



**CHILD CARE CENTER LICENSING COMMITTEE
MEETING MINUTES**

9 September, 2021

Physical location:

288 N 1460 W, Room 128. Salt Lake City, UT 84107.

The link to watch and listen to the meeting:

https://us02web.zoom.us/webinar/register/WN_1Lik-YHOR3u-jvdRq-SyFg

Members Present: Jody Zabriskie, Dale Smith, Jamie Bitton, Melissa Monsivais, Alanna Brickley, Matt Wallace, Bree Murphy.

Members Excused: None

Members Absent: None

Executive Secretary: Simon Bolivar

AGENCY REPORTS

Child Care Licensing – Simon Bolivar

- Effective December, 1, 2021 home providers shall ensure that at least half (ten hours) of the required annual training is interactive. An email with more detail information will be sent this month to all providers. Questions were addressed and answered.
- The federal agency Child Care Aware America will be conducting an evaluation on all the child care licensing agencies in the country. CCL will announce their evaluation results when they are received.
- Due to COVID-19 CCL will continue to allow providers to take the First Aid and CPR trainings online (no hands on) until further notice.
- CCL will like to congratulate the providers for all the improvements they have made with the grant's money in their facilities.
- More grants will be offered in the near future to providers to improve situations due to COVID-19 and/or to improve compliance with the CCL rules.

Office of Child Care – Karrie Phillips

- The COVID related funding from the Federal Government was used toward the Operations Grant, Child Care Licensing, professional development scholarships, scholarships for college courses, and college degrees. Also, the Utah Registry Professional Development can assist anyone with other opportunities for professional developments.
- Subsidy co-pay waivers will continue to be available.
The subsidy new rates will be effective on October 1, 2021. The new rates can be found on the OCC website.
- OCC rewarded money to the Care About Child Care agencies for regional goals. Contact Care About Child Care for more information.
- OCC is currently working on stabilization grants to become available to programs. More information will be provided in the late fall.
- The CCQS is re-launching. The applications with no observation that were submitted by home and center providers in June will be scored on September 19, 2021.

Applications will open again for all centers in early 2022. Family Child Care programs can apply from now until December 30, 2021.

For questions about the CCQS please contact ccqs@utah.gov.

Utah Afterschool Network – Anna Sanders

- To register for the UAN JUMP START conference on November 4th and November 5th visit the link <https://utahafterschool.org/program-resources/calendar-and-events/17th-annual-jump-start-afterschool-conference>.
- UAN has job openings. For more information please visit utahafterschool.org.

WELCOME

At 10:56 a.m., Jody Zabriskie welcomed everyone and started the meeting.

APPROVAL OF MINUTES

The minutes from the May meeting were approved via email.

NEW BUSINESS

Current COVID-19 emergency procedures status report (Simon Bolivar)

- CCL highly recommends the use of masks as well as getting vaccinated, but we are not requiring the use of masks in the facilities. There were no questions or comments.

Discussion about giving teacher ID's to caregivers (Simon Bolivar)

- CCL cannot authorize or provide teacher ID's to caregivers. However, the providers may create badges with titles for their staff. There were no questions or comments.

Proposed rules collected throughout the year for committee approval. This includes a comprehensive revision of the rules as mandated by the Governor, simplification of the background check rule requirements and federal language, and new ratios and group size clarifications. (Simon Bolivar)

(See handouts for more information)

- Simon went over the proposed rules using R381-100 that will apply to all center facility types respectively. There was a discussion about the proposed rule on the number of toilets and a correction made to that rule. Questions and comments were answered and discussed.
 - Melissa Monsivais moved to approve all the rules as proposed with the change of 1 toilet for each group of 25 children to 1 toilet for each group of 25 children 2 years old and older.
Bree Murphy seconded the motion.
Jody Zabriskie opened the motion for discussion. No further discussion was made.
Jody Zabriskie asked for a vote on the motion. All committee members voted in favor of the motion. Motion passed.

Committee members comments and recommendations - None

PUBLIC COMMENT

None

ASSIGNMENTS

Sarah Atherton – Will create a workgroup for the re-writing of the portal for providers to provide feedback.

Bree Murphy moved to adjourn the meeting. All committee members agreed to close the meeting, the meeting was adjourned at 12:25 p.m.

UPCOMING 2021 MEETINGS

November 18.

10:30 a.m. – 12:30 p.m.

To request reasonable accommodations to attend or fully participate in this meeting, please contact Jacqueline Macias at (385) 320-2147 or via email at jmacias@utah.gov.

Note: These minutes are not intended to be a verbatim transcript of all items discussed, but are to record the significant features of the business conducted in this meeting.

R381. Health, Child Care Center Licensing Committee.
R381-100. Child Care Centers.

R381-100-2. Definitions.

- (1) "Applicant" means a person or business who has applied for a new or a renewal of a license from Child Care Licensing.
- (2) "Background Finding" means information in a background check that ~~may result in a denial from~~ Child Care Licensing uses to determine if a covered individual is or is not eligible to be involved with child care.
- ~~(3) "Background Check Denial" means that an individual has failed the background check and is prohibited from being involved with a child care program.~~
- (43) "Barrier" means an enclosing structure such as a fence, wall, bars, railing, or solid panel to prevent accidental or deliberate movement through or access to something.
- (54) "Body Fluid" means blood, urine, feces, vomit, mucus, or saliva.
- (65) "Business Days and Hours" means the days of the week and times the facility is open for business.
- (6) "Caregiver" means a covered individual who protects the health and safety of children. A covered individual is a caregiver when they:
 - a) count in the caregiver-to-child ratio;
 - b) meet the physical or emotional needs of the children, including diapering, toileting, feeding, or protecting them from harm; or
 - c) supervise children.
- (7) "Capacity" means the maximum number of children ~~for whom care can be provided~~ the provider is allowed to care for at any given time.
- (8) "Caregiver-to-Child Ratio" means the number of caregivers responsible for a specific number of children.
- (9) "CCL" means the Child Care Licensing Program ~~in the Department of Health~~ that is delegated with the responsibility to enforce the Utah Child Care Licensing Act.
- (10) "Child Care" means continuous care and supervision of five or more qualifying children that is:
 - (a) in place of care ordinarily provided by a parent in the parent's home;
 - (b) for less than 24 hours a day; and
 - (c) for direct or indirect compensation.
- (11) "Child Care Center Licensing Committee" means the Child Care Center Licensing Committee created in the Utah Child Care Licensing Act.
- (12) "Child Care Program" means a person or business that offers child care.
- (13) "Choking Hazard" means an object or a removable part on an object with a diameter of less than 1-1/4 inches and a length of less than 2-1/4 inches that could be caught in a child's throat blocking their airway and making it difficult or impossible to breathe.
- (14) "Conditional Status" means that the provider is at risk of losing their child care license because compliance with licensing rules has not been maintained.
- (15) "Covered Individual" means any of the following individuals involved with a child care program:
 - (a) an owner;
 - (b) a director;
 - (c) a member of the governing body;
 - (d) an employee;
 - (e) a caregiver;
 - (f) a volunteer, except a parent of a child enrolled in the child care program;
 - (g) an individual age 12 years old or older who resides in the facility; and
 - (h) anyone who has unsupervised contact with a child in care.
- (16) "Crib" means an infant's bed with sides to protect them from falling including a bassinet, porta-crib, or play pen.
- (17) "Department" means the Utah Department of Health.
- (18) "Designated Play Surface" means any accessible elevated surface for standing, walking, crawling, sitting or climbing; or an accessible flat surface at least two by two inches in size and having an angle less than 30 degrees from horizontal.
- (19) "Director" means an individual who meets the director qualifications in this rule, and who assumes the child care program's day-to-day responsibilities for compliance with Child Care Licensing rules.
- ~~(20) "Eligible" means that were no findings in a covered individual's background check that could prohibit that covered individual from being involved with child care.~~
- ~~(201) "Emotional Abuse" means behavior that could harm a child's emotional development, such as threatening, intimidating, humiliating, demeaning, criticizing, rejecting, using profane language, or using inappropriate physical restraint.~~
- ~~(242) "Entrapment Hazard" means an opening greater than 3-1/2 by 6-1/4 inches and less than nine inches in diameter where a child's body could fit through but the child's head could not fit through, potentially causing a child's entrapment and strangulation.~~
- ~~(223) "Facility" means a child care program or the premises approved by the department to be used for child care.~~
- ~~(234) "Group" means the children who are assigned to and supervised by one or more caregivers.~~
- ~~(245) "Group Size" means the total number of children in a group per room or area.~~
- ~~(256) "Guest" means an individual who is not a covered individual and is at the child care facility for a short time with the provider's permission.~~
- ~~(267) "Health Care Provider" means a licensed health professional, such as a physician, dentist, nurse practitioner, or physician's assistant.~~
- ~~(278) "Homeless" means anyone who lacks a fixed, regular, and adequate nighttime residence.~~
- ~~(289) "Inaccessible" means out of reach of children by being:
 - (a) locked, such as in a locked room, cupboard, or drawer;
 - (b) secured with a child safety device, such as a child safety cupboard lock or doorknob device;
 - (c) behind a properly secured child safety gate;
 - (d) located at least 36 inches above the floor; or
 - (e) if in a bathroom, at least 36 inches above any surface from where a child could stand or climb.~~
- ~~(2930) "Infant" means a child who is younger than 12 months old.~~
- ~~(301) "Infectious Disease" means an illness that is capable of being spread from one individual to another.~~
- ~~(342) "Involved with Child Care" means to do any of the following at or for a child care program:
 - (a) care for or supervise children;~~

- (b) volunteer;
- (c) own, operate, direct;
- (d) reside;
- (e) count in the caregiver-to-child ratio; or
- (f) have unsupervised contact with a child in care.

(323) "License" means a license issued by the department to provide child care services.

(334) "Licensee" means the legally responsible person or business that holds a valid license from Child Care Licensing.

(345) "LIS Supported Finding" means background check information from the Licensing Information System (LIS) database for child abuse and neglect, maintained by the Utah Department of Human Services.

(36) "Older Toddler" means a child age 18 through 23 months old.

(357) "Over-the-Counter Medication" means medication that can be bought without a written prescription including herbal remedies, vitamins, and mineral supplements.

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

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

(3840) "Physical Abuse" means causing nonaccidental physical harm to a child.

(3941) "Play Equipment Platform" means a flat surface on a piece of stationary play equipment intended for more than one child to stand on, and upon which the children can move freely.

(402) "Preschooler" means a child age two through four years old.

(413) "Protective Barrier" means a structure such as bars, lattice, or a panel that is around an elevated platform and is intended to prevent accidental or deliberate movement through or access to something.

(424) "Protective Cushioning" means a shock-absorbing surface under and around play equipment that reduces the severity of injuries from falls.

(435) "Provider" means the legally responsible person or business that holds a valid license from Child Care Licensing.

(446) "Qualifying Child" means:

- (a) a child who is younger than 13 years old and is the child of an individual other than the child care provider or caregiver;
- (b) a child with a disability who is younger than 18 years old and is the child of an individual other than the provider or caregiver; or
- (c) a child who is younger than four years old and is the child of the provider or a caregiver.

(457) "Related Child" means a child for whom a provider is the parent, legal guardian, step-parent, grandparent, step-grandparent, great-grandparent, sibling, step-sibling, aunt, step-aunt, great-aunt, uncle, step-uncle, or great-uncle.

(468) "Room" is defined by the department as follows:

If a large room is divided into smaller rooms or areas with barriers such as furniture or with half walls, the room or area is considered:

(a) One room, if the room is divided by a solid barrier that is less than 24 inches, whether the barrier is movable or immovable.

(b) One room, if the room is divided by a solid barrier that is between 24 and 40 inches in height and there is an opening in the barrier through which caregivers and children can move freely.

(c) Two rooms, if the room is divided by a solid barrier that is between 24 and 40 inches in height and there is no opening in the barrier through which caregivers and children can move freely, or there is an opening between the two sides but the opening is blocked such as with a child safety gate. This also applies to a diaper changing station that is located behind a closed gate.

(d) Two rooms, if the room is divided by a solid barrier that is over 40 inches in height and there is no opening in the barrier through which caregivers and children can move freely, or there is an opening between the two sides but the opening is blocked such as with a child safety gate. If there is an opening through which caregivers and children can move freely and the opening is not blocked, refer to the instructions for a large opening, archway, or doorway.

If two rooms or areas are connected by a large opening, archway, or doorway, the rooms or areas are considered:

(e) One room, if the width of the opening or archway is equal to or greater than the combined width of the walls on each side of the opening or archway, in the larger of the two rooms or areas, and there is no furniture or other dividers blocking the opening or archway. Otherwise the department shall consider this to be two rooms.

(f) Two rooms, if the width of the opening or archway is smaller than the combined width of the walls on each side of the opening or archway, in the larger of the two rooms or areas.

If in outdoor areas separated by interior fences, the department considers it:

(g) One area, if the interior fence is lower than 24 inches in height, whether or not the fence has an opening.

(h) One area, if the interior fence is 40 inches or lower in height with an opening through which caregivers and children can move freely.

(i) Two areas if the interior fence is higher than 24 inches and there is no opening.

(j) Two areas, if the interior fence is higher than 40 inches whether or not the fence has an opening.

(479) "Sanitize" means to use a product or process to reduce contaminants and bacteria to a safe level.

(4850) "School-Age Child" means a child age five through 12 years old.

(4951) "Sexual Abuse" means to take indecent liberties with a child with the intention to arouse or gratify the sexual desire of an individual or to cause pain or discomfort.

(502) "Sexually Explicit Material" means any depiction of actual or simulated sexually explicit conduct.

(513) "Sleeping Equipment" means a cot, mat, crib, bassinet, porta-crib, playpen, or bed.

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

(a) a sandbox;

(b) a stationary circular tricycle;

(c) a sensory table; or

(d) a playhouse that sits on the ground or floor and ~~has no attached equipment, such as~~ does not have a slide, swing, or climber attached.

(535) "Strangulation Hazard" means something on which a child's clothes or drawstrings could become caught, or something in which a child could become entangled such as:

(a) a protruding bolt end that extends more than two threads beyond the face of the nut;

(b) hardware that forms a hook or leaves a gap or space between components such as a protruding open S-hook; or

(c) a rope, cord, or chain that is attached to a structure and is long enough to encircle a child's neck.

(556) "Unsupervised Contact" means being with, caring for, communicating with, or touching a child in the absence of a caregiver or other employee who is at least 18 years old and has passed a Child Care Licensing background check.

(567) "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.

(578) "Volunteer" means an individual who receives no form of direct or indirect compensation for their service.

(589) "Working Days" means the days of the week the department is open for business.

(60) "Younger Toddler" means a child age 12 through 17 months old.

R381-100-4. License Application, Renewal, Changes, and Variances.

(1) Each applicant for a new child care license shall:

(a) submit ~~an~~ CCL online application;

(b) submit a copy of a current local fire clearance or a written statement from the local fire authority that a fire inspection is not required;

(c) submit a copy of a current local health department kitchen clearance for a facility providing food service or a written statement from the local health department that a kitchen inspection is not required;

(d) submit a copy of a current local business license or a written statement from the city that a business license is not required;

(e) submit a copy of the educational credentials of the individual who will be the director as required in Section R381-100-7;

(f) complete CCL background checks for covered individuals as required in Section R381-100-8;

(g) complete CCL new provider training no more than six months before becoming licensed; and

(h) pay any required fees, which are nonrefundable.

(2) Each applicant shall pass a department's inspection of the facility before a new license or a renewal is issued.

(3) If the local fire authority states in writing that an applicant for a new license or a renewal does not require a fire inspection, the department shall verify the applicant's compliance with the following:

(a) address numbers and letters are readable from the street;

(b) exit doors operate properly and are well maintained;

(c) there are no obstructions in exits, aisles, corridors, and stairways;

(d) exit doors are unlocked from the inside during business hours;

(e) exits are clearly identified;

(f) there is at least one unobstructed fire extinguisher on each level of the building, currently charged and serviced, and mounted not more than five feet above the floor;

(g) there are working smoke detectors that are properly installed on each level of the building; and

(h) boiler, mechanical, and electrical panel rooms are not used for storage.

(4) If an applicant for a new license or a renewal serves food and the local health department states in writing that a kitchen inspection is not required, the department shall verify the applicant's compliance with the following:

(a) the refrigerator is clean, in good repair, and working at or below 41 degrees Fahrenheit;

(b) there is a working thermometer in the refrigerator;

(c) there is a working stem thermometer available to check cooking and hot hold temperatures;

(d) cooks have a current food handler's permit available on-site for review by the department;

(e) cooks use hair restraints and wear clean outer clothing;

(f) only necessary staff are present in the kitchen;

(g) reusable food holders, utensils, and food preparation surfaces are washed, rinsed, and sanitized before each use;

(h) chemicals are stored away from food and food service items;

(i) food is properly stored, kept to the proper temperature, and in good condition; and

(j) there is a working handwashing sink in the kitchen and handwashing instructions posted by the sink.

(5) Each applicant shall have six months from the time any portion of the application is submitted to finish the licensing process. If unsuccessful, the applicant shall reapply. Any resubmission must include the required documentation, payment of licensing fees, and a new inspection of the facility in order to be licensed.

(6) The department may deny an application for a license if, within the five years preceding the application date, the applicant held a license or a certificate that was:

(a) closed under an immediate closure;

(b) revoked;

(c) closed as a result of a settlement agreement resulting from a notice of intent to revoke, a notice of revocation, or a notice of immediate closure;

(d) voluntarily closed after an inspection of the facility found a rule violation that would have resulted in a notice of intent to revoke or a notice of revocation had the provider not closed voluntarily; or

(e) voluntarily closed having unpaid fees or civil money penalties issued by the department.

(7) Each child care license expires at midnight on the last day of the month shown on the license, unless the license was previously revoked by the department, or voluntarily closed by the provider.

(8) Within 30 to 90 days before a current license expires, each provider shall for renewal:

(a) an online renewal request;

(b) applicable renewal fees;

(c) any previous unpaid fees; and

(d) ~~a copy of a current business license;~~

~~(e) a copy of a current fire inspection report; and~~

~~(f) a copy of a current kitchen inspection report.~~

(9) The department may grant a provider who fails to renew their license by the expiration date an additional 30 days to complete the renewal process if the provider pays a late fee.

(10) The department may deny renewal of a license for a provider who is no longer caring for children.

(11) Each provider shall submit a complete application for a new license at least 30 days before any of the following changes occur:

- (a) a change of the child care facility's location; or
 - (b) a change that transfers 50 percent or more ownership or controlling interest to a new individual or entity.
- changes:
- (12) A provider shall submit a complete online changes request to amend an existing license at least 30 days before any of the following changes:
 - (a) an increase or decrease of licensed capacity, including any change to the amount of usable indoor or outdoor space where child care is provided;
 - (b) a change in the name of the program;
 - (c) a change in the regulation type of the program;
 - (d) a change in the name of the provider;
 - (e) an addition or loss of a director; or
 - (f) a change in ownership that does not require a new license.
 - (13) The department may amend a license after verifying that the applicant is in compliance with all applicable rules and required fees have been paid. The expiration date of the amended license remains the same as the previous license.
 - (14) Only the department may assign, transfer, or amend a license.
 - (15) If an applicant or provider cannot comply with a rule but can meet the intent of the rule in another way, the applicant or provider may apply for a variance to that rule by submitting a request to the department.
 - (16) The department may:
 - (a) require additional information before acting on the variance request; and
 - (b) impose health and safety requirements as a condition of granting a variance.
 - (17) Each provider shall comply with the existing rules until a variance is approved by the department.
 - (18) If a variance is approved, the provider shall keep a copy of the written approval on-site for review by parents and the department.
 - (19) The department may grant variances for up to 12 months.
 - (20) The department may revoke a variance if:
 - (a) the provider is not meeting the intent of the rule as stated in their approved variance;
 - (b) the provider fails to comply with the conditions of the variance; or
 - (c) a change in statute, rule, or case law affects the basis for the variance.

R381-100-5. Rule Violations, ~~and~~ Penalties, and Appeals.

- (1) The department may place a program's child care license on a conditional status for the following causes:
 - (a) chronic, ongoing noncompliance with rules;
 - (b) unpaid fees; or
 - (c) a serious rule violation that places children's health or safety in immediate jeopardy.
- (2) The department shall establish the length of the conditional status and set the conditions that the child care provider shall satisfy to remove the conditional status.
- (3) The department may increase monitoring of the program that is on conditional status to verify compliance with rules.
- (4) The department may deny or revoke a license if the child care provider:
 - (a) fails to meet the conditions of a license on conditional status;
 - (b) violates the Child Care Licensing Act;
 - (c) provides false or misleading information to the department;
 - (d) misrepresents information by intentionally altering a license or any other document issued by the department;
 - (e) fails to allow authorized representatives of the department access to the facility to ensure compliance with this rule;
 - (f) fails to submit or make available to the department any written documentation required to verify compliance with this rule;
 - (g) commits a serious rule violation that results in death or serious harm to a child, or that places a child at risk of death or serious harm; or
 - (h) has committed an illegal act that would exclude an individual from having a license.
- (5) Within ten working days of receipt of a revocation notice, the provider shall submit to the department the names and mailing addresses of the parents of each enrolled child so the department can notify the parents of the revocation.
- (6) The department may order the immediate closure of a facility if conditions create a clear and present danger to any child in care and may require immediate action to protect the children's health or safety.
- (7) Upon receipt of an immediate closure notice, the provider shall give the department the names and mailing addresses of the parents of each enrolled child so the department can notify the parents of the immediate closure.
- (8) If there is a severe injury or the death of a child in care, the department may order a child care provider to suspend services and prohibit new enrollments, pending a review by the Child Fatality Review Committee or a determination of the probable cause of death or injury by a medical professional.
- (9) If a person is providing care for more than four unrelated children without the appropriate license, the department may:
 - (a) issue a cease and desist order; or
 - (b) allow the person to continue operation if:
 - (i) the person was unaware of the need for a license;
 - (ii) conditions do not create a clear and present danger to the children in care; and
 - (iii) the person agrees to apply for the appropriate license within 30 calendar days of notification by the department.
- (10) If a person providing care without the appropriate license agrees to apply for a license but does not submit an application and the required application documents within 30 days, the department may issue a cease and desist order.
- (11) A violation of any rule is punishable by an administrative civil money penalty of up to \$5,000 a day as provided in Section 26-39-601.
- (12) The department may assess a civil money penalty and also take action to deny, place on conditional status, revoke, immediately close, or refuse to renew a license.
- (13) The department may deny an application or revoke a license for failure to pay any required fees, including fees for applications, late fees, returned checks, license changes, additional inspections, conditional monitoring inspections, background checks, civil money penalties, and other fees assessed by the department.
- (14) An applicant or provider may request a hearing to appeal any department decision within 15 working days of being informed in writing of the decision.

R381-100-6. Administration and Children's Records.

- (1) The provider shall:
 - (a) be at least 21 years old;
 - (b) ~~pass a~~ be deemed eligible by a CCL background check before becoming involved with child care; and
 - (c) complete the new provider training offered by the department.
- (2) If the owner is not a sole proprietor, the business entity shall submit to the department the name and contact information of the individual or individuals who shall legally represent them and who shall comply with the requirements stated in Subsection R381-100-6(1).
- (3) The provider shall protect children from conduct that endangers children in care, or is contrary to the health, morals, welfare, and safety of the public.
- (4) The provider shall know and comply with each applicable federal, state, and local law, ordinance, and rule, and shall be responsible for the operation and management of a child care program.
- (5) The provider shall comply with licensing rules any time a child in care is present.
- (6) The provider shall post their unaltered child care license on the facility premises in a place readily visible and accessible to the public.
- (7) The provider shall post a current copy of the department's Parent Guide at the facility for parent review during business hours.
- (8) The provider shall inform parents and the department of any changes to the program's telephone number and other contact information within 48 hours of the change.
- (9) The provider shall:
 - (a) have liability insurance; or
 - (b) inform parents in writing that the provider does not have liability insurance.
- (10) The provider shall ensure that a parent completes an admission and health assessment form for their child before the child is admitted into the child care program.
- (11) The provider shall ensure that each child's admission and health assessment form includes the following information:
 - (a) child's name;
 - (b) child's date of birth;
 - (c) parent's name, address, and phone number, including a daytime phone number;
 - (d) names of individuals authorized by the parent to sign the child out from the facility;
 - (e) name, address, and phone number of an individual to be contacted if an emergency happens and the provider cannot contact the parent;
 - (f) if available, the name, address, and phone number of an out-of-area emergency contact individual for the child;
 - (g) parent's permission for emergency transportation and emergency medical treatment;
 - (h) any known allergies of the child;
 - (i) any known food sensitivities of the child;
 - (j) any chronic medical conditions that the child may have;
 - (k) instructions for special or nonroutine daily health care of the child;
 - (l) current ongoing medications that the child may be taking; and
 - (m) any other special health instructions for the caregiver.
- (12) The provider shall ensure that the admission and health assessment form is:
 - (a) reviewed, updated, and signed or initialed by the parent at least annually; and
 - (b) kept on-site for review by the department.
- (13) Before admitting any child younger than five years old into the child care program, including the provider's and employees' own children, the provider shall get the following documentation from the child's parent:
 - (a) current immunizations;
 - (b) a medical schedule to receive required immunizations;
 - (c) a legal exemption; or
 - (d) a 90-day exemption for children who are homeless.
- (14) For each child younger than five years old, including the provider's and employees' own children, the provider shall keep their current immunization records on-site for review by the department.
- (15) The provider shall submit the annual immunization report to the Immunization Program in the Utah Department of Health by the date specified by the department.
- (16) The provider shall ensure that each child's information is kept confidential and not released without written parental permission except to the department.

R381-100-7. Personnel and Training Requirements.

- (1) The provider shall ensure that employees and volunteers are supervised, qualified, and trained to:
 - (a) meet the needs of the children as required by rule; and
 - (b) be in compliance with licensing rules.
- (2) The provider shall ensure that the center has a qualified director as required by licensing rules.
- (3) The provider shall ensure that the director:
 - (a) is at least 21 years old;
 - (b) ~~passes a~~ is deemed eligible by a CCL background check before becoming involved with child care;
 - (c) receives at least 2-1/2 hours of preservice training before beginning job duties;
 - (d) completes the new director training offered by the department within 60 working days of assuming director duties;
 - (e) knows and follows any applicable laws and rules; and
 - (f) completes at least 20 hours of child care training each year based on the facility's license date, or at least 1-1/2 hours of child care training each month they work if hired partway through the facility's licensing year.
- (4) The provider shall ensure that each new director has one of the following educational credentials:
 - (a) any bachelor's or higher education degree, and at least 60 clock hours of approved Utah Early Childhood Career Ladder courses in child development, social and emotional development, and the child care environment; or 60 clock hours of equivalent training as approved by the department;
 - (b) at least 12 college credit hours of child development courses;

(c) a currently valid national certification such as a Certified Childcare Professional (CCP) issued by the National Child Care Association, a Child Development Associate (CDA) issued by the Council for Early Childhood Professional Recognition, or other equivalent credential as approved by the department;

(d) at least a Level 9 from the Utah Early Childhood Career Ladder system; or

(e) a National Administrator Credential (NAC) and at least 60 clock hours of approved Utah Early Childhood Career Ladder courses in child development, social and emotional development, and the child care environment; or 60 clock hours of equivalent training as approved by the department.

(5) The provider shall ensure that the director is on duty at the facility for at least 20 hours a week during operating hours and has sufficient freedom from other responsibilities to manage the center and respond to emergencies.

(6) The provider shall ensure that there is a director designee with authority to act on behalf of the director in the director's absence.

(7) The provider shall ensure that the director designee:

(a) is at least ~~24~~18 years old;

(b) ~~passes a~~ is deemed eligible by a CCL background check before becoming involved with child care;

(c) receives at least 2-1/2 hours of preservice training before beginning job duties;

(d) knows and follows any applicable laws and rules; and

(e) completes at least 20 hours of child care training each year based on the facility's license date, or at least 1-1/2 hours of child care training each month they work if hired partway through the facility's licensing year; ~~and~~

(f) has current first aid and CPR certifications.

(8) The provider shall ensure that the director or the director designee is present at the facility when the center is open for care.

(9) The provider shall ensure that caregivers:

(a) are at least 16 years old;

(b) ~~passes a~~ are deemed eligible by a CCL background check before becoming involved with child care;

(c) receive at least 2-1/2 hours of preservice training before caring for children;

(d) know and follow any applicable laws and rules; and

(e) complete at least 20 hours of child care training each year, based on the facility's license date, or at least 1-1/2 hours of child care training each month they work if hired partway through the facility's licensing year; ~~and~~

~~(f) do not have unsupervised contact with any child in care, including during offsite activities and transportation, if the caregivers are younger than 18 years old.~~

(10) The provider shall ensure that any other ~~employees~~staff such as drivers, cooks, and clerks:

(a) ~~pass a~~ are deemed eligible by a CCL background check before becoming involved with child care;

(b) receive at least 2-1/2 hours of preservice training before beginning job duties; and

(c) know and follow any applicable laws and rules; ~~and~~

~~(d) do not have unsupervised contact with any child in care, including during offsite activities and transportation, if the employee is younger than 18 years old.~~

(11) The provider shall ensure that volunteers:

~~(a) pass a~~ are deemed eligible by a CCL background check before becoming involved with child care; ~~and~~

~~(b) do not have unsupervised contact with any child in care, including during offsite activities and transportation, if the volunteer is younger than 18 years old.~~

(12) The provider shall ensure that guests:

(a) do not have unsupervised contact with any child in care, including during offsite activities and transportation; and

(b) wear a guest nametag.

(13) The provider shall ensure that student interns who are registered and participating in a high school or college child care course:

(a) do not have unsupervised contact with any child in care, including during offsite activities and transportation; and

(b) wear a guest nametag.

(14) The provider shall ensure that parents of children in care do not have unsupervised contact with any child in care, except with their own children.

(15) The provider shall ensure that household members who are:

(a) 12 to 17 years old ~~passes a~~ are deemed eligible by a CCL background check ~~and do not have unsupervised contact with any child in care, including during offsite activities and transportation~~; and

(b) 18 years old or older ~~passes a~~ are deemed eligible by a CCL background check that includes fingerprints.

(16) The provider shall ensure that individuals who provide Individualized Educational Plan (IEP) or Individualized Family Service plan (IFSP) services such as physical, occupational, or speech therapists:

(a) provide proper identification before having access to the facility or to a child at the facility; and

(b) have received the child's parent's permission for services to take place at the facility.

(17) The provider shall ensure that individuals from law enforcement, Child Protective Services, the department, and any similar entities provide proper identification before having access to the facility or to a child at the facility.

(18) The provider shall ensure that preservice training includes at least the following topics:

(a) job description and duties;

(b) current department rule Sections R381-100-7 through R381-100-24;

(c) disaster preparedness, response, and recovery;

(d) pediatric first aid and cardio pulmonary resuscitation (CPR);

(e) children with special needs;

(f) safe handling and disposal of hazardous materials;

(g) prevention, signs, and symptoms of child abuse and neglect, including child sexual abuse, and legal reporting requirements;

(h) principles of child growth and development, including brain development;

(i) prevention of shaken baby syndrome and abusive head trauma, and coping with crying babies;

(j) prevention of sudden infant death syndrome (SIDS) and the use of safe sleeping practices;

(k) recognizing the signs of homelessness and available assistance;

(l) a review of the information in each child's health assessment in the caregiver's assigned group, including allergies, food sensitivities, and other special needs; and

(m) an introduction and orientation to the children in care.

(19) The provider shall keep documentation of each individual's preservice training on-site for review by the department and shall ensure that documentation includes at least the following:

- (a) training topics;
- (b) date of the training; and
- (c) total hours or minutes of training.

(20) The provider shall ensure that annual child care training includes at least the following topics:

- (a) current department rule Sections R381-100-7 through R381-100-24;
- (b) disaster preparedness, response, and recovery;
- (c) pediatric first aid and CPR;
- (d) children with special needs;
- (e) safe handling and disposal of hazardous materials;
- (f) the prevention, signs, and symptoms of child abuse and neglect, including child sexual abuse, and legal reporting requirements;
- (g) principles of child growth and development, including brain development;
- (h) prevention of shaken baby syndrome and abusive head trauma, and coping with crying babies;
- (i) prevention of sudden infant death syndrome (SIDS) and use of safe sleeping practices; and
- (j) recognizing the signs of homelessness and available assistance.

(21) The provider shall ensure that documentation of each individual's annual child care training is kept on-site for review by the department and includes the following:

- (a) training topic;
- (b) date of the training;
- (c) name of the individual or organization that presented the training; and
- (d) total hours or minutes of training.

~~(22) When there are children at the center, the provider shall ensure that there is at least one staff member present who can demonstrate English literacy skills needed to care for children and respond to emergencies.~~

(23) The provider shall ensure that at least one staff member with a current Red Cross, American Heart Association, or equivalent pediatric first aid and CPR certification is present when children are in care:

- (a) at the facility;
- (b) in each vehicle transporting children; and
- (c) at each offsite activity.

(24) The provider shall ensure that CPR certification includes hands-on testing.

(25) The provider shall ensure that the following records for each covered individual are kept on-site for review by the department:

- (a) the date of initial employment or association with the program;
- (b) a current pediatric first aid and CPR certification, if required in this rule; and
- (c) a six-week record of the times worked each day.

R381-100-8. Background Checks.

(1) Before a new covered individual becomes involved with child care in the program, the provider shall use the CCL provider portal search to:

- (a) verify that the individual ~~has a current is eligible CCL background check~~; and
- (b) associate that individual with their facility if the covered individual appears in the search.

(2) Before a new covered individual who does not appear in the CCL provider portal search becomes involved with child care in the program, the provider shall:

- (a) have the individual submit an online background check form and fingerprints for individuals age 18 years old and older;
- (b) authorize the individual's background check through the CCL provider's portal;
- (c) pay any required fees; and
- (d) receive written notice from CCL that the individual ~~passed the background check is eligible~~.

~~(3) The department may include a covered individual by name on the CCL provider portal and consider that covered individual's background check to be current if the covered individual has:~~

- ~~(a) passed a CCL background check;~~
- ~~(b) resided in Utah since the last background check was completed; and~~
- ~~(c) been associated with an active, CCL approved child care facility within the past 180 days.~~

~~(3) In order to keep their background check eligibility current, the provider shall also ensure that a new background check form and fingerprints are submitted and authorized and fees are paid for any covered individual who has:~~

- ~~(a) resided outside of Utah since their last background check was completed;~~
- ~~(b) not been associated with an active, CCL approved child care facility within the past 180 days; or~~
- ~~(c) has turned 18 years old and has not previously submitted fingerprints for a CCL background check. If the 18-year-old has previously submitted fingerprints for a CCL background check, only a new background check form will be required.~~

(4) Within ten working days from when a child who resides in the facility turns 12 years old, the provider shall:

- (a) ensure that an online background check form is submitted;
- (b) authorize the child's background check through the CCL provider's portal; and
- (c) pay any required fees.

(5)

(5) The provider shall ensure that fingerprints are prepared by a local law enforcement agency or an agency approved by local law enforcement.

(6) If fingerprints are submitted electronically through live scan, the provider shall ensure that the agency taking the fingerprints is one that follows the department's guidelines.

(7) The department may ~~deny-deem~~ a covered individual ~~not eligible from being involved with child care~~ for any of the following ~~reasons~~ background findings:

- (a) LIS supported findings;
- (b) the covered individual's name appears on the Utah or national sex offender registry;

~~(c) the covered individual refuses to consent to the criminal background check;~~

~~(d) the covered individual knowingly makes a false statement in connection with their background check;~~

~~(ee) any felony convictions; or~~

~~(ef) for any of the reasons listed under Subsection R381-100-8(8).~~

(8) The department may also ~~deny~~ deem a covered individual ~~from being involved with child care~~ not eligible for any of the following convictions regardless of severity:

~~(a) unlawful sale or furnishing alcohol to minors;~~

~~(b) sexual enticing of a minor;~~

~~(c) cruelty to animals, including dogfighting;~~

~~(d) bestiality;~~

~~(e) lewdness, including lewdness involving a child;~~

~~(f) voyeurism;~~

~~(g) providing dangerous weapons to a minor;~~

~~(h) a parent providing a firearm to a violent minor;~~

~~(i) a parent knowing of a minor's possession of a dangerous weapon;~~

~~(j) sales of firearms to juveniles;~~

~~(k) pornographic material or performance;~~

~~(l) sexual solicitation;~~

~~(m) prostitution and related crimes;~~

~~(n) contributing to the delinquency of a minor;~~

~~(o) any crime against an individual;~~

~~(p) a sexual exploitation act;~~

~~(q) leaving a child unattended in a vehicle; and~~

~~(r) driving under the influence (DUI) while a child is present in the vehicle.~~

~~(a) child pornography;~~

~~(b) sexual enticing of a minor;~~

~~(c) voyeurism;~~

~~(d) a sexual exploitation act;~~

~~(e) pornographic material or performance;~~

~~(f) any crime against an individual;~~

~~(g) providing dangerous weapons or fire arms to a minor; or~~

~~(h) driving under the influence (DUI) while a child is present in the vehicle.~~

(9) The department shall ~~approve~~ deem a covered individual eligible if the only background finding is a conviction or plea of no contest to a nonviolent drug offense that occurred ten or more years before the CCL background check was conducted.

(10) If the provider ~~is deemed not eligible by CCL fails to pass a background check~~, the department may suspend or deny their license until the reason for the ~~denial~~ background check finding is resolved.

(11) If a covered individual ~~is deemed not eligible by CCL fails to pass a background check~~, including that the individual has been convicted, has pleaded no contest, or is currently subject to a plea in abeyance or diversion agreement for a felony or misdemeanor, the provider shall prohibit that individual from being employed by the child care program or residing at the facility until the reason for the ~~denial~~ background check finding is resolved.

(12) If a covered individual is denied a license or employment based upon the criminal background check and disagrees with the information provided by the Department of Public Safety, the covered individual may appeal the information to the Department of Public Safety.

(13) If a covered individual disagrees with a supported finding on the Department of Human Services Licensing Information System (LIS), the covered individual may appeal the finding to the Department of Human Services.

(14) The provider and the covered individual shall notify the department within 48 hours of becoming aware of the covered individual's arrest warrant, felony or misdemeanor arrest, charge, conviction, or supported LIS finding. Failure to notify the department within 48 hours may result in disciplinary action, including revocation of the license.

(15) The Executive Director of the ~~Department of Health~~ may overturn a CCL background check ~~denial~~ decision if the Executive Director determines that the nature of the background finding or mitigating circumstances do not pose a risk to children.

R381-100-9. Facility.

(1) The provider shall ensure that there is at least 35 square feet of indoor space for each child in care, including the provider's and employees' children.

(2) The department may include ~~as indoor space per child~~ floor space used for furniture, fixtures, or equipment as indoor space per child if the furniture, fixture, or equipment is used:

(a) by children;

(b) for the care of children; or

(c) to store materials for children.

(3) The department may not include the following areas when measuring indoor space for children's use:

(a) bathrooms;

(b) closets and staff lockers;

(c) hallways;

(d) lobbies and entryways;

(e) kitchens; and

(f) staff offices.

(4) The department may limit the maximum allowed capacity for a child care facility based on local ordinances.

(5) The provider shall ensure that the number of children in care at any given time does not exceed the capacity identified on the license.

(6) The provider shall ensure that any building or play structure on the premises constructed before 1978 that has peeling, flaking, chalking, or failing paint is tested for lead. If lead-based paint is found, the provider shall contact their local health department within five working days and follow required procedures for remediation of the lead hazard.

(7) The provider shall ensure that each room and indoor area that is used by children is ventilated by mechanical ventilation, or by windows that open and have screens.

(8) The provider shall ensure that windows and glass doors within 36 inches from the floor or ground are made of safety or tempered glass, or have a protective guard.

(9) The provider shall ensure that rooms and areas have adequate light intensity for the safety of the children and the type of activity being conducted.

(10) The provider shall maintain the indoor temperature between 65 and 82 degrees Fahrenheit.

(11) The provider shall ensure that there is a working telephone at the facility, in each vehicle while transporting children, and during offsite activities.

(12) The provider shall ensure that there is a working handwashing sink in each classroom or next to each classroom in buildings constructed after July 1, 1997.

(13) The provider shall ensure that rooms where infants or toddlers are cared for have:

(a) one sink that is used exclusively for the preparation of food and bottles and handwashing before food preparation, and another sink that is used only for handwashing after diapering and nonfood activities; or

(b) one working sink that is used only for handwashing in the room, and bottle and food preparation is done in the kitchen and brought to the infant and toddler area by a non-diapering staff member.

(14) The provider shall ensure that ~~there is one working toilet and one working sink for each group of 25 children in the center who are toilet trained.;~~

~~(a) there is one working toilet and one working sink for each group of 15 children younger than five years old in the center who are toilet trained; and~~

~~(b) there is one working toilet and one working sink for each group of 25 school-age children in the center.~~

(15) The provider shall ensure that there is at least one bathroom that provides privacy available for use by school-age children.

(16) The provider shall ensure that there is an outdoor area that is safely accessible to children.

(17) The provider shall ensure that the outdoor area has at least 40 square feet of space for each child using the area at one time.

(18) The provider shall ensure that the total square footage of the outdoor area accommodates at least one-third of the approved capacity at one time or is at least 1600 square feet.

(19) The provider shall ensure that the outdoor area is enclosed within a fence, wall, or solid natural barrier that is at least four feet high.

(20) The provider shall ensure that there is no gap five by five inches or greater in or under the fence or barrier.

(21) The provider shall ensure that children are in an enclosed area when children are outdoors, except during offsite activities.

(22) The provider shall ensure that there is shade available to protect the children from excessive sun and heat when children are in the outdoor area.

(23) If there is a swimming pool on the premises that is not emptied after each use, the provider shall:

(a) meet applicable state and local laws and ordinances related to the operation of a swimming pool;

(b) maintain the pool in a safe manner; and

(c) when not in use, cover the pool with a commercially-made safety enclosure that is installed according to the manufacturer's instructions, or enclose the pool within at least a four-foot-high fence or solid barrier that is kept locked and that separates the pool from any other areas on the premises.

(24) The provider shall maintain buildings and outdoor areas in good repair and safe condition including:

(a) ceilings, walls, and floor coverings;

(b) lighting, bathroom, and other fixtures;

(c) draperies, blinds, and other window coverings;

(d) indoor and outdoor play equipment;

(e) furniture, toys, and materials accessible to the children; and

(f) entrances, exits, steps, and walkways including keeping them free of ice, snow, and other hazards.

(25) The provider shall ensure that accessible raised decks or balconies that are five feet or higher, and open stairwells that are five feet or deeper have protective barriers that are at least three feet high.

(26) If the facility is subdivided, any part of the building is rented out, or any area of the facility is shared including the outdoor area, the department may inspect the entire facility and the provider shall ensure that covered individuals in the facility comply with the rules, except when the following conditions are met:

(a) there is a separate entrance for the child care program;

(b) there are no connecting interior doorways that can be used by unauthorized individuals; and

(c) there is no shared access to the outdoor area used for child care.

R381-100-10. Ratios and Group Size.

(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 maximum group sizes.

TABLE 1

Caregiver-to-Child Ratios and Maximum Group Sizes

Ages Group of Children	# of Caregivers	# of Caregiver-to-child Children Ratio	Group Size Maximum with two caregivers Group Size
0-11 birth—23 months (Infant)	1	1:4	8
12-17 months (Younger Toddler)	1	1:4	8
18-23 months (Older Toddler)	1	1:5	10
2 years old	1	1:7	14
3 years old	1	1:12	24

4 years old 1 1:15 30
 5 years old and older (School-age) 1 1:20 40

- (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 and Two-year-olds~~

# Caregivers Required	Age	# Children Present
1	18 to 23 months	1-3
2	2	1-6
Total children: up to 7		
2	18 to 23 months	1-6
2	2	1-13
Total children: up to 14		

TABLE 3

~~Two-year-olds and Three-year-olds~~

# Caregivers Required	Age	# Children Present
1	2	1-6
3	3	1-9
Total children: up to 10		
2	2	1-13
3	3	1-19
Total children: up to 20		

TABLE 4

~~Two-year-olds and Four-year-olds~~

# Caregivers Required	Age	# Children Present
1	2	1-6
4	4	1-10
Total children: up to 11		
2	2	1-13
4	4	1-21
Total children: up to 22		

TABLE 5

~~Two-year-olds and Five-twelve Year-olds~~

# Caregivers Required	Age	# Children Present
1	2	1-6
5-12	5-12	1-13
Total children: up to 14		
2	2	1-13
5-12	5-12	1-27
Total children: up to 28		

TABLE 6

~~Three-year-olds and Four-year-olds~~

# Caregivers Required	Age	# Children Present
1	3	1-11
4	4	1-13
Total children: up to 14		
2	3	1-23
4	4	1-27
Total children: up to 28		

TABLE 7

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 8

Four-year-olds 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 9

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 10

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 11

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: up to 14	
2	2	1-13
	4	1-26
	5-12	1-26
	Total children: up to 28	

TABLE 12

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: up to 16	
2	3	1-23
	4	1-30
	5-12	1-30
	Total children: up to 32	

TABLE 13

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	1-13
	3	1-25
	4	1-25
	5-12	1-25
	Total children: up to 28	

(2) For any mixed-age groups of children, the provider shall:

- (a) maintain at least the number of required caregivers;
- (b) not exceed the number of children in the caregiver-to-child ratio;
- (c) not exceed the maximum group sizes; and
- (d) separate any single-age group that reaches their maximum group size from the mix.

(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.

(3) For mixed-age groups of children including infants and toddlers, the provider shall ensure that:

- (a) infants are only mixed with toddlers, unless:
 - (i) the group has eight or fewer children;
 - (ii) there are no more than three children younger than two years old in the group; and
 - (iii) there are at least two caregivers with the group if more than two children who are younger than 18 months old are present and the group has more than four children;

(b) if older toddlers and two-year-old children are mixed, there is at least one caregiver for up to seven children and at least two caregivers for eight and up to 14 children in the group;

(c) Older toddlers and older children are only mixed, besides when only mixed with two-year-old children, when:

- (i) the group has eight or fewer children;
- (ii) there are no more than three older toddlers in the group; and
- (iii) there are at least two caregivers with the group if more than three younger toddlers are present and the group has more than five children.

(4) For mixed-age groups of children not including infants and toddlers, the provider shall ensure that:

- (a) the caregiver-to-child ratio is determined by the age of the oldest child present in the group minus one child of that age group; and
- (b) the maximum group size is determined by the age of the oldest child present in the group, minus two children of that same age group.

(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.

(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.

(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.

(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.

(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.

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

(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.

381-100-11. Child Supervision and Security.

- (1) The provider shall ensure that caregivers provide and maintain active supervision of each child, including:
 - (a) for children younger than five years old, a caregiver is physically present in the room or area with the children;
 - (b) for school-age children, a caregiver can hear the children and is close enough to intervene;
 - (c) caregivers know the number of children in their care at any time;
 - (d) caregivers' attention is focused on the children and not on caregivers' personal interests;
 - (e) caregivers are aware of the entire group of children even when interacting with a smaller group or an individual child; and
 - (f) caregivers position themselves so each child in their assigned group is actively supervised.

(2) The provider shall ensure that staff and household members who are 16 or 17 years old only have unsupervised contact with any child in care, including during offsite activities and transportation when:

- (a) they are left unsupervised for no more than two consecutive hours per group;
- (b) the director or the director designee is physically present and available as needed; and
- (c) they are not volunteers.

(3) The provider shall ensure that staff, volunteers, and household members who are younger than 16 years old are not assigned to care for or supervise any child in care.

(24) The provider shall ensure that when video cameras or mirrors are used to supervise napping children:

- (a) the napping room is adjacent to a non-napping room;
- (b) there is a staff member in the non-napping room;
- (c) cameras or mirrors are positioned so that the staff member can see and hear each child;
- (d) there is an open door without a barrier, such as a gate, between the napping room and the non-napping room; and
- (e) the staff member moves children who wake up to the non-napping room.

(35) The provider shall ensure that a blanket or other item is not be placed over sleeping equipment in a way that prevents the caregiver from seeing the sleeping child.

(46) The provider shall ensure that parents have access to their child and the areas used to care for their child when their child is in care.

(57) To maintain security and supervision of children, the provider shall ensure that:

- (a) each child is signed in and out;
- (b) only parents or individuals with written authorization from the parent may sign out a child;
- (c) photo identification is required if the individual signing the child out is unknown to the provider;
- (d) individuals signing children in and out use identifiers, such as a signature, initials, or electronic code;
- (e) the sign-in and sign-out records include the date and time each child arrives and leaves; and
- (f) there is written permission from the child's parent if school-age children sign themselves in or out.

(68) In an emergency, the provider shall accept the parent's verbal authorization to release a child if the provider can confirm the identity of:

- (a) the individual giving verbal authorization; and
- (b) the individual picking up the child.

(79) The provider shall ensure that a six-week record of each child's daily attendance, including sign-in and sign-out records, is kept on-site for review by the department.

R381-100-19. Play Equipment.

(1) The provider shall ensure that children using play equipment use it safely and in the manner intended by the manufacturer.

(2) The provider shall ensure that the highest designated play surface on stationary play equipment used by infants or toddlers does not exceed three feet in height.

(3) The provider shall ensure that swings used by infants or toddlers have enclosed seats.

(4) The provider shall ensure that stationary play equipment has a surrounding use zone that extends from the outermost edge of the equipment and that, with the exception of swings, stationary play equipment that is:

- (a) used by infants or toddlers has at least a three-foot use zone if any designated play surface is higher than 18 inches;
- (b) used by preschoolers has at least a six-foot use zone if any designated play surface is higher than 20 inches; and
- (c) used by school-age children has at least a six-foot use zone if any designated play surface is higher than 30 inches.

(5) The provider shall ensure that the use zone in the front and rear of a single-axis, enclosed swing extends at least twice the distance of the swing pivot point to the swing seat.

(6) The provider shall ensure that the use zone in the front and rear of a single-axis swing extends at least twice the distance of the swing pivot point to the ground.

(7) The provider shall ensure that the use zone for a multi-axis swing, such as a tire swing, extends:

- (a) at least the measurement of the suspending rope or chain plus three feet, if the swing is used by infants or toddlers; or
- (b) at least the measurement of the suspending rope or chain plus six feet, if the swing is used by preschoolers or school-age children.

(8) The provider shall ensure that the use zone for a merry-go-round extends:

- ~~(a) at least three feet in any direction from its outermost edge if the merry-go-round is used by infants or toddlers; or~~
- ~~(b) at least six feet in any direction from its outermost edge if the merry-go-round is used by preschoolers or school-age children.~~

(9) The provider shall ensure that the use zone for a spring rocker extends:

- (a) at least three feet from the outermost edge of the rocker when at rest; or
- (b) at least six feet from the outermost edge of the rocker when at rest if the seat is higher than 20 inches, and the rocker is used by preschoolers

or school-age children.

(10) The provider shall ensure that the following use zones do not overlap the use zone of any other piece of play equipment:

- (a) the use zone in front of a slide;
- (b) the use zone in the front and rear of any single-axis swing, including a single-axis enclosed swing;
- (c) the use zone of a multi-axis swing; and
- (d) the use zone of a merry-go-round if the platform diameter measures 20 inches or more.

(11) Unless prohibited in Subsection R381-100-19(10), the provider shall ensure that the use zones of play equipment only overlap when:

- (a) the equipment is used by infants or toddlers, and there is at least three feet between the pieces of equipment; or

(b) the equipment is used by preschoolers or school-age children and there is at least six feet between the pieces of equipment if the designated play surface is 30 inches or lower, or there is at least nine feet between the pieces of equipment if the designated play surface is higher than 30 inches.

(12) The provider shall ensure that, when in use, stationary play equipment is not placed on a hard surface such as concrete, asphalt, dirt, or the bare floor.

(13) The provider shall ensure that protective cushioning covers the entire surface of each required use zone and that its depth or thickness is determined by the highest designated play surface of the equipment.

(14) If sand, gravel, or shredded tires are used as protective cushioning, the provider shall:

(a) ensure that the cushioning is periodically checked for compaction and loosened to the depth listed in Table 14 if compacted;

(b) if the material cannot be loosened due to extreme weather conditions, not allow children to play on the equipment until the material can be loosened to the required depth; and

(c) ensure that the depth of the material meets the guidelines in Table 14.

TABLE 14

Depths of Protective Cushioning Required for Sand, Gravel, and Shredded Tires

Highest Designated Play Surface, Climbing Bar, or Swing Pivot Point	Fine Sand	Coarse Sand	Fine Gravel	Medium Gravel	Shredded Tires
	Up to 5' high	6"	6"	6"	6"
Over 5' up to 6'	6"	9"	6"	9"	6"
Over 6' up to 9'	9"	not allowed	9"	not allowed	6"
Over 9' up to 10'	not allowed	not allowed	9"	not allowed	6"
Over 10' up to 12'	not allowed	not allowed	not allowed	not allowed	6"

(15) If shredded wood products are used as protective cushioning, the provider shall:

(a) keep on-site for review by the department documentation from the manufacturer that the wood product is protective cushioning;

(b) ensure there is adequate drainage under the material; and

(c) ensure the depth of the shredded wood meets the guidelines in Table 15.

TABLE 15

Depths of Protective Cushioning Required for Shredded Wood Products

Highest Designated Play Surface, Climbing Bar, or Swing Pivot Point	Engineered Wood Fibers	Wood Chips	Double Shredded Bark Mulch
	Up to 6' high	6"	6"
Over 6' up to 7'	9"	6"	9"
Over 7' up to 11'	9"	9"	9"
Over 11'	9"	not allowed	not allowed

(16) If a unitary cushioning is used, the provider shall maintain on-site for review by the department documentation from the manufacturer that the material is cushioning for playgrounds.

(17) If a unitary cushioning is used, the provider shall ensure that the cushioning material is securely installed, so that it cannot become displaced when children jump, run, walk, land, or move on it, or be moved by children picking it up.

(18) The provider shall ensure that a play equipment platform that is more than:

(a) 18 inches above the floor or ground and used by infants or toddlers has a protective barrier that is at least 24 inches high;

(b) 30 inches above the floor or ground and used by preschoolers has a protective barrier that is at least 29 inches high; and

(c) 48 inches above the floor or ground and used by school-age children has a protective barrier that is at least 38 inches high.

(19) The provider shall ensure that there is no gap greater than 3-1/2 inches in or under a required protective barrier on a play equipment platform.

(20) The provider shall ensure that stationary play equipment is stable or securely anchored.

(21) The provider shall ensure that there are no trampolines on the premises that are accessible to any child in care.

(22) The provider shall ensure that there are no entrapment hazards on or within the use zone of any piece of stationary play equipment.

(23) The provider shall ensure that there are no strangulation hazards on or within the use zone of any piece of stationary play equipment.

(24) The provider shall ensure that there are no crush, shearing, or sharp edge hazards on or within the use zone of any piece of stationary play equipment.

(25) The provider shall ensure that there are no tripping hazards such as concrete footings, tree stumps, tree roots, or rocks within the use zone of any piece of stationary play equipment.

R381-100-24. Infant and Toddler Care.

If the provider cares for infants or toddlers:

(1) The provider shall ensure that each awake infant and toddler receives positive physical and verbal interaction with a caregiver at least once every 20 minutes.

(2) To stimulate their healthy development, the provider shall ensure that infants receive daily interactions with adults; including on the ground interaction and closely supervised time spent in the prone position for infants less than six months old.

(3) The provider shall ensure that infant and toddler areas are not used to pass through or access other indoor and outdoor areas.

(4) The provider shall ensure that infants and toddlers play in the same enclosed outdoor space with older children only when there are eight or fewer children in the group.

(5) The provider shall ensure that caregivers respond promptly to infants and toddlers who are in emotional distress due to conditions such as hunger, fatigue, a wet or soiled diaper, fear, teething, or illness.

(6) For their healthy development, the provider shall make safe toys available and accessible for each infant and toddler to engage in play.

(7) The provider shall ensure that mobile infants and toddlers have freedom of movement in a safe area.

(8) The provider shall not confine an awake infant or toddler in any piece of equipment, such as a swing, high chair, crib, playpen, or other similar piece of equipment for more than 30 minutes.

(9) The provider shall ensure that only one infant or toddler occupies any one piece of equipment at a time, unless the equipment has individual seats for more than one child.

(10) The provider shall make objects made of styrofoam inaccessible to infants and toddlers.

(11) The provider shall allow each infant and toddler to eat and sleep on their own schedule.

(12) The provider shall ensure that baby food, formula, or breast milk that is brought from home for an individual child's use is:

(a) labeled with the child's name;

(b) labeled with the date and time of preparation or opening of the container, such as a jar of baby food;

(c) kept refrigerated if needed; and

(d) discarded within 24 hours of preparation or opening, except for unprepared powdered formula or dry food.

(13) If an infant is unable to sit upright and hold their own bottle, the provider shall ensure that a caregiver holds the infant during bottle feeding and that bottles are not propped.

(14) The provider shall ensure that the caregiver swirls and tests warm bottles for temperature before feeding to children.

(15) The provider shall discard formula and milk, including breast milk, after feeding or within two hours of starting a feeding.

(16) The provider shall ensure that caregivers cut solid foods for infants into pieces no larger than 1/4 inch in diameter, and cut solid foods for toddlers into pieces no larger than 1/2 inch in diameter.

(17) The provider shall ensure that infants sleep in equipment designed for sleep such as a crib, bassinet, porta-crib or playpen, and that infants are not placed to sleep on a mat, cot, pillow, bouncer, swing, car seat, or other similar piece of equipment ~~unless the provider has written permission from the infant's parent.~~

(18) The provider shall place infants on their backs for sleeping unless there is documentation from a health care provider requiring a different sleep position.

(19) The provider shall not place soft toys, loose blankets, or other objects in sleep equipment while in use by sleeping infants.

(20) The provider shall document each infant's eating and sleeping patterns each day infants are at the facility, and make sure the record:

(a) is completed within an hour of each feeding or nap; and

(b) includes the infant's name, the food and beverages eaten, and the times the infant slept.

(21) Within an hour of each infant or toddler's diaper change, the provider shall record:

(a) the infant or toddler's name;

(b) the time of the diaper change; and

(c) whether the diaper was dry, wet, soiled, or both.

(22) The provider shall maintain on-site for review by the department a six-week record of:

(a) the eating and sleeping patterns for each infant; and

(b) the diaper changes for each infant and toddler.

KEY: child care facilities, child care, child care centers

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