

R381-100- 9: RECORDS

Purpose

This section provides rules and information about the records required by Child Care Licensing.

General Information

Forms may be maintained electronically as long as they are accessible on site for review by Child Care Licensing.

Electronic signatures from parents are sufficient if the parents may get a copy upon request.

Documents required by Child Care Licensing may be scanned and emailed, faxed, mailed or hand delivered. Records must be kept for all enrolled children, including the provider's children under age 4, employees' children under age 4, and "drop-in" children.

Review of center records by Department staff is used to determine, in part, compliance with the licensing rules.

CFOC, 3rd Ed. pg.380 Standard 9.4.1.5

- (1) The provider shall maintain the following general records on-site for review by the Department:
 - (a) documentation of the previous 12 months of fire and disaster drills as specified in R381-100-10(11)(12)(13)(14);

Rationale / Explanation

Review of center records by Department staff is used to determine, in part, compliance with the licensing rules.

CFOC, 3rd Ed. pg.380 Standard 9.4.1.5

Enforcement

Always Level 3 Noncompliance.

Assessment

All children of all ages, and all staff, must exit the building during drills.

The center staff must hold a fire drill each month unless the center is closed for the whole month.

If the center is evacuated due to an emergency situation, this can count as a fire or disaster drill provided the required information is documented.

If a center is open six months of the year or less (for example, a ski resort), only one disaster drill is required.

- (1) The provider shall maintain the following records on-site for review by the Department:
 - (b) current animal vaccination records as required in R381-100-22(3);

Enforcement

Always Level 3 Noncompliance.

Assessment

A veterinary tag that includes the required information and shows that the vaccination is current may be used in lieu of an animal vaccination record.

- (1) The provider shall maintain the following records on-site for review by the Department:
- (c) a six week record of child attendance, including sign-in and sign-out records;

Enforcement

Always Level 3 Noncompliance.

- (1) The provider shall maintain the following records on-site for review by the Department:
- (d) a current local health department inspection;

Enforcement

Always Level 3 Noncompliance.

Assessment

Documentation of a kitchen inspection is not required if food is not served.

The health department inspection is conducted by the County Health Department.

- (1) The provider shall maintain the following records on-site for review by the Department:
- (e) a current local fire department inspection;

Enforcement

Always Level 3 Noncompliance.

- (1) The provider shall maintain the following records on-site for review by the Department:
- (f) copy of all covered individuals' background screening cards issued by the Department.

Enforcement

Always Level 3 Noncompliance.

Assessment

For additional information on the background screening rules, see the Background Screening Interpretation Manual available at: childcarelicensing.utah.gov.

Individuals who must submit background clearance documents ("covered individuals") include:

1. **Owners & Members of the Governing Body.**
 - Owners mean anyone who has a 25% or greater share in the business, or anyone with less than a 25% share if they are in the center anytime during hours of operation. If a center's legal structure is a corporation, a state or local government, or a private non-profit agency, and the organization operates other programs in addition to the child care program (for example, a ski resort, a recreation center, or a domestic violence shelter), the owners and members of the governing board include any owners and board members who perform one or more of the functions listed below.

- They have unsupervised access to the children in care at the center, or are present in the center during hours of operation.
 - They make decisions regarding the day-to-day operations of the center.
 - They hire and fire child care staff.
 - The child care staff report to them and/or they conduct personnel evaluations of the child care staff.
 - They are involved in writing the center's policies and procedures.
2. **Directors.** This means the person who is the director, director designee, and/or assistant director of the center.
3. **Employees.** This includes anyone employed to work in the child care center. For child care centers located in buildings that also house other activities (for example, a city or county recreation center, a community center, a church, or a school), non-child care staff (staff who do not have any duties working with child care children), are not required to submit background clearances, provided that the center first submits a written policy explaining how they ensure that non-child care staff do not have unsupervised access to child care children, including when child care children are in the bathroom.
- If a person is on leave, for example, maternity leave, but the center still considers them an employee, they should be included on the renewal background screening forms. If a person quits and then returns to work, or is on leave and the center does **not** still consider them an employee, they will need to submit a background screening form.
4. **Providers of care.** This means anyone who provides direct care to one or more children in the center.
5. **Volunteers, except parents of children enrolled.** This includes any volunteer who works with the children or is present in the child care facility when care is being provided to children. If a parent volunteer at a program receives compensation (either monetary, or free child care) for volunteering in the center, they are considered an employee under #3 above. A parent of an enrolled child who has not passed a background screening may not have unsupervised access to any child in care except their own child.
- Volunteers include students completing a practicum for a high school or college course that involves working in a regulated child care facility, unless the requirement is that the student observe the children only, and not interact with them. If the student only observes the children and does not interact with them, they do not need to pass a background screening. If a student is being paid to complete a practicum, they are considered an employee under #4 above.
 - The child care licensing statute defines child care as care for children through age 12, and children with disabilities through age 18. Children age 13 and older who help out in a classroom of younger children are not included in caregiver ratios, and are considered to be volunteers. This means they need to meet the volunteer requirements including a department background screening.
6. **Anyone who has unsupervised contact to a child in care.**
- If parents or guardians of children with an IEP or an IFSP have an agreement with a school or other agency to have their child receive services while in the child care center, the individual providing these services is not required to have a background screening through Child Care Licensing. The children will be considered to be under the care of the school or other agency during the time they are receiving services.
 - Employees who take a leave of absence for 3 months or less (for example, maternity leave) and remain in Utah do not have to complete new initial form upon returning to the center.
 - Employees who quit and are re-hired must complete new background screening form.

- Employees of seasonal programs (such as those that follow the school calendar, those that offer care only in the summer, or those that offer care only during ski seasons) can be listed on renewal forms if they remain in Utah while the program is closed.

(2) The provider shall maintain the following records for each currently enrolled child on-site for review by the Department:

- (a) an admission form containing the following information for each child:
 - (i) name;
 - (ii) date of birth;
 - (iii) the parent's name, address, and phone number, including a daytime phone number;
 - (iv) the names of people authorized by the parent to pick up the child;
 - (v) the name, address and phone number of a person to be contacted in the event of an emergency if the provider is unable to contact the parent;
 - (vi) if available, the name, address, and phone number of an out of area/state emergency contact person for the child; and
 - (vii) current emergency medical treatment and emergency medical transportation releases with the parent's signature;

Rationale / Explanation

The health and safety of individual children requires that information regarding each child be kept at the center and available to staff on a need-to-know basis. Names of individuals authorized to pick children up are needed to prevent children from being taken by unauthorized individuals. Emergency treatment consent is needed in order to obtain medical care for children in emergencies. Admission of children without this information can leave the staff unprepared to deal with children's daily and emergent health needs. *CFOC, 3rd Ed. pgs. 386-391 Standards 9.4.2.1, 9.4.2.2, 9.4.2.3, 9.4.2.4, 9.4.2.5, 9.4.2.6*

Enforcement

Level 2 Noncompliance if there is not an admission form.

Level 3 Noncompliance if the admission form is missing any information.

Assessment

This rule is in compliance if the information required in the admission form is on another form, **paper or electronic**.

Parents may list more than one child on an admission form but a separate health assessment is required for each individual child.

Providers may send forms to parents electronically and have them enter their names into the signature lines.

The admission form must designate where to write out of state emergency contact information. It is not enough for the Owner/Director to state that they verbally tell parents to use one of the lines on the admission form to list an out of state emergency contacts. Consider the rule in compliance when the form has a place for parents/guardians to document emergency contact information but they failed to do so.

- (2) The provider shall maintain the following records for each currently enrolled child on-site for review by the Department:
- (b) a current annual health assessment form as required in R381-100-14(5);

[Rationale / Explanation](#)

The health and safety of individual children requires that information regarding each child be kept at the center and available to staff on a need-to-know basis. Information about each child's health status and needs and medications is required to ensure that caregivers meet the needs of each individual child. Admission of children without this information can leave the center unprepared to deal with children's daily and emergent health needs. Records of child injuries can be used to discern possible child abuse, and to help prevent future injury. *CFOC, 3rd Ed. pgs. 386- 391 Standards 9.4.2.1, 9.4.2.2, 9.4.2.3, 9.4.2.4, 9.4.2.5, 9.4.2.6.*

[Enforcement](#)

Always Level 3 Noncompliance.

- (2) The provider shall maintain the following records for each currently enrolled child on-site for review by the Department:
- (c) for each infant, toddler, and preschooler, current immunization records or documentation of a legally valid exemption, as specified in R381-100-14(4);

[Rationale / Explanation](#)

The health and safety of individual children requires that information regarding each child be kept at the center and available to staff on a need-to-know basis. Admission of children without this information can leave the center unprepared to deal with children's daily and emergent health needs. *CFOC, 3rd Ed. pgs. 386-391 Standards 9.4.2.1, 9.4.2.2, 9.4.2.3, 9.4.2.4, 9.4.2.5, 9.4.2.6.*

[Enforcement](#)

Always Level 3 Noncompliance.

[Assessment](#)

Acceptable immunization records can either be on the pink state immunization form, the yellow card from the local health department, or any immunization record from a health care provider.

Immunization rule for students R396-100(6) requires providers to have current immunization records for **all** of the children and submit an annual report.

If a parent chooses not to immunize their child, they must get an official exemption form from the county health department.

- (2) The provider shall maintain the following records for each currently enrolled child on-site for review by the Department:
- (d) a transportation permission form, if the center provides transportation services;

Enforcement

Always Level 3 Noncompliance.

Assessment

For the purposes of this rule, transportation services include transportation to and from off-site activities, home, or school (including walking children to and from school or around the block).

(2) The provider shall maintain the following records for each currently enrolled child on-site for review by the Department:

- (e) a six week record of medication permission forms, and a six week record of medications actually administered; and

Rationale / Explanation

The health and safety of individual children requires that information regarding each child be kept at the center and available to staff on a need-to-know basis. Information about each child's health status and needs and medications is required to ensure that caregivers meet the needs of each individual child. *CFOC, 3rd Ed. pgs. 386-391 Standards 9.4.2.1, 9.4.2.2, 9.4.2.3, 9.4.2.4, 9.4.2.5, 9.4.2.6.*

Enforcement

Always Level 3 Noncompliance.

(2) The provider shall maintain the following records for each currently enrolled child on-site for review by the Department:

- (f) a six week record of incident, accident, and injury reports;

Rationale / Explanation

The health and safety of individual children requires that information regarding each child be kept at the center and available to staff on a need-to-know basis. Records of child injuries can be used to discern possible child abuse, and to help prevent future injury. *CFOC, 3rd Ed. pgs. 386-391 Standards 9.4.2.1, 9.4.2.2, 9.4.2.3, 9.4.2.4, 9.4.2.5, 9.4.2.6.*

Enforcement

Always Level 3 Noncompliance.

(2) The provider shall maintain the following records for each currently enrolled child on-site for review by the Department:

- (g) a six week record of eating, sleeping, and diaper changes as required in R381-100-23(12), R381- 100-24(15).

Enforcement

Always Level 3 Noncompliance.

(3) The provider shall ensure that information in children's files is not released without written parental permission.

Rationale / Explanation

Prior informed, written consent of the parent is required for the release of written or verbal records and information about his/her child. The purpose of this rule is to prevent unauthorized individuals from accessing confidential

information about a child, and to prevent discrimination against a child due to the release of confidential information about the child or his or her family. *CFOC, 3rd Ed. pgs. 356-357 Standard 9.2.3.6, pgs. 386-387 Standard 9.4.2.1.*

Enforcement

Level 1 Noncompliance if the information released results in a prohibited person having contact with a child.

Level 2 Noncompliance if the information released results in discrimination against a child or humiliation of a child. Level

3 Noncompliance if information is released but it does not result in harm to a child.

- (4) **The provider shall maintain the following records for each staff member on-site for review by the Department:**
- (a) **date of initial employment;**

Enforcement

Always Level 3 Noncompliance.

Assessment

Date of initial employment means the first day the employee is paid or volunteered. Documentation of the initial date of employment is used to verify compliance with background screening requirements and orientation.

- (4) **The provider shall maintain the following records for each staff member on-site for review by the Department:**
- (b) **copy of the current background screening card issued by the Department;**

Enforcement

Always Level 3 Noncompliance.

Assessment

Background Screening forms will be reviewed on site or if the provider states for any reason that they submitted background screening forms and there is not a record in the Child Care Licensing database. The provider will use the form to prove that they submitted it. Findings will be issued when the covered individual does not show on the database and it has been more than the 10 for the required days to report.

If the covered individual has a background screening card issued by Child Care Licensing, a copy of this card on file will serve as documentation of background screening. Original cards are to be given to the covered individual.

For more detailed enforcement information review the information under number 1 of this section.

(4) The provider shall maintain the following records for each staff member on-site for review by the Department:

(c) a six week record of days and hours worked, and the times worked each day;

Enforcement

Always Level 3 Noncompliance.

Assessment

Licensees must keep a written record of days and hours worked for all staff, including directors. The record must include the times worked each day.

(4) The provider shall maintain the following records for each staff member on-site for review by the Department:

(d) pre-service training documentation for caregivers, and for volunteers who count in the caregiver to child ratio;

Enforcement

Always Level 3 Noncompliance.

Assessment

Children age 13 and older who help out in a classroom of younger children are not included in caregiver to child ratios and are considered to be volunteers. This means they need to meet the volunteer requirements including a department background screening and pre-service training.

(4) The provider shall maintain the following records for each staff member on-site for review by the Department:

(e) annual training documentation for all caregivers and substitutes who work an average of 10 hours or more a week, as averaged over any three month period; and

Enforcement

Always Level 3 Noncompliance.

Assessment

This rule is not out of compliance unless the annual training has not been completed by the center's license expiration date (not the date of their Annual Announced Inspection.)

One semester hour of credit from a college or university is considered to be equivalent to 15 clock hours of training. One quarter hour of credit from a college or university is considered to be equivalent to 10 clock hours of training.

For more details on training hours see R381-100-7(9-14)

(4) The provider shall maintain the following records for each staff member on-site for review by the Department:

(f) current first aid and CPR certification, if applicable as required in R381-100-10(2), R381-100-20(5) (d), and R381-100-21(2).

Enforcement

Always Level 3 Noncompliance.

Assessment

The expiration date on the first aid and CPR card determines whether or not the certification is current.

The person with a current first aid certification and the person with a current CPR certification do not have to be the same person.

The CPR cards or certificates must indicate that the course covered Infant and child CPR.

Equivalent CPR certification must include hands-on skills testing.