

## R430-60-2: DEFINITIONS.

- (1) **"Accredited College"** means a college accredited by an agency recognized by the United States Department of Education as a valid accrediting agency.

### Rationale / Explanation

College coursework or degrees used by individuals to meet director qualifications must be from an accredited college. One easy way to determine if a college is accredited by an approved accrediting agency is if students at the college are eligible for federal financial aide. For information on accrediting agencies recognized by the U.S. Department of Education, see: <http://ope.ed.gov/accreditation/>

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.

- (2) **"ASTM"** means American Society for Testing and Materials.

### Rationale / Explanation

The ASTM tests cushioning materials used under playground equipment to ensure they provide adequate cushioning to prevent life-threatening injuries in case a child falls from the equipment.

- (3) **"Body Fluids"** means blood, urine, feces, vomit, mucous, and saliva.

### Rationale / Explanation

Body fluids can spread disease. For this reason there are rules related to the proper handling of body fluids.

- (4) **"Caregiver"** means an employee or volunteer who provides direct care to children.

### Rationale / Explanation

Licensing rules specify criteria for caregivers, including, age, training, and background clearances. Licensing rules also specify various duties caregivers must perform.

- (5) **"CPSC"** means the Consumer Product Safety Commission.

### Rationale / Explanation

The CPSC establishes safety standards for consumer products, including playgrounds, playground equipment, and cushioning materials.

- (6) **"Department"** means the Utah Department of Health.

### Rationale / Explanation

The Utah Department of Health has the legal responsibility for regulating child care providers, as outlined in Utah Code, Chapter 26, Title 39.

- (7) **"Designated Play Surface"** means a flat surface on a piece of stationary play equipment that a child could stand, walk, sit, or climb on, and is at least 2" by 2" in size.

### Rationale / Explanation

The height of a designated play surface on a piece of play equipment determines how much protective cushioning is required in the use zone under and around the equipment.

- (8) **"Direct Supervision"** for infants, toddlers, and preschoolers means the caregiver can see and hear

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all of the children in his or her assigned group, and is near enough to intervene when necessary. "Direct Supervision" for school age children means the caregiver must be able to hear school age children and must be near enough to intervene when necessary.

### Rationale / Explanation

*Children in care must always be under the direct supervision of a caregiver.*

*Direct supervision will be assessed based on the following definitions of a "room," which affect a caregiver's ability to see and/or hear children and intervene when necessary.*

1. **When a large room is divided into smaller rooms/areas with furniture or with half walls that are between 18 inches and 40 inches in height and there is an opening through which caregivers and children can move freely.** In this case, the whole area is considered one room, and caregivers on one side of the furniture/divider are considered able to see and hear children on the other side of the furniture/divider and near enough to intervene when necessary. This means a caregiver on one side of the furniture/divider is considered able to directly supervise children on the other side of the furniture/divider.
2. **When a large room is divided into smaller rooms/areas with furniture or with half walls that are between 18 inches and 40 inches in height and there is no opening between the two rooms/areas through which caregivers and children can move freely or there is an opening between the two sides and it is blocked from free movement back and forth by a closed gate.** In this case, a caregiver on one side may be able to see and hear children on both sides but may not be able to intervene when necessary in situations where quick action is needed (for example, to stop one child from biting another). In these situations, a caregiver (or caregivers, depending on the number of children present) is needed on each side of the divided room any time there are children on that side of the room. This includes diaper changing stations that are located behind a closed gate.
3. **When there is a wall between two rooms with an open door/doorway between the rooms:** In this case, the rooms are considered two separate rooms and a caregiver (or caregivers, depending on the number of children present) must be present in both rooms to provide direct supervision, with the following exceptions:
  - If one or both rooms have **only school age children** in them, then a caregiver in one room is considered able to hear school age children in the other room and move quickly into the other room to intervene if needed, which meets the definition of direct supervision for school age children. If either room has any children younger than school age in it, then there must be a caregiver (or caregivers, depending on the number of children present) in that room to provide direct supervision.*
  - If one of the two rooms is a bathroom or a room in which children's diapers are changed, one caregiver (or more, depending on the number of children present) is considered to be supervising both rooms.*
  - If one of the rooms is a room in which the only activity that takes place is children napping in cribs, the napping children are considered to be supervised by a caregiver in the non-napping room only if there is window in the wall between the two rooms that is at least 3/4 the width of the wall, and at least 36 inches high, such that caregivers who are with the awake children can also see the children sleeping in the cribs.*
4. **If a wall has an opening or archway in it.** Measure the width of the opening or archway. This is Measurement A. Then measure the width of the wall that is on one or both sides of the opening. If there is wall on both sides of the opening, add these two widths together. This is measurement B. If measurement

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*A is equal to or greater than measurement B, and the opening or archway is **not** blocked with furniture or other dividers, so that caregivers and children can move freely through the opening, then the wall with the opening or archway is not considered a "wall." The room is considered one room. If measurement A is less than measurement B, but the opening is at least 36" wide, then the provisions of #3 above apply. If measurement A is less than measurement B, and the opening is not at least 36" wide, then the room is considered two rooms.*

*If there is an archway in a wall between two rooms that are different sizes, measure the wall in the larger of the two rooms.*

5. **If a small room** measures no more than 15 feet by 25 feet, and the opening or archway between the room meets the width requirement for one room (see #4 above), and the opening or archway is in or near the middle of the wall, the room is considered one room.

- (9) **"Emotional Abuse"** means behavior that could impair a child's emotional development, such as threatening, intimidating, humiliating, or demeaning a child, constant criticism, rejection, profane language, and inappropriate physical restraint.

### Rationale / Explanation

*Emotional abuse is prohibited in child care programs, including when disciplining children.*

- (10) **"Group"** means the children assigned to one or two caregivers, occupying an individual classroom or an area defined by furniture or another partition within a room.

- (11) **"Health Care Provider"** means a licensed professional with prescriptive authority, such as a physician, nurse practitioner, or physician's assistant.

- (12) **"Inaccessible to Children"** means either locked, such as in a locked room, cupboard or drawer, or with a child safety lock, or in a location that a child can not get to.

### Rationale / Explanation

*In order for a room or area to be considered locked, it must be secured with a lock that is on the side of the children and the lock required a key or combination to unlock it or the lock is at least 60" high. In order for a room or area to be considered inaccessible, it must be secured with a device that is specifically manufactured as a child safety device.*

*In order for a cupboard or drawer to be considered locked, it must be secured with a lock that requires a key or combination to unlock it. In order for a cupboard or drawer to be considered inaccessible it must be secured with a device that is specifically manufactured as a child safety device.*

*In order for an item to be in a location where a child can not get to, the item needs to be on a shelf or in a cupboard higher than 36 inches in a room or area used by children age 2 and younger, or on a shelf or in a cupboard higher than 48 inches in a room or area used by children age 3 and older.*

*In rooms used by children age 2 and under, an item is at the back of a counter that is at least 36" high and 2' deep on all sides, is considered inaccessible to the children.*

- (13) **"Infant"** means a child aged birth through 11 months of age.

### Rationale / Explanation

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*For the purposes of licensing rules, when a child turns 12 months of age, s/he is one-year-old and is therefore considered to be a "toddler".*

(14) **"Infectious Disease"** means an illness that is capable of being spread from one person to another.

(15) **"Licensee"** means the legally responsible person or persons holding a valid Department of Health child care license.

### Rationale / Explanation

*The licensee is ultimately responsible for all aspects of the center's operation and for compliance with the licensing rules.*

(16) **"Over-the-Counter Medication"** means medication that can be purchased without a written prescription from a health care provider. This includes herbal remedies and vitamins and mineral supplements.

### Rationale / Explanation

*Unless any of these are prescription strength, medications do not include, topical antiseptic cream or ointment, diaper cream, sunscreen, baby powder, lotion, teething gel or tablets, saline-only eye drops, simethicone gas drops or pills, glucose tablets, hydrocortisone cream, acne creams or treatments, lip care products, and Pedialyte.*

(17) **"Parent"** means the parent or legal guardian of a child in care.

(18) **"Person"** means an individual or a business entity.

(19) **"Physical Abuse"** means causing nonaccidental physical harm to a child.

### Rationale / Explanation

*Physical abuse is prohibited in child care programs, including when disciplining children.*

(20) **"Preschooler"** means a child aged 2 through 4, and 5 year olds who have not yet started kindergarten.

(21) **"Protective cushioning"** means cushioning material that has been tested to and meets American Society for Testing and Materials Specification F 1292, such as unitary surfaces, wood chips, engineered wood fiber, and shredded rubber mulch. Protective cushioning may also include pea gravel or sand as allowed by the Consumer Product Safety Commission (CPSC).

### Rationale / Explanation

*Protective cushioning is required under stationary play equipment.*

(22) **"Provider"** means the licensee or a staff member to whom the licensee has delegated a duty under this rule.

(23) **"Sanitize"** means to remove soil and small amounts of certain bacteria from a surface or object with a chemical agent.

### Rationale / Explanation

*Sanitizing is used to remove disease-spreading germs from surfaces. This procedure is less rigorous than disinfecting, and is used for food preparation and removing germs from items that may be put in a child's mouth.*

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*For a surface to be considered sanitary, the number of germs must be reduced to such a level that transmitting a disease by that surface is unlikely. Sanitizers should not be sprayed when children are near enough to inhale the sanitizer.*

*One easy way to remember the difference between disinfecting and sanitizing is: "S" is for Sanitizing and Snack (food service), and "D" is for Disinfecting and Diapering (body fluids).*

*Surfaces must be clean before they are sanitized, because surfaces cannot be effectively sanitized unless they are first clean. An effective sanitizing solution can be made by mixing ½ tablespoon of liquid chlorine bleach in 1 gallon of water, or ½ scant teaspoon of bleach in 1 quart of water, and allowing it to sit on the surface to be sanitized for 2 minutes before rinsing or wiping. CFOC, 3<sup>rd</sup> Ed. Appendix J.*

*Bleach water solution loses its strength and is weakened by heat and sunlight. For maximum effectiveness a fresh bleach water mix should be made every day, and any leftover bleach water solution discarded at the end of the day. CFOC, 3<sup>rd</sup> Ed. Appendix J.*

*If used as specified by the manufacturer, any product that has manufacturer instructions for how to use it as a sanitizer will be accepted as a sanitizing solution.*

*If bleach water is used to sanitize, a fresh solution must be made at least every 24 hours and be left on the surface to be sanitized for at least two minutes. According to the manufacturer, after 24 hours the bleach mixture loses its ability to sanitize. However, bleach water may be kept longer than 24 hours if the provider tests the sanitizer with a test strip and the test strip indicates the bleach water registers at least 50 parts per million on the strip.*

*If operated according to the manufacturer's instructions, a steam cleaner may be used to meet the requirement for cleaning and sanitizing.*

**(24) "School Age" means kindergarten and older age children.**

### **Rationale / Explanation**

*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 (completion of a CBS/LIS Form).*

**(25) "Sexual Abuse" means abuse as defined in Utah Code, Section 76-5-404.1.(1)(2).**

**(26) "Sexually Explicit Material" means any depiction of sexually explicit conduct, as defined in Utah Code, Section 76-5b-103(10).**

**(27) "Sleeping Equipment" means a cot, mat, crib, bassinet, porta-crib, or play pen.**

### **Rationale / Explanation**

*Sleeping equipment must be in good repair, must be cleaned and sanitized as required, and may not block exits.*

**(28) "Stationary Play Equipment" means equipment such as a climber, a slide, a swing, a merry-go-round, or a spring rocker that is meant to stay in one location when children use it. Stationary play equipment does not include:**

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- (a) a sandbox;
- (b) a stationary circular tricycle;
- (c) a sensory table; or
- (d) a playhouse, if the playhouse has no play equipment, such as a slide, swing, ladder, or climber attached to it.

### Rationale / Explanation

*Stationary play equipment must have clear use zones and protective cushioning under and around it, depending on the height of the equipment.*

*If a playground component, such as a climbing rope or swing, is attached to a tree for the purpose of children to play on, then the tree will be assessed as a piece of stationary play equipment and requires an adequate use zone and protective cushioning.*

- (29) "Toddler" means a child aged 12 months but less than 24 months.

### Rationale / Explanation

*For the purposes of licensing rules, when a child turns 12 months of age, s/he is one-year-old and is therefore considered to be a "toddler".*

- (30) "Use Zone" means the area beneath and surrounding a play structure or piece of equipment that is designated for unrestricted movement around the equipment, and onto which a child falling from or exiting the equipment could be expected to land.

### Rationale / Explanation

*The use zone is the area under and around a piece of stationary play equipment where protective cushioning is required. It is also the area above a piece of stationary play equipment and cannot contain items such as tree branches and wires.*

- (31) "Volunteer" means a person who provides care to a child but does not receive direct or indirect compensation for doing so.

### Rationale / Explanation

*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 (completion of a CBS/LIS Form).*