Rule 4.7.Child Care Centers; Licensing

470 IAC 3-4.7-1 General definitions

Authority: IC 12-13-5-3
Affected: IC 12-7-2-28.4; IC 12-17.2-4Sec. 1.

For the purpose of this rule only, the following definitions apply:

(1) "Accredited college or university" means accreditation by accrediting agencies and associations that are recognized by the United States Secretary of Education.

(2) "Additional portion of food" means one (1) extra helping of food.

(3) "Administrator" means the person who is responsible for personnel, purchasing, fiscal, and maintenance of the child care center.

(4) "Admission" means the process of entering a child in a child care center. The date of admission is the first day that the child is actually present at the center.

(5) "Age appropriate" means designed for the particular age of child served.

(6) "Attendance" means children present in the child care center at any given time.

(7) "Capacity determination" means the division will determine maximum capacity based on square footage by adding the capacities of the individual rooms/areas. The division compares the square footage capacity with the capacity based on the number of toilets and sinks. The lesser of these two (2) capacities determines the maximum capacity of the center. Capacity for fire and building issues may be different.

(8) "Caregiver" means the early childhood professional that is a qualified staff person providing direct care and education to children.

(9) "CDA" refers to the Child Development Associate credential issued by the Council for Early Childhood Professional Recognition.

(10) "Center" refers to the person or persons in the child care center designated by the licensee to be responsible for following each individual section of this rule.

(11) "Child" means any person under thirteen (13) years of age.

(12) "Child care center" has the meaning set forth in IC 12-7-2-28.4.

(13) "Child care health consultant" means a physician, a certified pediatric or family nurse practitioner, or a registered nurse with pediatric or out of home child care experience and shall be knowledgeable about out of home child care, community child care licensing requirements, and available health resources.

(14) "Child/staff ratio" means the number of children supervised by one (1) qualified staff person.

(15) "Class room/area" means the room or area within a room occupied by a group of children and caregivers on a regular basis throughout the day.

(16) "Conspicuous place" means a place that is easily visible and at eye level viewed daily by the parents.

(17) "Consulting resource person" means:

(A) a physician; (B) a nurse; (C) a psychologist; (D) a social worker; (E) a speech therapist; (F) a physical and occupational therapist; (G) an educator; or (H) other technical and professional person whose expertise the center utilizes in providing specialized services to children.

(18) "Contamination" means to soil or infect by any form of contact.

(19) "Continuity of care" means the center maintains a primary caregiving relationship over a period of years. Infants and their primary caregivers stay together until all children in the group are at least thirty (30) months of age.

(20) "Corporal punishment" means any kind of punishment inflicted on a child's body.

(21) "Criminal history check" means an Indiana state police search and report of criminal records on forms provided by that agency.

(22) "Developmentally appropriate" means a program planned and carried out that takes into account the level of physical, social, emotional, and intellectual development of a child.

(23) "DFBS" means the department of fire and building services.

(24) "Direct supervision" means that qualified caregivers:

(A) have all children in sight; (B) are alert to any problems that may occur; and (C) are taking an active supervisory role with the children.

(25) "Directly accessible" means accessible without crossing a motor traffic throughway.
(26) "Director" means the person responsible for the operation for the child care center at all times.
(27) "Discipline" means the ongoing process of helping children to develop self-control for self-management while protecting and maintaining the integrity of the child.
(28) "Division" refers to the division of family and children.
(29) "Documentation" means written records or copies of documents kept in files at the child care center.
(30) "Early childhood professional" means the qualified caregiver providing direct supervision to children.
(31) "Early childhood program" means a program of activities provided for children ages birth to eight (8) years of age.
(32) "Enrollment" means the list of children registered with the child care center.
(33) "EPA" means Environmental Protection Agency.
(34) "Field trip" means an event or activity that meets the following conditions:
(A) The center sponsors it.
(B) It is conducted on property that is not part of the licensed child care center or their safely enclosed playground.
(C) Children enrolled in the child care center participate in it.
(D) Child care center caregivers supervise the children.
(E) It occurs during the child care center's regular hours of operation.
(35) "Filthy" means heavily soiled, dirty, or other unclean conditions, which present a health or safety hazard to children.
(36) "FPBSC" refers to fire prevention and building safety commission.
(37) "Group" means a number of children who routinely work, learn, eat, sleep, and play together inside and outside.
(38) "Hand washing" means to cleanse hands and wrists a minimum of twenty (20) seconds using soap and warm, running water (one hundred (100) degrees Fahrenheit through one hundred twenty (120) degrees Fahrenheit) at a hand sink.
(39) "Ill child care" means the care of temporarily ill children, twelve (12) months of age or older, that centers must normally exclude. Caregivers care for these children in a part of the child care center specifically approved for ill child care.
(40) "IDEM" means Indiana department of environmental management.
(41) "Individual education plan" or "IEP" has the meaning set forth in the Individuals with Disabilities in Education Act (20 U.S.C. 1400 et seq.).
(42) "Individual family service plan" or "IFSP" has the meaning set forth in the Individuals with Disabilities in Education Act (20 U.S.C. 1400 et seq.).
(43) "Infant" means a child who is at least six (6) weeks of age until the child is able to walk consistently unassisted.
(44) "ISDH" means Indiana state department of health.
(45) "Kindergartner" means a child who is age-eligible to be enrolled in a private or public kindergarten program.
(46) "Lead caregiver" refers to the caregiver assigned to implement the program for a group of children.
(47) "Learning center" means a defined area, within the class room/area, in which children may participate in similar or related types of activities.
(48) "License" means the actual completed document issued by the division to the licensee that authorizes the operation of the child care center.
(49) "Licensed capacity" means the maximum number of children permitted in the child care center at any one (1) time as stated on the license. This may be different than the fire and building occupant load capacity.
(50) "Licensee" means the individual, agency, organization, corporation, or board of directors that actually owns or assumes responsibility for the child care center business and is granted a license to operate under this rule by the division.
(51) "Maximum age range" means the maximum difference in age between the youngest and oldest child in any particular group of children.
(52) "Minor injury" means any injury that requires first aid treatment, but does not require medical attention by medical personnel.
(53) "OSHA" means Occupational Safety and Health Administration.
(54) "Parent" refers to the person assuming legal responsibility for the care and protection of the child on a twenty-four (24) hour basis, including a guardian or legal custodian.
(55) "Physician" means a person holding an unlimited license to practice medicine.
(56) "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms. The term does not include foods that have a pH level

of four and six-tenths (4.6) or below or a water activity (a_w) value of eighty-five hundredths (0.85) or less under standard conditions or food products in hermetically sealed containers processed to prevent spoilage and as defined in 410 IAC 7-20-59.
(57) "Preschool children" means children at least three (3) years of age and not yet attending first grade.
(58) "Primary caregiver" means a caregiver is assigned to be primarily responsible for meeting the needs of specific children, especially for feeding, diapering, and periods when the child is falling to sleep or awakening.
(59) "Program" means all activities provided for children during their hours of attendance at the child care center.
(60) "Punishment" means the use of negative consequences to correct unacceptable behavior.
(61) "Room" means an area enclosed on all sides by walls that extend from floor to ceiling.
(62) "Sanitation" means the promotion of hygiene and the prevention of disease by maintenance of sanitary environmental conditions and practices.
(63) "Sanitizable" means an article, utensil, or equipment that can be easily sanitized because of the material composition.
(64) "Sanitize" means the effective bactericidal treatment by a process that provides adequate accumulative heat or concentration of chemicals for adequate time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.
(65) "School age children" means children attending first grade or above.
(66) "Serious injury" means any injury that requires medical attention by a dentist, physician, emergency room personnel, ambulance attendant, or any other medical personnel.
(67) "SFM" means the office of the state fire marshal.
(68) "Shock absorbing surface" means ground cover placed under and around equipment designed to absorb a fall.
(69) "Staff" means any person employed by the child care center.
(70) "Sterilized" means to boil infant bottles a minimum of five (5) minutes, and nipples, collars, and caps a minimum of three (3) minutes to rid them of micro-organisms.
(71) "Support staff" means service staff, such as cooks, maintenance persons, secretaries, and bus drivers.
(72) "Swimming pool" means any pool used for swimming that is more than twenty-four (24) inches in depth.
(73) "Time out" means an out of group activity for a child with adult supervision.
(74) "Toddler" means a child who is less than thirty (30) months of age and is able to walk consistently unassisted.
(75) "Unit block" means a solid wood block that comes in many shapes and sizes. The basic unit block is approximately five and one-half (5½) inches by two and three-fourths (2¾) inches by one and three-eighths (13/8) inches. All other blocks are proportional in length or width to this basic unit.
(76) "Visitor" means any person observing or assisting in the child care center for no compensation and for less than eight (8) hours per month.
(77) "Volunteer" means a person working or assisting in the child care center more than eight (8) hours per month who is not paid by the center.
(78) "Wading pool" means any pool used for wading that is twenty-four (24) inches or less in depth that meets the standards of 410 IAC 6-2.1.
(79) "Water" means water meeting the minimum water quality standards of 327 IAC 8-2.

(Division of Family Resources; 470 IAC 3-4.7-1; filed Aug 11, 2003, 3:00 p.m.: 27 IR 116; errata filed Nov 7, 2003, 2:45 p.m.: 27 IR 1184)

470 IAC 3-4.7-2 Licensing requirements

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 2. (a) All new construction shall have plan releases from both the DFBS and the ISDH prior to construction and licensing.

(b) Child care centers shall fully comply with all the rules of the FPBSC under 675 IAC that apply to child care centers, including, without limitation, rules concerning change of occupancy.

(c) The center shall submit a complete application including all required written documentation.

(d) The center shall submit a written plan for nutrition and food service and two (2) weeks of menus for approval by the division prior to licensure and thereafter as required by this rule.

(e) The center shall submit a written health program form for approval by the division prior to licensure and thereafter as required by this rule.

(f) The building shall pass on-site inspections prior to licensure and license renewals.
(g) The attendance at the child care center shall not at any time exceed the capacity approved by the division.
(h) The child care center may only provide care to children of the age approved by the division and the DFBS.
(i) The child care center shall not operate in an area where conditions exist that could be injurious to the welfare of children.
(j) The child care center shall meet the zoning requirements of their locale. *(Division of Family Resources; 470 IAC 3-4.7-2; filed Aug 11, 2003, 3:00 p.m.: 27 IR 119; errata filed Nov 7, 2003, 2:45 p.m.: 27 IR 1184)*

470 IAC 3-4.7-3 Child care center license

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 3. (a) The license is not transferable to another person, organization, or sponsor.
(b) The license is only valid for the address shown on the license.
(c) The center shall post the license in a conspicuous place that parents regularly view.
(d) Only areas licensed and approved by the division may be used by the licensed child care center.
(e) The center must file an application and obtain a new license prior to any of the following:
(1) Expanding their services.
(2) Changing the age of children served.
(3) Increasing their licensing capacity.
(Division of Family Resources; 470 IAC 3-4.7-3; filed Aug 11, 2003, 3:00 p.m.: 27 IR 119)

470 IAC 3-4.7-4 Application required

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 4. A center shall file an application under any of the following conditions:
(1) Prior to initial licensure.
(2) A minimum of sixty (60) days prior to the expiration of a current license.
(3) When an application for license has been voluntarily withdrawn and the center wishes to reapply.
(4) If more than one (1) year has lapsed since filing the initial application and the child care center has not met sufficient standards to qualify for a provisional license.
(5) There is a change of address of the child care center.
(6) There is a change of name, ownership, or corporate status of the center.
(Division of Family Resources; 470 IAC 3-4.7-4; filed Aug 11, 2003, 3:00 p.m.: 27 IR 119)

470 IAC 3-4.7-5 Application for change of license

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 5. (a) When a licensed child care center seeks to change its name or corporate status, the following must occur:
(1) The center must complete a new application reflecting the revised status.
(2) The governing body or its representative must sign and submit the application to the division thirty (30) days prior to the effective date of the changes.
(3) The center must attach amended articles of incorporation.
(b) When a licensed child care center has a change of ownership, the following must occur:
(1) The new owner shall submit a new application reflecting the revised status and any changes in operation.
(2) The owner must provide proof of ownership (bill of sale) within ten (10) days of finalization of the sale.
(3) After receiving the application, the division may grant a six (6) month provisional license to the new owner, in order to give the new owner time to obtain regular licensure.
(Division of Family Resources; 470 IAC 3-4.7-5; filed Aug 11, 2003, 3:00 p.m.: 27 IR 119)

470 IAC 3-4.7-6 Revocation or denial of license

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 6. If a child care center license is revoked or denied, the licensee may reapply for licensure by the division, except when prohibited by court order. *(Division of Family Resources; 470 IAC 3-4.7-6; filed Aug 11, 2003, 3:00 p.m.: 27 IR 120)*

470 IAC 3-4.7-7 Civil penalties

Authority: IC 12-13-5-3
Affected: IC 12-17.2-2-3; IC 12-17.2-4

Sec. 7. (a) The division may impose civil penalties whenever the following occurs:

(1) The center knowingly operates without a license and the loss of the license or failure to obtain a license was due to the center's inability to meet licensing standards.

(2) The center fails to notify the division of serious occurrences as required by section 12 of this rule or fails to close the center after this notification, if directed by the division.

(3) The center receives a probationary license. The division may impose a fine for each probationary period at the time that the probationary license is issued.

(b) The division will notify the center in writing of a fine including the reason for the civil penalty and the amount of the fine.

(c) The payment by check shall be made out to the division "Child Care Fund" listed in IC 12-17.2-2-3.

(d) Failure to pay a fine may result in suspension or revocation of the child care license. *(Division of Family Resources; 470 IAC 3-4.7-7; filed Aug 11, 2003, 3:00 p.m.: 27 IR 120)*

470 IAC 3-4.7-8 Criminal history check; required actions

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 8. (a) Sufficient grounds exist to revoke or deny licensure if an owner or director commits any crime that would require that they be listed in any state or national registry that is intended to protect children from violent and sex offenders.

(b) Sufficient grounds exist to deny employment or to dismiss any employee if the employee commits any crime that would require that they be listed in any state or national registry that is intended to protect children from violent and sex offenders.

(c) If a criminal history check of an owner, director, employee, or volunteer shows that any of the following offenses has occurred, sufficient grounds exist to revoke or deny licensure, deny employment, or dismiss an employee, as applicable:

(1) Adoption schemes.
(2) Adulterating drugs, controlled substances, or preparations.
(3) Aiding or abetting the filing of false claims.
(4) Allowing an establishment to be used for illegal purposes.
(5) Any crime that involves a violent act or a threat of a violent act.
(6) Armed robbery.
(7) Arson.
(8) Assault.
(9) Attempts to commit armed robbery, burglary, or robbery.
(10) Attempts to commit criminal sexual conduct.
(11) Attempts to commit homicide or murder.
(12) Attempts to commit kidnaping.
(13) Battery.
(14) Bribery.
(15) Burglary.
(16) Child abuse, neglect, or exploitation.
(17) Concealing stolen property.
(18) Criminal sexual conduct in any degree.

(19) Cruelty toward or torture of any animal.
(20) Cruelty toward or torture of any person.
(21) Embezzlement.
(22) Extortion.
(23) Filing of false claims.
(24) Fraud.
(25) Homicide.
(26) Kidnaping.
(27) Larceny by conversion.
(28) Larceny by trick.
(29) Manslaughter.
(30) Mayhem.
(31) Murder.
(32) Negligent homicide.
(33) Obtaining property by false pretenses.
(34) Offenses involving narcotics, alcohol, or controlled substances that result in a felony conviction.
(35) Poisoning.
(36) Prostitution or related crimes.
(37) Receiving stolen property.
(38) Robbery.
(39) Unlawful manufacture or delivery of drugs or possession with intent to manufacture or deliver drugs.

(d) The center may request a waiver under subsection (c) based on the specific circumstances of the case, but a person shall not be employed by a center or a child care center approved for licensure unless the waiver is granted.

(e) The center shall notify the division immediately of any felony conviction that appears on a criminal history check or is otherwise known by the center.

(f) Any felony listed in subsection (c) is sufficient grounds to revoke or deny licensure and to dismiss any employee. Hiring an employee with felony convictions not listed in subsection (c) will require prior approval of the division.

(g) The division must approve any exceptions made under this section. *(Division of Family Resources; 470 IAC 3-4.7-8; filed Aug 11, 2003, 3:00 p.m.: 27 IR 120)*

470 IAC 3-4.7-9 Inspections

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 9. (a) The division may, at any time, monitor, visit, or inspect the child care center.

(b) The center shall provide the division access to the premises, personnel, children in care, and records.

(c) The center shall provide access to personnel from other state agencies or other persons who provide inspections at the request of the division.

(d) Failure to permit immediate access to the child care center may result in suspension or revocation of the child care license. *(Division of Family Resources; 470 IAC 3-4.7-9; filed Aug 11, 2003, 3:00 p.m.: 27 IR 121)*

470 IAC 3-4.7-10 Emergency closure of child care centers

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 10. (a) When conditions arise that make the building unsafe, the center must take immediate action to provide for the safety and well-being of children and staff. Unsafe conditions include, but are not limited to, the following:

(1) Building damage due to:
(A) earthquake;
(B) flooding or water damage;
(C) tornado;

(D) severe wind;
(E) ice storm; or
(F) fire.

(2) Sewage problems as follows:
(A) Sewage backup.
(B) Toilets cannot be flushed or are overflowing.
(C) Sewage system is not operating properly.

(3) Inadequate or unsafe water supply as follows:
(A) Contaminated water supply.
(B) Water supply not functioning.

(4) No electricity to the building.

(5) Heating system problems.

(6) Gas, carbon monoxide, or other noxious gases leak.

(7) Filthy conditions.

(8) Rodent, roach, or vermin infestation.

(9) Building renovation occurring in a room or area occupied by children.

(b) All centers shall have a written plan for correcting the conditions listed in subsection (a) and must inform parents when such conditions exist. The child care center may be required to close until the situation is corrected.

(c) The center must report any of the conditions listed in subsection (a) to the division as soon as the children have been removed to safety or sent home.

(d) If closure is necessary for one (1) of the conditions listed in subsection (a), a child care center may not reopen without division approval. This approval will be contingent on one (1) or more of the following:

(1) Inspections and approval of the building by the division or the SFM.

(2) Division receipt of two (2) satisfactory water sample reports twenty-four (24) hours apart for private wells or approval by municipal system.

(3) Other verification of correction of the problem necessitating the closure.

(Division of Family Resources; 470 IAC 3-4.7-10; filed Aug 11, 2003, 3:00 p.m.: 27 IR 121)

470 IAC 3-4.7-11 Reporting requirements; general

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 11. (a) The governing body, or others designated to represent the child care center, shall immediately notify the division, in writing, of the following:

(1) Change in the name of licensee.

(2) Change in the name of the child care center.

(3) Change in the location of the child care center prior to relocation.

(4) Change in the number of children to be cared for, if in excess of the number authorized in the license, prior to the acceptance of the additional children.

(5) Change in the ages of children to be cared for, when the change includes the care for children above or below the ages as authorized in the license, prior to the acceptance of the child or children.

(6) Change in the hours of operation, after 6 p.m. and before 6 a.m.

(7) The closing of the child care center operation and the effective date.

(8) Alterations or construction that changes room sizes or adds space to the child care center prior to construction.

(9) Change in the use of rooms, especially regarding infants, toddlers, and twos, unless the room has previously been approved for the particular new use.

(10) Employment of a new director.

(11) Any damage caused by fire or natural disaster that occurs on the premises of the child care center.

(12) Any sign of failure of the septic system or an unsatisfactory water report.

(13) Absence of electricity, heat, or approved water supply to the child care center for longer than one (1) hour.

(14) Any serious child injury, occurring while the child is in the care of child care center caregivers, that requires medical

attention by:

(A) a dentist;

(B) a physician;

(C) emergency room personnel;

(D) an ambulance attendant; or

(E) any other medical personnel;

shall be reported on forms provided by the division.

(15) The death of any child that occurred while the child was on the premises of the child care center or while in the care of child care center caregivers.

(16) Any arrest of the director or an employee for either of the following offenses:

(A) A felony.

(B) A misdemeanor relating to the health and safety of children.

(17) If notice is received of any legal action against the child care center.

(b) Failure to report any of subsection (a) within five (5) calendar days may result in probation, suspension, or revocation of the child care center license. *(Division of Family Resources; 470 IAC 3-4.7-11; filed Aug 11, 2003, 3:00 p.m.: 27 IR 121)*

470 IAC 3-4.7-12 Reporting requirements; serious occurrences

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 12. (a) The center shall verbally report immediately to the affected child's parent and to the division any serious occurrences involving any child. These occurrences include, but are not limited to, the following:

(1) Serious injury requiring hospitalization.

(2) Death.

(3) Arrest of child care personnel.

(4) Alleged abuse or neglect by child care center personnel.

(5) Fire or natural disaster at the child care center.

(6) Any noxious gas leak.

(7) A lack of electrical power, water, or sewer.

(8) Unsatisfactory water sample.

(b) Child care center authorities shall confirm verbal reports to the division, in writing, within five (5) days of the occurrence unless otherwise directed by the division. *(Division of Family Resources; 470 IAC 3-4.7-12; filed Aug 11, 2003, 3:00 p.m.: 27 IR 122)*

470 IAC 3-4.7-13 Reporting child abuse or neglect

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 13. (a) The center shall at all times maintain the confidentiality of all information obtained regarding the suspected abuse or neglect of a child.

(b) During the first two (2) weeks of employment, all staff shall receive documented training in recognizing and reporting child abuse and neglect. The director shall update this training annually.

(c) A center shall not employ or utilize the services of a person known by the division and reported to the center as a substantiated perpetrator of child abuse or neglect.

(d) The center shall develop written guidelines for reporting suspected child abuse or neglect and include in staff training.

(e) The director and all staff shall refrain from questioning children and suspected perpetrators beyond gathering information to report the suspected abuse or neglect to child protective services.

(f) Staff shall immediately report suspected child abuse or neglect as follows:

(1) If the alleged abuse or neglect occurred while the child was under the care of the child care center or the center receives a complaint from anyone regarding possible abuse or neglect of a child by a staff member, they or the director must immediately call the institutional abuse hotline or a law enforcement agency and self-report the suspected abuse or neglect.

The statewide institutional abuse phone number is 1-800-562-2407.

(2) If the alleged abuse or neglect occurred while the child was not under the care of the child care center, staff shall immediately report suspected abuse or neglect to the county child protective services. The statewide phone number is 1-800-800-5556.

(g) Reporting suspicions to the director or other supervisory personnel does not relieve the individual staff of their responsibility to report directly to child protective services.

(h) The center shall dismiss the employee or volunteer if the child protective services investigation substantiates the abuse or neglect. *(Division of Family Resources; 470 IAC 3-4.7-13; filed Aug 11, 2003, 3:00 p.m.: 27 IR 122)*

470 IAC 3-4.7-14 Reporting communicable disease

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 14. (a) When staff suspect that a child may have a communicable disease, the director shall notify the child's parent or guardian.

(b) When more than one (1) child in the child care center has been diagnosed with a communicable disease, the center shall take the following action:

(1) The center shall immediately notify all parents of the children and all staff members that have been exposed by posting a notice in a conspicuous place in the child care center or by giving a personal note to each parent and staff member.

(2) The center shall call one (1) or more of the following:

(A) The local health department for consultation.
(B) The division's child care health section.
(C) The child care center's health consultant.

(Division of Family Resources; 470 IAC 3-4.7-14; filed Aug 11, 2003, 3:00 p.m.: 27 IR 123)

470 IAC 3-4.7-15 Personnel policies

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 15. (a) The center shall have written personnel policies available to staff at all times.

(b) The center shall establish and maintain a written policy that prohibits smoking on the child care premises.

(c) The center's written personnel policies shall address the following health hazards for child care:

(1) Infectious disease, including, but not limited to, the following:

(A) Hepatitis A.
(B) Cytomegalovirus (CMV).
(C) Chicken pox.
(D) Rubella.
(E) Measles.
(F) Pertussis (whooping cough).
(G) Fifth disease.
(H) Influenza.
(I) Tuberculosis.
(J) Shigellosis.
(K) Giardiasis.
(L) Meningococcal disease.
(M) Group A streptococcus.
(N) Ringworm.
(O) Scabies.
(P) Lice.
(Q) Herpes.
(R) Cryptosporidiosis.

(S) Diarrhea caused by escherichia coli (E. coli).
(T) Rotavirus.
(U) Campylobacterium.
(V) Salmonella.
(W) Diarrhea and vomiting.

(2) Injuries and noninfectious diseases, including, but not limited to, the following:
(A) Back injuries.
(B) Bites.
(C) Dermatitis.

(3) Stress.

(4) Environmental exposures, including, but not limited to, the following:
(A) Art materials.
(B) Formaldehyde (indoor air pollution).
(C) Noise.
(D) Disinfecting solutions.
(E) Latex.

(Division of Family Resources; 470 IAC 3-4.7-15; filed Aug 11, 2003, 3:00 p.m.: 27 IR 123)

470 IAC 3-4.7-16 Enrollment policies

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 16. The director shall discuss and give the following information, in writing, to the parent at the time of the child's enrollment:

(1) The name of the persons legally responsible for the child care center.
(2) Description of the program.
(3) Policy regarding children who are left past closing time.
(4) Provisions for emergency medical care.
(5) Provisions for treatment of illness.
(6) Policy regarding visits, field trips, or excursions off the premises.
(7) Policy regarding the child care center's abuse and neglect reporting responsibilities.
(8) Policy regarding the release of a child to an intoxicated or impaired person.
(9) The discipline policies of the center.
(10) A statement that the child will be released only to a parent, legal guardian, or other person authorized by the parent who has proper identification.
(11) A statement that persons bringing or picking up the child shall be responsible to notify a staff member of the child's arrival or departure and that the person shall in some manner sign the child in and out by name and time of arrival and departure.
(12) A statement regarding the necessity of a health examination for the child, including up-to-date immunizations.

(Division of Family Resources; 470 IAC 3-4.7-16; filed Aug 11, 2003, 3:00 p.m.: 27 IR 123)

470 IAC 3-4.7-17 Admission, discharge, arrival, and departure policies

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 17. (a) The center shall provide the parent explicit, documented, formal written reasons for refusal to admit or provide care to a child.

(b) Staff shall require any person picking up a child, and not known by the caregiver, to provide identification.

(c) If a court order exists preventing a particular individual from having contact with a child, the center shall comply with the order. The center shall keep a copy of the court order on file.

(d) If an intoxicated or impaired person insists on removing children from the care of a licensed child care center, the center shall immediately report the incident to the local police agency.

(e) Unscheduled visits by a custodial parent or guardian of a child shall be permitted at any time the child care center is in operation. *(Division of Family Resources; 470 IAC 3-4.7-17; filed Aug 11, 2003, 3:00 p.m.: 27 IR 124)*

470 IAC 3-4.7-18 Parent communication

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 18. (a) At the time of admission, the center shall obtain, from the parent, information about the child to assist the center in meeting the daily needs of the child.

(b) Caregivers shall have periodic interviews with the parent to assure consistency of child care and mutual awareness of the child's progress, development, and problems.

(c) Caregivers shall inform the parent of any important information regarding their child on the day of occurrence.

(d) Centers shall forward to parents and staff information or handouts provided by the division regarding inclusion, rules, and other child care information. *(Division of Family Resources; 470 IAC 3-4.7-18; filed Aug 11, 2003, 3:00 p.m.: 27 IR 124)*

470 IAC 3-4.7-19 Posted items

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 19. (a) The following items shall be prominently posted in a place regularly viewed by parents:

(1) The license.

(2) The name of the director and name of the person in charge in the director's absence.

(3) A child/staff ratio chart.

(4) Weekly menus.

(5) Prohibitions against:

(A) smoking;

(B) use of alcohol;

(C) use or possession of firearms, unless required as a condition of employment; and

(D) use or possession of illegal substances or unauthorized potentially toxic substances;

in the child care center.

(6) The telephone number of the division's licensing office.

(b) The center shall post the following items:

(1) Hand washing procedures at each adult sink area.

(2) Diaper changing procedures at each diaper changing area.

(3) A copy of infant feeding plans in each infant room.

(4) Procedures for bottle sterilization, where this occurs.

(5) Fire and emergency disaster routes in each child care room.

(6) Disaster and shelter procedures in each child care room.

(7) Dish washing procedures, where this occurs.

(8) Instructions for mixing and use of sanitizing solutions for cots, tables, toys, dish washing, and diaper changing areas, where the solution is prepared.

(9) Approved first aid directives in each child care area.

(10) Cleaning schedules in all food storage, preparation, and service areas.

(c) Staff shall post by the telephone the name and address of the child care center and a list of emergency telephone numbers as follows:

(1) Fire department.

(2) Police department.

(3) Ambulance.

(4) Nearest hospital.

(5) Poison control.

(6) The county child protective services number, 1-800-800-5556.

(7) The institutional abuse hotline number, 1-800-562-2407.

(8) The child care information line, 1-877-511-1144.

(Division of Family Resources; 470 IAC 3-4.7-19; filed Aug 11, 2003, 3:00 p.m.: 27 IR 124; errata filed Nov 7, 2003, 2:45 p.m.: 27 IR 1184)

470 IAC 3-4.7-20 Insurance

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 20. The center shall carry the following insurance:

(1) Liability insurance.

(2) Insurance on any child care center owned or leased vehicle used to transport children while under the care of the center.

(Division of Family Resources; 470 IAC 3-4.7-20; filed Aug 11, 2003, 3:00 p.m.: 27 IR 125)

470 IAC 3-4.7-21 Director qualifications

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 21. (a) The director shall be a minimum of twenty-one (21) years of age.

(b) Each child care center must employ a qualified person to carry out the responsibilities of the director.

(c) The director shall meet one (1) of the following minimum education and experience qualifications:

(1) A bachelor of arts or bachelor of science degree from an accredited college or university in early childhood education or elementary education with a kindergarten endorsement and grades of C or better.

(2) Any bachelor of arts or bachelor of science degree from an accredited college or university must include one (1) of the following:

(A) Fifteen (15) credit hours in college level courses with documented content relating to the needs, skills, development, or teaching methods of children six (6) years of age or younger and grades of C or better.

(B) A CDA.

(3) A two (2) year associate's degree in early childhood education from an accredited college or university, with a grade of C or better and a minimum of three (3) years of experience in an early childhood program.

(d) All directors who were employed as a director prior to December 1, 1985, are exempt from the specific educational requirements for this position provided that his or her position continues as a director at that child care center. *(Division of Family Resources; 470 IAC 3-4.7-21; filed Aug 11, 2003, 3:00 p.m.: 27 IR 125)*

470 IAC 3-4.7-22 Director responsibilities

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 22. (a) The director shall work on site during the child care center's scheduled hours of operation a minimum of thirty (30) hours per week or fifty percent (50%) of the total weekly hours of operation, whichever is less. Required training or education away from the child care center may be counted time for this requirement.

(b) The director shall not permit other employment or activities, including teaching responsibilities, to interfere with the operation of the child care center.

(c) The director responsibilities shall include the following:

(1) The general planning and supervision of the developmentally appropriate program.

(2) Orientation of newly employed child caregivers.

(3) Supervision and evaluation of child caregivers.

(4) Ensuring that caregivers receive ongoing training.

(d) The director shall designate a responsible caregiver, at least twenty-one (21) years of age, to be in charge during any absences of the director and include the following:

(1) The director shall post his or her name and the name of the director-designee in a conspicuous place.

(2) The director-designee shall have the following qualifications:

(A) Knowledge of this rule to carry on normal operation of the child care center.

(B) A working understanding of office routine.

(C) Access to child and personnel files.

(D) The ability to communicate with the staff from the various state regulatory agencies.

(E) Training and ability to handle all emergency procedures and routines.

(Division of Family Resources; 470 IAC 3-4.7-22; filed Aug 11, 2003, 3:00 p.m.: 27 IR 125)

470 IAC 3-4.7-23 Administrator responsibilities

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 23. (a) An administrator that is not the director may carry out the day-to-day operating responsibilities of child care centers.

(b) The administrator need not meet the education and experience requirements of the director.

(c) The administrator may carry out the following responsibilities:

(1) All personnel matters.

(2) Purchasing equipment and supplies.

(3) All fiscal matters.

(4) Supervision of maintenance.

(d) If an administrator is not employed, these duties are the responsibility of the director. *(Division of Family Resources; 470 IAC 3-4.7-23; filed Aug 11, 2003, 3:00 p.m.: 27 IR 125)*

470 IAC 3-4.7-24 Caregiver qualifications

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 24. All caregivers counted in child/staff ratios shall meet the following qualifications:

(1) They shall be at least eighteen (18) years of age.

(2) They shall have a high school diploma or shall have passed an equivalency test.

(3) They shall have reading skills to be able to read the following:

(A) Emergency information.

(B) Prescription labels.

(C) First aid and emergency evacuation directives.

(D) Menus.

(E) Medical information.

(F) Special dietary information.

(G) Intake information on children.

(4) They shall have writing skills to be able to document the following:

(A) Accident reports and significant occurrences.

(B) The time and administering of medication.

(C) Diapering and feeding information.

(D) The developmental progress of children.

(5) All early childhood professionals who were employed as a caregiver prior to December 1, 1985, are exempt from the specific educational requirements for this position provided that his or her position continues as an early childhood professional at that child care center.

(Division of Family Resources; 470 IAC 3-4.7-24; filed Aug 11, 2003, 3:00 p.m.: 27 IR 126)

470 IAC 3-4.7-25 Lead caregiver qualifications

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 25. (a) Lead caregivers shall have a minimum of one (1) of the following:

(1) A current CDA credential.

(2) A bachelor of arts or bachelor of science degree in early childhood education or elementary education with a kindergarten endorsement and grades of C or better from an accredited college or university.

(3) A bachelor of arts or bachelor of science degree from an accredited college or university that includes one (1) of the following:

(A) Fifteen (15) credit hours in college level courses with document content relating to the needs, skills, development, or teaching methods of children six (6) years of age or younger and grades of C or better.

(B) A two (2) year associate's degree in early childhood education from an accredited college or university, with a grade of C or better.

(b) Lead caregivers that do not meet these qualifications shall:

(1) have eight (8) hours additional in-service training per year appropriate to the age group with which the caregiver is working;

(2) enroll in one (1) of the educational programs listed in subsection (a) within one (1) year of becoming a lead caregiver; and

(3) provide documentation showing successful completion of at least six (6) credit hours per year.

(Division of Family Resources; 470 IAC 3-4.7-25; filed Aug 11, 2003, 3:00 p.m.: 27 IR 126)

470 IAC 3-4.7-26 Lead caregiver responsibilities

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 26. Lead caregivers are responsible for the following:

(1) The classroom management for one (1) group of children.

(2) The daily planning for one (1) group of children.

(Division of Family Resources; 470 IAC 3-4.7-26; filed Aug 11, 2003, 3:00 p.m.: 27 IR 126)

470 IAC 3-4.7-27 Support staff

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 27. (a) Support staff shall complete orientation and ongoing training to carry out their assigned responsibilities.

(b) Support staff are exempt from educational requirements.

(c) When support staff are counted in child/staff ratios, they shall meet all the qualifications of the caregiver. *(Division of Family Resources; 470 IAC 3-4.7-27; filed Aug 11, 2003, 3:00 p.m.: 27 IR 126)*

470 IAC 3-4.7-28 Substitutes

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 28. Substitutes shall meet the minimum caregiver qualifications. *(Division of Family Resources; 470 IAC 3-4.7-28; filed Aug 11, 2003, 3:00 p.m.: 27 IR 126)*

470 IAC 3-4.7-29 Volunteers

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 29. Volunteers may serve in any capacity for which they are qualified, but may not be left alone with a group of children. *(Division of Family Resources; 470 IAC 3-4.7-29; filed Aug 11, 2003, 3:00 p.m.: 27 IR 126)*

470 IAC 3-4.7-30 Early childhood practicum students

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 30. (a) Centers may count early childhood practicum students under eighteen (18) years of age in child/staff ratios with the following conditions:

(1) They attend a high school early childhood program.

(2) They are seventeen (17) years of age or sixteen (16) years of age if working at their on-site vocational child care center.

(3) They are assigned to a lead caregiver who provides supervision at all times.

(4) They are never left alone with a group of children.

(5) They are not counted in the child/staff ratio of infant or toddler rooms.

(b) Early childhood practicum students from colleges or universities may serve in any capacity for which they are qualified. *(Division of Family Resources; 470 IAC 3-4.7-30; filed Aug 11, 2003, 3:00 p.m.: 27 IR 126)*

470 IAC 3-4.7-31 Visitors

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 31. Visitors are exempt from all qualification requirements, but may not be left alone with children or be counted in child/staff ratios. *(Division of Family Resources; 470 IAC 3-4.7-31; filed Aug 11, 2003, 3:00 p.m.: 27 IR 127)*

470 IAC 3-4.7-32 Staff orientation

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 32. (a) Prior to having direct contact with children or food, the following training or information shall be provided to all staff and volunteers according to the specific responsibilities assigned to that particular staff member or volunteer:

(1) The names, ages, and any specific needs of the children for whom the caregiver will be responsible.

(2) The center's policy on confidentiality of children's records.

(3) The center's child discipline policy.

(4) Meal patterns and food handling policies of the center.

(5) Emergency evacuation procedures.

(6) General health policies and procedures, including, but not limited to, the following:

(A) Division-approved hand washing techniques.

(B) Division-approved diapering techniques.

(C) All policies and documentation procedures for dispensing approved medication to children.

(D) Procedures for feeding infants and toddlers, including formula preparation.

(7) Training in universal precautions. A person trained annually in universal precautions shall repeat this training annually for all child care staff and include the following topics:

(A) Blood borne diseases and their transmission, work practice controls, and the use of personal protective equipment as required by the OSHA and ISDH.

(B) Procedures for documenting and handling incidents in which staff are directly exposed to contact with blood.

(8) The health hazards listed in section 15(c) of this rule.

(b) During the first two (2) weeks of employment, all staff and volunteers shall have the following training or information provided according to their individual responsibilities:

(1) Developmentally appropriate practices in the early childhood program.

(2) The goals and philosophy of the center.

(3) Daily schedules, routines, and transition procedures.

(4) Parent communication policies.

(5) Child abuse detection, prevention, and reporting responsibilities (see section 13 of this rule).

(6) Recognizing symptoms of illness.

(7) Cleaning, sanitation, and disinfection procedures.
(8) Special needs inclusion policies.
(9) Training specific to the special needs of children under their care.
(10) The center's confidentiality policy.
(11) All aspects of this rule.

(c) Documentation shall be available at the child care center showing that all applicable orientation topics are covered and the dates of when the training was provided. *(Division of Family Resources; 470 IAC 3-4.7-32; filed Aug 11, 2003, 3:00 p.m.: 27 IR 127)*

470 IAC 3-4.7-33 Basic first aid training

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 33. All caregivers and other persons counted in child/staff ratios shall have training in basic first aid as follows:
(1) Prior to opening a child care center, at least one (1) caregiver shall have current training or the expiration date shall be no later than three (3) years from the training date in the administration of basic first aid and be on duty at all times. Additionally, all infant and toddler staff shall have current training in basic first aid.
(2) Except as stated in subdivision (1), training for all other staff shall be completed within six (6) months of employment and at least every three (3) years thereafter.
(3) Basic first aid training shall include rescue breathing and first aid for choking and shall be consistent with basic first aid training developed by the American Red Cross or the National Safety Council for First Aid Training Institute.
(4) The offered first aid instruction shall include, but not be limited to, the following:
(A) Hemorrhage.
(B) Poisoning.
(C) Choking.
(D) Shock.
(E) Seizures.
(F) Head injuries.
(G) Artificial respiration.
(5) Written records of current certification of first aid training shall be maintained at the child care center for at least three (3) years.

(Division of Family Resources; 470 IAC 3-4.7-33; filed Aug 11, 2003, 3:00 p.m.: 27 IR 127)

470 IAC 3-4.7-34 Cardiopulmonary resuscitation training

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 34. Staff shall have training in cardiopulmonary resuscitation (CPR) as follows:
(1) At least one (1) caregiver must be trained annually in pediatric CPR and shall be present within the licensed area of the child care center during all hours of operation and with children on field trips.
(2) In child care centers licensed for infants or toddlers, all infant and toddler caregivers shall be trained annually in infant or pediatric CPR as appropriate.
(3) Training in CPR shall be appropriate to the age of the children for which the child care center is licensed. Training in adult CPR is required if children eight (8) years of age or older are present.
(4) The course shall be based on current guidelines for CPR and emergency cardiac care as published in the Journal of American Medical Association (JAMA).
(5) All staff members shall be informed of which employees are trained in CPR and how to obtain the trained employee's assistance in an emergency.
(6) Written records of annual training in CPR shall be maintained at the child care center for three (3) years.

(Division of Family Resources; 470 IAC 3-4.7-34; filed Aug 11, 2003, 3:00 p.m.: 27 IR 128; errata filed Nov 7, 2003, 2:45 p.m.: 27 IR 1184)

470 IAC 3-4.7-35 In-service staff training

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 35. (a) In addition to first aid, cardiopulmonary resuscitation (CPR), universal precautions, and life saving certification, all directors and persons counted in child/staff ratios shall have, on an annual basis, a minimum of twelve (12) clock hours of in-service training as follows:

(1) The director shall receive training in each of the following categories:
- (A) Administrative issues.
- (B) Curriculum and developmentally appropriate practices.
- (C) Health, nutrition, sanitation, and safety.

(2) Caregivers shall receive training in each of the following categories:
- (A) Positive classroom management and discipline.
- (B) Developmentally appropriate practices and curriculum.
- (C) Child development.
- (D) Health, nutrition, sanitation, and safety.

(3) Training may include, but is not limited to:
- (A) workshops;
- (B) formal education;
- (C) videos;
- (D) training by consultants; or
- (E) educational programs provided for staff by the director or director designated training facilitators.

(4) The documentation of reading of early childhood educational literature shall require a written summary and shall not count as more than two (2) hours of training per year.

(5) Lead caregivers, who do not meet the educational qualifications, shall have an additional eight (8) hours of in-service training per year.

(6) Training shall be appropriate to the age group with which the caregiver is working.

(7) Caregivers shall measure training on an annual basis. New caregivers shall average one (1) hour of training per month during the first year of service.

(8) Each caregiver's file or a separate staff training file shall contain the following written documentation of all in-service training:
- (A) Date of training.
- (B) Number of clock hours of training.
- (C) Type of training.
- (D) Content of the training.
- (E) Name and credentials of trainer.

(b) Child care centers that have a swimming pool or built-in wading pool shall have at least one (1) person present, whenever the pool is in use, who is trained in age-appropriate CPR, basic water safety, and has a valid Red Cross advanced life saving certificate. Caregivers shall maintain documentation of training in the appropriate person's file at the child care center for three (3) years.

(c) Caregivers in child care centers serving children with special needs shall have orientation and continuing training based on the special needs of the children in their care. If applicable, this training shall be in accordance with the child's IFSP (birth to two (2) years of age) or the child's IEP (three (3) years of age or older). *(Division of Family Resources; 470 IAC 3-4.7-35; filed Aug 11, 2003, 3:00 p.m.: 27 IR 128)*

470 IAC 3-4.7-36 Children's admission records

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 36. A written application for admission of each child, signed by the child's parent, shall be on file at the child care center prior to admission and shall include the following:

(1) The child's full name, address, and sex.
(2) The name of parent, address, and telephone number.
(3) The child's date of birth, verified by a copy of the child's birth certificate or other legal proof of age.
(4) Information regarding the child's social, emotional, cognitive, and physical development.
(5) A copy of any relevant court orders that affect the child to be enrolled.
(6) Place of employment and working hours of the parent and the employer's address and telephone number.
(7) The name, address, and telephone number of the child's physician and dentist to call in emergencies.
(8) The name, address, and telephone number of any person, other than the parent, authorized to remove the child from the premises.
(9) The name, address, and telephone number of responsible person who may be called to come for the child in case of illness or other emergency if the parent cannot be reached.
(10) The date of admission.

(Division of Family Resources; 470 IAC 3-4.7-36; filed Aug 11, 2003, 3:00 p.m.: 27 IR 128)

470 IAC 3-4.7-37 Signed consent forms

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 37. Each child's record shall contain the following consents signed by the parent:
(1) Emergency medical authorization to provide transportation and obtain medical treatment for children when the parent cannot be contacted. This authorization shall also be in the emergency information file.
(2) Written permission to participate in extracurricular activities, whether on or off the child care center premises for children participating in the activity.

(Division of Family Resources; 470 IAC 3-4.7-37; filed Aug 11, 2003, 3:00 p.m.: 27 IR 129)

470 IAC 3-4.7-38 Children's health records

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 38. Within thirty (30) days of a child's enrollment, the child's health record shall contain the following:
(1) Physical examination verification form with physician's or nurse practitioner's signature dated no earlier than twelve (12) months prior to enrollment date.
(2) Current and complete record of immunization history showing month, day, and year of each immunization.

(Division of Family Resources; 470 IAC 3-4.7-38; filed Aug 11, 2003, 3:00 p.m.: 27 IR 129)

470 IAC 3-4.7-39 Children's injury records

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 39. (a) Written records shall be maintained for all injuries that occur while children are under the care of child care center caregivers, both on and off premises.
(b) On the day of occurrence, caregivers shall inform parents of minor injuries when they pick up their child. Minor injury reports shall be kept in the child's individual file or in a separate minor injury reporting file and shall be recorded showing the following:
(1) The date and time of the injury.
(2) How the injury occurred.
(3) A description of the injury.
(4) The treatment administered.
(c) Caregivers shall immediately report serious injury verbally to the parent. Caregivers shall record these injuries on forms supplied by the division and distributed as follows:
(1) One (1) copy of the report given to the parents.

(2) One (1) copy kept in the child's individual file.

(3) One (1) copy sent to the division.

(Division of Family Resources; 470 IAC 3-4.7-39; filed Aug 11, 2003, 3:00 p.m.: 27 IR 129)

470 IAC 3-4.7-40 Children's medication records

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 40. (a) Records regarding dispensing of medication to children shall be maintained at the child care center and shall contain the following:

(1) The child's name.

(2) The name of the medication.

(3) The dosage given.

(4) The date and time given.

(5) The full name of caregivers who administered medication.

(b) If a parent requested medication to be given and it was not administered, caregivers shall write the reason on the medication record.

(c) The center shall keep these records for a minimum of one (1) year. *(Division of Family Resources; 470 IAC 3-4.7-40; filed Aug 11, 2003, 3:00 p.m.: 27 IR 129)*

470 IAC 3-4.7-41 Staff, substitutes, and volunteer records

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 41. (a) Records, kept at the child care center, shall document the following for all current staff, substitutes, and volunteers:

(1) Application for employment.

(2) Qualifications.

(3) A statewide limited criminal history check completed by the Indiana state police.

(4) The name, address, and telephone number of the person, physician, or health facility to be contacted in the event of an emergency.

(5) An annual written evaluation of the employee's performance.

(6) Physical examination verification form with physician's or nurse practitioner's signature within thirty (30) days of employment dated no earlier than twelve (12) months prior to date of hire.

(7) Verification that staff is free of tuberculosis within thirty (30) days of employment and annually thereafter.

(8) In-service training.

(9) Dates of employment.

(b) Volunteers and support staff are exempt from documentation of qualifications, evaluations, and in-service training requirements. Volunteers who are counted in the child/staff ratio must meet all staff requirements. *(Division of Family Resources; 470 IAC 3-4.7-41; filed Aug 11, 2003, 3:00 p.m.: 27 IR 129)*

470 IAC 3-4.7-42 Emergency information file

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 42. Each center shall keep an emergency information file, separate from individual record files, and take it on field trips. It shall contain the following:

(1) Emergency numbers for police, fire, hospital, and ambulance.

(2) Emergency information for all staff, volunteers, student helpers, and children, including the following:

(A) The name and date of birth.

(B) The name and phone number of spouse, parent, physician, health facility, or other person to contact in an emergency.

(C) A signed authorization for emergency treatment. Parents shall sign this authorization for persons under eighteen (18)

years of age. Staff, eighteen (18) years of age or older, shall sign their own authorization.
(Division of Family Resources; 470 IAC 3-4.7-42; filed Aug 11, 2003, 3:00 p.m.: 27 IR 130)

470 IAC 3-4.7-43 General records

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 43. If applicable, the center shall have the following records available for review:
(1) All required well water test results.
(2) The daily temperature of vendor delivered potentially hazardous food.
(3) The most recent inspection records relevant to state fire marshal, IDEM water records for private wells, child care health, or general licensing inspections and the records relative to compliance, complaint, and investigation for the past three (3) years.
(Division of Family Resources; 470 IAC 3-4.7-43; filed Aug 11, 2003, 3:00 p.m.: 27 IR 130)

470 IAC 3-4.7-44 Confidentiality of records

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 44. (a) All information pertaining to the admission, health, family, or discharge of a child and each personnel record is confidential. The center may release the children's records to the parent of the child in question. The center may release the personnel records to the following:
(1) Persons authorized by the division.
(2) Child protective services personnel.
(3) Other agencies authorized by law.
(b) The director or administrator shall determine the limits for sharing confidential information with staff.
(c) The center shall have a written policy for protecting the confidentiality of medical and social information that is consistent with federal, state, and local laws.
(d) The center shall inform all staff of the confidentiality policy. *(Division of Family Resources; 470 IAC 3-4.7-44; filed Aug 11, 2003, 3:00 p.m.: 27 IR 130)*

470 IAC 3-4.7-45 Attendance records

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 45. Written attendance records shall be kept at the child care center, available for review for a minimum of one (1) year and shall document the following for all children, staff, and volunteers:
(1) Daily arrival and departure times.
(2) Dates of attendance.
(Division of Family Resources; 470 IAC 3-4.7-45; filed Aug 11, 2003, 3:00 p.m.: 27 IR 130)

470 IAC 3-4.7-46 Record retention

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 46. The center shall maintain personnel and children's records on grounds for a minimum of one (1) year after the end of service or care. *(Division of Family Resources; 470 IAC 3-4.7-46; filed Aug 11, 2003, 3:00 p.m.: 27 IR 130)*

470 IAC 3-4.7-47 Child/staff ratio chart

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 47. Directors shall prominently post the following child/staff ratio chart in each class area of the child care center and in the area where parents sign children in on a daily basis:

Age of the Youngest Child in the Group	Maximum Number of Children Supervised by One Caregiver	Maximum Number of Children in One Group
Infant	4	8
Toddler	5	10
2 years	5	10
30–36 months	7	14
3 years	10	20
4 years	12	24
5 years and older	15	30

(Division of Family Resources; 470 IAC 3-4.7-47; filed Aug 11, 2003, 3:00 p.m.: 27 IR 130)

470 IAC 3-4.7-48 Child/staff ratios and supervision

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 48. (a) Child/staff ratios shall be maintained during all hours of operation.

(b) When there is a combination of ages within a group of children, caregivers shall determine the ratio required by the age of the youngest child in the group. This includes opening and closing times.

(c) When determining the child/staff ratios, count only persons who are responsible for and directly engaged in supervising and implementing activities for children.

(d) Persons in the child care center with multiple roles, such as teacher/cook, teacher/director, or teacher/receptionist, shall be counted in child/staff ratios only while directly engaged with children.

(e) All children shall be under the direct supervision of a responsible caregiver at all times.

(f) Centers shall have a written policy that describes the steps caregivers shall take to correct inadequate ratios. Caregivers shall be aware of this policy.

(g) Caregivers shall promptly notify the director when ratios become deficient.

(h) The director or person in charge shall correct child/staff ratios immediately.

(i) Children of the director and staff members shall be counted in child/staff ratios and assigned to their appropriate age group.

(j) The center shall have at least two (2) adults present during all hours of operation.

(k) The center shall make arrangements so that if only one (1) adult is supervising a group of children, that adult has means available to communicate with other caregivers and summon assistance without leaving children unattended.

(l) The assignment of administrative, maintenance, and housekeeping duties shall not interfere with the direct supervision of children.

(m) The center shall make every effort to have substitutes visit the child care center to become generally familiar with the children and program in advance of the time they may be called to substitute. *(Division of Family Resources; 470 IAC 3-4.7-48; filed Aug 11, 2003, 3:00 p.m.: 27 IR 131)*

470 IAC 3-4.7-49 Child grouping policies

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 49. (a) Age grouping policies apply at all times except as in subsection (f).

(b) When mixing age groups, younger children shall be protected from aggressive older children.

(c) Caregivers may care for preschool children in the same group or area.

(d) Centers may group children thirty (30) to thirty-six (36) months of age with children three (3) years of age.

(e) When all the children two (2) *[sic., years]* of age in a group are at least thirty (30) months of age, the child/staff ratio is 7:1.

(f) Caregivers may group children three (3) years of age through school age together during the first and last hour of the child care center's operation provided the group size does not exceed the maximum group size for the youngest children in the group.

(g) Caregivers shall care for school age children in a clearly defined separate room/area. When mixing age groups, the group may not be larger than the square foot capacity of the room.

(h) The maximum number of children per class is also determined by available space.

(i) Centers licensed prior to the effective date of this rule may elect to have a maximum group size for children two (2) years of age of fifteen (15), provided they use the same room.

(j) Kindergarten age children may be mixed with either preschool or school age groups. *(Division of Family Resources; 470 IAC 3-4.7-49; filed Aug 11, 2003, 3:00 p.m.: 27 IR 131; errata filed Nov 7, 2003, 2:45 p.m.: 27 IR 1184)*

470 IAC 3-4.7-50 Grouping of children under 30 months of age

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 50. (a) In any group that has an infant or toddler, the maximum age range between the oldest and youngest child in the group shall be thirteen (13) months.

(b) Caregivers of infants and toddlers shall have the date of birth of all children in the room immediately available. *(Division of Family Resources; 470 IAC 3-4.7-50; filed Aug 11, 2003, 3:00 p.m.: 27 IR 132)*

470 IAC 3-4.7-51 Implementation of continuity of care

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 51. Centers shall make a reasonable effort to provide continuity of care for children under thirty (30) months of age. *(Division of Family Resources; 470 IAC 3-4.7-51; filed Aug 11, 2003, 3:00 p.m.: 27 IR 132)*

470 IAC 3-4.7-52 Alternative mixed age groupings

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 52. For the purpose of maintaining continuity of care, centers may mix children six (6) weeks of age to thirty-six (36) months of age in one (1) classroom under the following conditions:

(1) A child/staff ratio of 4:1 is maintained.

(2) The maximum group size is eight (8).

(3) Each group shall have no more than three (3) children under twelve (12) months of age.

(4) The center's program, furnishings, and equipment shall meet the developmentally appropriate needs of all the children in the room.

(Division of Family Resources; 470 IAC 3-4.7-52; filed Aug 11, 2003, 3:00 p.m.: 27 IR 132; errata filed Nov 7, 2003, 2:45 p.m.: 27 IR 1184)

470 IAC 3-4.7-53 Rest periods

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 53. (a) Caregivers shall provide a supervised rest period for children four (4) year of age and under after the noon meal and at any other time if requested by any age child. (This does not apply to children in attendance less than four (4) hours per day.)

(b) Children of all ages shall not rest or sleep on the floor. Staff shall provide cots for all children that rest as follows:

(1) Cots shall be firm, portable, easily sanitized, in good repair, and have the underside of the sleeping surface off the floor.

(2) Staff shall sanitize cots daily after each use. Staff may sanitize cots weekly if the same child uses the same cot each day. If staff sanitize cots weekly, they shall clearly identify assigned cots.

(3) Staff shall space cots at a minimum of two (2) feet apart on all sides, except where they touch a wall or other room divider.

(4) Aisles between cots shall be kept clear of all obstructions while the cots are occupied.

(5) Cots shall not block exits.

(c) The center shall assure that a cover is provided as follows for each child:
(1) The cover shall be clean, individually marked, and maintain comfort and warmth.
(2) The cover shall be washed at least weekly or promptly if soiled.
(3) If different children use the same cover, staff shall wash the cover between uses.
(4) Children's faces and heads shall be free from covering.
(d) The center shall provide individual storage so that one (1) child's cover does not touch the cover of another child.
(e) When resting, children shall lie in such a way that direct face-to-face situations are avoided.
(f) After thirty (30) minutes, caregivers shall provide supervised alternate activities for nonsleeping children.
(g) Caregivers shall permit sleeping children to awaken naturally at their own pace.
(h) During the rest period for children toddler age and older, caregivers may supervise children at fifty percent (50%) of the required child/staff ratio provided that:
(1) the required child/staff ratio is maintained on the premises;
(2) required caregivers are immediately accessible; and
(3) a minimum of fifty percent (50%) of the children in the class are asleep.
(i) The fifty percent (50%) reduction in child/staff ratios does not apply to infants.
(j) Caregivers shall supervise sleeping children and never leave them unattended.
(k) Rest areas shall have a minimum average of five (5) foot-candles of light in all areas.
(l) Caregivers shall make rest periods flexible based on discussions with the parent and the child's individual needs. *(Division of Family Resources; 470 IAC 3-4.7-53; filed Aug 11, 2003, 3:00 p.m.: 27 IR 132; errata filed Nov 7, 2003, 2:45 p.m.: 27 IR 1184)*

470 IAC 3-4.7-54 Positive discipline

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 54. (a) Caregivers shall use positive discipline.
(b) Caregivers shall do the following:
(1) Communicate to children using positive statements.
(2) Encourage children, with adult support, to use their own words and solutions in order to resolve their own interpersonal conflicts.
(3) Communicate with children by getting down to their eye level and talking to them in a calm quiet manner about what behavior is expected.
(Division of Family Resources; 470 IAC 3-4.7-54; filed Aug 11, 2003, 3:00 p.m.: 27 IR 133)

470 IAC 3-4.7-55 Inappropriate discipline

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 55. (a) Any person, while on child care center premises, shall not engage in or direct any of the following actions toward children:
(1) Inflict corporal punishment in any manner upon a child's body.
(2) Hit, spank, beat, shake, pinch, or any other measure that produces physical discomfort.
(3) Cruel, harsh, unusual, humiliating, or frightening methods of discipline, including threatening the use of physical punishment.
(4) Placement in a locked or dark room.
(5) Public or private humiliation, yelling, or abusive or profane language.
(b) Staff shall not associate disciplinary action or rewards with rest.
(c) Staff shall not associate disciplinary action with food or use food as a reward.
(d) Staff shall not associate disciplinary action or humiliate a child in regard to toileting.
(e) Caregivers shall not:
(1) use time out for any child less than three (3) years of age;
(2) use time out for any purpose other than to enable the child to regain control;

(3) physically restrain children except:

(A) when it is necessary to ensure their own safety or that of others; and

(B) only for as long as is necessary for control of the situation; and

(4) use punishment to correct unacceptable behavior.

(Division of Family Resources; 470 IAC 3-4.7-55; filed Aug 11, 2003, 3:00 p.m.: 27 IR 133; errata filed Nov 7, 2003, 2:45 p.m.: 27 IR 1184)

470 IAC 3-4.7-56 Discipline documentation

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 56. (a) The director shall formulate a child care center-wide written discipline policy and distribute the policy to parents and staff.

(b) Caregivers shall have ongoing communication between home and center regarding all aspects of the care of the child.

(c) Caregivers shall document any history of recurring discipline problems and subsequent formal parent conferences in the child's record.

(d) The center shall implement and document a specific plan of action with the child's parents for dealing with the child's unacceptable behavior. *(Division of Family Resources; 470 IAC 3-4.7-56; filed Aug 11, 2003, 3:00 p.m.: 27 IR 133)*

470 IAC 3-4.7-57 General program components

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 57. (a) Caregivers shall recognize each child as an individual whose personal privacy, choice of activities, and cultural, ethnic, and religious backgrounds are respected.

(b) Centers shall work to increase understanding of cultural, ethnic, and other differences.

(c) The curriculum and adults' interaction shall be responsive to individual differences in ability and interests. Caregivers shall design interactions and activities to develop children's positive feelings toward learning.

(d) Efficient planning and good caregiver communication during transition periods shall be used to avoid waiting periods between activities.

(e) Caregivers shall arrange learning areas, equipment, and materials so children can work undisturbed either individually or in small groups.

(f) Caregivers shall arrange equipment in orderly, clearly defined areas of interest with space in each area for children to see the various activities available to them.

(g) Caregivers shall provide children many opportunities to develop social skills, such as cooperating, helping, negotiating, and talking with others to solve interpersonal problems.

(h) Caregivers shall move among groups and individuals to facilitate children's involvement with materials and activities by asking questions, offering suggestions, or adding more complex materials or ideas to a situation.

(i) The center shall assign one (1) lead caregiver for each group of children. *(Division of Family Resources; 470 IAC 3-4.7-57; filed Aug 11, 2003, 3:00 p.m.: 27 IR 133)*

470 IAC 3-4.7-58 Basic schedule of activities

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 58. The center shall provide a written basic schedule of activities designed to meet the developmental needs of the children served. The center shall post a general outline of times and activities in each child care room and shall provide a schedule for the following:

(1) Meal times.

(2) Rest times.

(3) Indoor activities.

(4) Outdoor activities.

(Division of Family Resources; 470 IAC 3-4.7-58; filed Aug 11, 2003, 3:00 p.m.: 27 IR 134)

470 IAC 3-4.7-59 General program planning

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 59. All program planning shall provide the following:

(1) A caregiver-prepared environment for children to learn through active exploration and interaction with adults, other children, and materials.

(2) Encouragement and enhancement of expressive activities that include play, story telling, music, and dancing. A variety of art media is readily available for creative expression.

(3) Daily opportunities for children to use large muscle skills, learn about outdoor environments, and express themselves freely and loudly, except when the severity of the weather poses a safety hazard, the wind-chill temperature is below twenty-five (25) degrees Fahrenheit, or there is a health related reason documented by a parent or physician for a child to remain indoors. (For a period exceeding three (3) consecutive days a physician's statement is required.)

(4) Daily opportunities for children to develop small muscle skills through play activities.

(5) Opportunities for children to complete activities.

(6) Provision for privacy by arranging a small, quiet area that is easily accessible to the child who seeks or needs time to be alone.

(Division of Family Resources; 470 IAC 3-4.7-59; filed Aug 11, 2003, 3:00 p.m.: 27 IR 134)

470 IAC 3-4.7-60 Written program plans

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 60. Caregivers shall plan a daily, detailed written program, based on teacher observations, for each child care group. Caregivers shall always make this program available to parents and the division and provide the following:

(1) A description of how learning centers will be changed or enriched.

(2) A list of materials to be added to or removed from the specific learning areas.

(3) Activities to be used or discussed during circle and transition times.

(4) A description of any planned small or large group activities.

(5) Any special activities or field trips planned.

(Division of Family Resources; 470 IAC 3-4.7-60; filed Aug 11, 2003, 3:00 p.m.: 27 IR 134)

470 IAC 3-4.7-61 Literacy development

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 61. Caregivers shall foster language development and literacy by the following:

(1) Talking with children.

(2) Encouraging children to talk with each other by helping them to listen and respond.

(3) Modeling verbal expression and written language.

(4) Reading books and poems with children daily.

(5) Providing opportunities for children to read and explore with books.

(6) Creating activities which encourage children to participate in dramatic play and other experiences requiring communication.

(7) Providing methods and materials in which children can experiment with writing by drawing, copying, and inventing their own spelling.

(8) Extending literacy activities to all areas of the classroom.

(Division of Family Resources; 470 IAC 3-4.7-61; filed Aug 11, 2003, 3:00 p.m.: 27 IR 134)

470 IAC 3-4.7-62 Coping with separation

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 62. Caregivers shall help children to cope with the experience of separation from their parents by the following:

(1) The caregivers of the child care center shall encourage the parents to spend time in the child care center, to observe, and participate in experiences with their child. Caregivers shall design all aspects of the child care program to facilitate parental input and involvement.

(2) Caregivers shall permit children to bring reminders of home and family to the child care center.

(3) Caregivers shall help children play out themes of separation and reunion.

(4) Caregivers shall share information about the child's daily needs and activities with parents on a daily informal basis.

(5) Caregivers shall reassure children about their parent's return.

(Division of Family Resources; 470 IAC 3-4.7-62; filed Aug 11, 2003, 3:00 p.m.: 27 IR 134)

470 IAC 3-4.7-63 Educational equipment and materials

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 63. (a) The quantity and variety of learning center equipment and materials provided daily shall permit children to interact without conflict due to a lack of equipment.

(b) The center may combine learning centers. Materials from individual learning centers may overlap but the center shall count individual items only once.

(c) The following minimums shall be provided to each group to children two (2) years of age and older:

(1) Equipment and materials to supply the following learning centers:

(A) Art.
(B) Music/movement.
(C) Large muscle.
(D) Math/science/discovery.
(E) Manipulative/fine motor.
(F) Blocks.
(G) Quiet/individual.
(H) Dramatic play.
(I) Literacy.

(2) An art easel with paint and paper.

(3) A water/sand/alternative type of activity.

(4) A shatterproof mirror.

(5) A set of wooden unit blocks.

(6) Musical listening equipment.

(7) Musical instruments.

(d) Learning centers shall be within the class room/areas.

(e) All children in each class room/area shall have access to these learning centers regularly throughout the day.

(f) Children two (2) years of age shall have small climbing equipment that they can go in and out of, over, and around in their area.

(g) Centers shall have equipment storage as follows:

(1) Each child care learning center shall have stable, low, open shelves to house, display, and organize learning materials.

(2) Staff shall use these shelves or units to assist with creating division of learning centers.

(3) Staff shall store equipment on these shelves and within easy reach of the children at all times.

(h) The center shall clean and sanitize equipment and materials a minimum of once per week.

(i) All play equipment and materials shall be constructed and installed in a manner that is safe for use by children.

(j) All indoor gross motor equipment shall meet the Consumer Product Safety Commission's guidelines for safety surfaces.

(k) Projectile toys are prohibited.

(l) All toys and equipment shall be free of sharp edges or protrusions.

(m) Tricycles used by children shall be spokeless, steerable, of age-appropriate size, and have a low center of gravity.

(n) When riding bicycles, children shall wear safety helmets that meet national safety standards. *(Division of Family Resources; 470 IAC 3-4.7-63; filed Aug 11, 2003, 3:00 p.m.: 27 IR 135)*

470 IAC 3-4.7-64 Television

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 64. Television use in the classroom shall meet the following guidelines:

(1) All programs must be age-appropriate.

(2) All programs must be for educational purposes only and incorporated into lesson plans.

(3) Caregivers shall not require children to watch or sit in front of a television and shall offer other choices of activities.

(4) Caregivers shall maintain required room lighting.

(Division of Family Resources; 470 IAC 3-4.7-64; filed Aug 11, 2003, 3:00 p.m.: 27 IR 135)

470 IAC 3-4.7-65 Pets

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 65. Healthy household pets that present no danger to children are permitted on the premises under the following conditions:

(1) Dogs, cats, or potentially aggressive animals must be temperamentally suitable to be around children and shall only be permitted for infrequent visits and shall at all times be restrained by the adult owner or caretaker.

(2) Pets kept by the center shall be free from diseases with potential for transmission to humans.

(3) Dogs and cats must be vaccinated against rabies in accordance with state law.

(4) There shall be no ferrets, turtles, reptiles, psittacine birds (birds of the parrot family), or any wild or dangerous animals permitted in a child care center.

(5) Animals shall not roam freely and shall be housed in a manner that prevents injury to either the children or the animal.

(6) The center shall use sixteen (16) gauge screen or an equivalent enclosure to prevent children from putting their fingers in an animal cage or aquarium.

(7) Animal cages shall permit proper sanitation and have removable bottoms.

(8) Staff shall keep cages and aquariums clean and in sanitary condition.

(9) Staff and children shall wash their hands after handling, feeding, or cleaning pets or the pet's environment.

(Division of Family Resources; 470 IAC 3-4.7-65; filed Aug 11, 2003, 3:00 p.m.: 27 IR 135)

470 IAC 3-4.7-66 Playground and outdoor safety

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 66. The specific guidelines of the most current, "Handbook for Public Playground Safety", as published by the United States Consumer Product Safety Commission, Washington, D.C. 20207, shall be used to determine compliance with the following safety rules:

(1) Assembly, installation, and the anchoring process shall be completed in strict accordance with the manufacturer's specifications.

(2) All playground equipment shall meet the manufacturer's guidelines for age-appropriate size.

(3) All anchoring devices for playground equipment shall be installed four (4) inches below the playing surface.

(4) The center shall maintain all equipment in safe condition and make prompt repairs. Records shall document the date equipment is known to need repair, the actual date of repair, and the method of repair.

(5) All repairs and replacement of parts shall meet or exceed original equipment standards.

(6) The center shall install a shock absorbing surface with required depth for the critical height of the equipment and covering

the appropriate fall zone area under and around all playground equipment.

(7) The fall zones of adjacent equipment, two (2) feet or higher, shall not overlap.

(8) Climbing ropes shall be secured at both ends.

(9) Trampolines shall not be permitted.

(10) Wood parts shall be smooth and free from splinters.

(11) There shall be no accessible protrusions, projections, pinch, crush, or shearing points on equipment that could injure children or catch their clothing.

(12) Equipment components shall not form openings that could entrap a child's head.

(13) Guardrails and protective barriers shall be designed to prevent inadvertent falls from platforms. Equipment shall have vertical rather than horizontal pieces fill in the space below the top rail on barriers.

(14) All S-hooks shall be tightly closed.

(15) Swing seats shall have smooth rounded edges and not be made of wood, metal, or other hard material.

(16) Climbing equipment shall be designed so that children holding onto horizontal bars may not fall from a height of greater than eighteen (18) inches.

(17) Balance beams shall be less than twelve (12) inches high.

(18) Merry-go-round platforms shall be continuous with no openings.

(19) Sand, used as play space or ground cover, shall be covered when not in use or raked daily before use.

(Division of Family Resources; 470 IAC 3-4.7-66; filed Aug 11, 2003, 3:00 p.m.: 27 IR 136)

470 IAC 3-4.7-67 Critical height chart

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 67. The center shall use the reference table located in the "Handbook for Public Playground Safety" published by the Consumer Product Safety Commission and the manufacturer's guidelines to determine the depth of loose fill materials that will provide the necessary safety for equipment of various heights. *(Division of Family Resources; 470 IAC 3-4.7-67; filed Aug 11, 2003, 3:00 p.m.: 27 IR 136)*

470 IAC 3-4.7-68 Playground design

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 68. (a) The outdoor caregivers will interact with children in all areas of the playground and ensure that all children are visible at all times.

(b) The outdoor play area shall be safely enclosed, fenced, or protected from traffic by other natural barriers. Air compressors or other dangerous equipment in the outdoor play area shall be enclosed and inaccessible to children.

(c) The outdoor play area shall contain at least seventy-five (75) square feet for each child outdoors at any one (1) time.

(d) The outdoor play area shall be directly accessible from the indoor child care center. If this is not possible and children cross traffic areas, such as a street, alley, or parking lot, the following steps apply to crossing the area:

(1) No child shall cross a traffic area unassisted.

(2) Children shall wait at the edge of the traffic area.

(3) The caregiver shall move to the center of the traffic area and assure that no autos are present or that all traffic is stopped.

(4) The caregiver shall remain in the center of the traffic area until the last child has safely crossed the area.

(5) When crossing public streets or other areas regularly traveled, caregivers shall display a flag, "Stop" sign, or other effective sign designed to halt traffic while children cross the area.

(e) The outdoor play area and equipment shall be well drained and free from standing water. *(Division of Family Resources; 470 IAC 3-4.7-68; filed Aug 11, 2003, 3:00 p.m.: 27 IR 136)*

470 IAC 3-4.7-69 Playground and outdoor environment

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 69. (a) The playground shall be considered to be an outdoor classroom and an extension of the learning environment that meets curricular objectives by encouraging child-initiated, teacher-supported play activities.

(b) The center must organize active, physical activities separate from passive, quiet activities. *(Division of Family Resources; 470 IAC 3-4.7-69; filed Aug 11, 2003, 3:00 p.m.: 27 IR 137)*

470 IAC 3-4.7-70 Water play areas

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 70. (a) Staff shall maintain a one (1) to three (3) parts per million (ppm) chlorine solution, as verified by a pool test kit, or equivalent in water tables used for water play activities. Staff shall empty the water table daily and clean it with an approved sanitizing solution before being air-dried.

(b) Portable fill and draw pools are prohibited.

(c) When children swim in any permanently constructed private swimming pool, wading pool, or lake, owned by the child care center, center staff, relatives, parents, or others, while under the supervision of the child care center staff, the following rules apply:

(1) Pool equipment and chemical storage rooms shall be locked and inaccessible to children.

(2) Written parental permission shall be obtained and kept on file prior to a child participating in a swimming activity.

(3) Each swimming area must have a minimum of two (2) flotation devices.

(4) Child/staff ratios shall be twice the number required in this rule. The center may count employed lifeguards in child staff ratios.

(5) A person having a valid Red Cross advanced life saving certificate shall be on duty at all times when a swimming pool or lake is in use.

(6) At all times, when children are in the water, staff shall directly supervise children with a minimum of one (1) staff person at pool or lake side and another staff in the water with the children.

(7) All private lakes must have their water tested and approved for swimming.

(d) In addition, permanently constructed swimming or wading pools located on the premises of the child care center shall meet the following:

(1) The center must construct the pool in accordance with FPBSC rules under 675 IAC 20 and maintain it in accordance with ISDH rules under 410 IAC 6-2.1.

(2) The center must fence in all swimming and wading pool areas and keep the gate locked when the pool is not in use.

(3) The center must cover or empty swimming pools in the off season.

(e) When children are taken to public pools or lakes while under the supervision of the child care center, the following rules apply:

(1) Written parental permission shall be obtained and kept on file prior to a child participating in a swimming activity.

(2) Child/staff ratios shall be twice the number required in this rule. A center may count one (1) pool or lake lifeguard in the child/staff ratios for the child care center unless pool or lake policies prohibit.

(3) At all times, when children are in the water, staff shall directly supervise children with a minimum of one (1) staff person at pool or lake side and another staff in the water with the children.

(f) Staff shall not permit children to be in hot tubs, spas, or saunas. *(Division of Family Resources; 470 IAC 3-4.7-70; filed Aug 11, 2003, 3:00 p.m.: 27 IR 137; errata filed Nov 7, 2003, 2:45 p.m.: 27 IR 1184)*

470 IAC 3-4.7-71 Field trips

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 71. (a) The center shall comply with all sections of this rule during field trips.

(b) Caregivers shall account for all children before, during, and after field trips.

(c) The center shall obtain written parental permission for each child prior to participation in a field trip. *(Division of Family Resources; 470 IAC 3-4.7-71; filed Aug 11, 2003, 3:00 p.m.: 27 IR 137)*

470 IAC 3-4.7-72 Transportation in child care center owned or leased vehicles

Authority: IC 12-13-5-3
Affected: IC 9-19-11; IC 12-17.2-4

Sec. 72. The following rules apply to all center transportation of children in vehicles owned or leased by the center:

(1) The center shall assume responsibility for a child between the place where the child is picked up and the child care center, and from the time he or she leaves the child care center until he or she is delivered to his or her parent or the responsible person designated by his or her parents.

(2) The center shall do the following:

(A) Obtain signed parental permission to transport prior to providing transportation for a child.

(B) Maintain child/staff ratios when transporting children, except as in clause (C).

(C) When transporting more than twelve (12) children on a school bus or Head Start bus to and from school or home, have at least one (1) qualified caregiver not including the driver supervise the children.

(D) License any vehicle operated by the center in accordance with the laws of Indiana.

(E) Carry liability insurance to cover all passengers riding in the vehicle.

(F) Maintain vehicles in safe operating condition.

(G) Keep the vehicle clean and free of obstructions on the floors, seats, and rear window area.

(H) Present documentation that vehicles used in transporting children are appropriately licensed and maintained.

(I) Not transport more children than the manufacturer's rated passenger capacity.

(J) Not permit children to ride in the front seat of any vehicle.

(K) Post a sign in the vehicle stating that this is a smoke free vehicle.

(L) Check driver has proper license from bureau of motor vehicles on at least an annual basis.

(3) Staff shall comply with the following:

(A) Not leave children in any vehicle unattended.

(B) Load and unload children from the curbside of the vehicle.

(C) Not permit children to open and close the vehicle doors.

(D) Lock all passenger doors while the vehicle is in motion.

(E) Have in the vehicle emergency medical authorization for all children and emergency contact numbers for all occupants.

(4) The driver shall comply with the following:

(A) Be at least twenty-one (21) years of age and hold a proper license to operate the vehicle.

(B) Turn the vehicle off when loading or unloading children. (This does not apply to regulation school buses.)

(C) Seat all children in proper safety restraints to comply with IC 9-19-11 while the vehicle is in motion.

(D) Not have used alcohol within twelve (12) hours prior to transporting children.

(E) Not use illegal drugs.

(F) Ensure that any prescription drugs will not impair their ability to drive.

(G) Not have any medical conditions that would affect the driver's ability to safely operate the vehicle.

(5) The director or administrator shall require drug testing of employees when illegal drug use or alcohol use as in subdivision (4)(D) is suspected.

(6) Vehicle equipment shall include the following:

(A) A first aid kit, fire extinguisher, and blanket when transporting children.

(B) One (1) restraint per child.

(C) Door locks.

(7) When transporting a child in a wheelchair, vehicles shall accommodate the placement of wheelchairs with tie downs affixed according to the manufacturer's instructions.

(Division of Family Resources; 470 IAC 3-4.7-72; filed Aug 11, 2003, 3:00 p.m.: 27 IR 138)

470 IAC 3-4.7-73 Transportation in other vehicles

Authority: IC 12-13-5-3
Affected: IC 9-19-11; IC 12-17.2-4

Sec. 73. The following rules apply to all transportation of children while under the care of the child care center in vehicles not owned or leased by the center:

(1) The center shall assume responsibility for a child between the place where the child is picked up and the child care center, and from the time he leaves the child care center until he or she is delivered to his or her parent or the responsible person designated by his or her parents.

(2) The center shall do the following:

(A) Obtain signed parental permission to transport in a vehicle not owned by the center prior to providing transportation for a child.

(B) Maintain child/staff ratios when transporting children.

(C) Carry liability insurance to cover all children riding in the vehicle beyond the coverage provided by the vehicle owner.

(D) Not permit transportation of more children than the manufacturer's rated passenger capacity.

(E) Only permit children to be transported in vehicles that are smoke free.

(F) Not permit children to ride in the front seat of any vehicle.

(G) Assure that the driver is at least twenty-one (21) years of age and holds a proper license to operate the vehicle.

(3) Child care center staff shall instruct the driver of each vehicle to do the following:

(A) Not leave children in any vehicle unattended.

(B) Load and unload children from the curb side of the vehicle.

(C) Turn the vehicle off when loading or unloading children.

(D) Not permit children to open and close the vehicle doors.

(E) Lock all vehicle doors while the vehicle is in motion.

(4) Staff shall do the following:

(A) Visually inspect vehicles to assure they are in safe operating condition.

(B) Visually inspect vehicles to assure they are clean and free of obstructions on the floors, seats, and rear window area.

(C) Have in the vehicle emergency medical authorization for all children and emergency contact numbers for all occupants.

(D) Secure all children in proper safety restraints with one (1) child per restraint to comply with IC 9-19-11 while the vehicle is in motion.

(Division of Family Resources; 470 IAC 3-4.7-73; filed Aug 11, 2003, 3:00 p.m.: 27 IR 138)

470 IAC 3-4.7-74 Transportation to school

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 74. (a) If the center provides transportation for children to or from school, the center is responsible for the child during transportation.

(b) A child transported to school by the center shall never be left unattended outside the school building.

(c) The center shall establish a written transportation agreement between the parent and the center, including, but not limited to, the following:

(1) Clear definitions of legal responsibility.

(2) The time of the child's release from the school and the center.

(3) The means of transportation.

(4) Children leaving the center to go to school.

(5) Children leaving the school to go to the center.

(6) Children leaving school for regular school activities or visiting friends.

(7) Children leaving the child care center for extracurricular activities.

(d) A copy of this agreement shall be kept in each child's file. *(Division of Family Resources; 470 IAC 3-4.7-74; filed Aug 11, 2003, 3:00 p.m.: 27 IR 139)*

470 IAC 3-4.7-75 Food program

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 75. (a) Prior to initial licensure, the center shall submit a written plan for nutrition and food service for approval to the division on forms provided for this purpose.

(b) A written revised plan for nutrition and food service shall be submitted to the division for review and approval each time the food service plan undergoes any change as follows:

(1) A change in the licensee.

(2) The changing of vendors.

(3) The changing from vending to on-site food preparation and vice versa.

(4) The center requests a change in licensure to include the care of children under two (2) years of age.

(Division of Family Resources; 470 IAC 3-4.7-75; filed Aug 11, 2003, 3:00 p.m.: 27 IR 139)

470 IAC 3-4.7-76 Menus

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 76. (a) A current weekly menu shall be planned one (1) week in advance and posted as follows:

(1) In a conspicuous place for all parents to review.

(2) In the kitchen.

(b) Menus shall show serving sizes, specific food items, and serving times for all snacks and meals.

(c) Food service staff shall record menu changes as served and keep menus on file for one (1) month.

(d) A notation of any special dietary exceptions for children shall be posted in the kitchen and where meals and snacks are served. *(Division of Family Resources; 470 IAC 3-4.7-76; filed Aug 11, 2003, 3:00 p.m.: 27 IR 139; errata filed Nov 7, 2003, 2:45 p.m.: 27 IR 1184)*

470 IAC 3-4.7-77 Meal times

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 77. (a) A period of not less than two (2) hours and not more than three and one-half (3½) hours shall separate meals and snacks for children one (1) year of age and older. This does not apply between the hours of 9 p.m. and 6 a.m.

(b) If the child's attendance at the child care center coincides with any meals and snacks that are provided by the center, the child shall be served those meals and snacks.

(c) The center shall serve breakfast, a morning snack, lunch, and a mid-afternoon snack each day.

(d) Staff shall serve a snack to school age children when they arrive at the child care center after school.

(e) Staff are not required to serve meals to children that have already eaten that particular meal at another location. *(Division of Family Resources; 470 IAC 3-4.7-77; filed Aug 11, 2003, 3:00 p.m.: 27 IR 139)*

470 IAC 3-4.7-78 Meal components

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 78. (a) The center shall provide meals and snacks that meet dietary requirements in accordance with the division guidelines.

(b) Children eating both the noon meal and the evening meal at the child care center shall not be served the same food at both meals.

(c) The center shall not serve reconstituted dry milk or fat free milk to children.

(d) The center shall serve whole milk to children under two (2) years of age unless a physician orders a specific substitution.

(e) Liquid refreshments shall meet the following guidelines:

(1) All fruit juice shall be one hundred percent (100%) pure fruit juice with no sugar added.

(2) All noncitrus juice shall be fortified with vitamin C.

(3) The center shall not serve or have accessible to children ades, drinks, soft drinks, or powders.

(4) A competing beverage shall not be served with milk at lunch or dinner.

(f) Written, standardized recipes must be immediately available in the kitchen for all protein entree items on the menu. The recipe must be suitable for the number of children served at the child care center. The recipe must show the following:

(1) The amount of high protein food in ounces or pounds.

(2) The number of children to be served by the recipe.

(3) The serving size.

(g) Centers shall not offer foods that present a choking hazard to children under three (3) years of age, including, but not limited to, the following:

(1) Whole grapes.

(2) Hot dog rounds.

(3) Hard candy.

(4) Nuts.

(5) Seeds.

(6) Raw peas.

(7) Dried fruit.

(8) Pretzel nuggets.

(9) Chips.

(10) Popcorn.

(11) Marshmallows.

(12) Spoonfuls of peanut butter.

(13) Chunks of meat larger than children can swallow whole.

(Division of Family Resources; 470 IAC 3-4.7-78; filed Aug 11, 2003, 3:00 p.m.: 27 IR 140)

470 IAC 3-4.7-79 General meal guidelines

Authority: IC 12-13-5-3

Affected: IC 12-17.2-4

Sec. 79. (a) Caregivers shall plan a period of time away from the lunch table before the noon meal for children to participate in quiet or calming activities.

(b) Staff shall offer additional portions of food (at least two (2) different items) and milk to children at the noon and evening meals.

(c) Staff shall offer an additional portion of food and juice or milk at snacks.

(d) On the initial serving of any particular meal, staff shall serve children the full portions of all posted menu items at the same time.

(e) Correct food temperature and holding time shall be maintained for all food served to children.

(f) Food shall be covered during transport from kitchen.

(g) Staff shall permit children to eat promptly when they sit down.

(h) All food servers shall not touch ready-to-eat food with their bare hands.

(i) Adults shall assist, supervise, converse, and sit with the children during all meals and snacks in age relative groups, small enough in number to assure assistance and safety.

(j) Children shall be allowed to converse freely during meal times and snacks.

(k) If adults eat with the children, the center shall serve adults the same meal as the children.

(l) All food, not prepared at the child care center or provided by an approved vendor, must come in an unopened package from an approved food source.

(m) Eating utensils, dishes, glasses, chairs, and tables shall be suitable for the age, size, and developmental level of the children.

(n) The center shall use divided plates for children two (2) years of age and younger.

(o) The center shall not serve food items prepared in a home kitchen at any time, except with a physician’s written order for

a particular child's special diet.

(p) Packaged, ready-to-eat foods that are served to children must be discarded, if not consumed. *(Division of Family Resources; 470 IAC 3-4.7-79; filed Aug 11, 2003, 3:00 p.m.: 27 IR 140)*

470 IAC 3-4.7-80 Home style food service

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 80. (a) Staff shall ensure that food served home style is protected from contamination.

(b) Staff shall supervise children who handle or serve food.

(c) Staff shall ensure that each child receives the minimum required serving size of each meal component.

(d) Staff shall discard any food brought from the kitchen to be served that remains after the meal.

(e) Staff shall ensure that food is not exposed to sneezing, coughing, or drooling and that food is not touched by bare hands or clothing.

(f) Staff shall discard contaminated food and container and replace it with food from the kitchen before continuing service to other children. *(Division of Family Resources; 470 IAC 3-4.7-80; filed Aug 11, 2003, 3:00 p.m.: 27 IR 141)*

470 IAC 3-4.7-81 Picnics

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 81. (a) If staff serves picnic lunches to children under the care of the center, the lunch must conform to the menu guidelines for children who are on table food. The center or an approved vendor must provide picnic lunches.

(b) Centers shall comply with the following:

(1) Adjust menus accordingly, if juice is substituted for milk.

(2) Keep cold foods under forty-one (41) degrees Fahrenheit.

(3) Provide equipment to maintain hot foods at one hundred forty (140) degrees Fahrenheit or above.

(c) The following rules apply to cooking on an outdoor grill:

(1) The center shall keep grills at least ten (10) feet away from the building.

(2) Caregivers shall keep children at least fifteen (15) feet away from the grill. Gas or propane grills shall comply with all applicable rules of the FPBSC.

(3) Staff shall have an approved fire extinguisher readily available.

(Division of Family Resources; 470 IAC 3-4.7-81; filed Aug 11, 2003, 3:00 p.m.: 27 IR 141)

470 IAC 3-4.7-82 Special diets

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 82. (a) The center shall post information regarding children's special diets for dietary staff in charge of preparing and serving the food.

(b) The center must plan and serve substitutions, written on a menu, for all children with dietary restrictions.

(c) For children requiring a special diet due to medical reasons or allergic reactions, the center shall provide meals and snacks in accordance with the child's needs and the written instructions of the child's physician.

(d) A child requiring a special diet due to religious or personal beliefs shall have a written statement from the child's parent.

(e) For special diets, the center may request the parent to supplement food served by the center.

(f) If the parent provides the food from home, the center must have the parent sign a "Safe Transportation of Food Responsibility" form, available from the division.

(g) All food items must be protected from damage and potential contamination. *(Division of Family Resources; 470 IAC 3-4.7-82; filed Aug 11, 2003, 3:00 p.m.: 27 IR 141)*

470 IAC 3-4.7-83 Vendor service

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 83. (a) Each center using vendor service shall have a written contract as follows:

(1) The contract must describe the vendor's responsibilities.

(2) The contract must assure that the vendor's food service business, food handlers, and all premises are inspected and approved by local health authorities.

(b) Vendors must transport food items in easily sanitizable insulated containers that maintain potentially hazardous food at the temperature requirements of 410 IAC 7-20.

(c) Upon receiving the food from the vendor, the center shall verify the temperature of the food with a metal stem type, numerically scaled thermometer that reads zero (0) degrees Fahrenheit to two hundred twenty (220) degrees Fahrenheit.

(d) Correct food temperature and holding time shall be maintained until serving.

(e) A record of potentially hazardous food temperatures taken shall be maintained at the child care center for one (1) year.

(f) When potentially hazardous food temperature and holding time are not correct, the vendor shall be notified and food shall be immediately replaced.

(g) If time is being used as a public health control, 410 IAC 7-20 must be adhered to and procedures, time, and temperatures must be documented. *(Division of Family Resources; 470 IAC 3-4.7-83; filed Aug 11, 2003, 3:00 p.m.: 27 IR 141)*

470 IAC 3-4.7-84 Health program

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 84. (a) Prior to initial licensure, the center shall submit a written, dated health program for review and approval to the division on forms provided for that purpose.

(b) The center shall make specific arrangements for a health consultant to provide guidance to the staff to maintain an adequate health program, policies, and procedures for the children and staff in the child care center.

(c) The written health program shall be reviewed by the center and the health consultant and submitted to the division for review and approval each time any of the following occurs:

(1) A change in the health consultant.

(2) A change in the health program practices.

(3) A change in licensee.

(4) The center requests a change in licensure to include the care of children not previously cared for, such as diapered children, infants, or toddlers.

(Division of Family Resources; 470 IAC 3-4.7-84; filed Aug 11, 2003, 3:00 p.m.: 27 IR 142)

470 IAC 3-4.7-85 Adult health requirements

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 85. Within thirty (30) days of employment, newly employed staff, volunteers, substitutes, student aides, and any other personnel having direct contact with the children or providing food service shall have the following:

(1) Written verification of a physical examination by a physician or nurse practitioner that provides evidence that there is no known communicable disease in an infectious state or physical or mental conditions which could affect their ability to perform assigned duties in the child care center.

(2) Mantoux tuberculin skin test, with results recorded in millimeters, and repeated annually.

(3) If the Mantoux test is considered positive, they shall have a negative chest x-ray and or a statement from a physician or nurse practitioner stating that they are free of tuberculosis in an active, infectious state.

(4) Persons with a history of tuberculosis or a positive Mantoux shall have an annual health assessment, including a symptom screening for tuberculosis documented by a health professional.

(Division of Family Resources; 470 IAC 3-4.7-85; filed Aug 11, 2003, 3:00 p.m.: 27 IR 142)

470 IAC 3-4.7-86 Child health requirements

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 86. (a) Within thirty (30) days after enrollment or no earlier than twelve (12) months prior to enrollment, each child shall have written verification of a physical examination by a physician or a nurse practitioner.

(b) The examination shall include the following:

(1) Child's medical history.

(2) Physical examination.

(3) A written statement there is no health condition that would be hazardous either to the child or to other children in the child care center as a result of participation in the program of activities.

(4) A written statement regarding modification of plans of care which require special attention because of medical conditions or allergies.

(c) Written orders for each medication taken at the child care center.

(d) Documentation of complete age-appropriate immunizations, as required by the division with recommendation from ISDH, and updated annually, including:

(1) conjugated pneumococcal vaccine; and

(2) varicella vaccine or written documented history of disease by either the parent or child's health provider.

(e) Health records may be transferred if the physical exam is dated within a year.

(f) Children two (2) years of age and younger shall have an annual health examination.

(g) A provider shall maintain current documentation for each child.

(h) A parent may request that their child be exempt from immunizations, physical examinations, or medical treatment based on religious beliefs with the following conditions:

(1) The parent shall make a signed, written request for exemption based on religious beliefs.

(2) The center shall keep the request in the child's health record.

(3) Nothing in this provision precludes the child care center from using emergency first aid techniques to treat the exempted child or to exclude a child where control of contagious disease may be necessary.

(i) If a child's physician determines that a child should not have immunizations for medical reasons, the physician shall indicate and update annually these exceptions on the child's health record form.

(j) Only children that meet the health requirements of this rule may attend the child care center. *(Division of Family Resources; 470 IAC 3-4.7-86; filed Aug 11, 2003, 3:00 p.m.: 27 IR 142)*

470 IAC 3-4.7-87 Ill child procedures

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 87. (a) The center shall not admit children who are ill upon arrival.

(b) If a child becomes ill during the day, caregivers shall immediately isolate the child from other children and notify the parent to arrange for other immediate care of the child.

(c) Caregivers shall directly observe and supervise all children who are ill or injured until they leave the child care center.

(d) The center may not readmit children who exhibit symptoms of the illness for which they were excluded without the approval of the director or director-designee.

(e) Centers shall have a written policy regarding the exclusion of ill children. *(Division of Family Resources; 470 IAC 3-4.7-87; filed Aug 11, 2003, 3:00 p.m.: 27 IR 143)*

470 IAC 3-4.7-88 Medication

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 88. (a) Each child care center may have one (1) pain or fever reducing medication, one (1) cough medication, and one (1) antihistamine decongestant on the premises as follows:

(1) The child care center's health consultant shall specify these medications by name in the child care center's written approved health program renewed every two (2) years, and renew written instructions every two (2) years.

(2) Caregivers shall administer the specified medication as directed on the label of the medication or as specified by the consulting physician.

(3) Parent permission forms for administering this medication shall be on file for each child to whom the medication is given.

(b) The giving or application of all other medication and carrying out medical procedures shall be done only on written order or prescription from a physician or other health care professional authorized to write prescriptions, which must be kept with the medication.

(c) All individual nonprescription medicine orders must be renewed annually for children under two (2) years of age and every two (2) years for children two (2) years of age and older.

(d) Caregivers shall obtain the reason for administration of the medication and written parental permission prior to the administering of medication.

(e) All pharmacy-labeled prescription medication must be renewed annually and kept in currently labeled containers.

(f) The written order or the pharmacy label must show the following:

(1) The name of the child.

(2) The name of the specific medication.

(3) The dosage of medication to be administered.

(4) Why it is to be given (for nonprescription medication).

(5) The frequency/interval to be given.

(6) The physician's name.

(7) The date the prescription was filled or the order was written.

(g) Medication shall be kept in the original container.

(h) When no longer needed, medication shall be returned to the parents or destroyed.

(i) Medication not requiring refrigeration shall be kept locked in a cabinet or container that is in a well-lit area, fifty (50) foot-candles, and shall not be stored in the kitchen or in a bathroom.

(j) Medication labeled "refrigerate" shall be stored in tightly lidded, washable containers marked "medication" in a refrigerator.

(k) The center shall not store medication beyond the:

(1) expired date on the label;

(2) expired written physician order; and

(3) prescription label older than one (1) year.

(l) With parent's written approval, centers may use preventive products, such as sunscreens, insect repellents, nonmedicated powder, petroleum jelly, and A & D ointment, without a physician's order. *(Division of Family Resources; 470 IAC 3-4.7-88; filed Aug 11, 2003, 3:00 p.m.: 27 IR 143)*

470 IAC 3-4.7-89 Communicable disease

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 89. (a) The center shall make every effort to control the spread of communicable diseases and shall establish written health policies and precautions directed to this end.

(b) Whenever exposure to disease has occurred in the child care center, control measures shall be implemented as follows:

(1) The disinfection of toilet facilities, furnishings, toys, or other articles that may have been used by a person with a communicable disease.

(2) The disposal of bodily discharge containing infectious material in a manner that would protect handlers from contact with the material.

(c) When any person working, volunteering, or attending the child care center is known to have a communicable disease, they shall be excluded from attendance at the child care center for such time as is prescribed by the person's physician or the local health officer.

(d) The center shall ascertain when the person is well enough to return to work.

(e) The center shall follow the Child Care Communicable Disease Chart, available from the division, for appropriate management of suspected illness.

(f) The center shall provide space to separate from the group, any child having or suspected of having a communicable disease or any illness as follows:

(1) This area shall not be used for any other purpose by the children while being used as isolation quarters.

(2) This area shall be heated and well ventilated.

(3) The area must have at least one (1) cot. The center must provide two (2) cots if the child care center is licensed for one hundred fifty (150) children or more and three (3) cots if the child care center is licensed for two hundred twenty-five (225) children or more.

(4) The cot, and all other furnishings in this area, must be easily sanitized.

(5) Caregivers shall maintain three (3) feet of space between cots.

(6) Children in this area shall at all times be directly supervised by an adult caregiver.

(7) Staff shall sanitize the area and all equipment in the area between uses.

(Division of Family Resources; 470 IAC 3-4.7-89; filed Aug 11, 2003, 3:00 p.m.: 27 IR 144)

470 IAC 3-4.7-90 Universal precautions supplies

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 90. The following universal precautions supplies shall be available to all staff:

(1) Disposable medical gloves.

(2) Plastic bags.

(3) One (1) part chlorine to nine (9) parts water or other EPA-approved tuberculocidal solution for cleaning blood or other potentially infectious materials as defined by OSHA.

(4) Cardiopulmonary resuscitation barrier masks.

(5) Any other items indicated by the child care center's health consultant.

(Division of Family Resources; 470 IAC 3-4.7-90; filed Aug 11, 2003, 3:00 p.m.: 27 IR 144)

470 IAC 3-4.7-91 Emergency equipment and procedures

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 91. (a) The center shall post first aid directions for the care of poisoning, seizures, hemorrhaging, artificial respiration, choking, and shock in each room or area occupied by children.

(b) If first aid directives from the division are not used, the procedures must be approved, in writing, by the center's health consultant and updated every two (2) years.

(c) A first aid manual, equivalent to the Red Cross First Aid Manual, shall be immediately available for staff use.

(d) First aid supplies as specified by the center's health consultant shall be available to all staff and inaccessible to children. The first aid kit, at a minimum, shall consist of the following:

(1) Sheer strip bandages.

(2) Sterile bandages and compresses.

(3) Adhesive tape.

(4) Scissors.

(5) Flashlight.

(6) Thermometer.

(7) Disposable gloves.

(8) Mild soap.

(e) The center shall have an operable telephone on the premises, easily accessible for use in an emergency and for other communications.

(f) The center shall post a list of emergency telephone numbers by all telephones. *(Division of Family Resources; 470 IAC 3-4.7-91; filed Aug 11, 2003, 3:00 p.m.: 27 IR 144)*

470 IAC 3-4.7-92 Evacuation procedures

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 92. (a) The center shall make plans for the protection of children in the event of a disaster.

(b) The center shall post written disaster, evacuation, and shelter procedures for an internal and an external disaster in the following areas:

(1) All areas used by children.
(2) Kitchen.
(3) Offices.
(4) Hallways.

(c) Fire exit routes shall not pass through the following:

(1) Kitchens.
(2) Storerooms.
(3) Bathrooms.
(4) Closets.
(5) Any area where motor vehicles or gasoline powered equipment are stored.
(6) Spaces used for similar purposes.

(d) Staff shall obtain accurate head counts of children and staff in the event of evacuations or drills at the child care center.

(Division of Family Resources; 470 IAC 3-4.7-92; filed Aug 11, 2003, 3:00 p.m.: 27 IR 145)

470 IAC 3-4.7-93 Child hygiene

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 93. (a) The center schedule shall include provisions for supervised personal hygiene, washing hands before and after meals, and washing hands after using the toilet facilities.

(b) Caregivers shall change wet or soiled clothing promptly. Each child shall have a supply of clean clothing available for this purpose.

(c) If toothbrushes and toothpaste are used, the following applies:

(1) The center shall store them in an area inaccessible to children.
(2) The center shall not store them in the toilet room.
(3) The center shall store them so that one (1) child's toothbrush does not touch or contaminate another child's.
(4) The center shall maintain toothbrushes in a clean and sanitary manner.
(5) Caregivers shall dispense toothpaste in a sanitary manner.
(6) If the sink for tooth brushing is in a toilet room, the faucet and sink must be sanitized before being used for tooth brushing.

(Division of Family Resources; 470 IAC 3-4.7-93; filed Aug 11, 2003, 3:00 p.m.: 27 IR 145)

470 IAC 3-4.7-94 Diapering

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 94. (a) Diaper bags brought from home shall be inaccessible to children.

(b) The center or the parent shall supply diapers. Caregivers shall have diapers available at all times so they can keep each child dry and clean.

(c) The center must store diapers off the floor, protected from contamination, and inaccessible to children.

(d) Disposable diapers furnished by the parent shall be brought to the child care center in original, unopened packages and marked with the individual child's name.

(e) Caregivers shall diaper all children on a changing table, except as follows:

(1) Caregivers may change infants that are unable to pull to a stand in their own crib.
(2) Caregivers may change children two (2) years of age and older standing up under the following conditions:

(A) Hand washing and child cleansing procedures are followed in the same manner as when a changing table is used.

(B) Neither the clean or dirty diaper changing materials are placed on the floor.

(f) When diapering children three (3) years of age and older, caregivers shall do the following:

(1) Not use the twos', toddlers', or infants' diaper changing table or their room or area to change diapers.

(2) Use a designated, sanitizable table or cot that is not used for any other purpose as follows:

(A) This cot must be stored away from children when not in use.

(B) The cot and table must be sanitized with a solution of one (1) tablespoon bleach to one (1) quart water or EPA-approved solution capable of killing enteric pathogens after each use.

(3) Use same skin care procedure as consulting physician has approved for other diapered children in center or the procedure recommended by the division.

(4) Provide a shielded or private area for the diapering process.

(g) The center with children under three (3) years of age who wear diapers or pull-ups shall provide a changing table in each room/area.

(h) The center shall locate a sink within ten (10) feet of the changing table in the room/area or in a room that opens directly into the room/area.

(i) The center shall use a changing table as follows:

(1) The table must be sturdy and sanitizable.

(2) The table must not have wicker, lattice, or cloth material parts.

(3) The table must be equipped with sanitizable safety devices designed to prevent a child from falling.

(j) Caregivers shall use the diapering surface exclusively for diaper changing.

(k) Caregivers shall not change diapers on the floor, on equipment shelves, or on any food preparation or eating surface.

(l) Staff shall maintain hand contact with the child to prevent falls while on the changing table.

(m) Caregivers shall speak with the children while changing diapers.

(n) There shall be a soft sanitizable pad on the table with a clean strip of waterproof, disposable paper to cover the entire pad. Caregivers shall place a new, waterproof, paper strip on the pad after each diaper change.

(o) If an infant is changed in their crib, caregivers shall place a clean sanitizable pad down with a clean strip of waterproof, disposable paper to protect the bedding or change the sheet and sanitize the mattress after each changing.

(p) Caregivers shall sanitize the pad and table when they become soiled and at the end of each day.

(q) Caregivers shall use a clean cloth or diaper wipe for each individual washing of a child. Soft, clean, terry wash cloths or diaper wipes shall be immediately accessible.

(r) Caregivers shall properly cleanse the child's body at each diapering. The submitted health program shall contain skin care procedures approved by the center's health consultant. Caregivers shall post and follow the procedures when diapering children.

(s) If disposable gloves are used, they must be discarded immediately after the dirty diaper is removed and the child is cleansed.

(t) Regardless of whether gloves are used, caregivers shall wash their hands before and after each diaper change.

(u) The child's hands shall be washed after diaper changing with a clean, damp, soapy cloth, then rinsed with a second clean cloth in the same order, or, the child's hands shall be held under warm, running water, soaped, and dried with a disposable towel.

(v) Soiled or wet children's clothing shall be placed in a plastic bag, sealed, and kept inaccessible to children and returned home at the end of each day.

(w) Loose fecal material may be shaken into the toilet; soiled clothing or cloth diapers shall not be rinsed in toilets or sinks. *(Division of Family Resources; 470 IAC 3-4.7-94; filed Aug 11, 2003, 3:00 p.m.: 27 IR 145)*

470 IAC 3-4.7-95 Disposable diapers

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 95. (a) Caregivers shall place soiled disposable diapers in a plastic bag in a tightly covered sanitary container that is inaccessible to children.

(b) The bags shall be tied tightly and removed from the child care center, as needed, and at the end of each day. *(Division of Family Resources; 470 IAC 3-4.7-95; filed Aug 11, 2003, 3:00 p.m.: 27 IR 146)*

470 IAC 3-4.7-96 Cloth diapers

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 96. (a) Staff shall use a deodorizing solution or granules in diaper containers.

(b) Staff shall clean and disinfect diaper containers when emptied.

(c) Caregivers shall handle cloth diapers furnished by the center as follows:

(1) Waterproof diaper covers must be provided.

(2) Caregivers shall use a fresh, clean diaper cover with each diaper change.

(3) Caregivers shall keep the diapers and diaper covers in tightly covered containers between pick-ups.

(4) A commercial laundry service shall launder the diapers and the diaper covers.

(d) Caregivers shall handle cloth diapers furnished by the parents as follows:

(1) The diapers shall be kept separate from diapers used for other children.

(2) Waterproof diaper covers must be provided.

(3) Caregivers shall use a fresh, clean diaper cover with each diaper change.

(4) Caregivers shall place the soiled diapers in a plastic bag, store them through the day in a tightly covered container, and return the diapers to the parent daily.

(5) Caregivers shall keep the diaper covers in tightly covered containers or plastic bags and return them to the parent daily.

(e) The center shall provide washable, plastic lined, tightly covered containers for soiled cloth diapers and linens.

(f) Containers shall be conveniently located for caregivers, but inaccessible to children. *(Division of Family Resources; 470 IAC 3-4.7-96; filed Aug 11, 2003, 3:00 p.m.: 27 IR 146)*

470 IAC 3-4.7-97 Toilet training

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 97. (a) Caregivers shall do all toilet training with the parent's knowledge and consent.

(b) Caregivers shall make a reasonable effort to be consistent with the parent's toilet training methods and communicate regularly on the progress and child's successes.

(c) When children reach an age where they feel confident and unafraid to sit on a training seat, caregivers shall invite them to use the toilet, help them as needed, and positively reinforce their behavior regardless of the outcome.

(d) Caregivers shall never force a child to remain on the toilet.

(e) Caregivers shall never discipline, scold, shame, or humiliate a child for failure to conform or for wet or soiled clothing.

(f) Caregivers shall assure that a supply of clean clothing is available to keep children dry, clean, and fully clothed during the training process.

(g) The center shall provide a toilet with a training seat or a child-sized toilet.

(h) Potty chairs may not be used.

(i) Children and staff shall wash their hands with soap and warm running water and dry them with a disposable towel after each toileting usage. *(Division of Family Resources; 470 IAC 3-4.7-97; filed Aug 11, 2003, 3:00 p.m.: 27 IR 147)*

470 IAC 3-4.7-98 Staff hygiene

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 98. (a) Persons who handle and serve food shall thoroughly wash their hands with soap and warm running water and use disposable towels from a dispenser for drying or an electric hand dryer.

(b) Hand sanitizers shall not be used in place of hand washings.

(c) Hand washing shall be done before starting work, washed as often as necessary to keep them clean, and after smoking, eating, drinking, or using the toilet.

(d) Staff who prepare food shall not change diapers.

(e) Caregivers shall wash their hands before and after each child care duty including individual feeding, bathing, wiping noses,

diapering, and assisting children using the toilet.

(f) Kitchen staff must wear clean, washable garments (aprons or smocks) while in the kitchen and serving food.

(g) Kitchen staff must have effective hair restraint that keeps hair back and covered. *(Division of Family Resources; 470 IAC 3-4.7-98; filed Aug 11, 2003, 3:00 p.m.: 27 IR 147)*

470 IAC 3-4.7-99 Building maintenance

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 99. (a) The administrator or director is responsible for keeping the building, premises, and equipment in safe repair and structurally sound.

(b) Caregivers shall not care for children in areas that are being remodeled, repaired, or painted.

(c) The administrator or director is responsible for maintaining all interior and exterior surfaces, including walls, floors, ceilings, equipment, toys, furnishings, and cribs, in a safe condition, free of sharp points or jagged edges, splinters, protruding nails or wires, loose parts, rusty parts, or materials containing poisonous substances.

(d) The interior finish, including walls and ceilings, of the child care center shall comply with the rules of the FPBSC under 675 IAC.

(e) Walls shall be of washable materials.

(f) Floors and steps shall be smooth and of washable, nonslippery material.

(g) The center must firmly secure and keep all carpeting clean.

(h) The center shall not use small rugs for floor covering.

(i) Staff shall take the following steps to maintain the child care center:

(1) Clean the child care center daily.

(2) Keep the child care center in a sanitary condition at all times.

(3) Sanitize toys, furniture, and other equipment used by children, weekly and when they become soiled or contaminated.

(4) Wash all soiled items prior to sanitization.

(j) Staff shall not do major cleaning, except for spills after meals and art projects, while children are present in the area being cleaned.

(k) Staff shall keep exit areas clear of equipment, debris, and other objects at all times. *(Division of Family Resources; 470 IAC 3-4.7-99; filed Aug 11, 2003, 3:00 p.m.: 27 IR 147)*

470 IAC 3-4.7-100 Poisons, chemicals, and hazardous items

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 100. (a) Poisons, chemicals, and any item that states “fatal if swallowed” must be in locked storage and not accessible to children.

(b) Chemicals for lawn care and insect and rodent control shall not be applied when children are present in the child care center.

(c) Peeling paint, on any interior or exterior surface or on any equipment, that contains lead in excess of current ISDH standards shall be made inaccessible to children until laboratory analysis is made on the peeling material.

(d) The division shall approve all lead abatement procedures prior to the start of work.

(e) The center must store cleaning equipment, cleaning agents, aerosol cans, and any other item that states “keep out of the reach of children” in a place that is inaccessible to children.

(f) The center must store hazardous articles, sharp scissors, knives, latches, lighters, flammable liquids, power tools, cleaning supplies, and any other items that might be harmful to children in a place inaccessible to children.

(g) Any thermal hazards above one hundred twenty (120) degrees Fahrenheit, such as radiators, hot water pipes, steam pipes, and heaters, in the space occupied by children shall be out of reach of children or be separated from the space by partitions, screens, or other means, which are firmly attached and cannot be overturned.

(h) The center shall make inaccessible to children environmental hazards that present a risk for entrapment or burial, such as, but not limited to, the following:

(1) Pits.
(2) Abandoned wells.
(3) Abandoned appliances.

(Division of Family Resources; 470 IAC 3-4.7-100; filed Aug 11, 2003, 3:00 p.m.: 27 IR 148)

470 IAC 3-4.7-101 Electrical safety

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 101. (a) Centers shall not use extension cords, except for approved, grounded, and surge protection strips. Such protection strips shall be plugged directly into an approved outlet.

(b) The center shall cover electrical outlets or otherwise make them shockproof in all areas accessible by children.

(c) Electric fans, if used, shall be securely mounted high on the wall or ceiling or shall be guarded to limit the size of the opening in the blade guard with properly installed sixteen (16) gauge mesh screen. The Underwriters Laboratory must approve all fans.

(d) No electrical device or apparatus accessible to children shall be located so that it could be plugged into an electrical outlet while in contact with a water source, including, but not limited to, a sink, tub, shower, or swimming pool. *(Division of Family Resources; 470 IAC 3-4.7-101; filed Aug 11, 2003, 3:00 p.m.: 27 IR 148)*

470 IAC 3-4.7-102 Combustible materials

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 102. (a) Staff shall keep the center free from fire hazards.

(b) The center shall not permit trash that contains combustible materials, such as paper, rags, or cardboard, to accumulate on the premises.

(c) Staff shall keep hoods above stoves and other equipment free of dust and grease.

(d) Kitchen hoods shall be installed where required under the rules of the FPBSC under 675 IAC. The center shall have all kitchen hoods serviced and maintained according to the rules of the FPBSC under 675 IAC and have available records to document compliance.

(e) Staff shall keep storage areas clean and free from clutter.

(f) All storage shall be at least twenty-four (24) inches from the ceiling.

(g) The center shall store flammable liquids as follows:

(1) Only in quantities and in rooms specifically permitted by the rules of the FPBSC under 675 IAC.
(2) In a room that is inaccessible to children.
(3) In tightly sealed containers when not in use.

(h) The center shall not use flammable decorative materials unless the materials are inherently flame retardant or made flame retardant, except as follows:

(1) The center may display educational materials in a manner so as not to create a fire hazard.
(2) The center may have live, uncut, and nonpoisonous plants and trees.
(3) The center may display flammable wall decorations as long as the decorations do not exceed five percent (5%) of the gross wall area and are distributed in a manner so as not to create a fire hazard.

(Division of Family Resources; 470 IAC 3-4.7-102; filed Aug 11, 2003, 3:00 p.m.: 27 IR 148)

470 IAC 3-4.7-103 Emergency drills

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 103. (a) Staff shall conduct fire drills in accordance with the rules of the FPBSC under 675 IAC. Drills shall be conducted monthly and the records available to document compliance.

(b) Staff shall conduct evacuation drills for natural disasters in areas where they occur as follows:

(1) Tornadoes, on a monthly basis.
(2) Floods, every six (6) months.
(3) Earthquake, every six (6) months.
(Division of Family Resources; 470 IAC 3-4.7-103; filed Aug 11, 2003, 3:00 p.m.: 27 IR 149)

470 IAC 3-4.7-104 Furnace room
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 104. The center shall construct the furnace room or room containing any central heating equipment in accordance with the rules of the FPBSC under 675 IAC. *(Division of Family Resources; 470 IAC 3-4.7-104; filed Aug 11, 2003, 3:00 p.m.: 27 IR 149)*

470 IAC 3-4.7-105 Prohibited heat sources
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 105. The center shall not use the following heat sources:
(1) Open grate gas heaters.
(2) Open fireplaces.
(3) Space heaters.
(4) Portable unventilated oil burning heaters.
(5) Portable electric heaters.
(Division of Family Resources; 470 IAC 3-4.7-105; filed Aug 11, 2003, 3:00 p.m.: 27 IR 149)

470 IAC 3-4.7-106 Heat, light, ventilation, and air conditioning
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 106. (a) Installation, testing, and maintenance of heating, ventilation, air conditioning, fire alarm, and sprinkler systems shall comply with the rules of the FPBSC under 675 IAC.

(b) When natural light is insufficient, it shall be supplemented by artificial light so that the following minimum levels of illumination are maintained:
(1) All food service areas shall have a minimum of seventy (70) foot-candles.
(2) All food storage areas, including refrigerators, shall have a minimum of twenty (20) foot-candles.
(3) Desks, table top work areas, reading areas, locked medication storage areas, and art rooms shall have a minimum of fifty (50) foot-candles.
(4) Gymnasiums, large muscle equipment areas, bathrooms, locker rooms, and diaper changing areas shall have a minimum of thirty (30) foot-candles.
(5) Hallways, corridors, stairwells, storage rooms, and food storage areas shall have a minimum of twenty (20) foot-candles.
(6) Rest and nap areas shall have a minimum of five (5) foot-candles in all areas.

(c) All light intensity measurements shall be at the level of work. If no work is done in a room or hallway, the measurement shall be at a height of thirty (30) inches above the floor.

(d) The child care center shall be ventilated.

(e) The center shall maintain a temperature of not less than sixty-eight (68) degrees Fahrenheit.

(f) All child care centers initially licensed after the effective date of this rule shall maintain a temperature not more than seventy-eight (78) degrees Fahrenheit.

(g) All outside doors and windows shall be screened with sixteen (16) gauge mesh screen when open.

(h) The center shall keep all screens in good repair and all unscreened windows and doors closed.

(i) The center shall make heating units, including water pipes and baseboard heaters, hotter than one hundred ten (110) degrees Fahrenheit inaccessible to children by barriers such as guards or other devices. *(Division of Family Resources; 470 IAC 3-4.7-106; filed Aug 11, 2003, 3:00 p.m.: 27 IR 149)*

470 IAC 3-4.7-107 Hallways, stairways, and exits

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 107. (a) The center shall keep all hallways, stairways, corridors, aisles, and exits lighted and free from obstructions at all times.

(b) All exterior and interior stairways shall comply with the rules of FPBSC under 675 IAC.

(c) Exit signs shall be installed and maintained in accordance with the rules of the FPBSC under 675 IAC.

(d) The center shall provide emergency lighting in all interior hallways, stairways, and corridors.

(e) All portions of the means of egress shall comply with the rules of the FPBSC under 675 IAC. *(Division of Family Resources; 470 IAC 3-4.7-107; filed Aug 11, 2003, 3:00 p.m.: 27 IR 150)*

470 IAC 3-4.7-108 Doors

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 108. (a) Exit doors shall comply with the rules of FPBSC under 675 IAC.

(b) Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. Exit doors shall not be locked, chained, bolted, barred, latched, or otherwise rendered unusable.

(c) The center shall make all interior room and closet doors such that children can open the doors from the inside with a simple twisting motion or the equivalent.

(d) The center shall not provide locking or latching devices on child bathroom doors.

(e) All interior locked doors shall be designed to permit opening by the staff. The key or other opening device shall be readily accessible to staff.

(f) Automatic door closures must be adjusted properly. *(Division of Family Resources; 470 IAC 3-4.7-108; filed Aug 11, 2003, 3:00 p.m.: 27 IR 150)*

470 IAC 3-4.7-109 Garbage and refuse

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 109. (a) The center shall keep all interior garbage, dirty diapering supplies, food products, and disposable meal service supplies in tight seamed, easily cleanable trash containers and cover them with tight fitting lids pending removal.

(b) Staff shall remove all garbage and refuse within the child care center daily to an outside tightly covered trash receptacle that will not permit the transmission of disease or provide harborage for insects, rodents, or other pests.

(c) Staff shall clean trash containers when soiled. *(Division of Family Resources; 470 IAC 3-4.7-109; filed Aug 11, 2003, 3:00 p.m.: 27 IR 150)*

470 IAC 3-4.7-110 Indoor space

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 110. (a) Each child care room/area shall have a minimum of thirty-five (35) square feet of usable indoor play space per child at all times.

(b) Usable indoor play space is exclusive of the kitchen, toilet rooms, isolation areas, office, staff rooms, hallways, stairways, storage areas, lockers, cubbies, the teacher's desk, laundry areas, the furnace room, and floor space occupied by permanent built-in cabinets.

(c) Separate play rooms or separated areas in play rooms shall be provided for the various types of activities required by the child care program and for the separation of children according to age and class size. *(Division of Family Resources; 470 IAC 3-4.7-110; filed Aug 11, 2003, 3:00 p.m.: 27 IR 150)*

470 IAC 3-4.7-111 Indoor furnishings

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 111. (a) Furnishings and equipment shall be durable, safe, and scaled to the size of the children.

(b) The center shall provide tables and chairs in each child care area as follows:

(1) Child-sized chairs made so that when a child sits in a chair their feet touch the ground and their back touches the chair back.

(2) A minimum of one (1) chair and table space per child regularly cared for in the room/area.

(3) Child-sized tables made so that when a child sits in a child-sized chair their elbows rest on the table top.

(c) Staff shall not stack tables or chairs in the class room/area while children are awake.

(d) The center shall provide space for each child's personal belongings to keep them separate from other children's belongings.

(e) The center shall construct, locate, install, and design coat hooks in a manner that does not pose a hazard to children. *(Division of Family Resources; 470 IAC 3-4.7-111; filed Aug 11, 2003, 3:00 p.m.: 27 IR 150)*

470 IAC 3-4.7-112 Holiday decorations

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 112. All child care centers shall comply with the rules of the FPBSC under 675 IAC regarding holiday decorations and Christmas trees. *(Division of Family Resources; 470 IAC 3-4.7-112; filed Aug 11, 2003, 3:00 p.m.: 27 IR 151)*

470 IAC 3-4.7-113 Bathrooms

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 113. (a) The child care center shall provide a minimum of one (1) sink and one (1) flush toilet per fifteen (15) children two (2) years of age and older. Infant and toddler restrooms count only for their rooms.

(b) When the licensing capacity exceeds sixty (60) children, the center may substitute one (1) urinal for a toilet in the school age area only.

(c) School age children of the opposite sex shall not use the same restroom.

(d) Partitions shall separate toilets for school age children if there is more than one (1) toilet in a room.

(e) Stalls used by school age children shall have doors.

(f) If fifteen (15) or fewer school age children are present, only one (1) toilet and sink is required for their use.

(g) The center shall locate the toilet for children two (2) years of age no more than ten (10) feet from their room/area.

(h) Toilet paper on a dispenser shall be available and within reach of the children by each toilet.

(i) Mild soap shall be available, dispensed in a sanitary manner, and within reach of the children at each sink.

(j) Disposable towels in a dispenser or electrical hand dryers that operate at a maximum temperature of one hundred twenty (120) degrees Fahrenheit shall be within reach of the children by the sinks. If the center uses electrical hand dryers, they must provide one (1) for each sink.

(k) Toilet facilities for staff shall be furnished, separate from those facilities used for children. Staff shall not use children's toilets.

(l) The center must seal all hand washing sinks to the wall.

(m) The center must seal all walls and floors in restrooms.

(n) All items in the restroom must be sanitizable.

(o) If toilets and sinks are not child-sized, the center must provide safe, sanitizable steps or platforms for each toilet and sink.

(p) The center shall control toilet and bathroom odors by ventilation and sanitation. If a screened window is not present, there shall be mechanical exhaust vents. Existing centers shall have ventilation added if sanitation measures fail to control odors. *(Division of Family Resources; 470 IAC 3-4.7-113; filed Aug 11, 2003, 3:00 p.m.: 27 IR 151)*

470 IAC 3-4.7-114 Water supply and plumbing

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 114. (a) The center shall maintain a safe and sanitary water supply.

(b) If the center uses a private water supply or well instead of a public water supply, the center shall supply written records of current test results indicating that the water supply is safe for drinking. The water system must meet the water quality and construction standards of the IDEM.

(c) The center shall provide hot and cold running water at all hand washing sinks.

(d) The center shall use an antiscald valve approved by ISDH to maintain water temperature between one hundred (100) degrees Fahrenheit and one hundred twenty (120) degrees Fahrenheit on all hot water supplied to sinks, bathing, and washing facilities used by children.

(e) If water faucets have hoses connected to them that are not in use, such faucets must have vacuum breakers (back-flow preventives).

(f) All plumbing fixtures shall discharge into a public sanitary sewer whenever available within a reasonable distance or if soil conditions prohibit the construction of an approved on-site system.

(g) All sewage disposal and any sewage treatment system shall meet the requirements of ISDH.

(h) All plumbing fixtures shall be in good repair.

(i) All plumbing equipment shall meet the requirements of the FPBSC under 675 IAC, ISDH, and IDEM. *(Division of Family Resources; 470 IAC 3-4.7-114; filed Aug 11, 2003, 3:00 p.m.: 27 IR 151)*

470 IAC 3-4.7-115 Drinking water

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 115. (a) Drinking water shall be freely available to all children during all hours.

(b) Drinking fountains or disposable cups for individual use shall be provided and dispensed in a sanitary manner.

(c) Drinking fountains shall have a guarded angled stream with water pressure regulated so that the stream rises at least two (2) inches above the guard but does not splash on the floor.

(d) Drinking water shall not be obtained from a toilet room sink.

(e) Children shall not go into the kitchen to obtain drinking water. *(Division of Family Resources; 470 IAC 3-4.7-115; filed Aug 11, 2003, 3:00 p.m.: 27 IR 152)*

470 IAC 3-4.7-116 Kitchen and food preparation areas

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 116. (a) The center shall operate the kitchen, all food preparation areas, and all food service areas in compliance with 410 IAC 7-20, a copy of which shall be in the kitchen at all times for reference.

(b) The kitchen must have at least three (3) floor-to-ceiling walls. The fourth serving wall and all doors must be a minimum of three (3) feet in height.

(c) Walls and ceilings must meet the requirements of 410 IAC 7-20 and FPBSC under 675 IAC.

(d) The kitchen and other food preparation areas shall be separate from areas used for any other purpose.

(e) The center shall locate the kitchen in a way to prevent usage as a throughway. No one shall use the kitchen as a throughway to other rooms or areas during food preparation and dish washing.

(f) The kitchen shall not be used:

(1) for children's activities or naps;

(2) as a dining or recreational area for adults; or

(3) as an office.

(g) The center shall not allow unauthorized persons in the kitchen.

(h) Counter surfaces shall be smooth, free from breaks or chips, and sealed to the wall.

(i) All food preparation surfaces and eating surfaces shall be sanitized:

(1) before and after use; and

(2) when there is a potential for cross contamination.

(j) Floors shall be of smooth, nonabsorbent materials and free of cracks that would prevent cleaning. The center shall not carpet the kitchen or food preparation areas.

(k) All equipment must be easily movable, elevated, or sealed to the floor and the wall so that cleaning under and around equipment will be possible.

(l) Whenever washing and sanitizing are conducted mechanically, the center shall provide spray type dish washing machines that meet the specifications of 410 IAC 7-20.

(m) When manually washing and sanitizing dishes and utensils, the center must use a three (3) compartment sink with either drain boards or movable dish tables.

(n) Staff must store dishes, pots, pans, and utensils in a manner that protects them from contamination.

(o) If disposable utensils and supplies are used, they shall be stored in closed containers away from any cleaning compounds and toxic or hazardous materials.

(p) The center shall properly install a hand washing sink in the kitchen. The center shall supply soap and disposable towels from a dispenser or an electric hand dryer by the sink.

(q) The center shall locate the hand washing sink at least twenty-four (24) inches away from the area used for dish sanitizing or air drying, or install a protective barrier, at least twenty-four (24) inches in height, between the sanitizing area and the hand washing sink.

(r) Work and cleaning schedules shall be written, posted, and followed for all the food storage and preparation and service areas.

(s) The center shall place an accurate, easily readable thermometer in each compartment of the refrigerator and freezer in position for daily monitoring.

(t) The center must provide a stove if they prepare meals. If the stove is of the commercial type, it must comply with the rules of the FPBSC. *(Division of Family Resources; 470 IAC 3-4.7-116; filed Aug 11, 2003, 3:00 p.m.: 27 IR 152)*

470 IAC 3-4.7-117 Manual dish washing

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 117. (a) Staff shall thoroughly wash multi-use utensils and equipment in a detergent solution in the first compartment of the sink.

(b) Staff shall rinse the equipment free of detergent solutions in clean water by immersing in the second compartment of the sink.

(c) All eating and drinking utensils and the food contact surfaces of all other equipment and utensils are sanitized in the third compartment as specified in 410 IAC 7-20.

(d) The center shall post instructions for proper manual dish washing in the kitchen if dishes are washed and sanitized manually.

(e) Dishes and utensils shall always be air-dried.

(f) The center may use sturdy, single-use, disposable utensils and dishes as an alternative to dish washing. If the center uses any cooking or serving utensils or dishes that are not disposable, they must have and use approved dish washing facilities. *(Division of Family Resources; 470 IAC 3-4.7-117; filed Aug 11, 2003, 3:00 p.m.: 27 IR 153)*

470 IAC 3-4.7-118 Pest prevention

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 118. (a) The center shall take adequate measures to prevent entry of insects and rodents. These measures shall include the following:

(1) Installing sixteen (16) mesh screen on outside openings.

(2) Sealing cracks and holes.

(3) Sealing around pipes, plumbing, and ducts.

(b) The center shall employ an exterminator if other measures fail to rid the child care center of pests.

(c) Proper cleaning shall be provided to minimize attraction of insects to food sources.

(d) Children shall not be present during pest extermination procedures. *(Division of Family Resources; 470 IAC 3-4.7-118; filed Aug 11, 2003, 3:00 p.m.: 27 IR 153)*

470 IAC 3-4.7-119 Office and staff areas

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 119. (a) The center shall provide office space separated from the areas used by the children.

(b) Office space and equipment shall be adequate for the administrative and staff needs of the child care center.

(c) Telephone service must be provided on site.

(d) An area separated from the office space and areas used by the children shall be provided for the use of the staff. This area must be a room in child care centers licensed after the effective date of this rule. *(Division of Family Resources; 470 IAC 3-4.7-119; filed Aug 11, 2003, 3:00 p.m.: 27 IR 153)*

470 IAC 3-4.7-120 Infant/toddler requirements

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 120. (a) The child care center shall meet all the requirements of this rule and be specifically licensed for infant or toddler care prior to providing care for any infant or toddler.

(b) The specific rules for infants and toddlers shall prevail if there is a difference between this rule and the rules for all ages of children. *(Division of Family Resources; 470 IAC 3-4.7-120; filed Aug 11, 2003, 3:00 p.m.: 27 IR 153)*

470 IAC 3-4.7-121 Infant/toddler room personnel

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 121. (a) Caregivers shall have had training specifically related to infant/toddler development.

(b) Caregivers shall have means available to communicate with other staff and summon assistance without leaving children unattended.

(c) The director shall assign a primary caregiver for each infant and toddler.

(d) All caregivers shall interact with and address the needs of all children in their room.

(e) Staff person in charge of an infant/toddler group shall be at least twenty-one (21) years of age. If all the children in the group are at least twenty-four (24) months of age, the staff person in charge shall be at least eighteen (18) years of age. *(Division of Family Resources; 470 IAC 3-4.7-121; filed Aug 11, 2003, 3:00 p.m.: 27 IR 153; errata filed Nov 7, 2003, 2:45 p.m.: 27 IR 1184)*

470 IAC 3-4.7-122 Infant/toddler charts and records

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 122. (a) The center shall devise and place a daily record chart in each infant and toddler room. This chart shall provide space to record information about each child as follows:

(1) Food and fluid offered and taken.

(2) Time of diaper changes.

(3) Unusual mood of the child.

(4) Unusual health conditions, such as:

(A) nose bleeds;

(B) skin rash;

(C) elevated temperature;
(D) signs of constipation or diarrhea;
(E) injuries; and
(F) special health needs.

(b) The center shall keep charts on file for at least one (1) month. *(Division of Family Resources; 470 IAC 3-4.7-122; filed Aug 11, 2003, 3:00 p.m.: 27 IR 153)*

470 IAC 3-4.7-123 Infant physical care

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 123. Caregivers shall:
(1) greet the infant and their parent as they arrive and help the child separate from the parent;
(2) engage in many one-to-one, face-to-face interactions with infants;
(3) talk in a pleasant, soothing voice, using simple language and frequent eye contact;
(4) provide regular hugs and affection;
(5) talk with, sing, and read to infants;
(6) hold and carry infants frequently and talk to the infants before, during, and after moving the infant around;
(7) drape a diaper, towel, or pad across their shoulder when holding an infant using a different cloth for each infant;
(8) respond quickly to infants' cries or calls of distress; and
(9) respond to infants' needs for food and comfort.

(Division of Family Resources; 470 IAC 3-4.7-123; filed Aug 11, 2003, 3:00 p.m.: 27 IR 154)

470 IAC 3-4.7-124 Toddler physical care

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 124. Caregivers shall:
(1) greet the toddler and their parent as they arrive;
(2) help the child separate from the parent and become a part of a small group or the activities in process;
(3) provide regular hugs and affection;
(4) engage in many one-to-one, face-to-face conversations with toddlers;
(5) let toddlers initiate language, even from children whose language is limited;
(6) name objects, describe events, and reflect feelings to help children learn new words;
(7) respond quickly to toddlers' cries or calls for help;
(8) respect the toddler's desire to carry favored objects around with them, to move objects like household items from one (1) place to another, and to roam around, or sit and parallel play with toys and objects; and
(9) help children to feel increasingly competent and in control of themselves.

(Division of Family Resources; 470 IAC 3-4.7-124; filed Aug 11, 2003, 3:00 p.m.: 27 IR 154)

470 IAC 3-4.7-125 Infant/toddler program; general

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 125. Caregivers shall:
(1) provide a daily program that is designed to meet the developmental needs of infants and toddlers;
(2) write and engage in a developmentally appropriate individual activity with each child daily;
(3) respect the individual child's schedule with regard to eating, sleeping, and diapering;
(4) dress children for the weather and type of play;
(5) set flexible time schedules dictated more by children's needs than by adults;
(6) provide many opportunities for active, large muscle play, both indoors and outdoors;

(7) provide toys that are reachable by the children without assistance from the caregiver; and

(8) provide a variety of music.

(Division of Family Resources; 470 IAC 3-4.7-125; filed Aug 11, 2003, 3:00 p.m.: 27 IR 154; errata filed Nov 7, 2003, 2:45 p.m.: 27 IR 1184)

470 IAC 3-4.7-126 Infant program

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 126. Caregivers shall:

(1) arrange space so children:

(A) can enjoy moments of quiet play by themselves;

(B) have space to roll over; and

(C) can crawl toward interesting objects;

(2) provide safe areas for infants to freely explore their environment;

(3) change the child's focus of play periodically during the day from the floor to give infants different perspectives on people and places; and

(4) not place awake children in cribs, except for a short period of time when going to sleep or awakening.

(Division of Family Resources; 470 IAC 3-4.7-126; filed Aug 11, 2003, 3:00 p.m.: 27 IR 154)

470 IAC 3-4.7-127 Toddler program

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 127. Caregivers shall:

(1) speak to children in complete sentences, avoiding long explanations and not using baby talk;

(2) play pretend and singing games with the children;

(3) make toys available on low, open shelves so children can choose their own selections;

(4) permit children to carry toys and move about in the environment as they choose;

(5) frequently read to toddlers, individually or in groups of two (2) or three (3);

(6) sing and do finger plays with toddlers;

(7) act out simple stories with children participating actively;

(8) provide a variety of art media, such as large crayons, watercolor markers, and large paper, to toddlers;

(9) permit toddlers to explore and manipulate art materials;

(10) permit toddlers to produce their own art products; and

(11) frequently offer alternatives and redirection to avoid saying "no".

(Division of Family Resources; 470 IAC 3-4.7-127; filed Aug 11, 2003, 3:00 p.m.: 27 IR 154)

470 IAC 3-4.7-128 Infant/toddler room furnishings; general

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 128. (a) Caregivers shall decorate the room at the children's eye level.

(b) Storage space for supplies and personal belongings of each child shall be in each room.

(c) Staff shall not store furnishings or equipment in cribs.

(d) Furniture that could be pulled over by a child shall not be accessible to the children.

(e) Indoor climbing structures and steps that are safe for exploration shall be provided in each room.

(f) All electrical cords shall be inaccessible to children. *(Division of Family Resources; 470 IAC 3-4.7-128; filed Aug 11, 2003, 3:00 p.m.: 27 IR 155)*

470 IAC 3-4.7-129 Infant room furnishings

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 129. (a) The center shall equip each infant room with the following furnishings:

(1) A crib and individual bed clothes for each infant.

(2) A sanitizable rocking chair/glider for each care worker with no more than two (2) rocking chairs/gliders required per room.

(3) A sanitizable changing table unless caregivers change all infants in their individual cribs.

(4) Shatterproof mirrors placed where infants can observe themselves.

(5) Stable, low, and open shelves.

(b) Mesh cribs, mesh play pens, cradles, bean bag chairs, and bassinets of any type are prohibited. *(Division of Family Resources; 470 IAC 3-4.7-129; filed Aug 11, 2003, 3:00 p.m.: 27 IR 155)*

470 IAC 3-4.7-130 Toddler room furnishings

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 130. (a) The center shall equip each toddler room with the following furnishings:

(1) Stable, low, and open shelves.

(2) Child-sized tables and chairs.

(3) At least one (1) sanitizable rocking chair/glider. This is not required if all the children in the room are at least twenty-four (24) months of age.

(4) A sanitizable changing table.

(5) Cots.

(b) Caregivers may substitute cribs for cots, but may not count crib space in square footage. *(Division of Family Resources; 470 IAC 3-4.7-130; filed Aug 11, 2003, 3:00 p.m.: 27 IR 155; errata filed Nov 7, 2003, 2:45 p.m.: 27 IR 1184)*

470 IAC 3-4.7-131 Infant/toddler equipment; general

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 131. (a) The center shall provide indoor and outdoor play materials and equipment for caregivers to use with infants and toddlers to stimulate learning, growth, health, and development.

(b) Equipment and play materials shall be durable and free from characteristics that may be hazardous or injurious to infants and toddlers. Hazardous or injurious characteristics include, but are not limited to:

(1) sharp edges;

(2) rough edges;

(3) toxic paint; and

(4) objects small enough for children to swallow.

(c) Diaper bags and car seats from home shall not be allowed in the infant and toddler rooms.

(d) All articles that are used by infants or toddlers shall be sanitizable and sanitized daily and whenever soiled.

(e) All articles an infant chews on shall be sanitized after each child's use.

(f) Caregivers shall not attach pacifiers, if used, near or around the child's neck.

(g) Caregivers shall sanitize pacifiers when contaminated.

(h) The indoor and outdoor environment shall include ramps and steps that are the correct size for children to practice newly acquired skills.

(i) The infant and toddler outdoor play space must be separate from that of older children.

(j) Infants and toddlers shall have indoor/outdoor small climbing equipment that they can go in and out of, over, and around. *(Division of Family Resources; 470 IAC 3-4.7-131; filed Aug 11, 2003, 3:00 p.m.: 27 IR 155)*

470 IAC 3-4.7-132 Infant equipment

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 132. (a) Each room shall have, as a minimum, the following:

(1) Books for caregivers to read and sturdy picture books for children.

(2) Fine motor or manipulative toys.

(3) Gross motor or large muscle equipment.

(4) Sensory items.

(5) A source for playing recorded music.

(b) Caregivers shall provide duplicate toys.

(c) Equipment shall be routinely rotated in and out of the environment.

(d) Television is prohibited in infant areas. *(Division of Family Resources; 470 IAC 3-4.7-132; filed Aug 11, 2003, 3:00 p.m.: 27 IR 156)*

470 IAC 3-4.7-133 Toddler equipment

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 133. (a) Caregivers shall:

(1) provide duplicate toys;

(2) provide an art easel with paint and paper in each toddler room;

(3) have a shatterproof, full body mirror in each toddler room;

(4) have riding toys available and regularly used in the room; and

(5) routinely rotate equipment in and out of the environment.

(b) Each room shall have, at a minimum, the following:

(1) Dramatic play equipment.

(2) A sand/water/sensory table or container with equipment for measuring and pouring.

(3) Gross motor or large muscle equipment.

(4) Art materials.

(5) Blocks and accessories.

(6) A book corner with comfortable seating, cardboard books, and cloth books.

(7) Musical instruments.

(c) Television is prohibited in toddler areas. *(Division of Family Resources; 470 IAC 3-4.7-133; filed Aug 11, 2003, 3:00 p.m.: 27 IR 156)*

470 IAC 3-4.7-134 Infant feeding

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 134. (a) The center shall provide food that meets the dietary needs of each infant as based on the National Research Council-Recommended Daily Dietary Allowance (NRC-RDA).

(b) Prior to admission, the child's parent shall establish a feeding plan, based on the recommendation of the child's physician, for each infant.

(c) The feeding plan for each infant shall include and list the following:

(1) The specified kind and amount of food or formula to be offered.

(2) The scheduled hours that food or formula are to be offered.

(d) The parent shall update the feeding plan as the child's food intake changes.

(e) Any changes or restrictions from the recommended feeding plan for children for more than forty-eight (48) hours must have a physician's written order.

(f) The center shall post a copy of the child's feeding plan for use by food preparation personnel and the person responsible

for feeding the child.

(g) Caregivers shall adjust to infant's individual feeding schedules.

(h) Caregivers shall feed infants in their own rooms.

(i) Caregivers shall wash their hands before each feeding of individual children.

(j) Caregivers shall hold infants while feeding them bottles.

(k) Caregivers shall provide a clean sanitized training cup for each child who is old enough and ready to drink from it.

(Division of Family Resources; 470 IAC 3-4.7-134; filed Aug 11, 2003, 3:00 p.m.: 27 IR 156)

470 IAC 3-4.7-135 Infant food preparation and storage

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 135. (a) The parent or the center may provide formula.

(b) All canned formula must be unopened, commercially prepared, and ready-to-feed strength.

(c) The center shall not use outdated formula.

(d) There shall be a heating unit for warming bottles and food, accessible only to staff, located in the infant room. Staff shall not heat formula or breast milk in a microwave oven.

(e) Caregivers shall thoroughly stir food heated in a microwave after heating and before feeding to children.

(f) A refrigerator shall be located in the infant food preparation room.

(g) If a day's supply of bottles is prepared at one (1) time, each bottle shall be covered and labeled with the child's name, date, and time poured.

(h) Staff shall refrigerate prepared bottles and use them within twenty-four (24) hours.

(i) Staff shall cover and refrigerate portions of formula that remain in open original containers that are labeled with date and time opened and shall discard this formula after forty-eight (48) hours if unused.

(j) Staff shall discard any formula remaining in a bottle after a feeding.

(k) Parents may supply filled bottles as follows:

(1) The bottles shall be sterilized.

(2) The nipple must be covered.

(3) The bottle shall be labeled with the child's name and date prepared.

(4) The bottles must be brought to the child care center in a clean, insulated container that keeps the formula at forty-one (41) degrees Fahrenheit or below.

(5) Staff shall return all unused bottles daily.

(6) The parent shall provide one (1) unopened can of ready to feed formula.

(Division of Family Resources; 470 IAC 3-4.7-135; filed Aug 11, 2003, 3:00 p.m.: 27 IR 156)

470 IAC 3-4.7-136 Breast milk

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 136. (a) Prior to serving breast milk to an infant, the center shall have on file a written parent agreement as follows:

(1) The parent shall agree to provide breast milk in sterilized bottles or sterile nurser bags.

(2) The parent shall agree to store the milk in a single serving size.

(3) The parent shall assume responsibility for maintaining the milk at forty-one (41) degrees Fahrenheit or below during home storage and transport to the child care center.

(b) The center or the mother must supply sterilized bottles or disposable nurser bags.

(c) The mother shall store her milk in a bottle or bag and refrigerate the milk.

(d) The milk must be labeled with the child's name and the date and time collected.

(e) The bottles must be brought to the child care center in a clean, insulated container that keeps the milk at forty-one (41) degrees Fahrenheit or below.

(f) The center shall use fresh, refrigerated breast milk within forty-eight (48) hours of the time expressed.

(g) Staff shall not thaw or warm breast milk in a microwave oven.

(h) Staff shall discard any breast milk remaining in a bottle after a feeding.

(i) Centers shall support mothers who are breast feeding. *(Division of Family Resources; 470 IAC 3-4.7-136; filed Aug 11, 2003, 3:00 p.m.: 27 IR 157)*

470 IAC 3-4.7-137 Infant milk

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 137. (a) At feeding time, milk shall be poured from the original container directly into the sterilized bottle or sanitized training cup.

(b) All unused portions of an individual feeding shall be discarded.

(c) The center shall store milk at forty-one (41) degrees Fahrenheit or below. *(Division of Family Resources; 470 IAC 3-4.7-137; filed Aug 11, 2003, 3:00 p.m.: 27 IR 157)*

470 IAC 3-4.7-138 Bottle sterilizing procedures

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 138. (a) If bottles are to be washed and sterilized in the infant room, the center must provide a two (2) compartment sink for this purpose only.

(b) The center shall post procedures for bottle sterilization where the sterilization takes place.

(c) Staff shall sterilize permanent ware bottles, nipples, collars, caps, expanders, and tongs as follows:

(1) Prewash all items in hot detergent water.

(2) Scrub bottles and nipples inside and out with bottle and nipple brush.

(3) Squeeze water through the nipple hole during washing.

(4) Rinse items well with clean, hot water.

(5) Boil in clear water as follows:

(A) Bottles for five (5) minutes.

(B) Nipples, caps, collars, and tongs for three (3) minutes.

(d) A commercial bottle sterilizer used according to manufacturer instructions may be substituted for the boiling procedures in this subdivision.

(e) All items shall be air-dried.

(f) Staff shall store all items separately in clean, covered, and labeled containers, away from food, and in compliance with 410 IAC 7-20 concerning food service sanitation requirements.

(g) Hands shall be clean and care taken in handling technique to prevent contamination of clean bottles and nipples. *(Division of Family Resources; 470 IAC 3-4.7-138; filed Aug 11, 2003, 3:00 p.m.: 27 IR 157)*

470 IAC 3-4.7-139 Infant solid foods

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 139. (a) Caregivers shall not use a nurser or nurser-type equipment to feed children food unless by written orders from a physician.

(b) Staff shall cover, date, and refrigerate open containers of food. Caregivers shall use or discard the contents of opened jars within twenty-four (24) hours.

(c) Caregivers may serve food from jars or from a separate serving dish using a separate jar or serving dish for each infant.

(d) If caregivers feed children from jars, they shall discard any leftovers in the jars. Caregivers shall discard any leftovers from serving dishes.

(e) Food shall be cut up in small pieces no larger than one-fourth (¼) inch cube. *(Division of Family Resources; 470 IAC 3-4.7-139; filed Aug 11, 2003, 3:00 p.m.: 27 IR 158)*

470 IAC 3-4.7-140 Toddler feeding

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 140. (a) The center shall provide food that meets the dietary needs of each toddler as based on the National Research Council-Recommended Daily Dietary Allowance (NRC-RDA).

(b) Caregivers shall wash their hands before feeding of toddlers.

(c) Caregivers shall assist and assure that each toddler washes their hands before each meal.

(d) Caregivers shall feed toddlers in their own room.

(e) Tables and chairs of appropriate height and size, high chairs with a broad base, or feeding tables shall be provided according to the age and development of the child.

(f) Caregivers shall always use safety belts for securing the children when the children are in high chairs and feeding tables.

(g) Caregivers shall remove children from their chair after eating.

(h) Caregivers shall provide a clean sanitized training cup for each child who is old enough and ready to drink from it. Caregivers must cover unused refrigerated training cups.

(i) Caregivers shall allow and encourage children to feed themselves. Caregivers shall maintain supportive help to children for as long as they need such help.

(j) Staff shall serve and have food ready to eat before calling children to meals so they do not have to wait.

(k) Caregivers must provide appropriate size eating utensils.

(l) When a child is able and seems ready to adjust to eating with others at a table, he or she may be placed at a child's table.

(m) At all meals, adults shall be seated at each table to supervise.

(n) Water shall be offered between meals and snacks to each toddler.

(o) Food must be cut up in no larger than one-half (½) inch cubes. *(Division of Family Resources; 470 IAC 3-4.7-140; filed Aug 11, 2003, 3:00 p.m.: 27 IR 158)*

470 IAC 3-4.7-141 Infant/toddler sleeping

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 141. (a) The needs of individual children shall determine the sleeping periods.

(b) Caregivers shall place infants on their backs or sides in their cribs for sleeping.

(c) Only children under thirty (30) inches tall may use a port-a-crib.

(d) Only children under thirty-five (35) inches tall may use a full-sized crib.

(e) The fifty (50) square feet of required space per child includes space for a crib for each infant.

(f) All cribs shall meet the following guidelines:

(1) Cribs shall be of sturdy construction.

(2) There shall be no corner posts higher than one-sixteenth ($^{1}/_{16}$) inch.

(3) There shall be no cut-outs in the headboard.

(4) Spaces between the bars of the crib and between the bars and the end panels of the crib shall not exceed two and three-eighths (2⅜) inches.

(5) Each crib shall have a firm mattress at least two (2) inches thick that is securely covered with a waterproof material not dangerous to children.

(6) The gap between the mattress and the interior perimeter of the crib shall not exceed one (1) inch.

(7) Drop-side latches shall be safe and securely hold the sides in the raised position.

(8) Latches shall not be reachable by a child in the crib.

(g) Full-sized cribs shall meet the following guidelines:

(1) The interior dimension shall be greater than fifty-one and three-fourths (51¾) inches in length, and twenty-seven and three-eighths (27⅜) inches in width.

(2) With the mattress support in its lowest position and the crib side in its highest position, the vertical distance from the upper surface of the mattress support to the upper surface of the crib side and end panel shall not be less than twenty-six (26) inches.

(h) Port-a-cribs shall meet the following guidelines:

(1) The interior dimension is smaller than fifty and three-eighths (50⅜) inches in length but not less than thirty-six (36) inches in length, and smaller than twenty-six (26) inches in width but not less than twenty-four (24) inches in width.

(2) With the mattress support in its lowest position, the vertical distance from the upper surface of the mattress support to the upper surface of the crib side and end panel shall not be less than twenty-two (22) inches.

(i) Caregivers shall provide at least three (3) feet of space between cribs when occupied.

(j) Tiered or stacked cribs are prohibited.

(k) Cribs shall be located away from heaters, drafts, and cords from window coverings.

(l) When a child is in a crib, caregivers shall extend the sides to their fullest height.

(m) Staff shall sanitize all cribs as often as necessary and at least daily.

(n) Staff shall sanitize cribs or cots and change bedding between each child's use if they allow two (2) part-time children to share the same crib or cot.

(o) All bedding shall be changed immediately when wet or soiled, and otherwise once each day.

(p) Staff shall launder bedding in a washing machine with water temperature above one hundred sixty (160) degrees Fahrenheit or in a sanitizing solution of one (1) cup bleach or equivalent chemical per washer load.

(q) Soiled bedding shall not accumulate for longer than twenty-four (24) hours before laundering.

(r) Staff shall have a reserve supply of bedding and wash cloths available at all times in case of delays in laundry pickup or delivery.

(s) Each toddler shall have individual bedding with their separate cot or crib.

(t) Caregivers shall assure that at least three (3) feet of space is between toddler cots. *(Division of Family Resources; 470 IAC 3-4.7-141; filed Aug 11, 2003, 3:00 p.m.: 27 IR 158)*

470 IAC 3-4.7-142 Infant room size

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 142. (a) Each newly licensed infant room under this rule shall have a minimum of fifty (50) square feet of usable space per child. This space is exclusive of storage areas, entryways, lockers, and floor area occupied by built-in cabinets.

(b) Any infant room shall have a minimum of thirty-five (35) square feet of usable space per child provided that the same room remains licensed for infants. This space is exclusive of storage areas, entryways, lockers, and floor area occupied by permanent built-in cabinets. *(Division of Family Resources; 470 IAC 3-4.7-142; filed Aug 11, 2003, 3:00 p.m.: 27 IR 159)*

470 IAC 3-4.7-143 Infant/toddler rooms; general

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 143. (a) All portions of the means of egress shall comply with the rules of the FPBSC under 675 IAC.

(b) Each infant and toddler room shall have floor-to-ceiling walls on all sides and full doors.

(c) No one shall use the infant or toddler rooms as throughways.

(d) The floor covering in infant and toddler rooms shall meet the following standards:

(1) It shall be safe and easily cleaned.

(2) Throw rugs are not permitted.

(3) Staff shall vacuum carpeting daily when children are not present and shampoo the carpeting as frequently as necessary to keep it clean.

(4) Staff shall mop noncarpeted flooring daily when children are not present and as frequently as necessary to keep it clean.

(5) The floor covering under and two (2) feet around the area used for diapering, feeding, and preparation of food shall be noncarpeted and easily cleaned.

(e) A sink must be in the infant room or in a room that opens directly into the infant room. If the infant room has a toilet, it must be in a room with a door.

(f) A sink must be in the toddler room or in a room that opens directly into the toddler room.

(g) A toilet must be in a room with a door that opens directly into the toddler room. *(Division of Family Resources; 470 IAC 3-4.7-143; filed Aug 11, 2003, 3:00 p.m.: 27 IR 159)*

470 IAC 3-4.7-144 School age staffing

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 144. (a) The child care center that enrolls school age children shall have at least one (1) caregiver qualified by training or experience to work with this age group.

(b) The caregivers serving school age children shall receive in-service training that relates to the specific needs of the children served. *(Division of Family Resources; 470 IAC 3-4.7-144; filed Aug 11, 2003, 3:00 p.m.: 27 IR 160)*

470 IAC 3-4.7-145 School age grouping

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 145. (a) The center shall keep school age children separated from younger children at all times except as in subsection (d) and section 49(f) of this rule.

(b) School age children shall have a clearly defined separate room/area that does not interfere with the care of younger children.

(c) Outdoor play areas shall not be used by both preschool and school age children at the same time unless separate, clearly defined play areas are provided.

(d) School age children may choose to interact with children two (2) years of age and preschool children under direct caregiver supervision with the following conditions:

(1) Caregivers shall permit only one (1) school age child per group of children two (2) years of age or preschool children at any given time.

(2) This shall be a voluntary educational experience and not used as a disciplinary measure or to correct child/staff ratios.

(3) Caregivers shall permit only one (1) school age child per group per day.

(4) School age children shall be counted as children when determining the child/staff ratio.

(5) School age children shall not lift a child.

(6) School age children shall not assist in snack or meal times.

(7) School age children shall not assist in rest time.

(8) School age children shall not assist in supervision of restroom usage or diapering.

(9) School age children shall not be asked to assume responsibility for the care and safety of other children.

(Division of Family Resources; 470 IAC 3-4.7-145; filed Aug 11, 2003, 3:00 p.m.: 27 IR 160; errata filed Nov 7, 2003, 2:45 p.m.: 27 IR 1184)

470 IAC 3-4.7-146 School age program and equipment

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 146. (a) The center shall provide a program and activities that recognize the developmental and educational needs of school age children.

(b) Caregivers shall seek child input in the development of program activities.

(c) Children who have been in school all day shall have time set aside for relaxation and recreation immediately upon arrival from school.

(d) Indoor and outdoor equipment shall be age and physical size appropriate. *(Division of Family Resources; 470 IAC 3-4.7-146; filed Aug 11, 2003, 3:00 p.m.: 27 IR 160)*

470 IAC 3-4.7-147 Special needs staffing

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 147. (a) Caregivers serving children who require special program services shall receive in-service training that relates to the specific needs of the children served.

(b) A consulting resource person shall be available to caregivers to provide assistance when necessary.

(c) Directors shall be certified in special needs care by the division within six (6) months of employment as provided by or approved by the division.

(d) Staff shall have special needs care training by a certified director or the division. *(Division of Family Resources; 470 IAC 3-4.7-147; filed Aug 11, 2003, 3:00 p.m.: 27 IR 160)*

470 IAC 3-4.7-148 Special needs program

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 148. (a) The center shall form a resource team that maintains communication regarding the child's special needs and progress that consists of the following:

(1) Parent.

(2) Child care center director.

(3) Direct caregivers.

(4) Speech pathologists, physical and occupational therapists, educators, and other technical and professional personnel.

(b) The center shall implement recommendations made by the resource team and incorporate the recommendations into a program plan for the child.

(c) The center shall review, evaluate, and document all program recommendations from resource persons related to a child's special needs at least twice a year. *(Division of Family Resources; 470 IAC 3-4.7-148; filed Aug 11, 2003, 3:00 p.m.: 27 IR 160)*

470 IAC 3-4.7-149 Extended hours of operation

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 149. (a) If a child care center is open for business twenty-four (24) hours per day, the center shall contact the SFM for additional fire safety rules.

(b) The center shall have the approval of the SFM and division prior to operating extended hours. *(Division of Family Resources; 470 IAC 3-4.7-149; filed Aug 11, 2003, 3:00 p.m.: 27 IR 161)*

470 IAC 3-4.7-150 Night care approval

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 150. (a) The center shall meet all the requirements of this rule and be specifically approved for "Night Care" prior to providing care for any child between the hours of 7 p.m. and 6 a.m.

(b) The specific rules for "Night Care" shall prevail if there is a difference between this rule and the rules for all times of care. *(Division of Family Resources; 470 IAC 3-4.7-150; filed Aug 11, 2003, 3:00 p.m.: 27 IR 161)*

470 IAC 3-4.7-151 Night care staffing

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 151. (a) There shall always be at least two (2) caregivers on duty at all times regardless of the child/staff ratio.

(b) Caregivers counted for purposes of meeting child/staff ratio requirements shall be awake at all times. *(Division of Family Resources; 470 IAC 3-4.7-151; filed Aug 11, 2003, 3:00 p.m.: 27 IR 161)*

470 IAC 3-4.7-152 Night care

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 152. (a) Caregivers may combine infants, toddlers, and children two (2) years of age only during evening sleeping hours.

(b) Caregivers shall determine maximum group size by the age of the youngest child.

(c) Caregivers may permit preschool and school age children to sleep in separate areas in the same room during evening hours. Caregivers may make exceptions for siblings. *(Division of Family Resources; 470 IAC 3-4.7-152; filed Aug 11, 2003, 3:00 p.m.: 27 IR 161)*

470 IAC 3-4.7-153 Night care program and equipment

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 153. (a) Each child shall have an individual cot, bed, or crib equipped with bedding and maintained in sanitary and safe condition.

(b) Each group must have a posted schedule of evening activities. *(Division of Family Resources; 470 IAC 3-4.7-153; filed Aug 11, 2003, 3:00 p.m.: 27 IR 161)*

470 IAC 3-4.7-154 Night care food service

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 154. (a) Staff shall serve an evening meal at a regular time each evening to all children that are in attendance and make the meal available to other children who may arrive later.

(b) Staff shall serve a bedtime snack to each child.

(c) Staff shall serve breakfast to all children that have been at the child care center throughout the night and are present at 6:30 a.m. *(Division of Family Resources; 470 IAC 3-4.7-154; filed Aug 11, 2003, 3:00 p.m.: 27 IR 161)*

470 IAC 3-4.7-155 Ill child care space requirement

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 155. (a) The center shall use the ill child care room exclusively for ill children and not use the room for any other purpose.

(b) There shall be toilet, hand washing, and diapering facilities used exclusively for ill child care.

(c) The ill child care room shall have a separate entrance from the outside.

(d) The ill child care room shall have separate heating, air conditioning, and ventilation.

(e) The center must contact the child care health section for additional criteria. *(Division of Family Resources; 470 IAC 3-4.7-155; filed Aug 11, 2003, 3:00 p.m.: 27 IR 162)*

470 IAC 3-4.7-156 Existing licensed child care centers

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 156. Existing child care centers licensed under 470 IAC 3-4.1 or 470 IAC 3-4.2, or both, at the time this rule is effective shall have one (1) calendar year to comply with this rule unless specifically stated otherwise. *(Division of Family Resources; 470 IAC 3-4.7-156; filed Aug 11, 2003, 3:00 p.m.: 27 IR 162)*

Rule 4.8. Emergency or Temporary Closure of Child Care Centers and Child Care Homes

470 IAC 3-4.8-1 List of conditions

Authority: IC 12-13-5-3; IC 12-17.2-4-18.7; IC 12-17.2-5-18.7
Affected: IC 4-21.5-4; IC 12-17.2-4; IC 12-17.2-5

Sec. 1. (a) The following are the list of conditions that pose immediate threat to the life or well-being of a child in the care of