

ARTICLE 3. CHILD WELFARE SERVICES

Rule 1. Licensing of Boarding Homes for Children

470 IAC 3-1-1 Definition of “foster parent” and “foster parents” (Transferred)

Sec. 1. *NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-1) to the Department of Child Services (465 IAC 2-1-1) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

470 IAC 3-1-2 Definition of “boarding home for full-time care of children” (Transferred)

Sec. 2. *NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-2) to the Department of Child Services (465 IAC 2-1-2) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

470 IAC 3-1-3 Foster family; full-time care; health; income; adult boarders; records and reports (Transferred)

Sec. 3. *NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-3) to the Department of Child Services (465 IAC 2-1-3) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

470 IAC 3-1-4 Housing; full-time care; standards and requirements (Transferred)

Sec. 4. *NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-4) to the Department of Child Services (465 IAC 2-1-4) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

470 IAC 3-1-5 Sanitation; full-time care (Transferred)

Sec. 5. *NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-5) to the Department of Child Services (465 IAC 2-1-5) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

470 IAC 3-1-6 Health; full-time care; communicable diseases; medical treatment; health regulations (Transferred)

Sec. 6. *NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-6) to the Department of Child Services (465 IAC 2-1-6) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

470 IAC 3-1-7 Food; full-time care (Transferred)

Sec. 7. *NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-7) to the Department of Child Services (465 IAC 2-1-7) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

470 IAC 3-1-8 Personal care of child in boarding home for full-time care of children; supervision; education; religion (Transferred)

Sec. 8. *NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-8) to the Department of Child Services (465 IAC 2-1-8) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

470 IAC 3-1-9 Definition of “intermediate boarding home for the care of children;” emergency placement (Transferred)

Sec. 9. *NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-9) to the Department of Child Services (465 IAC 2-1-9) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

470 IAC 3-1-10 Foster family; intermediate care; requirements (Transferred)

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Sec. 10. *NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-10) to the Department of Child Services (465 IAC 2-1-10) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

470 IAC 3-1-11 Housing, intermediate care; standards and requirements (Transferred)

Sec. 11. *NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-11) to the Department of Child Services (465 IAC 2-1-11) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

470 IAC 3-1-12 Sanitation; intermediate care (Transferred)

Sec. 12. *NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-12) to the Department of Child Services (465 IAC 2-1-12) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

470 IAC 3-1-13 Health; intermediate care; physical examination (Transferred)

Sec. 13. *NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-13) to the Department of Child Services (465 IAC 2-1-13) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

470 IAC 3-1-14 Food; intermediate care (Transferred)

Sec. 14. *NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-14) to the Department of Child Services (465 IAC 2-1-14) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

470 IAC 3-1-15 Personal care of child; intermediate care; supervision; education; religion (Transferred)

Sec. 15. *NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-15) to the Department of Child Services (465 IAC 2-1-15) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

470 IAC 3-1-15.5 Foster parent training (Transferred)

Sec. 15.5. *NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-15.5) to the Department of Child Services (465 IAC 2-1-16) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

470 IAC 3-1-16 Definition of “boarding home for day-time care to children” (Repealed)

Sec. 16. *(Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505)*

470 IAC 3-1-17 Foster family; day-time care; requirements (Repealed)

Sec. 17. *(Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505)*

470 IAC 3-1-18 Housing; day-time care; standards and requirements (Repealed)

Sec. 18. *(Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505)*

470 IAC 3-1-19 Sanitation; day-time care (Repealed)

Sec. 19. *(Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505)*

470 IAC 3-1-20 Health; day-time care; communicable disease; medical treatment and illness; health regulations (Repealed)

Sec. 20. (Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505)

470 IAC 3-1-21 Food; day-time care (Repealed)

Sec. 21. (Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505)

470 IAC 3-1-22 Personal care of child; day-time care; supervision; education; religion (Repealed)

Sec. 22. (Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505)

470 IAC 3-1-23 Staff for day-time care of more than six children (Repealed)

Sec. 23. (Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505)

470 IAC 3-1-24 Housing; additional requirements for day-time care of more than six children and not more than ten children (Repealed)

Sec. 24. (Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505)

470 IAC 3-1-25 Health; additional requirements for day-time care of more than six children; isolation; examination (Repealed)

Sec. 25. (Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505)

470 IAC 3-1-26 Personal care of the child; additional requirements for day-time care of more than six children; program of activities (Repealed)

Sec. 26. (Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505)

Rule 1.1. Child Care Homes

470 IAC 3-1.1-0.5 Minimum standards

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 0.5. This rule represents the minimum standards necessary to operate a child care home in the state of Indiana, developed under the authority of IC 12-17.2. These rules apply to the home during hours of operation as a child care home. The purpose of these rules is to protect and promote the health and safety of children in care and to support families as consumers of child care services. First and foremost, child care is the responsibility and choice of the parent. Many child care advocates, providers, licensing specialists, and parents participated in the development of these rules. (*Division of Family Resources; 470 IAC 3-1.1-0.5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3057; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-1 “Applicant” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 1. As used in this rule, “applicant” means a person who applies for a license to operate a child care home. (*Division of Family Resources; 470 IAC 3-1.1-1; filed Nov 14, 1991, 1:00 p.m.: 15 IR 494; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3057; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-2 “Assistant caregiver” defined

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

Sec. 2. As used in this rule, “assistant caregiver” means a person eighteen (18) years of age or older who works in a child care home under the direct supervision of the caregiver. *(Division of Family Resources; 470 IAC 3-1.1-2; filed Nov 14, 1991, 1:00 p.m.: 15 IR 494; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3057; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-3 “Attendance” defined

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

Sec. 3. As used in this rule, “attendance” means the total number of children present at any one (1) time at the child care home. *(Division of Family Resources; 470 IAC 3-1.1-3; filed Nov 14, 1991, 1:00 p.m.: 15 IR 494; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3058; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-4 “Caregiver” defined

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

Sec. 4. As used in this rule, “caregiver” means a person eighteen (18) years of age or older who is responsible for the direct care, protection, and supervision of children in a child care home. The caregiver supervises assistant, student assistant, and volunteer caregivers. *(Division of Family Resources; 470 IAC 3-1.1-4; filed Nov 14, 1991, 1:00 p.m.: 15 IR 494; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3058; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-4.5 “CDFC” defined

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

Sec. 4.5. As used in this rule, “CDFC” means the central office of the Indiana division of family and children. *(Division of Family Resources; 470 IAC 3-1.1-4.5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3058; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-5 “CDPW” defined (Repealed)

Sec. 5. *(Repealed by Division of Family and Children; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3073)*

470 IAC 3-1.1-6 “Child care” defined

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

Sec. 6. As used in this rule, “child care” means a service for families on behalf of children and their parents which is designed to supplement daily parental care. *(Division of Family Resources; 470 IAC 3-1.1-6; filed Nov 14, 1991, 1:00 p.m.: 15 IR 494; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3058; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-7 “Child care home” defined

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

Sec. 7. (a) As used in this rule, “child care home” means a residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider:

- (1) while unattended by a parent, legal guardian, or custodian;
- (2) for regular compensation; and
- (3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

The term does not include a child care center.

- (b) The term includes the following:
 - (1) A Class I child care home.
 - (2) A Class II child care home.

(Division of Family Resources; 470 IAC 3-1.1-7; filed Nov 14, 1991, 1:00 p.m.: 15 IR 494; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3058; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3471; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-1.1-7.1 “Child to staff ratio” defined

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

Sec. 7.1. As used in this rule, “child to staff ratio” means the maximum number of children permitted per direct child care provider. *(Division of Family Resources; 470 IAC 3-1.1-7.1; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3058; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-7.2 “Class I child care home” defined

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

Sec. 7.2. (a) As used in this rule, “Class I child care home” means a child care home that serves any combination of full-time and part-time children, not to exceed at any one (1) time twelve (12) children plus three (3) children during the school year only who are enrolled in at least grade one (1). The addition of three (3) school aged children may not occur during a break in the school year that exceeds four (4) weeks.

- (b) A child:
 - (1) for whom a provider of care is a parent, stepparent, guardian, custodian, or other relative; and
 - (2) who is at least seven (7) years of age;

shall not be counted in determining whether the child care home is within the limit set forth in subsection (a). *(Division of Family Resources; 470 IAC 3-1.1-7.2; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-7.3 “COFC” defined

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

Sec. 7.3. As used in this rule, “COFC” means the county office of family and children in the county in which the child care home is located. *(Division of Family Resources; 470 IAC 3-1.1-7.3; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-7.4 “Design professional” defined

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

- Sec. 7.4. As used in this rule, “design professional” means:
- (1) an architect;
 - (2) an engineer; or
 - (3) other professional;

who is approved to file building plans and is qualified to determine if a structure meets the definition of a residential structure. *(Division of Family Resources; 470 IAC 3-1.1-7.4; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

24 IR 4235)

470 IAC 3-1.1-8 “Direct child care provider” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 8. As used in this rule, “direct child care provider” means any individual who provides child care services to children. This term includes the following:

- (1) Licensee, when acting as caregiver.
- (2) Caregiver, assistant caregivers, and student assistants.
- (3) A volunteer.

(Division of Family Resources; 470 IAC 3-1.1-8; filed Nov 14, 1991, 1:00 p.m.: 15 IR 495; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-1.1-9 “Discipline” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 9. As used in this rule, “discipline” means training which corrects inappropriate behavior. *(Division of Family Resources; 470 IAC 3-1.1-9; filed Nov 14, 1991, 1:00 p.m.: 15 IR 495; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-10 “Infant” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 10. As used in this rule, “infant” means a child from birth to twelve (12) months of age. *(Division of Family Resources; 470 IAC 3-1.1-10; filed Nov 14, 1991, 1:00 p.m.: 15 IR 495; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-11 “License” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 11. As used in this rule, “license” means a document issued by the CDFC authorizing the operation of a child care home at a specific location for a specific duration and specifying the number of children for whom child care services may be provided. *(Division of Family Resources; 470 IAC 3-1.1-11; filed Nov 14, 1991, 1:00 p.m.: 15 IR 495; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-12 “Licensee” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 12. As used in this rule, “licensee” means an individual or corporation who is licensed to operate a child care home. A licensee may be licensed to operate more than one (1) child care home. The licensee may be the caregiver for only one (1) child care home at a time. *(Division of Family Resources; 470 IAC 3-1.1-12; filed Nov 14, 1991, 1:00 p.m.: 15 IR 495; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-12.5 “Probationary license” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 12.5. (a) As used in this rule, “probationary license” means a document issued to a child care home licensee who is temporarily unable to comply with this rule. The CDFC may grant a probationary license if:

- (1) the noncompliance does not present an immediate threat to the health and well-being of the children;
- (2) the licensee files a plan with the COFC to correct the areas of noncompliance within the probationary period; and
- (3) the COFC approves the plan.

(b) The COFC shall act upon a plan of correction within thirty (30) days of receipt.

(c) A probationary license is valid for not more than six (6) months. The CDFC may extend a probationary license for one (1) additional period of six (6) months.

(d) An existing license is invalidated when a probationary license is issued.

(e) Upon receipt of a probationary license, the licensee shall return to the COFC the previously issued license.

(f) At the expiration of the probationary license, the CDFC shall:

- (1) reinstate the original license to the end of the original term of the license;
- (2) issue a new license; or
- (3) revoke the license.

(Division of Family Resources; 470 IAC 3-1.1-12.5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3060; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3471; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-1.1-13 “Protected outdoor play area” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 13. As used in this rule, “protected outdoor play area” means an area that is safely enclosed by either a fence or natural boundaries. *(Division of Family Resources; 470 IAC 3-1.1-13; filed Nov 14, 1991, 1:00 p.m.: 15 IR 495; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-14 “Provisional license” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 14. As used in this rule, “provisional license” means a document issued to a child care home licensee whose services are needed but who is not able to demonstrate compliance with a rule because the child care home is not in full operation. A provisional license may be issued for a period not to exceed twelve (12) months and is subject to review every three (3) months. *(Division of Family Resources; 470 IAC 3-1.1-14; filed Nov 14, 1991, 1:00 p.m.: 15 IR 495; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3060; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-15 “Relatives” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 15. As used in this rule, “relatives” means a relationship to an individual who is less than eighteen (18) years of age by marriage, blood, or adoption, including parents, grandparents, brothers, sisters, stepparents, stepgrandparents, stepsisters, stepbrothers, uncles, aunts, and first cousins. *(Division of Family Resources; 470 IAC 3-1.1-15; filed Nov 14, 1991, 1:00 p.m.: 15 IR 495; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3060; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-16 “Residential structure” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 16. (a) As used in this rule, “residential structure” means a dwelling unit as that term is defined in 675 IAC 14-4 [675 IAC 14-4 was repealed filed Oct 30, 1997, 12:45 p.m.: 21 IR 1003.]. It may be the applicant's or licensee's own residence.

(b) If the applicant, or any person, does not presently physically reside in the structure, the applicant or licensee shall provide

documentation by a design professional that the structure qualifies as a residential structure before a license for a child care home may be issued.

(c) Licensed child care homes that hold a regular license with the CDFC on the effective date of this rule are exempt from meeting the requirements of subsection (b). (*Division of Family Resources; 470 IAC 3-1.1-16; filed Nov 14, 1991, 1:00 p.m.: 15 IR 495; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3060; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-17 “Sanitize” defined

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

Sec. 17. As used in this rule, “sanitize” means to destroy disease causing organisms by chemical or mechanical means, including, but not limited to, a chemical means of using one (1) teaspoon of bleach per gallon of water. (*Division of Family Resources; 470 IAC 3-1.1-17; filed Nov 14, 1991, 1:00 p.m.: 15 IR 496; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-18 “SDPW” defined (Repealed)

Sec. 18. (*Repealed by Division of Family and Children; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3073*)

470 IAC 3-1.1-19 “SFM” defined

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

Sec. 19. As used in this rule, “SFM” means the office of the state fire marshal in the department of fire and building services. (*Division of Family Resources; 470 IAC 3-1.1-19; filed Nov 14, 1991, 1:00 p.m.: 15 IR 496; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-20 “Student assistant” defined

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

Sec. 20. As used in this rule, “student assistant” means an individual fourteen (14) years of age through seventeen (17) years of age who works in a child care home under the direct supervision of the caregiver. (*Division of Family Resources; 470 IAC 3-1.1-20; filed Nov 14, 1991, 1:00 p.m.: 15 IR 496; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3060; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-21 “Toddler” defined

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

Sec. 21. As used in this rule, “toddler” means a child from twelve (12) months of age through twenty-four (24) months of age. (*Division of Family Resources; 470 IAC 3-1.1-21; filed Nov 14, 1991, 1:00 p.m.: 15 IR 496; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-22 “Variance” defined

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

Sec. 22. As used in this rule, “variance” means official permission granted by the CDFC to meet the intent of a specific rule in a way other than specified by the rule. (*Division of Family Resources; 470 IAC 3-1.1-22; filed Nov 14, 1991, 1:00 p.m.: 15 IR 496; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3060; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-22.5 "Volunteer" defined

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

Sec. 22.5. As used in this rule, "volunteer" means a direct child care provider who is not paid. If the volunteer is counted in the child to staff ratio, he or she must be fourteen (14) years of age or older and must meet the same requirements as paid personnel. (*Division of Family Resources; 470 IAC 3-1.1-22.5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3061; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-23 "Waiver" defined

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

Sec. 23. As used in this rule, "waiver" means official permission granted by the CDFC to be exempted from meeting a specific rule. (*Division of Family Resources; 470 IAC 3-1.1-23; filed Nov 14, 1991, 1:00 p.m.: 15 IR 496; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3061; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-24 Child care home maximum capacity

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

Sec. 24. A maximum of fifteen (15) children who are less than eleven (11) years of age may be present in the Class I child care home at any one (1) time during any part of the day. This number includes the caregiver's own children, related children, unrelated children, and any part-time child care children present. (*Division of Family Resources; 470 IAC 3-1.1-24; filed Nov 14, 1991, 1:00 p.m.: 15 IR 496; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3061; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-25 Minimum standards (Repealed)

Sec. 25. (*Repealed by Division of Family and Children; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3073*)

470 IAC 3-1.1-26 Exemption from licensure

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

Sec. 26. Licensure is not required for a child care home if the provider:

- (1) does not receive regular compensation;
- (2) cares only for children who are related to the provider;
- (3) cares for less than six (6) children, not including children for whom the provider is a parent, stepparent, guardian, custodian, or other relative; or
- (4) operates to serve migrant children.

(*Division of Family Resources; 470 IAC 3-1.1-26; filed Nov 14, 1991, 1:00 p.m.: 15 IR 496; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3061; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-27 Application for licensure

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

Sec. 27. Application for a license to operate a child care home must be submitted by the applicant every two (2) years to the COFC on forms provided for that purpose by the CDFC. (*Division of Family Resources; 470 IAC 3-1.1-27; filed Nov 14, 1991, 1:00 p.m.: 15 IR 497; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3061; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-28 Initial licensure

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 28. (a) An applicant for a child care home license shall do the following:

- (1) Attend an orientation training arranged or approved by the CDFC.
 - (2) Comply with application procedures required by this rule.
 - (3) Submit to the COFC a completed, signed application for a child care home license, including attachments required to demonstrate compliance with this rule.
 - (4) Submit a statement attesting that the applicant has not been:
 - (A) convicted of a felony or a misdemeanor relating to the health and safety of children; and
 - (B) charged with:
 - (i) a felony; or
 - (ii) a misdemeanor relating to the health and safety of children;during the pendency of the application.
 - (5) Within thirty (30) days of application, submit a written medical statement, including proof of a Mantoux tuberculin test or chest x-ray, signed by a physician or a certified nurse practitioner. (Refer to section 34 of this rule.)
 - (6) Submit a water quality test as required by section 47(b) of this rule.
- (b) The COFC shall do the following:
- (1) Conduct a criminal history check on the applicant and the applicant's spouse.
 - (2) Conduct a check of the applicant, the applicant's spouse, and any others living in the home to determine whether their name appears on the sex offender registry, IC 5-2-12 [*IC 5-2-12 was repealed by P.L.173-2006, SECTION 55, effective July 1, 2006.*] et seq.
 - (3) Schedule a visit to the home during normal business hours and complete a child care home inspection checklist.
 - (4) Submit a written recommendation for child care home licensure to the CDFC based upon the home inspection checklist and the documents submitted by the applicant under subsection (a).
 - (5) The COFC shall return an incomplete application to applicant(s) with a notation as to omissions and without acting on the application.
- (c) The CDFC shall approve or deny the application for child home care licensure within sixty (60) days of the date the application is received by the COFC. (*Division of Family Resources; 470 IAC 3-1.1-28; filed Nov 14, 1991, 1:00 p.m.: 15 IR 497; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3061; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-28.5 Annual inspection

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 28.5. (a) The COFC will send a letter of request to the licensee for an information update which includes the name of the licensee, the name of the caregiver, the address and phone number of the child care home, and the license expiration date.

(b) The COFC shall make an annual visit to the home during normal business hours and will complete a limited inspection checklist.

(c) The caregiver shall maintain and make available verification of the following:

- (1) Annual Mantoux tuberculin test or chest x-ray for direct child care providers and all family members over eighteen (18) years of age.
- (2) Criminal history checks conducted for direct child care providers and family members and others over eighteen (18) years of age living in the home.
- (3) Conduct a check of the applicant, the applicant's spouse, and any others living in the home to determine whether their name appears on the sex offender registry, IC 5-2-12 [*IC 5-2-12 was repealed by P.L.173-2006, SECTION 55, effective July 1, 2006.*] et seq.
- (4) Notification of the local fire department.
- (5) Certification of current first aid training and annual CPR certification for direct child care providers.
- (6) Water quality test as required by section 47(b) of this rule.

(Division of Family Resources; 470 IAC 3-1.1-28.5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3062; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3471; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-1.1-29 Relicensure

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 29. (a) The licensee shall submit to the COFC the following prior to relicensure:

- (1) A new application completed and signed by the applicant.
- (2) Written proof of an annual Mantoux tuberculin test or chest x-ray as required. (Refer to section 34 of this rule.)
- (3) Attachments required to demonstrate compliance of this rule.
- (4) A statement by the applicant attesting that the applicant has not been:
 - (A) convicted of a felony or a misdemeanor relating to the health and safety of children; and
 - (B) charged with:
 - (i) a felony; or
 - (ii) a misdemeanor relating to the health and safety of children;during the pendency of the application.

(5) Water quality testing as required by section 47(b) of this rule.

(b) The COFC shall do the following:

- (1) Conduct a criminal history check on the applicant and the applicant's spouse.
- (2) Conduct a check of the applicant, the applicant's spouse, and any others living in the home to determine whether their name appears on the sex offender registry, IC 5-2-12 [*IC 5-2-12 was repealed by P.L.173-2006, SECTION 55, effective July 1, 2006.*] et seq.
- (3) Schedule a visit to the home during normal business hours and complete a child care home inspection checklist.
- (4) Submit a written recommendation for child care home licensure to the CDFC based upon the completed home inspection checklist and the documents submitted by the applicant under subsection (a).

(c) The CDFC shall approve or deny the application for child care licensure within sixty (60) days of the date the application is received by COFC. *(Division of Family Resources; 470 IAC 3-1.1-29; filed Nov 14, 1991, 1:00 p.m.: 15 IR 497; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3062; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-29.5 License provisions

Authority: IC 12-13-5-3

Affected: IC 12-17.2-5-12

Sec. 29.5. (a) A child care home license is valid for two (2) years unless revoked, suspended by the CDFC, or voluntarily surrendered.

(b) The number of children cared for at any one (1) time shall not exceed the licensed capacity.

(c) The license is valid only for the name and location on the license and is not transferable.

(d) The license shall be publicly displayed in the home. (IC 12-17.2-5-12(c))

(e) Whenever an applicant applies for multiple licenses located within the same structure or building, a signed statement from a design professional must be submitted certifying that each child care home to be licensed meets the state building code requirements for the proposed use which apply to fire and safety issues. Certification must include any modifications required to comply with the state building code requirements for the multiple occupancies requested.

(f) If two (2) or more licensed child care homes are contiguously located within the same residential structure, each licensed facility must be separated by a two (2) hour fire resistive wall between each licensee.

(g) Whenever an applicant applies for multiple licenses located within the same structure or building, each home must meet the requirements of licensure as independent homes.

(h) Multiple child care homes under one (1) roof which utilize a private well will also be subject to the water testing requirements of 327 IAC 8 whenever twenty-five (25) or more people are present.

(i) Licensees who hold a regular or provisional license upon the effective date of this rule are exempted from meeting the requirements of subsections (f) and (g). *(Division of Family Resources; 470 IAC 3-1.1-29.5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3063;*

readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-1.1-30 Appeals

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 30. Any individual, firm, corporation, association, or political subdivision whose license has been denied, revoked, or suspended may appeal the action of the CDFC by filing a written request for hearing with the CDFC within thirty (30) days of receipt of an official notice from the CDFC of such denial, suspension, or revocation. (*Division of Family Resources; 470 IAC 3-1.1-30; filed Nov 14, 1991, 1:00 p.m.: 15 IR 497; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3063; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-31 Incomplete application

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 31. (a) An incomplete application shall be returned to the applicant with a notation as to omissions.

(b) The return of an incomplete application shall be without prejudice. (*Division of Family Resources; 470 IAC 3-1.1-31; filed Nov 14, 1991, 1:00 p.m.: 15 IR 497; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3063; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-32 Documentation requirements

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 32. (a) The licensee shall maintain the following documentation in the child care home for review by the COFC:

- (1) Record of initial physical examination of direct child care providers documenting that they are free of communicable disease.
- (2) Record of annual Mantoux tuberculin test or chest x-ray of direct child care provider which documents that they are free of tuberculosis.
- (3) Documentation of criminal history checks on employees, volunteers, and all household members who are at least eighteen (18) years of age.
- (4) Conduct a check of the applicant, the applicant's spouse, and any others living in the home to determine whether their name appears on the sex offender registry, IC 5-2-12 [*IC 5-2-12 was repealed by P.L.173-2006, SECTION 55, effective July 1, 2006.*] et seq.
- (5) Documentation of certification of a current first aid course, training in "Universal Precautions", and annual CPR certification by direct child care providers.
- (6) Enrollment form for each child receiving services which shall include the following:
 - (A) Child's name and date of birth.
 - (B) Name, address, home and work telephone numbers of the child's parent or legal guardian.
 - (C) The telephone number of a responsible adult in case of emergency.
 - (D) The names of adults authorized to pick the child up from the home.
- (7) Release for emergency medical care for each child signed by the child's parent or legal guardian.
- (8) Statement as described in section 37(b) of this rule regarding each child's general health within thirty (30) days of admission.
- (9) Written permission from a parent or legal guardian that the child may participate in activities away from the child care home.
- (10) Written statement of the licensee's discipline policy signed by the child's parent or legal guardian.
- (11) Daily attendance records for children in the child care home which shall be maintained for at least two (2) years at the child care home site.
- (12) Annual vaccination records for animals subject to rabies.
- (13) Record of dates of quarterly fire drills which shall be maintained for at least two (2) years.

(14) Written plan of evacuation for the child care home in case of emergency.

(b) Licensee shall keep records regarding each child as required by this rule. Upon request of the COFC, the licensee shall make these records available for review:

- (1) to determine compliance with these rules; and
- (2) when information is needed in a child protection investigation.

(c) The CDFC shall keep records regarding children and facts learned about children and their families confidential, and such records shall not be removed from the home except as needed in a negative licensing action or a child protective services (CPS) investigation. *(Division of Family Resources; 470 IAC 3-1.1-32; filed Nov 14, 1991, 1:00 p.m.: 15 IR 498; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3064; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3472; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-33 Staff requirements

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 33. (a) The licensee may be the caregiver for no more than one (1) child care home. If a licensee operates more than one (1) child care home, the licensee shall maintain or employ a caregiver in each additional child care home.

(b) The assistant caregiver shall work under the direct supervision of the caregiver. If an assistant caregiver under twenty-one (21) years of age is left in charge of a child care home, the parent must be notified in writing.

(c) Student assistants and volunteers shall work under the direct supervision of a caregiver and shall not be left in charge of a child care home. *(Division of Family Resources; 470 IAC 3-1.1-33; filed Nov 14, 1991, 1:00 p.m.: 15 IR 498; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3064; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-33.5 Staff orientation, training, and development

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 33.5. (a) Direct child care providers, including volunteers, shall receive training in fire prevention and safety procedures within one (1) week of starting employment or volunteer work.

(b) Direct child care providers, including volunteers, shall receive training in the following within thirty (30) days of starting employment or volunteer work:

- (1) The child care home inspection checklist.
- (2) Confidential treatment of personal information about children in care and their families.
- (3) Procedures for preventing, detecting, and reporting suspected child abuse and neglect.
- (4) Universal precautions.

(c) Direct child care providers shall complete a first aid course every three (3) years which includes training for the emergency treatment of poisoning, seizures, hemorrhaging, and choking. The course must also include training in artificial respiration. Training shall be completed within ninety (90) days of starting employment or volunteer work.

(d) At least one (1) direct child care provider shall be trained in pediatric cardiopulmonary resuscitation training annually and shall be on the premises at all times. *(Division of Family Resources; 470 IAC 3-1.1-33.5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3065; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-34 Medical requirements

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 34. (a) Direct child care providers who work in the home more than three (3) times a month and all members of the household having direct contact with children receiving care shall have an initial physical examination by a physician or certified nurse practitioner indicating that they are free from communicable disease, have no physical or other condition which would endanger the health or welfare of children in care, and have an annual Mantoux tuberculin test or chest x-ray.

(b) The requirements stated in subsection (a) shall not be required for direct child care providers who present a signed statement to the COFC that their religious beliefs preclude compliance with the aforementioned medical requirements. The licensee shall

provide written notice to the parents or legal guardians enrolling their children in the child care home that a religious exemption statement has been filed with the COFC by the child care provider.

(c) The above requirements shall be met within thirty (30) days of application. (*Division of Family Resources; 470 IAC 3-1.1-34; filed Nov 14, 1991, 1:00 p.m.: 15 IR 498; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3065; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3472; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-35 Reporting abuse, injury, illness, death, or emergency event

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

Sec. 35. (a) The caregiver shall report immediately suspected physical abuse, sexual abuse, child neglect, or child exploitation as required by IC 31-6-11-3 [*IC 31-6 was repealed by P.L.268-1995, SECTION 17, effective July 1, 1995.*] to child protection services (CPS) or local law enforcement.

(b) A substantiated case of abuse or neglect in a child care home constitutes full and sufficient grounds for denial or revocation of the child care home license. (*Division of Family Resources; 470 IAC 3-1.1-35; filed Nov 14, 1991, 1:00 p.m.: 15 IR 499; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3066; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3472; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-36 Child/staff ratio (Repealed)

Sec. 36. (*Repealed by Division of Family and Children; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3073*)

470 IAC 3-1.1-36.5 Child to staff ratio

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

Sec. 36.5. (a) The maximum capacity in a Class I child care home shall be twelve (12) children at any one (1) time plus three (3) children during the school year who are enrolled in at least Grade 1. The addition of three (3) school age children may not occur during a break in the school year that exceeds four (4) weeks.

- (b) Children shall not be left unattended and shall be supervised at all times.
- (c) Only direct child care providers shall be counted in determining the child to staff ratio.
- (d) The ratio shall include all unrelated children present in the home.
- (e) The following child to staff ratios apply:

Type of Home	Child:Staff Ratio
Infant/Toddler Mixed (Birth–24 months)	6:1*
Mixed Age Groups (Birth–6 years)	10:1*
3 years and older (3–10 years)	12:1

*Two (2) of the six (6) children must be at least sixteen (16) months of age and walking. Otherwise the ratio is 4:1.

*No more than three (3) of the ten (10) children may be under sixteen (16) months of age and must be walking.

(*Division of Family Resources; 470 IAC 3-1.1-36.5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3066; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3472; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-37 Requirements for admission to the home

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

Sec. 37. (a) Prior to acceptance of children, the caregiver shall have the parent or legal guardian:
(1) complete and sign an enrollment form for the child;

- (2) complete and sign a release for emergency medical care for the child;
- (3) sign a copy of the licensee's written discipline policy; and
- (4) see all areas of the home and property to be used for child care.

(b) Within thirty (30) days of a child's admission, the licensee shall receive a written statement from the child's parent or legal guardian signed by a physician or a certified nurse practitioner which states the following:

- (1) That the child can participate in the child care home's activities.
- (2) That the child has had immunizations which are up-to-date for the child's age.
- (3) Whether the child has allergies or any chronic health conditions.

(c) Caregiver shall inform the parent or legal guardian of their right to request in writing an exemption of the medical requirements as required by this section based upon their religious beliefs. Nothing in this subsection precludes the child care home from using emergency measures to treat such a child by first aid techniques or to exclude the child where control of a contagious disease may be necessary.

(d) A child shall not be required to comply with subsection (b)(2) and (b)(3) when the parent or legal guardian has provided a signed statement regarding religious exemptions to the care home licensee.

(e) Neither licensee nor caregiver shall discriminate relative to the admission of children on the basis of race, color, religion, sex, national origin, ancestry, or handicap.

(f) Caregiver shall inform the parent or legal guardian that unscheduled visits by a custodial parent or guardian shall be permitted at any time the child care home is in operation. (*Division of Family Resources; 470 IAC 3-1.1-37; filed Nov 14, 1991, 1:00 p.m.: 15 IR 499; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3066; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-38 Activities for healthy development

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 38. (a) The caregiver shall provide activities according to the age, developmental needs, interests, and number of children in care while including both active and quiet play which may consist of safe, age-appropriate toys, games, and equipment for both indoor and outdoor play.

(b) Opportunity shall be provided for children to play outdoors daily except when:

(1) the severity of the weather poses a safety or health hazard; or

(2) when there is a health related reason documented by a parent, legal guardian, or physician for a child to remain indoors.

(*Division of Family Resources; 470 IAC 3-1.1-38; filed Nov 14, 1991, 1:00 p.m.: 15 IR 500; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3067; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-39 Swimming

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 39. (a) The caregiver shall be physically present at the swimming or wading pool to supervise when the children in care are swimming or wading.

(b) At least one (1) direct child care provider shall be available to supervise any children not swimming or wading in addition to staff requirements in section 36.5 of this rule.

(c) Child care providers shall empty portable wading pools immediately after use.

(d) All inground or nonportable aboveground swimming pools accessible to children shall be in compliance with local zoning ordinances and surrounded by a fence secured with a locked gate to prevent children from entering the area unsupervised. (*Division of Family Resources; 470 IAC 3-1.1-39; filed Nov 14, 1991, 1:00 p.m.: 15 IR 500; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3067; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-40 Transportation and activities away from the child care home

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 40. (a) Caregiver shall obtain written parental permission before taking a child away from the child care home for field trips or any other activities.

(b) Children may be transported by an individual eighteen (18) years of age or older having a valid driver's license and driving a properly licensed and insured vehicle in safe condition.

(c) Children shall be transported in safety restraint equipment that is in compliance with state laws.

(d) Direct child care providers shall not leave children unattended in a vehicle. *(Division of Family Resources; 470 IAC 3-1.1-40; filed Nov 14, 1991, 1:00 p.m.: 15 IR 500; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3067; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-41 Discipline

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 41. (a) The licensee shall provide the parent or legal guardian with a written copy of the discipline policy of the child care home.

(b) The following behavior shall be prohibited by all direct child care providers:

(1) Cruel, harsh, or unusual punishment.

(2) Withdrawal or the threat of withdrawal of scheduled meals or snacks, rest, or bathroom opportunities.

(Division of Family Resources; 470 IAC 3-1.1-41; filed Nov 14, 1991, 1:00 p.m.: 15 IR 500; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3067; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-1.1-42 Nutrition

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 42. (a) Appropriately timed, nutritious meals and snacks shall be made available in such quantity as to meet the needs of each child.

(b) Drinking water shall be available at all times. *(Division of Family Resources; 470 IAC 3-1.1-42; filed Nov 14, 1991, 1:00 p.m.: 15 IR 501; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3068; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-43 Sleep and rest

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 43. (a) A separate bed, cot, mat, or sleeping bag shall be provided for each child.

(b) A period for sleep, rest, or quiet time shall be provided during the day for children under five (5) years of age consistent with the needs of the child and in accordance with the wishes of the parent. *(Division of Family Resources; 470 IAC 3-1.1-43; filed Nov 14, 1991, 1:00 p.m.: 15 IR 501; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3068; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-44 Health

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 44. (a) The child care home must keep a Red Cross First Aid Manual or its equivalent in the child care home.

(b) The caregiver must maintain a first aid kit (as recommended by the American Red Cross First Aid Manual or its equivalent), including, but not limited to, syrup of ipecac with current date, in the child care home.

(c) Child care providers shall see that children's hands are washed at a sink with soap and warm running water before meals and snacks and after toilet use. Direct child care providers shall not permit children to use a common washcloth or towel.

(d) If a child is ill, direct child care providers shall:

(1) care for the child in an area separate from the other children;

(2) notify the child's parent or legal guardian; and

(3) monitor the child until the parent or legal guardian arrives.

(e) The caregiver shall keep the phone numbers of the ambulance, police, fire department, poison control center, and nearest hospital by the telephone.

(f) Child care providers shall give or apply medication only with prior written permission from a parent or legal guardian, and only with clear, written instructions as to the dosage, time, and reason medication is to be given. Medication must be labeled with the child's name, physician's name, and pharmacy. Over-the-counter medication must also be labeled with the child's name. The caregiver shall keep a record of the date, time, and dosage of medication given.

(g) Pets must present no danger to children in the child care setting and are the sole responsibility of the child care home licensee.

(h) Direct child care providers shall restrict all animals from food areas during preparation and serving of food. (*Division of Family Resources; 470 IAC 3-1.1-44; filed Nov 14, 1991, 1:00 p.m.: 15 IR 501; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3068; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-45 General environment

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 45. (a) The licensee shall ensure that no conditions exist in the home or on the grounds where child care services are provided that would endanger the health, safety, or welfare of the children.

(b) The licensee shall identify areas in the home that will be used for child care. The child care areas shall contain adequate space for child play and rest for the number of children in care.

(c) The licensee shall maintain a working telephone in the child care home and shall inform the COFC of any change in telephone number.

(d) The licensee shall provide a protected outdoor play area that is safely enclosed by either a fence or natural boundaries for children in care.

(e) The licensee shall ensure that the child care home is equipped with heat, light, and ventilation for normal occupancy.

(f) The licensee shall ensure that the kitchen is equipped with:

(1) a stove and oven or microwave;

(2) a refrigerator; and

(3) a sink with hot and cold running water;

in operating condition sufficient to accommodate the food requirements of the number of children in care. (*Division of Family Resources; 470 IAC 3-1.1-45; filed Nov 14, 1991, 1:00 p.m.: 15 IR 502; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3069; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-46 Fire prevention

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 46. (a) All child care homes shall have two (2) remotely located means of egress.

(b) A basement area in which child care services are provided shall have a direct exit at ground level not involving stairs or ramps. The interior staircase serving the first floor is acceptable as the second exit for a basement in which child care services are provided. An example of an allowable exit is a level area directly outside the exterior door that is at least thirty-two (32) square feet. This area may be a porch, deck, or stairway landing. Bi-level and tri-level homes which are licensed and hold a regular license with the division of family and children, as of the effective date of this section, are exempt.

(c) Each room of the home where child care services are provided is required to have at least two (2) means of escape (this may include one (1) window and one (1) door).

(d) All approved exit doors shall be operable from the inside without the use of a key or any special knowledge.

(e) A sliding glass door shall be acceptable as a direct exit provided that it is unobstructed, operable, and maintained in good working condition. If a screen door is attached, it shall meet the same criteria as the sliding door.

(f) A garage or any other area where hazardous materials are stored shall not be considered an approved exit.

(g) Exits shall not be blocked in the child care home.

(h) Portable, unvented oil-burning heating appliances shall not be used unless the heater complies with 675 IAC 22.

(i) Electric or gas heaters and solid fuel-burning appliances shall not be located in such a manner that they block escape in case of fire arising from a malfunctioning stove, heater, or appliance.

(j) When a fireplace serves as the primary source of heat, licensee shall provide glass doors, noncombustible hearth, grates, and proper fireplace tools for each fireplace in use while children are present. Child care providers shall ensure proper positioning of glass doors. If a fireplace is used at any time, it shall have a noncombustible hearth, screening, and grate. Licensee shall have the chimney flue inspected annually and cleaned if recommended. Licensee shall retain a written record of the inspections and cleanings for each fireplace used while children are present.

(k) Caregiver shall properly dispose of ashes from the fireplace in a noncombustible, covered receptacle which shall then be placed on the ground and away from any building or combustibles.

(l) Licensee shall provide electrical or battery-operated smoke detector that is installed to manufacturers' specifications and is located and adjusted to operate reliably in case of smoke in any part of the child care home, including not less than one (1) smoke detector at the top of each stairway and adjacent to all sleeping areas. The alarm should be loud enough to alert all occupants in the child care home.

(m) Licensee shall provide a two and one-half (2½) pound or greater ABC multiple purpose fire extinguisher which shall be located on each floor of the building in which child care services are provided, including an additional extinguisher located in the kitchen area of the child care home.

(n) Caregiver shall not permit trash, flammable, and combustible materials, including, but not limited to, paper and rags to accumulate upon the premises.

(o) Direct child care providers shall store flammable liquids in tightly sealed, marked containers appropriate to the type of liquid being stored. Direct child care providers shall store no more than five (5) gallons of flammable liquids at any one (1) time in buildings used for child care and shall store all flammable liquids, lighters, and matches in an area inaccessible to children or in an approved fire cabinet.

(p) Direct child care providers shall not store combustible material within five (5) feet of furnaces and water heaters.

(q) The licensee shall identify the location and operation of the gas, electric, and water shut-offs and keep accessible the gas, electric, and water shut-offs in case of emergency.

(r) The caregiver shall have a written plan for evacuating in case of fire or other emergencies.

(s) The caregiver shall conduct and document quarterly fire drills.

(t) The electrical wiring shall be sized to provide for the load. There must not be exposed or uninsulated wiring. If used, extension cords shall not be overloaded or over six (6) feet in length.

(u) The licensee shall notify the local fire department at the time of application or relicensure of the licensed capacity and the hours of operation of the home.

(v) Caregiver shall promptly notify the local fire departments upon discovery of any fire, whether or not extinguished, and advise of the circumstances and location of the fire.

(w) Caregiver shall promptly notify the local fire department upon discovery of:

(1) spontaneous or abnormal heating;

(2) any uncontrolled gas leak; or

(3) a significant spill of hazardous material or flammable or combustible liquid.

(x) Licensee shall permit inspection of the child care home by the SFM if requested by the CDFC upon recommendation of the COFC. If such an inspection is requested, approval would be required by the SFM prior to full licensure. (*Division of Family Resources; 470 IAC 3-1.1-46; filed Nov 14, 1991, 1:00 p.m.: 15 IR 502; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3069; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.1-47 Sanitation

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 47. (a) The licensee shall provide and maintain screens for windows and exterior doors when windows and doors are kept open for ventilation.

(b) The licensee shall ensure that the child care home has hot and cold running water and at least one (1) toilet and sink accessible to children on each floor of the home where services are provided. Water from a source other than a regular municipal

water supply shall be tested annually for compliance with water quality requirements.

(c) Direct child care providers shall wash and sanitize all food preparation areas, serving areas, and utensils daily.

(d) Caregiver shall keep garbage in containers with tight-fitting lids and remove it from the premises at least once a week. Waste paper need not be kept in a closed container. *(Division of Family Resources; 470 IAC 3-1.1-47; filed Nov 14, 1991, 1:00 p.m.: 15 IR 503; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3071; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-48 Safety

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 48. (a) Direct child care providers shall keep protective coverings over exposed electrical outlets.

(b) If fans or heaters are used, licensee shall provide models that are protected by safety devices which will not allow a child's fingers to come in contact with the blade or heating element.

(c) Caregiver shall keep poisonous or hazardous materials that would harm children, including, but not limited to:

- (1) cleaning supplies;
- (2) detergents;
- (3) insect sprays; and
- (4) medication;

in areas inaccessible to children.

(d) Caregiver shall store implements and tools, including, but not limited to:

- (1) power tools;
- (2) hand tools; and
- (3) gardening tools;

in areas inaccessible to children.

(e) When children are present in the child care home, caregiver shall keep all ammunition and firearms in a locked area that is inaccessible to children at all times. *(Division of Family Resources; 470 IAC 3-1.1-48; filed Nov 14, 1991, 1:00 p.m.: 15 IR 503; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3071; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-49 Variances and waivers

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 49. (a) The CDFC may grant a variance to a rule if an applicant for a license or a licensee:

- (1) submits to the COFC a written request for the variance in the form and manner specified by the CDFC; and
- (2) documents that an alternative method of compliance approved by the CDFC will not be adverse to the health, safety, or welfare of any child receiving services.

(b) The CDFC may grant a waiver of a rule if an applicant for a license or a licensee:

- (1) submits to the COFC a written request for the waiver in the form and manner specified by the CDFC;
- (2) documents that compliance with the rule specified in the application for the waiver will create an undue hardship on the applicant for the waiver, as determined by the CDFC;
- (3) documents that the applicant for the waiver will be in substantial compliance with the rules adopted by the CDFC after the waiver is granted as determined by the CDFC; and
- (4) documents that noncompliance with the rule specified in the application for a waiver will not be adverse to the health, safety, or welfare of any child receiving services from the applicant for the waiver, as determined by the CDFC.

(c) The CDFC shall issue a decision on a variance or waiver within sixty (60) days.

(d) Violation of a condition of a variance or a waiver granted under this section may be grounds for denial or revocation of the variance or waiver. *(Division of Family Resources; 470 IAC 3-1.1-49; filed Nov 14, 1991, 1:00 p.m.: 15 IR 503; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3071; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

Rule 1.2. Infant and Toddler Services in a Child Care Home

470 IAC 3-1.2-1 Infant and toddler child care services

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

Sec. 1. A licensee who provides child care services for infants or toddlers shall meet all the requirements of this rule. If there is any difference in requirements, the specific information contained in this rule shall prevail. (*Division of Family Resources; 470 IAC 3-1.2-1; filed Nov 14, 1991, 1:00 p.m.: 15 IR 504; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3072; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.2-2 "Full-sized crib" defined

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

Sec. 2. As used in this rule, "full-sized crib" means a child's bed which has an interior dimension greater than fifty-two and three-eighths (52 3/8) inches plus or minus five-eighths (5/8) inch in length, and twenty-eight (28) inches plus or minus five-eighths (5/8) inch in width. 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 or end panel shall not be less than twenty-six (26) inches. (*Division of Family Resources; 470 IAC 3-1.2-2; filed Nov 14, 1991, 1:00 p.m.: 15 IR 504; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.2-3 "Portacrib" defined

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

Sec. 3. As used in this rule, "portacrib" means a child's portable bed which has an interior dimension smaller than forty-nine and three-fourths (49 3/4) inches plus or minus five-eighths (5/8) inch in length but not less than thirty-six (36) inches in length, and twenty-five and three-eighths (25 3/8) inches plus or minus five-eighths (5/8) inch in width but not less than twenty-four (24) inches in width. 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 or end panel shall not be less than twenty-two (22) inches. (*Division of Family Resources; 470 IAC 3-1.2-3; filed Nov 14, 1991, 1:00 p.m.: 15 IR 504; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.2-4 Activities for healthy development

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

Sec. 4. (a) The caregiver shall have stairways guarded by a gate or closed door.

(b) After discussion with the parent or legal guardian of each infant or toddler in care, caregiver shall:

(1) establish flexible routines for naps, feedings, diapering, and toilet training;

(2) provide opportunities for play and exploration of the environment; and

(3) periodically change the available toys and the place and position of infants not yet able to move about on their own.

(*Division of Family Resources; 470 IAC 3-1.2-4; filed Nov 14, 1991, 1:00 p.m.: 15 IR 504; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3072; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3472; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.2-5 Naps

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

Sec. 5. (a) Licensee shall provide a separate crib, portacrib, or playpen in which each infant or toddler can sleep. Each crib, portacrib, or playpen shall be equipped with a firm-fitting mattress or pad made of waterproof materials. A parent or legal guardian may provide or approve the use of a bassinet for an infant and is responsible along with the caregiver to monitor its use closely. (Manufacturers of bassinets indicate that a bassinet should no longer be used once an infant begins moving and turning unassisted.)

(b) The licensee may use washable cots, sleeping bags, or mats for toddlers over twenty-four (24) months of age. (*Division of Family Resources; 470 IAC 3-1.2-5; filed Nov 14, 1991, 1:00 p.m.: 15 IR 504; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3072; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3472; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.2-6 Diaper changing and toilet training

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

Sec. 6. (a) The licensee shall provide an area for diaper changing with a washable surface on which the infant or toddler may be placed. The diaper changing surface must have waterproof material between the child and the surface of the changing area. This material shall be changed after each use. The diaper changing area shall be sanitized daily and when soiled.

(b) Licensee shall supply a covered container for wet or soiled diapers.

(c) Direct child care providers changing diapers shall wash their hands with soap and running water after each diaper change.

(d) When a chair designed specifically for toilet training is used, direct child care provider shall empty it after each use and sanitize it at least daily. (*Division of Family Resources; 470 IAC 3-1.2-6; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3072; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

470 IAC 3-1.2-7 Feeding

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

Sec. 7. (a) Direct child care providers shall feed infants and toddlers according to their dietary needs and shall hold infants during bottle feedings until they demonstrate their ability to hold their own bottles.

(b) If more than one (1) infant or toddler in care is bottle fed, all bottles shall be labeled with the child's name.

(c) Direct child care providers shall not prop feeding bottles. (*Division of Family Resources; 470 IAC 3-1.2-7; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3073; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 1.3. Class II Child Care Homes

470 IAC 3-1.3-1 Class II child care home services

Authority: IC 12-13-5-3
Affected: IC 12-17.2-5-6.5

Sec. 1. A Class II child care home serves more than twelve (12) children but not more than sixteen (16) full-time and part-time children at any one (1) time. A licensee who provides Class II child care shall meet all the requirements of 470 IAC 3-1.1 and 470 IAC 3-1.2 as well as the requirements of this rule. If there is any difference in requirements, the specific information contained in IC 12-17.2-5-6.5 shall prevail. (*Division of Family Resources; 470 IAC 3-1.3-1; filed Sep 27, 1996, 12:35 p.m.: 20 IR 322; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

Rule 2. Licensing of Child Placing Agencies (Transferred)

NOTE: Transferred from the Division of Family Resources (470 IAC 3-2) to the Department of Child Services (465 IAC 2-2) by P.L.234-2005, SECTION 195, effective July 1, 2005.

Rule 3. Licensing of Child Caring Institutions (Repealed)

(Repealed by Division of Family and Children; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1981)

Rule 4. Licensing Day Nurseries (Repealed)

(Repealed by Division of Family and Children; filed Oct 18, 1985, 8:41 am: 9 IR 505)

Rule 4.1. Licensing Child Care Centers (Repealed)

(Repealed by Division of Family and Children; filed Aug 11, 2003, 3:00 p.m.: 27 IR 162)

Rule 4.2. Infant/Toddler Care in Day Nurseries (Repealed)

(Repealed by Division of Family and Children; filed Aug 11, 2003, 3:00 p.m.: 27 IR 162)

Rule 4.3. Migrant Day Care Centers (Expired)

(Expired under IC 4-22-2.5, effective January 1, 2002.)

Rule 4.4. Child Care Facilities; Exempted Day Nurseries

NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-1) to the Division of Family and Children (470 IAC 3-4.4) by P.L.9-1991, SECTION 129, effective July 1, 1992. Wherever in any promulgated text there appears a reference to 410 IAC 22-1, substitute 470 IAC 3-4.4.

470 IAC 3-4.4-1 Definitions

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 1. As used in 410 IAC 22-1:

“Exempted center” means a day nursery that:

- (1) is operated under the federally funded Head Start program (42 U.S.C. 9831 et seq.) and the Texas migrant council;
- (2) provides services for children from migrant worker families; and
- (3) is operated during a single period of less than one hundred twenty (120) consecutive days during a calendar year.

“Facility” means an exempted day nursery licensed pursuant to IC 12-3-2-3.5 [*IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.*].

“Food” means any raw, cooked or processed edible substance, ice, beverage, drink, or ingredients used or intended for use in whole or in part for human consumption.

“Food equipment” means stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items other than utensils, used in the operation of a kitchen.

“Group” means a specific number of children assigned to specific staff member(s).

“Infant” means a child from six (6) weeks of age to the time he is beginning to walk.

“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 growth of infectious or toxigenic micro-organisms. The terms does not include clean, whole, uncracked, odor-free shell eggs or foods which have a pH level of 4.6 or below or a water activity (Aw) value of 0.85 or less.

“Room” means an area enclosed on all sides by walls or partitions.

“Sanitization” means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.

“Single-service articles” means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, tooth-picks, and similar articles intended for one-time, one-person use and then discarded.

“SBH” means the Indiana state board of health.

“Toddler” means a child from the time he is beginning to walk to age two years.

“Utensils” means any implement used in the storage, preparation, transportation, or service of food. (*Division of Family Resources; 470 IAC 3-4.4-1; filed Oct 14, 1987, 2:45 pm: 11 IR 930; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) *NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-1-1) to the Division of Family and Children (470 IAC 3-4.4-1) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

470 IAC 3-4.4-2 Diapering

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 2. (a) When indicated, diapered children shall be given prompt hygienic care, including hand and face washing and body cleansing. Materials for skin cleaning shall be immediately accessible at all times, and discarded after each use in a tightly covered container. The containers shall be emptied and sanitized at least daily.

(b) Diapering Room Area. Children who are not toilet trained shall be cared for in rooms and areas which are separated by age groups from other children. Diapers shall not be changed on the floor. Each class area or room used to house diapered children shall contain a handwashing sink and a changing table. Toilet rooms for each shall be easily accessible.

Crib bedding shall be clean, changed immediately when wet or soiled and at least weekly. Soiled crib bedding shall not be allowed to accumulate for longer than twenty-four (24) hours before laundering and a clean supply of bedding shall be in reserve at all times to allow for delays in laundry pick-up and delivery or washing.

(c) Diaper Table. When changing tables are used, there shall be a soft, washable, waterproof pad on the table with a clean strip of waterproof, disposable paper to cover it. A fresh protective strip shall be placed on the pad after each diaper change. The pad and table shall be sanitized when they become soiled and at the end of each day.

Care shall be taken to prevent contamination of common diapering supplies. *(Division of Family Resources; 470 IAC 3-4.4-2; filed Oct 14, 1987, 2:45 pm: 11 IR 930; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Indiana State Department of Health (410 IAC 2-1-2) to the Division of Family and Children (470 IAC 3-4.4-2) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

470 IAC 3-4.4-3 Diapers

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 3. (a) Clean diapers shall be stored in a closed container or bag off the floor.

(b) Soiled Diapers. After use, fecal material shall be immediately emptied from the diapers into a flush toilet. Soiled diapers shall be kept in a plastic bag in a tightly covered sanitary container that is inaccessible to children. The bags shall be tied tightly and removed from the facility's premises at the end of each day. If an incinerator is not available, the bags shall be disposed of daily in the same manner as unburnable trash.

(c) Cloth Diapers. Cloth diapers furnished by the facility shall be laundered by a laundry service and shall be stored separately from other diapers and linen. The soiled diapers shall be kept in tightly covered sanitary containers.

Cloth diapers furnished by the parents shall be kept separate from diapers used for other children. After proper rinsing, the soiled diapers shall be placed in a plastic bag, stored through the day in a tightly closed container, and returned to the parent daily. Containers for soiled diapers shall be cleaned and disinfected at least daily. Separate containers shall be used for clean and soiled items. *(Division of Family Resources; 470 IAC 3-4.4-3; filed Oct 14, 1987, 2:45 pm: 11 IR 931; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-1-3) to the Division of Family and Children (470 IAC 3-4.4-3) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

470 IAC 3-4.4-4 Contaminated articles

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 4. Whenever exposure to communicable disease has occurred in the facility, the facility shall provide the disinfection of toilet facilities, furnishings, toys or other articles that may have been used by a child diagnosed as having a communicable disease, and the effective disinfection and disposal of bodily discharges containing infectious material.

No facilities or articles that have been used by a child suspected of having a communicable disease shall be used by any other person until they have been disinfected or until it has been established that the child did not have a communicable disease.

The facility shall provide and use a room or area to separate from the group any child having or suspected of having a communicable disease or any illness. This room or area shall not be used for any other purpose by the children while being used as isolation quarters. Toilet and lavatory facilities shall be nearby. Furnishings shall be easily sanitized. *(Division of Family Resources; 470 IAC 3-4.4-4; filed Oct 14, 1987, 2:45 pm: 11 IR 931; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-1-4) to the Division of Family and Children (470 IAC 3-4.4-4) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

470 IAC 3-4.4-5 Hygiene

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 5. (a) Children. The facility schedule shall include provision for supervised personal hygiene, washing hands and face before meals, and washing hands after using toilet facilities for each child.

Each child shall be provided with disposable paper towels, dispensed in a sanitary manner. Toilet tissue, dispensed in a sanitary manner, shall be available at every toilet. Soap shall be conveniently available to every handwashing lavatory. When liquid soap is provided, soap dispensers shall be installed at a height to facilitate use by children.

Wet or soiled clothing shall be changed promptly. A supply of clean clothing shall be available for this purpose.

(b) Adults. All child care personnel shall wash their hands before and after each child care duty including individual feedings, bathing, and diapering. There shall be facilities and supplies immediately available for this at all times. Outer garment coverings shall be changed when soiled. (*Division of Family Resources; 470 IAC 3-4.4-5; filed Oct 14, 1987, 2:45 pm: 11 IR 931; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-1-5) to the Division of Family and Children (470 IAC 3-4.4-5) by P.L.9-1991, SECTION 129, effective July 1, 1992.

470 IAC 3-4.4-6 Food service sanitation

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 6. (a) Formula and Care of Feeding Bottles. Formula prepared at home shall not be used. Only unopened, commercially prepared formula that is commercially pre-mixed and ready-to-feed shall be used. This commercial formula may be furnished by the parent or the facility, and shall be stored at the temperature recommended on the container. Outdated formula shall not be used.

The facility shall use either:

- (1) commercially pre-filled, individual disposable nursers with attached pre-sterilized disposable nipples; or
- (2) cans of commercially prepared formula, commercially pre-mixed and ready-to-feed, from which the formula shall be poured directly into a sanitized bottle, or into a sanitized nurser hull with a sterile disposable liner, to which a sanitized nipple shall be affixed.

If a day's supply of bottles is prepared at one time, each bottle shall be covered and labeled with the child's name, date and hour poured. Bottles shall be stored at 45° F., for no longer than twenty-four (24) hours. Remaining portions of formula that have never been poured from the original containers may also be stored as stated above. Any formula remaining in a nurser after a feeding shall be discarded.

All permanent ware bottles and reusable nipples shall be washed and sanitized by the facility after each use.

(b) Sanitizing Procedures. Procedures for bottle preparation and sterilization shall be posted.

The following care shall be given permanent ware bottles, nipples, collars, caps, expanders and tongs:

- (1) Pre-wash in hot detergent water in a nonhandwashing sink. Scrub bottles and nipples inside and out with bottle and nipple brush. Squeeze water through nipple hole during washing. Rinse well with clean, hot water.
- (2) Boil in clear water: bottles for five (5) minutes; nipples and caps, collars, and tongs for three (3) minutes; air dry.
- (3) All shall be stored separately in clean, covered, labeled containers, away from food.
- (4) Hands shall be clean and care taken in handling techniques to prevent contamination of clean bottles and nipples.

(c) Milk. Use of powdered dry milk for drinking is not allowed. At feeding time, milk shall be poured from the original container directly into the sanitized bottle or training cup. All unused portions of an individual feeding shall be discarded. The facility shall contact the SBH for procedures if breast milk is to be used.

(d) Solid Foods. Foods, commonly known as "baby food," (cereals, strained or chopped meats, vegetables and fruits) shall be commercial products.

After commercial containers of baby food have been opened, the jars shall be covered, dated and refrigerated. Contents of opened jars shall be used within twenty-four (24) hours or shall be discarded. If a child is fed directly from the jar, the unused portion shall be discarded.

(e) Vendor Service. Each facility using vendor service shall have a written contract with the vendor which describes the responsibilities of the vendor and incorporates the assurances that the vendor's food service business, food handlers, and all premises used therein have been inspected and approved by local health authorities or by the SBH for the purpose of providing food for facilities.

Food items shall be transported in insulated containers that meet National Sanitation Foundation (NSF) standards, so that:

- (1) hot foods remain above 140° F.;
- (2) cold foods remain below 45° F.; and

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(3) frozen foods are kept frozen.

Upon receiving the food from the vendor, the facility shall verify the proper temperature of the food with a metal stem-type, numerically scaled, indicating thermometer and maintain these temperatures until serving time.

(f) Food Service. The kitchen and any other food preparation area shall be maintained in a clean and sanitary condition, separate from areas used for any other purpose and shall be so located that it is not used as a thoroughway to other rooms or areas. The kitchen shall not be used for children's activities or naps, a dining or recreational area for adults, or as an office.

(g) Food Safety. All food items shall be from approved sources only. Food prepared in a home kitchen shall not be used. Food items shall be received at the center in the original, unopened, undamaged packaging and shall be properly protected from damage and potential contamination. Any food preparation or handling, except for necessary transportation, shall be in the kitchen only.

The temperature of potentially hazardous food shall be 45° F. or below or 140° F. or above at all times. Frozen food shall be kept frozen and should be stored at a temperature of 0° F. or below.

(h) Refrigerator and Freezers. Enough conveniently located refrigeration facilities shall be provided to assure the maintenance of potentially hazardous food at required temperature during storage and after preparation. Refrigerators and freezers shall be in good condition, clean, and shall maintain the proper temperatures. Each compartment of the refrigerator and freezer shall be provided with an accurate thermometer, in good position for daily monitoring.

(i) Ranges. Enough conveniently located hot food storage facilities shall be provided to assure the maintenance of food at the required temperatures during storage and after preparation. Ranges shall be in good condition, and in proper and safe operating condition.

(j) Dishwashing. Whenever dishwashing and sanitizing are conducted mechanically or manually, the machines, equipment and procedures must be approved by the SBH and the written procedures posted.

A three (3) compartment sink shall be used whenever washing and sanitizing are conducted manually. One of these may be a portable sink for dishwashing purposes. Multi-use utensils and equipment shall be thoroughly washed in a detergent solution in the first compartment of the sink, and then shall be rinsed free of such solutions in the second compartment of the sink. All eating and drinking utensils and, where required the food-contact surfaces of all other equipment and utensils shall be sanitized in the third compartment by one of the following methods:

(1) immersion for at least one-half (1/2) minute in clean, hot water maintained at a temperature of at least 170° F.; or

(2) immersion for at least one minute in clean water which is at a temperature of at least 75° F. and which contains an approved sanitizing agent at an effective concentration.

Cleaned and sanitized equipment and utensils shall always be air dried, never towel dried.

An alternative to dishwashing is the use of sturdy, all disposable, single service articles and utensils. If any multi-use cooking or serving utensils are used, approved dishwashing facilities shall be provided and used. Reuse of single service articles and utensils is prohibited.

(k) Storage. Containers and packages of food, other than cased food packaged in waterproof containers, cleaned and sanitized utensils, equipment, and single service articles shall be stored at least six (6) inches above the floor in a clean, dry location in a way that protects them from contamination and away from any cleaning compounds, toxic or hazardous materials.

(l) Hygiene. A handwashing sink shall be located in the kitchen, supplied with soap and disposable towels from a dispenser. Persons who prepare, handle and serve food shall thoroughly wash their hands with soap and water and use disposable towels for drying. Handwashing shall be done before starting work, and washed as often as necessary to keep them clean, and after smoking, eating, drinking, or using the toilet.

Persons who prepare and handle food shall wear clean, washable garments (aprons or smocks) and effective hair restraints. Children shall not serve food or assist in the preparation of food that will be consumed by another person.

(m) Cleaning Procedures. Work and cleaning schedules shall be written, posted and followed for all the food storage, preparation and service areas. All food preparation surfaces and eating surfaces shall be sanitized before and after use.

(n) Insect and Rodent Control. Adequate measures shall be taken to prevent entry of insects and/or rodents (16-mesh screen on outside openings; sealing cracks; sealing around pipes, plumbing and ducts). Proper cleaning shall be provided to minimize attraction to food sources.

(o) Waste Disposal. All garbage and trash containers in the kitchen and day care center shall be tight-seamed, easily cleanable, covered with close-fitting lids pending removal, and shall be removed from the kitchen and center on a daily basis. Containers shall be cleaned and disinfected as necessary. *(Division of Family Resources; 470 IAC 3-4.4-6; filed Oct 14, 1987, 2:45 pm: 11 IR 931; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-1-6) to the Division of Family and Children (470 IAC 3-4.4-6) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

470 IAC 3-4.4-7 Buildings, grounds, equipment, furnishings, materials and supplies

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 7. (a) Cots. Each child not requiring a crib and young enough to nap shall be provided an individual cot. Cots shall be easily sanitized, and the sleeping surfaces off the floor. All cots shall be sanitized daily after each use. Weekly sanitation of a cot is acceptable only if the cot is used by the same child each day. Cots shall be spaced at least two (2) feet apart on all sides except where they touch the wall.

Coverings used to maintain comfort and warmth shall be clean and individually marked. Individual storage shall be provided for coverings, children's personal items and clothing.

Cots shall be in good repair and stored in a manner as to prevent injury to children.

(b) Space and Furnishings for Infants and Toddlers. Supplies and personal belongings of each child shall be individually stored and easily accessible. Diaper bags brought from home shall not be stored in the room.

Tiered cribs are prohibited. Mesh cribs, playpens, and bassinets of any type shall be prohibited for sleeping. All surfaces shall be cleanable.

Crib mattresses shall be securely covered with a waterproof material not dangerous to children. There shall be at least three (3) feet between cribs.

(c) Outdoor Play Area. The play area shall be well drained and free from hazards which might be dangerous to the life or health of the children.

(d) First Aid and Medications. Poisons and medications or other harmful chemicals shall be kept under lock, away from children. First aid supplies, hazardous articles, materials, and equipment such as cleaning fluids, polishes, bleaches, detergents, matches, and tools shall be stored in a place inaccessible to children.

Medication requiring refrigeration shall be stored in a lidded plastic container clearly labeled "medication." Medication not requiring refrigeration shall not be stored in the kitchen.

(e) Safety. Equipment, materials and furnishings, whether for indoor or outdoor use, shall be sturdy, nontoxic, easy to clean, and kept clean and in good, safe condition, free of sharp points or jagged edges, splinters, protruding nails or wires, loose parts, rusty parts, materials containing poisonous substances, or paint which contains lead or other poisonous materials, and free from hazards to the life or health of children.

All areas, surfaces and items including toys, cribs, jumpers and playpens with which children will come in contact shall be free of any residual pesticides and paint containing lead or other harmful materials or finishes, and shall be clean and easily sanitized on a regular basis.

The floor coverings shall be safe and easily cleanable. If carpeting is used, it shall be firmly secured, vacuumed daily when children are not present and shampooed as frequently as necessary to keep it clean.

Fans shall be kept clean and used in such a way as to prevent injury to children.

(f) Design and Construction. The facility shall be structurally sound, in good repair, and safe for children. The premises shall be maintained in a clean, neat and sanitary condition. Rooms shall not be swept or dusted while occupied by children except for cleaning up after food service or art projects. Kitchens, infant rooms, and toddler rooms shall not be used as throughways to other rooms or areas.

(g) Lavatory and Toilet Facilities. The facility shall provide inside toilet rooms equipped with flush toilets and securely fastened, sealed to the wall, supported wash basins with hot and cold running water. Toilet rooms shall be enclosed, adequately ventilated and located in close proximity to inside and outdoor play areas.

The facility shall provide a minimum of one wash basin and one flush toilet for each fifteen (15) children for which the facility is licensed. Toilet rooms with multiple toilets, shall not be used by school-age children of opposite sex, and toilets for school-age children shall be separated by partitions.

If child-size toilets and wash basins are not available, easy to clean steps or platforms shall be provided for small children. Nursery seats or toilet chairs shall be provided for children learning toilet habits. Toilet facilities shall be furnished for the staff and other adults separate from those furnished for the children.

All non-portable handwashing facilities shall be provided with hot and cold running water. Automatic hot water control valves that will not permit the hot water temperature at the point of use to exceed 120° F. shall be used. The temperature of the water for handwashing shall be at least 100° F. Alternative portable sinks are suitable if proper sanitary procedures are followed as specified by the SBH.

Toilets, toilet chairs, nursery seats, changing tables and lavatories shall be clean and sanitized.

When natural light is insufficient, it shall be supplemented by artificial light and properly diffused and distributed.

All windows which open, doors not equipped with panic hardware or equivalent, ventilators, and other outside openings shall be protected against insects by securely fastened 16-mesh screening, as the season requires.

Areas used by the children shall be heated when the temperature falls below 68° F., so that a temperature of 68° F. to 72° F. may be maintained within two feet of the floor. (*Division of Family Resources; 470 IAC 3-4.4-7; filed Oct 14, 1987, 2:45 pm: 11 IR 933; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-1-7) to the Division of Family and Children (470 IAC 3-4.4-7) by P.L.9-1991, SECTION 129, effective July 1, 1992.

470 IAC 3-4.4-8 Water supply, plumbing and sewage disposal

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 8. (a) Water Supply. Water supplies shall be constructed and operated in accordance with the requirements of 410 IAC 6-5.1-8 [410 IAC 6-5.1-8 was repealed filed Sep 24, 1987, 3:00 p.m.: 11 IR 737.], excluding 410 IAC 6-5.1-8(f) [410 IAC 6-5.1-8 was repealed filed Sep 24, 1987, 3:00 p.m.: 11 IR 737.]. For the purposes of 410 IAC 22-1, exempted day nurseries, every reference to "school" contained in 410 IAC 6-5.1-8 [410 IAC 6-5.1-8 was repealed filed Sep 24, 1987, 3:00 p.m.: 11 IR 737.], shall be considered as a reference to an exempted center.

(b) Drinking Fountains. Drinking fountains shall be of the sanitary type with guarded angular stream drinking fountain heads and shall be so constructed and located as to be accessible for use by the children at all times. If drinking fountains are not available, individual single service cups shall be provided in a sanitary dispenser, and used only once. Drinking fountains shall not be located in restrooms, and drinking water shall not be provided from restrooms. Children shall not go into the kitchen or bathroom to obtain drinking water.

(c) Plumbing and Sewage Disposal. All plumbing fixtures shall discharge into a public sanitary sewer whenever available within a reasonable distance, or when soil conditions prohibit the construction of an adequate on-site system. Any on-site sewage treatment system shall meet the requirements of 410 IAC 6-10. If a discharging sewage treatment system is to be constructed, it shall meet the requirements of the department of environmental management.

New plumbing equipment shall meet the requirements of the fire prevention and building safety commission (FPBSC) and SBH. (*Division of Family Resources; 470 IAC 3-4.4-8; filed Oct 14, 1987, 2:45 p.m.: 11 IR 934; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-1-8) to the Division of Family and Children (470 IAC 3-4.4-8) by P.L.9-1991, SECTION 129, effective July 1, 1992.

470 IAC 3-4.4-9 State and local housing requirements; conformance

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 9. Any area of a structure in which a facility is located shall meet the requirements of the SBH and FPBSC. The appropriate zoning requirements shall be met. (*Division of Family Resources; 470 IAC 3-4.4-9; filed Oct 14, 1987, 2:45 pm: 11 IR 935; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-1-9) to the Division of Family and Children (470 IAC 3-4.4-9) by P.L.9-1991, SECTION 129, effective July 1, 1992.

Rule 4.5. Child Care Facilities; Registered Day Care Ministries

NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-2) to the Division of Family and Children (470 IAC 3-4.5) by P.L.9-1991, SECTION 129, effective July 1, 1992. Wherever in any promulgated text there appears a reference to 410 IAC 22-2, substitute 470 IAC 3-4.5.

470 IAC 3-4.5-1 Definitions

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 1. As used in 410 IAC 22-2 [this rule]:

“Applicant” means that person who is the religious organization's local executive officer, such as the president of board of directors, board chairman, head of governing body, etc. Regardless of who is in charge of the daily program, the day care ministry shall be under the jurisdiction and management of the religious organization.

“Certificate of notice” means a document that is issued to the operator of a registered day care ministry found to be in compliance with 410 IAC 22-2 [this rule].

“Registered day care ministry” means day care provided as an extension of a church or religious ministry that is a religious organization exempt from federal income taxation under Section 501 of the Internal Revenue Code, unlicensed but registered with the state board of health and state fire marshal's office pursuant to IC 12-3-2-12.7(c) [IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.].

“Facility” means an unlicensed but registered day care ministry.

“Food” means any raw, cooked, or processed edible substance, ice, beverage, drink, or ingredients used or intended for use in whole or in part for human consumption.

“Food equipment” means stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items other than utensils, used in the operation of a kitchen.

“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 growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs or foods which have a pH level of 4.6 or below or a water activity (Aw) value of 0.85 or less.

“Sanitization” means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.

“Single-service articles” means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and similar articles intended for one-time, one-person use and then to be discarded.

“SBH” means the Indiana state board of health.

“Utensils” means any implement used in the storage, preparation, transportation, or service of food. (Division of Family Resources; 470 IAC 3-4.5-1; filed Aug 12, 1988, 1:50 p.m.: 12 IR 16; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-2-1) to the Division of Family and Children (470 IAC 3-4.5-1) by P.L.9-1991, SECTION 129, effective July 1, 1992.

470 IAC 3-4.5-2 Registration

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 2. (a) Application. Application for registration to operate a day care ministry shall be submitted annually to the SBH on forms provided for that purpose by that agency. As part of the application, the applicant shall submit a notarized criminal history affidavit form together with a statement verifying its exemption from federal income taxation under Section 501 of the Internal Revenue Code.

(b) Certificate of Notice. A certificate of notice shall be issued to a facility found to be in compliance with 410 IAC 22-2 [this rule] during each quarterly inspection.

(c) Certificate Validation. A registered day care ministry certificate of notice is deemed invalid unless the applicant complies with subsection (d) of this section within a reasonable time.

(d) Reporting Requirements. It shall be the responsibility of the applicant to report promptly to the SBH the following changes or events:

- (1) when the applicant changes;
- (2) if the location of the religious organization changes;
- (3) if the location of the building in which the child care service is provided changes;
- (4) when the child care service is discontinued;
- (5) a change in the location within the building where day care is provided;
- (6) any major damage caused by fire or natural disaster which adversely affects the sanitary conditions of the facility.

(Division of Family Resources; 470 IAC 3-4.5-2; filed Aug 12, 1988, 1:50 p.m.: 12 IR 17; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-2-2) to the Division of Family and Children (470 IAC 3-4.5-2) by P.L.9-1991, SECTION 129, effective July 1, 1992.

470 IAC 3-4.5-3 Water supply, plumbing and sewage disposal

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

Sec. 3. (a) Water Supply. Water supplies shall be constructed and operated in accordance with the requirements of 410 IAC 6-5.1-8 [410 IAC 6-5.1-8 was repealed filed Sep 24, 1987, 3:00 p.m.: 11 IR 737.], excluding 410 IAC 6-5.1-8(f) [410 IAC 6-5.1-8 was repealed filed Sep 24, 1987, 3:00 p.m.: 11 IR 737.]. For the purposes of 410 IAC 22-2 [this rule], the requirements of 410 IAC 6-5.1-8 [410 IAC 6-5.1-8 was repealed filed Sep 24, 1987, 3:00 p.m.: 11 IR 737.], excluding 410 IAC 6-5.1-8(f) [410 IAC 6-5.1-8 was repealed filed Sep 24, 1987, 3:00 p.m.: 11 IR 737.], shall apply to registered day care ministries.

(b) Plumbing and Sewage Disposal. All plumbing fixtures shall discharge into a public sanitary sewer whenever available within a reasonable distance, or when soil conditions prohibit the construction of an adequate on-site system. Any on-site sewage treatment system shall meet the requirements of 410 IAC 6-10. If a discharging sewage treatment system is to be constructed, it shall meet the requirements of the department of environmental management. New plumbing equipment shall meet the requirements of the fire prevention and building safety commission (FPBSC) and SBH. (*Division of Family Resources; 470 IAC 3-4.5-3; filed Aug 12, 1988, 1:50 p.m.: 12 IR 17; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-2-3) to the Division of Family and Children (470 IAC 3-4.5-3) by P.L.9-1991, SECTION 129, effective July 1, 1992.

470 IAC 3-4.5-4 Buildings, grounds, equipment, furnishings, materials and supplies

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

Sec. 4. Physical Facilities. The building or parts thereof used for day care purposes shall be structurally sound and shall at all times be maintained in a clean, safe, and sanitary condition and be in a good state of repair.

(1) All interior surfaces, equipment, materials, furnishings, and objects with which children will come in contact shall be well maintained, in a clean and sanitary condition, and of nontoxic durable construction.

(2) All restrooms shall be equipped with flush toilets and handwashing sinks and shall be ventilated to the outside. An adequate supply of water, under pressure, shall be provided at all handwashing sinks, as well as soap and disposable paper towels in dispensers. Toilet paper in dispensers shall be located at each toilet.

(3) Refuse, garbage, empty food containers, soiled diapers, or other items soiled with body fluids shall be discarded into conveniently located tightly lidded, watertight containers. These containers must be kept in a sanitary condition, and covered when not in use.

(4) All open windows, doors which are kept open for other than entering and leaving, ventilators, and other outside openings shall be protected against insects by securely fastened 16 mesh screening. Cracks shall be sealed and sealing shall be in place around pipes, plumbing, and ducts.

(5) Drinking water facilities shall not be located in restrooms and shall be constructed of impervious, easily cleanable materials and shall be kept clean and in a good state of repair. Drinking fountains, where provided, shall have a sanitary type guarded angle-stream jet head and an adjustable flow regulator.

(*Division of Family Resources; 470 IAC 3-4.5-4; filed Aug 12, 1988, 1:50 p.m.: 12 IR 17; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-2-4) to the Division of Family and Children (470 IAC 3-4.5-4) by P.L.9-1991, SECTION 129, effective July 1, 1992.

470 IAC 3-4.5-5 Food service sanitation

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

Sec. 5. (a) Food Service. The kitchen and any other food preparation area shall be maintained in a clean and sanitary condition, separate from areas used for any other purpose, and shall be so located that it is not used as a throughway to other rooms or areas. The kitchen shall not be used for children's activities or naps, a dining or recreational area for adults, or as an office.

(b) Food Safety. All foods provided by the facility, for children enrolled in the day care ministry, shall be from a food establishment, inspected and approved by a governmental agency. Food items shall be received at the facility in the original,

unopened, undamaged packaging and shall be properly protected from damage and potential contamination. Food shall be free from spoilage, filth, or other contamination and shall be safe for human consumption.

The temperature of all potentially hazardous food shall be 45° F. or below or 140° F. or above at all times. Frozen food shall be kept frozen and should be stored at a temperature of 0° F. or below.

(c) Refrigerator and Freezers. Enough conveniently located refrigeration facilities shall be provided to assure the maintenance of potentially hazardous food at required temperatures during storage. Refrigerators and freezers shall be in good condition, clean, and shall maintain the proper temperatures. Each compartment of the refrigerator and freezer shall be provided with an accurate thermometer, in good position for daily monitoring.

(d) Ranges. Enough conveniently located ranges shall be provided to assure the maintenance of hot, potentially hazardous food at the required temperatures during storage. Ranges shall be in good condition, clean, and in proper and safe operating condition.

(e) Dishwashing. Any multi-use utensils, tableware, or kitchenware shall be washed and sanitized between each use. Dishwashing and sanitizing shall be conducted mechanically in a commercial dishwasher or manually in a three (3) compartment sink, one (1) of these may be a portable sink or container, deep enough to permit total immersion of the articles used by the facility. Drainboards or movable dish tables of adequate size shall be provided. The manual dishwashing procedure shall consist of thoroughly washing multi-use utensils and equipment in a detergent solution in the first compartment of the sink, and rinsing free of such solutions in the second compartment of the sink. A sink used for dishwashing shall not be used for handwashing. All eating and drinking utensils and, where required, the food-contact surfaces of all other equipment and utensils shall be sanitized in the third compartment by one (1) of the following methods:

- (1) immersion for at least one-half (1/2) minute in clean, hot water maintained at a temperature of at least 170° F.; or
- (2) immersion for at least one (1) minute in clean water which is at a temperature of at least 75° F. and which contains an approved sanitizing agent at an effective concentration.

Cleaned and sanitized equipment and utensils shall always be air dried, never towel dried.

An alternative to dishwashing is the use of sturdy, all disposable, single-service articles and utensils. Reuse of single-service articles and utensils is prohibited.

All permanent ware infant feeding bottles and reusable nipples provided by the facility shall be washed and sanitized by the facility after each use as follows:

Prewash in hot detergent water in a nonhandwashing sink; scrub bottles and nipples inside and out with bottle and nipple brush; squeeze water through nipple hole during washing; and rinse well with clean, hot water. Boil in clear water – bottles for five (5) minutes; nipples and caps, collars, and tongs for three (3) minutes; and air dry. Store each item separately in clean, covered, labeled containers.

(f) Storage. Containers and packages of food, cleaned and sanitized utensils, equipment, and single-service articles shall be stored at least six (6) inches above the floor in a clean, dry location in such a way that protects them from contamination, cleaning compounds, and toxic or hazardous materials. This does not apply to cased food packaged in waterproof containers.

(g) Hygiene. A sink used exclusively for handwashing shall be located in the kitchen and supplied with soap and disposable towels from a dispenser. Persons who prepare, handle, and serve food shall thoroughly wash their hands with soap and water and use disposable towels for drying. Handwashing shall be done before starting work and as often as necessary to keep them clean. Persons who prepare and handle food shall wear clean, washable garments (aprons or smocks) and effective hair restraints. All food preparation and eating surfaces shall be sanitized before and after use. (*Division of Family Resources; 470 IAC 3-4.5-5; filed Aug 12, 1988, 1:50 p.m.: 12 IR 18; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-2-5) to the Division of Family and Children (470 IAC 3-4.5-5) by P.L.9-1991, SECTION 129, effective July 1, 1992.

470 IAC 3-4.5-6 General sanitation

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 6. (a) Cots and Cribs. Cots and cribs shall be constructed of sturdy, cleanable material and sanitized after each use; weekly sanitation of a cot or crib is acceptable if the cot or crib is used exclusively by the same child each day. Not more than one (1) child may occupy a crib or cot at any one (1) time. Linens and coverings shall be kept clean.

(b) Handwashing. Adults and children shall wash their hands after using the toilet and before eating.

(c) Ill Children. Ill children shall be kept separate from others and all surfaces and items with which a sick child has come in

contact with shall be cleaned and sanitized after each use. Individual belongings shall be kept separate.

(d) Diapers. The diapering process shall be done on a table, in a clean and sanitary manner. The diaper changing surface shall be sanitized after each use and materials used for skin cleansing shall be discarded after each use into a tightly covered, easily sanitized container. Individuals responsible for diaper changing shall wash their hands after each diaper change. *(Division of Family Resources; 470 IAC 3-4.5-6; filed Aug 12, 1988, 1:50 p.m.: 12 IR 19; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-2-6) to the Division of Family and Children (470 IAC 3-4.5-6) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

Rule 4.6. School Age Child Care Program

NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3) to the Division of Family and Children (470 IAC 3-4.6) by P.L.9-1991, SECTION 133, effective July 1, 1992.

470 IAC 3-4.6-1 Purpose

Authority: IC 12-13-5-3; IC 12-17-12-17; IC 12-17-13-9

Affected: IC 12-17-12; IC 20-26-5-4; IC 20-26-5-20

Sec. 1. The purpose of 490 IAC 3 *[this article]* is to implement the school age child care program, authorized by IC 20-5-61 *[IC 20-5-61 was repealed by P.L.9-1991, SECTION 98, effective January 1, 1992.]*, which offers care to children between five (5) and fifteen (15) years of age for the period of time before or after the school day, or both, during periods when school is not in session, and during periods when school is in session for students who are enrolled in a half-day kindergarten program. *(Division of Family Resources; 470 IAC 3-4.6-1; filed Aug 15, 1988, 1:00 p.m.: 12 IR 20; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-1) to the Division of Family and Children (470 IAC 3-4.6-1) by P.L.9-1991, SECTION 133, effective July 1, 1992.*

470 IAC 3-4.6-2 Definitions

Authority: IC 12-13-5-3; IC 12-17-12-17

Affected: IC 12-17-12

Sec. 2. "Board" means the interdepartmental board for the coordination of human service programs.

"Child's legal custodian" means the child's parent or custodian as determined by a court of law.

"Physical or mental incapacity" of the child's legal custodian is based on the receipt of Social Security disability or supplemental security income as the result of a disability, or the status of being an active vocational rehabilitation client, for the purposes of IC 20-5-61-10(a)(2)(C) *[IC 20-5-61 was repealed by P.L.9-1991, SECTION 98, effective January 1, 1992.]*

"Vocational training" means certified or accredited programs when determining whether a family falls within the priorities as set forth at IC 20-5-61-10(a)(2)(A) *[IC 20-5-61 was repealed by P.L.9-1991, SECTION 98, effective January 1, 1992.]* *(Division of Family Resources; 470 IAC 3-4.6-2; filed Aug 15, 1988, 1:00 p.m.: 12 IR 20; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-2) to the Division of Family and Children (470 IAC 3-4.6-2) by P.L.9-1991, SECTION 133, effective July 1, 1992.*

470 IAC 3-4.6-3 Exclusions

Authority: IC 12-13-5-3; IC 12-17-12-17

Affected: IC 12-17-12

Sec. 3. The school age child care program does not include the following:

- (1) The provision of kindergarten certified by the department of education.
- (2) The provision of elementary or secondary education.
- (3) The periods during weekends and summer vacation from school.
- (4) Child care between the hours of 7 p.m. and 6 a.m., Monday through Friday.

(Division of Family Resources; 470 IAC 3-4.6-3; filed Aug 15, 1988, 1:00 p.m.: 12 IR 21; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-3) to the Division of Family and Children (470 IAC 3-4.6-3) by P.L.9-1991, SECTION 133, effective July 1, 1992.

470 IAC 3-4.6-4 Service provisions

Authority: IC 12-13-5-3; IC 12-17-12-17
 Affected: IC 12-17-12-12; IC 20-26-5-2; IC 20-26-5-4; IC 20-26-5-20; IC 20-33-5-1

- Sec. 4. (a) In order to provide services under IC 12-17-12, an entity must be:
 (1) a public school corporation as defined in IC 20-8.1-1-1 [*IC 20-8.1 was repealed by P.L.1-2005, SECTION 240, effective July 1, 2005. See IC 20-33-5-1.*]; or
 (2) a not-for-profit organization which:
 (A) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and
 (B) has provided extracurricular activities or services to children during the year preceding the date of application for a grant under IC 12-17-12.
 (b) Preference will be given to those providers who operate school-based programs.
 (c) Service providers must adopt the following sliding fee schedule:

Percent of Poverty Level	=	Fee to be Paid, Per Family, Per Unit of Service
0 - 100%	=	No fee
101 - 109%	=	\$ 1
110 - 118%	=	\$ 2
119 - 127%	=	\$ 3
128 - 136%	=	\$ 4
137 - 145%	=	\$ 5
146 - 154%	=	\$ 6
155 - 163%	=	\$ 7
164 - 172%	=	\$ 8
173 - 181%	=	\$ 9
182 - 190%	=	\$10

- (d) Children of parents whose incomes exceed one hundred ninety percent (190%) of poverty may also be served in the program. The fee charged for those children may be set by the provider.
 (e) Service providers must serve clients on a priority of need basis under IC 12-17-12-12.
 (f) Service providers may make school age child care available from 6:00 a.m. until 7:00 p.m., Monday through Friday, when school is in session, on school holidays, and school vacation days during the regular school year.
 (g) Under this program, service providers will be reimbursed a specified rate per unit, each unit being defined as the provision of four (4) hours or more of school age child care for one (1) child. One-half (1/2) a unit is defined as up to four (4) hours of school age child care for one (1) child. (*Division of Family Resources; 470 IAC 3-4.6-4; filed Aug 15, 1988, 1:00 p.m.: 12 IR 21; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1087; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-4) to the Division of Family and Children (470 IAC 3-4.6-4) by P.L.9-1991, SECTION 133, effective July 1, 1992.

470 IAC 3-4.6-5 Transportation

Authority: IC 12-13-5-3; IC 12-17-12-17
 Affected: IC 12-17-12

- Sec. 5. Children enrolled in the school age child care program may be transported as a part of the program only:
 (1) from the child's school to the care site; or
 (2) from the care site to the child's school.

(*Division of Family Resources; 470 IAC 3-4.6-5; filed Aug 15, 1988, 1:00 p.m.: 12 IR 21; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-5) to the Division of Family and Children (470 IAC 3-4.6-5) by P.L.9-1991, SECTION 133, effective July 1, 1992.

470 IAC 3-4.6-6 Standards

Authority: IC 12-13-5-3; IC 12-17-12-17

Affected: IC 20-26-5-4; IC 20-26-5-20

Sec. 6. (a) Providers of school age child care shall meet the standards in this section.

(b) Staffing of the school age child care program shall be as follows:

(1) Health requirements for all staff shall be as follows:

(A) No person shall be permitted to perform any services in the program until the person has furnished the program with a statement from a physician that the person is free of tuberculosis in an infectious state. Each such person is required to have a health examination within three (3) months prior to entering the service of the program. The examination shall include a chest x-ray or Mantoux tuberculin test and may include laboratory tests and immunizations as deemed necessary by the attending physician. If the tuberculin test is positive, the chest x-ray is mandatory.

(B) Annual Mantoux tuberculin testing is mandatory for all persons having direct contact with children.

(C) Volunteers, substitutes, student aides, and any other personnel having direct contact with the children or providing food service are also subject to this subdivision. Records shall be kept for all of these persons.

(2) The director, who shall be at least twenty-one (21) years of age, with at least two (2) years of experience working with children in a children's program, or a two (2) year associate's degree in a child care related field, shall be responsible for the operation of the program at all times.

(3) During any necessary absence of the director, a responsible person shall be designated to be in charge, who shall have sufficient knowledge of emergency procedures and day to day operating procedures as is necessary to carry on the normal operation of the facility.

(4) No program shall operate at any time without a responsible person eighteen (18) years of age or older present on the premises of the program.

(5) Persons having direct contact with children shall be equipped by education, training, skill, or experience to provide for the child's proper training and development as follows:

(A) Each staff member providing direct care to children shall have twelve (12) hours per year of inservice training. Fifty percent (50%) of these hours must be training received from a source other than the facility staff.

(B) All employees providing direct care to children shall have training in basic first aid within three (3) months of employment and at least every three (3) years thereafter.

(C) At all times when children are being cared for, the program must have on duty, or on the premises, at least one (1) staff member who is annually certified in a program on cardiopulmonary resuscitation and airway obstruction.

(6) The program shall provide substitute staff to replace employees on sick leave, vacation, or absent for other reasons. A responsible adult eighteen (18) years of age or older shall always be readily available to substitute for a regularly assigned staff member in charge of a unit of children.

(7) Volunteers, excluding parents, shall meet all the requirements and qualifications of the position to which they are assigned when they are counted in the child-staff ratios.

(8) Alcoholic beverages, weapons, and tobacco products shall not be permitted or used at the facility during the hours of operation in areas used for school age child care.

(c) Minimum staff to child ratios shall be as follows:

(1) The maximum number of children to be supervised by one (1) staff person is fifteen (15) if there are children who are five (5) years of age in the group, and twenty (20) for groups containing only children who are six (6) years of age or older.

(2) All persons who are responsible for and directly engaged in supervising and implementing activities for children shall be counted in determining the child-staff ratios.

(d) Emergency health care shall be as follows:

(1) The service providers shall establish a written plan for the emergency admission of a child who becomes ill or injured and needs emergency care.

(2) An easily accessible telephone and the telephone numbers of the program's consulting physician, parents of the children enrolled in the program, and of the closest emergency facility shall be immediately available.

(3) First aid procedures and emergency evacuation procedures shall be posted in each room occupied by children in this program.

(4) The program shall establish written policies regarding first aid for the care of illness or injuries, including directions for

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the care of poisoning, seizures, hemorrhaging, artificial respiration, and choking.

(5) Programs shall provide and use a separate area to isolate from the group any child having or suspected of having a communicable disease or any illness. Toilet and lavatory facilities shall be located within or near the area.

(6) The program shall have available to the staff a health record of each child enrolled in the program, including a record of allergies and chronic health conditions.

(7) Medication, poisons, and other harmful chemicals shall be securely locked in a cabinet or closet.

(8) No service provider shall administer any medication to a child except as permitted by state and local law and pursuant to express written authorization by the child's parent or guardian.

(e) Nutrition requirements shall be as follows:

(1) All programs shall provide meals and snacks that meet the dietary needs of each child as based on the current National Research Council Recommended Daily Dietary Allowances (NRC/RDA) according to each child's age, the length of the child's daily program attendance, and meals served at home.

(2) Children shall be served meals and snacks according to their hours of attendance and the weekly menus shall be posted.

(3) Breakfast shall be offered to children who are in attendance a substantial amount of time before school begins.

(4) Meal and snack assembly shall be done on a sanitized surface which is not located in a rest room.

(5) Drinking water must be readily available to all children.

(f) Physical space requirements shall be as follows:

(1) The indoor play area shall consist of not less than twenty (20) square feet of usable floor space per child enrolled.

(2) The indoor and outdoor premises of the facility shall be clean, comfortable, and safe, as follows:

(A) The facility shall be protected against rodents and insects.

(B) The outdoor space shall:

(i) be fenced;

(ii) have natural barriers; or

(iii) have other protective conditions;

to deter children from getting into unsafe conditions.

(C) There shall be no open drainage ditches, wells, or holes into which children may fall.

(D) Drainage shall be adequate to prevent stagnant pools of water from accumulating.

(E) Garbage and trash shall be stored in covered containers out of reach of the children and removed often enough to avoid creating a health hazard or nuisance.

(F) Open fireplaces shall not be used.

(G) All heating elements, including hot water pipes, shall be insulated or installed in a manner which makes them inaccessible to children.

(H) Furniture, equipment, and toys shall be sturdily constructed, without sharp edges, and present only minimal risks to children.

(I) Lead based paint shall not be used on surfaces accessible to children.

(J) Pets, animals, and fowl shall be maintained in a safe and sanitary manner at all times.

(g) Each school age child care program shall provide program activities that are appropriate to the various age levels of the children to be served and that meet the developmental needs of each child.

(h) When a school age child care program transports children, the program is responsible for the safety of those children. The school age child care program shall do the following:

(1) Require a current operator's license as required by law for each vehicle driver.

(2) Secure written authorization from a parent or guardian to transport the child.

(3) Load and unload at the curb or on the side of the street on which the home, facility, or other destination is located.

(4) Use only vehicles which meet the following requirements:

(A) The vehicle shall be enclosed.

(B) The vehicle shall be provided with locking doors.

(C) The vehicle seats shall be attached to the floor.

(D) The vehicle shall be maintained in good condition and meet safety standards set by the Indiana bureau of motor vehicles.

(Division of Family Resources; 470 IAC 3-4.6-6; filed Aug 15, 1988, 1:00 p.m.: 12 IR 21; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1088; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination

of Human Service Programs (490 IAC 3-1-6) to the Division of Family and Children (470 IAC 3-4.6-6) by P.L.9-1991, SECTION 133, effective July 1, 1992.

470 IAC 3-4.6-7 Eligibility

Authority: IC 12-13-5-3; IC 12-17-12-17

Affected: IC 12-17-12

Sec. 7. (a) Every child between five (5) and fifteen (15) years of age is eligible for school age child care. However, the service providers must do the following:

(1) Follow the standards under section 6 of this rule.

(2) Follow the service priorities which are as follows:

(A) The first priority must be given to children who are referred to a program by the local child protection service agency under IC 31-6-11 [*IC 31-6 was repealed by 268-1995, SECTION 17, effective July 1, 1995.*]. Children in families with the lowest gross monthly income compared to other children in this priority level must be enrolled first.

(B) The second priority must be given to children in kindergarten and grades 1 through 3 and their siblings, if their families need school age child care services because of:

(i) enrollment of a child's legal custodian in vocational training under a degree program;

(ii) employment of a child's legal custodian; or

(iii) physical or mental incapacities of a child's legal custodian.

Children in families with the lowest gross monthly income compared to other children in this priority level must be enrolled first.

(C) The third priority must be given to children in grades 4 through 9, if their families need school age child care services because of:

(i) enrollment of a child's legal custodian in vocational training under a degree program;

(ii) employment of a child's legal custodian; or

(iii) physical or mental incapacities of a child's legal custodian.

Children in families with the lowest gross monthly income compared to other children in this priority level must be enrolled first.

(D) The fourth priority must be given to children in families who do not meet the criteria set forth in clauses (A) through (C), but who have a gross income below one hundred percent (100%) of poverty.

(3) Follow the sliding fee schedule under section 4 of this rule.

(b) Service providers must obtain a declaration of the following:

(1) Family income.

(2) At least one (1) of the following:

(A) Referral of child by a local child protection service agency.

(B) Employment of child's legal custodian.

(C) Enrollment of child's legal custodian in vocational training under a degree program.

(D) The physical or mental incapacity of the child's legal custodian.

(3) The child's age, who must be between five (5) and fifteen (15) years of age.

(c) The poverty guidelines issued by the federal Office of Management and Budget shall be used to determine the poverty level to be used in the computation of the sliding fee.

(d) The fee required to be paid by each family will be based on gross income received in the thirty (30) day period prior to the date of application.

(e) Family income includes the following:

(1) Money, wages, or salary.

(2) The dollar amount of AFDC grants.

(3) Social Security income, including Social Security disability, supplemental security income, and old age pensions.

(4) Interest, rents, and dividends.

(5) Net income from self-employment.

(6) Pensions and annuities.

(7) Unemployment compensation.

- (8) Worker's compensation.
- (9) Alimony and child support.
- (10) Veteran's pensions.

(Division of Family Resources; 470 IAC 3-4.6-7; filed Aug 15, 1988, 1:00 p.m.: 12 IR 22; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1090; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-7) to the Division of Family and Children (470 IAC 3-4.6-7) by P.L.9-1991, SECTION 133, effective July 1, 1992.

470 IAC 3-4.6-8 Eligibility appeal process

Authority: IC 12-13-5-3; IC 12-17-12-17
Affected: IC 4-21.5-1; IC 12-17-12

Sec. 8. (a) An individual who has been denied services may appeal that action to the board after attempting to resolve the problem with the local service provider.

(b) The request for a hearing must be submitted in writing and signed by the appellant. This request must be received by the board within thirty (30) days of the appellant's notification that services are denied.

(c) The board shall hold the hearing within thirty (30) days after receipt of the request for a hearing.

(d) The hearing shall be conducted in accordance with the Indiana Administrative Adjudication Act, IC 4-21.5-1.

(e) The board shall notify the appellant and the local service provider by certified mail of the appeal decision within ten (10) days after the hearing. *(Division of Family Resources; 470 IAC 3-4.6-8; filed Aug 15, 1988, 1:00 p.m.: 12 IR 23; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-8) to the Division of Family and Children (470 IAC 3-4.6-8) by P.L.9-1991, SECTION 133, effective July 1, 1992.*

470 IAC 3-4.6-9 Applications of service providers

Authority: IC 12-13-5-3; IC 12-17-12-17
Affected: IC 12-17-12

Sec. 9. (a) The interdepartmental board for the coordination of human service programs shall send out proposal packets at least yearly.

(b) All proposals which are completed by potential service providers and returned to the interdepartmental board shall be evaluated using the following criteria:

- (1) cost-effectiveness of the program plan;
- (2) whether the goals and objectives are realistic in relationship to the program design, staff, and budget;
- (3) adherence to the school age child care service definitions;
- (4) adherence to specific requirements of IC 20-5-61 [*IC 20-5-61 was repealed by P.L.9-1991, SECTION 98, effective January 1, 1992.*] and 490 IAC 3 [*this article*];
- (5) administrative capability of the service provider to comply with the terms of the contract;
- (6) the need for the program in the proposed service area as compared to the quantity of providers elsewhere in the state;
- (7) other relevant criteria as deemed necessary by the board.

(Division of Family Resources; 470 IAC 3-4.6-9; filed Aug 15, 1988, 1:00 p.m.: 12 IR 23; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-9) to the Division of Family and Children (470 IAC 3-4.6-9) by P.L.9-1991, SECTION 133, effective July 1, 1992.

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 12-17.2-4

Sec. 1. For the purpose of this rule only, the following definitions apply:

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- (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.

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- (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 toxicogenic 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 ($5\frac{1}{2}$) inches by two and three-fourths ($2\frac{3}{4}$) inches by one and three-eighths ($1\frac{3}{8}$) 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 kidnapping.
- (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

CHILD WELFARE SERVICES

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

CHILD WELFARE SERVICES

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:

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- (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 thoroughway. No one shall use the kitchen as a thoroughway 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/glidens 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 ($\frac{1}{2}$) 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 ($\frac{1}{16}$) 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 ($2\frac{3}{8}$) 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 ($51\frac{3}{4}$) inches in length, and twenty-seven and three-eighths ($27\frac{3}{8}$) 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 (50³/₈) 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

a child care provider that may subject a child care center or child care home to emergency or temporary closure order:

- (1) Building damage due to:
 - (A) earthquake;
 - (B) flooding or water damage;
 - (C) tornado;
 - (D) severe wind;
 - (E) ice storm;
 - (F) fire;
 - (G) lead contamination; or
 - (H) asbestos.
 - (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 in 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.
 - (10) Lack of supervision, which results in the death or serious injury of a child.
- (b) If an employee or agent of the division determines that a violation in subsection (a) exists, the division shall:
- (1) issue an emergency or another temporary order under IC 4-21.5-4 requiring the licensee to immediately cease operations of the child care center or home; and
 - (2) contact the parent or guardian of each child enrolled in the child care center or child care home to inform the parent or guardian:
 - (A) that the division has issued an order to require the licensee to cease operations of the child care center or child care home; and
 - (B) the reason for the order to cease operation.

(Division of Family Resources; 470 IAC 3-4.8-1; filed Aug 11, 2004, 11:05 a.m.: 28 IR 196)

470 IAC 3-4.8-2 Administrative hearing

Authority: IC 12-13-5-3; IC 12-17.2-4-18.7; IC 12-17.2-5-18.7

Affected: IC 12-17.2-4-20; IC 12-17.2-5

Sec. 2. If the division issues an order to cease operation, an administrative hearing concerning the decision shall be held under IC 12-17.2-4-20. *(Division of Family Resources; 470 IAC 3-4.8-2; filed Aug 11, 2004, 11:05 a.m.: 28 IR 197)*

Rule 5. Services to Families and Children

470 IAC 3-5-1 Definition of special services for unwed parents (Repealed)

Sec. 1. *(Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 222)*

470 IAC 3-5-2 Application for special services for unwed parents (Repealed)

Sec. 2. *(Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 223)*

470 IAC 3-5-3 Eligibility for special services; denial (Repealed)

Sec. 3. *(Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 223)*

470 IAC 3-5-4 Limitation of special services; available services (Repealed)

Sec. 4. *(Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 223)*

470 IAC 3-5-5 Interstate and intercountry placement of children into Indiana; types of placements needing prior written approval and consent of state department (Repealed)

Sec. 5. *(Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 225)*

470 IAC 3-5-6 Approval and consent of interstate and intercountry placement of dependent children (Repealed)

Sec. 6. *(Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 225)*

470 IAC 3-5-7 International child placing agencies (Repealed)

Sec. 7. *(Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 225)*

470 IAC 3-5-8 Definition of runaway children program (Repealed)

Sec. 8. *(Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 223)*

470 IAC 3-5-9 Eligibility of runaway children, noneligibility (Repealed)

Sec. 9. *(Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 223)*

470 IAC 3-5-10 Limitation on services for runaway children; available services (Repealed)

Sec. 10. *(Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 223)*

470 IAC 3-5-11 Return of eligible runaways; court authorization (Repealed)

Sec. 11. *(Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 223)*

470 IAC 3-5-12 Regular access authority to the child welfare-social services division personal information system

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 4-1-6; IC 4-21.5; IC 12-14-22

Sec. 12. Regular Access Authority to the Indiana State Department of Public Welfare, Child Welfare-Social Services Division Personal Information System. The following individuals have regular access authority to the information contained in the personal information systems maintained by the Indiana state department of public welfare in the office of the child welfare-social services division, subject to the confidentiality requirements set forth in state department regulation 1-201 [470 IAC 1-3-1]:

(1) Employees of the Indiana state department of public welfare.

(2) Employees of the county welfare departments of the state of Indiana.

(3) Employees of agencies in other states which have been given the responsibility of administering the child welfare-social services program in that state pursuant to a state plan which has been approved by the Department of Health, Education, and Welfare.

(4) Judges and court officials.

(5) County clerks and their staff who are charged by law with responsibility for certain records.

(6) All officials and their staff who are charged by law with the responsibility for investigation and pursuing criminal and/or civil prosecution.

(7) Any other individual, agency or official who is connected with the administration plan or program approved under parts A, B, C, or D of title IV or under titles II, X, XIV, XVI, XIX, or XX of the federal Social Security Act; or the supplemental security income program established under title XVI of the federal Social Security Act; or any other federal or federally assisted program which provides assistance, in cash or in-kind, or services, directly to individuals on the basis of need.

Access to adoption records is governed by the provisions of IC 31-3-1-5 [IC 31-3 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.] and IC 31-3-1-12 [IC 31-3 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.].

45 CFR 205.50

IC 4-1-6-1

IC 4-1-6-2

IC 12-1-2-2(c) [IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]

IC 12-1-2-3(f) [IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]

IC 12-1-10-2 [IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]

IC 12-3-4.1-3 [Repealed by P.L.135-1978, SECTION 4.]

IC 31-3-1-5 [IC 31-3 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.]

IC 31-3-1-12 [IC 31-3 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.]

IC 31-5-7-8 [Repealed by P.L.136-1978, SECTION 57.]

IC 31-5-7-15 [Repealed by P.L.136-1978, SECTION 57.] (Division of Family Resources; Title 3, Ch 5, Reg 3-599; filed Nov 14, 1977, 9:00 am: Rules and Regs. 1978, p. 754; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-5-13 Agency action in child welfare services; denial or exclusion; agency action on special service to unwed parents and runaway children (Expired)

Sec. 13. (Expired under IC 4-22-2.5, effective January 1, 2002.)

470 IAC 3-5-14 Appeals; child welfare services; fair hearing (Repealed)

Sec. 14. (Repealed by Division of Family and Children; filed May 22, 1987, 12:45 pm: 10 IR 2284, eff Jul 1, 1987)

Rule 5.1. Interstate and Intercountry Child Placing Regulations (Transferred)

NOTE: Transferred from the Division of Family Resources (470 IAC 3-5.1) to the Department of Child Services (465 IAC 2-3) by P.L.234-2005, SECTION 195, effective July 1, 2005.

Rule 5.3. Interstate Compacts on Adoption and Medical Assistance (Transferred)

NOTE: Transferred from the Division of Family Resources (470 IAC 3-5.3) to the Department of Child Services (465 IAC 2-4) by P.L.234-2005, SECTION 195, effective July 1, 2005.

Rule 6. Licensing of Children's Homes Defined as Group Homes (Repealed)

(Repealed by Division of Family and Children; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2045)

Rule 7. Release of Information to Individuals Engaged in Research Projects on Child Abuse (Transferred)

NOTE: Transferred from the Division of Family Resources (470 IAC 3-7) to the Department of Child Services (465 IAC 2-5) by P.L.234-2005, SECTION 195, effective July 1, 2005.

Rule 8. Confidentiality of Reports or Other Information Concerning Child Abuse or Neglect

470 IAC 3-8-1 Confidentiality of all reports and information concerning child abuse or neglect; release upon written request (Expired)

Sec. 1. (Expired under IC 4-22-2.5, effective January 1, 2002.)

Rule 9. Adoption Assistance; Foster Care Assistance; Incorporations by Reference, Titles IV(B) and (E) of the Social Security Act (Transferred)

NOTE: Transferred from the Division of Family Resources (470 IAC 3-9) to the Department of Child Services (465 IAC 2-6) by P.L.234-2005, SECTION 195, effective July 1, 2005.

Rule 10. Foster Care and Adoption Assistance Program

470 IAC 3-10-1 Adoption assistance agreement; renewal; modifications; terminations (Transferred)

Sec. 1. *NOTE: Transferred from the Division of Family Resources (470 IAC 3-10-1) to the Department of Child Services (465 IAC 2-7-1) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

470 IAC 3-10-2 Special needs child; criteria (Transferred)

Sec. 2. *NOTE: Transferred from the Division of Family Resources (470 IAC 3-10-2) to the Department of Child Services (465 IAC 2-7-2) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

470 IAC 3-10-3 Adoption assistance payments (Transferred)

Sec. 3. *NOTE: Transferred from the Division of Family Resources (470 IAC 3-10-3) to the Department of Child Services (465 IAC 2-7-3) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

470 IAC 3-10-4 Title IVE; appeals (Repealed)

Sec. 4. (Repealed by Division of Family and Children; filed May 22, 1987, 12:45 pm: 10 IR 2284, eff Jul 1, 1987)

470 IAC 3-10-5 Title IVE; medicaid: adoption assistance program, foster care (Transferred)

Sec. 5. *NOTE: Transferred from the Division of Family Resources (470 IAC 3-10-5) to the Department of Child Services (465 IAC 2-7-4) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

470 IAC 3-10-6 Title IVE; foster care eligibility (Transferred)

Sec. 6. *NOTE: Transferred from the Division of Family Resources (470 IAC 3-10-6) to the Department of Child Services (465 IAC 2-7-5) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

470 IAC 3-10-7 Title IVE; foster care assistance payments (Transferred)

Sec. 7. *NOTE: Transferred from the Division of Family Resources (470 IAC 3-10-7) to the Department of Child Services (465 IAC 2-7-6) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

470 IAC 3-10-8 AFDC regulations applicable to foster care assistance (Transferred)

Sec. 8. *NOTE: Transferred from the Division of Family Resources (470 IAC 3-10-8) to the Department of Child Services (465 IAC 2-7-7) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

Rule 10.5. Assisted Guardianship Program (Transferred)

NOTE: Transferred from the Division of Family Resources (470 IAC 3-10.5) to the Department of Child Services (465 IAC 2-8) by P.L.234-2005, SECTION 195, effective July 1, 2005.

Rule 11. Children's Homes and Child Caring Institutions (Transferred)

NOTE: Transferred from the Division of Family Resources (470 IAC 3-11) to the Department of Child Services (465 IAC 2-9) by P.L.234-2005, SECTION 195, effective July 1, 2005.

Rule 12. Emergency Shelter Care Children's Homes and Child Caring Institutions (Transferred)

NOTE: Transferred from the Division of Family Resources (470 IAC 3-12) to the Department of Child Services (465 IAC 2-10) by P.L.234-2005, SECTION 195, effective July 1, 2005.

Rule 13. Private Secure Facilities (Transferred)

NOTE: Transferred from the Division of Family Resources (470 IAC 3-13) to the Department of Child Services (465 IAC 2-11) by P.L.234-2005, SECTION 195, effective July 1, 2005.

Rule 14. Children's Homes and Child Caring Institutions Defined as Group Homes (Transferred)

NOTE: Transferred from the Division of Family Resources (470 IAC 3-14) to the Department of Child Services (465 IAC 2-12) by P.L.234-2005, SECTION 195, effective July 1, 2005.

Rule 15. Children's Homes and Child Caring Institutions Defined as Emergency Shelter Care Group Homes (Transferred)

NOTE: Transferred from the Division of Family Resources (470 IAC 3-15) to the Department of Child Services (465 IAC 2-13) by P.L.234-2005, SECTION 195, effective July 1, 2005.

Rule 16. (Reserved)

Rule 17. (Reserved)

Rule 18. Child Care Development Fund Voucher Program; Provider Eligibility

470 IAC 3-18-1 General definitions

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 1. For the purpose of this rule only, the following definitions apply:

- (1) "Applicant" means the individual who will receive payment from the CCDF program or the individual authorized to sign for a corporation, partnership, or sole proprietor's business.
- (2) "Approved water source" means a municipal water supply or well water supply with documented annual water quality tests indicating the water is free of coliform bacteria and any other known contaminant that is above safe drinking water standards, or demonstrated compliance with Indiana department of environmental management drinking water standards.
- (3) "Caregiver" means an individual who is assigned by a provider the responsibility of supervising or participating in the daily routine of a specific child in the care of the provider.
- (4) "CCDF" means the Child Care and Development Fund program administered under 45 CFR 98.
- (5) "Certification" means a provider has demonstrated compliance with the requirements of this rule.
- (6) "Child" means any individual under eighteen (18) years of age.
- (7) "Child care" means a service to families that provides for the health, safety, and supervision of a child's social, emotional, and educational growth during the time that children are in the care of a provider.
- (8) "Child care program" means the activities provided for children during the time that children are in the care of the provider.
- (9) "CPR" means cardiopulmonary resuscitation.
- (10) "Decertification" means a CCDF program provider who is no longer eligible to participate.
- (11) "Division" means the division of family and children.
- (12) "DOT" means the U.S. Department of Transportation.
- (13) "Employee" means an individual who performs services for compensation other than an allowance, stipend, or other support under the federal Foster Grandparent Program.

- (14) "Facility" means the location where child care is provided.
- (15) "Hazardous materials" are those materials defined as hazardous under the rules of the fire prevention and building safety commission.
- (16) "Hot water" means water with a temperature of at least one hundred (100) degrees Fahrenheit.
- (17) "Inaccessible" means the material shall be stored in a remote area of the facility in a location that is out of a child's reach or maintained in locked storage.
- (18) "Ineligible provider" means a provider who fails to meet the requirements of this rule.
- (19) "Legally licensed exempt" means a child care program that can operate legally without obtaining a license or registration under IC 12-17.2.
- (20) "Poisons" means any material labeled harmful or fatal if swallowed and any prescription or nonprescription medication.
- (21) "Provider" means an individual who provides child care services and is directly paid for the provision of child care under the federal CCDF voucher program administered under 45 CFR 98 and 45 CFR 99 regardless of whether the child care facility is licensed or registered.
- (22) "Related" means a relationship to an individual who is less than eighteen (18) years of age by marriage, blood, or adoption, including parents, grandparents, brothers, sisters, stepparents, stepgrandparents, stepsisters, stepbrothers, uncles, aunts, and first cousins.
- (23) *(Voided by P.L.162-2005, SECTION 5, effective May 6, 2005.)*
- (24) "Temporary eligibility" means the provider eligibility period not to exceed forty-five (45) days.
- (25) "Valid expiration date" means a fire extinguisher that has been recharged in the previous twelve (12) months or a single use extinguisher that has been purchased in the previous twenty-four (24) months.
- (26) "Verifying agency" means the state, an agency of the state, or other entity designated by the state to verify compliance with minimum standards of this rule.
- (27) "Volunteer" means an individual who, without compensation, provides services to a provider regardless of whether the facility is licensed or registered.
- (28) "Volunteer caregiver" means an individual who provides or participates in the child care of a specific child without compensation.
- (29) "Voucher agent" means the state, an agency of the state, a person, or an entity that contracts with the division to operate any function of the CCDF program.
- (30) "Voucher payment" means payment for child care services through the federal CCDF program administered by the state under 42 U.S.C. 9858 et seq., 45 CFR 98, and 45 CFR 99.
- (31) "Voucher program" means the federal CCDF program administered by the state under 42 U.S.C. 9858 et seq., 45 CFR 98, and 45 CFR 99.
- (32) "Voucher provider" means a child care provider that has been approved by the division as eligible to receive child care reimbursement through the CCDF program.

(Division of Family Resources; 470 IAC 3-18-1; filed Oct 14, 2004, 2:50 p.m.: 28 IR 950)

470 IAC 3-18-2 Exclusion from participation

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15
Affected: IC 12-17.2-3.5

Sec. 2. As follows, a provider is ineligible to participate in the CCDF program if the provider:

- (1) Has been convicted of a felony or a misdemeanor related to the health or safety of a child.
- (2) Allows any person to care for children in the child care facility who has been convicted of a felony or a misdemeanor related to the health or safety of a child.
- (3) Has any person over eighteen (18) years of age who has been convicted of a felony or a misdemeanor related to the health or safety of a child living in the home where child care is being provided.
- (4) Has any person under eighteen (18) years of age and previously waived to adult court who has been convicted of a felony or a misdemeanor related to the health or safety of a child living in the home where child care is being provided.
- (5) Fails to meet any of the requirements of this rule.

(Division of Family Resources; 470 IAC 3-18-2; filed Oct 14, 2004, 2:50 p.m.: 28 IR 951)

470 IAC 3-18-3 Fire and smoke detection systems

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15
Affected: IC 12-17.2-3.5

Sec. 3. (a) A provider providing care in a residential building must have working smoke detectors that meet the standards adopted by rule for licensed child care homes at 470 IAC 3-1.1-46(l).

(b) A provider providing care in a nonresidential building must have fire alarm and suppression systems as required by the applicable rule of the fire prevention and building safety commission. (*Division of Family Resources; 470 IAC 3-18-3; filed Oct 14, 2004, 2:50 p.m.: 28 IR 951*)

470 IAC 3-18-4 Fire extinguishers

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15
Affected: IC 12-17.2-3.5

Sec. 4. A provider must provide a two and one-half (2½) pound or greater ABC multiple purpose fire extinguisher with valid expiration date that shall be located on each floor of the facility in which child care services are provided and an additional extinguisher located in the kitchen area of the facility. (*Division of Family Resources; 470 IAC 3-18-4; filed Oct 14, 2004, 2:50 p.m.: 28 IR 951*)

470 IAC 3-18-5 Exits

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15
Affected: IC 12-17.2-3.5

Sec. 5. (a) As follows, a facility where a provider operates a child care program must have two (2) exits that:

- (1) Do not require passage through a garage or storage area where hazardous materials are stored.
- (2) Are not windows.
- (3) Are on different sides of the facility.
- (4) Are not blocked.
- (5) Are operable from the inside without the use of a key or any special knowledge using a one-step process.
- (6) Have a permanently attached stairway or ramp if not at ground level.

(b) This section does not apply to a provider's facility where care was being provided and CCDF payments were received prior to June 30, 2002, as long as CCDF health and safety certification has been maintained. (*Division of Family Resources; 470 IAC 3-18-5; filed Oct 14, 2004, 2:50 p.m.: 28 IR 951*)

470 IAC 3-18-6 Fire drills

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15
Affected: IC 12-17.2-3.5

Sec. 6. (a) A provider shall conduct a monthly fire drill in accordance with the rules of the fire prevention and building safety commission that includes complete evacuation of all children and adults who provide child care in the facility.

(b) The provider shall maintain documentation of all fire drills conducted during the immediately preceding twelve (12) month period, including the following:

- (1) The date and time of the fire drill.
- (2) The name of the individual who conducted the fire drill.
- (3) The weather conditions at the time of the fire drill.
- (4) The amount of time required to fully evacuate the facility.

(*Division of Family Resources; 470 IAC 3-18-6; filed Oct 14, 2004, 2:50 p.m.: 28 IR 951*)

470 IAC 3-18-7 Certification

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15
Affected: IC 12-17.2-3.5

Sec. 7. (a) The provider, employee, and volunteer caregivers shall maintain current certification in first aid procedures, provided by a certified trainer or licensed health professional.

(b) The certified first aid procedures shall include the following:

- (1) Control of bleeding.
- (2) Treatment of shock.
- (3) Artificial respiration.
- (4) Treatment for poisoning.
- (5) Procedures for choking.
- (6) Treatment for seizure.

(c) The provider shall ensure that at least one (1) individual is present at all times who maintains annual certification in CPR for all age groups of children receiving care. The CPR certification must meet Journal of American Medical Association (JAMA) standards. *(Division of Family Resources; 470 IAC 3-18-7; filed Oct 14, 2004, 2:50 p.m.: 28 IR 952)*

470 IAC 3-18-8 Running water

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 8. (a) The child care facility shall have hot and cold running water from an approved water source from a sink that is available in the area of the facility where the provider operates a child care program.

(b) The provider must notify the verifying agency of any change in water supply immediately. *(Division of Family Resources; 470 IAC 3-18-8; filed Oct 14, 2004, 2:50 p.m.: 28 IR 952)*

470 IAC 3-18-9 Telephone service

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 9. (a) The provider shall have at least one (1) working analog landline telephone, or a division approved conversion method for a nonanalog landline telephone, at all times in the facility when care is being provided.

(b) The telephone must be on the premises where care is being provided and accessible to any individual providing care during all operational hours.

(c) The provider must supply the verifying agency with the telephone number for the facility.

(d) The provider must notify the verifying agency immediately of any changes in the telephone service.

(e) The provider must maintain a record of continuous phone service. *(Division of Family Resources; 470 IAC 3-18-9; filed Oct 14, 2004, 2:50 p.m.: 28 IR 952)*

470 IAC 3-18-10 Safe environment

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 10. (a) A provider shall provide for a safe environment by ensuring that firearms and ammunition are secured in a locked area, by key or combination, where children cannot gain access.

(b) A provider shall provide for a safe environment by ensuring that poisons, chemicals, bleach, and cleaning materials are stored in areas that are inaccessible to children. *(Division of Family Resources; 470 IAC 3-18-10; filed Oct 14, 2004, 2:50 p.m.: 28 IR 952)*

470 IAC 3-18-11 Supervision

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 11. The provider shall ensure that each child in the provider's care shall be continually supervised including children related to the provider under seven (7) years of age. *(Division of Family Resources; 470 IAC 3-18-11; filed Oct 14, 2004, 2:50 p.m.: 28 IR 952)*

28 IR 952)

470 IAC 3-18-12 Emergency plans

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 12. (a) The provider shall have written plans posted in the facility where the provider operates a child care program notifying the parent of the following:

- (1) Illness, serious injury, or death of the provider.
- (2) How care will be provided in an emergency.
- (3) The identity of the person or persons responsible for notifying parents.
- (4) The identity of the person or persons responsible for providing care should the provider be unable to provide care due to an emergency.

(b) The provider must have written emergency evacuation plans posted in the facility where the provider operates a child care program that identify the following:

- (1) Safe shelter in the case of emergency evacuation.
- (2) Safe area or areas for shelter in severe weather.

(Division of Family Resources; 470 IAC 3-18-12; filed Oct 14, 2004, 2:50 p.m.: 28 IR 952)

470 IAC 3-18-13 Mantoux tuberculin skin test; requirement

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 13. (a) The following individuals must provide to the verifying agency the results of an intradermal tuberculin skin test with documented results prior to residence, employment, or volunteer service:

- (1) The provider.
- (2) All individuals eighteen (18) years of age or older residing in the home where child care is provided.
- (3) All employees and volunteer caregivers at the facility where child care is provided.

(b) An individual with a history of latent or active tuberculosis shall provide documentation of an annual health assessment by a physician reflecting the results of symptom screening. *(Division of Family Resources; 470 IAC 3-18-13; filed Oct 14, 2004, 2:50 p.m.: 28 IR 952)*

470 IAC 3-18-14 Criminal history information

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5; IC 12-17.2-4-35; IC 12-17.2-5-35

Sec. 14. (a) The provider shall, at the provider's expense, provide the verifying agent a statewide criminal history dated within sixty (60) days prior to receipt of initial application by the verifying agency or hire date for the following:

- (1) The provider.
- (2) All individuals at least eighteen (18) years of age living in a home where child care is provided or individuals less than eighteen (18) years of age living in the home, if that individual has been waived from juvenile to adult court.
- (3) All employees and volunteer caregivers at the facility where child care is provided.

(b) A provider is ineligible to receive a voucher payment until the individual is dismissed from employment and no longer caring for children at the facility or no longer resides with the provider, if an individual for whom a limited criminal history is required under this section has been convicted of any of the following:

- (1) A felony.
- (2) A misdemeanor related to the health or safety of a child.
- (3) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.
- (4) A misdemeanor for operating child care home without a license under IC 12-17.2-5-35.

(c) As follows, the provider that meets the other eligibility requirements of this rule is temporarily eligible to receive voucher payments even though the provider has not provided the criminal history required under this rule from the state police department

- if:
- (1) The provider has applied for the limited criminal history required under this rule.
 - (2) The provider obtains a local criminal history for the individuals described in this rule.
 - (3) The local criminal history does not reveal that an individual has been convicted of any of the following:
 - (A) A felony.
 - (B) A misdemeanor related to the health or safety of a child.
 - (C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.
 - (D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.
 - (d) The provider is ineligible to receive a voucher payment until the individual is dismissed from employment and no longer cares for children at the facility or no longer resides with the provider, if an individual for whom a local criminal history is required under this section has been convicted of any of the following:
 - (1) A felony.
 - (2) A misdemeanor related to the health or safety of a child.
 - (3) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.
 - (4) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.
 - (e) The provider shall report to the verifying agency any of the following information not listed on the criminal history or changes to the criminal history for all persons required by this rule to provide a statewide criminal history:
 - (1) Police investigations.
 - (2) Arrests.
 - (3) Criminal convictions.
 - (f) The provider shall maintain a written policy requiring an individual providing a criminal history to report any criminal convictions to the provider. (*Division of Family Resources; 470 IAC 3-18-14; filed Oct 14, 2004, 2:50 p.m.: 28 IR 953*)

470 IAC 3-18-15 Drug testing

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

- Sec. 15. (a) The provider shall, at no expense to the verifying agency, provide to the verifying agency a copy of drug testing results for the following:
- (1) The provider.
 - (2) All individuals at least eighteen (18) years of age living in a home where child care is provided.
 - (3) All employees and volunteer caregivers at the facility where child care is provided.
- (b) If the test results provided under this section indicate the presence of an illegal controlled substance, the provider is ineligible to receive voucher payments until the individual is suspended or dismissed from employment, no longer cares for children at the facility, or no longer resides with the provider.
- (c) The provider shall maintain a written policy providing for reinstatement of a suspended individual following rehabilitation and drug testing results that are negative for illegal controlled substances.
- (d) Drug tests must meet the following criteria:
- (1) Urine panel that tests for amphetamines, cocaine, opiates, phencyclidine, and THC metabolites.
 - (2) Urine collection that is consistent with chain of custody guidelines established by the DOT.
 - (3) Specimen processing by a laboratory certified by the Substance Abuse and Mental Health Services Administration (SAMHSA).
 - (4) Evaluation of urine panel results by a certified medical review officer using positive cutoffs established by the DOT.
 - (5) Completed no more than sixty (60) days prior to receipt of initial application by the verifying agency or employee hire date.
 - (6) Employees hired prior to July 1, 2002, may provide drug test results that have been completed after July 1, 2002, or no more than sixty (60) days prior to employment.
- (e) The provider shall perform or submit to a random drug testing program on a protocol established by or approved by the division.
- (f) The division may require the provider to perform additional drug testing.
- (g) The verifying agency shall keep drug test results confidential and will not use drug test results for any other purpose other than for this rule. (*Division of Family Resources; 470 IAC 3-18-15; filed Oct 14, 2004, 2:50 p.m.: 28 IR 953*)

470 IAC 3-18-16 State central registry check

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5; IC 31-33-17-6

Sec. 16. (a) The provider must provide evidence that the following individuals have not been named in the state central registry identified at IC 31-33-17-6(7):

- (1) The provider.
- (2) All individuals at least eighteen (18) years of age living in a home where child care is provided.
- (3) All employees and volunteer caregivers at the facility where child care is provided.

(b) If information obtained by the verifying agency indicates that an individual has been named in the state central registry, the provider is ineligible to receive voucher payment until the individual named in the state central registry:

- (1) is dismissed from employment with the provider;
- (2) no longer cares for children at the facility; or
- (3) no longer resides with the provider.

(Division of Family Resources; 470 IAC 3-18-16; filed Oct 14, 2004, 2:50 p.m.: 28 IR 954)

470 IAC 3-18-17 Immunization records

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 17. (a) The provider shall maintain and annually update documentation provided by a health care professional for each child who is cared for in a facility indicating that the child has received complete age appropriate immunizations as determined by the state department of health including the following:

- (1) Conjugated pneumococcal vaccine.
- (2) Varicella vaccine or a demonstrated immunity to varicella.
- (b) The provider's records must include the following:
 - (1) A current list of all children cared for at the facility.
 - (2) The child's date of birth.
 - (3) The month, day, and year of each immunization received or:
 - (A) a written statement from the child's physician, updated annually, stating a medical reason the child should not be immunized; or
 - (B) written documentation, updated annually, that the parent objects to immunizations for religious reasons.

(c) The documentation required by this section shall be made available to the verifying agency. *(Division of Family Resources; 470 IAC 3-18-17; filed Oct 14, 2004, 2:50 p.m.: 28 IR 954)*

470 IAC 3-18-18 Tobacco and substance policy

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 18. (a) A provider, other than a child care center or child care ministry, shall have a written policy prohibiting the use of the following in the facility where the provider operates a child care program when child care is being provided:

- (1) Tobacco.
- (2) Alcohol.
- (3) A potentially toxic substance in a manner other than the substance's intended purpose.
- (4) An illegal substance or the possession of an illegal substance.

(b) A provider that is a child care center or child care ministry shall have a written policy prohibiting the use of the following in the facility where the provider operates a child care program when child care is being provided:

- (1) Tobacco.
- (2) Alcohol or the possession of alcohol.
- (3) A potentially toxic substance in a manner other than the substance's intended purpose.
- (4) An illegal substance or the possession of an illegal substance.

(Division of Family Resources; 470 IAC 3-18-18; filed Oct 14, 2004, 2:50 p.m.: 28 IR 954)

470 IAC 3-18-19 Records

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 19. The provider shall maintain the following records and documents at the facility, which shall be made available to the verifying agency upon request:

- (1) A current list of all persons living in a child care home.
- (2) A current list of all employees and volunteer caregivers.
- (3) Staff records.
- (4) Drug test results.
- (5) A Mantoux tuberculin test or tuberculin screening, or both, if appropriate.
- (6) Statewide criminal history checks.
- (7) Current first aid certification.
- (8) State central registry results.
- (9) Annual age appropriate CPR certification.
- (10) A signed tobacco/substance policy.
- (11) A signed criminal history policy.
- (12) A written drug testing policy.
- (13) A current list of all children cared for at the facility.
- (14) Children's emergency contact information.
- (15) Children's immunization records updated annually.
- (16) Emergency assistance telephone numbers near a telephone, including the following:
 - (A) Police.
 - (B) Fire.
 - (C) Ambulance.
 - (D) Poison control.
- (17) A posted record of monthly fire drills.
- (18) A written and posted plan for notification of serious injury/death of a provider.
- (19) A written and posted plan for emergency evacuation or shelter route or routes in case of fire or severe weather.
- (20) A record of continuous telephone service.
- (21) A record of an annual water quality test, if applicable.

(Division of Family Resources; 470 IAC 3-18-19; filed Oct 14, 2004, 2:50 p.m.: 28 IR 955)

470 IAC 3-18-20 Application

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 20. (a) A provider must complete the application process prior to participation in the CCDF voucher program.
(b) The provider must apply on forms provided by the verifying agency.
(c) The provider must submit the required information as part of the application.
(d) The provider must submit the information required under this rule to the verifying agency as part of the application process.
(e) The provider must apply annually to continue participation in the CCDF program.
(f) The provider remains eligible to participate in the CCDF program when the provider submits a timely application to renew participation, unless the division issues a notice of order terminating the provider participation in the CCDF program. *(Division of Family Resources; 470 IAC 3-18-20; filed Oct 14, 2004, 2:50 p.m.: 28 IR 955)*

470 IAC 3-18-21 Incomplete application

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 21. (a) The verifying agency will not act upon an incomplete application.

(b) The verifying agency shall return an incomplete application with a notation as to omissions.

(c) The return of an incomplete application shall be without prejudice. (*Division of Family Resources; 470 IAC 3-18-21; filed Oct 14, 2004, 2:50 p.m.: 28 IR 955*)

470 IAC 3-18-22 Inspections

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 22. (a) The verifying agency shall conduct at least an annual inspection of the facility for any provider applying for participation in the CCDF voucher program.

(b) An announced or unannounced inspection shall be conducted any time during the facility's hours of operation.

(c) Activities may include on-site inspections, record review, observation, and interviews.

(d) The verifying agency shall require that evidence of compliance with this rule be presented in a form and manner specified by this rule.

(e) The CCDF program provider shall maintain and make available verification of the following:

(1) A current list of all employees and individuals providing care.

(2) A current list of all persons living in a child care home.

(3) A current list of all children cared for at the facility.

(4) Records documenting that all employees and volunteer caregivers have complied with the requirements of this rule.

(5) Records documenting that all household members have complied with the requirements of this rule.

(6) Parent or custodial adult contact information for each child in the provider's care.

(7) Records documenting that all children have received complete age appropriate immunizations.

(8) Emergency assistance telephone numbers posted near the telephone that include the following:

(A) Police.

(B) Fire.

(C) Ambulance.

(D) Poison control.

(9) Documentation that water is from an approved water source.

(10) Records of continuous phone service.

(11) A posted record of monthly fire drills.

(12) A posted plan for notification of serious injury/death of a provider.

(13) A posted plan for emergency evacuation or shelter route or routes in case of fire or severe weather.

(f) Failure of a provider to allow the verifying agency access to their facility may result in a denial or decertification from the CCDF program. (*Division of Family Resources; 470 IAC 3-18-22; filed Oct 14, 2004, 2:50 p.m.: 28 IR 955*)

470 IAC 3-18-23 Denial of application

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 4-21.5-3; IC 12-17.2-3.5

Sec. 23. (a) The division shall deny an application when an applicant fails to meet the requirements of this rule.

(b) The division shall provide written notification of denial in the form of a notice of order in accordance with IC 4-21.5-3 stating the reason or reasons for the denial.

(c) An administrative hearing concerning the denial shall be provided upon written request by the applicant.

(d) A request for an administrative hearing for a denial must be made prior to the effective date of the order.

(e) The administrative hearing shall be scheduled within sixty (60) calendar days of the written request.

(f) The administrative hearing shall be held in accordance with 470 IAC 1-4.

(g) The division shall issue a decision within sixty (60) calendar days after the conclusion of the hearing. (*Division of Family Resources; 470 IAC 3-18-23; filed Oct 14, 2004, 2:50 p.m.: 28 IR 956*)

470 IAC 3-18-24 Grounds for denial

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15
Affected: IC 12-17.2-3.5

Sec. 24. Any of the following constitute sufficient grounds for a denial of an application:

- (1) A failure to meet any of the requirements of this rule.
- (2) A failure to allow the verifying agency access to the provider's facility during normal business hours.
- (3) A determination by the division that the applicant made false statements in the provider's application for participation in the CCDF program.
- (4) A determination by the division that the applicant made false statements in the applicant's records required by the division.

(Division of Family Resources; 470 IAC 3-18-24; filed Oct 14, 2004, 2:50 p.m.: 28 IR 956)

470 IAC 3-18-25 Maintenance of compliance and insufficiencies

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15
Affected: IC 12-17.2-3.5

Sec. 25. (a) The provider shall maintain compliance with the requirements of this rule.

(b) A provider determined to be not in compliance with this rule may be given up to twenty-one (21) calendar days by the division to correct the insufficiency.

(c) The provider's failure to document compliance within the prescribed time shall result in denial or decertification of the provider's participation in the CCDF program. *(Division of Family Resources; 470 IAC 3-18-25; filed Oct 14, 2004, 2:50 p.m.: 28 IR 956)*

470 IAC 3-18-26 Decertification

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15
Affected: IC 4-21.5-3; IC 12-17.2-3.5

Sec. 26. (a) The division shall decertify CCDF participation when a provider fails to comply with the requirements of this rule.

(b) The division shall provide the provider written notification of decertification in the form of a notice of order in accordance with IC 4-21.5-3 stating the reason or reasons for the decertification.

(c) An administrative hearing concerning the revocation shall be provided upon written request by the applicant.

(d) A request for an administrative hearing for a decertification must be made prior to the effective date of the order.

(e) The administrative hearing shall be scheduled within sixty (60) calendar days after receiving the written request.

(f) The administrative hearing shall be held in accordance with 470 IAC 1-4. *(Division of Family Resources; 470 IAC 3-18-26; filed Oct 14, 2004, 2:50 p.m.: 28 IR 956)*

470 IAC 3-18-27 Grounds for decertification

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15
Affected: IC 12-17.2-3.5

Sec. 27. Any of the following constitute sufficient grounds for decertification as a CCDF program provider:

(1) Failure to meet any of the requirements of this rule.

(2) Failure to allow the verifying agency access to the facility during normal business hours.

(3) A determination by the division that the applicant made false statements in the applicant's application for certification.

(4) A determination by the division that the applicant made false statements in the applicant's records required by the division.

(5) Failure to correct an insufficiency within the prescribed time.

(6) Multiple insufficiencies regardless of whether they were corrected within the prescribed time.

(Division of Family Resources; 470 IAC 3-18-27; filed Oct 14, 2004, 2:50 p.m.: 28 IR 956)

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