

R381-100-2: DEFINITIONS

Purpose

This section provides definitions of words that are used multiple times in the rules.

General Information

Although findings are not issued to the definitions, some enforcement has been listed to provide information on how rules with one or more of these words will be enforced.

- (1) **"Accredited College"** means a college accredited by an agency recognized by the United States Department of Education as a valid accrediting agency.

Rationale/Explanation

College coursework or degrees used by individuals to meet director qualifications must be from an accredited college. One easy way to determine if a college is accredited by an approved accrediting agency is if students at the college are eligible for federal financial aid. For information on accrediting agencies recognized by the U.S. Department of Education, see: <http://ope.ed.gov/accreditation/>

- (2) **"ASTM"** means American Society for Testing and Materials.

Rationale/Explanation

The purpose of ASTM is to reduce life-threatening and debilitating injuries. Child Care Licensing uses many of these standards when assessing playground equipment and cushioning. For a fee, the ASTM standards may be downloaded at, www.astm.org.

- (3) **"Body Fluids"** means blood, urine, feces, vomit, mucous, and saliva.

Rationale/Explanation

Body fluids can spread disease. For this reason there are rules related to the proper handling of body fluids.

- (4) **"Caregiver"** means an employee or volunteer who provides direct care to children.

Rationale/Explanation

Many children attend child care programs every day. It is critical that they have the opportunity to grow and learn in a healthy and safe environment with caring and professional caregivers and teachers. *CFOC, 3rd Ed. Pg XVII*

Assessment

Licensing rules specify criteria for caregivers, including, age, training, and background clearances. Licensing rules also specify various duties caregivers must perform. This information may be found in sections 7 and 8 of this manual.

- (5) **"CPSC"** means the Consumer Product Safety Commission.

Rationale/Explanation

The CPSC establishes safety standards for consumer products, including cribs, equipment, playgrounds, playground equipment, and cushioning materials.

- (6) **"Department"** means the Utah Department of Health.

Rationale/Explanation

The Utah Department of Health has the legal responsibility for regulating child care providers as outlined in *Utah Code, Chapter 26, Title 39*.

- (7) "Designated Play Surface" means a flat surface on a piece of stationary play equipment that a child could stand, walk, sit, or climb on, and is at least 2" by 2" in size.

Assessment

The height of a designated play surface on a piece of play equipment determines how much protective cushioning is required in the use zone under and around the equipment.

Licensing will assess horizontal flat 2" by 2" surface as the designated play surface.

- (8) "Director" means a person who meets the director qualifications of this rule, and who assumes the day-to-day responsibilities for the facility to be in compliance with the Child Care Licensing rules.
- (9) "Direct Supervision" for infants, toddlers, and preschoolers means the caregiver can see and hear all of the children in his or her assigned group, and is near enough to intervene when necessary. "Direct Supervision" for school age children means the caregiver must be able to hear school age children and must be near enough to intervene when necessary.

Rationale/Explanation

Children in care must always be under the direct supervision of a caregiver. Supervision of children is basic to the prevention of harm. Parents have an expectation that their children will be supervised when in the care of the provider. To be available for supervision as well as rescue in an emergency, a caregiver must be able to see and hear the children. *CFOC, 3rd Ed. pgs. 64-66 Standard 2.2.0.1*.

Assessment

Direct supervision will be assessed based on the following descriptions of a "room," which affect a caregiver's ability to see and/or hear children and intervene when necessary.

1. **When a large room is divided into smaller rooms/areas with furniture or with half walls that are between 18 inches and 40 inches in height and there is an opening through which caregivers and children can move freely.** In this case, the whole area is considered one room, and caregivers on one side of the furniture/divider are considered able to see and hear children on the other side of the furniture/divider and near enough to intervene when necessary. This means a caregiver on one side of the furniture/divider is considered able to directly supervise children on the other side of the furniture/divider.
2. **When a large room is divided into smaller rooms/areas with furniture or with half walls that are between 18 inches and 40 inches in height and there is no opening between the two rooms/areas, or there is an opening between the two sides but the opening is blocked.** In this case, a caregiver on one side may be able to see and hear children on both sides but may not be able to intervene when necessary. In these situations, a caregiver (or caregivers, depending on the number of children present) is needed on each side of the divided room. This includes diaper changing stations that are located behind a closed gate.
3. **When there is a wall between two rooms with an open door/doorway between the rooms:** In this case, the rooms are considered two separate rooms and a caregiver (or caregivers, depending on the number of children present) must be present in both rooms to provide direct supervision, with the following exceptions:
 - If one or both rooms have **only school age children** in them. If either room has any children younger than school age in it, then there must be a caregiver (or caregivers, depending on the number of children present) in each room to provide direct supervision.
 - If one of the two rooms is a bathroom for children or a room in which children's diapers are changed, one caregiver (or more, depending on the number of children present) is considered to be supervising both rooms.

4. **When a wall has an opening or archway in it.** To decide if this will be considered one or two rooms, measure the width of the opening or archway and compare it to the combined width of the wall on both sides of the opening or archway (measure these walls in the larger of the two rooms). If the width of the opening or archway is equal to or greater than the width of the combined walls, this will be considered one room as long as there is no furniture or other dividers blocking the opening or archway. Otherwise this will be considered two rooms.

- (10) **“Emotional Abuse” means behavior that could impair a child's emotional development, such as threatening, intimidating, humiliating, or demeaning a child, constant criticism, rejection, profane language, and inappropriate physical restraint.**

Rationale/Explanation

Emotional abuse is prohibited in child care programs, including when disciplining children. These prohibited methods of discipline are considered psychologically and emotionally abusive, and can easily become physically abusive as well. Research has linked corporal punishment with negative effects such as later criminal behavior and learning impairments. *CFOC, 3rd Ed. pgs. 75-76 Standard 2.2.0.9*

- (11) **“Group” means the children assigned to one or two caregivers, occupying an individual classroom or an area defined by furniture or another partition within a room.**
- (12) **“Health Care Provider” means a licensed professional with prescriptive authority, such as a physician, nurse practitioner, or physician's assistant.**
- (13) **“Inaccessible to Children” means either locked, such as in a locked room, cupboard or drawer, or with a child safety lock, or in a location that a child cannot get to.**

Rationale/Explanation

The purpose of this rule is to ensure that children do not have access to harmful items.

Assessment

If a key or combination lock is used to make a room or item inaccessible, the key hole or combination pad must be on the side the care of children is taking place. Locks that use a coin or allen wrench will be treated like key locks for all items except firearms.

When using a latch or lock, other than a key or combination lock, the lock must be at least 60 inches high to make items inaccessible.

When using devices to make rooms, cupboards, drawers or items inaccessible, the device must be specifically manufactured as a child safety device.

In order for an item to be in a location where a child can not get to, the item needs to be on a shelf or in a cupboard **higher** than 36 inches in a room or area used by children age 2 and younger, or on a shelf or in a cupboard **higher** than 48 inches in a room or area used by children age 3 and older.

In rooms used by children age 2 and under, an item at the back of a counter 36" high and 2' deep on all sides, is considered inaccessible to the children.

Bathrooms used by children will be assessed for all items required to be inaccessible. The measurements will be taken from any location where the child could reach the item including by climbing on a toilet, bathtub, counter, cart, etc. Chairs, step-stools and ladders will be moved to measure accessibility **of items in the bathroom.**

Properly secured child safety gates are considered a child safety device.

Measurements will be taken with a wood or metal measuring device and ½ inch allowance will be given for consistency.

Licensing Specialists will consider a cabinet locked when one side of the cabinet is unlocked and the other side is locked and there is no barrier in between the two sides.

(14) "Infant" means a child aged birth through 11 months of age.

Assessment

For the purposes of licensing rules, when a child turns 12 months of age, s/he is one-year-old and is therefore considered to be a "toddler".

(15) "Infectious Disease" means an illness that is capable of being spread from one person to another.

(16) "Licensee" means the legally responsible person or persons holding a valid Department of Health child care license.

Rationale/Explanation

The licensee is ultimately responsible for all aspects of the center's operation and for compliance with the licensing rules.

(17) "Over-the-Counter Medication" means medication that can be purchased without a written prescription from a health care provider. This includes herbal remedies and vitamins and mineral supplements.

Assessment

Unless any of these are prescription strength, medications do not include: topical antiseptic cream or ointment, diaper cream, sunscreen, baby powder, lotion, teething gel or tablets, saline-only eye drops, simethicone gas drops or pills, glucose tablets, hydrocortisone cream, acne creams or treatments, lip care products, and rehydration solutions such as Pedialyte.

(18) "Parent" means the parent or legal guardian of a child in care.

(19) "Person" means an individual or a business entity.

(20) "Physical Abuse" means causing non-accidental physical harm to a child.

Rationale/Explanation

Physical abuse is prohibited by law in child care programs, including when disciplining children.

(21) "Play Equipment Platform" means a flat surface on a piece of stationary play equipment intended for more than one user to stand on, and upon which the users can move freely.

Assessment

The height of a play equipment platform determines whether or not it requires a protective barrier to keep children from falling.

(22) "Preschooler" means a child aged 2 through 4, and 5 year olds who have not yet started kindergarten.

- (23) "Protective Barrier" means an enclosing structure such as bars, lattice, or a solid panel, around an elevated play equipment platform that is intended to prevent a child from either accidentally or deliberately passing through the barrier.

Assessment

If one or more platforms on the equipment reach a certain height, protective barriers are required on play equipment in order to prevent falls from the platform.

- (24) "Protective cushioning" means cushioning material that has been tested to and meets American Society for Testing and Materials Specification F 1292, such as unitary surfaces, wood chips, engineered wood fiber, and shredded rubber mulch. Protective cushioning may also include pea gravel or sand as allowed by the Consumer Product Safety Commission (CPSC).

Assessment

Protective cushioning is required under stationary play equipment and in all use zones.

- (25) "Provider" means the licensee or the entity providing child care services.
- (26) "Sanitize" means to remove soil and small amounts of certain bacteria from a surface or object with a chemical agent.

Rationale/Explanation

Sanitizing is used to remove disease-spreading germs from surfaces. This procedure is less rigorous than disinfecting, and is used for food preparation and removing germs from items that may be put in a child's mouth. For a surface to be considered sanitary, the number of germs must be reduced to such a level that transmitting a disease by that surface is unlikely. Sanitizers should not be sprayed when children are near enough to inhale the sanitizer.

Assessment

Surfaces must be clean before they are sanitized, because surfaces cannot be effectively sanitized unless they are first clean. If used as specified by the manufacturer, any product that has manufacturer instructions for how to use it as a sanitizer will be accepted as a sanitizing solution.

Although not required by licensing, many providers choose to sanitize with a bleach solution. An effective sanitizing solution can be made by mixing ½ tablespoon of liquid chlorine bleach in 1 gallon of water, or ½ scant teaspoon of bleach in 1 quart of water, and allowing it to sit on the surface to be sanitized for at least 2 minutes before rinsing or wiping. According to the manufacturer, after 24 hours the bleach mixture loses its ability to sanitize. However, bleach water may be kept longer than 24 hours if the **provider** tests the sanitizer with a test strip and the test strip indicates the bleach water registers at least 50 parts per million on the strip. *CFOC, 3^d Ed. Appendix J.*

When the manufacturer of a disinfecting product lists several times for a solution to be left on a surface for disinfecting, such as Quat, accept the shortest time because disinfecting is stronger than sanitizing. If operated according to the manufacturer's instructions, a steam cleaner may be used to meet the requirement for both cleaning and sanitizing.

Peroxide air filtration systems clean the air of many viruses and germs but do not clean and sanitize surfaces. For this reason, air filtration systems are **not** a substitute for cleaning and sanitizing toys and equipment.

When providers choose to use a household product they must provide documentation and instructions showing that the solution is an effective sanitizer. The instructions must be followed and must come from a reputable source such as a university or government agency. For example, a solution of 5% white distilled vinegar, when heated to 150 degrees, sprayed on a surface while still warm, and allowed to sit for 1 minute, is an effective sanitizer.

(27) "School Age" means children ages five through twelve.

[Rationale/Explanation](#)

The child care licensing statute defines child care as care for children through age 12, and children with disabilities through age 18.

[Assessment](#)

Children age 13 and older who help out in a classroom of younger children are not included in caregiver ratios and are considered to be volunteers. This means they need to meet the volunteer requirements including a Department background screening.

(28) "Sexual Abuse" means abuse as defined in Utah Code, Section 76-5-404.1.(1)(2).

(29) "Sexually Explicit Material" means any depiction of sexually explicit conduct, as defined in Utah Code, Section 76-5a-2(8).

(30) "Sleeping Equipment" means a cot, mat, crib, bassinet, porta-crib, or play pen.

[Assessment](#)

Sleeping equipment must be in good repair, must be cleaned and sanitized as required, must be spaced 2 feet apart and may not block exits.

Cribs, play-pens, play-yards, and porta-cribs are all sleeping equipment that will be assessed as cribs.

(31) "Stationary Play Equipment" means equipment such as a climber, a slide, a swing, a merry-go-round, or a spring rocker that is meant to stay in one location when children use it. Stationary play equipment does not include:

- (a) a sandbox;
- (b) a stationary circular tricycle;
- (c) a sensory table; or
- (d) a playhouse, if the playhouse has no play equipment, such as a slide, swing, ladder, or climber attached to it.

[Assessment](#)

Stationary play equipment must have clear use zones and protective cushioning under and around it, depending on the height of the equipment.

If a playground component, such as a climbing rope or swing, is attached to a tree for the purpose of children to play on, then the tree will be assessed as a piece of stationary play equipment and requires an adequate use zone and protective cushioning.

A merry-go-round is a revolving device for children to ride on.

(32) "Toddler" means a child aged 12 months but less than 24 months.

[Rationale/Explanation](#)

For the purposes of licensing rules, when a child turns 12 months of age, s/he is one-year-old and is therefore considered to be a "toddler".

(33) "Use Zone" means the area beneath and surrounding a play structure or piece of equipment that is designated for unrestricted movement around the equipment, and onto which a child falling from or exiting the equipment could be expected to land.

Rationale/Explanation

The use zone is the area under and around a piece of stationary play equipment where protective cushioning is required. It is also the area above a piece of stationary play equipment and cannot contain items such as tree branches and wires.

Assessment

Use zone measurements will be taken with a wood or metal measuring device and ½ inch allowance will be given for consistency.

- (34) **"Volunteer"** means a person who provides care to a child but does not receive direct or indirect compensation for doing so.

Rationale/Explanation

The child care licensing statute defines child care as care for children through age 12 and children with disabilities through age 18.

Assessment

Children age 13 and older who help out in a classroom of younger children are not included in caregiver ratios and are considered to be volunteers. This means they need to meet the volunteer requirements including a Department background screening.

Volunteer vs Guest – A guest is invited and may decline but they are never left unsupervised with a child or children in care. A volunteer, unsupervised or not, may be required to come as a course of study, work release, payment for care or services, but does not necessarily need to be invited. A volunteer may also be counted in the ratios.