

## R381-100-10. RATIOS AND GROUP SIZE.

The rules in this section regulate the caregiver-to-child ratio which is the maximum number of children each caregiver may be responsible for. The rules also limit group size meaning the number of children being cared for in one group at the same time. These rules are based on what children need for quality nurturing care.

Rules regarding the caregiver-to-child ratio and group size apply any time there are children in care, including when children are being transported and during offsite activities. The rules also apply during special activities when child care is provided at the center, such as Parents' Night Out.

### Does the Child Count in the Caregiver-to-Child Ratio?

Child's Age	Unrelated Child	Provider's Own Child	Caregiver's Own Child	Other Related Child
0-3 years	Yes	Yes	Yes	Yes
4 years and older	Yes	No*	No*	Yes

### Does the Child Count in Maximum Group Size

Child's Age	Unrelated Child	Provider's Own Child	Caregiver's Own Child	Other Related Child
0-3 years	Yes	Yes	Yes	Yes
4 years - 12 years	Yes	Yes	Yes	Yes
13 years old and older	Yes (if special needs)	No	No	Yes (if special needs)

\*The provider's and caregiver's children who are 4 years old and older do not count in the caregiver-to-child ratio as long as the provider or caregiver is working at the facility or performing work-related duties.

Refer to the following guidelines:

- The rules are assessed according to the number of children present in each group and not by the number of enrolled children.
- Multiple groups can be in gyms and outdoor areas at the same time as long as there is adequate

square footage per child and caregiver-to-child ratios are maintained. This excludes infant and toddler groups unless they are in a separate area defined by furniture, other partitions, or fences.

- For an individual to count in the caregiver-to-child ratio, they must:
  - Meet personnel requirements as specified in rule,
  - Be in the room or area where the children are being cared for, and
  - Be performing caregiving duties.
- A group with more than one caregiver may be out of ratio for a very brief period of time when:
  - One caregiver must leave the room (but not the premises) in order to meet the immediate needs of the children in their group.
    - A staff person needs to use the bathroom and there is no other employee present in the center (cook, director, receptionist, etc.) to assist in giving the caregiver a break.
- Meeting the immediate needs of the children includes tasks such as helping a child who is injured or sick, getting food for the children, giving medication to a child, helping a child in the bathroom, or helping a child change soiled clothing.
- Tasks that are not considered meeting the immediate needs of children include doing laundry or other housekeeping duties, making personal phone calls, or taking a work break.
- The option to leave the children with one caregiver does not apply to leaving children with a 16- or 17-year-old since individuals younger than 18 may never have unsupervised contact with any child in care, even for brief periods of time.
- Preschoolers and school-age children may temporarily, no more than 2 hours, be in groups that exceed maximum group sizes for outdoor play, meal times, nap times, or if there is a special activity such as a puppet show, provided the required caregiver-to-child ratios are maintained.
- When a staff member does not count in the caregiver-to-child ratio and is caring for their own child, the staff member's child does not count in the ratio, capacity, or group size. That parent is the only person responsible for the care of their child.
- An individual can bring an additional child to the infant room to change their diaper without altering the ratio as long as the individual is fully responsible for that child and not helping care for other children in the room.

#### *45 Minute Allowance*

For unforeseen circumstances, the caregiver-to-child ratio may be out of compliance for up to 45 minutes. Examples of unforeseen circumstances include:

- A caregiver does not arrive at their scheduled time.
- Children arrive earlier or depart later than their normal time without advance notification from their parent.
- A caregiver needs to leave due to an emergency.
- A caregiver leaves their employment without advance notice or is dismissed for immediate cause.

To remain in compliance with ratios during unforeseen circumstances, refer to the following guidelines:

- The provider must address the situation as soon as it is known that ratios will be out of compliance due to an unforeseen circumstance. The intent of the 45 minutes is to allow enough time for an approved individual to arrive and place the facility back into ratio.
- Children must not be left unsupervised.
- Sign-in and sign-out records must be up-to-date and available for review by CCL.
- If licensing staff arrive when ratios are out of compliance, but the ratio is brought into compliance within the 45 minute allowance, it will not be considered a rule violation. Instead:
  - Two Focus Inspections will be conducted to confirm that it was an unforeseen circumstance.
  - If ratios are out of compliance at the first Focus Inspection, a corrective action will be issued and the second Focus Inspection will not be conducted. Instead, a Followup Inspection will be conducted to verify correction is maintained. (When following up on a ratio violation, all classrooms and areas will be assessed, not just the classroom or areas that were found out of compliance.)
  - If ratios are in compliance at the first and second Focus Inspections, no corrective actions will be issued, but the situation will be documented in the CCL App.
- It is a rule violation if the ratio is not brought into compliance within the 45 minutes.

### *Emergency Ratio Variance*

When unforeseen circumstances occur and the provider cannot meet the required staff-to-child ratio, CCL may grant an emergency variance to the ratio rule for up to ten working days.

Examples of long-term, unforeseen circumstances include:

- A staff member leaves their employment without advance notice or is dismissed for immediate cause.

To obtain this variance, the provider must:

- Contact their licensor within 24 hours (or contact other CCL staff if the licensor is unavailable), and
- Inform their licensor of the number of staff who left employment or took an unexpected leave of absence, the staff's names and/or their Covered Individual Numbers.

Refer to the following guidelines:

- This variance is not granted for planned or scheduled leave of absence.
- The required caregiver-to-child ratio for children younger than 2 years old must be maintained. A ratio variance will not be approved for this age group.
- The number of children (2 years old and older) per caregiver may not be more than 1½ times the number stated in rule.
- The provider must maintain compliance with supervision rules. A variance for supervision will not be granted.
- A Focus Inspection will be conducted to verify compliance with ratios after the variance expires.

**(1) As listed in Table 1 for single-age groups of children, the provider shall:**

- (a) maintain at least the number of caregivers and not exceed the number of children in the caregiver-to-child ratio, and
- (b) not exceed the group sizes.

<b>Table 1 Caregiver-to-Child Ratio and Group Sizes</b>			
<b>Ages of Children</b>	<b># of Caregivers</b>	<b># of Children</b>	<b>Group Size (with 2 caregivers)</b>
0 - 23 months	1	4	8
2 years old	1	7	14
3 years old	1	12	24
4 years old	1	15	30
School - age	1	20	40

**Rationale/Explanation**

Low child:staff ratios are most critical for infants and toddlers (birth to thirty-six months). Infant and child development and caregiving quality improves when group size and child:staff ratios are smaller. Improved verbal interactions are correlated with lower child:staff ratios. Small ratios are very important for young children’s development. The recommended group size and child:staff ratio allow three- to five-year-old children to have continuing adult support and guidance while encouraging independent, self-initiated play and other activities CFOC 4th ed. Standards 1.1.1.1 p.p. 4-5.

**Risk Level**

High

**Corrective Action for 1st Instance**

Citation and CMP Warning when a group of:

- Infants or toddlers are over ratio or group size by any number of children.
- 2-year-olds are over ratio or group size by 2 or more children.
- 3- or 4-year-olds are over ratio or group size by 4 or more children.
- School-age children are over ratio or group size by 6 or more children.
- Children of any age are over ratio or group size during transportation or offsite activities.

**Risk Level**

Moderate

### Corrective Action for 1st Instance

Citation Warning when a group of:

- 2-year-olds are over ratio or group size by 1 child.
- 3- or 4-year-olds are over ratio or group size by 3 children.
- School-age children are over ratio or group size by 4 to 5 children.

### Risk Level

Low

### Corrective Action for 1st Instance

Warning when:

- A group of 3- or 4-year-olds is over ratio or group size by 1 to 2 children.
- A group of school-age children is over ratio or group size by 1 to 3 children.

(2) As listed in Tables 2-13 for mixed-age groups of children, the provider shall:

- (a) maintain at least the number of caregivers and not exceed the number of children in the caregiver-to-child ratio, and
- (b) not exceed the group sizes.

Table 2 Older Toddlers (18 months and older) and Two-year-olds		
# Caregivers Required	Age	# Children Present
1	18 - 23 months	1-3
	2 years old	1-6
Total: up to 7		
2	18 - 23 months	1-6
2	2 years old	1-13
Total: up to 14 (Group Size)		

Table 3 Two and Three-year-olds		
# Caregivers Required	Age	# Children Present
1	2 years old	1-6
	3 years old	1-9
Total: up to 10		
2	2 years old	1-13
	3 years old	1-19
Total: up to 20 (Group Size)		

Table 4 Two and Four-Year-Olds		
# Caregivers Required	Age	# Children Present
1	2 years old	1-6
	4 years old	1-10
Total: up to 11		
2	2 years old	1-13
	4 years old	1-21
Total: up to 22 (Group Size)		

Table 5 Two and Five-toTwelve-year-olds		
# Caregivers Required	Age	# Children Present
1	2 years old	1-6
	5-12 years old	1-13
Total: up to 14		
2	2 years old	1-13
	5-12 years old	1-27
Total: up to 28(Group Size)		

Table 6 Three and Four-Year-Olds		
# Caregivers Required	Age	# Children Present
1	3 years old	1-11
	4 years old	1-13
Total: up to 14		
2	3 years old	1-23
	4 years old	1-27
Total: up to 28 (Group Size)		

Table 7 Three and Five-toTwelve-year-olds		
# Caregivers Required	Age	# Children Present
1	3 years old	1-11
	5-12 years old	1-15
Total: up to 16		
2	3 years old	1-23
	5-12 years old	1-31
Total: up to 32 (Group Size)		

Table 8 Four and Five-toTwelve-year-olds		
# Caregivers Required	Age	# Children Present
1	4 years old	1-14
	5-12 years old	1-17
Total: up to 18		
2	4 years old	1-29
	5-12 years old	1-35
Total: up to 36(Group Size)		

Table 9 Two, Three and Four-Year-Olds		
# Caregivers Required	Age	# Children Present
1	2 years old	1-6
	3 years old	1-9
	4 year olds	1-9
Total: up to 11		
2	2 years old	1-13
	3 years old	1-20
	4 years old	1-20
Total: up to 22(Group Size)		

Table 10 Two, Three and Five-toTwelve-year-olds		
# Caregivers Required	Age	# Children Present
1	2 years old	1-6
	3 years old	1-11
	5-12 years old	1-11
Total: up to 13		
2	2 years old	1-13
	3 years old	1-24
	5-12 years old	1-24
Total: up to 26(Group Size)		

Table 11 Two, Four, and Five-Twelve-Year-Olds		
# Caregivers Required	Age	# Children Present
1	2 years old	1-6
	4 years old	1-12
	5-12 years old	1-12
Total: up to 14		
2	2 years old	1-13
	4 years old	1-26
	5-12 years old	1-26
Total: up to 28(Group Size)		

Table 12 Three, Four and Five-toTwelve-year-olds		
# Caregivers Required	Age	# Children Present
1	3 years old	1-11
	4 years old	1-14
	5-12 years old	1-14
Total: up to 16		
2	3 years old	1-23
	4 years old	1-30
	5-12 years old	1-30
Total: up to 32(Group Size)		

Table 13 Two, Three, Four, and Five-Twelve-Year-Olds		
# Caregivers Required	Age	# Children Present
1	2 years old	1-6
	3 years old	1-11
	4 years old	1-11
	5-12 years old	1-11
Total: up to 14		
2	2 years old	1-13
	3 year olds	1-25
	4 years old	1-25
	5-12 years old	1-25
Total: up to 28(Group Size)		

### Risk Level

High

### Corrective Action for 1st Instance

Citation and CMP Warning when:

- The group has any infants or toddlers and is over ratio or group size by any number of

children.

- The youngest child is 2 years old and the group is over ratio by 4 or more children.
- The youngest child is 3 years old or older and the group is over ratio by 5 or more children.

### Risk Level

Moderate

### Corrective Action for 1st Instance

Citation Warning when:

- The youngest child is 2 years old and the group is over ratio by 3 children.
- The youngest child is 3 years old or older and the group is over ratio by 4 children.

### Risk Level

Low

### Corrective Action for 1st Instance

Warning when:

- The youngest child is 2 years old and the group is over ratio by 1 to 2 children.
- The youngest child is 3 years old or older and the group is over ratio by 1 to 3 children.

- (3) The provider shall ensure that infants and toddlers are included in mixed-age groups only when eight or fewer children are present in the group.**

### Rationale/Explanation

Infants need quiet, calm environments, away from the stimulation of older children. Younger infants should be cared for in rooms separate from the more boisterous toddlers. In addition to these developmental needs of infants, separation is important for reasons of disease prevention. Rates of hospitalization for all forms of acute infectious respiratory tract diseases are highest during the first year of life, indicating that respiratory tract illness becomes less severe as the child gets older CFOC 4th ed. Standard 2.1.2.4 p.p. 62.

### Compliance Guidelines

- Refer to R381-10(2) Table 2 when the group is a mix of older toddlers and two-year-olds.
- This rule applies to the provider's and caregivers' own children as well as other children in care.
- Any room or area where infants and/or toddlers are being cared for (even in a group with older children) must meet the requirements for an infant/toddler room.
- Infants and toddlers may be with older children for occasional special visitors and programs but not for regularly scheduled activities.

### Risk Level



High

### Corrective Action for 1st Instance

Citation and CMP Warning

- (4) Unless permitted in table 2, if more than two children who are younger than 24 months old are included in a mixed-age group, and the group has more than four children, the provider shall ensure that there are at least two caregivers with the group.

### Rationale/Explanation

Low child:staff ratios for non-ambulatory children are essential for fire safety. The National Fire Protection Association (NFPA), in its NFPA 101: Life Safety Code, CFOC 3 4th. Standard 1.1.1.2 p.p. 4-6.

### Compliance Guidelines

- Refer to R381-10(2) Table 2 if the group is a mix of older toddlers and two-year-olds.

### Risk Level

High

### Corrective Action for 1st Instance

Citation and CMP Warning

- (5) During nap time, the provider shall ensure that the caregiver-to-child ratio is doubled only if:
- (a) the children in the group are at least 18 months old;
  - (b) the children in the group are in a restful and nonactive state; and
  - (c) the caregiver supervising the napping children can contact another on-site caregiver without leaving the children unattended.

### Rationale/Explanation

During nap time for children birth through thirty months of age, the child:staff ratio must be maintained at all times regardless of how many infants are sleeping. They must also be maintained even during the adult's break time so that ratios are not relaxed. Children who are presumed to be sleeping might be awake and in need of adult attention. CFOC 4th ed. Standard 1.1.1.2 p.p. 4. Standard 2.2.0.1 p.p. 69.

### Compliance Guidelines

- This rule applies only to nap times. A rest time planned for quiet activities, such as reading, watching TV or movies, coloring, using play dough, or doing homework, is not considered a nap time and ratios may not be doubled during these activities.
- Doubling of the ratio applies only to the maximum two-hour nap time period.
- Doubling the ratio for infants and toddlers younger than 18 months old is not allowed at any

time.

- If center staff have school-age children nap, then ratios in those school-age rooms may be doubled during nap time.
- As children begin to wake up from napping, the nap time ratio is still allowed while less than half of the children are awake and engaged in a quiet activity. However, when half or more of the children are awake and off their mats or cots, the non-nap time ratio must again be maintained.

### **Risk Level**

High

### **Corrective Action for 1st Instance**

Citation and CMP Warning when:

- A group with any older toddlers is over the group size or nap time ratio by any number of children.

### **Risk Level**

Moderate

### **Corrective Action for 1st Instance**

Citation Warning otherwise

- (6) The provider shall ensure that there are at least two caregivers present when there is only one group of children on the premises and that group has more than eight children, or more than two infants or toddlers.

### **Rationale/Explanation**

Low child:staff ratios for non-ambulatory children are essential for fire safety. CFOC 4th ed. Standard 1.1.1.2 p.p. 4.

### **Compliance Guidelines**

If the caregiver-to-child ratio is in compliance with one caregiver, the second caregiver does not need to be with the group but must be on the premises. The second caregiver can be any covered individual if they are not required to be with the group.

### **Risk Level**

High

### **Corrective Action for 1st Instance**

Citation and CMP Warning

- (7) The provider shall include the provider's and employees' children age four years old or older in care:
- (a) in the group size when the parent of the child is working at the facility; and
  - (b) in the group size and the caregiver-to-child ratio when the parent of the child is not working at the facility.

#### Rationale/Explanation

This rule applies when determining compliance to capacity, ratios, and maximum group sizes.

#### Compliance Guidelines

A child's parent is considered to be working at the facility if they are "on the clock" and on the premises or have left to perform a work-related duty (for example, a bus run or buying program supplies).

- (8) The provider may include caregivers, student interns who are registered in a high school or college child care course, and volunteers who are 16 or 17 years old in the caregiver-to-child ratio.

#### Rationale/Explanation

Assistant teachers and teacher aides should be at least eighteen years of age, CFOC 4th ed. Standard 1.3.2.3 p.p. 13.

#### Compliance Guidelines

- A 16- or 17-year-old caregiver may never have unsupervised contact with a child in care at any time.
- A caregiver or other employee who is at least 18 years old and has passed a CCL background check must always be present in the room or area when a 16- or 17-year-old is caring for children.

#### Risk Level

Moderate

#### Corrective Action for 1st Instance

Citation Warning

- (9) The provider shall ensure that guests do not count in caregiver-to-child ratios.

#### Rationale/Explanation

The facility should have sufficient direct care professional staff to provide the required programs and services. CFOC 4th ed. Standard 1.1.1.3 p.p. 6.

### **Risk Level & Corrective Action for 1st Instance**

Refer to 100-7(9) and/or 100-8(1) for noncompliance with this rule.

- (10) The department may exempt a center from maximum group sizes if:
- (a) the center has been constructed, licensed, and continuously operated since January 1, 2004;
  - (b) the caregiver-to-child ratio is maintained; and
  - (c) the required square footage for each group of children is maintained.