

R430-60-9: RECORDS.

- (1) The provider shall maintain the following general records on-site for review by the Department:
- (a) documentation of the previous 12 months of fire and disaster drills as specified in R430-60-10(9) and (11);

Rationale / Explanation

Review of center records by Department staff is used to determine, in part, compliance with the licensing rules. CFOC, 3rd Ed. pg.380 Standard 9.4.1.5

Enforcement

All children of all ages, and all staff, must exit the building during evacuation drills.

The center staff must hold a fire drill each month unless the center is closed for the whole month.

If the center is evacuated due to an emergency situation, it can count as a fire or disaster drill provided the required information is documented.

If a center is open six months of the year or less (for example, a ski resort), only one disaster drill is required.

Always Level 3 Noncompliance.

- (1) The provider shall maintain the following records on-site for review by the Department:
- (b) current animal vaccination records as required in R430-60-22(2);

Rationale / Explanation

Review of center records by Department staff is used to determine, in part, compliance with the licensing rules. CFOC, 3rd Ed. pg.380 Standard 9.4.1.5

Enforcement

A veterinary tag that includes the required information and shows that the vaccination is current may be used in lieu of an animal vaccination record.

Always Level 3 Noncompliance.

- (1) The provider shall maintain the following records on-site for review by the Department:
- (c) a six week record of child attendance, including sign-in and sign-out records;

Rationale / Explanation

Review of center records by Department staff is used to determine, in part, compliance with the licensing rules. CFOC, 3rd Ed. pg.380 Standard 9.4.1.5

Enforcement

Records must be kept for all enrolled children, including the provider's children under age 4.

Always Level 3 Noncompliance.

- (1) The provider shall maintain the following records on-site for review by the Department:
- (d) a current local health department inspection;

Rationale / Explanation

Review of center records by Department staff is used to determine, in part, compliance with the licensing rules.

R430-60-9: RECORDS.

CFOC, 3^d Ed. pg.380 Standard 9.4.1.5

Enforcement

Documentation of a kitchen inspection is not required if food is not served.

Always Level 3 Noncompliance.

- (1) **The provider shall maintain the following records on-site for review by the Department:**
(e) **a current local fire department inspection;**

Rationale / Explanation

Review of center records by Department staff is used to determine, in part, compliance with the licensing rules. CFOC, 3^d Ed. pg.380 Standard 9.4.1.5

Enforcement

Always Level 3 Noncompliance.

- (1) **The provider shall maintain the following records on-site for review by the Department:**
(f) **if the licensee has been licensed for one year or longer, the most recent "Request for Annual Renewal of CBS/LIS Criminal History Information for Child Care" listing the licensee and all current providers, caregivers, volunteers, directors, owners, and members of the governing body; and**
(g) **if the licensee has been licensed for one year or longer, the most recent criminal background "Disclosure & Consent Statement" listing the licensee and all current providers, caregivers, volunteers, directors, owners, and members of the governing body.**

Rationale / Explanation

Review of center records by Department staff is used to determine, in part, compliance with the licensing rules. CFOC, 3^d Ed. pg.380 Standard 9.4.1.5

Enforcement

Individuals who must submit background clearance documents ("covered individuals") include:

1. **Owners & Members of the Governing Body**

Owners are anyone with a 25% or greater share in the business, or anyone with less than a 25% share who is in the center anytime during hours of operation. If a center's legal structure is a corporation, a state or local government, or a private non-profit agency, and they run other facilities in addition to the child care center (for example, a ski resort, a recreation center, or a domestic violence shelter), the owners and members of the governing board are anyone who performs one or more of the functions listed below.

- A. *They have unsupervised access to the children in care or they are in the facility during hours of operation.*
- B. *They make decisions regarding the day-to-day operations of the facility.*
- C. *They hire and fire child care staff.*
- D. *The child care staff report to them and/or they conduct personnel evaluations of the staff.*
- E. *They are involved in writing the center's policies and procedures.*

2. **Employees**

Employees are anyone hired to work for the child care center. For centers located in buildings that also

R430-60-9: RECORDS.

house other activities (for example, a city or county recreation center, a community center, a church, or a school), non-child care employees (those who do not have any duties working with children in care), are not required to submit background screening documents, provided the licensees first submit a written policy explaining how they will ensure that non-child care employees will not have unsupervised access to children in care, including when children in care are in the bathroom.

If employees are on leave, for example, maternity leave, and are considered employees of the center while on leave, their names are to be included on renewal background screening forms while they are on leave. If employees quit and then return to work, or are on leave and not considered employees of the center while on leave, they are to submit new initial background screening forms when they return from leave.

3. Providers of care

Providers of care are anyone who provides direct care to one or more children in the center.

4. Volunteers, except parents of children enrolled

Volunteer are any volunteer who works with the children or is in the facility when care is being provided to children. When a parent who volunteers at a facility receives compensation (either monetary or free child care) for volunteering, he/she is considered an employee under #2 above. A parent of an enrolled child who has not passed a background screening may not have unsupervised access to any child in care except his/her own child.

Volunteers include students completing a practicum for a high school or college course that involves working in a regulated child care facility, unless the requirement is that the student observe the children and not interact with them. If the student only observes the children and does not interact with them, he/she does not need to submit background screening documents. If a student is being paid to complete a practicum, he/she is considered an employee under #2 above.

5. Anyone who has unsupervised contact to a child in care

R430-6-3(3) requires the Licensee to submit background clearance documents for newly hired individuals within five days of the first day of work for which the employee is paid or within five days of the first day of volunteer work. This is required no matter how long the individual remains as an employee or volunteer.

If a owner owns more than one center and staff work in more than one of these centers, staff does not need to have initial and annual background clearances done at all centers. They may copy their background clearance documentation from one center and keep the copies at the other center(s).

Employees who take a leave of absence 3 months or less (for example, maternity leave) and remain living in Utah do not have to complete new initial CBS/LIS forms upon returning to work. Employees who quit and are re-hired have to complete new initial CBS/LIS forms.

Employees of seasonal facilities (such as those that follow the school calendar, those that offer care only in the summers, and those that offer care only during ski seasons) can be listed on renewal CBS/LIS forms if they remain living in Utah while the facility is closed.

Always Level 3 Noncompliance.

For additional information on the background screening rules, see the background screening section of the

R430-60-9: RECORDS.

Interpretation Manual available at: <http://health.utah.gov/licensing/rules.htm#Manuals>

- (2) The provider shall maintain the following records for each currently enrolled child on-site for review by the Department:
- (a) an admission form containing the following information for each child:
 - (i) name;
 - (ii) date of birth;
 - (iii) the parent's name, address, and phone number, including a daytime phone number;
 - (iv) the names of people authorized by the parent to pick up the child;
 - (v) the name, address and phone number of a person to be contacted in the event of an emergency if the provider is unable to contact the parent; and
 - (vi) medical conditions, including a certificate that all immunizations are current

Rationale / Explanation

The health and safety of individual children requires that information regarding each child be kept at the center and available to staff on a need-to-know basis. Names of individuals authorized to pick children up are needed to prevent children from being taken by unauthorized individuals. Emergency treatment consent is needed in order to obtain medical care for children in emergencies. Admission of children without this information can leave the staff unprepared to deal with children's daily and emergent health needs. CFOC, 3rd Ed. pgs. 386-391 Standards 9.4.2.1, 9.4.2.2, 9.4.2.3, 9.4.2.4, 9.4.2.5, 9.4.2.6

Review of center records by Department staff is used to determine, in part, compliance with the licensing rules. CFOC, 3rd Ed. pg.380 Standard 9.4.1.5

Enforcement

Records must be kept for all enrolled children, including the provider's children under age 4.

This rule is in compliance if the information required in the admission form is in another form.

Level 2 Noncompliance if there is not an admission form.

Level 3 Noncompliance if the admission form is missing any information.

- (2) The provider shall maintain the following records for each currently enrolled child on-site for review by the Department:
- (b) a transportation permission form, if the center provides transportation services;

Rationale / Explanation

Review of center records by Department staff is used to determine, in part, compliance with the licensing rules. CFOC, 3rd Ed. pg.380 Standard 9.4.1.5

Enforcement

Records must be kept for all enrolled children, including the provider's children under age 4.

For the purposes of this rule, transportation services include transportation to and from off-site activities, home, or school (including walking children to and from school).

Always Level 3 Noncompliance.

- (2) The provider shall maintain the following records for each currently enrolled child on-site for review

R430-60-9: RECORDS.

by the Department:

- (c) a six week record of medication permission forms, and a six week record of medications actually administered; and

Rationale / Explanation

The health and safety of individual children requires that information regarding each child be kept at the center and available to staff on a need-to-know basis. Information about each child's medications is required to ensure that caregivers meet the needs of each individual child. CFOC, 3rd Ed. pgs. 386-391 Standards 9.4.2.1, 9.4.2.2, 9.4.2.3, 9.4.2.4, 9.4.2.5, 9.4.2.6

Review of center records by Department staff is used to determine, in part, compliance with the licensing rules. CFOC, 3rd Ed. pg.380 Standard 9.4.1.5

Enforcement

Records must be kept for all enrolled children, including the provider's children under age 4.

Always Level 3 Noncompliance.

- (2) The provider shall maintain the following records for each currently enrolled child on-site for review by the Department:

- (d) a six week record of incident, accident, and injury reports;

Rationale / Explanation

The health and safety of individual children requires that information regarding each child be kept at the center and available to staff on a need-to-know basis. Records of child injuries can be used to discern possible child abuse, and to help prevent future injury. CFOC, 3rd Ed. pgs. 386-391 Standards 9.4.2.1, 9.4.2.2, 9.4.2.3, 9.4.2.4, 9.4.2.5, 9.4.2.6

Review of center records by Department staff is used to determine, in part, compliance with the licensing rules. CFOC, 3rd Ed. pg.380 Standard 9.4.1.5

Enforcement

Records must be kept for all enrolled children, including the provider's children under age 4.

Always Level 3 Noncompliance.

- (3) The provider shall ensure that information in children's files is not released without written parental permission.

Rationale / Explanation

Prior informed, written consent of the parent is required for the release of written or verbal records and information about his/her child. The purpose of this rule is to prevent unauthorized individuals from accessing confidential information about a child, and to prevent discrimination against a child due to the release of confidential information about the child or his or her family. CFOC, 3rd Ed. pgs. 356-357 Standard 9.2.3.6, pgs. 386-387 Standard 9.4.2.1

Enforcement

Level 1 Noncompliance if the information released results in a prohibited person having contact with a child.

R430-60-9: RECORDS.

Level 2 Noncompliance if the information released results in discrimination against a child or humiliation of a child.

Level 3 Noncompliance if information is released but it does not result in harm to a child.

- (4) The provider shall maintain the following records for each staff member on-site for review by the Department:
- (a) date of initial employment;

Rationale / Explanation

Review of center records by Department staff is used to determine, in part, compliance with the licensing rules. CFOC, 3rd Ed. pg.380 Standard 9.4.1.5

Enforcement

Date of initial employment means the first day the employee is paid. Documentation of the initial date of employment is used to verify compliance with background screening requirements.

Always Level 3 Noncompliance.

- (4) The provider shall maintain the following records for each staff member on-site for review by the Department:
- (b) approved initial "CBS/LIS Consent and Release of Liability for Child Care" form;

Rationale / Explanation

Review of center records by Department staff is used to determine, in part, compliance with the licensing rules. CFOC, 3rd Ed. pg.380 Standard 9.4.1.5

Enforcement

Individuals who must submit background clearance documents ("covered individuals") include:

1. **Owners & Members of the Governing Body.**

Owners mean anyone who has a 25% or greater share in the business, or anyone with less than a 25% share if they are in the center anytime during hours of operation. If a center's legal structure is a corporation, a state or local government, or a private non-profit agency, and the organization operates other programs in addition to the child care program (for example, a ski resort, a recreation center, or a domestic violence shelter), the owners and members of the governing board include any owners and board members who perform one or more of the functions listed below.

- A. They have unsupervised access to the children in care at the center, or are present in the center during hours of operation.
- B. They make decisions regarding the day-to-day operations of the center.
- C. They hire and fire child care staff.
- D. The child care staff report to them and/or they conduct personnel evaluations of the child care staff.
- E. They are involved in writing the center's policies and procedures.

2. **Directors.** This means the person who is the director, director designee, and/or assistant director of the center.

3. **Employees.** This includes anyone employed to work in the child care center. For child care centers located in buildings that also house other activities (for example, a city or county recreation center, a community

R430-60-9: RECORDS.

center, a church, or a school), non-child care staff (staff who do not have any duties working with child care children), are not required to submit background clearances, provided that the center first submits a written policy explaining how they ensure that non-child care staff do not have unsupervised access to child care children, including when child care children are in the bathroom.

If a person is on leave, for example, maternity leave, but the center still considers them an employee, they should be included on the renewal background screening forms. If a person quits and then returns to work, or is on leave and the center does **not** still consider them an employee, they will need to submit a new initial CBS/LS Form when they return from leave.

4. **Providers of care.** This means anyone who provides direct care to one or more child in the center.
5. **Volunteers, except parents of children enrolled.** This includes any volunteer who works with the children or is present in the child care facility when care is being provided to children. If a parent volunteer at a facility receives compensation (either monetary, or free child care) for volunteering in the center, they are considered an employee under #3 above. A parent of an enrolled child who has not passed a background screening may not have unsupervised access to any child in care except their own child.
Volunteers include students completing a practicum for a high school or college course that involves working in a regulated child care facility, unless the requirement is that the student observe the children only, and not interact with them. If the student only observes the children and does not interact with them, they do not need to pass a background screening. If a student is being paid to complete a practicum, they are considered an employee under #4 above.
The child care licensing statute defines child care as care for children through age 12, and children with disabilities through age 18. 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 (completion of a CBS/LS Form).
6. **Anyone who has unsupervised contact to a child in care.**
If parents or guardians of children with an IEP or an IFSP have an agreement with a school or other agency to have their child receive services while in the child care center, the individual providing these services is not required to have a background screening through Child Care Licensing. The children will be considered to be under the care of the school or other agency during the time they are receiving services.

R430-6-3(3) requires the center to submit background clearance documents for newly hired individuals within five days of the first day of work for which the employee is paid, or for the first day of volunteer work for volunteers. This is required no matter how long the individual remains as an employee or volunteer at the center.

If a center owner owns more than one center and a staff member works in more than one of these centers, the staff member does not need to have initial and annual background clearances done at each center. They may photocopy their background clearance documentation from one center and keep the photocopies in their file at the other center.

Employees who take a leave of absence 3 months or less (for example, maternity leave) and remain living in Utah do not have to complete new initial CBS/LS forms upon returning to the center. Employees who quit and are re-hired have to complete new initial CBS/LS forms.

Employees of seasonal facilities (such as those that follow the school calendar, those that offer care only in the summers, and those that offer care only during ski seasons) can be listed on renewal CBS/LS forms if they remain living in Utah while the facility is closed.

R430-60-9: RECORDS.

Always Level 3 Noncompliance.

For additional information on the background screening rules, see the background screening section of the Interpretation Manual available at: <http://health.utah.gov/licensing/rules.htm#Manuals>

(4) The provider shall maintain the following records for each staff member on-site for review by the Department:

(c) a six week record of days and hours worked, and the times worked each day;

Rationale / Explanation

Review of center records by Department staff is used to determine, in part, compliance with the licensing rules. CFOC, 3rd Ed. pg.380 Standard 9.4.1.5

Enforcement

Licensees must keep a written record of days and hours worked for all staff, including directors. The record must include the times worked each day.

Always Level 3 Noncompliance.

(4) The provider shall maintain the following records for each staff member on-site for review by the Department:

(d) orientation training documentation for caregivers, and for volunteers who work at the center at least once each month;

Rationale / Explanation

Review of center records by Department staff is used to determine, in part, compliance with the licensing rules. CFOC, 3rd Ed. pg.380 Standard 9.4.1.5

Enforcement

Children age 13 and older who help out in a classroom of younger children are not included in caregiver to child ratios and are considered to be volunteers. This means they need to meet the volunteer requirements, including a department background screening (completion of a CBS/LIS Form) and orientation training.

Always Level 3 Noncompliance.

(4) The provider shall maintain the following records for each staff member on-site for review by the Department:

(e) annual training documentation for all providers and substitutes who work an average of 10 hours or more a week, as averaged over any three month period; and

Rationale / Explanation

Review of center records by Department staff is used to determine, in part, compliance with the licensing rules. CFOC, 3rd Ed. pg.380 Standard 9.4.1.5

Enforcement

*This rule is not out of compliance unless the annual training has not been completed **by the center's license expiration date** (not the date of their Annual Announced Inspection.)*

One semester hour of credit from a college or university is considered to be equivalent to 15 clock hours of

R430-60-9: RECORDS.

training.

One quarter hour of credit from a college or university is considered to be equivalent to 10 clock hours of training.

Watching reality TV and talk shows is not considered to be child care training.

Always Level 3 Noncompliance.

(4) The provider shall maintain the following records for each staff member on-site for review by the Department:

(f) current first aid and CPR certification, if applicable as required in R430-60-10(2), R430-60-20(2)(d), and R430-60-21(2).

Rationale / Explanation

Review of center records by Department staff is used to determine, in part, compliance with the licensing rules. CFOC, 3rd Ed. pg.380 Standard 9.4.1.5

Enforcement

The expiration date on the first aid and CPR card determines whether or not the certification is current.

The person with a current first aid certification and the person with a current CPR certification do not have to be the same person.

The CPR cards or certificates must indicate that the course covered Infant and child CPR.

Equivalent CPR certification must include hands-on skills testing.

Always Level 3 Noncompliance.