

R430-50-10: RATIOS AND GROUP SIZE

The rules in this section regulate the caregiver-to-child ratio which is the maximum number of children each caregiver may be responsible for. These rules are based on what children need for quality nurturing care.

Rules regarding the caregiver-to-child ratio apply any time there are children in care, including when children are being transported and during offsite activities. The rules also apply during special activities, such as a Saturday party when child care is being provided.

Rule	Child's Age	Unrelated Child	Provider's Own Child	Caregiver's Own Child	Other Related Child
Does the child count in the caregiver-to-child ratio?	0-3 Years	Yes	Yes	Yes	Yes
	4 years & older	Yes	No ¹	No ¹	Yes

¹ The provider's and caregivers' children who are 4 years old and older count in the caregiver-to-child ratio if the provider or caregiver leaves the premises (or an offsite area where the children are being cared for), and is not performing caregiving duties.

Refer to the following guidelines:

- The rules are assessed according to the number of children present and not by the number of children who are enrolled.
- Non-qualifying children (Ex. Friends of the provider's children and other visiting children younger than four years of age) who are present during child care hours and not accompanied by their parents count in the caregiver-to-child ratio.
- The provider can correct this rule violation by having the number of visiting children that put them over the ratio leave the facility.
- For an individual to count in the caregiver-to-child ratio, they must:
 - Meet personnel requirements as specified in rule,
 - Be on the premises or in the offsite area where the children are being cared for, and
 - Be performing caregiving duties.

45 Minute Allowance

For unforeseen circumstances, the caregiver-to-child ratio may be out of compliance for up to 45 minutes. Examples of unforeseen circumstances include:

- A caregiver does not arrive at their scheduled time.
- Children arrive earlier or depart later than their normal time without advance notification from their parent.
- A caregiver needs to leave due to an emergency.
- A caregiver leaves their employment without advance notice or is dismissed for immediate cause.

To stay in compliance with ratios during unforeseen circumstances, refer to the following guidelines:

- The provider must address the situation as soon as it is known that ratios will be out of compliance due to an unforeseen circumstance. The intent of the 45 minutes is to allow enough time for an approved individual to arrive and place the facility back into ratio.
- Children must not be left unsupervised.
- Sign-in and sign-out records must be up-to-date and available for review by CCL.

- If licensing staff arrive when ratios are out of compliance, but the ratio is brought into compliance within the 45 minute allowance, a rule violation will not be issued. Instead:
 - Two Focus Inspections will be conducted to confirm that it was an unforeseen circumstance.
 - If ratios are out of compliance at the first Focus Inspection, a rule violation will be issued and the second Focus Inspection will not be conducted. Instead, a Followup Inspection will be conducted to verify correction is maintained. (When following up on a ratio violation, all classrooms and areas, not just the classroom or areas that were found out of compliance will be assessed.)
 - If ratios are in compliance at the first and second Focus Inspections, no rule violations will be issued, but the situation will be documented in the CCL App.
- It is a rule violation if the ratio is not brought into compliance within the 45 minutes.

Emergency Substitute Variance

When the caregiver-to-child ratio is out of compliance because a caregiver unexpectedly left, and the provider cannot come into compliance within 45 minutes, CCL may grant an emergency variance to the emergency substitute rules for up to ten working days. This will give the provider time to use an emergency substitute longer than 24 hours until they bring in a new caregiver in order to be in compliance with ratios. This variance will also allow for the use of a 16 or 17-year-old emergency substitute.

To obtain this variance, the provider must:

- Contact their licensor within 24 hours (or contact other CCL staff if the licensor is unavailable), and
- Give CCL the name and/or the Covered Individual Number of the person who left.

Refer to the following guidelines:

- The provider must maintain compliance with supervision rules. A variance for supervision will not be granted.
- All emergency substitutes must sign a written statement that they:
 - Have not been convicted of a felony or misdemeanor;
 - Do not have a substantiated background finding; and
 - Are not being investigated for abuse or neglect by any federal, state, or local government agency.
- The emergency substitute's written statement must be submitted to CCL within 5 working days after the occurrence.
- When the emergency substitute is younger than 18 years old, they may not have unsupervised contact with the children.
- A Focus Inspection will be conducted to verify compliance with ratios after the variance expires.

(1) The provider shall maintain at least 1 caregiver for up to 8 children in care.

Rationale / Explanation

There are many reasons for regulating the caregiver-to-child ratio. These rules ensure that there are enough caregivers to actively supervise children, ensure children's safety, and meet their needs. Direct, warm social interaction between adults and children is more common and more likely with lower child-to-staff ratios. Maintaining a smaller group size allows older children to have needed adult support and guidance while encouraging independent, self-initiated play and other activities. *CFOC 3rd ed. Standards 1.1.1.1. - 1.1.1.2. pp. 3-5.*

It is also important to maintain appropriate caregiver-to-child ratios because caring for too many children increases the possibility of stress for caregivers, and may result in their loss of self-control. *CFOC 3rd ed. Standards 1.1.1.1. - 1.1.1.2. pp. 3-5.*

The American Academy of Pediatrics and the American Public Health Association recommend that there always be one caregiver for every two infants and toddlers who are cared for. It is also recommended that even if all children are older than two years, the maximum number of children being cared for by one caregiver should not exceed six children. *CFOC 3rd ed. Standards 1.1.1.1. - 1.1.1.2. pp. 3-5.*

Compliance Assessment

- When determining ratio, include:
 - All children younger than 4 years old,
 - Children 4 to 13 years old, and
 - Any child with a disability who is younger than 18 years old.

High Risk Rule Violation

Corrective Action for 1st Instance

Citation and CMP Warning when:

- There are infants or toddlers in care and it is over ratio by any number of children.
- There are no infants or toddlers in care and it is over ratio by 3 or more children.
- A group is over ratio by any number of children during transportation or offsite activities.

Moderate Risk Rule Violation

Corrective Action for 1st Instance

Citation Warning when:

- There are no infants or toddlers in care and it is over ratio by 2 children.

Low Risk Rule Violation

Corrective Action for 1st Instance

Warning when:

- There are no infants or toddlers in care and it is over ratio by 1 child.
- When the provider exceeded the ratios because of visiting children, and the provider had the number of visiting children that put them over the ratio leave the facility during the inspection.

- (2) There shall be no more than 2 children younger than 2 years old in care including the provider's and employees's own children.**

Rationale / Explanation

Maintaining the caregiver-to-child ratio is most critical for infants and toddlers because they may need more one-on-one interaction with a caregiver than older children. Studies have found that children (particularly infants and toddlers) in groups that comply with recommended ratios receive more sensitive and appropriate caregiving and score higher on developmental assessments.

CFOC 3rd ed. Standards 1.1.1.1. - 1.1.1.2. pp. 3-5.

Compliance Assessment

- There may not be more than 2 infants or toddlers in care at the same time, regardless of the number of caregivers who are present.

High Risk Rule Violation
Corrective Action for 1st Instance
Citation and CMP Warning

- (3) **The provider's or an employee's child age 4 years or older shall not be counted in the caregiver-to-child ratio when the parent of the child is working at the facility.**

Rationale / Explanation

The provider's and caregivers' children who are 4 years old and older count in the caregiver-to-child ratio when the provider or a caregiver leaves the premises or the offsite area where children are being cared for and is no longer performing caregiving duties. Ratios must be maintained, even during school runs.