

# MINIMUM LICENSING REQUIREMENTS FOR OUT-OF-SCHOOL TIME PROGRAMS

Division of Child Care and Early Childhood Education

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Childhood Education

Revised ?

**CHILD CARE LICENSING UNIT  
P. O. BOX 1437  
SLOT S150  
LITTLE ROCK, ARKANSAS 72203-1437**

**TABLE OF CONTENTS**

**100 CHILD CARE LICENSING ..... 6**

101 Law.....6

102 General .....7

103 Definition .....8

**200 LICENSING PROCEDURES ..... 9**

201 Application.....9

202 Licenses .....10

    203 New Provisional License.....10

    204 Regular License.....11

    205 Probationary Provisional License.....11

    206 Suspension of License.....11

    207 Revocation of License .....12

208 Relocation/Change in Ownership.....12

    209 Relocation.....13

    210 Change in Ownership.....13

211 Compliance.....13

212 Licensing Fees .....14

213 Alternative Compliance.....15

214 Appeal of Licensing Actions .....16

215 Church-Operated Exemption .....16

**300 ADMINISTRATION ..... 17**

301 General .....17

**400 PERSONNEL..... 19**

401 General .....Error! Bookmark not defined.

**402 Criminal Background Checks**.....Error! Bookmark not defined.

**403 Child Maltreatment** .....Error! Bookmark not defined.

404 Director/Site Supervisor .....25

405 Volunteers .....26

406 **Student Observers** .....27

**500 STAFF/PARTICIPANT RATIO ..... 27**

<b>501</b>	<b>General</b> .....	<b>27</b>
	502 <i>Evening/Night Care Variations</i> .....	28
<b>600</b>	<b>BUILDING</b> .....	<b>28</b>
<b>601</b>	<b>General</b> .....	<b>28</b>
	602 <i>Restrooms</i> .....	29
	603 <i>Evening/Night Care Variations</i> .....	29
<b>604</b>	<b>Inspections and Approvals</b> .....	<b>29</b>
<b>700</b>	<b>FURNITURE AND EQUIPMENT</b> .....	<b>30</b>
<b>701</b>	<b>General</b> .....	<b>30</b>
<b>702</b>	<b>Sleeping Equipment</b> .....	<b>31</b>
	703 <i>Evening/Night Care Variations</i> .....	31
<b>800</b>	<b>GROUNDS AND EQUIPMENT</b> .....	<b>31</b>
<b>801</b>	<b>Grounds</b> .....	<b>31</b>
<b>802</b>	<b>Equipment</b> .....	<b>32</b>
	803 <b>Slides</b> .....	<b>32</b>
	804 <b>Swings</b> .....	<b>32</b>
	805 <b>Climbing Equipment</b> .....	<b>33</b>
	806 <b>Merry-Go-Rounds</b> .....	<b>33</b>
	807 <b>Seesaws</b> .....	<b>33</b>
<b>808</b>	<b>Surfacing</b> .....	<b>33</b>
<b>809</b>	<b>Fall Zones</b> .....	<b>34</b>
	810 <b>Slides</b> .....	<b>35</b>
	811 <b>Swings</b> .....	<b>35</b>
<b>900</b>	<b>PROGRAM</b> .....	<b>35</b>
<b>901</b>	<b>General</b> .....	<b>35</b>
<b>902</b>	<b>Activities</b> .....	<b>36</b>
	906 <i>Evening/Night Care Variations</i> .....	37
<b>907</b>	<b>Outdoor Activities</b> .....	<b>37</b>
<b>1000</b>	<b>SPECIAL NEEDS</b> .....	<b>38</b>
<b>1001</b>	<b>General</b> .....	<b>38</b>

<b>1100 POSITIVE GUIDANCE &amp; DISCIPLINE .....</b>	<b>39</b>
<i>Introduction.....</i>	<i>Error! Bookmark not defined.</i>
<b>1101 General.....</b>	<b>39</b>
<b>1200 RECORDS.....</b>	<b>41</b>
<b>1201 General .....</b>	<b>41</b>
<b>1202 Facility Records .....</b>	<b>41</b>
<b>1203 Personnel Records.....</b>	<b>42</b>
<b>1204 Participant Records: Personal Information.....</b>	<b>42</b>
<b>1205 Participant Records: Medical Information.....</b>	<b>43</b>
<i>1206 School Age/Summer Day Camp Variations.....</i>	<i>43</i>
<b>1207 Participant Records: Permissions/Agreements/Notifications .....</b>	<b>43</b>
<b>1300 NUTRITION .....</b>	<b>44</b>
<b>1301 General .....</b>	<b>44</b>
<i>1302 Evening &amp; Night Care Variations.....</i>	<i>45</i>
<b>1400 HEALTH.....</b>	<b>45</b>
<b>1401 General .....</b>	<b>45</b>
<i>1402 Evening/Night Care Variations.....</i>	<i>46</i>
<b>1403 Medications.....</b>	<b>46</b>
<b>1404 Injuries/Illnesses.....</b>	<b>47</b>
<b>1405 Drinking Water .....</b>	<b>50</b>
<i>1406 School Age/Summer Day Camp.....</i>	<i>50</i>
<b>1407 Personal Hygiene.....</b>	<b>50</b>
<i>1408 School Age/Summer Day Camp.....</i>	<i>51</i>
<i>1409 Evening/Night Care.....</i>	<i>51</i>
<b>1410 Toileting.....</b>	<b>51</b>
<b>1500 SAFETY.....</b>	<b>52</b>
<b>1501 General .....</b>	<b>52</b>
<b>1502 Emergency Management .....</b>	<b>53</b>
<b>1600 SWIMMING POOLS.....</b>	<b>54</b>
<b>1601 General .....</b>	<b>54</b>

**1700 TRANSPORTATION..... 55**

**1701 General .....55**

**1702 Commercial Insurance.....56**

**1703 Staff/Participant Ratio.....56**

**1704 Restraint Systems .....56**

**1705 Safety Alarms .....57**

**APPENDICES..... 59**

**APPENDIX A: CHILD CARE MEAL PATTERN ..... 59**

**APPENDIX B: LIST OF REPORTABLE DISEASES ..... 61**

**APPENDIX C: DISASTER/EMERGENCY PREPAREDNESS..... 64**

**APPENDIX D: DEFINITIONS..... 65**

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# MINIMUM LICENSING REQUIREMENTS FOR OUT-OF-SCHOOL TIME PROGRAMS

## 100 CHILD CARE LICENSING

### 101 Law

1. The “Child Care Facility Licensing Act”, Arkansas Code Annotated §20-78-201-221 is the statutory basis for licensing Out-of-School Time Programs (OSTP) in Arkansas. The Act authorizes the Division of Child Care and Early Childhood Education, Child Care Licensing Unit, to establish rules and regulations regarding any licenses that the Licensing Unit may grant, revoke, deny or suspend.
2. The Licensing Unit places Child Care Licensing Specialists throughout the State. The Licensing Specialists are responsible for inspecting and/or investigating proposed or operating OSTP and any personnel connected with them to verify compliance with licensing requirements.
3. An owner (Licensee) should be aware that there are applicable federal laws which may affect the operation of an OSTP and with which the facility must comply, e.g.:
  - a. Americans with Disabilities Act (ADA)
  - b. Federal Civil Rights Act – prohibits discrimination because of race, color, sex, religion
4. Licensing staff shall notify the applicable federal agency any time someone advises or makes them aware of violations of the Americans with Disabilities Act (ADA) or the Federal Civil Rights Act.
5. The Licensing Unit works in coordination with local and state Health, Fire, City Planning and Zoning Departments in addition to the Boiler Inspector Division of the Department of Labor.
  - ◆ A prospective Licensee should request clarifications or ask questions regarding the codes or covenants enforced by these departments as some may prevent the operation of an OSTP at a particular location, may limit the number of participants in care or may impose additional safety requirements
6. The Licensing Unit shall share information on the location and status of new applicants applying for a license and on facilities holding a license when a city or county requests the information.

7. The licensing requirements in this publication apply to OSTPs. Refer to the following for other types of programs:
  - a. Minimum Licensing Requirement for Child Care Centers: applies to child care in a center based setting for participants zero (0) to
  - b. Minimum Licensing Requirements for Child Care Family Homes: applies to child care for six (6) or more participants in the residence of the caregiver or in some other suitable family type residence
  - c. Minimum Licensing Requirements for Voluntary Registered Homes: applies to child care for five or less participants in the residence of the caregiver

## 102 General

1. OSTPs shall maintain compliance with the licensing requirements at all times. To be in substantial compliance, the OSTP shall meet all essential standards necessary to protect the health, safety and welfare of the participants attending the Center.
2. Essential standards necessary to be in substantial compliance include, but are not limited to those relating to issues involving fire, health, safety, nutrition, discipline, staff/participant ratio and space.
3. Failure to comply with any of the Minimum Licensing Requirements for Out-of-School Time Programs may result in any of the following adverse actions:
  - a. Denial of an application for a license or for church exempt status
  - b. Issuance of a probationary provisional license or church exempt status
  - c. Revocation or suspension of a license or church exempt status
  - d. Imposition of penalties
4. The Licensing Unit may consider the following factors when determining the appropriate adverse action:
  - a. Severity of the deficiencies cited
  - b. Number of violations cited
  - c. Frequency of violations cited
  - d. Past history of compliance
  - e. Willingness/ability to correct violations
5. Staff shall permit Licensing staff access to the center to:
  - a. Conduct inspections and reviews to determine compliance with the licensing requirements
  - b. Investigate all complaints involving the possible violations of the licensing requirements

6. Denial of access to the center or to interview participants may result in any of the adverse actions described in Section 103.2.
7. The Licensing Unit shall close the license on any OSTP that has not provided care to participants for a period of one (1) year unless the Licensee submits a written request stating the reason that closure should not take place. If the Licensee requests that the license remain open, license fees and required inspections shall be current.
8. Falsification of any document or the submission of false information to the Licensing Unit or any other Units of the Division may constitute grounds for revocation of the license.
  - ◆ Falsification means the submission of untrue information whether by statement or omission

9. The Licensee shall maintain Child Care Liability insurance and comply with the following requirements:

a. Prior to the Licensing Unit approving the application, provide verification of the required coverage to the Licensing Specialist and provide subsequent verification when requested. (Facilities licensed prior to the effective date of this revision shall have ninety-(90) days to comply with this requirement.)

b. Maintain the minimum amount of coverage as follows:

LICENSED CAPACITY OF OSTP	MINIMUM GENERAL LIABILITY COVERAGE REQUIRED
1 - 49	\$ 50,000 per occurrence
50 - 99	\$ 1,000,000 per occurrence
100 - Up	\$ 2,000,000 per occurrence

**103 Definition**

1. Out-of-School Time Program: Any facility conducted under public or private auspices on a profit or non-profit basis providing direct care and protection for participants
2. Out-of-School Time Programs that are subject to the provisions of the Child Care Facility Licensing Act are those that are open more than five (5) hours during any twenty-four (24) hour period or more than a total of ten (10) hours during a seven (7) day period.
  - ◆ Programs meeting the above definitions but operating no more than three (3) weeks are not required to comply with the licensing requirements, i.e.: Summer Bible Schools and Day Camps

3. For purposes of determining the need for a license, the Licensing Unit considers all care provided at the site of a licensed program as part of the licensed program and subject to licensing requirements.
  - a. Mother's Day Out and other part-time programs serving participants not participating in the licensed program as long as they operate no more than five (5) hours per day or ten (10) hours per week
  - b. Summer Day Camp type programs operating no more than three (3) weeks per year
4. A public or private school is not required to comply with licensing requirements for short-term custodial care if it
  - a. Operates a Kindergarten (K5) in conjunction with grades one (1) and above
  - b. Operates for grades one (1) and above only AND
  - c. Provides short-term custodial care not to exceed twenty (20) hours weekly prior to and/or following classes for those students

## 200 LICENSING PROCEDURES

### 201 Application

1. The prospective Licensee shall submit a complete application packet to the Licensing Specialist who has sixty-(60) days in which to make a recommendation to Child Care Licensing Supervisory Staff either to issue a license or to deny the application. The complete application packet shall include following:
  - a. Application form signed by either the Owner of the OSTP or the designated person who assumes legal responsibility for the operation of the program
  - b. Name of proposed director and qualifications
  - c. Description of the services the Licensee will provide to the participants
  - d. Floor plan
  - e. Verification that the applicant has initiated Criminal Records Checks and Child Maltreatment Central Registry Checks on all owners, operators and employees of the center
  - f. (Refer to Sections 402 and 403)
  - g. Health Department approval
  - h. Fire Department approval
  - i. Zoning approval
  - j. Proof of Child Care Liability Insurance
  - k. Names, addresses and telephone numbers of Board of Directors, if applicable
  - l. Clear written guidelines of responsibility for the Board of Directors and Administrator, if applicable

2. The applicant shall attend a Pre-application Consultation Session offered by the Licensing Unit prior to the Licensing Specialist submitting a recommendation for approval or denial of the application. The Licensing Specialist shall offer the session within thirty-(30) days of the receipt of the application packet.
3. The Child Care Licensing Specialist shall conduct a licensing study of each OSTP to determine eligibility for a license and compliance with the requirements. Upon completion of the study, the Licensing Specialist shall submit a recommendation to Licensing Supervisory staff to approve or deny the application.
4. Licensing Supervisory Staff shall approve the recommendation before the Unit can issue a license.

## 202 Licenses

1. The license for an OSTP shall specify:
  - a. Name and address of the program
  - b. Owner/operator of the program
  - c. Number of participants authorized for care at the program
  - d. Type of care the program will provide
  - e. Expiration date of any New Provisional license (Section 203) or Probationary Provisional license (Section 205)

## 203 New Provisional License

1. The Licensing Unit shall issue a New Provisional license when
  - a. A new center opens OR
  - b. New owners acquire an existing licensed center and the new owners do not have a compliance history that can be reviewed
    - ◆ A New Provisional license shall not exceed twelve (12) months
2. At the end of the New Provisional License, the Licensing Unit may in its discretion:
  - a. Issue a Regular license
  - b. Issue a Probationary Provisional license
  - c. Suspend the license
  - d. Revoke the license

## 204 Regular License

1. A regular license is issued by the Licensing Unit when :
  - a. A New Provisional license is converted to a Regular status
  - b. An existing Licensee with a Regular license relocates their facility and their past level of compliance justifies the issuance of a Regular license at the new location

## 205 Probationary Provisional License

1. The Licensing Unit shall issue a Probationary Provisional license when the OSTP is not maintaining substantial compliance, but the deficiencies creating the lack of compliance are not so numerous, frequent or severe as to jeopardize the health, safety and welfare of participants.
  - ◆ The Licensing Unit issues a Probationary Provisional license for either six (6) or twelve (12) months.
2. At the end of the Probationary Provisional license, the Licensing Unit may:
  - a. Issue a Regular license
  - b. Suspend the license
  - c. Revoke the license

## 206 Suspension of License

1. The suspension of a license occurs when the OSTP has non-compliance in areas that the Licensing Unit determines to be serious enough that participants should not be in care until the Licensee corrects the deficiencies.
2. The suspension order remains in effect until the order expires or until the Licensing Unit determines that the problems that necessitated the suspension order have been resolved.
  - ◆ The suspension of a license may not exceed twelve (12) months
3. If the Licensing Unit finds that the Licensee meets the terms of the suspension order prior to the expiration of the suspension period, the Unit retains the discretion to reinstate the license.
4. The Licensing Unit may revoke the license if the Licensee does not meet the terms of the suspension order.

## 207 Revocation of License

1. The Revocation of a license, which nullifies and cancels the license, occurs when the Licensing Unit determines that the center fails to:
  - a. Maintain substantial compliance with licensing requirements and/or
  - b. Refuses to correct cited deficiencies in a timely manner and/or
  - c. Fails to insure the health, safety and welfare of participants in care
2. When the Licensing Unit makes a final determination to revoke a license, the revocation letter shall specify the terms of the revocation and the length of time the Licensee is ineligible to re-apply for a license. The minimum length of time is one (1) year.
3. Related Parties of the former Licensee are ineligible to apply for a license for the same period as that of the former Licensee. Related Parties are defined as:
  - a. Spouse
  - b. Natural or adoptive child
  - c. Natural or adoptive parent
  - d. Sibling
  - e. Grandparent
  - f. Grandchild
  - g. Step relationship
  - h. In-law relationship
  - i. Members of Boards of Directors, persons or entities associated or affiliated with, or which share common ownership, control or common board members or which have control of or is controlled by the Licensee
4. Former Licensees wishing to obtain another license or Related Parties who wish to obtain a new license shall submit a new application packet to the Licensing Unit. The Licensing Unit shall review and approve the application prior to the applicant providing care to a licensable number of participants.

## 208 Relocation/Change in Ownership

1. The license or approval for church operated exempt status applies only to the holder of the license/approval and the address/location stated on the license or approval. The Licensing Unit cannot transfer the license or approval from one owner to another or from one place to another.

## 209 Relocation

1. If a Licensee plans to relocate the center, the Licensee shall take the following steps prior to the re-location:
  - a. Notify the Licensing Unit of the proposed re-location
  - b. Request temporary approval from Licensing Supervisory staff for the relocation with the temporary approval lasting until the Licensing Unit approves a new license
  - c. Submit a new complete application packet for the new location to the Licensing Specialist to complete the procedures necessary to obtain a new license

## 210 Change in Ownership

1. If the Licensee plans to change ownership, the Licensee and the prospective owner shall take the following steps prior to the change in ownership:
  - a. The Licensee shall notify the Licensing Unit of the proposed change in ownership
  - b. The prospective owner shall request temporary approval from Licensing Supervisory staff for the change with the temporary approval lasting until the Licensing Unit approves a new license
  - c. The prospective owner shall submit a new application packet to the Licensing Specialist to complete the procedures necessary to obtain a new license

## 211 Compliance

1. Licensing Specialists shall conduct on-site inspections of an OSTP to determine continued compliance with licensing requirements. The Licensing Specialists may
  - a. Conduct both scheduled and unscheduled visits on a routine basis
  - b. Increase unscheduled monitor visits where numerous or severe violations of standards are cited
  - c. Offer consultation and technical assistance
  - d. Investigate all alleged complaints
2. Licensing Specialists shall document violation(s) of licensing requirements as well as corrections of the violation(s) in the Licensing Compliance Record and provide a copy of the violation(s) to the person in charge: Documentation shall include:
  - a. Reference to the specific rule violated
  - b. Factual description of the nature of the violation(s) and how the OSTP failed to comply
  - c. Date of expected corrections
  - d. Date corrections are determined to have been made

3. When the Licensing Specialist cites a violation that is an imminent threat to the health, safety and welfare of the participants attending a center, the Licensing Specialist shall obtain corrective action for compliance within twenty-four (24) hours in order to insure the health, safety and welfare of the participants in care.
4. When the Licensing Specialist cites a violation that is an administrative standard or a standard that does not directly threaten the immediate health, safety or welfare of the participants in care, the Licensee shall correct the violations within a reasonable time as mutually agreed upon by the Licensing Specialist and the Licensee.

## 212 Licensing Fees

1. Each OSTP shall submit an annual license fee as long as the Program maintains compliance with the Minimum Licensing Requirements for Out- of- School Time Programs. The fee for an OSTP is determined by combining the maximum licensed capacity of all licenses located within the same premises.

MAXIMUM LICENSED CAPACITY	ANNUAL FEE
a. Up to 17 participants	\$ 15.00
b. 17 to 99 participants	\$ 50.00
c. 100 or more participants	\$ 100.00

2. When the Licensing Specialist recommends that an OSTP receive a license, the Licensing Specialist shall issue a “Notice of License Fee Due” to the Program.
3. The OSTP shall make the fee payment payable to the Child Care Provider’s Fund and shall submit a copy of the license fee notice at the time of licensure recommendation.
  - ◆ The Licensing Unit shall not issue a license until the Program pays the required license fee.
4. The Licensing Unit shall send a “Notice of License Fee Past Due” to the facilities failing to submit the required license fee. The Unit shall send the notice twenty-(20) days after the initial notice of fee due.
5. The Licensing Unit refunds license fees paid only when the Licensing Unit does not approve issuance of a license. The Unit will not refund license fees paid when an OSTP voluntarily closes or the Licensing Unit revokes or suspends a license.
6. The Licensing Unit shall deposit all license fees paid into a special Child Care Provider’s Fund. (This Fund meets the cost of conducting State Criminal Records Checks).

## 213 Alternative Compliance

1. The Licensing Unit may grant alternative compliance with the Minimum Licensing Requirements for Out-of-School Time Programs if it determines that the alternative form of compliance protects the health, safety and welfare of participants and meets the basic intent of the requirements for which the OSTP is making the request.
  - ◆ The Licensing Unit shall answer all requests for alternative compliance in writing
2. The Licensing Unit shall consider all requests for alternative compliance with licensing requirements except those that the Department of Health, Local Fire Marshal or State Fire Marshal's office enforces and those that are applicable state and city ordinances including zoning.
3. To request alternative compliance, the individual responsible for the operation of the Program shall initiate the request in writing and include the following:
  - a. The specific standards for which alternative compliance is requested
  - b. An explanation of how the alternative form of compliance is equal to or exceeds the stated requirements
  - c. Full justification and description of what the alternative compliance method will be and the method by which the Program will carry out this plan to continue to provide for the health, safety and welfare of participants as intended by the requirements
4. The Applicant/Licensee shall provide clear and supportive evidence and, if requested by the Licensing Unit, shall provide an expert's opinion on the effect of the request on the health, safety and welfare of the participants. The Licensing Unit has the right to obtain an expert opinion to corroborate expert opinions provided by the Applicant/Licensee.
5. The Applicant/Licensee shall submit separate written requests for each requirement for which they are seeking approval for alternative compliance. The approved alternative compliance remains in effect unless the Licensing Unit specifies a shorter period.
6. The granting of alternative compliance for a requirement shall in no way constitute a precedent. If the Program fails to meet the terms of the alternative compliance, the Licensing Unit shall rescind the approval immediately.
7. The Division shall deny requests for alternative compliance when it finds that such requests do not adequately protect the health, safety and welfare of participants and do not meet the intent of the requirements.

## 214 Appeal of Licensing Actions

1. A Licensee or Applicant for license may request an appeal of any of the following licensing actions:
  - a. Founded licensing complaints
  - b. Denials of alternative compliance requests
  - c. Cited non-compliance with licensing requirements
  - d. Adverse licensing actions
  - e. Suspension or Revocation of a license
  - f. Conversion to a Probationary Provisional license
  - g. Denial of an application
2. The Applicant/Licensee may initiate an appeal on any of the above actions by requesting an appeal in writing to the Licensing Specialist or Licensing Supervisory staff.
  - a. The request to appeal shall include a statement of the action(s) taken by the Division and the reason(s) the Licensee or Applicant for license disagrees with the action
  - b. The Licensee/Applicant shall mail the request to appeal an adverse licensing action within ten (10) calendar days of the receipt of the notice of the adverse action
  - c. For requests to appeal licensing actions other than adverse, the Licensee/Applicant shall mail the request within twenty (20) calendar days from receipt of the notification of the action
3. The Licensing Supervisor and the Licensing Administrator shall review the request to appeal and if the appeal is not resolved to the satisfaction of the Licensee or applicant for license, the Licensing Unit will refer the matter to the Child Care Appeal Review Panel for hearing.
  - ◆ Additional information regarding the appeal procedures and the Child Care Appeal Review Panel is available on request

## 215 Church-Operated Exemption

1. All of the regulations included in this manual apply to Church Operated Exempt (COE) facilities unless stated below.
2. Act 245 of 1983 defines those facilities that may apply with the Licensing Unit to request an exemption from obtaining a license to operate an OSTP and the process through which the Licensing Unit may grant an exemption.

3. The OSTP must be operated by a church or group of churches and be exempt from the State Income Tax levied by Act 118 of 1929, as amended. The person or persons in charge of such a Program shall submit a written request to the Licensing Unit for such exemption along with the following:
  - a. Verification that the OSTP is operated by a church or group of churches
  - b. Verification that the OSTP has been inspected annually and meets the applicable fire safety and health standards
  - c. Certification from the OSTP that it is in substantial compliance with published standards that similar non-exempt OSTPs are required to meet
4. Prior to the Licensing Unit considering and reviewing the request for a COE, the Licensing Specialist shall visit the Program to verify Program's substantial compliance with the published standards.
5. If an OSTP claims that a particular standard is in violation of religious beliefs, the Licensing Unit shall consider the issue and make a determination regarding compliance with that standard.
  - ◆ The determination of the Licensing Unit is subject to appeal
6. Within sixty-(60) days of the request for COE status, the Licensing Unit shall send written notification of the exemption stating the
  - a. Maximum number of participants allowed
  - b. Dates of exemption
  - c. Any other conditions by which the Licensing Unit grants the exemption
7. Staff from the Licensing Unit has the authority to visit any Church Operated Exempt center to review and verify that the center is maintaining substantial compliance.

## **300 ADMINISTRATION**

### **301 General**

1. The Owner and/or Board of Directors shall be responsible for operating the center and have final responsibility for ensuring that the center meets licensing requirements.
2. The Licensee shall provide a current list of the Board Members to the Licensing Specialist annually. The list shall include the names, addresses and telephone numbers of the Board members.

3. The Licensee shall provide a written procedure for reporting allegations of child maltreatment. The Licensee shall ensure that all staff
  - a. Are aware they are mandated reporters under the Child Maltreatment Act
  - b. Follow the procedures for reporting any allegation of child maltreatment to the Child Maltreatment Hot Line at 1-800-482-5964
  - c. Are aware that the reports of child maltreatment include all allegations made by parents, staff members or the general public
    - ◆ The Licensee should contact the Licensing Specialist for guidance if there is any question about whether or not the Hot Line should be called regarding any situation where potential child maltreatment is involved
4. The Licensee shall provide a written procedure for reporting suspected licensing violations and report them to the Licensing Unit. Licensing violations that shall be reported include, but are not limited to
  - a. Transportation
  - b. Inappropriate behavior guidance
  - c. Leaving participants unattended or unsupervised
  - d. Staff/participant ratio or
  - e. Any other violation that could imminently effect the health and safety of participants
5. When parents enroll participants in the center, the Licensee shall inform them in writing that licensing staff, child maltreatment investigators and/or law enforcement officials may interview their participants for the purposes of determining compliance with the licensing requirements and/or investigating complaints alleged against the center staff.
  - ◆ Participant interviews do not require prior parental notice or consent
6. The Licensee shall provide the list of the Kindergarten Readiness Skills, prepared by the Arkansas Department of Education to the parents of all three (3) and four (4) year old participants enrolled. (Act 825 of 2003). The Licensee shall ensure the parents receive a copy of the list and that there is a receipt signed by the parents in the participant's record.

## 400 PERSONNEL

### 401 General

1. All staff who work directly with participants shall be at least eighteen (18) years of age. Exceptions: The Director, Site Supervisor and any individual transporting participants shall be at least twenty-one (21) years of age.
2. Individuals sixteen (16) or seventeen (17) years of age may work in an OSTP if they meet all of the following:
  - a. Do not have disciplinary control over participants
  - b. Are not left alone with participants at any time
  - c. Are under the direct supervision of an adult staff member at all times
3. With the exception of Directors (Section 405), all other staff hired after January 1, 1990, to work directly with participants shall have a high school diploma or GED or enroll in a GED curriculum and complete the curriculum within one (1) year of hire.
4. All staff working in a center in any capacity shall obtain a health card or physician's statement showing the absence of contagious Tuberculosis. The individual shall renew the physician's statement or health card prior to its expiration date.
5. All staff shall be able to perform necessary job functions and be physically and emotionally able to care for participants. If behavioral or physical indicators warrant, the Licensing Unit may require a physician's statement for any staff whose performance indicates a need.
6. At least one adult member of the staff currently certified in Adult CPR and one currently certified in First Aid shall be present within the physical confines of the OSTP when participants are in care.
7. All staff shall ensure that they are not involved in any of the following:
  - a. Using profanity or speaking in an abusive manner when participants are present
  - b. Engaging in behavior that could be viewed as sexual, dangerous, exploitative or physically harmful to participants
  - c. Consuming or being under the influence of illegal drugs (a drug test may be required if there is reasonable cause to suspect violation of this requirement and the issue cannot otherwise be resolved)
  - d. Consuming or being under the influence of alcohol while providing care
  - e. Consuming or being under the influence of medications (prescription or non-prescription) which impair the ability of the individual to provide care

8. All staff who transport participants shall
  - a. Be at least twenty-one (21) years old or the minimum age required by the individual's commercial auto insurance
  - b. Hold a current valid driver's license or commercial driver's license as required by state law and provide a legible copy to the Licensee to maintain in the employee's record
  - c. Successfully complete the on-line training course in Driver Safety that is offered by the Licensing Unit prior to transporting participants (**INSERT WEB SITE ADDRESS**)
  - d. Provide verification of the Driver Safety training to the Licensee to maintain in the employee's record
9. Prior to providing direct care, all staff shall participate in an orientation to the following:
  - a. Basic health and safety
  - b. Behavior management policies
  - c. Program Schedules
  - d. Procedures for reporting child maltreatment including information on being a mandated reported under the Child Maltreatment Reporting Act
10. All staff shall obtain ~~ten (10)~~ fifteen (15) hours of training in Early Childhood Education annually with the documentation maintained and available for review
  - a. The training for Directors shall be obtained in outside workshops approved by the Licensing Unit
  - b. The training for all other staff shall be either in-service training or outside workshops approved by the Licensing Unit
11. Topics appropriate for continuing Education shall include, but are not limited to:
  - a. Participant growth and development
  - b. Nutrition and Food Service
  - c. Parent Communication and Involvement
  - d. Curriculum and Curriculum Development
  - e. Developmentally Appropriate Practice and Learning Environments
  - f. Behavior Management
  - g. Emergency Care and First Aid

1. All staff shall have their backgrounds reviewed through the Arkansas Child Maltreatment Central Registry to determine if the individuals have a true (founded) report of child maltreatment.

INDIVIDUALS TO BE CHECKED	FREQUENCY OF CHECKS
a. Each applicant to own or operate a OSTP r	At application and every two (2) years thereafter
b. Each employee and each applicant for employment in an OSTP	At application or within ten (10) days of hire and every two (2) years thereafter
c. Each volunteer who has supervisory and/or disciplinary control over participants or who has routine contact with participants	At application and every two (2) years thereafter
d. Members of Boards of Directors who have supervisory and/or disciplinary control over participants or who have routine contact with participants	At application and every two (2) years thereafter

2. Each individual who requests a background check of the Child Maltreatment Central Registry shall submit the following:
  - a. Forms requesting the background check
  - b. A check or money order payable to the Department of Human Services for \$10.00 attached to the request form
  - c. Written parental consent for each individual under the age of eighteen (18) granting permission for the background check (if applicable)
    - ◆ Forms may be obtained from the Licensing Specialist assigned to the center, completed and returned to the Specialist
3. If someone files a complaint of child maltreatment against an owner, employee or any other individual in an OSTP, the Licensee shall not leave the alleged perpetrator alone with participants pending the Licensing Specialist evaluating the risk to participants.
4. When evaluating the risk to participants, the Licensing Specialist shall determine the suitability of the alleged perpetrator to
  - a. Supervise
  - b. Be left alone with participants
  - c. Have disciplinary control over children or
  - d. Remain in the center during hours of care
5. The assessment of the Licensing Specialist continues until the allegations are determined true or unsubstantiated .

6. The Division has the authority to review and consider each true (founded) report of child maltreatment received from the Central Registry. The Division shall retain the authority to:
  - a. Deny an applicant
  - b. Require corrective action as specified by the Licensing Unit
  - c. Take appropriate adverse action against the license
  - d. Corrective action measures may vary from relevant training to reassignment or termination

**403 Criminal Background Checks**

1. All staff, in order to comply with Act 762 of 2009, shall have their backgrounds reviewed to determine if they have a conviction, a plea of guilty or a plea of nolo contendere to any of the specific criminal offenses named in the Act.
2. If the background check reflects felony or misdemeanor criminal offenses that occurred in any Arkansas Court or criminal offenses of a similar nature that occurred in any other State Court or any Federal Court, the offenses shall either:
  - a. Permanently prohibit the individual from being employed even if the record of the offense is expunged, pardoned or otherwise sealed or
  - b. Prohibit the individual from being employed unless rehabilitation is demonstrated and approval granted by the Licensing Unit
3. Permanently prohibited offenses are:

1. Abuse of an endangered or impaired person if a felony	§ 5-28-103
2. Arson	§ 5-33-301
3. Capital Murder	§ 5-10-1011
4. Endangering the Welfare of an Incompetent Person in	§ 5-27-201
5. Kidnapping	§ 5-11-102
6. Murder in the First Degree	§ 5-10-102
7. Murder in the Second Degree	§ 5-10-103
8. Rape	§ 5-14-103
9. Sexual Assault in the First Degree	§ 5-14-124
10. Sexual Assault in the Second Degree	§ 5-14-125

4. A conviction, plea of guilty or plea of nolo contendere for any offense that involves violence or a sexual act whether or not the record of the offense is expunged, pardoned or otherwise sealed may also permanently prohibit an individual from being an owner, operator or employee of a child care facility.
5. An individual who has a conviction, a plea of guilty or a plea of nolo contendere to any of the offenses specified in Act 762 that allows the individual the opportunity to apply and demonstrate rehabilitation to the Licensing Unit, shall first meet the following requirements in order to apply:

CONVICTION, PLEA OF GUILTY OR PLEA OF NOLO CONTENDERE TO MISDEMEANOR OFFENSE
a. The date of the conviction, plea of guilty or plea of nolo contendere is at least five (5) years from the date the individual requested the criminal background check
b. The individual has completed the term of confinement, probation or parole related to the conviction, plea of guilty or plea of nolo contendere

CONVICTION, PLEA OF GUILTY OR PLEA OF NOLO CONTENDERE TO FELONY OFFENSE
c. The date of conviction, plea of guilty or plea of nolo contendere is at least ten (10) years from the date the individual requested the criminal background check
d. The individual has completed the term of confinement, probation or parole related to the conviction, plea of guilty or plea of nolo contendere

6. The following offenses prohibit unless the individual is eligible to apply for rehabilitation.

1. Assault, Aggravated	§ 5-13-204
2. Assault, Second Degree	§ 5-13-206
3. Assault, Aggravated on a Household Member	§ 5-26-306
4. Battery in the First	§ 5-13-201
5. Battery in the Second	§ 5-13-202
6. Burglary	§ 5-39-201
7. Burglary (Breaking or Entering	§ 5-39-202
8. Coercion	§ 5-13-208
9. Computer Crimes Against Minors	§ 5-27-601 et. seq.
10. Contributing to the Delinquency of a Juvenile	§ 5-27-220
11. Contributing to the Delinquency of a Minor	§ 5-27-209
12. Criminal Attempt	§ 5-3-201
13. Criminal Complicity	§ 5-3-202
14. Criminal Conspiracy	§ 5-3-401
15. Criminal Impersonation	§ 5-37-208
16. Criminal Solicitation	§ 5-3-301
17. Criminal Use of a Prohibited Weapon	§ 5-73-104
18. Cruelty to Animals	§ 5-62-101
19. Death Threats Concerning a School Employee or Student	§ 5-17-101
20. Domestic Battery in the First	§ 5-26-303
21. Domestic Battery in the Second	§ 5-26-304
22. Domestic Battery in the Third	§ 5-26-305
23. Employing or Consenting to the Use of a Child in a Sexual Performance	§ 5-27-402
24. Endangering the Welfare of a Minor in the First	§ 5-27-205
25. Endangering the Welfare of a Minor in the Second	§ 5-27-206
26. Endangering the Welfare of an Incompetent Person in the First	§ 5-27-201
27. Endangering the Welfare of an Incompetent Person in the Second	§ 5-27-202
28. Engaging Children in Sexually Explicit Conduct for Use in Visual or Print Media	§ 5-27-303
29. False Imprisonment in the First Degree	§ 5-11-103
30. Felony Abuse of an Endangered or Impaired Person	§ 5-28-103
31. Felony Interference with a Law Enforcement Officer	§ 5-54-104
32. Felony Violation of the Uniform Controlled Substances Act	§ 5-64-101 thru 5-64-501 et. seq.
33. Financial Identity Fraud	§ 5-37-227
34. Forgery	§ 5-37-201
35. Incest	§ 5-26-202
36. Interference with Court Ordered Custody	§ 5-26-502
37. Interference with Visitation	§ 5-26-501
38. Introduction of Controlled Substance into Body of another Person	§ 5-13-210
39. Manslaughter	§ 5-10-104
40. Negligent Homicide	§ 5-10-105
41. Obscene Performance at a Live Public Show	§ 5-68-305
42. Pandering or Possessing Visual or Print Medium Depicting Sexually Explicit Conduct involving a Child	§ 5-27-304
43. Patronizing a Prostitute	§ 5-70-103
44. Permanent Detention or Restraint	§ 5-11-106
45. Permitting Abuse of a Minor	§ 5-27-221
46. Producing, Directing, or Promoting a Sexual Performance by a Child	§ 5-27-403
47. Promoting Obscene Materials	§ 5-68-303
48. Promoting Obscene Performance	§ 5-68-304
49. Promoting Prostitution in the First	§ 5-70-104
50. Promoting Prostitution in the Second	§ 5-70-105
51. Promoting Prostitution in the Third	§ 5-70-106
52. Prostitution	§ 5-70-102
53. Public Display of Obscenity	§ 5-68-205
54. Resisting Arrest	§ 5-54-103
55. Robbery	§ 5-12-102
56. Robbery (Aggravated Robbery)	§ 5-12-103
57. Sexual Offense (Any)	§ 5-14-101 et. seq.
58. Simultaneous Possession of Drugs and Firearms	§ 5-74-106
59. Soliciting Money or Property from Incompetents	§ 5-27-229
60. Stalking	§ 5-71-229
61. Terroristic Act	§ 5-13-310
62. Terroristic Threatening	§ 5-13-301
63. Theft by Receiving	§ 5-36-106
64. Theft of Property	§ 5-36-103
65. Theft of Services	§ 5-36-104
66. Transportation of Minors for Prohibited Sexual Conduct	§ 5-27-305
67. Unlawful Discharge of a Firearm from a Vehicle	§ 5-74-107
68. Voyeurism	§ 5-16-102

7. The individuals specified in the chart below shall submit the following information to the Licensing Specialist assigned to the facility to have the Arkansas State Police check their backgrounds both Nationwide and in the State of Arkansas for any criminal records that may exist: (Individuals may obtain the forms and cards from the Licensing Specialist):
  - a. Card on which the fingerprints for the individual are imprinted (if applicable)
  - b. As noted on the fee form for each Nationwide Check requested, a check or money order made out to the Arkansas State Police (a charge for the State Background check is not required)
  - c. Written parental consent for each individual under the age of eighteen (18) granting permission for the background checks (if applicable)

INDIVIDUALS WHO REQUIRE BACKGROUND CHECK	NATIONWIDE CHECK CONDUCTED BY FBI (includes a fingerprint check)	STATE CHECK CONDUCTED BY ARKANSAS STATE POLICE
a. Each applicant to own or operate a child care center	Initial application only	At application and every five (5) years thereafter
b. Each employee who has not continuously been a resident of Arkansas for the preceding five (5) years	Within ten (10) days of hire	N/A
c. Each volunteer who has supervisory or disciplinary control over children or who is left alone with children and has not continuously been a	Within ten (10) days of hire	Within ten (10) days of hire and every five (5) years thereafter
d. All other employees, applicants for employment and volunteers	N/A	Within ten (10) days of hire and every five (5) years thereafter

8. Results obtained from the background checks shall be through the Division of Child Care and Early Childhood Education or through any other State Agency that utilizes the Arkansas Criminal Information Center (ACIC) or the National Criminal Information Center (NCIC).

## 404 Additional Requirements

### 405 Director/Site Supervisor

1. The Licensee shall ensure there is a Director present at all times when participants are present.
2. In the absence of the Director, the Licensee shall ensure there is a designated individual in charge who shall serve as the Site Supervisor and have the authority to carry out the daily operations of the OSTP.

3. The Director or Site Supervisor shall be responsible for
  - a. Administering, planning, managing and controlling all aspects of the program including the activities of the OSTP
  - b. Ensuring that the Program meets licensing requirements
  - c. Ensuring that policies and procedures are in place to protect the health and safety of all participants
  - d. Providing prudent supervision of all staff and volunteers
  
4. The Director or Site Supervisor shall be age twenty-one (21) or older and provide documentation of one of the following educational levels (Directors/Site Supervisors previously approved may continue in their position and do not have to meet these educational levels): **ADD SPECIFIC DATE**
  - a. Bachelor's Degree or higher Degree in Early Education/Youth Development or a related field (Refer to Appendix for a list of related fields) **ADD APPENDIX # WHEN DEVELOPED**
  - b. Bachelor's Degree in a non-related field with the addition of a School Age Credential or nine (9) college credit hours in Youth Development obtained within the first year of employment
  - c. AA Degree, High School Diploma or GED in addition to one of the following: nine (9) college credit hours in Youth Development, School Age credential or technical Certificate in School Age/Youth Development
  
5. All new Directors and Site Supervisors shall attend both New Director's Orientation (class approved by the Licensing Unit) and School Age Essentials training within twelve (12) months of employment.
  
6. The Licensee shall notify the Licensing Unit of any change in the person named as Director within five (5) calendar days.

## **406 Volunteers**

1. Volunteers shall meet the requirements under Section 401 if they are
  - a. Counted in the staff/participant ratios or
  - b. Have disciplinary control over participants
  - c. Are left alone with participants
  
2. All volunteers in an OSTP shall be at eighteen (18) years or older. Volunteers sixteen (16) or seventeen (17) years of age may work in an OSTP if they meet all of the following:
  - a. Do not have disciplinary control over children
  - b. Are not left alone with children at any time

- c. Are under the direct supervision of an adult staff member at all times
3. All volunteers who have routine contact with participants shall have a physician's statement or health card on file.
  - ◆ An exception are parents who volunteer to assist with field trips
4. The Licensing Unit does not consider individuals as volunteers if they provide health or enrichment services, etc., on a limited basis. These individuals shall not count in the staff/participants ratio or have any disciplinary control over participants. The Licensee shall maintain a register of these individuals with the following information:
  - a. Name
  - b. Organization
  - c. Address
  - d. Telephone Number
  - e. Date and time the individual is in the OSTP

## **407 Student Observers**

1. Students who are visiting the OSTP on a regular or periodic basis to observe the program activities or for other purposes shall
  - a. Have a health card
  - b. Have all of the background checks required for volunteers
  - c. Not be left alone with participants
  - d. Not be counted in the staff/child ratio
  - e. Not have disciplinary control over participants

## **500 STAFF/PARTICIPANT RATIO**

### **501 General**

1. A Licensee shall not have more participants in attendance at any one time than the maximum specified on the license.
2. Staff shall always supervise participants.
3. The Licensee shall make provisions for additional staff for the enrollment of participants with disabilities who require individual attention.
4. Staff shall maintain staff/participant ratios for DDS facilities (Developmental Disabilities Services) in all facilities that both the Licensing Unit and DDS license.

5. Out-of-School Time Programs shall maintain a staff/participant ratio of 1:18. (Facilities licensed prior to ***shall meet these ratios by ?***)
6. The Licensee shall provide additional staff for any temporary absence of primary participant staff for activities such as breaks, meal preparation, transportation, etc.
7. Staff may exceed the staff/child ratios briefly as long as they do not leave children unattended and at least one (1) staff remains in the classroom with the participants. (This applies to situations such as brief absences for staff to have bathroom breaks or to take a sick or injured participant to the Director's office.)

### **502 Evening/Night Care Variations**

1. Staff shall be awake and have participants in view at all times.
2. Participants shall have privacy when bathing.

## **600 BUILDING**

### **601 General**

1. Floors, ceilings and walls shall be in good repair and kept clean. Paints used at the facility shall be lead free.
2. Stairways shall be well lighted and structurally sound.
3. An OSTP shall have an operable telephone on site at all hours participants are in care. The Licensee shall provide the phone number to the Licensing Unit and to the parents.
4. The following structures shall not be used as OSTPs:
  - a. Manufactured homes constructed prior to June, 1976
  - b. Manufactured homes constructed with metal roofs and outside walls
  - c. Single-wide manufactured homes
  - d. Portable storage type buildings
5. A doublewide manufactured home may be considered as an OSTP if tied down in accordance with the manufacturer's tie down specifications manual. Any new applicant for an OSTP that requests the use of a doublewide manufactured home shall obtain an inspection at the applicant's expense from the Arkansas Manufactured Home Commission.
6. If an OSTP currently holds a license to operate in a manufactured home, the manufactured home shall meet the tie-down specifications recommended by the Arkansas Manufactured Home Commission.

7. Portable classroom buildings are not manufactured homes, but do require Fire Department approval. Portable classroom buildings installed after 11-1-2002 shall have Fire Department approval prior to purchase and installation.

## **602 Restrooms**

1. There shall be one (1) toilet and one (1) sink available for each thirty-(30) participants.
2. Males and females shall have separate restrooms. The participants may use the same restroom if there is a method to indicate when a male is in the restroom or when a female is in the restroom. (Example: a sign with “males” on one side and “females” on the other side that can be flipped over dependent upon which sex is in the restroom)
3. Each OSTP licensed or approved for more than thirty-(30) participants shall have a separate rest room for staff.

## **603 Evening/Night Care Variations**

1. Restrooms shall be near the sleeping areas.
2. There shall be age appropriate bathing facilities for all participants.
3. For participants in night care (after midnight), there shall be a bathtub or shower available equipped to prevent slipping.

## **604 Inspections and Approvals**

1. OSTPs shall comply with the Minimum Requirements of the National Fire Safety Code 101 as administered by the local fire department or by the State Fire Marshal who has final authority. The Licensee shall maintain written verification of annual approval in the facility records.
  - ◆ **National Fire Safety Code 101 does not allow the use of basements or floors above ground level by participants, first grade and younger, unless there is a ground level exit or the building meets other specific requirements of the State Fire Code**
2. The facility shall meet the requirements for the State Health Department. The Licensee shall maintain written verification of annual approval in the facility records.
3. Upon submission of a new application, the prospective Licensee shall contact the Boiler Inspection Division (501-682-4553) to arrange an initial inspection of the facility with completion of the inspection within six (6) months of the date the Licensing unit approves the OSTP license.
4. After the initial inspection, the Licensee shall allow Boiler Inspectors access to the facility to conduct periodic inspections (annually or otherwise as set by the Department of Labor). The Licensee shall make any necessary repairs or replacements that the Inspectors may document

- a. Failure to make the necessary repairs or replacements (water heaters, etc.) may be grounds for the Licensing Unit to suspend the license
  - b. The Licensee shall maintain written verification of the annual approval in the facility records
    - ◆ Please note that AR Code §20-23-101 et.seq., requires that all water heaters and any other boilers in OSTPs must be inspected on an annual basis and/or upon installation. An inspection fee is charged and is payable to the Boiler Inspector at the time of the inspection
5. In accordance with the Environmental Protection Agency (EPA), the Licensee shall ensure that any renovation or repair work on a building that was constructed prior to 1978 shall be completed by a contractor that is certified by the EPA when the repairs and/or renovations consist of any or all of the following:
- a. The repair or renovation disturbs six (6) square feet of the interior
  - b. The repair or renovation disturbs twenty-five (25) square feet of the exterior
  - c. The repair or renovation involved removing a window

## 700 FURNITURE AND EQUIPMENT

### 701 General

1. Each OSTP shall be equipped with equipment, books and indoor and outdoor equipment to take care of the needs of the total group and to provide each participant with a variety of activities throughout the day.
2. All equipment shall be sturdy, clean and safe.
3. Paint on toys, equipment and other materials shall be lead free.
4. Outdoor equipment that requires fall zones shall require the same fall zones if used inside the facility.
5. Chairs and tables shall be appropriate for the size of the participants.
6. The participants shall have individualized space for storing personal belongings.
7. The center shall have storage space for extra materials and other equipment when they are not in use.

## **702 Sleeping Equipment**

1. During rest time each participant shall have an individual cot or mat labeled with the participant's name. The mat or cot shall have a bottom sheet and adequate cover . If mats are used, they shall be:
  - a. At least two (2) inches thick
  - b. Washable
  - c. Waterproof
  - d. Size-appropriate for the participants
2. All equipment that the participants use for sleeping shall be at least one (1) foot apart when participants are sleeping.
3. There shall be sufficient lighting during naptime to provide adequate supervision of the participants.

## **703 Evening/Night Care Variations**

1. Participants shall have individual beds or cots equipped with comfortable mattresses, sheets, pillows, pillowcases and blankets. If participants are in evening care, they may use mats.
2. Participants ten (10) years or older may sleep in the upper level of double deck beds if a bed rail and safety ladder are present within easy reach of participants.

## **800 GROUNDS AND EQUIPMENT**

### **801 Grounds**

3. To provide the safest possible playground environment, Licensees are encouraged to meet the guidelines listed in the "Handbook for Public Playground Safety", published by the Consumer Product Safety Commission.
4. Public playgrounds or other play environments may not meet acceptable safety standards. If participants visit these playgrounds on field trips, staff shall provide extremely close supervision.
5. The play area shall be enclosed and provide at least seventy-five (75) square feet per participant present on the playground at any time.
6. There shall be an outside exit from the play area.
7. The area shall drain well.

8. There shall be a separate play area or a separate schedule for outside play when infants and toddlers share the playground with older participants.
9. The area shall be free of hazards or potentially hazardous objects.
10. Sand for playing shall always be safe and clean.
11. There shall not be sharp points, corners, edges or splinters.
12. To prevent entrapment, there shall be no openings between any interior opposing surfaces between 3.5 and 9 inches. (to ensure there are no openings that might allow a participant's body to pass through but not allow the head to do so)
  - ◆ Ground bounded openings are exempt

## 802 Equipment

1. Please note that these requirements do not mandate the use of any large and/or permanently anchored pieces of playground equipment that require fall zones and surfacing. Numerous options for suitable playground environments are available and acceptable. The Licensing Specialist can provide information on playground options.
2. There shall be equipment and activities appropriate for the age and number of participants enrolled in the center.
3. If the design of the equipment requires anchoring, the anchoring devices shall be below ground level to ensure proper anchoring.
4. Paint on equipment shall be lead free.
5. Staff shall securely tighten or close all fasteners, including S-hooks.
6. The only trampolines allowed shall be mini-tramps used under direct supervision.

## 803 Slides

1. Slides shall not have any spaces or gaps between the platform and the slide surface.

## 804 Swings

1. The following swings shall not be used for any ages:
  - a. Multi-occupancy swings designed to hold more than one participant, except tire swings
  - b. Animal figure swings
  - c. Free swinging rope (Tarzan rope)

- d. Swinging exercise rings
  - e. Trapeze bars
  - f. Swings with wood or metal swing seats
1. Toddler swings shall provide support on all sides if the seat is above the ground twelve (12) inches and above.

## 805 Climbing Equipment

1. Preschool participants shall not use freestanding arch climbers exceeding four (4) feet in height.
2. Flexible grid climbing devices, such as rope or chain ladders, climbing ropes, etc., shall have secure anchors at both ends.
3. Pre-school participants shall not use sliding poles.
4. Sliding poles shall have no protruding welds or seams along the sliding surface and the pole shall not change directions.

## 806 Merry-Go-Rounds

1. The only merry-go-rounds allowed are portable merry-go-rounds that do not require anchoring. They shall have handgrips or other secure means of holding on.

## 807 Seesaws

1. Seesaws without spring centering devices shall have shock-absorbing materials, such as partial tires embedded in the ground underneath the seats or secured to the underside of the seats.
2. There shall be handholds provided for both hands at each seating position. The handholds shall not turn when grasped.

## 808 Surfacing

1. There shall be fall zones and surfacing under and around equipment over twenty-four (24) inches in height at the "highest accessible point".
  - ◆ "Highest accessible point" is defined as the highest surface on the piece of equipment where participants stand or sit when they use the equipment as intended

2. Staff shall maintain the following depths for fall zones:

TYPE OF SURFACING	HEIGHT OF STRUCTURES AT HIGHEST ACCESSIBLE POINT		
	Over 2 feet and under 3 ½	3 ½ feet up to 5 feet	5 feet and taller
a. Minimum surfacing depth required using sand, pea gravel, wood chips, wood mulch, etc.	6 inches	9 inches	12 inches
b. Minimum surfacing depth required using shredded tires or other shredded chopped rubber products	6 inches	6 inches	6 inches

3. The following are examples of shock absorbent materials that the Licensee shall use as shock absorbent materials for base surfacing under and around equipment requiring fall zones:
  - a. Sand
  - b. Pea gravel that is one-half ( ½ ) inch or less in diameter with smooth and rounded edges
  - c. Wood chip
  - d. Wood mulch
  - e. Shredded tires
    - ◆ Crushed rock and sharp gravel shall not be approved
4. Hard surface materials such as asphalt and concrete shall not be used as base surfaces in fall zones except under commercial matting or other systems/products designed to go over hard surfaces.

## 809 Fall Zones

1. Fall zones shall extend a minimum of six (6) feet in all directions from the perimeter of the equipment (unless otherwise specified).
  - ◆ The Licensing Unit may grant exceptions for structures that have protective barriers in place
2. Staff shall maintain fall zones as required.
3. Fall zones shall be free of obstacles onto which participants may fall.

## 810 Slides

1. Staff shall maintain the following fall zones for slides:

HEIGHT OF SLIDE (measured from slide platform to ground)	FALL ZONE REQUIRED (measured from exit end of slide)
a. Under six (6) feet	6 feet
b. Six (6) feet and over	10 feet

## 811 Swings

1. Swings require fall zones and surfacing regardless of height.
2. Staff shall maintain the following fall zones for swings:

TYPE OF SWING	FALL ZONE REQUIRED
a. Single-axis (Standard Swings)	Fall zone extends to the front and rear of the swing a minimum of two times the distance measured from the pivot point* to the playing surface directly below the swing. Fall zone shall also extend six (6) feet to the sides of the swing set
b. Multi-axis (Ex: tire swings or others with three (3) or more suspending chains)	Fall zone extends in all directions a minimum of six feet plus the height of the suspending rod or chain

\*pivot point - where the chain attaches to the frame

# 900 PROGRAM

## 901 General

1. Parents shall have access to their child at anytime during hours of operation.
2. Written permission from parents shall be on file each time participants leave the OSTP to participate in field trips or other activities that the participant does not attend on a regular basis. The written permission shall include:
  - a. Name and description of activity
  - b. Time of leaving and returning

- c. Method of transportation to the facility
3. Staff shall not release a participant to anyone who they do not immediately recognize as the participant's parent or as someone on the authorized pick-up list unless
  - a. The individual can provide an official picture ID AND
  - b. The person in charge can match the ID to the individual named on the participant's data sheet
4. If the individual is not on the pick-up list, the person in charge shall call the parent at a number listed in the participant's file to verify that the parent has given permission for the individual to pick up the participant. The person in charge shall view an official picture ID of the individual to verify identity.

## 902 Activities

1. The Licensee shall develop a written weekly routine listing well-rounded developmentally appropriate activities for participants and provide a copy of the routine of weekly activities to parents when they enroll the participants.
2. The OSTP shall provide activities that promote physical, social, cognitive and emotional development. Activities shall:
  - a. Be age and skill level appropriate
  - b. Address specific developmental domains
  - c. Offer project-based, experiential activities that promote creativity and youth self-expression
  - d. Offer short and long term projects
  - e. Offer opportunities for alternating periods of indoor and outdoor activities ,weather permitting
  - f. Offer alternating periods of active and quiet activities
  - g. Offer a balance of large and small muscle activities
  - h. Offer more than one (1) option for an activity including individual, small group or large group activities

**GROUP SIZE?**
3. The OSTP shall offer activities that target life skill development that:
  - a. Encourages development of critical thinking skills
  - b. Provides participants opportunities to work individually, in small groups and in large groups
  - c. Offers a progression of skill levels within activities

4. The OSTP shall offer activities that integrate opportunities throughout the program for the participants to develop personal responsibility, self-direction and leadership by providing opportunities to
  - a. Work on self-directed projects
  - b. Make content choices
  - c. Plan and conduct activities
  - d. Offer opportunities for leadership roles throughout the program
  - e. Support participant leadership through the policies and engagement strategies of the program
  - f. Form special clubs/groups within the program
  - g. Plan and participate in community service
5. The OSTP shall provide activities that provide recognition of achievement and participation that:
  - a. Promote diversity in cultures, religion, ethnicities, abilities, etc.
  - b. Are representative of the cultures of the participants
  - c. Are adaptable for different levels of ability
  - d. Provide program displays that are reflective of the varying ages, cultures and abilities of the participants

### **903 Evening/Night Care Variations**

1. Staff shall provide quiet time activities to each participant arriving before bedtime.

### **904 Outdoor Activities**

1. If the OSTP offers outdoor activities, staff shall consider the following environmental factors:
  - a. When the heat index is forecast to be ninety (90) degrees or above, outside activities should be scheduled during early morning hours or the length of time spent outdoor should be reduced to avoid heat stress
  - b. When outdoor activities occur during the hotter part of the day, participants should have shaded areas, an ample supply of water and should be monitored closely for signs of heat stress
  - c. When outdoor activities occur during the winter months when temperatures are extremely cold, the time scheduled for outdoor play should be reduced or suspended depending on the temperature and other weather conditions

### **905 Field Trips**

1. More information needed

**1000 SPECIAL NEEDS**

**1001 General**

1. The Individuals with Disabilities Education Act (IDEA) is a law ensuring services to participants with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education and related services to eligible infants, toddlers, participants and youth with disabilities.
2. A participant with Special Needs is defined as:
  - a. A participant determined eligible for special services under the Individuals with Disabilities Education Act (IDEA) for whom a current IFSP (Individual Family Service Plan) or IEP (Individual Education Plan) exists and/or
  - b. A participant whose physical condition has lasted or is expected to last at least two (2) years as diagnosed by a licensed medical or psychological examiner
3. As specified in Public Law 108-446 §635.16 A-B (IDEA as reauthorized):
  - a. Participants with disabilities including participants in public or private institutions or other care facilities are educated to the maximum extent appropriate with participants who are not disabled.
  - b. Special classes, separate schooling or other removal of participants with disabilities from the regular educational environment occurs only when the nature or severity of the disability of the participant is such that the participant is not achieving a satisfactory education in a regular class that provides supplementary aids and services.
4. All OSTPs shall comply with all applicable provisions as specified in IDEA:
  - a. The facility shall enroll participants with special needs without regard to disability
  - b. Staff shall provide care in the general classroom with participants who are not disabled
  - c. The facility shall provide services required to meet the “special needs” of participants in the center or in the classroom as specified on the individualized education/individual family service plan.
  - d. Facility staff (regular classroom teacher) shall be a partner in the IFSP/IEP plan process

- e. The facility shall allow service providers who are representatives of DHS, DDS or ADE access to the facility to provide special services as prescribed on the plan to enable the plan to be implemented in the classroom (natural/least restrictive environment)
- f. The facility shall not charge special service providers for space or accept “gratuities” or payment for allowing special service providers to provide services in their facility
- g. The facility shall not “displace” participants or staff to make space available to special service providers
- h. In order for a special services provider to provide special services in the facility, the ISP/IEP planning team under the authority of the Arkansas Department of Education and/or the Arkansas Department of Human Services, Developmental Disabilities Services, shall identify the needed special services on the IFSP/IEP
- i. Classroom staff shall reinforce the specified goals and objectives as part of the daily routine of the classroom

## **1100 POSITIVE GUIDANCE & DISCIPLINE**

The OSTP shall offer a nurturing, respectful, supportive and responsive environment that supports frequent interactions between the participants and staff. Staff shall:

- Support participants in developing an understanding of self and others by assisting the participants in sharing ideas, experiences and feelings
- Provide participants age-appropriate opportunities for growth and development of their social and communication
- Assist the participants in solving problems
- Foster creativity and independence in routine activities that shall include tolerance for mistakes
- Treat and model equality of all participants regardless of race, religion, culture, gender and ability
- Offer verbal encouragement to the participants during the course of an activity
- Use respectful voice tone and positive guidance practices
- Promote teamwork among participants

### **1101 General**

1. For behavior guidance practices used by the OSTP, the Licensee shall
  - a. Discuss the behavior guidance practices of the OSTP with the parents of each participant at the time of enrollment
  - b. Provide a copy of the behavior guidance practices in writing to the parents
  - c. Have each parent verify in writing their receipt of a copy of the behavior guidance practices
  - d. Maintain the signed verification in the participant's record
2. The OSTP shall guide the behavior of the participants based on an understanding of the participant's individual needs and stages of development by
  - a. Supporting the participant's developmentally appropriate social behavior, self-control and respect for the rights of others
  - b. Ensuring that the behavior management and discipline practices are fair, reasonable, consistent and related to the participant's behavior
  - c. Ensuring that staff are responsible for implementing the behavior management and discipline practices of the OSTP
  - d. Ensuring that staff do not administer discipline that is cruel, unusual, hazardous, frightening or humiliating
3. Acceptable behavior guidance techniques may include:
  - a. Look for appropriate behavior and reinforce the participants with praise and encouragement when they are behaving well
  - b. Remind the participants on a daily basis of the rules by using clear positive statements regarding how they are expected to behave rather than what they are not suppose to do
  - c. Use brief supervised separation from the group ( not to exceed one (1) minute per year of participant's age) only when the participant does not respond to a verbal command which instructs the participant how to behave
  - d. Encourage small positive steps when a participant who misbehaves begins to behave appropriately rather than waiting until the participant has behaved for a long period of time
  - e. Attend to the participants who are behaving appropriately and other participants will follow their example in order to obtain your attention
  - f. and ability
4. The following activities or threats of such activities are unacceptable as behavior guidance measures. The OSTP shall prohibit and prevent any individual on the premises from using any of the following that include, but are not limited to:
  - a. Using physical punishment
  - b. Biting or biting back,, jerking, swatting, pulling hair, twisting arms, shaking, spanking, slapping, hitting, striking, kicking or exercising other means of inflicting physical or emotional pain or causing bodily harm

- c. Using a physical restraint method that causes injury to the participant
  - d. Using a mechanical restraint, locked time-out room or closet
  - e. Using verbal, profane or abusive language
  - f. Withholding food as punishment
  - g. Washing mouth with soap
  - h. Taping or obstructing a participant's mouth
  - i. Placing unpleasant or painful tasting substances in mouth, on lips, etc.
  - j. Placing participants in dark areas
  - k. Yelling (does not include a raised voice level to gain a participant's attention to protect the participant from risk of harm)
  - l. Forcing physical activity such as running laps, doing push-ups, etc
  - m. Associating punishment with rest, toileting or illness
  - n. Denying food as punishment or punishing participants for not eating
  - o. Labeling, shaming, humiliating, frightening, physically or mentally harming participants
  - p. Activities or experiences that may be damaging to the self-esteem of the participants
5. Staff may use limited physical restraint that does not cause injury to a participant when they use it only in emergencies, document any incident involving its use, and notify the participant's parents of its use. Staff may use it when the following emergencies exist:
- a. To protect a person on the premises from physical injury or
  - b. To protect property from serious damage or
  - c. To obtain possession of a weapon or other dangerous object

## **1200 RECORDS**

### **1201 General**

1. The Licensee shall maintain all records at the site for three (3) years and make them available to the Licensing Unit when requested.
2. The Licensee shall advise parents in writing that the forms completed by the Licensing Specialist detailing the compliance history of the OSTP are available for review.

### **1202 Facility Records**

1. Facility Records shall include:
  - a. Records on participants
  - b. Attendance records on all participants
  - c. Transportation rosters, if applicable (maintained for one year)
  - d. Verification of current vehicle registration, if applicable

- e. Verification of required commercial vehicle insurance coverage
- f. Verification of required or approved Child Care Liability Insurance
- g. Verification of current pet vaccinations, if applicable
- h. Verification of annual fire department approval
- i. Verification of annual health department approval
- j. Verification of zoning approval
- k. Verification of annual approval by the Boiler Inspector Division of the Department of Labor
- l. Mobile Home Commission approval for double wide manufactured homes (if applicable)
- m. Record of routine emergency drills
- n. Plan and procedures for Emergency Preparedness
- o. Procedures for reporting allegations of child maltreatment
- p. Procedures for reporting suspected licensing violations
- q. Licensing compliance forms
- r. Log of Product Recall and Safety Notices from Attorney General's Office
- s. Articles of Incorporation, if applicable
- t. Current list of the names, addresses, and phone numbers of the Board of Directors, if applicable

### **1203 Personnel Records**

1. All personnel in the OSTP shall have a personnel file that includes an application completed by the individual. The file shall include the following information:
  - a. Name, date of birth , address and telephone number
  - b. Education, training and experience
  - c. Health record, including current health card and/or physician's statement verifying the individual is free of contagious Tuberculosis
  - d. Employment related information for previous six (6) years with written results of the verification of employment and reference checks
  - e. Date of employment and date of separation
  - f. Initiation of Criminal Record checks and Child Maltreatment checks and the results of the checks when received
  - g. Attendance record listing days and hours worked
  - h. Documented training or continuing education: i.e., signed statement of orientation for new personnel, in-service training and workshop documentation which includes the presenter, hours of training date of training and title of workshop
  - i. For individuals who transport participants, verification of the successful completion of the required driver safety training and a legible copy of the driver's license.  
(Refer to Section 401)

### **1204 Participant Records: Personal Information**

1. Each participant shall have a file maintained on site that includes an application completed by the parent or guardian with the following personal information:
  - a. Name, date of birth, address
  - b. Name and address of parent or guardian
  - c. Telephone numbers where parents can be reached while participant is in care, i.e., home, business other
  - d. Date of enrollment in center
  - e. Name, address and telephone numbers (home, business, other) of a responsible person to contact in an emergency if the parent or guardian cannot be located promptly including the names of individuals authorized to pick up the participant

### **1205 Participant Records: Medical Information**

1. Each participant 's file shall include the following medical information:
  - a. Name, address and telephone number of the participant 's physician or emergency medical care facility
  - b. Pertinent past medical history and any change in health
  - c. Unusual food needs such as special formulas, diabetic diet or food allergies
  - d. Notes of special problems such as allergies to medication or sunburn sensitivity or needs indicated by the parents
  - e. An authorized record of up-to-date immunizations or documentation of a religious or medical or philosophical exemption from the Arkansas Department of Health
  - f. Refer to Appendix for current immunization schedule
  - g. Updated immunization schedules will be provided as changes are received from the Arkansas Department of Health
  - h. Immunization records are not required for school age participants

### **1206 School Age/Summer Day Camp Variations**

1. The Licensee shall maintain emergency information and medical permission statements at the camp site

### **1207 Participant Records: Permissions/Agreements/Notifications**

1. The files on the participants shall include the following permissions, agreements and notifications of parents or guardians if applicable:
  - a. Permission authorizing emergency medical care and transportation of participant for emergency treatment (this authorization shall accompany participants when they are transported)

- b. Permission authorizing transportation for specific field trips, specialized summer activities and other activities
- c. Permission for applying sunscreen
- d. Permission to participate in water activities
- e. Statement with signatures of parents or guardians verifying receipt of notification that participants may be interviewed by officials for investigative purposes
- f. Statement with signatures of parents verifying receipt of behavior guidance policy of the OSTP

## 1300 NUTRITION

### 1301 General

1. Breakfast shall be provided to participants who arrive before 7:00 A. M.
2. The Licensee may serve breakfast to all participants rather than a morning snack provided there is no more than three (3) hours between breakfast and lunch.
  - ◆ The Licensee does not necessarily have to serve breakfast before 7:00 A.M.
3. The Licensee shall ensure that all participants have lunch, mid-morning and mid-afternoon snacks.
4. All meals, snacks and sack lunches shall meet the current nutrition guidelines of the U. S Department of Agriculture including substitutions made by staff for participants who have allergies (Refer to Appendix A). Parents shall provide the instructions for these substitutions in writing.
5. If participants bring sack lunches, the center shall supplement the lunches if necessary to ensure the lunches meet the current nutrition guidelines of the U. S. Department of Agriculture.
6. Staff shall offer the required meals and snacks, but shall not force the participants to eat.
7. Staff shall not consume food and drink in the presence of participants if it is not available to the participants.
8. Each participant shall have an individual drinking glass or disposable cup.
9. Vending machines are acceptable provided they are not the only source of snacks and/or beverages.
10. If the OSTP is in a rural day camp setting, the OSTP is not required to serve milk to the participants.

### **1302 Evening & Night Care Variations**

1. Participants in overnight care shall have breakfast prior to their leaving for school or other activities.
2. Staff shall provide supper to participants during the evening meal hours.
3. Staff shall provide snacks to participants in attendance for more than 2 ½ hours prior to bedtime.

## **1400 HEALTH**

### **1401 General**

1. A first aid kit shall be available and kept out of the reach of the participants. If the first aid kit contains medications, staff shall keep it locked. The kit shall include the following:
  - a. Adhesive band-aids (various sizes)
  - b. Sterile gauze squares
  - c. Adhesive tape
  - d. Roll of gauze bandages
  - e. Bottle of water for cleaning wounds
  - f. Thermometer that can be sanitized
  - g. Scissors with blunt tips
  - h. Disposable gloves
  - i. Tweezers
  - j. Soap
  - k. Mouth covers to use for CPR
2. Staff shall ensure the removal of garbage and trash from the facility daily and from the grounds at least once a week.
3. In compliance with the Clean Air Indoor Act of 2006, smoking in an OSTP is prohibited at all times regardless of whether participants are in care. This applies to areas that are:
  - a. In all areas of the facility whether participants are in care (includes time periods such as nights, weekends, holidays, etc., also includes office areas or other areas of the facility that share the same ventilations systems)
  - b. On outdoor play area
  - c. Other outdoor areas when participants are present

- d. In any vehicle used to transport participants at any time whether participants are present in the vehicle or not
4. Staff shall protect participants from over exposure to the sun. Staff may use sunscreen on the participants if staff comply with all of the following:
  - a. With written parental permission
  - b. When age appropriate
  - c. When administered according to the recommendations of the manufacturer
    - ◆ A blanket permission may be obtained annually
5. Participants shall have clean clothes available to wear if they soil themselves.
6. Staff shall wash sheet/covers at least once a week. Once a participant uses a sheet/cover/blanket, the staff shall wash them before another participant uses them.
7. The Licensee shall not allow pets or animals that present a health and safety threat. The Licensee shall keep any pet that constitutes a threat in a confined area that prevents any contact with participants.
  - a. Pets with which participants have contact shall have all vaccinations as required by law with all vaccinations being administered by a licensed veterinarian
  - b. The verification of vaccinations shall be kept in the facility records
8. Insects and rodents shall not infest the center.
9. Waste and sewage disposal and toileting equipment shall be safe and sanitary.
10. Staff shall locate trash receptacles near bathroom exits in order to minimize the spread of infection.

#### **1402 Evening/Night Care Variations**

1. Participants shall have clean and comfortable sleeping garments for their individual use.

#### **1403 Medications**

1. If the policy of the OSTP authorizes staff to administer Prescription Medications, staff shall do so only:
  - a. With written permission of parent, person or agency having authority by court order to approve medical care
  - b. With medication provided in the original container by the parent, guardian or responsible relative

- c. With first and last names of the participant and the date the prescription was filled or the expiration date of the medication on the container
  - d. According to the dose, duration and method of administration specified on the prescription label or authorized in writing from a physician or other person legally authorized to prescribe medication
2. The only Non-Prescription Medications that the OSTP may authorize staff to administer are as follows:
  - a. Antihistamines
  - b. Non-aspirin fever reducers/pain relievers
  - c. Non-narcotic cough suppressants
  - d. Decongestants
  - e. Anti-itching ointments or lotions, intended specifically to relieve itching
  - f. Sun screen
3. To administer these Non-Prescription Medications, staff shall do so only:
  - a. With written permission of parent, person or agency having authority by court order to approve medical care
  - b. With medication provided in the original container by a parent, guardian or responsible relative
  - c. With first and last names of the participant and manufacturer's expiration date on the container
  - d. According to the manufacturer's label that specifies dose, duration and method of administration according to the age or weight of the participant
4. The Licensee may provide aspirin substitutes, such as Ibuprofen and Acetaminophen, if parents have granted written permission to administer them.
5. The staff person who administers the medication shall initial the permission slip and record the time they administer the medication.
6. Staff shall keep all medicines out of the reach of participants when dispensing and store them in a locked area at all other times.
7. Staff shall dispose of medication when a participant withdraws from care or when the medication is out of date.
8. Medicine shall be stored separately from food at all times.

1. Staff shall handle illnesses that shall protect all participants in care and provide immediate attention to any injured participant.
2. If a participant becomes ill and unable to participate in daily activities, staff shall separate the participant from other participants, provide supervision and call the parents to pick up the participant as soon as possible. If staff determine the illness to be critical, they shall contact the parents immediately.
3. In the event of critical illness or injury, and if the parents cannot be reached, staff shall contact the physician named by the parent or contact emergency medical personnel. Staff shall report injuries that require the attention of medical personnel to the parent immediately.
4. Staff shall notify the participant's parents of significant events that affect the children such as cases of serious contagious disease and injuries. Staff shall notify parents of contagious illnesses as soon as possible.
5. Participants and staff who have a contagious or infectious disease shall not attend the center. (Refer to Section 1405.6 and Appendix B)

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6. If a participant exhibits any of the symptoms listed below, staff shall notify the parents to pick up the participant as soon as possible.

SYMPTOM	WHEN TO EXCLUDE
a. Fever	Body temperature of 101 or greater. It is recommended that infants who are six (6) months or under be excluded when temperature is 100 degrees or greater
b. Diarrhea	Three (3) or more watery stools in 24 hours period
c. Vomiting	Vomiting on two (2) or more occasions within past 24 hours
d. Rash	Body rashes not obviously associated with diapering, heat or allergic reactions
e. Sore Throat	Associated with fever or swollen glands in the neck
f. Severe Coughing	Episodes of coughing which may lead to repeated gagging, vomiting or difficulty breathing
g. Pink Eye	Pink or red eye(s) which may lead to repeated gagging, vomiting or difficulty breathing
h. Untreated scabies, head lice or the presence	May return after treatment and removal of nits
i. Multiple sores inside mouth with drooling	Unless health care provider determines the condition is non-infectious
j. Ring Worm (a fungal infection of the scalp or skin)	May return after evaluation and under treatment by a health care provider
k. Impetigo	May return 24 hours after treatment is initiated
l. Multiple sores inside mouth with drooling	Unless health care provider determines the condition is non-infectious

7. The Licensee shall report the communicable diseases listed in Appendix B whether suspected in a participant or adult, within twenty-four (24) hours to either the local county Health Unit or the toll free Reporting System (1-800-482-8888 ). Immediate notification is recommended for the following:
  - a. Hepatitis
  - b. Rash illness (including MEASLES AND RUBELLA)
  - c. Whooping cough (Pertussis)
  - d. MENINGITIS
  - e. MUMPS
  - f. Tuberculosis
  - g. Salmonellas (including typhoid)
  - h. E-coli
  
8. Reporting data should include:
  - a. Reporter's name, location and phone number
  - b. Name of the disease reported and the date of onset
  - c. Patient's name, address, phone number, age, sex and race. (Please spell the patient's name)
  - d. Attending physician's name, location and phone number
  - e. Any pertinent clinical and laboratory information used in the diagnosis including the laboratory name
  - f. Any treatment information, if known

### **1405 Drinking Water**

1. The Arkansas Department of Health shall approve the water supply.
2. Drinking water shall always be available for the participants.
3. When participants drink water or other liquids in which water is used, staff shall not obtain it from the hot water supply.
  - ◆ Water from hot water systems may contain higher levels of lead and other substances that could be harmful to participants

### **1406 School Age/Summer Day Camp**

1. Staff shall transport fresh water to the camp daily in enclosed containers.

### **1407 Personal Hygiene**

1. Participants shall have single use paper towels or forced air dryers located within their reach.

2. A liquid soap shall be accessible in the hand-washing area and used by caregivers and participants.
3. Running water shall be available in all lavatories. The use of hand sanitizers shall not be a replacement for running water.
4. All staff and participants shall wash their hands with soap and water at the following times:
  - a. Before meals and snacks
  - b. Before preparing meals
  - c. After toileting
  - d. After each diaper change
  - e. After contact with bodily fluids
  - f. After outdoor play
  - g. After coming in contact with animals
  - h. Other times as needed

#### **1408 School Age/Summer Day Camp**

1. Camp personnel shall provide alternative methods of hand washing if running water is not available in camp situations.

#### **1409 Evening/Night Care**

1. Participants shall have fresh washcloths and towels that they use only once and then send them to be laundered.
2. Participants shall not take baths together or share the same bath water. Staff shall ensure privacy for the participants when showering or bathing.
3. Staff shall clean tubs and showers after each use.

#### **1410 Toileting**

1. Toilet tissue shall be located within reach of the participants when toileting.
2. The caregiver shall assist participants in toilet routine and hygiene practices as needed.
3. Toilet tissue shall be located within reach of the participants when toileting.

4. Staff shall not use the following methods in toilet learning:
  - a. Placing participant on toilet or potty chair for prolonged time periods
  - b. Using harsh language
  - c. Punishing or berating in any way for soiling clothing
  - d. Using physical force to place participant on a toilet or potty chair against their will
  - e. Leaving participant unsupervised on toilet

## 1500 SAFETY

### 1501 General

1. The Licensee shall maintain a log of all Child Product Recall and Safety Notices issued by the Attorney General's Office and shall post or otherwise make these notices available for parents to review (Act 1313 of 2001). The Director shall:
  - a. Certify on a self-certification form that the center is maintaining these notices, that staff are reviewing them and that staff are removing any identified items from the facility ( the self-certification form may be obtained from the Licensing Specialist, the Consumer Product Safety Commission or the Attorney General's Office)
  - b. Submit the self-certification form to the Licensing Specialist annually
2. All medications and poisonous substances shall be in separately locked areas. Examples: pesticides, insecticides, bleach, paint or any other product that labeled poisonous.
3. All detergents and cleaning supplies shall be in a safe location.
  - ◆ This does not include hand soap in the bathrooms of participants and staff
4. Staff shall carefully supervise supplies used for the activities of the participants.
5. Staff shall check all bags belonging to participants when they arrive at the center to eliminate possible hazards. Staff shall store their purses and bags in an area that is secured.
6. Electrical outlets shall have guards.
7. Staff shall carefully supervise balloon use by the participants.
8. Staff shall know how to use fire extinguishers.
9. The Licensee shall maintain smoke detectors/fire extinguishers as required by the Fire Department. Smoke detectors shall be in working order at all times.
10. Portable fuel fired heaters are prohibited.

## 1502 Emergency Management

1. Act 801 of 2009 requires all facilities to have a written plan detailing the procedures to follow in the event of emergencies (fires, floods, tornadoes, utility disruptions, bomb threats, etc.). The plan and procedures are required for emergencies that could
  - a. Create structural damages to the facility
  - b. Be identified as a threat by the Arkansas Department of Emergency Management
  - c. Pose health and safety hazards to the participants and staff
2. The plan shall include the following information:
  - a. Designated relocation site and evacuation route
  - b. Procedures for notifying parents of the relocation
  - c. Procedures for ensuring family reunification
  - d. Procedures to address the needs of individual participants, including participants with special needs
  - e. Procedure and documentation for annual training of staff regarding the plan and possible reassignment of staff duties in an emergency
  - f. Plans to ensure that all staff and volunteers are familiar with the components of the plan
3. The Licensee shall communicate with local emergency management officials to plan for emergencies.
4. The Licensee shall post the written procedures and evacuation plans in each room.
5. Participants shall practice fire and tornado drills each month at different times of the day and in the various program spaces occupied by the facility. Staff shall follow these procedures:
  - a. Fire and tornado drills shall be practiced on different days
  - b. The drills shall involve all participants and program types
  - c. All participants and program types shall
  - d. Staff, including volunteers and substitutes, shall be trained in safety drill procedures
  - e. All individuals in the facility at the time of the drill shall participate in the drill
  - f. Procedures for accounting for all participants before, during and after the fire and tornado drills
6. The Licensee shall maintain a record of emergency drills noting:
  - a. Date of drill
  - b. Type of drill
  - c. Time of day
  - d. Number of participants participating in the drill

- e. Length of time taken to reach safety
7. The Licensee shall have an evacuation pack that staff take on all drills and during real emergency evacuations. The pack shall be easily accessible in an emergency and all staff shall know the location of the pack. At a minimum, the evacuation pack shall include the following:
- a. List of emergency numbers
  - b. List of all emergency and contact information for participants
  - c. List of all emergency and contact information for staff
  - d. First aid kit (see Section 1401.2 for contents) with extra gloves
  - e. Kleenex
  - f. Battery powered flashlight and extra batteries
  - g. Battery powered radio and extra batteries
  - h. Hand sanitizer
  - i. Notepad and pens/pencils
  - j. Whistle
  - k. Disposable cups
  - l. Wet wipes
  - m. Emergency survival blanket
8. The Licensee shall notify the Licensing Specialist of any damage to the facility caused by fires or natural disasters (floods, tornadoes, etc). This notification shall occur before the end of the following workday.

## 1600 SWIMMING POOLS

### 1601 General

1. Participants may use swimming pools and natural pools of water for water play if the following requirements are met:
  - a. Health Department approval where applicable
  - b. Written permission from parents
  - c. One person present at all times who has certification in Red Cross Live Saving or YMCA aquatic instruction
  
2. Adults shall supervise the participants at all times with grouping based on the following staff/participant ratio (unless participants are participating in an authorized swimming instruction program):
 

a. Kindergarten & Up	1:8
b. 5 years	1:5
c. 4 years	1:3

d. 2 ½ - 3 years

1:2

3. When participants of different ages are swimming in a group, the staff/participant ratio shall meet the ratios for the youngest participant within the group.
4. When center participants are the only occupants of the pool, lifeguards, swimming instructors or other swimming pool staff may count in the staff/participant ratio if the individuals have completed checks of their criminal and child maltreatment backgrounds and have current health cards.
5. The Licensee shall ensure that swimming pools located within the play area of the center are enclosed. The enclosure shall have a locked gate and a fence that is at least four (4) feet high.

## 1700 TRANSPORTATION

### 1701 General

1. The requirement in this section apply to all transportation provided by the Licensee including transportation provided by any person on behalf of the Licensee regardless of whether the person is an employee of the Licensee.
2. The requirements in this section are not limited to routinely scheduled transportation. Periodic transportation, such as a parent requesting that the Licensee pick up their child at school due to work schedules or other conflicts shall also meet these requirements whether or not a fee is charged for this service.
3. The Licensee shall maintain rosters of all participants being transported listing the name of the driver, name of any other staff member on the vehicle and the name, age and date of birth of the participants. The Licensee shall retain the rosters and make them available for review for one (1) year. These rosters shall be used to:
  - a. Check participants on and off the vehicle when they are picked up and dropped off at home, school, etc
  - b. Check participants when they arrive at and leave the facility
4. To ensure that no participants are left on the vehicle,
  - a. The driver or another staff person shall walk through the vehicle and physically inspect each seat before leaving the vehicle and
  - b. The driver or the staff person who conducted the walk through shall sign the transportation roster to verify that all participants have exited the vehicle

5. To ensure that participants have safely arrived in the appropriate classroom, the Director or designee shall review the transportation roster and compare it with classroom attendance records.

## 1702 Commercial Insurance

1. The Licensee shall ensure that all transportation of participants by the facility is in compliance with Arkansas state laws on transportation:
  - a. Vehicles licensed and maintained in proper working condition
  - b. Commercial insurance coverage maintained as listed below
  - c. Proof of the commercial insurance coverage provided to the Licensing Specialist before the facility transports participants. Facilities licensed prior to the effective date of these regulations shall obtain the coverage within ninety (90) days. Required coverage amounts are:

NUMBER OF PASSENGERS TRANSPORTED	MINIMUM AMOUNT OF INSURANCE
a. 7 or less	\$300,000 combined single limit (CSL)
b. 8 – 12	\$500,000 combined single limit (CSL)
c. 13 and more	\$750,000 combined single limit (CSL)
<small>*also includes the driver as a passenger</small>	

## 1703 Staff/Participant Ratio

1. For transporting participants kindergarten and above only, a ratio of 1:20 is required. **RATIOS FOR SCHOOL BUSES & PUBLIC TRANSPORTATION?**

## 1704 Restraint Systems

1. Each participant transported shall have a seating space and an individual, appropriate restraint system.
2. In accordance with Act 470 of 2001 regarding transportation, the Licensee shall comply with the following approved restraint systems : **ADDITIONAL INFORMATION?**
  - a. Any participant who is less than six (6) years old and weighs less than sixty (60) pounds shall be restrained in a participant passenger safety seat

- b. Any participant who is at least six (6) years old or weighs at least sixty (60) pounds shall be restrained by a safety belt
  - ◆ Conventional school buses are exempt from this requirement except for the transportation of infants and toddlers

## 1705 Safety Alarms

### ADDITIONAL QUESTIONS

1. Any vehicles designed or used to transport more than seven (7) passengers and one (1) driver shall have approved participant safety alarm devices installed. These devices shall be in proper working order at all times.
  - a. The installer of the alarm system shall install the system so the driver must walk to the very back of the vehicle to reach the switch that deactivates the alarm. The Licensing Unit shall not approved alarm switches installed in locations that do not require the driver to walk to the back of the vehicle and view all seating areas.
  - b. Any certified technician or mechanic employed by a recognized electronics or automotive business shall install the alarm system in accordance with the recommendations of the manufacturer of the system.
  - c. The time delay from activation of the alarm until the alarm sounds shall not exceed one (1) minute
    - ◆ The Licensing Unit maintains a list of approved alarm systems
2. Any of the following three (3) options are acceptable to meet the intent of Act 1979 when the driver is dropping the participants off at the center. The Licensing Unit shall approve any other options.
  - a. Unload all of the participants, walk through the vehicle to ensure that participants do not remain on board and deactivate the alarm (this option will only work if participants are able to exit the vehicle in less than one minute)
  - b. Upon arrival, one staff member shall immediately walk through the vehicle to deactivate the alarm system; that staff member shall remain near the alarm switch at the back of the vehicle until all participants have exited the vehicle to ensure that no participants remain on the vehicle (this option will require at least two (2) staff—one to supervise the participants and one (1) to remain inside the vehicle)

- c. Upon arrival, deactivate the alarm, unload the participants and immediately after unloading the participants start the vehicle and move it to a different location for final parking (this will reactivate the alarm and required a final walk through)

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# APPENDICES

## APPENDIX A: CHILD CARE MEAL PATTERN

U. S. DEPARTMENT OF AGRICULTURE

Participants age 12 and up may be served adult-size portions based on the greater food needs of older participants, but shall be served not less than the minimum quantities specified in this section for participants age 6 through 12 years. For purposes of the requirements outline in this chart, a cup means a standard measuring cup. Bread, pasta or noodle products and cereal grains shall be whole grain or enriched; cornbread, biscuits, rolls, muffins, etc shall be made with whole grain or enriched meal or flour; cereal shall be whole grain or enriched or fortified.

MEAL	FOOD GROUP	1 and 2 Years	3 through 5 years	6 THROUGH 12 YEARS
<b>BREAKFAST</b>	Milk, fluid Juice or fruit or vegetable	½ cup (4 oz) ¼ cup	¾ cup (6 oz) ½ cup	1 cup (8 oz) ½ cup
	Bread, bread alternate**** and/or cereal, enriched or whole grain Bread or Cold, dry cereal or Hot, cooked cereal	½ slice (½ oz.) ¼ cup ¼ cup	½ slice (1/2 oz) ⅓ cup** ¼ cup	1 slice (1 oz) ¾ cup*** ½ cup
<b>AM OR PM SNACK SUPPLEMENT</b>	<b>Select 2 of these 4 components:</b> Milk, fluid Juice or fruit or vegetable eat or meat alternate Bread, bread alternate**** and/or cereal (enriched or whole grain) Bread or Cold, dry cereal or Hot, cooked cereal	½ cup (4 oz) ½ cup ½ oz	½ cup (4 oz) ⅓ cup ½ oz	1 cup (8 oz) ¾ cup 1 oz
		½ slice ( ½ oz) ¼ cup* ¼ cup	½ slice ( ½ oz) ⅓ cup** ¼ cup	1 slice (1 oz) ¾ cup*** ½ cup

<b>LUNCH</b>  <b>or</b>  <b>SUPPER</b>	Milk, fluid	½ cup (4 oz)	¾ cup (6 oz)	1 cup (8 oz)
	Meat <b>or</b> meat alternate:			
	Lean meat, poultry <b>or</b> fish	1 oz	1 ½ oz	2 oz
	Cheese	1 oz	1 ½ oz	2 oz
Egg	1 large	1 large	1 large	
Cooked dry beans <b>or</b> peas	¼ cup	⅜ cup	½ cup	
Peanut butter	2 tbsps.	3 tbsps.	4 tbsps.	
Yogurt (plain <b>or</b> flavored)	½ cup	¾ cup	1 cup	
<b>(Or an equivalent quantity of any combination of the above meat/meat alternates)</b>				
Vegetable and/or fruit (total of two or more)	¼ cup	½ cup	¾ cup	
Bread <b>or</b> bread alternate**** enriched <b>or</b> whole grain	½ slice (1/2	½ slice (1/2	1 slice (1	
<p>* ¼ cup (volume) or ⅓ oz (weight)    ** ⅓ cup (volume) or ½ oz (weight)    *** ⅜ cup (volume) or 1 oz (weight)</p> <p>****Refer to Food Buying Guide “Grains and Breads” for equivalent quantities</p>				

CASA-1

## APPENDIX B: LIST OF REPORTABLE DISEASES

1. The following are the more common reportable diseases which occur with moderate frequency in Arkansas:

Gonorrhea	Salmonellosis (including typhoid)
Hepatitis (A, B, Non-A, Non-B unspecified and results of serologies)	Shigellosis
Rash illnesses (including *MEASLES & RUBELLA	Syphilis
*WHOOPING COUGH (Pertussis)	Tuberculosis
MENINGITIS	MUMPS

2. The following are less common reportable diseases that occur with low frequency in Arkansas:

*AIDS (Acquired Immune Deficiency Syndrome)	*Leprosy
Amebiasis	*Leptospirosis
ANTHRAX	*Lyme Disease
*Aseptic Meningitis	Lymphogranuloma Venereum
Blastomycosis	*Malaria
BOTULISM	*Meningitis, Hemophilus Influenza Type B
*Brucellosis	*Meningococcal infection
Campylobacter Interitis	Mumps
Chancroid	Pesticide Poisoning
CHOLERA	PLAGUE
Coccidioidomycosis	*POLIOMYELITIS
*Congenital Rubella Syndrome	*Psittacosis (Ornithosis)
DIPHTHERIA	Q Fever
Encephalitis (all types)	RABIES
FOOD POISONINGS (all types)	*Relapsing Fever
Giardiasis	*Reyes Syndrome
Gonococcal Ophthalmia	Rheumatic Fever
Granuloma Inguinale	*Rocky Mountain Spotted Fever
*Guillain-Barr Syndrome	SMALL POX
Histoplasmosis	*Tetanus
HIV {Human Immuno Deficiency Virus by (name & address)}	*Toxic Shock Syndrome
**Influenza	Toxoplasmosis
*Kawasaki Disease	*Trichinosis
*Legionellosis	*Tularemia
Blastomycosis	TYPHUS FEVER
BOTULISM	YELLOW FEVER
*Brucellosis	
Campylobacter Interitis	

\* The reporting physician will be contacted for additional information

\*\* Individual cases to be reported only when laboratory testing has determined the viral type

**The diseases in capital letters are to be brought to the immediate attention of the Statemiologist when**

3. Reporting data shall include:
  - a. Name and location of reporting person
  - b. Disease or suspected disease and date of onset
  - c. Name, age, sex, address and phone number of patient (please spell patient's name)
  - d. Name of patient's physician
  
4. The following diseases are also of public health importance and the Licensee should report them whenever there is an unusual incidence or outbreak (including seasonal). It is necessary to report
  - a. Physician's name and location
  - b. The suspected disease and
  - c. The number of cases and interval during which the cases were seen

Acute Respiratory Disease	Hospital acquired infections
Chicken Pox	Infectious Mononucleosis
Conjunctivitis	Influenza (estimate number)
Dermatophytosis (Ringworm)	Pediculosis
Enteropathogenic E. Coli Diarrhea	Pleurodynia
Epidemic Diarrhea of unknown cause	Pneumonia (bacterial, Mycoplasma, viral)
Gastroenteritis	Staphylococcal-Infections
Herpangina	Streptococcal-Infections

5. The following occupational diseases also shall be reported:

Asbestosis	Mesothelioma
Silicosis	Coal Workers Pneumoconiosis
Byssinosis	

**FOR FURTHER ASSISTANCE, CONTACT THE LOCAL COUNTY HEALTH UNIT.**

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**APPENDIX C: DISASTER/EMERGENCY PREPAREDNESS**

<b>DISASTER/EMERGENCY NUMBERS</b>	<b>CONTACT/TOWN</b>	<b>TELEPHONE NUMBER</b>
<b>AMBULANCE</b>		
<b>APPLIANCE REPAIR</b>		
<b>BUILDING INSPECTOR</b>		
<b>CHILD ABUSE HOT LINE</b>		1-800-482-5964
<b>CHILD CARE LICENSING UNIT</b>	Little Rock	1-800-445-3316 or 501-682-8590
<b>CLEANING/MAINTENANCE</b>		
<b>ELECTRIC COMPANY</b>		
<b>ELECTRICIAN</b>		
<b>EMERGENCY CHILD LOCATOR</b>		1-866-908-9572
<b>FACILITY DIRECTOR</b>		
<b>FEMA</b>		
<b>FIRE DEPARTMENT</b>		
<b>FIRE DEPARTMENT (Non-Emergency)</b>		
<b>GAS COMPANY</b>		
<b>GLASS COMPANY</b>		
<b>HEALTH DEPARTMENT (Local)</b>		
<b>HEATING/AIR CONDITIONING</b>		
<b>INSURANCE AGENT AND POLICY NUMBER</b>		
<b>LICENSING SPECIALIST</b>		
<b>LOCKS</b>		
<b>NATIONAL EMERGENCY FAMILY REGISTRY AND LOCATOR</b>		1-800-588-9822
<b>PLUMBER</b>		
<b>POISON CONTROL</b>		1-800-376-4766
<b>POLICE</b>		
<b>POLICE (Local Non-Emergency)</b>		
<b>RED CROSS (Local)</b>		
<b>SHERIFF</b>		
<b>TRASH REMOVAL</b>		
<b>WATER DEPARTMENT</b>		

## APPENDIX D: DEFINITIONS

1. **Act** -- Child Care Center Licensing Act as amended
2. **OSTP** -- any facility conducted under public or private auspices on a profit or nonprofit basis providing direct care and protection for participants
  - a. Facilities that are subject to the provisions of the Child Care Licensing Act are those that are open more than five (5) hours during any twenty four (24-hour) period or more that a total of ten (10) hours during a seven (7) day period
    - ◆ Facilities meeting the above definitions but operating no more than three weeks are not required to comply with the licensing requirements, i.e.: Summer Bible Schools and Day Camps
  - b. For purposes of determining the need for a license, the Licensing Unit considers all care provided at the site of a licensed program as part of the licensed program and subject to licensing requirements. This includes separate buildings located on the same property or to any other property under the same ownership. However, the following are exempt:
    - ◆ Mother's Day Out and other part time programs serving participants not participating in the licensed program as long as they operate no more than 5 hours per day or 10 hours per week
    - ◆ Summer Day Camp type programs operating no more than three (3) weeks per year
  - c. A public or private school is not required to comply with licensing requirements for short-term custodial care if it
    - ◆ Operates a Kindergarten (K5) in conjunction with grades one and above OR
    - ◆ Operates for grades one and above only AND
    - ◆ Provides short-term custodial care (not to exceed (20) hours weekly) prior to and/or following classes for those students
3. **School Age Care** -- care for participants who are in kindergarten (K5) and above; School Age child care includes before and after school care and extended care during school holidays and summer day camps; School age programs, which operate with participants arriving and leaving voluntarily for scheduled classes, activities, practices, games and meetings, shall not be considered as meeting this definition
4. **Child Care Licensing Unit** -- the unit within the Department of Human Services, Division of Child Care and Early Childhood Education; Unit staff inspect and investigate any proposed or operating OSTP and any personnel connected with the program to determine if the OSTP will be or is being operated in accordance with the Child Care Facility Licensing Act and the Minimum Licensing Requirements for Out-of-School Time Programs

5. **Child Maltreatment Central Registry Check** -- a check of the Arkansas Child Maltreatment Central Registry to for any record of founded child abuse and neglect or maltreatment
6. **Criminal Record Check** -- a statewide criminal record check conducted by the Identification Bureau of the Arkansas State Police
7. **Criminal FBI Check** -- a nationwide criminal record check conducted by the Federal Bureau of Investigation that conforms to the applicable federal standards and includes the submission of fingerprints; application for a nationwide criminal check shall be made to the Identification Bureau of the Department of the Arkansas State Police
8. **Out-of-School Time Programs** - months and above
9. **Department** -- the Arkansas Department of Human Services
10. **Division** -- the Division of Child Care and Early Childhood Education
11. **Employee** -- all full or part-time employees who perform services under the direction and control of the OSTP
12. **Evening Care** -- child care provided between 7:00 PM and 12:00 midnight
13. **Night Care** -- Care provided between 12:00 midnight and 6:00 A.M
14. **Kindergarten** -- school based program offered for children five (5) years of age (k5) during the school year prior to their entry into the first grade
15. **Operator** -- any person or entity exercising any measure of supervision or control over a OSTP
16. **Owner/Licensee** -- any person who assumes the legal responsibility for operation of a OSTP
17. **Part-time Care** -- child care provided no longer than four (4) hours per day or not to exceed a maximum of 20 hours per week. These types of programs may include but are not limited to, half day kindergarten, mother's day out programs, play schools and some nursery schools
18. **Personnel** -- the center owner or operator, employee, staff or volunteer
19. **Program** -- all activities that comprise the child's day at the center

20. **Sick Care** -- a separate service providing care for participants who are too sick to attend day care as stated in Section 1000, but who do not exhibit any of the excludable diseases as defined in Section 1500. The primary objective of this service is to insure that participants in care receive the required attention necessary for moderately ill participants
21. **Substantial Compliance** -- compliance with all essential standards necessary to protect the health, safety and welfare of the participants attending the OSTP; essential standards include, but are not limited to, those relating to issues involving fire, health, safety, nutrition, discipline, staff/participant ratio and space
22. **Swimming Pool** -- any pool of water in excess of 12 inches deep; does not include natural pools of water such as lakes, ponds and rivers
23. **Volunteer** -- a person who provides services to a OSTP at no cost to the facility.

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