

R381-70-10: RATIOS AND GROUP SIZE

The rules in this section regulate the staff-to-child ratio which is the maximum number of children each staff member may be responsible for. The rules also limit group size meaning the number of children who may be cared for in one group at the same time. These rules are based on what children need for quality experiences.

Rules regarding the staff-to-child ratio and group size apply any time children in the out-of-school-time program are present, including when children are being transported and during offsite activities. The rules also apply during special activities when child care is provided at the center, such as a Saturday workshop.

Rule	Unrelated Child	Provider's Own Child	Staff Member's Own Child	Other Related Child
Does the child count in the staff-to-child ratio?	Yes	No ¹	No ¹	Yes
Does the child count in maximum group size?	Yes	Yes	Yes	Yes

¹ The provider's and staff members' children do not count in the staff-to-child ratio as long as the provider or staff member is working at the facility or performing work-related duties.

Refer to the following guidelines:

- The rules are assessed according to the number of children present in each group and not by the number of enrolled children.
- Multiple groups can be in gyms and outdoor areas at the same time as long as there is adequate square footage per child and staff-to-child ratios are maintained.
- For an individual to count in the staff-to-child ratio, they must:
 - Meet personnel requirements as specified in rule,
 - Be on the premises or in the area where the children are being cared for, and
 - Be performing out-of-school-time program duties.
- A group with more than one staff member may be out of ratio for a very brief period of time when:
 - One staff member must leave the room (but not the premises) in order to meet the immediate needs of the children in their group.
 - Meeting the immediate needs of the children includes tasks such as helping a child who is injured or sick, getting food for the children, giving medication to a child, helping a child in the bathroom, or helping a child change soiled clothing.
 - Tasks that are not considered meeting the immediate needs of children include cleaning duties, making personal phone calls, or taking a work break.
 - A staff person needs to use the bathroom and there is no other employee (cook, director, receptionist, etc.) present in the program to assist in giving the staff member a break.

- The option to leave the children with one staff member does not apply to leaving children with a 16- or 17-year-old since individuals younger than 18 may never have unsupervised contact with any child in the program, even for brief periods of time.
- Children may temporarily, no more than 2 hours, be in groups that exceed maximum group sizes for outdoor play, meal times, or if there is a special activity such as a puppet show, provided the required staff-to-child ratios are maintained.
- When a staff member does not count in the staff-to-child ratio and is the only person caring for their own child, the staff member's child does not count in the ratio, capacity, or group size. That parent is the only person responsible for the care of their child.

45 Minute Allowance

For unforeseen circumstances, the staff-to-child ratio may be out of compliance for up to 45 minutes.

Examples of unforeseen circumstances include:

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

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

- The provider must address the situation as soon as it is known that ratios will be out of compliance due to an unforeseen circumstance. The intent of the 45 minutes is to allow enough time for an approved individual to arrive and place the facility back into ratio.
- Children must not be left unsupervised.
- Sign-in and sign-out records must be up-to-date and available for review by CCL.
- If licensing staff arrive when ratios are out of compliance, but the ratio is brought into compliance within the 45 minute allowance, it will not be considered a rule violation. Instead:
 - Two Focus Inspections will be conducted to confirm that it was an unforeseen circumstance.
 - If ratios are out of compliance at the first Focus Inspection, a corrective action will be issued and the second Focus Inspection will not be conducted. Instead, a Followup Inspection will be conducted to verify correction is maintained. (When following up on a ratio violation, all classrooms and areas will be assessed, not just the classroom or areas that were found out of compliance.)
 - If ratios are in compliance at the first and second Focus Inspections, no corrective actions will be issued, but the situation will be documented in the CCL App.
- It is a rule violation if the ratio is not brought into compliance within the 45 minutes.

Emergency Ratio Variance

When unforeseen circumstances occur and the provider cannot meet the required staff-to-child ratio, CCL may grant an emergency variance to the ratio rule for up to ten working days. Examples of long-term, unforeseen circumstances include:

- A staff member leaves their employment without advance notice or is dismissed for immediate cause.

To obtain this variance, the provider must:

- Contact their licensor within 24 hours (or contact other CCL staff if the licensor is unavailable), and
- Inform their licensor of the number of staff who left employment or took an unexpected leave of absence, the staff's names and/or their Covered Individual Numbers.

Refer to the following guidelines:

- This variance is not granted for planned or scheduled leave of absence.
- The number of children per staff member may not be more than 1½ times the number stated in rule.
- The provider must maintain compliance with supervision rules. A variance for supervision will not be granted.
- A Focus Inspection will be conducted to verify compliance with ratios after the variance expires.

(1) The provider shall maintain the staff-to-child ratio of at least one staff member for every 20 children.

Rationale / Explanation

There are many reasons for regulating the staff-to-child ratio and group size. These rules ensure that there are enough staff members to actively supervise children, ensure children's safety, and meet their needs. Direct, warm social interaction between adults and children is more common and more likely with lower child-to-staff ratios. *CFOC 3rd ed. Standards 1.1.1.1. - 1.1.1.2. pp. 3-5.*

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

The American Academy of Pediatrics (AAP) and the American Public Health Association (APHA) recommend that there be one staff member for every eight 5-year-olds, one for every ten 6- to 8-year-olds, and one staff member for every twelve 9- to 12-year-olds. *CFOC 3rd ed. Standard 1.1.1.2. p. 4.*

High Risk Rule Violation

Corrective Action for 1st Instance

Citation and CMP Warning when a group:

- Is over ratio by 6 or more children.
- Is over ratio during transportation or an offsite activity.

Moderate Risk Rule Violation

Corrective Action for 1st Instance

Citation Warning when a group:

- Is over ratio by 4 to 5 children.

Low Risk Rule Violation

Corrective Action for 1st Instance

Warning when a group:

- Is over ratio by 1 to 3 children.

(2) The provider shall not exceed the maximum group size of 40 children per group.

Rationale / Explanation

Maintaining a smaller group size allows children to have needed adult support and guidance while encouraging independent, self-initiated play and other activities. The size of groups should be limited, so that in the event of an emergency, there will be enough adults present to safely evacuate the children. *CFOC 3rd ed. Standards 1.1.1.1. - 1.1.1.2. pp. 3-6.*

High Risk Rule Violation

Corrective Action for 1st Instance

Citation and CMP Warning when the group:

- Is over group size by 6 or more children.
- Is over group size during transportation or offsite activities.

Moderate Risk Rule Violation

Corrective Action for 1st Instance

Citation Warning when the group:

- Is over group size by 4 to 5 children.

Low Risk Rule Violation

Corrective Action for 1st Instance

Warning when the group:

- Is over group size by 1 to 3 children.

- (3) **There shall be at least 2 staff members present when there are more than 8 children on the premises.**

Rationale / Explanation

The purpose of this rule is to ensure that there are enough staff members present to always supervise the children including in the event of an emergency. *CFOC 3rd ed. Standard 1.1.1.2. pp. 4-6.*

Compliance Guidelines

- If the staff-to-child ratio is in compliance with one staff member, the second staff member may be any place in the facility and does not need to be with the group of children.
- This rule applies to the provider's and staff members' own children as well as other children on the premises.

Corrective Action for 1st Violation:

High Risk Rule Violation

Citation and CMP Warning

- (4) **The provider's or an employee's child is not counted in the staff-to-child ratio when the parent of the child is working at the facility, but the child is counted in the group size.**

Rationale / Explanation

This rule applies when determining compliance with capacity and maximum group sizes.

Compliance Guidelines

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

- (5) **Staff who are 16 or 17 years old may be included in the staff-to-child ratio, but shall not have unsupervised contact with any child being served.**

Rationale / Explanation

The American Academy of Pediatrics and the American Public Health Association recommend that staff members be at least 18 years of age, and those individuals who are younger than 18

years old should never be left alone with children. *CFOC 3rd ed. Standard 1.3.2.3. p. 13.*

Research in brain development and functioning in teenagers indicates that teenagers' responses to situations are more emotional and impulsive, and show less reasoned judgment than adult responses. For more information about this research, see:

- www.nimh.nih.gov/Publicat/teenbrain.cfm
- www.pbs.org/wgbh/pages/frontline/shows/teenbrain/

Compliance Guidelines

- A 16- or 17-year-old staff member may never have unsupervised contact with a child in the program at any time.
- A staff member who is at least 18 years old and has passed a CCL background check must always be present in the room or area when a 16- or 17-year-old is with the children.

Moderate Risk Rule Violation

Corrective Action for 1st Instance

Citation Warning

- (6) **Volunteers may be included in the staff-to-child ratio if they:**
- (a) are at least 16 years old,**
 - (b) receive at least 2.5 hours of preservice training before counting in the staff-to-child ratio, and**
 - (c) complete at least 1 hour of child related training for each month they volunteer 40 hours or more.**

Rationale / Explanation

Preservice training ensures that all those who work with the children receive specific and basic training for the work they will be doing and are informed about their new responsibilities. Preservice and ongoing training are especially important for those who may have limited education qualifications or experience working with children. *CFOC 3rd ed. Standard 1.4.2.1. p. 21.*

Compliance Guidelines

- The provider's personnel records should verify that the volunteer has completed preservice training and if required, annual training.

High Risk Rule Violation

Corrective Action for 1st Instance

Citation and CMP Warning when a volunteer:

- Counted in the staff-to-child ratio and was younger than 16 years old.

Moderate Risk Rule Violation

Corrective Action for 1st Instance

Citation Warning when a volunteer:

- Did not receive 2.5 hours of preservice training.
- Had unsupervised contact with a child in the program before receiving or completing preservice training.
- Did not complete the annual training hours by the license expiration date.

- (7) **Student interns who are registered in a high school or college child care course may count in the staff-to-child ratio when requirements in R381-70-7(14)(a)-(c) are met.**

Compliance Guidelines

When a student intern counts in the staff-to-child ratio, they:

- May not have unsupervised contact with any child in the program, and
- Must wear a guest nametag.

Moderate Risk Rule Violation

Corrective Action for 1st Instance

Citation Warning

(8) Guests shall not count in staff-to-child ratios.

Rationale / Explanation

The relationship between adults and children is of utmost importance and should be supported by staff who meet all personnel requirements. Guests are not required to be background screened or receive training and therefore may not be responsible for any child in the program. *CFOC 3rd ed. Guiding Principle 4. p. xix.*

Risk and Corrective Action for 1st Instance

Refer to 70-7(9) and/or 70-8(1) for noncompliance with this rule.