

Utah Department of Health, Child Care Licensing Program
Child Care Out of School Time Program Interpretation Manual

Introduction

This manual has been prepared for child care center owners and staff and licensing staff to help ensure statewide consistency in the understanding and enforcement of child care licensing rules. The manual contains the following information:

Rule Text – the text of each rule is printed in black bold font.

Rational / Explanation – Information under this heading explains the reason for each rule, and may also give additional helpful information about the rule.

Enforcement – Information under this heading gives any needed details on how a rule will be enforced, and the noncompliance level(s) of findings to the rule.

Information in the Rationale/Explanation section for most rules contains a reference to “CFOC.” CFOC refers to the book *Caring for Our Children: Guidelines for Out-of-Home Child Care Programs*. This book contains health and safety standards for all types of child care programs. It is published by the American Academy of Pediatrics, the American Public Health Association, and the U.S. Department of Health & Human Services, Maternal and Child Health Bureau. The standards in *Caring for our Children* are generally accepted in the field as best practice standards for health and safety in child care programs. Utah has only implemented a portion of these standards in our child care licensing rules.

When Licensing Specialists find noncompliance with a licensing rule, they issue a Statement of Findings, which is mailed to the provider. The chart below shows the noncompliance levels and findings categories that Licensing Specialists use when issuing Statements of Findings. Throughout this manual, the “Enforcement” information for each rule specifies the noncompliance level(s) associated with Statements of Findings.

Noncompliance Levels ↓	Finding Categories →	Technical Assistance	Cited	Repeat Cited
Level 1		Level 1 Technical Assistance	Level 1 Cited	Level 1 Repeat Cited
Level 2		Level 2 Technical Assistance	Level 2 Cited	Level 2 Repeat Cited
Level 3		Level 3 Technical Assistance	Level 3 Cited	Level 3 Repeat Cited

Statements of Findings vary in seriousness, based on the potential or actual harm to children. The chart below shows the consequences Statements of Findings, based on the levels and finding categories from the chart above.

	Result for 1st Instance of Noncompliance	Result for 2nd Consecutive Instance of Noncompliance	Result for 3rd Consecutive Instance of Noncompliance	Result for 4th Consecutive Instance of Noncompliance
Level 1 Noncompliance	Level 1 Cited Statement of Finding, Civil Money Penalty (CMP) Warning, On public record	Level 1 Repeat Cited Statement of Findings, Civil Money Penalty (CMP) Assessed, On public record	Level 1 Repeat Cited Statement of Findings, Civil Money Penalty (CMP) Assessed, On public record	Level 1 Repeat Cited Statement of Findings, Civil Money Penalty (CMP) Assessed, On public record
Level 2 Noncompliance	Level 2 Technical Assistance Statement of Findings, Not on public record	Level 2 Cited Statement of Findings, Civil Money Penalty (CMP) Warning, On public record	Level 2 Repeat Cited Statement of Findings, Civil Money Penalty (CMP) Assessed, On public record	Level 2 Repeat Cited Statement of Findings, Civil Money Penalty (CMP) Assessed, On public record
Level 3 Noncompliance	Level 3 Technical Assistance Statement of Findings, Not on public record	Level 3 Technical Assistance Statement of Findings, Not on public record	Level 3 Cited Statement of Findings, Civil Money Penalty (CMP) Warning, On public record	Level 3 Repeat Cited Statement of Findings, Civil Money Penalty (CMP) Assessed, On public record

Civil Money Penalties (CMP) are only assessed if there are two or more consecutive cited findings to the same rule during the last 12 months or back to the last Annual Announced Inspection.

The one exception to the chart above is if actual harm to a child results from noncompliance with a rule. When this is the case, the category of the Statement of Findings may automatically rise to the cited for the first instance of noncompliance.

Any substantiated allegation resulting in a Statement of Findings from a complaint investigation, regardless of the level, will be part of the provider's public record.

For any Statement of Findings that is issued or any Civil Money Penalty that is assessed, providers have 30 days after the Statement of Findings is issued and/or the Civil Money Penalty is assessed to appeal the action. The action is not finalized until this appeal period has passed.

This manual will be periodically updated as needed, and is available on the Child Care Licensing website at: <http://health.utah.gov/licensing>

To verify if you have the most current version of the manual, check the date in the bottom left-hand corner of the manual pages with the date of the version currently available on the website.

R430-70-2: DEFINITIONS.

- (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 aide. 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 ASTM tests cushioning materials used under playground equipment to ensure they provide adequate cushioning to prevent life-threatening injuries in case a child falls from the equipment.

- (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

Licensing rules specify criteria for caregivers, including, age, training, and background clearances. Licensing rules also specify various duties caregivers must perform.

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

Rationale / Explanation

The CPSC establishes safety standards for consumer products, including 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.

Rationale / Explanation

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.

- (8) **"Direct Supervision"** means the caregiver must be able to hear all of the 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. If there is no caregiver in the room,

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the door to that room must remain open and a provider must be close enough to hear the children in that room and to intervene when necessary.

- (9) **"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.

- (10) **"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.

- (11) **"Health Care Provider"** means a licensed professional with prescriptive authority, such as a physician, nurse practitioner, or physician's assistant.

- (12) **"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 can not get to.

Rationale / Explanation

In order for a room or area to be considered locked, it must be secured with a lock that is on the side of the children and the lock required a key or combination to unlock it or the lock is at least 60" high. In order for a room or area to be considered inaccessible, it must be secured with a device that is specifically manufactured as a child safety device.

In order for a cupboard or drawer to be considered locked, it must be secured with a lock that requires a key or combination to unlock it. In order for a cupboard or drawer to be considered inaccessible it must be secured with a device that is 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 48 inches.

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

- (14) **"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 program's operation and for the program's compliance with the licensing rules.

- (15) **"Over-the-Counter Medication"** means medication that can be purchased without a written prescription from a health care provider. This includes herbal remedies.

Rationale / Explanation

Over-the-counter medications do not include topical antiseptic from a first aid kit, sunscreen, lotion, eye drops, or glucose tablets, unless any of these are prescription strength.

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

- (17) **"Person"** means an individual or a business entity.

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

Rationale / Explanation

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

(19) **"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.

Rationale / Explanation

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

(20) **"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.

Rationale / Explanation

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

(21) **"Protective cushioning"** means cushioning material that meets American Society for Testing and Materials Specification F 1292. For example, sand, pea gravel, engineered wood fibers, shredded tires, or unitary cushioning material, such as rubber mats or poured rubber-like material.

Rationale / Explanation

Protective cushioning is required under stationary play equipment.

(22) **"Provider"** means the licensee or a staff member to whom the licensee has delegated a duty under this rule.

(23) **"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.

One easy way to remember the difference between disinfecting and sanitizing is: "S" is for Sanitizing and Snack (food service), and "D" is for Disinfecting and Diapering (body fluids).

Surfaces must be clean before they are sanitized, because surfaces cannot be effectively sanitized unless they are first clean. 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 2 minutes before rinsing or wiping. CFOC, 3rd Ed. Appendix J.

Bleach water solution loses its strength and is weakened by heat and sunlight. For maximum effectiveness a

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fresh bleach water mix should be made every day, and any leftover bleach water solution discarded at the end of the day. CFOC, 3rd Ed. Appendix J.

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.

If bleach water is used to sanitize, a fresh solution must be made at least every 24 hours and be left on the surface to be sanitized for at least two minutes. 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.

If operated according to the manufacturer's instructions, a steam cleaner may be used to meet the requirement for cleaning and sanitizing.

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

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

(26) "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.**

Rationale / Explanation

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

(27) "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.

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

R430-70-3: LICENSE REQUIRED.

- (1) A person or persons must be licensed to provide child care if:
- (a) they provide care in the absence of the child's parent;

Rationale / Explanation

This means that parents do not need to be present while care is being provided.

In statute, a child in care is defined as a child under the age of 13 and under the age 18 for individuals with disabilities

- (1) A person or persons must be licensed to provide child care if:
- (b) they provide care for five or more children;

Rationale / Explanation

Providers who care for four or fewer children are not required by statute to be regulated, whether the care is provided in a home or child care facility.

- (1) A person or persons must be licensed to provide child care if:
- (c) they provide care in a place other than the provider's home or the child's home;

Rationale / Explanation

Care provided in the providers home is regulated as either licensed family or residential certificate care. Care provided in the child's home is not regulated by the Department of Health.

- (1) A person or persons must be licensed to provide child care if:
- (d) the program is open to children on an ongoing basis, on three or more days a week and for 30 or more days in a calendar year; and

Rationale / Explanation

This means that children attend the program on a regular basis, as opposed to occasional drop-in care.

- (1) A person or persons must be licensed to provide child care if:
- (e) they provide care for direct or indirect compensation.

Rationale / Explanation

Direct or indirect compensation means that there is a user charge or fee for the care provided, including trade work.

- (2) A person or persons may be licensed as an out of school time program under this rule if:
- (a) they either provide care for two or more hours per day on days when school is in session for the child in care, and four or more hours per day on days when school is not in session for the child in care; or they provide care for four or more hours per day on days when school is not in session; and
 - (b) all of the children who attend the program are at least five years of age.

Rationale / Explanation

Rule (2) qualifies a person or persons to be licensed as an out of school time program.

R430-70-4: FACILITY.

- (1) The licensee shall ensure that any building or playground structure constructed prior to 1978 which has peeling, flaking, chalking, or failing paint is tested for lead based paint. If lead based paint is found, the licensee shall contact the local health department and follow all required procedures for the removal of the lead based paint.

Rationale / Explanation

Ingestion of lead based paint can lead to high levels of lead in the blood, which affects the central nervous system and can cause mental retardation. Even at low levels of exposure, lead can cause a reduction in a child's IQ and their attention span and result in reading and learning disabilities, hyperactivity, and behavioral difficulties. Other symptoms of low lead levels of lead in a child's body are subtle behavioral changes, irritability, low appetite, weight loss, sleep disturbances, and shortened attention span. CFOC, 3rd Ed. pg. 235-236 Standard 5.2.9.13

The allowed amount of lead in paint was reduced in 1978. If a center constructed prior to 1978 has peeling, flaking, chalking or failing paint, the Licensee must provide documentation of testing for lead based paint. If lead based paint is found, the Licensee must follow the procedures required by the local health department for the remediation of lead based paint.

Some imported vinyl mini-blinds contain lead and can deteriorate from exposure to sunlight and heat, and form lead dust on the surface of the blinds. While there is no child care licensing rule that requires this, the CPSC recommends that consumers with children 6 years of age and younger remove old vinyl mini-blinds and replace them with new mini-blinds made without added lead or with alternative window coverings. For more information, contact CPSC. CFOC, 3rd Ed. pg. 235-236 Standard 5.2.9.13

Enforcement

Paint is considered to be failing if there are pieces of it loose from the surface or if there is loose paint dust from the surface because both of these could be breathed or ingested by children.

Level 1 Noncompliance if a building or playground structure constructed prior to 1978 has untested failing paint in an area accessible to children or tested paint in any area that is shown to contain lead and has not been appropriately remediated.

Level 2 Noncompliance if a building or playground structure constructed prior to 1978 has untested failing paint in an area inaccessible to children.

- (2) There shall be at least two working toilets and two working sinks accessible to the children in care.
- (3) If there are more than 50 children in attendance, there shall be one additional working sink and one additional working toilet for each additional group of 1 to 25 children.

Rationale / Explanation

Young children need to use the bathroom frequently and cannot wait long when they have to use the toilet. The American Academy of Pediatrics (AAP) and the American Public Health Association (APHA) recommend 1 sink and toilet for every 15 school age children. CFOC, pg. 238, Standard 5.122

Enforcement

When counting toilets in a program, a urinal may be counted as a toilet for up to 50% of the required number of toilets. For large sinks that have two or more faucets in them, each separate faucet counts as one sink.

If Licensees are unable to meet this requirement due to equipment failure or breakdown but can show that they

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have scheduled a repair and are doing their best to make sure all children have access to a toilet and handwashing sink in the meantime, the Licensor will follow up to see if the repair is completed by the scheduled date before citing a violation of this rule.

Level 1 Noncompliance if a child is not able to use a working toilet or handwashing sink when he or she needs to because one or more toilets or sinks are not working or if there are not enough toilets or sinks in the facility to have one for each additional group of 1 to 25 children when there are more than 50 children in attendance.

Level 2 Noncompliance if there are enough toilets and sinks in the facility and one or more of them are not working but this does not appear to result in a child not being able to use the toilet or wash his or her hands when needed.

(4) Children shall have privacy when using the bathroom.

Rationale / Explanation

Children should be allowed the opportunity to practice modesty when independent toileting behavior is well established in the majority of the group. CFOC, 3rd Ed. pg. 245 Standard 5.4.1.2

Requiring a school age child to use bathroom fixtures designed for preschoolers may negatively impact the self-esteem of the school age child. CFOC, 3rd Ed. pg. 246 Standard 5.4.1.6

Enforcement

Privacy in bathrooms can be provided with a full length door or curtain.

Level 2 Noncompliance if there is no privacy (no door, no curtain, etc.).

Level 3 Noncompliance otherwise.

(5) For buildings newly licensed under this rule after 30 June 2010 there shall be a working hand washing sink in each classroom.

(6) In gymnasiums, and in classrooms in buildings licensed before 30 June 2010, hand sanitizer must be available to children in care if there is not a handwashing sink in the room.

Rationale / Explanation

Transmission of many communicable diseases can be prevented through handwashing. To facilitate routine handwashing at the needed times, sinks must be close at hand and permit caregivers to provide continuous supervision while children wash their hands. CFOC, 3rd Ed. pg. 246 Standard 5.4.1.6

Enforcement

In facilities, large rooms are sometimes divided into smaller separate rooms by half walls or with furniture and a gate. In these rooms, a handwashing sink is only needed on one side if the room is divided and has an opening or open gate so children and caregivers can freely move back and forth from the side without the sink to the side with the sink to wash their hands. If the two areas are completely separated without an opening or an open gate, so children and caregivers cannot move freely between both sides, a sink is needed in both areas. If the groups rotate between classrooms, the Licensee will be in compliance if the caregivers bring the sanitizer into the classroom with them.

Always Level 3 Noncompliance.

R430-70-4: FACILITY.

- (7) All rooms and occupied areas in the building shall be ventilated by mechanical ventilation or by windows that open and have screens.

Rationale / Explanation

The health and well-being of both staff and children can be affected by the quality of air indoors. The air that people breathe inside a building is contaminated with organisms shared among occupants, and is sometimes more polluted than the outdoor air. Young children may be more affected than adults by air pollution. Children who spend long hours breathing contaminated or polluted indoor air are more likely to develop respiratory problems, allergies, and asthma. Air circulation is essential to clear infectious disease agents, odors, and toxic substances in the air. CFOC, 3rd Ed. pg. 211 Standard 5.2.1.1

Screens prevent the entry of insects, which may bite, sting, or carry disease. CFOC, 3rd Ed. pg. 205 Standard 5.1.3.3

Signs of inadequate ventilation can include mold growing in corners, a damp or musty smell, or a room with a temperature that varies greatly from the temperature of other rooms in the building.

Enforcement

If a room without mechanical ventilation has more than one window, at least one window must be openable for ventilation, and have a screen.

Always Level 3 Noncompliance.

- (8) The provider shall maintain the indoor temperature between 65 and 82 degrees Fahrenheit.

Rationale / Explanation

The American Academy of Pediatrics and the American Public Health Association recommend that a draft free indoor temperature between 68 degrees and 75 degrees Fahrenheit during the winter months, and between 74 degrees and 82 degrees Fahrenheit during the summer months. These requirements are based on the standards of the American Society of Heating, Refrigeration, and Air Conditioning Engineers, which take into account both comfort and health considerations. CFOC, 3rd Ed. pg. 212, Standard 5.2.1.2

Enforcement

Licensors will measure the temperature in rooms at table height.

If Licensees are unable to be in compliance with this rule due to equipment failure or breakdown, but can show that they have scheduled a repair and are doing their best in the meantime to maintain a comfort level, the Licensor will follow up to see if the repair is completed by the scheduled date before citing a violation of this rule.

Always level 3 Noncompliance.

- (9) The provider shall maintain adequate light intensity for the safety of children and the type of activity being conducted by keeping lighting equipment in good working condition.

Rationale / Explanation

The American Academy of Pediatrics and the American Public Health Association recommend that natural lighting be provided in rooms where children work and play for more than two hours at a time and that all areas of the facility have glare-free natural and/or artificial lighting that provides adequate illumination and comfort for the

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children's safety and the activities being conducted. Inadequate artificial lighting has been linked to eyestrain, headache, and non-specific symptoms of illness. CFOC, 3rd Ed. pg. 217, Standard 5.2.2.1

It is important that there be adequate light for children to see safely and for caregivers to adequately supervise children and perform tasks such as cleaning.

Enforcement

If needed, adequate lighting will be determined by using printed materials and seeing if there is enough light for a caregiver in the area to read it.

Always Level 3 Noncompliance.

(10) Windows and glass doors within 36 inches from the floor or ground shall be made of safety glass, or have a protective guard.

Rationale / Explanation

Glass panels can be invisible to an active child. When a child collides with a glass panel, serious injury can result from the broken glass. CFOC, 3rd Ed. pg. 205, Standard 5.1.3.4

The purpose of this rule is to keep children from accidentally breaking and being cut by a glass window or door that is low enough for them to run into it.

Enforcement

Licensors will assess windows and glass surfaces in indoor areas used by children and in the outdoor play area.

Licensors will not assess windows and glass surfaces in staff offices or lounges unless the area is also used for child care.

Licensors will not assess fish tanks for safety glass.

Since they will not shatter when broken, glass blocks that form walls are considered safety glass. "Tempered" glass is considered safety glass.

If a window has a double pane (such as a storm window) and both sides of the window are accessible to children, both panes must be made of safety glass or have a protective guard.

There are several ways Licensees can be in compliance with this rule. If glass is not marked by the manufacturer as safety glass and if no documentation verifying this is available from the manufacturer, the Licensee can take other measures to comply with this rule. Licensees can use child furniture, such as a book or toy shelf, as a protective guard in front of the window. When windows are set into the wall so that there is a window sill, the Licensee can put a child safety gate in the window sill to act as a protective guard. Licensees can put a sheet of acrylic over the glass. Licensees can also put a protective film on windows to prevent them from shattering into loose shards if they break. If protective film is used, the Licensee needs documentation from the manufacturer that the film meets CPSC or ASTM standards. Examples of this kind of film can be found at:

<http://www.shatterguard.com>

<http://www.lumar.com>

<http://www.solarsecurity.com>

Always Level 2 Noncompliance.

R430-70-4: FACILITY.

- (11) There shall be at least 35 square feet of indoor space for each child, including the licensee's and employees' children who are not counted in the caregiver to child ratios.
- (12) Indoor space per child may include floor space used for furniture, fixtures, or equipment if the furniture, fixture, or equipment is used:
 - (a) by children;
 - (b) for the care of children; or
 - (c) to store classroom materials.
- (13) Bathrooms, closets, staff lockers, hallways, corridors, lobbies, kitchens, or staff offices are not included when calculating indoor space for children's use.

Rationale / Explanation

The American Academy of Pediatrics and the American Public Health Association recommend 42 square feet of usable floor space per child. A usable floor space of fifty square feet per child is preferred. The rationale for this recommendation is that crowding has been shown to be associated with an increased risk of upper respiratory infections because children's behavior tends to be more constructive when they have sufficient space and because having sufficient space reduces the risk of injury from simultaneous activities. CFOC, 3rd Ed. pg. 203, Standard 5.1.2.1

An October 2005 legislative audit of the Bureau of Licensing examined this rule specifically, and found that Utah's requirement of 35 square feet per child is reasonable and justifiable, and is in line with 42 of the 50 states.

Enforcement

These measurements are taken, and capacity determined, at the time of initial licensure. Rooms are not re-measured on subsequent inspections unless a particular room or space appears overly crowded during the inspection or if a room or area has been remodeled.

Children may temporarily be in spaces with less than 35 square feet of space per child for group activities that require less space, such as nap times, meals, story times, homework, computer time, art projects, puppet shows, etc. Such activities should not exceed 2 hours per day, excluding nap times, and the length of time should be appropriate to the activity.

Always Level 2 Noncompliance.

R430-70-5: CLEANING AND MAINTENANCE.

(1) The provider shall maintain a clean and sanitary environment.

Rationale / Explanation

Young children sneeze, cough, drool, use diapers and are just learning to use the toilet. They hug, kiss, and touch everything and put objects in their mouths. Illnesses may be spread in a variety of ways, such as by coughing, sneezing, direct skin-to-skin contact, or touching a contaminated object or surface. Respiratory tract secretions that can contain viruses (including respiratory syncytial virus and rhinovirus) contaminate environmental surfaces and may present an opportunity for infection by contact. CFOC, 3rd Ed. pg. 116-117 Standard 3.3.0.1

Developing a cleaning schedule that delegates responsibility to specific staff members helps to ensure that the facility is properly cleaned on a regular basis. CFOC, 3rd Ed. pg. 260 Standard 5.7.0.5

It is also important to keep all areas and equipment used for the storage, preparation, and service of food clean and sanitary. Outbreaks of food-borne illness have occurred in child care settings. Many of these can be prevented through appropriate sanitation methods. CFOC, 3rd Ed. pg. 193 Standard 4.9.0.9

It is recommended, though not required by rule, that sponges not be used for cleaning and sanitizing. This is because sponges harbor bacteria and are difficult to completely clean and sanitize in between cleaning surface areas. CFOC, 3rd Ed. pg. 193 Standard 4.9.0.9

Cracked or porous surfaces cannot be kept clean and sanitary because they trap organic materials in which microorganisms can grow. Repairs with duct tape and other similar materials add surfaces that also trap organic materials. CFOC, 3rd Ed. pg. 186 Standard 4.8.0.3; pgs. 240-241 Standard 5.3.1.6

Many children have allergies to dust mites, which are microscopic insects that ingest the tiny particles of skin that people shed normally every day. Dust mites live in carpeting and fabric but can be killed by frequent washing and drying in a heated dryer. CFOC, 3rd Ed. pg. 239 Standard 5.3.1.4

Enforcement

A certain amount of mess is normal when caring for active children. In enforcing this rule, licensors will need to distinguish between messes made as the consequence of an activity done that day and a chronic buildup of dirt, soil, food, etc. over time where disease-causing bacteria can grow.

A finding will be issued only when there is no other more specific rule that applies to the cleanliness of the environment.

Level 2 Noncompliance if there are any of the following:

- *rotting food or a buildup of food on a surface*
- *a slippery spill on a floor*
- *mold growing*
- *a visible buildup of dirt, soil, grime, etc. that germs could grow in*
- *a buildup of cobwebs, bugs, or carpets in need of cleaning, when there is a child with asthma or another known respiratory condition enrolled in the group.*

Level 3 Noncompliance if there are any of the following:

- *a buildup of cobwebs, bugs, or carpets in need of cleaning, but there is no child with asthma or another known respiratory condition enrolled in the group.*

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- *damaged flooring, walls or fixtures in restrooms that cannot be sanitized, such as torn or peeling linoleum, missing tiles, or a duct-taped broken toilet tank lid.*

(2) The provider shall clean and sanitize bathroom surfaces daily, including toilets, sinks, faucets, and counters.

Rationale / Explanation

A clean and sanitary environment helps to prevent the spread of communicable diseases. This is especially important in bathrooms, where fecal material can be easily spread to any surface children touch. Regular and thorough cleaning of bathrooms can prevent the spread of diseases.

Illnesses may be spread a variety of ways, including touching a contaminated object or surface. The American Academy of Pediatrics (AAP) and the American Public Health Association (APHA) recommend that all bathroom surfaces be cleaned and disinfected daily. CFOC, 3rd Ed. pgs. 116-117 Standard 3.3.0.1; pgs. 442-443 Appendix K

Enforcement

If the provider uses it 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.

If bleach water is used to sanitize a fresh solution must be made at least every 24 hours and be left on the surface to be sanitized for at least two minutes. 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.

If operated according to the manufacturer's instructions, a steam cleaner may be used to meet the requirement for cleaning and sanitizing.

Level 2 Noncompliance if there are visible feces on a bathroom surface children could touch.

Level 3 Noncompliance if bathroom surfaces are not cleaned and sanitized daily but there is not visible feces or if there is a buildup of urine on a surface.

(3) The provider shall take safe and effective measures to prevent and eliminate the presence of insects, rodents, and other vermin.

Rationale / Explanation

Insects, rodents, and vermin carry disease and may also sting or bite children. The purpose of this rule is to reduce these potential hazards to children. CFOC, 3rd Ed. pg. 205 Standard 5.1.3.3; pg. 226 Standard 5.2.8.1

Some insect and rodent feces can also trigger asthma attacks in children.

Enforcement

If there is a problem with insects, rodents, or other vermin, and the Licensee can show they have scheduled an exterminator and are doing extra cleaning when necessary to keep the environment as safe as possible until that time, the Licensor will follow up to see if this is done by the scheduled date before issuing a finding.

This rule is not intended to prevent children from participating in science activities with insects (for example,

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butterflies, lady bugs, or preying mantises).

Level 1 Noncompliance if there are beehives or wasp's nests in the outdoor play area and there are children in care who are allergic to bee or wasp stings.

Level 2 Noncompliance if insects, rodents, or other vermin are visibly present in the facility or droppings are found in a food delivery, storage, preparation, or eating area, or in areas accessible to children or if there are beehives or wasp's nests in the outdoor play area but there are no children in care who are allergic to bee or wasp stings.

Level 3 Noncompliance otherwise.

(4) The provider shall maintain ceilings, walls, floor coverings, draperies, blinds, furniture, fixtures, and equipment in good repair to prevent injury to children.

Rationale / Explanation

The physical structure where children spend each day can present safety concerns if it is not kept in good repair and maintained in a safe condition. For example, peeling paint in older buildings may be ingested, floor surfaces in disrepair could cause falls and other injuries, broken windows could cause severe cuts. CFOC, 3rd Ed. pg. 261 Standard 5.7.0.7

The purpose of this rule is to prevent harm to children due to a poorly maintained facility or broken equipment. Examples of this include being cut on a sharp edge or point of a broken item, tripping over loose carpeting or tiles, falling from collapsing broken furniture, etc. CFOC, 3rd Ed. pg. 277 Standard 6.2.5.1; pg. 374 Standard 9.2.6.1

Light fixtures containing shielded or shatterproof bulbs should be used throughout the child care facility. Use of a shield or shatterproof bulbs prevents injury to people and contamination of food. Halogen lights burn at a temperature of 1200 degrees Fahrenheit and are a potential burn or fire hazard. Multi-vapor and mercury lamps can be harmful when the outer bulb is broken, causing serious skin burns and eye inflammation. CFOC, 3rd Ed. pgs. 217-218 Standard 5.2.2.2; pg. 218 Standard 5.2.2.3

Enforcement

If a florescent light has an individual cover on the florescent bulb, the Licensee will be considered to be in compliance with this rule.

Level 2 Noncompliance examples:

- *exposed accessible electrical wiring.*
- *deteriorating asbestos (the asbestos is peeling and residue is on the floor).*

Level 3 Noncompliance examples:

- *accessible fiberglass insulation.*
- *wooden equipment and furnishings that have splinters and are used by children.*
- *cracks in equipment that could pinch a child's skin.*
- *torn draperies or broken blinds that a child could become entangled in.*
- *leaking plumbing other than a leaking faucet.*
- *heat vents that are accessible to children and are missing covers.*
- *exposed florescent light bulbs with no covering on the fixture.*

(5) The provider shall maintain entrances, exits, steps and outside walkways in a safe condition, and

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free of ice, snow, and other hazards.

Rationale / Explanation

The purpose of this rule is to prevent injuries, including from falls, and to allow safe and timely exit from the building in case of emergency. CFOC, 3rd Ed. pg. 259 Standard 5.7.0.1; pg. 210 Standard 5.1.6.3, 5.1.6.4; pg. 207 Standard 5.1.4.3

Enforcement

Because they may be needed for exit in the event of an emergency, stairways must be maintained free of ice and snow.

The Licensee will be allowed a reasonable amount of time during and immediately after a snowstorm to remove snow from outdoor exit areas, stairs, and walkways. In this case, the Licensee is not considered out of compliance unless there is a buildup of snow or ice on these surfaces.

If a facility has a walkway greater than 3 feet wide, the Licensee will be considered in compliance with this rule if the walkway is cleared to a width of at least 3 feet and a distance of at least 6 feet from the facility.

Level 2 Noncompliance if there is a buildup of ice in one of these areas.

Level 3 Noncompliance otherwise.

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- (1) There shall be an outdoor play area for children that is safely accessible to children.

Rationale / Explanation

The purpose of this rule is to prevent injury to children or a child escaping en route to the outdoor play area. A playground is considered safely accessible if it directly adjoins the building, if there is a fenced walkway from the building to the playground, or another way to ensure that the route from the building to the playground is free of potential hazards. CFOC 3rd Ed. pg. 265 Standard 6.1.0.1

Enforcement

The purpose of this rule is to ensure that children cannot access streets, parking lots, ditches, etc. when going to the playground. A Licensee can be in compliance with this rule by:

- having a playground that is directly adjacent to the building, so that children exit the building straight onto the playground.*
- having a fenced walkway from the building to the playground.*
- having the entire area that holds both the building and the playground fenced, provided the area inside the fence does not include parking lots, driveways, or anywhere else cars may be.*
- having a playground that can be accessed via a sidewalk, if the sidewalk does not pass through a parking lot, or near a busy street or water hazard.*
- blocking off a portion of a parking lot with traffic cones to create a walkway to the outdoor play area.*

Always Level 2 Noncompliance.

- (2) The outdoor play area shall have at least 40 square feet of space for each child using the playground at the same time.
- (3) The outdoor play area shall accommodate at least 33 percent of the licensed capacity at one time or shall be at least 1600 square feet.

Rationale / Explanation

The purpose of this rule is to allow children safe freedom of movement during active outdoor play. The American Academy of Pediatrics and the American Public Health Association recommend 75 square feet of outdoor space for each preschooler, 33 square feet for each infant, and 50 square feet for each toddler using the playground at one time. CFOC, 3rd Ed. pg. 265 Standard 6.1.0.1

Enforcement

These measurements are taken, and capacity determined, at the time of initial licensure. The area is not re-measured on subsequent licensing inspections, unless the outdoor play area appears overly crowded during the inspection.

A Licensee can be in compliance with this rule by having more than one playground, as long as they are all safely accessible and fenced.

Always Level 3 Noncompliance.

- (4) The outdoor play area shall be enclosed within a 4 foot high fence or wall, or a solid natural barrier that is at least 4 feet high.

Rationale / Explanation

The purpose of this rule is to prevent children from leaving the outdoor play area and to prevent their access to

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streets and other hazards. CFOC 3rd Ed. pg. 268 Standard 6.1.0.8

It also serves to keep unwanted people and animals out of the playground.

Enforcement

This rule applies to exterior fences only.

A Licensee will not be considered out of compliance if a fence is less than 4 feet in height due to temporary weather conditions, such as snow on the ground at the base of the fence.

Level 1 Noncompliance if there is no fence or barrier or the fence or barrier is less than 3 feet high.

Level 3 Noncompliance otherwise.

- (5) There shall be no openings greater than 3-1/2 by 6-1/4 inches and less than 9 inches in diameter anywhere in the outdoor play area where children's feet cannot touch the ground.**

Rationale / Explanation

Openings that fit these dimensions are called "entrapment hazards". An entrapment hazard is an opening that a child's body could fit through, but not his/her head. Children often enter openings feet first and attempt to slide through the opening. If the opening is not large enough it may allow the body to pass through the opening and entrap the head. When the ground forms the lower boundary of an opening, it is not considered to be a head entrapment hazard. This rule is based on guidelines from the Consumer Product Safety Commission (CPSC). CFOC, 3rd Ed. pgs. 237-238 Standard 5.3.1.1; pg. 272 Standard 6.2.1.9

Enforcement

This rule applies to entrapments outside of the use zone(s) of any piece of playground equipment, to entrapments where a child's feet could not touch the ground.

Licensors will measure for more than 33 inches from the ground up to the bottom of the entrapment hazard. This is to determine if the entrapment hazard is in a place where a child's feet could not touch the ground or platform.

If the entrapment is above the 4' from the ground required for fences, this rule does not include entrapments such as decorative openings in the tops of fences. This rule also does not include partially bounded openings, such as those found in picket fences.

Always Level 2 Noncompliance.

- (6) When in use, the outdoor play area shall be free of animal excrement, harmful plants, harmful objects, or substances, and standing water.**

Rationale / Explanation

The purpose of this rule is to prevent injury to children and the spread of disease.

Proper maintenance of outdoor play areas and outdoor play equipment is a key factor in ensuring a safe play environment for children. Each outdoor play area is unique and requires a routine maintenance check program developed specifically for that outdoor play area. CFOC, 3rd Ed. pg. 259 Standard 5.7.0.1

Standing water is a drowning hazard. Small children can drown within 30 seconds in as little as 2 inches of

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water. In addition, standing water is breeding grounds for mosquitos, which can spread disease. CFOC, 3rd Ed.pg. 68 Standard 2.2.0.4; pg. 228 Standard 5.2.8.2

Enforcement

- For the purposes of this rule:
- Animal excrement does not include isolated bird droppings.
- Standing water includes two inches or more of standing water in:
 - wading pools when the pool is not in use and/or not supervised
 - fountains, birdbaths, etc. a child's head could fit in
 - buckets or other containers of water a child's head could fit in (unless the containers are being used as part of a supervised project, such as painting on the sidewalk with water).
 - wheelbarrows
 - garbage cans or other similar containers
- Standing water does not include temporary puddles caused by rain or sprinklers.
- Standing water does not include temporary puddles caused by rain or sprinklers.
- Harmful objects include:
 - Animal swings.
 - Unanchored swings or unanchored large metal slides.
 - Broken toys or equipment that have sharp edges that could cut or puncture a child's skin.
 - Sharp objects such as exposed nails or screws.
 - A rope, cord, wire, or chain attached to a structure, that a child could strangle on (this does not include ropes used to suspend swings).
- Dangerous substances include anything toxic not specifically mentioned in other rules, including anything with a warning label on the container that says "keep out of reach of children."

This rule does not prohibit school-age children from using child-size gardening tools under adult supervision.

Level 1 Noncompliance if there are toxic substances accessible to children; metal animal swings; unanchored swings or large metal slides; or sharp objects in the outdoor play area.

Level 2 Noncompliance for any other safety hazard in the outdoor play area.

Level 3 Noncompliance for a buildup of trash in the outdoor play area.

(7) The outdoor play area shall have a shaded area to protect children from excessive sun and heat.

Rationale / Explanation

The purpose of this rule is to prevent both sunburn and heat exhaustion.

It can take less than 10 minutes for a child's skin to burn, and it is estimated that 80% of a person's lifetime sun damage occurs before the age of 18. Individuals who suffer severe childhood sunburns are an increased risk for skin cancer. CFOC, 3rd Ed. pg. 267 Standard 6.1.0.7

Children do not adapt to extremes in temperature as effectively as adults. Children produce more metabolic heat per mass unit than adults when walking or running. They also have a lower sweating capacity and cannot dissipate heat by evaporation as quickly. CFOC, 3rd Ed. pg. 93, Standard 3.1.3.2

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Enforcement

Shade can come from trees, awnings, patio roofs or other structures, or the side of the building itself.

Level 2 Noncompliance except in cold weather when children are mostly covered by cold weather clothing.

Level 3 Noncompliance in cold weather when children are mostly covered by cold weather clothing.

- (8) Children shall have unrestricted access to drinking water whenever the outside temperature is 75 degrees or higher.**

Rationale / Explanation

The purpose of this rule is to prevent dehydration and heat exhaustion. Children do not adapt to extremes in temperature as effectively as adults. Children produce more metabolic heat per mass unit than adults when walking or running. They also have a lower sweating capacity and cannot dissipate heat by evaporation as quickly. CFOC, 3rd Ed. pg. 93, Standard 3.1.3.2

Enforcement

Level 1 Noncompliance if children do not have an outdoor source of drinking water and the temperature is 90 degrees or higher.

Level 3 Noncompliance otherwise.

- (9) All outdoor play equipment and areas shall comply with the following safety standards by the dates specified in Subsection (10) below.**

- (a) All stationary play equipment used by children shall meet the following requirements for use zones:**
- (i) If the height of a designated play surface or climbing bar on a piece of equipment, excluding swings, is greater than 30 inches, it shall have use zones that meet the following criteria:**
 - (A) The use zone shall extend a minimum of 6 feet in all directions from the perimeter of each piece of equipment.**
 - (B) The use zones of two pieces of equipment that are positioned adjacent to one another may overlap if the designated play surfaces of each structure are no more than 30 inches above the protective surfacing underneath the equipment. In such cases, there shall be a minimum of 6 feet between the adjacent pieces of equipment.**
 - (C) There shall be a minimum use zone of 9 feet between adjacent pieces of equipment if the designated play surface of one or both pieces of equipment is more than 30 inches above the protective surfacing underneath the equipment.**

Rationale / Explanation

These rules are based on guidelines from the Consumer Product Safety Commission, which are designed to prevent serious head injuries or other life threatening injuries to children. Injuries from falls are more likely to occur when equipment spacing is inadequate. CFOC, 3rd Ed. pg. 272 Standard 6.2.2.1; pg. 273 Standard 6.2.2.4

Enforcement

Programs must be in compliance with this rule by 31 December 2013.

If swing sets do not have a horizontal bar on the outside of the supporting pole or beam, the side use zone will be

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measured from the swing seat, not from the supporting side pole or beam.

Side supporting poles or beams from two swing sets may be placed right next to each other. They do not have to share a supporting pole or beam.

Always Level 1 Noncompliance.

- (9) (a) All stationary play equipment used by children shall meet the following requirements for use zones:
- (ii) The use zone in the front and rear of a single-axis swing shall extend a minimum distance of twice the height of the pivot point of the swing, and may not overlap the use zone of any other piece of equipment.

Rationale / Explanation

These rules are based on guidelines from the Consumer Product Safety Commission, which are designed to prevent serious head injuries or other life threatening injuries to children. Injuries from falls are more likely to occur when equipment spacing is inadequate. CFOC, 3rd Ed. pg. 272 Standard 6.2.2.1; pg. 273 Standard 6.2.2.4

Enforcement

Programs must be in compliance with this rule by 31 December 2013.

Always Level 1 Noncompliance.

- (9) (a) All stationary play equipment used by children shall meet the following requirements for use zones:
- (iii) The use zone for the sides of a single-axis swing shall extend a minimum of 6 feet from the perimeter of the structure, and may overlap the use zone of a separate piece of equipment.

Rationale / Explanation

These rules are based on guidelines from the Consumer Product Safety Commission, which are designed to prevent serious head injuries or other life threatening injuries to children. Injuries from falls are more likely to occur when equipment spacing is inadequate. CFOC, 3rd Ed. pg. 272 Standard 6.2.2.1; pg. 273 Standard 6.2.2.4

Enforcement

Programs must be in compliance with this rule by 31 December 2013.

If swing sets do not have a horizontal bar on the outside of the supporting pole or beam, the side use zone will be measured from the swing seat, not from the supporting side pole or beam.

Side supporting poles or beams from two swing sets may be placed right next to each other. They do not have to share a supporting pole or beam.

Always Level 1 Noncompliance.

- (9) (a) All stationary play equipment used by children shall meet the following requirements for use zones:
- (iv) The use zone of a multi-axis swing shall extend a minimum distance of 6 feet plus the length of the suspending members, and shall never overlap the use zone of another

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piece of equipment.

Rationale / Explanation

These rules are based on guidelines from the Consumer Product Safety Commission, which are designed to prevent serious head injuries or other life threatening injuries to children. Injuries from falls are more likely to occur when equipment spacing is inadequate. CFOC, 3rd Ed. pg. 272 Standard 6.2.2.1; pg. 273 Standard 6.2.2.4

Enforcement

Programs must be in compliance with this rule by 31 December 2013.

If swing sets do not have a horizontal bar on the outside of the supporting pole or beam, the side use zone will be measured from the swing seat, not from the supporting side pole or beam.

Side supporting poles or beams from two swing sets may be placed right next to each other. They do not have to share a supporting pole or beam.

Always Level 1 Noncompliance.

- (9) (a) All stationary play equipment used by children shall meet the following requirements for use zones:
- (v) The use zone for merry-go-rounds shall never overlap the use zone of another piece of equipment.

Rationale / Explanation

These rules are based on guidelines from the Consumer Product Safety Commission, which are designed to prevent serious head injuries or other life threatening injuries to children. Injuries from falls are more likely to occur when equipment spacing is inadequate. CFOC, 3rd Ed. pg. 272 Standard 6.2.2.1; pg. 273 Standard 6.2.2.4

Enforcement

Programs must be in compliance with this rule by 31 December 2013.

Always Level 1 Noncompliance.

- (9) (a) All stationary play equipment used by children shall meet the following requirements for use zones:
- (vi) The use zone for spring rockers shall extend a minimum of 6 feet from the at-rest perimeter of the equipment.

Rationale / Explanation

These rules are based on guidelines from the Consumer Product Safety Commission, which are designed to prevent serious head injuries or other life threatening injuries to children. Injuries from falls are more likely to occur when equipment spacing is inadequate. CFOC, 3rd Ed. pg. 272 Standard 6.2.2.1; pg. 273 Standard 6.2.2.4

Enforcement

Programs must be in compliance with this rule by 31 December 2013.

Always Level 1 Noncompliance.

- (9) (b) Protective cushioning is required in all use zones.

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Rationale / Explanation

Protective cushioning is material that is placed in the use zones under and around stationary play equipment in order to cushion a child's fall from the equipment. Acceptable cushioning materials include the following: sand, gravel, shredded tires, shredded wood products, and unitary cushioning material. Cushioning materials must meet ASTM Specification F 1292.

This rule is based on guidelines from the Consumer Product Safety Commission. Improper cushioning material under playground equipment is the leading cause of playground related injuries. Over 70% of all accidents on playgrounds are from children falling. Hard surfaces such as concrete, blacktop, packed earth, or grass are not acceptable under most play equipment. A fall onto one of these hard surfaces could be life threatening. CFOC, 3rd Ed. pg. 237-238 Standard 5.3.1.1; pg. 273-274 Standard 6.2.3.1

Enforcement

Always Level 1 Noncompliance.

- (9) (c) **If sand, gravel, or shredded tires are used as protective cushioning, the depth of the material shall meet the CPSC guidelines in Table 1. The provider shall ensure that the material is periodically checked for compaction, and if compacted, shall loosen the material to the depth listed in Table 1. If the material cannot be loosened due to extreme weather conditions, the provider shall not allow children to play on the equipment until the material can be loosened to the required depth.**

Rationale / Explanation

Compaction of protective cushioning occurs when sand or gravel becomes packed and hard, so that it does not provide adequate cushioning. This is different than compaction of shredded wood products. Compaction of shredded wood products is desirable, as it actually improves the cushioning ability of the material.

This rule is based on guidelines from the Consumer Product Safety Commission. Improper cushioning material under playground equipment is the leading cause of playground related injuries. Over 70% of all accidents on playgrounds are from children falling. CFOC, , 3rd Ed. pg. 237-238 Standard 5.3.1.1; pg. 273-274 Standard 6.2.3.1

Enforcement

The following criteria will be used to determine whether sand is fine or coarse, and whether gravel is fine or medium:

- *Fine Sand – Particles of white sand purchased in bags marked "play sand." 100% of the material must pass through a #16 screen.*
- *Coarse Sand – Usually obtained from a supplier to the landscaping and construction trades. 98% of the material must pass through a #4 screen.*
- *Fine Gravel – Gravel particles are rounded and 3/8 inch or less in diameter.*
- *Medium Gravel – Gravel particles are rounded and 1/2 inch or less in diameter.*

The depth of the protective cushioning will be measured as follows:

The licensor will take 3 measurements of the cushioning. Each measurement will be taken directly to the side of a high use piece of equipment. For example, directly to the side of a slide (rather than at the bottom of the slide), or directly to the side of a swing (rather than under the swing). Licensors should check the depth by digging a hole into the cushioning to the bottom, placing a ruler at the bottom, and refilling the hole they dug. Licensors will average the three measurements to determine if more cushioning is needed, or if cushioning just needs redistribution. If the three measurements show the cushioning is low, the

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licensor should dig four additional holes in the corners of the playground. If averaging the 7 measurements together shows there is adequate cushioning, then the licensor should let the provider know that they just need to redistribute the cushioning.

Level 1 Noncompliance if there is less than 75% of the required depth of protective cushioning.

Level 2 Noncompliance if there is 75% or more of the required depth of protective cushioning, or if there is 100% of the required protective cushioning, but it needs to be redistributed or if the protective cushioning is compacted and needs to be loosened.

Highest Designated Play Surface, Climbing Bar, or Swing Pivot Point	Fine Sand	Coarse Sand	Fine Gravel	Medium Gravel	Shredded Tires
4' high or less	6"	6"	6"	6"	6"
Over 4' up to 5'	6"	6"	6"	6"	6"
Over 5' up to 6'	12"	12"	6"	12"	6"
Over 6' up to 7'	12"	Not Allowed	9"	Not Allowed	6"
Over 7' up to 8'	12"	Not Allowed	12"	Not Allowed	6"
Over 8' up to 9'	12"	Not Allowed	12"	Not Allowed	6"
Over 9' up to 10'	Not Allowed	Not Allowed	12"	Not Allowed	6"
Over 10' up to 11'	Not Allowed	Not Allowed	Not Allowed	Not Allowed	6"
Over 11' up to 12'	Not Allowed	Not Allowed	Not Allowed	Not Allowed	6"

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- (9) (d) **If shredded wood products are used as protective cushioning, the depth of the shredded wood shall meet the CPSC guidelines in Table 2.**

Rationale / Explanation

Compaction of protective cushioning occurs when sand or gravel becomes packed and hard, so that it does not provide adequate cushioning. This is different than compaction of shredded wood products. Compaction of shredded wood products is desirable, as it actually improves the cushioning ability of the material.

This rule is based on guidelines from the Consumer Product Safety Commission. Improper cushioning material under playground equipment is the leading cause of playground related injuries. Over 70% of all accidents on playgrounds are from children falling. CFOC, , 3rd Ed. pg. 237-238 Standard 5.3.1.1; pg. 273-274 Standard 6.2.3.1

Enforcement

Gardening bark mulch does not have the cushioning properties required by ASTM Specification F 1292, and cannot be used as playground cushioning material. This kind of mulch may also contain nails, rocks, glass, and

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other components not appropriate as cushioning for playgrounds.

The depth of the protective cushioning will be measured as follows:

The licensor will take 3 measurements of the cushioning. Each measurement will be taken directly to the side of a high use piece of equipment. For example, directly to the side of a slide (rather than at the bottom of the slide), or directly to the side of a swing (rather than under the swing). Licensors should check the depth by digging a hole into the cushioning to the bottom, placing a ruler at the bottom, and refilling the hole they dug. Licensors will average the three measurements to determine if more cushioning is needed, or if cushioning just needs redistribution. If the three measurements show the cushioning is low, the licensor should dig four additional holes in the corners of the playground. If averaging the 7 measurements together shows there is adequate cushioning, then the licensor should let the provider know that they just need to redistribute the cushioning.

Level 1 Noncompliance if there is less than 75% of the required depth of protective cushioning.

Level 2 Noncompliance if there is 75% or more of the required depth of protective cushioning, or if there is 100% of the required protective cushioning, but it needs to be redistributed or if the protective cushioning is compacted and needs to be loosened.

TABLE 2			
Depths of Protective Cushioning Required for Shredded Wood Products			
Highest Designated Play Surface, Climbing Bar, or Swing Pivot Point	Engineered Wood Fibers	Wood Chips	Double Shredded Bark Mulch
4' high or less	6"	6"	6"
Over 4' up to 5'	6"	6"	6"
Over 5' up to 6'	6"	6"	6"
Over 6' up to 7'	9"	6"	9"
Over 7' up to 8'	12"	9"	9"
Over 8' up to 9'	12"	9"	9"
Over 9' up to 10'	12"	9"	9"
Over 10' up to 11'	12"	12"	12"
Over 11'	12"	Not Allowed	Not Allowed

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- (9) (e) If wood products are used as cushioning material:
- (i) the providers shall maintain documentation from the manufacturer verifying that the material meets ASTM Specification F 1292, which is adopted by reference; and

Rationale / Explanation

This rule is based on guidelines from the Consumer Product Safety Commission. Improper cushioning material under playground equipment is the leading cause of playground related injuries. Over 70% of all accidents on playgrounds are from children falling. CFOC,, 3rd Ed. pg. 237-238 Standard 5.3.1.1; pg. 273-274 Standard

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6.2.3.1

Enforcement

If the licenser verifies that wood product cushioning is engineered wood fiber, ASTM documentation is not needed for compliance.

Always Level 3 Noncompliance.

- (9) (e) **If wood products are used as cushioning material:**
(ii) **there shall be adequate drainage under the material.**

Rationale / Explanation

Inadequate drainage under wood cushioning material can result in trapped water freezing, which makes the material unable to absorb the impact from falls. It can also lead to the growth of bacteria, mold, and the breeding of mosquitos.

Enforcement

Adequate drainage will be assessed by digging into the wood product. If one of the following happens when the wood product is dug into, it means there is not adequate drainage under the wood:

- Water fills the hole that has been dug.*
- In freezing weather, frozen water forms an ice block under the material.*
- There is mold growing in the material.*

Always Level 2 Noncompliance.

- (9) (f) **If a unitary cushioning material, such as rubber mats or poured rubber-like material is used as protective cushioning:**
(i) **the licensee shall ensure that the material meets the standard established in ASTM Specification F 1292. The provider shall maintain documentation from the manufacturer that the material meets these specifications.**

Rationale / Explanation

This rule is based on guidelines from the Consumer Product Safety Commission. Improper cushioning material under playground equipment is the leading cause of playground related injuries. Over 70% of all accidents on playgrounds are from children falling. CFOC, 3rd Ed. pg. 237-238 Standard 5.3.1.1; pg. 273-274 Standard 6.2.3.1

Enforcement

Always Level 3 Noncompliance.

- (9) (f) **If a unitary cushioning material, such as rubber mats or poured rubber-like material is used as protective cushioning:**
(ii) **the licensee shall ensure that the cushioning material is securely installed, so that it cannot become displaced when children jump, run, walk, land, or move on it, or be moved by children picking it up.**

Rationale / Explanation

This rule is based on guidelines from the Consumer Product Safety Commission. Improper cushioning material under playground equipment is the leading cause of playground related injuries. Over 70% of all accidents on playgrounds are from children falling. CFOC, 3rd Ed. pg. 237-238 Standard 5.3.1.1; pg. 273-274 Standard 6.2.3.1

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Enforcement

This item is considered out of compliance if the unitary cushioning material is set on top of the ground and not secured in place, such that it could become displaced when children jump, run, walk, land, or move on it, or if children could easily pick it up and move it.

Always Level 1 Noncompliance.

- (9) (g) **Stationary play equipment that has a designated play surface less than 30 inches and that does not have moving parts children sit or stand on, may be placed on grass, but shall not be placed on concrete, asphalt, dirt, or any other hard surface.**

Rationale / Explanation

The purpose of this rule is to prevent injuries from falls onto a hard surface. Over 70% of all accidents on playgrounds are from children falling. CFOC, 3rd Ed. Pg. 237-238 Standard 5.3.1.1

Enforcement

Programs must be currently in compliance with this rule, unless the equipment is installed in concrete footings. If the equipment is installed in concrete footings, programs must be in compliance with this rule by 31 December 2010.

Always Level 1 Noncompliance.

- (9) (h) **Stationary play equipment shall have protective barriers on all play equipment platforms that are over 48 inches above the ground. The bottom of the protective barrier shall be less than 3-1/2 inches above the surface of the platform, and there shall be no openings greater than 3-1/2 inches in the barrier. The top of the protective barrier shall be at least 38 inches above the surface of the platform.**

Rationale / Explanation

A "protective barrier" is an enclosing structure such as bars, lattice, or a solid panel, around an elevated platform on a piece of play equipment. It is intended to prevent a child from either accidentally or deliberately falling or jumping from the platform.

The purpose of this rule is to prevent injuries from falls onto a hard surface. Over 70% of all accidents on playgrounds are from children falling. CFOC, 3rd Ed. Pg. 237-238 Standard 5.3.1.1

Enforcement

Programs must be in compliance with this rule by 31 December 2012.

*In assessing this item, licensors need to determine if the cushioning under the piece of equipment is low, so that adding the required amount of cushioning would mean a platform does not need a protective barrier, or if the platform would require a protective barrier even if the full required depth of cushioning were in place. If a barrier would **not** be required if there were enough protective cushioning, licensors should cite R430-100-6(10)(e) or (f), not this rule.*

A provider has the option of adding more than the required amount of protective cushioning in order to lessen the

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height of a platform so that it does not need a protective barrier.

Level 1 Noncompliance if a play equipment platform over 48 inches does not have the required protective barrier.

Level 2 Noncompliance otherwise.

- (9) (i) There shall be no openings greater than 3-1/2 by 6-1/4 inches and less than 9 inches in diameter on any piece of stationary play equipment, or within or adjacent to the use zone of any piece of stationary play equipment.**

Rationale / Explanation

Openings that fit these dimensions are called “entrapment hazards”. An entrapment hazard is an opening that a child’s body could fit through, but not their head. Children often enter openings feet first and attempt to slide through the opening. If the opening is not large enough it may allow the body to pass through the opening and entrap the head. When the ground forms the lower boundary of an opening, it is not considered to be a head entrapment hazard. This rule is based on guidelines from the Consumer Product Safety Commission, which are intended to prevent injury to children. CFOC, pgs. 216-217 Standard 5.075; pg. 261 Standard 5.186

Enforcement

Programs must be in compliance with this rule by 31 December 2012.

The use zone extends all the way up the height of the equipment, and on the top of the equipment. This means there cannot be tree branches or anything else that creates an entrapment hazard in the use zone above the equipment.

This rule does not include openings where one of the edges of the opening is on the ground. It only includes entrapment hazards where a child’s feet cannot touch the ground. Licensors should measure 33 inches from the ground up to the bottom of the entrapment hazard, to determine if the entrapment hazard is in a place where a child’s feet could not touch the ground.

Directly adjacent to the use zone of a piece of stationary play equipment means within 6 inches of the perimeter of the use zone.

Always Level 1 Noncompliance.

- (9) (j) There shall be no protrusion or strangulation hazards on, within the use zone of, or adjacent to the use zone of any piece of stationary play equipment.**

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Rationale / Explanation

This rule is based on guidelines from the Consumer Product Safety Commission, which are intended to prevent injury to children.

A strangulation hazard is something on which a child's clothes or something around a child's neck could become caught on a component of playground equipment. A protrusion hazard is a component or piece of hardware that could impale or cut a child if the child falls against it. For example, a screw sticking out of a piece of playground equipment. Some protrusions are also capable of catching strings or items of clothing which might be worn around a child's neck. This type of protrusion is especially hazardous because it could result in strangulation.

Other examples of protrusion and strangulation hazards include bolt ends that extend more than two threads beyond the face of the nut, hardware configurations that form a hook or leave a gap or space between components, and open "S" type hooks. Special attention should be paid to the area at the top of slides and sliding devices. Ropes should be anchored securely at both ends, and should not be capable of forming a loop or a noose. If they do not meet these criteria, they pose a strangulation hazard. CFOC, pgs. 216-217 Standard 5.075; pg. 260 Standard 5.185

Enforcement

The use zone extends all the way up the height of the equipment, and on the top of the equipment. This means there cannot be tree branches or anything else that creates a protrusion or strangulation hazard in the use zone above the equipment.

Specific strangulation hazards licensors should check for include:

- A bolt, screw, or other "protrusion" that passes the protrusion gauge test, but which increases in size or diameter as it moves away from the surface. (For example, a bolt with a washer on the outside of a nut, where the washer is greater in diameter than the nut. Or, a bolt with a large bolt head, where the bolt head is not flush with the surface.)*
- Bolt ends that extend more than two threads beyond the face of the nut.*
- On slides: a gap on the top or sides of slides of a slide that the 1/8", 2" diameter protrusion gauge could pass all the way through.*
- On "S" hooks: a gap in an "S" hook that a dime could fit into.*
- Hanging ropes, cords, or chains longer than 12" that can make a loop 5" in diameter, **except** ropes, cords, or chains with swings attached to the bottom of them.*

Directly adjacent to the use zone of a piece of stationary play equipment means within 6 inches of the perimeter of the use zone.

Level 1 Noncompliance if there is a strangulation hazard on a slide, swing, or merry-go-round.

Level 2 Noncompliance otherwise.

(9) (k) There shall be no crush, shearing, or sharp edge hazards on, within the use zone of, or adjacent to the use zone of any piece of stationary play equipment.

Rationale / Explanation

This rule is based on guidelines from the Consumer Product Safety Commission, which are intended to prevent

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injury to children.

A crush hazard is created when two parts of a piece of play equipment come together in such a way that they could crush a child's fingers, toes, or other body parts. A shearing hazard is created when two parts of a piece of play equipment move against each other in such a way that they could sever a child's fingers or other body parts. A sharp edge hazard is created when there is a sharp point or edge on a piece of play equipment that could cut or puncture a child's skin. CFOC, pgs. 216-217 Standard 5.075; pg. 260 Standard 5.184, 5.185

Enforcement

Programs must be in compliance with this rule by 31 December 2012.

The use zone extends all the way up the height of the equipment, and on the top of the equipment. This means there cannot be tree branches or anything else that creates a crush, shearing, or sharp edge hazard in the use zone above the equipment.

Directly adjacent to the use zone of a piece of stationary play equipment means within 6 inches of the perimeter of the use zone.

Always Level 2 Noncompliance..

- (9) (l) There shall be no tripping hazards, such as concrete footings, tree stumps, tree roots, or rocks within the use zone of any piece of stationary play equipment.**

Rationale / Explanation

This rule is based on guidelines from the Consumer Product Safety Commission, which are intended to prevent injury to children. CFOC, pgs. 216-217 Standard 5.075

Enforcement

Programs must be in compliance with this rule by 31 December 2013.

Trip hazards in use zones may be created by: concrete footings, tree stumps, tree roots, or rocks.

Always Level 2 Noncompliance.

- 10) The outdoor play equipment rules specified in Subsection (9) above must be in compliance by the following dates:**
- (a) by December 31, 2009: R430-70-6(9)(b-f).** There is protective cushioning in all existing use zones that meets the requirements for depth and ASTM Standards.
 - (b) by December 31, 2010:**
 - (i) R430-70-6(9)(g).** Stationary play equipment that has a designated play surface less than 30 inches, and that does not have moving parts children sit or stand on, is not placed on concrete, asphalt, dirt, or any other hard surface, unless equipment is installed in concrete or asphalt footings.
 - (ii) R430-70-6(9)(j).** There are no protrusion or strangulation hazards in or adjacent to the use zone of any piece of stationary play equipment.
 - (c) By December 31, 2011: R430-70-6(9)(g).** Stationary play equipment that has a designated play surface less than 30 inches, and that does not have moving parts children sit or stand on, is not placed on concrete, asphalt, dirt, or any other hard surface.
 - (d) By December 31, 2012:**

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- (i) R430-70-6(9)(h). Protective barriers are installed on all stationary play equipment that requires them, and the barriers meet the required specifications.
- (ii) R430-70-6(9)(i). There are no openings greater than 3-1/2 by 6-1/4 inches and less than 9 inches in diameter on any piece of stationary play equipment, or within or adjacent to the use zone of any piece of stationary play equipment.
- (iii) R430-70-6(9)(k). There are no crush, shearing, or sharp edge hazards in or adjacent to the use zone of any piece of stationary play equipment.
- (e) By December 31, 2013:
 - (i) R430-70-6(9)(a)(i-vi). All stationary play equipment has use zones that meet the required measurements.
 - (ii) R430-70-6(9)(l). There are no tripping hazards, such as concrete footings, tree stumps, tree roots, or rocks within the use zone of any piece of stationary play equipment.

(11) The provider shall maintain playgrounds and playground equipment to protect children's safety.

Rationale / Explanation

Proper maintenance of playgrounds and playground equipment is a key factor in ensuring a safe play environment for children. Each playground is unique and requires a routine maintenance check program developed specifically for that playground. CFOC, pgs. 216-217 Standard 5.075; pgs. 262-263 Standard 5.194, 5.196

Enforcement

Adequate maintenance includes the following:

- *Ensuring that there are no missing, bent, broken, or worn out components that could cause equipment to fail.*
- *Ensuring that all hardware is secure, and there are no missing nuts or bolts that could cause the equipment to fail.*
- *Ensuring that equipment does not have excessive wear that could cause the equipment, or a component of it, to fail.*
- *Ensuring that metal is not rusted or corroded to the point that it could cause the structure to fail.*
- *Ensuring that wood on children's play equipment is not rough or splintery.*
- *Ensuring that all equipment and equipment parts are stable.*

Level 1 Noncompliance if the lack of maintenance could cause equipment failure.

Level 3 Noncompliance otherwise.

**TABLE 3
Phase-in Schedule for Stationary Play Equipment Rules**

By December 31, 2009

R430-70-6(9)(b-f)	There is protective cushioning in all existing use zones that meets the requirements for depth and ASTM Standards.
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TABLE 3	
Phase-in Schedule for Stationary Play Equipment Rules	
By December 31, 2010	
R430-70-6(9)(g)	Stationary play equipment that has a designated play surface less than 30 inches, and that does not have moving parts children sit or stand on, is not placed on concrete, asphalt, dirt, or any other hard surface, unless equipment is installed in concrete or asphalt footings.
R430-70-6(9)(j)	There are no protrusion or strangulation hazards in or adjacent to the use zone of any piece of stationary play equipment.
By December 31, 2011	
R430-70-6(9)(g)	Stationary play equipment that has a designated play surface less than 30 inches, and that does not have moving parts children sit or stand on, is not placed on concrete, asphalt, dirt, or any other hard surface.
By December 31, 2012	
R430-70-6(9)(h)	Protective barriers are installed on all stationary play equipment that requires them, and the barriers meet the required specifications.
R430-70-6(9)(i)	There are no openings greater than 3-1/2 by 6-1/4 inches and less than 9 inches in diameter on any piece of stationary play equipment, or within or adjacent to the use zone of any piece of stationary play equipment.
R430-70-6(9)(k)	There are no crush, shearing, or sharp edge hazards in or adjacent to the use zone of any piece of stationary play equipment.
By December 31, 2013	
R430-70-6(9)(a)(i-vi)	All stationary play equipment has use zones that meet the required measurements.
R430-70-6(9)(l)	There are no tripping hazards, such as concrete footings, tree stumps, tree roots, or rocks within the use zone of any piece of stationary play equipment.

R430-70-7: PERSONNEL.

- (1) The program must have a director who is at least 21 years of age and who has one of the following educational credentials:
- (a) an associates, bachelors, or graduate degree from an accredited college and successful completion of at least 12 semester credit hours of coursework in childhood development, elementary education, or a related field;
 - (b) a currently valid national certification such as a Certified Childcare Professional (CCP) issued by the National Child Care Association, a Child Development Associate (CDA) issued by the Council for Early Childhood Professional Recognition, or other credential that the licensee demonstrates as equivalent to the Department; or
 - (c) a currently valid National Administrator Credential (NAC) issued by the National Child Care Association, plus one of the following:
 - (i) valid proof of successful completion of 12 semester credit hours of coursework in childhood development, elementary education, or a related field; or
 - (ii) valid proof of completion of the following six Utah Career Ladder courses offered through Child Care Resource and Referral: Child Development: Ages & Stages; Advanced Child Development; School Age Course 1; School Age Course 2; School Age Course 3; and School Age Course 4.

Rationale / Explanation

The director of a center plays a pivotal role in ensuring the day-to-day smooth functioning of the facility within the framework of appropriate child development principles. The well-being of the children in the facility depends largely upon the knowledge, skills, and dependable presence of a director who is able to respond to long-term and immediate needs, and who is able to engage staff in appropriate decision making that affects their day to day practices with children. CFOC 3rd Ed. pg.11 Standard 1.3.1.1.

College level coursework has been shown to have a measurable, positive effect on quality child care, whereas experience by itself has not. CFOC 3rd Ed. pg.11 Standard 1.3.1.1.

Enforcement

Successful completion of a college course means a passing grade of C or better.

Always Level 2 Noncompliance.

- (2) All caregivers shall be at least 18 years of age.

Rationale / Explanation

Eighteen years is the age of legal consent. The purpose of this rule is to ensure that caregivers have the maturity necessary to meet the responsibilities of independently caring for a group of children. CFOC, 3rd Ed. pg. 13 Standard 1.3.2.3.

The American Academy of Pediatrics and the American Public Health Association recommend that lead caregivers be at least 21 years of age. CFOC, 3rd Ed. pg. 12, Standard 1.3.2.2.

Enforcement

Always Level 2 Noncompliance.

- (3) All assistant caregivers shall be at least 16 years of age, and shall work under the immediate supervision of a caregiver who is at least 18 years of age.
- (4) Assistant caregivers may be included in caregiver to child ratios, but shall not be left unsupervised

R430-70-7: PERSONNEL.

with children.

Rationale / Explanation

The American Academy of Pediatrics and the American Public Health Association recommend that assistant caregivers be at least 18 years of age, and that volunteers and students be at least 16 years of age, but never be left alone with children or counted in the ratios. CFOC, 3rd Ed. pg. 13 Standard 1.3.2.3.

Eighteen is the age of legal consent. Research in brain development and functioning in teenagers indicates that teenagers' responses to situations are more emotional and impulsive, and show less reasoned judgement, than adult responses. For more information on this research, see:

<http://www.nimh.nih.gov/Publicat/teenbrain.cfm>

<http://www.pbs.org/wgbh/pages/frontline/shows/teenbrain/>

Enforcement

Always Level 2 Noncompliance.

- (5) Assistant caregivers shall meet all of the caregiver requirements under this rule, except the caregiver age requirement of 18 years.**

Rationale / Explanation

This rule clarifies that assistant caregivers must meet the caregiver requirements for background screening, orientation training, annual training, and all other requirements for caregivers contained in the rules.

Enforcement

The Noncompliance Level depends on the caregiver requirement(s) with which the assistant caregiver failed to comply.

- (6) Whenever there are more than 8 children at the Program, there shall be at least two caregivers present who can demonstrate the English literacy skills needed to care for children and respond to emergencies. If there is only one caregiver present because there are 8 or fewer children at the Program center, that caregiver must be able to demonstrate the English literacy skills needed to care for children and respond to emergencies.**

Rationale / Explanation

Caregivers need English literacy skills in order to perform essential functions to protect children's health and safety, such as reading warning labels on chemicals, instructions on medications and medication authorization forms, emergency information on child enrollment forms, information on a child's health assessment, instructions on a fire extinguisher, etc.

English skills are also important in dealing with poison control and emergency response (911).

Enforcement

If there is a question about whether or not caregivers with the required English literacy skills are present, the Licensor may give caregivers material printed in English and ask them to read it.

Level 1 Noncompliance if there is an emergency and a caregiver is unable to get the needed emergency assistance.

R430-70-7: PERSONNEL.

Level 2 Noncompliance otherwise.

- (7) Each new director, assistant director, caregiver, assistant caregiver, and volunteer shall receive orientation training prior to assuming caregiving duties. Orientation training shall be documented and shall include the following topics:
- (a) job description and duties;
 - (b) the program's written policies and procedures;
 - (c) the program's emergency and disaster plan;
 - (d) the current child care licensing rules found in Sections R430-70-11 through 22;
 - (e) introduction and orientation to the children assigned to the caregiver;
 - (f) a review of the information in the health assessment for each child in their assigned group;
 - (g) procedure for releasing children to authorized individuals only;
 - (h) proper clean up of body fluids;
 - (i) signs and symptoms of child abuse and neglect, including sexual abuse, and legal reporting requirements for witnessing or suspicion of abuse, neglect, and exploitation;
 - (j) obtaining assistance in emergencies, as specified in the program's emergency and disaster plan.

Rationale / Explanation

The purpose of this rule is to ensure that all new staff members receive basic training for the work they will be doing and understand their duties and responsibilities. Because of frequent staff turnover in the child care field, it is essential that the health and safety of children in care are protected by not leaving new caregivers alone with children until they have completed basic orientation training. CFOC 3rd Ed. pgs. 21-22 Standard 1.4.2.1.

A yearly review of the program's written policies encourages administrators to keep this information current. CFOC 3rd Ed. pg. 349 Standard 9.2.1.2.

Enforcement

Programs may have up to 5 working days after a new caregiver starts working with children to complete the required orientation training. New caregivers must never be left alone with children until all of the required orientation training is completed.

In order to meet the requirement for training in Sections 11-22 of the Licensing Rules, the training must cover the actual rules, not just be on the topic of the rule section.

Van drivers and cooks need to complete orientation training because they interact with children and because specific health and safety rules apply to their work. They do not need to complete the annual training required in Subsection 8 below, unless they help out in a classroom an average of ten hours per week or more, as averaged over a three month period. If they help out as previously stated, they are considered caregivers and must also complete the required annual training. Secretaries, receptionists, bookkeepers, custodians, and maintenance workers do not need to complete orientation or annual training, unless they also help out in a classroom.

Level 2 Noncompliance if a new caregiver does not have orientation training, or documentation of orientation training, in:

- *the program's emergency and disaster plan (c).*
- *the child care licensing rules for:*
 - *supervision and ratios (d).*
 - *injury prevention (d).*

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- parent notification and child security (d).
- child health (d).
- infection control (d).
- medications (d).
- napping (d).
- child discipline (d).
- transportation (d).
- introduction and orientation to the children assigned to the caregiver (e).
- a review of the information in the health assessment for each child in their assigned group (f).
- procedures for releasing children to authorized individuals only (g).
- proper clean up of body fluids (h).
- signs and symptoms of child abuse and neglect, and legal reporting requirements for witnessing or suspicion of abuse, neglect, and exploitation (i).
- obtaining assistance in emergencies, as specified in the program's emergency and disaster plan (j).

Level 3 Noncompliance if a new caregiver does not have orientation training, or documentation of orientation training, in:

- job description and duties (a)
- the program's written policies and procedures (b)
- the child care licensing rules for:
 - child nutrition (d).
 - activities (d).
 - animals (d).

(8) The program director, assistant director, all caregivers, and substitutes who work an average of 10 hours a week or more, as averaged over any three month period, shall complete a minimum of 2 hours of training for each month during which they are employed, or 20 hours of training each year, based on the program's license date.

- (a) Documentation of annual training shall be kept in each caregiver's file, and shall include the name of the training organization, the date, the training topic, and the total hours or minutes of training.**

Rationale / Explanation

The American Academy of Pediatrics and the American Public Health Association recommend that all directors and caregivers complete 30 clock hours each year of ongoing training. Research has demonstrated that the training and education of the caregiver has a direct impact on the quality of care children receive. Caregivers who are better trained are better able to prevent, recognize, and correct health and safety problems. Caregivers are also more likely to avoid abusive discipline practices if they are well-informed about effective, non-abusive methods for managing children's behaviors. CFOC 3rd Ed. pg. 14-16 Standards 1.3.2.4, 1.3.2.5, 1.3.2.6, pgs 26-27 Standard 1.4.4.1, pg. 30 Standard 1.4.5.2, pgs. 81-82 Standard 2.4.1.1, pgs. 123-124 Standard 3.4.4.1, pg. 351 Standard 9.2.1.6

Accurate and complete training records are needed to track staff training and monitor compliance with this rule. CFOC 3rd Ed. pg. 393 Standard 9.4.3.3.

Enforcement

A substitute is someone who provides care on an irregular or sporadic basis. Someone with a regular schedule, is considered a regular caregiver, not a substitute.

R430-70-7: PERSONNEL.

Van drivers, cooks, secretaries, receptionists, bookkeepers, custodians, and maintenance workers do not need to complete annual training, unless they help out in a classroom at any time.

Training conducted at in-house staff meetings may be counted toward the total required training hours. However, only that portion of the staff meeting during which training was given (as opposed to business matters, such as assigning tasks or work schedules, etc.) can be counted as required training hours.

In-house training conducted at staff meetings may be documented in a log that includes all of the required information.

To count as face to face training, there must be a certificate or other documentation from the agency delivering the training for training from outside sources, such as CCR&R or outside workshops or conferences. If there is no certificate or other documentation, the training can count towards the required training hours but not as face-to-face training.

College and high school students may count clock time spent in child development courses as hours of annual training.

Always Level 3 Noncompliance.

- (8) (b) Annual training hours shall include the following topics:**
- (i) a review of the current child care licensing rules found in Sections R430-70-11 through 22;**
 - (ii) a review of the center's written policies and procedures and emergency and disaster plans, including any updates;**
 - (iii) signs and symptoms of child abuse and neglect, including sexual abuse, and legal reporting requirements for witnessing or suspicion of abuse, neglect, and exploitation;**
 - (iv) principles of child growth and development, including development of the brain; and**
 - (v) positive guidance.**

Rationale / Explanation

The American Academy of Pediatrics and the American Public Health Association recommend that all directors and caregivers complete 30 clock hours each year of ongoing training. Research has demonstrated that the training and education of the caregiver has a direct impact on the quality of care children receive. Caregivers who are better trained are better able to prevent, recognize, and correct health and safety problems. Caregivers are also more likely to avoid abusive discipline practices if they are well-informed about effective, non-abusive methods for managing children's behaviors. CFOC 3rd Ed. pg. 14-16 Standards 1.3.2.4, 1.3.2.5, 1.3.2.6, pgs 26-27 Standard 1.4.4.1, pg. 30 Standard 1.4.5.2, pgs. 81-82 Standard 2.4.1.1, pgs. 123-124 Standard 3.4.4.1, pg. 351 Standard 9.2.1.6

A yearly review of the program's written policies encourages administrators to keep this information current. CFOC 3rd Ed. pg.349 Standard 9.2.1.2.

Enforcement

In order to meet the requirement for training in Sections 11-22 of the Licensing Rules, the training must cover the actual rules, not just be on the topic of the rule section.

R430-70-7: PERSONNEL.

Always Level 3 Noncompliance.

(9) A minimum of 10 hours of the required annual in-service training shall be face-to-face instruction.

Rationale / Explanation

The American Academy of Pediatrics and the American Public Health Association recommend that all directors and caregivers complete 30 clock hours each year of ongoing training. Research has demonstrated that the training and education of the caregiver has a direct impact on the quality of care children receive. Caregivers who are better trained are better able to prevent, recognize, and correct health and safety problems. Caregivers are also more likely to avoid abusive discipline practices if they are well-informed about effective, non-abusive methods for managing children's behaviors. . CFOC 3rd Ed. pg. 14-16 Standards 1.3.2.4, 1.3.2.5, 1.3.2.6, pgs 26-27 Standard 1.4.4.1, pg. 30 Standard 1.4.5.2, pgs. 81-82 Standard 2.4.1.1, pgs. 123-124 Standard 3.4.4.1, pg. 351 Standard 9.2.1.6

Face-to-face training is important because class members can engage in discussion with one another, and ask questions about the class content.

Enforcement

Examples of face-to-face training include: time spent in program staff meeting trainings, conferences, and workshops. College and high school students may count clock time spent in child development courses as face-to-face training if the class is in-person (as opposed to online or take-home packets).

Always Level 3 Noncompliance.

R430-70-8: ADMINISTRATION.

- (1) The licensee is responsible for all aspects of the operation and management of the program.

Rationale / Explanation

The Licensee may delegate responsibilities under this rule to staff of the program. However, ultimate responsibility for compliance with all licensing rules rests with the Licensee. The Licensee must ensure that he or she has adequate oversight of staff to whom duties have been delegated to ensure the delegated duties are completed as assigned.

Enforcement

Any time there is a child in care (meaning the care in lieu of parental care of an unrelated child) the Licensee must be in compliance with licensing rules. This includes care provided at the facility by anyone at any time. This also includes care provided at another location when the children in care are the responsibility of the Licensee.

This rule will be considered out of compliance if a Licensee instructs an employee to disregard or be out of compliance with a licensing rule or rules.

Level 1 Noncompliance if the lack of adequate oversight resulted in noncompliance with one or more rules that have been identified as Level 1 Noncompliance rules.

Level 2 Noncompliance if the lack of adequate oversight resulted in noncompliance with one or more rules that have been identified as Level 2 Noncompliance rules.

Level 3 Noncompliance if the lack of adequate oversight resulted in noncompliance with one or more rules that have been identified as Level 3 Noncompliance rules.

- (2) The licensee shall comply with all federal, state, and local laws and rules pertaining to the operation of a child care program.

Rationale / Explanation

This rule is intended to address problems which are not already addressed in other child care licensing rules, but which involve the violation of a federal, state, or local law or administrative rule of another agency that applies to the operation of a child care program.

Enforcement

A finding for this rule is issued only when there is not another licensing rule that addresses the situation. The noncompliance level depends on the law or rule found out of compliance. Child Care Licensing staff will compare the seriousness of the law or rule violated with the noncompliance levels of the most similar child care licensing rules.

- (3) The provider shall not engage in or allow conduct that is adverse to the public health, morals, welfare, and safety of the children in care.

Rationale / Explanation

This rule is intended to address problems which are not already specifically mentioned in other child care licensing rules but which jeopardize children's well-being.

Enforcement

A finding for this rule is issued only when there is not another licensing rule that addresses the situation. The noncompliance level depends on the law or rule found out of compliance. Child Care Licensing staff will compare

R430-70-8: ADMINISTRATION.

the seriousness of the law or rule violated with the noncompliance levels of the most similar child care licensing rules.

- (4) **The provider shall take all reasonable measures to protect the safety of children in care. The licensee shall not engage in activity or allow conduct that unreasonably endangers children in care.**

Rationale / Explanation

This rule is intended to address problems which may arise that are not specifically mentioned in other child care licensing rules but which jeopardize children's safety.

Enforcement

Noncompliance to this rule includes jerking, pulling, lifting or swinging a child by the arm(s), which can cause a partial dislocation of the elbow, also referred to as Nursemaid's Elbow.

A finding for this rule is issued only when there is not another licensing rule that addresses the situation. The noncompliance level depends on the law or rule found out of compliance. Child Care Licensing staff will compare the seriousness of the law or rule violated with the noncompliance levels of the most similar child care licensing rules, except for the situations below:

Level 2 Noncompliance if:

- there are open, unscreened second floor or higher windows*
- a child's elbow is dislocated after his/her arm is jerked or pulled or the child is lifted or swing by his/her arm (Nursemaid's Elbow)*

Level 3 Noncompliance for open, unscreened first floor windows.

- (5) **Either the program director or a designee with written authority to act on behalf of the program director shall be present at the facility whenever the program is open for care.**

Rationale / Explanation

The purpose of this rule is to ensure that there is always a qualified individual on-site who assumes responsibility for the management of the program and the protection of children's health and safety. Lines of responsibility need to be clearly delineated, including the presence at all times of an individual who is designated to have ultimate responsibility for the functioning of the program. CFOC, 3rd Ed. pg. 347 Standard 9.1.0.1

Enforcement

Level 1 Noncompliance if there is noncompliance (due to an absent director or designee) with one or more rules that have been identified as Level 1 Noncompliance rules.

Level 2 Noncompliance if there is noncompliance (due to an absent director or designee) with one or more rules that have been identified as Level 2 Noncompliance rules.

Level 3 Noncompliance if there is noncompliance (due to an absent director or designee with one or more rule that have been identified as Level 3 Noncompliance rules, or if no director or designee is present.

- (6) **Director designees shall be at least 21 years of age, and shall have completed their orientation training.**

Rationale / Explanation

R430-70-8: ADMINISTRATION.

The director of a program plays a pivotal role in ensuring the day to day smooth functioning of the facility within the framework of appropriate child development principles. The well-being of the children in the facility depends largely upon the knowledge, skills, and dependable presence of a director who is able to respond to long-term and immediate needs, and who is able to engage staff in appropriate decision making that affects their day to day practices with children. CFOC, 3rd Ed. pgs. 10-11 Standard 1.3.1.1

Completion of orientation training prior to assuming director designee duties helps to ensure the smooth functioning of the program, and is essential in order to protect the health and safety of the children in care. CFOC, 3rd Ed. pgs. 21-22 Standard 1.4.2.1

Enforcement

Level 2 Noncompliance if the director designee has not completed his or her orientation training or is less than 18 years old.

Level 3 Noncompliance if the director designee is at least 18 years old, but not yet 21 years old.

- (7) Each week, the program director shall be on-site at the program during operating hours for at least 50% of the time the program is open to children, in order to fulfill the duties specified in this rule, and to ensure compliance with this rule.**

Rationale / Explanation

The director of a program plays a pivotal role in ensuring the day to day smooth functioning of the facility within the framework of appropriate child development principles. The well-being of the children in the facility depends largely upon the knowledge, skills, and dependable presence of a director who is able to respond to long-term and immediate needs, and who is able to engage staff in appropriate decision making that affects their day to day practices with children. CFOC, 3rd Ed. pgs. 10-11 Standard 1.3.1.1.

Enforcement

Level 1 Noncompliance if the director is not on-site at least 50% of the time the program is open to children and there is noncompliance (due to an absent director) with one or more rules that have been identified as Level 1 Noncompliance rules.

Level 2 Noncompliance if the director is not on-site at least 50% of the time the program is open to children and there is noncompliance (due to the absent director) with one or more rules that have been identified as Level 2 Noncompliance rules.

Level 3 Noncompliance if the director is not on-site at least 50% of the time the program is open to children and there is noncompliance (due to an absent director) with one or more rules that have been identified as Level 3 Noncompliance rules or if the director is not present at least 50% of the time the program is open to children.

- (8) The program director must have sufficient freedom from other responsibilities to manage the program and respond to emergencies.**

Rationale / Explanation

The purpose of this rule is to ensure that the program director is available and has sufficient freedom to perform the many duties that are required in order to supervise caregivers, ensure adequate communication with parents, monitor and correct health and safety hazards, and otherwise maintain compliance with the licensing rules. CFOC, 3rd Ed. pg. 12 Standard 1.3.1.2.

R430-70-8: ADMINISTRATION.

Enforcement

Program directors may perform a variety of duties in the course of a day, such as substituting for absent staff members, observing or training caregivers in the classroom, conferencing with parents, performing routine maintenance, etc. "Sufficient freedom" means that the program director does not also have permanent duties as a caregiver.

Level 1 Noncompliance if there is noncompliance (due to a director with insufficient freedom from other responsibilities) with one or more rules that have been identified as Level 1 Noncompliance rules.

Level 2 Noncompliance if there is noncompliance (due to a director with insufficient freedom from other responsibilities) with one or more rules that have been identified as Level 2 Noncompliance rules.

Level 3 Noncompliance if there is noncompliance (due to a director with insufficient freedom from other responsibilities) with one or more rules that have been identified as Level 3 Noncompliance rules or if no director or designee is present.

- (9) There shall be a working telephone at the facility, and the program director shall inform each child's parent and the Department of any changes to the programs's telephone number within 48 hours of the change.**

Rationale / Explanation

The purpose of the rule is to ensure that staff can contact the parents of children in care, that the parents of children in care can contact staff, and that staff can always contact emergency personnel (fire, police, ambulance, etc.) if needed. CFOC, 3rd Ed. pg. 243 Standard 5.3.1.12

Enforcement

Level 1 Noncompliance if there is an emergency and there is not a working telephone at the facility.

Level 2 Noncompliance if there is no working telephone at the facility.

Level 3 Noncompliance if there is working phone at the facility but staff does not notify parents or the department staff of a change in phone number.

- (10) The provider shall call the Department within 24 hours to report any fatality, hospitalization, emergency medical response, or injury that requires attention from a health care provider, unless an emergency medical transport was part of a child's medical treatment plan identified by the parent. The provider shall also mail or fax a written report to the Department within five days of the incident.**

Rationale / Explanation

The purpose of this rule is so that the Department staff can work with program staff to correct unsafe or unhealthy conditions and to prevent future or additional harm to children. CFOC, 3rd Ed. pg. 383 Standard 9.4.1.10

Enforcement

For the purposes of this rule, emergency medical response means a call to 911 (or the police, ambulance, or fire department, if any of these are called because of an injury to a child).

Attention from a health care provider means a visit to a licensed professional with prescriptive authority, such as a physician, nurse practitioner, or physician's assistant, and visit to a hospital or doctor. Program staff must report

R430-70-8: ADMINISTRATION.

injuries that require attention from a health care provider as soon as they become aware of the visit to the health care provider (for example, in situations where the parent took the child to a health care provider after leaving the program).

Level 1 Noncompliance for not reporting a fatality.

Level 3 Noncompliance otherwise.

- (11) The duties and responsibilities of the program director include the following:**
- (a) appoint, in writing, one or more caregivers to be a director designee, with authority to act on behalf of the program director in his or her absence;**

Rationale / Explanation

The director of a program plays a pivotal role in ensuring the day to day smooth functioning of the facility within the framework of appropriate child development principles. The well-being of the children in the facility depends largely upon the knowledge, skills, and dependable presence of a director who is able to respond to long-term and immediate needs, and who is able to engage staff in appropriate decision making that affects their day to day practices with children. CFOC, 3rd Ed. pgs. 10-11 Standard 1.3.1.1.

Enforcement

Always Level 3 Noncompliance.

- (11) The duties and responsibilities of the program director include the following:**
- (b) train and supervise staff to:**
 - (i) ensure their compliance with this rule;**
 - (ii) ensure they meet the needs of the children in care as specified in this rule; and**

Rationale / Explanation

The purpose of this rule is to ensure that all program staff have the training and ongoing supervision needed to ensure they protect children's health and safety as required in the licensing rules. CFOC, 3rd Ed. pgs. 21-22 Standard 1.4.2.1, pgs. 23-24 Standard 1.4.2.3, pgs. 43-44 Standards 1.8.2.2, 1.8.2.3, 1.8.2.4

Enforcement

Level 1 Noncompliance if a caregiver is not adequately trained or supervised to comply with any rule and a child is harmed as a result of this.

Level 3 Noncompliance otherwise, including if a caregiver is not adequately trained to report child abuse and neglect to the proper authorities.

- (11) The duties and responsibilities of the program director include the following:**
- (b) train and supervise staff to:**
 - (iii) ensure that children are not subjected to emotional, physical, or sexual abuse while in care.**

Enforcement

Always Level 1 Noncompliance.

- (12) The provider shall establish and follow written policies and procedures for the health and safety of the children in care.**

Rationale / Explanation

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The purpose of this rule is to ensure that there are written policies in place to protect children's health and safety. An organized, comprehensive approach to ensuring children's health and safety is necessary. Such an approach requires written plans, policies, and procedures, and adequate record-keeping so that there is consistency over time and across staff, as well as an understanding between parents and caregivers. This allows clear expectations to be communicated to staff, and helps program directors train and hold staff responsible for following the written policies. CFOC, 3rd Ed. pgs. 348-350 Standards 9.2.1.1, 9.2.1.2, 9.2.1.3, pg. 351 Standard 9.2.1.6

A yearly review of the program's written policies encourages administrators to keep this information current. Current information on health and safety practices that is developed cooperatively among caregivers and parents invites better compliance with health and safety procedures. CFOC, 3rd Ed. pg. 349 Standard 9.2.1.2

Enforcement

A finding to this rule is issued if the provider does not have any written policies or has them but does not follow them.

Level 2 Noncompliance if the provider does not follow his/her written policies for (a)-(d) or (g)-(j).

Level 3 Noncompliance if the provider does not follow his/her written policies for (e), (f), or (k).

- (12) The provider shall establish and follow written policies and procedures for the health and safety of the children in care. The written policies and procedures shall address at least the following areas:**
- (a) supervision and protection of children at all times, including when they are using the bathroom, on the playground, and during off-site activities;**
 - (b) maintaining required caregiver to child ratios when the program has more than the expected number of children, or fewer than the scheduled number of caregivers;**
 - (c) procedures to account for each child's attendance and whereabouts;**
 - (d) procedures to ensure that the program releases children to authorized individuals only;**
 - (e) confidentiality and release of information;**
 - (f) the use of movies and video or computer games, including what industry ratings the center allows;**
 - (g) recognizing early signs of illness and determining when there is a need for exclusion from the program;**
 - (h) discipline of children, including behavioral expectations of children and discipline methods used;**
 - (i) transportation to and from off-site activities, or to and from home, if the program offers these services; and**
 - (j) if the program offers transportation to or from school, policies addressing:
 - (i) how long children will be unattended before and after school;**
 - (ii) what steps will be taken if children fail to meet the vehicle;**
 - (iii) how and when parents will be notified of delays or problems with transportation to and from school; and**
 - (iv) the use of size-appropriate safety restraints.****
 - (k) if the program has a computer that is connected to the internet and that is accessible to any child in care:
 - (i) written policies for parents explaining how children's computer use is monitored; and**
 - (ii) a signed parent permission form for each child who is allowed to use the computer.****

Rationale / Explanation

R430-70-8: ADMINISTRATION.

The purpose of this rule is to ensure that there are written policies in place to protect children's health and safety. An organized, comprehensive approach to ensuring children's health and safety is necessary. Such an approach requires written plans, policies, and procedures, and adequate record-keeping so that there is consistency over time and across staff, as well as an understanding between parents and caregivers. This allows clear expectations to be communicated to staff, and helps program directors train and hold staff responsible for following the written policies. CFOC, 3rd Ed. pgs. 348-350 Standards 9.2.1.1, 9.2.1.2, 9.2.1.3, pg. 351 Standard 9.2.1.6

A yearly review of the program's written policies encourages administrators to keep this information current. Current information on health and safety practices that is developed cooperatively among caregivers and parents invites better compliance with health and safety procedures. CFOC, 3rd Ed. pg. 349 Standard 9.2.1.2

Enforcement

A finding will be issued if there are written policies but they are missing one or more of the required topics.

Always Level 3 Noncompliance.

(13) The provider shall ensure that the written policies and procedures are available for review by parents, staff, and the Department during business hours.

Rationale / Explanation

Current information on health and safety practices that is developed cooperatively among caregivers and parents invites better compliance with health and safety procedures. CFOC, 3rd Ed. pg. 349 Standard 9.2.1.2.

Access to these written policies by parents and staff is important to ensure that all parties understand the program's policies and expectations, and to help staff remember and follow the policies. Review of the written policies by the Department is used to determine, in part, the Licensee's compliance with the licensing rules. CFOC, 3rd Ed. pg. 380 Standard 9.4.1.5

Enforcement

Always Level 3 Noncompliance.

R430-70-9: 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 R430-70-10(9) and R430-70-10(11);

Rationale / Explanation

Review of 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 staff must hold a fire drill each month unless the facility is closed for the whole month.

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

If a facility 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 R430-70-22(3);

Rationale / Explanation

Review of 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 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 and "drop-in" children.

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;

R430-70-9: RECORDS.

Rationale / Explanation

Review of 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

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 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

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 or more years, the most recent "Request for Annual Renewal of CBS/LIS Criminal History Information for Child Care" which includes the licensee and all current providers, caregivers, and volunteers; and
 - (g) if the licensee has been licensed for one or more years, the most recent criminal background "Disclosure & Consent Statement" which includes the licensee and all current providers, caregivers, and volunteers.

Rationale / Explanation

Review of 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 are anyone with a 25% or greater share in the business, or anyone with less than a 25% share who is in the facility anytime during hours of operation. If an out of school time program'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 out of school time program (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 the program or they are in the out of school time program's room(s)/area(s) during hours of operation.
- B. They make decisions regarding the day-to-day operations of out of school time program.
- C. They hire and fire out of school time program staff.
- D. The out of school time program staff report to them and/or they conduct personnel evaluations of the staff.
- E. They are involved in writing the out of school time program's policies and procedures.

R430-70-9: RECORDS.

2. **Employees**

Employees are anyone hired to work for the out of school time program. For programs located in buildings that also house other activities (for example, a city or county recreation center, a community center, a church, or a school), non-program employees (those who do not have any duties working with children in the program), are not required to submit background screening documents, provided the licensees first submit a written policy explaining how they will ensure that non-program employees will not have unsupervised access to children in the program, including when children in the program are in the bathroom.

If employees are on leave, for example, maternity leave, and are considered employees of the program 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 program while on leave, they are to submit new initial background screening forms when they return from leave.

3. **Providers**

Providers are anyone who interacts with one or more children in the program.

4. **Volunteers, except parents of children enrolled**

Volunteer are any volunteer who works with the children or is in the out of school time's room(s)/area(s) when the program is open. When a parent who volunteers for the out of school time program receives compensation (either monetary or free enrollment) 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 the program except his/her own child.

Volunteers include students completing a practicum for a high school or college course that involves working in a regulated out of school time program, 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 the program**

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>

(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;**
 - (vi) if available, the name, address, and phone number of an out of area/state emergency**

R430-70-9: RECORDS.

- (vii) **contact person for the child; and current emergency medical treatment and emergency medical transportation releases with the parent's signature;**

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 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 "drop-in" children.

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

Parents may list more than one child on an admission form but a separate health assessment is required for each individual child.

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 current annual health assessment form as required in R430-70-14(5);**

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 health status and needs and medications is required to ensure that caregivers meet the needs of each individual child. Admission of children without this information can leave the center unprepared to deal with children's daily and emergent health needs. 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 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 "drop-in" children.

Parents may list more than one child on an admission form but a separate health assessment is required for each individual child.

R430-70-9: RECORDS.

Always Level 3 Noncompliance.

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

Rationale / Explanation

Review of 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 "drop-in" children.

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 by the Department:
- (d) 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 health status and needs and medications is required to ensure that caregivers meet the needs of each individual child. Admission of children without this information can leave the center unprepared to deal with children's daily and emergent health needs. 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 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 "drop-in" children.

Always Level 3 Noncompliance.

- (2) The provider shall maintain the following records for each currently enrolled child on-site for review by the Department:
- (e) 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. Information about each child's health status and needs and medications is required to ensure that caregivers meet the needs of each individual child. Admission of children without this information can leave the center unprepared to deal with children's daily and emergent health needs. Records of child injuries can be used to discern possible child abuse, and to help prevent future injury. CFOC, 3rd

R430-70-9: RECORDS.

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 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 "drop-in" children.

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 2 Noncompliance if the information released results in a prohibited person having contact with 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 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 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:

R430-70-9: RECORDS.

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 facility anytime during hours of operation. If an out of school time program'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 out of school time program (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 the program or they are in the out of school time program's room(s)/area(s) during hours of operation.
- B. They make decisions regarding the day-to-day operations of out of school time program.
- C. They hire and fire out of school time program staff.
- D. The out of school time program staff report to them and/or they conduct personnel evaluations of the staff.
- E. They are involved in writing the out of school time program's policies and procedures.

2. Employees

Employees are anyone hired to work for the out of school time program. For programs located in buildings that also house other activities (for example, a city or county recreation center, a community center, a church, or a school), non-program employees (those who do not have any duties working with children in the program), are not required to submit background screening documents, provided the licensees first submit a written policy explaining how they will ensure that non-program employees will not have unsupervised access to children in the program, including when children in the program are in the bathroom.

If employees are on leave, for example, maternity leave, and are considered employees of the program 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 program while on leave, they are to submit new initial background screening forms when they return from leave.

3. Providers

Providers are anyone who interacts with one or more children in the program.

4. Volunteers, except parents of children enrolled

Volunteer are any volunteer who works with the children or is in the out of school time's room(s)/area(s) when the program is open. When a parent who volunteers for the out of school time program receives compensation (either monetary or free enrollment) 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 the program except his/her own child.

Volunteers include students completing a practicum for a high school or college course that involves working in a regulated out of school time program, 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 the program

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.

R430-70-9: RECORDS.

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

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 programs (such as those that follow the school calendar, those that are open only in the summers, and those that are only open only during ski seasons) can be listed on renewal CBS/LIS forms if they remain living in Utah while the program is closed.

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;**

Rationale / Explanation

Review of 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 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:**

R430-70-9: RECORDS.

- (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 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 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 R430-70-10(2), R430-70-20(5)(d), and R430-70-21(2).

Rationale / Explanation

Review of 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.

R430-70-10: EMERGENCY PREPAREDNESS.

- (1) **The provider shall post the program's street address and emergency numbers, including ambulance, fire, police, and poison control, near each telephone in the facility.**

Rationale / Explanation

It is easy for caregivers to panic in an emergency situation. The purpose of this rule is so that caregivers have easy and immediate access to phone numbers they might need to use in an emergency, and can give emergency personnel, such as the police or the fire department, the center's street address. CFOC, 3rd Ed. pgs. 380-381 Standard 9.4.1.6

Enforcement

The rule is in compliance if "911" is posted for ambulance, fire, and police, but not if 911 is posted for poison control.

If a telephone will not make outgoing phone calls, the emergency numbers do not have to be posted near that telephone.

If a classroom telephone is programmed such that it will only dial 911, the only thing that needs to be posted at that telephone is the center's physical address and the number for poison control.

If only a cell phone is used, this information needs to be posted in plain view in an obvious place in the facility so that anyone needing the information can find it.

Level 1 Noncompliance if failure to post this information resulted in an emergency situation in which emergency personnel were not contacted or able to respond in a timely manner.

Level 3 Noncompliance otherwise.

- (2) **At least one person at the facility at all times when children are in care shall have a current Red Cross, American Heart Association, or equivalent first aid and infant and child CPR certification.**

Rationale / Explanation

To ensure the health and safety of children in a child care setting, including during off-site activities, someone who is qualified to respond to common life-threatening emergencies must be present at all times. The presence of such a qualified person can mitigate the consequences of injury and reduce the potential for death from life-threatening conditions. Having these emergency skills, and the confidence to use them, are critically important to the outcome of an emergency situation. CFOC, 3rd Ed. pgs. 24-25 Standard 1.4.3.1, 1.4.3.2

Enforcement

The expiration date on the first aid and CPR card determines whether 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.

Level 2 Noncompliance for no CPR certification.

Level 3 Noncompliance for no first aid certification.

- (3) **The program shall maintain first aid supplies in the center, including at least antiseptic, band-aids, and tweezers.**

R430-70-10: EMERGENCY PREPAREDNESS.

Rationale / Explanation

The purpose of this rule is to ensure there are supplies needed to respond to minor injuries of children. CFOC, 3rd Ed. pg. 257-258 Standard 5.6.0.1

Enforcement

Always Level 3 Noncompliance.

- (4) The provider shall have a written emergency and disaster plan which shall include at least the following:
- (a) procedures for responding to medical emergencies and serious injuries that require treatment by a health care provider;
 - (b) procedures for responding to fire, earthquake, flood, power failure, and water failure;
 - (c) the location of and procedure for emergency shut off of gas, electricity, and water;
 - (d) an emergency relocation site where children may be housed if the facility is uninhabitable;
 - (e) a means of posting the relocation site address in a conspicuous location that can be seen even if the facility is closed;
 - (f) the transportation route and means of getting staff and children to the emergency relocation site;
 - (g) a means of accounting for each child's presence in route to and at the relocation site;
 - (h) a means of accessing children's emergency contact information and emergency releases; including contact information for an out of area/state emergency contact person for the child, if available;
 - (i) provisions for emergency supplies, including at least food, water, a first aid kit, and a cell phone;
 - (j) procedures for ensuring adequate supervision of children during emergency situations, including while at the program's emergency relocation site; and
 - (k) staff assignments for specific tasks during an emergency.

Rationale / Explanation

Maintaining calm and composed thinking can be difficult in emergency situations. When emergencies happen, it is important to have a well thought-out and practiced plan in writing that staff can refer to. Having such a practiced plan can prevent poor judgement in the stress of an emergency situation. CFOC, 3rd Ed. pgs. 366-368 Standard 9.2.4.3.

The requirement for posting the relocation site address in a conspicuous location is so that, in the event of an emergency when the center has been evacuated, parents coming to the center will know where the children have been evacuated to.

Additional helpful (but not mandatory) emergency supplies could include blankets, a flashlight, and books, toys, or activities to occupy children.

Enforcement

Level 2 Noncompliance if there is no written emergency and disaster plan, but this has not resulted in injury to a child.

Level 3 Noncompliance otherwise.

- (5) The provider shall ensure that the emergency and disaster plan is followed in the event of an

R430-70-10: EMERGENCY PREPAREDNESS.

emergency.

Rationale / Explanation

This rule is closely tied to R430-70-8(5), which requires that either the program director or a designee with written authority to act on behalf of the program director is present at the facility whenever the program is open for care. In an emergency situation, it is crucial that there be a clearly designated line of authority, and that the person in charge directs all staff to carry out the emergency plan as written and practiced. This cannot happen unless staff have regular training in the plan and practice in carrying it out.

Enforcement

Level 1 Noncompliance if the failure to follow the written emergency and disaster plan results in injury to a child.

Level 2 Noncompliance otherwise.

- (6) The provider shall review the emergency and disaster plan annually, and update it as needed. The provider shall note the date of reviews and updates to the plan on the plan.**

Rationale / Explanation

The purpose of this rule is to ensure that the information in the emergency and disaster plan is up-to-date, so that staff do not attempt to follow an out-of-date plan in the event of an emergency.

Enforcement

Always Level 3 Noncompliance.

- (7) The emergency and disaster plan shall be available for immediate review by staff, parents, and the Department during business hours.**

Rationale / Explanation

Maintaining calm and composed thinking can be difficult in emergency situations. It is crucial for staff to have access to the written plan to refer to in the event of an emergency. Parents need access to the plan to ensure they understand what procedures the center will follow in the event of an emergency. CFOC, 3rd Ed. pgs. 366-368 Standard 9.2.4.3 , pgs. 349-350 Standard 9.2.1.3

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

Enforcement

Always Level 3 Noncompliance.

- (8) The provider shall conduct fire evacuation drills monthly during each month that the program is open. Drills shall include complete exit of all children and staff from the building.**

Rationale / Explanation

Maintaining calm and composed thinking can be difficult in emergency situations. When emergencies happen, it is important to have a well thought-out and practiced plan in writing that staff can refer to. Having such a practiced plan can prevent poor judgements made in the stress of an emergency situation. Practicing the plan also provides opportunities to identify and work out any problems that arise during practice, before actual emergencies occur. CFOC, 3rd Ed. pgs. 366-368 Standard 9.2.4.3

R430-70-10: EMERGENCY PREPAREDNESS.

*It is easy for caregivers to panic in an emergency situation. The purpose of this rule is so that caregivers can practice any additional procedures that are needed for children who might need extra attention. If these procedures are not in place, caregivers are in danger of neglecting some children or paying too much attention to others while they are in charge of evacuating **all** children.*

Furthermore, explicit attention to special needs children in practicing drills and in the evacuation plan itself is needed since there is such a wide variety of what might occur in the variety of emergencies. Some children are physically vulnerable. They may be in wheelchairs or rely on feeding tubes. Others have intellectual and/or emotional challenges such as autism. Any disruption in their routines can pose serious challenges. If a disaster strikes, these children are the most vulnerable, least able to protect themselves. Therefore, identification of the children with special needs; and the practice of evacuating them along with all the other children are both critical for adequate preparation. Save the Children National Guidance, October 2012

Enforcement

A fire evacuation drill must be conducted every month that the program is open for one week or longer.

Level 1 Noncompliance if there is not a record of any drills being conducted for each of the previous 12 months and there is an actual fire in which children were not effectively evacuated.

Level 2 Noncompliance if there were no drills conducted for 1 to 7 of the previous 12 months.

Level 3 Noncompliance if there were no drills conducted for 8 to 11 of the last previous months.

- (9) The provider shall document all fire drills, including:**
- (a) the date and time of the drill;**
 - (b) the number of children participating;**
 - (c) the name of the person supervising the drill;**
 - (d) the total time to complete the evacuation; and**
 - (e) any problems encountered.**

Rationale / Explanation

Maintaining calm and composed thinking can be difficult in emergency situations. When emergencies happen, it is important to have a well thought-out and practiced plan in writing that staff can refer to. Having such a practiced plan can prevent poor judgements made in the stress of an emergency situation. Practicing the plan also provides opportunities to identify and work out any problems that arise during practice, before actual emergencies occur. CFOC, 3rd Ed. pgs. 366-368 Standard 9.2.4.3

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

Enforcement

To be in compliance with this rule, providers must document all required information.

Always Level 3 Noncompliance.

- (10) The provider shall conduct drills for disasters other than fires at least once every six months that the program is open.**

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Rationale / Explanation

Maintaining calm and composed thinking can be difficult in emergency situations. When emergencies happen, it is important to have a well thought-out and practiced plan in writing that staff can refer to. Having such a practiced plan can prevent poor judgements made in the stress of an emergency situation. Practicing the plan also provides opportunities to identify and work out any problems that arise during practice, before actual emergencies occur. CFOC, 3rd Ed. pgs. 366-368 Standard 9.2.4.3

Enforcement

A disaster drill must be conducted once every six months that the program is open.

Level 1 Noncompliance if there is not a record of at least one drill having been conducted every six months and there is an actual disaster in which children were not effectively evacuated.

Level 2 Noncompliance if there is not a record of at least one drill having been conducted every six months.

- (11) **The provider shall document all disaster drills, including:**
- (a) **the type of disaster, such as earthquake, flood, prolonged power outage, tornado;**
 - (b) **the date and time of the drill;**
 - (c) **the number of children participating;**
 - (d) **the name of the person supervising the drill; and**
 - (e) **any problems encountered.**

Rationale / Explanation

Maintaining calm and composed thinking can be difficult in emergency situations. When emergencies happen, it is important to have a well thought-out and practiced plan in writing that staff can refer to. Having such a practiced plan can prevent poor judgements made in the stress of an emergency situation. Practicing the plan also provides opportunities to identify and work out any problems that arise during practice, before actual emergencies occur. CFOC, 3rd Ed. pgs. 366-368 Standard 9.2.4.3

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

Enforcement

To be in compliance with this rule, providers must document all required information.

Always Level 3 Noncompliance.

- (12) **The program shall vary the days and times on which fire and other disaster drills are held.**

Rationale / Explanation

The purpose of this rule is so that all staff and children, including part-time staff and children, have opportunities to practice the emergency drills, and to ensure that drills are practiced during different routine times, such as meal times, nap times, etc.

Enforcement

In order for the day and time of the drills to be considered "varied", drills must be held on at least two different days of the week and two different times of the day.

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Always Level 3 Noncompliance.

R430-70-11: SUPERVISION AND RATIOS.

- (1) **The provider shall ensure that caregivers provide and maintain direct supervision of all children at all times.**

Rationale / Explanation

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. Caregivers are to regularly assess the environment to see how their ability to see and hear children during activities might be improved. Many instances have been reported in which a child was hidden when the group was moving to another location or a child wandered off when a door was open. Regular counting of children can alert the caregiver to a missing child. CFOC, 3rd Ed. pgs. 64-66 Standard 2.2.0.1.

Enforcement

Children are allowed to go to the bathroom by themselves, as long as the Licensee has and follows a written policy that includes the following:

- *Only one child at a time from a classroom may be allowed to go to the bathroom by himself/herself. Another child cannot be allowed to leave to use the bathroom until the previous child has returned.*
- *To make sure each child returns in a reasonable amount of time, the classroom caregiver must track the time each child is gone to use the bathroom,*
- *Building exits must be effectively monitored to ensure that children sent to the bathroom do not leave the building.*
- *If the children use a bathroom that is shared by the public (for example a gym, rec center, park bathroom, etc.), information regarding the supervision of children while in the bathroom.*

Always Level 2 Noncompliance

- (2) **Caregivers shall actively supervise children on the playground to minimize the risk of injury to a child.**

Rationale / Explanation

Children like to test their skills and abilities. This is particularly true in outdoor playgrounds with playground equipment. Even if the highest safety standards for playground layout, equipment, and surfacing are met, serious injuries can still happen if children are left unsupervised. CFOC, 3rd Ed. pgs. 64-66 Standard 2.2.0.1.

Enforcement

Actively supervising children means the caregivers' attention is focused on the children at all times, and not on personal interests (such as visiting with other caregivers, talking on a cell phone, text messaging, reading, etc.) or non-caregiving duties. Caregivers are also to maintain awareness of the entire group even when interacting with small groups or individual children and position themselves so that all children playing on the playground are supervised.

If there are children on separate playgrounds and there is not an open gate between them, there must be a caregiver(s) in each of the playgrounds.

Children may be allowed to leave the playground to use the bathroom by themselves, as long as the Licensee has and follows a written policy that includes the following:

- *Only one child at a time from each group on the playground may be allowed to go to the bathroom by themselves. Another child cannot be allowed to leave to use the bathroom until the previous child*

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has returned.

- The caregiver must track the time each child is gone to use the bathroom, to make sure each child returns in a reasonable amount of time.
- Building exits must be effectively monitored to ensure that children sent to the bathroom do not leave the building.
- If the children use a bathroom that is shared by the public (for example a gym, rec center, park bathroom, etc.), information regarding the supervision of children while in the bathroom.

Always Level 1 Noncompliance.

- (3) There shall be at least two caregivers with the children at all times when there are more than 8 children present.**

Rationale / Explanation

The purpose of this rule is so that there will be a second caregiver available to respond to emergencies if needed, while the other caregiver supervises the children. CFOC, 3rd Ed. pgs. 4-6 Standard 1.1.1.2

Enforcement

This rule is out of compliance when there is a total of more than 8 children present at the facility, but only 1 caregiver with the children.

If ratios are in compliance with one caregiver, the second caregiver can be in any part of the facility.

Level 1 Noncompliance if there are more than 15 children in the group of children.

Level 2 Noncompliance otherwise.

- (4) The licensee shall maintain a minimum caregiver to child ratio of one caregiver for every 20 children.**

- (5) The licensee shall maintain a maximum group size of 40 children per group.**

Rationale / Explanation

An October 2005 legislative audit of the Bureau of Child Care Licensing examined Utah's ratio rule specifically, and found that Utah's requirements are consistent with other states. The audit stated that Utah ratios are actually on the less restrictive end of the range used by states, and fall below the national standards for every age group. The audit concluded that Utah's rules are reasonable and justifiable.

The purpose of required caregiver to child ratios is to ensure that there are enough caregivers to adequately supervise children, ensure children's safety, and meet children's needs. It is also important for caregiver to child ratios to be sufficiently low to keep caregiver stress below levels that could result in anger with children. Caring for too many children increases the possibility of stress for caregivers, and may result in loss of self-control. CFOC, pgs. 3-5 Standard 1.002

The American Academy of Pediatrics and the American Public Health Association recommend the following maximum caregiver to child ratios and group sizes. CFOC, 3rd Ed. pgs. 4-6 Standard 1.1.1.2

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<u>Age</u>	<u>Staff to Child Ratio</u>	<u>Maximum Group Size</u>
5-year-olds	1:8	16
6 – 8-year-olds	1:10	20
9 – 12-year-olds	1:12	24

Enforcement

A group with more than one caregiver may be temporarily out of ratio for brief periods of 15 minutes or less if one caregiver leaves the room but remains in the facility in order to meet the immediate needs of the children in his or her group, such as helping a child who is hurt, getting food for children, taking a sick child to the office, getting medication for a child, helping a child in the bathroom, helping a child change soiled clothing, etc. (Examples of tasks **not** related to meeting the immediate needs of the children in the group include: doing laundry or other housekeeping duties, making personal phone calls, taking a work break, etc.) **However, when this is done, Licensees must always remember that at least one caregiver must remain with the children and that no caregiver under the age of 18 can ever be left alone with children, even for brief periods of time.**

Level 1 Noncompliance:

Over ratio or group size by 6 or more children

Level 2 Noncompliance:

Over ratio or group size by 4-5 children

Level 3 Noncompliance:

Over ratio or group size by 1-3 children

When there is enough staff to be in ratio in each age group, but the children in one or more age groups are not grouped to meet the required ratios

- (6) The children of the licensee or any employee are not counted in the caregiver to child ratios when the parent of the child is working at the program, but are counted in the maximum group size.

Rationale / Explanation

This rule will be used to determine if a Licensee is in compliance with the rules on required capacity, caregiver to child ratios, and maximum group sizes.

Enforcement

A child's parent is considered to be "working at the center" if they are on the clock at the center but have left to perform a work-related duty (for example, a bus run or buying center supplies) or if they are on a lunch or work break.

R430-70-12: INJURY PREVENTION.

- (1) The provider shall ensure that the building, grounds, toys, and equipment are maintained and used in a safe manner to prevent injury to children.

Rationale / Explanation

Proper maintenance is a key factor in trying to ensure a safe environment for children. Regular inspections are critical to prevent breakdown of equipment and the accumulation of hazards in the environment, and to ensure that needed repairs are made quickly. Regular maintenance checks and appropriate corrective actions documented in writing can reduce the risk of potential injury and provide a mechanism for periodic monitoring and improvements. CFOC, 3rd Ed. pgs. 237-238 Standard 5.3.1.1, pgs. 259-260 Standard 5.7.0.2, pg. 260 Standard 5.7.0.4, pg. 277 Standard 6.2.5.1, pg. 375 Standard 9.2.6.3

The physical structure where children spend each day can present safety concerns if it is not kept in good repair and maintained in a safe condition. For example, peeling paint in older buildings may be ingested, floor surfaces in disrepair could cause falls and other injuries, broken windows could cause severe cuts. Children's environments must also be protected from exposure to moisture, dust, and excessive temperatures. CFOC, 3rd Ed. pg. 261 Standard 5.7.0.7

The American Academy of Pediatrics and the American Public Health Association recommend that windows in areas used by children under age 5 not open more than 3.5 inches, or else be protected with guards that prevent children from falling out of the window. CFOC, 3rd Ed. pgs. 204-205 Standard 5.1.3.2.

Constant direct supervision is also needed in order to ensure that even well-maintained equipment is not used in unsafe ways. CFOC, 3rd Ed. pgs. 64-66 Standard 2.2.0.1

Enforcement

This rule applies to both indoor and outdoor areas.

Level 2 Noncompliance if melting wax, such as in a candle warmer, is accessible to children.

Other than above, a finding to this rule is issued only when there is not another rule that specifically addresses an observed lack of safe maintenance or use of the building, grounds, toys, and equipment. The noncompliance level depends on what was observed.

- (2) The provider shall ensure that walkways are free of tripping hazards such as unsecured flooring or cords.

Rationale / Explanation

The purpose of this rule is to prevent injuries to children from tripping and falling. CFOC, 3rd Ed. pgs. 237-238 Standard 5.3.1.1

Enforcement

This rule does not prevent the use of throw rugs.

Always Level 2 Noncompliance.

- (3) Areas accessible to children shall be free of unstable heavy equipment, furniture, or other items that children could pull down on themselves.

Rationale / Explanation

R430-70-12: INJURY PREVENTION.

Children have suffered serious injuries and death due to unstable heavy equipment falling on them. The Consumer Product Safety Commission (CPSC) estimates that, between 2009 and 2011, 25,400 children had emergency department treated injuries from tip-overs and 44% of those tip-overs involved televisions and furniture. They also estimate that, between 2009 and 2011, there were 294 child fatalities from tip-overs and 62% of those involved televisions and furniture.

Enforcement

Always Level 2 Noncompliance.

- (4) **The following items shall be inaccessible to children:**
- (a) **firearms, ammunition, and other weapons on the premises. Firearms shall be stored separately from ammunition, in a locked cabinet or area, unless the use is in accordance with the Utah Concealed Weapons Act, or as otherwise allowed by law;**

Rationale / Explanation

The purpose of this rule is to prevent child injuries or deaths from firearms. Children have a natural curiosity about firearms and have often seen their use glamorized on television. Firearms pose a great potential for tragic accidents with children. CFOC, 3rd Ed. pg. 257 Standard 5.5.0.8, pg. 363 Standard 9.2.3.16.

Enforcement

This rule applies to both indoor and outdoor areas.

Firearms include guns, muzzle loaders, rifles, shotguns, hand guns, pistols, and automatic guns.

Firearms must be stored separately from ammunition, in a cabinet or area that is locked with a key or combination lock. Use of a trigger lock is not an acceptable alternative to storing firearms in a locked cabinet or area.

A weapon is defined as an item for which the intended use can cause harm or death to people or animals. Paintball guns, BB guns, Airsoft guns, stun guns, tasers, and mace are considered weapons, and must be inaccessible to children in care.

Level 2 Noncompliance if a firearm with a trigger lock is accessible.

Level 1 Noncompliance otherwise.

- (4) **The following items shall be inaccessible to children:**
- (b) **tobacco, alcohol, illegal substances, and sexually explicit material;**

Rationale / Explanation

The age, defenselessness, and lack of mature judgement of children in care make the prohibition of tobacco, alcohol, and illegal substances an absolute requirement in child care programs. CFOC, 3rd Ed. pg. 118-119 Standard 3.4.1.1, pg. 363 Standard 9.2.3.15

Scientific evidence has linked respiratory health risks to secondhand smoke. No children, especially those with respiratory problems, should be exposed to additional risk from the air they breathe. Infants and young children exposed to secondhand smoke are at risk of developing bronchitis, pneumonia, and middle ear infections when they experience common respiratory infections. CFOC, 3rd Ed. pg. 118-119 Standard 3.4.1.1, pg. 363 Standard 9.2.3.15

R430-70-12: INJURY PREVENTION.

Enforcement

This rule applies to both indoor and outdoor areas.

Unsmoked cigarettes, cigarette butts, electronic cigarettes and chewing tobacco must be inaccessible because they contain tobacco and harmful substances.

Level 1 Noncompliance if children have access to tobacco, alcohol, or illegal substances

Level 2 Noncompliance otherwise.

- (4) The following items shall be inaccessible to children:**
(c) when in use, portable space heaters, fireplaces, and wood burning stoves;

Rationale / Explanation

Portable space heaters, fireplaces, and wood burning stoves are all hot enough to burn children when in use. They can also start fires when heating elements, flames, or hot surfaces are too close to flammable materials, including children's clothing. In addition, fireplaces and wood burning stoves can be sources of toxic products of combustion. CFOC, 3rd Ed. pgs. 215-216 Standards 5.2.1.11, 5.2.1.12, 5.2.1.13

Enforcement

This rule applies to both indoor and outdoor areas.

Level 1 Noncompliance for accessible wood burning stoves or fireplaces.

Level 2 Noncompliance for accessible portable space heaters.

- (4) The following items shall be inaccessible to children:**
(d) toxic or hazardous chemicals such as insecticides, lawn products, and flammable materials;

Rationale / Explanation

All of these substances can cause illness or death through accidental ingestion. Flammable materials are also involved in many non-house fire flash burn admissions to burn units. CFOC, 3rd Ed. pgs. 226-229 Standards 5.2.8.1, 5.2.9.1, pgs. 234-235 Standard 5.2.9.11, pg. 256 Standard 5.5.0.5

Enforcement

This rule applies to both indoor and outdoor areas.

Sanitizers, including bleach water, are considered to be hazardous chemicals.

Level 2 Noncompliance if any of the following are accessible to children:

- *insecticide*
- *insect repellent*
- *pesticide*
- *weed killer*
- *gasoline*
- *kerosene*
- *paint thinner*
- *turpentine*
- *linseed oil*

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- jewelry cleaner
- bleach
- nail polish remover
- rubbing alcohol
- anti-freeze
- windshield washer fluid
- gunpowder
- WD-40
- super glue
- liquid correction fluids, such as White Out
- rubber cement
- spray paint
- gun solvent
- water sealant
- fertilizer with weed killer (such as Weed and Feed)
- iodine
- model glue
- drain cleaners
- ammonia
- florescent light bulbs not in lamps or other similar light fixtures

Level 3 Noncompliance if fish bowl/tank cleaners are accessible to children.

- (4) The following items shall be inaccessible to children:
(e) poisonous plants;

Rationale / Explanation

Plants are among the most common household substances that children ingest. Poisonous plants can also cause skin rashes. CFOC, 3rd Ed. pg. 234 Standard 5.2.9.10

See CFOC, 3rd Ed. pgs. 470-471, Appendix Y for a list of safe and poisonous plants.

Enforcement

Poisonous plants include poison ivy, poison oak, stinging nettle, oleander, jimson weed, castor bean, toadstools, and mushrooms.

Always Level 3 Noncompliance.

- (4) The following items shall be inaccessible to children:
(f) matches or cigarette lighters;

Rationale / Explanation

Accidental fires are often started by children playing with matches and cigarette lighters. CFOC, 3rd Ed. pg. 256 Standard 5.5.0.6

Enforcement

Always Level 2 Noncompliance.

- (4) The following items shall be inaccessible to children:

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(g) open flames; and

Rationale / Explanation

Children are at risk of burns from open flames. Fires may also be accidentally started by open flames, such as a burning candle. CFOC, 3rd Ed. pg. 256 Standard 5.5.0.6

Enforcement

This rule does not prevent a program from having a birthday cake or cupcakes with candles, provided there is constant direct supervision of the lit candles until they are blown out. However, local Fire Marshal rules must be followed.

Always Level 1 Noncompliance.

(4) The following items shall be inaccessible to children:

(h) razors or similarly sharp blades.

Rationale / Explanation

The purpose of this rule is to prevent children from being cut or having their skin punctured by sharp objects. CFOC, 3rd E. pgs. 237-238 Standard 5.3.1.2, pgs. 284-285 Standard 6.4.1.2

Enforcement

This rule does not include staples, staplers, adult scissors, thumb tacks, push pins, or staple removers.

This rule is not meant to prohibit children from engaging in supervised woodworking activities.

Always Level 2 Noncompliance.

(5) The provider shall store all toxic or hazardous chemicals in a container labeled with its contents.

Rationale / Explanation

The purpose of this rule is so that a toxic or hazardous chemical is not mistaken for a harmless material. For example, an unlabeled bottle of bleach water used for sanitizing could be mistaken for plain water. CFOC, 3rd Ed. pgs. 228-229 Standard 5.2.9.1

Enforcement

Toxic or hazardous chemicals include sanitizing solutions.

Always Level 2 Noncompliance.

(6) Hot water accessible to children shall not exceed 120 degrees Fahrenheit.

Rationale / Explanation

Tap water burns are the leading cause of nonfatal burns, and children under 5 years of age are the most frequent victims. Water heated to 130 degrees Fahrenheit takes only 30 seconds to burn the skin. Water heated to 120 degrees takes 2 minutes to burn the skin. CFOC, 3rd Ed. pg. 216 Standard 5.2.1.14

Enforcement

This rule applies to both indoor and outdoor areas.

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This rule refers to water in sinks used by children.

Due to the variable accuracy of hot water thermometers, this rule is not considered out of compliance unless the temperature measures 123 degrees or hotter.

Level 2 Noncompliance if the hot water temperature is 128 degrees or higher.

Level 3 Noncompliance if the temperature is between 123 and 127.9 degrees.

- (7) Indoor stationary gross motor play equipment, such as slides and climbers, shall not have a designated play surface that exceeds 5-1/2 feet in height. If such equipment has an elevated designated play surface that is 3 feet or higher it shall be surrounded by cushioning that meets ASTM Standard F1292, in a six foot use zone.**

Rationale / Explanation

This rule is based on guidelines from the Consumer Product Safety Commission. Improper cushioning material under playground equipment is the leading cause of playground related injuries. Over 70% of all accidents on play equipment are from children falling. Hard surfaces are not acceptable under most play equipment. A fall onto a hard surface could be life threatening. CFOC, 3rd Ed. pgs. 237-238 Standard 5.3.1.1, pgs. 273-274 Standard 6.2.3.1, pgs. 277-278 Standard 6.2.5.2

There are several different types of ASTM compliant cushioning that can be used under indoor play equipment. These include certain mats, carpeting, and unitary cushioning materials. For examples of possible ASTM compliant indoor cushioning materials, see:

- <http://www.safelandings.com>
- <http://www.surfaceplay.com>
- <http://www.baplaysets.com/shopping/cfmodularmats.asp>
- http://www.daycaremall.com/softplay_3.html

Enforcement

This rule only applies to stationary gross motor play equipment, such as a climber, slide, swing, or merry-go-round. A rock wall is not considered a climber.

Slides in indoor swimming areas do not count as playground equipment.

Mats that are part of the equipment are considered cushioning and part of the use zone.

Level 1 Noncompliance if indoor play equipment exceeds the allowed height and does not have the required cushioning.

Level 2 Noncompliance if indoor play equipment exceeds the allowed height but has the required cushioning.

- (8) There shall be no trampolines on the premises that are accessible to children in care.**

Rationale / Explanation

Trampolines pose serious safety hazards. The Consumer Product Safety Commission estimates that in 1998 there were 95,000 hospital emergency room-treated injuries associated with trampolines. About 75% of the victims are under 15 years of age. The hazards that result in injuries and deaths are:

- *falling or jumping off the trampoline.*

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- falling on the trampoline springs or frame.
- colliding with another person on the trampoline.
- landing improperly while jumping or doing stunts on the trampoline.

Enforcement

This rule includes full size above-ground trampolines, built into the ground trampolines, and mini-trampolines.

Always Level 1 Noncompliance.

- (9) **If there is a swimming pool on the premises that is not emptied after each use:**
- (a) **the provider shall ensure that the pool is enclosed within a fence or other solid barrier at least six feet high that is kept locked whenever the pool is not in use;**

Rationale / Explanation

The purpose of this rule is to prevent both injury and drowning. Most children drown within a few feet of safety, and drowning is one of the leading causes of unintentional injury to children under 5 years of age. CFOC, 3rd Ed. pg. 7 Standard 1.1.1.5, pg. 267 Standard 6.1.0.6, pg. 278 Standard 6.3.1.1, pg. 280 Standards 6.3.1.6, 6.3.1.7, 6.3.1.8, pgs. 281-282 Standards 6.3.2.1, 6.3.2.2, 6.3.2.3, 6.3.3.1, 6.3.3.2, 6.3.3.4

Enforcement

This rule applies to both indoor and outdoor areas.

For a swimming pool fence to be considered locked, it must have a key or combination lock.

Always Level 1 Noncompliance.

- (9) **If there is a swimming pool on the premises that is not emptied after each use:**
- (b) **the provider shall maintain the pool in a safe manner;**

Rationale / Explanation

The purpose of this rule is to prevent both injury and drowning. Most children drown within a few feet of safety, and drowning is one of the leading causes of unintentional injury to children under 5 years of age. CFOC, 3rd Ed. pg. 7 Standard 1.1.1.5, pg. 267 Standard 6.1.0.6, pg. 278 Standard 6.3.1.1, pg. 280 Standards 6.3.1.6, 6.3.1.7, 6.3.1.8, pgs. 281-282 Standards 6.3.2.1, 6.3.2.2, 6.3.2.3, 6.3.3.1, 6.3.3.2, 6.3.3.4

Enforcement

This rule applies to both indoor and outdoor areas.

A finding to this rule is issued only when there is not another licensing rule that addresses a problem. The noncompliance level depends on the problem. Child Care Licensing staff will compare the seriousness of the problem with the noncompliance levels of the most similar child care licensing rules.

- (9) **If there is a swimming pool on the premises that is not emptied after each use:**
- (c) **the provider shall meet all applicable state and local laws and ordinances related to the operation of a swimming pool; and**

Rationale / Explanation

The purpose of this rule is to prevent both injury and drowning. Most children drown within a few feet of safety, and drowning is one of the leading causes of unintentional injury to children under 5 years of age. CFOC, 3rd Ed.

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pg. 7 Standard 1.1.1.5, pg. 267 Standard 6.1.0.6, pg. 278 Standard 6.3.1.1, pg. 280 Standards 6.3.1.6, 6.3.1.7, 6.3.1.8, pgs. 281-282 Standards 6.3.2.1, 6.3.2.2, 6.3.2.3, 6.3.3.1, 6.3.3.2, 6.3.3.4

This rule is intended to address problems which are not already addressed in other child care licensing rules, but which involve the violation of a federal, state, or local law or administrative rule of another agency that applies to the operation of a child care facility.

Enforcement

This rule applies to both indoor and outdoor areas.

Always Level 3 Noncompliance.

- (9) **If there is a swimming pool on the premises that is not emptied after each use:**
- (d) **If the pool is over four feet deep, there shall be a Red Cross certified life guard on duty, or a lifeguard certified by another agency that the licensee can demonstrate to the Department to be equivalent to Red Cross certification, any time children have access to the pool.**

Rationale / Explanation

The purpose of this rule is to prevent both injury and drowning. Most children drown within a few feet of safety, and drowning is one of the leading causes of unintentional injury to children under 5 years of age. CFOC, 3rd Ed. pg. 7 Standard 1.1.1.5, pg. 267 Standard 6.1.0.6, pg. 278 Standard 6.3.1.1, pg. 280 Standards 6.3.1.6, 6.3.1.7, 6.3.1.8, pgs. 281-282 Standards 6.3.2.1, 6.3.2.2, 6.3.2.3, 6.3.3.1, 6.3.3.2, 6.3.3.4

Enforcement

This rule applies to both indoor and outdoor areas.

Documentation of life guard certification must be available for review.

Level 1 Noncompliance when there is no certified life guard.

Level 3 Noncompliance when there is a certified life guard but documentation of the certification is not available for review.

R430-70-13: PARENT NOTIFICATION AND CHILD SECURITY.

- (1) The provider shall post a copy of the Department's child care guide in the center for parents' review during business hours.

Rationale / Explanation

The purpose of this rule is to inform parents of the existence of child care licensing regulations, and how they can contact the Department if they have a complaint regarding a licensing violation in a regulated child care facility. CFOC, 3rd Ed. pgs. 380-381 Standard 9.4.1.6

Enforcement

The entire Department's child care guide (not just one side of it) must be posted to be in compliance with this rule.

In order for the child care guide to be posted where parents can review it, the guide must be posted in an area parents can see as they come and go.

Always Level 3 Noncompliance.

- (2) Parents shall have access to the facility and their child's classroom at all times their child is in care.

Rationale / Explanation

Allowing parents unrestricted access to the center and their child's classroom at all times is one of the most important methods of preventing abuse and inappropriate discipline. When access is restricted, areas observable by parents may not reflect the care children actually receive on a day-to-day basis. CFOC, 3rd Ed. pg. 78 Standard 2.3.1.2, pgs. 380-381 Standard 9.4.1.6

Enforcement

If a facility's door is locked for security reasons and parents must ring a doorbell for someone inside to come and let them in, there must always be someone at the front desk or in the entry area to immediately let parents into the facility.

The Licensee is not in compliance with this rule if there are periods of time when the front desk or entry area is not staffed and parents have to wait for someone to come and let them into the facility.

The Licensee is in compliance with this rule if the facility is locked with a coded key pay and parents have the code.

Always Level 3 Noncompliance.

- (3) The provider shall ensure the following procedures are followed when children arrive at the facility or leave the facility:
- (a) Each child must be signed in and out of the facility by the person dropping the child off and picking the child up, including the date and time the child arrives or leaves.
 - (b) Children may sign themselves in and out of the program only with written permission from the parent.

Rationale / Explanation

Proper departure procedures and identification are necessary to prevent unauthorized individuals from taking a child from the center. CFOC, 3rd Ed. pgs. 371-372 Standards 9.2.4.8, 9.2.4.9

Keeping accurate records of arrivals and departures is critical to establishing what children are in care at the

R430-70-13: PARENT NOTIFICATION AND CHILD SECURITY.

center at any given time, and how many caregivers are needed. CFOC, 3rd Ed. pgs. 372-373 Standard 9.2.4.10

Enforcement

An electronic computer system which uses an identification code to sign children in and out meet the intent of this rule.

Level 1 Noncompliance if there is a sign-in or sign-out procedure.

Level 3 Noncompliance otherwise.

(3) The provider shall ensure the following procedures are followed when children arrive at the facility or leave the facility:

- (c) Persons signing children into the facility shall use identifiers, such as a signature, initials, or electronic code.**
- (d) Persons signing children out of the facility shall use identifiers, such as a signature, initials, or electronic code, and shall have photo identification if they are unknown to the provider.**

Rationale / Explanation

Proper departure procedures and identification are necessary to prevent unauthorized individuals from taking a child from the center. CFOC, 3rd Ed. pgs. 371-372 Standards 9.2.4.8, 9.2.4.9

Keeping accurate records of arrivals and departures is critical to establishing what children are in care at the center at any given time, and how many caregivers are needed. CFOC, 3rd Ed. pgs. 372-373 Standard 9.2.4.10

Enforcement

An electronic computer system which uses an identification code to sign children in and out meet the intent of this rule.

There is no age requirement for the person picking up a child in care. The only requirement is that the person picking up a child has written authorization from the parent and has a photo ID if they are unknown to the provider.

Level 1 Noncompliance if failure to follow these procedures results in:

- a lost child
- a child being left on an off-site activity
- a child being left unattended in a vehicle
- a child being left at the center after it closes
- harm to a child

Level 2 Noncompliance otherwise.

(3) The provider shall ensure the following procedures are followed when children arrive at the facility or leave the facility:

- (e) Only parents or persons with written authorization from the parent may take any child from the facility. In an emergency, the provider may accept verbal authorization if the provider can confirm the identity of the person giving the verbal authorization and the identity of the person picking up the child.**

Rationale / Explanation

R430-70-13: PARENT NOTIFICATION AND CHILD SECURITY.

Proper departure procedures and identification are necessary to prevent unauthorized individuals from taking a child from the center. CFOC, 3rd Ed. pgs. 371-372 Standards 9.2.4.8, 9.2.4.9

Keeping accurate records of arrivals and departures is critical to establishing what children are in care at the center at any given time, and how many caregivers are needed. CFOC, 3rd Ed. pgs. 372-373 Standard 9.2.4.10

Enforcement

Level 1 Noncompliance if an unauthorized person is allowed to take a child from the center and the parent does not give approval after the fact.

Level 3 Noncompliance if an unauthorized person took a child and the parent gave approval after the fact.

- (4) The provider shall give parents a written report of every incident, accident, or injury involving their child on the day of occurrence. The caregivers involved, the program director or director designee, and the person picking the child up shall sign the report on the day of occurrence. If the child signs him or herself out of the program, a copy of the report shall be mailed to the parent.**

Rationale / Explanation

The purpose of this rule is to ensure that parents are informed of every incident involving their child. This is important to protect both the provider and the child. Without an injury report, parents may not know to watch their child for possible harm that may turn out to be more serious than was immediately apparent. For example, a child may seem okay after a fall, but may actually have a concussion. Incident reports can also allow providers to recognize injury patterns and possible abuse to a child. CFOC, 3rd Ed. pg. 382 Standard 9.4.1.9

Enforcement

If the person picking up a child refuses to sign or take the incident report, Licensees will not be found out of compliance with this rule, provided they can demonstrate that they have an effective process in place to get same-day signatures on reports and have made a good faith effort to follow that process.

If the parent does not pick up the child (for example, if the provider dropped the child off at school and the parent picked the child up at school) or if there is a serious injury that requires the parent to take his/her child to a health care provider, the provider may get the parent signature and give the parent a copy of the report the next time the parent is at the center.

If the parent does not bring the child back for care, the provider may write on the report "child is no longer enrolled and/or the parent refused to sign."

Always Level 3 Noncompliance.

- (5) If a child is injured and the injury appears serious but not life threatening, the provider shall contact the parent immediately, in addition to giving the parent a written report of the injury.**

Rationale / Explanation

The purpose of this rule is to ensure that parents are informed of and can make decisions regarding the care of their child after a serious injury.

Enforcement

Level 1 Noncompliance if the parent is not notified.

R430-70-13: PARENT NOTIFICATION AND CHILD SECURITY.

Level 3 Noncompliance if the parent is not notified immediately.

- (6) In the case of a life threatening injury to a child, or an injury that poses a threat of the loss of vision, hearing, or a limb, the provider shall contact emergency personnel immediately, before contacting the parent. If the parent cannot be reached after emergency personnel have been contacted, the provider shall attempt to contact the child's emergency contact person.

Rationale / Explanation

A delay in contacting emergency personnel in the case of a life threatening injury could result in permanent disability or death. This is why emergency personnel must be contacted before anyone else when a child has a potentially life threatening injury. CFOC, 3rd Ed. pg. 458 Appendix P.

Enforcement

Always Level 1 Noncompliance.

R430-70-14: CHILD HEALTH.

- (1) No child may be subjected to physical, emotional, or sexual abuse while in care.

Rationale / Explanation

Serious physical abuse of children by caregivers usually occurs at times of high stress for the caregiver. For this reason, it is important for caregivers to have ways of taking breaks and seeking assistance when they are stressed. CFOC, 3rd Ed. pgs. 41-43 Standard 1.7.0.5

The presence of multiple caregivers also greatly reduces the risk of serious abuse to children. Abuse tends to occur in privacy and isolation, and especially in toileting areas. CFOC, 3rd Ed. pgs. 125-126 Standard 3.4.4.5

Corporal punishment may be physically and emotionally abusive, or may easily become abusive. Research links corporal punishment with negative effects such as later criminal behavior and learning impairments. Other inappropriate discipline methods such as humiliation or using abusive language may also be emotionally abusive. CFOC, 3rd Ed. pgs. 70-72 Standard 2.2.0.6, pgs. 75-76 Standard 2.2.0.9

Enforcement

Always Level 1 Noncompliance.

- (2) All staff shall follow the reporting requirements for witnessing or suspicion of abuse, neglect, and exploitation found in Utah Code, Section 62A-4a-403 and 62A-4a-411.

Rationale / Explanation

Reporting of suspected child abuse or neglect is required by Utah law. Suspected abuse and neglect must be reported to law enforcement or Child Protective Services. Reporting suspected abuse or neglect to one's supervisor only does not meet the legal requirement to report suspected abuse and neglect. CFOC, 3rd Ed. pgs. 123-124 Standard 3.4.4.1

See CFOC, 3rd Ed. pgs. 445-448 Appendix M for a list of signs of possible abuse and neglect, and pgs. 449-450 Appendix N for a list of protective factors regarding abuse and neglect

Enforcement

It is acceptable if the caregiver discusses the suspected abuse with the director prior to reporting and the director and caregiver together conclude that it is not abuse. For example, if the director knows about a fall a child had that resulted in an injury and the caregiver does not know about the fall, and suspects the injury may have resulted from abuse.

The Licensee is not in compliance with this rule if suspected abuse or neglect is reported to a company's attorney.

Always Level 1 Noncompliance.

- (3) The use of tobacco, alcohol, illegal substances, or sexually explicit material on the premises or in program vehicles is prohibited any time that children are in care.

Rationale / Explanation

Scientific evidence has linked respiratory health risks to secondhand smoke. No children, especially those with respiratory problems, should be exposed to additional risk from the air they breathe. Young children exposed to secondhand smoke are at risk of developing bronchitis, pneumonia, and middle ear infections when they experience common respiratory infections. CFOC, pg. 63 Standard 2.035; pg. 111 Standard 3.041; pg. 354

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Standard 8.038

The age, defenselessness, and lack of mature judgement of children in care make the prohibition of tobacco, alcohol, and illegal substances an absolute requirement. CFOC, pg. 111 Standard 3.041; pg. 354 Standard 8.038

Enforcement

If tobacco is used when children are in care:

- *Level 1 Noncompliance for indoor use or use in vehicles when a child in care is in the vehicle.*
- *Level 3 Noncompliance for outdoor use.*

If alcohol or illegal substances are used when children are in care:

- *Level 1 Noncompliance if a provider is intoxicated or impaired and transports a child.*
- *Level 1 Noncompliance if a provider is intoxicated or impaired while a child is in care.*
- *Level 3 Noncompliance if a provider or anyone in the facility has been drinking or using an illegal substance, but is not intoxicated or impaired.*
- *Level 3 Noncompliance if another person in the facility is intoxicated or impaired.*

If sexually explicit materials are used when a child is in care:

- *Level 2 Noncompliance.*
- *Level 3 Noncompliance if sexually explicit materials are used in the presence of children.*

- (4) The provider shall not admit any child to the program without a signed health assessment completed by the parent which shall include:**
- allergies;**
 - food sensitivities;**
 - acute and chronic medical conditions;**
 - instructions for special or non-routine daily health care;**
 - current medications; and,**
 - any other special health instructions for the caregiver.**

Rationale / Explanation

Admission of children without this information can leave the center unprepared to deal with daily and emergency health needs of the child. CFOC, 3rd Ed. pgs. 80-81 Standard 2.3.3.1

Food sensitivities can result in minor irritations (rashes, loose stools) whereas a true allergy could cause a life-threatening reaction (anaphylaxis, severe asthma attack, hives, etc.).

Food allergies are common, occurring in between two and eight percent of infants and children. Food allergic reactions can range from mild skin or gastrointestinal symptoms to severe, life-threatening reactions with respiratory and/or cardiovascular compromise. Deaths from food allergy are being reported in increasing numbers. CFOC, 3rd Ed. pgs. 160-161 Standard 4.2.0.10

Enforcement

Records must be kept for all enrolled children, including “drop-in” children.

Parents may list more than one child on an admission form but a separate health assessment is required for each individual child.

R430-70-14: CHILD HEALTH.

The health assessment form used by the provider does not have to use the specific words "acute" and "chronic," which parents may not understand. This rule is in compliance if the health assessment form has a place to document any medical conditions the child has.

If the center's health assessment has a place to document any food or drink restrictions, this rule is in compliance for (b) food sensitivities. The form does not have to use the specific words "food sensitivities."

Level 1 Noncompliance if lack of information on a health assessment resulted in an emergency situation (seizure, allergic reaction, etc.) in which caregivers did not have the needed information.

Level 3 Noncompliance otherwise.

(5) The provider shall ensure that each child's health assessment is reviewed, updated, and signed or initialed by the parent at least annually.

Rationale / Explanation

Admission of children without this information can leave the center unprepared to deal with daily and emergency health needs of the child. CFOC, 3rd Ed. pgs. 80-81 Standard 2.3.3.1

Food sensitivities can result in minor irritations (rashes, loose stools) whereas a true allergy could cause a life-threatening reaction (anaphylaxis, severe asthma attack, hives, etc.).

Enforcement

Always Level 3 Noncompliance.

R430-70-15: CHILD NUTRITION.

- (1) If food service is provided:
- (a) The provider shall ensure that the program's meal service complies with local health department food service regulations.

Rationale / Explanation

The purpose of this rule is to ensure that food preparation and service are sanitary in order to reduce the possibility of foodborne illness. Minimum standards for food safety are based on scientific data that demonstrate the conditions required to prevent contamination of food with infectious or toxic substances that cause foodborne illness.

Enforcement

Always Level 3 Noncompliance.

- (1) If food service is provided:
- (b) Foods served by programs not currently participating and in good standing with the USDA Child and Adult Care Food Program (CACFP) shall comply with the nutritional requirements of the CACFP. The licensee shall either use standard Department-approved menus, menus provided by the CACFP, or menus approved by a registered dietician. Dietitian approval shall be noted and dated on the menus, and shall be current within the past 5 years.

Rationale / Explanation

Nourishing food is the cornerstone for children's health, growth, and development. Because young children grow and develop more rapidly during the first few years of life than at any other time, they must be provided food that is adequate in amount and type to meet their basic metabolic, growth, and energy needs. The CACFP regulations, policies, and guidance materials on meal requirements provide the basic guidelines for good nutrition. CFOC, pgs. 149-150 Standards 4.001, 4.002

Enforcement

This rule is in compliance if there is documentation that the children receive food from a public school in good standing with a federal food program.

The Licensee must be in compliance with this rule if the only food served is snacks.

Licensees using CACFP menus may mix and match components of the CACFP menus, so that the day-to-day menu may vary from the CACFP menu, as long as each meal contains all of same nutritional components as the CACFP menus.

Level 3 Noncompliance if the provider is using non-approved menus not signed and/or dated by a registered dietician but the meals served meet CACFP nutritional requirements.

Level 2 Noncompliance otherwise.

- (1) If food service is provided:
- (c) Programs not currently participating and in good standing with the CACFP shall keep a six week record of foods served at each meal or snack.

Rationale / Explanation

The purpose of this rule is to verify that foods actually served to children by centers not participating in CACFP meet children's basic nutritional requirements. CFOC, 3rd Ed. pgs. 152-154, Standards 4.2.0.1, 4.2.0.3

R430-70-15: CHILD NUTRITION.

Enforcement

The six week record of foods served at each meal must be dated so Licensing Specialists can determine which foods were served on which dates.

If the only food service provided is a snack, the center staff must keep a six week record of food served for snacks.

Always Level 3 Noncompliance.

- (1) **If food service is provided:**
(d) **The provider shall post the current week's menu for parent review.**

Rationale / Explanation

Making menus available to parents by posting them in a prominent area helps to inform parents about proper nutrition, and allows parents to know if a food is being served that their child has an allergy to. It also allows parents to plan meals at home that do not duplicate what the child ate at the program that day. CFOC, pgs. 152-153 Standard 4.008

Enforcement

In order for the menu to be posted where parents can review it, it must be posted in an area parents can see as they come and go.

If a rotating menu is used, the date needs to be on each week so the parents know which menu is being served this week.

A snack menu must be posted if the only food service provided is a snack.

Always Level 3 Noncompliance.

- (2) **On days when care is provided for three or more hours, the provider shall offer each child in care a meal or snack at least once every three hours.**

Rationale / Explanation

Young children need to be fed often. Appetite and interest in food varies from one meal or snack to the next. To ensure that the child's daily nutritional needs are met, small feedings of nourishing food should be scheduled over the course of a day. Snacks should be nutritious, as they often are a significant part of a child's daily intake of food. CFOC, pgs. 150-151 Standard 4.003

Enforcement

Meal times will be counted from the end of one meal time to the start of the next meal time. An extra 30 minutes will be allowed at the end of nap time, if offered, to allow children time to wake up from their nap and get ready for snack.

For programs who provide late evening or overnight care, meals or snacks do not need to be served every three hours after children have gone to bed for the night.

If a program is open until 7:00 p.m., there may be up to but not more than four hours between the afternoon meal or snack and the program's closing time. If the program is open later than 7 p.m., a meal or snack must be offered at least every three hours.

R430-70-15: CHILD NUTRITION.

Always Level 3 Noncompliance.

- (3) **The provider shall serve children's food on dishes or napkins, except for individual serving size items, such as crackers, if they are placed directly in the children's hands. The provider shall not place food on a bare table.**

Rationale / Explanation

Using clean food service dishes and utensils prevents the spread of microorganisms that can cause disease. The surfaces that are in contact with food must be sanitary. Food should not be put directly on the table surface for two reasons. First, even washed and sanitized tables are more likely to be contaminated than washed and sanitized dishes or disposable plates. Second, learning to eat from plates reduces contamination of the table surface when children put down their partially eaten food while they are eating. CFOC, pgs. 165-166 Standard 4.029

Enforcement

Always Level 3 Noncompliance.

- (4) **If any child in care has a food allergy, the provider shall ensure that all caregivers who serve food to children are aware of the allergy.**

Rationale / Explanation

Food allergies are common, occurring in between two and eight percent of children. Food allergic reactions can range from mild skin or gastrointestinal symptoms to severe, life-threatening reactions with respiratory and/or cardiovascular compromise. Deaths from food allergies are being reported in increasing numbers. For all of these reasons, vigilant efforts to avoid exposure to the offending foods are necessary. CFOC, pgs. 154-155 Standard 4.010

Sharing children's allergies does not violate HIPPA privacy regulations as long as the parent has given their permission for their child's allergy information to be communicated to staff.

Enforcement

If a child just doesn't like a particular food (but the child doesn't have any negative physical reaction to it) that is considered a food preference, not a food allergy or sensitivity.

Food sensitivities can result in minor irritations (rashes, loose stools), whereas a true food allergy could cause a life-threatening event (anaphylaxis, a severe asthma attack, extreme hives, etc.).

Level 1 Noncompliance if a child is served food to which he or she is allergic.

Level 2 Noncompliance otherwise.

- (5) **The provider shall ensure that food and drink brought in by parents for an individual child's use is labeled with the child's name, and refrigerated if needed.**

Rationale / Explanation

The purposes of this rule are to ensure that children are not accidentally served food brought by another child, and to ensure that food brought from home does not cause foodborne illness. Foodborne illness and poisoning is a common occurrence when food has not been properly refrigerated and covered. Although many of these illnesses are limited to vomiting and diarrhea, some are life-threatening. CFOC, pg. 169 Standard 4.040

R430-70-15: CHILD NUTRITION.

Enforcement

Food and drink brought from home can be labeled with the child's first name only, unless there is more than one child in the program with food or drink brought from home who has the same first name. When this is the case, the food and drink can be labeled with the child's first name and last initial. If there is more than one child in the program with food or drink brought in from home who has the same first name and last initial, the food and drink must be labeled with the child's full first and last name.

Refrigerated can include being in a lunch container with a cold pack.

Level 1 Noncompliance if a child is served food to which he or she is allergic.

Level 2 Noncompliance otherwise.

R430-70-16: INFECTION CONTROL.

- (1) Staff shall wash their hands thoroughly with liquid soap and warm running water at the following times:
- (a) before handling or preparing food;
 - (b) before eating meals and snacks or feeding children;
 - (c) after using the toilet;
 - (d) before administering medication;
 - (e) after coming into contact with body fluids;
 - (f) after playing with or handling animals; and
 - (g) after cleaning or taking out garbage.

Rationale / Explanation

Handwashing is the most important way to reduce the spread of infection. Many studies have shown that unwashed or improperly washed hands are the primary carriers of infection. Deficiencies in handwashing have contributed to many outbreaks of diarrhea among children and caregivers in child care facilities. In facilities that have implemented a handwashing training program, the incidents of diarrheal illness has decreased by 50%. One study also found that handwashing helped to reduce colds when frequent proper handwashing practices were incorporated into a program's curriculum. CFOC, 3rd Ed. pgs. 110-111 Standard 3.2.2.1, pg. 114 Standard 3.2.3.1

Washing hands after eating is especially important for children who eat with their hands, to decrease the amount of saliva (which may contain organisms) on their hands. Good handwashing after playing in sandboxes will help prevent ingesting parasites that can be present in contaminated sand and soil. Animals, including pets, are a source of infection for people and people may be a source of infection for animals. CFOC, 3rd Ed. pgs. 100-111 Standard 3.2.2.1.

Illness can be spread in a variety of ways that can be reduced with proper handwashing, including:

- *in human waste (urine, stool)*
 - *in body fluids (saliva, nasal discharge, secretions from open injuries, eye, discharge, blood, etc.)*
 - *through cuts or skin sores*
 - *by direct skin-to-skin contact*
 - *by touching an object that has germs on it*
 - *in drops of water that travel through the air, such as those produced by sneezing or coughing.*
- CFOC, 3rd Ed. pgs. 100-111 Standard 3.2.2.1*

Since many infected people carry communicable diseases without having symptoms and many are contagious before they experience a symptom, staff members need to protect both themselves and children by following good hygiene practices on a routine basis. CFOC, 3rd Ed. pgs. 100-111 Standard 3.2.2

Running water over the hands removes soil, including infection-causing organisms. Wetting the hands before applying soap helps create a lather. The soap lather loosens soil and brings it into the solution on the surface of the skin. Rinsing the lather off into a sink removes the soil from the hands that the soap loosened. Warm water (no less than 60 degrees Fahrenheit and no more than 120 degrees) is more comfortable than cold water, which increases the likelihood that children and adults will adequately rinse their hands.

Using liquid soap is preferable over bar soap. Bar soaps sitting in water have been shown to be heavily contaminated with pseudomonas and other bacteria. In addition, many children do not have the dexterity to handle a bar of soap, and many adults and children do not take the time to rise off the soil that has gotten on the bar of soap before putting it down. CFOC, 3rd Ed. pgs. 258-259 Standard 5.6.0.3

R430-70-16: INFECTION CONTROL.

Using a paper towel to turn off the faucet after handwashing can prevent the re-contamination of just-washed hands by germs on the faucet. CFOC, 3rd Ed. pgs. 111-112 Standard 3.2.2.2

Enforcement

Water will be considered warm if it is between 60 degrees and 120 degrees Fahrenheit.

Hand sanitizers may be used to meet the hand washing requirements for adults and children without visibly dirty hands.

Level 2 Noncompliance if handwashing does not take place after a caregiver uses the toilet.

Level 3 Noncompliance otherwise.

- (2) The provider shall ensure that children wash their hands thoroughly with liquid soap and warm running water at the following times:**
- (a) before eating meals and snacks;**
 - (b) after using the toilet;**
 - (c) after coming into contact with body fluids; and**
 - (d) after playing with animals.**

Rationale / Explanation

Handwashing is the most important way to reduce the spread of infection. Many studies have shown that unwashed or improperly washed hands are the primary carriers of infection. Deficiencies in handwashing have contributed to many outbreaks of diarrhea among children and caregivers in child care facilities. In programs that have implemented a handwashing training program, the incidents of diarrheal illness has decreased by 50%. One study also found that handwashing helped to reduce colds when frequent proper handwashing practices were incorporated into a program's curriculum. CFOC, pgs. 97-98 Standard 3.020; pg. 100 Standard 3.024

Animals, including pets, are a source of infection for people, and people may be a source of infection for animals. CFOC, pgs. 97-98 Standard 3.020

Illness can be spread in a variety of ways that can be reduced with proper handwashing, including:

- in human waste (urine, stool)*
 - in body fluids (saliva, nasal discharge, secretions from open injuries, eye, discharge, blood, etc.)*
 - through cuts or skin sores*
 - by direct skin-to-skin contact*
 - by touching an object that has germs on it*
 - in drops of water that travel through the air, such as those produced by sneezing or coughing.*
- CFOC, pgs. 97-98 Standard 3.020*

Since many infected people carry communicable diseases without having symptoms and many are contagious before they experience a symptom, staff members need to protect both themselves and children by following

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good hygiene practices on a routine basis. CFOC, pgs. 97-98 Standard 3.020

Running water over the hands removes soil, including infection-causing organisms. Wetting the hands before applying soap helps create a lather. The soap lather loosens soil and brings it into the solution on the surface of the skin. Rinsing the lather off into a sink removes the soil from the hands that the soap loosened. Warm water (no less than 60 degrees Fahrenheit and no more than 120 degrees) is more comfortable than cold water, which increases the likelihood that children and adults will adequately rinse their hands.

Using liquid soap is preferable over bar soap. Bar soaps sitting in water have been shown to be heavily contaminated with Pseudomonas and other bacteria. In addition, many children do not have the dexterity to handle a bar of soap, and many adults and children do not take the time to rise off the soil that has gotten on the bar of soap before putting it down. CFOC, pgs. 98-99 Standard 3.021

Using a paper towel to turn off the faucet after handwashing can prevent the re-contamination of just-washed hands by germs on the faucet. CFOC, pgs. 98-99 Standard 3.021

Enforcement

Water will be considered warm if it is between 60 degrees and 120 degrees Fahrenheit.

Always Level 2 Noncompliance.

- (3) Only single use towels from a covered dispenser or an electric hand-drying device may be used to dry hands.**

Rationale / Explanation

Shared hand drying towels can transmit infectious disease. Preventing shared use of individual towels assigned to a single child is difficult. The use of a cloth towel roller is not recommended for two reasons. First, children often use cloth roll dispensers improperly, resulting in more than one child using the same section of towel. And second, incidents of accidental strangulation in these devices have been reported. CFOC, pgs. 98-99 Standard 3.021

Enforcement

This rule does not apply to paper towels used for activities other than drying hands, such as cleaning up spills.

Always Level 2 Noncompliance.

- (4) The provider shall ensure that toilet paper is accessible to children, and that it is kept on a dispenser.**

Rationale / Explanation

The purpose of this rule to prevent the spread of disease through fecal matter. If toilet paper is not on a dispenser, children pick it up with hands that may be contaminated with fecal matter, which remains on the roll and is transferred to the next child when he or she picks the roll up. CFOC, pgs. 227-228 Standard 5.096

R430-70-16: INFECTION CONTROL.

Enforcement

Level 2 Noncompliance if a toilet has no toilet paper and there are no spare rolls of toilet paper available in the facility or if toilet paper is not kept on a dispenser.

Level 3 Noncompliance If a toilet has no toilet paper but there are spare rolls of toilet paper available in the facility.

(5) The provider shall post handwashing procedures in each bathroom, and they shall be followed.

Rationale / Explanation

The purpose of the rule is so that staff and children have visual handwashing reminders at each sink. Pictures of the steps to proper handwashing remind children who cannot yet read of the proper handwashing steps.

Enforcement

This rule only applies to sinks that are used for handwashing.

Always Level 3 Noncompliance.

(6) Caregivers shall teach children proper hand washing techniques and shall oversee hand washing whenever possible.

Rationale / Explanation

Children need to be taught effective handwashing procedures, and helped to use them in actual practice. This will help to ensure that proper handwashing takes place at needed times. For more information on the importance of proper handwashing, see numbers (1) and (2) above. CFOC, pgs. 99-100 Standards 3.022, 3.023

Enforcement

Always Level 3 Noncompliance.

(7) Personal hygiene items such as toothbrushes, or combs and hair accessories that are not sanitized between each use, shall not be shared by children or used by staff on more than one child, and shall be stored so that they do not touch each other.

Rationale / Explanation

Respiratory, gastrointestinal, and skin infections such as lice, scabies, and ringworm, are among the most common infectious diseases in child care. These diseases are transmitted by direct skin-to-skin contact and by sharing personal items such as combs, brushes, towels, clothing, and bedding. Toothbrushes are contaminated with infectious agents from the mouth and must not be allowed to serve as a conduit of infection from one child to another. CFOC, pgs. 226-227 Standards 5.094, 5.095

Enforcement

Personal hygiene items include make-up and lip balm (such as Chap Stick).

Always Level 3 Noncompliance.

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- (8) The provider shall clean and sanitize all washable toys and materials weekly, or more often if necessary.**

Rationale / Explanation

Contamination of toys and other objects in child care areas plays a role in the transmission of disease in child care settings. All toys can spread disease when children touch the toys after putting their hands in their mouth during play or eating, or after toileting with inadequate handwashing. Using a mechanical dishwasher is an acceptable labor-saving approach for plastic toys as long as the dishwasher can wash and sanitize the surfaces. CFOC, pgs. 108-109 Standard 3.036; pgs. 104-105 Standard 3.028

Enforcement

This rule is out of compliance if toys or materials are visibly dirty during an inspection or if providers indicate they do not clean and sanitize all washable toys and materials at least weekly. Since toys in child care settings are heavily used, every toy is not expected to be perfectly clean all the time.

Always Level 3 Noncompliance.

- (9) Stuffed animals, cloth dolls, and dress-up clothes must be machine washable. Pillows must be machine washable, or have removable covers that are machine washable. The provider shall wash stuffed animals, cloth dolls, dress-up clothes, and pillows or covers weekly.**

Rationale / Explanation

Contamination of toys and other objects in child care areas plays a role in the transmission of disease in child care settings. All toys can spread disease when children touch the toys after putting their hands in their mouth during play or eating, or after toileting with inadequate handwashing. CFOC, pgs. 108-109 Standard 3.036; pgs. 104-105 Standard 3.028

Many allergic children have allergies to dust mites, which are microscopic insects that ingest the tiny particles of skin that people shed normally every day. Dust mites live in fabric, but can be killed by frequent washing and drying in a heated dryer. CFOC, pgs. 107-108 Standard 3.034

Lice, scabies, and ringworm can also be spread through fabrics. CFOC, pg. 110 Standard 3.039; pgs. 226-227 Standard 5.094

Enforcement

This rule is out of compliance if these items are visibly dirty during an inspection or if providers indicate that they do not wash them at least weekly.

Large stuffed animals meant to be used as pillows need to be machine washable or have removable covers that are machine washable.

Level 2 Noncompliance if an item is visibly dirty with feces.

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Level 3 Noncompliance otherwise.

(10) If water play tables or tubs are used, they shall be washed and sanitized daily, and children shall wash their hands prior to engaging in the activity.

Rationale / Explanation

The purpose of this rule is to avoid the spread of disease as multiple children's hands play in the water in water tables. Contamination of hands, toys, and equipment in the room where water play tables are located plays a role in the transmission of disease in child care settings. CFOC, pgs. 224-225 Standard 5.091

Enforcement

Hand sanitizers may be used to meet the hand washing requirements for adults and children without visibly dirty hands.

Always Level 3 Noncompliance.

(11) Persons with contagious TB shall not work or volunteer in the program.

Rationale / Explanation

The purpose of this rule is to prevent the spread of TB from infected adults to children. Young children acquire TB from infected adults or adolescents. Tuberculosis organisms are spread by the inhalation of small particles which are produced when an infected adult or adolescent coughs or sneezes. Transmission usually occurs in an indoor environment. CFOC, 3rd Ed. pgs. 39-40 Standard 1.7.0.1

Enforcement

Always Level 1 Noncompliance.

(12) Children's clothing shall be changed promptly if they have a toileting accident.

Rationale / Explanation

Containing and minimizing the handling of soiled clothing so it does not contaminate other surfaces is essential to prevent the spread of infectious disease. Soiled clothing can spread infectious disease agents as children play, walk around, or sit in classroom areas wearing wet or soiled clothing. Children can also get a skin rash from being in wet or soiled clothing too long. CFOC, 3rd Ed. pgs. 108-110 Standard 3.2.1.5.

This rule is also intended to minimize the embarrassment of children who have toileting accidents.

Enforcement

Being changed promptly means that as soon as the caregiver is aware that a child has had a toileting accident:

- the child is changed immediately if spare clothing is available.*
- if no spare clothing is available, the child's parent is called and asked to bring spare clothing.*
- if no spare clothing is available, the child is separated from other children until his/her parent can bring spare clothing.*

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Always Level 2 Noncompliance.

- (13) Children's clothing which is wet or soiled from body fluids:**
- (a) shall not be rinsed or washed at the facility; and**
 - (b) shall be placed in a leakproof container, labeled with the child's name, and returned to the parent.**

Rationale / Explanation

Containing and minimizing the handling of soiled clothing so it does not contaminate other surfaces is essential to prevent the spread of infectious disease. Rinsing soiled clothing or putting stool into a toilet in the child care center increases the likelihood that other surfaces will be contaminated. CFOC, 3rd Ed. pgs. 108-110 Standard 3.2.1.5.

Enforcement

Plastic grocery bags may be used for wet or soiled clothing if they don't have holes in the bottom or sides. Grocery bags with holes in the bottom or sides cannot be used, because they are not leakproof. A bag without holes that still leaks when holding wet or soiled clothes cannot be used.

A provider may meet the intent of this rule by putting soiled clothing in a leakproof container and then putting the container in that child's bag or cubbie.

When a child has a bathroom accident and the sheets and/or the clothing used belong to the Licensee, the center staff can and should wash the sheets and/or the clothing. The rule prohibiting washing the clothing only pertains to clothing belonging to the children. Staff can also take soiled clothing home for laundering.

Level 2 Noncompliance if children's clothing soiled with fecal matter is rinsed or washed at the center.

Level 3 Noncompliance otherwise.

- (14) The facility shall have a portable body fluid clean up kit.**
- (a) All staff shall know the location of the kit and how to use it.**
 - (b) The provider shall use the kit to clean up spills of body fluids.**
 - (c) The provider shall restock the kit as needed.**

Rationale / Explanation

Children and adults may unknowingly be infected with infectious agents such as hepatitis B, HIV, or other infectious agents found in blood. Blood and body fluids containing blood (such as water discharges from injuries) pose the highest potential risk because bloody body fluids contain the highest concentration of viruses. In addition, the hepatitis B virus can survive in a dried state for at least a week and perhaps even longer. Some other body fluids such as saliva contaminated with blood or blood-associated fluids may contain live viruses but at lower concentrations than are found in blood itself. Many other types of infectious germs may be contained in human waste and other body fluids. Because many people carry such communicable diseases without having symptoms, and many are contagious before they experience symptoms, adults and children alike need to be

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protected by following safe procedures for handling body fluids. CFOC, 3rd Ed. pgs. 30-31 Standard 1.4.5.3 pgs. 114-116 Standard 3.2.3.4

Suggested contents for a body fluid clean up kit include:

- (1) disposable gloves;
- (2) clumping cat litter, sawdust, or other absorbent material;
- (3) plastic garbage bags with ties or fasteners;
- (4) a plastic scoop and dustpan, or other tools to clean up absorbed body fluids;
- (5) paper towels; and
- (6) disinfectant.

See CFOC, 3rd Ed. pg. 444 Appendix for an instruction page on proper clean up of body fluids. See CFOC, 3rd Ed. pg. 428 Appendix D for information on removing disposable gloves after cleaning up body fluids.

Enforcement

Droplets of body fluid are not considered a "spill" of body fluids.

Level 2 Noncompliance if a body fluid spill is not properly cleaned up or no one at the center knows the location of the kit or how to properly use it.

Level 3 Noncompliance otherwise.

(15) The program shall not care for children who are ill with a suspected infectious disease, except when a child shows signs of illness after arriving at the facility.

Rationale / Explanation

Secondary spread of infectious disease has been proven to occur in child care. Removal of children known or suspected of contributing to an outbreak will help to limit transmission of the disease by preventing the development of new cases. CFOC, 3rd Ed. pgs. 130-131 Standard 3.5.50.2, pgs. 131-134 Standard 3.6.1.1, pg. 136 Standard 3.6.1.4, pgs. 145-146 Standard 3.6.4.4

Symptoms which may indicate an infectious disease include:

- (1) a fever of 101 degrees or higher for infants younger than 4 months of age, or a fever of 102 or greater for children age 4 months and older
- (2) an unexplained rash
- (3) irritability
- (4) lethargy
- (5) a persistent cough
- (6) vomiting
- (7) diarrhea
- (8) infected eyes with discharge

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Enforcement

A free informational guide for controlling communicable diseases in child care centers can be found and printed at: <http://health.utah.gov/epi/cdepi/daycarebook.pdf>

This guide is published by the Utah Department of Health, Office of Epidemiology. It includes:

1. A parent letter that can be copied and filled in whenever a provider needs to notify parents of a communicable disease.
2. A one page fact sheet on each disease that can be posted at the center, given to parents, or used in staff training. These fact sheets include
 1. Incubation period
 2. Signs and symptoms
 3. Methods of transmission
 4. Minimum control measures
 5. Guidelines for exclusion of ill children from a child care program
 6. Information on body substance clean up
 7. A listing of all local health departments.

Always Level 2 Noncompliance.

- (16) The provider shall separate children who develop signs of a suspected infectious disease after arriving at the facility from the other children in a safe, supervised location.**

Rationale / Explanation

The purpose of these rules is to prevent ill children from spreading infectious disease to other children. In addition, ill children are often too sick to participate comfortably in regular classroom activities. CFOC, pgs. 124-129 Standards 3.065, 3.066, 3.067; pgs. 140-141 Standard 3.087

Enforcement

Always Level 2 Noncompliance.

- (17) The provider shall contact the parents of children who are ill with a suspected infectious disease and ask them to immediately pick up their child. If the provider cannot reach the parent, the provider shall contact the individuals listed as emergency contacts for the child and ask them to pick up the child.**

Rationale / Explanation

The purpose of these rules is to prevent ill children from spreading infectious disease to other children. In addition, ill children are often too sick to participate comfortably in regular classroom activities. CFOC, 3rd Ed. pgs. 130-131 Standard 3.5.50.2, pgs. 131-134 Standard 3.6.1.1, pg. 136 Standard 3.6.1.4, pgs. 145-146 Standard 3.6.4.4

Enforcement

Always Level 3 Noncompliance.

- (18) The provider shall notify the local health department, on the day of discovery, of any reportable**

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infectious diseases among children or caregivers, or any sudden or extraordinary occurrence of a serious or unusual illness, as required by the local health department.

Rationale / Explanation

Reporting infectious disease to the local health department provides the department with knowledge of illnesses within the community and allows them to offer preventive measures to children and families exposed to an outbreak of disease. CFOC, 3rd Ed. pg. 355 Standard 9.2.3.3

The following is a sample of diseases which may be required to be reported to local health departments. Providers should check with the local health department in their area for exact reporting requirements.

- Chickenpox
- Diarrheal diseases, if two or more children or staff members in one classroom experience diarrhea within a 48 hour period.
- Diphtheria
- Giardiasis
- Hepatitis A, B, and C
- HIV and AIDS
- Influenza
- Measles
- Meningococcal infections
- Mumps
- Rubella
- Sexually transmitted diseases
- Shigellosis
- Viral Meningitis
- Whooping Cough

Enforcement

A good free informational guide for programs on controlling communicable diseases in child care facilities can be found and printed at:

<http://health.utah.gov/epi/cdepi/daycarebook.pdf>

This guide is published by the Utah Department of Health, Office of Epidemiology. It includes:

- A parent letter that can be copied and filled in whenever a provider needs to notify parents of a communicable disease.
- A one page fact sheet on each disease that can be posted at the center, given to parents, or used in staff training. These fact sheets include:
 - Incubation period
 - Signs and symptoms
 - Methods of transmission
 - Minimum control measures
 - Guidelines for exclusion of ill children from a child care program.
 - Information on body substance clean up.

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- A listing of all local health departments.

For more current and accurate information, please refer to the immunization department website.

Always Level 3 Noncompliance.

- (19) The provider shall post a parent notice at the facility when any staff or child has an infectious disease or parasite.**
- (a) The provider shall post the notice in a conspicuous location where it can be seen by all parents.**
 - (b) The provider shall post and date the notice the same day the disease or parasite is discovered, and the notice shall remain posted for at least 5 days.**

Rationale / Explanation

Notification of parents also allows them to closely observe their child for early signs and symptoms of illness. Early identification and treatment of infectious disease are important in reducing further transmission of the disease. CFOC, 3rd Ed. pg. 145 Standard 3.6.4.2

The purpose for leaving the notice posted for 5 days is so that parents of children who do not attend every day see the notice.

When posting notices, the center should be careful to maintain confidentiality by not posting the names of sick children. The informational guide found at: <http://health.utah.gov/epi/cdepi/daycarebook.pdf> contains a parent letter that can be copied and filled in whenever a provider needs to notify parents of a communicable disease, and a one page fact sheet on each disease that can be posted at the center and given to parents.

Enforcement

Posting the notice of illness on a computerized sign-in program so that all parents automatically see it when they sign their children in and out meets the requirement of this rule.

Always Level 2 Noncompliance.

R430-70-17: MEDICATIONS.

- (1) If medications are given, they shall be administered to children only by a provider trained in the administration of medications.

Rationale / Explanation

The purpose of this rule is to avoid harm to children through errors in administering medications. CFOC, 3rd Ed. pgs. 143-144 Standard 3.6.3.3

If the medication to be administered does not require any special instructions, then annual training in the licensing rules for administering medication qualifies a provider as being “trained in the administration of medications” for the purposes of this rule. If medication requires specialized administration (for example, an EPI pen or a nebulizer), then the person administering the medication must have been trained to administer it by either the child’s parent or a health care professional.

Enforcement

Licensees may request a variance to this rule if parents give written permission for their child to administer their own medication (for example, insulin shots).

Level 1 Noncompliance if administration of medication by an untrained caregiver results in harm to a child.

Level 3 Noncompliance otherwise.

- (2) All over-the-counter and prescription medications shall:

- (a) be labeled with the child's full name;
- (b) be kept in the original or pharmacy container;
- (c) have the original label; and,
- (d) have child-safety caps.

Rationale / Explanation

The purposes of this rule are to avoid harm to children through errors in administering medications, and to prevent children from getting into and ingesting medications by themselves. CFOC, 3rd Ed. pgs. 143-144 Standard 3.6.3.3

Enforcement

If over-the-counter medication is provided for siblings, the medication needs the last name and all of the children's first names.

The following are suggestions for labeling small medication, for example a small vial:

- *Until the medication is used, keep it in the box with the prescription information on it.*
- *Write the name on the bottom of the medication.*
- *Use a clear address label.*
- *Attach a label to a twist tie or zip tie, attach the zip-tie around the neck of the medication.*
- *Keep the vial in a container and label the container.*

Providers do not have to label medication owned by the Licensee or medication for staff.

Always Level 2 Noncompliance.

- (3) All non-refrigerated medications shall be inaccessible to children and stored in a container or area that is locked, such as a locked room, cupboard, drawer, or a lockbox. The provider shall store all

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refrigerated medications in a leakproof container.

Rationale / Explanation

The purpose of this rule is to prevent children from getting into and ingesting medications by themselves, and to prevent contamination of refrigerated food. CFOC, pg. 138 Standard 8.082

Enforcement

A nebulizer apparatus that does not have the medication does not have to be inaccessible. If the medication is in the apparatus, it must be inaccessible and locked.

A refrigerated vial of medication that cannot be removed from the container except with a hypodermic needle does not need an additional leakproof container.

For the purposes of storing medications, "locked" can include a cupboard or drawer that is secured with a child safety lock.

Always Level 2 Noncompliance.

- (4) The provider shall have a written medication permission form completed and signed by the parent prior to administering any over-the-counter or prescription medication to a child.**

Rationale / Explanation

The purpose of this rule is to protect both providers and children by ensuring that medication is never given to a child without written parental permission. CFOC, 3rd Ed. pgs. 141-142 Standard 3.6.3.1, pg. 391 Standard 9.4.2.6

A medication's method of administration means the way the medication is given. Examples are orally (by mouth), topically (applied to the skin), in drops (ears or eyes), or inhaled (through the mouth or nasally).

Enforcement

This rule is out of compliance if a child is given a medication without parental permission.

Always Level 1 Noncompliance.

- (4) The provider shall have a written medication permission form completed and signed by the parent prior to administering any over-the-counter or prescription medication to a child. The permission form must include:**
- (a) the name of the child**
 - (b) the name of the medication;**
 - (c) written instructions for administration; including:**
 - (i) the dosage;**
 - (ii) the method of administration;**
 - (iii) the times and dates to be administered; and**
 - (iv) the disease or condition being treated; and**
 - (d) the parent signature and the date signed.**

Rationale / Explanation

The purpose of this rule is to protect both providers and children by ensuring that medication is never given to a child without written parental permission. CFOC, 3rd Ed. pgs. 141-142 Standard 3.6.3.1, pg. 391 Standard 9.4.2.6

R430-70-17: MEDICATIONS.

A medication's method of administration means the way the medication is given. Examples are orally (by mouth), topically (applied to the skin), in drops (ears or eyes), or inhaled (through the mouth or nasally).

Enforcement

This rule is out of compliance if medication is given and there is parental permission, but the permission form does not include all required information.

For the purposes of this rule, a parent can leave over-the-counter medication with the provider with an ongoing permission form asking that the medication be given as indicated by the parents.

If a medication form includes the required medication permission items and the required medication administration items, both rules will be considered in compliance if all of the required information is somewhere on the form.

Always Level 2 Noncompliance.

- (5) If the provider keeps over-the-counter medication at the facility that is not brought in by a parent for their child's use, the medication shall not be administered to any child without prior parental consent for each instance it is given. The consent must be either:**
- (a) prior written consent; or**
 - (b) oral consent for which a provider documents in writing the date and time of the consent, and which the parent signs upon picking up the child.**

Rationale / Explanation

The purpose of this rule is to protect both providers and children by ensuring that medication is never given to a child without parental knowledge and permission. CFOC, 3rd Ed. pgs. 141-142 Standard 3.6.3.1, pg. 391 Standard 9.4.2.6

Enforcement

Always Level 2 Noncompliance.

- (6) If the provider chooses not to administer medication as instructed by the parent, the provider shall notify the parent of their refusal to administer the medication prior to the time the medication needs to be given.**

Rationale / Explanation

The purpose for this rule is so that parents do not drop a child off at the center thinking their child will be given medication as requested, if the child will in fact not be given the medication.

Enforcement

Level 1 Noncompliance if the condition being treated could be life threatening.

Level 2 Noncompliance otherwise.

- (7) When administering medication, the provider administering the medication shall:**
- (a) wash their hands;**
 - (b) check the medication label to confirm the child's name;**
 - (c) compare the instructions on the parent release form with the directions on the prescription label or product package to ensure that a child is not given a dosage larger than that**

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- recommended by the health care provider or the manufacturer;
(d) administer the medication; and

Rationale / Explanation

The purpose of this rule is to avoid harm to children by ensuring that medications are properly administered. CFOC, 3rd Ed. pgs. 143-144 Standard 3.6.3.3

Enforcement

Hand sanitizers may be used to meet the hand washing requirements for adults and children age 2 and older without visibly dirty hands.

Level 1 Noncompliance if the provider does not follow (c) and this results in harm to a child.

Level 2 Noncompliance otherwise.

- (7) When administering medication, the provider administering the medication shall:

- (e) immediately record the following information:
- (i) the date, time, and dosage of the medication given;
 - (ii) the signature or initials of the provider who administered the medication; and,
 - (iii) any errors in administration or adverse reactions.

Rationale / Explanation

The purpose of this rule is to avoid harm to children by ensuring that medications are properly administered. CFOC, 3rd Ed. pgs. 143-144 Standard 3.6.3.3

Enforcement

If a medication form includes the required medication permission items and the required medication administration items, both rules will be considered in compliance if all of the required information is somewhere on the form.

Level 2 Noncompliance if failure to record the administration of medication results in a child being given an extra dose of a medication or missing a needed dose of medication.

Level 3 Noncompliance otherwise.

- (8) The provider shall report any adverse reaction to a medication or error in administration to the parent immediately upon recognizing the error or reaction, or after notifying emergency personnel if the reaction is life threatening.

Rationale / Explanation

The purpose of this rule is to avoid additional harm to children by ensuring that any adverse medication reaction or administration error is dealt with immediately, including by emergency personnel if needed. CFOC, 3rd Ed. pgs. 143-144 Standard 3.6.3.3

Enforcement

Always Level 1 Noncompliance.

R430-70-18: NAPPING.

If the program offers children the opportunity for rest:

- (1) The provider shall maintain sleeping equipment in good repair.

Rationale / Explanation

The purpose of this rule is to prevent injury to children from broken equipment.

Enforcement

Always Level 3 Noncompliance.

- (2) If sleeping equipment is clearly assigned to and used by an individual child, the provider must clean and sanitize it as needed, but at least weekly.

Rationale / Explanation

Lice, scabies, and ringworm are among the most common infectious diseases in child care. Providing separate sleeping equipment and bedding for each child, and storing it separately, can prevent the spread of these diseases. CFOC, pg. 110 Standard 3.039; pgs. 226-227 Standard 5.094

Enforcement

Level 2 Noncompliance if an item is visibly dirty with feces.

Level 3 Noncompliance otherwise.

- (3) If sleeping equipment is not clearly assigned to and used by an individual child, the provider must clean and sanitize it prior to each use.

Rationale / Explanation

Lice, scabies, and ringworm are among the most common infectious diseases in child care. Providing separate sleeping equipment and bedding for each child, and storing it separately, can prevent the spread of these diseases. CFOC, 3rd Ed. pg. 118 Standard 3.3.0.4, pg. 136 Standard 3.6.1.5

Enforcement

Blankets in a cubbie labeled with the child's name can be considered assigned to one child. Mats or cots can be clearly assigned to an individual child by having names on them, by numbering them and having a chart showing which number is assigned to which child or by labeling the container in which the mats or cots are stored. Mats that are not assigned to one child in this way must be cleaned and sanitized prior to each use.

Always Level 2 Noncompliance.

- (4) Sleeping equipment may not block exits at any time.

Rationale / Explanation

The purpose of this rule is to allow quick exit from the building in the event of an emergency, and to avoid sleeping children getting stepped on by people exiting or entering the room. CFOC, 3rd Ed. pg. 207 Standard 5.1.4.3

Enforcement

Always Level 2 Noncompliance.

R430-70-19: CHILD DISCIPLINE.

- (1) The provider shall inform caregivers, parents, and children of the program's behavioral expectations for children.

Rationale / Explanation

The purpose of this rule is to ensure that all parties involved, including parents, children, and caregivers understand the program's behavioral expectations. Children cannot be expected to conform to behavioral expectations if they do not know what those expectations are. CFOC, 3rd Ed. pgs. 70-72 Standard 21.2.0.6, pgs. 349-350 Standard 9.2.1.3

Enforcement

The provider may inform caregivers, parents, and children of the program's behavioral expectations in a variety of ways. Examples of this include making it part of the orientation information for new enrolling parents, putting it in a parent handbook, posting it in the center, and discussing it at parent meetings.

Always Level 3 Noncompliance.

- (2) The provider may discipline children using positive reinforcement, redirection, and by setting clear limits that promote children's ability to become self-disciplined.

Rationale / Explanation

The word "discipline" originates from a Latin root that implies learning and education. The modern dictionary defines discipline as "training that develops self-control, character, or orderliness and efficiency." Unfortunately, common usage has corrupted the word so that many consider discipline synonymous with punishment, most particularly corporal punishment. CFOC, 3rd Ed. pgs. 70-72 Standard 2.2.0.6

Discipline is most effective when it is consistent, recognizes and reinforces desired behaviors, and offers natural consequences (for example, when a child breaks a toy, the toy no longer works) and logical consequences (for example, not being able to play in the sandbox for a period of time as a consequence for throwing sand) for negative behaviors. Research studies have found that corporal punishment has limited effectiveness and potentially harmful side effects. CFOC, 3rd Ed. pgs. 70-72 Standard 2.2.0.6

Discipline should be an ongoing process of teaching that helps children develop inner control so that they can manage their own behavior in a socially acceptable manner. Children must be given understandable guidelines for their behavior if they are to develop inner control of their actions. The aim of discipline is to develop personal self-discipline. CFOC, 3rd Ed. pgs. 70-72 Standard 2.2.0.6

Appropriate alternatives to corporal punishment vary as children grow and develop. School age children begin to develop a sense of personal responsibility and self-control, and will recognize the removal of privileges (such as the loss of participation in an activity). CFOC, 3rd Ed. pgs. 75-76 Standard 2.2.0.9

- (3) Caregivers may use gentle, passive restraint with children only when it is needed to stop children from injuring themselves or others or from destroying property.

Rationale / Explanation

Children in out of home care in the United States have been shown to demonstrate more aggressive behavior than children reared at home or children in child care facilities in other countries. Children mimic adult behavior: adults who demonstrate loud or violent behavior serve as models for children. Caregiver intervention when children behave aggressively protects children and encourages them to exhibit more acceptable behavior. CFOC, 3rd Ed. pgs. 72-73 Standard 2.2.0.7

R430-70-19: CHILD DISCIPLINE.

When a child's behavior makes it necessary, for his or her own or others' protection, to restrain the child, the most desirable method of restraint is holding the child as gently as possible to accomplish the restraint. The child should not be physically restrained any longer than is necessary to control the situation. No bonds, ties, or straps should be used to restrain children. CFOC, 3rd Ed. pg. 76 Standard 2.2.0.10

- (4) Discipline measures shall not include any of the following:
- (a) any form of corporal punishment such as hitting, spanking, shaking, biting, pinching, or any other measure that produces physical pain or discomfort;

Rationale / Explanation

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

Appropriate alternatives to corporal punishment vary as children grow and develop. School age children begin to develop a sense of personal responsibility and self-control, and will recognize the removal of privileges (such as the loss of participation in an activity). CFOC, 3rd Ed. pgs. 75-76 Standard 2.2.0.9

Enforcement

Corporal punishment includes squirting a child with water or putting hot sauce or soap in a child's mouth.

Always Level 1 Noncompliance.

- (4) Discipline measures shall not include any of the following:
- (b) restraining a child's movement by binding, tying, or any other form of restraint that exceeds that specified in Subsection (3) above.

Rationale / Explanation

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

Appropriate alternatives to corporal punishment vary as children grow and develop. School age children begin to develop a sense of personal responsibility and self-control, and will recognize the removal of privileges (such as the loss of participation in an activity). CFOC, 3rd Ed. pgs. 75-76 Standard 2.2.0.9

Enforcement

Placing a child in a harness or leash is considered restraining a child's movements.

Always Level 1 Noncompliance.

- (4) Discipline measures shall not include any of the following:
- (c) shouting at children;

Rationale / Explanation

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

R430-70-19: CHILD DISCIPLINE.

Enforcement

This rule is not intended to prevent a caregiver from shouting to a child in an emergency situation where there is a danger of imminent serious physical harm (for example, to prevent a child from running into the street).

Always Level 1 Noncompliance.

- (4) Discipline measures shall not include any of the following:**
(d) any form of emotional abuse;

Rationale / Explanation

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

Appropriate alternatives to corporal punishment vary as children grow and develop. School age children begin to develop a sense of personal responsibility and self-control, and will recognize the removal of privileges (such as the loss of participation in an activity). CFOC, 3rd Ed. pgs. 75-76 Standard 2.2.0.9

Enforcement

A provider's use of profanity in the presence of children is considered emotional abuse and inappropriate discipline.

Always Level 1 Noncompliance.

- (4) Discipline measures shall not include any of the following:**
(e) forcing or withholding of food, rest, or toileting; and,

Rationale / Explanation

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

When adults use food to modify behavior, children can come to view eating as a tug-of-war and are more likely to develop lasting food dislikes and unhealthy eating behaviors. CFOC, 3rd Ed. pgs. 70-72 Standard 2.2.0.6

Enforcement

Always Level 1 Noncompliance.

- (4) Discipline measures shall not include any of the following:**
(f) confining a child in a closet, locked room, or other enclosure such as a box, cupboard, or cage.

Rationale / Explanation

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

Appropriate alternatives to corporal punishment vary as children grow and develop. School age children begin to develop a sense of personal responsibility and self-control, and will recognize the removal of privileges (such as

R430-70-19: CHILD DISCIPLINE.

the loss of participation in an activity). CFOC, 3rd Ed. pgs. 75-76 Standard 2.2.0.9

Enforcement

A child may not be put in an enclosure for time out purposes. This is considered confining a child.

Always Level 1 Noncompliance.

R430-70-20: ACTIVITIES.

- (1) The provider shall post a daily schedule of activities. The daily schedule shall include, at a minimum, meal, snack, and outdoor play times.

Rationale / Explanation

All child care facilities need a written description of the planned daily activities so staff and parents have a common understanding of the services and activities being provided to children. CFOC, 3rd Ed. pgs. 49-50 Standard 2.1.1.1

The posted daily schedule also allows licensors to verify that meals and snacks are served at minimal required intervals, that scheduled nap times do not exceed 2 hours, and that outdoor play is offered daily, weather permitting.

Enforcement

A program could have a combined daily schedule (required in this rule) and activity plan [required in (3) below], if it includes both the times of day activities occur and the specific activities offered to children.

If the program staff post all of the daily schedules together in one place, such as on a parent bulletin board at the front of the facility, rather than in the individual classrooms, the Licensee will be considered in compliance with this rule.

If there is a daily schedule posted for the rooms where it is required and this schedule is available for those rooms where it is not posted, the Licensee will be considered in compliance with this rule.

Always Level 3 Noncompliance.

- (2) On days when children are in care for four or more hours, daily activities shall include outdoor play if weather permits.

Rationale / Explanation

Outdoor play is not only an opportunity for learning in a different environment. It also provides many health benefits. Generally, infectious disease organisms are less concentrated in outdoor air than in indoor air. Light exposure of the skin to sunlight promotes the production of vitamin D that growing children require. Open spaces in outdoor areas encourage children to develop gross motor skills and fine motor play in ways that are difficult to duplicate indoors. CFOC, 3rd Ed. pgs. 93-94 Standard 3.1.3.2

Enforcement

On days when air quality is rated poor/red due to a winter inversion, children are not required to have outdoor play time.

For information about air quality visit:

- www.ksl.com
- <http://www.airquality.utah.gov>
- www.cleanair.utah.com

Always Level 3 Noncompliance.

- (3) The provider shall offer activities to support each child's healthy physical, social-emotional, and cognitive-language development. The provider shall post a current activity plan for parent review listing these activities.

R430-70-20: ACTIVITIES.

Rationale / Explanation

The purpose of this rule is to ensure that providers have and carry out a plan for supporting children's healthy development, and they communicate this plan to parents. Reviews of children's performance after attending out-of-home child care indicate that children attending facilities with a well-developed plan of activities achieve appropriate levels of development. CFOC, 3rd Ed. pg. 50 Standard 2.1.1.2, pgs. 61-63 Standards 2.1.3.1-2.1.2.7, pgs. 63-64 Standards 2.1.4.1 - 2.1.4.4

Research in early brain development has demonstrated the importance of offering children repeated and varied activities in the first ten years of life. A stimulating environment that engages children in a variety of activities can improve the quality of their brain functioning. Scientists have learned that different regions of the cortex increase in size when they are exposed to stimulating conditions, and the longer the exposure, the more they grow. Children who do not receive appropriate nurturing or stimulation during developmental prime times are at heightened risk for developmental delays and impairments. Rethinking the Brain, by Rima Shore; Ten Things Every Child Needs for the Best Start in Life, the Robert T. McCormick Tribune Foundation; How a Child's Brain Develops and What it Means for Child Care and Welfare Reform, Time, February 3, 1997

Enforcement

A provider can have a combined daily schedule (required in this rule) and activity plan [required in (3) below], if it includes both the times of day activities occur and the specific activities offered to children.

If the program staff post all of the daily schedules together in one place, such as on a parent bulletin board at the front of the facility, rather than in the individual classrooms, the Licensee will be considered in compliance with this rule.

If there is a daily schedule posted for the rooms where it is required and this schedule is available for those rooms where it is not posted, the Licensee will be considered in compliance with (3).

Always Level 2 Noncompliance.

- (4) The provider shall make the toys and equipment needed to carry out the activity plan accessible to children.**

Rationale / Explanation

The purpose of this rule is to ensure that providers have and carry out a plan for supporting children's healthy development, and they communicate this plan to parents. Reviews of children's performance after attending out-of-home child care indicate that children attending facilities with a well-developed plan of activities achieve appropriate levels of development. CFOC, 3rd Ed. pg. 50 Standard 2.1.1.2, pgs. 61-63 Standards 2.1.3.1-2.1.2.7, pgs. 63-64 Standards 2.1.4.1 - 2.1.4.4

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R430-70-20: ACTIVITIES.

Enforcement

Always Level 2 Noncompliance.

(5) If off-site activities are offered:

- (a) the provider shall obtain written parental consent for each activity in advance;**

Rationale / Explanation

An off-site activity means any activity in which children leave the center premises. This includes walking field trips. The purpose of this rule is to protect both children and providers by ensuring that children are never taken off-site without written parental permission. CFOC, 3rd Ed. pg. 338 Standard 9.4.2.3

Examples of possible harm when this happens include a child who has a health care need that is not met because his/her parent didn't know he/she was being taken on an off-site activity. (For example, if a child with an ear infection is taken swimming.)

Enforcement

Off-site activities are activities in which one or more children and caregivers leave the facility property to engage in an activity. Children and caregivers may walk to and from the activity or use transportation. If transportation is used, there must be compliance with the transportation rules found in R430-100-21.

This rule means that parents must be informed of the days and times when children will be taken on off-site activities. If providers have a regularly repeating off-site activity, they may get permission once for all instances of that activity, provided the permission informs the parents of both the day and time when the activity will occur. For example, a provider may get permission to take the children on a neighborhood walk every Tuesday morning at 10 am, or to take the children to swimming lessons every Wednesday afternoon at 4 pm.

Prior written parental permission is not needed for spontaneous walking field trips when the children are away from the facility for no more than 60 minutes and are within ½ mile of the facility, if a notice is posted that includes when the children left the facility, the time children will return to the facility, the final destination of the trip, and the route to and from that location.

Always Level 3 Noncompliance.

(5) If off-site activities are offered:

- (b) caregivers shall take written emergency information and releases with them for each child in the group, which shall include:**
- (i) the child's name;**
 - (ii) the parent's name and phone number;**
 - (iii) the name and phone number of a person to notify in the event of an emergency if the parent cannot be contacted;**
 - (iv) the names of people authorized by the parents to pick up the child; and**
 - (v) current emergency medical treatment and emergency medical transportation releases;**

Rationale / Explanation

Injuries are more likely to occur when a child's surrounding or routine changes. Activities outside of the regular facility may pose increased risk for injury. When children are excited or busy playing in unfamiliar areas, they are more likely to forget safety rules. Emergency information is the key to obtaining needed care in emergency situations. Both caregivers and emergency personnel must have access to this information in an emergency. CFOC, 3rd Ed. pgs. 287-288 Standard 6.5.1.1, pgs. 387-388 Standard 9.4.2.2.

R430-70-20: ACTIVITIES.

Enforcement

Off-site activities are activities in which one or more children and caregivers leave the facility property to engage in an activity. Children and caregivers may walk to and from the activity, or use transportation. If transportation is used, there must be compliance with the transportation rules found in R430-100-21.

Caregivers must take the emergency information specified in this rule with them when children are being taken off-site to and from school, including being walked to school.

Always Level 3 Noncompliance.

(5) If off-site activities are offered:

- (c) the provider shall maintain required caregiver to child ratios and direct supervision during the activity;**

Rationale / Explanation

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. Caregivers should regularly assess the environment to see how their ability to see and hear children during activities might be improved. Many instances have been reported in which a child was hidden when the group was moving to another location or a child wandered off when a door was open. Regular counting of children can alert the staff to a missing child. CFOC, 3rd Ed. pgs. 64-66 Standard 2.2.0.1.

Injuries are more likely to occur during off-site activities when a child's surrounding or routine changes. Activities outside of the regular facility may pose increased risk for injury. When children are excited or busy playing in unfamiliar areas, they are more likely to forget safety measures unless they are closely supervised at all times. CFOC, 3rd Ed. pgs. 287-288 Standard 6.5.1.1.

Enforcement

Supervision:

Always Level 1 Noncompliance.

Ratios:

Level 1 Noncompliance:

Over ratio or group size by 6 or more children

Level 2 Noncompliance:

Over ratio or group size by 4-5 children

Level 3 Noncompliance:

Over ratio or group size by 1-3 children

When there is enough staff to be in ratio in each age group, but the children in one or more age groups are not grouped to meet the required ratios

(5) If off-site activities are offered:

- (d) at least one caregiver present shall have a current Red Cross, American Heart Association, or equivalent first aid and infant and child CPR certification;**

R430-70-20: ACTIVITIES.

Rationale / Explanation

To ensure the health and safety of children in a child care setting, including during off-site activities, someone who is qualified to respond to common life-threatening emergencies must be present at all times. The presence of such a qualified person can mitigate the consequences of injury and reduce the potential for death from life-threatening conditions. Having these emergency skills, and the confidence to use them, are critically important to the outcome of an emergency situation. CFOC, 3rd Ed. pgs. 24-25 Standard 1.4.3.1, pgs. 287-288 Standard 6.5.1.1.

Enforcement

Level 2 Noncompliance if there is no CPR certification.

Level 3 Noncompliance if there is no first aid certification.

- (5) If off-site activities are offered:
(e) caregivers shall take a first aid kit with them;

Rationale / Explanation

The purpose of this rule is to ensure centers have the supplies needed to respond to minor injuries of children, while also ensuring that children are not injured by having access to harmful items in the kit. CFOC, 3rd Ed. pgs. 257-258 Standard 5.6.0.1.

Enforcement

Always Level 3 Noncompliance.

- (5) If off-site activities are offered:
(f) children shall wear or carry with them the name and phone number of the program, but children's names shall not be used on name tags, t-shirts, or other identifiers; and

Rationale / Explanation

The purpose of this rule is so that the center can be contacted if a child becomes lost while on a field trip and the group cannot be found at the field trip site. The purpose of not using children's names on identifiers is so that strangers cannot call a child by his or her name. Children may be more likely to respond to a stranger who approaches them if the stranger calls the child by their name.

Enforcement

Children in care need to wear or carry with them the name and phone number of the center, even when in swimming pools.

Level 1 Noncompliance if a child becomes lost and does not have the program's name and phone number or if a child is abducted and their name was used on their identifier.

Level 3 Noncompliance otherwise.

- (5) If off-site activities are offered:
(g) caregivers shall provide a way for children to wash their hands as specified in R430-70-16(2). If there is no source of running water, caregivers and children may clean their hands with wet wipes and hand sanitizer.

Rationale / Explanation

R430-70-20: ACTIVITIES.

Handwashing is the most important way to reduce the spread of infection. Many studies have shown that unwashed or improperly washed hands are the primary carriers of infection. Deficiencies in handwashing have contributed to many outbreaks of diarrhea among children and caregivers in child care centers. In centers that have implemented a handwashing training program, the incidents of diarrheal illness has decreased by 50%. One study also found that handwashing helped to reduce colds when frequent proper handwashing practices were incorporated into a child care center's curriculum. CFOC, 3rd Ed. pgs. 110-111 Standard 3.2.2.1, pg. 114 Standard 3.2.3.1.

Washing hands after eating is especially important for children who eat with their hands, to decrease the amount of saliva (which may contain organisms) on their hands. Good handwashing after playing in sandboxes will help prevent ingesting parasites that can be present in contaminated sand and soil. Animals, including pets, are a source of infection for people, and people may be a source of infection for animals. CFOC, 3rd Ed. pgs. 100-111 Standard 3.2.2.1.

Enforcement

Level 2 Noncompliance if handwashing does not take place after a caregiver or child uses the toilet.

Level 3 Noncompliance otherwise.

- (6) If swimming activities are offered, caregivers shall remain with the children during the activity, and lifeguards and pool personnel shall not count toward the caregiver to child ratio.**

Rationale / Explanation

Constant vigilant supervision of children near any body of water is essential. Each year approximately 1,500 children under age 20 drown, many in swimming pools. In a comprehensive study of drowning and submersion incidents involving children under 5 years of age, the Consumer Product Safety Commission found that pool submersions involving children happen quickly. Seventy-seven percent of the victims had been missing from sight for 5 minutes or less, and splashing often did not occur to alert anyone that the child was in trouble. Careful supervision is also needed to ensure that children do not engage in dangerous behavior around swimming pools. CFOC, 3rd Ed. pgs. 68-69 Standards 2.2.0.4, 2.2.0.5.

Enforcement

Always Level 2 Noncompliance.

R430-70-21: TRANSPORTATION.

- (1) Any vehicle that is used for transporting children in care, except public bus or train, shall:
(a) be enclosed;

Rationale / Explanation

The purpose of this rule is to ensure that children are not at risk for falling out of an open vehicle while it is in motion, or being thrown from the vehicle in an accident.

Enforcement

Enclosed means that the vehicle has a top/roof. It does not mean the windows must be rolled up.

Always Level 2 Noncompliance.

- (1) Any vehicle that is used for transporting children in care, except public bus or train, shall:
(b) be equipped with individual, size appropriate safety restraints, properly installed and in working order, for each child being transported;

Rationale / Explanation

The purpose of this rule is to prevent children from being killed in an automobile accident. Motor vehicle crashes are the leading cause of death of children in the United States, and children who are not buckled in appropriate restraints are 11 times more likely to die in a crash than children who are properly restrained. CFOC, 3rd Ed. pgs. 289-291 Standard 6.5.2.2

Enforcement

“Safety restraints” refers to seat belts, car seats, booster seats, etc. used individually, and as required by Utah law. Utah code states the following regarding the use of child restraints:

41-6a-1803. Driver and passengers – Seat belt or child restraint device required.

- (1) *The operator of a motor vehicle operated on a highway shall:*
- (a) *wear a properly adjusted and fastened safety belt; and*
 - (b) *provide for the protection of each person five years of age up to 16 years of age by:*
 - (i) *using an appropriate child restraint device to restrain each person in the manner prescribed by the manufacturer of the device; or*
 - (ii) *securing, or causing to be secured, a properly adjusted and fastened safety belt on each person.*

Always Level 2 Noncompliance.

- (1) Any vehicle that is used for transporting children in care, except public bus or train, shall:
(c) have a current vehicle registration and safety inspection;
(d) be maintained in a safe and clean condition;

Rationale / Explanation

The purpose of this rule is to ensure that children are transported in a safe vehicle that meets all legal requirements for the operation of a vehicle in Utah. CFOC, 3rd Ed. pg. 373 Standard 9.2.5.1

Enforcement

No vehicle used by multiple children can be expected to be free of all debris. Maintaining vehicles in clean condition should allow for normal daily use. This rule applies to situations in which there is a buildup of dirt or debris such that it endangers children's health or safety (for example, if there is so much debris that it causes a

R430-70-21: TRANSPORTATION.

tripping hazard, or if there is a buildup of soil, food, or other debris that provides a place where disease-causing bacteria can grow).

Level 1 Noncompliance if the vehicle has a serious safety problem, such as if there are broken windows with exposed glass edges, broken doors that do not close, seats have become unattached from the floor of the vehicle, carbon dioxide coming into the vehicle due to a faulty muffler, or faulty brakes.

Level 3 Noncompliance if the vehicle is not clean, or doesn't have documentation of a current registration.

- (1) Any vehicle that is used for transporting children in care, except public bus or train, shall:
(e) maintain temperatures between 60-90 degrees Fahrenheit when in use;

Rationale / Explanation

Some children have problems with temperature variations. Whenever possible, opening windows to provide fresh air to cool a hot interior is preferable before using air conditioning. Over-use of air conditioning can increase problems with respiratory infections and allergies. Excessively high temperatures in vehicles can cause neurological damage in children. Temperatures in hot cars can reach dangerous levels within 15 minutes. CFOC, 3rd Ed. pgs. 291-292 Standard 6.5.2.4

Enforcement

Level 2 Noncompliance if the temperature in a vehicle is 100 degrees Fahrenheit or higher or 0 degrees Fahrenheit or lower.

Level 3 Noncompliance otherwise.

- (1) Any vehicle that is used for transporting children in care, except public bus or train, shall:
(f) contain a first aid kit; and

Rationale / Explanation

Caregivers must be able to respond to the needs of children in case of injury, which requires that adequate emergency supplies be available in all conditions, including when children are being transported. CFOC, 3rd Ed. pgs. 257-258 Standard 5.6.0.1

Enforcement

Always Level 3 Noncompliance.

- (1) Any vehicle that is used for transporting children in care, except public bus or train, shall:
(g) contain a body fluid clean up kit.

Rationale / Explanation

Children and adults may unknowingly be infected with infectious agents such as hepatitis B, HIV, or other infectious agents found in blood. Blood and body fluids containing blood (such as water discharges from injuries) pose the highest potential risk, because bloody body fluids contain the highest concentration of viruses. In addition, the hepatitis B virus can survive in a dried state for at least a week and perhaps even longer. Some other body fluids such as saliva contaminated with blood or blood-associated fluids may contain live viruses but at lower concentrations than are found in blood itself. Many other types of infectious germs may be contained in human waste and other body fluids. Because many people carry such communicable diseases without having

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symptoms, and many are contagious before they experience symptoms, adults and children alike need to be protected by following safe procedures for handling body fluids. CFOC, 3rd Ed. pgs. 30-31 Standard 1.4.5.3 pgs. 114-116 Standard 3.2.3.4

Enforcement

Always Level 3 Noncompliance.

- (2) At least one adult in each vehicle transporting children shall have a current Red Cross, American Heart Association, or equivalent first aid and CPR certification.**

Rationale / Explanation

To ensure the health and safety of children in a child care setting, including during off-site activities, someone who is qualified to respond to common life-threatening emergencies must be present at all times. The presence of such a qualified person can mitigate the consequences of injury and reduce the potential for death from life-threatening conditions. Having these emergency skills, and the confidence to use them, are critically important to the outcome of an emergency situation. CFOC, 3rd Ed. pgs. 24-25 Standard 1.4.3.1, 1.4.3.2

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.

Equivalent CPR certification must include hands-on skills testing.

Level 2 Noncompliance if there is no CPR certification.

Level 3 Noncompliance if there is no first aid certification.

- (3) The adult transporting children shall:**
(a) have and carry with them a current valid Utah driver's license, for the type of vehicle being driven, whenever they are transporting children;

Rationale / Explanation

Driving children is a significant responsibility. The purpose of this rule is to ensure that anyone who drives children is competent to drive the vehicle being driven. CFOC, 3rd Ed. pgs 288-289, Standard 6.5.1.2.

In Utah, a person who drives a vehicle designed to carry 16 or more passengers, including the driver, is required to have a commercial driver's license (CDL). See Utah Code, Title 53, Section 3, Subsection 102(4) & (5)

Enforcement

Always Level 3 Noncompliance.

- (3) The adult transporting children shall:**
(b) have with them written emergency contact information for all of the children being transported;

Rationale / Explanation

The purpose of this rule is to ensure that children's contact and emergency information is available any time they are being transported. In the event of an accident or a missing child, both caregivers and emergency response

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personnel may need access to children's emergency and contact information. CFOC, 3rd Ed. pgs. 257-258 Standard 5.6.0.1

Enforcement

For the purposes of this rule, children's contact and emergency information cannot be stored in an electronic device. This is because in the event of an accident, emergency responders may not know how to access the information electronically.

Always Level 3 Noncompliance.

(3) The adult transporting children shall:

- (c) ensure that each child being transported is wearing an appropriate individual safety restraint as required by Utah law;**

Rationale / Explanation

The purpose of this rule is to prevent children from being killed in an automobile accident. Motor vehicle crashes are the leading cause of death of children in the United States, and children who are not buckled in appropriate restraints are 11 times more likely to die in a crash than children who are properly restrained. CFOC, 3rd Ed. pgs. 289-291 Standard 6.5.2.2.

Enforcement

"Safety restraints" refers to seat belts, car seats, booster seats, etc. used individually, and as required by Utah law. Utah code states the following regarding the use of child restraints:

41-6a-1803. Driver and passengers -- Seat belt or child restraint device required.

- (1) (a) The operator of a motor vehicle operated on a highway shall:
 - (i) wear a properly adjusted and fastened safety belt;
 - (ii) provide for the protection of each person younger than eight years of age by using a child restraint device to restrain each person in the manner prescribed by the manufacturer of the device; and
 - (iii) provide for the protection of each person eight years of age up to 16 years of age by securing, or causing to be secured, a properly adjusted and fastened safety belt on each person.

Always Level 2 Noncompliance.

(3) The adult transporting children shall:

- (d) ensure that no child is left unattended by an adult in the vehicle;**

Rationale / Explanation

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. This includes supervising children during transport. The placement of a child in a vehicle does not eliminate the need for supervision. Potential dangers when children are left unattended in vehicles include a child leaving the vehicle, a child taking the vehicle out of gear or taking the park brake off, a child being taken from a vehicle by an unauthorized individual, or a child dying from heat stress in a hot car. (Temperatures in hot cars can reach dangerous levels within 15 minutes.) CFOC, 3rd Ed. pgs. 6-7 Standard 1.1.1.4, pgs. 64-66 Standard 2.2.0.1, pgs. 287-288 Standard 6.5.1.1

Enforcement

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Always Level 2 Noncompliance.

- (3) The adult transporting children shall:
(e) ensure that all children remain seated while the vehicle is in motion;

Rationale / Explanation

The purpose of this rule is to ensure that children are not injured by falling or being thrown when a vehicle moves, such as in a sudden stop or start. Moving children may also distract the driver and cause an increased risk of an accident. CFOC, 3rd Ed. pg. 291 Standard 6.5.2.3

Enforcement

Always Level 2 Noncompliance.

- (3) The adult transporting children shall:
(f) ensure that keys are never left in the ignition when the driver is not in the driver's seat; and,

Rationale / Explanation

The purpose of this rule is to prevent children from starting and/or moving a vehicle in the absence of a responsible driver.

Enforcement

Always Level 2 Noncompliance.

- (3) The adult transporting children shall:
(g) ensure that the vehicle is locked during transport.

Rationale / Explanation

The purpose of this rule is to prevent an intruder from getting into the vehicle, and to prevent children from accidentally falling out of the vehicle or opening a door before a vehicle comes to a stop.

Enforcement

This rule does not apply to commercial busses that will not go into drive gear if the bus door is locked.

Always Level 3 Noncompliance.

R430-70-22: ANIMALS.

- (1) The provider shall inform parents of the types of animals permitted at the facility.

Rationale / Explanation

The purpose of this rule is to ensure that parents are aware of any animals their child may come in contact with at the center. This is important because the risk of injury, infection, and aggravation from allergies due to contact between children and animals is significant. CFOC, 3rd Ed. pgs. 119-121 Standard 3.4.2.1, pgs. 349-350 Standard 9.2.1.3.

Enforcement

This rule includes fish and frogs.

This rule only applies to animals that are at the center on a regular basis. Animals that are brought in for show and tell do not need immunizations or parent notification.

Always Level 3 Noncompliance.

- (2) All animals at the facility shall be clean and free of obvious disease or health problems that could adversely affect children.

Rationale / Explanation

Animals, including pets, can be a source of illness for people; likewise, people may be a source of illness for animals. The purpose of this rule is to prevent the spread of disease through contact with dirty or ill animals, and to prevent children from being bitten or otherwise injured by a sick animal. CFOC, 3rd Ed. pgs. 121-122 Standard 3.4.2.3.

Enforcement

This rule includes fish and frogs.

Always Level 3 Noncompliance.

- (3) All animals at the facility shall have current immunizations for all vaccine preventable diseases that are transmissible to humans. The program shall have documentation of the vaccinations.

Rationale / Explanation

Animals, including pets, can be a source of illness for people; likewise, people may be a source of illness for animals. The purpose of this rule is to prevent the spread of disease through contact with dirty or ill animals, and to prevent children from being bitten or otherwise injured by a sick animal. CFOC, 3rd Ed. pgs. 121-122 Standard 3.4.2.3.

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.

Animals that are brought in for show and tell do not need immunizations or parent notification.

Licensors will look for documentation of rabies vaccinations for cats, dogs, and ferrets to verify compliance with this rule.

Always Level 2 Noncompliance.

R430-70-22: ANIMALS.

- (4) There shall be no animal on the premises that has a history of dangerous, attacking, or aggressive behavior, or a history of biting even one person.

Rationale / Explanation

The purpose of this rule is to prevent injury to children by an aggressive animal. CFOC, 3rd Ed. pg. 121, Standard 3.4.2.2.

Enforcement

This rule includes fish and frogs.

Pythons, boa constrictors, and anacondas are naturally aggressive animals and are very dangerous. Therefore, they may not be on the premises.

If an animal bites a person, and the owner/director immediately removes the animal from the facility and does not allow it back, this rule is in compliance.

Level 1 Noncompliance if the animal is accessible to a child in care or bites a person.

Level 2 Noncompliance otherwise.

- (5) There shall be no animals or animal equipment in food preparation or eating areas.

Rationale / Explanation

The presence of animals in food preparation or eating areas can increase the risk of contaminating food. CFOC, 3rd Ed. pgs. 185-186 Standard 4.8.0.1

Enforcement

This rule includes frogs.

Animals and animal equipment must be at least 36 inches from food preparation or eating surfaces in order for this rule to be in compliance.

Providers who have airtight, watertight covers on animal food and water dishes that are in food preparation or eating areas meet this rule.

This rule does not prohibit fish bowls or tanks in food preparation or eating areas.

Always Level 3 Noncompliance.

- (6) Children shall not handle reptiles or amphibians.

Rationale / Explanation

The purpose of this rule is to prevent the spread of salmonella. CFOC, 3rd Ed. pg. 121 Standard 3.4.2.2.

Reptiles are cold-blooded air-breathing animals covered with scales, for example: snakes, lizards, and turtles. Amphibians are cold-blooded animals that are able to live both on land and in water, for example: frogs and salamanders.

Enforcement

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*This rule applies to reptiles and amphibians brought in by a zoo or visiting program or any when on a field trip.
Touching reptiles and amphibians is the same as handling reptiles and amphibians.*

Always Level 2 Noncompliance.