

R381-100-11: SUPERVISION AND RATIOS

Purpose

This section provides rules and information about supervision of the children in care and the number of required caregivers.

General Information

A child in care counts in both ratios and group size. All supervision and ratio rules apply to owners and employees' children under the age of 4.

Supervision of children is basic to the prevention of harm. Parents have an expectation that their children will be supervised when in the care of the provider. To be available for supervision as well as rescue in an emergency, a caregiver must be able to see and hear the children. Caregivers are to regularly assess the environment to see how their ability to see and hear children during activities might be improved. Many instances have been reported in which a child was hidden when the group was moving to another location or a child wandered off when a door was open. Regular counting of children can alert the caregiver to a missing child. *CFOC, 3rd Ed. pgs. 64-66 Standard 2.2.0.1.*

An October 2005 legislative audit of the Child Care Licensing Program examined Utah's ratio rule specifically, and found that Utah's requirements are consistent with other states. The audit stated that Utah ratios are actually on the less restrictive end of the range used by states, and fall below the national standards for every age group. The audit concluded that Utah's rules are reasonable and justifiable.

The purpose of required caregiver to child ratios is to ensure that there are enough caregivers to adequately supervise children, ensure children's safety, and meet children's needs. Low caregiver to child ratios are most critical for infants and toddlers. Infant development and caregiving quality both improve when groups sizes and caregiver to child ratios are smaller. For 3- and 4-year-old children, the size of the group is even more important than ratios. Recommended ratios and group sizes for 3- and 4-year-olds allow these children to have the needed adult support and guidance while encouraging independent, self-initiated play and other activities. *CFOC, 3rd Ed. pgs. 4-6 Standard 1.1.1.2.*

A group with more than one caregiver may be temporarily out of ratio very briefly if a staff person needs to use the bathroom and if there is no other employee present in the center (cook, director, receptionist, etc.) to assist in giving the caregiver a break.

At any inspection, if supervision of the children or ratios are found out of compliance, a finding will be issued.

- (1) The provider shall ensure that caregivers provide and maintain direct supervision of all children at all times.**

Enforcement

Level 1 Noncompliance except as listed below for Level 2.

Level 2 Noncompliance

- If a large room is completely separated into smaller classrooms (so that children and caregivers do not have an opening or an open gate through which they can move freely between the divided classrooms) and one of the divided rooms does not have a caregiver present or if school age only children are unsupervised.
- If a caregiver has to leave the children unsupervised to open the front door if the children are on the same floor and the room is in close proximity to the door.
- If there is an adjacent room with open doors or archways with a caregiver in one of the rooms.

Assessment

This rule is out of compliance if there is no qualified caregiver in the room with the children. This rule is not out of compliance if there is a qualified caregiver in the room but his or her back is turned to the children. Caregivers may send a school age child to do a brief errand out the classroom (for example, take something to the kitchen or office or to get a drink from an indoor drinking fountain).

If a classroom does not have a bathroom in or adjacent to it, children age 3 and older may be go to the bathroom by themselves, as long as the Licensee has and follows a written policy that includes the following:

- Only one child at a time from a classroom may be allowed to go to the bathroom by himself/herself. Another child cannot be allowed to leave to use the bathroom until the previous child has returned.
- To make sure each child returns in a reasonable amount of time, the classroom caregiver must track the time each child is gone to use the bathroom.
- Building exits must be effectively monitored to ensure that children sent to the bathroom do not leave the building.
- If the children use a bathroom that is shared by the public (for example a gym, rec center, park bathroom, etc.), information regarding the supervision of children while in the bathroom.

Video cameras and mirrors may be used to supervise napping children if:

- The non napping room is adjacent to the sleeping room.
- There is a staff member in the non sleeping area.
- Ratios are maintained.
- Cameras or mirrors are positioned so that every child can be seen.
- The staff member can see and hear each child.
- There is an open door and no blocking barriers, such as a gate.
- When awake, the children are moved to the non napping area.

Related children of owners and employees age 4 and older are not required to be supervised during the time the owner or employee is working at the facility. They do still count in square footage, capacity and group size.

A finding will not be issued when a child is in a play pen and providers can see and hear the child and are near enough to intervene when necessary. Remember that infants and toddlers cannot be confined in any piece of equipment for more than 30 minutes.

It is acceptable for providers to sit between two classrooms during nap time and supervise napping children age 18 months and older in each classroom. Ratios must be maintained.

If a blanket is draped over sleeping equipment and the child in the equipment cannot be seen without moving the blanket, a finding will be issued for lack of supervision.

A fenced play area, such as the one pictured is considered a piece of equipment. When the caregiver can reach the child in the fenced play area without opening the gate, consider the caregiver to be directly supervising the child. Infants and toddlers cannot be in this fenced play area for more than 30 minutes.



For children age 2 and older, when caregivers are positioned in an open doorway, opening, or archway between two rooms and can see and hear all the children in both rooms, the children will be considered as being supervised. Required ratios must be maintained.

(2) Caregivers shall actively supervise children on the playground to minimize the risk of injury to a child.

Rationale/ Explanation

Children like to test their skills and abilities. This is particularly true in outdoor playgrounds with playground equipment. Even if the highest safety standards for playground layout, equipment, and surfacing are met, serious injuries can still happen if children are left unsupervised. *CFOC, 3rd Ed. pgs. 64-66 Standard 2.2.0.1.*

Enforcement

Always Level 1 Noncompliance.

Assessment

Actively supervising children means the caregivers' attention is focused on the children at all times, and not on personal interests (such as visiting with other caregivers, talking on a cell phone, text messaging, reading, lesson planning and preparation, etc.) or non-caregiving duties. Caregivers are also to maintain awareness of the entire group even when interacting with small groups or individual children and position themselves so that all children playing on the playground are supervised.

If there are children on separate playgrounds and there is not an open gate between them, there must be a caregiver(s) in each of the play areas. Caregivers may not supervise children from outside of a fence.

Children age 3 and older may be allowed to leave the playground to use the bathroom by themselves, as long as the Licensee has and follows a written policy that includes the following:

- Only one child at a time from each group on the playground may be allowed to go to the bathroom by themselves. Another child cannot be allowed to leave to use the bathroom until the previous child has returned.
- The caregiver must track the time each child is gone to use the bathroom, to make sure each child returns in a reasonable amount of time.
- Building exits must be effectively monitored to ensure that children sent to the bathroom do not leave the building.
- If the children use a bathroom that is shared by the public (for example a gym, rec center, park bathroom, etc.), information regarding the supervision of children while in the bathroom.

When determining supervision of outdoor areas separated by fences:

- Consider it one area when the fence is 40 inches or less in height with an opening through which caregivers and children can move freely.
- Consider it two areas when the fence is more than 40 inches in height.
- Consider it two areas when the fence is 18 inches or higher and there is no opening.

(3) There shall be at least two caregivers with the children at all times when there are more than 8 children or more than 2 infants present.

Rationale/ Explanation

The purpose of this rule is so that there will be a second caregiver available to respond to emergencies if needed, while the other caregiver supervises the children. *CFOC, 3rd Ed. pgs. 4-6 Standard 1.1.1.2*

Enforcement

Level 1 Noncompliance if there are 2 or more infants or toddlers included in the group of more than 8 children, or if the group of children exceeds ratios.

Level 2 Noncompliance otherwise.

Assessment

If ratios are in compliance with one caregiver and there are not more than 2 infants/toddlers in the group of children, the second caregiver can be any place at the facility and does not have to be with the group of children.

When infants and/or toddlers are combined with older children, the room/area will be assessed as an infant/toddler classroom and must meet the requirements for an infant/toddler room. For example, it must have a diaper changing station [100-23(1)] and sinks [100-4(5)], it cannot be used as access to other areas [100-4(6)].

(4) The licensee shall maintain the minimum caregiver to child ratios and group sizes in Table 4 for single age groups of children.

Ages of Children	# of Caregivers	# of Children	Maximum Group Size
Birth – 23 months	1	4	8
2 years old	1	7	14
3 years old	1	12	24
4 years old	1	15	30
5 years old & school	1	20	40

Rationale/ Explanation

It is also important for caregiver to child ratios to be sufficiently low to keep caregiver stress below levels that could result in anger with children. Caring for too many children increases the possibility of stress for caregivers, and may result in loss of self-control. *CFOC, 3rd Ed. pgs. 4-6 Standard 1.1.1.2 .*

The American Academy of Pediatrics (AAP) and the American Public Health Association (APHA) recommend the following maximum caregiver to child ratios and group sizes. *CFOC, 3rd Ed. pgs. 4-6 Standard 1.1.1.2*

These are not the Department Ratios		
Ratios Recommended by AAP and APHA		
Age of Children	Staff to Child Ratio	Maximum Group Size
Birth – 12 Months	1:3	6
13 Month – 30 Months	1:4	8
31 Months – 35 Months	1:5	10
3-Year of Age	1:7	14
4 Years – 5 Years	1:8	16
6 Years – 8 Years	1:10	20
9 Year – 12 Years	1:12	24

Enforcement

Level 1 Noncompliance If:

- Infant/toddler groups: over ratio or group size by any amount
- Twos: over ratio or group size by 2 or more children
- Threes & Fours: over ratio or group size by 4 or more children
- Fives & School Age: over ratio or group size by 6 or more children

Level 2 Noncompliance If:

- Twos: over ratio or group size by 1 child
- Threes & Fours: over ratio or group size by 3 children
- Fives & School Age: over ratio or group size by 4-5 children

Level 3 Noncompliance If:

- Threes & Fours: over ratio or group size by 1-2 children
- Fives & School Age: over ratio or group size by 1-3 children
- When there is enough staff to be in ratio in each age group, but the children in one or more age groups are not grouped to meet the required ratios.

Assessment

A group with more than one caregiver may be temporarily out of ratio for brief periods of time if one caregiver leaves the room but remains in the center in order to meet the immediate needs of the children in his or her group, such as helping a child who is hurt, getting food for children, taking a sick child to the office, getting medication for a child, helping a child in the bathroom, helping a child change soiled clothing, etc. (Examples of tasks **not** related to meeting the immediate needs of the children in the group include: doing laundry or other housekeeping duties, making personal phone calls, taking a work break, etc.) However, when this is done, Licensees must always remember that no caregiver under the age of 18 can ever be left alone with children, even for brief periods of time.

Preschoolers and school age children may temporarily 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 staff to child ratios are maintained.

For circumstances beyond the provider's control, ratios (**not supervision**) may be temporarily exceeded for up to 45 minutes. Examples of circumstances beyond provider's control include:

- Staff members not arriving at their scheduled time.
- Children arriving earlier or departing later than their normal time without notifying the facility staff. If licensing staff arrive during the time ratios are out of compliance, the Licensing Specialist will:
- Wait for 45 minutes for the required staff member to arrive.
- If the staff member arrives within 45 minutes, a finding will not be issued but two Focus inspections will be conducted to confirm it was an unusual circumstance.
- If the staff member does not arrive within 45 minutes, a finding will be issued at the inspection and Follow-Up inspections will be conducted.

When following up on ratios, all classrooms and areas will be assessed, not just the classroom or areas that were found out of compliance.

Because the license is for the facility, not individual programs or activities, ratios must be maintained at all times. This includes activities at the center such as Parents' Night Out but does not include activities where parents of the children remain at the facility.

When a staff member is not being used to meet the required ratios and is caring for their own child, the staff member's child does not count in ratios, capacity or group size. The parent is the only person responsible for the care of their child.

A parent who is an employee can change diapers in the infant room as long as the parent is only caring for his/her own child and not helping care for other children. The capacity under two would not change because the infant would not be considered a child in care.

Because the license is for the entire facility, when owners live in a center and their home and the center are the same building, children in the living quarters must be supervised the same as children in other areas of the center. Caregiver's children under the age of 4 must be directly supervised.

- (5) A center constructed prior to 1 January 2004 which has been licensed and operated as a child care center continuously since 1 January 2004 is exempt from maximum group size requirements, if the required caregiver to child ratios are maintained, and the required square footage for each classroom is maintained.**
- (6) Mixed age groups shall meet the ratios and group sizes specified in Tables 5-15.**

Steps for using mixed ratio charts

1. Determine the ages of the children in the group.
2. Find the corresponding chart.
3. Calculate the number of children in the group.
4. Compare the number of children with the total number of children allowed with one caregiver.
5. If there are two caregivers needed, ensure that the group size is not exceeded.
6. Determine how many children of each individual age is in the group.
7. Confirm that the number of each age of children is within the allowed perimeters.
8. If any age is over the maximum children allowed with one caregiver, a second caregiver will be required.

Table 5 Older Toddlers and Two-year olds		
# Caregivers Required	Age	# Children Present
1	18-23 Mos.	1-3
	2	1-6
Total Children: up to 7		
2	18-23 Mos.	1-6
	2	1-13
Total Children: up to 14		

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

Table 7 Two-year-olds and Four-year-olds		
# Caregivers Required	Age	# Children Present
1	2	1-6
	4	1-10
Total Children: up to 11		
2	2	1-13
	4	1-21
Total Children: up to 22		

Table 8 Two-year-olds and Five to Twelve Year-olds		
# Caregivers Required	Age	# Children Present
1	2	1-6
	5-12	1-13
Total Children: up to 14		
2	2	1-13
	5-12	1-27
Total Children: up to 28		

Table 9 Three-year-olds and Four-year-olds		
# Caregivers Required	Age	# Children Present
1	3	1-11
	4	1-13
Total Children: up to 14		
2	3	1-23
	4	1-27
Total Children: up to 28		

Table 10 Three-year-olds and Five to Twelve Year-olds		
# Caregivers Required	Age	# Children Present
1	3	1-11
	5-12	1-15
Total Children: up to 16		
2	3	1-23
	5-12	1-31
Total Children: up to 32		

Table 11 Four-year-old and Five to Twelve Year-olds		
# Caregivers Required	Age	# Children Present
1	4	1-14
	5-12	1-17
Total Children: up to 18		
2	4	1-29
	5-12	1-35
Total Children: up to 36		

Table 12 Two-year-olds, Three-year-olds, and Four-year-olds		
# Caregivers Required	Age	# Children Present
1	2	1-6
	3	1-9
	4	1-9
Total Children: up to 11		
2	2	1-13
	3	1-20
	4	1-20
Total Children: up to 22		

Table 13 Two-year-olds, Three-year-olds, and Five to Twelve Year-olds		
# Caregivers Required	Age	# Children Present
1	2	1-6
	3	1-11
	5-12	1-11
Total Children: up to 13		
2	2	1-13
	3	1-24
	5-12	1-24
Total Children: up to 26		

Table 14 Two-year-olds, Four-year-olds, and Five to Twelve Year-olds		
# Caregivers Required	Age	# Children Present
1	2	1-6
	4	1-12
	5-12	1-12
Total Children: up to 14		
2	2	1-13
	4	1-26
	5-12	1-26
Total Children: up to 28		

Table 15 Three-Year-Olds, Four-year-olds, and Five to Twelve Year-olds		
# Caregivers Required	Age	# Children Present
1	3	1-11
	4	1-14
	5-12	1-14
Total Children: up to 16		
2	3	1-23
	4	1-30
	5-12	1-30
Total Children: up to 32		

Table 16 Two-year-olds, Three-year-olds, Four-year-olds, and Five to Twelve Year-olds		
# Caregivers Required	Age	# Children Present
1	2	1-6
	3	1-11
	4	1-11
	5-12	1-11
Total Children: up to 14		
2	2	
	3	
	4	
	5-12	
Total Children: up to 28		

Enforcement

Level 1 Noncompliance:

- Any group with infants or toddlers in it is over ratio or group size by any amount
- If the youngest child is age 2 and over ratio by 4 or more children
- If the youngest child is age 3 or older and over ratio by 5 or more children

Level 2 Noncompliance:

- If the youngest child is age 2 and over ratios by 3 children
- If the youngest child is age 3 or older and over by 4 children

Level 3 Noncompliance:

- If the youngest child is age 2 and over ratio by 1-2 children
- If the youngest child is age 3 or older and over ratio by 1-3 children

Assessment

When there are more than eight children in the group, the Licensing Specialist will:

1. Ask the ages of the children in the group.
2. Use tables 5-15 to determine how many caregivers are required.

When there are eight or fewer children in the group, the Licensing Specialist will:

1. Ask the ages of the children in the group.
2. Confirm there are 2 caregivers with the group if there are more than 2 infants or toddlers in the group. Findings for ratios are based on the number of children in care at the facility not on the number of enrolled children.

(7) Infants and toddlers may be included in mixed age groups only when 8 or fewer children are present in the group.

Rationale/ Explanation

Infants need quiet, calm environments, away from the stimulation of older children and other groups. Toddlers are relatively new at basic motor skills such as walking, climbing, and running, and have slower reaction times. Both infants and toddlers are smaller than older children. Because of these developmental differences, mixing infants or toddlers with older, larger, and more physically developed children places the infants and toddlers at increased risk for unintentional injuries, such as being run in to, being knocked down, being pushed, shoved, sat on, etc. CFOC, 3rd Ed. pg. 59 Standard 2.1.2.4

Separation of infants from older children and non-caregiving adults is also 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. Since most respiratory infections are spread from older children or adults to infants, exposure of infants to older children should be restricted, in order to limit infants' exposure to respiratory tract viruses and bacteria. CFOC, 3rd Ed. pg. 59 Standard 2.1.2.4

Assessment

If there are toddlers and twos in a group, the room where these children are cared for must be in compliance with requirements for a toddler room. For example, it must have a diaper changing station [100-23(1)] and sinks [100- 4(5)]; it cannot be used as access to other areas [100-4(6)].

This rule includes infants and toddlers who are children of center employees.

Infants and toddlers may be with older children for occasional special visitors and center programs but not for regularly scheduled activities.

Employees children age 4 and older do not count in ratios, but **do** count in the group size, capacity and square footage.

- (8) If more than 2 infants or toddlers are included in a mixed age group, there shall be at least 2 caregivers with the group.**

Rationale/ Explanation

The purpose of this rule is so that there will be enough adults present to evacuate all children in the group, including infants and toddlers who must be carried, in the event of an emergency. *CFOC, 3rd Ed. pgs. 4-6 Standard 1.1.1.2*

Enforcement

Level 1 Noncompliance when there are more than four children in the group. Level

3 Noncompliance otherwise.

Assessment

Employees children age 4 and older do not count in ratios, but **do** count in the group size, capacity and square footage.

This rule is out of compliance only when there are 8 or fewer children present in the group and the group includes more than 2 infants or toddlers and there is only one caregiver in the room with the children. Two caregivers must be with groups of children with more than two infants and/or toddlers.

- (9) During nap time the caregiver to child ratio may double for not more than two hours for children age 18 months and older, if the children are in a restful or non-active state, and if a means of communication is maintained with another caregiver who is on-site. The caregiver supervising the napping children must be able to contact the other on-site caregiver without having to leave children unattended in the napping area.**

Rationale/ Explanation

Napping children require less supervision than awake children. However, there must still be enough caregivers present and available, without leaving children unattended, to evacuate all children from the facility in the event of an emergency. In addition, children presumed to be sleeping may actually be awake, and children may wake up before the scheduled nap time is over. *CFOC, 3rd Ed. pgs. 4-6 Standard 1.1.1.2, pgs. 64-66 Standard 2.2.0.1.*

Enforcement

Always Level 1 Noncompliance.

Assessment

This rule applies only to nap times. For example, it does not apply to TV or movie times, or other less active times that are not nap times. If center staff have school age children nap as outlined in R381-100-18, then ratios in those school age rooms may be doubled during nap time. If center staff provide quiet time for homework, movies, etc., this is not considered to be a nap time and ratios cannot be doubled during these times.

If infants and toddlers are included in mixed age groups, the only time ratios can be doubled during nap time is if all the children are 18 months and older and there cannot be more than two infants and/or toddlers in groups with more than 8 children. The rule does not allow doubling the ratio for infants at any time.

As children begin to wake up from naps, if less than half the group is awake and engaged in a quiet activity, such as looking at a book, putting together a puzzle, drawing or coloring, or using play dough, a classroom can still have half of the required number of caregivers. However, once half or more of the children are awake and off their nap mats or cots, the classroom must meet the required non-nap time ratios. This applies only to the maximum two hour nap time period.

Employees children age 4 and older do not count in ratios, but **do** count in the group size.

(10) The children of the licensee or any employee, age four or older, are not counted in the caregiver to child ratios when the parent of the child is working at the center, but are counted in the maximum group size.

Rationale/ Explanation

This rule will be used to determine if a Licensee is in compliance with the rules on required capacity, caregiver to child ratios, and maximum group sizes.

Assessment

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