

Vermont Department for Children and Families

Child Development Division

Children's Day Care Licensing Regulations For Early Childhood Programs for Non-recurring Clientele

Effective October 7, 1996

DEFINITIONS

For purposes of these regulations, words and phrases shall have their common meaning unless otherwise defined here.

APPLICATION - An official form provided by the Division which when completed and signed by the applicant is a request for a day care license.

CAREGIVER - The person who is responsible for facilitating the physical, cognitive, social and emotional growth and development of children in her/his care and is counted in the adult/child ratio. This category may include Director, Head Teacher, Teacher and Assistant.

CHILD - Person who has not yet reached the age of sixteen years.

CHILD CARE - The developmentally appropriate care, protection and supervision of which is designed to ensure wholesome growth and educational experiences for children outside of their homes for periods of less than 24 hours a day in a day care facility.

COMMISSIONER - Commissioner of the Department for Children and Families or his/her designee.

CONDITIONS OF THE LICENSE - Requirements that must be met in order to retain a license.

CORPORAL PUNISHMENT - The intentional infliction of pain by any means for the purpose of punishment, correction, discipline, instruction or any reason.

DAY CARE FACILITY - Any place, operated as a business or service on a regular or continuous basis whether for compensation or not, which provides child care. Used interchangeably with the term Early Childhood Program (ECP).

DAY CARE SERVICES TO NON-RECURRING CLIENTELE - Those day care services provided specifically to meet the short-term needs of families arising from tourism, recreation or shopping. These day care facilities are often located at or near recreational areas, hotels, motels, lodges or shopping centers.

DEPARTMENT - The Vermont Department for Children and Families, Agency of Human Services and/or its agent(s).

DEVELOPMENTALLY APPROPRIATE - Activities and supports which meet the individual needs (physical, emotional, social and cognitive) of each child, and which include a balance of adult directed and child initiated activities.

DIRECTOR - The staff person possessing the qualifications for the position of Director and responsible for the overall operation of the facility.

DISCIPLINE - A process of guiding children to develop internal pro-social behavior through the supportive consistent use of the following: modeling appropriate behavior, praise, active listening, limit setting, reinvolverment, and modifying the environment.

DIVISION - The Division of Licensing and Regulation of the Vermont Department of Children and Families.

EARLY CHILDHOOD PROGRAM - A licensed day care facility whose services are designed to ensure that children are provided with wholesome growth and educational experiences. Used interchangeably with the term Day Care Facility.

EDUCATIONAL - Programming which serves to impart knowledge or skill and which is appropriate to the developmental level of the child.

FACILITY - See definition for Day Care Facility.

GROUP - The number of children assigned to a teacher/caregiver or team of staff members who meet together regularly and can be identified with one another as being distinct from the larger population of children in care.

HEAD TEACHER - The staff person who possesses the qualifications for the position of Head Teacher and responsible for the development/implementation of the program curriculum, support and supervision of teaching staff.

HIGHER EDUCATION COURSE - A three credit course or equivalent which could apply toward acquiring a post secondary degree in Early Childhood Education, Elementary Education, Human Development or other related field.

HUMAN SERVICES COOP STUDENT - A person 17 years of age who is (1) enrolled in a vocational/technical center approved by the State Board of Education, (2) has

successfully completed at least one semester of early childhood course work or a minimum of 180 hours in child development theory and lab school practice.

HUMAN SERVICES GRADUATE - A person 17 years of age who has received a certificate of completion from a vocational/ technical center human services program, emphasizing child development/early childhood education, and approved by the State Board of Education.

INFANTS - Children between the ages of 6 weeks and 17 months. Regulations applying to infant programs are identified by the letter I which appears in the left margin.

LICENSE - An official document which certifies that a licensee has been granted permission by the State to operate a day care facility in accordance with the provisions of the law and regulations of the Department.

LICENSEE - The person, corporation or other legal entity named on the license certificate as having received the license and who is responsible for maintaining compliance with these regulations.

PARENT - The legal custodian of the child enrolled in the facility.

PHILOSOPHY - A comprehensive description of how children develop and learn and the role of the program in enhancing this process.

PRESCHOOL CHILDREN - Children from 3 years of age until their admission to first grade.

PRIMARY CAREGIVER - The staff person responsible for facilitating and nurturing a child's cognitive, social, emotional, and physical growth and development and the person responsible for communicating the child's daily activities to the child's parent.

PROVISIONAL LICENSE - A non-renewable license issued by the Department for a period of not more than one year to an applicant who is applying for a license for the first time or who has submitted an application for the licensure of a facility not previously licensed. A provisional license may be issued provided the Department finds that, although the facility, its staff, or service or any matter subject to regulation is not yet in full compliance to all regulations, it is likely that all regulations will be complied with in a reasonable and predetermined period of time of one year or less as determined by the Department.

RECREATION PROGRAMS - The following programs are exempt from licensure: i) programs operating for no more than four hours on one day a week or not more than two hours two days a week; ii) programs operating ten consecutive weeks or less which provide a variety of activities including, but not limited to athletics, arts and crafts to children who have completed kindergarten or who will reach their sixth birthday by September 1* of the enrollment year; iii) part day programs operating less than four hours

per day and ten consecutive weeks or less providing a variety of activities including, but not limited to athletics, arts or crafts and socialization to children age three, four and five; iv) programs which provide for the development of a single skill based activity such as skiing, pottery making, computer operation, tennis or musicianship for children age four years and older.

REVOCATION - The formal act of closing a day care facility due to violation of these regulations or related statutes. A facility may continue to operate during a revocation action pending an appeal to the Human Services Board.

SCHOOL AGE CHILD - A child who has attained the age required by law to attend school, or who is attending a full day school session.

SERIOUS VIOLATION - A violation of group size, staffing requirements, or any violation which immediately imperils the health, safety or well-being of children. Serious violations may also include corporal punishment, lack of supervision, physical or sexual abuse or health and safety issues.

STAFF - Adults who have direct responsibilities for the operation of the program or the care and education of children.

SPECIAL NEEDS - One or more of the following areas in which a child shows difficulty or delay:

- ability to learn
- social/emotional
- self care - fine and gross motor
- communication (speech and language)
- medical or environmental factor(s) that may affect participation in daily activities

SUPERVISION OF CHILDREN - The knowledge of and accounting for the activity and whereabouts of each child in care and the proximity of staff to children at all times assuring immediate intervention of staff to safeguard a child from harm and maintenance of the program of the facility.

SUSPENSION - The formal act of immediately closing a day care facility due to the immediate imperilment of the health, safety or well-being of a child.

TEACHER - A caregiver who meets the qualifications specified in these regulations and the requirements of the ECP's job description for teacher.

TODDLERS - Children between the ages of 17 months and 35 months.

TRAINING - Interactive developmental activity for child care providers in areas such as child development, discipline/behavior management, health and safety, age-appropriate activities, first aid, child abuse prevention and detection, working with parents, children

with special needs, space design and community early childhood resources including but not limited to observation and assessment (not to exceed two hours) of other early childhood programs.

USEABLE SPACE - The space described by the application which had been inspected and approved by the Division and described by the license as the space where children are cared for in accordance with these regulations. All other space is not useable space.

VARIANCE - An exception to a regulation granted by the Commissioner in exceptional circumstances when, in his or her discretion, the literal application of the regulation will result in unnecessary hardship and when the intent of the regulation can be achieved by other means.

Vermont Department for Children and Families



Early Childhood Programs for Non-recurring Clientele

Section A. Administration

1. The licensee shall be responsible for compliance with these regulations and shall operate the facility at all times within the terms and conditions of the license.
- 2a. The number of children at the facility or otherwise being provided care shall not exceed the maximum number of children for which the facility is licensed.
- b. The licensee shall not sell or otherwise transfer the license to another individual, organization or corporation.
- c. The license is valid only for the programs and areas approved by the Division.
- d. The licensee shall not alter or tamper with the license document or cause another to alter or tamper with the license document.
3. The license shall be posted in a conspicuous place where it can be easily read by parents and the public.
4. A copy of current regulations shall be posted at the facility. Parents shall be informed of the public availability of these regulations at the facility.
5. The licensee shall not represent or give the impression that the day care facility and/or its services are otherwise than as defined by the license certificate and the limitations of these regulations.
6. The licensee shall notify the Department within 15 days of any change of the person responsible for developing and implementing the program.
7. The facility shall be used only for purposes of child care during the hours of operation.
8. The facility shall meet all applicable requirements of the Department of Labor &

Industry, Department of Environmental Conservation, Vermont Department of Taxes, Americans with Disabilities Act, and Act 165.

9. There shall be a process for orienting children and parents to the facility.
10. Parents, after presenting proper identification, shall have unlimited access without delay to their children and their caregivers whenever their children are in care.
11. The following shall be provided in writing to all parents:
 - a. a typical daily schedule;
 - b. a policy regarding the reporting of suspected child abuse and/or neglect;
 - c. a description of religious activity, if any;
 - d. a schedule of fees and payment plans;
 - e. a statement regarding parental freedom of access to the program;
 - f. a description of ECP's program;
12. Current emergency phone numbers shall be posted or located near the phone. Numbers shall include emergency medical responder, fire, police, ambulance, poison center, parents' home and work and the Division.
13. A child shall be released only to persons authorized by the parent/guardian. However, a child shall be released to either parent unless there is a court order which prohibits release to a particular parent, a copy of which is kept in the ECP.
14. Each facility shall carry liability insurance of a reasonable amount for its own protection. Evidence of insurance coverage shall be provided to the Division upon licensing and relicensing.
15. The director shall inform all staff of revisions in regulations as they become effective.
16. The program shall allow space where mothers can breastfeed their children comfortably during the hours their children are in care.
17. Informational material relative to the care and development of children shall be made accessible to all staff.

Section B – Records and Reports

1. Prior to admission, each child shall have a file which contains, at a minimum, the following:
 - a. a completed child's admission form which is signed and dated by the parent;
 - b. child's complete name, birthdate, and date admitted;
 - c. parent(s)' full name, home and local addresses and telephone numbers (if known);
 - d. name, address, and telephone numbers of a responsible person to contact if

- e. name and telephone number of child's health care provider;
 - f. description of child's health history, current medications, allergies, special dietary requirements and other identified special need(s);
 - g. signed permission by parent to authorize emergency medical care; transportation (if provided) and persons who can remove child from facility.
2. Daily attendance records, listing the dates and hours of attendance for each child shall be maintained and kept up-to-date for a period of at least two years.
 3. Parents of infants shall receive a report of their child's feedings, sleep, bowel movements and general disposition each day. This report may take the form of a written checklist, bulletin or chalk board.
 4. The child's file shall be maintained at the facility for a period of not less than two years.
 5. Within a year of the date of withdrawal, a copy of the child's file shall be made available to the child's parent upon request.
 6. All records and reports required by these regulations shall be maintained in an up-to-date manner at the facility and are subject to inspection by and/or surrender to the Department upon request.
 7. A child's presence at the facility will always be known by utilizing a check in and check out procedure for each child in attendance.
 8. A written report shall be placed in the child's file and copies submitted to the parent and Division within two working days of an accident or injury occurring while a child was in care which required the services of a physician or dentist.
 9. Any incident where a child is bitten by an animal while in care shall be reported to the Division.
 10. The licensee shall submit a written report to the Division within 48 hours of a fire that required the use of a fire extinguisher and/or the services of a fire department.
 11. Each program will establish written procedures for handling emergency situations, evacuations, and the reporting of allegations of child abuse/neglect. Such procedures shall be included in staff training.
 12. All child/family records will be kept confidential unless otherwise required by law or emergency.
 13. All reports and notices issued by the Department shall, upon the Department's

request, be conspicuously posted near the license certificate for a length of time determined by the Department or mailed to the individual parents.

14. Written parental permission shall be acquired for field trips. Parents are to be notified in advance when vehicles are to be used. Parents may grant general authorization for walking field trips.

Section C – Staff Requirements

1. Each facility shall have a Head Teacher on site the majority of time the facility is open. In the event that the Head Teacher is not present there shall be a teacher on site at all times during the licensed hours who is authorized to act in their place.
2. The Head Teacher responsible for developing and implementing the program in a facility of twelve (12) or fewer children shall have at least the following qualifications:
 - Child Development Associate (CDA) or Certified Child care Professional (CCP) Early Childhood Education Specialist, or
 - Associates Degree in Early Childhood, or Human/Child Development (includes Pediatric Nursing), or
 - Two (2) years of successful experience working with groups of children and at least on (1) successfully completed higher education course in early childhood related topics (to be completed within 9 months),
 - Child Care Certificate from Community College of Vermont or a certificate of completion from a Voc/Tech Human Services Program approved by the State Board of Education emphasizing child care or early childhood education.
3. The Head Teacher responsible for developing and implementing the program in a facility of between thirteen (13) and fifty-nine (59) children shall have at least the following qualifications:
 - CDA, CCP, or Associates Degree in Early Childhood Education and two (2) years experience with groups of children, or
 - BA/BS with four higher education courses in Early Childhood related topics and two (2) years experience with groups of children, or
 - BA/BS in Early Childhood or Human/Child Development and on (1) year experience with groups of children, or
 - Three (3) years successful experience in a licensed facility and four (4) higher education courses completed in Early Childhood related topics. These courses may be completed within eighteen (18) months of employment.
4. The Head Teacher responsible for developing and implementing the program in a facility of sixty (60) or more children shall have at least a:
 - BA/BS in Early Childhood or Human/Child Development and two (2) years successful experience relative to the population to be served, or

- BA/BS and four (4) higher education courses successfully completed in early childhood related topics and three (3) years successful experience relative to the population to be served, or
 - Associates Degree and four (4) higher education courses successfully completed in early childhood related topics and four (4) years of successful experience relative to the population to be served. Course work requirements shall be completed within on (1) year of employment.
5. The Teacher of each group of children shall have at least a:
 - CDA, CCP or
 - Associates Degree in Early Childhood or Human/Child Development, or
 - One (1) year of successful experience working with young children and on (1) higher education course successfully completed in Early Childhood Education or Human/Child Development.
 6. The Assistant for a group of children shall be at least 18 years old and must have successfully completed, within one year of the beginning of employment of assignment, 1 course in child development approved by the Division. An assistant must be supervised by a Teacher, Head Teacher or Director until she/he has successfully completed a reasonable probationary employment period.
 7. Human Services Coop Students may be counted in the child/caregiver ratio providing (1) they are supervised by a person who qualifies as a Teacher as defined by these regulations and (2) each has a written cooperative educational training agreement in effect between the vocation/technical center and the ECP.
 8. Human Services Graduates may be counted in the child/caregiver ratio providing they are supervised and within eye and ear contact of a person who qualifies as a Teacher or Head Teacher as defined by these regulations.
 9. Persons who are under 18 years of age but who are not Human Services Coop Students or Graduates may assist in caregiving, but shall be under staff supervision at all times and shall not be counted in the adult/child ratio nor left alone with children.
 10. Any person employed in one of the aforementioned positions (in a position under the existing license prior to 4/1/93, and who does not meet these qualification shall be granted a waiver which will permit them to continue in their position. These waivers will expire on 9/1/99.
 11. Staff shall have at least 3 positive written references and a written work history on file at the facility which attest to their ability to perform the duties related to their job description. Written references may include notes taken over the telephone by an identified facility representative.
 12. Written records for each staff person shall be maintained at the facility and shall

include:

- a. job descriptions;
- b. records of employment history, training, education and experience;
- c. three positive references;
- d. signed statement(s) indicating that the employee has read and understands the Regulations and program's policy manual.

13. The following persons may not operate, reside at, be employed at a day care facility:

- a. persons convicted of fraud, felony or an offense involving violence or unlawful sexual activity or other bodily injury to another person including, but not limited to abuse, neglect or sexual activity with a child; or
- b. persons found by a court to have abused, neglected or mistreated a child;
- c. adults or children who have had a report of abuse or neglect substantiated against them under Chapters 49 & 69 of Title 33 Vermont Statutes Annotated.

14. Persons prohibited in Section 13 above may be present at or employed in a day care facility if the licensee and the person involved request a waiver from the prohibition and evidence acceptable to the Commissioner are presented which shows suitability or rehabilitation sufficient to warrant their participation or presence in a child care setting.

15. For employees of the licensed program who do not have direct care responsibilities, but who are present when children are in care, there shall be at least 3 written references and work history on file at the facility.

16. Substitute staff and volunteers acting as assistants, shall not provide care at the facility for more than three days unless there are on file at the facility no less than three references which attest to the person's ability and competence to perform duties which may be assigned to them.

17. There shall be on file at the facility (for staff, assisting parents and volunteers) a written statement signed and dated, indicating that the individual was informed of the program's policies on abuse and neglect and that they are aware that the abuse and/or neglect of children is against the law, and prohibited by the program and must be reported to the Department.

18. When a request for a physical or mental examination is made by the Department, the licensee or staff person shall submit to the examination when there is just cause to suggest that the person's mental or physical condition impairs the person's ability to carry out the duties listed in his/her job description. The

examiner shall be objectively selected by a third party designated by the Division each year for such purpose.

19. All caregivers shall be knowledgeable in administering basic first aid. At least one staff person who holds a valid certification in infant/child CPR shall be present at the facility at all times children are in care.
20. Staff who have a contagious illness or are incapacitated by illness, fatigue, or any other condition(s) which limits their ability to care for children shall not care for children.
21. No staff person may be under the influence of alcohol or drugs except that prescription drugs which do not impair their ability to provide care may be taken.

Section D – Staff to Child Ratios

1. Children shall be provided developmentally appropriate care in a group setting subject to the following descriptions and limitations and ratio of staff to children.

Children's Ages	Child Ratio
6 wks through 16 mo. (Infants)	1:4
17 mo. Through 23 mo. (Toddlers)	1:4
24 mo. through 35 mo.	1:5
3 yr. through Kindergarten	1:10
1st grade through 15 yrs.	1:13

2. A group may consist of children of mixed ages provided the maximum number of children in the group, and the staff to child ratio, are in accordance with the age of the youngest child in the group as listed in subsection 1 above.
3. In determining the staff to child ratio, only those staff members working directly with the children a minimum of 90% of their assigned duty time shall be counted. These staff members can be counted when they are readily available on the premises and are temporarily not with children. Directors may be counted in the staff to child ratio only when they are working directly with children.
4. There shall be a minimum of 2 adults on duty when the number of children in attendance exceeds six (6) unless any of the children are under 36 months of age, then the 2nd adult shall be on duty as required by the ratios established in D (1) above.
5. For day care facilities licensed for 12 or fewer children, the above staff/child and group ratios are not applicable. Programs licensed for 12 or fewer children shall meet the following ratios and numbers:
 - a. there shall be no more than 2 children under 24 months of age per caregiver;

- b. there shall be a 2nd caregiver present and on duty when the number of children exceeds 6.
 - c. The licensee's and staff's own preschool or homebound handicapped children shall be included in the total number of children in care.
- 6. No person other than an employee of the program, except the child's parent, shall be left alone with children.
- 7. All children present and being cared for in the facility shall be included in determining the child/adult ratio.
- 8. The Division may otherwise alter the number of children in care in consideration of the experience, physical strength, skill and capacity of the staff and their ability to deal with children of different ages and capabilities.

Section E – Program

- 1. Each child shall be visually supervised at all times by staff.
- I/T 2. The environment shall be planned in advance to reflect the developmental needs, interests, and learning style of each child.
- 2a. The schedule shall be planned in advance to reflect the program's philosophy and goals for children. A daily activity guide for the week shall be posted in a conspicuous place or otherwise made available to parents. The daily activity guide shall provide for the following activities:
 - a. indoor/outdoor
 - b. quiet/active
 - c. individual/small group/large group
 - d. large muscle/small muscle
 - e. child initiated/staff initiated.
- 3. Staff expectations of children's social behavior shall be appropriate to the child's developmental level.
- 4. Each child shall be treated equally with regard to respect, consideration, and opportunity to take part in all developmentally appropriate activities.
- 5. Staff shall interact with children throughout each day expressing respect and affection. Staff shall appropriately touch, hold, and smile at children. Staff shall speak to children at the child's eye level frequently.
- 6. Staff shall be available and responsive to children, encourage them to share experiences, ideas and feelings, and listen to them with attention and respect.

7. Staff shall provide sufficient quantity and employ a variety of developmentally appropriate activities and materials.
8. Staff shall plan and implement realistic and age appropriate program goals for children.
9. Nurturing activities performed by the staff, including diapering, toileting, feeding, dressing and resting shall be performed in consideration of the parent's own nurturing practices when developmentally appropriate. These activities shall be performed in a relaxed, reassuring and individualized manner which is developmentally appropriate and promotes the child's learning self-help and social skills.
10. The highlights of each child's day shall be communicated to parents.
11. Staffing patterns shall ensure that each child has a consistent primary caregiver.
12. If television/video viewing occurs it shall be:
 - a. in the presence of staff;
 - b. educational;
 - c. designed for children; and
 - d. shall not exceed 90 minutes per day per child.
13. Program modifications and emergency procedures related to children with special needs shall be developed and followed.
14. Outdoor play areas shall be under the supervision of a staff person interacting with the children.
15. There shall be a nap time or quiet period of sufficient duration and appropriately scheduled to meet the needs of individual children.
16. Suitable clothing shall be available enrolled children.
17. Caregivers shall be at children's level interacting with each group during meals and snacks.
18. Napping toddlers and preschoolers shall be supervised by a caregiver present.
- I 19. Infants shall be allowed to nap when tired.
- I. 20. Napping infants must be monitored by in person checks at least every 15 minutes in addition to any nursery monitors used.
- I/T 21. Infants and toddlers shall be protected from the harmful acts of older children.

I 22. Infants and toddlers shall have ample opportunities in a safe area for creeping, rolling and walking.

I/T 23. When infant walkers, bouncy chairs, and swings are used, or cribs or play pens used for supervised play, usage shall not exceed ½ hour per 3 hours.

23. Children shall be attended to when they cry indicating they need assistance.

24. A person shall be prohibited from the facility when her/his presence or behavior disrupts the program, distracts the staff from their responsibilities, intimidates or promotes fear among the children, or when there is reason to believe that her/his action or behavior will present children in care with risk of harm.

Section F – Guidance/Discipline

1. Staff shall use positive methods of guidance/discipline which encourage self-control, self-direction, self-esteem and cooperation. Guidance/discipline shall be designed to meet the individual needs of each child.

2. No employee, volunteer or parent may employ any form of cruel or unusual punishment including corporal punishment such as, but not limited to:

- a. Hitting, shaking, biting, spanking, pinching;
- b. Restricting a child's movement by binding or tying or use of any other form of mechanical restraint;
- c. Withholding necessary food, water, rest or toilet use;
- d. Confining a child in an enclosed or darkened area such as a closet or locked room;
- e. Inflicting mental or emotional punishment such as humiliating, shaming, threatening or frightening a child.

3. Rules, expectations and limits shall be applied consistently and explained in a clear manner. A child shall not be expected to perform behavior which is beyond the child's comprehension or ability.

Section G – Environment

1. The facility shall provide a pleasant, safe, clean, well-lighted, environment suitable for children.

2. The facility's building, grounds and equipment shall be maintained in a clean and orderly fashion and kept in good repair.

3. There shall be at least 35 square feet of safe usable protected/sheltered, approved licensed space per child on the premises, excluding areas primarily used for hallways, bathrooms, offices and the food preparation area in the kitchen.

4. There shall be a safe outdoor play area which provides a minimum of 75 square feet of space per child. The play area shall be fenced or otherwise protected from traffic and other hazards in a manner safe for children and, in the summer, include provision for shade.
5. Children in care shall be protected from any and all conditions which threaten a child's health, safety and well-being. This includes protecting children from stoves, pools, window covering pull cords, asbestos, wells, chips and dust from lead paint, traffic and other hazards.
6. There shall be equipment which encourages quiet activity (clay, crayons, paints, story and picture books, dolls, puzzles, etc). These shall be stored in a manner so as to promote easy access by children.
7. Furniture, equipment and climbing structures shall be clean, sturdy, without sharp edges, present minimal hazards, and shall be appropriate for the size, abilities and activities of the children. Pressure treated wood containing creosote or pentachlorophenol shall not be present.
8. Swing seats shall be made of soft material with no sharp edges.
9. All equipment shall be arranged so that children playing on one piece of equipment shall not interfere with children playing on or running to another piece of equipment.
10. Climbing equipment and swings shall be securely anchored to the ground.
11. Cushioning material which is absorbent shall be in place in sufficient depth under climbers, slides, swings, or other structures which allow children to achieve a height of more than 30 inches. This material shall be maintained in good condition. Grass, bare ground, asphalt and concrete are prohibited under these structures.
12. Closet and bathroom doors which can be locked shall be capable of being unlocked from the outside. The unlocking device shall be readily accessible.
13. There shall be a separate room or area within a room designated for sleeping or resting. No other activities shall occur in these areas while children are sleeping or resting.
14. All areas used to determine the indoor licensed capacity shall not be subject to drafts.
15. When the program includes naps or resting, each child shall have a clean, comfortable space in which to do so. There shall be cots, mats or mattresses with

clean mattress covers for children who nap. Children shall have their own blankets for napping or resting.

I. 16. Spaces between the upright slats in cribs shall not exceed 2 3/8 inches.

17. Children less than 12 months of age shall sleep in playpens or cribs. Children 12 months of age or older shall sleep in/on mats, playpens, cribs, beds or cots.

h. Each sleeping device shall have a washable covering and appropriate bedding

i. A child shall not sleep/rest directly on the waterproof covering or floor.

I/T 18. Rocking chairs(s) or other comfortable adult-sized seating(s) shall be provided in each of the infant and toddler areas.

I/T 19. Toys for infants and toddlers shall be large enough to prevent swallowing or choking.

20. There shall be no animal present at the facility, regardless of ownership, which presents a danger or health hazard to the children. Children shall have no contact with wild animals.

21. There shall be a telephone, in working order, on the premises immediately accessible for incoming and outgoing use during the time children are present. The telephone number shall be publicly listed. The use of answering machines is permitted only when they are fully operational and located where they can be heard by staff.

I/T 22. Infants and toddlers shall be protected from all stairways by a safe mechanical device (physical barrier).

Section H – Transportation

1. Upon written permission from the parent, transportation may be provided for children.

2. The vehicle used for transporting children shall be registered, inspected and insured according to State law.

3. The operator of the vehicle shall hold a valid operator's license appropriate for that vehicle.

4. Children in vehicles shall not be left unattended or unsupervised at any time.

5. When there are 3 or more non-ambulatory children in the vehicle, there must be at least 2 staff present unless the vehicle is equipped with a two-way communication system linked to emergency backup services. When there are more than 6 non-ambulatory children in the vehicle a 1:4 ratio shall apply.

6. No more than six preschool children shall be transported in a vehicle without the presence of a second adult; no more than 15 preschool children shall be transported in a vehicle without the presence of a third adult, subject to H (5) above.

7. The driver shall wear an individual seat belt.

8. When being transported in a motor vehicle, all children, except children who have physical conditions which prevent the use of a child safety seat or seat belt, must be properly restrained in accordance with the following chart:

Age	In the Front Seat	In the Rear Seat
Under 5	Child Safety Seat	Child Safety Seat
5 - 15 years	Safety Belt	Safety Belt

- A child safety seat for a child under one year old is normally called an “infant care seat.”
- A child safety seat for a child over one year old is normally called a “toddler safety seat.”

9. The practice of allowing two or more children in the same child safety seat or seat belt is prohibited.

10. When school-age children are transported in school buses, there must be a second adult if there are 10 or more children. After the 2nd staff person, a staff/child ratio of at least 1:13 shall be maintained.

11. When school buses are utilized, the driver shall be licensed by the Vt. Dept. of Motor Vehicles to operate a school bus.

12. The number of children within the school bus shall not be more than the number of seating spaces provided.

13. Automobile insurance at limits of bodily injury liability of not less than \$100,000/\$300,000, and property damage of not less than \$50,000 shall be carried.

Section I – Swimming

1. Each child shall have written permission from her/his parent prior to participating in a wading/swimming activity.

2. Swimming facilities shall be protected and pools fenced so that no child may gain access without staff approval, observation and supervision. Facilities and pools shall be maintained in accordance with standard health, safety and cleanliness practices.

3. The licensee or the licensee's designee must develop a written aquatics plan addressing supervision and safety of all swimming activities. This plan shall have a table contents and plot plan for any swimming facility in use by the program indicating where first aid is to be practiced and where emergency equipment is to be placed at each site.

This plan shall be:

- (a) reviewed annually;
- (b) updated as needed;
- (c) known by all staff person present at the swimming facility;
- (d) kept on file at on-site swimming facilities, and
- (e) be on file, including updates or revisions with the Division.
- (f) In the case of off-site swimming locations the plan is to be formulated in conjunction with off-site aquatics personnel.

4. The written plan shall include:

(a) A system whereby each child's designation of swimmer or non-swimmer can be predetermined.

(b) An assessment of each child's swimming ability is performed by a person who holds a valid ARC WSI certificate or current certificates issued by an approved certifying agency providing for equivalent levels of training. When all bathers are segregated into water less than chest deep on them, swimming ability assessment is not required.

(c) A system whereby non-swimmers are restricted to areas where the water is less than chest deep on them (except for learn-to-swim programs or when staff supervise a maximum of three non-swimmers in shallow water in a non-swimming area).

- (1) an accounting system which identifies each bather by name, his/her swimming ability and the area to which the bather is assigned;
- (2) a method of recording the entry to and exit from the swim area for each bather;
- (3) an assignment of each bather to a buddy who must have the same swimming ability – one threesome is allowed per swim area;
- (4) instruction to buddies to notify the lifeguard when their partner is in distress or missing;
- (5) checks of all bathers every 15 minutes;
- (6) when children are unable to comprehend or implement a buddy system, another method which provides an equivalent level of bather safety, supervision and accountability may be substituted and described in the written plan which must include a feature of bather accountability every 15 minutes.

5. In addition to the plan outlined in Number 4 above, there shall a written aquatics "lost swimmer" plan which details all procedures to be followed, including clearing the water,

and searching and supervision children during the search. The “lost swimmer” plan shall be activated when a buddy check fails to account for the whereabouts of a bather.

6. Swimming is prohibited during the hours of darkness unless adequate lighting is provided and swimming is restricted to shallow water.
7. Piers, floats and platforms shall be maintained in good repair.
8. If diving is permitted, the requirement that the minimum water depth be clearly marked. The minimum water depth for a one meter board shall be at least 10 feet and free from stumps, rocks or other debris.
9. At least one certified lifeguard shall be on duty at all times for each group of 25 children (or portion thereof) in the water. The minimum ratio of staff to children participating in a swimming activity shall be:
 - (a) 1:10 for children age 8 or older;
 - (b) 1:8 for 6 and 7 year olds;
 - (c) 1:6 for children age 5 and under.
10. When children in care of the licensee share a swimming area with other bathers, a system of visual identity must be in place to identify children in care. Commonly used identifies are: specified bathing suits or caps, wrist bands or colored zinc-oxide sun block. Personal floatation devices of any kind may not be used as identifies.
11. On-site program written aquatic plans must include all the foregoing of Section I plus:
 - (a) designation of an aquatics director who is responsible for the implementation of the plan when children are present;
 - (b) a clear outline of the chain of command.
12. Off-site programs written aquatic plans must include all of the foregoing elements of Section I and also include:

A written aquatics plan developed by the licensee/licensee’s designee in conjunction with an aquatics official representing the swimming site.
13. When off-site swimming facilities are used the licensee does not need to provide lifeguards unless no lifeguards are provided by the owner of the swimming facility;
14. The staff of the licensed facility is responsible for supervising the children in their care when the children are engaged in swimming activities regardless of who employs the lifeguard(s) on duty.
15. Lifeguards shall actively guard children at the swimming area, respond to emergencies which occur in the swimming area and implement and oversee the buddy system or other bather accounting system.

16. When lifeguards are on duty supervising the swimming area, they are not counted in the child-staff ratios listed in Number 9 above.

17. Lifeguards must possess first aid, CPR and lifeguard certification from the ARC, YMCA, BSA, Ellis and Associates or other nationally recognized organization providing equivalent training.

18. When swimming lessons are being provided, the lessons shall be provided by a certified instructor.

19. Children using wading pools shall be under the direct supervision of at least one staff person at all times.

20. When in use, wading pools shall be cleaned daily and filled with fresh water at least daily. Wading pools shall be emptied and properly stored when not in use.

Section J – Emergency Procedures

1. A first aid kit containing at a minimum: adhesive, bandages, ice pack, scissors, safety pins, sterile gauze dressings, rolls of gauze bandages, thermometer or fever strip, tweezers, disposable latex gloves, syrup of ipecac and an easy reference first aid manual shall be available and accessible to staff. This kit shall be replenished as supplies are used or as expiration date(s) indicate.

2. There shall be an emergency evacuation plan consisting of simple, clear drawing which show evacuation routes posted by the door in each room in which children are in care.

a. A mechanism shall be in place to assure that all children are accounted for at a predetermined safe place.

b. The plan shall be practiced by staff at least once each month. A written record of the dates practiced shall be maintained. Evacuation required under this plan shall be completed within three (3) minutes.

c. The plan shall be practiced by staff at least once each month. Children need not be present when plan is practiced. A written record of the dates practiced shall be maintained.

3. The parent(s) of a child who becomes ill or who is injured at the facility shall be notified immediately. Severely injured children shall be moved only with the permission of the parent or by direction of a medical professional unless such are not available and immediate movement is necessitated by an emergency situation.

4. An ill or injured child shall receive immediate attention of the staff. Clear plans shall be made to notify parent and make plans for the parent(s) or other designated person to

pick up the child.

5. Upon determination that a child may be lost or may have been abducted, a staff person shall immediately notify the parent(s) of the child, the police and the Division.

Section K – Health

1. Diaper Changing

- a. Diapers shall be changed when soiled or wet.
- b. Diapers shall be changed in accordance with the procedures outlined in the Division's "Procedure for Diaper Use in Child Care Facilities."
- c. A separate area shall be provided for the changing and storage of diapers; this area shall not be included in the area where food is prepared or served.
- d. A sturdy changing structure for children in diapers shall be provided; this structure shall be of adequate height and easily cleanable.
- e. A sink, other than the sink used for food preparation and/or clean-up, with running hot and cold water, shall be convenient to the diapering area.
- f. Staff members with open sores or lesions on their hands shall wear gloves during diapering. Gloves shall be disposed of or disinfected after each use.

2. Disinfections

Disinfection shall be accomplished by using a solution of 5.25% sodium hypochlorite (household bleach) prepared daily. The recipe for a bleach disinfecting solution for use in bathrooms, diapering areas and for blood spills is ¼ cup of bleach to one gallon of cool water, for bleach solutions (for use on toys) is 1 tablespoon of bleach to 1 gallon of cool water. Alternatives to bleach are hospital grade germicides. Always follow the directions on the label. Do not mix cleaning agents. When spraying a disinfectant, take care not to inhale the mist. Allow surfaces to air dry.

- a. Bathroom fixtures, floors and table surfaces shall be cleaned and disinfected daily.
- b. All toys mouthed by infants and toddlers shall be cleaned and disinfected daily.
- c. All toys and indoor equipment shall be cleaned at least weekly.

- d. Diaper changing areas and toilet teaching chairs shall be disinfected after each use.
- e. Plastic bedding, mats, cots, cribs, etc. shall be disinfected when soiled.
- f. Blood spills shall be treated cautiously and decontaminated promptly. Disposable gloves shall be worn while handling any blood spill, bloody diarrhea, bloody nose, etc. and discarded after each use. Contaminated surfaces shall first be cleaned with hot, soapy water, and then disinfected with a solution as prescribed in the beginning of this section. Hand washing with soap and water shall occur after the cleaning of any spill involving blood, vomitus, fecal or urinary incontinence.

3. Excludable Conditions

- a. No child shall be admitted if in the opinion of the Director or a medical professional the child is too ill to be in day care.
- b. A child or staff member diagnosed as having any of the following diseases or infections shall be excluded from the day care setting until a medical professional indicates that it is safe for him or her to return:
 - i. Bacterial meningitis
 - ii. Chicken pos
 - iii. Shigella
 - iv. Campylobacter
 - v. Salmonella
 - vi. Giardia
 - vii. Polio
 - viii. Impetigo
 - ix. Diphtheria
 - x. Hepatitis A
 - xi. Measles
 - xii. Mumps
 - xiii. Pertussis (whooping cough)
 - xiv. Rubella (german measles)
 - xv. Streptococcal infection, including scarlet fever, strep throat
 - xvi. Tuberculosis (active)
- c. A child or staff member diagnosed as having the following conditions shall be excluded until indicated below:
 - Lice: may return after appropriate treatment is completed;
 - Scabies, pinworm infection, ringworm infection: may return 24 hours after treatment is initiated.
- d. A child or staff member who has the following symptoms shall be excluded from the day care setting until the symptoms disappear or until other wise indicated by

a medical professional:

- i. Diarrhea: 3 loose stools beyond what the child normally has in 24 hours or loose stools persisting for more than 48 hours.
- ii. Vomiting: 2 or more episodes in previous 24 hours;
- iii. Fever: greater than 101 degrees F. rectally or 100 degrees F. orally or auxiliary;
- iv. Severe coughing: child gets red/blue in the face or produces whooping or croup noise after cough;
- v. Purulent conjunctivitis (pink eye);
- vi. Jaundice: yellowing of skin or white part of the eye;
- vii. Rash with fever or behavior change;
- viii. Other symptoms of possible severe illness such as unusual lethargy, irritability, persistent crying, difficulty with breathing, persistent abdominal pain.

4. Food Services

- a. All food shall be transported, stored, prepared and served in a sanitary manner. All on-site food preparation and/or use of multi-service utensils shall have prior approval by the Division or the Vermont Department of Health.
- b. Children may be permitted in meal preparation areas when supervised.
- c. The food preparation area shall not be used for other activities when food or drink is being prepared or served.
- d. Live animals shall not be kept or allowed in any rooms where food or drink is being prepared.
- e. Hot and cold water under pressure shall be available in all rooms where food or drink is prepared or utensils are washed.
- f. All kitchen sinks shall be equipped with individual cloth or paper towels and soap for hand washing by food service personnel.
- g. Surfaces coming into contact with food or drink shall be easily cleanable, in good repair, and shall not be made of toxic material.
- h. Kitchen facilities shall be maintained in a sanitary condition, free of dust, insects and other contaminants.
- i. No wastewater pipes shall be located over food preparation, storage or serving areas.
- j. All readily perishable food or drink, including that brought by children, shall be refrigerated at or below 40 degrees (F), 7 degrees ©, except when being prepared or served.

k. Food and containers of food shall be labeled and dated and stored in the refrigerator in order to permit free circulation of cool air, and in such a manner as to prevent contamination.

l. Frozen foods shall be stored at 0 degrees (F) (-17C) or below.

m. Readily perishable food not in its original container shall be stored in the refrigerator in covered shallow pans not more than 3" in depth to promote rapid cooling.

n. All readily perishable food shall not be kept at room temperature for more than 1 hour while being prepared or served.

o. Fresh fruits and vegetables shall be thoroughly washed before use.

p. All readily perishable or readily contaminated frozen food shall be thawed at or below 40 degrees (F) (7C) or above 150 degrees (F) (60C).

q. All readily perishable or readily contaminated hot food shall be kept at 150 degrees (F) (60C) or above.

r. All pork and pork products, chicken and chicken products, shall be cooked until all signs of redness have disappeared.

s. All milk, fluid milk products, ice cream and frozen desserts shall be pasteurized and obtained from sources approved by the Vermont Department of Agriculture.

t. Any food served to a child shall not be served to another child.

u. All utensils, equipment and food shall be stored in a clean, dry place, free from insects, dust and other contamination, and shall be handled in such a manner as to prevent contamination.

1. All containers and utensils shall be stored 18" off the floor if stored in the open. Dishes shall be stored in closed space. Cupboards shall be clean.

2. Utensils shall be covered or inverted when not in use.

3. Containers and utensils shall not be handled on the surfaces which come in contact with food or drink.

4. Paper cups, plates, straws, spoons, forks and other single service containers and utensils shall be purchased in sanitary cartons and stored in a clean and dry place until used. After removal from the cartons, these articles shall be placed in dispensers or stored so that the food contact surfaces are not

exposed to sources of contamination; single service utensils shall be used only once.

5. All machinery and equipment in connection with the operation of the kitchen shall be so constructed and arranged so as to be easily cleanable and shall be kept in good repair.

6. Enamelware and cracked or chipped china or glassware shall not be used.

7. All foods shall be stored in plainly labeled, dated and rodent proof containers.

8. All foods that are contaminated shall be disposed of promptly. Swelled, rusty, dented or leaky canned food or drink shall be disposed or promptly.

v. When multi-services utensils are used a mechanical dishwasher shall be equipped with a rinse cycle of 140 degrees (F) (57C). This shall be installed and operated according to the manufacturer's recommendations.

1. In a child care facility center serving 12 or fewer children, a family kitchen in good repair shall be acceptable. A domestic dishwasher is acceptable for washing dishes.

w. When a dishwasher is not available and single service items are not used; a three compartment sink with adequate space for drain boards shall be required for the dishwashing, rinsing, and sanitizing of dishes and utensils. Dishes shall be washed in hot, clean water and immersed for two minutes in sanitizing rinse. 1 ¼ teaspoons of chlorine bleach must be used for each gallon of water during the sanitizing rinse. Hand washed dishes shall be air dried.

1. In a child care facility center serving 12 or fewer children, when a dishwasher is not available, there shall be a two compartment sink with adequate space for drain boards, and dishes shall be washed subject to the procedures stated in Section w above.

x. Food may be prepared in an approved facility and transported to the program in appropriate sanitary containers and at appropriate temperatures.

y. Formula, milk or food, if heated, shall be served to children only after contents have been shaken (if liquid) and tested.

z. The facility staff shall practice good hygiene when handling food. Staff with diarrhea shall not work in the food preparation area. Staff with open sores that cannot be covered shall not prepare food.

I 5. Food Preparation for Infants

- a. Infants must be fed according to their individual feeding schedule.
- b. Infants shall be assisted during bottle feeding until they are able to hold their own bottle.
- c. Sanitary methods shall be used in handling formula, bottles and nipples.
- d. Commercially prepared formulas must be prepared and stored according to package labeling.
- e. If a parent chooses to prepare formula, the individual bottles must be labeled with child's name and date, and refrigerated at the facility until used. Formula so prepared or bottled breast milk shall be returned to parents or discarded at the end of the day.
- f. Formula left in a bottle at the end of a feeding shall be discarded.
- g. Bottles and nipples which will be reused must be thoroughly washed between uses. Pre-filled bottles for single use by one child are to be cleaned and sent home.
- h. Solid food shall be introduced to the individual child according to the parent's instructions provided such instructions do not conflict with safe health practices.
- i. Commercial baby food containers that are opened, and foods prepared in the center which are stored, shall be covered, dated and labeled as to the contents and refrigerated. The contents shall be returned to the parent or discarded at the end of the day. A child shall not be fed directly from baby food containers if the contents are to be fed to the child at more than 1 sitting or to more than 1 child. Food left over in the serving dish must be discarded.

6. Hand washing

- a. Staff shall wash hands with soap under warm running water:
 - 1. Before preparing or serving food;
 - 2. Before feeding a child;
 - 3. After diapering a child'
 - 4. After assisting a child with toileting;
 - 5. after cleaning up after a sick child or a blood spill;
 - 6. after toileting;
 - 7. after handling animals.
- b. Children (except infants) must wash hands with soap under warm running water:

1. before they eat;
 2. after they use the toilet;
 3. after handling animals.
- c. Staff shall wash the hands of children who are unable to wash themselves.

7. Illumination

- a. Areas licensed as indoor usable space for children, except sleeping areas, shall have artificial lighting available that provides a minimum of 50 foot candles of light 24" above the floor. Other areas must provide a minimum of 30 foot candles over the entire room.
- b. Stairways shall be well-lighted and equipped with handrails.

8. Laundry

- a. Wet or soiled clothing shall be changed promptly.
- b. Individual bedding shall be washed at least once a week and used by only one child between washings.
- c. Soiled bedding should be removed immediately. Individual cribs, cots, or mats shall be washed if soiled.

9. Medication

- a. Prior to giving prescription medication to a child, written permission from the parent shall be obtained specifying reason for medication, dosage, content and schedule. Prescription medication shall only be given when:
 1. The prescription is for the child;
 2. The medication is clearly labeled as to dosage, content, schedule, is in its original container and the date is current;
 3. Dosage does not exceed the recommended dosage on label.
- b. Written parental permission shall be acquired for dispensing non-prescription medication. Parent(s) are notified in advance when non-prescription medications are to be used. Parents may grant general authorization for topically applied non-prescription medications.

10. Nutrition

- a. There shall be no more than three hours between the serving of meals and snacks.
- b. Children shall receive meals and/or snacks according to the following:

Hours of Care	Minimum Meals and/or Snacks That shall be Served
12 hours	2 meals and 2 snacks
8 hrs. or more but less Than 12 hrs	1 meal and 2 snacks or 2 meals and 1 snack
4 hrs but less than 8 hrs	1 meal and 1 snack
4 hrs or less	1 snack
8-10 hrs of night time care	2 snacks or meals if child is present at Standard mealtime hours.

- c. Snacks provided by the parents which are subject to rapid deterioration or spoilage shall be refrigerated upon arrival at the facility.
- d. When the child care facility provides meals, menus of the previous 6 weeks shall be on file for inspection and the menus for the current week shall be posted.
- e. When furnished by the facility, snacks and meals shall be wholesome, adequate, nutritious and in appropriate portions. Snacks shall consist of foods belonging to at least two (2) food groups and meals shall consist of foods belonging to at least three (3) food groups.
 - e.1. When meals/snacks are furnished by the parent, parents shall be encouraged to provide appropriate portions of food which is adequate and nutritious.
- f. Sufficient food shall be available for second servings at meals.
- g. No child shall be forced to eat.
- h. Toddlers and preschoolers shall be encouraged to serve and feed themselves.
- i. Powdered milk shall be used for cooking only.
- j. Upon request, children shall be provided with water for drinking.
- k. Medically required special diets, formulas or food supplements shall be given to children only after obtaining written instructions from the child's parent(s).
- l. A child shall be provided a special diet only upon written authorization and direction by the parent.

11. Outdoors

Outdoor areas shall be well drained and free from depressions in which water may stagnate.

12. Plumbing

- a. The plumber performing the work must file a Plumbers Work Notice before beginning work, as well as comply with all other Labor and Industry notification requirements while performing the work (unless the municipality is exempt).
- b. All building wastewater pipes shall be connected to a public sewer when there is one available.
- c. All plumbing shall comply with the applicable plumbing code and be designed and installed to prevent contamination of the water supply through interconnections and/or back-siphonage from fixtures and equipment and to prevent contamination of food, drink, food bearing surfaces, utensils and equipment.
- d. Prior to licensure approval of water supply and wastewater disposal system must be granted by the Department of Environmental Conservation.

13. Poisons

- a. All poisonous substances, including aerosol sprays shall be inaccessible to children.
- b. Drugs, alcohol and other medications shall be clearly labeled and shall be inaccessible to children.

14. Premises

- a. Roofs, exterior walls, doors, skylights, and windows shall be weather tight and in sound condition and good repair.
- b. Floors, interior walls, ceilings, and windows shall be maintained in good repair. All painted surfaces accessible to children shall be smooth and easily cleanable and free of toxic material. Lead-base paint is prohibited.
- c. Prior to initial licensure of an existing building an assessment shall be performed by a person certified by the Vermont Department of Health to determine (1) if Asbestos Containing Material (ACM) is present; and, (2) if ACM is present, to

- ascertain the condition of such material. A copy of assessment shall be made part of the initial license application. If abatement recommendations (repairs, enclosure, encapsulation or removal and clean up) are made, then recommendations must be corrected before any renovations begin. When recommendations such as these are made, the Vermont Health Department Asbestos Control Program shall be notified by the applicant and, if warranted, a site visit may be made to determine the necessity of the recommendations.
- d. The facility's air conditioners, electric fans, and heaters must be mounted out of the children's reach or have safeguards which prevent children from being injured.
 - e. There shall be railings, easily reachable by children, on stairs, porches and platforms more than 2 feet above the ground.
 - f. The premises shall be cleaned at least daily.
 - g. Stairs, ramps, walks and porches shall be maintained in a safe condition relative to the accumulation of water, ice, snow or other hazards.
 - h. Bathroom and kitchen floors and molding surfaces shall be constructed and maintained so as to be reasonably impervious to water and to permit the floor to be easily kept in a clean condition.
 - i. Garbage and refuse shall be stored in insect and rodent proof containers with secure fitting lids.
 - j. Garbage and refuse shall be removed from the building at least daily, and removed from the premises at least weekly.
 - k. Reasonable efforts shall be made to keep the facility free of insects and rodents.
 - l. Dumpsters, garbage cans or highly flammable materials are prohibited from the outdoor play area. Covered trash cans are permitted.
 - m. Devices that constantly diffuse air-borne chemicals that are harmful to humans are prohibited.
 - n. The facility shall utilize child-proof covers or safety outlets for electrical outlets accessible to children younger than 5 years old. When 220-volt electrical connections are within the children's reach, they must cover them with a screen or guard.
 - o. Low shelves and doorknobs shall be washed and disinfected so as to minimize the spread of illness.

- p. Step stools for children shall be required if lavatories (hand sinks) are installed at other than child height.

15. Smoking

- a. Smoking is prohibited on the premises defined as the child care facility or in view of the children.

16. Temperature

- a. A minimum draft-free temperature of 68 degrees (F) one foot above the floor must be maintained in areas of the facility used by children. Indoor gross motor areas not counted in the indoor gross motor areas not counted in the indoor square footage measurement are exempt from this 68 degree (F) provision.
- I. b. Areas used by infants shall maintain a temperature of at least 68 degrees (F) at floor level.

17. Toilets and Toileting

- a. There shall be a conveniently located toilet and sink for every 15 children or portion thereof (excluding non-toilet trained children). Toilets are to be used only by children, parents, staff and volunteers of the facility.
- b. Bathrooms are to be kept clean and in good repair with adequate lighting and ventilation.
- c. Ventilation from the bathroom to the outside air must be by a screened window or electric exhaust fan.
- d. Children shall have free access to toilet facilities when needed.
- e. Toilets are to be cleaned and disinfected daily.
- f. Toilet paper shall be available at all times at each toilet and be properly dispensed through a dispenser.
- g. Toilets are to be flushed after each use.
- h. Lavatories shall have hot and cold running water which emanate from a single spigot.
- i. Soap and paper towels shall be available, properly dispensed and accessible to the children at each lavatory (hand sink).
- j. When a toilet teaching chair is used, the contents must be emptied into the toilet

after each use. The toilet teaching chair shall be disinfected after each use. The kitchen sink shall not be used for the cleaning of toilet teaching chairs or the disposal of toilet wastes.

- k. There shall be a continuous program to instruct the children in the proper and sanitary use of toilet facilities.
- l. Staff shall assure that children use only those toilet articles belonging to or individually assigned to them.

18. Ventilation

- a. All rooms shall have at least one openable (screened in the summer) window unless artificial ventilation is used as a supplement or substitute; minimum ventilation shall be 4 cfm per occupant.
- b. All rooms must be sufficiently ventilated to be reasonably free of disagreeable odors, condensation, and toxic gases.
- c. Doorways to the outside which are open, excluding fire doors, must be screened.

19. Water

- a. Water from a public water system must be in compliance with the Vermont Department of Health's "Public Water System Regulations" and/or applicable Department of Environment Conservation Regulations.
- b. Private water systems shall be capable of furnishing an adequate supply of potable water at pressure necessary to sustain equipment during all hours of operation. A minimum residual pressure of 20 pounds per square inch is required during maximum draft at faucets.
- c. Drilled wells must be capped at least 18 inches above the ground. Springs must have tight fitting metal or concrete tops.
- d. The temperature of hot water available to children shall not exceed 120 degrees F.
- e. Water supply employing water haulage (tank truck haulage, containers, etc.) in the distribution system will be approved only in emergency situations. Prior approval must be obtained from the Division.

Section L – Training

1. Persons responsible for developing the program shall receive at least 9 hours of training per year.

2. Paid staff who are included in the staff/child ratio shall receive at least six hours of training a year the majority of which shall be related to the care and development of children. This training is in addition to any infant/child CPR certificate or recertification.
3. AT least two of the six hours of required staff training shall focus on the skills and competencies related to the ages or developmental stages of the children in the caregiver's group.
4. It shall be the responsibility of the Licensee or Director to provide, or arrange for the provision of in-services training. In addition, the Licensee or Director shall disseminate information about training meetings in the area and shall encourage staff to attend workshops or meetings which will benefit them.
5. The Director shall be responsible for obtaining appropriate training for staff caring directly for children with special needs.
6. The Department may determine whether additional training or technical assistance is needed in order to achieve compliance with these regulations. When such a determination is made, the training/technical assistance must be completed prior to the re-issuance of future licenses.

Section M – Relationship Between Licensee and the Division

1. All notices of violation shall be posted in a place in the facility where parents can see and read them.
2. When violations are found to exist, the Department may offer a Licensee the opportunity to develop a program improvement plan whereby the violations will be corrected within a time period specified by the Division. Such opportunity may not be provided when the violation poses risk of harm or is of a repeated nature.
3. The Licensee shall notify the parent of each enrolled child, by mail, of a serious violation.
4. No later than 15 days after employing a person, the Licensee or his/her designee shall furnish the Division with the name, birthdate, place of birth and social security number of that person. No person can end probationary status until the Division has informed the Licensee that the staff person does not have an abuse or criminal history which would preclude his/her presence at an ECP.
5. Upon request, a Licensee shall provide the Department with a list of the names, addresses and telephone numbers of families served during the prior twelve months and dates of attendance for each child served. The Division shall contact the Licensee by telephone, or in writing, to inform the Licensee of the request.

6. The Licensee shall permit visits, inspections and examinations of the Licensed Facility, its records, equipment and materials at reasonable hours by representatives of the Division.
7. The Division may deny the issuance of a license if it has found that the person who has submitted the application has not complied with these regulations.
8. The Division may attach conditions to a license or issue a provisional license when conditions warrant.
9. When a Licensee has made timely and sufficient application for license renewal, the existing license does not expire until the application for license renewal has been acted upon by the Division.
10. A Licensee or applicant providing false information or who causes the Division to receive false information, may have their license denied, suspended and/or revoked.
11. A violation of any section of the law or regulations regarding a Licensed Day Care Facility may be cause for the revocation of the license.
12. When there is reason to believe that the health, safety or well-being of children in care is immediately imperiled, the license may be suspended.
13. The Division may notify parents of enrolled children of its action or proposed action in the event that the license has been suspended or is the subject of an intended revocation.
14. An intention of the Division to revoke, or a decision to suspend, shall be communicated in writing, and shall set forth the facts of conduct the Division believes warrants the intended action. This notice shall contain the Licensee's rights to a hearing and an appeal:
 - a. If the Licensee is aggrieved by the intended action, he or she must indicate to the Department or the Human Services board that they wish to challenge the action within thirty (30) days from the date of the mailing of the Division's letter of intended action.
 - b. Such a grievance shall also be considered a request for a hearing and fair hearing before the Human Services Board pursuant to 3 VSA 3091. If the Licensee has not already requested a fair hearing the, Division shall notify the Board of the Licensee's request.
 - c. Within fifteen (15) working days of the receipt of the grievance the Commissioner shall schedule a review of the intended action and provide the Licensee with an opportunity to be heard with regard to the intended

action.

- d. The Licensee may submit a written response to the letter of intended action or may present her/his position to the Commissioner, or her/his designee, in person or through an attorney or other representative. At that time the Licensee may bring witnesses, documents or present any other evidence in their behalf.
 - e. The burden of proving facts alleged as the basis for the intended action shall be on the Department.
 - f. After the hearing the Commissioner shall notify the Licensee in writing of the decision of the Department regarding the intended action. If the Commissioner decides that the intended action should take place, an appeal will be conducted according to the rules of the Human Services board. Notice of the Department's action shall be posted in a place where parents can see and read it.
 - g. Unless the license has been suspended, it shall remain in effect until the Human Services Board enters its final decision on the appeal.
15. The ECP shall have a written policy which is known to all staff which requires the Licensee as well as staff who have a reasonable cause to believe that any child has been abused or neglected to report or cause a report to be made to the Department within 24 hours. If staff has followed the written policy of the ECP in making abuse reports, then the Licensee may not terminate the employment of or take any other adverse action toward the staff person for making the report.
16. A Licensee or his/her designee shall not discharge, demote, transfer, reduce pay, benefits or work privileges, prepare a negative work performance evaluation or take any other action detrimental to any employee because the employee filed a good faith report regarding suspicion of abuse.
17. The staff shall distribute materials and information relevant to child care, development, health and safety as requested by the Division.
18. A Licensee who is licensed to provide child care in their residence may not provide respite care for foster children, or foster care, either licensed or provisional, except that they may provide respite or short term foster care to a child who is already enrolled in their facility.

PROCEDURE FOR DIAPER USE IN CHILD CARE FACILITIES

Because of environmental concerns, many parents and child care providers have expressed interest in using cloth as opposed to disposable diapers. Though the use of cloth diapers reduces solid waster accumulation, incorrect or excessive handling of cloth

or disposable diapers could increase the risk of infection transmission. Each facility has the right to decide whether it has the desire and capability of using cloth diapers in a hygienic manner.

The facility may wish to use cloth diapers on a facility-wide basis or only for children whose parents have requested their use. Facilities can utilize diaper services with twice weekly pick-up as long as the procedures listed below are met.

Common diaper receptacles for children using the same diaper service can be used as long as pick-up by the diaper service occurs at least twice weekly. The diaper receptacles must be lined with a liner which is capable of protecting its contents from bacterial spillage once it is sealed at the end of the day.

Individual family owned used cloth diapers can be held in lined individual family receptacles with tight fitting lids. The contents of these receptacles are to be sealed at the end of each day and taken home. A new or washed and disinfected liner must be used each day. Arrangements can also be made to permit an individual family to have a diaper service pick up diapers at the facility. Diapers used at home require separate pick up.

NOTE: The greatest risk for transmission of disease in child care settings comes from a breakdown of hygienic diaper changing and hand washing procedures. The initial training and monitoring of all staff who care for non-toilet trained children regarding the following procedures is critical in promoting the health of both children and staff.

Procedures to be used with diapers:

- a. Remove soiled diaper and soiled clothing.
- b. Clean the child's bottom with a premoistened disposable towelette, or a clean damp cloth used only once then held for laundry. If a child needs to be washed completely running water shall be used and the tub disinfected after the child is diapered.
- c.
 1. **Disposable diapers:** The soiled diaper shall be folded over and put into a container which is lined and constructed of easily cleanable material. Containers shall be cleaned and disinfected daily, have tight fitting lids, and shall be inaccessible to the children. Soiled clothing shall be placed in a plastic bag (see step h.) and not be rinsed.
 2. **Cloth diapers:** The outer covering and inner lining shall be changed together at the same time as a unit and shall not be reused unless both are washed. Cloth diapers soiled with feces shall not be shaken or rinsed at the time the diaper is removed from the child. Soiled diapers shall be folded and placed into a container that is lined, constructed of an easily cleanable material and has a tight fitting lid. Urine-soiled and feces-soiled diapers may be stored in the same container.

Parent-owned cloth diapers shall be placed into a family-labeled receptacle. Parents shall take the container home at the end of each day.

Diaper service-owned diapers shall be handled according to one of the three options listed below, and based on agreement by the child care center, the parent, and the diaper service:

- 1. The diaper service picks up unrinsed diapers at the facility. Containers shall be sealed at the end of the day. Separate clean and disinfected containers shall be used each day. Pick up must be twice weekly at a minimum. No on-site rinsing occurs.**

or

- 2. The child care center can be responsible for rinsing the diapers. Diapers will be shaken and rinsed at the end of the day after all the children have left the premises by a staff person wearing rubber gloves. Diapers are then stored for pick-up in a sealed container. The toilet area shall be disinfected after diaper rinsing. Pick up must be twice weekly at a minimum.**

or

- 3. Parents using a diaper service may take the diapers home to rinse at the end of each day. Diapers shall be placed into family-labeled containers. Separate clean and disinfected containers shall be used each day. The parents and the diaper service can arrange pick-up for the soiled diapers. Pick-up shall not occur in the child care center.**

- d. Diaper the child.
- e. Wash the child's hands.
- f. Dress the child.
- g. Disinfect or dispose of the cover of the changing structure. If the cover of the changing surface is not disposable and if it has been soiled by feces, it shall be washed with soap and war water prior to disinfection.
- h. Other equipment or supplies soiled during diapering shall also be cleaned and disinfected. Soiled clothing and training pants shall be placed in a plastic bag with the child's name to be sent home for laundry. These items may be placed with soiled diapers if not diaper service is used and the family is responsible for laundry.

- i. Staff shall wash their hands after diapering each child using proper hand washing techniques.
- j. Soiled bedding shall be removed immediately. Individual cribs, cots, or mats shall be washed if soiled. Hands shall be rewashed after cleaning soiled areas.
- k. Containers shall be inaccessible to children.