

922 KAR 2:120. Child-child care center health and safety standards.

RELATES TO: KRS Chapter 151, Chapter 186, 199.894(1), 199.896(2), (18), (19), 199.898, 211.350-211.380, Chapter 217, 227.220, 314.011(5), 620.030, 16 C.F.R. 1508, 1509, 45 C.F.R. 98.2, 49 C.F.R. 571.213

STATUTORY AUTHORITY: KRS 194A.050(1), 199.896(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate programs and fulfill the responsibilities vested in the cabinet, quality for the receipt of federal funds, and cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. KRS 199.896(2) authorizes the Cabinet for Health and Family Services to promulgate administrative regulations and standards for child-care centers. This administrative regulation establishes health and safety standards for child-care centers.

Section 1. Definitions. (1) "Adequate supervision" means that qualified staff devotes full-time attention to a child in care and ensures the child is within scope of vision and range of voice.

(2) "Cabinet" is defined by KRS 199.894(1).

(3) "Director" means an individual:

(a) Who meets the education and training requirements as specified in 922 KAR 2:110, Section 4;

(b) Whose primary full-time job responsibilities are to ensure compliance with 922 KAR 2:090, 922 KAR 2:110, and this administrative regulation; and

(c) Who is responsible for directing the program and managing the staff at the child-care center.

(4) "Health professional" means a person currently licensed as a:

(a) Physician;

(b) Physician's assistant;

(c) Advanced registered nurse practitioner; or

(d) Registered nurse as defined in KRS 314.011(5) under the supervision of a physician.

(5) "Infant" means a child who is less than twelve (12) months of age.

(6) "Licensee" means an individual, partnership, corporation, or other entity authorized to operate a child-care center.

(7) "Nontraditional hours" means the hours of:

(a) 6 p.m. through 6 a.m., Monday through Friday; or

(b) 6 p.m. on Friday until 6 a.m. on Monday.

(8) "Parent" is defined in 45 C.F.R. 98.2.

(9) "Premises" means the building and contiguous property in which child care is provided.

(10) "Protective surface" means loose surfacing material not installed over concrete which includes the following:

(a) Wood mulch;

(b) Double shredded bark mulch;

(c) Uniform wood chips;

(d) Fine sand;

(e) Coarse sand;

(f) Pea gravel, except for areas used by children under three (3) years of age;

(g) Certified shock absorbing resilient material; or

(h) Other material approved by the cabinet or designee.

(11) "Related" means having one (1) of the following relationships with the operator of the child care center:

1. Child;

2. Grandchild;

3. Niece;

4. Nephew;

5. Sibling;

6. Stepchild; or

7. Child in legal custody of the operator.

(12) "School-age" means a child enrolled in kindergarten, elementary, or secondary education.

(13) "Toddler" means a child between the age of twelve (12) months and twenty-four (24) months.

(14) "Type I child-care center" means a child-care center licensed to regularly provide child care services for:

(a) Four (4) or more children in a nonresidential setting; or

(b) Thirteen (13) or more children in a residential setting with designated space separate from the primary residence of a licensee.

(15) "Type II child-care center" means the primary residence of the licensee in which child care is regularly provided for at least seven (7), but not more than twelve (12), children including children related to the licensee.

Section 2. Child Care Services. (1) Services described in this administrative regulation shall be maintained during all hours of operation that child care is provided.

(2) Minimum staff-to-child ratios and group size for an operating child-care center shall be maintained as follows:

Age of Children	Ratio	Maximum Group Size*
Infant	1 staff for 5 children	10
Toddler	1 staff for 6 children	12
2 to 3 years	1 staff for 10 children	20
3 to 4 years	1 staff for 12 children	24
4 to 5 years	1 staff for 14 children	28
5 to 7 years	1 staff for 15 children	30
7 and older	1 staff for 25 children (for before and after school)	30
	1 staff for 20 children (full day of care)	30

*Maximum Group Size shall be applicable only to Type I centers.

- (a) In a Type I center, a group size shall:
 1. Be separately maintained in a defined area unique to the group; and
 2. Have specific staff assigned to, and responsible for, the group.
- (b) The age of the youngest child in the group shall determine the:
 1. Staff-to-child ratio; and
 2. Maximum group size.
- (c) This subsection and subsection (9) of this section shall not apply during normal school hours to a center:
 1. Providing early childhood education to mixed-age groups of children whose ages range from two and one-half (2 1/2) years to six (6) years; and
 2. Accredited by or affiliated with a nationally-recognized education association that has criteria for group size and staff-to-child ratios contrary to the requirements of this subsection.
- (d) If a child related to the director, employee, or person under the supervision of the licensee is receiving care in the center, the child shall be included in the staff-to-child ratio.
- (3)(a) Each center shall maintain a child care program that assures each child will be:
 1. Provided adequate supervision at all times; and
 2. Protected from abuse or neglect.
- (b) The program shall include:
 1. A procedure to inform child care staff of the laws of the Commonwealth pertaining to child abuse or neglect set forth in KRS 620.030; and
 2. Written policy that specifies that the procedures that were taught at the orientation training shall be implemented by each child-care center staff member.
- (4) The child-care center shall provide a daily planned program of activities:
 - (a) Posted in writing in a conspicuous location with each age group and followed;
 - (b) Geared to the individual needs and developmental levels of each child served;
 - (c) That provides experience to promote the individual child's physical, emotional, social, and intellectual growth and well-being;
 - (d) That offers a variety of creative activities including the following:
 1. Art;
 2. Music;
 3. Dramatic play;
 4. Stories and books;
 5. Science;
 6. Block building;
 7. Tactile activity;
 8. Culture;
 9. Indoor or outdoor play in which a child makes use of both small and large muscles;
 10. A balance of active and quiet play, including group and individual activity;
 11. An opportunity for a child to:
 - a. Have some free choice of activities;
 - b. If desired, play apart from the group at times; and
 - c. Practice developmentally-appropriate self-help procedures in respect to:
 - (i) Clothing;
 - (ii) Toileting;
 - (iii) Hand-washing; and
 - (iv) Eating; and
 12. Use of electronic viewing and listening devices if the:
 - a. Material is appropriate to the child using the equipment;
 - b. Material does not include any violence, adult content viewing, or inappropriate language;
 - c. Viewing or listening is limited to two (2) hours per day;
 - d. Viewing or listening is discussed with parents prior to viewing or listening; and
 - e. Viewing or listening is designed as an educational tool.
- (5) A child who does not wish to use the electronic devices during the planned program shall be offered other appropriate activities.
- (6) Regularity of routines shall be implemented to afford the child familiarity with the daily schedule of activity.
- (7) Sufficient time shall be allowed for an activity so that a child may progress at their own developmental rate.
- (8) A child shall not be required to stand or sit for a prolonged period of time:
 - (a) During an activity;
 - (b) While waiting for an activity to start; or
 - (c) As punishment.
- (9) If school-age care is provided:
 - (a) A separate area or room shall be provided in a Type I center; and
 - (b) Each child shall be provided a snack after school.
- (10) A child shall not be subjected to:
 - (a) Corporal physical discipline pursuant to KRS 199.896(18);
 - (b) Loud, profane, threatening, frightening, or abusive language; or
 - (c) Discipline that is associated with:
 1. Rest;
 2. Toileting; or
 3. Food.
- (11) If nontraditional hours of care are provided:
 - (a) Including time spent in school, a child shall not be permitted to spend more than sixteen (16) hours in the child-care center during one (1) twenty-four (24) hour period;
 - (b) At least one (1) staff member shall be assigned responsibility for each sleeping room;
 - (c) A child present for an extended period of time during waking hours shall receive a program of well-balanced and constructive activity geared to the child's age level and developmental needs;
 - (d) A child sleeping three (3) hours or more shall sleep in:
 1. Pajamas; or
 2. A nightgown;

(e) If a child attends school from the child-care center, the child shall be offered breakfast; and

(f) Staff shall:

1. If employed by a Type I center, remain awake while on duty; or
2. If employed by or is the operator of a Type II center, remain awake until every child in care is asleep.

Section 3. General Requirements. (1) Electronic viewing and listening devices shall only be used in the center as a part of the child's planned program of activity described Section 2(4)(d).

(2) Activity areas, equipment, and materials shall be arranged so that the child's activity can be given adequate supervision by staff.

(3) Computer equipment shall be equipped with a monitoring device which limits access by a child to items inappropriate for a child to view or hear.

(4) A child shall:

- (a) Be helped with personal care and cleanliness; and
- (b) Wash his or her hands with liquid soap and warm running water:
 1. Upon arrival at the center;
 2. Before and after eating or handling food;
 3. After toileting or diaper change;
 4. After handling animals;
 5. After wiping or blowing nose;
 6. After touching items soiled with body fluids or wastes; and
 7. After outdoor or indoor play time.

(5) Staff shall:

- (a) Maintain personal cleanliness;
- (b) Conform to hygienic practices while on duty; and
- (c) Wash their hands with liquid soap and running water:
 1. Upon arrival at the center;
 2. After toileting or assisting a child in toileting;
 3. Before and after diapering each child;
 4. After wiping or blowing a child's or own nose;
 5. After handling animals;
 6. After caring for a sick child;
 7. Before and after feeding a child or eating;
 8. Before dispensing medication; and
 9. If possible, before administering first aid.

(6) A staff person suspected of being infected with a communicable disease shall:

- (a) Not perform duties that may allow for the transmission of the disease until the infectious condition can no longer be transmitted; and
- (b) Provide a statement from a health professional, if requested.

(7) The following shall be inaccessible to a child in care:

- (a) Toxic cleaning supplies, poisons, and insecticides;
 - (b) Knives and sharp objects;
 - (c) Matches, cigarettes, lighters, and flammable liquids;
 - (d) Plastic bags;
 - (e) Litter and rubbish;
 - (f) Bar soap; and
 - (g) Personal belongings of staff.
- (8) Guns and ammunition shall be stored separately in a locked area outside of the designated child care area.

(9) Smoking shall:

- (a) Be permitted in accordance with local ordinances;
- (b) Be allowed only in outside designated areas; and
- (c) Not be permitted in the presence of a child.

(10) While bottle feeding an infant, the:

- (a) Child shall be held; and
- (b) Bottle shall not be:
 1. Propped;
 2. Left in the mouth of a sleeping infant; or
 3. Heated in a microwave.

(11) Except for an infant, toddler, or a child who attends nontraditional hours of care, a child shall have rest periods not to exceed two (2) hours. A child who does not sleep shall be permitted to play quietly after a reasonable rest period specific to the needs of the child.

(12) Staff in a child-care center shall follow the most current policy of the American Academy of Pediatrics, located at <http://www.aap.org/>, when placing a child to sleep.

Section 4. Premises Requirements. (1) The premises shall be:

- (a) Suitable for the purpose intended;
- (b) Kept clean and in good repair; and
- (c) Equipped with a land-line telephone accessible to a room used by a child.

(2) A child-care center shall be in compliance with the State Fire Marshal requirements established in KRS 227.220 and the local zoning laws.

(3) Fire and emergency exits shall be kept clear of debris.

(4) The building shall be constructed to ensure the:

(a) Building is:

1. Dry;
 2. Adequately heated;
 3. Ventilated; and
 4. Well lit, including clean light fixtures:
 - a. That are in good repair in all areas; and
 - b. Shielded or have shattered proof bulbs installed; and
- (b) Following are protected:
1. Windows;

2. Doors;
 3. Stoves;
 4. Heaters;
 5. Furnaces;
 6. Pipes; and
 7. Stairs.
- (5) Exclusive of the kitchen, bathroom, hallway, and storage area, there shall be a minimum of thirty-five (35) square feet of space per child.
- (6) Measures shall be utilized to control the presence of:
- (a) Rodents;
 - (b) Flies;
 - (c) Roaches; and
 - (d) Other vermin.
- (7) An opening to the outside shall be effectively protected against the entrance of vermin by:
- (a) Self-closing doors;
 - (b) Closed windows;
 - (c) Screening;
 - (d) Controlled air current; or
 - (e) Other effective means.
- (8) Floors, walls, and ceilings shall be smooth, in good repair, and constructed to be easily cleaned.
- (9) The water supply shall be:
- (a) Potable;
 - (b) Protected from contamination;
 - (c) Adequate in quality and volume;
 - (d) Under sufficient pressure to permit unrestricted use; and
 - (e) Obtained from an approved public water supply or a source approved by the local health department.
- (10) Groundwater supplies for a center caring for:
- (a) More than twenty-five (25) children shall meet the specifications of the Cabinet for Environmental and Public Protection Division of Water, established in KRS Chapter 151; or
 - (b) Twenty-five (25) children or less shall secure approval from the:
 1. Cabinet for Environmental and Public Protection; or
 2. Local health department.
- (11) Sewage shall be properly disposed by a method approved by the:
- (a) Cabinet for Environmental and Public Protection; or
 - (b) Cabinet.
- (12) All plumbing shall comply with the State Plumbing Code established in KRS 211.3470.
- (13) Solid waste shall be kept in a suitable receptacle in accordance with local, county and state law, as governed by KRS 211.350 to 211.380.
- (14) If a portion of the building is used for a purpose other than child care, necessary provisions shall be made to avoid interference with the child care program.
- (15) The temperature of the inside area of the premises shall be:
- (a) Sixty-five (65) to seventy-five (75) degrees Fahrenheit during the winter; or
 - (b) Sixty-eight (68) to eighty-two (82) degrees Fahrenheit during the summer months.
- (16) A kitchen shall not be required if:
- (a) The only food served is an afternoon snack to school-age children; and
 - (b) Adequate refrigeration is maintained.
- (17) The Department of Housing, Buildings and Construction, State Fire Marshal's Office, and cabinet shall be contacted concerning a planned new building, addition, or major renovation prior to construction.
- (18) An outdoor play area shall be:
- (a) Except for an after-school child care program, located on the premises of a public or state-accredited nonpublic school, fenced for the safety of the children;
 - (b) A minimum of sixty (60) square feet per child, separate from and in addition to the thirty-five (35) square feet minimum pursuant to subsection (5) of this section;
 - (c) Free from:
 1. Litter;
 2. Glass;
 3. Rubbish; and
 4. Flammable materials;
 - (d) Safe from foreseeable hazard;
 - (e) Well drained;
 - (f) Well maintained;
 - (g) In good repair; and
 - (h) Visible to staff at all times.
- (19) A protective surface shall:
- (a) Be provided for outdoor play equipment used to:
 1. Climb;
 2. Swing; and
 3. Slide; and
 - (b) Have a fall zone equal to the height of the equipment.
- (20) If a child-care center does not have access to an outdoor play area, an indoor space shall:
- (a) Be used as a play area;
 - (b) Have a minimum of sixty (60) square feet per child, separate from and in addition to the thirty-five (35) square feet minimum pursuant to subsection (5) of this section;
 - (c) Include equipment for gross motor skills;
 - (d) Be well-ventilated;
 - (e) Be heated; and
 - (f) Have a protective surface of at least two (2) inches thick around equipment intended for climbing.

(21) Fences shall be:

- (a) Constructed of safe material;
- (b) Stable; and
- (c) In good condition.

(22) Supports for climbing apparatus and large equipment shall be securely fastened to the ground.

(23) Crawl spaces, such as tunnels, shall be short and wide enough to permit access by adults.

(24) A sandbox shall be:

- (a) Constructed to allow for drainage;
- (b) Covered when not in use;
- (c) Kept clean; and
- (d) Checked for vermin prior to use.

(25) Bodies of water that shall not be utilized include:

- (a) Portable wading pools;
- (b) Natural bodies of water; and
- (c) Unfiltered, nondisinfected containers.

(26) A child-care center shall have enough toys, play apparatus, and age-appropriate developmental materials to provide each child with a variety of activities during the day, as specified in Section 2 of this administrative regulation.

(27) Storage space shall be provided:

- (a) In the form of low open shelves accessible to the children; and
- (b) In sufficient quantity for each child's clothing.

(28) Supplies shall be stored so that the adult can reach them without leaving the child unattended.

Section 5. Infant and Toddler Play Requirements. (1) Infant and toddler inside areas shall:

- (a) Be separate from an area used by an older child;
 - (b) Not be an exit or entrance; and
 - (c) Have adequate crawling space for an infant or toddler away from general traffic patterns of the center.
- (2) An infant or toddler may participate in an activity with an older child for no more than one (1) hour.
- (3) If a child-care center provides an outdoor play area for an infant or toddler, the outdoor area shall be:
- (a) Shaded; and
 - (b) A separate area or scheduled at a different time than an older child.

Section 6. Sleeping and Napping Equipment. (1) An individual cot, crib, baby bed, or two (2) inch thick waterproof mat shall be provided for a child in attendance for more than three and one-half (3 1/2) hours per day.

(2) A crib shall:

- (a) Be equipped with a firm, comfortable waterproof mattress; and
 - (b) Meet the standards set forth in 16 C.F.R. 1508 and 1509.
- (3) Individual sheets and covers shall be:
- (a) Provided for a child;
 - (b) Laundered a minimum of once per week or more often, if necessary; and
 - (c) Stored in a sanitary manner.
- (4) If cots or mats are used, floors shall be free from:
- (a) Drafts;
 - (b) Liquid substances;
 - (c) Dirt; and
 - (d) Dampness.

(5) Cots, other equipment, and furnishings shall be spaced twelve (12) inches apart to allow free and safe movement by a person.

(6) A tiered crib shall not be used.

(7) Cots or mats not labeled for individual use by a child shall be sanitized after each use.

(8) Cots or mats shall not be ripped or torn.

Section 7. First Aid and Medicine. (1) First aid supplies shall:

- (a) Be available to provide prompt and proper first aid treatment;
- (b) Be stored out of reach of a child;
- (c) Be periodically inventoried to ensure the supplies are current;
- (d) If reusable, be:
 - 1. Sanitized; and
 - 2. Maintained in a sanitary manner; and

(e) Include:

- 1. Liquid soap;
- 2. Adhesive bandages;
- 3. Sterile gauze;
- 4. Medical tape;
- 5. Scissors;
- 6. A thermometer;
- 7. Flashlight;
- 8. Cold pack;
- 9. First aid book;
- 10. Disposable gloves; and
- 11. A cardiopulmonary resuscitation mouthpiece protector.

(2) A child showing signs of an illness or condition that may be communicable shall not be admitted to the regular child care program.

(3) If a child becomes ill while at the center:

- (a) The child shall be placed in a supervised area isolated from the rest of the children;
 - (b) The parent shall be contacted immediately; and
 - (c) Arrangements shall be made to remove the child from the child-care center as soon as practicable.
- (4) Prescription medication shall not be administered to a child in care, without a daily written request of the parent.

- (5) Nonprescription medication:
 - (a) May be given to a child only with the written daily request of the:
 - 1. Parent; or
 - 2. Person exercising custodial control of the child; and
 - (b) Shall be administered according to the instructions on the label.
- (6) The child-care center shall keep a written record of the administration of medication, including:
 - (a) Time;
 - (b) Date;
 - (c) Amount; and
 - (d) Name of staff person giving the medication.
- (7) Medication, including refrigerated medication, shall be:
 - (a) Stored in a separate and locked place, out of the reach of a child;
 - (b) Kept in the original bottle; and
 - (c) Properly labeled.
- (8) Medication shall not be given to a child if the expiration date on the bottle has passed.

Section 8. Kitchen Requirements. (1) The kitchen shall:

- (a) Be clean;
- (b) Be equipped for the proper:
 - 1. Preservation;
 - 2. Storage;
 - 3. Preparation; and
 - 4. Serving of food;
- (c) Be adequately ventilated to the outside air; and
- (d) Except in a Type II center when a meal is not being prepared, not be used for the activity of a child.
- (2) A center required to have a food service permit shall be in compliance with 902 KAR 45:005 and this administrative regulation.
- (3) A child shall be:
 - (a) Seated with sufficient room to manage food and tableware; and
 - (b) Supplied with individual eating utensils designed for use by a child.
- (4) Convenient and suitable sanitized utensils shall be:
 - (a) Provided; and
 - (b) Used to minimize handling of food during preparation.
- (5) A cold-storage facility used for storage of perishable food in a nonfrozen state shall:
 - (a) Have an indicating thermometer or other appropriate temperature measuring device;
 - (b) Be in a safe environment for preservation; and
 - (c) Be forty-five (45) degrees Fahrenheit or below, or 140 degrees Fahrenheit or above.
- (6) Except when being thawed for preparation or use, frozen food shall be:
 - (a) Kept at a temperature of zero degrees Fahrenheit or below; and
 - (b) If potentially hazardous:
 - 1. Thawed at refrigerator temperatures;
 - 2. Thawed under cool, potable running water;
 - 3. Quick thawed as part of the cooking process; or
 - 4. Thawed by another method in accordance with the Department of Public Health's food safety standards and permits, established in KRS Chapter

217.

- (7) Equipment, utensils, and surfaces contacting food shall be:
 - (a) Smooth;
 - (b) Free of breaks, open seams, cracks, and chips;
 - (c) Accessible for cleaning; and
 - (d) Nontoxic.
- (8) The following shall be clean and sanitary:
 - (a) Eating and drinking utensils;
 - (b) Kitchenware;
 - (c) Food contact surfaces of equipment;
 - (d) Food storage utensils;
 - (e) Cooking surfaces of equipment; and
 - (f) Nonfood contact surfaces of equipment.
- (9) A single-service article shall be:
 - (a) Stored;
 - (b) Handled and dispensed in a sanitary manner; and
 - (c) Used only once.
- (10) Bottles shall be:
 - (a) Individually labeled;
 - (b) Promptly refrigerated; and
 - (c) Covered when not in use.

Section 9. Food Requirements. (1) There shall be at least a two (2) hour lapse, but no longer than three (3) hours lapse, between each meal or snack.

- (2) A child present at meal or snack time shall be served.
- (3) The child-care center shall serve:
 - (a) 1. Breakfast; or
 - 2. A mid-morning snack;
 - (b) Lunch;
 - (c) A mid-afternoon snack; and
 - (d) If appropriate, dinner.
- (4) A weekly menu shall be:
 - (a) Prepared;

- (b) Dated;
- (c) Posted in advance in a conspicuous place;
- (d) Kept on file for thirty (30) days; and
- (e) Substitutions to a posted weekly menu shall be noted on the day the meal is served.
- (5) Breakfast shall include:
 - (a) Milk;
 - (b) Bread; and
 - (c) 1. Fruit;
 - 2. Vegetable; or
 - 3. 100 percent juice.
- (6) A snack shall include two (2) of the following:
 - (a) Milk;
 - (b) Protein;
 - (c) Bread; or
 - (d) 1. Fruit;
 - 2. Vegetable; or
 - 3. 100 percent juice.
- (7) Lunch and dinner shall include:
 - (a) Milk;
 - (b) Protein;
 - (c) Bread; and
 - (d) 1. Two (2) vegetables; or
 - 2. A fruit and one (1) vegetable.
- (8) Food shall be:
 - (a) Clean;
 - (b) Free from:
 - 1. Spoilage;
 - 2. Adulteration; and
 - 3. Misbranding;
 - (c) Safe for human consumption;
 - (d) Withheld from service or discarded if the food is hermetically sealed, nonacidic, or low-acidic food that has been processed in a place other than a commercial food-processing establishment;
 - (e) Obtained from a source that is in compliance with the Department of Public Health's food safety standards and permits, established in KRS Chapter 217;
 - (f) Acceptable if from an established commercial food store;
 - (g) Served in a quantity reflecting the developmental stage of the child with additional portions provided upon request of the child; and
 - (h) Protected against contamination from:
 - 1. Dust;
 - 2. Flies;
 - 3. Rodents and other vermin;
 - 4. Unclean utensils and work surfaces;
 - 5. Unnecessary handling;
 - 6. Coughs and sneezes;
 - 7. Flooding;
 - 8. Drainage; and
 - 9. Overhead leakage.
 - (9) Food shall be stored on:
 - (a) Clean racks;
 - (b) Clean shelves;
 - (c) Other clean surfaces; or
 - (d) If maintained in a sanitary condition, food in nonabsorbent containers may be stored on the floor.
 - (10) Fruits and vegetables shall be washed before cooking or serving.
 - (11) Meat salads, poultry salads, and cream filled pastries shall be:
 - (a) Prepared with utensils that are clean; and
 - (b) Unless served immediately, refrigerated pending service.
 - (12) An individual portion of food served to a child or adult shall not be served again.
 - (13) Wrapped food that is still wholesome and has not been unwrapped may be reserved.
 - (14) Drinking water shall be freely available to a child.
 - (15) A center may participate in the Child and Adult Care Food Program (CACFP) or provide formula to the child.
 - (16) A parent who provides formula or breast milk to the center for the child shall prepare the liquid and label its container.

Section 10. Toilet, Diapering, and Toiletry Requirements. (1) A child-care center shall have a minimum of one (1) toilet and one (1) lavatory for each twenty (20) children. Urinals may be substituted for up to one-half (1/2) of the number of toilets required for a male toilet room.

- (2) A toilet room shall:
 - (a) 1. Be provided for each gender; or
 - 2. A plan shall be implemented to use the same toilet room at separate times;
 - (b) Have a supply of toilet paper; and
 - (c) Be cleaned and sanitized daily.
- (3) A sink shall be:
 - (a) Located in or immediately adjacent to toilet rooms;
 - (b) Equipped with hot and cold running water that allows for hand washing;
 - (c) Equipped with hot water no more than 110 degrees Fahrenheit;
 - (d) Equipped with liquid soap and single use disposable hand drying material;
 - (e) Equipped with an easily cleanable, covered waste receptacle; and
 - (f) Immediately adjacent to a changing area used for infants and toddlers.

- (4) Each toilet shall:
 - (a) Be kept in clean condition;
 - (b) Be kept in good repair;
 - (c) Be in a lighted room; and
 - (d) Have ventilation to outside air.
- (5) Toilet training shall be coordinated with the child's parent.
- (6) An adequate quantity of freshly laundered or disposable diapers and clean clothing shall be available.
- (7) If a toilet training chair is used, the chair shall be:
 - (a) Emptied promptly; and
 - (b) Sanitized after each use.
- (8) Diapers or clothing shall be:
 - (a) Changed when soiled or wet;
 - (b) Stored in a covered container temporarily; and
 - (c) Washed or disposed of at least once a day.
- (9) The proper methods of diapering and hand-washing shall be posted at each diaper changing area.
- (10) When a child is diapered, the child shall:
 - (a) Not be left unattended; and
 - (b) Be placed on a surface that is:
 - 1. Clean;
 - 2. Padded;
 - 3. Free of holes, rips, tears, or other damage;
 - 4. Nonabsorbent;
 - 5. Easily cleaned; and
 - 6. Free of any items not used for diaper changing.
- (11) Unless allergic, individual disposable washcloths shall be used to thoroughly clean the affected area of the child.
- (12) Staff shall disinfect the diapering surface after each child is diapered.
- (13) If staff wear disposable gloves, the gloves shall be changed and disposed after each child is diapered.
- (14) Combs, towels or washcloths, brushes, and toothbrushes used by a child shall be:
 - (a) Individually stored in separate containers; and
 - (b) Plainly labeled with the child's name.
- (15) Toothbrushes shall be:
 - (a) Individually identified;
 - (b) Allowed to air dry; and
 - (c) Protected from contamination.
- (16) Toothpaste used by multiple children shall be dispensed onto an intermediate surface such as waxed paper to avoid cross contamination.

Section 11. Toys and Furnishings. (1) All toys, equipment, and furniture contacted by a child shall be:

- (a) Kept clean and in good repair and
- (b) Free of peeling, flaking, or chalking paint.
- (2) Indoor and outdoor equipment shall:
 - (a) Be clean, safe, and in good repair;
 - (b) Meet the physical, developmental needs, and interests of children of different age groups;
 - (c) Be free from sharp points or corners, splinters, protruding nails or bolts, loose or rusty parts, hazardous small parts, lead-based paint, poisonous material, and flaking or chalking paint; and
 - (d) Be designed to guard against entrapment or situations that may cause strangulation.
- (3) Toys shall be:
 - (a) Used according to the manufacturer's safety specifications;
 - (b) Durable; and
 - (c) Without sharp points or edges.
- (4) Toys and other items that are considered mouth contact surfaces by a child not toilet trained shall be sanitized daily by:
 - (a) Scrubbing in warm, soapy water using a brush to reach into crevices;
 - (b) Rinsing in clean water;
 - (c) Submerging in a sanitizing solution for at least two (2) minutes; and
 - (d) Air dried.
- (5) Tables and chairs shall be of suitable size for children.
- (6) Chairs appropriate for staff shall be provided to use when feeding, holding, or playing with a child.

Section 12. Transportation. (1) A center shall document compliance with KRS Chapter 186 and 603 KAR 5:072 pertaining to:

- (a) Vehicles;
- (b) Drivers; and
- (c) Insurance.
- (2) A center providing or arranging transportation service shall:
 - (a) Be licensed and approved by the cabinet or its designee prior to transporting a child;
 - (b) Have a written plan that details the type of transportation, staff schedule, transportation schedule, and transportation route; and
 - (c) Have written policies and procedures, including emergency procedures practiced monthly by staff that transport children.
- (3) Prior to transporting a child, a center providing transportation services of a child shall notify the cabinet or its designee in writing of the:
 - (a) Type of transportation offered;
 - (b) Type of vehicle used for transportation;
 - (c) Plan for ensuring staff perform duties relating to transportation properly;
 - (d) Full insurance coverage for each vehicle;
 - (e) Agency policy and procedures relating to an emergency plan for evacuating the vehicle;
 - (f) Contracts, agreements, or documents detailing arrangements with any third party for services; and
 - (g) Safety procedures for:
 - 1. Transporting a child;
 - 2. Loading and unloading a child; and

3. Providing adequate supervision of a child.
- (4) A vehicle used to transport children shall be equipped with:
 - (a) A fire extinguisher;
 - (b) First aid supplies as described in Section 7 of this administrative regulation;
 - (c) Emergency reflective triangles; and
 - (d) A device to cut the restraint system, if necessary.
- (5) Transportation provided by licensed public transportation or a school bus shall comply with subsections (1) and (2) of this section.
- (6) A vehicle used to transport children shall meet the following requirements:
 - (a) A twelve (12) or more passenger vehicle shall display a current certification of inspection from the Transportation Cabinet on the designated window.
 - (b) A vehicle that requires traffic to stop while loading and unloading a child shall be equipped with a system of:
 1. Signal lamps;
 2. Identifying colors; and
 3. Cautionary words.
 - (c) A vehicle shall be equipped with seat belts for each occupant to be individually secured.
 - (d) A vehicle shall not transport children and hazardous materials at the same time.
 - (7) The appropriate car safety seat meeting federal motor vehicle safety standards in 49 C.F.R. 571.213 shall be used for each child.
 - (8) A daily inspection of the vehicle shall be performed and documented for the following:
 - (a) Tires;
 - (b) Lights, signals, mirrors, gauges, and wiper blades;
 - (c) Safety restraints;
 - (d) Fuel; and
 - (e) Free of debris.
 - (9)(a) The staff-to-child ratios set forth in Section 2(2) of this administrative regulation shall apply to vehicle transport, if not inconsistent with special requirements or exceptions in this section.
 - (b) An individual who is driving with a child in the vehicle shall supervise no more than four (4) children under the age of five (5).
 - (10) Each child shall:
 - (a) Have a seat;
 - (b) Be individually belted or harnessed in the seat; and
 - (c) Remain seated while the vehicle is in motion.
 - (11) A child shall not be left:
 - (a) Unattended at the site of aftercare delivery; and
 - (b) Unattended in a vehicle.
 - (12) If the parent or designee is unavailable, a prearranged written plan shall be completed to designate where the child can be picked up.
 - (13) A child shall not be picked up or delivered to a location that requires crossing the street or highway unless accompanied by an adult.
 - (14) A vehicle transporting a child shall have the headlamps on.
 - (15) A vehicle shall be refueled when not being used to transport a child. If emergency refueling or repair is necessary during transporting, all children shall be removed and supervised by an adequate number of adults while refueling or repair is occurring.
 - (16) If the driver is not in the driver's seat, the:
 - (a) Engine shall be turned off;
 - (b) Keys shall be removed; and
 - (c) Emergency brake shall be set.
 - (17) Transportation services provided shall:
 - (a) Be recorded in writing and include:
 1. The first and last name of the child transported; and
 2. The time each child gets on and the time each child gets off;
 - (b) Be completed by a staff member other than the driver; and
 - (c) Be kept for five (5) years.
 - (18) A driver of a vehicle transporting a child for a center shall:
 - (a) Be at least twenty one (21) years old;
 - (b) Complete the background checks as described in 922 KAR 2:110;
 - (c) Hold a current driver's license which has not been suspended or revoked during the last five (5) years;
 - (d) Not have had any convictions concerning vehicle operation in the past twelve (12) months; and
 - (e) Not caused an accident which resulted in the death of a person.
 - (19) Guns, ammunition, alcohol, or illegal substances shall not be transported in a vehicle transporting children.

Section 13. Animals. (1) Animals shall be:

- (a) Supervised by an adult if in the presence of a child in care; and
- (b) Certified as properly vaccinated against rabies.
- (2) A parent shall be notified in writing if a child has been bitten or scratched by an animal.
- (3) Except if used as planned program activity in the control of an animal specialist, an animal that is considered undomesticated, wild, or exotic shall not be allowed at a child-care center. (20 Ky.R. 256; Am. 562; 812; eff. 10-13-93; Recodified from 905 KAR 2:120, 10-30-98; Am. 27 Ky.R. 2932; 28 Ky.R. 116; 404; eff. 8-15-2001; 34 Ky.R. 1261; 2010; 2170; eff. 3-19-08.)