) seconds using soap and warm running water.

~~[53.5 The Licensee shall ensure that soap, single service towels, and toilet paper shall be available at all times.~~

~~53.6 The Licensee shall ensure that all during the hours in which child care is provided adults any person in direct contact with children at the Large Family Child Care Home, and all children in child care shall wash their hands regardless of glove usage with soap and running water and use single service towels for drying hands at least at the following times, and whenever hands are contaminated with body fluids:~~

~~Before any food service activity including preparation, table setting, handling, or serving;~~

~~After toileting or changing diapers;~~

~~After assisting a child with toilet use or nose wiping, and after a child has vomited;~~

~~Before and after eating meals or snacks; or~~

~~After handling pets or other animals.~~

~~53.6.1 Before and after eating or handling any food;~~

- 53.6.2 Before and after giving medications;
- 53.6.3 Before and after caring for a child who may be sick;
- 53.6.4 Before and after using a water play table with other children;
- 53.6.5 After toileting or diapering;
- 53.6.6 After coming into contact with blood, fecal matter, urine, vomit, nasal secretions or other body secretions;
- 53.6.7 After handling animals or their equipment or after coming into contact with an animal's body secretions;
- 53.6.8 After playing in a sandbox;
- 53.6.9 After outdoor play;
- 53.6.10 After cleaning; and
- 53.6.11 After taking out the garbage.]

Soap and toilet paper shall be available at all times. Paper towels or individual clean cloth towels for each child shall be available.

If cloth towels are used, they shall be washed or replaced daily.

#### **54.0 Standard Precautions**

54.1 The Licensee shall ensure of use of standard precautions for protection from disease and infection. Spills of body fluids (i.e., urine, feces, blood, saliva, nasal discharge, eye discharge, and injury or tissue discharges) shall be cleaned up immediately, as follows:

54.1.1 For spills of vomit, urine, and feces on any surface including the floors, walls, bathrooms, table tops, toys, kitchen counter tops, diaper changing tables, toilet training chairs, the area shall be cleaned with soap and water and disinfected.

54.1.2 For spills of blood or blood containing body fluids and injury and tissue discharges, the area shall be cleaned with liquid soap and water and disinfected. Non porous gloves shall be used in these situations:

54.1.3 For cleaning contaminated surfaces, avoid exposure of open skin sores or mucous membranes to blood or blood containing body fluids and injury or tissue discharges by using non porous gloves to protect hands when cleaning contaminated surfaces.

54.1.4 Blood contaminated material and diapers shall be disposed of in a plastic bag with a secure tie.

54.1.5 Mops shall be cleaned, rinsed, disinfected, wrung dry and hung to dry.

#### **55.0 Diapering and Toileting**

55.1 The Licensee shall ensure that diapers, training pants and other clothing of children are changed when wet or soiled:

55.1.1 The Licensee shall have an established procedure for checking diapers and training pants at least hourly including visually inspecting children's diapers at least every two (2) hours.

55.1.2 The Licensee shall ensure that a supply of clean diapers, training pants and extra clothing are available for each child either by providing them directly or requiring the parent(s)/guardian(s) to provide.

55.1.3 Soiled clothing shall be washed or placed in a sealed plastic container or bag and labeled with the child's name and returned to the child's parent(s)/guardian(s) at the end of the day.

55.2 The LFCGH Licensee shall ensure the diaper changing and/or toilet training area(s) is are

55.2.1 Separate from the kitchen, food preparation and serving areas;

55.2.2 Easily accessible to Located within five (5) feet of a handwashing sink;

55.2.3 Non absorbent, non porous, wipeable and washable, even after use of protective paper covering; and

55.2.4 Disinfected between use for different children or protected by a disposable covering discarded after each use Toilet training chairs are located in an area which ensures children's privacy and supervision.

55.3 The Licensee shall have an established procedure for changing diapers or training pants to include at least the following steps that require:

~~55.3.1 Changing diapers or training pants only in the diaper changing and/or toilet training area;~~

~~55.3.2 Cleaning each child with an individual disposable sanitary wipe or single service washcloth;~~

~~55.3.3 Disposing of a diaper or training pants in accordance with Rule 55.4;~~

~~55.3.4 Washing the hands of the child and staff member who changed the diaper or toilet training pant (regardless of glove usage) with soap and water immediately after change; and~~

~~55.3.5 Cleaning and sanitizing the diaper changing and/or toilet training area with a disinfectant solution after each use;~~

~~55.4 The LFCGH Licensee shall ensure that:~~

~~Use cloth diapers or disposable diapers;~~

~~55.4.1 Place Non-disposable soiled diapers and training pants are not rinsed and placed without rinsing into a separate leak proof plastic bag, labeled with the child's name, before transporting to a laundry or returning to the child's parent(s)/guardian(s);~~

~~55.4.2 Place Soiled disposable diapers are placed into a cleanable, foot activated, and covered container that is used exclusively for diapers and lined with a leak proof or impervious liner;~~

~~55.4.3 Diaper containers that require a hand to push the used diaper through a narrow opening or have exterior surfaces that must be touched with a hand or the used diaper itself shall be prohibited.~~

~~55.4.4 The diaper container shall be sanitized daily;~~

~~55.4.5 Remove All soiled diapers are removed from the home daily or more often unless the LFCGH Licensee uses a commercial diaper service;~~

~~Use disposable towels, disposable wipes or clean, reusable towels laundered between use for different children for cleaning the child; and~~

~~Immediately wash her/his hands and the hands of the child after diapering or helping the child with toileting.]~~

The LFCGH shall:

Use toilet training chairs only in an area separate from food preparation areas;

Locate toilet training chairs in an area which ensures children's privacy and adequate supervision;

Consult with the child's parent regarding initiating toilet training;

Locate toilet training equipment on washable, non-absorbent surfaces when in use; and

Disinfect toilet learning equipment after each use.

The LFCGH shall take reasonable measures to reduce the spread of communicable disease among children in the LFCGH by:-

Using only washable toys with diapered child(ren);

Washing washable toys on a regular basis;

Cleaning stuffed toys that are provided by the LFCGH;

Washing toys mouthed by one child before they are used by another child; and

Washing pacifiers and other items placed in the mouth if dropped to the floor or ground.

Garbage shall be kept in containers in an area inaccessible to children or securely covered.

Garbage and rubbish shall be removed daily from rooms occupied by children.

Garbage and rubbish shall be removed from the premises on a regular basis but not less than once a week.

#### Universal Precautions

The LFCGH shall employ universal precautions for protection from disease and infection. Spills of body fluids (i.e., urine, feces, blood, saliva, nasal discharge, eye discharge, and injury or tissue discharges) shall be cleaned up immediately, as follows:

For spills of vomit, urine, and feces on any surface including the floors, walls, bathrooms, table tops, toys, kitchen counter tops, and diaper changing tables, the area shall be cleaned and disinfected.

For spills of blood or blood-containing body fluids and injury and tissue discharges, the area shall be cleaned and disinfected. Gloves shall be used in these situations unless the amount of blood or body fluid is so small that it can easily be contained by the material used for cleaning.

Persons involved in cleaning contaminated surfaces shall avoid exposure of open skin

sores or mucous membranes to blood or blood-containing body fluids and injury or tissue discharges by using gloves to protect hands when cleaning contaminated surfaces.

Blood-contaminated material and diapers shall be disposed of in a plastic bag with a secure tie.

Mops shall be cleaned, rinsed, disinfected, wrung dry and hung to dry.

#### Disinfectant Solution

The disinfectant solution to be used by the LFCCH shall be a self-made solution consisting of one-fourth cup of household bleach to each gallon of water, which shall be prepared daily, labeled, placed in a bottle that is sealed with a cap and stored out of the reach of children.

The sanitizing solution for dishwashing is one (1) teaspoon of bleach to one (1) gallon of water, should the caregiver choose to sanitize dishes.

#### Fire and General Safety

Stairways, hallways and exits from rooms and from the LFCCH shall be unobstructed. Approved, easily opened protective gates and other safety devices for the protection of infants and toddlers are permitted.

Porches, elevated walkways and elevated play areas in a LFCCH, of more than two (2) feet in height, shall have barriers to prevent falls.

Every room used for child care shall have at least two exits, at least one of which shall be a door or stairway providing unblocked travel to the outside of the Home at street or ground level. No room or space shall be used for child care which is accessible only by ladder, folding stairs, or through a trap door.

Children shall be cared for in ground level space in the LFCCH.

Basement level space may be used by children in care only if there is at a minimum one door that exits directly to the outside at ground level and at least one window which is easily openable, is no more than 44" inches above the floor, and has an opening 20" wide and 24" high, or there are two (2) doors, one of which exits directly to the outside at ground level.

Each door used as an exit shall not be less than 32 inches wide.

Every closet door latch shall be designed so that children can open the door from inside the closet.

Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency and the opening device shall be readily available to the Caregiver.

An operable smoke detector which is approved by a nationally recognized testing laboratory shall be installed on or 6 to 12 inches below the ceiling of each level of the home and the basement.

All enclosed sleeping areas, such as a bedroom, must have a properly installed smoke detector.

Smoke detectors shall be tested monthly, and the batteries replaced at least yearly.

At a minimum, a portable dry chemical fire extinguisher rated 1A 10 BC, shall be provided in the kitchen. The extinguisher shall be used and maintained in accordance with the manufacturer's instructions.

Written fire evacuation procedures shall be established and practiced at least monthly from all exit locations at varied times of the day and during varied activities including nap time.

All flammable and hazardous materials, including matches and lighters, medicines, drugs, cleaning materials, detergents, aerosol cans, plastic bags, firearms, ammunition, and other similar materials and objects shall be stored safely in areas inaccessible to children.

Firearms and ammunition, if present in the LFCCH Home, shall be kept in a locked container or locked closet. Ammunition shall be kept separate from firearms.

### **[56.0 Emergency Planning**

**56.1 The Licensee shall have a written emergency plan describing procedures for both natural and man made disasters for such situations as a fire, flood, earthquake, extreme weather conditions, power failure or utility disruptions, chemical or toxic spills, bomb threat or terrorist attack.**

**56.1.1 The emergency plan shall include procedures for training the staff members, and when applicable, household members, about specific responsibilities during a disaster, accounting for all children, relocation process (if appropriate) and contacting appropriate emergency response agencies and parent(s)/guardian(s).**

**56.2 The Licensee shall have a posted written evacuation plan of the Large Family Child Care**

Home:

56.2.1 Monthly evacuation drills shall be practiced from all exit locations during the hours of operation of the Large Family Child Care Home and during varied activities including nap time. Each drill shall be documented and include information on 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 Large Family Child Care Home.

56.3 The Licensee or Large Family Child Care Provider shall conduct monthly fire prevention inspections and post a copy of the latest inspection report in a conspicuous place at the Large Family Child Care Home.

56.4 The Licensee shall develop a written plan for procedures to shelter in place at the Large Family Child Care Home for an extended period due to a natural or man made disaster.

56.4.1 This plan shall include a list of emergency supplies for the care and feeding of children, staff and household members present during the extended stay at the Large Family Child Care Home.]

## **EQUIPMENT**

A variety and sufficient supply of play equipment and materials shall be provided that are appropriate to the ages, developmental needs and individual interests of the children.

There shall be a sufficient amount of play equipment and materials so that there is not excessive competition and long waits.

All equipment shall be sturdy, safe, clean and free from rough edges, sharp corners, pinch and crush points, splinters and exposed bolts. Large outdoor equipment shall be anchored firmly and shall not be located on concrete or asphalt surfaces.

### **[57.0 Sleeping Napping Accommodations**

57.1 The Licensee shall ensure that each child shall have clean, age appropriate and comfortable individual rest equipment for sleep or rest such as a crib, playpen, cot, bed or mat and bedding. Children shall not share bedding. Each child under twelve months of age and/or not walking, shall sleep in a crib, playpen or bed with side rails and firm mattress of washable, non absorbent material. Mattresses shall fit tightly to prevent children's body parts from becoming wedged between mattress and crib or bed slats.

57.1.1 A child's rest equipment shall be labeled with the child's name and used only by the child while attending the Large Family Child Care Home.

57.1.2 Mattresses and sleeping equipment shall be covered with non absorbent, cleanable covering.

57.1.3 Cots, beds, mats and mattresses, and crib mattresses shall be cleaned when soiled or wet and sanitized at least weekly.

57.1.4 Rest equipment and bedding shall be cleaned and sanitized prior to being assigned to another child.

57.1.5 Each child under eighteen (18) months of age and not walking shall sleep in a crib or playpen. A child who is between twelve (12) and eighteen (18) months of age and is walking may sleep on a cot, bed, or mat and bedding with written permission from the child's parent(s)/guardian(s).

57.2 The Licensee shall ensure that sleeping mats are stored so that there is no contact with the sleeping surface of another mat or mats are disinfected after each use.

57.3 The Licensee shall ensure that cribs are not stacked while in use.

57.3.1 Cribs and playpens shall have slats so placed as to allow gaps of no larger than two and three eighths (2 3/8) inches.

57.3.2 Cribs and playpens shall have tops rails at least twenty (20) inches above the mattresses with the mattress set at its lowest position and side rails locked in its highest position.

57.3.3 Any latches on cribs or playpens shall be safe and secured.

57.3.4 Crib mattresses shall be firm and tight fitting.

57.3.5 Soft surfaces such as soft mattresses, pillows, sofas and waterbeds shall be prohibited as infant sleeping surfaces.

57.3.6 All pillows, bumper pads, quilts, comforters, sheepskin, stuffed toys, and

any other soft products shall be removed from cribs while an infant is in the crib.

57.3.7 Toys or objects hung over an infant in a crib shall be held securely and be of a size and weight that would not injure an infant if the toy or object accidentally falls or if the infant pulls on the object.

57.4 The Licensee shall ensure that infants are placed on their backs when putting them down to sleep.

57.4.1 An exception to this Rule may be made due to a child's physical or medical condition. The Licensee shall have documentation from the child's health care provider stipulating the sleeping position for that child.

57.5 The Licensee shall ensure that seasonably appropriate top and bottom coverings, such as sheets and blankets, are provided for each child.

57.5.1 Sheets and blankets or other bedding shall be cleaned when soiled or wet and at least weekly on a weekly basis.

57.6 The Licensee shall ensure that rest equipment is maintained in a safe condition.]

Each child in care between the hours of 8:00 P. M. and 6:00 A. M. shall have an individual bed equipped with comfortable springs, and mattress, covered with sheets, pillow, pillowcase and blankets.

[57.7 The Licensee shall ensure that cribs, porta cribs, cots, sleeping bags, mats, or pads shall be placed at least three (3) feet apart, unless separated by screens.]

Crib and playpen slats shall be no more than 2-3/8 inches apart.

High chairs, when used, shall have a wide base and a T shaped safety strap.

Infant walkers shall be used only under the Caregiver's direct visual supervision. Infants shall not be placed in walkers for extended periods of time.

#### **[58.0 Night Child Care**

58.1 The Licensee providing night child care shall ensure staff members are on the ground level of the Large Family Child Care Home with the children in child care (see Rule 47.19).

58.2 The Licensee providing night child care shall ensure staff members remain awake and provide supervision to children at all times.

58.3 The Licensee providing night child care shall ensure that quiet, developmentally appropriate activities are provided to children before bedtime.

58.4 The Licensee providing night child care shall ensure that each child is given individual attention at bedtime and upon awakening.

58.4.1 The Licensee shall ensure a staff member(s) discuss with the parent(s)/guardian(s) any special preferences or habits of the child regarding bedtime and awakening.

58.5 The Licensee providing night child care shall ensure that each child in child care between the hours of 8:00 P. M. and 6:00 A. M. who is sleeping four (4) or more hours at the Large Family Child Care Home has an individual bed equipped with comfortable springs, and mattress, covered with sheets, pillow, pillowcase and blankets.

58.6 The Licensee providing night child care shall ensure that children over the age of four (4) do not share a dressing area with persons of the opposite sex.

58.7 The Licensee providing night child care shall ensure that child to child contact is prevented during the hours children are sleeping in the evening and/or overnight.

58.8 The Licensee providing night child care shall ensure that each child has individual, clean, and comfortable sleeping garments.

58.9 The Licensee providing night child care shall ensure a staff member(s) follow the parent(s)/guardian(s)' preference(s) regarding bathing the child as discussed with the parent(s)/guardian(s) and noted in the child's record.

58.9.1 If bathtubs and showers are used, shall be equipped to prevent slipping.

58.9.2 Infants shall be bathed in age appropriate bathing facilities.

58.9.3 Portable bathing facilities shall be acceptable for bathing children before bedtime.

58.9.4 Under no circumstances shall a child be bathed in a sink.

58.9.5 Each child shall be bathed in a bathtub, shower or portable bathing equipment that has been sanitized before each use.

~~58.9.6 Children shall be bathed individually and not be placed together in a bathtub or shower.~~

~~58.9.7 Water temperature shall be checked to prevent burns or scalding, or for water that is too cold.~~

~~58.9.8 Individual towels and washcloths shall be provided for each child.~~

~~58.10 The Licensee providing night child care shall ensure that no child is left unsupervised while in a bathtub or shower.~~

~~58.10.1 A child capable of bathing alone shall be allowed to bathe in private with written permission from parent(s)/guardian(s). A staff member shall respect that child's privacy but be immediately available to ensure the child's safety to offer assistance when requested by the child.~~

~~58.11 The Licensee providing night child care shall ensure that there is a nightlight in the bathroom, hallway, and sleeping areas as dictated by the individual needs of the children.~~

~~58.12 The Licensee providing night child care shall ensure that combs, toothbrushes, brushes and other such personal items are marked with the owner's name and stored separately and used only by that child.~~

## 59.0 Swimming

~~59.1 The Licensee shall ensure that all children shall be under direct observation directly supervised and supervision of staff members at all times while children are wading or swimming. There shall be a minimum of two adults staff members present during any swimming activity involving two or more infants and/or toddlers.~~

~~59.1.1 Permanent or built-in type swimming pools and wading pools that are left filled when not in use shall be inaccessible to children when not being used by the children.~~

~~59.1.2 The water in swimming pools used by children in child care shall be treated, cleaned and maintained in accordance with health practices and regulations as determined by the Division of Public Health.~~

~~59.1.3 The pool structure and associated equipment shall be maintained in a safe manner and be free of hazards.~~

~~59.1.4 Small portable or non-fixed wading pools shall be thoroughly cleaned and disinfected after each use.]~~

## [PROGRAM FOR CHILDREN

### 66.0 Activities and Interactions

The Licensee shall ensure staff members provide developmentally appropriate activities designated to promote children's development and school-readiness.

#### Program For Children

~~The LFGCH Licensee shall require staff members to provide a written description of typical developmentally appropriate activities provided regularly in the LFGCH designed to promote children's development and education. It Planned activities shall include be varied activities designed to, developmentally appropriate, may be related to themes, culturally meaningful and educationally valuable and promote the development of language, literacy, reasoning, and thinking problem solving skills, understanding of numbers and other mathematical and scientific concepts, large and small muscles skills, social skills, understanding and self regulations of emotions, self esteem and positive self image, as appropriate to the ages and functioning developmental levels of children in child care. When applicable, adaptations of activities shall be made for children with disabilities to enable them to reach goals described in IEPs, IFSPs, and Section 504 plans.~~

~~The Licensee shall ensure that planned activities are based on best practices and accepted research in the field of early care and education and school age care and in alignment with principles of foundations of learning as set forth by the Delaware and/or United States Department of Education.~~

~~Delaware Infant and Toddler Early Learning Foundations: A Curriculum Framework regarding infants and toddlers and Delaware Early Learning Foundations for School Success regarding preschoolers are available on the Delaware Department of Education website at (add current website).]~~

~~66.3 The Licensee shall ensure that activities and materials reflect children's cultures, and~~

communities, including both familiar and new materials, pictures, and experiences.

~~[The Licensee shall consult with parent(s)/guardian(s) about child care practices specific to their children's culture and community, and ensure staff members provide as much consistency as possible in their child care practices especially concerning infants and toddlers.]~~

66.4 The Licensee shall ensure that adaptations and accommodations ~~[be are]~~ made by staff members in activities~~[, adult child interactions, teaching strategies,]~~ and materials ~~[or equipment when as]~~ needed to support the positive development of all children including those with disabilities.

66.5 The Licensee shall develop and ensure staff members follow a daily routine or schedule that is posted for easy reference by parent(s)/guardian(s).

66.6 The Licensee shall ensure that the daily routine or schedule shall include opportunities regular times for all of the following:

66.6.2 alternating Active and quiet activities;

66.6.3 opportunity for Individual and group activities that can be done independently and/or require adult supervision[;];

66.6.4 opportunities for children ~~[The ability to choose some materials freely, Free choice activities;]~~ activities that can be done independently and activities that require adult supervision;

outdoor time each day;

66.7.5 Rest or sleep; and

66.7.6 Meals and snacks.

66.8 The Licensee shall ensure that each child, according to his or her ability, is provided the opportunity for a minimum of twenty (20) minutes of moderate to vigorous physical activity indoors and outdoors, for every three (3) hours the child is in attendance between the hours of 7:00AM to 7:00PM.

66.9 The Licensee shall ensure that children shall have periods of outside play each day depending upon weather conditions ~~[permitting]~~ (see **Rule 47.8**).

66.10 The Licensee shall ensure that in the case of prolonged periods of inclement or extreme (hot or cold) weather conditions, the LFGCH shall provide opportunities for alternative indoor space for active physical play ~~[are is]~~ provided ~~[by staff members for the children]~~.

66.11 The LFGCH Licensee shall ensure that each child receives individual attention and physical comfort by the staff members during routine caregiving and planned activities ~~[providing child care]~~.

Children, including infants and toddlers, shall be talked with individually throughout the day. The staff of the LFGCH shall initiate conversations with children and shall respond positively to children's communications.

Children shall be offered choices of activities and shall be encouraged to be independent in self-care and in assisting with routine tasks in a manner consistent with their age and developmental level.

Television and videotape viewing shall be limited to no more than two (2) hours of age-appropriate programs during the hours children are in care.

Adult programming shall not be viewed by children.

All infants shall spend some portion of their waking hours shall be spent out of cribs and playpens. Cribs, playpens, infant seats, swings, high chairs and jumpers may be used as long as the infant is content but never for periods longer than one (1) hour at a time. Infants who are not yet crawling shall also spend some portion of each waking period in a protected area where they can move freely. Crawling infants shall be allowed to explore in protected areas for substantial portions of their waking hours.

66.12 The Licensee shall ensure that staff members keep a daily record of each infant's feeding, sleeping, and other routine activities and share these with the infant's parent(s)/guardian(s) at the end of each day.

66.13 The Licensee ensure that every infant has an identified staff member who will assume the primary, but not the only[, ] responsibility for feeding, comforting, and otherwise caring for the infant's needs.

66.14 The Licensee shall ensure that staff members interact with infants providing the following opportunities throughout the day:

66.14.1 Offering frequent face to face interactions when they are awake;

66.14.2 Being held and carried;

66.14.3 Limiting time spent, while awake, in any confining equipment such as a crib, infant seat, swing, high chair or play pen to less than one-half (1/2) hour immediately after which opportunities for freedom of movement ~~[are given]~~ in a sanitary area protected from foot traffic;

66.14.4 Talking with infants during play, feeding and routine care;  
66.14.5 Reading to and looking at books with infants while holding or sitting close to them;  
66.14.6 Providing varied materials, sights, sounds and other experiences for infants to explore with their senses;  
66.14.7 Responding to infants' actions, sounds and beginning language;  
66.14.8 Giving names to objects and experiences in the infants' environment;  
66.14.9 Providing space and equipment to support infants' developing physical skills such as rolling over, sitting, scooting, crawling and standing; and  
66.14.10 Providing materials and encouragement for infants' beginning pretend play alone, with other children and adults.

66.15 The Licensee shall ensure that staff members interact with toddlers at their eye level, and whenever appropriate, sitting on the floor with toddlers, providing the following opportunities throughout the day:

66.15.1 Offering frequent face to face interactions with the toddlers;  
66.15.2 Having conversations with toddlers during play, feeding, and routine care;  
66.15.3 Reading to and looking at books with toddlers individually and in small groups;  
66.15.4 Encouraging children to play with one another with adult help;  
66.15.4 Providing materials and encouragement for pretend play alone and with other children and adults;  
66.15.5 Providing varied materials, sights, sounds, and other experiences for toddlers to explore with all their senses;  
66.15.6 Providing opportunities for children to walk, run, climb, stack, balance, scribble, draw, and develop fine and large motor skills;  
66.15.7 Responding to toddlers' words and actions with interest and encouragement;  
66.15.8 Giving names to objects and experiences in the toddlers' environment; and  
66.15.9 Supporting toddlers' development of independence and mastery of feeding, dressing, and other skills.

66.16 The Licensee shall ensure that staff members interact with preschool-age and older children at their eye level, and whenever appropriate, sitting on the floor with the children, providing the following opportunities throughout the day:

66.16.1 Offering frequent face to face interactions with children;  
66.16.2 Having conversations with children during play, meals and routine care;  
66.16.3 Reading to and looking at books with children individually and in groups;  
66.16.4 Using rhymes, songs, and other ways to help children connect sounds and letters and develop other literacy skills;  
66.16.5 Helping children develop mathematical and scientific concepts through play, projects, and investigations of the Large Family Child Care Home's environment;  
66.16.6 Supporting the development of social competence through play and cooperative work with other children;  
66.16.7 Providing materials and encouragement for more extended and complex pretend play alone and with other children and staff;  
66.16.8 Providing varied materials, sights, sounds, and other experiences for children to investigate and talk about;  
66.16.9 Providing opportunities for children to walk, run, climb, stack, balance, scribble, draw, write, and refine fine and large motor skills;  
66.16.10 Responding to children's words and actions with interest and encouragement;  
66.16.11 Giving names to objects and experiences in the children's environment; and  
66.16.12 Supporting children's development of independence and mastery of skills.

~~School-age children shall be provided with supervised activities appropriate to their age and interests, including opportunities for:~~

~~Vigorous outdoor play;  
Time to read or do homework;  
Free play alone or with other; and  
Creative and problem-solving activities.~~

66.16.13 The Licensee shall ensure that staff members interact with school-age children

and also provide the following daily opportunities when ~~[such aged school-age]~~ children are in attendance during out of school time:

66.16.13.1 Active physical play time and/or outdoor activities. If weather conditions do not permit outdoor play, children shall be given opportunities for active physical play indoors.

66.16.13.2 The time for socialization, conversation, relaxation, and quiet activities such as board or card games, reading, homework and studying.

66.16.13.3 Responsibility consistent with their ages for choosing, planning, carrying out and evaluating their own activities.

66.16.14 The Licensee shall ensure that television, digital video display (DVD) and video cassette viewing is **[as follows]:**

~~**[Children under two (2) years of age are not engaged in television,**~~

~~**DVD or video cassette viewing;**~~

66.16.14.1 Not permitted without the written approval of each child's parent/guardian;

66.16.14.2 Limited to programs which are age-appropriate, **[ fun,]** and educational;

and

66.16.14.3 ~~**[Not Limited]**~~ to ~~[exceed]~~ one (1) hour daily per child or group of

children.

66.16.14.3.1 Viewing time periods may be extended for specific special events or occasions such as a current event, holiday or birthday celebration. Written documentation shall justify the reason(s) for extending the time period.

66.16.15 The Licensee shall ensure that the use of the computer shall be as follows:

~~**66.16.15.1 Prohibited for children under twenty-four (24) months of age;**~~

66.16.15.2 Not permitted without the written approval of each child's parent/guardian;

66.16.15.3 Limited to programs, games and websites which are age-appropriate and

educational;

66.16.15.4 ~~**[Provides protections Protected]**~~ from exposure to inappropriate websites such as those that are sexually explicit, violent, or use inappropriate language;

66.16.15.5 Supervised by a staff member; and

66.16.15.6 ~~**[Not Limited]**~~ to ~~[exceed]~~ one (1) hour daily per child or group of

children.

66.16.15.6.1 Usage time periods may be extended for special projects such as homework, researching topics, or special events or interests of a child or group of children. Written documentation shall justify the reason(s) for extending the usage period.

~~**[The Licensee shall ensure that children are not permitted off the Large Family Child Care Home premises without the Caregiver a staff member qualified to be alone with children. An exception is made for children having written parental permission to be off the premises with a person other than the caregiver.]**~~

## **67.0 Equipment**

67.1 The Licensee shall **[ensure staff members]** provide developmentally appropriate equipment and materials for a variety of indoor and outdoor activities. Materials and equipment shall promote a variety of experiences that support children's social, emotional, language/literacy, intellectual, and physical development.

67.2 The Licensee shall ensure that materials and equipment **[be are]** available in a quantity to allow all children to benefit from their use and to allow a range of choices with, at least, duplicates of the most popular materials.

~~**[The Licensee shall ensure that for infants and toddlers under eighteen (18) months, the following supplies and/or equipment in each of the following categories are provided in quantities as described in Rule 61.2:**~~

~~**Sensory supplies and equipment: crib mobiles, teething toys, busy boxes, baby mirrors, rattles, melody chimes, squeeze toys; or other comparable supplies or equipment;**~~

~~**Language/dramatic play supplies and equipment: picture books, toy telephones, tapes or CD's, hand puppets, washable stuffed animals and dolls, photographs, or other comparable supplies or equipment;**~~

~~**Manipulative supplies and equipment: squeeze and grip toys, boxes, sorting and stacking**~~

~~toys, three (3) or four (4) piece wooden inlay puzzles, puzzle blocks, simple threading toys, mobile pull toys, balls, or other comparable supplies or equipment;~~

~~Building supplies and equipment: soft lightweight blocks, toy cars, trains and/or boats, figures of animals and people, stacking rings and/or cups, nesting toys, or other comparable supplies or equipment;~~

~~Large muscle supplies and equipment: low climbers, slides, riding/rocking toys, foam or soft plastic balls, gym mats, play tunnels, or other comparable supplies and equipment; and~~

~~Music supplies and equipment: rhythm instruments, tape or CD player and CDs and tapes; toys with musical tones, musical mobiles and/or busy boxes, drums, xylophones and/or pianos, or other comparable supplies or equipment.~~

~~The Licensee shall ensure that for children over eighteen (18) months, the following supplies and/or equipment in each of the following categories are provided in quantities as described in Rule 61.2:~~

~~Language/literacy supplies and equipment: books, flannel board, upper and lower case letters, pictures for discussion, materials for recognition, identification, and/or classification, poetry, puppets, audio visual materials, show and tell items, or other comparable supplies or equipment;~~

~~Science and math supplies and equipment: plants and gardening equipment, aquarium with fish and/or other appropriate live animals, water table with supplies, sand table and supplies, cooking supplies, weather chart and/or thermometer, counting equipment, balance scale, or other comparable supplies or equipment;~~

~~Manipulative supplies and equipment: puzzles, pegs and pegboards, lacing boards, building toys, stencils, dominoes, pounding bench, lotto games, or other comparable supplies and equipment;~~

~~Large muscle equipment: rocking boat, wheel toys, climbers, slides, balance beam, barrels and/or large cartons, parachute, balls and beanbags, outdoor play equipment, gym mats, or other comparable supplies and equipment;~~

~~Building activities: unit blocks (minimum of four (4) sizes), transportation toys, farm animals and/or play people, work bench and tools, building toys, building logs, or other comparable supplies and equipment;~~

~~Art supplies and equipment: crayons, tempera paint, large brushes and newsprint, finger paint and finger paint paper, construction paper in assorted colors, paste or glue, blunt scissors, collage materials, non toxic felt tip markers, easels, clay or play dough, or other comparable supplies and equipment;~~

~~Music supplies and equipment: tape/CD player, tapes or CDs, piano and/or organ, guitar, rhythm sticks, drums, cymbals and bells, tape recorder, or other comparable supplies and equipment; and~~

~~Dramatic play supplies and equipment: toy dishes, ironing board, telephones, occupational props and/or uniforms, dress up clothes, housekeeping area (stove, sink, refrigerator), cradle or doll bed, doll carriage and dolls, puppets, play grocery store, post office or hospital, or other comparable supplies and equipment.]~~

67.3 The Licensee shall ensure that toys, play equipment and other equipment used by the children are of sturdy and safe construction and free from hazards such as causing entrapment, and having rough edges, sharp corners, pinch and crush points, splinters, exposed bolts, small lo[ose] pieces and are free from recall.

67.3.1 For information on the recall of children's toys and equipment, please refer to the U.S. Consumer Product Safety Commission website at [www.cpsc.gov](http://www.cpsc.gov).

67.4 The Licensee shall provide infant seats with trays for table play and mealtime for children no longer being held for feeding.

67.5 The Licensee shall ensure that high chairs or feeding tables with attached seats, if used, shall have a wide base and a T-shaped safety strap(s).

67.6 The Licensee shall prohibit the use of walkers[ unless medically prescribed by a health care provider for the safety and mobility of a particular child].

~~[The Licensee shall ensure that equipment and materials are selected or adapted to allow all children, including those with disabilities and other special needs, to benefit from the participation in activities at the Large Family Child Care Home.~~

~~The Licensee shall ensure that equipment and supplies are relevant to the cultural background and community of all children and foster awareness of other cultures and communities.]~~

67.7 The Licensee shall prohibit toys that explode or fire projectiles.

67.8 The Licensee 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.

## **68.0 Discipline Positive Behavior Management**

68.1 The LFCGH Licensee shall have a written statement in plain language regarding the discipline and guidance positive behavior management of children. The statement on discipline positive behavior management shall be **[routinely]** provided to parent(s)/guardian(s) and all LFCGH staff members and volunteers.

68.2 A LFCGH The Licensee shall ensure the use of positive developmentally **[age-]**appropriate methods of discipline and guidance behavior management of children which encourage self-control, self-direction, positive self-esteem, social responsibility and cooperation.

68.2.1 Praise, rewards and encouragement Prevention of behavioral problems shall be emphasized along with redirection of inappropriate behavior, rather than punishment. Prevention strategies shall include providing appropriate, educationally valuable materials and activities in an organized, stimulating environment, and setting realistic expectations for young children when planning the routine or schedule.

68.2.2 The Licensee shall ensure that staff members shall praise and encourage children for positive behavior and redirect or guide inappropriate behavior into more positive actions, rather than relying on punishment.

68.2.3 Responses to a child's behavior shall be appropriate to the child's level of development and understanding.

68.2.4 "Time-outs " if used, shall be employed as a supplement to, not a substitute for, other developmentally appropriate, positive methods of discipline and guidance behavior management. i-"Time-out" shall be limited to brief periods: approximately – no more than one (1) minute for each year of a child's age. ii- Before using "time-out", the Caregiver Licensee shall ensure staff members shall discuss explain the reasons for "time-out" to the child in language appropriate to the child's level of development and understanding.

68.2.4.1 The first step for "time-out" shall be to remove the child from the group but keep the child within eyesight of the group that continues to participate in the activity. If this step is ineffective, the child may be removed from the room so that he/she is unable to participate, observe or hear the activity. A child removed from the group or room shall remain under visual supervision at all times. Children shall never be left unattended behind closed doors.

68.2.4.2 "Time-out" shall be in an area **[approved for child care]** that comfortably accommodates the child. "Time-out" shall be seen as a positive opportunity for the child to regroup and focus on appropriate behavior. Before rejoining the group or returning to the room, the staff member shall talk to the child about alternatives to the inappropriate behavior in a way that shows faith in the child's ability to make more positive decisions in the future.

68.2.5 Corporal punishments inflicted in any way on a child's body including shaking, hair pulling, biting, pinching, slapping, or spanking shall be prohibited.

68.2.6 Children shall not be yelled at, humiliated, frightened, or verbally, physically or sexually abused **[or placed in an uncomfortable physical position]**.

68.2.7 Disparaging comments about a child's appearance, ability, ethnicity, family and other personal characteristics shall be prohibited.

68.2.8 Children shall not be deprived of food or toilet use as punishments a consequence of inappropriate behavior.

68.2.9 Children shall not be tied, taped, chained, caged or placed in mechanical restraints as punishment a consequence of inappropriate behavior.

If a child is removed from the group as a discipline measure, the child must remain under visual supervision. Children shall never be left unattended behind closed doors.

68.2.10 Children Negative or punitive action shall not be punished taken with children for not going to sleep, toileting accidents, failure to eat all or part of food or failure to complete a prescribed activity.

**[The Licensee or staff members shall consult with professionals and with parent(s)/guardian(s) to design effective positive behavioral interventions and to adapt behavior management practices for a child who has a special need(s), including a behavioral and/or emotional disability.]**

68.3 The Licensee shall ensure that **[she/he and staff members model and demonstrate]** positive behavior management techniques and respectful communication interactions **[are modeled by staff members]**

~~when relating each other, other adults and parent(s)/guardian(s) while at the Large Family Child Care Home~~ while children are in child care at the Large Family Child Care when relating to any child parent(s)/guardian(s), other adults, and representatives from the Office of Child Care Licensing and other inspecting agencies].

**[69.0 Napping/Sleeping Accommodations**

69.1 The Licensee shall have documentation from a child's health care provider when an exception to any Rule regarding napping/sleeping is necessary due to a child's physical or medical condition. The documentation shall stipulate the reason for the exception and what other accommodations shall be made.

69.2 The Licensee shall ensure that each child has clean, age appropriate, individual napping/sleeping equipment such as a crib, port-a-crib, playpen, cot, mat, sleeping bag, or bed.

69.2.1 Children shall not nap together or share the same napping/sleeping equipment.

69.2.2 A child's napping/sleeping equipment shall be labeled with the child's name and used only by that child while attending the Large Family Child Care Home during a particular shift - see **Rule #381B** for use by different child during another shift.

69.3 The Licensee shall ensure that each child under eighteen (18) months of age and not walking shall nap/sleep in a crib, port-a-crib, or playpen.

69.4 The Licensee shall ensure that a child who is between twelve (12) and eighteen (18) months of age and is walking may nap/sleep on a cot, mat, or bed with protective rails written permission from the child's parent(s)/guardian(s).

69.5 The Licensee shall ensure that a child who is eighteen (18) months of age and older shall nap/sleep on a cot, mat, sleeping bag, or bed, or may continue to nap/sleep in a crib, port-a-crib, or playpen as long as the child fits comfortably in this type of sleeping equipment.

69.6 The Licensee shall ensure that a child who is twelve (12) months of age or older (see **Rules #383-385** for infants) is provided with seasonably appropriate bedding (coverings, sheets, and blankets) for his/her napping/sleeping equipment as follows:

69.6.1 The top of a mattress, cot, or pad of any napping/sleeping equipment shall be covered with non-absorbent, cleanable covering along with a sheet on top of that covering.

69.6.2 Additional sheet(s) and/or blanket(s) shall be provided, when necessary to keep a child warm while napping/sleeping.

69.6.3 A sleeping bag shall be placed on a covered pad (see above subsection "A") and not directly on the floor.

69.7 The Licensee shall ensure that napping/sleeping equipment shall be placed at least at least eighteen (18) inches apart.

69.8 The Licensee shall ensure that napping/sleeping equipment and bedding (covering, sheets, and blankets) are maintained in a clean and sanitary condition as follows:

69.8.1 Cleaned when soiled or wet, or disinfected at least weekly; and

69.8.2 Cleaned and disinfected prior to being assigned to another child.

69.9 The Licensee shall ensure that napping/sleeping equipment is stored so that the napping/sleeping side of one piece of equipment is not in direct contact with the napping/sleeping side of another piece of equipment or such side is disinfected before being used again.

**70.0 Safe Sleep Practices for Infants (Children under Twelve (12) Months of Age)**

70.1 The Licensee shall ensure staff members use safe sleep practices for infants (children under twelve (12) months of age) as recommended by the American Academy of Pediatrics - see current website information at <http://www.aap.org/healthtopics/Sleep.cfm> - as follows:

70.1.1 Soft surfaces such as soft mattresses, pillows, sofas and waterbeds shall be prohibited as sleeping surfaces.

70.1.2 Stacking cribs shall be prohibited.

70.1.3 Cribs, port-a-cribs, and playpens shall have slats so placed as to allow gaps of no larger than two and three-eighths (2-3/8) inches.

70.1.4 Cribs, port-a-cribs, and playpens shall have top rails at least twenty (20) inches above the mattresses with the mattress set at its lowest position and side rails locked in its highest

position.

70.1.5 Any latches on cribs, port-a-cribs, or playpens shall be safe, secured and present no hazard.

70.1.6 The crib, port-a-crib, and playpen's mattress or pads shall be firm and tight-fitting, covered with non-absorbent, cleanable covering directly on top of the mattress or pad along with a tight-fitting sheet on top of that covering.

70.1.7 Toys or objects hung over a crib, port-a-crib, or playpen shall be held securely and be of a size and weight that would not injure a child if the toy or object accidentally falls or if the child pulls on the object.

70.1.8 All items shall be removed from a crib, port-a-crib, or playpen when an infant is in the crib or playpen. These items include, but are not limited to, heavy blankets, comforters, quilts, pillows, sheep skin, stuffed animals, dolls or any toys.

70.2 The Licensee shall ensure that staff members place an infant on his/her back when putting the infant down to nap/sleep.]

70.3 The Licensee shall ensure staff members use the following options when keeping an infant warm while in a crib, port-a-crib, or playpen:

70.3.1 Use a blanket sleeper that is worn by the infant while napping/sleeping. Such blanket sleepers may be worn separately or on top of other clothing as long as the blanket sleeper fits comfortably (is not too big or small), and the infant does not get overheated; and/or

70.3.2 Use a thin blanket placed at the foot of the crib, tucked around the mattress or pad, reaching only as far as the infant's chest, and making sure the infant's head remains uncovered during nap/sleep.

70.4 The Licensee shall ensure that a written record is kept by a staff member documenting the infant was monitored at least every thirty (30) minutes when placed in the crib, port-a-crib, or playpen to nap/sleep to observe the infant for normal breathing.

## 71.0 Night Child Care

71.1 The Licensee providing night child care shall ensure staff members remain on the same level of the Large Family Child Care Home with the children in child care (see **Rule #236**) and remain awake (see **Rule 201A**).]

71.2 The Licensee providing night child care shall ensure staff members follow **Rules #372-384** and that each child in child care between the hours of 8:00 P. M. and 6:00 A. M., and is sleeping at the Large Family Child Care Home for four (4) or more hours, has the following sleeping equipment;

71.2.1 A child under eighteen (18) months of age and not walking shall sleep in a crib.

71.2.2 A child who is between twelve (12) and eighteen (18) months of age and is walking may sleep on a bed with protective rails with written permission from the child's parent(s)/guardian(s).

71.2.3 A child eighteen (18) months of age and older shall sleep on a bed or may continue to sleep in a crib as long as the child fits comfortably in the crib.

71.3 The Licensee shall ensure each bed is equipped with a mattress that is not directly on the floor.

71.3.1 The top of the mattress shall be covered with non-absorbent, cleanable mattress pad that covers the whole mattress.

71.3.2 A fitted or folded sheet covering the whole mattress is placed on top of the mattress pad.

71.3.3 Another sheet that covers the whole mattress is provided to cover the child.

71.3.4 A pillow covered with a pillow case that covers the whole pillow is provided.

71.3.5 A blanket/comforter/quilt is provided when necessary to keep a child warm while sleeping.

71.4 The Licensee providing night child care shall ensure that staff members provide quiet activities for children for not less than thirty (30) minutes before bedtime.

71.5 The Licensee providing night child care shall ensure that staff members give each child individual attention at bedtime and upon awakening.

71.6 The Licensee providing night child care shall ensure staff members follow the parent(s)/guardian(s) preference regarding any special preferences or habits of a child regarding bedtime and

awakening and that the information provided is noted in the child's file.

71.7 The Licensee providing night child care shall ensure that each child has his or her own combs, toothbrushes, brushes and other such personal items are marked with the child's name, used only by that child, and stored separately.

71.8 The Licensee providing night child care shall ensure staff members follow the parent(s)/guardian(s) preference regarding bathing the child and that the information provided is noted in the child's file.

71.8.1 If bathtubs and showers are used, they shall be equipped to prevent slipping.

71.8.2 Infants shall be bathed in age-appropriate bathing facilities.

71.8.3 Portable bathing facilities shall be acceptable for bathing children before bedtime.

71.8.4 Under no circumstances shall a child be bathed in a sink.

71.8.5 Each child shall be bathed in a bathtub, shower or portable bathing equipment that has been disinfected before each use.

71.8.6 Children shall be bathed individually and not be placed together in a bathtub or shower.

71.8.7 Water temperature shall be checked before placing a child into a portable bathing facility, bathtub or shower; or monitored constantly while being rinsed under running water in a portable bathing facility or bath tub to prevent burns or scalding, or for water that is too hot or too cold.

71.8.8 Individual towels and washcloths shall be provided for each child.

71.9 The Licensee providing night child care shall ensure that staff members do not leave children unsupervised while in a bathtub or shower.

71.9.1 A child capable of bathing alone shall be allowed to bathe in private with written permission from parent(s)/guardian(s). The Licensee shall ensure staff members respect that child's privacy but are immediately available to ensure the child's safety to offer assistance when requested by the child.

71.10 The Licensee providing night child care shall ensure that children over the age of four (4) do not share a dressing area with persons of the opposite sex.

71.11 The Licensee providing night child care shall ensure that each child has clean garments made for sleeping comfortably.

71.12 The Licensee providing night child care shall ensure that there is a working nightlight in the bathroom, hallway, and sleeping areas as dictated by the individual needs of the children.

71.13 The Licensee providing night care shall ensure that staff members keep a written record documenting each child was monitored when placed in his/her sleep equipment to sleep between the hours of 8:00 P.M. and 6:00 A.M. that includes the following information:

71.13.1 Infants were monitored every thirty (30) minutes as per **Rule #386**;

71.13.2 Children twelve (12) months of age and older were monitored every sixty (60) minutes; and

71.13.3 Child to child physical contact was prevented.

#### **[Kitchen, Food and Nutrition**

~~The Licensee shall ensure that the kitchen and all food preparation, storage and serving areas and utensils in the Large Family Child Care Home are kept clean and sanitary.~~

~~The Licensee shall ensure the kitchen in the Large Family Child Care Home has hot and cold running water.~~

~~The Licensee shall ensure the Large Family Child Care Home has one of the following arrangements of sinks in the kitchen's food preparation area:~~

~~Three (3) sinks — one (1) used only for hand washing; one (1) used only for food preparation; and one (1) used only for dishwashing when washing, rinsing and sanitizing cooking and eating utensils;~~

~~Two (2) sinks — one (1) used only for hand washing, and one (1) used only for food preparation; and a dishwasher with a sanitizer cycle used when washing, rinsing and sanitizing cooking and eating utensils; or~~

~~One (1) sink used only for hand washing; and a two (2) compartment sink with one (1) compartment used for food preparation, and the other compartment used for dishwashing when washing;~~

rinsing and sanitizing cooking and eating utensils.

The Licensee shall ensure the Large Family Child Care Home has an oven or microwave, and a range or cook top.

The Licensee shall ensure the Large Family Child Care Homes has a refrigerator to keep perishable foods cold at forty (40) degrees F. or colder with a working thermometer in the refrigerator.

The Licensee shall ensure that a freezer is maintained so that food stored in the freezer stays frozen at zero (0) degrees F. or colder with a working thermometer in the freezer.

The Licensee shall ensure the Large Family Child Care Home has either an operable window or suitable exhaust system for the removal of smoke and odors.

The Licensee shall ensure all dishes and utensils shall be air dried.

The Licensee shall ensure that all dishes, cups and glasses used by the children in child care are free from chips, cracks or other defects.

The Licensee shall ensure that each individual child has his or her own clean utensils — fork, spoon, knife, dish, cup or bottle as appropriate to the age of the child to eat with or be feed with. Such utensils or equipment shall not be shared with another child during feeding.

The Licensee shall ensure that meals and/or snacks are served in a safe and sanitary manner whether indoors or outdoors.

The Licensee shall have a written policy concerning food service including:

A description of all food services provided;

Times of snacks and meals;

Procedures related to food allergies, religious dietary requirements and other special needs;

If applicable, nutritional information and guidelines concerning the content of meals, snacks or foods for special occasions when provided by parent(s)/guardian(s);

If applicable, procedures to prevent spoilage of food provided by the parent(s)/guardian(s);

If applicable, a procedure to be followed by the staff members if food brought in by the parent(s)/guardian(s) for the child fails to meet nutritional requirements as specified in Rule 63.17; and

This policy shall be provided to all parent(s)/guardian(s) at enrollment.

The Licensee shall ensure that menus are planned in advance, are dated and posted in the kitchen for review by parent(s)/guardian(s). Menus noting actual food served shall be retained for thirty (30) days. Any changes made in actual food served on a particular date shall be documented on the menu on or before that date.

The Licensee shall ensure that a supply of food and water shall be kept in stock for emergency situations that require an extended stay at the Large Family Child Care home or cause a power outage. Non perishable foods, bottled water and any equipment necessary to serve or prepare foods without the use of electricity shall be included in the supply.

The Licensee shall ensure that nutritional nutritious, appropriately timed scheduled meals and snacks shall be meeting nutritional requirements are served to children in care for four (4) in accordance with the following schedule which indicates the number of hours or more per day the child is present at the Large Family Child Care home: No child is permitted to be without a meal or snack for excessively long periods of time.

The LFGCH shall have supplemental foods from all four basic food groups to serve children if the meals provided by parents fail to meet nutritional requirements specified in Requirements 161 and 162

Exceptions to these meal and snack requirements shall only be made by written documentation by the child's health care provider-

2 hours — 4 hours      1 snack;

4 hours — 6 hours      1 meal and 1 snack;

7 hours — 11 hours      2 meals and 1 snack, or 2 snacks and 1 meal based on time of child's

arrival;

12 hours or more      3 meals and 2 snacks.

The Licensee shall ensure that all meals and snacks served to children, whether are provided by the Caregiver or parents, shall have at least one (1) item from each of the following food groups, except where noted, so that the daily nutritional needs of children can be met (serving sizes to be used for each

age group can be found in the Appendix of these Requirements): in accordance to the current USDA/Child and Adult Care Food Program (CACFP) meal pattern requirements which are adjusted accordingly by the age of the infant and child as specified in Appendix, Delaware CACFP Meal Pattern Requirements for Infants and Delaware CACFP Meal Pattern Requirements for Children

Dairy products: milk, milk products, cheese; The Licensee shall ensure that supplemental foods are available at the Large Family Child Care Home from all basic food groups to serve children if meals or snacks provided by parent(s)/guardian(s) fail to meet nutritional requirements as specified in Rule 63.17.

Protein group: meat, fish, poultry, eggs, peanut butter, dried beans, peas, cheese;  
Two fruits or vegetables or one of each: including a wide variety of green, white, yellow and red vegetables and fruits; and

Grain group: whole grain and enriched breads, cereals, pasta, crackers, rice.

The Licensee shall ensure food is provided based on the basic food groups as follows:

Milk: fluid pasteurized cow's milk as age appropriate;

Proteins: meat, fish, poultry, eggs, yogurt, cheese, peanut butter, dried beans, peas, and

nuts;

Fruits and vegetables: include a variety of fresh vegetables and fruits; and

Grains: whole grains and enriched products such as breads, cereals, pastas, crackers and

rice.

All snacks served to children shall include one item from two (2) for the four (4) food groups.

Meals for infants shall be provided according to the following guidelines:

Formula and feeding schedules for each infant shall be designated by the parent(s).

Baby food, breast milk or formula, after it has been prepared from concentrate or after the container has been opened, shall be refrigerated. Any contents remaining in the bottle after a feeding shall be discarded.

Introduction of all new food shall be made in consultation with the parent(s).

Baby food for each child shall be served from a dish unless the whole contents of the jar will be served.

Bottles shall be labeled with the individual child's name when there is more than one infant in care.

Infants under six (6) months of age shall be held by the Caregiver while being bottle fed. No infant shall be placed in his/her crib with a bottle for feeding.

Bottle propping and carrying of bottles by young children throughout the day and night shall be prohibited.

The LFCGH Licensee shall ensure that all food served to children in the Large Family Child Care Home is clean, wholesome, free from spoilage and adulteration, correctly labeled and safe for human consumption.

The Licensee shall ensure that when fruit or vegetable juice is served, 100% unsweetened juice is used, and not a fruit drink or fruit cocktail.

The Licensee shall ensure that children are encouraged but not forced to eat.

The Licensee shall ensure the introduction of a variety of food textures, finger foods, and a cup in the training of self-feeding and nutrition education is provided at the Large Family Child Care Home.

All milk and milk products shall be pasteurized. Powered milk may be used only for cooking.

Only whole, pasteurized milk shall be served to children younger than 24 months of age who are not on formula or breast milk, except with the written direction of a parent and the child's health care provider.

Skim milk shall not be served to children of preschool age or younger, except with the written direction of a parent and the child's health care provider.

The Licensee shall ensure that powdered milk is not used as a substitute for fluid milk for drinking purposes but may be used in cooking.

The Licensee shall ensure that special, therapeutic diets are served only upon written instruction for a child from the child's health care provider.

The Licensee shall ensure that if the parent(s)/guardian(s) of a child requests any modification of basic meal patterns (see Appendix, CACFP Meal Pattern Requirements for Infants and CACFP Meal

Patterns Requirement for Children) due to a child's medical need(s) such as food allergies or food intolerance, the parent(s)/guardian(s) provide the Licensee with written documentation from the child's health care provider permitting the modification.

The Licensee shall ensure that if the parent(s)/guardian(s) of a child requests any modification of basic meal patterns (see Appendix, CAGFP Meal Pattern Requirements for Infants and CAGFP Meal Patterns Requirement for Children) due to a family's food preferences or religious beliefs, the parent(s)/guardian(s) provide the Licensee with written documentation specifying which foods are unacceptable and the food substitution allowed within the same food group.

The Licensee shall ensure that every effort will be made to accommodate the needs of the child who is being breast fed, including allowing the mother to breastfeed her child at a designated place at the Large Family Child Care home.

The Licensee shall ensure that each individual child has his or her own utensils — fork, spoon, knife, dish, cup or bottle as appropriate to the age of the child to eat with or be feed with. Such utensils or equipment shall not be shared with another child during feeding.

Refrigeration shall be used for perishable foods and shall maintain temperatures of 40 degrees Fahrenheit or below. Freezers shall maintain temperatures of 0 degrees Fahrenheit or below.

There shall be a business thermometer in all refrigerators.

#### Toddlers and Older Children:

The Licensee shall ensure that a breakfast served has at least one (1) item each from the milk (A), fruits and vegetables (C) and grain (D) food groups as described in Rule 63.17.

The Licensee shall ensure that a lunch or dinner served has one (1) item from each of the milk (A), protein (B) and grain (D) food groups and two (2) items from the fruit and vegetable (C) food groups as described in Rule 63.17.

The Licensee shall ensure that a snack served has at least one (1) item from two (2) of the food groups as described in Rule 63.17.

The Licensee shall, at a minimum, provide a snack(s) meeting nutritional requirements, even if parent(s)/guardian(s) provide meals.

If milk or fruit/vegetable juice is not included with a snack, water shall also be served with that snack.

The Licensee shall ensure that the use of a bottle is discouraged for children after one (1) year of age, and instead, teach and encourage the use of a cup.

#### Infants

The Licensee shall ensure that a written statement specifying food including specific formula or breast milk, and a feeding schedule shall be obtained from the parent(s)/guardian(s) for each infant at least on a monthly basis or as needed.

The Licensee shall ensure that a daily written record of each infant's nutritional intake is maintained and provided to the parent(s)/guardian(s) upon request. Any feeding problems experienced by an infant shall be discussed with his/her parent(s)/guardian(s) before the infant's daily departure from the Large Family Child Care Home.

The Licensee shall ensure that an infant is:

Fed on demand or during a span of time consistent with the infant's eating habits;

Held for all bottle-feeding;

Not placed in his or her crib with a bottle for feeding; and

Not fed from a propped bottle.

The Licensee shall ensure that when preparing and/or providing bottles of formula:

Bottles and nipples maintained by the Licensee shall be washed and sanitized before use;

Unprepared formula brought to the Large Family Child Care Home by parent(s)/guardian(s) or provided by the Licensee shall come from an unopened, factory-sealed container;

Each infant's bottle of formula shall be individually labeled with the infant's name and refrigerated immediately upon arrival if prepared by parent(s)/guardian(s) or after preparation by the Licensee;

Bottles of formula shall be warmed under running warm tap water or by placing them in a

~~container of water that is no warmer than 120 degrees F and not be left in warm water for more than five (5) minutes;~~

~~Bottles of formula shall not be warmed or thawed in a microwave oven;~~

~~Mixing formula with cereal, fruit juice or any other foods in a bottle shall be considered a modification of a basic meal pattern and require written documentation from an infant's health care provider permitting the modification;~~

~~Unused portions of formula in a bottle fed to an infant shall be discarded after each feeding that exceeds a period of one (1) hour from beginning of feeding; and~~

~~Unused bottles of formula shall be dated as to when prepared if not returned to the parent(s)/guardian(s) at the end of each day; and~~

~~Refrigerated, unused, prepared formula shall be discarded after forty eight (48) hours.~~

~~The Licensee shall ensure that when offering breast milk from a mother to her own infant:~~

~~Breast milk shall be fed only to that mother's own infant;~~

~~Frozen breast milk shall be thawed under running cold water or in the refrigerator;~~

~~Bottles of breast milk shall not be warmed or thawed in a microwave oven;~~

~~Bottles of breast milk shall be warmed under running warm tap water or by placing them in a container of water that is no warmer than 120 degrees F and not be left in warm water for more than five (5) minutes;~~

~~Unused portions of breast milk shall be discarded after each feeding that exceeds a period of one (1) hour from beginning of feeding;~~

~~Expressed breast milk shall be discarded if it is in an unsanitary bottle or has been unrefrigerated for more than one (1) hour;~~

~~Refrigerated, unused, expressed breast milk that was never frozen shall be discarded after forty eight (48) hours, or by three (3) months if frozen and stored in a deep freezer at zero (0) degrees F;~~

~~Unused, frozen breast milk that has been thawed in the refrigerator shall be used within twenty four (24) hours;~~

~~The Licensee shall ensure that cow's milk is not served to infants.~~

~~The Licensee shall ensure that when feeding food to infants:~~

~~An infant too young to use a feeding chair or other age appropriate seating apparatus shall be held when fed food;~~

~~The introduction to all new foods shall be made only with the parent(s)/guardian(s)' permission;~~

~~New foods shall be introduced one at a time on a gradual basis with the intent of ensuring health and nutritional well being;~~

~~Semi solid foods may be introduced to infants four (4) to seven (7) months of age as requested by parent(s)/guardian(s) and shall be required once an infant is eight (8) months of age;~~

~~Infant foods shall be warmed by placing them in a container of water that is no warmer than 120 degrees F and not be left in warm water for more than five (5) minutes;~~

~~Infant foods shall not be warmed or thawed in a microwave oven;~~

~~Foods for infants shall be of a texture and consistency that promotes safe and optimal consumption; and~~

~~Baby food for each infant shall be served from a dish unless the entire contents of the jar will be served.~~

~~The Licensee shall encourage the use of a cup when an infant is developmentally capable of drinking from or holding a cup.~~

~~The Licensee shall ensure that infants are not offered juices until they are able to drink from a cup in order to develop behaviors that may prevent baby bottle tooth decay.~~

#### Child Health

~~The LFCCH Licensee shall have an arrangement with a physician or other licensed health care provider who provides consultation on health policies and other issues related to the LFCCH Large Family Child Care home.~~

~~The Licensee shall ensure that each child is observed by a staff member upon arrival and checked for common signs of communicable diseases, physical injury or other evidence of ill health.~~

~~The Licensee 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. Staff members shall receive a copy of this plan and be trained in its implementation. Parent(s)/guardian(s) shall be given a copy of this plan at the time of enrollment and include:~~

~~Procedures to be followed in case of illness or emergency, including methods of transportation and notification of parent(s)/guardian(s);~~

~~Procedures to be followed in case of illness or emergency, when parent(s)/guardian(s) cannot be reached;~~

~~The Licensee's policy regarding administration of medication; and~~

~~A plan for the management of communicable disease including the following:~~

~~The list of symptoms of illness for which a child will be excluded from the Large Family Child Care Home or sent home if symptoms occur after the child has been admitted for the day as specified in Rule 66.7;~~

~~The list of reportable communicable diseases for which a child will not be admitted to the Large Family Child Care Home without a written statement from a health care provider as specified in Rule 66.7; and~~

~~Assurances that the parent(s)/guardian(s) whose child may have been exposed to a reportable communicable disease shall receive written notice of the outbreak of such disease at the Family Large Child Care Home.~~

~~The LFCGH Licensee shall ensure that within one (1) month following admission, have on file an age appropriate health appraisal conducted within the last twelve (12) months prior to admission for each child enrolled not more than 30 days following admission is on file unless required to without immunization(s) such as specified in the McKinney Vento Homeless Assistance Act or any applicable local, State and Federal Laws. Health appraisals shall be certified by a licensed physician or nurse practitioner health care provider and shall be updated yearly up to age 5 and then for children preschool-aged younger and not yet in kindergarten or in accordance with the recommended schedule for routine health supervision of the American Academy of Pediatrics. For children below school age, The health appraisal shall include:~~

~~A health history;~~

~~A physical and behavioral examination;~~

~~Growth and development;~~

~~Recommendations regarding required medication, restrictions or modifications of the child's activities, diet or care;~~

~~Medical information pertinent to treatment in case of emergency;~~

~~Documentation of any recommended or required screening or testing such as for blood lead or tuberculosis;~~

~~Documentation of the immunization status, with a listing of day, month and year of administration for each immunization, according to the recommendations of required by the Division of Public Health, as specified in Appendix, Recommended Childhood and Adolescent Immunization Schedules. For current information, the Licensee shall contact the Division of Public Health or refer to the GDG website [http://www.cdc.gov/nip/rees/child\\_schedule.htm](http://www.cdc.gov/nip/rees/child_schedule.htm).~~

~~The Caregiver Licensee shall not permit a child to be admitted 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 the child who is not age appropriately vaccinated according to the most recent directive from the Division of Public Health unless a written plan has been established (see below) or as required by Law to be admitted without immunization(s) such as specified in the McKinney Vento Homeless Assistance Act or any applicable local, State and Federal Laws and regulations.~~

~~If a child has not received adequate immunizations as required for his age, the Licensee shall require a written plan for updating the immunizations within a reasonable time frame is to be submitted to the Caregiver Licensee within fourteen (14) days of the child's admission or as required by Law such as specified in the McKinney Vento Homeless Assistance Act or any applicable local, State and Federal Laws and regulations.~~

~~If the additional required immunizations are not completed within the time frame~~

~~specified in the written plan, the child shall be excluded from the Large Family Child Care Home until the immunizations have been obtained and written documentation that all needed immunizations for that child have been completed shall be of such has been submitted to the Caregiver within four (4) months from the date of admission Licensee.~~

~~A description of any disability, sensory impairment, developmental variation, seizure disorder, or emotional or behavioral disturbance that may affect adaptation to child care (include previous surgery, serious illness, history of prematurity, etc. only if necessary for appropriate care);~~

~~An assessment of the child's growth based on developmental norms;~~

~~A description of health problems or findings from an examination or screening that need follow up;~~

~~Results of screenings — vision, hearing, dental, nutrition, developmental, tuberculosis, hemoglobin, urine, lead, and so forth;~~

~~Dates of significant communicable diseases (e.g., chicken pox);~~

~~Prescribed medication(s) including information on recognizing, documenting, and reporting potential side effects;~~

~~A description of current acute or chronic health problems under or needing treatment;~~

~~A description of serious injuries sustained by the child in the past that required medical attention or hospitalization; and~~

~~Special instructions for the Caregiver.~~

~~For school age children, the health record may consist of a copy of the child's school health record.~~

~~The Licensee shall ensure that for school age children, a copy of the health appraisal required by the child's school is also on file at the Large Family Child Care home.~~

~~The Licensee shall ensure that a child whose parent(s)/guardian(s) objects to immunizations on a religious basis or whose health care provider certifies that such immunizations may be detrimental to the child's health will be exempt from the immunization requirement provided that the parent(s)/guardian(s) submits to the Licensee a notarized statement explaining the exemption is in compliance with State Law.~~

~~The LFGCH may administer medication only upon completion of approved training in accordance with State law.~~

~~The LFGCH shall report promptly to a parent any accidents, suspected illness, or other change observed in the health of a child.~~

~~When a communicable disease occurs, the LFGCH shall immediately notify the parent of an exposed child so that the child may be observed for symptoms of the disease.~~

~~The Caregiver shall require information from parents within 24 hours if the child has developed a known or suspected communicable disease, or if an immediate household member has developed such a disease.~~

~~A Caregiver The Licensee shall not permit a child who has symptoms of illness specified below to be admitted or remain in the Caregiver's Large Family Child Care Home unless written documentation from a licensed physician health care provider, or verbal approval with written follow up, states the child has been diagnosed and poses no serious health risk to the child or to other children. The parent, legal guardian, or other person authorized by the parent shall be notified immediately when a child has a sign or symptom requiring exclusion from the Family Child Care Home. The symptoms of illness for possible exclusion at the discretion of the Licensee or staff members shall include, but not be limited to any of the following:-~~

~~The illness prevents the child from participating comfortably in activities;~~

~~The illness results in a greater care need than the Caregiver can provide without compromising the health and safety of the other children; or~~

~~The child has any of the following conditions:~~

~~Temperature: infants four (4) months old and younger, equivalent to 100 degrees or greater even if there has not been a change in behavior;~~

~~Temperature: Oral temperature children older than four (4) months, equivalent to 101 degrees or greater; axillary (armpit) temperature 100 degrees or greater; accompanied by behavior~~

~~changes or other signs or symptoms of illness until medical evaluation indicates inclusion in the facility Large Family Child Care Home. Oral temperature shall not be taken on children younger than four (4) years (or younger than three (3) years if a digital thermometer is used). Rectal temperature shall be taken only by persons with specific a licensed health training care professional;~~

~~Symptoms and signs of possible severe illness (such as unusual lethargy, uncontrolled coughing, irritability, persistent crying, difficult breathing, wheezing, or other unusual signs) until medical evaluation allows inclusion;~~

~~Uncontrolled diarrhea, that is, increased number of stools, increased stool water, and/or decreased form that is not contained by the diaper until diarrhea stops;~~

~~Blood in stools not explainable by dietary changes, medication, or hard stools;~~

~~Vomiting illness (two (2) or more episodes of vomiting in the previous twenty four (24) hours) until vomiting resolves or until a health care provider determines the illness to be non-communicable, and the child is not in danger of dehydration;~~

~~Persistent abdominal pain (continues more than two (2) hours) or intermittent pain associated with fever or other signs or symptoms;~~

~~Mouth sores with drooling, unless a health care provider or health official determines the condition is noninfectious;~~

~~Rash with fever or behavior change, until a health care provider determines that these symptoms do not indicate a communicable disease;~~

~~Purulent conjunctivitis (defined as pink or red conjunctiva with white or yellow eye discharge), until twenty four (24) hours after treatment has been initiated;~~

~~Scabies, head lice, or other infestation, until twenty four (24) hours after treatment has been initiated;~~

~~Pediculosis (head lice), until twenty four (24) hours after treatment has been initiated;~~

~~Tuberculosis, until a health care provider or health official states that the child is on appropriate therapy and can attend child care;~~

~~Impetigo, until twenty four (24) hours after treatment has been initiated;~~

~~Strep throat or other streptococcal infection, until 24 hours after initial antibiotic treatment and cessation of fever;~~

~~Varicella Zoster (chicken pox), until all sores have dried and crusted (usually six (6) days);~~

~~Shingles, only if sores cannot be covered by clothing or a dressing; if not exclude until sores have crusted and are dry;~~

~~Pertussis, until five (5) days of appropriate antibiotic treatment (currently, erythromycin) to prevent an infection have been completed and a licensed physician states in writing the child may return;~~

~~Mumps, until nine (9) days after onset of parotid gland swelling and a licensed physician states in writing the child may return;~~

~~Hepatitis A virus, until one (1) week after onset of illness, jaundice or as directed by the health department when passive immunoprophylaxis (currently, immune serum globulin) has been administered to appropriate children and staff and a licensed physician states in writing the child may return;~~

~~Measles, until 6 five (5) days after onset of rash and a licensed physician states in writing the child may return;~~

~~Rubella, until six (6) days after onset of rash and a licensed physician states in writing the child may return;~~

~~Herpetic gingivostomatitis (cold sores), if the child is too young to have control of oral secretions; or~~

~~Unspecified respiratory illness if it limits the child's comfortable participation in activities or if it results in a need for greater care than can be provided without compromising the health and safety of other children.; or~~

~~Herpetic gingivostomatitis (cold sores), if the child is too young to have control of oral secretions.~~

The Licensee may allow a child to return to the Large Family Child Care Home when the symptoms are no longer present or a health care provider indicates the child poses not serious health risk to the child or to other children.

The Licensee shall not permit a child with a reportable communicable disease, as specified by the Division of Public Health to be admitted to or remain at the Large Family Child Care Home unless:

Written documentation from the child's health care provider states the child has been evaluated and presents no risk to the children or to others;

The Licensee has reported the illness to the Division of Public Health and been advised the child presents no health risk to others; or

If there is a conflict in opinions of the health care provider and the Division of Public Health regarding the exclusion of a child, the Licensee shall follow the instructions of the Division of Public Health.

The LFCGH Licensee shall report any reportable communicable disease, listed in the table below, to the Division of Public Health in accordance with Division of Public Health procedures; For current information on reportable communicable disease, and follow instructions of the Licensee shall contact the Division of Public Health in the handling of the illness or refer to the website <http://www.dhss.delaware.gov/dhss/dpc/rptdisease.html>.

TABLE OF REPORTABLE COMMUNICABLE DISEASES	
RESPIRATORY	GASTRO-INTESTINAL
Diphtheria-	Giardiasis
German Measles	Hepatitis-A
Hemophilus Influenza Disease	Salmonellosis
Measles (rubeola)	Shigellosis
Bacterial (spinal) Meningitis	
Mumps	
Pertussis (whooping cough)	
Rubella	
Tuberculosis-	

The child may return to the LFCGH when the symptoms are no longer present or a licensed physician/Division of Public Health indicates the child poses no serious health risk to the child or other children.

The Licensee shall ensure that when a child has been diagnosed as having a reportable vaccine preventable communicable disease, all children who have not been immunized against the disease are excluded from the Large Family Child Care Home in accordance with Division of Public Health procedures.

The Licensee shall ensure that if a child who has already been admitted to the LFCGH Large Family Child Care Home manifests any of the illnesses or symptoms specified in Requirements 173-174 Rules 66.7 and 66.9, the Caregiver staff member shall ensure met that the child's individual needs for rest, comfort, food, drink and appropriate activity are met until the child can be picked up by the parent(s)/guardian(s) or suitably cared for elsewhere.

The Caregiver shall provide parents with a written health policy including guidelines for the prevention and control of communicable diseases, injuries, and child abuse.

The policy shall state parents must inform the LFCGH within 24 hours, if the child has developed a known or suspected communicable disease, or if a member of the immediate household has developed such a disease.

#### Administration of Medication

The Licensee shall ensure that staff members only administer medication if trained and authorized in accordance with State Law to administer medication to children.

~~The Licensee shall ensure that medication is not administered to a child unless written permission has been received from the child's parent(s)/guardian(s) for each medication to be administered.~~

~~The Licensee shall ensure that the parent(s)/guardian(s) of a child provide the following information for each medication given:~~

~~The name of the child;~~

~~The child's date of birth;~~

~~Medication allergies;~~

~~Doctor's name and phone number;~~

~~Pharmacy and phone number;~~

~~Name of medication;~~

~~Dosage (amount given);~~

~~Time (when given);~~

~~Route of administration (oral; eye, nose or throat drops; topical; or vaginal or rectal suppositories);~~

~~Expiration date;~~

~~Start date;~~

~~End date;~~

~~Reason for medication; and~~

~~Any special directions.~~

~~The Licensee shall ensure that all prescription medication is in its original container, properly labeled, has not expired, and is authorized by the child's health care provider.~~

~~Medication shall only be given to the child whose name appears on the prescription.~~

~~The Licensee shall ensure that all non prescription medication is in its original container, properly labeled with directions for its administration, has not expired, and is labeled with the child's name.~~

~~Any deviations from the label instructions shall be in writing from the child's health care provider.~~

~~The Licensee shall not allow the administration of prescription or non prescription medication that has expired and will immediately contact the parent(s)/guardian(s) of a child whose medication has expired to inform that parent(s)/guardian(s) of the situation.~~

~~The Licensee shall ensure that all medication in the Large Family Child Care Home is stored so as to be secure and inaccessible to children.~~

~~Medication requiring refrigeration shall be kept in closed containers separate from food.~~

~~The Licensee shall ensure that unused medication is returned to the parent(s)/guardian(s) when no longer needed by the child.~~

~~The Licensee shall keep a record of the administration of medication to children including medication dosage, time administered, by whom administered, and any adverse effects observed.~~

~~The Licensee shall ensure that when a child is receiving medication notes are recorded for that child and the parent(s)/guardian(s) are advised of the parent(s)/guardian(s) are advised 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**

~~The Licensee shall ensure that when an accident or injury occurs to a child during the hours of child care, that emergency action is taken to protect the child from further harm and notify the child's parent(s)/guardian(s).~~

~~The Licensee shall maintain an injury report for each incident in the child's file and report to the Office of Child Care Licensing an accident or injury which results in death or inpatient or outpatient treatment as required in Rules 12.1 and 12.2.2. An injury report shall include name of child, date, description of injury, how it occurred and first aid or medical care required.~~

~~Whenever an injury report is necessary, the Licensee shall ensure notification of the child's parent(s)/guardian(s) to report each incident. The Licensee shall maintain a record of when the parent(s)/guardian(s) were notified or of attempts to notify the parent(s)/guardian(s).]~~

#### **CAREGIVER HEALTH**

Upon initial application, the Caregiver shall provide written evidence of a health appraisals attesting to the health of the Caregiver and Associate Caregiver(s), and the health of other adults who are regularly present in the home when children are in care. This includes other adults living in the home, substitute caregivers and helpers as described in Requirements 88 and 91. Copies of these health appraisals shall be kept on file in the LFCCH and shall be updated to be consistent with household composition and whenever new substitutes or assistants are added. For children under six living in the home, Requirement 168 shall be met.

The health appraisal shall include, at a minimum:

- Health history;
- Physical exam;
- Vision and hearing screening;

Written evidence of freedom from active infection of tuberculosis verified within one year prior to initial application, with further testing required at intervals recommended by the Division of Public Health;

A review of immunization status (measles, mumps, rubella, diphtheria, tetanus, and polio);

Assessment of need for vaccines against influenza, pneumococcus, and hepatitis B, and of risk from exposure to common childhood infections, such as parvovirus, CMV, and chicken pox; and

Assessment of health related limitations or communicable diseases that may impair the Caregiver's ability to perform the job.

After initial licensure, adults shall be required to provide written evidence of follow up for known medical problems or as required by the Office of Child Care Licensing.

**[72.0 Off Premises of Large Family Child Care Home**

**72.1 The Licensee shall ensure that children are not permitted off the Large Family Child Care Home premises unless accompanied by a staff member who is at least qualified to be left alone with children.**

**72.2 The Licensee shall ensure that staff members provide constant supervision of children whenever off the Large Family Child Care Home premises to ensure safety.**

**72.2.1 Volunteering parent(s)/guardian(s) shall be supervised by a staff member at all times including the transportation of children.**

**72.2.2 Volunteering parent(s)/guardian(s) shall not be alone with children at any time other than their own child/children at any time.**

**72.3 The Licensee shall ensure that when off the Large Family Child Care Home premises, the staff/child ratio is according to the chart below:**

<u>Age of Youngest Child In Group</u>	<u>Maximum Number of Children to be Supervised by One Staff Member</u>
<u>Less than 2 years of age</u>	<u>2</u>
<u>2 years through 4 years</u>	<u>4</u>
<u>5 years and older</u>	<u>8</u>

**72.4 The Licensee shall have a safety policy for children whenever off the Large Family Child Care Home premises which includes the following:**

**72.4.1 An accounting of children at all times including a documented roll check of taking attendance when departing from the Large Family Child Care Home, arriving and departing from the destination, and arriving back at the Large Family Child Care Home;**

**72.4.2 A copy of and easy access to medical consent forms and emergency contact information for all children;**

**72.4.3 A proper storage container (such as for keeping a medication cool) for any medication that needs to be taken off premises for a child;**

**72.4.4 A traveling first aid kit available in accordance with **Rule #296**;**

**72.5 A plan for transportation of a child or all children in the event of an emergency; and**

72.6 Tags for children or other means of providing only the Large Family Child Care Home's telephone number;

72.6.1 For security purposes, a child's name or any type of information that directly identifies the child shall not be placed on the child.]

72.7 The Licensee shall ensure that volunteering parent(s)/guardian(s) comply with the following Transportation **Rules #405-417** when transporting children other than their own children when on excursions with staff members off the Large Family Child Care Home premises.

### **73.0 Transportation [in a Vehicle]**

73.1 ~~The Licensee shall ensure that the vehicle and operator of a vehicle used to transport children in care shall be in good, safe business condition and licensed in accordance~~ are in compliance with all applicable Federal, State and local Laws [and are insured to cover the transportation of children in child care at the Large Family Child Care Home].

~~A first aid kit and emergency contact information for all children shall be in the vehicle when children are transported~~

73.2 ~~The Licensee shall ensure the operator of a vehicle not transport more persons, including children and adults, than the capacity of the vehicle~~ [per the manufacturer's specifications].

**[73.3 The Licensee shall ensure a staff member inspects the vehicle for safety before allowing children in child care to be transported in the vehicle.]**

73.4 ~~The Licensee shall ensure that each child shall be~~ is secured in an individual safety restraint system appropriate to the age, weight, and height of the child at all times while the vehicle, other than a school bus is in motion. All safety restraints shall be federally approved and so labeled according to the current applicable Federal Motor Vehicle Safety Standard. Child safety restraints shall be installed and used in accordance with the manufacturer's specifications and vehicle's instruction and shall be maintained in a safe working condition and free of any recall.

73.4.1 ~~A child preschool age or younger shall only be transported on a school bus that is properly equipped for child safety restraints unless written permission is received from the parent(s)/guardian(s) of that child allowing the child to be transported on a school bus unrestrained. The Licensee shall explain to parent(s)/guardian(s) in writing that while child safety restraints on school buses for children preschool age or younger are not currently required by State Law, the National Highway Traffic Administration recommends that children in this age group always be transported in school buses properly equipped for child safety restraints.~~

73.5 ~~The Licensee shall inform~~ [parent(s)/guardian(s) about] and obtain written permission from parent(s)/guardian(s) [for any each time] transportation provided. This permission shall:

73.5.1 Identify who is operating each vehicle;

73.5.2 Specify any special need or problem of a child which might require special attention during transportation; and

73.5.3 Require the operator of the vehicle to carry information with directions on handling any special need or problem.

73.6 ~~The Licensee shall ensure that the operator of the vehicle shall have a valid driver's license that authorizes the driver to operate the~~ [type of] vehicle being driven.

73.7 ~~The Licensee shall ensure that~~ [a working phone and first aid kit the following] are in [all vehicles or available for each vehicle when] transporting children[;:

73.7.1 **An operable dry chemical fire extinguisher listed by the Underwriter's Laboratory in each vehicle;**

73.7.2 **A working phone such as a cell phone in each vehicle;**

73.7.3 **A traveling first aid kit as per Rule #296; and**

73.7.4 **Emergency contact information for each child in the vehicle.]**

73.8 ~~The Licensee shall ensure that all doors on vehicles are locked whenever the vehicle is in motion.~~

73.9 ~~The Licensee shall ensure that children are never left unattended in the vehicle~~ [and the vehicle is inspected when finished transporting so that no child is left behind in the vehicle].

73.10 ~~The Licensee shall ensure that children are not transported in the open back of a truck.~~

73.11 ~~The Licensee shall ensure that children are loaded and unloaded at the curbside of the vehicle or in a protected parking area or driveway.~~

73.12 ~~The Licensee shall ensure that a vehicle used to transport children has a working heater capable~~

of maintaining a temperature of at least fifty (50) degrees F. in the vehicle.

~~73.13 The Licensee shall ensure that a vehicle [is air conditioned when the vehicle's interior temperature exceeds eighty five (85) degrees F. and providing fresh air through open windows cannot reduce the temperature] used to transport children either has an air conditioner capable of reducing the temperature or windows able to be opened to provide fresh air when the vehicle's interior temperature exceeds eighty-five (85) degree F].~~

~~[The Licensee shall ensure that each vehicle used to transport children is equipped with an operable dry chemical fire extinguisher approved by the Underwriter's Laboratory.~~

Field Trips

~~The Licensee shall ensure constant supervision is provided to children during field trips off the Large Family Child Care Home premises to ensure safety.~~

~~Volunteering parent(s)/guardian(s) shall be supervised by a staff member at all time including the transportation of children and not be alone with children other than their own children at any time.~~

~~The Licensee shall ensure that during field trips, the staff/child ratio shall be is according to the chart below and has a safety policy for children on field trips which includes the following:~~

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

~~Staff members shall have a list of the children present and check the roll frequently to ensure all children are accounted for at all times;~~

~~A copy of and easy access to medical consent forms and emergency contact information for all children;~~

~~A traveling first aid kit available in accordance with Rule 50.2.2;~~

~~Children shall have tags or other means of providing a contact or the Large Family Child Care Home's telephone number;~~

~~Staff shall have a plan for transportation of children in the event of an emergency;~~

~~and~~

~~A documented roll check shall be conducted both before departing from the field trip site and again when returning to the Large Family Child Care home.~~

~~The Licensee shall ensure that volunteering parent(s)/guardian(s) comply with Transportation Rule 69.0 when transporting children other than their own children on field trips.~~

~~Children shall never be left unattended by an adult in a vehicle.~~

Insurance Coverage

~~A LFCCH Licensee shall carry insurance covering fire and liability as protection for children in child care at the Large Family Child Care Home.~~

~~A LFCCH Licensee shall ensure that any vehicle, authorized for use in transporting children in child care by any of the LFCCH staff member, shall have insurance which covers liability.~~

CHILD RECORDS

~~The LFCCH shall maintain an individual record for each child enrolled with the following information:~~

~~The child's full name, address, telephone number, birth date, and date of enrollment;~~

Health appraisal reports;  
Written consent signed by parent(s) regarding medications, or special dietary needs;  
Written authorization signed by parent for emergency medical treatment;  
Written permission signed by parent(s) for all transportation, trips and swimming activities provided by the LFGCH; and

Copies of reports of accidents, injuries or illnesses involving a child.

The LFGCH shall keep accessible at all times emergency contact information for each child in care. This information shall be provided upon enrollment and updated at least annually or upon changes in the information. This information shall include:

Home and work addresses and telephone numbers of parents;  
Name, address and telephone number of emergency contact person;  
Name, address and telephone number of the child's physician or other health care provider;

Health insurance coverage and policy number for child;

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;

Name of person(s) designated by parent(s) to whom the child may be released; and

Emergency contact information must accompany the child to all off site excursions.

The LFGCH shall not disclose or permit the use of any information pertaining to an individual child or family unless the parent(s) of the child has granted written permission to do so, except in the course of performance of official duties and to employees or representatives of the Department.

The LFGCH shall have a personnel file for each employee and volunteer. The personnel file shall include:

Name, date of birth, home address and telephone number;

Date of employment;

Application materials, including letters of reference;

Record of attendance at training sessions;

Documents attesting to qualifications and education;

Written records of required medical examinations and tuberculosis screening;

Date of termination.

A LFGCH 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.