

## STATEMENT OF REASONS

The Administrative Rules for Child Day Care Licensing are intended to provide consumer protection for each child in care. By meeting these regulations, a child day care provider/director is taking the first steps to operating a safe facility.

Licensing of a child day care facility means that the facility and staff have met the Department of Family Services minimum standards for operation.

These rules are the result of a long process of research, writing and comment. Contributors to these rules are Maternal and Child Health Bureau, Wyoming Departments of Agriculture, Health, and Fire Prevention/Electrical Safety, local and county health professionals, National Association for the Education of Young Children, Wyoming Child Care Certification Board, child day care providers/directors throughout the state, nutrition programs, day care organizations, interested parents, and research of day care rules of other states.

Ultimately, parents are responsible for finding quality child day care. These rules will assist in that search, but the final determination of choosing a child day care rests with the parents. One of the factors to be considered in making the choice of which child day care to use should be the level at which the facility meets the licensing rules.

Changes have been made to reflect statutory changes in age of majority, exemptions from licensure, length of time for which a license can be issued, and to establish licensing fees. Other changes include changing the name of the agency which is the certifying authority from Department of Public Assistance and Social Services to Department of Family Services, simplification of rules, change in classification of types of facilities, inclusion of fire and sanitation inspections for all licensed facilities, uniformity of requirements between types of facilities and clarification of agency roles within the licensing process. The structure of the rules has also been changed to reflect the simplification in rules, relocating many sections to one General Rules Chapter to avoid unnecessary repetition.

Table of Contents

CHAPTER 1

ADMINISTRATIVE RULES FOR CERTIFICATION

OF CHILD CARE FACILITIES

GENERAL PROVISIONS

Section No.	Subject	Page No.
1	Authority	1-1
2	Purpose	1-1
3	Severability	1-1
4	Introduction	1-1

CHAPTER 1  
ADMINISTRATIVE RULES FOR CERTIFICATION  
OF CHILD CARE FACILITIES  
GENERAL PROVISIONS

Section 1.     **Authority.**

These rules of the Department of Family Services are promulgated pursuant to W. S. 9-2-2104 (a) (vii), W.S. 14-4-104 and W.S. 16-3-101, et seq. (1999).

Section 2.     **Purpose.**

These rules have been adopted to provide uniform licensing for the protection of children in child care facilities. These rules also provide uniform procedures for conducting contested case hearings before the Child Care Certification Board.

Section 3.     **Severability.**

If any provision of these rules is declared unconstitutional or beyond the authority conferred upon the Department by the Wyoming Legislature, the remaining provisions shall not be affected by the declaration.

Section 4.     **Introduction.**

The Department of Family Services is responsible for the licensing, monitoring and enforcement of rules for all Wyoming providers of child care services covered in these rules. Providers/directors are required to comply with all federal, state and local laws, statutes and rules that pertain to a child care business in addition to these rules. Allegations of violations of any laws, statutes or rules may be reviewed by the State Department of Family Services and appropriate action taken by that Department.

Table of Contents

CHAPTER 2

ADMINISTRATIVE RULES FOR CERTIFICATION

OF CHILD CARE FACILITIES

DEFINITIONS

Section No.	Subject	Page No.
1	Definitions	2-1

CHAPTER 2  
ADMINISTRATIVE RULES FOR CERTIFICATION  
OF CHILD CARE FACILITIES  
DEFINITIONS

Section 1.     **Definitions.**

- (a)     “Adult” means any person who has attained the age of majority.
- (b)     “Applicant” means any person who submits an application to the Department of Family Services for a child care license.
- (c)     “Application” means the form on which a person indicates, in writing, a request to become licensed, renew a license, or change information on the license. The individual who will be legally responsible for the operation of the facility which includes assuring compliance with the licensing law and rules shall apply for the license, using the form provided by the Department.
- (d)     “Authorized fire inspector” means the representative of the Department of Fire Prevention or in localities where self-enforcement of minimum standards exists, the official fire inspector.
- (e)     “Authorized health inspector” means the representative of the Department of Agriculture or in localities where self-enforcement of minimum standards exists, the official health inspector.
- (f)     “Auxiliary Staff” means any employee, substitute, volunteer, household member in the case of facilities that are operated in the provider/director’s home, or other person who may or may not work directly with children but is not used to meet staff ratios and is not counted as such.
- (g)     “Biennial” means once every two (2) years.
- (h)     “Biennium” means the two (2) year period, coinciding with the facility licensure dates, in which training hours must be obtained.
- (i)     “Certification” refers to the laws governing the issuance of a child care license in accordance with W.S. § 14-4-101 *et seq.*

(j) "Change Request" means the application form on which a provider/director requests a change to the child care license.

(k) "Child" means any person under the age of majority.

(l) "Child abuse or neglect" means the improper treatment of children as defined in W.S. 14-3-202(a) (ii) and 14-3-202(a) (vii), and as defined in Chapter 1 of the Rules and Regulations Governing Child Protective Services.

(m) "Child care" is a service for families provided on behalf of children and their parents, and designed to supplement daily parental care.

(n) "Child Care Center (CCC)" means any business operated by a private person, partnership, association or corporation that is operating a business for profit or otherwise, in a building used solely for commercial purposes, where sixteen (16) or more children receive care for part of the day.

(o) "Child Care Certification Board" means the board mandated by W.S. 14-4-103.

(p) "Child caring facility" means any business, for profit or non-profit, which provides care for children at the request of the parents, legal guardians or an agency that is responsible for those children.

(q) "Child with special needs" means a child evaluated as having autism, deaf-blindness, a developmental disability, an emotional disability, a learning disability, a mental disability, hearing impairment, multiple disabilities, orthopedic impairment, speech or language impairment, traumatic brain injury or visual impairment including blindness, or significant chronic illness, who require special health surveillance or specialized programs, interventions, technologies, or facilities.

(r) "Child Safety Restraint System" means any device which is designed to protect, hold or restrain a child in a privately owned, leased or rented noncommercial passenger vehicle in such a way as to prevent or minimize injury to the child in the event of a motor vehicle accident or sudden stop and which conforms to the standards prescribed by 49 C.F.R. 571.213 or to applicable federal motor vehicle safety standards in effect at the time of manufacture.

(s) "Complaint" means a report to child care licensing that a child care facility is in or has been in violation of these Rules.

(t) “Cooperative child care” means parents exchanging care on a mutually reciprocal basis, without offering payment or membership benefits for the care provided.

(u) “Critical height” means the maximum height a child may climb, sit or stand.

(v) "Department" means the Department of Family Services including both the central office in Cheyenne and the field offices throughout the State of Wyoming.

(w) “Developmentally appropriate” means suitable to the chronological age range and developmental characteristics of a specific group of children.

(x) “Diarrhea” means three (3) or more loose stools in a 24-hour period.

(y) “Direct supervision” means within sight and sound.

(z) “Director” means any person who applies, qualifies for, and is issued a Child Care Center or Family Child Care Center license.

(aa) "Discipline" means a process by which staff assists children to develop inner control necessary to manage their own behavior in a socially approved manner.

(bb) “Family Child Care Center (FCCC)” means a child care facility in which care is provided for a maximum of fifteen (15) children for part of a day, which may be in a residential or commercial type structure.

(cc) “Family Child Care Home (FCCH)” means a licensed child care facility in which care is provided for no more than ten (10) children in the primary residence of the provider.

(dd) “Group size” means the maximum number of children allowed to occupy an individual classroom or well defined space.

(ee) “Household member” means a person who resides in a family home as evidenced by factors including, but not limited to, maintaining clothing and personal effects at the household address, receiving mail at the household address, using identification with the household address, or eating and sleeping at the household address on a regular basis.

(ff) “Immediate family” means siblings (including step and half siblings) who live together with their parent(s), step parent(s) or legal guardian(s) in the same residence.

(gg) "Imminent danger" includes threatened harm, and means a statement, overt act, condition or status that represents immediate and substantial risk of sexual abuse or physical or mental injury.

(hh) "Infant" means any child in care from birth to twelve (12) months of age.

(ii) "Initial license" means the first license issued when a facility has never been previously licensed.

(jj) "Licensee" means the person or entity that is granted permission by the State of Wyoming to operate a child care facility.

(kk) "Licensor" means the representative of the Department of Family Services who performs inspections and enforces compliance of these rules.

(ll) "Licensing authority" means the Department of Family Services operating as the department which issues licenses, makes inspections, enforces rules and handles all administrative details relating to enforcement of W.S. 14-4-101 through 14-4-116.

(mm) "Multiple Location Facility (MLF/FCCC or MLF/CCC)" means any child care facility that is part of a business operating Family Child Care Centers (FCCC) or Child Care Centers (CCC) at multiple locations.

(nn) "Non-renewal" means the action taken when a request for renewal has been submitted by the provider/director but the content of the request does not demonstrate compliance with these rules and a license cannot be issued.

(oo) "Occasional child care" means the care of a neighbor's or friend's child if the care-taking person does not regularly engage in this activity.

(pp) "Premises" means a tract of land and the structures on it.

(qq) "Preschool age child" means any child in care from three (3) to five (5) years old.

(rr) "Provider" means any person who applies for and is issued a Family Child Care Home license, or a person who is providing child care without a license.

(ss) "Relative" means an individual who is through marriage, blood relationship, or court decree, the parent, grandparent, great-grandparent, sibling, aunt or uncle of a child receiving child care.

(tt) "Request for renewal" means the Child Care Inspection Report, renewal fee and all supporting documents that demonstrate compliance with these rules.

(uu) "Resilient surface" means the surface under and around playground equipment that reduces the risk of serious injury from a fall.

(vv) "Safety belt" means a passenger restraint that was installed when the vehicle was manufactured.

(ww) "School age children" are children who are enrolled in first grade or higher or are six (6) years or older.

(xx) "Staff" means any provider, director, household member, employee, substitute, or volunteer working directly with children and used to meet staff:child ratio requirements. Minimum age of staff must be sixteen (16) years.

(yy) "Staff:child ratio" means the maximum number of children permitted to be directly cared for per staff member.

(zz) "Substantiated report" means any report of child abuse, neglect, and/or child care rules violation made to the Department in which it is determined after an investigation, that a preponderance of evidence of the alleged abuse, neglect, and/or violation exists.

(aaa) "Summer camp" means any program that is operated by a non profit organization during the summer months for less than 30 calendar days (160 hours) per child per year and whose program orientation is primarily recreational or centered around the teaching of one subject matter.

(bbb) "Swimming pool" means any body of water containing more than twelve (12) inches of water, which could be used for the purpose of swimming, wading or any other recreational activity.

(ccc) "Toddler" means any child in care from twelve (12) to thirty-six (36) months of age.

(ddd) "Training hours" means hours for which training has been approved for the purposes of fulfilling the licensing training requirements.

(eee) "Unsubstantiated report" means any report of child abuse, neglect, and/or child care rules violation for which it is determined after an investigation, that a preponderance of evidence of the alleged abuse, neglect, and/or violation does not exist.

(fff) "Use zone" means the surface under and around a piece of equipment onto which a child falling from or exiting from the equipment would be expected to land.

(ggg) "Visitor" means an individual who is present in a child care facility for no more than sixteen (16) hours in a month and who is present only for the purpose(s) of providing a program, service, conducting an inspection, investigation, observation or evaluation, and who is not counted in staff:child ratios, does not supervise children and is within sight and sound of a staff member at all times.

(hhh) "Volunteer" means any person acting as staff or auxiliary staff without any form of payment or compensation. Minimum age for a volunteer is sixteen (16) years.

(iii) "Wading pool" means a portable, above ground basin filled with twelve (12) or fewer inches of water, and designed for the purpose of wading.

(jjj) "Weapon" means, but is not limited to, a firearm, explosive or incendiary material, or other device, instrument, material or substance, which in the manner it is ordinarily used, or is ordinarily intended to be used, is reasonably capable of producing death or serious bodily injury.

(kkk) "Youth Trainee" means a youth age thirteen (13) to sixteen(16) that is not acting as staff or auxiliary staff and not receiving any form of payment or compensation.

Table of Contents

CHAPTER 3

ADMINISTRATIVE RULES FOR CERTIFICATION

OF CHILD CARE FACILITIES

CERTIFICATION OF CHILD CARING FACILITIES

Section No.	Subject	Page No.
1	Licensing Procedures	3-1
2	Initial Application and Reapplication	3-2
3	Change Request Application	3-3
4	Inspection	3-4
5	License Issuance	3-5
6	Variance	3-6
7	Licensure Fees	3-7
8	Application for Renewal of a License	3-7
9	Complaints	3-7
10	Confidentiality	3-9

CHAPTER 3  
ADMINISTRATIVE RULES FOR CERTIFICATION  
OF CHILD CARE FACILITIES  
CERTIFICATION OF CHILD CARING FACILITIES

Section 1.     **Licensing Procedures.**

(a) All providers/directors of child care facilities covered by these rules shall request regular licensing in accordance with these rules.

(b) Any individual who provides care for more than two children is required to be licensed unless exempt under one of the following areas:

- (i) A legal parent's or legal relative's care of a child;
- (ii) Occasional care of a neighbor's or friend's child if the person providing the care does not regularly engage in this activity;
- (iii) Parents exchanging care on a cooperative basis;
- (iv) Child care provided by a person employed to come to the home of the child's parent or guardian;
- (v) Child care facilities providing care for no more than two (2) minors;
- (vi) Child care facilities supervised by the state, any local government, school district or agency or political subdivision thereof; or
- (vii) Child care facilities providing care to the children of only one (1) immediate family unit.

(c) With the exception of a legal parent or grandparent in Chapter 3, Section 1(b) (i), these exemptions cannot be combined. If combinations of the exemptions in this chapter are combined, the total number of unrelated children cannot exceed two (2) children unless all of the unrelated children are from one (1) immediate family unit and in the case of grandparents, the total number of children shall never exceed six (6).

(d) Only one (1) individual who is exempt from licensure can provide care in a location or residence.

(e) Facilities that are legally exempt may request voluntary licensing.

(f) Interpretation of these rules is the responsibility of the Department. No other person, agency or organization shall make public interpretation of the licensing rules.

**Section 2. Initial Application and Reapplication.**

(a) Information on the child care licensing process will be made available by the Department.

(b) Application is required for:

(i) New facilities; and

(ii) Reapplication when a facility previously held a license and that license is currently not valid.

(c) The Department of Family Services is not required to take any action on an application until the application process has been completed. All applications are to receive action from the Department of Family Services within thirty (30) days from the date they are completed. New applications are considered as completed and filed when the licenser has received:

(i) A signed and dated application form filled out in its entirety;

(ii) TB test results;

(iii) Local zoning approval where required;

(iv) Documentation from a physician, physician's assistant, or nurse practitioner that the applicant has no diagnosed medical or emotional conditions that would impair their ability to provide child care;

(v) Three (3) references attesting to the applicant's ability to care for children. The references shall be from individuals who have known the applicant for a minimum of six (6) months, are unrelated to the applicant and who have personal knowledge of the applicant's ability to care for children;

- (vi) Proof of required education, training or experience;
  - (vii) A child abuse/neglect Central Registry check and criminal background prescreen on all staff and auxiliary staff is required to be completed and must not reveal any disqualifying information.
  - (viii) Proof of completion of six (6) hours of orientation training in accordance with Chapter 6, Section 7 (a); and
  - (ix) Non-refundable application fee of fifty dollars(\$50.00).
- (d) Action taken on an application may include issuance of a full license, issuance of a provisional license or denial of the application.

**Section 3. Change Request Application**

- (a) Written notification to the licenser from the provider/director is required as soon as the provider/director has knowledge of the following changes:
- (i) The name of the facility;
  - (ii) The name of the provider/director;
  - (iii) Change in director;
  - (iv) Physical location of the facility;
  - (v) Mailing address of the facility;
  - (vi) Telephone number of the facility;
  - (vii) Facility classification;
  - (viii) Structural modifications;
  - (ix) Facility closure;
  - (x) Capacity; or
  - (xi) Licensing period.

(b) Verbal reports from the provider/director of changes in the facility telephone number, mailing address or facility closure may be accepted if the licenser is unable to get written notification from the provider/director.

(c) Change requests are considered as complete when the licenser has received the completed change request form and all required documentation.

(d) The Department of Family Services is not required to take any action on a change request until the change request process has been completed.

(e) Changes will be effective when all required documentation has been received or the effective date of the change, whichever is later.

#### Section 4. **Inspection.**

(a) As soon as possible and not to exceed thirty (30) days after an application for licensure has been completed, the licenser will conduct a scheduled initial inspection of the child care facility .

(b) A minimum of one (1) annual licensing inspection is required of all facilities.

(c) Additional licensing inspections, scheduled or unscheduled may be conducted during the licensing year.

(d) Inspection will include:

(i) Examination and assessment of the entire facility, equipment, and records for compliance with these rules;

(ii) Measurement of available indoor and outdoor play space initially and with any change;

(iii) Discussion of any licensing violations discovered as the result of inspection

(iv) Establishment of completion deadlines for compliance with any violations discovered as the result of inspection; and

(v) Technical assistance.

(e) Copies of all completed inspection forms shall be kept on site and made available by the provider/director to parents, other inspectors or anyone else requesting to see the inspection results.

(f) All child care facilities shall receive annual fire and health approval in addition to the Department of Family Services inspection. Local ordinances may require additional inspections:

(i) Fire inspection authorities are responsible for enforcement of fire codes; and

(ii) Health/sanitation inspectors are responsible for the enforcement of health/sanitation regulations.

(g) Violations and/or noncompliance with fire, health/sanitation, zoning or immunization regulations may affect licensure.

#### Section 5. **License Issuance.**

(a) Upon application for licensure, or for the purpose of renewal of an existing license, or change to the existing license, the Department shall make or cause to be made a review of program documents that demonstrate compliance with the licensing rules and one or more inspections of the facility. Based on the information on hand and/or the result of the inspections, the Department shall issue a license to the child care facility if the facility:

(i) Is in compliance with the applicable Federal, State and local laws, and rules or regulations unless a variance for an exception to a specific regulation has been requested in writing by the provider/director. Each request for a variance will be considered on its own merit; and

(ii) No open investigations by Child Care Licensing or Child Protective Services are pending against the provider/director, staff or auxiliary staff; and

(iii) No issues of non-compliance are unresolved from a previously held license.

(b) Each license is issued for the address or child care facility named on the license. It is not transferable or assignable.

(i) Two (2) or more licenses shall not be issued for the same, adjacent or shared location unless the facilities operate completely independently of one another by:

- (A) Not using shared or common equipment simultaneously; and
- (B) Maintaining all records and complying with all child care licensing rules independent from the adjacent facility.
- (c) When a facility closes, the license will be invalid.
- (d) An initial license cannot be issued if a fire inspection has not been completed and approved.
- (e) If a facility's license is to be renewed, and required inspections or approval have been delayed through no fault of the provider/director, a full or provisional license may be issued.
- (f) Full licenses may be issued for one (1) year for all facilities in compliance with these rules.

A one (1) year license shall be issued for all facilities in compliance with these rules.

(g) A provisional license, for a period not to exceed six (6) months, may be issued for an initial or renewal license, permitting operation of a child care facility when:

(i) The facility is temporarily unable to conform to all required minimum standards due to circumstances beyond their control; and/or

(ii) Compliance with licensing rules is being monitored due to noncompliance issues.

(h) A full license shall be issued to replace a provisional license at any time full compliance is documented and/or monitoring is completed.

#### Section 6. **Variance**

(a) The facility may submit a written request to the Department for a variance to a rule when the facility is unable to meet full compliance with a standard in these rules.

(b) The written request must show:

(i) A compelling reason why the facility is unable to meet the rule requirement; and

- (ii) What accommodations the facility will make to ensure that the safety and well-being of children being served will not be compromised.
- (iii) Parents must be informed of the variance.
- (c) All variances shall be reviewed and approved or denied by the Department and will be:
  - (i) Reviewed not less than annually to determine if continuation of the variance is appropriate; and
  - (ii) Terminated at any time the safety and well-being of children is in jeopardy.
- (d) Approval of a variance request cannot be interpreted as permanently waiving compliance with these rules.

**Section 7. Licensure Fees.**

(a) At the time of the initial application or reapplication, a nonrefundable application fee of fifty dollars (\$50.00) shall be paid by all applicants. The applicant will be provided with a copy of the licensing rules with payment of this fee.

(b) The following renewal fees for all licensed facilities are nonrefundable and due upon the expiration date of the current license or when a facility has submitted a request for a change in the licensing year:

- (i) Family Child Care Home (FCCH) - \$25.00;
- (ii) Family Child Care Center (FCCC) - \$25.00;
- (iii) Child Care Center (CCC) - \$25.00; and
- (iv) Multiple Location Facilities (MLF/FCCC or MLF/CCC) - \$25.00 per site.

**Section 8. Application for Renewal of a License.**

(a) Renewal of an existing license will be dependent upon submission of a request for renewal and payment of the renewal fee as described in Section 6(b) of this chapter, and continued compliance with child care licensing rules.

(b) Medical statements are not required when renewing a license but may be required whenever there has been a change in the physical or mental condition of the provider/director or when the Department is aware of a concern about the ability of the provider/director to provide safe child care.

(c) Tuberculosis (TB) tests are required in accordance with the recommendation of the State Health Authority.

#### Section 9. **Complaints.**

(a) Local Child Protection Services or the local law enforcement agency is to be notified when a complaint of child abuse or neglect is received by the Department involving a provider/director, staff or auxiliary staff. Complaints concerning child abuse or neglect will be investigated by a child protection worker and/or law enforcement.

(b) Complaints involving violations of child care licensing rules will be investigated by licensing. When appropriate, joint investigations shall be made with Child Protection Services workers, fire or health inspectors or law enforcement.

(i) Complaints shall be accepted and investigated, when determined to be a licensing issue, even when the complainant wishes to remain anonymous.

(ii) If complaints relate to nonlicensing issues, (such as rates charged, hours of operation, etc.), the complaint will be rejected or referred when appropriate.

(iii) Investigation of licensing rule complaints shall include but are not limited to:

(A) A record of the complaint as received;

(B) An unannounced visit by a representative of the Department to the facility being investigated; and

(C) A summary record of the investigation as conducted by the Department of Family Services.

(c) When an investigation is made to determine if the complaint is valid, the provider/director will be notified in writing of:

- (i) The allegations made in the complaint;
- (ii) The findings and any areas of noncompliance with regulations;
- (iii) What corrections must be made and a date by which compliance will be expected; and
- (iv) Required compliance which may include:
  - (A) Training hours in specific competency areas;
  - (B) Written statements or reports;
  - (C) Facility records or reports; or
  - (D) Other requirements necessary to demonstrate compliance or the ability to maintain compliance with these rules.

(d) If noncompliance continues or reoccurs and is confirmed, the licenser may use the noncompliance as a basis for making additional visits to the facility or recommending revocation of the license.

(e) Complaints about the operation of unlicensed child care operators will be investigated by the Department. The facility operator will be contacted and provided information related to the state statute requiring certification for child care facilities. Additional action may be taken against persons who are not legally exempt and continue to operate without a license, in accordance with W.S. § 14-4-110 and W.S. § 14-4-111.

(f) Providers/directors have the right to be told about information contained in the complaint or the report with the exception of information that would identify the reporter.

#### Section 10 Confidentiality

(a) Department of Family Services records concerning the licensing of facilities are open to public inspection with some exceptions as outlined in Section 10 (c).

(b) Any person who files a request as outlined below may review violation investigations dealing with non-child protection issues completed by the Department of Family Services.

(c) Anyone wishing to read or obtain information from a record must make a written request to the Department stating their reasons for needing the information. Parts of the record that are not available for public inspection are:

(i) Names and personal information of children, their relatives, and complainants are confidential and shall be deleted from the record upon such inspection.

(ii) References received by the Department for licensing purposes are confidential and unavailable for inspection; and

(iii) Personal information of the provider/director and staff, such as but not limited to social security numbers, date of birth, background check results, physician's statements; and

(iv) All reports relating to child abuse or neglect investigation or complaints are confidential and unavailable for public inspection.

Table of Contents

CHAPTER 4

ADMINISTRATIVE RULES FOR CERTIFICATION

OF CHILD CARE FACILITIES

DENIAL, NON-RENEWAL, REVOCATION OR SUSPENSION OF LICENSE

Section No.	Subject	Page No.
1	Authority	4-1
2	Reasons for Denial, Non-Renewal, Revocation or Suspension	4-1
3	Denial or Revocation	4-3
4	Reapplication following Revocation	4-4
5	Suspension	4-4
6	Documentation	4-4

## CHAPTER 4

### ADMINISTRATIVE RULES FOR CERTIFICATION

#### OF CHILD CARE FACILITIES

#### DENIAL, NON- RENEWAL, REVOCATION OR SUSPENSION OF LICENSE

##### Section 1. **Authority.**

The Department of Family Services may deny, not renew, revoke or suspend a license upon proof of noncompliance with or violation of any child care rules, regulations or federal and state laws pertaining to the operation of a child care business. This includes noncompliance with health or fire inspections or immunization requirements.

##### Section 2. **Reasons for Denial, Non-Renewal, Revocation or Suspension.**

(a) Reasons that will be considered by the Department, for the denial, non-renewal, revocation or suspension of a license include, but are not limited to:

(i) Any staff or auxiliary staff is found guilty of a sexual offense against a person or child;

(ii) Allowing the commission of a sexual offense against a child, as defined by law, on facility premises.

(ii) Any staff or auxiliary staff found guilty of or substantiated against for abuse, neglect, abandonment, exploitation or endangering children or vulnerable adults;

(iii) Any staff or auxiliary staff found guilty of a crime involving violence, including rape, sexual assault, physical assault, battery or homicide;

(iv) Any staff or auxiliary staff using or being under the influence of alcohol or illegal drugs on the facility premises during the hours of operation or in a vehicle while transporting children during the hours of operation;

(v) Any staff or auxiliary staff's misuse of prescription or over the counter drugs on the facility premises during the hours of operation or in a vehicle while transporting children during the hours of operation.

(vi) Any staff or auxiliary staff on central registry .

- (vii) Any staff or auxiliary staff is found not to be of good moral character;
- (viii) Furnishing or making any misleading or false statement or report to a licenser;
- (ix) Failing to provide, , equip and maintain the child care premises in a safe and sanitary condition pursuant to licensing rules prescribed by the Department;
- (x) Any staff or auxiliary staff convicted of a crime against children;
- (xi) Any staff or auxiliary staff with a criminal history
- (xii) Any staff or auxiliary staff failing to complete all required training as specified by these rules;
- (xv) Illegal drugs found on the premises of the facility or in a vehicle that transports children.
- (xvi) Violating a rule in the same section of these rules three (3) times within a twelve-month period;
- (xvii) Violation of the statutes or rules that has been willful, continual, or hazardous to health or safety, or the provider/director has not made reasonable efforts to conform to standards or is unable to comply;
- (xviii) Refusing to submit to the Department any reports or refusing to make available any records required by them in making an investigation of the facility for licensing;
- (xix) Failing or refusing to submit to an investigation or interfering with an investigation.
- (xx) Failure to admit authorized representatives of the Department at any time the facility is open for operation for the purpose of investigation, obtaining records, inspection or monitoring;
- (xxi) Failing to maintain the separate operation of multiple child caring facilities that are sharing the same physical location
- (xxii) Being convicted of fraud against the Department;

(xxiii) Open investigations by Child Care Licensing or Child Protective Services are pending against the provider/director, staff or auxiliary staff; or

(xxiv) Issues of non-compliance from a previously held license are unresolved.

**Section 3. Denial / Revocation or Non-renewals.**

(a) When a child care license is to be denied, revoked or non-renewed, the provider/director or owner must be notified in writing of the action being taken. Parents, other agencies, organizations and programs will also be notified as appropriate.

(b) A letter of revocation, denial or non-renewal will include the following:

(i) A statement of the laws, rules or regulations violated;

(ii) Statement of authority for the revocation, non-renewal or denial;

(iii) Notification that a revocation/non-renewal action will be effective thirty (30) days from receipt of the letter, unless licensee requests a hearing; or notification that denial of a license is effective immediately;

(iv) The right to seek representation by a lawyer, friend, or relative. (The Department will not be responsible for any fees charged); and

(v) The penalty for unlicensed operation, as stated in W.S. 14-4-110 and 14-4-111.

(c) A notice of intent to revoke or non-renew a child care license shall be sent to parents of children currently attending the facility upon notification that the provider has received the notice. A complete list of parents with mailing addresses shall be supplied to the Department by facility staff upon request.

(d) Notice to parents shall include the following:

(i) Name of facility;

(ii) Name of the provider or director;

(iii) Action being taken and the reason(s) for the action; and

(iv) Date the action will be effective.

Section 4.       **Reapplication following Revocation.**

(a)       Reapplication cannot be made for three (3) years by the same provider, director or owner following revocation of a child care license.

(b)       Reapplication must include acceptable verification of how all previous compliance issues have been addressed before the application can be accepted.

(c)       Reapplication cannot be made following a second revocation.

Section 5.       **Suspension.**

(a)       During the course of an investigation, if it becomes apparent to the investigator that emergency action is required to protect the health, safety and/or welfare of children in a child care facility regulated by the Department, then a suspension shall be requested.

(b)       The decision to issue an Order of Suspension shall be made by the Child Care Licensing Program Manager or designee at the central office following review of the investigative information, including the recommendation of the investigator, Child Protective Services worker, child care licensing supervisor, and/or licenser.

(c)       The suspension order shall specify the reasons for issuance including the specific section(s) of the statutes and/or rules violated and the need for emergency action.

(d)       The licenser or other Department designee will hand deliver the suspension order and ensure that all children in the care of the provider are picked up by their parents or guardians. The support of law enforcement agencies shall be requested in the closure where there is a threat to the safety of the licenser or children.

(e)       The order shall be effective during proceedings to revoke the license unless the suspension is lifted by the Department.

(f)       A revocation notice will follow the suspension order as soon as possible after the closure to ensure that the license is legally revoked and the operator's legal rights are not violated.

Section 6.       **Documentation.**

Documentation, which is necessary for the denial, revocation or suspension of a child care license, includes at least one (1) of the following:

- (a) Inspection and/or investigation reports;
- (b) Protective services reports and/or police reports;
- (c) Arrest and/or conviction records;
- (d) Mental health, medical or treatment reports; or
- (e) Department of Family Services field office files.

Table of Contents

CHAPTER 5

ADMINISTRATIVE RULES FOR CERTIFICATION

OF CHILD CARE FACILITIES

CONTESTED CASE HEARING

Section No.	Subject	Page No.
1	Authority	5-1
2	Purpose	5-1
3	Applicability	5-1
4	Definitions	5-1
5	Requests for Hearing	5-2
6	Computation of Time	5-3
7	Contents of Request for Contested Case Hearing	5-3
8	Time Period for Requests and Evaluation of Requests	5-3
9	Notice of Hearing; Request for Continuance	5-3
10	Failure to Appear	5-4
11	Discovery	5-5
12	Subpoenas	5-5
13	Expedited Contested Case	5-5
14	Prehearing Conference	5-5
15	Informal Disposition	5-6
16	Hearing Officer	5-6
17	Evidence and Testimony; Telephone Conferences	5-7
18	Representation	5-9
19	Order of Procedure	5-9
20	Decisions	5-10
21	Appeals	5-11
22	Transcripts and Record	5-11
23	Severability	5-12

CHAPTER 5  
ADMINISTRATIVE RULES FOR CERTIFICATION  
OF CHILD CARE FACILITIES  
CONTESTED CASE HEARING

Section 1.     **Authority.**

These rules are promulgated pursuant to the Wyoming Administrative Procedure Act.

Section 2.     **Purpose.**

These rules have been adopted to provide uniform procedures for the conduct of contested case hearings before the Child Care Certification Board pursuant to the Wyoming Administrative Procedure Act, W.S. § 16-3-101 through §16-3-115.

Section 3.     **Applicability.**

Contested case hearings before the Child Care Certification Board shall be conducted according to these rules.

Section 4.     **Definitions.**

The definitions set forth in the Wyoming Administrative Procedures Act, W.S. §16-3-101, are incorporated by reference. For the purposes of a contested case hearing, the following definitions shall also apply:

(a)     "Affidavit" - a written notarized statement of facts made voluntarily under oath.

(b)     "Board" – the Child Care Certification Board acting as the board of review.

(c)     "Chairman" – the chairman of the Child Care Certification Board.

(d)     "Contested case" - a proceeding involving denial, suspension, revocation, substantiated complaint or non-renewal of any certificate issued under W.S. §14-4-101 through 14-4-116 where a hearing has been requested.

(e)     "Department" - the Department of Family Services (DFS).

- (f) "Director" - the Director of the Department of Family Services.
- (g) "Ex parte matter" - matters heard by the hearing officer in the absence of and without notice to the adverse party.
- (h) "Hearing officer" - any designee of the Chairman to serve as the presiding officer at a hearing held under these rules. The Chairman may appoint such persons as necessary to assist in the conduct of a hearing.
- (i) "Hearing panel" – a committee of three (3) or more Board members designated by the Chairman of the Child Care Certification Board to hear a case and recommend a decision on behalf of the Board.
- (j) "Indispensable party" - any person whose joinder as a party is required to obtain a just resolution of the contested case. The hearing officer will determine who is an indispensable party.
- (k) "Individual" - the person impacted by decisions of the Department.
- (l) "Informal Conference" - the conference conducted at the DFS local level by the Child Care Licensing Program Manager or Supervisor to review case information concerning local DFS action regarding a contested case.
- (m) "Person" - any individual, partnership, corporation, association, municipality, governmental subdivision, public or private organization of any character, other than an agency.
- (n) "Petitioner" - agency or individual as designated by the Hearing Officer
- (o) "Respondent" - agency or individual as designated by the Hearing Officer.
- (p) "WAPA" - the Wyoming Administrative Procedure Act, W.S. §16-3-101 through §16-3-115.

**Section 5. Requests for Hearing.**

- (a) Any person or their formally designated representative may make a request to the Department for a hearing in a contested case. Requests may be made within local offices and forwarded to the Department.
- (b) Requests for a hearing must be in writing.

Section 6.      **Computation of Time.**

In computing any time period set forth in these rules, by applicable statute or order of the hearing officer or Director, the day of the act, event or default from which the designated period begins to run shall not be included. If the last day of a designated period falls on a Saturday, Sunday or legal holiday, or when the act to be done is the filing of a paper and weather or other conditions have made the place of filing inaccessible, then the period runs until the end of the next business day. For time periods of ten (10) days or less, the period of time shall be ten (10) business days. For purposes of this section, “legal holiday” includes any day officially recognized as a legal holiday in this state by designation of the legislature or appointment as a holiday by the Governor.

Section 7.      **Contents of Request for Contested Case Hearings.**

(a)      The request shall contain at least:

(i)      Name, address, and telephone number of the person requesting the hearing; and identification of the person on whose behalf the hearing is being requested.

(ii)     The reason for the request, including the nature of the departmental action, order or determination being contested; and

(iii)    Name and address of the requesting party’s legal counsel or representative, if the requesting party has retained counsel or a representative at the time the request for hearing is made.

Section 8.      **Time Period for Requests and Evaluation of Requests.**

(a)      Requests for a hearing on issues pertaining to Day Care Licensing shall be made within ten (10) days from the date of mailing of the agency action.

Section 9.      **Notice of Hearing; Request for Continuance.**

(a)      In any contested case, all parties shall be afforded no less than twenty (20) days advance notice of the hearing.

(i)      The time period specified herein may be waived by an individual upon written notification to the Chairman or Hearing Officer.

(ii)     Notice shall be served personally or by certified mail to the last known address of the party.

(b) Contents

(i) A notice of hearing shall contain, at least:

(A) The time, place, and nature of the hearing;

(B) The legal authority and jurisdiction under which the hearing is being held;

(C) The particular sections of the statutes or rules involved;

(D) A short and plain statement of the matters asserted;

(E) The docket number assigned to the case;

(F) The right to be represented by an attorney or representative; and

(G) The right to present witnesses or other appropriate evidence.

(c) Upon request for a continuance by either party served, the Hearing Officer shall, upon a showing of good cause, allow the party an alternative time and place for the hearing, provided such request is made within ten (10) days from the date of mailing of the notice of hearing.

(i) When a request for a continuance is granted, the Hearing Officer shall reissue the notice in accordance with Section 10 of these rules at least five (5) days prior to the hearing date.

(ii) Only one request for rescheduling of a hearing shall be honored unless, in the Hearing Officer's judgment, additional changes must be allowed to avoid manifest injustice. Notice shall be issued as provided by Section 10 (a) and (b) above.

(d) A hearing shall be held within ninety (90) days of the agency action which gives rise to the complaint, unless otherwise provided by law.

**Section 10. Failure to Appear.**

If a party requesting a hearing fails to appear at the place, date, and time specified in a notice, the hearing officer may:

(a) Continue the hearing to a later date and provide notice as prescribed by Section 10 (a) and (b) herein; or,

(b) Dismiss the hearing and send notice to all parties the hearing was dismissed for the requesting party's failure to appear. The party requesting the hearing shall have twenty (20) days from the mailing of the dismissal notice to submit a written request that the hearing be recalendared accompanied by a showing that good cause existed for the requesting party to have failed to appear at the originally scheduled hearing.

**Section 11. Discovery.**

All discovery in a contested case shall be governed by the Wyoming Rules of Civil Procedure, and the Wyoming Administrative Procedure Act, W. S. §16-3-107 (g) and (h). The party for whom any depositions are taken will ensure original transcripts are placed in the record by filing them with the Director's designee. All other records of discovery shall likewise be filed with the Director or designee by the party originating such discovery.

**Section 12. Subpoenas.**

Any party may request the hearing officer issue a subpoena so as to compel the attendance of a witness pursuant to W. S. §16-3-107. Request for the issuance of the subpoena shall be accompanied by a completed subpoena which should substantially conform to the form provided by the Department. Upon receipt of a subpoena request, the hearing officer shall issue the subpoena and return the subpoena to the requesting party for service.

**Section 13. Expedited Contested Case.**

(a) Upon request of the parties, made prior to the date set for the hearing, any case may be heard as an expedited case.

(b) Expedited cases will be decided on written argument, evidence and stipulations submitted by the parties. Oral argument will be presented upon the request of any party.

(c) The hearing officer has discretion to require an evidentiary hearing in any case in which it appears that facts material to a decision in the case cannot be properly determined without an evidentiary hearing.

**Section 14. Prehearing Conference.**

(a) At a time on or before the day of the hearing, the hearing officer, with or without either party's motion, may meet with the parties for a conference to consider simplification of the

issues, stipulations and admissions of fact, clarification or limitation of evidence, and any other matters that may expedite the proceeding and assure a just conclusion of the case.

(b) Any stipulations, limitations or agreements made at a prehearing conference shall be recited in the record and shall control the course of the proceedings, unless modified during the hearing to prevent manifest injustice.

**Section 15. Informal Disposition.**

Settlement of a contested case by any informal means (i.e., stipulation, agreed settlement or consent order) shall be allowed at any time unless precluded by law. Such settlements shall be in writing by both parties and included as a part of the record. The Hearing Officer shall enter an order dismissing the contested case proceeding upon such settlement, and such order shall be considered a final order of the Department.

**Section 16. Hearing Officer.**

(a) The Chairman or designee shall appoint a hearing officer to preside over contested case hearings on a case-by-case basis or for a scheduled period of time, as deemed appropriate.

(b) The hearing officer shall be any person determined by the Chairman or designee to be qualified to serve in such a capacity, who has not taken part in the investigation, preparation, or earlier disposition of the case to be heard.

(i) The hearing officer may withdraw from a hearing at any time a contested case is pending by filing a written notice of withdrawal with the Chairman or designee and serving all parties.

(ii) Any party may request in writing the Chairman remove and replace the hearing officer in a contested case. This request must be accompanied by a statement and affidavits, if appropriate, setting forth the alleged grounds for disqualification. The Chairman or designee may deny a party's request for removal and shall issue a written statement explaining the grounds for denial which shall be made a part of the record. If the request is granted, the Chairman or designee shall appoint a new hearing officer as soon as is practicable.

(iii) The party requesting hearing may object to the appointment of the hearing officer on the record at the hearing. The objection shall set forth the alleged grounds for disqualification.

(c) The hearing officer shall have all powers necessary to conduct a fair and impartial hearing, including but not necessarily limited to, the following authority:

- (i) To administer oaths and affirmations;
- (ii) To subpoena witnesses and require the production of any books, papers or other documents relevant or material to the inquiry;
- (iii) To rule upon offers of proof and relevant evidence;
- (iv) To provide for discovery and determine its scope;
- (v) To regulate the course of the hearing;
- (vi) To hold conferences for the settlement or simplification of the issues;
- (vii) To dispose of procedural requests or similar matters; and
- (viii) To take any other action authorized by the Department's rules.

(d) Failure or refusal to appear or obey orders of the hearing officer may result in the sanctions provided in W.S. §16-3-107(c) and (f).

(e) Except to the extent authorized by W.S. §16-3-111 or by other state law, a party or that party's attorney shall not communicate directly or indirectly in connection with any issue of fact or law with the hearing officer or any member of the Board concerning any pending case, except upon notice and opportunity for all parties to participate. Should ex parte communication occur, the hearing officer or the Board member contacted shall advise all parties of the communication as soon as possible thereafter, and if requested, allow any party the opportunity to respond. If a Board member needs counsel regarding the hearing, they shall contact the Attorney General's office. If the individual requesting the hearing needs counsel, they are encouraged to contact the Wyoming State Bar or a private attorney.

#### Section 17. **Evidence and Testimony; Telephone Conferences**

(a) Except as may be otherwise ordered by the hearing officer, the Department bears the burden of proof.

##### (b) Admissibility of evidence

(i) The parties shall be entitled to present any oral or documentary evidence, submit rebuttal evidence and conduct cross-examinations, as may be required for a full disclosure of the facts.

(ii) All documentary or physical evidence submitted for consideration shall be marked as exhibits. Petitioner's exhibits shall be marked by letters of the alphabet beginning with "A". Respondent's exhibits will be marked by numbers beginning with "1".

(iii) The hearing officer shall allow any oral or documentary evidence. Irrelevant, immaterial, or unduly repetitious evidence may be excluded. Hearsay is admissible.

(iv) Evidence may be received in written form, yet if such written evidence would not be admissible under the Wyoming Rules of Evidence, all parties should be afforded a reasonable opportunity to confront and cross-examine the author of the written evidence. Generally, such a reasonable opportunity is afforded by giving all parties written notice of the intent to introduce and rely upon the written evidence a reasonable period of time prior to the scheduled evidentiary hearing.

(c) Objections

(i) The grounds for objection to any evidentiary ruling by the hearing officer shall be briefly stated. Rulings on all objections shall appear in the record. Only those objections made before the hearing officer, or specifically stipulated to by both parties, may be relied on in a subsequent proceeding.

(ii) Formal exception to an adverse ruling is not required.

(d) Privileged and confidential information

(i) Any privilege at law shall be recognized by the hearing officer in considering evidence.

(ii) No employee of the Department shall be compelled to testify or to divulge information which is confidential or privileged at law and which is contained within the records of the Department or acquired within the scope of employment except as provided in W.S. §16-3-107.

(e) Administrative notice may be taken of any material fact not appearing in evidence in the record that is of the nature of traditional matters of judicial notice or within the special technical knowledge or files of the Department. Parties shall be given an opportunity to contest matters administratively noticed prior to a final decision by the Department in accordance with W.S. §16-3-108.

(f) Each witness who is present to give testimony must identify himself or herself by stating his or her name and address; indicate on whose behalf he or she will testify; and be administered an oath by affirmation by the Hearing officer.

(g) At the discretion of the hearing officer, telephone calls may be used to conduct any hearing or other proceeding. At the discretion of the hearing officer, parties or their witnesses may be allowed to participate in hearings by telephone.

**Section 18. Representation.**

(a) All parties have a right to represent themselves, to be represented by an attorney licensed to practice law to appear on their behalf.

(i) If the individual requesting a hearing is represented by an attorney, payment of attorney's fees and costs are the responsibility of the individual requesting a hearing.

(b) Department employees may request the Attorney General to assist in contested case hearings to the extent required by W.S. §16-3-112(c).

**Section 19. Order of Procedure.**

(a) The following order of procedure shall be followed:

(i) The hearing officer shall announce the hearing is open and call by docket number and title the case to be heard. The hearing officer shall ask if parties are ready to proceed and will allow parties an opportunity to dispose of any preliminary matters;

(ii) The hearing officer shall administer the oath affirmation to all witnesses who will present testimony;

(iii) The hearing officer may, by discretion, allow evidence to be heard in an order other than prescribed here and shift the burden of proof accordingly;

(iv) The opening statements will be made by the Petitioner first, then by the Respondent, unless the hearing officer allows evidence to be heard in an order other than that prescribed and shifts the burden of proof according to paragraph (iii) of this subsection;

(v) Evidence will be presented by the Petitioner first, then by the Respondent, unless the hearing officer allows evidence to be heard in an order other than that prescribed and shifts the burden of proof according to paragraph (iii) of this subsection. Petitioner may then offer rebuttal evidence. Parties may each exercise the right to cross-examine;

(vi) The hearing officer and the hearing panel members may examine witnesses at the close of either party's direct or cross examination;

(vii) No testimony shall be received by the hearing officer unless given under oath/affirmation;

(viii) Closing statements will be made by the Petitioner first, then by the Respondent, and then the Petitioner will have the final response.

(ix) The hearing officer may limit the time for opening and closing statements;

(x) The hearing officer may recess the proceedings as appropriate;

(xi) After all parties have had an opportunity to be heard, the hearing officer may excuse all witnesses and adjourn the hearing;

(xii) The hearing may be reopened only upon a motion by a party to the proceeding on a showing of good cause.

#### Section 20. **Decisions.**

(a) The hearing officer shall make proposed findings of fact and conclusions of law within twenty (20) working days of the close of the hearing and forward them to members of the Hearing panel for approval as a recommended decision. This time may be extended if the parties or other interested persons are to submit briefs; but, in no event may this time be extended by more than ten (10) working days, unless a later date is stipulated, in writing, by Petitioner and Respondent.

(i) Within ten (10) working days of the Hearing officer's recommended decision, the Hearing panel shall issue its recommended decision to the Board.

(ii) Within ten (10) working days of the date of the Hearing panel's recommended decision, each party shall be allowed to file with the Board exceptions to the recommended decision with or without a supporting brief. Such exceptions and briefs shall be served on all other parties.

(b) Within fifteen (15) working days of receipt of the Hearing panel's recommended decision, the Board will make and enter in the record the final decision in the case. This decision shall be made and served on all parties to the proceeding.

(i) The decision shall include:

(A) A statement of the findings of fact and conclusions of law, stated separately, with a concise and explicit statement of the underlying facts supporting the findings; and

(B) The appropriate rule, order, relief or denial thereof. The decision shall be based upon a consideration of the whole contested case record or any portion stipulated to by the parties.

(ii) The decision shall state all facts administratively noticed and relied upon as provided by W.S. §16-3-108(d).

(c) Final decisions of the Board shall be approved by a majority of members present at a meeting where a quorum exists, signed by the Chairman and be effective immediately after being entered in the record and served upon all parties. Service shall be accomplished either personally or by mailing a copy of any decision or order to each party or to their-attorney of record within a reasonable time following the entry of the decision into the record.

#### Section 21. **Appeals.**

Appeals from a final decision of the Board shall be taken in accordance with W.S. §16-3-114 and Rule 12 of the Wyoming Rules of Appellate Procedure.

#### Section 22. **Transcripts and Record.**

(a) When a contested case is set for hearing, the Chairman or designee shall assign a docket number to each case and enter the case with its number and date of filing in a docket book maintained by the Chairman or designee. The Chairman or designee shall maintain a separate file for each docketed case in which all pleadings, transcripts, correspondence, papers, and exhibits for that case shall be maintained. All such items shall have noted thereon the assigned docket number and the date of filing.

(b) The Chairman or designee shall record all contested case proceedings electronically, through the use of a qualified court reporter or any other appropriate means determined by the agency, or the hearing officer, as approved by the Department. Transcriptions of oral proceedings or written transcripts of a witness's testimony may be obtained upon payment of the cost. Costs may include costs of transcription, pro-rated time of a DFS employee to duplicate tapes for transcription, cost of tapes and any other cost associated with transcription of the hearing tapes.

(i) In a nonpublic investigation proceeding, requests for copies or transcripts may be limited to testimony of the requesting party.

(ii) Where individuals can demonstrate indigence and cannot effectively perfect appeal without such transcription the Department may waive the payment of the fee.

(c) The record of the hearing shall contain:

(i) All formal or informal notices, pleadings, motions, intermediate rulings;

(ii) Evidence received or considered, including matters administratively noticed;

(iii) Questions and offers of proof, objections and rulings;

(iv) Any proposed findings and exceptions thereto; and

(v) The report of the hearing officer to the Child Care Certification Board and the final decision of the Board.

Section 23. **Severability.**

If any portion of these rules is found to be invalid or unenforceable, the remainder shall continue in effect.

## Table of Contents

### CHAPTER 6

#### ADMINISTRATIVE RULES FOR CERTIFICATION

#### OF CHILD CARE FACILITIES

#### RULES RELATING SPECIFICALLY TO FAMILY CHILD CARE HOMES

A licensed child care facility in which care is provided for no more than ten (10) children in the primary residence of the provider.

Section No.	Subject	Page No.
1	Capacity/Supervision Requirements	6-1
2	Provider and Staff Requirements	6-4
3	Parental Rights	6-6
4	Discipline and guidance	6-7
5	Medications	6-8
6	Transportation/Field Trips	6-10
7	Training	6-11
8	Records and Reports	6-14
9	Confidentiality	6-17
10	Overnight Care of Children	6-17
11	Hazardous Conditions	6-17
12	General Compliance	6-20
13	Outdoor Play Space	6-23
14	Food Service	6-25
15	Infant Care	6-26

CHAPTER 6

ADMINISTRATIVE RULES FOR CERTIFICATION

OF CHILD CARE FACILITIES

RULES RELATING SPECIFICALLY TO FAMILY CHILD CARE HOMES

Section 1. **Capacity/Supervision Requirements:**

(a) The licenser shall determine total capacity for the facility. This capacity shall never exceed ten (10) children.

(i) The licensed capacity includes the provider's own infant, toddler and preschool age children. The provider's own school age children are not included in the capacity. All other children under the age of thirteen (13), to include foster children, school age children or children related to staff shall be included in the capacity.

(ii) Maximum group size may be limited by facility capacity.

(b) Staff:child ratios and supervision as described in this chapter must be maintained at all times.

(c) Staff:child ratios and maximum group size shall be maintained as follows (Table 6-1) during all hours of operation when homes care for only one age group:

Table 6-1

Ages of Children	Staff:Child Ratio	Maximum Group Size
Birth to 12 mos.	1:4; 2:8	8
12 mos. - 24 mos.	1:5; 2:10	10
24 mos. - 36 mos.	1:8; 2:10	10
3 year olds	1:10	10
4 and 5 year olds	1:10	10
6 and older	1:10	10

(d) When age groups are combined

(i) and Table 6-1 is used staff:child ratios and group size for the age of the youngest child present shall apply; or

(ii) the following (Table 6-2) maximum staff:child ratios and group sizes shall be followed. Slots may be shifted to older age groups but not to younger. When only one staff person is present- if at least two children's slots are shifted out of the Birth -24 month categories, then the maximum group size can be increased to 10, with no more than 5 children present in the 24- 36 months age group.

Table 6-2

Ages of Children	One Staff	Two Staff
Birth - 12 months	2	4
12 months-24 months	2	4
24 months- 36 months	2	2
Over 36 months	2	0
<b>Total</b>	<b>8</b>	<b>10</b>

(e) Accommodations shall be made for children with special needs and shall be based on the child's abilities.

(f) Supervision of children ten (10) years or older may be relaxed with parents' written permission to allow children to be out of the direct supervision of an adult while participating in parental approved activities. This will allow support for development of age appropriate independence in these children.

(g) In order to be counted in the staff:child ratio, staff must be attending to the children. Necessary cooking, cleaning, janitorial, or similar tasks performed by a staff person counted in the staff:child ratio may take no longer than a few minutes, must be done in such a way that the children are within sight and sound of the staff person, and the staff person can quickly and easily leave the task to handle direct child caring duties.

(h) Staff and auxiliary staff under age of majority shall be under direct supervision by an adult staff member at all times. Minimum age of staff must be sixteen (16) years.

(i) Youth trainees are supervised, aided and assisted by an adult staff at all times. There shall always and constantly be one on one contact with a qualified adult staff member in the presence of children.

(i) Facilities that have youth trainees must inform parents in their facility policies and through in-house notices to parents.

(ii) Youth trainees are never counted in staff:child ratios as staff or child nor left alone with children.

(iii) Youth trainees can only be present in the facility no more than twenty four (24) hours in a month.

(iv) Facilities shall have on file for each youth trainee the following records to be kept for three (3) years:

(A) Three (3) Positive References,

(B) Emergency contact information,

(C) Start and expected end date and actual end date of the training time,

(D) Trainee's training goals and objectives,

(E) Listing of the supervising trainer(s) involved for that youth, and

(F) Documentation charting training time in the facility; dates, time, location and supervising trainer.

(m) There shall be at least one (1) adult staff supervising the care of children at all times and the following supervision requirements also apply:

(i) Awake infants and toddlers must be directly supervised by staff at all times;

(ii) Older children may be located in adjacent indoor and/or fenced outdoor areas of the facility if there is direct access, the staff person can clearly hear what happens in the adjacent area and the staff person remains attentive and moves from one area to the other every couple of minutes;

(iii) If children are in more than two (2) areas, or areas are not adjacent, then a staff person must be present and attending the children in each area;

(iv) Children must be located on the same level or within sight and sound of staff at all times; and

(v) Napping children who are not within sight of the staff person must be within easy hearing distance at all times and must be checked on every few minutes.

(vi) At least one (1) person certified in infant/child CPR and first aid shall be in attendance at all times and in all places that children are in care.

## **Section 2 Provider and Staff Requirements**

(a) All providers shall have attained the age of majority and be physically and mentally able to care for children.

(b) Providers shall have a high school diploma or a GED certificate; or

(i) Providers shall be able to document a minimum of three (3) months of supervised work experience or education in the care of children other than their own; or

(ii) Shall have completed six (6) clock hours of child care training in addition to provider orientation prior to licensing; or

(iii) Have received a professional credential from an organization recognized by the Department of Family Services.

(c) It is the responsibility of the provider to ensure that all records and reports required in these standards are maintained on site.

(d) The Family Child Care Home provider must be present at the facility a minimum of seventy-five percent (75%) of the operating week based on a forty (40) hour work week. Exception may be made for training, vacation, illness or other types of necessary extended absence that is approved by the licenser.

(e) When a provider is not present at the facility, an adult staff person with sufficient knowledge and training in the operation of the facility, as well as decision-making authority, must be left in charge.

(f) Before the provider and their staff or auxiliary staff assume responsibility for direct care of children, or move into the home, providers shall have in the file at the facility, documentation of:

(i) Current TB test results in accordance with Wyoming Department of Health Recommendation;

(ii) Three (3) positive references;

(iii) Date of hire or beginning service; and

(iv) A child abuse/neglect Central Registry check and criminal background prescreen on all staff and auxiliary staff is required to be completed and must not reveal any disqualifying information.

(v) If indicated by the prescreen, a full criminal background check is required, staff and auxiliary staff may not be employed if they have been convicted or have a pending deferred prosecution of a felony or misdemeanor involving:

(A) Child abuse or neglect;

(B) Spousal abuse;

(C) A crime against a child or vulnerable adult;

(D) A crime involving violence, including rape, sexual assault or homicide;

(E) One of the following if the conviction occurred within the last five (5) years:

(1.) Physical assault whether felony or misdemeanor;

(2.) Battery whether felony or misdemeanor;

(3.) A felony related drug offense; or

(4.) Any other crime that cause the facility to be concerned for the safety or well-being of children or others.

(F) The provider shall determine if rehabilitation has occurred for individuals with criminal convictions outlined in (E) above that occurred more than five (5) years ago. The provider shall document this rehabilitation for those that will be employed.

(g) All persons who provide care to children more than twenty-four (24) hours in one (1) month shall meet the same training requirements as the provider. See Chapter 6, Section 7.

(h) All staff, auxiliary staff, visitors and all other persons coming in contact with the children in child care facilities shall demonstrate appropriate behaviors in the presence of children.

(i) The provider/director will be held responsible for the actions of any staff, auxiliary staff or youth trainee who has contact with the children while the facility is operating.

### Section 3. **Parental Rights.**

(a) Parents or guardians shall have unrestricted and immediate access to their children and any area of the facility used by children anytime their child is in attendance.

(b) Parents shall be informed of all known/treated injuries that occur to their child while they are in care.

(c) Parents have a right to the following information:

(i) All inspection reports for the facility;

(ii) Staff:child ratio requirements;

(iii) Menus;

(iv) Information on obtaining complaint and compliance history of providers from the Department of Family Services; and

(v) Documentation of provider/director training.

(d) Parents must be given a copy of written program policies, initially and when there are changes to the policy, (Changes to policy must be given to parents prior to implementation of new policy) to include the following information at the time of the child's enrollment:

(i) Discipline;

(ii) Sick children in care;

(iii) Administration of medication;

- (iv) Administrative policy such as payment, hours of operation and services provided by the child care facility;
- (v) The presence of any weapons on the premises; and
- (vi) Any unusual policies (i.e. not celebrating birthdays or holidays);
- (vii) Information on sleeping arrangement and supervision when overnight care of children is provided; and
- (viii) Complaint procedures for reporting concerns:
  - (A) To the provider/director; and
  - (B) To the Department of Family Services;
- (e) Current license must be prominently displayed for public viewing at all times.

Section 4. **Discipline and guidance.**

- (a) Written discipline policy must be developed and followed by all staff.
- (b) It shall not include any discipline that is in violation of the child abuse or neglect statute. This includes excessive or unreasonable physical discipline.
- (c) The facility's discipline policy shall outline methods of guidance appropriate to the ages of the children enrolled.
- (d) It shall explicitly describe positive guidance, such as redirection, natural and logical consequences, modeling of positive behavior and other non-violent, non-abusive methods of discipline.
- (e) The facility's discipline policy must be included in orientation of all staff.
- (f) When "time out" is used, it must:
  - (i) Enable the child to regain control of himself/herself and must keep the child in visual contact with a caregiver;
  - (ii) Be a last resort technique for a child who is harming another, or in danger of harming himself/herself;

(iii) Used infrequently and for very brief periods. It shall be used selectively, taking into account the child's developmental stage and the usefulness of "time out" for the particular child.

(g) Only adult staff with direct child care or supervisory responsibility shall discipline children.

(h) Children in care shall not act as or be employed as staff or be allowed authority over other children.

(i) The following behavior shall be prohibited in all child care settings:

(i) Punishment associated with food, rest or toilet training;

(ii) Rough handling of children including hitting, spanking, beating, shaking, pinching, pushing or other measures that could produce physical pain;

(iii) Inappropriate use of language including but not limited to profanity, name-calling, derogatory or demeaning terminology or screaming related to disciplinary purposes.

(iv) Any form of humiliation including threats of physical punishment;

(v) Any form of emotional maltreatment including rejecting, terrorizing, corrupting, isolating or ignoring a child. Children can be removed from a group, but not isolated. Behaviors of a child may be ignored, but not the child.

#### Section 5. **Medications.**

(a) All child care facilities shall have written policies and procedures governing the supervision of the administration of medication to children. These policies and procedures shall be available for inspection.

(b) Medications include any medication or pharmaceutical samples prescribed by a health care professional and commonly used non-prescription over the counter medications including, but not limited to, ointments, repellents, lotions, creams or powders.

(c) The use of sunscreen, bug spray and over the counter topical medicines such as but not limited to; diaper ointments and antibiotic creams, will not be subject to the conditions of this Section. When used, however, the following requirements apply:

(i) The sunscreen, bug spray and over the counter topical medicine must be stored in the original container and the manufacturer's instructions for use must be followed; and

(ii) A consent form, signed by the parent or legal guardian, which allows the application of sunscreen, bug spray and over the counter topical medicine on his/her child and indicates the brands of sunscreen, bug spray and over the counter topical medicine that can be used must be on file; and

(iii) When an over the counter topical medicine is applied the parents must be notified that day.

(d) Medications can only be given in child care when:

(i) Child care staff who administer medication have received training approved by the Department of Family Services on administration of medication.

(ii) A medication consent form has been completed and signed by the parent or legal guardian and includes:

(A) Specific instructions for the date and time to be administered and dosage; or

(B) A standing order from a parent or health professional for commonly used nonprescription medication that defines what medication and when a medication should be used.

(e) The administration of medications shall be limited to:

(i) Medications prescribed by a licensed health care professional; and

(ii) Non-prescription over-the-counter medications.

(f) Prescription medications and pharmaceutical samples prescribed by a physician or licensed health professional shall bear the original prescription label or written statement specifying the:

(i) Child's name;

(ii) Amount and frequency of dosage; and

(iii) Name of prescribing physician or other health professional.

(g) Over-the counter medications shall be stored in the original container and shall be accompanied by written instructions from the parent or medical professional specifying the:

- (i) Name of the child;
- (ii) Name of the medication; and
- (iii) Amount and frequency of dosages.

(h) All Medications will be stored:

- (i) In a safety lock container and made inaccessible to children; or
- (ii) in an enclosed space that is inaccessible to children; or
- (ii) In a refrigerator separated from food in a sealed plastic container on the top shelf or in a drawer of the refrigerator if refrigeration is required.

(i) A written record of all medication, including over the counter medication, given to children shall be kept by the child care facility. This record shall include:

- (i) Name of medication;
- (ii) Date the medication was administered;
- (iii) Amount of medication given;
- (iv) Time the child received the medication; and
- (v) Signature of person administering medication.

(j) Any deviation from recommended dosage on the label must be accompanied by a physician's written instructions.

(k) Medications shall not be used beyond the date of expiration.

**Section 6. Transportation/Field Trips.**

(a) Vehicles used to transport children shall be maintained in safe condition and comply with applicable motor vehicle laws.

(b) Operators of vehicles used to transport children shall have the appropriate type of driver's license and be at least eighteen (18) years of age.

(c) The number of persons in a vehicle used to transport children shall not exceed the manufacturer's recommended capacity nor the number of seat belts installed when the vehicle was manufactured.

(d) Each child who is a passenger, and within the age and weight requirements of subsection (a) of W.S. § 31-5-1303, shall be properly secured in a child safety restraint system.

(e) The child safety restraint system must conform to Federal Motor Vehicle Safety Standards for child restraint systems.

(f) The child must be properly secured in the restraint, and the restraint must be properly installed, both as per manufacturer's instructions.

(g) Any child who is not required by subsection (a) of W.S. § 31-5-1303 to be secured in a child restraint system shall wear seat belts in accordance with W.S. § 31-5-1402.

(h) When children are taken off site, there shall be:

(i) A first aid kit; and

(ii) Emergency medical release forms on all children being transported; and

(iii) A current and updated attendance to ensure children are released to a parent, another location at the request of a parent or are returned to the facility.

(i) Children will never be left without adult supervision in any vehicle.

#### Section 7. **Training.**

(a) Completion of six (6) hours of approved director/provider orientation training to include information affecting the safety and health of children, fire safety, sanitation procedures, and DFS licensing rules is required of all applicants within twelve (12) months prior to issuance of a child care license.

(b) The orientation training and other approved training completed by the provider/director, staff or auxiliary staff within twelve (12) months prior to the issuance of the initial license may be applied toward the first biennial training requirements.

(c) All staff shall receive a minimum of two (2) hours approved facility staff orientation training before assuming responsibility for unsupervised direct care of children and within 3 months of staff's start date. The provider/director is responsible for scheduling or delivery of staff orientation. This training may be used to meet training requirements in Chapter 6, Section 7(g).

(d) Within three (3) months of employment in child care, any person having direct contact with children shall be certified in first aid and infant/child Cardiopulmonary Resuscitation (CPR).

(e) First aid and infant/child CPR certification must be kept current at all times for all staff after three (3) months of employment.

(f) One (1) training hour each shall be given for first aid and infant/child CPR as part of the Health and Safety requirement of Chapter 6, Section 7 (l) (i).

(g) Any staff person engaged in child care twenty-four (24) hours or more per month, having direct contact with children, and counted in staff:child ratios must complete a minimum of thirty (30) hours of training biennially, with a minimum of fifteen (15) hours to be completed during the first year of the facility's training biennium.

(h) A minimum of one (1) training hour must be completed in each of the following areas as part of the required biennial training requirements:

- (i) Blood borne pathogens;
- (ii) Fire safety provided by an authorized fire inspector;
- (iii) Sanitation provided by an authorized health inspector; and
- (iv) Recognition and reporting of suspected child abuse or neglect.

(i) Training hour requirements for partial years of service will be prorated at a rate of one point two five (1.25) hours per month.

(j) The training biennium will be shortened when a change in licensure dates occurs.

(k) No more than fifty percent (50%) of the required training hours shall be acquired from videos and/or books, except when it is demonstrated that other training options are not available within fifty (50) miles of the facility.

(l) Providers and directors must ensure that training hours for all staff reflect a minimum of one-half (1/2) hour of training in each of the following areas during each biennial training period:

(i) Health, Nutrition and Safety including how to establish and maintain a safe, healthy environment for children; plan an appropriate nutrition program; establish and implement emergency procedures; educate children and families about healthy, safe living and administration of medication;

(ii) The Active Learning Environment including use of space, materials, activities and relationships as resources for creating an indoor/outdoor play environment; planning and implementing experiences which are appropriate for the age and individual needs of children and advances all areas of children's development;

(iii) Guidance and Discipline including how to help children develop independence, self control, cooperative skills, and respect for others through a variety of positive strategies including encouragement, problem solving, modeling, prevention, and time alone;

(iv) Child Growth and Development including understanding and promotion of children's physical, emotional, social, intellectual, creative and language development; observation and assessment of children's growth; and recognition of developmental delays;

(v) Family Relationships including building cooperative partnerships/relationships with family; knowledge and respect for the beliefs, traditions and heritage of each child; valuing the family as the child's most important teacher; knowledge of and referral to appropriate community resources; and understanding sources of family stress;

(vi) Program Management including management and administration of programs; organization and maintenance of records for efficient operation; and cooperation with co-workers;

(vii) Professionalism including adherence to licensing standards and other regulations; self assessment; program assessment; confidentiality; ethical practices; recognition and reporting of suspected child abuse or neglect; and

(viii) Uniqueness and Cultural Diversity including adaptation of environment and activities to meet special needs of children and respect of the uniqueness of each child and family; including foods, music, clothing, costumes, utensils and other artifacts of families into daily experiences of children;

(m) Proof of completion of child care training must be kept on file for all child care staff who are required to receive training as outlined in Section 8 of this chapter.

(i) Acceptable proof of training are awards of approved training hours, grade reports, or certification in the case of first aid and infant/child CPR.

(ii) Documentation of all training shall be maintained on-site in the facility's files, except in the case of multiple location facilities where staff training records may be kept in a central location.

(n) Training must be approved by the Department of Family Services before credit will be allowed. Training sponsored by an accredited college or university does not require Department of Family Services approval if it is related to the care of children. Each college credit hour will equal fifteen (15) clock hours.

(o) Training hours may be obtained from a community college, university, child care organization, provider sponsored training, correspondence courses, training given by other agencies and organizations or using material from the Wyoming Childcare Clearinghouse.

(p) Any staff member who has a professional certificate or license requiring continuing education hours (CEU's) in the area of child growth and development, may apply those hours to meet child care licensing requirements. Each CEU will equal 15 clock hours.

(q) The training can only be applied to the child care training requirement during the two (2) year training period it was received with the exception of hours awarded in Section 7 (b) of this chapter.

(r) For infant training see Section 15 (d) (i) and (ii).

#### Section 8. **Records and Reports.**

(a) Child care facilities shall maintain complete administrative, staff and children's records as required for licensing on-site. All records must be maintained for a minimum of three (3) years.

(b) The confidentiality of all personnel and children's records shall be maintained. Personnel and children's records shall be available, upon request, to authorized personnel of the Department.

(c) If records for multiple location facilities are kept in a central file, duplicate records for children shall also be kept on file at the facility attended by the child. Only staff

records necessary for an emergency are required on site where the staff member is assigned. All other staff records may be kept in a central location.

(d) Administrative records shall include:

(i) Attendance record for each child to include dates attended, and arrival/departure times;

(ii) Current health inspection report;

(iii) Current fire inspection report;

(iv) Private water testing reports if required; and

(v) Current Department of Family Services licensing inspection.

(e) Staff (Auxiliary staff wherever applicable) records shall include:

(i) Name;

(ii) Address;

(iii) Telephone number;

(iv) Three (3) documented positive references from individuals unrelated to the applicant and who have personal knowledge of the person's ability to care for children to include the date, name, address and telephone number of references and date contacted;

(v) TB test results in accordance with Wyoming Department of Health Recommendation;

(vi) Date of hire or beginning service;

(vii) Documented proof of all training received by staff to include the number of hours of training, dates and titles of training;

(viii) Dates, hours worked and area of responsibility. This applies to staff, volunteers, and substitutes that are counted in staff:child ratios;

(ix) Results of a child abuse/neglect Central Registry check and criminal background prescreen on all staff and auxiliary staff. Results of the full criminal background check if it is required. ( See Chapter 6, Section 2, (f) (v) for details);

- (x) Date of birth for all staff and auxiliary staff; and
  - (xi) A physician's statement may be required when there is a question of any staff member's ability to provide safe and adequate care for children.
- (f) Individual child's records shall be in place before a child is left in care and include:
- (i) The child's full name, birth date, current address and date of enrollment;
  - (ii) Name, home and employment address and phone number of parent(s) or the person(s) legally responsible for the child;
  - (iii) Names, addresses and telephone numbers of persons authorized to take the child from the facility, children may not be released to unauthorized persons without prior parent approval;
  - (iv) Names, addresses and telephone numbers of person(s) who can assume responsibility for the child in the event of an emergency, if parent(s) or guardian(s) cannot be reached immediately;
  - (v) Name and telephone number of the child's physician and dentist;
  - (vi) Health information including allergies, chronic physical problems and pertinent social information on the child and his family;
  - (vii) Immunization records and reports shall be completed and maintained by the provider as required by W.S. 14-4-116 and the Department of Health, Immunization Program, except for school age children who are attending public school. In programs that are operated on a drop-in basis, immunization records for children are not required, but recommended to be on file. If attendance on a drop-in basis exceeds thirty (30) calendar days, immunization records are required;
  - (viii) Written authorization from parent(s) or guardian(s) for the child to participate in field trips or excursions, whether walking or riding;
  - (ix) Written authorization from parent(s) or guardian(s) for the child to be transported;
  - (x) Written authorization from parent(s) or guardian(s) for emergency medical care;

(xi) Reports of injury or illness occurring while a child is in care requiring hospitalization, or treatment by a physician or the occurrence of the death of a child; and

(xii) All records for children actively participating in a program must be reviewed and updated annually.

(g) All child care facilities shall, within twenty-four (24) hours, report to the child care licenser for their county and immediately to the parents of the child(ren) involved, any injury, illness or incident which occurs at the facility and which results in medical treatment, hospitalization or death. A written report shall be sent to the child care licenser within three (3) days of the incident. The death of any child in care, regardless of cause, must be reported.

All staff are required by the Child Protective Services rules to report cases of suspected child abuse or neglect. A provider, director or their staff shall report immediately to the Department of Family Services office in their county or local law enforcement any circumstances indicating that a child in care may have been subjected to abuse or neglect. Under WY state law 14-3-205 (a) all persons professional and non-professional are mandated reporters..

#### Section 9. **Confidentiality**

(a) The provider shall make all required inspection reports available for public inspection.

(b) Names of children and their relatives are confidential to the public. All facts learned about children and their relatives shall be treated as confidential to the public.

(c) Personal information of the provider/director and staff, such as but not limited to social security numbers, date of birth, background check results and, physician's statements are confidential to the public.

#### Section 10. **Overnight Care of Children.**

(a) Whenever any facility cares for children past 7:00 p.m., the following rules will apply in addition to all other rules and regulations specific to the type of facility.

(b) Children must receive a full meal by 8:00 p.m. Children who are in attendance overnight must also receive breakfast unless released to the parent before 8:00 a.m.

(c) Children sleeping at the facility shall have separate cots or beds on which to sleep. (See Ch 6, Section 12 (m)).

(d) Sleep areas must be arranged in accordance with health and sanitation rules and regulations as outlined in Chapter 9, Section 4 (xxiv) of these rules.

(e) Children of the opposite sex over six (6) years of age shall have separate sleeping areas.

(f) Sleeping child(ren) must sleep on the same level as the staff person and the staff person must be able to hear the child(ren).

(g) There must be a staff person awake and on duty to release or receive a child.

Section 11. **Hazardous Conditions.**

(a) Uncrowded conditions

(i) The indoor area designated for the children's use while in care must include a minimum of thirty-five (35) square feet of usable play space per child, and this space must be available to the children on a continual basis.

(ii) Not counted in the play space are hallways, stairways, closets, furnace rooms, storage space, food preparation areas, bathrooms and other areas not available to the child care children; however, the licenser may inspect these rooms. The dining area of a kitchen may be counted when it is made available to the children for activities other than dining.

(b) A facility shall be maintained free of conditions hazardous to the physical well-being of children. Decks, porches, steps, stairs and walkways shall be maintained in good repair and safe condition. Stairs, decks and elevated porches shall have sturdy railings, child safety gate or guard rails to prevent falls, entrapment or other accidents. (See Chapters 10.)

(c) Play areas, equipment, and toys shall be maintained in a safe condition.

(d) Children shall not have access to cords or ropes, such as, but not limited to, window treatment cords or electrical cords.

(e) Spaces that could entrap children, such as openings in guardrails, banisters, etc. must measure 3.5" or less, or more than nine inches to prevent entrapment.

(f) Potentially dangerous or unsafe items shall be made inaccessible to children.

(g) Cupboards and drawers that contain unsafe items including, but not limited to, cleansers, sprays, razors, knives, scissors, plastic bags, and alcohol shall have child proof locks.

(h) All rooms used by children shall be adequately heated, cooled, lighted, and ventilated.

(i) Unused electrical outlets shall be covered with safety caps.

(j) Any appliance too hot to touch shall be made inaccessible to children unless its use is for an activity directly supervised by an adult.

(k) All heating appliances, if too hot to touch, shall be screened or not used when the child care is in operation. If they are not used, a note will be made on the inspection form to indicate the provider's acceptance of this requirement.

(l) Electric fans shall be out of the reach of children or shall be fitted with an appropriate mesh to prevent access to the blades by children.

(m) Chemicals shall not be used around children or in a manner that will contaminate play surfaces such as, tables, carpets, lawns, food, or food preparation areas.

(n) Whenever swimming or wading pools are present or in use, the following shall apply:

(i) Facility policy must include written safety procedures outlining conditions for use of a swimming or wading pool and be given to parents and staff;

(ii) Written parental consent is required for use of a swimming or wading pool;

(iii) An adult staff member must be in the immediate vicinity at all times when a swimming or wading pool is available;

(iv) An adult shall remain within arms reach of infants when using a wading pool and in direct physical contact with infants at all times during swimming;

(v) Swimming pools must be fenced or enclosed to restrict unsupervised access;

(iv) There must be at least one certified lifeguard present when a swimming pool is in use;

(v) Children are to be instructed on the safe use of a swimming pool;

(vi) When using a public or private swimming pool, staff:child ratios for infants and toddlers, birth to 36 months, shall be 1:1 and for preschoolers 1:4 and for school age 1:6 while swimming. Certified lifeguards may be used to meet these staff:child ratios when the lifeguard is age sixteen (16) or older and assigned only to that group of children;

(vii) Children shall not be allowed to use hot tubs or spas and they must be made inaccessible.

(o) Full sized trampolines may not be used and must be fenced or otherwise made inaccessible to child care children. Small exercise trampolines may be used by children three (3) years or older with adult supervision and written parental permission.

(p) Firearms and ammunition shall be stored separately from each other, locked and made inaccessible to children. Archery equipment and any other type of weapon shall be handled in the same manner as firearms.

(q) Other safety issues not included in this subsection must be complied with when identified by an authorized inspector.

#### Section 12. **General Compliance.**

(a) Children shall be present only in areas of the facility approved and inspected for child care and designed for their use.

(i) Rooms not designated and approved for child care shall be made inaccessible to children with the exception of rooms used as an evacuation route.

(b) The overall condition of the child care facility and ground shall be maintained in a clean, uncluttered, sanitary and healthful manner.

(c) Media such as, but not limited to, movies and internet sites that are inappropriate for children shall not be accessible to children during child care hours.

(d) The use of tobacco or the consumption of alcohol shall be prohibited in all licensed child care facilities anytime during hours of operation and in all vehicles while transporting children. Illegal drugs are prohibited by law and therefore not allowed on the premises of a licensed child care facility at anytime whether the facility is open or closed.

(e) An operable telephone or cell phone must be available in the facility at all times and the following conditions apply:

(i) Unlisted telephone or cell phone numbers are not allowed; and

(ii) Emergency phone numbers to include 911 poison control, an adult emergency substitute, as well as the address and phone number of the facility must be posted by the telephone or in a location that is immediately visible at all times.

(f) Fire safety training shall be made a part of the program. This shall include personal safety, a fire safety evacuation plan, and monthly fire drills as outlined in Chapter 10;

(i) Children's emergency contact phone numbers and children's attendance records shall be taken outside with children during all fire or emergency drills to be used as a roster.

(ii) Drills shall include practice from all exit locations, at varied times of the day, and during varied activities.

(iii) Fire safety and emergency evacuation plans must be posted.

(g) An emergency preparedness plan shall be written to include but not limited to tornado, earthquake, flood and blizzard planning as appropriate.

(h) Non-walking children shall have an opportunity during each day for freedom of movement such as crawling in a safe, clean, open, uncluttered area.

(i) Each child shall have periodic individual attention appropriate to the age of the child, such as being held, rocked, talked to or hugged.

(j) All cries of children shall be investigated promptly and responded to appropriately.

(k) Inflatable beds must be properly inflated and in good repair and shall not be used for children under the age of twenty four (24) months. When used for children twenty-four (24) months and older, they must be able to raise and move their heads easily.

(l) Wet or soiled clothing shall be changed promptly. A sufficient supply of clean clothing for emergency use shall be provided;

(m) Children shall have their own separate bedding for nap/rest time. Cots or pads shall be spaced at least two (2) feet apart on all sides. The bedding shall be washed once a week or more often as needed.

(n) Floors, walls, and window coverings shall be kept clean;

- (o) Staff shall wash their hands:
  - (i) after , using the toilet or helping a child use a toilet, handling bodily fluid, handling pets, cleaning or handling the garbage; and
  - (ii) Before and after diaper changing, handling uncooked food, eating, and giving medication;
  - (iii) The kitchen sink cannot be used for hand washing after diaper changing.
- (p) Children shall wash their hands before and after eating, using the toilet, handling pets, playing in sandboxes.
- (q) Toys, table tops, phones, doorknobs, door casings, handles and railings must be cleaned and sanitized once a week or whenever visibly soiled;
- (r) Dirty laundry shall not be accessible to children;
- (s) A sturdy stool shall be available to children as needed to make hand washing sinks accessible;
- (t) Soap and single service hand towels shall be available at all hand washing sinks.
- (u) A first aid kit meeting the following criteria will be available.
  - (i) All child care facilities shall have at least a basic first-aid kit or its equivalent on hand at all times. The first aid kit shall be taken on field trips and outings.
  - (ii) This kit shall be a closed container for stocking first aid supplies, accessible to staff members but out of reach of children. The first aid kit shall contain at least the following:
    - (A) Band Aids;
    - (B) Sealed packages of alcohol wipes or antiseptic;
    - (C) Scissors;
    - (D) Tweezers;
    - (E) Thermometer with probe covers;

- (F) Bandage tape;
- (G) Sterile gauze pads;
- (H) Flexible roller gauze;
- (I) Triangular bandages;
- (J) Safety pins;
- (K) Eye wash;
- (L) Pen/pencil and note pad;
- (M) Poison Control phone number;
- (N) Cold pack;
- (O) Current American Academy of Pediatrics, American Red Cross Standard First Aid Text, or equivalent first aid guide.

### **Section 13. Outdoor Play Space**

(a) There shall be a minimum of seventy-five (75) square feet of outdoor play space for each child when ages of children are combined.

(b) When children are separated into age groups, and only one (1) age group is using the playground at any given time, the following minimum outdoor play space requirements apply:

(i) Thirty-five (35) square feet for each child birth to eighteen (18) months of age;

(ii) Fifty (50) square feet for each child eighteen (18) months to twenty-four (24) months of age; and

(iii) Seventy-five (75) square feet for each child over the age of twenty-four (24) months of age.

(c) If the required outdoor space is not available, the same amount of indoor space required in (a) and (b) above may be used if it provides for types of activities equivalent to those performed in an outdoor space.

(d) The outdoor play area shall be enclosed with a fence. The fence shall be at least four (4) feet in height and the bottom edge shall be no more than three and one-half (3 ½) inches off the ground.

(e) Some shaded areas shall be provided in the outdoor play area.

(f) Sandboxes shall be constructed to permit drainage and shall be covered tightly and secured when not in use.

(g) Equipment shall be sturdy, stable, and free of hazards that are accessible to children during normal supervised play including sharp edges, lead based paint, loose nails, splinters, protrusions, pinch and crush points.

(h) All pieces of equipment shall be installed as directed by the manufacturer's instructions and specifications.

(i) All broken equipment shall be repaired or removed from the premises immediately or made inaccessible to the children.

(j) Anything that could cause strangulation, such as but not limited to, ropes; jump ropes; clotheslines; and/or pet leashes cannot be attached to play equipment.

(k) All equipment and spaces that could entrap children, such as but not limited to, openings in guardrails or between ladder rungs must measure less than three and one-half (3 ½) inches or less, or more than nine (9) inches.

(l) Platforms and ramps must have guardrails to prevent falls.

(m) All outdoor play equipment with a fall height of more than twenty-four (24) inches shall be installed over a resilient surface.

(n) Acceptable materials to be used for resilient surfacing include wood mulch, double shredded bark mulch, uniform wood chips, fine sand, coarse sand, and pea gravel. Other materials that have been certified by the manufacturer to be shock-absorbing resilient material in accordance with the American Society for Testing Materials (ASTM) Standard can be used when these materials are installed, maintained and replaced according to the manufacturer's instructions.

(o) Resilient surfacing must meet the following requirements for the depth of the resilient surface:

(i) Equipment with a fall height of more than twenty-four (24) inches but less than seven (7) feet shall have six (6) inches of uncompressed resilient surface, except for sand. (See (iii) below);

(ii) Equipment with a fall height of seven (7) feet to ten (10) feet shall have nine (9) inches of uncompressed resilient surface; and

(iii) When sand is used as a surfacing material for equipment with a critical height of more than five (5) feet, twelve (12) inches is required.

(p) The facility must maintain a use zone for stationary equipment which is free of all other equipment and obstacles which extends a minimum of six (6) feet in all directions from the perimeter. For specific use zone requirements for slides and swings see (r) and (s) below.

(q) When stationary pieces of equipment are located adjacent to each other, the use zone may overlap and share the same six (6) foot use zone when both pieces of equipment are less than three (3) feet high. When adjacent stationary pieces of equipment are higher than three (3) feet, the overlapping use zone must be nine (9) feet.

(r) The back and side use zone for a slide must be six (6) feet. The use zone for the front of the slide will be determined by adding four (4) feet to the height of the slide but does not have to exceed fourteen (14) feet.

(s) For swings, a use zone is required both in front and in back of the swing and the use zone must extend a minimum distance of twice the height of the swing as measured from the ground to the swing hangers on the support structure.

(t) If a child care facility does not provide care for more than a four (4) hour period per day, outdoor play space is not required. However, if the facility does have outdoor play space and it is used for play, that space must meet licensing requirements.

(u) Providers/directors shall assure that children have protection appropriate for weather conditions.

(v) Play areas shall be free from miscellaneous debris or litter such as tree branches, soda cans, bottles, glass, animal waste, or any other hazard identified by an authorized inspector.

(w) Child care facilities which were licensed prior to December 1, 2005 will be subject to the outdoor play space and resilient surface requirements outlined in the July 1, 2001 Administrative Rules for Certification of Child Care Facilities, unless the facility moves to a

different location, adds new outdoor play equipment or replaces existing equipment (excluding regular replacement of parts and repair).

**Section 14. Food Service.**

(a) Food served shall be planned for the needs of the children and shall be appropriate for their ages. Menus shall be kept on file for public review.

(b) If a child is in attendance for five (5) or more hours, a meal shall be provided, unless a child arrives after lunchtime and an evening meal is not provided by the facility. In this case, a healthy snack shall be provided. Each meal shall be planned to be balanced and to provide at least one-third (1/3) of the child's daily nutritional needs.

(c) Nutritious snacks shall be provided at suitable intervals.

(d) Pasteurized, inspected and approved milk produced under sanitary conditions shall be served at all meals, unless written documentation is on file of a child having specific reason prohibiting milk.

(e) Parents may provide meals for their own child. These meals must be stored and served in accordance with approved health and sanitation procedures.

(f) Children shall be served appropriate sized portions and permitted to have one (1) or more additional servings to meet the needs of the individual child.

(g) Children's food shall be served on plates, other disinfected containers, or clean single use items such as napkins. Food shall not be placed on bare surfaces such as tables, floors, etc.

(h) A child shall be encouraged, not forced, to eat.

(i) Food shall not be used as a bribe or punishment.

(j) When parents supply a child's food or bottle, it shall be clearly marked with the child's name, stored, and served in accordance with approved health and sanitation procedures.

(k) Provide and encourage adequate fluids.

**Section 15. Infant Care.**

(a) Safe conditions

(i) There shall be a minimum of fifty (50) square feet per infant or toddler if play and sleep space is combined. When not combined, thirty-five (35) square feet of available play area must be provided per child.

(ii) Cribs, bassinets or play pens used for sleeping, must be separated by a space of not less than three (3) feet.

(iii) Stacking cribs shall not be used.

(iv) Infants shall be placed on their backs for sleeping, unless a licensed health provider signs a waiver. Once placed on the back to sleep, an older infant may be allowed to assume any position that seems comfortable. If the baby can repeatedly turn from back to side or tummy, then it is allowable for him/her to sleep in that position.

(v) Nothing will be placed over the head or face of the infant when laid down to sleep.

(vi) If infant care is included in the same building as a facility caring for children of other ages, infants shall be provided with a designated and safe play area.

(vii) Toys must be suitable for the age and development of the infant.

(viii) No infant or toddler shall be confined to a crib, playpen, swing, high chair, car seat, or carrier or in one position for excessive periods of time.

(ix) A sufficient supply of clean, dry diapers shall be available, and diapers shall be changed as frequently as needed. Diaper changing and feeding shall be documented for each infant.

(x) Clothing worn by staff members shall be clean and made of non-irritating material.

(b) The following staff requirements also apply whenever four (4) or more infants are enrolled:

(i) An infant director who holds an Infant/Toddler Director Credential recognized by the Department shall be responsible for the infant program;

(ii) The infant director must be available for at least fifty percent (50%) of a forty (40) hour work week in the facility in which they are listed as the infant director with the exception of times the infant director is absent due to training, vacation, illness or other types of necessary prolonged absences which have been approved by the licenser;

(iii) If a facility takes only infants, the provider/director shall meet provider/director qualifications as specified for the facility's license classification; and

(iv) A minimum of two (2) adults must be in the facility at all times when four or more infants are present.

(c) Food Service for Infants

(i) Staff may prepare bottles and mix formula using water from an approved source as outlined in Chapter 10, Section 2. Formula must be stored in its original container and the manufacturer's mixing instructions must be followed and any deviation from these instructions must be accompanied by written instructions from a medical professional.

(ii) Bottle propping shall not be permitted. Infants shall receive individual direct care during feeding. Bottles shall not be left with a sleeping child.

(iii) An individualized diet and feeding schedule for infants shall be provided according to a written plan submitted by the parents or by the child's physician with the knowledge and consent of the parent. Any changes in an infant's diet and feeding schedule shall be posted in an area clearly visible to the staff.

(iv) Infants shall be fed on demand unless the parent provides written instructions otherwise.

(d) Training for Infant Staff

(i) Whenever four (4) or more infants are enrolled, at least one (1) staff person working directly with infants will provide satisfactory evidence of eight (8) hours specialized training in the care of infants. If a provider or staff member has not received this training during the previous two years, at least four (4) of these hours must be taken during the first year of either biennium or employment.

(ii) All staff caring for infants shall complete a minimum of four (4) hours of specialized infant/toddler training as part of their biennial training requirements. If a provider or staff member has not received this training during the previous two years, at least two (2) of these hours must be taken during the first year of either biennium or employment.

Table of Contents

CHAPTER 7

ADMINISTRATIVE RULES FOR CERTIFICATION

OF CHILD CARE FACILITIES

RULES RELATING SPECIFICALLY TO FAMILY CHILD CARE CENTERS

A child care facility in which care is provided for a maximum of fifteen (15) unrelated children for part of a day, which may be in a residential or commercial type structure

Section No.	Subject	Page No.
1	Capacity/Supervision Requirements	7-1
2	Director/Assistant Director and Staff Requirements	7-4
3	Parental Rights	7-7
4	Discipline and Guidance	7-8
5	Medications	7-9
6	Transportation	7-11
7	Training	7-12
8	Records and Reports	7-15
9	Confidentiality	7-18
10	Overnight Care of Children	7-18
11	Hazardous Conditions	7-19
12	General Compliance	7-21
13	Outdoor Play Space	7-24
14	Food Service	7-26
15	Infant Care	7-27

CHAPTER 7

ADMINISTRATIVE RULES FOR CERTIFICATION

OF CHILD CARE FACILITIES

RULES RELATING SPECIFICALLY TO FAMILY CHILD CARE CENTERS

Section 1. **Capacity/Supervision Requirements:**

(a) The licenser shall determine total capacity for the facility. This capacity shall never exceed fifteen (15) children.

(i) The licensed capacity for a Family Child Care Center located in the director's primary residence, includes the director's own infant, toddler and preschool children. The director's own school age children are not included in the capacity. All other children, under the age of thirteen (13), to include foster children, school age children or children related to staff shall be included in the capacity.

(ii) The licensed capacity for a Family Child Care Center, located outside of the director's primary residence, includes all children under the age of thirteen (13) that are present, to include foster children, school age children or children related to staff.

(iii) Maximum group size may be limited by facility capacity.

(b) Staff:child ratios and supervision as described in this chapter must be maintained at all times.

(c) Staff:child ratios and maximum group size shall be maintained as follows (Table 7-1) during all hours of operation when children are separated into age groups:

Table 7-1

Ages of Children	Staff:Child Ratio	Maximum Group Size
Birth to 12 mos.	1:4; 2:8; 3:10	10
12 mos. - 24 mos.	1:5; 2:10; 3:12	12
24 mos. - 36 mos.	1:8; 2:15; 3:15	15
3 year olds	1:10; 2:15	15
4 and 5 year olds	1:12; 2:15	15

6- and older	1:15	15
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(d) When age groups are combined

(i) and Table 6-1 is used: staff:child ratios and group size for the age of the youngest child present shall apply, **or**:

(ii) the following (Table 6-2) maximum staff:child ratios and group sizes shall be followed. Slots may be shifted to older age groups but not to younger. When only one staff person is present- if at least two children's slots are shifted out of the Birth- 24 month categories then the maximum group size can be increased to 10, with no more than 5 children present in the 24- 36 months age group.

Table 6-2

Ages of Children	One Staff	Two staff
Birth - 12 months	2	4
12 months-24 months	2	4
24 months- 36 months	2	4
Over 36 months	2	3
<b>Total</b>	<b>8</b>	<b>15</b>

(e) Maximum group size may be relaxed and staff:child ratio reduced at nap time to one (1) staff member in the sleeping area as long as that staff person has a clear view of all napping children in the room. Other staff may be excused for other activities; however, staff numbers must be maintained within the facility to meet overall staff:child ratios at all times.

(f) Maximum group size may not be exceeded for more than one (1) hour during portions of the day such as opening and closing hours, special events, etc. Building or room capacity shall not be exceeded and staff:child ratios shall be maintained.

(g) Accommodations shall be made for children with special needs and shall be based on the child's abilities.

(h) Supervision of children ten (10) years or older may be relaxed with parents' written permission to allow children to be out of the direct supervision of an adult while participating in parental approved activities. This will allow support for development of age appropriate independence in these children.

(i) In order to be counted in the staff:child ratio, staff must be attending to the children. Necessary cooking, cleaning, janitorial, or similar tasks performed by a staff person counted in the staff:child ratio may take no longer than a few minutes, must be done in such a way that the children are within sight and sound of the staff person, and the staff person can quickly and easily leave the task to handle direct child caring duties.

(j) Staff and auxiliary staff under age of majority shall be under direct supervision by an adult staff member at all times. Minimum age of staff must be sixteen (16) years.

(k) Youth trainees are supervised, aided and assisted by an adult staff at all times. There shall always and constantly be one on one contact with a qualified adult staff member in the presence of children.

(i) Facilities that have youth trainees must inform parents in their facility policies and through in-house notices to parents.

(ii) Youth trainees are never counted in staff:child ratios nor left alone with children.

(iii) Youth trainees can only be present in the facility no more than twenty-four (24) hours in a month.

(iv) Facilities shall have on file for each youth trainee the following records to be kept for three (3) years:

(A) Three (3) Positive References,

(B) Emergency contact information,

(C) Start and expected end date and actual end date of the training time,

(D) Trainee's training goals and objectives,

(E) Listing of the supervising trainer(s) involved for that youth, and

(F) Documentation charting training time in the facility; dates, time, location and supervising trainer.

(l) There shall be at least one (1) adult staff supervising the care of children at all times and the following supervision requirements also apply:

(i) Awake infants and toddlers must be directly supervised by staff at all times;

(ii) Older children may be located in adjacent indoor and/or outdoor areas of the facility if there is direct access, the staff person can clearly hear what happens in the adjacent area and the staff person remains attentive and moves from one area to the other every couple of minutes;

(iii) If children are in more than two (2) areas, or areas are not adjacent, then a staff person must be present and attending the children in each area;

(iv) Children must be located on the same level or within sight and sound of staff at all times; and

(m) Napping children who are not within sight of the staff person must be within easy hearing distance at all times and must be checked on every few minutes.

(n) At least one (1) person certified in infant/child CPR and first aid shall be in attendance at all times and in all places that children are in care.

## Section 2 Director/Assistant Director and Staff Requirements

(a) The director shall:

(i) Be at least twenty-one (21) years old;

(ii) Have a high school diploma or a GED certificate;

(iii) Have a minimum of six (6) months full time equivalent experience in licensed or legally exempt child care; and

(iv) Have a minimum of six (6) months full time equivalent experience working with young children in a group under qualified supervision; and

(v) Have completed at least five (5) college credit hours in the area of early childhood education, child development, nursing, or other child-related field; or

(vi) Have completed fifty (50) approved clock hours with a minimum of four (4) clock hours in each of the areas of early care and education described in Chapter 6, Section 7.

(vii) Combinations of experience and training may be submitted to the Department for individual consideration to meet director qualifications.

(viii) Exceptions to the education requirement:

(A) Submission of proof of completion of a professional credential recognized by the Department of Family Services will be considered as completion of the education requirement; and

(B) Directors shall meet all training requirements as outlined in Chapter 6, Section 7:

(ix) The director must be available for at least fifty percent (50%) of the operating week based on a forty (40) hour work week in the facility in which they are listed as the director. Exception may be made for training, vacation, illness or other types of extended absence that is approved by the licenser.

(x) Whenever the director must be absent from the facility, an assistant director must be on duty. The director will remain responsible for the operation of the center and the actions of all staff and auxiliary staff.

(xi) In the event of staff turnover in the position of director, the facility shall employ a person who meets the qualifications of director within sixty (60) days. Hiring practices shall include screening of applicants to assure meeting director qualifications as outlined in these rules.

(xii) It is the responsibility of the director to ensure that all records and reports required in Chapter 6 of these standards are maintained on site.

(b) An assistant director does not need to meet the requirements of the director but shall have the following:

(i) A high school diploma or GED certificate;

(ii) Six (6) months of experience in licensed or legally exempt child care or fifteen (15) hours of approved training, including orientation;

(iii) Before assistant director can assume responsibility for the facility in the director's absence, he/she must have sufficient knowledge and training in the operation of the facility as well as decision making authority to assume the duties of director during his/her absence; and

(iv) Be at least eighteen (18) years old.

(c) Staff Requirements

(i) Before staff or auxiliary staff assume responsibility for direct care of children, the director shall have in the files at the facility, documentation of:

(A) Current TB test results in accordance with Wyoming Health Department Recommendation.

(B) Three positive references;

(C) Date of hire or beginning service; and

(D) A child abuse/neglect Central Registry check and criminal background prescreen on all staff an auxiliary staff are required to be complete and must not reveal any disqualifying information.

(E) If indicated by the prescreen, a full criminal background check is required, staff and auxiliary staff may not be employed if they have been convicted or have a pending deferred prosecution of a felony or misdemeanor involving;

(I) Child abuse or neglect;

(II) Spousal abuse;

(III) A crime against a child or vulnerable adult;

(IV) A crime involving violence, including rape, sexual assault or homicide;

(V) One of the following if the conviction occurred within the last five (5) years:

(1.) Physical assault whether felony or misdemeanor;

(2.) Battery whether felony or misdemeanor;

(3.) A felony related drug offense; or

(4.) Any other crime that cause the facility to be concerned for the safety or well-being of children or others.

(F) The provider shall determine if rehabilitation has occurred for individuals with criminal convictions outlined in (E) above that occurred more than five (5) years ago. The provider shall document this rehabilitation for those that will be employed.

(G) All persons who provide care to children more than twenty-four (24) hours in one month shall meet the same training requirements as the other staff. See chapter 6, Section 7.

(H) All staff, auxiliary staff, visitors and all other persons coming in contact with children in child care facilities shall demonstrate appropriate behaviors in the presence of children.

(d) The director will be held responsible for the actions of any staff, auxiliary staff or youth trainee who has contact with children while the facility is operating.

### Section 3. **Parental Rights.**

(a) Parents or guardians shall have unrestricted and immediate access to their children and any area of the facility used by children anytime their child is in attendance;

(b) Parents shall be informed of all known/treated injuries that occur to their child while they are in care.

(c) Parents have a right to the following information:

(i) All inspection reports for the facility;

(ii) Staff:child ratio requirements;

(iii) Menus;

(iv) Information on obtaining complaint and compliance history of providers from the Department of Family Services; and

(v) Documentation of provider/director training.

(d) Parents must be given a copy of written program policies, initially and when there are changes to the policy, (Changes to policy must be given to parents prior to implementation of new policy.) to include the following information at the time of the child's enrollment:

- (i) Discipline;
- (ii) Sick children in care;
- (iii) Administration of medication;
- (iv) Administrative policy such as payment, hours of operation and services provided by the child care facility;
- (v) The presence of any weapons on the premises; and
- (vi) Any unusual policies (i.e. not celebrating birthdays or holidays);
- (vii) Information on sleeping arrangement and supervision when overnight care of children is provided; and
- (viii) Complaint procedures for reporting concerns:
  - (A) To the provider/director; and
  - (B) To the Department of Family Services;
- (e) Current license must be prominently displayed for public viewing at all times.

Section 4. **Discipline and Guidance.**

- (a) Written discipline policy must be developed and followed by all staff.
- (b) Shall not include any discipline that is in violation of the child abuse or neglect statute. This includes excessive or unreasonable physical discipline.
- (c) The facility's discipline policy shall outline methods of guidance appropriate to the ages of the children enrolled.
- (d) It shall explicitly describe positive guidance, such as redirection, natural and logical consequences, modeling of positive behavior and other nonviolent, non-abusive methods of discipline.
- (e) The facility's discipline policy must be included in orientation of all staff.
- (f) When "time out" is used it must:

(i) Enable the child to regain control of himself/herself and must keep the child in visual contact with a caregiver; and

(ii) Be a last resort technique for a child who is harming another or in danger of harming herself/himself; and

(iii) Used infrequently and for very brief periods. It shall be used selectively, taking into account the child's developmental stage and the usefulness of "time out" for the particular child.

(g) Only adult staff with direct child care or supervisory responsibility shall discipline children.

(h) Children in care shall not act as or be employed as staff or be allowed authority over other children.

(i) The following behavior shall be prohibited in all child care settings:

(i) Punishment associated with food, rest or toilet training;

(ii) Rough handling of children including hitting, spanking, beating, shaking, pinching, pushing or other measures that could produce physical pain;

(iii) Inappropriate use of language including, but not limited to, profanity, name-calling, derogatory or demeaning terminology or screaming related to discipline purposes;

(iv) Any form of humiliation including threats of physical punishment;

(v) Any form of emotional maltreatment including rejecting, terrorizing, corrupting, isolating or ignoring a child. Children can be removed from a group, but not isolated. Behaviors of a child may be ignored, but not the child.

#### Section 5. **Medications.**

(a) All child care facilities shall have written policies and procedures governing the supervision of the administration of medication to children. These policies and procedures shall be available for inspection.

(b) Medications include any medication or pharmaceutical samples prescribed by a health care professional and commonly used non-prescription over the counter medications including, but not limited to, ointments, repellents, lotions, creams or powders.

(c) The use of sunscreen, bug spray and over the counter topical medicine will not be subject to the conditions of this Section. When used, however, the following requirements apply:

(i) The sunscreen, bug spray and over the counter topical medicine must be stored in the original container and the manufacturer's instructions for use must be followed; and

(ii) A consent form, signed by the parent or legal guardian, which allows the application of sunscreen, bug spray and over the counter topical medicine on his/her child and indicates the brands of sunscreen, bug spray and over the counter topical medicine that can be used must be on file.

(iii) When an over the counter topical medicine is applied the parents must be notified that day.

(d) Medications can only be given in child care when:

(i) Child care staff who administer medication have received training approved by the Department of Family Services on administration of medication.

(ii) A medication consent form has been completed and signed by the parent or legal guardian and includes:

(A) Specific instructions for the date and time to be administered and dosage; or

(B) A standing order from a parent or health professional for commonly used nonprescription medication that defines what medication and when a medication should be used; and

(e) The administration of medications shall be limited to:

(i) Medications prescribed by a licensed health care professional; and

(ii) Non-prescription over-the-counter medications.

(f) Prescription medications and pharmaceutical samples prescribed by a physician or licensed health professional shall bear the original prescription label or written statement specifying the:

(i) Child's name;

- (ii) Amount and frequency of dosage; and
- (iii) Name of prescribing physician or other health professional.

(g) Over-the counter medications shall be stored in the original container and shall be accompanied by written instructions from the parent or medical professional specifying the:

- (i) Name of the child;
- (ii) Name of the medication; and
- (iii) Amount and frequency of dosages.

(h) All Medications will be stored:

- (i) In a safety lock container and made inaccessible to children; or
- (ii) In an enclosed space that is inaccessible to children; or

(b) In a refrigerator separated from food in a sealed plastic container on the top shelf or in a drawer of the refrigerator if refrigeration is required.

(i) A written record of all medication, including over the counter medication, given to children shall be kept by the child care facility. This record shall include:

- (i) Name of medication;
- (ii) Date the medication was administered;
- (iii) Amount of medication given;
- (iv) Time the child received the medication; and
- (v) Signature of person administering medication.

(j) Any deviation from recommended dosage on the label must be accompanied by a physician's written instructions.

(k) Medications shall not be used beyond the date of expiration.

**Section 6. Transportation/Field Trips.**

(a) Vehicles used to transport children shall be maintained in safe condition and comply with applicable motor vehicle laws.

(b) Operators of vehicles used to transport children shall have the appropriate type of driver's license and be at least eighteen (18) years of age.

(c) The number of persons in a vehicle used to transport children shall not exceed the manufacturer's recommended capacity nor the number of seat belts installed when the vehicle was manufactured.

(d) Each child who is a passenger, and within the age and weight requirements of subsection (a) of W.S. § 31-5-1303, shall be properly secured in a child safety restraint system.

(e) The child safety restraint system must conform to Federal Motor Vehicle Safety Standards for child restraint systems.

(f) The child must be properly secured in the restraint, and the restraint must be properly installed, both as per manufacturer's instructions.

(g) Any child who is not required by subsection (a) of W.S. § 31-5-1303 to be secured in a child restraint system shall wear seat belts in accordance with W.S. § 31-5-1402.

(h) When children are taken off-site, there shall be:

(i) A first aid kit;

(ii) Emergency medical release forms on all children being transported.

(iii) An updated roster to ensure children are released to a parent, another location at the request of a parent or are returned to the facility.

(iv) Children will never be left without adult supervision in any vehicle.

#### Section 7. **Training.**

(a) Completion of six (6) hours of approved director/provider orientation training to include information affecting the safety and health of children, fire safety, sanitation procedures, and DFS licensing rules is required of all applicants within twelve (12) months prior to issuance of a child care license.

(b) The orientation training and other approved training completed by the provider/director, staff or auxiliary staff within twelve (12) months prior to the issuance of the initial license, or a new hires start date as long as the training was already STARS approved or college classes, may be applied toward the first biennial training requirements.

(c) All staff shall receive a minimum of two (2) hours approved facility staff orientation training before assuming responsibility for unsupervised direct care of children and within three (3) months of staff's start date. The provider/director is responsible for scheduling or delivery of staff orientation. This training may be used to meet training requirements in Chapter 6, Section 7(g).

(d) Within three (3) months of employment in child care, any person having direct contact with children shall be certified in first aid and infant/child Cardiopulmonary Resuscitation (CPR).

(e) First aid and infant/child CPR certification must be kept current at all times for all staff after three (3) months of employment.

(f) One (1) training hour each shall be given for first aid and infant/child CPR as part of the Health and Safety requirement of Chapter 6, Section 7 (l) (i).

(g) Any staff person engaged in child care twenty-four (24) hours or more per month, having direct contact with children, and counted in staff:child ratios must complete a minimum of thirty (30) hours of training biennially, with a minimum of fifteen (15) hours to be completed during the first year of the facility's training biennium.

(h) A minimum of one (1) training hour must be completed in each of the following areas as part of the required biennial training requirements. For new staff these must be completed within the first six (6) months:

- (i) Blood borne pathogens:
- (ii) Fire safety provided by an authorized fire inspector;
- (iii) Sanitation provided by an authorized health inspector; and
- (iv) Recognition and reporting of suspected child abuse or neglect.

(i) Training hour requirements for partial years of service will be prorated at a rate of one point two five (1.25) hours per month.

(j) The training biennium will be shortened when a change in licensure dates occurs.

(k) No more than fifty percent (50%) of the required training hours shall be acquired from videos and/or books, except when it is demonstrated that other training options are not available within fifty (50) miles of the facility.

(l) Providers and directors must ensure that training hours for all staff reflect a minimum of one-half (1/2) hour of training in each of the following areas during each biennial training period:

(i) Health, Nutrition and Safety including how to establish and maintain a safe, healthy environment for children; plan an appropriate nutrition program; establish and implement emergency procedures; educate children and families about healthy, safe living and administration of medication;

(ii) The Active Learning Environment including use of space, materials, activities and relationships as resources for creating an indoor/outdoor play environment; planning and implementing experiences which are appropriate for the age and individual needs of children and advances all areas of children's development;

(iii) Guidance and Discipline including how to help children develop independence, self control, cooperative skills, and respect for others through a variety of positive strategies including encouragement, problem solving, modeling, prevention, and time alone;

(iv) Child Growth and Development including understanding and promotion of children's physical, emotional, social, intellectual, creative and language development; observation and assessment of children's growth; and recognition of developmental delays;

(v) Family Relationships including building cooperative partnerships/relationships with family; knowledge and respect for the beliefs, traditions and heritage of each child; valuing the family as the child's most important teacher; knowledge of and referral to appropriate community resources; and understanding sources of family stress;

(vi) Program Management including management and administration of programs; organization and maintenance of records for efficient operation; and cooperation with co-workers;

(vii) Professionalism including adherence to licensing standards and other regulations; self assessment; program assessment; confidentiality; ethical practices; recognition and reporting of suspected child abuse or neglect; and

(viii) Uniqueness and Cultural Diversity including adaptation of environment and activities to meet special needs of children and respect of the uniqueness of each child and family; including foods, music, clothing, costumes, utensils and other artifacts of families into daily experiences of children.

(m) Proof of completion of child care training must be kept on file for all child care staff who are required to receive training as outlined in Section 8 of this chapter.

(i) Acceptable proof of training are awards of approved training hours, grade reports, or certification in the case of first aid and infant/child CPR.

(ii) Documentation of all training shall be maintained on-site in the facility's files, except in the case of multiple location facilities where staff training records may be kept in a central location.

(n) Training must be approved by the Department of Family Services before credit will be allowed. Training sponsored by an accredited college or university does not require Department of Family Services approval if it is related to the care of children. Each college credit hour will equal fifteen (15) clock hours.

(o) Training hours may be obtained from a community college, university, child care organization, provider sponsored training, correspondence courses, training given by other agencies and organizations or using material from the Wyoming Childcare Clearinghouse.

(p) Any staff member who has a professional certificate or license requiring continuing education hours (CEU's) in the area of child growth and development, may apply those hours to meet child care licensing requirements. Each CEU will equal 15 clock hours.

(q) The training can only be applied to the child care training requirement during the two (2) year training period it was received with the exception of hours awarded in Section 7 (b) of this chapter.

(r) For infant training see Section 15 (d)(i) and (ii).

#### Section 8. **Records and Reports.**

(a) Child care facilities shall maintain complete administrative, staff and children's records as required for licensing on-site. All records must be maintained for a minimum of three (3) years.

(b) The confidentiality of all personnel and children's records shall be maintained. Personnel and children's records shall be available, upon request, to authorized personnel of the Department.

(c) If records for multiple location facilities are kept in a central file, duplicate records for children shall also be kept on file at the facility attended by the child. Only staff records necessary for an emergency are required on site where the staff member is assigned. All other staff records may be kept in a central location.

(d) Administrative records shall include:

(i) Attendance record for each child to include dates attended, and arrival/departure times;

(ii) Current health inspection report;

(iii) Current fire inspection report;

(iv) Private water testing reports if required; and

(v) Current Department of Family Services licensing inspection.

(e) Staff (Auxiliary Staff wherever applicable) records shall include:

(i) Name;

(ii) Address;

(iii) Telephone number;

(iv) Three (3) documented positive references from individuals unrelated to the applicant and who have personal knowledge of the person's ability to care for children to include the date, name, address and telephone number of references

(v) TB test results for all staff and auxiliary staff in accordance with Wyoming Department of Health Recommendation.

(vi) Date of hire or beginning service;

(vii) Documented proof of all training received by staff to include the number of hours of training, dates and titles of training;

(viii) Dates, hours worked and area of responsibility. This applies to staff, volunteers, and substitutes that are counted in staff:child ratios;

(ix) Results of a child abuse/neglect Central Registry check and criminal background prescreen on all staff and auxiliary staff. Results of a full criminal background check if it is required. ( See Chapter 7, Section 2, (c) (i) (E) for details)

(x) Date of birth for all staff and auxiliary staff; and

(xi) A physician's statement may be required when there is a question of a staff/auxiliary staff member's ability to provide safe and adequate care for children.

(f) Individual child's records shall be in place before a child is left in care and include:

(i) The child's full name, birth date, current address and date of enrollment;

(ii) Name, home and employment address and phone number of parent(s) or the person(s) legally responsible for the child;

(iii) Names, addresses and telephone numbers of persons authorized to take the child from the facility, children may not be released to unauthorized persons without prior parent approval;

(iv) Names, addresses and telephone numbers of person(s) who can assume responsibility for the child in the event of an emergency, if parent(s) or guardian(s) cannot be reached immediately;

(v) Name and telephone number of the child's physician and dentist;

(vi) Health information including allergies, chronic physical problems and pertinent social information on the child and his family;

(vii) Immunization records and reports shall be completed and maintained by the provider as required by W.S. 14-4-116 and the Department of Health, Immunization Program, except for school age children who are attending public school. In programs that are operated on a drop-in basis, immunization records for children are not required, but recommended to be on file. If attendance on a drop-in basis exceeds thirty (30) calendar days, immunization records are required;

(viii) Written authorization from parent(s) or guardian(s) for the child to participate in field trips or excursions, whether walking or riding;

(ix) Written authorization from parent(s) or guardian(s) for the child to be transported;

(x) Written authorization from parent(s) or guardian(s) for emergency medical care;

(xi) Reports of injury or illness occurring while a child is in care requiring hospitalization, or treatment by a physician or the occurrence of the death of a child; and

(xii) All records for children actively participating in a program must be reviewed and updated annually.

(g) All child care facilities shall, within twenty-four (24) hours, report to the child care licenser for their county, and immediately to the parents of the child(ren) involved, any injury, illness or circumstance which occurs at the facility and which results in medical treatment, hospitalization or death. A written report shall be sent to the child care licenser within three (3) days of the incident. The death of any child in care, regardless of cause, must be reported.

(h) All staff are required by the Child Protective Services rules to report cases of suspected child abuse or neglect. A provider, director or their staff shall report immediately to the Department of Family Services office in their county or local law enforcement any circumstances indicating that a child in care may have been subjected to abuse or neglect. Under WY state law 14-3-205 (a) all persons professional and non-professional are mandated reporters.

#### Section 9. **Confidentiality.**

(a) The provider shall make all required inspection reports available for public inspection.

(b) Names of children and their relatives are confidential to the public. All facts learned about children and their relatives shall be treated as confidential to the public.

(c) Personal information of the provider/director and staff, such as but not limited to social security numbers, date of birth, background check results and physician's statements are confidential to the public.

#### Section 10. **Overnight Care of Children.**

(a) Whenever any facility cares for children past 7:00 p.m., the following rules will apply in addition to all other rules and regulations specific to the type of facility:

(b) Children must receive a full meal by 8:00 p.m. Children who are in attendance overnight must also receive breakfast unless released to the parent before 8:00 a.m.

(c) Children sleeping at the facility shall have separate cots or beds on which to sleep. See Ch 7, Section 12 (m).

(d) Sleep areas must be arranged in accordance with health and sanitation rules and regulations as outlined in Chapter 9, Section 4 (xxiv) of these rules.

(e) Children of the opposite sex over six (6) years of age shall have separate sleeping areas.

(f) Sleeping child(ren) must sleep on the same level as the staff person and the staff person must be able to hear the child(ren).

(g) There must be a staff person awake and on duty to release or receive a child.

#### Section 11. **Hazardous Conditions.**

(a) Uncrowded conditions

(i) The indoor area designated for the children's use while in care must include a minimum of thirty-five (35) square feet of usable play space per child, and this space must be available to the children on a continual basis.

(ii) Not counted in the play space are hallways, furnace rooms, closets, kitchen space, laundry facilities, lockers, office space, staff rooms, isolation areas, bath rooms, stairways or areas occupied by permanent built-in storage cabinets.

(b) A facility shall be maintained free of conditions hazardous to the physical well-being of children. Decks, porches, steps, stairs and walkways shall be maintained in good repair and safe condition. Stairs, decks and elevated porches shall have sturdy railings, child safety gate or guard rails to prevent falls, entrapment or other accidents. (See Chapter 11)

(c) Play areas, equipment, and toys shall be maintained in a safe condition.

(d) Children shall not have access to cords or ropes, such as, but not limited to, window treatment cords or electrical cords.

(e) Spaces that could entrap children, such as openings in guardrails, banister, etc. must measure 3.5" or less, or more than nine inches to prevent entrapment.

(f) Potentially dangerous or unsafe items shall be made inaccessible to children.

(g) Cupboards and drawers that contain unsafe items including, but not limited to, cleansers, sprays, razors, knives, scissors, plastic bags and alcohol shall have child proof locks.

(h) All rooms used by children shall be adequately heated, cooled, lighted, and ventilated.

(i) Unused electrical outlets shall be covered with safety caps.

(j) Any appliance too hot to touch shall be made inaccessible to children unless its use is for an activity directly supervised by an adult.

(k) All heating appliances, if too hot to touch, shall be screened or not used when the child care is in operation. If they are not used, a note will be made on the inspection form to indicate the provider's acceptance of this requirement.

(l) Electric fans shall be out of the reach of children or shall be fitted with an appropriate mesh to prevent access to the blades by children.

(m) Chemicals shall not be used around children or in a manner that will contaminate play surfaces such as tables, carpets, lawns, food, or food preparation areas.

(n) Whenever swimming or wading pools are present or in use, the following shall apply:

(i) Facility policy must include written safety procedures outlining conditions for use of a swimming or wading pool and be given to parents and staff;

(ii) Written parental consent is required for use of a swimming or wading pool;

(iii) An adult staff member must be in the immediate vicinity at all times when a swimming or wading pool is available;

(iv) An adult shall remain within arms reach of infants when using a wading pool and in direct physical contact with infants at all times during swimming;

(v) Swimming pools must be fenced or enclosed to restrict unsupervised access;

(vi) There must be at least one (1) certified lifeguard present when a swimming pool is in use;

(vii) Children are to be instructed on the safe use of a swimming pool;

(viii) When using a public or private swimming pool, staff:child ratios for infants and toddlers, birth to 36 months, shall be 1:1 and for preschoolers 1:4 and for school age 1:6 while swimming. Certified lifeguards may be used to meet these staff:child ratios when the lifeguard is age sixteen (16) or older and assigned only to that group of children;

(ix) Children shall not be allowed to use hot tubs or spas and they must be made inaccessible to them.

(o) Full sized trampolines may not be used and must be fenced or otherwise made inaccessible to child care children. Small exercise trampolines may be used by children three (3) years or older with adult supervision and written parental permission.

(p) When the Family Child Care Center (FCCC) is within the provider's own home, firearms and ammunition shall be stored separately from each other, locked and made inaccessible to children. Archery equipment and any other type of weapon shall be handled in the same manner as firearms.

(q) When the Family Child Care Center (FCCC) is not within the provider's own home, no weapons of any kind shall be stored in the facility or on the premises.

(r) Other safety issues not included in this subsection must be complied with when identified by an authorized inspector.

## Section 12. **General Compliance.**

(a) Children shall be present only in areas of the facility approved and inspected for child care and designed for their use.

(i) Rooms not designated and approved for child care shall be made inaccessible to children with the exception of rooms used as an evacuation route.

(b) The overall condition of the child care facility and ground shall be maintained in a clean, uncluttered, sanitary and healthful manner.

(c) Media such as, but not limited to, movies and internet sites that are inappropriate for children shall not be accessible to children during child care hours.

(d) The use of tobacco, illegal drugs and/or the consumption of alcohol shall be prohibited in all licensed child care facilities anytime during hours of operation and in all vehicles while transporting children. Illegal drugs are prohibited by law and therefore not allowed on the premises of a Licensed Child Care Facility at anytime whether the facility is open or closed.

(e) An operable telephone or cell phone must be available in the facility at all times and the following conditions apply:

(i) Unlisted telephone or cell phone numbers are not allowed; and

(ii) Emergency phone numbers to include 911, poison control, and an adult emergency substitute, as well as the address and phone number of the facility must be posted by the telephone or in a location that is immediately visible at all times.

(f) Fire safety training shall be made a part of the program. This shall include personal safety, a fire safety evacuation plan, and monthly fire drills as outlined in Chapter 10:

(i) Children's emergency contact phone numbers and children's attendance records shall be taken outside with children during all fire or emergency drills to be used as a roster;

(ii) Drills shall include practice from all exit locations, at varied times of the day, and during varied activities;

(iii) Fire safety and emergency evacuation plans must be posted.

(g) An emergency preparedness plan shall be written to include but not limited to tornado, earthquake, flood and blizzard planning as appropriate.

(h) Non-walking children shall have an opportunity during each day for freedom of movement such as crawling in a safe, clean, open, uncluttered area.

(i) Each child shall have periodic individual attention appropriate to the age of the child, such as being held, rocked, talked to or hugged.

(j) All cries of children shall be investigated promptly and responded to appropriately.

(k) Inflatable beds must be properly inflated and in good repair and shall not be used for children under the age of twenty four (24) months. When used for children twenty-four (24) months and older, they must be able to raise and move their heads easily.

(l) Wet or soiled clothing shall be changed promptly. A sufficient supply of clean clothing for emergency use shall be provided.

(m) Children shall have their own separate bedding for nap/rest time. Cots or pads shall be spaced at least two (2) feet apart on all sides. The bedding shall be washed once a week or more often as needed.

(n) Floors, walls, and window coverings shall be kept clean.

(o) Staff shall wash their hands:

(i) after , using the toilet or helping a child use a toilet, handling bodily fluid, handling pets, cleaning or handling the garbage, and

(ii) Before and after diaper changing, handling uncooked food, eating, and giving medication.

(iii) The kitchen sink cannot be used for hand washing after diaper changing.

(p) Children shall wash their hands before and after eating, using the toilet, handling pets and/or playing in sandboxes.

(q) Toys, table tops, phones, doorknobs, door casings, handles and railings must be cleaned and sanitized once a week or whenever visibly soiled.

(r) Dirty laundry shall not be accessible to children.

(s) A sturdy stool shall be available to children as needed to make hand washing sinks accessible.

(t) Soap and single service hand towels shall be available at all hand washing sinks.

(u) A first aid kit meeting the following criteria will be available:

(i) All child care facilities shall have at least a basic first-aid kit or its equivalent on hand at all times. The first aid kit shall be taken on field trips and outings;

(ii) This kit shall be a closed container for stocking first aid supplies, accessible to staff members but out of reach of children. The first aid kit shall contain at least the following:

- (A) Band Aids;
- (B) Sealed packages of alcohol wipes or antiseptic;
- (C) Scissors;
- (D) Tweezers;
- (E) Thermometer with probe covers;
- (F) Bandage tape;
- (G) Sterile gauze pads;
- (H) Flexible roller gauze;
- (I) Triangular bandages;
- (J) Safety pins;
- (K) Eye wash;
- (L) Pen/pencil and note pad;
- (M) Poison Control phone number;
- (N) Cold pack;
- (O) Current American Academy of Pediatrics, American Red Cross

Standard First Aid Text, or equivalent first aid guide.

### **Section 13. Outdoor Play Space**

(a) There shall be a minimum of seventy-five (75) square feet of outdoor play space for each child when ages of children are combined.

(b) When children are separated into age groups, and only one (1) age group is using the playground at any given time, the following minimum outdoor play space requirements apply:

(i) Thirty-five (35) square feet for each child birth to eighteen (18) months of age;

(ii) Fifty (50) square feet for each child eighteen (18) months to twenty-four (24) months of age; and

(iii) Seventy-five (75) square feet for each child over the age of twenty-four (24) months of age.

(c) If the required outdoor space is not available, the same amount of indoor space required in (a) and (b) above may be used if it provides for types of activities equivalent to those performed in an outdoor space.

(d) The outdoor play area shall be enclosed with a fence. The fence shall be at least four (4) feet in height and the bottom edge shall be no more than three and one-half (3 ½) inches off the ground.

(e) Some shaded areas shall be provided in the outdoor play area.

(f) Sandboxes shall be constructed to permit drainage and shall be covered tightly and secured when not in use.

(g) Equipment shall be sturdy, stable, and free of hazards that are accessible to children during normal supervised play including sharp edges, lead based paint, loose nails, splinters, protrusions, pinch and crush points.

(h) All pieces of equipment shall be installed as directed by the manufacturer's instructions and specifications.

(i) All broken equipment shall be repaired or removed from the premises immediately or made inaccessible to the children.

(j) Anything that could cause strangulation, such as but not limited to, ropes; jump ropes; clotheslines; and/or pet leashes cannot be attached to play equipment.

(k) All equipment and spaces that could entrap children, such as but not limited to, openings in guardrails or between ladder rungs must measure less than three and one-half (3 ½) inches or less, or more than nine (9) inches.

- (l) Platforms and ramps must have guardrails to prevent falls.
- (m) All outdoor play equipment with a fall height of more than twenty-four (24) inches shall be installed over a resilient surface.
- (n) Acceptable materials to be used for resilient surfacing include wood mulch, double shredded bark mulch, uniform wood chips, fine sand, coarse sand, and pea gravel. Other materials that have been certified by the manufacturer to be shock-absorbing resilient material in accordance with the American Society for Testing Materials (ASTM) Standard can be used when these materials are installed, maintained and replaced according to the manufacturer's instructions.
- (o) Resilient surfacing must meet the following requirements for the depth of the resilient surface:
  - (i) Equipment with a fall height of more than twenty-four (24) inches but less than seven (7) feet shall have six (6) inches of uncompressed resilient surface, except for sand. (See (iii) below);
  - (ii) Equipment with a fall height of seven (7) feet to ten (10) feet shall have nine (9) inches of uncompressed resilient surface; and
  - (iii) When sand is used as a surfacing material for equipment with a critical height of more than five (5) feet, twelve (12) inches is required.
- (p) The facility must maintain a use zone for stationary equipment which is free of all other equipment and obstacles which extends a minimum of six (6) feet in all directions from the perimeter. For specific use zone requirements for slides and swings see (r) and (s) below.
- (q) When stationary pieces of equipment are located adjacent to each other, the use zone may overlap and share the same six (6) foot use zone when both pieces of equipment are less than three (3) feet high. When adjacent stationary pieces of equipment are higher than three (3) feet, the overlapping use zone must be nine (9) feet.
- (r) The back and side use zone for a slide must be six (6) feet. The use zone for the front of the slide will be determined by adding four (4) feet to the height of the slide but does not have to exceed fourteen (14) feet.
- (s) For swings, a use zone is required both in front and in back of the swing and the use zone must extend a minimum distance of twice the height of the swing as measured from the ground to the swing hangers on the support structure.

(t) If a child care facility does not provide care for more than a four (4) hour period per day, outdoor play space is not required. However, if the facility does have outdoor play space and it is used for play, that space must meet licensing requirements.

(u) Providers/directors shall assure that children have protection appropriate for weather conditions.

(v) Play areas shall be free from miscellaneous debris or litter such as tree branches, soda cans, bottles, glass, animal waste, or any other hazard identified by an authorized inspector.

(w) Child care facilities which were licensed prior to December 1, 2005 will be subject to the outdoor play space and resilient surface requirements outlined in the July 1, 2001 Administrative Rules for Certification of Child Care Facilities, unless the facility moves to a different location, adds new outdoor play equipment or replaces existing equipment (excluding regular replacement of parts and repair).

#### Section 14. **Food Service.**

(a) Food served shall be planned for the needs of the children and shall be appropriate for their ages. Menus shall be kept on file for public review.

(b) If a child is in attendance for five (5) or more hours, a meal shall be provided, unless a child arrives after lunchtime and an evening meal is not provided by the facility. In this case, a healthy snack shall be provided. Each meal shall be planned to be balanced and to provide at least one-third (1/3) of the child's daily nutritional needs.

(c) Nutritious snacks shall be provided at suitable intervals.

(d) Pasteurized, inspected and approved milk produced under sanitary conditions shall be served at all meals, unless written documentation is on file of a child having specific reasons prohibiting milk.

(e) Parents may provide meals for their own child. These meals must be stored and served in accordance with approved health and sanitation procedures.

(f) Children shall be served appropriate sized portions and permitted to have one (1) or more additional servings to meet the needs of the individual child.

(g) Children's food shall be served on plates, other disinfected containers, or clean single use items such as napkins. Food shall not be placed on bare surfaces such as tables, floors, etc.

(h) A child shall be encouraged, not forced, to eat.

(i) Food shall not be used as a bribe or punishment.

(j) When parents supply a child's food or bottle, it shall be clearly marked with the child's name, stored, and served in accordance with approved health and sanitation procedures.

(k) Provide and encourage adequate fluids.

#### Section 15. **Infant Care.**

(a) Safe conditions.

(i) There shall be a minimum of fifty (50) square feet per infant or toddler if play and sleep space is combined. When not combined, thirty-five (35) square feet of available play area must be provided per child.

(ii) Cribs, bassinets or play pens used for sleeping, must be separated by a space of not less than three (3) feet.

(iii) Stacking cribs shall not be used.

(iv) Infants shall be placed on their backs for sleeping, unless a licensed health provider signs a waiver. Once placed on the back to sleep, an older infant may be allowed to assume any position that seems comfortable. If the baby can repeatedly turn from back to side or tummy, then it is allowable for him/her to sleep in that position.

(v) Nothing will be placed over the head or face of the infant when laid down to sleep.

(vi) If infant care is included in the same building as a facility caring for children of other ages, infants shall be provided with a designated and safe play area.

(vii) Toys must be suitable for the age and development of the infant.

(viii) No infant or toddler shall be confined to a crib, playpen, swing, high chair, car seat or carrier, or in one position for excessive periods of time.

(ix) A sufficient supply of clean, dry diapers shall be available, and diapers shall be changed as frequently as needed. Diaper changing and feeding shall be documented for each infant.

(x) Clothing worn by staff members shall be clean and made of nonirritating material.

(b) The following staff requirements also apply whenever four (4) or more infants are enrolled:

(i) An infant director who holds an Infant/Toddler Director Credential recognized by the Department shall be responsible for the infant program;

(ii) The infant director must be available for at least fifty percent (50%) of a forty (40) hour work week in the facility in which they are listed as the infant director with the exception of times the infant director is absent due to training, vacation, illness or other types of necessary prolonged absences which have been approved by the licenser;

(iii) If a facility takes only infants, the provider/director shall meet provider/director qualifications as specified for the facility's license classification; and

(iv) A minimum of two (2) adults must be in the facility at all times when four or more infants are present.

(v) All staff who care for infants will be subject to the training requirements in Chapter 7, Section 7.

(c) Food Service for Infants.

(vi) Staff may prepare bottles and mix formula using water from an approved source as outlined in Chapter 10, Section 2. Formula must be stored in its original container and the manufacturer's mixing instructions must be followed and any deviation from these instructions must be accompanied by written instructions from a medical professional.

(vii) Bottle propping shall not be permitted. Infants shall receive individual direct care during feeding. Bottles shall not be left with a sleeping child.

(viii) An individualized diet and feeding schedule for infants shall be provided according to a written plan submitted by the parents or by the child's physician with the knowledge and consent of the parent. Any changes in an infant's diet and feeding schedule shall be posted in an area clearly visible to the staff.

(ix) Infants shall be fed on demand unless the parent provides written instructions otherwise.

(d) Training for Infant Staff

(i) Whenever four (4) or more infants are enrolled, at least one (1) staffperson working directly with infants will provide satisfactory evidence of eight (8) hours specialized training in the care of infants. If a provider or staff member has not received this training during the previous two (2) years, at least four (4) of these hours must be taken during the first year of either biennium or employment.

(ii) All staff caring for infants shall complete a minimum of four (4) hours of specialized infant/toddler training as part of their biennial training requirements. If a provider or staff member has not received this training during the previous two (2) years, at least two (2) of these hours must be taken during the first year of either biennium or employment.

Table of Contents

CHAPTER 8

ADMINISTRATIVE RULES FOR CERTIFICATION

OF CHILD CARE FACILITIES

RULES RELATING SPECIFICALLY TO CHILD CARE CENTERS

A facility in which care is provided for part of a day for sixteen (16) or more children.

Section No.	Subject	Page No.
1	Capacity/Supervision Requirements	8-1
2	Director/Assistant Director and Staff Requirements	8-3
3	Parental Rights	8-6
4	Discipline and Guidance	8-7
5	Medications	8-9
6	Transportation	8-11
7	Training	8-12
8	Records and Reports	8-15
9	Confidentiality	8-17
10	Overnight Care of Children	8-18
11	Hazardous Conditions	8-18
12	General Compliance	8-20
13	Outdoor Play Space	8-23
14	Food Service	8-26
15	Infant Care	8-27

CHAPTER 8

ADMINISTRATIVE RULES FOR CERTIFICATION

OF CHILD CARE FACILITIES

RULES RELATING SPECIFICALLY TO CHILD CARE CENTERS

Section 1. **Capacity/Supervision Requirements:**

(a) Capacity

(i) The licenser shall determine capacity based on individual room size. This capacity shall be displayed in each room and never be exceeded.

(ii) The licensed capacity includes all children present to include school age children or children related to staff.

(iii) Maximum group size may be limited by room capacity.

(b) Staff:child ratios and supervision as described in this chapter must be maintained at all times.

(c) Staff:child ratios shall be maintained as follows (Table 8-1) during all hours of operation when children are separated into age groups:

**Table 8-1**

Ages of Children	Staff:Child Ratio	Maximum Group Size
Birth to 12 mos.	1:4; 2:8; 3:10	10
12 mos. - 24 mos.	1:5; 2:10; 3:12	12
24 mos. - 36 mos.	1:8; 2:16; 3:18	18
3 year olds	1:10; 2:20; 3:24	24
4 and 5 year olds	1:12; 2:24; 3:30	30
6 and older	1:18; 2:32; 3:40	40

(d) When age groups are combined

(i) and Table 6-1 is used: staff:child ratios and group size for the age of the youngest child present shall apply, or:

(ii) the following (Table 6-2) maximum staff:child ratios and group sizes shall be followed. Slots may be shifted to older age groups but not to younger. When only one staff person is present- if at least two slots are shifted out of the Birth- 24 month categories, then the maximum group size can be increased to 10, with no more than 5 children present in the 24- 36 months age group.

Table 6-2

Ages of Children	One Staff	Two Staff
Birth - 12 months	2	4
12 months-24 months	2	4
24 months- 36 months	2	4
Over 36 months	2	3
<b>Total</b>	<b>8</b>	<b>15</b>

(e) Maximum group size may be relaxed and staff:child ratio reduced at nap time to one (1) staff member in the sleeping area as long as that staff person has a clear view of all napping children in the room. Other staff may be excused for other activities; however, staff numbers must be maintained within the facility to meet overall staff:child ratios at all times.

(f) Maximum group size may not be exceeded for more than one (1) hour during portions of the day such as opening and closing hours, special events, etc. Building or room capacity shall not be exceeded and staff:child ratios shall be maintained.

(g) Accommodations shall be made for children with special needs and shall be based on the child's abilities.

(h) Supervision of children ten (10) years or older may be relaxed with parents written permission to allow children to be out of the direct supervision of an adult while participating in parental approved activities. This will allow support for development of age appropriate independence in these children.

(i) In order to be counted in the staff:child ratio, staff must be attending to the children. Necessary cooking, cleaning, janitorial, or similar tasks performed by a staff person counted in the staff:child ratio may take no longer than a few minutes, must be done in such a way that the children are within sight and sound of the staff person, and the staff person can quickly and easily leave the task to handle direct child caring duties. The person cooking meals

cannot be counted in the staff:child ratio while meals are being prepared or cleaned up, unless the duties occur during nap time.

(j) Staff and auxiliary staff under age of majority shall be under direct supervision by an adult staff member at all times. Minimum age of staff must be sixteen (16) years.

(k) Youth trainees are supervised, aided and assisted by an adult staff at all times. There shall always and constantly be one on one contact with a qualified adult staff member in the presence of children.

(i) Facilities that have youth trainees must inform parents in their facility policies and through in-house notices to parents.

(ii) Youth trainees are never counted in staff:child ratios nor left alone with children.

(iii) Youth trainees can only be present in the facility no more than twenty-four (24) hours in a month.

(iv) Facilities shall have on file for each youth trainee the following records to be kept for three (3) years:

- (A) Three (3) Positive References;
- (B) Emergency contact information;
- (C) Start and expected end date and actual end date of the training time;
- (D) Trainee's training goals and objectives;
- (E) Listing of the supervising trainer(s) involved for that youth; and
- (F) Documentation charting training time in the facility; dates, time, location and supervising trainer.

(l) There shall be at least one (1) adult staff directly supervising children in each area of the facility where children are located at all times.

(m) At least one (1) person certified in infant/child CPR and first aid shall be in attendance at all times and in all places that children are in care.

Section 2      **Director/Assistant Director/ Staff Requirements**

(a)      The director shall:

(i)      Be at least twenty-one (21) years old ;

(ii) Have a high school diploma or GED certificate;

(iii)      Have a minimum of one (1) year full time equivalent experience in licensed or legally exempt child care; and

(iv)      Have a minimum of one (1) year full time equivalent experience working with young children in a group under qualified supervision; and

(v)      Have completed at least ten (10) college credit hours in the area of early childhood education, child development, nursing, or other child-related field; or

(vi)      Have completed one hundred (100) approved clock hours with a minimum of four (4) clock hours in each of the areas of early care and education described in Chapter 6, Section 7.

(vii)      Combinations of experience and training may be submitted to the Department for individual consideration to meet director qualifications.

(viii)      Exception to the education requirement: Submission of proof of completion of a professional credential recognized by the Department of Family Services will be considered as completion of the education requirement; and

(ix)      Directors shall meet all training requirements as outlined in Chapter 6, Section 7.

(x) The director must be available for at least fifty percent (50%) of the operating week, based on a forty (40) hour work week, in the facility in which they are listed as the director. Exception may be made for training, vacation, illness or other types of necessary extended absence approved by the licenser.

(xi)      Whenever the director of a center must be absent from the facility, an assistant director must be on duty. The director will remain responsible for the operation of the center and the actions of all staff, volunteers and substitutes.

(xii)      In the event of staff turnover in the position of director, notify the Licenser immediately, and the center shall employ a person who meets the qualifications of

director within sixty (60) days. Hiring practices shall include screening of applicants to assure meeting director qualifications as outlined in these rules.

(xiii) It is the responsibility of the center director to ensure that all records and reports required in Chapter 6 of these standards are maintained on site.

(b) An assistant director does not need to meet the requirements of the director but shall have the following:

(i) A high school diploma or GED certificate;

(ii) One year of experience in licensed child care or fifteen (15) hours of approved training, including orientation;

(iii) Sufficient knowledge and training in the operation of the facility as well as decision making authority to assume the duties of director during his/her absence; and

(iv) Be at least twenty-one (21) years old.

(c) Staff Requirements

(i) Before the director, volunteers, substitutes, family members, or any staff assume responsibility for direct care of children, the director shall have in the files at the facility, documentation of:

(A) Current TB test results in accordance with Wyoming Department of Health Recommendation.

(B) Three positive references;

(C) Date of hire or beginning service; and

(D) A child abuse/neglect Central Registry check and criminal background prescreen on all staff and auxiliary staff is required to be completed and must not receive any disqualifying information.

(E) If indicated by the prescreen, a full criminal background check is required, staff and auxiliary staff may not be employed if they have been convicted or have a pending deferred prosecution of a felony or misdemeanor involving;

(I) Child abuse or neglect;

- (II) Spousal abuse;
- (III) A crime against a child or vulnerable adult;
- (IV) A crime involving violence, including rape, sexual assault or homicide;
- (V) One of the following if the conviction occurred within the last five (5) years:
  - (1.) Physical assault whether felony or misdemeanor;
  - (2.) Battery whether felony or misdemeanor;
  - (3.) A felony related drug offense; or
  - (4.) Any other crime that causes the facility to be concerned for the safety or well-being of children or others.

(F) The provider shall determine if rehabilitation has occurred for individuals with criminal convictions outlined in (E) above that occurred more than five (5) years ago. The provider shall document this rehabilitation for those that will be employed.

(G) All persons who provide care to children more than twenty-four (24) hours in one month shall meet the same training requirements as the other staff. See chapter 8, Section 7.

(H) All staff, auxiliary staff, visitors and all other persons coming in contact with the children in child care facilities shall demonstrate appropriate behaviors in the presence of children.

(I) The director will be held responsible for the actions of any staff, auxiliary staff, or youth trainee who has contact with the children while the facility is operating.

**Section 3. Parental Rights**

(a) Parents or guardians shall have unrestricted and immediate access to their children and any area of the facility used by children anytime their child is in attendance.

(b) Parents shall be told of all known/treated injuries that occur to their child while in care.

- (c) Parents have a right to the following information:
  - (i) All inspection reports for the facility;
  - (ii) Staff:child ratio requirements;
  - (iii) Menus;
  - (iv) Information on obtaining complaint and compliance history of providers from the Department of Family Services; and
  - (v) Documentation of provider/director training.
  
- (d) Parents must be given a copy of written program policies, initially and when there are changes to the policy, (Changes to policy must be given to parents prior to implementation of new policy) to include the following information at the time of the child's enrollment:
  - (i) Discipline;
  - (ii) Sick children in care;
  - (iii) Administration of medication;
  - (iv) Administrative policy such as payment, hours of operation and services provided by the child care facility;
  - (v) The presence of any weapons on the premises; and
  - (vi) Any unusual policies (i.e. not celebrating birthdays or holidays);
  - (viii) Information on sleeping arrangement and supervision when overnight care of children is provided; and
  - (ix) Complaint procedures for reporting concerns:
    - (A) To the provider/director; and
    - (B) To the Department of Family Services;
  
- (d) Current license must be prominently displayed for public viewing at all times.

Section 4. **Discipline and Guidance.**

- (a) Written discipline policy must be developed and followed by all staff.
- (b) It shall not include any discipline that is in violation of the child abuse and neglect statute. This includes excessive or unreasonable physical discipline.
- (c) The facility's discipline policy shall outline methods of guidance appropriate to the ages of the children enrolled.
- (d) It shall explicitly describe positive guidance, such as redirection, natural and logical consequences, modeling of positive behavior and other nonviolent, non-abusive methods of discipline.
- (e) The facility's discipline policy must be included in orientation of all staff.
- (f) When "time out" is used it must:
  - (i) Enable the child to regain control of himself/herself and must keep the child in visual contact with a caregiver; and
  - (ii) Be a last resort for a child who is harming another or in danger of harming herself/himself; and
  - (iii) Used infrequently and for very brief periods. It shall be used selectively, taking into account the child's developmental stage and the usefulness of "time out" for the particular child.
- (g) Only adult staff with direct child care or supervisory responsibility shall discipline children.
- (h) Children in care shall not act as or become employed as staff or be allowed authority over other children.
- (i) The following behavior shall be prohibited in all child care settings
  - (i) Punishment associated with food, rest or toilet training;
  - (ii) Rough handling of children including hitting, spanking, beating, shaking, pinching, pushing or other measures that could produce physical pain;

(iii) Inappropriate use of language including, but not limited to, profanity, name-calling, derogatory or demeaning terminology or screaming related to disciplinary purposes.

(iv) Any form of humiliation including threats of physical punishment;

(v) Any form of emotional maltreatment including rejecting, terrorizing, corrupting, isolating or ignoring a child. Children can be removed from a group, but not isolated. Behaviors of a child may be ignored, but not the child.

#### Section 5. **Medications.**

(a) All child care facilities shall have written policies and procedures governing the supervision of the administration of medication to children. These policies and procedures shall be available for inspection.

(b) Medications include any medication or pharmaceutical samples prescribed by a health care professional and commonly used non-prescription over the counter medications including, but not limited to, ointments, repellents, lotions, creams or powders.

(c) The use of sunscreen, bug spray and over the counter topical medicines such as, but not limited to, diaper ointments and antibiotic creams, will not be subject to the conditions of this Section. When used, however, the following requirements apply:

(i) The sunscreen, bug spray and over the counter topical medicine must be stored in the original container and the manufacturer's instructions for use must be followed; and

(ii) A consent form, signed by the parent or legal guardian, which allows the application of sunscreen, bug spray and over the counter topical medicine on his/her child and indicates the brands of sunscreen, bug spray and over the counter topical medicine that can be used must be on file

(iii) When an over the counter topical medicine is applied the parents must be notified that day.

(d) Medications can only be given in child care when:

(i) Child care staff who administer medication have received training approved by the Department on administration of medication.

(ii) A medication consent form has been completed and signed by the parent or legal guardian and includes:

(A) Specific instructions for the date and time to be administered and dosage; or

(B) A standing order from a parent or health professional for commonly used nonprescription medication that defines what medication and when a medication should be used; and

(e) The administration of medications shall be limited to:

(i) Medications prescribed by a licensed health care professional; and

(ii) Non-prescription over-the-counter medications.

(f) Prescription medications and pharmaceutical samples prescribed by a physician or licensed health professional shall bear the original prescription label or written statement specifying the:

(i) Child's name;

(ii) Amount and frequency of dosage; and

(iii) Name of prescribing physician or other health professional.

(g) Over-the counter medications shall be stored in the original container and shall be accompanied by written instructions from the parent or medical professional specifying the:

(i) Name of the child;

(ii) Name of the medication; and

(iii) Amount and frequency of dosages.

(h) All Medications will be stored:

(i) In a safety lock container and made inaccessible to children; or

(ii) In an enclosed space that is inaccessible to children; or

(iii) In a refrigerator separated from food in a sealed plastic container on the top shelf or in a drawer of the refrigerator if refrigeration is required.

(i) A written record of all medication, including over the counter medication, given to children shall be kept by the child care facility. This record shall include:

- (i) Name of medication;
- (ii) Date the medication was administered;
- (iii) Amount of medication given;
- (iv) Time the child received the medication; and
- (v) Signature of person administering medication.

(j) Any deviation from recommended dosage on the label must be accompanied by a physician's written instructions.

(k) Medications shall not be used beyond the date of expiration.

**Section 6. Transportation/Field Trips.**

(a) Vehicles used to transport children shall be maintained in safe condition and comply with applicable motor vehicle laws.

(b) Operators of vehicles used to transport children shall have the appropriate type of driver's license and be at least eighteen (18) years of age.

(c) The number of persons in a vehicle used to transport children shall not exceed the manufacturer's recommended capacity nor the number of seat belts installed when the vehicle was manufactured.

(d) Each child who is a passenger, and within the age and weight requirements of subsection (a) of W.S. § 31-5-1303, shall be properly secured in a child safety restraint system.

(e) The child safety restraint system must conform to Federal Motor Vehicle Safety Standards for child restraint systems.

(f) The child must be properly secured in the restraint, and the restraint must be properly installed, both as per manufacturer's instructions.

(g) Any child who is not required by subsection (a) of W.S. § 31-5-1303 to be secured in a child restraint system shall wear seat belts in accordance with W.S. § 31-5-1402.

(h) When children are taken off site, there shall be;

(i) A first aid kit;

(ii) Emergency medical release forms on all children being transported;

(iii) An updated roster to ensure children are released to a parent, another location at the request of a parent or are returned to the facility;

(iv) Children will never be left without adult supervision in any vehicle.

#### Section 7. **Training.**

(a) Completion of six (6) hours of approved director/provider orientation training to include information affecting the safety and health of children, fire safety, sanitation procedures, and DFS licensing rules is required of all applicants within twelve (12) months prior to issuance of a child care license.

(b) The orientation training and other approved training completed by the provider/director, staff or auxiliary staff within twelve (12) months prior to the issuance of the initial license, or a new staff's start date as long as the training was college classes or already STARS approved, may be applied toward the first biennial training requirements.

(c) All staff shall receive a minimum of two (2) hours approved facility staff orientation training before assuming responsibility for unsupervised direct care of children and within 3 months of staff's start date. The provider/director is responsible for scheduling or delivery of staff orientation. This training may be used to meet training requirements in Chapter 8, Section 7 (l) (vi).

(d) Within three (3) months of employment in child care, any person having direct contact with children shall be certified in first aid and infant/child Cardiopulmonary Resuscitation (CPR).

(e) First aid and infant/child CPR certification must be kept current at all times for all staff after three (3) months of employment.

(f) One (1) training hour each shall be given for first aid and infant/child CPR as part of the Health and Safety requirement of Chapter 8, Section 7 (l) (i).

(g) Any staff person engaged in child care twenty-four (24) hours or more per month, having direct contact with children, and counted in staff:child ratios must complete a minimum of thirty (30) hours of training biennially, with a minimum of fifteen (15) hours to be completed during the first year of the facility's training biennium.

(h) A minimum of one (1) training hour must be completed in each of the following areas as part of the required biennial training requirements. For new staff these must be completed within the first 6 months:

- (i) Blood borne pathogens;
- (ii) Fire safety provided by an authorized fire inspector;
- (iii) Sanitation provided by an authorized health inspector; and
- (iv) Recognition and reporting of suspected child abuse or neglect.

(i) Training hour requirements for partial years of service will be prorated at a rate of one point two five (1.25) hours per month.

(j) The training biennium will be shortened when a change in licensure dates occurs.

(k) No more than fifty percent (50%) of the required training hours shall be acquired from videos and/or books, except when it is demonstrated that other training options are not available within fifty (50) miles of the facility.

(l) Providers and directors must ensure that training hours for all staff reflect a minimum of one-half (1/2) hour of training in each of the following areas during each biennial training period :

(i) Health, Nutrition and Safety including how to establish and maintain a safe, healthy environment for children; plan an appropriate nutrition program; establish and implement emergency procedures; educate children and families about healthy, safe living and administration of medication;

(ii) The Active Learning Environment including use of space, materials, activities and relationships as resources for creating an indoor/outdoor play environment; planning and implementing experiences which are appropriate for the age and individual needs of children and advances all areas of children's development;

(iii) Guidance and Discipline including how to help children develop independence, self control, cooperative skills, and respect for others through a variety of

positive strategies including encouragement, problem solving, modeling, prevention, and time alone;

(iv) Child Growth and Development including understanding and promotion of children's physical, emotional, social, intellectual, creative and language development; observation and assessment of children's growth; and recognition of developmental delays;

(v) Family Relationships including building cooperative partnerships/relationships with family; knowledge and respect for the beliefs, traditions and heritage of each child; valuing the family as the child's most important teacher; knowledge of and referral to appropriate community resources; and understanding sources of family stress;

(vi) Program Management including management and administration of programs; organization and maintenance of records for efficient operation; and cooperation with co-workers;

(vii) Professionalism including adherence to licensing standards and other regulations; self assessment; program assessment; confidentiality; ethical practices; recognition and reporting of suspected child abuse or neglect; and

(viii) Uniqueness and Cultural Diversity including adaptation of environment and activities to meet special needs of children and respect of the uniqueness of each child and family; including foods, music, clothing, costumes, utensils and other artifacts of families into daily experiences of children;

(m) Proof of completion of child care training must be kept on file for all child care staff who are required to receive training as outlined in Section 7 of this chapter.

(i) Acceptable proof of training are awards of approved training hours, grade reports, or certification in the case of first aid and infant/child CPR.

(ii) Documentation of all training shall be maintained on-site in the facility's files, except in the case of multiple location facilities where staff training records may be kept in a central location.

(n) Training must be approved by the Department of Family Services before credit will be allowed. Training sponsored by an accredited college or university does not require Department of Family Services approval if it is related to the care of children. Each college credit hour will equal fifteen (15) clock hours.

(o) Training hours may be obtained from a community college, university, child care organization, provider sponsored training, correspondence courses, training given by other agencies and organizations or using material from the Wyoming Childcare Clearinghouse.

(p) Any staff member who has a professional certificate or license requiring continuing education hours (CEU's) in the area of child growth and development, may apply those hours to meet child care licensing requirements. Each CEU will equal 15 clock hours.

(q) The training can only be applied to the child care training requirement during the two (2) year training period it was received with the exception of hours awarded in Section 7 (b) of this chapter.

(r) For infant training see Section 15 (d)(i) and (ii).

#### Section 8. **Records and Reports.**

(a) Child care facilities shall maintain complete administrative, staff and children's records as required for licensing on-site. All records must be maintained for a minimum of three (3) years.

(b) The confidentiality of all personnel and children's records shall be maintained. Personnel and children's records shall be available, upon request, to authorized personnel of the Department.

(c) If records for multiple location facilities are kept in a central file, duplicate records for children shall also be kept on file at the facility attended by the child. Only staff records necessary for an emergency are required on site where the staff member is assigned. All other staff records may be kept in a central location.

(d) Administrative records shall include:

(i) Attendance record for each child to include dates attended, and arrival/departure times;

(ii) Current health inspection report;

(iii) Current fire inspection report;

(iv) Private water testing reports if required; and

(v) Current Department of Family Services licensing inspection.

- (vi) Incident reports
- (e) Staff (Auxiliary Staff wherever applicable) records shall include:
  - (i) Name;
  - (ii) Address;
  - (iii) Telephone number;
  - (iv) Three (3) documented positive references from individuals unrelated to the applicant and who have personal knowledge of the person's ability to care for children to include the date, name, address and telephone number of references
  - (v) TB test results in accordance with Wyoming Department of Health Recommendation.
  - (vi) Date of hire or beginning service;
  - (vii) Documented proof of all training received by staff to include the number of hours of training, dates and titles of training;
  - (viii) Dates, hours worked and area of responsibility. This applies to staff, volunteers, and substitutes that are counted in staff:child ratios;
  - (ix) Results of a child abuse/neglect Central Registry check and criminal background prescreen on all staff and auxiliary staff. Results of the full criminal background check if it is required (See Chapter 8, Section 2, (c) (i) (E) for details).
  - (x) Date of birth for all staff and auxiliary staff; and
  - (xi) A physician's statement may be required when there is a question of any staff member's ability to provide safe and adequate care for children.
- (f) Individual child's records shall be in place before a child is left in care and include:
  - (i) The child's full name, birth date, current address and date of enrollment;
  - (ii) Name, home and employment address and phone number of parent(s) or the person(s) legally responsible for the child;

(iii) Names, addresses and telephone numbers of persons authorized to take the child from the facility, children may not be released to unauthorized persons without prior parent approval.

(iv) Names, addresses and telephone numbers of person(s) who can assume responsibility for the child in the event of an emergency, if parent(s) or guardian(s) cannot be reached immediately;

(v) Name and telephone number of the child's physician and dentist;

(vi) Health information including allergies, chronic physical problems and pertinent social information on the child and his family;

(vii) Immunization records and reports shall be completed and maintained by the provider as required by W.S. 14-4-116 and the Department of Health, Immunization Program, except for school age children who are attending public school. In programs that are operated on a drop-in basis, immunization records for children are not required, but recommended to be on file. If attendance on a drop-in basis exceeds thirty (30) calendar days, immunization records are required;

(viii) Written authorization from parent(s) or guardian(s) for the child to participate in field trips or excursions, whether walking or riding;

(ix) Written authorization from parent(s) or guardian(s) for the child to be transported;

(x) Written authorization from parent(s) or guardian(s) for emergency medical care;

(xi) Reports of injury or illness occurring while a child is in care requiring hospitalization, or treatment by a physician or the occurrence of the death of a child; and

(xii) All records for children actively participating in a program must be reviewed and updated annually.

(g) All child care facilities shall, within twenty-four (24) hours, report to the child care licenser for their county and immediately to the parents of the child(ren) involved, any injury, illness or circumstance which occurs at the facility and which results in medical treatment, hospitalization or death. A written report shall be sent to the child care licenser within three (3) days of the incident. The death of any child in care, regardless of cause, must be reported.

(h) All staff are required by the Child Protective Services rules to report cases of suspected child abuse or neglect. A provider, director or their staff shall report immediately to the Department of Family Services office in their county or local law enforcement any circumstances indicating that a child in care may have been subjected to abuse or neglect. Under Wy state law 14-3-205(a) all persons professional and non-professional are mandated reporters.

**Section 9. Confidentiality.**

(a) The provider shall make all required inspection reports available for public inspection.

(b) Names of children and their relatives are confidential to the public. All facts learned about children and their relatives shall be treated as confidential to the public.

(c) Personal information of the provider/director and staff, such as but not limited to social security numbers, date of birth, background check results and, physician's statements are confidential to the public.

**Section 10. Overnight Care of Children.**

(a) Whenever any facility cares for children past 7:00 p.m., the following rules will apply in addition to all other rules and regulations specific to the type of facility.

(b) Children must receive a full meal by 8:00 p.m. Children who are in attendance overnight must also receive breakfast unless released to the parent before 8:00 a.m.

(c) Children sleeping at the facility shall have separate cots or beds on which to sleep. (Refer to Chapter 8, Section 12 (m)).

(d) Sleep areas must be arranged in accordance with health and sanitation rules and regulations as outlined in Chapter 9, Section 4 (xxiv) of these rules.

(e) Children of the opposite sex over six (6) years of age shall have separate sleeping areas.

(f) Adult staff must be awake and on duty at all times when children are sleeping. Group size may be relaxed and staff:child ratio reduced to one (1) staff member in each sleeping area as long as all children are sleeping and that staff person has a clear view of all children. Other facility staff may be excused for other activities, however, overall staff:child ratios within the facility must be maintained at all times. When any child awakens, relaxed staff:child ratios can no longer be used.

- (g) There must be a staff person awake and on duty to release or receive a child.

Section 11. **Hazardous Conditions**

- (a) Uncrowded conditions

- (i) The indoor area designated for the children's use while in care must include a minimum of thirty-five (35) square feet of usable play space per child, and this space must be available to the children on a continual basis.

- (ii) Not counted in the play space are hallways, furnace rooms, closets, kitchen space, laundry facilities, lockers, office space, staff rooms, isolation areas, bath rooms, stairways or areas occupied by permanent built-in storage cabinets.

- (b) A facility shall be maintained free of conditions hazardous to the physical well-being of children. Decks, porches, steps, stairs and walkways shall be maintained in good repair and safe condition. Stairs, decks and elevated porches shall have sturdy railings, child safety gate or guard rails to prevent falls, entrapment or other accidents. (See Chapter 11.)

- (c) Play areas, equipment, and toys shall be maintained in a safe condition.

- (d) Children shall not have access to cords or ropes, such as but not limited to, window treatment cords or electrical cords.

- (e) Spaces that could entrap children, such as opening in guardrails, banisters, etc. must measure 3.5" or less, or more than nine inches to prevent entrapment.

- (f) Potentially dangerous or unsafe items shall be made inaccessible to children as required in Chapter 9, Section 4 (xxv), Chapter 10, Section 8 and Chapter 11, Section 12.

- (g) Cupboards and drawers that contain unsafe items including, but not limited to, cleansers, sprays, razors, knives, scissors, plastic bags and alcohol shall have child proof locks.

- (h) All rooms used by children shall be adequately heated, cooled, lighted, and ventilated.

- (i) Unused electrical outlets shall be covered with safety caps.

- (j) Any appliance too hot to touch shall be made inaccessible to children unless its use is for an activity directly supervised by an adult.

(k) All heating appliances, if too hot to touch, shall be screened or not used when the child care is in operation. If they are not used, a note will be made on the inspection form to indicate the provider's acceptance of this requirement.

(l) Electric fans shall be out of the reach of children or shall be fitted with an appropriate mesh to prevent access to the blades by children.

(m) Chemicals shall not be used around children or in a manner that will contaminate play surfaces such as, tables, carpets, lawns, food, or food preparation areas.

(n) Whenever swimming or wading pools are present or in use, the following shall apply:

(i) Facility policy must include written safety procedures outlining conditions for use of a swimming or wading pool and be given to parents and staff;

(ii) Written parental consent is required for use of a swimming or wading pool;

(iii) An adult staff member must be in the immediate vicinity at all times when a swimming or wading pool is available. Children shall not be left unattended in a swimming or wading pool;

(iv) An adult shall remain within arms reach of infants when using a wading pool and in direct physical contact with infants at all times during swimming;

(v) Swimming pools must be fenced or enclosed to restrict unsupervised access;

(vi) There must be at least one (1) certified lifeguard present when a swimming pool is in use;

(vii) Children are to be instructed on the safe use of a swimming pool;

(viii) When using a public or private swimming pool, staff:child ratios for infants and toddlers, birth to 36 months, shall be 1:1 and for preschoolers 1:4 and school age 1:6 while swimming. Certified lifeguards may be used to meet these staff:child ratios when the lifeguard is age sixteen (16) or older and assigned only to that group of children;

(ix) Children shall not be allowed to use hot tubs or spas and they must be made inaccessible to them.

(o) Full sized trampolines may not be used and must be fenced or otherwise made inaccessible to child care children. Small exercise trampolines may be used by children three (3) years or older with adult supervision and written parental permission.

(p) No weapons of any kind shall be stored in the facility or on the premises.

(q) Other safety issues not included in this subsection must be complied with when identified by an authorized inspector.

## Section 12. **General Compliance.**

(a) Children shall be present only in areas of the facility approved and inspected for child care and designed for their use.

(i) Rooms not designated and approved for child care shall be made inaccessible to children with the exception of rooms used as an evacuation route.

(b) The overall condition of the child care facility and ground shall be maintained in a clean, uncluttered, sanitary and healthful manner.

(c) Media such as but not limited to, movies and internet sites that are inappropriate for children shall not be accessible to children during child care hours.

(d) The use of tobacco or the consumption of alcohol shall be prohibited in all licensed child care facilities anytime during hours of operation and in all vehicles while transporting children. Illegal drugs are prohibited by law and therefore not allowed on the premises at anytime whether the facility is open or closed.

(e) An operable telephone or cell phone must be available in the facility at all times and the following conditions apply:

(i) Unlisted telephone or cell phone numbers are not allowed; and

(ii) Emergency phone numbers to include 911, poison control, and an adult emergency substitute, as well as the address and phone number of the facility must be posted by the telephone or in a location that is immediately visible at all times.

(f) Fire safety training shall be made a part of the program. This shall include personal safety, a fire safety evacuation plan, and monthly fire drills as outlined in Chapter 11, Section 16 and 17:

(i) Children's emergency contact phone numbers and children's attendance records shall be taken outside with children during all fire or emergency drills to be used as a roster;

(ii) Drills shall include practice from all exit locations, at varied times of the day, and during varied activities;

(iii) Fire safety and emergency evacuation plans must be posted.

(g) An emergency preparedness plan shall be written to include but not limited to tornado, earthquake, flood and blizzard planning as appropriate.

(h) Non-walking children shall have an opportunity during each day for freedom of movement such as crawling in a safe, clean, open, uncluttered area;

(i) Each child shall have periodic individual attention appropriate to the age of the child, such as being held, rocked, talked to or hugged;

(j) All cries of children shall be investigated promptly and responded to appropriately;

(k) Inflatable beds must be properly inflated and in good repair and shall not be used for children under the age of twenty-four (24) months. When used for children twenty-four (24) months and older, they must be able to raise and lower their heads easily.

(l) Wet or soiled clothing shall be changed promptly. A sufficient supply of clean clothing for emergency use shall be provided;

(m) Children shall have their own separate bedding for nap/rest time. Cots or pads shall be spaced at least two (2) feet apart on all sides. The bedding shall be washed once a week or more often as needed;

(n) Floors, walls, and window coverings shall be kept clean;

(o) Staff shall wash their hands:

(i) After using the toilet or helping a child use a toilet, handling bodily fluid, handling pets, cleaning or handling the garbage, and

(ii) Before and after diaper changing, handling uncooked food, eating, and giving medication.

- (iii) The kitchen sink cannot be used for hand washing after diaper changing.
- (p) Children shall wash their hands before and after eating; using the toilet; handling pets and playing in sandboxes.
- (q) Toys, table tops, phones, doorknobs, door casings, handles and railings must be cleaned and sanitized once a week or whenever visibly soiled;
- (r) Dirty laundry shall not be accessible to children;
- (s) A sturdy stool shall be available to children as needed to make hand washing sinks accessible;
- (t) Soap and single service hand towels shall be available at all hand washing sinks.
- (u) A first aid kit meeting the following criteria will be available.
  - (i) All child care facilities shall have at least a basic first-aid kit or its equivalent on hand at all times. The first aid kit shall be taken on field trips and outings.
  - (ii) This kit shall be a closed container for stocking first aid supplies, accessible to staff members but out of reach of children. The first aid kit shall contain at least the following:
    - (A) Band Aids;
    - (B) Sealed packages of alcohol wipes or antiseptic;
    - (C) Scissors;
    - (D) Tweezers;
    - (E) Thermometer with probe covers;
    - (F) Bandage tape;
    - (G) Sterile gauze pads;
    - (H) Flexible roller gauze;
    - (I) Triangular bandages;

- (J) Safety pins;
- (K) Eye wash;
- (L) Pen/pencil and note pad;
- (M) Poison Control phone number;
- (N) Cold pack;
- (O) Current American Academy of Pediatrics, American Red Cross Standard First Aid Text, or equivalent first aid guide.

**Section 13. Outdoor Play Space**

(a) There shall be a minimum of seventy-five (75) square feet of outdoor play space for each child when ages of children are combined.

(b) When children are separated into age groups, and only one (1) age group is using the playground at any given time, the following minimum outdoor play space requirements apply:

(i) Thirty-five (35) square feet for each child birth to eighteen (18) months of age;

(ii) Fifty (50) square feet for each child eighteen (18) months to twenty-four (24) months of age; and

(iii) Seventy-five (75) square feet for each child over the age of twenty-four (24) months of age.

(c) If the required outdoor space is not available, the same amount of indoor space required in (a) and (b) above may be used if it provides for types of activities equivalent to those performed in an outdoor space.

(d) The outdoor play area shall be enclosed with a fence. The fence shall be at least four (4) feet in height and the bottom edge shall be no more than three and one-half (3 ½) inches off the ground. Exception: If using a school playground with school age children only, the school fence is appropriate.

(e) Some shaded areas shall be provided in the outdoor play area.

(f) Sandboxes shall be constructed to permit drainage and shall be covered tightly and secured when not in use.

(g) Equipment shall be sturdy, stable, and free of hazards that are accessible to children during normal supervised play including sharp edges, lead based paint, loose nails, splinters, protrusions, pinch and crush points.

(h) All pieces of equipment shall be installed as directed by the manufacturer's instructions and specifications.

(i) All broken equipment shall be repaired or removed from the premises immediately or made inaccessible to the children.

(j) Anything that could cause strangulation of a child such as, but not limited to, ropes, jump ropes, clotheslines, and/or pet leashes cannot be attached to play equipment.

(k) All equipment and spaces that could entrap children, such as but not limited to, openings in guardrails or between ladder rungs must measure three and one-half (3 ½) inches or less, or more than nine (9) inches.

(l) Platforms and ramps must have guardrails to prevent falls.

(m) All outdoor play equipment with a fall height of more than twenty-four (24) inches shall be installed over a resilient surface.

(n) Acceptable materials to be used for resilient surfacing include wood mulch, double shredded bark mulch, uniform wood chips, fine sand, coarse sand, and pea gravel. Other materials that have been certified by the manufacturer to be shock-absorbing resilient material in accordance with the American Society for Testing Materials (ASTM) Standard can be used when these materials are installed, maintained and replaced according to the manufacturer's instructions.

(o) Resilient surfacing must meet the following requirements for the depth of the resilient surface:

(i) Equipment with a fall height of more than twenty-four (24) inches but less than seven (7) feet shall have six (6) inches of uncompressed resilient surface, except for sand. (See (iii) below);

(ii) Equipment with a fall height of seven (7) feet to ten (10) feet shall have nine (9) inches of uncompressed resilient surface; and

(iii) When sand is used as a surfacing material for equipment with a critical height of more than five (5) feet, twelve (12) inches is required.

(p) The facility must maintain a use zone for stationary equipment which is free of all other equipment and obstacles which extends a minimum of six (6) feet in all directions from the perimeter. For specific use zone requirements for slides and swings see (r) and (s) below.

(q) When stationary pieces of equipment are located adjacent to each other, the use zone may overlap and share the same six (6) foot use zone when both pieces of equipment are less than three (3) feet high. When adjacent stationary pieces of equipment are higher than three (3) feet, the overlapping use zone must be nine (9) feet.

(r) The back and side use zone for a slide must be six (6) feet. The use zone for the front of the slide will be determined by adding four (4) feet to the height of the slide but does not have to exceed fourteen (14) feet.

(s) For swings, a use zone is required both in front and in back of the swing and the use zone must extend a minimum distance of twice the height of the swing as measured from the ground to the swing hangers on the support structure.

(t) If a child care facility does not provide care for more than a four (4) hour period per day, outdoor play space is not required. However, if the facility does have outdoor play space and it is used for play, that space must meet licensing requirements.

(u) Providers/directors shall assure that children have protection appropriate for weather conditions.

(v) Play areas shall be free from miscellaneous debris or litter such as tree branches, soda cans, bottles, glass, animal waste, Administrative Rules for Certification of Child Care Facilities, unless the facility moves to a different location, adds new outdoor play equipment or replaces existing equipment (excluding regular replacement of parts and repair).

(w) Child care facilities which were licensed prior to December 1, 2005 will be subject to the outdoor play space and resilient surface requirements outlined in the July 1, 2001 Administrative Rules for Certification of Child Care Facilities unless the facility moves to a different location, adds new outdoor play equipment or replaces existing equipment (excluding regular replacement of parts and repair).

#### Section 14. **Food Service.**

(a) Food served shall be planned for the needs of the children and shall be appropriate for their ages. Menus shall be kept on file for public review.

(b) If a child is in attendance for five (5) or more hours, a meal shall be provided, unless a child arrives after lunchtime and an evening meal is not provided by the facility. In this case, a healthy snack shall be provided. Each meal shall be planned to be balanced and to provide at least one-third (1/3) of the child's daily nutritional needs.

(c) Nutritious snacks shall be provided at suitable intervals.

(d) Pasteurized, inspected and approved milk produced under sanitary conditions shall be served at all meals, unless written documentation is on file of a child having a specific reason prohibiting milk.

(e) Parents may provide meals for their own child. These meals must be stored and served in accordance with approved health and sanitation procedures.

(f) Children shall be served appropriate sized portions and permitted to have one (1) or more additional servings to meet the needs of the individual child.

(g) Children's food shall be served on plates, other disinfected containers, or clean single use items such as napkins. Food shall not be placed on bare surfaces such as tables, floors, etc.

(h) A child shall be encouraged, not forced, to eat.

(i) Food shall not be used as a bribe or punishment.

(j) When parents supply a child's food or bottle, it shall be clearly marked with the child's name, stored, and served in accordance with approved health and sanitation procedures.

(k) Provide and encourage adequate fluids.

#### Section 15. **Infant Care.**

(a) Safe conditions

(i) There shall be a minimum of fifty (50) square feet per infant or toddler if play and sleep space is combined. When not combined, thirty-five (35) square feet of available play area must be provided per child.

(ii) Cribs, bassinets or play pens used for sleeping, must be separated by a space of not less than three (3) feet.

(iii) No infant or toddler shall be confined to a crib, playpen, swing, high Chair, car seat or carrier or in one position for excessive periods of time.

(iv) Stacking cribs shall not be used.

(v) Infants shall be placed on their backs for sleeping, unless a licensed health provider signs a waiver. Once placed on the back to sleep, an older infant may be allowed to assume any position that seems comfortable. If the baby can repeatedly turn from back to side or tummy, then it is allowable for him/her to sleep in that position.

(vi) Nothing will be placed over the head or face of the infant when laid down to sleep.

(vii) If infant care is included in the same building as a facility caring for children of other ages, infants shall be provided with a designated and safe play area.

(viii) Toys must be suitable for the age and development of the infant.

(ix) A sufficient supply of clean, dry diapers shall be available, and diapers shall be changed as frequently as needed. Diaper changing and feeding shall be documented for each infant.

(x) Clothing worn by staff members shall be clean and made of non-irritating material.

(b) The following staff requirements also apply whenever four (4) or more infants are enrolled:

(i) An infant director who holds an Infant/Toddler Director Credential recognized by the Department shall be responsible for the infant program;

(ii) The infant director must be available for at least fifty percent (50%) of a forty (40) hour work week in the facility in which they are listed as the infant director with the exception of times the infant director is absent due to training, vacation, illness or other types of necessary prolonged absences which have been approved by the licenser;

(iii) If a facility takes only infants, the provider/director shall meet provider/director qualifications as specified for the facility's license classification; and

(iv) A minimum of two (2) adults must be in the facility at all times when four or more infants are present.

(c) Food Service for infants

(i) Staff may prepare bottles and mix formula using water from an approved source as outlined in Chapter 9, Section 2. Formula must be stored in its original container and the manufacturer's mixing instructions must be followed and any deviation from these instructions must be accompanied by written instructions from a medical professional.

(ii) Bottle propping shall not be permitted. Infants shall receive individual direct care during feeding. Bottles shall not be left with a sleeping child.

(iii) An individualized diet and feeding schedule for infants shall be provided according to a written plan submitted by the parents or by the child's physician with the knowledge and consent of the parent. Any changes in an infant's diet and feeding schedule shall be posted in an area clearly visible to the staff.

(iv) Infants shall be fed on demand unless the parent provides written instructions otherwise.

(d) Training for Infant Staff

(i) Whenever four (4) or more infants are enrolled, at least one (1) staff person working directly with infants will provide satisfactory evidence of eight (8) hours specialized training in the care of infants. If a provider or staff member has not received this training during the previous two years, at least four (4) of these hours must be taken during the first year of either biennium or employment.

(ii) All staff caring for infants shall complete a minimum of four (4) hours of specialized infant/toddler training as part of their biennial training requirements. If a provider or staff member has not received this training during the previous two years, at least two (2) of these hours must be taken during the first year of either biennium or employment.

Table of Contents

CHAPTER 9

ADMINISTRATIVE RULES FOR CERTIFICATION

OF CHILD CARE FACILITIES

HEALTH AND SANITATION

Section No.	Subject	Page No.
1	Authority and Purpose	9-1
2	Definitions	9-1
3	Review of Plans and Specifications	9-6
4	Sanitation Requirements for Child Care Facilities	9-7
5	Health Requirements for all Child Care Facilities	9-17
6	Inspection of Child Care Facilities	9-20
7	Summary Suspension	9-21

CHAPTER 9  
ADMINISTRATIVE RULES FOR CERTIFICATION  
OF CHILD CARE FACILITIES  
HEALTH AND SANITATION

Section 1.     **Authority and Purpose.**

These rules are authorized by W.S. 14-4-104(b)(iii) and (iv), and W.S. 9-2-106. The purpose of certification is to regulate the health and sanitation policies and practices of child care facilities so as to protect the health, safety, and welfare of children.

All Child Care Facilities are inspected for compliance with these rules by the authorized health inspectors who will also require compliance to be met to these rules. Actions taken on licenses due to non-compliance with these rules will be taken through the Department of Family Services as a result of the recommendations from one or more of the following: the authorized health inspector, Department of Agriculture, Department of Health. Public health officials can put restrictive orders or close facilities that pose public health risks.

Section 2.     **Definitions.**

The following definitions shall apply in the interpretation of health and sanitation standards for child care facilities.

(a)     "Approved chemical sanitizing agent" those sanitizing solutions that have as active ingredients chlorine, iodine, quaternary ammonia, or other sanitizing solutions approved by the authorized health inspector.

(b)     "Approved source" means the source(s) of the water whether it be from a spring, artesian well, drilled well, municipal water supply, or any other source that has been inspected and the water sampled, analyzed, and found to be of a safe and sanitary quality in accordance with the applicable laws and regulations of the State of Wyoming.

(c)     "Bottled water" means water that is from an approved source and is placed in a sealed container or package and is offered for sale for human consumption or other consumer uses.

(d)     "Communicable" capable of being transmitted from one person to another.

(e) "Compliance letter" a letter sent to the authorized health inspector outlining what has or will be done by the provider to comply with the health/sanitation standards.

(f) "Cross-contamination" the transmission of infectious or toxic agents from one object to another.

(g) "Drinking water" means water that meets 40 CFR 141 National Primary Drinking Water Regulations; is traditionally known as "potable water"; included the term "water" except where the term used connotes that the water is not potable, such as "boiler water," "mop water," "rainwater," "wastewater," and "non-drinking" water.

(h) "Easily cleanable" means a characteristic of a surface that:

(i) Allows effective removal of soil by normal methods;

(ii) Is dependent on the material, design, construction, and installation of the surface; and

(iii) Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose, and use.

(iv) Includes a tiered application of the criteria that qualify the surface as easily cleanable as specified under Subparagraph (A) of this definition, to different situations in which varying degrees of cleanability are required such as:

(A) The appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for consumer dining; or

(B) The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.

(i) "Equipment" means an article that is used in the operation of an establishment such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, vending machine, or warewashing machine. It does not include items used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or over wrapped lot, such hand trucks, forklifts, dollies, pallets, racks, and skids.

(j) "Food" means articles used for food or drink for humans including meat and ice intended for human consumption; chewing gum; beverages subject to the Federal Alcohol Administration Act, as amended, (Title 27 U.S.C.201 et seq.); articles used for components of any article noted above in this paragraph.

(k) "Food area(s)" that area of the facility used for storage, preparation, or serving of food. Included is that area where the food service utensils and equipment are washed and/or stored.

(l) "Food-contact surface" means a surface of equipment or a utensil with which food normally comes into contact; or from which food may drain, drip, or splash into a food or onto a surface normally in contact with food.

(m) "Garbage" waste resulting from the growing, handling, preparation, cooking, and consumption of food; also includes sanitary napkins, soiled diapers, and other insect or rodent-attracting refuse.

(o) "Insect and rodent proof" capable of keeping insects and rodents from entering buildings, garbage containers, diaper pail(s), or containers (e.g., tight fitting screens, doors, lids, etc.)

(p) "Multi-use" means designed or intended to be used more than once and intended to be cleanable.

(q) "Nonabsorbent" a relatively hard surface that will not absorb liquids, food items, etc.

(r) "Pathogen(ic)" any disease-producing microorganism or material.

(s) "Potentially Hazardous Food (Time/Temperature Control for Safety Food)." means a food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

(i) "Potentially hazardous food (time/temperature control for safety food)" includes:

(A) An animal food that is raw or heat-treated; a plant food that is heat treated or consists of raw seed sprouts, cut melons, or garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support pathogenic microorganism growth or toxin formation; and

(B) Except as specified in Subparagraph (C) (IV) of this definition, a food that because of the interaction of its AW and PH values is designated as Product Assessment Required (PA) in Table A or B of this definition:

<u>Table A. Interaction of pH and aw for control of spores in food heat treated to destroy vegetative cells and subsequently packaged</u>			
<u>AW values</u>	<u>pH</u>		
	<u>4.6 or less</u>	<u>&gt; 4.6 - 5.6</u>	<u>&gt; 5.6</u>
<u>&lt;0.92</u>	<u>non-PHF*/non-TCS food**</u>	<u>non-PHF/non-TCS food</u>	<u>non-PHF/non-TCS food</u>
<u>&gt; 0.92- 95</u>	<u>non-PHF/non-TCS food</u>	<u>non-PHF/non-TCS food</u>	<u>PA***</u>
<u>&gt; 0.95</u>	<u>non-PHF/non-TCS food</u>	<u>PA</u>	<u>PA</u>
* PHF means <u>potentially hazardous food</u> ** TCS food means <u>time/temperature control for safety food</u> *** PA means <u>Product Assessment required</u>			

<u>Table B. Interaction of PH and AW for control of vegetative cells and spores in food not heat-treated or heat-treated but not packaged</u>				
<u>AW values</u>	<u>pH</u>			
	<u>&lt; 4.2</u>	<u>4.2 - 4.6</u>	<u>&gt; 4.6 - 5.0</u>	<u>&gt; 5.0</u>
<u>&lt; 0.88</u>	<u>non-PHF*/non-TCS food**</u>	<u>non-PHF/non-TCS food</u>	<u>non-PHF/non-TCS food</u>	<u>non-PHF/non-TCS food</u>
<u>0.88 – 0.90</u>	<u>non-PHF/non-TCS food</u>	<u>non-PHF/non-TCS food</u>	<u>non-PHF/non-TCS food</u>	<u>PA***</u>
<u>&gt; 0.90–0.92</u>	<u>non-PHF/non-TCS food</u>	<u>non-PHF/non-TCS food</u>	<u>PA</u>	<u>PA</u>

<u>&gt; 0.92</u>	<u>non-PHF/ non-TCS food</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>
<u>* PHF means Potentially Hazardous Food</u> <u>** TCS food means time/temperature control for safety food</u> <u>*** PA means Product Assessment required</u>				

(ii) "Potentially hazardous food (time/temperature control for safety food)" does not include:

(A) An air-cooled hard-boiled egg with shell intact, or an egg with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable salmonellae;

(B) A food in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;

(C) A food that because of its pH or aw value, or interaction of aw and pH values, is designated as a non-PHF/non-TCS food in Table A or B of this definition;

(D) A food that is designated as Product Assessment Required (PA) Table A or B of this definition and has undergone a Product Assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that food is precluded due to:

(I) Intrinsic factors including added or natural characteristics of the food such as preservatives, antimicrobials, humectants, acidulants, or nutrients,

(II) Extrinsic factors including environmental or operational factors that affect the food such as packaging, modified atmosphere such as reduced oxygen packaging, shelf life and use, or temperature range of storage and use, or

(III) A combination of intrinsic and Extrinsic factors; or

(E) A food that does not support the growth or toxin formation of pathogenic microorganisms in accordance with one of the Subparagraphs (C)(I) - (C)(IV) of this definition even though the food may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.

(t) "Private water supply" a water supply meant for human consumption, but that is used by the occupants of only one facility and the children being cared for at that facility (well, cistern, etc.).

(u) "Regulating authority" the Department of Family Services (DFS) or its designated representative.

(v) "Safe materials" articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of the food. An article that is used as specified in section 409 or 706 of the Federal Food, Drug, and Cosmetic Act, as amended or articles that are used in conformity with applicable regulations.

(w) "Sanitization" means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of five (5) logs, which is equal to a ninety nine and nine hundred ninety nine thousandths percent (99.999%) reduction, of representative disease microorganisms of public health importance.

(x) "Single service article" means tableware, carryout utensils, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one time, one person use after which they are intended for discard.

(y) "Shielding" a protective covering placed over lights or heating fixtures that will effectively prevent glass fragments from contaminating foods or food contact surfaces.

(z) "Utensils" means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multi-use, single-service, or single-use; gloves used in contact with food; food temperature measuring devices; and probe-type price or identification tags used in contact with food.

### Section 3. **Review of Plans and Specifications .**

(a) Whenever a Child Care Center (CCC) is constructed or remodeled or an existing structure is converted to use as a child-caring facility, a copy of the plans and specifications for such construction, remodeling, or conversion shall be submitted to the authorized health inspector for review and approval at least sixty (60) days prior to the date for bid letting, the date for occupancy or the start of construction. The authorized health inspector shall review the plans and specifications and a letter of approval or disapproval shall be sent within thirty (30) days from the date of receiving the plans. If the plans and specifications are disapproved, each deficiency or item not found on the plans and specifications shall be so

indicated on the plan review. The applicant shall then submit a letter indicating that they have changed their plans in accordance with those items listed in the review. Upon receipt of the compliance letter, the authorized health inspector shall issue a letter of approval. This submittal of plans and specifications does not fulfill any requirements of state or local fire officials.

(b) The plans and specifications for a Child Care Center shall include, as required by the regulatory authority based on the type of operation, type of food preparation, and foods prepared, the following information to demonstrate conformance with Rule provisions:

- (i) Intended menu;
- (ii) Anticipated volume of food to be stored, prepared, and sold or served;
- (iii) Proposed layout, mechanical schematics, construction materials, and finish schedules;
- (iv) Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications;
- (v) Evidence that standard procedures that ensure compliance with the requirements of this Rule are developed or are being developed; and
- (vi) Other information that may be required by the regulatory authority for the proper review of the proposed construction, conversion or modification, and procedures for operating an establishment or processing plant.

#### Section 4. **Sanitation Requirements for Child Care Facilities.**

(a) All Child Care Centers (CCC) shall be required to comply with the Wyoming Food Safety Rule, State of Wyoming, latest edition. The Wyoming Food Safety Rule may exceed standards mentioned in this chapter, but are only applicable to Child Care Centers (CCC).

(b) All Family Child Care Homes (FCCH) and Family Child Care Centers (FCCC) shall comply with the following standards. The principles and requirements of the Wyoming Food Safety Rule may be required, over and above these rules, in cases where potentially hazardous foods are prepared.

- (i) Floors and floor coverings shall be maintained in good repair and shall not be visibly soiled.

(ii) The walls, wall coverings, and ceilings shall be maintained in good repair and shall not be visibly soiled.

(iii) Light fixtures, vent covers, wall-mounted fans, and similar equipment attached to walls and ceilings shall be kept clean and maintained in good repair.

(iv) Walls and ceiling surfaces

(A) If present, lead-based paint shall not present a poisoning hazard. Building components including walls, doors and windows that have been painted with lead-based paint shall have the paint safely removed, covered over or shall be maintained to ensure dust lead levels do not exceed one hundred (100) micrograms/sq. ft. on the floors (including carpeted floors), five hundred (500) micrograms/sq. ft. on the interior window sills and eight hundred (800) micrograms/sq. ft. in the window troughs.

(B) Lead-poisoning hazards shall be minimized during lead-based paint removal and remodeling of all pre-1978 facilities.

(C) All other toxic or potentially hazardous compounds, to include urea formaldehyde and asbestos, shall be excluded from new construction material(s) in walls and ceilings and shall be effectively sealed in existing facilities.

(v) Doors and windows

(A) All doors, windows, and other entrances to the outside shall effectively protect against the entrance of all insects and rodents.

(B) Screening material shall not be less than sixteen (16) mesh to the inch.

(vi) Lighting

(A) All rooms in which food or drink are prepared or in which utensils are washed or stored shall be uniformly lighted with a minimum of twenty (20) foot candles of light at work level.

(B) Lighting shall be from a permanently fixed artificial light source.

(C) Shielding to protect against broken glass falling into food shall be provided for all artificial lighting fixtures located over, by, or within food storage, preparation, service, or display areas and where utensils and equipment are cleaned and stored.

(vii) All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, fumes, toxic gases, or stagnant air. Wyoming Food Safety Rules have additional ventilation requirements for Child Care Centers (CCC).

(viii) Restrooms

(A) All child care facilities shall be provided with restroom facilities. Each facility shall have at least one (1) toilet and at least one hand washing sink per restroom. In addition, Child Care Centers (CCC) shall be required to comply with the requirements of the Uniform Plumbing Code (UPC), latest edition.

(B) If care is provided to children who are not toilet trained, then at least one "potty chair" per four (4) children who are being potty trained shall be required.

(C) All restrooms shall be provided with covered trash receptacles, single service hand towels or hand drying devices, hand cleanser, and toilet tissue at all times.

(D) Toilet facilities shall be kept clean and sanitary and maintained in good repair.

(ix) Water supply

(A) Hot and cold potable water (under pressure) shall be provided to all rooms in which food is prepared and utensils are washed and to all restrooms.

(B) The water supply shall be of such quantity as to provide enough water for food preparation, washing of hands, and washing of utensils and equipment.

(C) Private water supplies serving child-caring facilities shall have a bacterial test every six (6) months. If infants under one (1) year are present, the water supply shall be tested for nitrates every three (3) years.

(D) All bottled, packaged, or transported water shall be potable.

(x) Hand Washing Sinks

(A) Hand washing sinks shall be located in or immediately adjacent to all restrooms.

(B) Sinks shall be located at a convenient height (24-36 inches at top) for children, or stools shall be provided.

(C) Diaper changing area shall be located as close as possible to an operable hand sink with hot and cold running water. The distance from diaper changing area to such hand sink shall not exceed twelve (12) feet.

(D) Hot water from such hand washing sinks or other child accessible faucet(s) shall not exceed 120°F at exit point from the faucet.

(xi) Utensils and equipment

(A) Multi-use utensils and equipment shall be constructed and repaired with safe materials. They shall be corrosion resistant, easily cleanable, and durable under conditions of normal use.

(B) Single service articles shall be made from clean, sanitary, and safe materials.

(C) Reuse of single service articles is prohibited.

(xii) Multi-use utensils and food contact surfaces of equipment shall be washed, rinsed, and sanitized after each use or whenever contamination may have occurred. Food contact surfaces shall be corrosion resistant, durable, and easily cleanable under normal use.

(xiii) Non-food contact surfaces of equipment shall be cleaned as necessary to keep the equipment free of accumulation of dust, dirt, food particles and other debris.

(xiv) Manual washing and sanitizing of utensils and food contact surfaces:

(A) For manual washing, rinsing, and sanitizing of utensils and equipment, three compartments or containers shall be used;

(B) Each compartment shall be large enough to accommodate the utensils or equipment;

(C) The first compartment shall contain a hot detergent that is kept clean. The second compartment shall contain hot, clear rinse water. The third compartment shall contain an approved sanitizing solution as outlined in the Wyoming Food Safety Rule. Dishes and equipment shall then be air dried;

(D) All utensils and equipment shall remain in the final sanitizing rinse for at least one (1) minute, and the utensils or equipment shall then be air dried; and

(E) When chemicals are used for sanitization, a test kit or other device that accurately measures the parts per million concentration of the sanitizer shall be provided and used.

(I) Commercial sprays and wipes shall not be used in a child care facility because they may be too concentrated and may leave a toxic residue on surfaces.

(xv) Mechanical washing and sanitizing

(A) Cleaning and sanitizing may be done by a spray type or immersion dishwashing machine or by any other type of machine or device if it can be demonstrated to the authorized health inspector that it thoroughly cleans and sanitizes utensils and equipment. Home type machines, followed by hand sanitizing, may be approved.

(B) These machines and devices shall be maintained in good repair and shall be operated in accordance with the manufacturer's instructions.

(xvi) Storage of utensils and equipment

(A) Cleaned and sanitized utensils and equipment shall be stored at least six (6) inches above the floor level in a clean, dry location and in such a manner that protects them from contamination by splash, dust, or other means.

(B) Food contact surfaces of fixed equipment shall also be protected from contamination by splash, dust, or other means.

(C) Single service articles shall be stored at least six (6) inches above the floor in closed cartons or containers that protect them from contamination.

(xvii) Sewage disposal

(A) All sewage, including liquid waste, shall be disposed of by a public sewerage system or by a sewerage disposal system constructed and operated according to the requirements of the Department of Environmental Quality (DEQ) or their authorized representative.

(B) Non-water carried sewage disposal facilities are prohibited, except as permitted by the authorized health inspector in remote areas or because of special situations.

(xviii) Solid waste (garbage)

(A) Garbage storage, inside, shall be kept in lined, durable, easily cleanable, insect and rodent-proof containers that will not leak or absorb liquids.

(B) All containers used for garbage shall be kept covered with tight fitting lids and shall be available in sufficient numbers to accommodate all garbage and refuse. Outside containers shall be made inaccessible to dogs, cats, and wild animals.

(C) Containers shall be kept clean at all times.

(D) Garbage and refuse shall be disposed of often enough to prevent the development of odor(s) and/or the attraction of insects and rodents.

(xix) Food care

(A) Food shall be of a sound condition, free from spoilage, filth, or other contamination and shall be safe for human consumption.

(B) Food shall be obtained from sources that comply with all laws relating to food and food labeling. Wild game is prohibited from being served to the children.

(C) The serving of "home-canned" foods to the children is prohibited.

(D) Fluid milk and milk products used or served shall be pasteurized and shall meet the Grade A Quality standards as established by law. (The serving of raw or unpasteurized milk is prohibited.)

(E) Dry milk and dry milk products shall be made from pasteurized milk or milk products and shall be used only in cooking.

(F) At all times, including while being stored, prepared, displayed, served, or transported, food shall be protected from contamination by dust, insects, rodents, unclean utensils and equipment, unnecessary handling, coughs and sneezes, flooding, drainage, and overhead leakage.

(G) The temperature of potentially hazardous food shall be kept at 41°F or below, or 135°F or above, at all times. Sufficient refrigerated or hot or cold storage equipment shall be available to maintain these temperatures. Thermometers shall be available at all times for monitoring food temperatures. Refrigeration thermometers shall be kept in top front of the unit.

(H) Food, whether raw or prepared, if removed from the container or package in which it was obtained, shall be stored in a clean, covered, and labeled container.

(I) Containers of food, except those packaged in waterproof containers shall be stored at least six (6) inches above the floor.

(J) Cooked or finished potentially hazardous food stored under refrigeration shall not exceed five (5) inches in depth.

(K) Stored frozen food shall be maintained in a frozen condition.

(L) Food shall be prepared with the least possible manual contact, with suitable utensils, and on surfaces that, prior to use, have been cleaned, rinsed, and sanitized to prevent cross-contamination.

(M) Potentially hazardous frozen foods shall be thawed under the following conditions:

(I) In a refrigeration unit at a temperature not to exceed 41°F;

(II) Under potable running water at a temperature of 70°F or below; or

(III) In a microwave or part of the continuous cooking process. Potentially hazardous, frozen foods shall not be thawed at room temperature.

(N) All food shall be served and displayed in a clean and sanitary manner.

(O) Family Child Care Homes (FCCH) and Family Child Care Centers (FCCC) may serve milk according to the following rules:

(I) Grade A pasteurized milk bottled in one half or one gallon containers may be used for pouring glasses of milk.

(II) The use of the one half or one gallon commercially filled containers shall be contingent on the following:

(1) No milk once poured from the original container shall be reused for beverages or cooking; and

(2) The one half or one gallon container shall be returned to the refrigerator as soon as the individual glasses are filled and shall not remain on the table during lunch, snack, or other dining times.

(III) The USDA commodity code does not allow dry or powdered milk products to be reconstituted and used for drinking purposes.

(P) Once served to a child, that unwrapped portion of any leftover food or drink shall not be served again.

(Q) Only pasteurized eggs and egg products and pasteurized juice shall be served to children 9 years old and under in the child care setting.

(xx) Animals

(A) All animals, including animal equipment such as food dishes and bedding, shall be excluded from the food preparation, utensil, and equipment washing and dining areas.

(B) Dogs, cats, and ferrets that are brought on child care premises shall be up-to-date on their rabies vaccinations. Unvaccinated animals shall be vaccinated at least 1 month before they come onto the premises. If the animal is too young to be vaccinated for rabies it may be allowed on the premises, but shall not be handled by children. Domestic animals that can be vaccinated and permitted on the premises shall have all current vaccinations as required by the local ordinances and shall be considered free of communicable diseases. Verification of such vaccinations shall be present on the premises.

(C) Animals allowed on child care premises shall include the following: domestic dog, domestic cat, domestic ferret, domestic ungulate (e.g. cow, sheep, goat, pig, horse), pet rabbit, pet rodent (e.g. mice, rats, hamsters, gerbils, guinea pigs, chinchillas), aquarium fish, non-psittacine cage and aviary birds (e.g. canaries, finches, mynahs, and diamond doves). See (F) for circumstances where psittacine birds are allowed. Wild or potentially harmful animals shall not be allowed on the premises, unless they are presented by a

professional who has experience handling wildlife, and are displayed in enclosed cages which prevent contact between the animal and children.

(D) Children under 5 years shall not have direct contact with ferrets, baby chicks and baby ducks.

(E) Because of the real possibility of rabies in bats, raccoons, skunks, and wild carnivores, these animals (including recently dead animals) should not be permitted in any child care facility under any circumstances.

(F) There shall be no reptiles, including but not limited to snakes, lizards, or turtles, on the child care premises due to the threat of salmonellosis transmission. All birds capable of carrying psittacosis shall be certified as being psittacosis free, tested or treated by a veterinarian to eliminate or prevent psittacosis or similar diseases.

(xxi) Pest control

(A) Insect and rodent control measures shall be implemented as needed to keep them under control.

(B) Approved methods, besides physical restraint, are stick-um fly strips, electronic killing devices, and other nontoxic methods or pesticides if approved by the authorized health inspector.

(xxii) Personnel practices

(A) All persons who come in contact with the children or who are involved in the food preparation aspect of the operation shall wash their hands and exposed portions of their arms with soap and warm water before food preparation, before and after diaper changes, after smoke breaks, after using the toilet, and whenever else it is necessary to keep them clean and free of contamination.

(I) If disposable gloves are used, hands shall be washed before putting on the gloves and after removing the gloves.

(B) No person shall use tobacco in any form while engaged in food preparation, service of food or while washing utensils and equipment. Smoking is prohibited in these areas.

(C) Hair control shall be employed by all those engaged in food preparation. Hair shall be restrained in such a manner as to prevent hairs from contaminating food or food contact surfaces.

(D) Persons engaged in food preparation or who come in contact with the children shall maintain good hygienic practices during all working periods at the child-caring facility.

(E) The outer clothing of all employees shall be clean and free of food residues.

(xxiii) Diaper changing area

(A) Any child care facility having children requiring diaper changes shall have a designated diaper changing area.

(B) Such an area shall have a smooth, non-absorbent, easily cleanable surface.

(C) This area shall be sanitized after each diaper change with an approved sanitizing agent.

(D) Such sanitizing agents or apparatus shall be readily available and clearly labeled.

(E) Hand washing is required after every diaper change. Use of plastic gloves is recommended for diaper changing. If blood is present, plastic gloves shall be used.

(xxiv) Cots, pads, and bedding

(A) Each child shall have his/her own cot, bedding, etc., which shall be labeled with the child's name.

(B) Such cot or bedding shall not be shared with other children prior to cleaning and sanitizing.

(C) Bedding material (unless laundered) shall be stored so that the bedding is not touching to prevent possible cross-contamination.

(D) Cots and bedding shall be cleaned and sanitized on a weekly basis.

(E) Twenty-four (24) hour facilities shall have enough covered cots on hand to accommodate those children staying past 8:00 P.M.

(xxv) Miscellaneous

(A) All medicines, alcohol, detergents, sanitizers and related cleaning compounds, and other chemicals shall be inaccessible to children.

(B) Hazardous compounds such as insecticides and rodenticides and other chemicals bearing the skull and crossbones or "Danger" designation shall be kept under lock and key.

(C) Poisonous or toxic chemicals shall not be stored above or adjacent to food, food items (utensils), food contact surfaces, or toys and playthings. They shall not be used in such a manner that they could contaminate these articles.

(D) Containers of poisonous or toxic materials shall be prominently and distinctly labeled for easy identification of contents.

(E) All toys provided to the children shall be of such construction as having an easily cleanable surface.

(F) Toys and other small articles that may find their way into children's mouths shall be cleaned and sanitized at least once a week or whenever visibly soiled by using an approved sanitizer at the proper strength.

**Section 5 Health Requirements for all Child Care Facilities**

(a) Communicable diseases

(i) No person with a communicable disease, or being a carrier of such, that is listed on the Wyoming Department of Health (WDH) Reportable Disease and Condition List shall work in a childcare facility, unless:

(A) they have been declared non-infectious to others by a licensed physician, physician assistant (PA), or nurse practitioner (NP); OR

(B) approval has been given by the local or state department of health;  
OR

(I) in the case of Hepatitis B, Hepatitis C, or HIV the infected individual has received bloodborne pathogen training and has been determined to be of negligible risk to other persons during the routine care of children by a licensed physician and the facility director; OR

(II) in the case of a sexually transmitted disease the infected individual has been determined to be of negligible risk to other persons during the routine care of children by a licensed physician, physician assistant, or nurse practitioner.

(ii) No person shall work in a child care facility while they are experiencing any of the following:

(A) Skin infection or rash - unless the lesion can be completely covered and drainage contained by an impervious dressing, all other persons are prevented from having contact with the lesion, AND the affected person can practice adequate hand hygiene; OR the condition is due to a non-infectious condition as verified by a licensed physician, PA, or NP.

(B) Jaundice - unless due to a non-infectious condition as verified by a licensed physician, PA, or NP.

(C) Purulent conjunctivitis

(D) Head lice, until after first treatment.

(E) Scabies, until treatment is completed.

(iii) No person shall work in a child care facility if exclusion is directed by state or local public health officials.

(iv) Exclusion of children:

(A) Any child who cannot participate in a regular child care program due to discomfort, injury or other symptoms of illness may be refused for care by the facility staff.

(B) A facility serving well children may not admit a child who has any of the illnesses/symptoms of illness specified below:

(I) a communicable disease, or being a carrier of such, that is listed on the Wyoming Department of Health (WDH) Reportable Disease and Condition List, unless:

1. they have been declared non-infectious to others by a licensed physician, physician assistant (PA), or nurse practitioner (NP); OR

2. approval has been given by the local or state department of health; OR

3. in the case of Hepatitis B, Hepatitis C, or HIV the infected individual has been determined to be of negligible risk to other persons in routine childcare settings by a licensed physician and the facility director.

(II) Diarrhea, when it is:

1. due to disease spread by fecal contamination as verified by a licensed physician, PA, or NP; OR

2. Accompanied by evidence of dehydration or fluid loss, identified by sunken eyes or poor skin elasticity; OR

3. Accompanied by a history of poor fluid intake or unusual drowsiness; OR

4. Continued beyond four (4) days unless a physician provides written documentation that it is safe to readmit the child for care.

(III) Severe pain or discomfort;

(IV) Two (2) or more episodes of acute vomiting within a period of twenty-four (24) hours;

(V) Difficult or rapid breathing;

(VI) Yellowish eyes or skin unless due to a non-infectious condition as verified by a licensed physician, PA, or NP;

(VII) Sore throat with a fever over 101F or severe coughing;

(VIII) Head lice, until after first treatment;

(IX) Scabies, until treatment is completed;

(X) Children suspected of being in contagious stages of hepatitis A, chicken pox, pertussis, measles, mumps, rubella or diphtheria;

(XI) Skin infection or rash, excluding diaper rash, unless under the care of a licensed physician, PA, or NP, and the licensed healthcare provider has approved in writing their return to child care;

(XII) Purulent conjunctivitis;

(XIII) Swollen joints or visibly enlarged lymph nodes, unless under the care of a licensed physician, PA, or NP, and the licensed healthcare provider has approved in writing their return to child care;

(XIV) Elevated oral temperature of 101 degrees or over, unless under the care of a licensed physician, PA, or NP, and the licensed healthcare provider has approved in writing their return to child care;

(XV) Blood in urine, unless under the care of a licensed physician, PA, or NP, and the licensed healthcare provider has approved in writing their return to child care;

(XVI) Mouth sores associated with drooling, unless under the care of a licensed physician, PA, or NP, and the licensed healthcare provider has approved in writing their return to child care;

(XVII) Other conditions as may be determined by the health consultant or provider on an individual basis.

(C) The parent shall be notified immediately when a child has symptoms requiring exclusion from care. The child care facility must provide adequate separation and direct supervision of a sick child until they can be removed from the facility.

(D) If a child or employee becomes seriously or suspiciously ill with a communicable disease during the hours of operation of the facility, they shall be separated, and children shall be supervised, from the rest of the children until they can be removed from care and/or examined or treated by a licensed physician, PA, or NP and verified to be non-infectious to others.

(E) A room or other area that can be used for separation shall be provided at each facility for persons becoming ill or suspected of being ill with a communicable disease, and it shall be equipped with a cot or bed and bedding material that can be easily sanitized.

(F) When communicable diseases occur and attendees or other staff have been exposed, all staff members shall be advised and all parents or guardians of exposed children shall be immediately notified by the provider to observe for symptoms; the specific identity of the persons infected with a reportable communicable disease shall not be revealed except to authorized health authorities.

(G) Facilities shall report any communicable disease listed on the Wyoming Department of Health Reportable Diseases and Conditions list occurring to the children to the local public health office.

(H) Facilities shall obtain the current list of reportable diseases and conditions from the office of the State Epidemiologist, Wyoming Department of Health.

(I) Chronic upper respiratory problems, except common allergies, shall require annual examinations by a physician.

(J) Deteriorating health conditions shall be brought to the attention of the certifying authority.

#### **Section 6. Inspection of Child Care Facilities.**

(a) Representatives of the Department of Family Services or designated representatives of the Department of Family Services, including the authorized health inspector, shall be permitted to enter any child care facility at any reasonable time for the purpose of making necessary inspections to determine compliance with health standards. The authorized health inspector or designated representative shall be permitted to examine the records of the child care facility that he/she considers necessary for compliance with these standards.

(b) The health and sanitation inspection frequency of all child care facilities shall be based on risk. All Child Care Centers shall receive a health and sanitation inspection at least one (1) time per year.

(c) A health and sanitation inspection of all Family Child Care Homes and Family Child Care Centers shall be performed at least every thirty-six (36) months by the authorized health inspector. A Child Care Self Appraisal form shall be utilized in lieu of an inspection in the year(s) when an in-person inspection is not performed.

(d) Inspection and enforcement procedures for these sanitation standards, unless otherwise agreed upon in writing with the Department of Health of the local jurisdictional areas, shall be as follows:

(i) The original copy of the inspection form shall be retained by the Wyoming Department of Agriculture, the designated agent of the health office; and

(ii) One copy of the completed inspection report form shall be furnished to the provider, director, owner or his/her representative at the conclusion of the health inspection.

(e) Compliance procedures. Failure to take action to correct any violations noted by the authorized health inspector within the agreed timeframe shall be reported to the licensing authority and may result in the loss of the license.

#### Section 7      **Summary Suspension**

(a) If the health or sanitation conditions of a child care facility pose an imminent health threat to the children or staff, the authorized health inspector shall consult with the Regulating authority, which may summarily suspend the license to operate under W.S. 14-4-108(c).

Table of Contents

CHAPTER 10

ADMINISTRATIVE RULES FOR CERTIFICATION  
OF CHILD CARE FACILITIES

FIRE STANDARDS FOR FAMILY CHILD CARE HOME

Section No.	Subject	Page No.
1	Authority and Purpose	10-1
2	Definitions	10-1
3	Smoke Alarms	10-2
4	Occupancy Use and Separation	10-3
5	Exits	10-3
6	Emergency Escape and Rescue Windows	10-4
7	Portable Fire Extinguishers	10-4
8	Storage	10-5
9	Heating Appliances	10-6
10	Electrical	10-6
11	Premises Identification	10-7
12	Fire Safety Plans	10-7
13	Emergency Evacuation Drills (Fire Drills)	10-8

CHAPTER 10  
ADMINISTRATIVE RULES FOR CERTIFICATION  
OF CHILD CARE FACILITIES  
FIRE STANDARDS FOR FAMILY CHILD CARE HOME  
**Residential Classification**

Section 1.     **Authority and Purpose.**

(a)     The fire standards for building and life safety shall be administered and enforced by the authority having jurisdiction designated by W.S. 35-9-101 through 35-9-130. For the purpose of these rules, the authority having jurisdiction is called the fire official. The fire official has the authority and responsibility to administer and enforce the adopted codes and/or laws of the jurisdiction, and to require technical assistance as needed.

(b)     These requirements shall apply to all child care homes in the State of Wyoming in which children receive supervision or personal services for less than twenty-four (24) hours per day.

(c)     The purpose of the fire inspection is to ensure compliance with minimum requirements that will provide a reasonable level of fire and life safety, property protection and public welfare from actual and potential hazards created by fire, explosions and other hazardous conditions.

(d)     A limited but reasonable time shall be allowed for compliance with any part of the code requirements.

(e)     Child care homes certified prior to the effective date of these rules shall be maintained in accordance with the codes under which the facility was certified.

(f)     New child care homes requesting certification shall comply with the currently adopted building, fire and mechanical codes of the jurisdiction.

Section 2.     **Definitions.**

The following definitions shall apply in the interpretation of minimum fire and life safety requirements for child care homes.

(a)     “Approved” pertains to materials, type of construction or appliances and refers to approval by the building or fire official as the result of investigation and tests conducted by that official or by reason of accepted principals and/or tests by nationally recognized authorities, technical or scientific organizations.

(b)     “Building or Fire Official” means the authorized person serving as a designated employee, representative or agent of the governing authority and may be known as fire marshal, fire chief, fire prevention officer, chief fire prevention officer, chief of the bureau of fire prevention, fire

prevention chief, fire inspector, building inspector, electrical inspector, building official or authority having jurisdiction.

(c) “Child Care Home” means the use of a building or structure, or portion thereof, for supervision or personal care services for up to 10 children shall be classified as Residential.

(d) “Homemade Appliance” means an appliance which has been manufactured or constructed by an individual who is not normally in a business of manufacturing or constructing such appliances; and where such appliance has not been tested or evaluated by a nationally recognized testing laboratory and properly labeled. Such appliances are prohibited in child care homes.

(e) “Local Enforcement Jurisdiction” means the governing authority who has the responsibility to provide minimum fire and life safety requirements within their own jurisdiction as outlined in Wyoming Statute 35-9-121.

### Section 3. **Smoke Alarms.**

Smoke alarms (detectors) shall be installed and maintained as follows:

(a) On the ceiling or wall outside each separate sleeping area in the immediate vicinity of sleeping rooms.

(b) In each room used for sleeping purposes.

(c) In each story including basements and cellars.

(d) Smoke alarms shall emit a signal when the batteries are low.

(e) In new construction, additions and alterations, required smoke alarms shall receive their primary power from the building wiring and shall be equipped with a battery backup.

(i) Wiring shall be permanent and without a disconnecting switch.

(ii) Where more than one smoke alarm is required to be installed, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms.

(f) The alarm shall be clearly audible in all sleeping rooms over background noise levels with all intervening doors shut.

(g) Smoke alarms shall be tested every month at a minimum (once a week is highly recommended) and a record kept on premises and available to the fire official/Department of Family Services personnel.

**While it is not required, the Department of Fire Prevention and Electrical Safety highly recommends installation of carbon monoxide detectors in all child care homes.**

**Section 4. Occupancy Use and Separation.**

(a) The garage shall be separated from the child care home (residence) and its attic area by means of a minimum one-half (1/2) inch sheet rock applied to the garage side. This applies to applicants for licensure after the effective date of these rules.

(b) Door openings between the garage and the residence shall be equipped with either solid wood doors not less than 1-3/8 inches thick or solid or honeycomb core steel doors not less than 1-3/8 inches thick.

(c) Openings from a garage directly into a room used for sleeping purposes shall not be permitted.

**Section 5. Exits.**

The building or fire official in accordance with the adopted building and fire codes shall determine number of exits, placement and adequacy. General requirements are:

(a) A minimum of two (2) exits is required;

(b) Windows and garages shall not be considered as an exit for this purpose;

(c) An exit door is a side-hinged door and shall be at least 3' by 6'8" in new construction or as approved by the authority having jurisdiction in existing construction.

(d) Required exit access, exits or exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency.

(e) An exit shall be free from obstructions that would prevent its use, including the accumulation of snow and ice.

(f) Egress doors shall be readily openable from the inside without the use of a key or any special knowledge or effort, the door knob system shall be an "emergency exit feature type, no unlocking required". Use of dead bolts, chains, night latches, manually operated flush bolts or surface bolts are not permitted during child care hours.

(g) The means of egress, including the exit discharge, shall be illuminated at all times the building is occupied.

(h) Porches, steps, stairs, landings and walkways shall be maintained in good repair and safe condition, and in compliance with the adopted code or as approved by the authority having jurisdiction.

(i) Guardrails shall be located along open-sided walking surfaces, mezzanines, stairways, ramps and landings and along glazed sides of stairways, ramps and landings which are located more than thirty (30) inches above the floor or grade below.

- (j) Guardrails shall form a protective barrier not less than forty-two (42) inches high.
- (k) Open guardrails shall have intermediate rails or balusters or ornamental patterns such that a three and a half (3 ½) inch diameter sphere cannot pass through any opening.
- (l) Landings shall have a width not less than the width of the stairway or the width of the door, whichever is the greater. Landings shall have a length measured in the direction of travel of not less than thirty-six (36) inches.
- (m) Basements must have two (2) approved exits with one leading directly to the outside.

**Section 6. Emergency Exiting.**

Sleeping rooms shall have at least one exterior emergency escape and rescue opening (may be a window or door unless the sleeping room is in a basement, then a door is required). Such opening shall open directly to the exterior.

- (a) Emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height shall be twenty-four (24) inches; the minimum net clear opening width shall be twenty (20) inches.
- (b) Emergency escape and rescue openings shall have the bottom of the clear opening not greater than forty-four (44) inches measured from the floor.
- (c) Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools.

**Section 7. Portable Fire Extinguishers.**

Portable fire extinguishers shall be installed in child care homes. The fire official having jurisdiction shall approve the proper type and number of extinguishers. General rules are:

- (a) At least one fire extinguisher is required for each three thousand (3,000) square feet of floor area. Additional extinguishers may be required to make sure travel distance to an extinguisher is no more than seventy-five (75) feet from any location.
- (b) The rating of each fire extinguisher shall not be less than 2A-10:BC. (Look for this number on the extinguisher.)
- (c) The extinguisher shall be located in a conspicuous location where it will be readily accessible and immediately available for use. The location shall be along the normal path of travel.
- (d) Fire extinguishers shall not be obstructed or obscured from view.

(e) Fire extinguishers shall be installed on the hangers or brackets supplied. Hangers or brackets shall be securely anchored to the mounting surface in accordance with the manufacturer's installation instructions.

(f) Fire extinguishers shall be installed so that the top is not more than five (5) feet above the floor. The clearance between the bottom of the extinguisher and the floor shall not be less than four (4) inches.

(g) Fire extinguishers shall not be mounted or stored in cupboards or broom closets.

(h) Fire extinguishers shall be inspected monthly by the provider and documentation of the inspection shall be kept.

(i) Fire extinguishers shall be inspected and serviced annually by an individual certified by the State of Wyoming. Fire extinguishers shall have service tags attached showing date of service and who serviced it. New fire extinguishers shall have a tag attached showing date of purchase.

#### Section 8. **Storage.**

(a) Storage of combustible and flammable materials and liquids in buildings shall be orderly and separated from heaters or heating devices by distance or shielding so that ignition cannot occur and made inaccessible to children. No explosives of any type are allowed on the premises except for reloading powder when it is stored in the following manner.

(i) No black powder is allowed on the premises at a child care facility;

(ii) Reloading activities are prohibited during child care hours of operation; and

(iii) The reloading powder quantity shall not exceed the maximum necessary for reloading activities.

(b) Combustible materials shall not be stored in attic, under-floor, under exit stairways, and concealed spaces unless walls, floor and ceiling forming the storage area are protected on the enclosed side by one-hour fire-resistive construction or the space is provided with an approved automatic fire sprinkler system.

(c) Trapdoors and access covers shall be kept closed at all times except when in use.

(d) Combustible storage shall not be stored in exits, hallways or stairways.

(e) Combustible materials shall not be suspended from any ceiling surface in any manner.

Section 9. **Heating Appliances.**

(a) Heating appliances shall be listed and approved and installed in accordance with the manufacturer's instructions, the adopted building code, mechanical code and electrical code. All chimneys, smokestacks or similar devices from stoves, furnaces, fireboxes or boilers shall be installed or constructed in accordance with their listings and the above-mentioned codes.

(b) Furnaces shall be cleaned (including filter replacement) as often as necessary to prevent accumulation of lint and dust.

(c) Homemade heating appliances shall be removed from service.

(d) Any building which contains a liquefied petroleum (LPG) gas-burning appliance below grade (basement/pit or similar location) will not be approved for a child care home until the LPG gas-burning appliance is properly installed with ventilation and an approved gas detection device. Upon request the Department of Fire Prevention and Electrical Safety will provide guidelines for the proper installation of LPG appliances in a basement, pit or under floor space.

Section 10. **Electrical.**

(a) All electrical wiring, equipment and appliances shall be installed and maintained in accordance with NFPA 70, National Electric Code.

(b) Special protective covers for all electrical outlets not in use shall be installed in all areas occupied by the children.

(c) Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.

(d) Extension cords and flexible cords shall not be used as a substitute for permanent wiring.

(e) Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact.

(f) Extension cords shall be used only with portable appliances.

(g) Extension cords shall be plugged directly into an approved receptacle, power tap or multiplug adapter and, except for approved multiplug extension cords, shall serve only one (1) portable appliance.

(h) The ampacity of the extension cords shall not be less than the rated capacity of the portable appliance supplied by the cord.

(i) Extension cords shall be maintained in good condition without splices, deterioration or damage.

- (j) Extension cords shall be grounded when serving grounded portable appliances.
- (k) Open junction boxes and open-wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes.
- (l) All breakers or fuses in an electrical panel shall be legibly labeled and identified as to purpose or use on a circuit directory located on the face or inside the panel door.

**Section 11. Premises Identification.**

New and existing buildings shall have approved address numbers, building numbers, or approved building identification:

- (a) Placed in a position to be plainly legible and visible from the street or road fronting the property;
- (b) These numbers shall contrast with their background; and
- (c) Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch.

**Section 12. Fire Safety Plans.**

Fire safety plans shall include the following:

- (a) The procedure for reporting a fire or other emergency;
- (b) The life safety strategy and procedures for notifying, relocating, or evacuating occupants;
- (c) Site plans indicating the following:
  - (i) A current list kept by the exit door of who is at the facility each day as well as emergency contact numbers. This list must be taken with the children during evacuation of the building; and
  - (ii) The occupancy assembly point for both good and bad weather;
- (d) Floor plans identifying the locations of the following:
  - (i) Exits;
  - (ii) Primary evacuation routes;
  - (iii) Secondary evacuation routes; and

(iv) Portable fire extinguishers.

(e) Employee Training and Response Procedures shall include the following:

(i) Employees shall be trained in the fire emergency procedures described in their fire evacuation and fire safety plans; and

(ii) Employees shall receive training in the contents of fire safety and evacuation plans and their duties as part of new employee orientation and at least annually thereafter. Records shall be kept and made available to the fire official/Department of Family Services personnel upon request.

(f) Employees shall be trained in fire prevention, evacuation and fire safety in accordance with the following:

(i) Employees shall be familiarized with the fire alarm and evacuation signals, their assigned duties in the event of an alarm or emergency, evacuation routes, exterior assembly areas, and procedures for evacuation; and

(ii) Employees shall be trained to know the locations and proper use of fire extinguishers.

### Section 13. **Emergency Evacuation Drills (Fire Drills).**

(a) Emergency evacuation drills shall be held monthly in Child Care Homes and all occupants shall participate.

(b) Responsibility for the planning and conduct of drills shall be assigned to competent persons designated to exercise leadership.

(c) Emergency evacuation drills shall be conducted at different hours of the day or evening, at unexpected times and under varying conditions, to avoid distinction between drills and actual fires. Drills shall be held to simulate the unusual conditions that occur in case of fire.

(d) Outdoor assembly areas shall be designated and shall be located a safe distance from the building being evacuated so as to avoid interference with fire department operations.

(e) Records shall be maintained of required emergency evacuation drills and include the following information:

(i) Identity of the person conducting the drill;

(ii) Date and time of drill;

(iii) Notification method used;

(iv) Staff members on duty and participating;

- (v) Number of occupants evacuated;
  - (vi) Special conditions simulated;
  - (vii) Problems encountered;
  - (viii) Weather conditions when occupants were evacuated; and
  - (ix) Time required to accomplish complete evacuation.
- (f) Emergency evacuation drills shall be initiated by activating the smoke alarm.
- (g) As building occupants arrive at the assembly point, the responsible caregiver shall determine if all occupants have been successfully evacuated or have been accounted for.
- (h) No one shall reenter the premises until authorized to do so by the caregiver in charge.

**These fire standards are basic requirements. The fire official, after conducting an on-site fire inspection, may require correction of other fire hazards.**

Table of Contents

CHAPTER 11

ADMINISTRATIVE RULES FOR CERTIFICATION  
OF CHILD CARE FACILITIES

FIRE STANDARDS FOR CHILD CARE CENTERS

AND FAMILY CHILD CARE CENTERS

**Educational Classification (Group E)**

Section No.	Subject	Page No.
1	Authority and Purpose	11 - 1
2	Definitions	11 - 2
3	Review of Building Plans	11 - 2
4	Automatic Fire Sprinklers	11 - 3
5	Fire Alarms	11 - 3
6	Smoke Alarms	11 - 3
7	Occupancy Use and Separation	11 - 4
8	Exits	11 - 4
9	Emergency Escape and Rescue Windows	11 - 5
10	Kitchen Hood and Duct Fire Extinguishing System	11 - 6
11	Portable Fire Extinguishers	11 - 7
12	Storage	11 - 7
13	Heating Appliances	11- 8
14	Electrical	11 - 9
15	Premises Identification	11 -10
16	Fire Safety and Evacuation Plans	11 -10
17	Emergency Evacuation Drills	11 -12

CHAPTER 11  
ADMINISTRATIVE RULES FOR CERTIFICATION  
OF CHILD CARE FACILITIES  
FIRE STANDARDS FOR CHILD CARE CENTERS  
AND FAMILY CHILD CARE CENTERS  
**Educational Classification (Group E)**

Section 1. **Authority and Purpose.**

(a) The fire standards for building and life safety shall be administered and enforced by the authority having jurisdiction designated by W.S. 35-9-101 through 35-9-130. For the purpose of these rules, the authority having jurisdiction is called the fire official. The fire official has the authority and responsibility to administer and enforce the adopted codes and/or laws of the jurisdiction, and to require technical assistance as needed.

(b) These requirements shall apply to all child care centers and family child care centers in the State of Wyoming with a current license dated prior to the effective date of these rules in which clients receive education, supervision or personal services for less than twenty-four (24) hours per day.

(c) Changes to a facility licensed prior to the effective date of these rules requiring a plan review will require the facility to comply with the currently adopted building, fire and mechanical codes of the jurisdiction.

(d) Child care centers and family child care centers requesting licensure or facilities moving to a new location after the effective date of these rules shall comply with the currently adopted building, fire and mechanical codes of the jurisdiction.

(e) The purpose of the fire inspection is to ensure compliance with minimum requirements that will provide a reasonable level of fire and life safety, property protection and public welfare from actual and potential hazards created by fire, explosions and other hazardous conditions.

(f) A limited but reasonable time shall be allowed for compliance with any part of the code requirements.

(g) Child care centers and family child care centers licensed prior to the effective date of these rules, shall be maintained in accordance with the codes under which the facility was licensed.

## Section 2. **Definitions.**

The following definitions shall apply in the interpretation of minimum fire and life safety requirements for Child Care Centers and Family Child Care Centers.

(a) “Approved” pertains to materials, type of construction or appliances and refers to approval by the building or fire official as the result of investigation and tests conducted by that official or by reason of accepted principals and/or tests by nationally recognized authorities, technical or scientific organizations.

(b) “Building or Fire Official” the authorized person serving as a designated employee, representative or agent of the governing authority and may be known as fire marshal, fire chief, fire prevention officer, chief fire prevention officer, chief of the bureau of fire prevention, fire prevention chief, fire inspector, building inspector, electrical inspector, building official or authority having jurisdiction.

(c) “Child Care Center or Family Child Care Center” the use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than ten (10) children shall be classified as a Group E.

(d) “Homemade Appliance” an appliance which has been manufactured or constructed by an individual who is not normally in a business of manufacturing or constructing such appliances; and where such appliance has not been tested or evaluated by a nationally recognized testing laboratory and properly labeled. Such appliances are prohibited in child care centers.

(e) “Institutional (Group I-4)” a facility that provides supervision and personal care on less than a twenty-four (24) hour basis for more than five (5) children two and one-half (2-1/2) years of age or less shall be classified as Institutional Group I-4. Exception: a child day care facility that provides care for more than five (5) but no more than one hundred (100) children two and one-half (2-1/2) years of age or less, when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

(f) “Local Enforcement Jurisdiction” the governing authority who has the responsibility to provide minimum fire and life safety requirements within their own jurisdiction as outlined in Wyoming Statute 35-9-121.

## Section 3. **Review of Building Plans.**

(a) Plans shall be submitted to the Wyoming Department of Fire Prevention and Electrical Safety for review prior to beginning work for remodeling or additions to existing facilities and for new construction when the cost for construction or remodeling is over twenty-five thousand dollars (\$25,000) and the facility houses more than ten (10) children.

(b) Child care centers and family child care centers operating within local enforcement jurisdictions shall follow procedures for obtaining permits and plan review as required by the local jurisdiction.

(c) All construction, regardless of cost or size, shall comply with the minimum adopted State of Wyoming codes.

#### Section 4. **Automatic Fire Sprinklers.**

An automatic sprinkler system shall be provided throughout all Group E fire areas greater than twenty thousand (20,000) square feet in area. An automatic sprinkler system shall also be provided for every portion of educational buildings below the level of exit discharge. Exception: where each classroom has at least one exterior exit door at ground level.

(a) The building owner shall be responsible for ensuring that the fire and life safety systems are maintained in an operable condition at all times.

(b) Records of all system inspections, tests and maintenance required shall be maintained on the premises and made available to the fire official or the Department of Family Services personnel upon request.

#### Section 5. **Fire Alarms.**

A manual fire alarm system shall be installed in Group E occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. Exception: Group E occupancies with an occupant load of less than fifty (50). (NOTE: Occupant load is based on square footage of the facility divided by a factor of twenty (20). It is not based on Department of Family Services licensing numbers.)

(a) Fire detection and alarm systems shall be maintained in an operative condition at all times, and shall be replaced or repaired when defective.

(b) The building owner shall be responsible for ensuring that the fire and life safety systems are maintained in an operable condition at all times.

(c) Service personnel shall meet the qualification requirements of NFPA 72A for maintaining, inspecting, and testing such systems.

(d) Records of all system inspections, tests and maintenance required shall be maintained on the premises and made available to the fire official or Department of Family Services personnel upon request.

#### Section 6. **Smoke Alarms.**

Smoke alarms (detectors) shall be installed and maintained as follows:

(a) On the ceiling or wall outside each separate sleeping area in the immediate vicinity of sleeping rooms.

(b) In each room used for sleeping purposes.

- (c) In each story including basements and cellars.
- (d) Smoke alarms shall emit a signal when the batteries are low.
- (e) In new construction, additions and alterations, required smoke alarms shall receive their primary power from the building wiring and shall be equipped with a battery backup.
  - (i) Wiring shall be permanent and without a disconnecting switch.
  - (ii) Where more than one (1) smoke alarm is required to be installed, the smoke alarms shall be interconnected in such a manner that the activation of one (1) alarm will activate all of the alarms.
- (f) The alarm shall be clearly audible in all sleeping rooms over background noise levels with all intervening doors shut.
- (g) Smoke alarms shall be tested monthly (weekly testing is highly recommended).
- (h) A written record of all inspections, tests and maintenance required shall be maintained made available to the fire official or Department of Family Services personnel.

**While it is not required, the Department of Fire Prevention and Electrical Safety highly recommends installation of carbon monoxide detectors in all child care centers.**

**Section 7. Occupancy Use and Separation.**

- (a) Child care centers located in portions of buildings such as churches, gyms, shopping malls, etc. shall be separated from such buildings/uses by an approved two-hour occupancy separation.

**Section 8. Exits.**

The building or fire official in accordance with the International Building and Fire Codes shall determine number of exits, placement and adequacy. General requirements are:

- (a) A minimum of two (2) exits is required;
- (b) Windows and garages shall not be considered as an exit for this purpose;
- (c) An exit door is a side-hinged door and shall be at least 3' by 6'8" in new construction, or as approved by the authority having jurisdiction in existing construction;
- (d) Doors shall swing in the direction of egress travel where serving an occupant load of fifty (50) or more. Occupant load is based on the square footage of facility divided by a factor of twenty (20);

(e) Required exit access, exits or exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency;

(f) An exit shall be free from obstructions that would prevent its use, including the accumulation of snow and ice;

(g) Egress doors shall be readily openable from the inside without the use of a key or any special knowledge or effort, the door knob system shall be an “emergency exit feature type, no unlocking required”. Use of dead bolts, chains, night latches, manually operated flush bolts or surface bolts are not permitted during child care hours;

(h) Exit paths shall be illuminated at all times the building is occupied;

(i) Exit path illumination shall be supplied from two (2) sources of power where the exiting system requires two (2) exits (storage batteries, unit equipment or on-site generator);

(j) Exits and exit access doors shall be marked by an approved exit sign readily visible from any direction of egress travel;

(k) Exit signs shall be internally or externally illuminated by two (2) lamps or shall be of the self-luminous type;

(l) Exit signs shall be illuminated at all times. In case of power loss the exit signs shall be connected to emergency power source (storage batteries, unit equipment, or on-site generator);

(m) Porches, steps, stairs, landings and walkways shall be maintained in good repair and safe condition, and in compliance with the adopted code or as approved by the authority having jurisdiction;

(n) Guardrails shall be located along open-sided walking surfaces, mezzanines, stairways, ramps and landings and along glazed sides of stairways, ramps and landings which are located more than thirty (30) inches above the floor or grade below;

(o) Guardrails shall form a protective barrier not less than forty-two (42) inches high.

(p) Open guardrails shall have intermediate rails or balusters or ornamental patterns such that a three and one-half (3 ½) inch diameter sphere cannot pass through any opening.

(q) Landings shall have a width not less than the width of the stairway or the width of the door, whichever is the greater. Landings shall have a length measured in the direction of travel of not less than forty-four (44) inches.

## Section 9. **Emergency Exiting**

Sleeping rooms shall have at least one exterior emergency escape and rescue opening (may be a window or door). Such opening shall open directly to the exterior.

(a) Emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height shall be twenty-four (24) inches; the minimum net clear opening width shall be twenty (20) inches.

(b) Emergency escape and rescue openings shall have the bottom of the clear opening not greater than forty-four (44) inches measured from the floor.

(c) Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools.

#### Section 10. **Kitchen Hood & Duct Fire Extinguishing System.**

Each commercial kitchen exhaust hood and duct system required by the adopted fire code or mechanical code to have a Type I hood shall be protected with an approved automatic fire-extinguishing system.

(a) Pre-engineered automatic dry- and wet-chemical extinguishing systems shall be tested in accordance with UL 300 and listed and labeled for the intended application.

(b) Other types of automatic fire-extinguishing systems shall be listed and labeled for specific use as protection for cooking operations.

(c) A manual actuation device shall be located at or near a means of egress from the cooking area, a minimum of ten (10) feet and a maximum of twenty (20) feet from the kitchen exhaust system.

(d) The manual actuation device shall be located a minimum of four and one-half (4.5) feet and a maximum of five (5) feet above the floor.

(e) The actuation of the fire suppression system shall automatically shut down the fuel or electrical power supply to the cooking equipment.

(f) The fuel and electrical supply reset shall be manual.

(g) Where a building fire alarm system is installed, automatic fire-extinguishing systems shall be monitored by the building fire alarm system in accordance with NFPA 72.

(h) Automatic fire-extinguishing systems shall be serviced at least every six (6) months and after activation of the system. The system shall have a service tag attached stating date of service and who serviced it. Inspection shall be by qualified individuals certified by the State of Wyoming, and a certificate of inspection shall be forwarded to the fire official upon completion.

(i) Hoods, grease-removal devices, fans, ducts and other appurtenances shall be cleaned at intervals necessary to prevent the accumulation of grease.

(j) Cleanings shall be recorded, and records shall state the extent, time and date of cleaning. Such records shall be maintained on the premises.

(k) A portable class K rated fire extinguisher shall be provided within a thirty (30) foot travel distance of commercial-type cooking equipment.

#### Section 11. **Portable Fire Extinguishers.**

Portable fire extinguishers shall be installed in Group E occupancies. The fire official having jurisdiction shall approve the proper type and number of extinguishers. General rules are:

(a) At least one (1) fire extinguisher is required for each three thousand (3,000) square feet of floor area. Additional extinguishers may be required to make sure travel distance to an extinguisher is no more than seventy-five (75) feet from any location;

(b) The rating of each fire extinguisher shall not be less than 2A-10:BC. (Look for this number on the extinguisher);

(c) The extinguisher shall be located in a conspicuous location where it will be readily accessible and immediately available for use. The location shall be along the normal path of travel;

(d) Fire extinguishers shall not be obstructed or obscured from view;

(e) Fire extinguishers shall be installed on the hangers or brackets supplied. (Unless housed in approved fire extinguisher cabinets.) Hangers or brackets shall be securely anchored to the mounting surface in accordance with the manufacturer's installation instructions;

(f) Fire extinguishers shall be installed so that the top is not more than five (5) feet above the floor. The clearance between the bottom of the extinguisher and the floor shall not be less than four (4) inches;

(g) Fire extinguishers shall not be mounted or stored in cupboards or broom closets,

(h) Fire extinguishers shall be inspected monthly by the provider and documentation of the inspection shall be kept; and

(i) Fire extinguishers shall be inspected and serviced annually by an individual certified by the State of Wyoming. Fire Extinguishers shall have service tags attached showing date of service and who serviced it. New fire extinguishers shall have a tag attached showing date of purchase.

#### Section 12. **Storage.**

(a) Curtains, draperies, hangings and other decorative materials suspended from walls or ceilings shall be flame resistant in accordance with NFPA 701.

(b) Storage of combustible materials in buildings shall be orderly and separated from heaters or heating devices by distance or shielding so that ignition cannot occur. No explosives of any type are allowed on the premises.

- (c) Clothing and personal effects shall not be stored in corridors and lobbies unless:
  - (i) Corridors are protected by an approved automatic sprinkler system.
  - (ii) Corridors are protected by an approved smoke detection system.
  - (iii) Storage in metal lockers provided the minimum required egress width is maintained.
- (d) Artwork and teaching materials shall be limited on walls of corridors to not more than twenty percent (20%) of the wall area.
- (e) Combustible materials shall not be stored in attic, under-floor, under exit stairways, and concealed spaces unless walls, floor and ceiling forming the storage area are protected on the enclosed side by one-hour fire-resistive construction or the space is provided with an approved automatic fire sprinkler system.
- (f) Trapdoors and access covers shall be kept closed at all times except when in use.
- (g) Combustible storage shall be maintained two (2) feet or more below the ceiling in nonsprinklered buildings or a minimum of eighteen (18) inches below sprinkler head deflectors in sprinklered buildings.
- (h) Combustible storage shall not be stored in exits, hallways or stairways.
- (i) Combustible material shall not be stored in boiler rooms, mechanical rooms or electrical equipment rooms.
- (j) Combustible and flammable materials and liquids shall be properly stored and shall not create a fire hazard. The maximum amount allowed shall not exceed ten (10) gallons.

**Section 13. Heating Appliances.**

- (a) Heating appliances shall be listed and approved and installed in accordance with the manufacturer's instructions, the adopted building code, mechanical code and electrical code. All chimneys, smokestacks or similar devices from stoves, furnaces, fireboxes or boilers shall be installed or constructed in accordance with their listings and the above-mentioned codes.
- (b) Furnaces shall be cleaned (including filter replacement) as often as necessary to prevent accumulation of lint and dust.
- (c) Homemade heating appliances shall be removed from service.
- (d) Any building which contains a liquefied petroleum (LPG) gas-burning appliance below grade (basement/pit or similar location) will not be approved for a child care center until the LPG gas-burning appliance is properly installed with ventilation and an approved gas detection

device. Upon request the Department of Fire Prevention and Electrical Safety will provide guidelines for the proper installation of LPG appliances in a basement, pit or under floor space.

**Section 14. Electrical.**

(a) All electrical wiring, equipment and appliances shall be installed and maintained in accordance with NFPA 70, National Electrical Code.

(b) Special protective covers for all electrical outlets not in use shall be installed in all areas occupied by the children.

(c) Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.

(d) Extension cords and flexible cords shall not be used as a substitute for permanent wiring.

(e) Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact.

(f) Extension cords shall be used only with portable appliances.

(g) Extension cords shall be plugged directly into an approved receptacle, power tap or multiplug adapter and, except for approved multiplug extension cords, shall serve only one (1) portable appliance.

(h) The ampacity of the extension cords shall not be less than the rated capacity of the portable appliance supplied by the cord.

(i) Extension cords shall be maintained in good condition without splices, deterioration or damage.

(j) Extension cords shall be grounded when serving grounded portable appliances.

(k) Open junction boxes and open-wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes.

(l) All breakers or fuses in an electrical panel shall be legibly labeled and identified as to purpose or use on a circuit directory located on the face or inside the panel door.

(m) A working space of not less than thirty (30) inches in width, thirty-six (36) inches in depth and seventy-eight (78) inches in height shall be provided in front of electrical service equipment. No storage of any materials shall be located within the designated working space.

**Section 15. Premises Identification.**

New and existing buildings shall have approved address numbers, building numbers, or approved building identification:

- (a) Placed in a position to be plainly legible and visible from the street or road fronting the property;
- (b) These numbers shall contrast with their background; and
- (c) Numbers shall be a minimum of four (4) inches high with a minimum stroke width of 0.5 inch.

**Section 16. Fire Safety and Evacuation Plans.**

(a) An approved fire safety and evacuation plan shall be prepared and maintained in Group E occupancies.

(i) Fire safety and evacuation plans shall be reviewed or updated annually or as necessitated by changes in staff assignments, occupancy, or the physical arrangement of the building.

(ii) Fire safety and evacuation plans shall be available in the workplace for reference and review by employees, and copies furnished to the fire official for review upon request.

(b) Fire Evacuation Plans shall contain the following:

- (i) Emergency egress or escape routes;
- (ii) Procedures for employees who must remain to operate critical equipment before evacuating;
- (iii) Procedures for accounting for occupants after evacuation has been completed;
- (iv) Identification and assignment of personnel responsible for rescue or emergency medical aid;
- (v) The preferred and any alternative means of notifying occupants of fire or emergency;
- (vi) The preferred and any alternative means of reporting fires and other emergencies to the fire department or designated emergency response organization;
- (vii) Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan; and

(viii) A description of the emergency voice/alarm communication system alert tone and preprogrammed voice messages, where provided.

(c) Fire Safety Plans shall include the following:

(i) The procedure for reporting a fire or other emergency; and

(ii) The life safety strategy and procedures for notifying, relocating, or evacuating occupants.

(iii) Site plans indicating the following:

(A) The occupancy assembly point;

(B) The locations of fire hydrants; and

(C) The normal routes of fire department vehicle access.

(iv) Floor plans identifying the locations of the following:

(A) Exits;

(B) Primary evacuation routes;

(C) Secondary evacuation routes;

(D) Accessible egress routes;

(E) Areas of refuge;

(F) Manual fire alarm boxes;

(G) Portable fire extinguishers;

(H) Occupant-use hose stations; and

(I) Fire alarm annunciator panels and controls.

(v) A list of major fire hazards associated with the normal use and occupancy of the premises, including maintenance and housekeeping procedures.

(vi) Identification and assignment of personnel responsible for maintenance of systems and equipment installed to prevent or control fires.

(vii) Identification and assignment of personnel responsible for maintenance, housekeeping and controlling fuel hazard sources.

(d) Employee Training and Response Procedures shall include the following:

(i) Employees shall be trained in the fire emergency procedures described in their fire evacuation and fire safety plans;

(ii) Employees shall receive training in the contents of fire safety and evacuation plans and their duties as part of new employee orientation and at least annually thereafter. Records shall be kept and made available to the fire official or Department of Family Services personnel upon request;

(iii) Employees shall be trained in fire prevention, evacuation and fire safety in accordance with the following:

(A) Employees shall be apprised of the fire hazards of the materials and processes to which they are exposed;

(B) Each employee shall be instructed in the proper procedures for preventing fires in the conduct of their assigned duties;

(C) Employees shall be familiarized with the fire alarm and evacuation signals, their assigned duties in the event of an alarm or emergency, evacuation routes, areas of refuge, exterior assembly areas, and procedures for evacuation; and

(D) Employees shall be trained to know the locations and proper use of fire extinguishers.

Section 17. **Emergency Evacuation Drills (Fire Drills).**

(a) Emergency evacuation drills shall be held monthly in Group E occupancies and all occupants shall participate. Responsibility for the planning and conduct of drills shall be assigned to competent persons designated to exercise leadership.

(b) Prior notification of emergency evacuation drills shall be given to the fire official when required.

(c) Emergency evacuation drills shall be conducted at different hours of the day or evening, during the recess or gymnastic periods, at unexpected times and under varying conditions, to avoid distinction between drills and actual fires. Drills shall be held to simulate the unusual conditions that occur in case of fire.

(d) Outdoor assembly areas shall be designated and shall be located a safe distance from the building being evacuated so as to avoid interference with fire department operations. The assembly areas shall be arranged to keep each class separate to provide accountability of all individuals.

(e) Records shall be maintained of required emergency evacuation drills and include the following information:

- (i) Identity of the person conducting the drill;
- (ii) Date and time of drill;
- (iii) Notification method used;
- (iv) Staff members on duty and participating;
- (v) Number of occupants evacuated;
- (vi) Special conditions simulated;
- (vii) Problems encountered;
- (viii) Weather conditions when occupants were evacuated; and
- (ix) Time required to accomplish complete evacuation.

(f) Where a fire alarm system is provided, emergency evacuation drills shall be initiated by activating the fire alarm system.

(g) As building occupants arrive at the assembly point, the responsible staff or auxiliary staff person shall determine if all occupants have been successfully evacuated or have been accounted for.

(h) No one shall reenter the premises until authorized to do so by the staff or auxiliary staff person in charge.

(i) If the child care center is a preschool, the first emergency evacuation drill of each school year shall be conducted within ten (10) days of the beginning of classes.

**These fire standards are basic requirements. The fire official, after conducting an on-site fire inspection, may require correction of other fire hazards.**