

# Minimum Licensing Requirements For Child Care Family Homes



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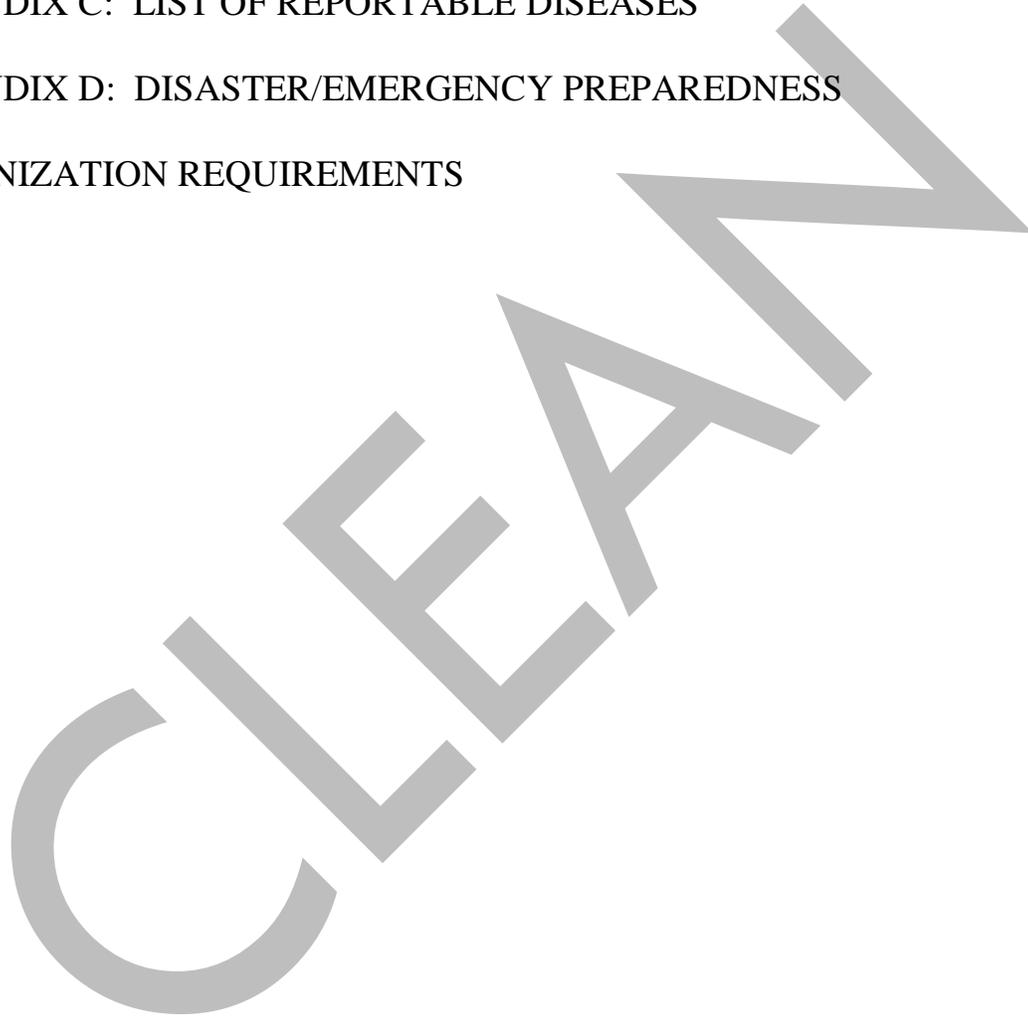


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# Minimum Licensing Requirements for Child Care Family Homes

## 100 CHILD CARE LICENSING

### 101 Related Laws and Requirements

1. “The Child Care Facility Licensing Act”, Act 20-78-210-220, as amended, is the legal authority under which the Division of Child Care and Early Childhood Education prescribes minimum standards for a variety of child care facilities under the Act.
2. The Division of Child Care and Early Childhood Education (referred to hereafter as the Division) under the Department of Human Services is directly responsible for the inspection and evaluation of all licensed homes as defined in Section 102 of the Minimum Licensing Requirements for Child Care Family Homes.
3. The Division has the power to establish rules, regulations, and standards for licensing and operation of child care facilities. This includes all powers with respect to granting, revocation, denial and suspension of licenses. Decisions regarding special situations shall be made on an individual basis by the Division. Information regarding an appeal process is available upon request.
4. The Division works in coordination with local and state Health Departments, Fire Departments, City Planning or Zoning departments and the Boiler Division of the Department of Labor. Persons considering opening or expanding a family home shall immediately contact these individual departments for inspections and information on their separate regulations.  
A prospective Licensee should request clarification regarding the codes or covenants enforced by these departments as some may prevent the operation of a child care family home at a particular location, may limit the number of children in care or may impose additional safety requirements.
5. The owner should be aware of applicable city or county zoning ordinances or codes or neighborhood covenants which may limit the number of children in care or impose additional safety requirements. The Division will share information on the location and status of licensed homes or applications for a license with any city or county that requests this information.
6. Child Care Licensing Unit will notify the applicable federal agency at any time they become aware of or are advised of violations of any of the following or similar laws. The owner should be aware of applicable federal laws which may affect the operation of the facility, such as, but not limited to:
  - a. Americans with Disabilities Act (ADA).

- b. Environmental Protection Agency (EPA) regulations to ensure that any renovation or repair work on a home, child care facility, or school that was constructed prior to 1978 shall be completed by a contractor that is certified by the Environmental Protection Agency (EPA), when the repairs and/or renovations consist of any or all of the following: the repair or renovation disturbs six (6) or more square feet of the interior, the repair or renovation disturbs twenty-five (25) or more square feet of the exterior, and/or the repair or renovation involves removing a window.
          - c. Federal civil rights laws state that a facility may not discriminate on the basis of race, color, sex, religion, national origin, physical or mental handicap, or veteran status.
7. The Licensee shall maintain Child Care Liability insurance and comply with the following requirements:
  - a. Prior to approval of an application, the applicant shall provide verification of the required coverage to the Licensing Specialist and provide subsequent verification when requested. (Homes 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 \$100,000 per occurrence

**Laws relevant to the operation of child care facilities are available upon request.**

## **102 General Requirements**

1. A Child Care Family Home is defined as a situation in which children are cared for in a caregiver's own family residence or in some other suitable family type residence. There shall be no more than one license issued per home/structure. (This does not apply to situations such as duplex where two licenses could be issued to two separate applicants.)
2. In determining a recommendation for licensing the home shall be reviewed by a Child Care Licensing Specialist to determine that the home is in substantial compliance with the requirements.
3. Substantial Compliance means compliance with all essential standards necessary to protect the health, safety and welfare of the children attending the Child Care Family Home. Essential standards include but are not limited to those relating to issues involving fire, health, safety, nutrition, behavior guidance, staff/child ratio and space.
4. A home requires licensing when one (1) or more persons care for six (6) or more children, from more than one (1) family at the same time. A maximum of sixteen (16) children may be cared for with a Child Care Family Home license.
5. An individual shall be eligible to hold only one license, which shall be issued for one location. The holder(s) of the license shall be considered the primary caregiver(s) and shall be present and responsible for children during hours of care. At least one of the licensees (primary caregivers) shall be present at all times children are in care and shall not be

otherwise employed during the hours of care.

6. If a qualified secondary caregiver is present, the primary caregiver may be absent for reasons related to the operation of the childcare business such as attending required training, and for brief and/or occasional absences relating to personal business or personal time off. Compliance with staff to child ratio must still be maintained during the absence of the primary caregiver.
7. The caregiver's own preschool children shall be considered when determining the need for a license. The caregiver's own school age children are not considered when determining the need for a license. Other children in the home who are not accompanied by a parent, whether pay is received for care or not, are considered in determining the need for a license and will be counted in the ratio after a license is obtained.
8. A Child Care Family Home, which is not required to be licensed by this definition, may voluntarily choose to apply for a license or for registration with the Voluntary Registry.
9. Any home that has not provided care to children for a period of one year shall have the license closed unless a written request is made by the licensee stating why closure should not take place. If the Licensee requests that the license remain open, license fees and required annual inspections shall be kept current.

### **103 Licensing Procedures**

1. Any applicant applying for a home license may contact the local Division Office or Child Care Licensing Specialist to obtain information and/or the necessary application and related forms.
2. The primary caregiver in the home shall submit the following to complete the application process:
  - a. A completed and signed application on a form provided by the Division
  - b. Diagram of the home
  - c. Fire department approval, if applicable
  - d. Health department approval, if applicable
  - e. Zoning approval, if applicable, shall be provided by new applicants for license and by existing homes requesting increase in licensing capacity
  - f. Boiler inspection, or verification that inspection has been scheduled
  - g. Verification of Child Care Liability insurance (if Child Care Liability Insurance cannot be obtained before application, it must be obtained with proof provided to the Child Care Licensing Unit before care of children can be provided)
  - h. Verification of all required criminal background checks and child maltreatment central registry checks being initiated.
  - i. All caregiver's names shall be included on the application for the license.
3. A pre-approval consultation meeting shall be required for all applicants for a license prior to

the approval of the application. This meeting shall be offered prior to application or within thirty (30) days of receipt of the application.

4. Upon receipt of a signed application the Child Care Licensing Specialist shall schedule an appointment to inspect, evaluate, and make a recommendation for consideration of license to the Division.
5. The Child Care Licensing Unit shall have the authority to make both scheduled and unscheduled visits to:
  - a. Conduct inspections and reviews to determine compliance with the licensing requirements.
  - b. Investigate complaints involving possible violations of licensing requirement.
  - c. Offer consultation and technical assistance.
6. Compliance: On-site inspections of Licensed Child Care Family Homes are conducted by the Child Care Licensing Unit on a routine basis to determine a home's continued compliance with the standards. The caregiver(s) shall cooperate with licensing staff during licensing visits. (Clarification: In addition to Child Care Licensing staff having access to all areas of care, they must also be given access to any other rooms or spaces not used for care, to ensure there are no possible hazards.)

Violations of rules are documented in writing by use of the licensing compliance record. Documentation shall include:

  - a. Reference to the specific rule violated
  - b. A factual description of the nature and the violation and how the home failed to comply
  - c. A date of expected corrections
7. The license as issued shall apply only to the home's location at the time of licensing. The licensee shall notify the Child Care Licensing Specialist's office of a change of location or ownership at which time a new study shall be conducted. Upon issuance of a license, the license shall remain in effect as long as compliance is maintained with the Minimum Licensing Requirements for Child Care Family Homes.
8. New Provisional License--If the Division Staff finds that an applicant meets the licensing requirements for a Child Care Family Home or has a reasonable expectation of correcting deficiencies in a reasonable time, the Child Care Licensing Specialist may recommend a new provisional license for operation of a child care family home to the Division. The new provisional license shall be in effect for a reasonable period, not to exceed twelve (12) months. This time frame shall be specified in the new provisional license. A written list of deficiencies shall be provided to the applicant at the time of issuance of a new provisional license. A Licensing Specialist has sixty (60) days to submit a recommendation to the Division for a provisional license.

9. Regular License: The Child Care Licensing Specialist will recommend a regular license when the facility has demonstrated substantial compliance, or when an existing Licensee with a Regular license relocates their facility and their past demonstrates a substantial level of compliance.
10. Probationary Provisional License: The Licensing Unit may issue a Probationary Provisional license when the Home is not maintaining substantial compliance due to deficiencies which are so numerous, frequent or severe as to potentially jeopardize the health, safety, and welfare of children. The home and the Licensing Unit shall have a corrective action plan in place addressing the issues.
- Based on the level of compliance during the period of the Probationary Provisional license the Licensing Unit may:
- a. Issue a Regular license
  - b. Suspend a license
  - c. Revoke a license
11. Suspension of License--Upon final determination by the Division of a suspension of a license, the Division shall specify in the suspension order the period of the suspension. (The suspension of a license may range from one (1) month to a maximum of twelve (12) months. The license may be reinstated at such time as the Division finds that the terms of the suspension order have been met.)
12. The Division may revoke a license when any of the following situations occur:
- a. The facility fails to maintain substantial compliance with licensing requirements.
  - b. The facility fails or refuses to correct cited deficiencies in a timely manner.
  - c. The facility fails to insure the health, safety and welfare of children in care.
13. The revocation of a license nullifies and cancels the license. At the time of a final determination of revocation of the license by the Division, the Division shall specify in the revocation letter the terms of the revocation. The licensee shall not be eligible to reapply for a license for a minimum of one year or longer, if specified in the revocation order. Related parties shall not be eligible to apply for the same specified period. (Related parties are defined as immediate family members, members on Board 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. An immediate family member is defined as a spouse, step and in-law relationships, a child, a natural or adoptive parent, a sibling, a grandparent, a grandchild or a son or daughter-in-law.) Applicants who are denied a license or registration due to this requirement may appeal the denial to the Child Care Appeal Review Panel. Homes wishing to be re-licensed must submit a new application for licensure for review and approval by the Division. Approval must be obtained and a new license issued before the home provides care to a licensable number of children.

## 104 License Fees

1. A Child Care Family Home shall be assessed a license fee of \$15.00 per year.
2. Upon review and determination by the Child Care Licensing Specialist of a licensing recommendation to be presented to the Division, the Child Care Licensing Specialist shall issue a Notice of License Fee Due to the home.
3. The Division shall not issue a license unless the required license fee has been paid.
4. A copy of the license fee notice shall be submitted at the time of licensure recommendation.
5. A second notice of license fee due will be sent to homes failing to submit the required license fee (Notice of License Fee Past Due). This notice will be sent twenty (20) days after the initial notice of fee due. Failure to submit a license fee within twenty (20) days of the receipt of the past due notice will result in action to suspend the license until such time as the fee is paid.
6. Refunds of license fees paid are made only when the Division does not approve issuance of a license. There shall be no refunds of license fees paid upon Division action to revoke or suspend a license or for closure of a facility.

## 105 Appeal of Licensing Actions

1. A licensee or application for license may request an appeal of any of the following licensing action:
  - a. Adverse licensing actions (revocation or suspension of a license, conversion to a provisional license or denial of an application for license)
  - b. Founded licensing complaints
  - c. Denials of alternative compliance requests
  - d. Cited noncompliance with the published standards
2. An appeal may be initiated on any of the above actions by requesting an appeal in writing to the Licensing Specialist or Licensing Supervisory Staff. Requests to appeal adverse licensing actions must be mailed within ten (10) calendar days of the receipt of the notice of the adverse action. Requests to appeal licensing actions, other than adverse, must be mailed within twenty (20) calendar days from receipt of the notification of the action. 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 that action. The request to appeal will be reviewed by the Licensing Supervisor and the Licensing Administrator. If the appeal is not resolved to the satisfaction of the licensee or applicant for license, the matter will be referred 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.)**

## 106 Alternative Compliance

1. The Division may grant alternative compliance with the Minimum Licensing Requirements for Child Care Family Homes if the Division determines that the alternative form of compliance offers equal protection of health, safety and welfare to children and meets the basic intent of the requirement for which the Home is making the request.
2. The Division shall consider all requests for alternative compliance with the Licensing Requirements except those requirements which are enforced by the Department of Health, Local Fire Marshal or State Fire Marshal's Office.
3. To request alternative compliance, the following procedure shall be initiated by the person responsible for the operation of the home:
  - a. The applicant/licensee shall submit the request for alternative compliance in writing.
  - b. The request shall include
    - The specific standard for which alternative compliance is sought;
    - An explanation of how the alternative form of compliance is equal to or exceeds the stated requirement
    - Full justification and description of what the alternative compliance method will be and the method by which the facility will carry out this plan to be able to continue to provide for the health, safety, and welfare of children as intended by the requirement; and
    - The applicant/licensee shall provide clear and supportive evidence, and upon request of the Division, an expert's opinion on the effect to the health, safety and welfare of children and how it will protect through the alternative means of compliance
4. A separate written request shall be submitted for each requirement for which alternative compliance is sought. The approved alternative compliance is effective for the duration of the license unless a shorter time frame is requested or approved.
5. The granting of alternative compliance for a requirement shall in no way constitute a precedent. If an alternative means of complying with the requirement is granted by the Division and the facility fails to implement satisfactorily this alternative means, the original requirement for which alternative compliance was sought shall become immediately enforceable.
6. The Division shall have the right to obtain an expert opinion to corroborate expert opinions provided by the applicant/licensee.
7. The Division reserves the right to deny requests for alternative compliance when it finds that such request does not adequately protect the health, safety, and welfare of children and does not meet the intent of the requirements.
8. All requests for alternative compliance shall be answered in writing by the Division.

## 107 Licensing Investigations

1. Child Care Licensing staff shall have access to licensed homes for the purpose of conducting inspections, reviews, and complaint investigations. Denial of access to the home or denial of the right to interview children in care or other individuals present during hours of care may result in adverse action against the license.

## 108 Child Maltreatment Record Checks

1. The following persons shall be required to have their background reviewed through an Arkansas Child Maltreatment Central Registry Check: (A check or money order for \$10.00, payable to Department of Human Services, must be attached to each notarized form.)
  - a. Each applicant to own or operate a licensed home at application and every 2 years thereafter
  - b. All household members who are 18 years of age or older at application; upon residency and every 2 years thereafter
  - c. Staff members and applicants for employment in a licensed home at application or within 10 days of hire and every 2 years thereafter
  - d. Volunteers who have access to children in the home At application and every 2 years thereafter
  - e. Student Observers At beginning of observation or within 10 days of first observation and every 2 years after that if applicable
  - f. Therapist or other persons who have supervisory or disciplinary control over children, or have routine contact with children at the time they begin to provide services or begin to participate in home activities and every 5 years thereafter
2. 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 application
  - b. Require corrective action
  - c. Take appropriate adverse action against the license
3. All caregiver(s) are mandated reporters under the Child Maltreatment Act. The caregiver(s) shall notify the Child Maltreatment Hot Line number at 1-800-482-5964 when there is a reason to believe that a child has been abused or neglected. (AR Code Annotated 12-12-501 et seq.) These reports of child maltreatment shall include all allegations made to the licensee

by parents, staff members or the general public. The licensee should call Child Care Licensing 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. If a complaint of child maltreatment is filed against any employee or persons in the home, the Child Care Licensing Unit shall evaluate the risk to children and determine the suitability of persons to supervise, be left alone with children or remain in the home during hours of care until the allegations have been determined true or unsubstantiated.
5. The Child Care Family Home operator, any employees or other persons in the Home who have had a true report of child maltreatment shall follow the corrective action plan approved by the Child Care Licensing Unit. Corrective action measures may vary from relevant training to reassignment or termination. Failure to comply with corrective action plans can constitute grounds for adverse action against the license.

### 109 Criminal Record Checks

1. The following persons shall apply to the Identification Bureau of the Arkansas State Police for a nationwide criminal records check, to be conducted by the FBI, which shall include a fingerprint check: (The individual is responsible for the \$19.25 cost of the nationwide check.)
  - a. Each applicant to own or operate a licensed home initial application only
  - b. Each staff member who has not been a resident of the State of Arkansas for the five (5) preceding years within 10 days of hire
  - c. Volunteers who have routine contact with children if the person has not been a resident of the State of Arkansas for the five (5) preceding years within 10 days of hire or start date
  - d. Therapist or other persons who have supervisory or disciplinary control over children, or have routine contact with children if the person has not been a resident of Arkansas for 5 years, then at the time they begin to provide services or begin to participate in home activities
2. The following persons shall be required to have their background reviewed through criminal records check conducted by the Arkansas State Police:
  - a. Each applicant to own or operate a licensed home at application and every 5 years thereafter
  - b. All household members who are 18 years of age or older at application; upon residency and every 5 years thereafter

- c. Staff members and applicants for employment in a licensed home within 10 days of hire and every 5 years thereafter
- d. Volunteers who have routine contact with children within 10 days and every 5 years thereafter
- e. Therapist or other persons who have supervisory or disciplinary control over children, or have routine contact with children within 10 days of the time they begin to provide services or begin to participate in center activities and every 5 years thereafter

3. Criminal records will be returned to the division for review. Any charge/convictions listed in this section (Section 110) that are returned will be considered regardless of whether the record is expunged, pardoned or otherwise sealed.

4. No person shall be eligible to be a child care facility owner, operator, or employee if that person has pled guilty, or been found guilty, of any of the following offenses by any court in the State of Arkansas, any similar offense by a court in another state or any similar offense by a federal court. The following offenses are permanently prohibited:

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| 01. Abuse of an endangered or impaired person, if felony                     | §5-28-103 |
| 02. Arson  | §5-38-301 |
| 03. Capital Murder   | §5-10-101 |
| 04. Endangering the Welfare of an Incompetent person- 1 <sup>st</sup> degree | §5-27-201 |
| 05. Kidnapping   | §5-11-102 |
| 06. Murder in the First degree   | §5-10-102 |
| 07. Murder in the Second degree  | §5-10-103 |
| 08. Rape   | §5-14-103 |
| 09. Sexual Assault in the First degree                                       | §5-14-124 |
| 10. Sexual Assault in the Second degree                                      | §5-14-125 |

5. No person shall be eligible to be a child care facility owner, operator, or employee if that person has pled guilty, or been found guilty, of any of the following offenses by any court in the State of Arkansas, any similar offense by a court in another state or any similar offense by a federal court. The following offenses are prohibited:

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| 01. Criminal Attempt to commit any offenses in MLR Section 100.110      | §5-3-201              |
| 02. Criminal Complicity to commit any offenses in MLR Section 100.110   | §5-3-202              |
| 03. Criminal Conspiracy to commit any offenses in MLR Section 100.110   | §5-3-401              |
| 04. Criminal Solicitation to commit any offenses in MLR Section 100.110 | §5-3-301              |
| 05. Assault in the First, Second, or Third degree                       | §5-13-205 - §5-13-207 |
| 06. Assault, Aggravated   | §5-13-204             |
| 07. Assault, Aggravated on a Family or Household Member                 | §5-26-306             |
| 08. Battery in the First, Second, or Third Degree                       | §5-13-201 - §5-13-203 |

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| 09. Breaking or Entering   | §5-39-202                      |
| 10. Burglary   | §5-39-201                      |
| 11. Coercion   | §5-13-208                      |
| 12. Computer Crimes Against Minors   | §5-27-601 et. seq.             |
| 13. Contributing to the Delinquency of a Juvenile  | §5-27-220                      |
| 14. Contributing to the Delinquency of a Minor   | §5-27-209                      |
| 15. Criminal Impersonation   | §5-3-208                       |
| 16. Criminal Use of a Prohibited Weapon  | §5-73-104                      |
| 17. Death Threats Concerning a School Employee or Students   | §5-17-101                      |
| 18. Domestic Battery in the First, Second, or Third Degree   | §5-26-303 - §5-26-305          |
| 19. Employing or Consenting to the Use of a Child in a Sexual Performance                                | §5-27-402                      |
| 20. Endangering the Welfare of a Minor in the First or Second Degree                                     | §5-27-205 and §5-27-206        |
| 21. Endangering the Welfare of an Incompetent Person in the First or Second Degree                       | §5-27-201 and §5-27-202        |
| 22. Engaging Children in Sexually Explicit Conduct for Use in Visual or Print Media                      | §5-27-303                      |
| 23. False Imprisonment in the First or Second Degree   | §5-11-103 and §5-11-104        |
| 24. Felony Abuse of an Endangered or Impaired Person   | §5-28-103                      |
| 25. Felony Interference with a Law Enforcement Officer   | §5-54-104                      |
| 26. Felony Violation of the Uniform Controlled Substance Act   | §5-64-101 - §5-64-508 et. seq. |
| 27. Financial Identity Fraud   | §5-37-227                      |
| 28. Forgery  | §5-37-201                      |
| 29. Incest   | §5-26-202                      |
| 30. Interference with Court Ordered Custody  | §5-26-502                      |
| 31. Interference with Visitation   | §5-26-501                      |
| 32. Introduction of Controlled Substance into Body of Another Person                                     | §5-13-210                      |
| 33. Manslaughter   | §5-10-104                      |
| 34. Negligent Homicide   | §5-10-105                      |
| 35. Obscene Performance at a Live Public Show  | §5-68-305                      |
| 36. Offense of Cruelty to Animals  | §5-62-103                      |
| 37. Offense of Aggravated Cruelty to Dog, Cat, or Horse  | §5-62-104                      |
| 38. Pandering or Possessing Visual or Print Medium Depicting Sexually Explicit Conduct Involving a Child | §5-27-304                      |
| 39. Patronizing a Prostitute   | §5-70-103                      |
| 40. Permanent Detention or Restraint   | §5-11-106                      |
| 41. Permitting Abuse of a Minor  | §5-27-221                      |
| 42. Producing, Directing, or Promoting a Sexual Performance by a Child                                   | §5-27-403                      |
| 43. Promoting Obscene Materials  | §5-68-303                      |
| 44. Promoting Obscene Performance  | §5-68-304                      |
| 45. Promoting Prostitution in the First, Second, or Third Degree   | §5-70-104 - §5-70-106          |
| 46. Prostitution   | §5-70-102                      |
| 47. Public Display of Obscenity  | §5-68-205                      |
| 48. Resisting Arrest   | §5-54-103                      |
| 49. Robbery  | §5-12-102                      |
| 50. Robbery (Aggravated Robbery)   | §5-12-103                      |

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| 51. Sexual Offense (any)                                   | §5-14-101 et. seq. |
| 52. Simultaneous Possession of Drugs and Firearms          | §5-74-106          |
| 53. Soliciting Money or Property from Incompetents         | §5-27-229          |
| 54. Stalking   | §5-71-229          |
| 55. Terroristic Act  | §5-13-310          |
| 56. Terroristic Threatening                                | §5-13-301          |
| 57. Theft by Receiving                                     | §5-36-106          |
| 58. Theft of Property                                      | §5-36-103          |
| 59. Theft of Services                                      | §5-36-104          |
| 60. Transportation of Minors for Prohibited Sexual Conduct | §5-27-305          |
| 61. Unlawful Discharge of a Firearm from a Vehicle         | §5-74-107          |
| 62. Voyeurism  | §5-16-102          |

6. Any person who has pled guilty, nolo contendere, or who has been found guilty of any one of the offenses listed above (Section 110.6), apply to the Division to demonstrate rehabilitation, may not work in child care unless:
- The date of the conviction, plea of guilty or nolo contendere for a misdemeanor offense is at least five (5) years from the date of the request for the criminal history records check and there have been no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the five (5) year period preceding the background check request
  - The date of the conviction, plea of guilty or nolo contendere for a felony offense is at least ten (10) years from the date of the request for the criminal history records check and there have been no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the ten (10) year period preceding the background check request.
6. Anyone employed in a licensed center, COE center, licensed child care family home or a registered child care family home prior to 9/1/2009 with a clear background check history may remain eligible for employment unless the employee had a conviction, plead guilty, or plead nolo contendere to an offense listed in the above section (Section 110.6) since 9/1/2009.

## 200 ADMINISTRATION

### 201 Administrative Procedures

- All staff, children and home records shall be kept and made available to the Child Care Licensing Unit on request.
- Falsification of any document or the submission of false information to the Child Care Licensing Unit, or any other unit of the Division, may constitute grounds for revocation of the license. (Falsification means the submission of untrue information, whether by statement or omission.)

3. All applicable health and fire regulations shall be met (see Regulation 301.4).
4. The home shall not exceed its licensed capacity at any time (see Regulation 801.2).
5. The caregiver shall provide prudent supervision of all staff and other persons in the home, and is responsible for the health, welfare, and safety of the children in care.
6. Parents shall be informed in writing upon enrollment of their child that children may be subject to interviews by licensing staff, child maltreatment investigators, and/or law enforcement officials for the purpose of determining licensing compliance or for investigative purposes. Child interviews do not require parental notice or consent.
7. The facility shall provide a copy of the list of Kindergarten Readiness Skills Calendar or Checklist, prepared by the Arkansas Department of Education (copies can be requested online, by phone, or by mail from the DHS DCCECE Program Support Unit), to the parents of all three (3) and four (4) year old children enrolled. (Act 825 of 2003) A statement signed by the parent that they have received a copy of the list, shall be maintained in the child's record.
8. The caregiver shall not release a child to anyone whom is not immediately recognized as the child'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 child's data sheet
9. Verification of permission for persons not on the authorized list shall be obtained by the caregiver by calling the parent, at a number listed in the child's record. The caregiver shall view an official picture ID of the individual to verify identity.

## 300 PERSONNEL

### 301 Staff/Child Ratios

| <i>Adult Caregiver(s)</i>        | <i>Number of Children</i> | <i>Ages of Children</i>                   |
|----------------------------------|---------------------------|---|
| <b>301.1</b><br><br><b>ONE</b>   | A. 3-6                    | 0-up (no more than 3 under 2 years)       |
|                                  | B. 7                      | 0-up (no more than 2 under 2 years)       |
|                                  | C. 8                      | 0-up (no more than 1 under 2 years)       |
|                                  | D. 9                      | 2-up (no more than 3 between 2 & 3 years) |
|                                  | E. 10                     | 3-up                                      |
| <b>301.2</b><br><br><b>TWO</b>   | A. 3-6                    | 0-up                                      |
|                                  | B. 7                      | 0-up (no more than 4 under 2 years)       |
|                                  | C. 8                      | 0-up (no more than 4 under 2 years)       |
|                                  | D. 9                      | 0-up (no more than 4 under 2 years)       |
|                                  | E. 10-14                  | 0-up (no more than 4 under 2 years)       |
|                                  | F. 15-16                  | 0-up (no more than 2 under 2 years)       |
| <b>301.3</b><br><br><b>THREE</b> | A. 7                      | 0-up (no more than 5 under 2 years)       |
|                                  | B. 8                      | 0-up (no more than 5 under 2 years)       |
|                                  | C. 9                      | 0-up (no more than 5 under 2 years)       |
|                                  | D. 10-14                  | 0-up (no more than 5 under 2 years)       |
|                                  | E. 15-16                  | 0-up (no more than 4 under 2 years)       |

4. Fire inspection is mandatory for homes licensed for eleven (11) or more children. Health inspection (food service) is mandatory for homes licensed for eleven (11) or more children.
5. The caregiver shall be responsible for children in care at all times and shall exercise prudent supervision.

- a. When a caregiver is not in the same room with children the children shall be frequently observed and the caregiver shall remain close enough to easily hear them.
  - b. Doors to rooms where children are sleeping or playing within the home shall remain open and sleeping children shall be visually monitored and periodically checked to insure they are breathing normally.
  - c. The caregiver shall be present on the outdoor play area at all times when any children under age five are present. The caregiver may allow children, ages five (5) and up, to be on the outdoor play area without the caregiver being present as long as the caregiver visually observes the children at least every five (5) minutes and remains in a section of the home where he/she can hear and see the children and reach them quickly in case of an emergency.
6. The caregiver shall not leave children unattended in the kitchen area of the home while any cooking is occurring. Ironing shall not occur in the presence of the children.
  7. The primary caregiver's own preschool children shall be included in the caregiver/child ratio. The primary caregiver's own school age children are not considered in the ratio.
  8. A licensed home may care for two (2) school age children for a short time not to exceed a total of three (3) hours per day before and/or after a school day. These two (2) children shall not be counted in the caregiver to child ratio. School age children who are in care at times other than before and/or after a school day shall be included in the caregiver to child ratio. These same two (2) children may stay all day in care and not be counted in the ratio due to emergency school closings, such as inclement weather. The home's capacity shall not be exceeded other than the above stated exemptions. If the attendance exceeds ten (10), fire approval is required.
  9. Additional staff provisions shall be made for enrollment of children with disabilities who require individual attention.

### **302 Homes specializing in Infant Care: Staff/Child Ratio**

1. Homes specializing in infant care shall maintain a 1:3 ratio.
2. Homes specializing in infant care shall have a Fire Department inspection and approval.

### **303 Caregiver Qualifications and Responsibilities**

1. The primary caregiver shall be twenty-one (21) years or older. A secondary caregiver shall be age eighteen (18) or older.
2. Primary caregivers, newly licensed after November 1, 2002, shall have a high school diploma or GED or shall obtain one of the following within the first year of licensure; a GED, a Caregiver Certification, or a Specialist Certificate. Secondary caregivers who are left alone with children shall be able to read and write well enough to keep required records, read the

licensing requirements and administer medication.

3. The primary caregiver shall not be otherwise employed during the time he/she is responsible for children in the home. Employment at other times shall not affect the quality of care given to the children. When two persons are listed as joint holders of the license and are both primary caregivers, at least one shall be present in the home while children are in care. (Also refer to Regulation 102.6).
4. A caregiver shall not use profanity or speak in an abusive manner when children are present. The caregiver shall also cooperate with licensing staff during licensing monitor visits.
5. The caregiver shall have a person who would be able to care for the children in the event of an emergency.
6. All caregivers who work directly with children shall obtain at least **fifteen (15)** hours of in-service training or outside workshop training each year in continuing early childhood education. This training shall be approved by the Division (Act 584 of 1993).
7. At least one (1) caregiver who has current certification by the American Heart Association or the American Red Cross in infant and child cardiopulmonary resuscitation (CPR) and at least one (1) caregiver who has a current certification from the American Heart Association or the American Red Cross in First Aid shall be present within the confines of the home while children are in care. Adult CPR is also required if school age children are in care, or documentation that the current certification covers the ages of children in care. Infant/Child/Adult CPR certification will also be accepted from the AR Department of Labor, with documentation they conducted the course. Certifications may be held by the same person.
8. All caregivers shall provide a tuberculin test annually. All caregivers shall be physically and emotionally able to care for children.
9. Child Care Licensing may require a physician's statement for any caregiver anytime behavioral or physical indicators warrant.
10. Staff shall not engage in behavior that could be viewed as sexual or as dangerous, exploitative or physically harmful to children. A caregiver shall not use profanity or speak in an abusive manner when children are present.
11. No caregiver shall consume or be 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 be otherwise resolved.) No caregiver shall consume or be under the influence of alcohol while delivering care. No caregiver shall consume or be under the influence of medications (prescription or non-prescription), which impair his/her ability to provide care.
12. Newly licensed caregivers shall attend Family Child Care Provider Training within the first six (6) months of being licensed.

13. The licensee shall notify the Licensing Unit within five (5) calendar days of any change in the person(s) designated as secondary caregivers.

### **304 Adults in the Home**

1. The caregiver(s) shall provide a clear statement regarding the presence of any other adults eighteen (18) years of age and above who remain in the home during any hours in which care is being given. Such persons shall not present a threat to the safety or welfare of children.
2. The home shall have additional staff when there are persons in the home who require constant or routine care.
3. Any adult(s) in addition to the caregiver(s) present in the home on a regular basis while children are in care shall provide an annual tuberculin test verifying that the adult is free from TB.

### **306 Student Observers**

1. Students visiting the Home on a regular or periodic basis to observe classroom activities or for other similar purposes shall not be counted in the staff/child ratio, shall not have disciplinary control over children and shall not be left alone with children. These individuals shall have the following documentation on file:
  - a. Child maltreatment background check
  - b. A health care or physician's statement showing the absence of contagious tuberculosis
2. Students that are conducting practicum, student teaching, or working in the same capacity as an employee or volunteer must meet the criteria in the appropriate section. (Sections 304 and 305)

## 400 PROGRAM AND ACTIVITIES

### 401 Program Requirements

1. There shall be a written daily schedule, available for review by parents and Licensing staff, which includes age-appropriate activities.
2. The caregiver(s) shall not engage in activities or experiences which may be damaging to children's self esteem and positive self-image.
3. There shall be an opportunity for a supervised rest period that:
  - a. Does not exceed two (2) hours.
  - b. Does not force children to remain on cot or mat if they do not fall asleep, and allows them to participate in a quiet activity that does not disturb the children who are asleep.
4. There shall be a total of at least one (1) hour of outdoor play per day in suitable weather. When making a determination if children should play outside, staff shall consider the following environmental factors:
  - a. When the heat index is forecast to be ninety (90) degrees or above, outdoor play should be scheduled during early morning hours or the length of time spent outdoors should be reduced to avoid heat stress.
  - b. When outdoor play occurs during the hotter part of the day, children should have shaded area, an ample supply of water and should be monitored closely for signs of heat stress.
  - c. When outdoor play occurs during the winter months and when temperatures are extremely cold, the time scheduled for outdoor play should be reduced or suspended depending on the temperature and other weather conditions.
5. Indoor activity equipment shall be adequate for the number and ages of children in the home to meet their physical and developmental needs.
6. Children shall have a variety of toys, books and creative materials. This includes equipment for:
  - a. Large muscle activities (such as climbing and running)
  - b. Manipulative activities (such as things done with the hands)
7. The use of television, DVD, video cassette viewing and computer/video games and other screen time activities shall meet the following requirements:
  - a. Shall be limited to programs which are age-appropriate (programs should have educational value)
  - b. Shall not exceed one (1) hour daily per child or group of children. Children shall not be required to participate in screen time activities and shall be offered other choices.

(Viewing time may be extended for special events or occasions such as a current event, holiday or birthday celebration or for the occasional viewing of age appropriate movies or other programs that may exceed one hour in length.)

- c. Computer learning periods for children below age 5 may not exceed two (2) hours a day per child or group of children

## **402 Infant & Toddler: Program Requirements**

1. Infants shall be carefully supervised at all times.
2. Stimulation shall be given to an infant in a variety of ways. Caregivers shall hold children, and offer nurturing, responsive care in addition to the routine care of diapering and feeding.
3. Infants shall be taken outside for a period of time every day, unless prevented by weather or special medical reasons.
4. If a child falls asleep while in a walker, swing, high chair, etc., that child shall be placed in appropriate sleep equipment.
5. Infants/toddlers shall be placed in age appropriate cribs, cots, or mats meeting CPSC standards, for when they fall asleep. (Note: Also, any items used in the crib must be used according to manufacturer guidelines, regardless if the child is sleeping or not, in accordance with 1001.1).
6. Infants (children 12 months and below) shall be placed flat on their backs to sleep, in accordance with American Academy of Pediatrics guidelines, to lessen the risk of suffocation and Sudden Infant Death Syndrome. (If a child rolls over on his/her own, the facility is not required to reposition the child.) If there is a medical reason a child cannot sleep on his/her back, then a signed statement from the child's physician must be in the file stating the reason, the sleep position indicated, and the time frame this is required
7. Infants' sleep space (e.g. crib) shall be free of loose bedding. If light blanket is necessary, it should be kept at or below the mid-chest area of the child. Staff shall not cover the faces of infants.
8. Pillows (including nursing or "boppy" pillows), bumpers/bumper pads, and stuffed animals shall not be placed in cribs.
9. Infants and toddlers shall have clean, safe, washable toys. Toys or materials used by younger children shall not be small enough to be swallowed.
10. Safety straps shall be used on all equipment originally manufactured with safety straps.

## **403 School Age Children: Program Requirements**

1. School age children shall be provided with a choice of indoor and outdoor activities.
2. A quiet time and a private place with appropriate equipment shall be provided for one (1) person activities, including resting and homework. (A supervised rest period as required by Regulation 401.3, does not apply to school age children.)
3. Permission from parents shall be on file for school age children to leave the home.
  - a. School age children who leave the home to participate in classes, clubs or other activities shall have written permission from the parents naming the activity, time of leaving and returning and method of transportation to the activity.
  - b. Permission for regularly scheduled activities such as scouting may be given for the entire school term.

#### **404 Evening & Night Care: Program Requirements**

Night care is defined as any care provided after midnight.

1. The caregiver shall remain awake at all times children are in care. (Alternative Compliance may be requested to allow the caregiver to sleep after the children are in bed for the night. For this request to be approved, consideration will be given to the overall level of licensing compliance, the use of motion detectors and/or other alarms to alert the caregiver if children leave the sleeping area, the ages, numbers and sex of the children in overnight care and written notification to parents that the caregiver will be sleeping during overnight care.)
2. There shall be a plan for evacuating children to safety in case of fire or emergency.
3. Children arriving in the daylight hours shall have outdoor play, weather permitting. Older children shall have time for reading or doing homework during the school year.
4. Homes with only one caregiver shall limit care to no more than two (2) shifts (18 hours) per twenty four (24) hour period. Homes offering twenty-four (24) hour care shall provide a schedule verifying that they have made provisions for a secondary caregiver to provide relief care for one shift. (Alternative compliance may be requested by caregivers who provide twenty-four (24) hour care and who do not have a secondary caregiver. For this request to be approved, consideration will be given to the overall level of compliance with the licensing requirements and to the number and ages of children in care during the third shift.)
5. Evening meals shall be served. The home shall ensure that children spending the night are served breakfast.
6. Drinking water shall be available to children during the night.
7. Bathing facilities shall be available. Hot water shall be available. Children shall not take baths together or share the same bath water. Tubs or showers shall be cleaned after each use. Children shall be given fresh washcloths and towels. Preschool children shall never be left

alone when bathing. Privacy shall be ensured for school age children.

8. Child in night care shall be given a bed or cot with mattress or pad and a pillow.
  - a. If linens become soiled, they shall be changed. Protective mattress covers shall be used and washed at least weekly.
  - b. Each child's bed or cot shall have a cover available.
  - c. Bed or cots shall be arranged at least one foot apart.

## **500 BEHAVIOR GUIDANCE**

### **501 Behavior Guidance Requirements**

1. Behavior guidance shall be:
  - a. Individualized and consistent for each child
  - b. Appropriate to the child's level of understanding
2. Use of behavior guidance shall show that the caregiver understands each child's needs and shall promote self-discipline and good behavior.
3. Acceptable behavior guidance techniques include:
  - a. Look for appropriate behavior and reinforce the children with praise and encouragement when they are behaving well.
  - b. Remind the children on a daily basis of the rules by using clear positive statements of how they are expected to behave rather than what they are not supposed to do.
  - c. Attempt to ignore minor inappropriate behaviors and concentrate on what the child is doing properly.
  - d. Use brief supervised separation from the group only when the child does not respond to a verbal command which instructs the child as to how he or she is supposed to behave.
  - e. When a misbehaving child begins to behave appropriately, encourage and praise small positive steps rather than waiting until the child has behaved for a long period of time.
  - f. Attend to the children who are behaving appropriately and other children will follow their example in order to obtain your attention.
  - g. When the entire group is behaving well, reward them with an activity they enjoy.
4. Physical punishment shall not be administered to children.
5. The length of time a child is placed in time-out shall not exceed one minute per year of the child's age.
6. The following activities are unacceptable as behavior guidance measures and shall not be

used. These include but are not limited to:

- a. Restraints (Restraining a child briefly by holding the child is allowed when the child's actions place the child or others at risk of injury.)
  - b. Washing mouth with soap
  - c. Taping or obstructing a child's mouth
  - d. Placing unpleasant or painful tasting substances in mouth, on lips, etc.
  - e. Profane or abusive language
  - f. Isolation without supervision
  - g. Placing child in dark area
  - h. Inflicting physical pain, hitting, pinching, pulling hair, slapping, kicking, twisting arms, biting or biting back, spitting, swatting, etc.
  - i. Yelling (This does not include a raised voice level to gain a child's attention to protect the child from risk of harm.)
  - j. Forcing physical activity, such as running laps, doing push-ups, etc. (This does not include planned group physical education activities that are not punitive in nature.)
  - k. Associating punishment with rest, toilet training or illness
  - l. Denying food (lunch or snacks) as punishment or punishing children for not eating
  - m. Shaming, humiliating, frightening, physically or mentally harming children or labeling children
  - n. Covering the faces of children with blankets or similar items**
  - o. Labeling children negatively
7. Behavior charts, if used, should be used to encourage positive behavior. Behavior charts shall record only the child's behavior for the current day and shall not be punitive. (Behavior charts used on to record only positive behavior may be maintained on a weekly basis.) The child's age and level of understanding should be considered when using behavior charts.

## **502 Infant & Toddler: Behavior Guidance Requirements**

1. Time out shall not be used with children under the age of two (2). The only acceptable form of behavior guidance with infants and toddlers shall be redirection. (Brief separation from the group is acceptable when the child's behavior places the child, or others, at risk of harm. The child may be placed in a supervised area away from the group or in a crib or playpen while the caregiver attends to the situation. Example: A child who has bitten another child would be removed from the group, briefly, while the caregiver attends to the bitten child.)

## **600 RECORDS**

### **601 Home Records**

1. All employee, child and home records shall be kept on site and made available to the Child Care Licensing Unit on request. All required records shall be maintained for three (3) years.

(This includes records on children no longer enrolled.)

2. Licensing Compliance Form(s) (DCC-521) shall be maintained at the facility for three (3) years. The facility shall advise parents in writing that the compliance forms are available for review upon request.
3. Home records that are required to be kept are as follows:
  - a. Attendance records on all children
  - b. Transportation rosters, if applicable (maintain for one year)
  - c. Verification of required commercial vehicle insurance coverage, if applicable
  - d. Verification of Child Care Liability insurance
  - e. Verification of annual fire department approval, if applicable
  - f. Verification of annual health department approval, if applicable
  - g. Verification of zoning approval, if applicable
  - h. Verification of annual approval by the Boiler Inspector Division of the Department of Labor
  - i. Mobile Home Commission approval, if applicable
  - j. Record of emergency drills
  - k. Plans and procedures of Emergency Preparedness
  - l. Procedures for reporting allegations of child maltreatment
  - m. Log of Product Recall and Safety Notices from the CPSC
  - n. Pet vaccinations.

## 602 Caregiver Records

1. Caregiver records shall contain the following:
  - a. An employee application for secondary caregivers, including name, date of birth, address and telephone number.
  - b. TB skin test
  - c. Documentation of training for continuing education.  
(**Clarification:** Training hours will be counted on a calendar year basis or by the home's operating schedule if they do not operate year round.)
  - d. Documentation of the initiation of all required background checks and results obtained.
  - e. Verification of required transportation training and current copy of the driver's license for caregiver(s) that transport children, if transporting

## 603 Children's Records

1. Enrollment information shall be obtained for each child before admission.
2. Identifying and Personal Data shall include:
  - a. Child's name, birth date, home address, and telephone number
  - b. Name and addresses of the parents and telephone numbers where the parents can be

- reached while the child is in care
- c. Date of enrollment in facility.
- d. Name, address, and phone number of person to be contacted if parents cannot be reached.
- e. A written behavior guidance policy provided to parents, with a copy signed by the parents and retained by the caregiver.
- f. Any legal documentation that has been given to the facility, by the parent or legal guardian, regarding the care of the child

3. Medical Records shall include:

- a. The name, address and telephone number of the child's physician or emergency medical care facility.
- b. Pertinent past medical history on the child and any change in health
- c. Child's 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 as indicated by the parents
- e. An authorized record of up-to-date immunizations or documentation of a religious, medical or philosophical exemption from the Arkansas Department of Health (The caregiver shall maintain a roster of children who have not completed the minimum immunization requirements. A current immunization schedule is provided in the appendix of this publication.)
- f. Written record of accidents/injuries
- g. Any medical documentation that has been given to the facility, by the parent or legal guardian, regarding the care of the child

4. Permissions and Agreements will be signed by parents and caregiver(s):

- a. Consent for emergency medical care and transportation for such care which shall accompany children who are transported to and from the home
- b. Other transportation permission, if any, including routine and special field trips
- c. Permission to participate in water activities, if any
- d. Signed statement by the parent stating who is authorized to pick up the child

## **700 NUTRITION**

### **701 Nutrition Requirements**

1. A home licensed for eleven (11) or more children, if food is prepared for the children in the home, shall provide a current verification of approval by the Arkansas Department of Health, Sanitation Services
2. All licensed homes shall meet the following:

- a. All food shall be safe and stored properly to prevent spoiling
  - b. Shall have refrigerator with thermometer visible and shall be maintained at forty-one (40) (41) degrees or below. (Freezer thermometer shall be maintained at zero (0) degrees or below)
  - c. Food shall not be stored under sinks
  - d. Food shall be stored in original container or in a closed container
  - e. Chemical and toxins shall not be stored in food storage area
  - f. All medicines shall be stored separately from food at all times
3. All food and drink shall be prepared, distributed and served under sanitary conditions and the following shall be meet:
- a. Caregivers shall wash hands before preparing food
  - b. There shall be a two compartment sink with hot and cold running water
  - c. Individual drinking glasses or disposable cups shall be provided
  - d. All surfaces shall be kept sanitary
  - e. Food left uncovered or handled shall not be reused
  - f. When dishes are washed by hand, they shall be sanitized with a bleach solution
  - g. Drinking water and water used for the preparation of formula shall not come from the hot water supply. (Water from hot water system may contain higher levels of lead and other substances which could be harmful to small children.)
4. Breakfast, if served, lunch and evening meals shall each meet current U.S. Department of Agriculture guidelines, including portion size. (See Appendix A) If sack lunches are utilized, the home shall ensure that these also meet U.S. Department of Agriculture guidelines by supplementing the lunches if necessary. Milk shall be served to each child during the day. Exceptions may be made for children who suffer allergies to milk.
5. Breakfast shall be made available to children who arrive before 7:00am. Breakfast may be served to all children rather than a morning snack provided there is no more than three (3) hours between breakfast and lunch.
6. Midmorning and mid-afternoon snacks shall be provided to all children and shall meet current U.S. Department of Agriculture guideline (See Appendix A)
7. All children in care during evening hours shall be offered an evening snack. Children in care during evening hours shall be served supper and children spending the night shall be served breakfast unless provided by parent or school.
8. Children shall not be forced to eat.

## **702 Infant & Toddler Nutrition Requirements**

1. The routine use of baby food, bottles and formula shall be agreed upon by the caregiver and parent. Instructions regarding special needs for food, bottles and formula, such as food

allergies, shall be obtained in writing from the parent and followed by the caregiver (See Appendix B).

2. Feedings for all children up to twelve (12) months of age shall be documented by the caregiver and available for review by the parent. This documentation shall continue for all children older than twelve (12) months of age who are still being given bottles.
3. Children shall not share the same bottle. A sanitary method of cleaning baby bottles shall be practiced. Baby bottles shall be properly refrigerated.
4. Infant feeding schedules shall be flexible and adapted to each infant's needs.
5. The solid foods fed to an infant shall be determined by the child's parent(s).
6. Infants under six (6) months of age shall be held while being fed. Bottles shall not be propped. Infants six (6) months of age and older shall be held if needed.
7. Infants no longer held for feeding shall either sit in low chairs at low tables or in infant seats with trays, or in high chairs with wide bases. Safety straps shall be used with high chairs.

## **800 BUILDINGS**

### **801 Building Requirements**

1. The home's building, grounds and equipment shall be clean, kept in good repair, and maintained as needed to protect the health and safety of the children. If the home has sustained structural damage the caregiver shall immediately notify the Child Care Licensing Specialist.
2. Department of Labor, Boiler Inspection Division requirements shall be met. All water heaters and any other boilers in licensed child care settings shall be inspected on an annual basis and/or upon installation. Verification that initial inspection or proof of attempt to set up initial inspection, shall be completed within six (6) months of licensure. Scheduling and completion of annual inspections will be the responsibility of the Department of Labor, however, the facility is responsible for cooperating and keeping documentation of such inspection on file for review. (AR Code §20-23-101 et. seq.)
3. There shall be at least thirty-five (35) square feet of usable indoor space for each child in the home. This area shall not include kitchens, bathrooms, hallways or closets.
4. The home shall have an operable telephone on site all hours children are in care. The Licensee shall provide the phone number to the Licensing Unit and to the parents. (This phone may be a cell phone if the phone stays operable, stays at the facility during all hours of care, and is the phone number provided to the Licensing Unit and the parents.)

5. Light, heating, cooling and ventilation of the home shall be adequate for safety and comfort.
6. Windows and/or doors used for ventilation shall be screened.
7. Manufactured homes, licensed as Child Care Family Home, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.
8. Annual fire approval shall be obtained on all manufactured homes licensed as Child Care Family Homes.
9. Outdoor equipment that requires fall zones and surfacing shall require the same fall zones and surfacing if used inside the facility. (This does not apply to equipment specifically designed for indoor use only.)

## 900 Grounds

To provide the safest possible playground environment, you are encouraged to meet Consumer Product Safety Commission's guidelines listed in their "Handbook for Public Playground Safety". However, the following are minimum requirements and shall be met.

**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. Numerous options for suitable playground environments are available and acceptable. For information on playground options, contact your Licensing Specialist.**

Because public playgrounds and other play environments away from the facility may not meet acceptable safety standards, staff should provide close supervision and not allow children to use any equipment that appears unsafe (eg: broken equipment, sharp objects, strangulations hazards, etc.).

## 901 Layout and Design

1. The play area shall be enclosed and provide at least seventy-five (75) square feet per child present on the playground at any time.
2. There shall be an outside exit from the play area.
3. The area shall be well drained.
4. There shall be equipment and activities appropriate for the ages and number of children using the playground.
5. Children shall be supervised by an adult caregiver when outdoors. (See Regulation 301.5).

## **902 General Hazards**

1. The area shall be free of hazards or potentially hazardous objects.
2. Equipment which is designed to be anchored shall be properly anchored so that the anchoring devices are below ground level.
3. Sand for playing shall be kept safe and clean.
4. Paint on equipment shall be lead free.
5. All fasteners, including S-hooks, shall be securely tightened or closed.
6. There shall be no sharp points, corners, edges, or splinters.
7. The only trampolines allowed shall be mini-tramps used under direct supervision.
8. To prevent entrapment, there shall be no opening(s) between any interior opposing surfaces between 3.5 and 9 inches. (Openings in equipment that might allow a child's body to pass through, but not their head.) Ground bound openings are exempt.
9. Balance beams higher than twelve (12) inches shall have fall zones.

## **903 Slides**

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

## **904 Swings**

1. The following swings shall not be used for any ages:
  - a. Multi-occupancy swings designed to hold more than one (1) child, except tire swings
  - b. Animal figure swings
  - c. Free swinging ropes (Tarzan ropes)
  - d. Swinging exercise rings
  - e. Trapeze bars
2. There shall be no wood or metal swing sets.
3. Toddler swings shall provide support on all sides if seat is above twelve (12) inches from the ground.

## **905 Climbing Equipment**

1. Free standing arch climbers exceeding four (4) feet in height shall not be used for preschoolers.
2. Flexible grid climbing devices, such as rope or chain ladders, climbing ropes, etc., shall be securely anchored at both ends.
3. Preschoolers 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.

### **906 Merry-Go-Rounds**

1. The only merry-go-rounds allowed are portable merry-go-rounds designed to be anchored and they shall have handgrips or other secure means of holding on.

### **907 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. Hand holds shall be provided for both hands at each seating position and shall not turn when grasped.

### **908 Fall Zone/Surfacing**

1. There shall be fall zones and surfacing under and around equipment that is over 24 inches in height at the highest point. (The highest accessible point is defined as the surface on the piece of equipment where children would sit or stand when the equipment is being used as intended.) Swings require fall zones and surfacing regardless of height. (Toddler swings equipped with safety straps are exempt from this requirement, provided their use is closely supervised.)
2. Fall zones shall extend a minimum of 6 feet in all directions (unless otherwise specified) from the perimeter of the equipment. Exceptions may be granted for structures that have protective barriers in place.
  - a. Structures over 2 feet and under 3 ½ feet at the highest accessible point shall have a minimum surfacing material depth of 6 inches.
  - b. Structures over 3 ½ feet up to 5 feet at the highest accessible point shall have a minimum surfacing material depth of 9 inches. (Shredded tires or other shredded or chopped rubber products shall have a minimum depth of 6 inches.)
  - c. Structures over 5 feet and taller at the highest accessible point shall have a minimum surfacing material depth of 12 inches. (Shredded tires or other shredded or chopped

rubber products shall have a minimum depth of 6 inches.)

3. Shock absorbent material such as sand, pea gravel, wood chips, wood mulch, shredded tires, etc. shall be used in fall zone areas under and around playground equipment which requires a fall zone.

(When purchasing gravel, care should be taken to insure that the gravel is actually pea gravel that is smooth and rounded and not crushed rock or sharp gravel. Crushed rock and sharp gravel will not be approved.)

Pea gravel used for fall zones shall not be over ½ inch in diameter.

4. Hard surface materials such as asphalt and concrete, shall not be used as base surfaces in the fall zones except under commercial matting or other system/products designed to be installed over hard surfaces.
5. SLIDES: The fall zone for slides measuring six (6) feet or over, measured from the platform to the ground shall extend ten (10) feet from the exit end of the slide. Fall zones for slides measuring less than six (6) feet from the platform shall extend six (6) feet from the exit end of the slide.
6. SWINGS: The fall zone for single-axis swings (standard swings) (except toddler swings) shall extend to the front and the rear a minimum distance of two times the height of the pivot point (where the chain attaches to the frame) above the playing surface. The fall zone for toddler swings shall extend to the front and rear of the swing a minimum of two (2) times the distance from the pivot point to the swing seat. (Note exemption listed in #1 above.) Fall zones shall also extend six (6) feet to the sides of the swing set.
7. SWINGS: The fall zones for multi-axis swings (such as tire swings or others with three or more suspending chains) shall extend in all directions a minimum of six (6) feet plus the height of the suspending rod or chain.
8. Fall zones shall be free of obstacles onto which children may fall.

## **1000 SLEEPING ARRANGEMENTS**

### **1001 Sleeping Arrangement Requirements**

1. All manufacturer guidelines shall be followed for furniture and equipment that is used by, or around, children.
2. Any cribs or playpens that have been identified as unsafe, or have been subject to recall as defined by the Consumer Products Safety Commission (CPSC) guidelines or law, shall be removed or repaired as indicated.

3. Each child under twelve (12) months of age shall have a separate well-constructed baby bed or play pen with a waterproof mattress or pad which shall be clean, dry and in good condition. Sheets and covers are required and shall be kept clean and dry. Bassinets shall not be used. (Please note that the CPSC does not recommend the use of playpens in licensed child care.)
4. Waterbeds shall not be used for sleeping children under the age of two (2) years.
5. The following guidelines shall also be required for cribs:
  - a. Cribs that have end panels with decorative cutout areas shall not be used
  - b. Mattresses shall fit snugly in the crib.
  - c. The space between crib and mattress shall measure no more than 1 inch.
  - d. Corner post shall be the same height as end panels.
  - e. End panels shall extend below mattress at the lowest position of the mattress.
  - f. Baby beds shall have slats no greater than  $2\frac{3}{8}$  inches apart.
6. Each child twelve (12) months of age or older shall have a cot, bed, pallet, or mat which shall be placed at least one foot apart. Sheets and covers are required. Bedding shall be of washable material and shall be kept clean. If mats or pallets are used on floors, floors shall be clean, warm, dry and draft free. Any mat or pallet less than two (2) inches thick shall be placed on carpet.
7. Doors in rooms where children are sleeping shall remain open.

## **1100 HEALTH**

### **1101 General Health Requirements**

1. The home shall have an adequate supply of water that meets the Arkansas Health Department standards for drinking water.
2. Water shall always be available to the children.
3. The facility shall follow any health or medical care plans and/or medical documentation as provided by the child's physician, parent, or guardian.
4. Garbage shall be kept in a closed container out of children's reach.
5. All garbage, soiled diapers and trash shall be removed from the home daily and grounds at least once a week.

6. The home shall be free of insects and rodents.
7. Water and sewage disposal and toilet facilities shall be safe and sanitary. The Health Department may be consulted for its recommendation.
8. Child Care Family Homes shall comply with the Clean Indoor Air Act of 2006. Smoking in a child care family home is prohibited at all times. This includes:
  - a. All areas of the home, regardless of whether children 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 ventilation systems)
  - b. Outdoor play area
  - c. Other outdoor areas when children are present on those areas
  - d. In any vehicle used to transport children, whether children are present in the vehicle or not
9. First-aid materials are required and shall be kept out of reach of children. A first aid kit containing medications shall be locked. The first-aid materials shall include:
  - a. Adhesive band-aids (various sizes)
  - b. Scissors
  - c. Sterile gauze squares
  - d. Roll of gauze bandages
  - e. Adhesive tape
  - f. Antiseptic
  - g. Thermometer
  - h. Tweezers
  - i. Disposable gloves
10. There shall be no adult in the home who poses a health risk to children in care.

## 1102 Children's Health

1. No child shall be admitted who has a contagious or infectious disease. Parents and guardians shall be notified to pick up the child if the child exhibits any of the following symptoms listed below:
  - a. **Fever:** a body temperature of 101 degrees or greater (Recommendation: Infants, six months of age or under, who have a temperature of 100 degrees or greater should be excluded)
  - b. **Diarrhea:** three (3) or more watery stools in a twenty-four (24) hour period
  - c. **Vomiting:** vomiting on two or more occasions within the past twenty-four (24) hour period
  - d. **Rash:** body rashes, not obviously associated with diapering, heat or allergic reaction to medications

- e. **Sore throat:** if 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 be swollen with white or yellow discharge, until on antibiotics for twenty-four (24)
  - h. **Untreated scabies, head lice or the presence of nits:** (may return after first treatment and removal of nits.)
  - i. **Multiple sores inside mouth with drooling:** unless health care provider determines the condition is non-infectious
  - j. **Ringworm:** a fungal infection of the scalp or skin: may return after evaluation and under treatment by a health care provider
  - k. **Impetigo:** may return twenty-four (24) hours after treatment is initiated
2. Illness in the home shall be handled to protect all children in care.
  3. In case of critical illness or injury, and if the parents cannot be reached, the physician named by the parent shall be called. If necessary, the child shall be taken to the nearest emergency room. Injuries that require the attention of medical personnel shall be reported to the parent immediately.
  4. In case of critical illness or injury that requires the attention of medical personnel the Child Care Licensing Specialist shall be notified within one business day.
  5. The caregiver shall notify the child's parents of significant events that affect the children. This shall include, but not limited to:
    - a. Cases of serious contagious disease
    - b. Any injury incurred by a child
  6. The communicable diseases listed in Appendix B, whether suspected in a child or adult, shall be reported within twenty-four (24) hours to either the local County Health Unit or the toll free Reporting System (800-482-8888). Immediate notification is recommended for the following:
    - a. Hepatitis
    - b. Rash illness (including MEASLES & RUBELLA)
    - c. WHOOPING COUGH (Pertussis)
    - d. MENINGITIS
    - e. MUMPS
    - f. Tuberculosis
    - g. Salmonellas (including typhoid)
    - h. E-coli
  7. Reporting data should include:
    - a. The reporter's name, location and phone number

- b. The name of disease reported and the date onset
  - c. The patient's name, address, phone number, age, sex and race (Please spell the patient's name)
  - d. The attending physician's name, location and phone number
  - e. Any pertinent clinical and laboratory used in the diagnosis (Please give the laboratory name)
  - f. Any treatment information, if known
8. Within fifteen (15) days of enrollment of a child, the home shall verify that the child has been immunized as required by the Arkansas Department of Health or the child cannot remain in care. (Arkansas Code 20-78-206 as amended by Act 870 of 1997.) (A current immunization schedule is provided as an insert in this publication.)
  9. Children shall be protected from overexposure to the sun. Sunscreen shall be used if needed and as directed by the parent. Suntan lotions and/or sunscreens used for infant/toddlers and pre-school children shall be kept out of the children's reach and shall be administered only with written parental permission. School age children may apply sunscreen to themselves with supervision. Blanket permission may be obtained annually.

### **1103 Toilet Arrangements**

1. At least one (1) commode and one (1) sink shall be made available for the children's use. Potty seats may be used by the younger children, if emptied, cleaned and disinfected after each use. Potty seats shall be located in the bathroom only.
2. Toilet tissue shall be located within reach of the children when toileting.
3. Individual cloth towels or paper towels shall be available for each child.
4. Liquid soap shall be accessible in the hand washing area and used by caregivers and children.
5. Running water shall be available in all lavatories.
6. Caregiver's and children's hands shall be washed with liquid soap before meals, after toileting, after each diaper change, and as needed. The use of hand sanitizer shall not be a replacement for soap and running water.
7. The home shall use a diaper-changing surface that is sanitized after each use.
8. Children shall always be attended during diapering.
9. Soiled or wet diapers shall be removed, disposed of properly, and replaced with clean, dry diapers. The caregiver shall ensure that children are properly cleaned and dried.
10. The caregiver shall assist children in toilet routine and hygiene practices.

11. The following methods shall not be used in toilet training:
  - a. Placing a child 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 child on a toilet or potty chair against their will
  - e. Leaving child unsupervised on toilet

### **1104 Medication Requirements**

1. Prescription medication shall be in the original container and labeled with the child's name, a recent date, instructions, and the physician's name.
2. All non-prescription medicine (except aspirin substitutes, such as ibuprofen and acetaminophen) shall be labeled with the child's name and dated.
3. All medicines shall be given to a child only with the written permission of the child's parent(s) or guardian.
4. Medicines shall be kept in a locked area. Medicine shall be kept out of the reach of the children when dispensing.
5. Medication shall be disposed of when a child withdraws from care or when the medication is out of date.

### **1105 Phone Numbers Required**

1. The following phone numbers shall be available in the immediate area of the telephone:
  - a. Ambulance service or emergency medical services
  - b. Police or sheriff's department
  - c. Fire department
  - d. Poison Control Center: 1-800-376-4766
  - e. Child Abuse Hotline Number: 1-800-482-5964
  - f. The physicians named by the parents
  - g. Child Care Licensing Unit Central Office Number: 501-682-2350 or toll free 1-800-445-3316
  - h. Home and business numbers of the parents

### **1106 Pet Requirements**

1. Pets with which children have contact shall receive vaccinations as required by law. Verification of vaccinations administered by a licensed veterinarian shall be maintained. Any pet that constitutes a threat to the welfare and safety of the children shall be kept in a confined area which prevents any contact with the children.

## 1200 SAFETY

It is highly suggested that the home have an evacuation crib or equivalent that could be used for the safe evacuation of infants.

### 1201 Safety Requirements

1. The child care family home shall have a written plan detailing the procedures to follow in the event of emergencies (fires, floods, tornadoes, utility disruptions, bomb threats, etc.) (Act 801 of 2009). The plan and procedures are required for emergencies that could cause structural damage to the facility, be identified as a threat by the Arkansas Department of Emergency Management or pose a health and/or safety hazard to the children and staff.
2. The written plan shall include the following information:
  - a. Designated relocation site and evacuation route
  - b. Procedures for notifying parents of relocation
  - c. Procedures for ensuring family reunification
  - d. Procedures to address the needs of individual children, including children with special needs
  - e. Procedures 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 caregivers and volunteers are familiar with the components of the plan
3. The child care family home shall coordinate with local emergency management officials to plan for emergencies.
4. Written procedures and evacuation diagrams for emergency drills shall be posted in each room used for childcare.
5. Fire and tornado drills shall be practiced each month as follows:
  - a. Fire and tornado drills shall be practiced on separate days and at different times of the day.
  - b. Everyone in the home at the time of the drill shall participate in the drill
  - c. Caregivers, including volunteers, shall be trained in safety drill procedures
6. The home shall maintain a record of emergency drills. This record shall include:
  - a. Date of drill
  - b. Type of drill
  - c. Time of day
  - d. Number of children participating in the drill

- e. Length of time taken to reach safety
7. The child care family home shall maintain an evacuation pack that shall be taken on all drills and during real emergencies evacuations. The pack shall be easily accessible in an emergency and all caregivers shall know the location of the pack. The evacuation pack shall include, but is not limited to the following:
  - a. List of emergency numbers
  - b. List of all emergency and contact information for children
  - c. List of all emergency and contact information for staff
  - d. First aid kit (requirement 1101.8) 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 home shall immediately notify the Licensing Unit of any damage to the building and/or grounds. If phone service is not available, notification shall be as soon as service is restored or available.
9. Licensed homes shall maintain a log of all child product recall and safety notices issued by CPSC or distributed the Attorney General's Office and shall post or otherwise make these notices available for parents to review. The licensee shall certify, on an annual basis, that these notices have been maintained and reviewed and that any identified items have been removed from the facility. Forms for self-certification will be provided by the Licensing Specialist and shall be submitted annually. (Act 1313 of 2001)
10. Electrical outlets shall be guarded. Protective caps, if used, shall be large enough to prevent swallowing.
11. Indoor or outdoor cooling units shall have guards or barriers when necessary. All outdoor electrical boxes, gas lines, and exposed electrical cords shall be enclosed.
12. Stairways shall be well lighted and guarded as needed.
13. Dangerous equipment and/or objects shall be stored away from areas used by the children.
14. All detergents and cleaning supplies shall be kept out of the reach of children. (This does not include hand soap in children's or staff bathrooms.) Supplies used for children's activities shall be carefully supervised.

15. All poisonous substances shall be kept in a locked area.
16. Guns shall be unloaded. Guns, other weapons, and ammunition shall be stored in a locked area in the home.
17. Illegal drugs/paraphernalia shall not be in any part of the home, regardless if children are present or not.
18. Tanks, ponds, swimming pools, open wells, drainage ditches and sewage drainpipes shall be fenced if located within the play area.
19. Home swimming pools shall not be used by children in care unless permission is obtained from Child Care Licensing through an alternative compliance request. This request must include written approval from the Arkansas Department of Health for the use of the pool by children in care. (Home swimming pools used by children in care are considered semi-private pools by the Department of Health and approval for these pools requires inspection during the construction phase. Obtaining approval for existing pools is usually not possible.)
20. Wading pools shall not be used by children under two (2) years of age.
21. Alcoholic beverages shall be kept out of reach of children.

## 1202 Fire

**The National Fire Safety Code 101 does not allow the use of basements or floors above ground level by children, first grade and younger, unless there is a ground level exit. (Please be advised that the fire code also does not allow wood paneling in child care family homes. This will fall under the authority of the local fire jurisdiction.)**

1. A home caring for eleven (11) or more children at any time (this does include school age children not counting in the ratio) shall provide verification of an approved annual Fire Department inspection.
2. A fire extinguisher with a minimum of five (5) lbs. ABC rating shall be installed in the kitchen area of the home and shall be properly maintained. Caregivers shall know how to operate the extinguisher.
3. A working smoke detector shall be installed near the kitchen area and in the children's sleeping areas. All smoke detectors in the home shall be hard wired or operate in a manner that if one sounds, they all will sound.
4. The home shall be maintained to be free from fire hazards at all times. The Child Care Licensing Specialist shall consult with the local Fire Department or the State Fire Marshal when it appears hazards exist.

5. The structure and use of the home shall permit easy entry and exit and shall comply with the following:
  - a. A home with more than one (1) level shall have second exits on all levels used by children.
  - b. A home shall have at least two (2) exits to the outside located on different sides of the home.
  - c. Doors opening to the outdoors shall be constructed so the children can open them easily from the inside.
  - d. Doors between rooms in the exit route shall not be locked while children are in the home.
  - e. Doors and pathways shall be clear of equipment that blocks the movement of children and caregiver(s)
6. Wood burning stoves, gas logs, fireplaces, open flame space heaters, water heaters, floor furnaces or other sources of heat shall be guarded and/or vented when necessary for the protection of the children. **Portable fuel heaters shall not be used.**
7. Cooking stoves or ovens shall not be used as a heating source in the home.
8. Portable heaters shall not be placed within reach of children and shall be approved UL listed products.
9. The licensee shall notify the Child Care Licensing Specialist of any fires causing damage to the home. This notification shall be made no later than the end of the following working day.

## **1300 TRANSPORTATION**

### **1301 Transportation Requirements**

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 employed by the licensee. The requirements in this section are not limited to routinely scheduled transportation. Periodic transportation, such as a parent requesting that their child be picked up at school due to the parent's work schedule or other conflicts, is also covered by these requirements, whether a fee is charged for this service or not.
2. **Caregivers transporting children shall meet the following requirements:**
  - a. **Be at least twenty-one (21) years old or the minimum age required by the Licensee's commercial auto insurance**
  - b. **Hold a current valid driver's license or commercial driver's license as required by state law, and a readable copy shall be maintained in the employee's record**

- c. Successfully completed the training course in Driver Safety that is offered, or approved, by the Division prior to transporting children. Verification of the completed course in Driver Safety shall be maintained in the employee's record.
3. The vehicle(s) used for the transportation of children shall be in compliance with Arkansas state laws on transportation of children.
4. Vehicles shall be licensed and maintained in proper working condition.
5. Commercial insurance coverage shall be maintained for any vehicle used for transportation by the facility. Verification of commercial insurance coverage shall be provided to the Licensing Specialist prior to transportation of children. (Facilities licensed prior to the effective date of these regulations shall obtain required coverage within ninety (90) days.) Required coverage amounts to be maintained are:
  - a. Minimum coverage of \$100,000 Combined Single Limit (CSL)
  - b. Minimum coverage of \$100,000 for both Uninsured Motorist (UM) and Under Insured Motorist (UIM)
  - c. Minimum coverage of \$5,000 Personal Injury Protection (PIP) for each passenger (based on the number of passengers the vehicle is manufactured to transport)
6. The driver may be counted in the staff/child ratio, but shall not be the only adult present when more than ten (10) children age three (3) and above are transported.
7. Any child transported in a passenger automobile, van or pick-up truck, who is less than six (6) years old or weighs less than sixty (60) pounds, shall be restrained in a child passenger safety seat. Any child who is at least six (6) years old, or weighs at least sixty (60) pounds, must be restrained by a safety belt or any other approved safety devices. (Act 470 of 2001) Child passenger safety seats shall be used in accordance with manufacturer's guidelines.
8. The loading and unloading of children from vehicles shall be conducted in a safe manner.
9. There shall be a seating space and an individual, appropriate restraint system provided for each child being transported.
10. Rosters listing the date, names and ages/date of birth of all children being transported as well as the name of the driver and any other staff member on the vehicle shall be maintained. These rosters shall be used to check children on and off the vehicle when they are picked up and dropped off at home, school, etc. and when they arrive at and leave the licensed home. Transportation rosters shall be kept by the facility and available for review for one (1) year.
11. To insure that no children are left on the vehicle, the driver or a staff member must walk through the vehicle and physically check each seat before leaving the vehicle. The transportation roster must be signed by the driver, or staff who conducts the walk through inspection, documenting that all children have exited the vehicle.

12. To insure that children have safely arrived in the Home classroom, the transportation roster shall be reviewed by the Licensee and compared with attendance records. The Licensee shall sign off on the transportation roster to verify that all children have safely transitioned from the vehicle to the Home.
13. Any vehicles designed or used to transport more than seven (7) passengers and one (1) driver must have approved child safety alarm devices installed. These devices must be properly maintained in working order at all times.

Vehicles in service at licensed facilities prior to July 1, 2005, shall have the alarm installed by a qualified technician or mechanic no later than December 31, 2005. On or after July 1, 2005, all vehicles at newly licensed facilities and newly acquired vehicles at existing facilities shall have a child safety alarm installed before placing the vehicle in service.

The Child Care Licensing Unit shall maintain a list of approved alarm systems.

#### **Clarification---**

- The alarm system shall be installed so that the driver must walk to the very back of the vehicle to reach the switch that deactivates the alarm. Alarm switches installed in locations that do not require the driver to walk to the back of the vehicle and view all seating areas will not be acceptable.
- The alarm systems may be installed by any certified technician or mechanic employed by a recognized electronics or automotive business in accordance with the device manufacturer's recommendations.
- The time delay from activation of the alarm until the alarm sounds shall be no longer than one minute. **Any of the following three options are acceptable to meet the intent of Act 1979 when children are being delivered at the facility. Other options must be approved by the Licensing Unit.**

#### **Options:**

1. Unload all of the children, walk through the vehicle to ensure that no children remain on board and deactivate the alarm. (This option will only work if you are able to unload all children in less than one minute.)
2. Upon arrival, have one staff member immediately walk through the vehicle to deactivate the alarm system. That staff member will remain near the alarm switch at the back of the vehicle until all children have been unloaded to ensure that no child is left on board. (This option will require at least two staff members, one to supervise the children and one to remain inside the vehicle.)
3. Upon arrival, deactivate the alarm and unload the children. Immediately after unloading, start the vehicle and move it to a different location for final parking. (This will reactivate the alarm and require a final walk through.)

## 1302 Infant & Toddler Transportation Requirements

1. A vehicle transporting children under the age of thirty-six (36) months shall maintain a ratio of one (1) adult to three (3) children.

## 1400 SPECIAL NEEDS

### Individuals with Disabilities Education Act (IDEA):

- It is a law ensuring services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education and related services to eligible infants, toddlers, children and youth with disabilities.
- It defines a child with Special Needs as:
  - A child determined eligible for special services under the Individual with Disabilities Education Act (IDEA) for whom a current IFSP (Individual Family Service Plan) or IEP (Individual Education Plan) exists and/or
  - A child whose physical condition has lasted or is expected to last at least two (2) years as diagnosed by a licensed medical or psychological examiner
- It is specified in Public Law 108-466 §635.16 A-B (IDEA as reauthorized) as:
  - Children with disabilities including children in public or private institutions or other care facilities are educated to the maximum extent appropriate with children who are not disabled.
  - Special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of the child is such that the child is not achieving a satisfactory education in a regular class that provides supplementary aids and services.

## 1401 Special Needs Requirements

1. All child care facilities shall comply with all applicable provisions as specified in IDEA:
  - a. The facility shall enroll children with special needs without regard to disability. (Programs are required to provide space and care for a child who can be placed in their facility with existing services, as well as added supports from special educational services, and as long as the health and safety of the child can be met.)
  - b. Staff shall provide care in the general classroom with children who are not disabled
  - c. The facility shall assist in facilitation of services required to meet the “special needs” of children in the center or in the classroom as specified on the individualized education/individual family service plan.
  - d. Facility staff (regular classroom staff) 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, accept “gratuities”, or payment for allowing special service providers to provide services in their facility.
- g. The facility is not required to “displace” children or staff to make space available to special service providers.
- h. In order for a special service provider to provide special services in the facility, the IFSP/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.

### **1402 Infant & Toddler Special Needs Requirements**

- 1. To the maximum extent appropriate, children ages 0 – 2 shall participate in early intervention services provided in “natural environments.”
- 2. When infants and toddlers cannot achieve satisfactory results from early intervention services in a natural environment, the provision of early intervention services shall occur in other appropriate settings as determined by the parent and the Individualized Family Service Team.

## APPENDIX C

### U.S. DEPARTMENT OF AGRICULTURE CHILD CARE MEAL PATTERN

Children age 12 and up may be served adult-size portions based on the greater food needs of older children, but shall be served not less than the minimum quantities specified in this section for children age 6 through 12 years.

For purposes of the requirements outlined in this paragraph, 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.

| <b>Breakfast</b>   | <b>Children<br/>1 and 2 years</b>  | <b>Children<br/>3 through 5 years</b>   | <b>Children<br/>6 through 12 years</b>  |
|--|--|---|---|
| Milk, fluid<br>Juice or fruit or vegetable<br>Bread, bread alternate****<br>and/or cereal<br>enriched or whole grain<br>Bread or<br>Cereal: Cold dry or<br>Hot cooked  | ½ cup (4 ounces)<br>¼ cup<br><br>½ slice ( ½ ounce)<br>¼ cup*<br>¼ cup   | ¾ cup (6 ounces)<br>½ cup<br><br>½ slice ( ½ ounce)<br>1/3 cup**<br>¼ cup   | 1 cup (8 ounces)<br>½ cup<br><br>1 slice (1 ounce)<br>¾ cup***<br>½ cup   |
| <b>AM or PM snack (supplement)</b><br>(select 2 of these 4 components)   |  |   |   |
| Milk, fluid<br>Meat or meat alternate<br>Juice or fruit or vegetable<br>Bread, bread alternate****<br>and/or cereal<br>enriched or whole (grain)<br>Bread or<br>Cereal: Cold dry or<br>hot cooked  | ½ cup (4 ounces)<br>½ ounce<br>½ cup<br><br>½ slice (½ ounce)<br>¼ cup*<br>¼ cup   | ½ cup (4 ounces)<br>½ ounce<br>½ cup<br><br>½ slice (½ ounce)<br>1/3 cup **<br>¼ cup  | 1 cup (8 ounces)<br>1 ounce<br>¾ cup<br><br>1 slice (1 ounce)<br>¾ cup***<br>½ cup  |
| <b>Lunch or Supper</b>   |  |   |   |
| Milk, fluid<br>Meat or meat alternate<br>(lean meat or poultry or fish)<br>Cheese<br>Egg<br>Cooked dry beans or peas<br>Peanut butter<br>Yogurt (plain or flavored)<br>(Or an equivalent quantity of<br>any combination of the above<br>meat/meat alternates)<br>Vegetable and/or fruit<br>(total of two or more)<br>Bread or bread alternate****<br>enriched or whole grain | ½ cup (4 ounces)<br><br>1 ounce<br>1 ounce<br>1 large egg<br>¼ cup<br>2 tbsp<br>½ cup<br><br>¼ cup<br><br>½ slice ( ½ ounce) | ¾ cup (6 ounces)<br><br>1 ounce<br>1 ounce<br>1 large egg<br>3/8 cup<br>3 tbsp<br>¾ cup<br><br>½ cup<br><br>½ Slice (½ ounce) | 1 cup (8 ounces)<br><br>2 ounces<br>2 ounces<br>1 large egg<br>½ cup<br>4 tbsp<br>1 cup<br><br>¾ cup<br><br>1 slice (1 ounce) |

\* ¼ cup (volume) or 1/3 ounce (weight)

\*\* 1/3 cup (volume) Or ½ ounce (weight)

\*\*\* ¾ cup (volume) or 1 ounce (weight)

\*\*\*\* Refer to Food Buying Guide "Grains and Breads" for equivalent quantities

(CASA-1)

**APPENDIX B**  
**U. S. DEPARTMENT OF AGRICULTURE**  
**INFANT CARE MEAL PATTERN**

Meals served to infants ages birth through, 11 months must meet the requirements described in this meal pattern. Foods included in the infant meal must be of a texture and a consistency that are appropriate for the age of the infant being served. Either breast milk or iron-fortified infant formula must be served for the entire first year.

| <b>Age</b>                    | <b>Breakfast</b>  | <b>Lunch or Supper</b>  | <b>Snack</b>   |
|-------------------------------|---|---|--|
| Birth through 3 months        | 4-6 fluid ounces breast milk* or formula**  | 4-6 fluid ounces breast milk* or formula**  | 4-6 fluid ounces breast milk* or formula**   |
| 4 months through 7 months     | 4-8 fluid ounces breast milk* or formula**<br><br>0-3 tablespoons infant Cereal***  | 4-8 fluid ounces breast milk* or formula** and<br><br>0-3 tablespoons infant cereal*** and<br><br>0-3 tablespoons fruit Or vegetable or both  | 4-6 fluid ounces breast milk* or formula**   |
| 8 months up to first birthday | 6-8 fluid ounces breast milk* or formula**<br><br>and<br><br>2-4 tablespoons infant cereal<br><br>and<br><br>1-4 tablespoons fruit and/or vegetable or both | 6-8 fluid ounces breast milk* or formula** and<br><br>2-4 tablespoons infant cereal*** and/or<br><br>1-4 tablespoons meat, fish poultry, egg yolk, or cooked dry beans or peas, or 1/2 -2 ounces cheese, or 1-4 tablespoons cottage cheese. cheese food. or cheese spread and<br><br>1-4 tablespoons fruit or vegetable or both | 2-4 fluid ounces breast milk or formula** or fruit juice****<br><br>and<br><br>0- 1/2 slice bread or 0-2 crackers***** |

\* It is recommended that breast milk be served in place of formula from birth through 11 months. For some breastfed infants who regularly consume less than the minimum amount of breast milk per feeding, a serving of less than the minimum amount of breast milk may be offered, with additional breast milk offered if the infant is still hungry

\*\* Iron-fortified infant formula

\*\*\* Iron-fortified dry infant cereal

\*\*\*\* Full-strength fruit juice

\*\*\*\*\*Made from whole-grain or enriched meal or flour

(CASA-1)

## APPENDIX C: LIST OF REPORTABLE DISEASES

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)                    | shigellosis                       |
| unspecified and results of serologies)            | syphilis                          |
| rash illnesses (including *MEASLES,<br>& RUBELLA) | MUMPS                             |
| *WHOOPING COUGH (pertussis)                       | tuberculosis                      |
|   | MENINGITIS                        |

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, <u>Hemophilus</u> Influenza Type B |
| *Brucellosis  | *Meningococcal infection                        |
| Campylobacter Enteritis                               | 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-Barre Syndrome                              | SMALL POX                                       |
| Histoplasmosis  | *Tetanus  |
| HIV (Human Immune Deficiency Virus by name & address) | *Toxic Shock Syndrome                           |
| **Influenza   | Toxoplasmosis                                   |
| *Kawasaki Disease                                     | *Trichinosis                                    |
| *Legionellosis  | *Tularemia                                      |
|   | TYPHUS FEVER/YELLOW FEVER                       |

\*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 State Epidemiologist when suspected.**

Reporting data shall include:

- a) Names & 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

The following diseases are also of public health importance and should be reported whenever there is an unusual incidence or outbreak (including seasonal). It is necessary to report: (1) physician's name and location (2) the suspected disease (3) 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                 |

The following occupational disease also shall be reported:

|            |                             |
|------------|-----------------------------|
| Asbestosis | Mesothelioma                |
| Silicosis  | Coal Workers Pneumoconiosis |
| Byssinosis |                             |

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

APPENDIX D: 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>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>                               |                     |                                |

## Child Care Immunization Requirements

Recommended by Arkansas Department of Health and

Required by the Department of Human Services, Division of Child Care and Early Childhood, Licensing Division

| AGE                 | DTaP DTP/DT   | POLIO   | Hib **   | HEPATITIS B   | MMR ****               | VARICELLA ****         | PNEUMOCOCCAL **   |
|---------------------|---|---|--|---|------------------------|------------------------|---|
| <b>1-2 Months</b>   | None  | None  | None   | None (1-2 doses possible)   | None                   | None                   | None  |
| <b>3-4 Months</b>   | 1 dose  | 1 dose  | 1 dose   | 1 dose (1-2 doses possible)   | None                   | None                   | 1 dose  |
| <b>5-6 Months</b>   | 2 doses <b>OR</b> 1 dose within last 8 weeks  | 2 doses <b>OR</b> 1 dose within last 8 weeks  | 2 doses <b>OR</b> 1 dose within last 8 weeks   | 2 doses <b>OR</b> 1 dose within last 8 weeks                        | None                   | None                   | 2 doses <b>OR</b> 1 dose within last 8 weeks  |
| <b>7-12 Months</b>  | 3 doses <b>OR</b> 1 dose within last 8 weeks  | 2 doses <b>OR</b> 1 dose within last 8 weeks (3 doses possible)                                     | 2-3 doses <b>OR</b> 1 dose within last 8 weeks   | 2 doses <b>OR</b> 1 dose within last 8 weeks (3 doses possible)     | None                   | None                   | 2-3 doses <b>OR</b> 1 dose within last 8 weeks  |
| <b>13-15 Months</b> | 3 doses <b>OR</b> 1 dose within last 8 weeks  | 2 doses <b>OR</b> 1 dose within last 8 weeks (3 doses possible)                                     | 2-3 doses <b>OR</b> 1 dose within last 8 weeks (4 doses possible)  | 2 doses <b>OR</b> 1 dose within last 8 weeks (3 doses possible)     | None (1 dose possible) | None (1 dose possible) | 2-3 doses <b>OR</b> 1 dose within last 8 weeks (4 doses possible)   |
| <b>16-18 Months</b> | 3 doses or 1 dose within last 8 weeks   | 2 doses or 1 dose within last 8 weeks (3 doses possible)  | 3-4 doses with last dose on/after 1st birthday <b>OR</b> 2 doses if first dose is administered at age 12 - 14 months and doses are at least 8 weeks apart <b>OR</b> 1 dose on/after 15 months of age if no prior doses   | 2 doses <b>OR</b> 1 dose within the last 8 weeks (3 doses possible) | 1 dose                 | 1 dose                 | 3-4 doses with last dose must be on/after 1st birthday <b>OR</b> 2 doses on/after 1st birthday  |
| <b>19-48 months</b> | 4 doses <b>OR</b> 3rd dose within last 6 months <b>OR</b> 1 dose within last 8 weeks  | 3 doses <b>OR</b> 1 dose within last 8 weeks  | 3-4 doses with last dose on/after 1st birthday <b>OR</b> 2 doses if first dose is administered at age 12 - 14 months and doses are at least 8 weeks apart <b>OR</b> 1 dose on/after 15 months of age if no prior doses   | 3 doses *** <b>OR</b> 1 dose within last 8 weeks                    | 1 dose                 | 1 dose                 | 3-4 doses with last dose must be on/after 1st birthday <b>OR</b> 1 dose on/after 24 months of age if no prior doses <b>OR</b> 2 doses on/after 1st birthday                                   |
| <b>49-72 Months</b> | 5 doses * <b>OR</b> 4th dose within last 6 months <b>OR</b> 1 dose within last 8 weeks <b>OR</b> 4 doses with last dose on/after 4th birthday | 4 doses <b>OR</b> 1 dose within last 8 weeks <b>OR</b> 3 doses with last dose on/after 4th birthday | 3-4 doses with last dose on/after 1st birthday <b>OR</b> 2 doses if first dose is administered at age 12 - 14 months and doses are at least 8 weeks apart <b>OR</b> 1 dose on/after 15 months of age if no prior doses <b>Not required on/after 5th birthday</b> | 3 doses *** <b>OR</b> 1 dose within the last 8 weeks                | 1 dose                 | 1 dose                 | 3-4 doses with last dose on/after 1st birthday <b>OR</b> 1 dose on/after 24 months of age if no prior doses <b>OR</b> 2 doses on/after 1st birthday <b>Not required on/after 5th birthday</b> |

\* **5th DTaP/DTP/DT** (Pre-school dose) must be given on/after the child's 4th birthday and may be given at anytime from 49 to 72 months of age. Interval between 4th DTaP/DTP/DT and 5th DTaP/DTP/DT should be at least 6 months.

\*\* **For Hib and Pneumococcal**, children receiving the first dose of vaccine at age 7 months or older require fewer doses to complete the series.

\*\*\* **3rd dose of hepatitis B** should be given at least 8 weeks after the 2nd dose, at least 16 weeks after the 1st dose, and it should not be administered before the child is 24 weeks of age.

\*\*\*\* **MMR and Varicella** vaccine must be given on/after the child's first birthday.