

FDL ORDINANCE #04/95, AS AMENDED

**FOND DU LAC RESERVATION
LICENSING REQUIREMENTS FOR CHILD CARE CENTERS AND PROGRAMS**

Adopted by Resolution #1268/95 of the Fond du Lac
Reservation Business Committee, dated August 3, 1995
Amended by Ordinance #08/98, adopted by Resolution #1209/98 of the
Fond du Lac Reservation Business Committee on July 9, 1998
Amended by Resolution #1114/03 of the Fond du Lac Reservation
Business Committee on May 8, 2003.

TABLE OF CONTENTS

Section 101	AUTHORITY AND PURPOSE	1
Section 102	FINDINGS AND APPLICABILITY	1
Section 103	DEFINITIONS	1
Section 104	OPTIONS FOR CHILD CARE PROGRAMS	4
Section 105	APPLICANT BACKGROUND STUDY	5
Section 106	QUALIFICATIONS OF APPLICANTS AND STAFF	5
Section 107	DIRECTORS	8
Section 108	TEACHERS	9
Section 109	ASSISTANT TEACHERS	10
Section 110	AIDES, VOLUNTEERS, SUBSTITUTES	12
Section 111	CERTIFIED CHILD CARE PROVIDERS	13
Section 112	LICENSED ORGANIZED ACTIVITIES PROGRAM STAFF	13
Section 113	CERTIFIED PROGRAM CHILD CARE PROVIDERS	14
Section 114	ORIENTATION, FIRST AID, AND IN SERVICE TRAINING	14
Section 115	STAFF RATIOS AND GROUP SIZE	17
Section 116	CHILD CARE PROGRAM PLAN	19
Section 117	NAPS AND REST	21
Section 118	BEHAVIOR GUIDANCE	21
Section 119	FURNISHINGS, EQUIPMENT MATERIALS, AND SUPPLIES	24
Section 120	CHILD CARE FOR CHILDREN WITH SPECIAL NEEDS	30
Section 121	NIGHT CARE PROGRAM	31
Section 122	DROP IN PROGRAM	32
Section 123	EXCLUSION OF SICK CHILDREN	33
Section 124	SICK CARE PROGRAM	34
Section 125	INFORMATION FOR PARENTS	37
Section 126	PARENT VISITATION	39
Section 127	PARTICIPATION IN FIELD TRIPS	39
Section 128	RESEARCH AND PUBLIC RELATIONS PERMISSION	39
Section 129	EMERGENCY AND ACCIDENT POLICIES AND RECORDS	40
Section 130	CENTER ADMINISTRATIVE RECORDS	41
Section 131	PERSONNEL RECORDS	42
Section 132	CHILDREN'S RECORDS	43
Section 133	REPORTING	44
Section 134	HEALTH	45
Section 135	FOOD AND WATER	50
Section 136	TRANSPORTATION	52
Section 137	FACILITY	53
Section 138	LICENSING PROCESS	56

**FOND DU LAC RESERVATION
LICENSING REQUIREMENTS FOR CHILD CARE CENTERS
ORDINANCE #04/95, AS AMENDED**

Section 101 AUTHORITY AND PURPOSE

This Ordinance is enacted pursuant to the inherent sovereign authority of the Fond du Lac Reservation Business Committee, as the governing body of the Fond du Lac Band of Lake Superior Chippewa, as granted by Article VI of the Constitution of the Minnesota Chippewa Tribe, and as recognized by the United States under Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. § 476, for the purpose of establishing minimum standards for the operation of child care centers and programs on the Fond du Lac Reservation.

Section 102 FINDINGS AND APPLICABILITY

The Reservation Business Committee finds that the health and welfare of the people of the Fond du Lac Band is promoted through the adoption of minimum standards to govern the operation of child care centers and programs within the Fond du Lac Reservation, and that these standards shall be the conditions for licensure by the Reservation Business Committee for all such facilities.

Section 103 DEFINITIONS

The following definitions shall apply to the interpretation and application of this Ordinance:

- a. **Age category.** "Age category" means the designations given a child according to the child's age. The age categories are as follows:
- (1) "Infant" means a child who is at least six weeks old but less than 16 months old.
 - (2) "Toddler" means a child at least 16 months old but less than 33 months old.
 - (3) "Preschooler" means a child who is at least 33 months old but who has not yet attended the first day of kindergarten.

- (4) "School age child" means a child who has at least attended the first day of kindergarten but is less than 13 years old.
- b. **Applicant.** "Applicant" means a person, corporation, partnership, voluntary association, or other organization that has applied for licensure under Fond du Lac Day Care Facility Standards. The term includes license holders that have applied for a new license to continue operating a child care program after the expiration date of their current license.
- c. **Building official.** "Building official" means a person designated by the Fond du Lac Reservation Business Committee to administer the Fond du Lac Building Code, which shall be substantively similar to the Uniform Building Code as codified under Chapter 16B of the Minnesota Statutes.
- d. **Center.** "Center" means a facility in which a child care program is operated but is not required to be licensed as a family or group family day care home.
- e. **Certified Child Care Provider.** "Certified Child Care Provider" means the status given to persons who have met the training and experience obligations and are available for independent child care assignments on the Reservation.
- f. **Certified Program.** Programs under the governance of the Fond du Lac Reservation Business Committee may apply for and receive a certification to provide child care under this Ordinance.
- g. **Child.** "Child" means a person 12 years old or younger.
- h. **Child Care Center.** "Child care center" means the systematic organization or arrangement of activities, personnel, materials, and equipment in a facility to promote the physical, intellectual, social, and emotional development of a child in the absence of the parent for a period of less than 24 hours a day.
- i. **Child care center program plan.** "Child care center program plan" means the written document that states the specific activities that will be provided by the license holder to promote the physical, intellectual, social, and emotional development of the children enrolled in the center.

- j. **Clean.** "Clean" means free from dirt or other contaminants that can be detected by sight, smell, or touch.
- k. **Disinfected.** "Disinfected" means treated to reduce microorganism contamination after an object has been cleaned. Disinfection must be done by rinsing or wiping with a solution of one-fourth cup chlorine bleach plus water to equal one gallon, or an equivalent product or process approved by the Indian Health Service.
- l. **Facility.** "Facility" means the indoor and outdoor space in which the child care program is provided.
- m. **Fire marshal.** "Fire marshal" means the person designated by the Reservation Business Committee to administer and enforce the Fond du Lac Fire Code, which shall be substantively similar to the Uniform Fire Code, as codified under Minnesota Statutes § 299F.011.
- n. **Health consultant.** "Health consultant" means a physician licensed to practice medicine under Chapter 147 of the Minnesota Statutes; a public health nurse or registered nurse licensed under Minnesota Statutes § 148.171; or other health professional designated by the Reservation Business Committee.
- o. **License.** "License" means a certificate issued by the Fond du Lac Reservation Business Committee authorizing the license holder to operate a child care program for a specified period of time in accordance with the provisions of this Ordinance, the terms of the license, and other applicable rules and conditions of the Reservation Business Committee.
- p. **License holder.** "License holder" means the individual, corporation, partnership, voluntary association, or other organization legally responsible for the operation of the child care program that has been granted a license by the Fond du Lac Reservation Business Committee.
- q. **Licensed capacity.** "Licensed capacity" means the maximum number of children for which the license holder is licensed to operate a child care program at any one time.
- r. **Medicine.** "Medicine" means a substance used to treat disease or injuries, maintain health, heal, or relieve pain. The term applies to prescription substances taken internally or applied externally.

- s. **Parent.** "Parent" means the person or persons with legal responsibility for a child such as the child's mother, father, or legally-appointed guardian.
- t. **Program staff person.** "Program staff person" means a teacher, assistant teacher, or aide, whether paid or unpaid, who carries out the child care program plan and has direct contact with children.
- u. **Sick child.** "Sick child" means a child with a condition or illness identified by a health consultant.
- v. **Staff person.** "Staff person" means a person, whether paid or unpaid, who works for the licensee.
- w. **Supervision.** "Supervision" occurs when a program staff person is within sight and hearing of a child at all times so that the program staff person can intervene to protect the health and safety of the child.
- x. **Variance.** "Variance" means time limited written permission by the Fond du Lac Reservation Business Committee for an applicant or license holder to depart from the written provisions of this document, if equivalent alternative measures are taken to ensure the health, safety, and rights of the children in care.

Section 104 OPTIONS FOR CHILD CARE PROGRAMS

A license holder under this Ordinance must provide one or more of the following child care programs:

- a. A "day program" which operates during normal waking hours (approximately 6 a.m. to 6 p.m.) and which:
 - (1) Operates for more than 30 days in any 12 month period; and
 - (2) Provides care to any child for more than 30 days in any 12 month period and 45 hours in any calendar month.
- b. A "drop in program" that operates for more than 30 days in any 12 month period. The program is not a day program and does not provide care to any child for more than a cumulative total of 45 hours in any calendar month.
- c. A "night care program" operated during normal sleeping hours (approximately 6 p.m. to 6 a.m.).

- d. A "sick care program" that provides care to a sick child.
- e. An "organized activity program" that provides services to youth under the direction of the Fond du Lac Reservation Business Committee or one of its divisions that does not locate its services in a specific center.

Section 105 APPLICANT BACKGROUND STUDY

- a. **Applicant Background Study.** An applicant background study of the applicant and all staff persons who will have direct contact with or access to persons served by the child care program must be made under this Ordinance in a manner prescribed by the Fond du Lac Reservation Business Committee.
- b. **Information on organizations.** If the applicant is an authorized representative of a partnership, corporation, voluntary association, or other organization legally responsible for the operation of the child care program, the applicant must make available and maintain the names and addresses of the owners and board members, the articles of incorporation, and an organizational chart in the center administrative record.

Section 106 QUALIFICATIONS OF APPLICANTS AND STAFF

- a. **Definitions.** The Following definitions shall apply to the application of this Section:
 - (1) **"Accredited course"** means a course that is offered for credit by or through an accredited post-secondary institution.
 - (2) **"Education"** means accredited course work from an accredited post-secondary institution in child development; children with special needs; early childhood education methods or theory; curriculum planning; child study techniques; family studies; child psychology; parent involvement; behavior guidance; child nutrition; child health and safety; early childhood special education methods or theory; child abuse and neglect prevention; recreational sports, arts, and crafts methods or theory; or coordination of community and school activities. "Education", as specified on the charts in sections 108 and 109, is in addition to the credential specified in column A unless the

course work has been completed as part of the credential.

- (3) "**Experience**" means paid or unpaid employment serving children as a teacher, assistant teacher, or aide, in a licensed child care center, or work as a student intern in a licensed center or an accredited school.
- (4) "**Student intern**" means a student of a post-secondary institution assigned by that institution for a supervised experience with children. The experience must be in a licensed center or an accredited school. The term includes a person who is practice teaching, student teaching, or carrying out a practicum or internship.
- (5) "**Staff supervision**" means responsibility to hire, train, assign duties, and direct staff in day to day activities and evaluate staff performance.
- (6) "**Supervisor**" means a person with staff supervision responsibility.

b. **General staff qualifications.** Staff persons who have direct contact with or access to children, and volunteers who have direct contact with or access to children and are not under the direct supervision of a staff person, must meet the qualifications in this section:

- (1) Persons who supervise staff persons or volunteers must be at least 18 years old and meet the qualifications for director, teacher, or assistant teacher.
- (2) Staff persons and contract consultants with qualifications that require licensure, certification, or registration by the State of Minnesota must have the current licensure, certification, or registration in their field on file within their personnel record.
- (3) Staff persons must be physically able to care for children and must not present a risk of transmission of reportable communicable disease.

c. **Investigation required.** The Reservation Business Committee shall conduct a background investigation of every employee, or applicant for employment in a facility subject to licensure under this Ordinance.

Investigations shall involve, at minimum, inquiries to every relevant local child protective services agency and local law enforcement agency within the geographical region where the applicant or employee has resided within the past ten (10) years.

- d. **Disqualification factors.** No employee in, or applicant for employment in a facility subject to licensure under this Ordinance shall be employed or be permitted to retain employment if one or more of the following conditions exist:
- (1) A background investigation for that applicant or employee has revealed that the applicant or employee has been found guilty of, or has entered a plea of nolo contendere or guilty to, any offense under federal, state or tribal law for crimes involving family violence, child abuse, child neglect, sexual assault, sexual contact, prostitution or crimes against persons, as defined under Fond du Lac Ordinance #13/94 and Section 408 of the Indian Child Protection and Family Violence Prevention Act of 1990. In the event that an employee or applicant has been charged with a crime within the scope of this Section and is awaiting trial for such crime, that individual's employment or consideration for employment shall be suspended until such time as that individual is exonerated of the charges.
 - (2) The applicant or employee has had parental rights terminated within the meaning of Minnesota Statutes § 260.221 or analogous state or tribal law.
 - (3) The applicant or employee has mental illness as defined in Minnesota Statutes § 245.462, subdivision 20, and the behavior has or may have a negative effect on the ability of the person to provide child care or is apparent during the hours children are in care.
 - (4) The applicant or employee abuses prescription drugs or uses controlled substances as named in Minnesota Statutes, Chapter 152, or alcohol to the extent that the use or abuse impairs or may impair the person's ability to provide child care or is apparent during the hours children are in care.
- e. **Reevaluation of disqualification.** An applicant or license holder that is disqualified from licensure or an employee, volunteer, or contractor of an applicant or

license holder who is not permitted to work based on the disqualification factors in subsection (d) may request that the Reservation Business Committee reevaluate the disqualification decision and remove the disqualification. The request for reevaluation must be made in writing and sent to the commissioner by certified mail. A request for reevaluation of a disqualification must either be accompanied by information establishing that the evidence relied upon by the Reservation Business Committee is erroneous, or must be accompanied by:

- (1) Copies of the charging documents, sentencing orders, and probation or parole reports, if any, including all conditions established by the court;
- (2) Evidence of training or rehabilitation of the applicant or license holder, or an employee, volunteer, or contractor of an applicant or license holder that has occurred since the incident; and
- (3) Any other information that the applicant or license holder, or an employee, volunteer, or contractor of an applicant or license holder believes the commissioner should consider in reevaluating the disqualification decision.

In determining whether or not to remove the disqualification, the Reservation Business Committee shall consider the period of time elapsed since the incident; the consequences of the incident that led to the finding; the vulnerability of the victim of the incident; the time elapsed without a repeat of the same or similar incident; and documentation of successful completion of training or rehabilitation pertinent to the incident. The Reservation Business Committee's disposition is the final administrative agency action.

Section 107 DIRECTORS

- a. General requirements for a director. A director must:
- (1) Be at least 18 years old;
 - (2) Be a graduate of a high school or hold an equivalent diploma attained through successful completion of the general education development (GED) test;
 - (3) Have at least 1,040 hours of paid or unpaid staff supervision experience; and

(4) Have at least nine quarter credits or 90 hours earned in any combination of accredited courses in staff supervision, human relations, and child development.

b. **Additional requirements.** If a director functions as a teacher or develops or revises the child care program plan, the director must meet the qualifications of a teacher specified in this document.

Section 108 TEACHERS

Persons employed as a teacher at a facility licensed under this Ordinance must be at least 18 years old and meet the qualifications required under this Section.

- a. A registered nurse or licensed practical nurse is qualified as a teacher for infants only.
- b. A registered nurse may be used to meet the staff to child ratios for a teacher for sick care in a center licensed to operate a sick care program.
- c. A teacher with the credential listed in column A must have the education and experience listed in column B:

COLUMN A

COLUMN B

(1) A high school or General Education Development (GED) diploma	Experience: 4,160 hours as assistant teacher Education: 24 quarter credits
(2) Diploma from Association Montessori International; pre-primary credential, primary diploma, or provisional certificate from the American Montessori Society, without a baccalaureate degree	Experience: 2,080 hours as assistant teacher, aide, or student intern Education: 12 quarter credits
(3) Pre-primary credential, primary diploma, or provisional certificate from the American Montessori Society; or diploma from the Association Montessori International with a baccalaureate degree required	Experience: 1,040 hours as assistant teacher, aide, or student intern Education: no additional
(4) Minnesota technical institute certificate as a Child Development Assistant	Experience: 2,080 hours as an assistant teacher Education: 6 quarter credits

- | | | |
|-----|---|---|
| (5) | Child Development Associate credential (center based or family day care) for preschool or for infants and toddlers from the Council for Early Childhood Professional Recognition | Experience: 1,560 hours as assistant teacher, aide, or student intern

Education: no additional required |
| (6) | License from the Minnesota Department of Education for prekindergarten Associate; or a certificate or credential for a two year program from an accredited community college or technical college in child development or early childhood education | Experience: 1,040 hours as assistant teacher, aide, or student intern

Education: 6 quarter credits |
| (7) | Baccalaureate degree from an accredited college or university in any field | Experience: 1,040 hours as assistant teacher, aide, or student intern

Education: 18 quarter credits |
| (8) | License from the Minnesota Department of Education for elementary education without kindergarten endorsement | Experience: 520 hours as assistant teacher, aide, or student intern if teaching children under school age

Education: 6 quarter credits within one year of initial employment if teaching children under school age |
| (9) | License from the Minnesota Department of Education for prekindergarten/nursery, or a license from the Minnesota Department of Education for elementary education with a kindergarten endorsement | Experience: no additional required

Education: no additional required |

Section 109 ASSISTANT TEACHERS

An assistant teacher must work under the supervision of a teacher. An assistant teacher must be at least 18 years old and meet the qualifications required under this Section:

- a. A registered nurse or licensed practical nurse is qualified as an assistant teacher for infants only.
- b. A registered nurse may be used to meet the staff to child ratios for an assistant teacher for sick care in a center licensed to operate a sick care program.

- c. An assistant teacher with the credential listed in Column A must have the education and experience listed in Column B.

<u>Column A</u>	<u>Column B</u>
(1) High School diploma or General Education Development (GED) equivalency	Experience: 2,080 hours as an aide or student intern Education: 12 quarter credits
(2) Minnesota license as a family day care or group family day care provider	Experience: 2,080 hours as a licensed family day care or group family day care provider Education: 12 quarter credits
(3) Diploma from Association Montessori International or pre-primary credential, primary diploma, or provisional certificate from the American Montessori Society	Experience: 520 hours as an aide or student intern Education: 3 quarter credits
(4) Minnesota technical institute certificate as a Child Development Assistant	Experience: 520 hours as an aide or student intern Education: no additional required
(5) Two years full-time post-secondary education from a college or university	Experience: 1,040 hours as an aide or student intern Education: 9 quarter credits
(6) Child Development Associate credential, center based or for family day care, from the Council for Early Childhood Professional Recognition	Experience: no additional required Education: no additional required
(7) Baccalaureate degree in any field from an accredited college or university	Experience: no additional required Education: 9 quarter credits
(8) Certificate or credential for a two year program in child development or early childhood education at a Minnesota	Experience: no additional required

- | | | |
|-----|--|------------------------------------|
| | community college or technical college | Education: no additional required |
| (9) | License from the Minnesota Department of Education for Prekindergarten Associate | Experience: no additional required |
| | | Education: no additional required |

Section 110 AIDES, VOLUNTEERS, SUBSTITUTES

- a. **Aide qualifications.** In this part, "aide" means a staff person who carries out child care program activities under the supervision of a teacher or assistant teacher. An aide who is under 18 years old must be directly supervised by a teacher or assistant teacher at all times except when the aide is assisting with the supervision of sleeping children or assisting children with washing, toileting, and diapering. An aide must be at least 16 years old.

- b. **Volunteers used as staff.** A volunteer who is included in the staff-to-child ratio must meet the requirements for the assigned staff position as specified in this document.

- c. **Substitute staff.** A person designated as a substitute must meet the qualifications for the assigned staff position as specified in this subsection, except that the license holder may use substitutes who do not meet the qualifications for teacher under Section 108, or assistant teacher under Section 109, only if:
 - (1) The amount of unqualified substitute hours per center per calendar year does not exceed 40 hours multiplied by the number of the center's full-time teacher and assistant teacher positions;
 - (2) Unqualified substitutes are not used as teachers or assistant teachers for more than ten consecutive working days for the same group of children per calendar year; and
 - (3) There is always a qualified person available by phone or pager with a minimum response time of fifteen (15) minutes.

Section 111 CERTIFIED CHILD CARE PROVIDERS

Persons employed as a Certified Child Care Provider at a facility licensed under this Ordinance must be at least eighteen (18) years of age and meet the certification requirements under this section.

- a. A certified child care provider is a status given to persons who have met the training and experience obligations and are available for independent child care assignments on the Reservation.
- b. For certification the applicant must have completed the following:
 - (1) Eight (8) hours of CPR, home safety and first aid;
 - (2) Six (6) hours of approved training in child development and child care;
 - (3) Attend a six (6) hour orientation class;
 - (4) Complete six (6) additional training sessions in the first year;
 - (5) Recertification on an annual basis;
 - (6) Twelve (12) hours of training to be completed annually for recertification.

Section 112 LICENSED ORGANIZED ACTIVITIES PROGRAM STAFF

Persons employed in licensed organized activities programs shall be employees or contracted consultants of the Reservation Business Committee who work under the direct supervision of the program manager who meets the qualifications of Section 107 above.

- a. Youth Activities Program Workers will have:
 1. A high school diploma or GED;
 2. Two years of social service and/or community work;
 3. Minimum of six hours orientation;
 4. Eight hours of CPR, Safety, and First Aid training; and
 5. Twelve hours of behavior management, relationship building, and child development training.
- b. Youth Activity Assistants work under the direct supervision of Youth Activities Program Workers or program manager. They will have:

1. A high school diploma or GED;
2. Previous work with youth as a staff person or volunteer;
3. Eight hours of CPR, Safety, and First Aid training; and
4. A minimum of four hours of orientation.

Section 113 CERTIFIED PROGRAM CHILD CARE PROVIDERS

- a. A Certified Program Child Care Provider is a status given to programs that operate under the governance of the Fond du Lac Reservation Business Committee and that have met the training and experience requirements described herein.
- b. For program certification, a program must have completed and maintained a child to caregiver ratio of no less than 10:1 with all caregivers being over 18 years of age.

Section 114 ORIENTATION, FIRST AID, AND IN SERVICE TRAINING FOR CHILD CARE CENTERS

- a. **Orientation training.** The license holder must ensure that every staff person, and volunteers who will have direct contact with or access to children and are not under the direct supervision of a staff person, are given orientation training and successfully completes the training before starting assigned duties. Completion of the orientation must be documented in the individual's personnel record. The orientation training must include information about:
 - (1) The center's philosophy, child care program, and procedures for maintaining health and safety, and handling emergencies and accidents;
 - (2) Specific job responsibilities;
 - (3) The behavior guidance standards specified in this Ordinance;
 - (4) The reporting responsibilities specified in this Ordinance;
- b. **First aid training.** All staff persons must satisfactorily complete eight hours of first aid training prior to being licensed or certified, unless this has

been satisfactorily completed within the previous three years. The first aid training must be:

- (1) Repeated at least every three years;
- (2) Documented in the individual's personnel record and indicated on the center's staffing chart; and
- (3) Provided by a licensed physician, a registered nurse or a licensed practical nurse trained to provide instruction in first aid, or an individual currently certified by the American Red Cross as a first aid instructor.

On the date of initial licensure, at least one staff person with first aid training must be present in the center when children are in care and at least one person with first aid training must accompany children on field trips.

c. **Cardiopulmonary resuscitation (CPR) training.** All staff must be trained in CPR and in the treatment of obstructed airways.

- (1) The individual must have completed CPR training which covers the use of CPR techniques with children within one year before initial employment at the center or within one year of the effective date of employment at the center, and must receive appropriate refresher training.
- (2) CPR training must be provided or approved by the American Red Cross, American Heart Association, a licensed physician, a registered nurse, or a licensed practical nurse trained to provide CPR instruction.
- (3) Documentation of the completed CPR training must be in the staff person's personnel record, and the staff person with training must be named on the center's staffing chart.

d. **In service training.** A license holder must ensure that an annual in service training plan is developed and carried out and that it meets the requirements in the following items.

- (1) The in service training plan must:
 - (A) Be consistent with the center's child care program plan;

- (B) Meet the training needs of individual staff persons as specified in each staff person's annual evaluation report: and
 - (C) Provide training, at least one-fourth of which is by a resource not affiliated with the license holder.
- (2) The director and all full-time program staff persons must annually complete at least 40 hours of in service training.
 - (3) The annual requirement must be completed within the year for which it was required.
 - (4) Training on the provisions relevant to the staff person's position must occur within two weeks of initial employment.
 - (5) One-half of the in service training completed by a staff person each year of employment must pertain to the age of children for which the person is providing care.
 - (6) No more than four hours of the annual in service training requirements for a teacher, assistant teacher, or aide may relate to administration, finances, and records.
 - (7) The remainder of the in service training requirement must be met by participation in early childhood development through school age training. In this part, "early childhood development through school age training" means training in child development; children with special needs; early childhood education methods or theory; curriculum planning; child study techniques; family studies; parent involvement; behavior guidance; child nutrition; child health and safety; recreation, sports, arts, and crafts methods or theory; early childhood special education methods or theory; or child abuse and neglect prevention.
 - (8) The license holder must ensure that, when a staff person completes in service training, a record of the fact is made in the staff person's personnel record. The record must include the date training was completed, the goal of the training and topics covered, trainer's name and organizational affiliation, trainer's signed statement that

training was successfully completed, and the director's approval of the training.

- (9) First aid and CPR training may be counted as in service training.

Section 115 STAFF RATIOS AND GROUP SIZE FOR CHILD CARE CENTERS

- a. **Staff-to-child ratios and maximum group size.** Except as provided under this Section, the minimally acceptable staff to child ratios and the maximum group size within each age category are:

Infant	1:4	8
Toddler	1:7	14
Preschooler	1:10	20
School age child	1:15	30

The minimum group size may be increased at the discretion of the center provided the above ratios are otherwise satisfied.

- b. **Staff distribution.** The license holder must ensure that the following requirements for staff distribution are met and a written staff distribution record is kept in the administrative record.

- (1) Only a staff person who is qualified as a teacher, assistant teacher, or aide and who works directly with children can be counted in meeting the staff to child ratios.
- (2) An assistant teacher may be substituted for a teacher during morning arrival and afternoon departure times if the total arrival and departure time does not exceed 25 percent of the center's daily hours of operation.
- (3) The maximum group size applies at all times except during meals, outdoor activities, field trips, naps and rest, and special activities such as films, guest speakers, and holiday programs.
- (4) Except as provided under subsection (2), staff distribution within each age category must follow the following pattern:
 - (A) The first staff member needed to meet the required staff to child ratio must be a teacher.

- (B) The second staff member must have at least the qualifications of a child care aide.
- (C) The third staff member must have at least the qualifications of an assistant teacher.
- (D) The fourth staff member must have at least the qualifications of a child care aide.

The pattern in (A)-(D) must be repeated until the number of staff needed to meet the staff to child ratio for each age category has been achieved.

c. **Age category grouping.** Children in different age categories may be grouped as follows:

- (1) During morning arrival and afternoon departure times, children in different age categories may be grouped together if:
 - (A) The total arrival and departure time does not exceed 25 percent of the daily hours of operation;
 - (B) The staff to child ratio, group size, and staff distribution applied are for the age category of the youngest child present; and
 - (C) The group is divided when the number of children present reaches the maximum group size of the youngest child present.
- (2) During the center's regular hours of operation, children in different age categories may be mixed within a group if:
 - (A) Infants are not grouped with children of other age categories;
 - (B) There is no more than a 36-month range in age among children in a group;
 - (C) The staff to child ratios, group size, and staff distribution applied are for the youngest child present; and
 - (D) Program staff are qualified to teach the ages of all children present within the group.

The restriction under (B) may be waived if all children in the group are school age.

- d. **Age designation.** A child must be designated as a member of the age category that is consistent with the child's date of birth with the following exceptions:
- (1) A child may be designated as an "infant" up to the age of 15 months for purposes of staff ratios, group size, and child care programming, if the parent, teacher, and center director determine that such a designation is in the best interests of the child. A child may be designated as a "toddler" up to the age of 35 months, or as a "preschooler" at the age of 31 months for purposes of staff ratios, group size, and child care programming, if the parent, teacher, and center director determine that the designation is in the best interests of the child. The child's age category, either "infant," "toddler," or "preschooler" must be noted in the child's record.
 - (2) Attendance of a child in the first day of kindergarten must be documented in the child's record, and the child must then be designated a school age child.

Section 116 CHILD CARE CENTER PROGRAM PLAN

- a. **General requirement.** The applicant must develop a written child care program plan, and the license holder must see that it is carried out. The child care program plan must address each of the following applicable categories:
- (1) Mandate that children have supervision at all times;
 - (2) Describe the age categories and number of children to be served by the program;
 - (3) Describe the days and hours of operation of the program;
 - (4) Describe the general educational methods to be used by the program and the religious, political, or philosophical basis, if any;
 - (5) Be developed and evaluated in writing annually by a staff person qualified as a teacher under Section 108;
 - (6) Have stated goals and objectives to promote the physical, intellectual, social, and emotional

development of the children in each age category for which care is provided;

- (7) Specify activities designed to promote the intellectual, physical, social, and emotional development of a child in a manner consistent with the child's cultural background;
 - (8) Specify that the intellectual, physical, social, and emotional progress of each child be documented in the child's record and conveyed to the parent during the conferences specified in this document;
 - (9) Provide a daily schedule for both indoor and outdoor activities;
 - (10) Provide for activities that are both quiet and active, teacher directed and child initiated;
 - (11) Provide for a variety of activities that require the use of varied equipment and materials; and
 - (12) Be available to parents for review on request.
- b. **Interest areas.** A child care program that operates for more than three hours a day must provide daily access to interest areas of the center that are supplied with the equipment and materials needed to carry out the activities specified in items A to H, except that a child care program serving only school age children and operating for less than 90 consecutive calendar days or any program operating for less than three hours a day must provide each child with daily access to indoor or outdoor large muscle activities specified in item G and at least five of the following interest areas:
- (1) Creative arts and crafts;
 - (2) Construction;
 - (3) Dramatic or practical life activities;
 - (4) Science;
 - (5) Music;
 - (6) Fine motor activities;
 - (7) Large muscle activities; or
 - (8) Sensory stimulation activities.

Section 117 CHILD CARE CENTER NAPS AND REST

- a. **Naps and rest policy.** The applicant must develop a policy for naps and rest that is consistent with the developmental level of the children enrolled in the center. The license holder must see that the policy is carried out.

- b. **Parent consultation.** The parent of each child must be informed at the time the child is enrolled of the center's policy on naps and rest. After consultation with the child's parent, any deviation from the policy on naps and rest that is designed to meet the individual needs of a child must be noted in the child's record.

- c. **Confinement limitation.** A child who has completed a nap or rested quietly for 30 minutes must not be required to remain on a cot or mat or in a crib or bed.

- d. **Placement of equipment.** Naps and rest must be provided in a quiet area that is physically separated from children who are engaged in activity that will disrupt a napping or resting child. Cribs, cots, beds, and mats must be placed so there are clear aisles and unimpeded access for both adults and children on at least one side of each piece of napping and resting equipment. Cribs, cots, beds, and mats must be placed directly on the floor and must not be stacked when in use.

- e. **Crib standard.** A crib or portable crib must be provided for each infant for which the center is licensed to provide care. The equipment must be of safe and sturdy construction, or have a bar, mesh, or rail pattern such that a 2-3/8 inch diameter sphere cannot pass through.

- f. **Bedding.** Separate bedding must be provided for each child in care. Bedding must be washed weekly and when soiled or wet. Blankets must be washed or dry cleaned weekly and when soiled or wet.

Section 118 BEHAVIOR GUIDANCE FOR CHILD CARE CENTERS

- a. **General requirements.** The applicant must develop written behavior guidance policies and procedures, and the license holder must see that the policies and procedures are carried out. The policies and procedures must:
 - (1) Ensure that each child is provided with a positive model of acceptable behavior;

- (2) Be tailored to the developmental level of the children the center is licensed to serve;
 - (3) Redirect children and groups away from problems toward constructive activity in order to reduce conflict;
 - (4) Teach children how to use acceptable alternatives to problem behavior in order to reduce conflict;
 - (5) Protect the safety of children and staff persons; and
 - (6) Provide immediate and directly related consequences for a child's unacceptable behavior.
- b. **Persistent unacceptable behavior.** The license holder must have written procedures for dealing with persistent unacceptable behavior that requires an increased amount of staff guidance and time. The procedures must specify that staff:
- (1) Observe and record the behavior of the child and staff response to the behavior; and
 - (2) Develop a plan to address the behavior documented under subsection (1) in consultation with the child's parent and with other staff persons and professionals when appropriate.
- c. **Prohibited actions.** The license holder must have and enforce a policy that prohibits the following actions by or at the direction of a staff person:
- (1) Subjection of a child to corporal punishment. Corporal punishment includes, but is not limited to, rough handling, shoving, hair pulling, ear pulling, shaking, slapping, kicking, biting, pinching, hitting, and spanking;
 - (2) Subjection of a child to emotional abuse. Emotional abuse includes, but is not limited to, name calling, ostracism, shaming, making derogatory remarks about the child or the child's family, and using language that threatens, humiliates, or frightens the child;
 - (3) Separation of a child from the group, except as provided under this Ordinance;
 - (4) Punishment for lapses in toilet habits;

- (5) Withholding food, light, warmth, clothing, or medical care as a punishment for unacceptable behavior;
- (6) The use of physical restraint, other than to physically hold a child when containment is necessary to protect a child or others from harm; or
- (7) The use of mechanical restraints, such as tying.

For children with mental retardation or a related condition, physical and mechanical restraints may be permitted if they are implemented in accordance with the aversive and deprivation procedures governed by applicable law.

- d. Separation from the group. No child may be separated from the group unless the license holder has tried less intrusive methods of guiding the child's behavior which have been ineffective and the child's behavior threatens the well being of the child or other children in the center. A child who requires separation from the group must remain within an unenclosed part of the classroom where the child can be continuously seen and heard by a program staff person. When separation from the group is used as a behavior guidance technique, the child's return to the group must be contingent on the child's stopping or bringing under control the behavior that precipitated the separation, and the child must be returned to the group as soon as the behavior that precipitated the separation abates or stops. A child between the ages of six weeks and 16 months must not be separated from the group as a means of behavior guidance.
- e. Separation report. All separations from the group must be noted on a daily log. The license holder must ensure that notation in the log includes the child's name, staff person's name, time, date, and information indicating what less intrusive methods were used to guide the child's behavior and how the child's behavior continued to threaten the well being of the child or other children in care. If a child is separated from the group three times or more in one day, the child's parent shall be notified and notation of the parent notification shall be indicated on the daily log. If a child is separated five times or more in one week or eight times or more in two weeks, the procedure for persistent unacceptable behavior shall be applicable.
- f. Children with mental retardation or related conditions. For children with mental retardation or related