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ABSTRACT

This report focuses on the major similarities and differences of three sets of day care licensing standards (model, state, and federal) in order to provide an information base for isolating the problems, concerns, and issues involved in day care licensing. Sets of standards compared are: (1) "OCD Guides for Day Care Licensing," 1973 (model); (2) "Rules and Regulations Governing Group Day Care Centers" and "Rules and Regulations Governing Family Day Care Homes" used by the state of Hawaii since 1966; and (3) "Federal Interagency Day Care Requirements" (1968). Part 1 lists major issues and concerns (in question form) grouped under these major headings: (1) the act itself (title, purpose, and definition of terms), including application, development, and enforcement of rules and regulations; (2) administration, program, staffing, and parent participation requirements; (3) health and sanitation requirements; and (4) fire and safety requirements. A brief summary is included. Part 2 (comprising three-quarters of the report) contains four charts grouped under the same headings. The charts present the provisions of each set of standards so that specific regulations may be compared across standards. Summaries follow each chart. (ED)

A COMPARATIVE ANALYSIS OF DAY CARE LICENSING STANDARDS

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For the

HAWAII STATE 4-C COMMITTEE

HONOLULU, HAWAII, SEPTEMBER 10, 1974

FOREWORD

The State 4-C Committee through its Day Care Licensing Study Sub-Committee asked the Curriculum Research and Development Group (CRDG), College of Education, University of Hawaii, to field a team to analyze three types of day care licensing documents. The documents were: 1) Model State Day Care Licensing Act (DHEW-OCD-1973); 2) The State of Hawaii Rules and Regulations Governing Day Care Centers (1966) and Rules and Regulations Governing Family Day Care Homes (1966); and 3) Federal Interagency Day Care Standards. Dr. Arthur R. King, Jr. agreed that CRDG should appropriately assume responsibility for this project and assigned the task to Dr. Richard H. Hinze, Researcher and Co-Chairman of the Day Care Licensing Study Committee.

The completed analysis, A Comparative Analysis of Day Care Licensing Standards, focuses on major likenesses and differences in the three sets of standards. The document is divided into two parts. Part I consists of a list of discussion questions on the crucial issues, followed by a brief summary for reference and perusal. Part II contains the body of the analysis, a long and complex document, which, nonetheless will be an important source of information to those interested in securing the best day care licensing system possible.

ACKNOWLEDGEMENTS

Dr. Richard H. Hinze, Researcher and Co-Chairman of the Day Care Licensing Study Committee with Mrs. Helen Inouye, was assigned the task of compiling this analysis. Dr. Hinze put together a team comprised of himself, Dr. Marion Kagan, Ms. Odette Villanueva and Ms. Daria Flores. A preliminary analysis design was laid out and presented to the Day Care Licensing Study Committee for approval, after which Ms. Villanueva, along with her other duties, assumed major responsibility for chart preparation and summary work. Dr. Marvin Greenberg prepared a list of discussion questions, and Ms. Susan Nunes, assisted by Ms. Roberta Ishimaru, edited the report before it went to the typist.

Production turned out to be monumental and a team comprised of the Ms.' Dorothy Otsuke, Shirley Lundquist, Cynthia Vegas, Nancy Hinze, Alma Watanabe, Gayle Maekawa, and Barbara Mahiai worked long and hard to type, duplicate, and collate the report for distribution. Particular recognition must go to Ms. Villanueva for her long hard hours of work -- days, nights, and weekends.

The State of Hawaii is fortunate, indeed, to have such people as those cited above to devote so much energy beyond the call of duty to help in an important endeavor such as this.

Richard H. Hinze
Researcher, CRDG
Project Coordination, and
Co-Chairman Day Care
Licensing Sub-Committee

A COMPARATIVE ANALYSIS OF DAY CARE LICENSING RULES AND REGULATIONS

Prepared by the Licensing Study Staff,
for the Hawaii State 4-C Committee

Three sets of day care licensing regulations or suggested regulations are compared: 1) the OCD Guides for Day Care Licensing (1973), referred to as RECOMMENDED MODEL REGS which contains the suggested format and content for a model care licensing law; 2) the Federal Interagency Day Care Requirements (1968), referred to as FEDERAL REGS, which mandates the types of services day care centers receiving federal money must provide; 3) the State of Hawaii Rules and Regulations Governing Group Day Care Centers (1966) and Rules and Regulations Governing Family Day Care Homes (1966), referred to as PRESENT STATE REGS, which currently regulate licensed day care centers and family day care homes in the State of Hawaii.

This analysis tries to highlight similarities and differences among the three sets of standards (Model, State and Federal) in order to provide an information base for isolating the problems, concerns and issues involved in day care licensing.

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PART I

DISCUSSION QUESTIONS

PROBABLE ISSUES AND AREAS OF CONCERN

I. THE ACT

A. TITLE, PURPOSE, AND DEFINITION OF TERMS
B. APPLICATION, DEVELOPMENT, AND ENFORCEMENT OF RULES AND REGULATIONS

CREATING A FORMAL PROCEDURE FOR LICENSE APPLICATIONS

1. What should the formal mechanism be in applying for a license?

2. How long should a license be valid? Should re-licensing procedures be the same as issuing new licenses? If not, what should be the differences?

3. In inspecting the sites to be licensed, what guidelines, if any, are needed?

4. Under what conditions, if any, can the licensing agency grant discretionary waiver of requirements?

OUTLINING THE SPECIFIC POWERS, DUTIES AND FUNCTIONS OF THE DSSH

5. What should the specific powers, duties and functions of the DSSH be in regard to licensing responsibilities?

6. Should the licensing agency have responsibility for providing consultation services to assist applicants? If so, how and to what extent?

CREATING ARBITRATION PROCEDURES

7. In cases where the operator is to be denied a license, what would be the formal arbitration procedures? Should there be a hearing? a hearing examiner or board? an appeal board? informal discussions? Should there be a grace period for the corrections of violations before revocation or suspension of licenses? If so, how long?

8. What should be done if centers and operators continue to operate in violation of regulations? How serious should these violations be before action is needed? Should the DSSH (the licensing authority) be given power to seek an injunction against continued operations when violation of regulations threaten serious harm or when repeated violations are committed? What are the penalties for continued violations?

9. What procedure should be used in suspending or revoking a license?

LICENSING DAY CARE SYSTEMS

10. Should individual day care facilities which belong to a day care system be exempt from applying for separate licenses if the center operator of the system has established and enforced the standards needed for licensing? If so,

[illegible] the center operator of the system should be licensed from the [illegible] individual centers would be licensed? What procedures should be used for licensing a day-care system?

II. ADMINISTRATION, PROGRAM, STAFFING, AND PARENT PARTICIPATION REQUIREMENTS

A. FACILITY ADMINISTRATION REQUIREMENTS

POLICY STATEMENTS

1. What sort of information about the center and its operation should be submitted to the licensing authority upon applying for a license? Is there a need for information and policies concerning:

- the ages of the children to be accepted
- the specific hours of operation
- the maximum number of children for whom the facility is equipped
- the type of service to be offered
- admission and enrollment procedures
- the hired and volunteer staff
- pupil-teacher ratio
- the physical facilities
- the special needs of the children
- insurance coverage (liability, medical)
- emergency and disaster plans
- transportation arrangements
- the center's program - its design, implementation and evaluation
- fees and payment plans
- assurance of parent understanding and agreement with the center's policies
- parental permission for all activities outside the facility
- policies in dealing with parents (accessibility of information, informing parents, role of parents in design of program and policies)
- community relations
- record-keeping and the confidentiality and availability of records
- health, nutrition, and safety
- parent participation and involvement
- social service provisions
- non-discriminatory operating policies

If there is a need for information about the above items, what specific information would be included in the requirements?

B. PROGRAM REQUIREMENTS

ESTABLISHING COMPREHENSIVE AND UNIFORM PROGRAM REQUIREMENTS

1. What program requirements are needed? How comprehensive and specific should

C. STAFFING

- [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]

MINIMUM REQUIREMENTS FOR VOLUNTEERS

3. Should there be minimum requirements for volunteers to work with children? If so, what should these be?

CHILD DEVELOPMENT ASSOCIATE CERTIFICATION

4. How will the proposed certification of the Child Development Associate be recognized by the licensing requirements?

UNIFORM STANDARDS ON STAFF: CHILD RATIOS

5. What is the effect of lowering staff: pupil ratios?

6. Should volunteers be counted in computing staff:child ratios (depending on the age of the children)? If so, what should these ratios be?

MIXED AGE GROUPING

7. Should mixed age grouping be mentioned in the requirements? If so, what would these requirements be?

D. PARENT PARTICIPATION

ESTABLISHING COMPREHENSIVE GUIDELINES FOR INVOLVING PARENTS IN CENTER ACTIVITIES

1. Should licensing requirements provide guidelines for involving parents in the center's policy-making process? If so, what should these be?

2. What guidelines, if any, are needed to assure that parents have an opportunity to work with the program, observe their children in the facility, and have some input into how the center is operated?

3. Should requirements require parent policy advisory committees or councils? If so, what would be their roles and functions? How would these committees operate?

III. HEALTH AND SANITATION REQUIREMENTS

A. PERSONAL HEALTH OF CHILDREN

ESTABLISHING POLICIES ASSURING THE GENERAL HEALTH OF EACH CHILD

1. What provisions are needed to assure the general health of each child? What evidence should the center have on each child's physical health, dental health, and immunization status?

2. What health records should the facility be required to keep?

3. Should there be a health evaluation of the child before he is allowed to attend the center's facility? If so, what should be the requirements?

4. What requirements, if any, should be outlined to assure on-going health services once the child enrolls in the center? What is the responsibility of the center in this regard? the licensing authority? the State health agency?

5. What requirements, if any, are needed for daily health inspection and observation of children in the center?

6. Is there a need for age-appropriate health policies? If so, what should these be? Should these policies be reviewed periodically? If so, how often?

ESTABLISHING POLICIES ON EMERGENCY HEALTH CARE

7. What should be the requirement for emergency health care of the child?

8. What minimum procedures should each center have on caring for the ill child; notifying parents or responsible adults; notifying the physician designated by the parents; administering medication and meeting the special health needs of the children?

ESTABLISHING POLICIES ON CARE-GIVER HEALTH TRAINING

9. What training, if any, should staff members have in health education, first aid training, recognizing symptoms of illness?

HEALTH CONSULTATION SERVICES

10. What program, if any, should the facility be required to set up with an appropriate community resource to promote a system of health consultation and services?

COST CONSIDERATIONS

11. What is the relationship of increased health services to the cost of operating a day-care facility?

CREATING AND MAINTAINING A HEALTHY ENVIRONMENT

12. What minimum standards are needed to ensure that the facility is a healthy environment for children to be in?

13. What provisions, if any, are needed on the care of animals in the day-care facility?

B. NUTRITION

ESTABLISHING NUTRITIONAL STANDARDS

1. What requirements are needed to ensure that the children's nutritional needs are being met?

2. What should the minimum quantity be? How many times a day should children be fed? Should this be determined upon the length of a child's stay in the facility? If so, what should these guidelines be?

3. Should standards be set up on what is an adequate and nutritious meal (or snack)? If so, what should these standards be based? What should these standards be?

4. Should standards or requirements be set up on the need for ethnic and cultural foods as part of the center's meal plan? If so, what standards and requirements should be proposed?

. Are standards needed for food preparation? If so, what should these be?

EVALUATING FOOD SERVICES

6. Should the food service of child-care facilities be reviewed? If so, when? By whom?

7. What other guidelines are needed in this area? Guidelines for using food as punishment or reward? Guidelines for feeding infants?

C. MENTAL HEALTH OF CHILDREN

INTEGRATING A MENTAL HEALTH PROGRAM

1. What policies, if any, should be required of child care facilities in mental health? In working with the children? the parents? in referral services? in using professional consultants?

2. What staff training requirements, if any, are needed to ensure the promotion of the positive mental health development of the children? What competencies should the staff workers have in this area?

3. What requirements are needed to ensure the integration of a mental health program in the day care facilities' operation?

D. PERSONAL HEALTH OF STAFF

ESTABLISHING UNIFORM HEALTH STANDARDS FOR STAFF

1. What minimum health requirements should be identified for the staff worker upon employment? during employment? What physical and mental health requirements are needed?

2. What minimum health requirements, if any, are needed for substitute teachers? for volunteers? for parents?

3. Should a facility's health policy include standards for the staff? If so, what should these standards include? Should the policy include allowances for leaves of absence in the event a staff member becomes ill?

4. What standards, if any, are needed to ensure the "good moral character" of the worker? Should there be restrictions on hiring those convicted of crimes, child abuse, sexual molestation, and other felonies, or on hiring those awaiting trial for such crimes?

5. What guidelines are needed for providing the staff with rest periods, lunch hours, and the number of maximum hours of daily work a staff member can put in?

EVALUATION PROCEDURES

6. How often should there be periodic assessments of the staff's health? What should these assessments include? Who would do this assessment?

E. ENVIRONMENT SANITATION AND SAFETY

ESTABLISHING UNIFORM AND COMPREHENSIVE SAFETY STANDARDS

1. What minimum requirements are needed to ensure a safe environment?

2. Are minimum requirements needed on the location of a facility? If so, should considerations include travel time for children and parents, convenience to the parents' home, location near industries and potentially dangerous areas, and accessibility of resources.

3. What requirements are needed to assure proper actions in the event of emergencies and disasters? How will these requirements be communicated to staff, children, parents? What role should consultants have in formulating these requirements?

ESTABLISHING UNIFORM AND COMPREHENSIVE SANITATION STANDARDS

4. What provisions are needed regarding safe water supplies and adequate toilet and lavatory facilities? are separate toilet facilities for each sex needed in day care facilities? How many toilets and wash basins are needed per children?

5. What minimum regulations are needed for the adequate preparation of food? for laundry facilities? Do the size of these facilities need to relate to the size of the center? If so, how?

6. Are minimum requirements needed for the maintenance of the premises of the center? If so, are requirements needed on garbage storage and collection, storage facilities for cleaning equipment and medicine, cleaning procedures, the care of personal items as toothbrushes and combs, the uses of swimming and wading facilities, and rodent and insect control? What requirements are recommended?

STAFF-CHILD TRAINING ON SAFETY AND SANITATION

7. What requirements, if any, should there be for implementing health and safety education programs for the children? for the staff?

8. What minimum training requirements, if any, should be identified for the staff of the facility?

IV. FIRE AND SAFETY REQUIREMENTS

ESTABLISHING UNIFORM AND COMPREHENSIVE FIRE REQUIREMENTS

1. What requirements are needed for fire exits, access to exits, doors and refuge areas? How specific should these requirements be? How are these exit requirements related to other construction factors?

2. What requirements are needed on the travel distance between the door of the room and the exit from a given location on the floor?

3. What requirements are needed for centers located in high rise buildings?

4. What requirements are needed for sleeping areas and compartments as these relate to fire resistance?

5. What are some minimum construction and materials standards needed for a facility?

6. What are the minimum fire specifications needed in respect to fire extinguishers and heat-activated fire alarms?

7. What requirements for fire evacuation plans should be set for each facility? Should these include staff training plans and fire drills? If so, what should be the requirements?

8. What fire and safety requirements are needed for group and family day care homes?

OTHER SAFETY AREAS

9. What should be the minimum square footage of floor area per child? In a day care facility? for night care?

10. What requirements are needed to reduce hazardous areas?

11. Are all requirements in conformance with those dictated by the Federal Occupational and Safety Law? If not, what provisions must be added?

SUMMARIES

I

THE ACT

A. TITLE, PURPOSE AND DEFINITION OF TERMS (CHART I)

B. APPLICATION FOR LICENSE OR CERTIFICATE OF APPROVAL (CHART II)

The PRESENT STATE REGULATIONS are less clearly stipulatory than the PROPOSED MODEL REGS. This is apparent when comparing the licensing control and enforcement features of both sets of standards. STATE enforcement procedures also appear to be less formal when compared with those stipulated in the MODEL. The comparable provisions in the FEDERAL REGS hinges upon the approval of funding of the day care agency.

Those features in the MODEL which differ from the STATE provisions include 1) provisions for a hearing examiner upon receipt of appeal; 2) provision for an applicant's right to counsel when and if appeal is made following DSSH denial of license; 3) provision for making operation without a license a misdemeanor; 4) provisions which empower the DSSH to seek injunction against continued operation when violations of regulations threatens serious harm or when repeated violations are committed.

The STATE'S (more informal) approach is reflected in such procedures as, 1) allowing the DSSH Director to make the final decision after a hearing in appeal; 2) using discussions as alternatives to formal hearings; 3) providing a grace period for the corrections of violations before revocation or suspension of licenses.

It is noted, however, that the issuance, denial, revocation, suspension and creation of probationary provisions are similar in both STATE and MODEL regulations.

It is further noted that when compared with the PROPOSED MODEL REGS, the STATE REGS do not specify the powers, duties and functions of the DSSH or the State Licensing Authority, nor do the STATE REGS provide for a "State Advisory Board" with specific duties and responsibilities.

II

ADMINISTRATION, PROGRAM, STAFFING AND PARENT PARTICIPATION REQUIREMENTS

A. FACILITY ADMINISTRATION REQUIREMENTS (CHART 3)

The MODEL requirements are on the whole more clearly specific than the FEDERAL. There is, however, close agreement between the MODEL and STATE REGS on such concerns as 1) areas which must be covered in a day care center's operating policies; 2) information on personnel; 3) information on the child; 4) information on the program. The FEDERAL REGS do not provide for available information on such operating policies as insurance coverage, transportation arrangements, maximum number of children for whom the center is equipped, or the ages of children accepted by the center; however. the FEDERAL REGS require available written policies on the system of community involvement and on the evaluation and development of the program, neither of which is outlined in the STATE or MODEL.

In contrast with the STATE & FEDERAL requirements, the MODEL REGS accord a greater number of specific rights to parents, including rights to information regarding trips and related out-of-DCC activities, personnel data, and rights to the release of information about the child.

One final point worth noting: characteristic of the overall format of the PROPOSED MODEL, the MODEL requirements in this section are self-contained.

They do not refer to other documents for clarification or precedent.

B. PROGRAM REQUIREMENTS (CHART 4)

The program requirements in the RECOMMENDED MODEL appear (in some key areas), to be more comprehensive and specific than the STATE and FEDERAL regulations. Compare for example, the three standards in sections 1 and 5. The FEDERAL requirements are general in nature while the STATE REGS parallel the MODEL in such areas as 1) types of opportunities and activities included in the program; 2) program goals; 3) program materials; 4) balance of activities; and 5) space requirements. In some instances, the STATE lists specific requirements not included in the MODEL. Compare for example the standards in the first section of Program Requirements.

It might be noted that the MODEL specifically calls for experiences which reflect and enrich the child's lifestyle and cultural background, and for caregivers who speak and understand the primary language of the child, whenever possible.*

The MODEL also offers alternatives to indoor and outdoor space requirements, alternatives which might make operations less costly. Finally, the PROPOSED MODEL provides for administrative/utility space and equipment for the execution of the program and comfort of parents and staff.

C. STAFFING REQUIREMENTS (CHART 5)

STATE requirements for director, operators and teachers (caregivers in the MODEL) are more specific and exacting than either the MODEL or FEDERAL

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* The probable rationale behind this requirement is presented in the section on areas of concern. See also Table IV, Section 4.

requirements in such areas as 1) duties and responsibilities of staff; 2) education qualifications; 3) work experience, and 4) the number of staff members who must meet specified standards.

Under Section 4 of the STATE REGS, minimum qualifications for teachers of young children are 1) bachelor's degree with courses in the appropriate field; 2) bachelor's degree with supervised teaching experience; 3) 2 years of college plus training in early childhood education plus supervised teaching experience; or 4) completion of in-service teaching program in early childhood education plus supervised teaching experience. In contrast with the STATE, the MODEL does not require directors or caregivers to meet prescribed standards or qualifications. Rather, the MODEL calls for one employee with specified qualifications to be present 50% of the center's operating time. Since the MODEL operator-director and caregiver are required to be able to carry out the child-development program of the DCC, it might be reasonable to assume that the MODEL supposes the training of personnel by the DCC, and that the number so trained could vary greatly. Further, certification as a Child Development Associated is provided by the MODEL as an alternativ qualification for operator and caregiver alike. One final point worth noting in this respect is that the MODEL REGS place some emphasis on the ability of the caregiver to communicate with the child and his parents in their own language.

The FEDERAL REGS do not specify the duties, responsibilities, or qualifications of either operator-director or caregiver/teacher.

There is some correspondence between the MODEL and STATE REGS, regarding the principal duties of the director-operator and the teacher caregiver, the MODEL being more specific about the duties of the director-operator and the STATE being more specific about the duties of the caregiver. While generally speaking the STATE REGS appear more stipulative, the MODEL sets down additional characteristics of the caregiver under Section 4 which may equalize some of the discrepancies between the two standards.

STAFF CHILD RATIO

The Federal Interagency Requirements (FIR) are more stringent than the MODEL and STATE. The STATE allows between 5 to 13 children more than the MODEL and between 10 to 15 children more than the FIR per staff member in particular age groups. With other factors held constant, costwise, the FIR is most costly, while the State is least.

What offsets FIR stringent rations in terms of cost are the volunteers who can be counted in the ratio. The MODEL and the STATE prohibits the inclusion of the same volunteers in the count through age, time spent in direct care, and child care efficiency requirements. On these terms, the STATE does not meet the MODEL.

The STATE, like the FIR, rules against the acceptance of children younger than 2 years in the DCC. In terms of cost, the STATE ruling on DCC's which accept children of more than one age group (in the 2 to 5 age groups) makes it just as expensive as the MODEL.

The STATE unlike the MODEL does not allow children under 2 in DCC. The STATE seems to prefer family day care homes for these children.

D. PARENT PARTICIPATION (CHART 6)

Both MODEL and FEDERAL emphasize the role of parents in a center's decision-making process. They provide for a parent advisory group (called "council" by the MODEL and "committee" by the FEDERAL) whose duties include: approving applications for federal operating funds; nominating and selecting program directors and recruiting staff; recommending operating policies and procedures. In the MODEL, the policy council would see that a center's policies and practices are in compliance with the STATE's. The STATE has no provision for such parent groups and requires only that time be given by the center for

parent conferences. Under the MODEL and FEDERAL, parents will be able to work with the program and observe their children.

III

HEALTH AND SANITATION REQUIREMENTS

A. PERSONAL HEALTH OF CHILDREN (CHART 7)

MODEL, STATE, and FEDERAL require day care centers to have evidence of each child's health, to maintain adequate records for each child, and to have plans for children who become ill. Those features in the MODEL which differ from the STATE include: 1) provision for obtaining information on sources of health care for children who enter day care without the benefit of health evaluations; 2) provision for minimum of one caregiver/staff member trained in elementary principles of first aid, and in the observation and evaluation of symptoms of illness; 3) provision for requiring a review of age-appropriate health policies once every three years.

The FEDERAL has a provision for prompt delivery of health evaluation services to the child, giving financial responsibility for this service to the administering agency. The FEDERAL and the MODEL require each facility to develop a program of health consultation through an appropriate community resource.

B. NUTRITION

MODEL, STATE and FEDERAL require each day care facility to provide adequate meals and snacks. The MODEL contains provisions for 1) scaling the quantity of food against the length of a child's stay in the center; 2) considering a child's preferences, eating habits and special needs; 3) including different ethnic foods in the center's meal plan; 4) evaluating food service

annually; and 5) prohibiting the use of food as punishment or reward.

Both the MODEL and FEDERAL REGS require centers to consult with qualified nutritional resources in the community.

C. MENTAL HEALTH OF CHILDREN (CHART 9)

The STATE and FEDERAL REGS do not have specific provisions for the mental health of children, but both documents contain program provisions relevant to this area. Among them are: 1) recognizing the child as an individual whose privacy, desires and interests be respected; 2) encouraging spontaneous and imaginative self-expression; 3) encouraging the development of self-sufficiency; and 4) using positive guidance to enhance behavior.

The MODEL contains specific provisions for a mental health program. It requires that staff be trained when appropriate resources are available; that caregivers understand a child's mental health and demonstrate that understanding in their relations with the child; that parents who need professional consultation be referred to the appropriate agency. Finally, the MODEL recognizes the unique cultural and language background of each child and the need for the child to explore both friendship and enmity with his peers.

D. PERSONAL HEALTH OF STAFF (CHART 10)

The following are required by MODEL and STATE: 1) physical examination and chest x-ray at time of employment and annually thereafter; 2) substitutes for family day care homes during a caregiver's illness.

The MODEL differs from the STATE in the following areas: 1) caregiver with an identified health problem has to be in sufficient good health to care for young children; 2) the substitute plan is arranged according to the number of children served in the center and approved by both day care personnel and parents;

3) the health practices of the staff must minimize transmission of infec
children; 4) the center's health policy must include leaves of absen
a staff member becomes ill; 5) no individual convicted of child abuse,
sexual abuse, or who is awaiting trial on these charges can be employed b
center.

In the MODEL and FEDERAL, volunteers must meet the same health
ments as the staff. The STATE requires rest periods and lunch hours for
and specifies the minimum number of daily work hours.

E. ENVIRONMENTAL SANITATION AND SAFETY (CHART II)

The FEDERAL REGS have requirements governing location of the ce
travel time for children and parents, proximity to parents' work site and
home, and accessibility of resources.

MODEL and STATE requirements for disaster plans are similar, bu
MODEL requires the plan to be developed with the aid of consultants, and
nicated to the parents.

MODEL, STATE and FEDERAL REGS require each center to maintain a
environment. The MODEL, however, has some additional provisions for educ
children in health and safety practices and for developing accident preve
policies which must be reviewed annually.

The STATE has stipulations regarding poisonous plants and stora
dangerous chemicals and equipment.

The STATE does not have a provision for the transfer of water w
running water is not available in a center, and the STATE provisions on l
and kitchen facilities are not as comprehensive as the MODEL. In the MOD
laundry facilities are not located in food preparation areas, nor are the
during the center's operating time unless inaccessible to the children; k

[illegible] in proportion to the number of children served. MODEL complies [illegible] dishwashing equipment, and safe transportation of food. [illegible] "adequate" and "proper facilities" which are not [illegible] [illegible].

[illegible] specifications on maintaining the premises for [illegible] facilities, [illegible] equipment, cleaning procedures, care of children's per[illegible], [illegible] and washing facilities.

IV

FIRE AND SAFETY REQUIREMENTS

[illegible] CASE LOADERS (CHART I-V)

Both MODEL and STATE REGS have the same provisions for capacity and [illegible] facilities, including the minimum floor area required per child. Provisions concerning exits, access to exits, emergency exits, doors, and refuge areas are very similar in both regulations, however, the MODEL is more comprehensive in its specifications on exits and access to exits.

Construction standards for the MODEL are more comprehensive than for the STATE. While the STATE gives specifications on the fire resistance of exterior walls, the MODEL has provisions concerning the degree of resistance of the interior finish of a building. The MODEL also contains provisions pertaining to hazard areas and center service equipment.

Although both MODEL and STATE require fire extinguishers and heat-activated fire alarm systems, they differ on the specifications of these safety measures. The STATE also requires each center to have an evacuation plan which includes staff training and fire drills. While the MODEL lacks this specific

provision, its idea is incorporated in its provision concerning disaster and emergency plans.

B. GROUP DAY CARE HOMES (CHART 13)

C. FAMILY DAY CARE HOMES (CHART 14)

While the MODEL has similar fire and safety requirements governing both group and family day care homes, the STATE and FEDERAL have neither.

D. OTHER SAFETY REQUIREMENTS (CHART 15)

The Federal Occupational and Safety Law generated new MODEL policies and procedures for the operation of day care facilities which cover a wide variety of areas.

PART II

INTRODUCTION AND COMMENTARY

A COMPARATIVE ANALYSIS OF DAY CARE LICENSING STANDARDS

Prepared by the Licensing Study Staff
For the Hawaii State 4-C Committee

Three sets of day care licensing standards are compared: 1) Guides for Day Care Licensing (Model State Day Care Licensing Act)[1], a guide for state and local authorities responsible for licensing day care facilities; 2) Rules and Regulations Governing Family Day Care Homes, Rules and Regulations Governing Group Day Care Centers (Revised Laws of Hawaii, Chapter 108, 1955)[2], two sets of regulations governing licensed day care homes and day care centers in the State of Hawaii; and 3) Federal Interagency Requirements (Amendments to the Economic Opportunity Act, 1967)[3], regulations governing day care operations supported by federal funds.

The analysis is intended to isolate the problems, concerns and issues involved in day care licensing. It consists of a series of charts, each followed by a summary. The charts present the three sets of standards in columns labeled MODEL, STATE and FEDERAL, and contain reproductions of the provisions found in the three sets. Accuracy in matching the provisions was foremost. Dash marks (---) indicate that the provision in question is not specified in the document.

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1. U.S. Department of Health, Education and Welfare. Office of Child Development Services. Guides for Day Care Licensing. DHEW Publication No. (OCD) 73-1053.

2. State of Hawaii Department of Social Services Public Welfare Division. Rules and Regulations Government Family Day Care Homes, Rules and Regulations Governing Group Day Care Centers, 1966.

3. U.S. Department of Health, Education and Welfare; U.S. Office of Economic Opportunity, and U.S. Department of Labor. Federal Interagency Requirements, 1968.

Thus the source materials are self-sufficient, and the reader does not have to refer to the actual documents.

Similarities and differences among the three standards are discussed in the summary following each chart. Summary materials are based strictly on information found in the charts. Existing policies documented elsewhere, and present practices and conventions not contained in the MODEL, STATE and FEDERAL standards are not included in this analysis.

EXPLANATION OF NOTATION REFERENCES

The term notation reference is ascribed to the alpha-numeric code which follows a segment of the text contained in the chart. They refer to the location of the segment in the source document. The explanation and illustration of the different notation references used are as follows:

1. Under the MODEL column:

   MSDCLA SECTION 3.a. This indicates that the segment of text immediately above the notation reference is Section 3.1 of the Model State Day Care Licensing Act. This notation is used in the charts of the first two sections of the analysis: Title, Purpose and Definitions and Application, Development and Enforcement of Rules and Regulations.

2. Under the STATE column:

   RLH 1955 SECTION 108-11.1. This means the segment preceding the notation reference is Section 108-11.1 of the Revised Laws of Hawaii, 1955.

   GDCC: II-B-1-1 & 2. This means the segment preceding the notation reference is Section II, Sub-section B, Items 1 and 2 of the Rules and Regulations Governing Group Day Care Centers.

   FDCH: IV A-1-a. This means that the segment preceding the notation reference is Section IV, Sub-section A, Item 1, Sub-item a of the Rules and Regulations Governing Family Day Care Homes.

3. Under the FEDERAL column:

   FIR PAGE 2. This means that the segment preceding the notation reference is from the Federal Interagency Requirements, page 2.

FIR VII-4, FED VII-4 or VII-4. This means that the segment preceding the notation reference is Section VII, Item 4 of the Federal Interagency Requirements.

I. THE ACT

A. TITLE, PURPOSE, AND DEFINITION OF TERMS

1. CHART

2. SUMMARY

B. APPLICATION, DEVELOPMENT, AND ENFORCEMENT OF RULES AND REGULATIONS

1. CHART

2. SUMMARY

A. TITLE, PURPOSE AND DEFINITIONS

MODEL	STATE	FEDERAL
TITLE		
MODEL STATE DAY CARE LICENSING ACT	REVISED LAWS OF HAWAII 1955, CHAPTER 108, AS AMENDED	FEDERAL INTERAGENCY DAY CARE REQUIREMENTS
PURPOSE		
This Act authorizes the licensing of day care for children. Licenses are authorized if the Act and applicable rules and regulations are met. Penalties are established if day care is provided without the required license. The purpose of licensing is to regulate the provision of day care for children so as to assure care, protection, supervision and promotion of sound growth and development necessary to their health, safety, and welfare.	An act to provide for the licensing and regulating of day care centers. The 1965 Hawaii State Legislature Amended Section 108-11.2 which defines day care centers.	The legislative mandates of the Economic Opportunity Amendments of 1967 require that the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity coordinate programs under their jurisdictions which provide day care so as to obtain, if possible, a common set of program Standards and regulations and to establish mechanisms for coordination at State and local levels. The Secretary of Labor has joined with the Director of the Office of Economic Opportunity and the Secretary of Health, Education, and Welfare in approving these Standards. Accordingly, this document sets forth Federal Interagency Requirements which day care programs must meet if they are receiving funds under any of the following programs: Title IV of the Social Security Act Part A--Aid to Families with Dependent Children Part B--Child Welfare Services Title I of the Economic Opportunity Act--Youth Programs

MODEL	STATE	FEDERAL
		Title II of the Economic Opportunity Act--Urban and Rural Community Action Programs Title III of the Economic Opportunity Act Part B--Assistance for Migrant, and other Seasonally Employed, Farmworkers and Their Families (These Federal Interagency Requirements will not apply in full to migrant programs until July 1, 1969.) Title V of the Economic Opportunity Act Part B--Day Care Projects Manpower Development and Training Act Title I of the Elementary and Secondary Education Act (Programs funded under this title may be subject to these Requirements at the discretion of the State and local education agencies administering these funds.) These Requirements will be supplemented by a series of Federal Interagency Recommendations which are not mandatory but represent highly desirable objectives. The Requirements and Recommendations taken together constitute the Federal Interagency Day Care Standards
DEFINITIONS 1. DAY CARE. The care, supervision, and guidance of a child or children, unaccompanied by a parent, guardian or	---	DAY CARE SERVICES--comprehensive and coordinated sets of activities providing direct care and protection of infants,

MODEL	STATE	FEDERAL
custodian, on a regular basis, for periods of less than 24 hours per day, in a place other than the child's or the children's own home or homes.		preschool and school-age children outside of their own homes during a portion of a 24-hour day. (Section on Definitions). Footnote to Definition: The Office of Economic Opportunity uses 7 hours as the minimum time period for its preschool day care programs; however, most of the Standards in this document are also applicable to part-day Head Start programs.
2. DAY CARE FACILITY. Means a "family day care home," or a "day care center," as defined in this Act, whether known or incorporated under some other descriptive title or name such as "Day Nursery," "Nursery School," "Child Play School," "Child Development Center" does not include a public or private educational facility in providing legally authorized educational and related functions.	---	Comprehensive services include, but are not limited to, educational, social, health, and nutritional services and parent participation. Such services require provision or supporting activities including administration, coordination, admissions, training and evaluation. (Section on Definitions). DAY CARE FACILITY--The place where day care services are provided to children, e.g., family day care homes, group day care homes, and day care centers. Facilities do not necessarily provide the full range of day care services. Certain services may be provided by the administering or operating agency. (Section on Definitions).

MODEL	STATE	FEDERAL
3. FAMILY DAY CARE HOME. An occupied residence in which day care is regularly provided for no more than 12 children from more than one unrelated family. The maximum of 12 children includes children living in the home, and children received for day care who are related to the resident caregiver. Provided, however, that an occupied residence in which day care is regularly provided only for a child or children related to the resident caregiver, or only for the child or children or one unrelated family, or only for a combination of such children is not a family day care home.	FAMILY DAY CARE HOME. A home in which two but not more than five children are provided regular care apart from their parents or guardians. a. with or without charging a fee during any part of a 24-hour day. b. where the relationship of child and family day care parents is not by blood or marriage.(FDCH: Section I)	FAMILY DAY CARE HOME. Serves only as many children as it can integrate into its own physical setting and pattern of living. It is especially suitable for infants, toddlers, and sibling groups and for neighborhood-based day care programs, including those for children needing after-school care. A family day care home may serve no more than six children(3 through 14) in total (no more than five when the age range is infancy through 6), including the family day care mother's own children. (I-A-I)
---	---	GROUP DAY CARE HOME. Offers family-like care, usually to school-age children, in an extended or modified family residence. It utilizes one or several employees and provides care for children who need before- and after-school care, who do not require a great deal of mothering or individual care, and who can profit from considerable association with their peers. (I-A-2)
4. DAY CARE CENTER. a. Any facility other than an occupied residence which regularly receives one or more children for day care. b. Any facility including an occupied residence which regularly provides day care for 13 or more children including children living in the	A GROUP DAY CARE CENTER (hereinafter referred to as CENTER): A place maintained by any individual, organization or agency for the purpose of providing group care for 6 or more children. a. with or without charging a fee during any part of a 25-hour day, regardless of the duration of operation.	DAY CARE CENTER. Serves groups of 12 or more children. It utilizes subgroupings on the basis of age and special need but provides opportunity for the experience and learning that accompanies a mixing of ages. Day care centers should not accept children under 3 years of age unless the care available approximates the mothering in the family home. Centers do not

MODEL	STATE	FEDERAL
home and children received for day care who are related or unrelated to the resident caregiver.	The term group day care center shall include day nurseries, nursery school groups, pre-school child play groups, parent cooperatives, or other similar units operating under any name whatsoever.	usually attempt to simulate family living. Centers may be established in a variety of places: private dwellings, settlement houses, schools, churches, social centers, public housing units, specially constructed facilities, etc. (I-A-3)
5. DAY CARE SYSTEM An organization of individual day care facilities in which each facility is related to a licensed or approved central operator by an exclusive contractual arrangement whereby the facility receives children for day care only from the central operator, which also, under the contractual arrangement, undertakes to provide the facility with central administrative services including, but not limited to, consultation, technical assistance, training, supervision, evaluation, and provisions of or referral to health and social services.	---	---
6. CENTRAL OPERATOR. The person, corporation, partnership, voluntary association, or other private or public organizations which, in addition to other activities, if any, operates a day care system in the course of which it provides central administrative services for the individual facilities related to it, and establishes and enforces standards	---	---

[illegible]	STATE	FEDERAL
[illegible]	...	...
[illegible]	STAFF MEMBER: Child-care and maintenance personnel, members of the operator's family who assist at the center, and volunteer workers. (GDCC: Section I)	...
...	FAMILY DAY CARE PARENT: Any person who gives care to children in day care. (FDCH: Section I)	...
...	VOLUNTEER WORKER: Person who gives his time and services regularly without remuneration.	...
[illegible] A person who has not reached his eighteenth birthday	...	...
[illegible] The state agency designated to license or [illegible] day care facilities [illegible]	[illegible] The State department of [illegible] services [illegible] (GDCC: Section [illegible])	[illegible] STERING AGENCY -- any agency which either directly or indirectly receives [illegible] funds for day care services subject to the federal [illegible] day care standards and which has ultimate responsibility for the conduct of such a facility. Administering agencies may receive Federal funds through a State agency or directly from the Federal

METRO	STATE	FEDERAL
		Government. There may be more than one administering agency in a single community. (Section on Definitions)
11. BOARD The State Advisory Board on day care licensing named under this act to advise the department.	...	...
12. DIRECTOR The administrative head of the department	DIRECTOR: Person having responsibility to administer the center and develop the total program; also known as principal, operator, or any other title. (GDCC: Section I)	...
13. REGULARLY, or, on a regular basis. This term refers to the frequency with which day care services are available and provided at a facility in any one week. These terms mean the availability and provision of periods of day care on more than one day in such week	REGULAR CARE Care of children at fixed and certain intervals which is regular in point of time and place, thus excluding the idea of temporary, occasional, accidental, incidental, or casual care (GDCC & FDCH Section I)	...
14. RELATIVE Any of the following relationships by marriage, blood, or adoption: parent, grandparent, brother, sister, stepparent, stepsister, stepbrother, uncle, aunt.	...	...
15. REVOKE To recall and unconditionally terminate a license issued to an operator of a day care facility, or to the operator of a day care home, obligating the licensee to comply in accordance with the requirements of the license, this act, and the rules and regulations promulgated thereunder	CERTIFICATE OF APPROVAL A license issued by the Department of Social Services authorizing the operation of a family day care home or a group day care center. (GDCC & FDCH Section I)	...

agency,

UNIFORM BUILDING CODE: Uniform Building Code of the Pacific Coast Building Officials Conference, including amendments passed by the counties. (UBC: Section 1)

MODEL	STATE	FEDERAL
---	REGULATIONS: Rules and Regulations Governing Group Day Care Centers or Family Day Care Homes. (GDCC & FDCH: Section I)	STANDARDS - Standards consists of both Interagency Requirements and Recommendations. The Requirements only are presented in this document; the Recommendations will be issued separately. Interagency Requirements -- a mandatory policy which is applicable to all programs and facilities funded in whole or in part through Federal appropriations. Interagency Recommendations -- an optional policy based on what is known or generally held to be valid for child growth and development which is recommended by the Federal agencies and which administering agencies should strive to achieve. (Section on Definitions)

SUMMARY

A. TITLE, PURPOSE, AND DEFINITION OF TERMS

TITLE AND PURPOSE

1. The Model State Day Care Licensing Act was created to be used by [illegible] personnel in drafting day care licensing statutes and regulatory codes. The Revised Laws of Hawaii of 1955: Chapter 108 is the act governing day care licensing in the State of Hawaii. The act authorizing the federal government to regulate day care facilities receiving federal funds is the Amendments to the Economic Opportunity Act [illegible]. The essence [illegible] State and Federal acts is the same: to assure children [illegible] protection and guidance necessary for their safety, health and well-being.

2. The Model and State acts are oriented towards providing minimum [illegible] standards for the State with licensing contingent upon meeting these minimum standards. The federal act, on the other hand, is oriented toward providing minimum standards which day care facilities must meet [illegible] location. [illegible] established [illegible] Inter-agency Requirements. These requirements include the licensing of the facility by the authorized State agency.

DEFINITION OF TERMS

3. Although there is general agreement on definitions in the Model, State, and Federal documents, some differences are worth noting. There is the use of different terms for the same thing. For example, in the Model the person who gives direct care, supervision, and guidance in the day care facility is called a CARIGIVER, and in the State document, the same person is called a STAFF-MEMBER or TEACHER. There are other differences. For example, the Model [illegible] CENTRAL OPERATOR while the State and Federal documents. The term VOLUNTEER WORKER is only used in the State [illegible]. Differences of this type suggest variations in operation [illegible] from CENTRAL OPERATOR may indicate that a system [illegible] in the Model); but these variations can also [illegible] include the concept without defining [illegible] the use of volunteers, but the term VOLUNTEER WORKERS [illegible] definition list).

[illegible] suggest variations in concepts. They involve [illegible] occupancy load, age limit of children who can [illegible], range of services offered in the day care program, [illegible] program and staffing differences, they [illegible] and in summary of the following section.

[illegible] indicators of the nature [illegible] Model, State and Federal requirements.

E. APPLICATION, DEVELOPMENT, & ENFORCEMENT OF RULES AND REGULATIONS

MODEL	STATE	FEDERAL
LICENSE AS PREREQUISITE		
No person, corporation, partnership, voluntary association, or other organization may operate a day care facility or a day care system unless licensed to do so by the Department: Provided, however, that operators of day care facilities which are parts of a day care system need not be individually licensed if the Department finds, on the basis of investigations and inspections that the central operator has established and is enforcing standards of maintenance and operation of the facilities which meet or exceed the requirements for licensing under this Act; provided, further, operation of a home specifically excluded from the definition of family day care home shall not preclude the issuance of a license if application is made for one. -MSDCLA SECTION 3.a	It shall be unlawful to operate, maintain or conduct a day care center unless licensed to do so by the department of public welfare* (department of social services). -RLH 1955 SECTION 108-11.1	Day care facilities (i.e., family day care homes, group day care homes, and day care centers) must be licensed or approved as meeting the standards for such licensing. If the State licensing law does not fully cover the licensing of these facilities, acceptable standards must be developed by the licensing authority or the State welfare department and each facility must meet these standards if they are to receive Federal funds. -FIR I-C
COVERAGE OF LICENSING REQUISITE		
	A day care center is defined as a place maintained by any individual, organization, or agency for the purpose of providing care for a child or children with or without charging a fee during any part of a 24-hour day. The term day care center shall include	These Requirements cover all day care programs and facilities utilized by the administering agencies which receive Federal funds, whether these facilities are operated directly by the administering agencies or whether contracted to

any place where group care is provided for 6 or more children and any family home providing care for 2 to 6 children.

Nothing in Sections 108-11.1 to 108-11.8 shall be construed to include an individual person caring for a related child, a neighbor or friend caring for a child or children if the person does not regularly engage in such activity; a kindergarten or school conducted solely for educational purposes or specialized training; or an organization established to conduct athletic or social functions.

other agencies. Such programs and facilities must also be licensed or meet the standards of licensing applicable in the State. Day care may be provided:

In a day care facility operated by the administering agency.

In a day care facility operated by a public, voluntary, or proprietary organization which enters into a contract to accept children from the administering agency and to provide care for them under the latter's policies. (The operating organization may also serve children who are not supported by the administering agency.)

Through some other contractual or other arrangement, including the use of an intermediary organization designed to provide coordinated day care services, or the use of facilities provided by employers, labor unions, or joint employer-union organizations.

Through the purchase of care by an individual receiving aid to families with dependent children or child welfare services funds for the service.

MINIMUM STANDARDS OF MAINTENANCE AND OPERATION

Day care facilities and day care systems operated by the State, or by a county, city, or other political subdivision, must meet or exceed requirements for maintenance and operation which must be met by licensed operators of day care facilities and day care systems. The department, agency, or institution of the State, or the county, city, or other political subdivision which operates a day care facility or facilities or a day care system or systems shall obtain approval from the department rather than licensure in order to operate such facility or facilities or such system or systems. The department shall provide visitation, consultation, and information services to such departments, agencies, or institutions of the State, and to such counties, cities, or other political subdivisions.

-MSDCLA SECTION 3.b

(Note: The Model provisions for minimum standards of maintenance and operations are mentioned earlier in MSDCLA SECTION 3.a)

The Department of Public Welfare*(Department of Social Services) after consultation with the Department of Health, the Department of Public Instruction*(Department of Education) and the Fire Marshall, shall make, prescribe, and publish such rules and regulations and minimum standards as shall be deemed necessary to protect the best interests of minor children and to carry out the purposes of this Act. The rules and regulations when approved by the governor shall have the force and effect of law, and shall be administered by the Department of Public Welfare* (Department of Social Services).

-RLH 1955 SECTION 108-11.3

As a condition for Federal funding, agencies administering day care programs must assure that the Requirements are met in all facilities which the agencies establish, operate, or utilize with Federal support. If a facility does not provide all of the required services, the administering agency must assure that those that are lacking are otherwise provided. Administering agencies must develop specific requirements and procedures within the framework of the Federal Interagency Requirements and Recommendations to maintain, extend, and improve their day care services. Additional standards developed locally may be higher than the Federal Requirements and must be at least equal to those required for licensing or approval as meeting the standards established for such licensing. Under no circumstances, may they be lower. It is the intent of the Federal Government to raise and never to lower the level of day care services in any state.

The Interagency Requirements will be utilized by Federal agencies in the evaluation of operating programs.

-FIR PAGE 2

APPLICATION PROCEDURES

Application for license or approval shall be made on forms supplied by the Department and in the manner it prescribes.
MSDSLA SECTION 3.c

Family Day Care Home

A person desiring to provide day care for children shall submit an application to the Department for a certificate of approval.

An application from a married person living with a spouse shall be made jointly by husband and wife.
-FDCH R&R: II-A-1 & 2

Group Day Care Center

Any person, organization, or agency desiring to operate a group day care center shall submit an application to the Department for a certificate of approval.

The application shall include:

1. Written statement of operating policies of the center (see Section III-B).

2. Statement of legal authority (see Section III-A).

3. Number of staff members anticipated and their duties.

4. Four copies of the floor plan of the building, indicating its location on the property (not applicable on renewals).
-GDCC R&R: II-A-1,2,3 & 4

INSPECTION OF FACILITY

Before issuing a license or approval the Department shall conduct an investigation of the applicant and the proposed plan of care for children and for operating a day care facility or day care system.

-MSDCLA SECTION 3.c

Family Day Care Home

The Department shall conduct a study of the applicants and their home to determine whether the established regulations are met.

A record of the study shall be kept on file by the Department.

-FDCH R&R: II-B-1&2

Group Day Care Center

The Department shall arrange for appraisal and inspection of the center to determine whether the center meets established regulations.

Reports of the inspection shall be kept on file by the Department.

-GDCC R&R: II-B-1&2

ISSUANCE OF LICENSE/CERTIFICATE OF APPROVAL

If the results of the investigation satisfy the department that the provisions of this Act and the applicable rules and regulations promulgated by the department are satisfied, a license or approval shall be issued.

-MSDSLA SECTION 3.c

If satisfied that the applicant meets the minimum standards established pursuant to section 3, the department of public welfare* (department of social services) shall grant such applicant a license for the operation of a day care center which license shall be valid for one year unless sooner revoked. Where the activities of the applicant fall within the licensing requirements

of the department of public instruction* (department of education) and the provisions of this Act, a license shall be required from both the department of public instruction* (department of education) and the department of public welfare* (department of social services.

-RLH 1955 SECTION 108-11.4

Family Day Care Home

When the study indicates that the home is in compliance with these regulations, a certificate of approval shall be issued by the Department for a period of one year.

The certificate of approval shall specify the: 1) name and address of the person(s) to whom it is issued, 2) the number of the certificate, 3) the maximum number and ages of children for whom it is licensed, and 4) the period for which the certificate is effective.

The certificate of approval is non-transferable when the person(s) to whom it is issued ceases to operate a family day care home.

The certificate of approval is subject to review when:

a. There is a change in residence.

b. The home accepts more than the maximum number of children for which it is approved.

c. There is a change in family composition.

The certificate of approval shall be conspicuously posted in the home.

-HDCH R&R: II-C-1,2,3,4&5

Group Day Care Center

When the inspection reports indicate that the center is in compliance with these regulations, a certificate of approval shall be issued by the Department for a period of one year.

The certificate of approval shall specify the name and address of the center to which it is issued, the maximum number and ages of children for whom it is licensed to give care.

The certificate of approval is non-transferable when the person(s) or organization to whom it is issued ceases to operate the center.

The certificate of approval is subject to review when:

a. There is a change in location.

b. There is a change in operating policies.

The certificate of approval shall be conspicuously posted at the center.
-GDCC R&R: II-C-1,2,3,4&5

PROVISIONAL LICENSE/APPROVAL

If the results of the investigation satisfy the Department that all of of applicable rules and regulations cannot be met within six months or less, and the deviations do not

A temporary permit may be issued for a period of six months at the department's discretion to any applicant who is temporarily unable to conform to all of the minimum standards. Renewal of such

threaten the health or safety of the children then a provisional license or provisional approval shall be issued for a period not to exceed six months from the date of such issuance.

-MSDCLA SECTION 3.c

temporary permit shall be left to the department's discretion. Licenses and permits shall be conspicuously posted on the licensed premises.

-RLH 1955 SECTION 108-11.4
-FDCH & GDCC R&R: II-E

DENIAL OF LICENSE/APPROVAL; & HEARING

An applicant who has been denied a license by the Department shall be given prompt written notice thereof by certified or registered mail to the address shown in the application. The notice shall contain a statement of the reasons for the denial and shall inform the applicant that there is a right to appeal the decision to the Director in writing within 30 days after the mailing of notice of denial. Upon receiving a timely written appeal the Director shall give the applicant resasonable notice and an opportunity for a prompt hearing before an impartial hearing examiner with respect to the denial of the application. On the basis of the evidence adduced at the hearing, the hearing examiner shall make the final decision of the Department as to whether the application shall be granted either for a license or a provisional license or denied.

-MSDCLA SECTION 4-a

A certificate of approval shall not be issued when the study indicates to the Department that the home does not meet these regulations.

The Department shall send a written statement to the family day care parent or center giving reason for denial of a certificate of approval.

Any person or center denied a certificate of approval may request, and shall be granted an opportunity to discuss with the Department the reason(s) for the denial or shall have the right to a hearing with the Director of the Department.

-FDCH & GDCC R&R: II-D-1,2&3

An applicant who has been denied approval by the Department shall be given prompt written notice thereof, which shall include a statement of the reasons for the denial. The notice also shall inform the applicant that it may, within 30 days after the mailing of the notice of denial appeal the denial by making a written request to the director for an opportunity to show cause why its application should not be denied. Upon receiving a timely written request the director shall give the applicant reasonable notice and an opportunity for a prompt, informal meeting with the director of his designee with respect to the denial of the application and an opportunity to submit written material with respect thereto. On the basis of the available evidence, including information obtained at the informal meeting and from the written material, the Director shall decide whether the application shall be granted for approval, provisional approval or denied. The decision of the Director shall be in writing, shall contain findings of fact and rulings of law, and shall be mailed to the parties to the proceedings by certified or registered mail to their last known addresses as may be shown in the application.

-MSCLA SECTION 4.6

MATTER OF REQUIREMENTS

[illegible] operators of day care facilities [illegible] are part of a day care system [illegible]

Exceptions to the regulations may be made at the discretion of the Department.

-FDCH X & GDCC VIII

Requirements can be waived when the administering agency can show that the requested waiver may advance

The notice shall contain a statement of and the reasons for the proposed action and shall inform the licensee or approved operator that there is a right to appeal the decision to the director in writing within 10 days after the mailing of the notice of the proposed action. In the case of a license, upon receiving a timely written appeal the director shall give the licensee reasonable notice and an opportunity for a prompt hearing before a hearing examiner with respect to the proposed action. On the basis of the evidence adduced at the hearing, the hearing examiner shall make the final decision of the Department as to whether the license shall be suspended, revoked or made probationary.

In the case of an approval, upon receiving a timely written appeal, the director shall give the approved operator reasonable notice and an opportunity for a prompt, informal meeting with the Director or his designee with respect to the proposed action, and an opportunity to submit written material with respect thereto. On the basis of the available evidence including information obtained at the informal meeting and from the written material, the Director shall decide whether the approval shall be suspended, revoked or made probationary. The decision of the Director shall be

If a family day care home fails to make the necessary corrections within the stated time limit after such notice is given, the certificate of approval shall be suspended or revoked by the Department.

-FDCH R&R: II-G-1,2

Group Day Care Center

Whenever a center fails to take any action to meet the conditions under which the certificate of approval was granted, the Department shall notify the center, stating specific violation(s) and giving the center a minimum of thirty days' notice to effect necessary corrections.

If a center fails to make the necessary corrections within the stated time limit after such notice is given, the certificate of approval may be suspended or revoked by the Department.

-GDCC R&R: II-G-1,2

HEARING

Any family day care home or center whose certificate of approval is to be suspended or revoked, or denied, shall have the right of hearing with the Director of the Department, provided such appeal is made in writing not later than ten days after receipt of the notice of suspension, denial or revocation.

Upon receipt of an appeal, the Director of the Department shall arrange for the hearing. The final suspension or revocation may at the discretion of the Director of the Department be stayed.

-FDCH & GDCC R&R: II-G-1,2

order of suspension of the license or approval. On the basis of the evidence adduced at the hearing, the hearing examiner shall make the final decision of the Department as to whether the order of suspension shall be affirmed or reversed.

In the case of an approval, upon receiving a timely written petition, the Director shall give the approved operator reasonable notice and an opportunity for a prompt, informal meeting with the Director or his designee with respect to the proposed action, and an opportunity to submit written material with respect thereto. On the basis of the available evidence, including information obtained at the informal meeting and from the written material, the Director shall decide whether the order of suspension shall be affirmed or reversed. The decision of the Director shall be in writing, shall contain findings of fact and rulings of law, and shall be mailed to the parties to the proceedings by certified or registered mail to their last known addresses as may be shown in the application, or otherwise.

-MSDCLA SECTION 5.b

At the hearing provided for by this section or by Section 4, the applicant or licensee may be represented by counsel, and has the right to call, examine and cross-examine witnesses. The hearing examiner is empowered to require the presence of witnesses and evidence by subpoena on behalf of the appellant or Department.

Hearing examiner decisions hall be in writing, shall contain findings of fact and rulings of law, and shall be mailed to the parties to the proceedings by certified or registered mail to their last known addresses as may be shown on the application, or otherwise.

-MSDCLA SECTION 5.c

REISSUANCE OF LICENSE/APPROVAL

Regular licenses and approval expire at the end of one year from the date of issuance except that when a license or approval is issued immediately following the expiration of a provisional license or approval the expiration of the license or approval shall be one year from the date of the expiration of the original license or approval. Licenses and approvals may be renewed upon the application for approval.

License certificate and written approval shall clearly state the kind of program the licensee or approved provider is permitted to undertake, the address of the licensee or approved provider, and the number of children who may be served.

-MSDCLA SECTION 8

The department of public welfare* (department of social services) in its discretion, may reissue a license or temporary permit which has been suspended or revoked upon satisfying itself that minimum standards have been or will be met.

-RHL 1955 SECTION 103-11.5

At least 60 days prior to the expiration of the current certificate, the family day care home shall apply for renewal of its certificate. At least 30 days prior to the expiration of the current certificate, the center shall apply for renewal of its certificate.

A study shall be conducted following the receipt of the renewal application, according to Section II-B.

A certificate of approval shall be issued according to Section II-C.

-FDCH & GDCC R&R: II-F-1,2

RESPONSIBILITIES OF DEPARTMENT

The Department shall develop and promulgate rules and regulations for the operation and maintenance

The department of public welfare* (department of social services) after consultation with the department of health, the department of

of day care facilities and day care systems, and for the granting, suspending, revoking and making probationary of both licenses and approvals and provisional licenses and provisional approvals. In developing such rules and regulations the Department shall consult with:

1. Other appropriate State agencies including the State Board of Health, the State Department of Education, the State Fire Marshal and the State Attorney General. The agencies consulted are hereby directed to cooperate with and assist the Department in developing appropriate rules and regulations for the licensing and approval of day care facilities and day care systems.

2. Parents, guardians or custodians of those children who use the service.

3. Child advocacy groups.

4. The State Advisory Committee on day care licensing established by this Act.

5. Representatives of those who operate day care centers.

6. Experts in the various professional fields which are relevant to child care and development.

public instruction,*(department of education) and the fire marshal, shall make, prescribe, and publish such rules and regulations and minimum standards as shall be deemed necessary to protect the best interests of minor children and to carry out the purposes of this Act. The rules and regulations when approved by the governor shall have the force and effect of law, and shall be administered by the department of public welfare *(department of social services).

RLH 1955 SECTION 108-11.3

Draft formulations shall be widely circulated for criticism and comment.
-MSDCLA SECTION 6.a

The rules and regulations for operating and maintaining day care facilities and day care systems shall be designed to promote the health, safety and welfare of the children who are to be served by assuring safe and adequate physical surroundings and healthful food; by assuring supervision and care of the children by capable, qualified personnel of sufficient number; by assuring an adequate program of activities and services to enhance the development of each child; and by encouraging parental participation.
-MSDCLA SECTION 6.b

The rules and regulations with respect to granting, suspending, revoking and making probationary licenses and approvals and licensing and approval administration shall be designed to promote the proper and efficient processing of matters within the cognizance of the Department and to assure applicants, licensees and approved operators fair and expeditious treatment under the law.

The Department shall conduct a comprehensive review of its licensing and approval rules and regulations, at least once each three years.
-MSDCLA SECTION 6.c

The rules and regulations shall be published in such a way as to make them readily available to the public.
MSDCLA SECTION 6.d

The Department shall publish a proposed final draft of the rules and regulations, and amendments, as required by the provisions of (the State Code of Administrative Procedure): provided, however, that, in any event, they shall be published in media of general circulation in order to reach the public statewide at least 60 days and no more than 90 days before they are proposed to go into effect. The publication also shall invite comments by interested parties. A public hearing will be held at least 30 days prior to adoption of the rules and regulations by the Department.
-MSDCLA SECTION 6.e

VIOLATION OF THE ACT/LAW

The operation of a day care facility or a day care system without a license is a misdemeanor punishable _____. The Department is empowered to seek an injunction in the _____ Court against the continuing operation of a day care facility or a day care system:

1. When there is any violation of this Act or of the rules and regulations promulgated by the Department which threatens serious harm to children in the day care facility, or

Any person violating any provision of this Act or any rule and regulation made pursuant hereto shall be fined not more than $200.
-RLH 1955 SECTION 108-11.8

Any person wilfully making any false statement or violating these regulations shall be guilty of misdemeanor and be punishable by a fine not exceeding two hundred dollars.
-FDCH & GDCC R&R: XI

The basic responsibility for enforcement of the Requirements lies with the administering agency. Acceptance of Federal funds is an agreement to abide by the Requirements. State agencies are expected to review programs and facilitiesat the local level for which they have responsibility and make sure that the Requirements are met. Noncompliance may be grounds for suspension or temination of Federal funds.
FIR: PAGE 3

2. When a licensee or approved operator has repeatedly violated this Act or any of the rules and regulations of the Department.

Proceedings for securing such injunctions may be brought by (the Attorney General, or by the County Attorney or District Attorney of the Jurisdiction in which the day care facility is located).

-MSDCLA SECTION 7

INSPECTION OF LICENSED/APPROVED FACILITY

In exercising the powers of licensing, approving, renewing, suspending, revoking, or making probationary licenses and approvals the Department shall investigate and inspect licenses and approved operators and applicants for a license or an approval. The authorized representative of the Department may visit a day care facility or day care system at any time during the hours of operation for purposes of investigations and inspections. In conducting investigations and inspections, the Department may call on political subdivisions and governmental agencies for appropriate assistance within their authorized fields and it is authorized to contract for and effect payment for such assistance.

The licensee, approved operator or applicant shall cooperate with the investigation and inspection by

The department of public welfare *(department of social services) shall cause the licensee's premises to be visited and inspected as frequently as it shall deem necessary for the proper operation, sanitation and safety thereof. Such visits and inspections shall be made at least once annually. Every center licensed hereunder shall be open to visitation and inspection by representatives of the department of public welfare, *(department of social services), the department of public instruction *(department of education) and the department of health, and by the fire marshal at all times.

-RIH 1955 SECTION 108-11.6

The Federal agencies acting in concert will also plan to review the operation of selected facilities.

providing access to its facilities, records and staff. Failure to comply with the reasonable requests of the Department in connection with the investigation and inspection is a ground for revocation of license or approval or for a denial of application. The investigation and inspection may involve consideration of any facts, conditions or circumstances relevant to the operation of the day care facility or day care system, including references and other information about the character and quality of the personnel of the facility or the system.

-MSDCLA SECTION 9

APPEAL OF DEPARTMENT DECISION

Any final decision of the Department made by a hearing examiner after a hearing, or by the Director after an informal meeting and review of the available evidence, may be appealed by a party to the hearing or the informal meeting to the _____ Court for review (by commencement of a civil action) within _____ days after the mailing to the party of the notice of the decision. The review shall not consist of a trial de novo. The findings of the hearing examiner or the Director as to any fact, if supported by substantial evidence, shall be

conclusive. The Court shall have power to enter judgement upon the pleadings and a certified transcript of the record which shall include the evidence upon which the findings and decision appealed are based.

-MSDCLA SECTION 10

CONSULTATION SERVICES

The Department shall offer consultation through employed staff or other qualified persons to assist a potential applicant, applicants, licensees and approved operators in meeting and maintaining requirements for licensing and approval and to help them otherwise to achieve programs of excellence related to the care of children served.

-MSDCLA SECTION 11

RECORD KEEPING & CONFIDENTIALITY

Information pertaining to an individual child shall not be disclosed to persons other than the facility staff unless the parent(s) of the child has granted written permission or in an emergency.

MCAI II-A-4

Every licensee shall keep such records and shall file with the department of public welfare *(department of social services) such reports as the rules and regulations may require. All records and all information obtained concerning children or their parents or relatives shall be kept confidential by the licensee and by members of any department herein named.

-RIH 1955 SECTION 108-11.7

EFFECTIVE DATE OF ENFORCEMENT

This Act shall take effect upon its approval provided, however, that Sections 1, 4 and 8 shall not apply until six months after the rules and regulations, established pursuant to Section 3, have been approved by the governor.

-RLH 1955 SECTION 108-11.9

The Requirements apply to all day care programs initially funded and to those funded after July 1, 1968. Administering agencies are expected to immediately initiate planning and action to achieve full compliance within a resonable time. Except where noted, up to 1 year may be allowed for compliance provided there is evidence of progress and good intent to comply.

-FIR PAGE 3

STATE ADVISORY BOARD: COMPOSITION & TERMS OF OFFICE

A State Advisory Board on day care licensing is hereby established. It shall consist of members appointed by the Governor, in accordance with the following:

At least 25% of the members appointed shall be parents of children receiving day care services at the time of appointment who are broadly representative of all such parents in the State. They shall be appointed from a list which has been compiled and submitted to the Governor by the Department. The list shall contain a number of names equal to twice the number of parent vacancies [illegible]

-MSHCLA SECTION 12.a

Approximately 1/2 of the remainder of the members appointed shall be representatives of licensees and approved operators. They shall be appointed from a list compiled and submitted to the Governor by the Department, which shall consist of the names of persons who own, operate, administer, or serve on the staff or governing board of day care facilities and day care systems. The list shall contain a number of names euqal to twice the number of vacant positions in this category plus one.

-MSDCLA SECTION 12.b

The remainder of the members appointed shall be specialists in the field of child development. They shall be appointed from a list compiled and submitted to the Governor by the Department, which shall consist of names of persons who have special qualifications, either by training or experience, in the field of child development. The list shall contain a number of names equal to twice the number of vacant positions in this category plus one.

MSDCLA SECTION 12.c

Members shall serve without pay, but shall be entitled to reimbursement for the reasonable expenses of attending meetings, and a per diem allowance of $_____ for each day the board is in session.

-MISSOULA SECTION 12.d

Members shall serve for a term of three years from their appointment. Those appointed to fill vacancies created for any reason shall serve only the unexpired portion of the term unless reappointed thereafter. Notwithstanding the foregoing, approximately one-third of the initial appointees shall serve for a one year period and approximately one-third shall serve for a two year period, the approximately two thirds of the members whose initial terms shall be so shortened shall be chosen by casting lots among all the appointees. No board member shall be permitted to succeed himself after serving a full three year term of office.

-MISSOULA SECTION 12.e

STATE ADVISORY BOARD RESPONSIBILITIES

The State Advisory Board on day care licensing shall

Review rules and regulations proposed by the Department and make recommendations thereon to the Director

Make proposals for the improvement of day care licensing by proposing legislation or rules and regulations to the Department.

Advise the Department on matters of licensing policy, planning and priorities

[illegible]

[illegible]

The Model [illegible] Under the Federal [illegible] [illegible]

The Model [illegible] According to the Model, [illegible] apply for separate licenses [illegible] established and enforced those [illegible] The manner in which the [illegible] is not specified, nor is it clear [illegible] for all facilities after the first [illegible] whether the central operator of a system [illegible] under his management.

[illegible] Under Federal Regulations, the administrative agency [illegible] contract out its services to another organization. This [illegible] but I [illegible] that the complete [illegible] of services [illegible] was compromised, the administrative agency must provide [illegible] be delivered by the contracting agency.

[illegible] The Model [illegible] "[illegible]" Prior to [illegible] licensing [illegible] public facilities [illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

8. If, after the initial inspection, an applicant fails to meet licensing standards and is refused certification, he may request temporary licensing/approval. Both the State and Model contain this clause. However, in the Model, a temporary license will be issued only when complete compliance of the licensing requirements are met within six months and if the Health and Safety of the children are not threatened.

9. In both the Model and State regulations, a facility not meeting the compliance within six months will be denied its license/approval. Further, if a licensed facility is subsequently found to be violating the requirements, its license can be suspended or revoked, or the facility placed on probation.

10. In the preceding areas, both Model and State documents parallel each other. However, there are other areas in which the Model differs from the State.

11. The Model, for example provides a mechanism for processing applications, suspensions and violations. It enumerates how the applicant is notified of a decision to deny, revoke or suspend license/approval; how this decision may be appealed; the procedure for the conduct of a hearing; and how the concerned party is notified pending final decision.

12. The following are stipulated in the Model document. provisions for a hearing examiner when a request for appeal is made; provisions for an applicant's right to counsel when and if appeal is made; provisions for the applicant's right to re-appeal the decision of the licensing authority after a first appeal hearing; provisions for making the operation of a day care facility without a license a misdemeanor; provisions which empower the licensing authority to seek an injunction against a facility when violations threaten serious harm or when repeated violations are committed.

13. In comparison with the Model, the procedures outlined in the State document of appeal less comprehensive. Under the State regulations the final decision to revoke, suspend or deny license/approval is made by the DSSH Director. Discussions are used rather than formal hearings. Finally, the State provides a "grace period" for the correction of violations before revoking or suspending licenses.

14. The conditions under which a temporary waiver of requirements is granted by the DSSH is more strict by the State document. In the Model such a waiver involves the operator of the central operator of the day care center. The federal criteria for waiver involves program innovation and experimentation which do not jeopardize the quality of child care.

ROLE OF THE DEPARTMENT

15. Under the State and Model regulations, the department issuing the license/approval also develops and enforces the rules and regulations governing the [illegible]. In Hawaii this is the task of the Department of Social Services.

16. The Model however, contains a mechanism for involving other community resources. The Model provides for interagency consultation, representative input from professional segments of the community, the formation of a "State Advisory Board", and finally, the wide circulation and publication of the rules and regulations. The Model also gives the licensing agency the responsibility for [illegible], consultation and assistance to assist applicants, licensees and operators in meeting and maintaining the requirements for day care.

II. ADMINISTRATION, PROGRAM, STAFFING, AND PARENT PARTICIPATION REQUIREMENTS

A. FACILITY ADMINISTRATION REQUIREMENTS

1. CHART

2. SUMMARY

B. PROGRAM REQUIREMENTS

1. CHART

2. SUMMARY

C. STAFFING REQUIREMENTS

1. CHART

SUMMARY

D. PARENT PARTICIPATION

1. CHART

SUMMARY

A. FACILITY ADMINISTRATION REQUIREMENTS

MODEL	STATE	FEDERAL
STATEMENT OF OPERATION POLICIES.		
SECTION A. A day care facility shall have written policies covering the following areas	Each center shall have a written statement of operating policies. The statement shall include the following information:	The operating or administering agency must provide for the development and publication of policies and procedures governing:
a.	Ages of children accepted by the center.	---
b.	Maximum number of children for whom center is equipped.	---
c.	Specific hours of day and night operation and whether meals are served.	---
d. The type of service to be offered to children served;	---	Required program services (i.e., health, education, social services, nutrition, parent participation, etc.) and their integration within the total program.
e. Provision which can be made for special needs of individual children;	---	---
f. Admission requirements and enrollment procedures;	---	Intake, including eligibility for care and services, and assurance that the program reaches those who need it.
g. Fees and the plan for payment.	Fees charged by the center, including fees for different types of service.	Financing, including fees, expenditures, budgeting, and procedures needed to co-ordinate or combine funding within and/or between day care programs.

h.	Insurance coverage;	Policy and plan for emergency medical care. (Each center shall subscribe to a policy of liability insurance for bodily injury in the minimum amount of five thousand dollars per child and ten thousand dollars per accident. (GDCC: III-A-6)	---
i.	Regulations concerning personal belongings brought to the facility;		
j.	Transportation arrangements;	Whether transportation of children is provided. (GDCC: III-B-1-c,d,e,f,g, & h)	
k.	Parental permission for trips and related activities outside the day care facility.	Each center shall secure written permission from parents or guardians before taking children on excursions. (GDCC: IV-B-4)	
l.	---	---	Relations with the community, including a system of providing education about the program.
m.	---	---	Continuous evalution, improvement and development of the program for quality of service and for the expansion of its usefulness.
n.	---	---	Recording and reporting of information required by State and Federal agencies. (IX-A-5-a,b,c,d,e, & f)
	COMPLIANCE REQUIREMENT: Written policies covering the itemized areas are available, are understood by each caregiver within the program, and are discussed with the parents at the time of enrollment of a child. (II-A-1)	---	---

INFORMATION ON OWNER-OPERATOR

REGULATION: The name, address and telephone number of the person(s) with the legal responsibility and the administrative authority for the day care facility must be made known to the licensing authority and parents of children enrolled in the facility.

COMPLIANCE REQUIREMENTS: The licensing agency and the parents of children enrolled in the facility are supplied with:

---

a. The name, address, and telephone number of the person(s) with the legal responsibility for the day care facility.

b. The name, address, and telephone number of the persons having specific authority and responsibility for overall administration and the quality of services offered. (II-A-2-a & b)

CHANGE IN SERVICES

REGULATION: A day care facility must notify parents and the licensing agency of significant changes in the services offered by the facility. (II-A-3)

COMPLIANCE REQUIREMENTS: The person(s) legally responsible for the facility must show evidence of written notification to the parent(s) and the licensing agency if significant changes are effected in the services offered by the facility. (II-A-3)

Each center shall have a written statement of operating policies. The statement shall include the following information: ---

Name and address of center. ---

Name of owner or sponsoring agency (privately owned, church or agency owned, etc.). (GDCC: III-B-1-a & b) ---

---

CONFIDENTIAL INFORMATION ON THE CHILD

REGULATION: Information pertaining to an individual child shall not be disclosed to persons other than the faculty staff unless the parent(s) of the child has granted written permission or in an emergency.		
COMPLIANCE REQUIREMENTS: The facility has release of information forms available, and the parent(s) have received written notification of the facility's policy regarding disclosure of information. (II-A-4)	All records shall be held confidential and shall be available only to duly authorized persons. (FDCH: III-B-2)	---

INFORMATION & RECORDS PER CHILD

REGULATION: Admission procedures must provide the caregiver with sufficient information and instruction from the parent(s) to enable the caregiver to make decisions or act in behalf of the child.	Each family day care home center shall keep the following records:	---
COMPLIANCE REQUIREMENTS: Prior to admission of a child, the caregiver obtains necessary information in writing from the child's parents. Records shall be maintained and updated as appropriate. Such records shall cover:		
a. The child's full legal name, birth date, current address, and his preferred name(s).	Completed application form for each child.	---
b. The name and address of the parent(s), legally responsible for the child	Addresses and telephone number of parents and two other adults responsible for the child's care.	---
c. Telephone numbers or instructions as to how the parent(s) may be reached during the hours the child is in the day care	---	---

d. Names, addresses and telephone numbers of person(s) who can assume responsibility for the child if for some reason the parent(s) cannot be reached immediately, in an emergency.	Name of family physician, his telephone and address.	---
e. Names and addresses of persons authorized to take the child from the day care facility.	---	---
f. Health information concerning the child, as required by A.1 and A.2 of the health and sanitation requirements. (Note: See III-A-1 & 2) (II-A-5-a,b,c,d,e & f)	Health record on each child shall include the following information: Physical examination report. Immunization records. Any medical health problems including restrictions and allergies. Chest x-ray or tuberculin test.	(Note: See V-1,2,3,4 & 5)

INFORMATION & RECORDS ON FACILITY

---	Daily attendance record by names of children and ages. (FDCH: III-B-1 & GDCC: IV-A-4)	---
---	Roster of enrolled children.	---
---	Daily menu.	---
---	Daily schedule of activities.	---
---	List of current staff members, including ages, training, experience, and health records. (GDCC: IV-A-4)	---

ADMISSION POLICIES

---	The center shall require verification of the child's birthdate and shall keep on file evidence that the date of birth has been verified.	---
---	At least one parent or guardian shall be interviewed prior to the child's admission to the center; the child shall be interviewed when possible. The personal interview is to secure pertinent information on the child's over-all behavior and to acquaint the parents with the center's policies. (GDCC: IV-B-2 & 3)	---

NON-DISCRIMINATORY ADMINISTRATION POLICIES

REGULATION: The admission policies and procedures of a day care facility must be nondiscriminatory in regard to race, color, creed, religion, sex, national origin, or marital status or age of parents.	---	The administering and operating agencies and all facilities used by them must comply with Title VI of the Civil Rights Act of 1964, which requires that services in programs receiving Federal funds are used and available without discrimination on the basis of race, color, or national origin. (VIII-A-6)
COMPLIANCE REQUIREMENT: The written admission policies include a statement that the facility is operated on a nondiscriminatory basis, and the practice of this policy is demonstrated through according equal treatment in regard to race, color, creed, religion, sex, national origin or marital status or age of parents. (II-A-6)	---	---

TRANSPORTATION PROVISIONS

REGULATION: When transportation is provided by a day care facility, children must be protected by adequate staff supervision, safety precautions, and liability and medical insurance.

COMPLIANCE REQUIREMENTS:

a. A sufficient number of adults is available to assure the safety of the children while enroute. For children 3 to 6, an attendant in addition to the driver is present for more than 20 children, and three attendants for more than 40 children. For children age 0 through 35 months, an attendant in addition to the driver is present if more than 2 children are present in one vehicle; two attendants are present if 7 or more children are present in one vehicle; and a supervision ratio of one adult (including driver) to three children is maintained for larger numbers. No child is left unattended in a vehicle.	---	---
b. A suitable infant restraint or seat belt is used whenever the vehicle is in motion.	---	---
c. Children are protected by liability and medical insurance.	---	---
d. Children are instructed in safe transportation conduct as appropriate for their age and stage of development.	---	---
e. The vehicle and driver are in compliance with all relevant state and local laws. (II-A-7-a,b,c,d & e)	---	---

SOCIAL SERVICES

a.	...	...	Provision must be made for social services which are under the supervision of a staff member trained or experienced in the field. Services may be provided in the facility or by the administering operating agency.
b.	...	...	Nonprofessionals must be used in productive roles to provide social services.
c.	...	...	Counseling and guidance must be available to the family to help it determine the appropriateness of day care, the best facility for a particular child, and the possibility of alternative plans for care. The staff must also develop effective programs of referral to additional resources which meet family needs.
d	...	...	Continuing assessment must be made with the parents of the child's adjustment in the day care program and of the family situation.
e	...	...	There must be procedures for coordination cooperation with other organizations offering those resources which may be required by the child and his family.
			Where permitted by Federal agencies providing funds, provision should be made for an objective system to determine the ability of families to pay for part or all of the cost of day care and for payment. (IV-1,2,3,4,5 & 6)

SUMMARY

A. FACILITY ADMINISTRATION REQUIREMENTS

1. A day care center applying for licensing must submit a statement of operational policies to the licensing authority. Both Model and State documents are in general agreement upon those areas which must be covered in this statement. Both documents imply that information on the operation of the center and the program should be accessible, and that all records on the children in the facility be both adequate and confidential.

STATEMENT OF OPERATING POLICIES

2. There are some differences between the Model and State provisions on specific kinds of information to be included in a center's statement of operating policies. The following are required only by the Model: the type of service to be offered, a statement on the special needs of children, and admission and enrollment procedures. Also in the Model is the requirement that all regulations concerning personal belongings brought to a center be included in the written statement on operational policies. On the other hand, the State has specific requirements concerning the ages of children to be accepted, the maximum number of children for whom the facility is equipped and information regarding the specific hours of day and night operation.

3. Both documents require information on fees and payment plans, insurance coverage plan, and transportation arrangements available in the facility to be included in a policy statement, also to be included is a requirement for parental permission for all activities outside the day care facility.

4. Under the Federal, a center must have written policies on their relations with the community, including a system of providing education about the program. There is also to be continuous evaluation and development of the day care program as well as the recording and reporting of all information required by State and Federal agencies. It would seem then, that under Federal regulations on operating policies, all centers have to comply with State and local requirements.

OTHER FACILITY ADMINISTRATION CONSIDERATIONS

5. Under the Model provision, day care parents would be privy to any information on the operating policies of the facility; they would be entitled to easy access to information regarding the persons legally responsible for the day care facility, they would be notified of significant changes in the services of the center, and they would have control over information regarding their children. The Model also has transportation provisions which include adequate staff supervision, safety precautions, and liability and medical insurance if transportation is provided by a day care center.

[illegible]

3. PROGRAM REQUIREMENTS

[illegible]	[illegible]	FEDERAL
PROGRAM ACTIVITIES RECREATION. The program [illegible] of a day care facility shall provide [illegible]	Family Day Care Home [illegible] a well balanced daily program including rest period appropriate to each child's age, regular meal hours, and recreation including supervised outdoor activity. (FDCH Section IV-D) (Note: The above statement constitutes the total program requirement of the FDCH.)	The daily activities [illegible] Educational opportunities must be provided every child. Such opportunities should be appropriate to the child's age regardless of the type of facility in which he is enrolled, i.e., family day care home, group day care home, or day care center. (III-1)
[illegible] promote the development [illegible] competence, self [illegible] identity. [illegible] conducted in [illegible] parents in order [illegible] with the life style [illegible] the children.		
[illegible] [illegible] of parent staff cooperation in development and modification of program goals.	Day Care Center: Time should be provided for consultation with parents individually or in groups. (DCC VI-B-12)	Opportunities must be provided parents at times convenient to them to work with the program and, whenever possible, observe their children in the day care facility. (VII-1)

[illegible] must have the opportunity [illegible] become involved themselves in the making of decisions [illegible]

[illegible]

[illegible]

c. The program includes [illegible] experiences for children [illegible] opportunities are provided for [illegible] trips [illegible] to places of interest in the community.

There is use of community resources wherever possible in supplementing program (DCC VI B [illegible])

d. Learning experiences regarding the [illegible] of food in relation to growth and [illegible]

e. [illegible]

[illegible] allowed for the children to do [illegible] for themselves and to take responsi[illegible] for their own [illegible] (DCC VI B [illegible])

f. [illegible] which foster the child's own ability to be self-disciplined. Caregivers do not use spanking or other forms of corporal punishment or any technique which is humiliating.

Constructive methods leading to development of self discipline are used for maintaining group control. Staff shall not use any technique which is humiliating or frightening to the children (DCC VI B-8)

CULTURAL ENRICHMENT

REGULATION: The program provides experiences in harmony with the life style and cultural background of the children

COMPLIANCE REQUIREMENTS

a. The cultural diversity of the children is reflected in the program through incorporation of their language, food, celebrations, and life styles, where appropriate

b. Whenever possible, there are arrangements made to bring in persons from the child's family or his cultural community to conduct activities with the children

[illegible] have [illegible] part of activities away from the day care facility and to choose their own friends
Footnote [illegible]

Title VI of the Civil Rights Act of 1964 requires that services in programs receiving Federal funds are used and available without discrimination on the basis of race, color, or national origin [illegible]

The day care staff must keep in mind that for school age children the school is providing the formal education component The day care staff are more nearly "parent supplements."

They have responsibility, however, to supervise homework and broaden the children's educational, cultural, and recreational horizons.

[illegible]

SCHEDULE OF DAILY ACTIVITIES

[illegible] A daily schedule must be [illegible] for each group of children [illegible]

[illegible] regularity of program activities [illegible] flexibility to respond [illegible] of individual children

[illegible] of active, [illegible] activities

There is a balance of indoor and outdoor activity which provides for the development of large and small muscular coordination [illegible]

ORGANIZATIONAL [illegible]

[illegible] of a group [illegible] a written [illegible] which [illegible] nap, snacks, play,

There is reasonable regularity with a similar sequence of events for the children from day to day, e.g., regular daily provision for playing, eating, resting, toileting, washing [illegible]

c. Each facility includes a designated area where a child can sit quietly or lie down to rest. A nap period is provided for children who need it, and for children unable to sleep, time and space for rest and quiet [illegible] available. (II-B-3-a,b,c)

Rest periods shall be provided as appropriate to the age of children under care. (GDCC VI-B-5)

SPACE REQUIREMENTS

REGULATION: Day care facility must have sufficient indoor and outdoor space and equipment in relationship to the number and ages of children [illegible] to the physical and [illegible] developmental needs of children served.

Each facility must provide space and equipment for free play, rest, privacy, and a range of indoor and outdoor program activities suited to the children's ages and the size of the group. There must be provisions for meeting the particular needs of those handicapped children enrolled in the program. Minimum requirements include:

a. Adequate indoor and outdoor space for children, appropriate to their ages, with separate rooms or areas for cooking, toilets, and other purposes. (II-C-1-a)

COMPLIANCE REQUIREMENTS

a. There is at least 35 square feet of indoor space per child available for the care of the children [illegible], exclusive of bathrooms, halls, kitchen and storage places) [illegible]

For day-time care, there shall be a minimum of 35 square feet per child of indoor area, excluding bathroom, kitchen, cupboard space, and hallways. (GDCC VII-C-1-c (1))

For night-time care, there shall be a minimum of 50 square feet per child of indoor area, excluding bathroom, kitchen, cupboard

space, and hallways.
(GDCC: VII-C-1-(2))

Family Day Care Home ---
For day time care, there shall be a minimum of 35 square feet per child in indoor areas, excluding bathroom, kitchen, cupboard space and hallways.
(FDCH: VI-B-2)

For night time care, every room used for sleeping purposes shall have a minimum of 50 square feet per child of indoor area, excluding bathroom, kitchen, cupboard space and hallways. ---
(FDCH: VI-B-2)

b. Limited indoor space if offset by outdoor space where shelter and climate permit reliable use of such space for activities normally conducted indoors. --- ---

c. There is at least 75 square feet per child of outdoor play space. Where such space is not available at the facility, parks, or other outdoor facilities that are easily accessible may be utilized. ---
(II-B-4-a,b,&c)

Group Day Care Center
There shall be a minimum of 75 square feet outdoor space available per child. The outdoor space shall be fenced or protected, with the entire area easily supervised. It shall be well drained, with both sunny and shaded areas.
Exception: Centers that are in actual operation on the effective date of these regulations are exempt from the foregoing regulations regulations provided that:

1. The Department is satisfied that the lack of sufficient outdoor space is not detrimental to the health, safety, and best interest of the children concerned.

PROGRAM MATERIALS & EQUIPMENT

REGULATION: The amount and variety of materials and equipment available, and its arrangement and use, must be appropriate to the developmental needs of the children in care.	---	---
COMPLIANCE REQUIREMENTS:		
a. The quantity of materials and equipment is sufficient to avoid excessive competition and long waits.	---	---
b. Materials and equipment are of sufficient quantity to provide for a variety of experiences and appeal to the individual interests of the children in care.	All equipment and materials shall be of sufficient quantity and variety suited to the size, needs and abilities of the children (GDCC: VII-E-2)	---
c. Protected areas are provided, free of traffic by children and adults, where equipment and materials can be used with minimal interference or interruption.	Furniture and equipment shall be arranged so as not to interfere with exits. (GDCC: VII-E-6)	---
d. Materials are stored in an orderly way, are attractive and accessible to children, and are arranged so that children may select, remove, and replace them either independently or with assistance.	---	---
e. Furniture is durable and safe, and is child size or appropriately adapted for children's use. (II-B-5-a,b,c,d & e)	Equipment shall be of safe construction and material; easily cleaned; kept in good condition; sturdy; free from sharp, loose, pointed parts; and, where paint is used, of	---

safe quality.
(GDCC: VII-E-4)

f. --- Grass or other soft media shall be used under swings, slides, jungle jims, and similar outdoor play equipment, or other protective measures shall be taken. (GDCC: VII-E-1) ---

g. --- There shall be at least one chair per child and sufficient table space per child scaled to the size and needs of the group to be served; for mealtime and table play activities. (GDCC: VII-E-3) ---

h. --- Provision shall be made for equipment for both indoor and outdoor play, for opportunity for children to use small and large muscles, for imaginative play, and creative activities. (GDCC: VII-E-5) ---

i. --- Suitable provision shall be made for individual storage of children's clothing and personal belongings. (GDCC: VIII-E-7) ---

j. --- There shall be adequate storage space readily available to children in the play area for play materials and equipment used by children. (GDCC: VII-E-1) ---

k. --- The following sleeping equipment shall be provided: ---

a. Individual cots are adequately insulated and protected bedding for all children who rest.

b. Individual beds for children who are at the center during the night.
(GDCC: VII-E-9)

1. --- Family Day Care Home ---

The following equipment shall be provided:

a. A bed, cot, or insulated bag for each child.

b. Individual cribs for children under 2 years of age.

c. Clean and sanitary bedding and linen necessary furnishings.
(FDCH: VII-2-a,b,c)

2. --- Group Day Care Centers ---

Cribs and beds used by children during the night shall be at least 3 feet apart.

All cribs and sheets or covers for cots shall be provided on an individual basis.
(GDCC: VII-E-10,11)

3. --- Family Day Care Home ---

Each child shall be provided a space for his own clothing and belongings.
(FDCH: VII-1.

WORK STORAGE AREAS

REGULATION: A day care facility must have sufficient space and appropriate furniture and equipment available for support --- ---

functions necessary to the program and to provide for the reasonable comfort and convenience of staff and parents.

COMPLIANCE REQUIREMENTS

a. The facility has appropriate storage and work areas adjacent to the area of use, to accommodate the following functions, if these are conducted on the premises

1. Administrative office, record storage, meeting space for staff or for parent conferences offering privacy of conversation. ---

2. Food preparation and serving. --- ---

3. Custodial services. --- ---

4. Laundry --- ---

5. Rest area for staff relief periods --- ---

6. Separate or inactive storage of program materials. (II-B-4-a & b) --- ---

7. --- ---

Each facility must provide space for isolation of the child who becomes ill, to provide him with quiet and rest and reduce the risk of infection or contagion to others. (FED: II-C-e)

b. A separate staff bathroom is provided or privacy is available through a locking door in a single toilet bathroom. --- ---

SAFETY [illegible]

[illegible] A day care facility serving children [illegible] to 36 months must provide an environment which protects the children from physical harm but is not so restrictive as to inhibit physical, intellectual, emotional and social development --- ---

COGNITIVE REQUIREMENTS

[illegible] --- [illegible]

[illegible] --- [illegible]

[illegible] --- ---

[illegible] --- ---

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] Day Care Center

[illegible] parent or guardian shall be [illegible] prior to the child's admission [illegible] center, the child shall be enter- [illegible] possible. The personal inter- [illegible] private information [illegible] overall [illegible] and [illegible] with the center

[illegible]

[illegible] opportunities may be provided parents [illegible] to them to [illegible] with the program [illegible] role, [illegible] their children in the day care facility

[illegible]

b. When possible, children are left for care and picked up before and after their normal sleeping period so that there is minimal disturbance of the child during sleep. --- ---

c. A selection of toys for quiet activities which can be used with minimal adult supervision is available. --- ---

d. Bathing facilities are provided. Comfortable beds, complete bedding, and night clothes are available. --- ---

e. Sufficient staff are available to assist children during eating and pre-bedtime hours and during the morning period when dressing. During sleeping hours, staff is within listening distance in order to provide for the needs of children and to respond to an emergency.
(II-B-(a.b.c.d. & e)

"DROP-IN" CHILDREN

REGULATION: If a facility serves "drop-in" children, the program must reflect the special needs of those children. --- ---

COMPLIANCE REQUIREMENTS:

a. Sufficient personnel are available to effectively handle admission records, irregular check-in and --- ---

check-out times, explanation of policies including financial arrangements.		
b. Children displaying unusual anxiety symptoms are given special consideration.	---	---
c. Qualified reserve staff are available in sufficient number to meet peak staff requirements of the facility.	---	---
d. Admittance procedures include provision, where necessary, for a period of individual attention to the child to acquaint him with the facility, its equipment, and the people who can assist him.	---	---
e. Each such center serving 30 or more children has at least 50% of the time the center is open who meets one of the following qualifications:	---	---
1. Bachelor or Associate Arts degree with at least 12 semester hours in child development; child psychology, child health, related education, or directly related field, or	---	---
2. A high school diploma, or its equivalent, plus at least three years of satisfactory experience in a related	---	---

educational, early childhood or day care program, or			
3. Certification as a Child Development Associate or similar status where a local, state or Federal certification program exists. (II-B-10-a,b,c,d & e)	---	---	
COORDINATION			
	---	---	Administering agencies must coordinate their program planning to avoid duplication in service and to promote continuity in the care and service for each child. State administering agencies have a responsibility to develop procedures which will facilitate coordination with other State agencies and with local agencies using Federal funds. Agencies which operate more than one type of program, e.g., a group day care home as well as day care center program, are encouraged to share appropriate personnel and resources to gain maximum productivity and efficiency of operation. (VIII-B-1, 2, 3)
EVALUATION			
	---	---	Day care facilities must be periodically evaluated in terms of the Federal Interagency Day Care Standards.

Local operators must evaluate their own program activities according to outlines, forms, etc., provided by the operating and administering agencies. This self-evaluation must be periodically planned and scheduled so that results of evaluation can be incorporated into the preparation of the succeeding year's plan.

(IX-1, 2)

SUMMARY

B. PROGRAM REQUIREMENTS

PROGRAM ACTIVITIES

1. Program activity requirements in the Model, State and Federal documents are similar, although the Federal requirements are general in nature and the Model and State specific. Both Model and State requirements have provisions for consultation of parents, the use of community resources, guidance and redirection of the child's behavior, opportunities for self-expression and self-sufficiency, and the availability of materials and equipment. There is also considerable similarity between Model and State in such areas as: types of activities included in the program, balance of program activities, program goals, and materials.

2. The State prohibits compromising the care of children to administrative details and the exploitation of the children and staff in fund-raising activities; the Model emphasizes cultural enrichment, including program activities which are in harmony with the life style and cultural background of the children, and which augment, supplement and reinforce language and unique ethnic skills.

3. Model and State both agree that a variety of experiences are necessary in any center. Both make provision for active-quiet, individual-group, and indoor-outdoor activities. The Model however, allows flexible program schedules.

SPACE, EQUIPMENT AND WORK AREAS

4. The indoor and outdoor space requirements of the Model and State are the same. The Model, however, waives the indoor space requirements if the climate of the area permits the use of outdoor space for activities normally conducted indoors.*

5. The Model and State have different provisions on program materials and equipment. While both are in agreement regarding the quantity, accessibility and safety of the materials, the State document contains specific provisions on the types of acceptable materials, on storage space for the child's personal belongings, and on the number of cribs, chairs, and tables.

SAFETY FACTORS: NIGHT CARE & DROP-IN PROGRAM MODIFICATIONS

6. The Model contains specific provisions to ensure the safety of each child. Under the Model, a day care facility offering night care or drop-in services must provide program modifications which would meet the individual

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* This consideration appears to be most relevant to the operation of day care in Hawaii.

needs of children who are given this type of care. For example, if a center has night services, the caregiver, in consultation with parents, would be required to provide a transition into this type of care which would be appropriate to a child's emotional needs.

PROGRAM COORDINATION AND EVALUATION

7. The Federal requirements provide that there be coordination of programs among day care facilities and other agencies providing care for children. While the Model provides for the operation of day care "systems", it does not contain a provision for the coordination of program services among the facilities within these systems.

8. The Federal stipulates that a continuous and periodic evaluation of a day care center be conducted by its own administrative personnel.

C. STAFFING REQUIREMENTS

MODEL	STATE	FEDERAL
EMERGENCY RESPONSIVENESS		
REGULATION: A day care facility must have sufficient staff to respond quickly to an active child about to hurt himself or another, and to provide continuous supervision to respond to an emergency requiring temporary absence of the caregiver.		
COMPLIANCE REQUIREMENT:		
a. In a family day care home, the operator limits the number of children less than 36 months of age to the number that could be carried in case it was necessary to evacuate the building; the operator arranges the daily schedule so that children are provided with an activity requiring minimal supervision during periods of time when it is necessary for caregivers to be engaged in activities such as bathing or feeding an infant.	----	----
b. The operator presents evidence that a plan has been worked out whereby an additional adult could be quickly summoned to be available to assist in an emergency.	----	----
c. The facility operator has worked out a plan for evacuation in case of fire or other disaster.		

d. In a facility where a person is assigned to work alone with a group of children, it is possible to summon another adult without having to leave the group unsupervised. (II-C-1,a,b,c,&d)

Group Day Care Centers
There shall be a written plan as to how adult help can be obtained in case of emergency during such periods of time when there is only 1 staff member on duty at the center. (GDCC:III-C-1-b)

In the use of a family day care home, there must always be provision for another adult on whom the family day care mother can call in case of an emergency or illness. There are circumstances where it would be necessary to have on a regular basis two adults in a family day care home; for example, if one or more of the children were retarded, emotionally disturbed, or handicapped and needed more than usual care. (Footnote to I-B-1)

STAFF-CHILDREN RATIO (See Table 1)

REGULATION: A day care facility must have sufficient staff to provide for each child's physical care, and to offer individual attention to children as may be needed as well as time to interact with children for the benefit of their social competence, emotional well-being, and intellectual development. The number of staff and their utilization should reflect programmatic requirements, differences in the needs of the children served, and should permit flexible groupings.

COMPLIANCE REQUIREMENT:

a. Facilities with 6 or fewer children--One staff person provides care for up to a total of six children, including the caregiver's own children under age 6, with no more than two children under age 2.

The administering agency, after determining the kind of facility to be used, must ensure that the following limits on size of groups and child-to-child ratios are observed. All new facilities must meet the requirements prior to Federal funding. Existing programs may be granted up to 3 years to meet this requirement, if evidence of progress and good intent is shown. (I-B)

TABLE 1

MAXIMUM NUMBER OF CHILDREN PER STAFF MEMBER *(1)

A. DAY CARE CENTER (DCC)

AGE	MODEL *(2)	STATE *(3)	FEDERAL
0 - 2	4	*(4)	*5
2 - 3	5	10	
3 - 4	10	15	5
4 - 5		20	7
5 - 6	12	25	
6 - 7			
7 - 11	16		10
12- 14	20		

(1) In the Model, the staff member who counts in the adult-child ratio is called the caregiver, who must be 13 years old or older, literate, and must spend 75% of his duty time in giving direct care for the children. The Model encourages the presence of persons under 18 but they cannot be counted in the ratio. In the State, only the regular staff members count into the ratio. A staff member must be between 18 to 65 years old. In the Federal, the adult staff member and her assistants and/or volunteers count in the ratio. The assistants/volunteers may include older children or teenagers.

(2) The numbers apply to DCC'S for 13 or more children. For DCC'S for 6 to 13 children, the ratio must be 1 to 6 and there must not be more than 2 children younger than 2. For DCC'S for less than 6 children, the ratio must be 1 to 6 and there must not be more than 3 children under 2.

(3) In case the DCC is for children whose ages fall into more than one age group, the maximum number for the youngest age group must be used.

(4) DCC cannot accept children under two.

(5) Requirements have not been set. If DCC is for children younger than 3, it must meet State requirements. If State requirements are not set, DCC cannot accept children under 3.

*: ( ) footnotes

B. FAMILY DAY CARE HOME (FDCH) (1)

AGE	MODEL	STATE	FEDERAL (2)
0 - 2	2	2	2
2 - 3			
3 - 4			
4 - 5			
5 - 6			6
6 - 7			
7 - 11			
12- 14			

(1) The absence of adult-ratio requirements in the Model and State for age groups older than 3 and 2 suggests that the Model and State considers the FDCH most suited to children younger than 3 and 2, respectively.

(2) These numbers are reduced to half if one or more children are handicapped.

C. GROUP DAY CARE HOME (GDCH) (1)

AGE	MODEL	STATE	FEDERAL
0 - 3			(2)
3 - 14			6 (3)

(1) The Model and State do not use this day care category.

(2) GDCH cannot accept children under 3.

(3) GDCH for Preschool children between 3 to 5; the maximum number is 3.

b. Facilities for 7 to 13 children--one staff person provides care for up to six children on the same basis as stated in (a.)--Two staff persons provide care for up to a total of 12 children with no more than three children under the age of 2.

c. In a facility serving 13 or more children, a staffing plan is prepared so that ratios of Day Care Staff to children are maintained, as follows:

Children of Age:	Staff:
0 to 2	1 adult to 4 children
2 to 3	1 to 5
3 to 5	1 to 10
5 to 7	1 to 12
7 to 11	1 to 16
12 to 14	1 to 20

The above ratios are to be used in computing the number of staff hours required in a center. For the purpose of such computations the number of children is considered to be the estimated daily attendance records using the monthly, quarterly or seasonal average. Newly opened facilities must schedule staff on the basis of enrollment until average attendance over a two-month period has stabilized.

Total staff hours in a center must equal or exceed the sum of the staff hours required for each age group but at no time may there be

Group Day Care Center

The number of children per staff member shall not exceed:

10 children age 2 to 3 years
15 children age 3 to 4 years
20 children age 4 to 5 years
25 children 5 years and older

In any combination of two or more age groups, maximum number shall be that of the youngest age group.
(GDCC: III-B-2)

Children under 2 years of age shall not be accepted for care. Exception: Centers currently licensed to accept children under 2 years of age for care are exempt from the foregoing regulation for any period up to but not beyond January 1, 1969 and under the following condition:

a. The number of children per staff member shall not exceed:

5 children under 1 year of age
8 children age 1 to 2 years
(GDCC: III-B-3)

Day Care Center

The Staff-Children ratios are as follow:

a. Three to 4 years. No more than 15 in a group with an adult and sufficient assistants, supplemented by volunteers, so that the total ratio of children to adults is normally not greater than 5 to 1.

b. Four to 6 years. No more than 20 in a group with an adult and sufficient assistants, supplemented by volunteers, so that the total ratio of children to adults is not greater than 7 to 1.

c. Six through 14 years. No more than 25 in a group with an adult and sufficient assistants, supplemented by volunteers, so that the total ratio of children to adults is normally not greater than 10 to 1. (I-B-3-a,b,c)

Federal Interagency Requirements have not been set for center care of children under 3 years of age. If programs offer center care for children younger than 3,

fewer than 1/2 the staff required by the applicable ratios for children in the facility at that time. (II-C-2-a,b,&c)

Family Day Care Home:
A family day care home shall provide care for no more than 5 children, exclusive of family day care parents' own children, however.

a. In no instance shall care be provided to more than 5 children under 8 years of age, including family day care parents' own children.

b. In no instance shall care be provided to more than 5 children under the age of 2 years by one adult, including family day care parents' own children.

c. Should there be additional adult help in the home, at no time shall care be provided to more than 4 children under the age of two, including family day care parents' own children. (FIRO III-A-1 a,b,c)

State licensing regulations and requirements must be met. Center care for children under 3 cannot be offered if the State authority has not established acceptable standards for such care. (I-B)

Family Day Care Home:
The Staff-Children ratio is as follows.

a. Infancy through 6 years. No more than two children under 2 and no more than five in total, including the family day care mother's own children under 14 years old.

b. Three through 14 years. No more than six children, including the family day care mother's children under 14 years old. (I-B-1-a,b)

Group Day Care Home
In a Group Day Care Home, the Staff-Children ratio is as follows

Three through 14 years. Groups may range up to 12 children but the child-staff ratio never exceeds 6 to 1. No child under 3 should be in this type of care. When pre-school children are cared for, the child-staff ratio should not exceed 5 to 1. (FED:1-B-2-a)

PERSONS WHO COUNT IN THE STAFF-CHILDREN RATIO:

d. Only personnel who spend at least 75% of their time providing direct care for children may be counted in meeting staff/child ratios. (II-c-2,a)

Day Care Center
Volunteers may be used to supplement the paid staff responsible for the group. They may include older children who are often highly successful in working with younger children. Caution should be exercised in assigning teenagers supervisory responsibility over their peers. (I-B-3 Footnote)

Group Day Care Home
Volunteers and aides may be used to assist the adult responsible for the group. Teenagers are often highly successful in working with younger children, but caution should be exercised in giving them supervisory responsibility over their peers. (1-B-2 Footnote)

Family Day Care Home
The use of volunteers is very appropriate. Volunteers may include older children who are often very successful

when under adequate supervision.
(I-B-1 Footnote)

EXTRA-CARE GIVER SUPERVISION

REGULATION: Day care facilities must provide for the supervision of children during periods when caregiver attention is diverted from the direct care of children.

COMPLIANCE REQUIREMENTS: Day care facilities must have an appropriate area which permits the convenient visual supervision of children during times when caregivers are engaged in such activities as consultation with parents on operation of the day care home. (II-C-3)

COMPETENCIES AND SKILLS OF THE CARE-GIVER/TEACHER

REGULATION: Each caregiver must have the skill and competency necessary to contribute to each child's physical, intellectual, personal and social development.

COMPLIANCE REQUIREMENTS:

a. Each caregiver must be at least 18 years of age and must be able to read and write. (The presence of persons below the age of 18 is encouraged, but such persons may not be counted toward meeting the staff-child ratios.)

b. Each caregiver has the qualification or experience to be able to carry out a program emphasizing child development (as described in the Program Requirements Section).

Group Day Care Centers
Each center shall have at least one regular staff member who is a mature, responsible person, between 18 and 65 years of age, capable of handling emergencies and accidents and trained in first aid. (GDCC:III-C-1-a)

The teacher has prime responsibility for planning and carrying out the educational program to which she is assigned. (GDCC: III-C-3-a)

The adult is directly responsible for supervising the daily program for the children in her group and the work of

the assistants and the volunteers assigned to her. She also works directly with the children and their parents, giving as much individual attention as possible. (Footnote to I-B-3)

c. Each caregiver must be able to provide evidence that he or she meets the health requirements set forth in Section C.1 of the health and sanitation section. (See the corresponding STATE and FEDERAL health and sanitation requirements). ---- ----

d. Each caregiver must:

1. Be able to work with children without recourse to physical punishment or psychological abuse. ---- ----

2. Be able to praise and encourage children and provide them with a variety of learning and social experiences appropriate to the age of the children served. ---- ----

3. Be able to communicate with parents and children in their own language whenever possible. ---- ----

4. Be able to recognize and act against hazards to physical safety. ---- ----

5. Possess the capacity and willingness to increase skill and competence through experience, training, and supervision. ---- ----

6.	----	The staff member must be able to understand, care for, and like children. (GDCC: III-C-1-c(1)), paraphrased)	The persons providing direct care for children in the facility must have had training or demonstrated ability in working with children. (III-3)
RESPONSIBILITY OF THE CAREGIVER/TEACHER			
	----	The teacher shall be responsible for:	
	----	1) Planning and continuing contacts with parents.	----
	----	2) Working cooperatively with the director, other teachers and staff in planning and carrying out the total center program.	----
	----	3) Keeping appropriate records of each of the children.	----
	----	4) Observing and evaluating the child's growth and development. (GDCC: III-C-3-b-(1),(2),(3),(4))	
EDUCATIONAL QUALIFICATIONS OF THE CAREGIVER/ TEACHER			
e. Each center enrolling 30 or more children has at least one employee in the facility at least 50% of the time the center is open who meets one of the following qualifications:		The teacher shall have the following qualifications:	
1. Bachelor or Associate Arts degree with at least 12 semester hours in child development, child psychology, child health related education, or directly related fields, or		1. A bachelor's degree from an accredited college or university with courses in early childhood development, childhood education and related fields.	----
		2. Or, a bachelor's degree from an accredited college or university, supplemented by successful and supervised teaching	

2. A high school diploma, or its equivalent, plus at least three years of satisfactory experience in a related educational, early childhood or day care program, or

3. Certification as a Child Development Associate or similar status where a local, state or Federal certification program exists.

experience in a nursery-aged group.

3. Or, two years of accredited college work supplemented by or including professional training in preschool or early childhood education and supervised teaching experience.

4. Or the teacher shall have successfully completed an in-service training program in preschool and early childhood education offered by a legally recognized sponsor, including supervised teaching experience in a nursery-aged group.
Exception: An individual serving as a teacher of a center on the effective date of these rules and regulations is exempt from the foregoing qualifications. (GDCC: III-C-3-c-1,2,3,4 and exception)

EDUCATIONAL QUALIFICATIONS OF ASSISTANT TEACHER

The assistant teacher shall have the following qualifications:

1. Graduation from high school or education preferably in the field of health, child development and family relations; or

2. Maturity and experience in working with children. (GDCC: III-C-4-a-(1),(2))

QUALIFICATIONS OF FAMILY DAY CARE PARENTS

Family Day Care Home
Family day care parents shall show evidence of being well-adjusted persons, capable of understanding and caring for children. (FDCH:VA-1)

They shall provide two references who have adequate knowledge of the family background in terms of character and ability to care for children. Additional references shall be furnished the Department upon request. (FDCH: V-A-2)

Income of the day care family shall be reasonably steady and sufficient to maintain an adequate standard of living for the family. (FDCH: V-A-3)

Family day care parents shall not conduct a lodging or boarding house, or other business on the premises which would adversely affect the welfare of the children under their care. (FDCH: V-A-4)

COMPETENCIES, SKILLS, AND RESPONSIBILITIES OF THE OPERATOR/CAREGIVER

REGULATION: The operator of a day care facility must have the skills necessary to manage a day care facility, the ability to relate effectively to parents and community and the ability and willingness to provide a child care program which meets the standards set forth in these requirements.

COMPLIANCE REQUIREMENTS: The operator of a day care facility:

a. Must provide a child care program and facility which meets the standards set forth in these requirements.

b. Must maintain adequate enrollment, attendance, financial, and related records.

Group Day Care Center

The director shall be defined as that individual whose prime responsibility is to administer the center and develop the total program. (GDCC: III-C-2-a)

The director, unless other provisions are made, shall be responsible for:

1. The over-all administration of the center. (GDCC: III-C-2-b-(1))

Educational activities must be under the supervision and directin of a staff member trained or experienced in child growth and development. Such supervision may be provided froma central point for day care homes. (III-2)

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c. Must accept responsibility for screening, scheduling, supervision, and conduct of any staff, volunteers, or others who provide services in the facility.	The director, unless other provisions are made, shall be responsible for:	
	2. Setting up written personnel policies for all staff.	----
	3. Hiring of staff. (GDCC: III-C-2-b-2,3)	----
d. Must endeavor to cooperate with the licensing and other appropriate agencies in all reasonable efforts to improve the quality of care and the competence of caregivers.	----	----
e. Is willing to inform parents and other interested persons about the goals, policies, and content of day care program which he or she operates.	----	----
f. Has achieved the locally applicable legal age of majority.	----	----
	The director, unless other provisions are made, shall be responsible for:	
g. ----	Designating a person to be responsible in his absence, even if the absence is for any part of the day.	----
h. ----	Arranging for adequate health supervision for children under care. (CDCC: III-C (GDCC: III-C-2-b-4,5)	----
NOTE: See QUALIFICATIONS OF THE CAREGIVER. Operator and Caregiver qualifications are the same.	The director shall have the following qualifications:	
	1. A bachelor's degree from an accredited college or university preferably with	----

courses in early childhood education, child development or related fields and 2 years of experience in working with children, or shall have had a combination of 2 years of college education and 4 years of experience in work with children.
Exception: An individual serving as a Director of a center on the effective date of these rules and regulations is exempt from the foregoing qualifications. (GDCC: III-C-2-c-(1) and exception)

PROVISIONS FOR STAFF TRAINING

The operating or administering agency must provide or arrange for the provision of orientation, continuous inservice training, and supervision for all staff involved in a day care program, professionals, non-professionals, and volunteers--in general program goals as well as specific program areas; i.e., nutrition, health, child growth and development, including the meaning of supplementary care to the child, educational guidance and remedial techniques, and the relation of the community to the child. (VI-1)

Special techniques for training of day care mothers in family day care homes may need to be developed. One example of such technique is the use of a "roving trainer" who would have responsibility for working on a continuous basis with several day care mothers in their own homes. Volunteers could also be used as substitutes in family

day care homes to allow day care mothers to participate in group training sessions at other locations. (Footnote to VI-1)

Staff must be assigned responsibility for organizing and coordinating the training program. (VI-2)

Persons from colleges and universities, public schools, voluntary organizations, professional groups, government agencies, and similar organizations can offer valuable contributions to the total training program. (Footnote to VI-2)

Non-professional staff must be given career progression opportunities which include job up-grading and work related training and education. (VI-3)

The personnel policies of the operating agency must be governed by written policies which provide for job descriptions, qualification requirements, objective review of grievances and complaints, a sound compensation plan, and statements of employee benefits and responsibilities. (VIII-A-1)

The methods of recruiting and selecting personnel must ensure equal opportunity for all interested persons to file an application and have it considered within reasonable criteria. By no later than July 1, 1969, the methods for recruitment and selection must provide for

priority in employment to welfare recipients and other low-income people filling those positions. (VIII-A-2)

The staffing pattern of the facility, reinforced by the staffing pattern of the operating and administering agency must be in reasonable accord with the staffing patterns outlined in the Head Start Manual of Policies and Instructions and/or recommended standards developed by national standard-setting organizations. (VIII-A-3)

SUMMARY

C. STAFFING REQUIREMENTS

STAFF QUALIFICATIONS, COMPETENCIES AND RESPONSIBILITIES

1. Under the existing State regulations, minimum qualifications for directors, operators and teachers are higher than either the Federal or Model. State standards are particularly high in the following areas: 1) duties and responsibilities of staff; 2) educational qualifications; 3) work experiences; and 4) the number of staff members who must meet specified standards.

2. The minimum qualifications for teachers of young children are 1) bachelor's degree with courses in the appropriate field; 2) bachelor's degree with supervised teaching experiences; 3) two years of college plus training in early childhood education and supervised teaching experience; or 4) Completion of in-service teaching program in early childhood education plus supervised teaching experience.

3. In contrast, the Model does not require directors or caregivers to meet prescribed standards or qualifications. Rather it calls for one employee with specific qualifications to be present 50% of the center's operating time. Under the Model, the operator-director and caregiver are supposed to be able to carry out the child development program of the DCC, hence it might be reasonable to assume that a day care facility would train their personnel to carry out program aims and that the number so trained could vary between center to center. An alternative qualification for operator and caregiver under the Model is certification as a Child Development Associate. Finally, the Model places some emphasis on the ability of the caregiver to communicate with the child and his parents on their own language.

4. The Federal document does not specify the duties, responsibilities or qualifications of either operator-director or caregiver/teacher.

5. There is some correspondence between Model and State on the principle duties of the director-operator. While the State emphasizes the duties of the caregiver, the Model tends to emphasize the duties of the director-operator. Nevertheless, the Model sets down additional characteristics of the caregiver in Section 4 which do much to reduce the discrepancies between the two standards. A caregiver, for example, must be able to work competently with children, be able to provide children with a variety of learning and social experiences appropriate to their ages, and have the capacity and willingness to increase his/her skill and competence through experience, training and supervision.

STAFF-CHILDREN RATIO

6. The Federal requirements are more stringent than either Model or State. The State allows between 5 to 13 more children per staff member than the Model, and between 10 to 15 more children per staff member than the Federal. Thus, in this area, the Federal appears to be the most costly and the State the least.

7. What may offset costs under the more stringent Federal ration are the volunteers who can be counted in the ratio. Under the Model and State, volunteers are not included in the teacher/child ratio.

8. The State, like the Federal, does not allow a day care center to accept children under two years of age. These children are to be cared for in Family Day Care Homes.

D. PARENT PARTICIPATION

MODEL	STATE	FEDERAL
REGULATION: A day care facility serving 15 or more children and supported partially or wholly by Federal, State or local government shall comply with applicable requirements for parental involvement in the decision process.		
a. Each such day care facility serving 15 or more children shall have a Policy Advisory Council. At least 50% of the members of each Policy Advisory Council must be parents of the children served and must be democratically elected. The parents of the children served shall decide on the total membership and structure of the policy advisory council at each day care facility and where the day care operator has more than one facility.	---	Whenever an agency (i.e., an operating or an administering agency) provides day care for 40 or more children, there must be a policy advisory committee or its equivalent at that administrative level where most decisions are made. The committee membership should include not less than 50 percent parents or parent representatives, selected by the parents themselves in a democratic fashion. Other members should include representatives of professional organizations or individuals who have particular knowledge or skills in children's and family programs. (VII-3) That level where decisions are made on the kinds of programs to be operated, the hiring of staff, the budgeting of funds, and the submission of applications to funding agencies. (Footnote to VII-3)
b. The Policy Advisory Council shall approve project grant applications for Federal operating funds before the day care operator submits the project grant to the administering agency or direct to the Federal government.	---	Policy advisory committees must perform productive functions, including, but not limited, to:

c. Policy Advisory Councils may participate meaningfully in every aspect of the day care program, if the policy advisory council desires. The test for meaningful participation is whether the day care operators give serious consideration to the recommendations made by the Policy Advisory Council.

d. The Policy Advisory Council shall periodically review the policies and practices of the day care facility to determine compliance with these requirements. Where discrepancies noted cannot be resolved between the policy advisory council and the operator, the remaining difficulties should be brought to the attention of the administering agency which has the responsibility to investigate the discrepancies. Where the policy advisory council desires to participate in the establishment of a policy, goal or procedure and the operator either refuses this participation or does not give serious consideration to the recommendations of the policy advisory council, the administering agency has responsibility to resolve the differences.

Assisting in the development of the programs and approving applications for funding. (VII-4-a)

Parents must have the opportunity to become involved themselves in the making of decisions concerning the nature and operation of the day care facility. (VII-2)

Policy advisory committees must perform productive function, including, but not limited, to:

Serving as a channel for hearing complaints on the program. (VII-4-e)

Policy advisory committees must perform productive functions, including, but not limited, to:

Participating in the nomination and selection of the program director at

the operating and/or administering level.

... Advising on the recruitment and selecting of staff and volunteers.

... Initiating suggestions and ideas for program improvements

... Assisting in organizing activities for parents.

... Assuming a degree of responsibility for communicating with parents and encouraging their participation in the program. (VII-4-b,c,d,f,g)

[illegible] whenever possible, [illegible] their children in the day care facility. (II-D-1-a,b, c,d [illegible])

[illegible]

[illegible] the [illegible] facility [illegible]

Policy advisory committees, the structure providing a formal means for involving parents in decisions about the program, will vary depending upon the administering agencies and facilities involved (footnote to VII-4)

SUMMARY

D. PARENT PARTICIPATION

1. The MODEL and FEDERAL requirements on opportunities for parent participation reflect the importance they place on the parents' involvement in a center's decision-making process. The primary mechanism for involving parents is a policy advisory committee. The committee shall: approve applications for federal operating funds; nominate and select the program director and recruit staff; and recommend operating policies and procedures. Under the MODEL, the policy council would also review the center's policies and practices to determine its compliance with the MODEL requirements. Under the MODEL and FEDERAL provisions parents would have opportunities to work with the program and to observe their children in the facility.

2. The STATE requires only that time be provided by the center for consultation with parents.

III. HEALTH AND SANITATION REQUIREMENTS

A. PERSONAL HEALTH OF CHILDREN

1. CHART

2. SUMMARY

B. NUTRITION

1. CHART

2. SUMMARY

C. MENTAL HEALTH OF CHILDREN

1. CHART

2. SUMMARY

D. PERSONAL HEALTH OF STAFF

1. CHART

2. SUMMARY

E. ENVIRONMENTAL SANITATION AND SAFETY

1. CHART

2. SUMMARY

A. PERSONAL HEALTH OF CHILDREN

MODEL	STATE	FEDERAL
HEALTH INFORMATION		
REGULATION: Evidence of the general state of each child's health, presented by the child's parent upon admission to the day care facility or shortly thereafter, must be maintained by the day care operator.	Group Day Care Center The center shall require a report of a physical examination by a licensed physician. Such examination shall have taken place within 90 days prior to the child's admission to the center. (GDCC: IV-B-1)	Each child must receive dental, medical, and other health evaluations appropriate to his age upon entering day care subsequently at intervals appropriate to his age and state of health. (V-2)
COMPLIANCE REQUIREMENTS:	Family Day Care Home	---
a. A written statement from a physician, health agency, or other qualified provider of health service with experience in general child health evaluation attesting that the child is in good health, that any known special conditions are under treatment, that day care does not present problems to the child that day care program would be unable to deal with, is on file in the day care facility. Such a statement would be recent and would include the results of a state approved test for tuberculosis within the prior six months and the results of screening for vision and hearing performed within the prior six months.	The family day care parents shall require the following written medical reports and health information on each child accepted for admittance to their home: a. A physical examination by a licensed physician given within 90 days immediately preceding placement. c. Pertinent information on the health of the child and any particular medical health problems. (FDCH: IV-A-1-a,c)	
b. When a child is not receiving health care (i.e., when a parent is unable to present evidence of the child's general health), the day care	---	If the child entering day care has not recently had a comprehensive health evaluation by a physician, this should be provided promptly after he enters a

operator, the sponsoring agency, or the health consultant offers assistance to the parents by providing information about and referral to a source of health care for the child. EXCEPTION TO b. A child under 12 months of age who has not had a physical evaluation between the time of his discharge from the hospital of birth and his entrance into day care shall be referred to an appropriate source of health care for a physical evaluation within two weeks of his admission to day care. (III-A-1-a &b)

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day care program. (Footnote to V-2)

Arrangements must be made for medical and dental care and other health related treatment for each child using existing community resources. In the absence of other financial resources, the operating or admistering agency must provide, whenever authorized by law, such treatment with its own funds. (V-3)

Because day care is designed to supplement parental care and strengthen families, the agency should help parents to plan and carry out a program for medical and dental care for the children. Agencies should not make the arrangements unless the parents are unable to do so. The agency should help to find funds and services and help parents to make use of these resources. Such help may include making appointments; obtaining transportation; giving reminders and checking to be sure appointments are kept, prescriptions filled, medication and treatments administered. Educational programs and social services should be available to help families carry out health plans.

The day care agency, however, in those instances where the Federal funds are legally available to be expended for health services, has the ultimate responsibility of ensuring that no child is denied health services

because his parents are unable to carry out an adequate health plan. Aid to families with dependent children and child welfare services funds are not legally available for health care, but States are encouraged to use Medicaid funds whenever possible. (Footnote to V-3)

IMMUNIZATION

REGULATION: Evidence of immunization appropriate to the child's age as prescribed by health regulations in his locality, presented by the child's parent upon admission to the day care facility, or shortly thereafter, must be maintained by the day care operator.

COMPLIANCE REQUIREMENTS

a. A record of immunizations signed by a physician or other qualified health service provider is on file in the facility for each child in day care, or

b. Written evidence presented by the parent that such immunizations have been completed (e.g., health record, immunization folder) is on file, or

c. Where an appropriate health source determines that a satisfactory level of immunizations has not been attained, the day care operator offers assistance (i.e., provides information about and referral to available sources of immunization) to the parent in securing the necessary immunizations, unless such immunizations are medically

Family Day Care Home

The family day care parents shall require the following written medical reports and health information on each child accepted for admittance to their home:

Immunization records. (FDCH: IV-A-1-b)

The administering or operating agency must ensure that each child has available to him all immunizations appropriate to his age. (V-5)

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contra-indicated or objectionable on religious grounds. (III-A-2-a, b & c)		
ANNUAL PHYSICAL EXAMS		
---	Group Day Care Center Children shall have a physical examination at least once a year after admission to the center. (GDCC: VI-A-1)	---
---	Family Day Care Home The family day care parents shall require that a child in day care have a physical examination at least annually and have appropriate immunization in accordance with the Public Health Regulations of the Department of Health. (FDCH: IV-A-2)	---
CAREGIVER HEALTH TRAINING		
REGULATION: At least one adult caregiver who has received or is receiving training in observation of symptoms or illness and in elementary principles of first aid shall be on the premises at all times children are present in the facility.	---	---
COMPLIANCE REQUIREMENTS:		
a. At least one caregiver shall present evidence of having received training or being currently enrolled in a program teaching principles of first aid. A certificate or other evidence from the Red Cross, a community health agency, a local community college, an extension division of a university, a high	---	All staff members of the facility must be aware of the hazards of infection and accidents and how they can minimize such hazards. (V-8)

school adult education program, a source of health consultation or other appropriate community resource shall be evidence of satisfactory compliance.

(1) At least one care giver shall present evidence of having completed training or shall be receiving training in observation of symptoms of illness. A certificate or other evidence from a Red Cross home nursing course, a community health agency, a local community college, an extension division of a university, a high school adult consultation or other appropriate community resource shall be evidence of satisfactory compliance, or

(2) In-Service training for the day care staff includes discussions of illness and symptom observation and evaluation.

b. A readily understandable chart describing first aid and emergency medical treatment techniques is conspicuously posted in each facility. (III-A-3-a & b)

DAILY HEALTH INSPECTIONS/OBSERVATIONS

Family Day Care Home
There shall be a health inspection each day by the family day care mother of each child upon his arrival at the home for any indication of illness. (FDCH: IV-A-3)

The facility must provide a daily evaluation of each child for indications of illness. (V-4)

Group Day Care Center
There shall be a health inspection each day by a person instructed on inspection of each child upon his arrival at the center for any indication of illness. (GDCC: VI-A-2)

There shall be continued observation of all children throughout their stay in the family day care home or center so that any illness will be detected and appropriately handled. (FDCH: IV-A-4 & GDCC: VI-A-3)

DEVELOPING HEALTH POLICIES

REGULATION: All day care programs shall have provisions for health consultation from an appropriate community resource to assist in developing health policies, in keeping them current, and in providing other services as indicated.

COMPLIANCE REQUIREMENTS:

a. The operator of a day care facility or the administering agency for a network of such facilities must have written evidence that an arrangement has been made with a physician, nurse, or other health source for assistance and consultation, as needed, in such matters as accidents, symptoms of illness, staff member health policies and other health matters. The evidence of this arrangement shall include the signature of the health source attesting to participation in a review of health policies and practices of the facility or

The operating or administering agency must assure that the health of the children and the safety of the environment are supervised by a qualified physician. (V-1)

While nurses or others with appropriate training and experience may plan and supervise the health aspects of a day care program, the total plan should be reviewed by a pediatrician or a physician especially interested in child health. Ideally, such a physician should participate in planning the total day care program and should be continuously involved as the program is carried out.

administering agency and to the availability for consultation in the event of illness or accident.		Consultation on technical safety and environmental matters may be provided by other specialists. Individual health evaluations and medical and dental care should be carried out only by highly qualified physicians and dentists. (Footnote to V-I)
b. Written health policies appropriate to the age range of children served are developed for each day care facility or are available from a responsible community or state source such as the Health Department, Pediatric Society, Neighborhood Health Center, Medical Center, or similar health professionals. These shall be evidence that the views of parents were considered in the development of such policies.	---	---
c. Health policies are reviewed every three years. (III-A-4-a,b & c)	---	---
ORAL HYGIENE		
REGULATION: There shall be dental health programs designed to effect good oral hygiene, education and practice.	---	---
COMPLIANCE REQUIREMENTS:		
a. The health consultation resource which the day care facility utilizes has dental health consultation available and uses it on a regular basis.	---	Each child must receive dental, medical, and other health evaluations appropriate to his age upon entering day care and subsequently at intervals appropriate to his age and state of health. (V-2)
b. Children are provided appropriate opportunities for supervised practice of good oral hygiene.	---	---

c. For day care facilities serving 7 or more children, oral hygiene concepts are a part of in-service training programs. (III-A-5-a, b & c)	---	---
MAINTAINING HEALTH RECORDS		
REGULATION: A record shall be kept on each child in the program which includes pertinent information about his health status and any special needs he may have.	---	---
COMPLIANCE REQUIREMENTS:		
a. The Health record of each child contains: (1) the statement of the physician or other health source obtained upon the child's admission to the facility.	Group Day Care Centers The center shall require a report of a physical examination by a licensed physician. Such examination shall have taken place within 90 days prior to the child's admission to the center. (GDCC: IV-B-1)	---
(2) evidence of immunization appropriate to the child's age and health status.	Family Day Care Home The family day care parents shall require the following written medical reports and health information on each child accepted for admittance to their home: b. Immunization records. (FDCH: IV-A-1-b)	
(3) notes regarding discussions with parents about health problems indicating that parent has been made aware of any health problem observed by the caregiver and that an appropriate plan has been developed to resolve the health problem noted.	Group Day Care Centers Health records should be maintained for each child and kept reasonably up-to-date at all times. Individual notes of staff observations about significant developments should be included. When the child leaves the center, the health records may be turned over to the parents or the child's school. (GDCC: VI-A-8)	The operator or administering agency must ensure that adequate health records are maintained on every child and every staff member who has contact with children. (V-10)

(4) any pertinent health information obtained from parents and/or health sources.	---	---
SPECIAL CARE AND MEDICATION		
REGULATION: When health policies of the facility allow ill children to be admitted or to remain in the day care facility, medical consultation shall be available regarding special care and medication. Both staff and parents must be familiar with special policies relevant to ill children.	---	---
COMPLIANCE REQUIREMENTS:		
a. Special policies regarding illness are explained to the parent at the time of enrollment of the child.	Group Day Care Center A child who becomes ill after he is admitted to the center shall be isolated from the rest of the group, but within call of an adult, until the parent can call for him. (GDCC: VI-A-4)	Advance arrangements must be made for the care of a child who is injured or becomes ill, including isolation if necessary, notification of his parents, and provisions for emergency medical care or first aid. (V-6)
b. There is provision for communication between the child's regular source of health care and medical consultant to the day care setting, to preserve continuity and consistency of care.	Family Day Care Home A child who becomes ill after he is admitted to the home shall be separated from the rest of the group, but within call of an adult, until the parent can call for him. (FDCH: IV-A-5)	---
c. The day care facility has in writing, the name, address, and telephone number of a physician or health resource that can be called in case of emergency and written permission of the parent to call upon the stated physician or health resource or another responsible source of care if the parent cannot be reached.	---	---

There is evidence that the physician or health resource has responded when called.

Group Day Care Center

Medication may be administered at the discretion of the director of the center. Medication shall be kept in the original container bearing the prescription label which shows the date filled, physician's name, physician's directions for use, and the child's name. Medications shall be kept out of the reach of children and returned to the parents when no longer needed. Under no circumstances should a staff member give medication of any kind unless prescribed by a physician. (GDCC: VI-A-7)

Family Day Care Home

Under no circumstances should a family day care mother give medication of any kind unless prescribed by a physician.

a. Should she accept this responsibility, the medication shall be kept in the original container bearing the prescription label which shows the date filled, physician's name, physician's directions for use, and the child's name.

b. Medications shall be kept out of reach of the children and returned to parents when no longer needed. (FDCH: IV-A-8)

Group Day Care Center

The regulations of the Department of Health on communicable disease shall be followed where children show symptoms of communicable disease. (GDCC: VI-A-5 & FDCH: IV-A-6)

EMERGENCY HEALTH CARE

REGULATION: A source of emergency health services shall be readily available to each facility.

COMPLIANCE REQUIREMENTS.

a. There is a planned source of readily available emergency medical care a hospital emergency room, clinic, or other constantly staffed facility, physician or other health professional known to caregivers and acceptable to parents with written parental agreement for its use as in 7c.

b. When a staff member accompanies a child to the source of emergency care, the staff member remains with the child until the parent or his designee assumes the responsibility for the child's care. Arrangements have been made for substitute or alternate staff so that the supervision of the other children in the program is not compromised

There shall be a written plan as to how adult help can be obtained in case of emergency during periods of time when there is only 1 staff member on duty at the center. (GDCC: III-C-1-b)

In the use of a family day care home, there must always be provision for another adult on whom the family day care mother can call in case of an emergency or illness.

There are circumstances where it would be necessary to have on a regular basis two adults in a family day care home; for example, if one or more of the children are retarded, emotionally disturbed, or handicapped and needed more than usual care. (Footnote to I-B-1)

As in family day care, provision must be made for other adults to be called in case of an emergency or illness. (Footnote to I-B-2)

HEALTH CARE FOR INFANTS AND TODDLERS

REGULATION: A day care facility which provides care for infants and toddlers

shall discuss with parents at the time of enrollment its health policies including the following aspects: type of feeding, provision for adequate change of clothing, use of diapers, provision of a clean area for diaper changing, provision for bathing of infants when soiled, the type of bed to be used and care of bed linen, care and cleaning of training chairs, and special safety precautions.

COMPLIANCE REQUIREMENTS

a. Compliance with 4 b

b. Policies covering the above items are discussed with parents and carried out by each caregiver in the program.

CARE OF CHILDREN WITH SPECIAL NEEDS

REGULATION When children with special needs are admitted to a day care facility there are appropriate provisions to meet these needs

COMPLIANCE REQUIREMENTS

a. When children with special needs are admitted, the responsible individual in the day care facility consults with the child's parents, the child's source of professional health care or, where appropriate, other health consultants.

b. The appropriate staff of the facility receives instruction related to the

Family Day Care Home

Specific instructions obtained from a physician for the feeding and care of children with special problems shall be written on their records and followed. (FDCH: IV-A-7)

nature of the disability, the child's potential for growth and development, [illegible] to the facility program

[illegible] the nature of the special needs of the number of children with special needs necessitates added care, sufficient staff [illegible] supervision [illegible] and their needs

CARE OF ANIMALS [illegible]

Housing of all pets, animals, and fowl shall be maintained in a safe and sanitary manner at all times.

No vicious animals or any insects that are dangerous to health and safety shall be kept on the premises. (GDCC VII-F-1 & 2)

SUMMARY

A. PERSONAL HEALTH OF CHILDREN

EVALUATION OF THE HEALTH STATUS OF THE CHILD

1. Under the Model, State and Federal regulations, all day care centers must have evidence of the general state of each child's health. This includes each child's physical health, dental health and immunization status. The State, however, does not make provision for children entering day care without desired health evaluations. Under the Model, every center must arrange through the parents of such children, to have information on sources of health care for the child. Federal requirements provide for prompt delivery of health evaluation services to the child, and also mandate financial responsibility for this service to the administering agency.

CAREGIVER-STAFF MEMBER HEALTH TRAINING

2. In contrast with the State and Federal, the Model requires that the center provide at least one caregiver/staff member trained in the elementary principles of first aid and in the observation and evaluation of symptoms of illness. While the State and Federal regulations do not contain similar provisions for staff health training, they require daily health inspection and observation of children in the day care facility.

DEVELOPMENT OF HEALTH POLICIES-SERVICES

3. The Model and Federal require each facility to develop a program of health consultation through an appropriate community resource. This program would assist in the development and implementation of health policies and services in the center. The Model suggests acceptable sources of age-appropriate health policies, and requires that these policies be reviewed once every three years.

OTHER CONSIDERATIONS

4. The maintenance of adequate health records for each child is required by the Model, State and Federal regulations. There is also agreement among the three on the need for each facility to have plans on caring for children who become ill, notifying parents or responsible adults and the physician designated by the parents, administering medication, and meeting all special health needs of the children.

5. The emergency health care provisions of the Model, State and Federal regulations include arrangements for additional caregivers to insure the well-being of the child in need of help, and to maintain the same standards of care of the other children in the facility. In addition, the Model requires that the day care facility have a planned source of readily available emergency medical care.

6. The State includes in this section provisions on the care of animals in the day care facility.

B. NUTRITION

MODEL	STATE	FEDERAL
MEALS/SNACKS		
REGULATION: All facilities shall provide meals and snacks of a quantity and quality to supplement food served at home so that the daily nutritional needs of the child are met. Cultural and ethnic foods appropriate to the children in the program and locality shall be part of the meal planning.	----	
COMPLIANCE REQUIREMENTS:		
a. All day care centers shall provide for nutritional consultation from an appropriate community resource.	----	Consultation should be available from a qualified nutritionist or food service specialist. (V-7)
b. To the extent possible, information provided by parents concerning the child's eating habits, food preference; or special needs should be considered in day care feeding schedules and menus.	----	----
c. Children who are in the day care facility for 4 hours or more are served a quantity of food which will supply at least one-third of the National Research Council's Recommended Dietary Allowances. Children in the day care program for 8 hours receive a quantity of food that will supply approximately one-half to two-thirds of the Recommended Dietary Allowances in the center. (III-B-1-a,b,c)	Group Day Care Centers Centers caring for children mealtime shall provide: a. A balanced meal approximating Federal lunch standards Type A lunch containing a least one-half pint of whole or reconstituted milk. b. Snack consisting of juice or milk between meals. (GDCC: VI A-10; a,b)	The facility must provide adequate and nutritious meals and snacks prepared in a safe sanitary manner. (V-7)

	Family Day Care Homes Family day care homes caring for children through mealtime shall provide:	
	a. Nutritious food appropriate to the age of the child.	
	b. Nutritious snacks between meals. (FDCH: IV-C-1)	
d. Food is not used as a punishment or reward. Children are encouraged but not forced to eat.	----	----
e. Infants are fed or supervised individually and their diet and pattern of feeding are appropriate to their special developmental needs. Infants not able to hold their own bottles are held, bottles are not propped.	----	----
f. In centers for 13 or more children there is an annual evaluation of the food service by a nutrition consultant.	----	----
DRINKING FACILITIES		
REGULATION: Drinking water shall be freely available to children of all ages.		
COMPLIANCE REQUIREMENTS: a. The program has potable water available to all children, and the staff understands the necessity of this provision. Water should be offered at intervals to infants and toddlers. (III-B-2)	There shall be an approved potable water supply. (GDCC: VII C-1-h 1)	----

SUMMARY

B. NUTRITION

1. This section deals with requirements on the quantity and quality of food, and those processes through which nutritional services are delivered.

MEALS AND SNACKS

2. The Model, State and Federal require each day care facility to provide adequate and nutritious meals and snacks. Under the Model, children who are in a day care facility for four or more hours are to be served a quantity of food which will supply at least one-third of the National Research Council's Recommended Dietary Allowances. Children in a day care program for eight hours receive a quantity which will approximate one-half to two-thirds of the NRCR Recommended Dietary Allowances. In other words, the Model scales the quantity of food served against the length of a child's stay in the center. The State does not scale the quantity of food. For group day care centers, it requires an approximation of Federal lunch standards Type A lunch.

3. Both Model and Federal require centers to consult with qualified nutritional resources in the community. The Model, however, specifies that the child's preferences, eating habits and special needs be considered. It also recommends that ethnic foods be part of the center's meal plan. Furthermore, only the Model provides for the annual evaluation of food service, prohibits the use of food as punishment or reward, and requires that infants be fed individually. In this last respect, the Model states that infants should not have their bottles propped.

C. MENTAL HEALTH OF CHILDREN

MODEL	STATE	FEDERAL
INTEGRATION OF MENTAL HEALTH PROGRAM		
REGULATION: Mental health concepts, as an integral aspect of total child development, are included in the day care program and in staff training when appropriate resources are available.	----	----
COMPLIANCE REQUIREMENTS:		
a. Caregivers understand the importance of enhancing mental health and development of the child as evidenced by observed caregiver-child interaction or participation in in-service or other types of training activities.	----	----
b. There is evidence of adequate day-to-day communication between child care staff and parents.	----	----
c. Sources of professional consultation in mental health are made known to the family and caregivers upon their request or upon the recommendation of the operator and/or the health consultant. (III-C-1a,b,c)	----	----
PROGRAM PROVISIONS		
REGULATION: The program conducted in a day care facility shall provide:	----	----
Experiences which promote the individual child's physical, emotional, social and intellectual growth and well-being.	----	----

Both active and passive learning experiences which promote the development of skills, social competence, self-esteem and positive self-identity.	----	----
Learning experiences conducted in consultation with parents in order to ensure harmony with the life style and cultural background of the children.	----	----
COMPLIANCE REQUIREMENTS:		
a. Program operation reflects an on-going process of parent-staff cooperation in development and modification of program goals.	Group Day Care Centers Time should be provided for consultation with parents individually or in groups. (GDCC: VI B-12)	Opportunities must be provided parents at times convenient to them to work with the program and, whenever possible, observe their children in the day care facility. (VII-1) Parents must have the opportunity to become involved themselves in the making of decisions concerning the nature and operation of the day care facility. (VII-2)
b. Each child is recognized as an individual and his choice of activities, personal privacy, and background are respected.	There is time for free, spontaneous, active play by the children, with opportunity to choose activities, according to their desires and interests and, within limitations, to move from one activity to another. (GDCC: IV B-2)	----
c. Opportunities are provided for individual self-expression in conversation, imaginative play and creative expression along with opportunities for running, climbing and other vigorous physical activities.	There is time allowed for the children to do things for themselves and to take responsibility for their own care as they are able. (GDCC: VI B-4)	----
d. The children's behavior is enhanced by	Constructive methods leading to development	----

positive guidance, re-direction, and the setting of clear-cut limits which foster the child's own ability to be self-disciplined. Caregivers do not use spanking or other forms of corporal punishment or any other technique which is humiliating, shaming, frightening, or otherwise damaging to children. Punishment is not associated with food, rest, toilet training or isolation for illness.	of self-discipline are used for maintaining group control. Staff shall not use any technique which is humiliating or frightening to the children. (GDCC: VI B-8)	
e. There are opportunities for the child to participate in such activities as preparing for meals, taking out or putting away materials, caring for his own clothing, bedding, etc.	There is guidance given to children to extend experiences, learn good habits, new and useful skills, wholesome attitudes and vocabulary. (GDCC: VI B-6)	----
f. Each child's cultural and ethnic background and primary language or dialect is respected by his caregivers. Whenever possible, caregivers are able to speak and understand the primary language of each child. Where appropriate, bilingual programs are developed.	----	----
g. There are opportunities for the child to explore friendships and quarrels with other children in the facility with a minimum of adult interaction. (III-C-2-a,b,c,d,e,f,&g)	----	----

SUMMARY

C. MENTAL HEALTH OF CHILDREN

1. The Model provides for the integration of a mental health program in a day care operation and recommends staff training when appropriate resources are available. It further requires that caregivers understand a child's mental health and that such understanding be demonstrated by the quality of caregiver-child relations. Under the Model, parents would be told where to go for professional consultation. Finally, the Model requires that the cultural and language background of each child be respected and that the child be given opportunities to explore both friendship and enmity with his peers.

2. The State and Federal documents do not have specific provisions concerning the mental health of children. However, certain State and Federal program provisions seem relevant to this area. These include recognizing the child as an individual whose privacy, desires and interests be respected, encouraging spontaneous and imaginative self-expression, encouraging the development of self-sufficiency, and using positive guidance to enhance the child's behavior.

D. PERSONAL HEALTH OF STAFF

MODEL	STATE	FEDERAL
PHYSICAL EXAMINATION/IMMUNIZATIONS		
REGULATION: Evidence that staff are free from health problems which would have a harmful effect on the children or would interfere with effective functioning shall be maintained at the day care facility.	----	----
COMPLIANCE REQUIREMENTS:		
a. Written evidence is on file in the facility regarding a pre-employment physical examination of each adult employed in the facility; and	Family Day Care Homes Family day care parents and all members of the household shall be free from disease which may be transmissible to others and from physical conditions which would adversely affect the care of children. Prior to the initial approval of a family day care home, the following written medical reports shall be submitted by the family day care parents to the agency. a. Physical examination reports on the family day care parents from a licensed physician, including a chest x-ray or tuberculin test in accordance with the Department of Health's current recommendations. (FDCH: V-A-5-a) Group Day Care Centers In the employment of all staff members, consideration shall be given to the following:	----

b. Written evidence is on file in the facility attesting that each adult is free from communicable tuberculosis as a result of a negative tuberculin test or a satisfactory Chest X-Ray taken within 6 months of beginning child caregiving. Such tests should be repeated annually

c. Each caregiver with an identified health problem must obtain a written statement from a physician that he or she has sufficiently good health to care for young children

(3) Good physical and mental health. (GDCC: III-C-1-c-(3))

Family day care parents and all members of the household shall be free from disease which may be transmissible to others and from physical conditions which would adversely affect the care of children. Prior to the initial approval of a family day care home, the following written medical reports shall be submitted by the family day care parents to the agency:

b. A chest x-ray or a tuberculin test on every member of the household in accordance with the Department of Health's current recommendations.

c. Upon request, additional reports with reference to the health of other members of the household. (FDCH: V-A-5-b &c)

Group Day Care Centers

At the time of employment and annually thereafter, all staff shall have a complete health examination including a chest x-ray or tuberculin test in accordance with the current Department of Health's recommendation.

Exception: A volunteer worker need have only a chest x-ray or tuberculin test. (GDCC: III-C-1-d)

[illegible] There shall be [illegible] at least annually of the health status of each adult in the facility [illegible] responsible health [illegible] [illegible] [illegible] with consultation of [illegible] health [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Family Day Care Homes
Annually, chest x-ray or tuberculin test shall be required of the family day care parents and all members of the household in accordance with the Department of Health's current recommendations. A physical examination report of any member of the household shall be furnished upon request to the department. (FDCH: V-A-6)

Group Day Care Centers
At the time of employment and annually thereafter, all staff shall have a complete health examination including a chest x-ray or tuberculin test in accordance with the current Department of Health's recommendation.
Exception: A volunteer worker need have only a chest x-ray or tuberculin test. (GDCC: III-C-1-d)

Staff of the facility and volunteers must have periodic assessments of their physical and mental competence to care for children. (V-9)

Tuberculin tests of chest x-rays should ensure that all persons having contact with the children are free of tuberculosis. Physical and mental competence are better assured by regular visiting and supervision by competent supervisors than by routine medical tests or examinations. (Footnote to V-9)

PROVISION FOR SUBSTITUTES

REGULATION: There shall be provision for substitution for staff who are too ill to function effectively or who present a serious health hazard to others in the facility.

COMPLIANCE REQUIREMENTS

a. The operator of a day care facility has substitute care arrangements that are satisfactory to both the day care personnel and the parents.

Family Day Care Homes
Should a family day care parent need to be absent, she shall arrange for the supervision of the children by a responsible person. Any absence for a period beyond a week shall be reported immediately to the parents or legal guardians. (FDCH: V-A-7)

(Note: Substitution is not explicitly united to illness reason's alone)

b. In a day care facility serving 7 or more children there is a provision for regular paid substitutes and a plan for co.erage at times when staff members are ill and unable to be on duty ---- ----

c. Health policies of facilities serving 7 or more children include an allowance for personal leave to attend to employee health needs which require absence from the program. (III-D-2-a, b & c) ---- ----

HEALTH PRACTICES OF STAFF

REGULATION: The health practices of staff minimize transmission of infecting agents and protect the health of children. (III-D-3) ---- ----

VOLUNTEERS

REGULATION: All volunteers shall be subject to the same health requirements as are applicable to paid staff members. (III-D-4) ---- Staff of the facility and volunteers must have periodic assessments of their physical and mental competence to care for children. (See also FED, V-9, fn. 9)

COMPLIANCE REQUIREMENTS: Same as for D.L. listed above

ABSENCE OF CRIMINAL LIABILITY

REGULATION: "No individual who has been convicted of child abuse or neglect, or sexual abuse, or is awaiting trial on such charges, shall be employed or retained in the day care facility" ---- ----

[illegible]

[illegible]

[illegible]

Group Day Care Centers

In the employment of all staff members [illegible] consideration shall be given to the following:

[illegible] good moral character
(GDC [illegible])

[illegible]

No staff member shall work more than eight hours a day with children (GDC [illegible])

Provision shall be made for rest periods and lunch hours (GDC [illegible])

SUMMARY

I. PERSONAL HEALTH OF STAFF

1. At the time of employment and annually thereafter, both Model and State require each adult employed in the day care facility to have a physical examination and chest x-ray. All three documents stipulate the need for periodic reassessments of the staff's health, although the Federal regulations do not specify the frequency of such assessments. The Model requires that a caregiver with an identified health problem be in sufficient good health to care for young children.

2. Both Model and State documents contain a provision for substitutes to be used during a caregiver's illness. However, the State provision covers only family day care homes and does not touch upon group day care centers. The Model substitute plan is arranged according to the number of children served in the center, and is approved by both the day care personnel and the parents.

3. The Model requires that the health practices of the staff minimize the transmission of infection to children, and that a center's health policy include allowances for leaves of absence in the event a staff member becomes ill.

4. Both Model and Federal require that volunteers meet the same health requirements as the staff member.

5. The Model specifies that no individual convicted of child abuse, neglect, sexual abuse, or who is awaiting trial on such charges, be employed in a day care facility. The State requires only that in the employment of staff, consideration be given to their good moral character.

6. Regarding work hours, the State alone makes provision for rest periods and lunch, and specifies the maximum number of daily work hours a staff member may work.

I. ENVIRONMENTAL SANITATION AND SAFETY

MILITARY [illegible]	STATE	FEDERAL
	The center shall Be located in a safe and sanitary area and shall conform to laws and regulations of the State, City and County, and the County governments (OPER VII-A 1-a)	In establishing or utilizing a day care facility, all the following factors must be taken into consideration a Travel time for both the children and their parents b Convenience to the home or work site of parents to enable them to participate in the program c Provision of equal opportunities for people of all racial, cultural, and economic groups to make use of the facility d Accessibility of other resources which enhance the day care program e Opportunities for involvement of the parents and the neighborhood (Illustrated, b, c, d, e)

Where safety and sanitation codes applicable to family day care homes, group day care homes, or day care centers do not exist or are not being implemented, the operating agency or the administering agency must work with the appropriate safety and sanitation authorities to secure technical advice which will enable them

to provide adequate safeguards.
(III B-2)

[illegible]

[illegible] Each day care facility shall have a disaster plan to provide for the safety of [illegible] in case of emergency.

Centers located in areas subject to tsunami action, flooding, or like disasters, shall have a plan for evacuation to a place of refuge, according to local civil defense regulation.
(Sec. VII B)

[illegible]

- A disaster plan has been developed with the aid of a fire inspector, the facility's health consultant, the Red Cross, or other appropriate community resources, has been put in writing, and is practiced at regular intervals. [illegible]
- [illegible] made known to parents at the [illegible]

Fire drills shall be staged at least once a month in which all occupants and staff members must participate. However, in cases where occupants are infants, staff shall be required to simulate drill plans.

The staff at the day care center shall be trained in properly reporting a fire, in extinguishing a small fire, and in escaping from a fire.

There shall be an alarm system approved by the Office of the Fire Marshal to notify occupants in case of fire.
(Sec. VII A-1 a,b,c)

MAINTENANCE OF A SAFE ENVIRONMENT

[illegible] Systems must be [illegible] that the [illegible] program is [illegible] [illegible] hazards.

[illegible] requirements related to

health and accident hazards are included in the first aid safety section of this code

COMPLIANCE REQUIREMENTS

a. Day care activities and premises do not expose children to situations which may be hazardous to the particular age or capacity of the child.

b. Each caregiver helps children to increase their own awareness of safety practices and accident hazards and to learn how to avoid such hazards.

c. For centers serving 13 or more children administrative and caregiver staff have developed and are familiar with accident prevention practices and policies appropriate to the program. Such practices and policies are reviewed annually. (III-E-2-a,b,&c)

Family Day Care Homes

The premises shall be kept in a safe and sanitary condition. (FDCH: VI-A-1)

Group Day Care Center

The center shall:

a. Be located in a safe and sanitary area and shall conform to laws and regulations of the State, City and County, and county governments. (GDCC: VII A-1-a)

Family Day Care Homes

Poisons, drugs, harmful chemicals and other dangerous articles such as cleaning fluids, matches, firearms and tools shall be kept in a safe location and out of reach of children. (FDCH: IV-E)

The facility and grounds used by the children must meet the requirements of the appropriate safety and sanitation authorities. (II-B-1)

---	Group Day Care Centers No poisonous plants as described in the Department of Health's information leaflet may be planted on the premises. (GDCC VII-2)	---
SAFE WATER SUPPLY		
REGULATION: The water supply shall be from an approved source	---	---
COMPLIANCE REQUIREMENTS: a. Water from a municipal source is safe, potable, and adequate in supply, and the plumbing is installed and maintained in an approved manner.	Family Day Care Homes Running potable water should be available for bathing facilities and the waste shall be connected to a cesspool or sewer system. (FDCH: VI-A-2) Group Day Care Centers There shall be an approved potable water supply. (GDCC VII C-1-h(1))	---
b. Water from a private water supply meeting standards of the health authority, is safe, potable, and adequate in supply, and the plumbing is installed and maintained in an approved manner. (III-E-3-a & b)	---	---
TRANSFER OF WATER SUPPLY		
REGULATION: If running water is not available in the day care facility the water shall originate from an approved source and shall be transported, stored and dispensed in a manner to provide protection from contamination	---	---
COMPLIANCE REQUIREMENTS: a. The original source of water is an approved, safe, potable supply.	---	---

b. Storage and transportation containers are kept covered and water is transferred to use containers in a sanitary manner.	----	----
c. The transfer container is cleaned and sanitized before each filling, or when it becomes contaminated. All water served to children must be clean and suitable for drinking.	----	----
d. When transfer containers are utilized the water is changed daily to assure freshness. Commercially bottled water is exempt from this provision. (III-E-3,a,b,c,&d)		

LAVATORY FACILITIES

REGULATION: Toilet and lavatory facilities shall be provided of a type determined by the availability of water under pressure. Approved facilities (water or non-water carriage) shall be provided for disposal of sewage and other liquid wastes.	Family Day Care Homes Where there is an adequate water supply the home shall have sanitary water-flush toilets. In areas where an adequate water supply is not available, toilet facilities shall be in accordance with Public Health Regulations. (FDCH: VI-A-3)	----
COMPLIANCE REQUIREMENTS: a. Where a public sewer is available, all plumbing fixtures and building sewers are connected thereto.	The premises shall be kept in a safe and sanitary condition. (FDCH: VI-A-1)	---- ----
b. Where a public sewer is not available, a private sewage disposal system of an approved type is installed and connected to all plumbing fixtures and building sewers.	(Note: See above. FDCH: VI-A-1)	----
c. Where water carried sewage disposal means are not available or feasible, sewage and other liquid wastes are disposed of in an approved manner.	(Note: See above. FDCH: VI-A-1)	----

d. Water flush toilets on the order of 1:15 are provided where water carried sewage disposal is available. Indoor toilets are located in rooms separate from those used for cooking, sleeping, or eating.	Group Day Care Centers There shall be a minimum of one toilet and one wash basin conveniently located for every 15 children. (GDCC: VII-C-1-f-(1))	----
e. Where water carried sewage disposal is not available, privies are used in accordance with local sanitary requirements and designed with step stools, or with risers and holes sized to the age group.	----	----
f. Training chairs are provided for use by children who require them. Training "potties" are emptied promptly and sanitized after use.	----	----
g. Lavatories or hand washing facilities are provided in quantities commensurate with toilet facilities.	(Note: See above. GDCC: VII-C-1-f-(1))	----
1. In family day care homes children are assisted in washing to prevent accidental scalding.	----	----
2. In a center facility hot water temperatures do not exceed 120 degrees Fahrenheit at outlets accessible to children.	----	----
h. Safe step stools are provided to allow standard sized toilets and lavatories to be used. (GDCC: III-C-a-a,b,c,d,e,f,g,&h)	----	----
i. ----	Toilet facilities for preschool children shall be child size, or step platforms shall be provided which are properly constructed and maintained. (GDCC: VII-C-1-f-(2))	----

j.	----	Facilities for school-age children in groups shall be separated for each sex. (GDCC: VII-C-1-f-(3))	----
k.	----	Toilet seats for group care shall be "U" shaped. (GDCC: VII-C-1-f-(4))	----
l.	----	Toilet facilities shall be kept clean at all times. (GDCC: VII-C-1-f-(5))	----
m.	----	Soap and individual towels shall be provided. (GDCC: VII-C-1-f-(6))	----
n.	----	Family Day Care Homes There shall be good, artificial and natural light and ventilation available for bathing and toilet facilities. Ventilation means a window that opens to the outside atmosphere or a mechanical ventilating system. FDCH: VI-B-5)	----

WASTE DISPOSAL

a.	----	Family Day Care Home The home shall have proper facilities for the disposal of garbage and refuse. (FDCH: VI-A-5)	----
b	----	Group Day Care Center Adequate facilities and proper methods shall be provided for garbage disposal. (GDCC: VII-C-1-g(2))	---

LAUNDRY FACILITIES

REGULATION: If laundry facilities are installed, they shall be installed and used in such a manner as to safeguard the		Family Day Care Home There shall be proper facilities for washing clothes. (FDCH: VI-A-9)	----

health of the children.

COMPLIANCE REQUIREMENTS

a. Laundry facilities are not used during the time the children are in care unless they are inaccessible to the children.	....	....
b. Day care facilities serving 7 or more children shall not have laundry facilities located in food preparation areas. (III-C-1-g-6)	....	....

KITCHEN FACILITIES

REGULATION: Food preparation shall be carried on in a kitchen with proper equipment and clean up facilities appropriate to the number of children in care	....	....

ADDITIONAL REQUIREMENTS

a. All dishwashing is performed in a sanitary manner and in keeping with the general requirements listed herein	There shall be proper facilities for washing and sanitizing eating and drinking utensils. (FDCH: VI-A-8)	....
	Group Day Care Center Adequate facilities and proper methods shall be provided for the washing, sanitizing, and storage of cooking, eating, and drinking utensils. (GDCC: VII-C-1-g-(2))	....
b. In a day care facility caring for less than 13 children, a family kitchen in good repair is available, separate from other rooms. A domestic dishwasher is acceptable, but if it is not available, the dishes must be washed and rinsed in a sanitary manner	A separate kitchen, properly screened, insect and rodent proof, shall be provided for preparing food at a group care center. (GDCC: VII-C-1-g-(1-a)	....
	There shall be adequate number of sinks with hot and cold running water, soap, and paper towels. (GDCC: VII-C-1-g-(1-a))	....

Adequate facilities and proper methods for the preparation, serving, refrigeration of food shall be provided according to public health regulations of Health, Chapter One

A separate kitchen, properly screened, insect and rodent proof, shall be provided for preparing food at a program center.

There shall be adequate number of sinks with hot and cold running water, soap, and paper towels. [illegible]

Family day care home [illegible]
Preparation of food shall be in a properly

Screened kitchen with adequate sink facilities. (HMR VI-A-7)

PREPARATION TRANSIT AND STORAGE OF FOOD

REGULATION: Food shall be from approved sources and shall be transported, stored, prepared and served in a sanitary manner.

COMPLIANCE ELEMENTS:

- All food shall come from approved sources and be protected from contamination during its handling, preparation and service.

Food stored in a home shall be protected from rat and insect infestation and perishable food shall be stored under refrigeration. (FDO: VI-A-6)

- [illegible] reflect the accepted practices of local sanitary codes and are adapted to fit the needs of the program.

- The preparation, pre-sterilized formula is used for each infant feeding, and any excess is discarded. If a special formula is required, arrangements for its preparation and use shall be [illegible]

MAINTENANCE OF SUPPLIES

REGULATION: Cleaning of the premises and equipment shall be performed as needed to protect the health of the children and staff.

COMPLIANCE REQUIREMENTS:

- [illegible] for regular cleaning

[illegible] maintenance are [illegible] of
[illegible] clean establishment maintained
[illegible] good repair.

[illegible] tubs, [illegible], furniture and other
similar equipment used by children
are washed when they are soiled,
[illegible] sanitized with [illegible]
[illegible], and [illegible] or a
[illegible] sterilizer with soap and water
[illegible] adequate drying in [illegible].
[illegible]

[illegible] poisons, cleaning agents,
[illegible], and other hazardous
[illegible], are stored in [illegible]
[illegible] only for their purpose
[illegible] access by children.

[illegible] linen storage is separate from
[illegible] linen, [illegible], and other
[illegible].

[illegible] combs, combs or combs,
[illegible], towels, and other similar
[illegible] are not stored or used in common
[illegible].

[illegible]

[illegible] washing pools and/or
[illegible], they shall be
[illegible] maintained, stored and used in such a
[illegible] and in sufficient
[illegible].

[illegible]
[illegible] and [illegible] at all

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

SUMMARY

ENVIRONMENTAL SANITATION AND SAFETY

LOCATION, EMERGENCY PLAN DEVELOPMENT AND MAINTAINING A SAFE ENVIRONMENT

1. Federal provisions - The location of a day care facility which is not [illegible] provisions in the Model and State documents include travel time for children and parents, convenience to parents' home and work site to enable them to participate in the program, opportunities for people of all racial, ethnic and economic backgrounds to use the facility, and accessibility [illegible]

2. The Model and State require each center to have disaster plans for [illegible] The Model requires the plan to be developed with the aid of consultants, and communicated to the parents.

3. The three documents require each center to maintain a safe environment: Day care activities must not expose children to hazardous situations, centers must be located in safe and sanitary areas and conform to existing State, City, County Laws, and family day care homes shall be kept safe and clean. The Model also contains additional provisions for educating children in health and safety practices, and for developing accident prevention policies and practices which must be reviewed annually. Hence, under the Model, staff members are to be familiar with accident prevention practices and in turn pass on this knowledge to the children in their care.

4. The State regulations state that [illegible] plants are prohibited, and that all dangerous chemicals and equipment be stored in a safe location.

[illegible]

1. [illegible] State have similar provisions on safe water supplies. However, the Model provides [illegible] requirement on the transfer of water, should [illegible] water not be available to the day care facility.

2. [illegible] will [illegible] on the make of toilet waste and [illegible] requirements for facilities for each age in centers serving [illegible] children. However, these provisions include only group day care centers. [illegible] and one washbasin per fifteen children.

3. [illegible] children are [illegible] requirements [illegible] children are not to be located in food [illegible] during the center's operating time [illegible] children. The State requires only the [illegible] Under the Model, kitchen facilities [illegible] number of children served. The requirements [illegible] equipment and safe transportation [illegible] children [illegible]

[illegible]

IV. FIRE AND SAFETY REQUIREMENTS

CHARTS

A. CHILD DAY CARE CENTERS

B. GROUP DAY CARE HOMES

C. FAMILY DAY CARE HOMES

D. OTHER SAFETY REQUIREMENTS

SUMMARY

IV FIRE AND SAFETY REQUIREMENTS

A CHILD DAY CARE CENTERS

NOTE:

	STATE	FEDERAL
A APPLICATION		
1 This section establishes life safety requirements for Child Day Care Centers housing 13 or more children A "day care center" is		
a A place which receives children for care, maintenance, and supervision in a setting other than a dwelling unit on a 24 hour a day basis or less	----	----
b Any place which receives more than twelve children for care, maintenance, and supervision on a 24 hour a day basis or less	----	----
2 The requirements apply to centers housing children under 3 years of age, from 3 through 5 years of age, and for children 6 years of age and older The text principally applies to centers for children under 3 years of age and variances for centers housing children of other age groups are indicated Where a facility houses more than one age group, the requirements for the younger age group shall apply, unless the area housing the younger children is maintained as a separate fire area	----	----

[illegible]

[illegible]

3. [illegible]

[illegible] The occupant load for which means of egress shall be provided for any floor shall be the maximum number of persons intended to occupy that floor but not less than 1 person for each 15 square feet of net floor area [illegible] the [illegible]

[illegible]

a. New Construction

1) Plans for any new buildings and alterations of existing buildings of day care centers shall be submitted to the Department for approval before any work is carried out. (ZCC VII-C 1-a 1)

b. Capacity and Occupancy

1) For day-time care, there shall be a minimum of 35 square feet per child of indoor area, excluding bathroom, kitchen, cupboard space, and hallways.

2) For night-time care, there shall be a minimum of 50 square feet per child of indoor area, excluding bathroom, kitchen, cupboard space, and hallways.

3) A lanai which has a roof, is protected from rain, and provides for safe activity, may be counted as indoor or outdoor space. (GDCC: VII-C-1-e- 1,2,3)

C EXIT DETAILS

c. Exits ----

1) Exits shall be of the following types of combinations thereof:

a) Doors leading directly outside the buildings (without stairs).

b) Ramps.

c) Stairways.

Doors opening into stairways shall open on a landing within 2 inches of the floor level. (GDCC: VII-C-1- c-1)

1. Each floor occupied by children shall have not less than two remote exits, all such exits shall lead directly, or through an enclosed fire resistive stairway to the outside.

2) At least two exits of the above type remote from each other shall be provided for every floor or section of the building, including basements. Exits shall be of such number and so located that the distance of travel from the door of any occupied room to an exit from that floor shall not exceed 50 feet in buildings having one-hour fire-resistive rating or 75 feet in buildings of fire-resistive construction. (GDCC: VII-C-1-c2) ----

2. The story below the floor of exit discharge may be used in buildings of protected wood frame or protected ordinary construction if the following conditions are met.

   a. For up to 30 children there shall be two remote exits. One exit shall have the exit door approximately at ground level and the vertical travel to ground shall not exceed 8 feet. There shall be no unprotected opening onto the stair or ramp

   b. For over 30 children a minimum of two exits shall be provided directly to the exterior with one of the two exiting at ground level.

Exception #1 The exit directly to ground level is not required if the exits are protected in accordance with 5-114 of National Fire Protection Association 101 except that there shall be no openings, into the exit other than for ingress and egress. Products of combustion detectors, other than heat, shall be provided in that story and the story of discharge.

Exception #2: The exit directly to ground level is not required if one exit complies with Exception 1 and sprinklers are used in that story and the story of exit discharge.

---- ----

3) Minimum exit door width shall be not less than 36 inches. Exit door ----

D. ACCESS TO EXITS

1. Travel distance (a) between any room door intended as exit access and an exit shall not exceed 100 feet; (b) between any point in a room and an exit shall not exceed 150 feet; (c) between any point in a sleeping room or suite and an exit access door of that room or suite shall not exceed 50 feet. The travel distance in (a) and (b) above may be increased by 50 feet in buildings completely equipped with an automatic fire extinguishing system. Travel distance shall be measured in accordance with 5-119 of National Fire Protection Association 101.

2. The travel distance to exits in open plan centers for children 3 years of age and older shall be in accordance with 9-213 of National

should not be less than 6 feet 6 inches in height.

4) Exit doors shall be equipped with panic hardware or other types of locks which do not require use of a key from the inside.

8) Hallways, passageways, or corridors shall be free and clear of obstructions and not lead to dead ends for occupants to be trapped in case of fire. (GDCC: VII-C-1-c-3,4-8)

2) Exits shall be of such number and so located that the distance of travel from the door of any occupied room to an exit from that floor shall not exceed 50 feet in buildings having one-hour fire-resistive rating or 75 feet in buildings of fire-resistive construction.

Fire Protection Association 101 for open plan schools.

E. DOORS

1. Doors in means of egress shall swing in the direction of exit travel and shall meet the requirements of Section 9-132 or 9-133 of National Fire Protection Association 101.

   Exception: Doors from an apartment to an exit access in apartment buildings

5) Exit doors shall swing outwardly. (GDCC: VII-C-1-c-5) ----

F. STAIRS

1. Exit stairs shall be enclosed in accordance with 5-114 of National Fire Protection Association 101.

6) All stairways and other ways of exit and the corridors or passageways appurtenant thereto shall be properly illuminated at all times to facilitate egress. (GDCC: VII-C-1-c-6) ----

G. AREAS OF REFUGE

1. In high rise buildings (buildings over 3 stories above ground level), areas of refuge, either by smoke proof towers or horizontal exits, shall be provided for occupants of Child Day Care Centers

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H. EMERGENCY LIGHTING

1. Means of egress in each day care center shall be provided with Type 1 emergency lighting, as defined in Section 5-1022 of National Fire

7) "EXIT" signs where necessary shall conform with requirements of the current edition of the Uniform Building Code. (GDCC: VII-C-1-c-7) ----

Protection Association 101

I. SUBDIVISION INTO COMPARTMENTS

1. Sleeping areas in centers housing children under 3 years of age shall be compartmented with partitions having a 3/4 hour fire resistance rating so there are not more than 6 children in each compartment.

2. Compartment doors shall be not less than 3 feet wide in new construction and not less than 32 inches wide in existing buildings. Door assemblies shall have a 20 minute fire resistance rating and shall be equipped with a self-closing device, a latch and an automatic hold open device as specified in 10-1244

II. CENTERS IN APARTMENT BUILDINGS

1. If the two means of egress from the center discharge into the same corridor, as in an apartment building, the means of egress shall be separated in the corridor by a smoke stop partition having not less than a one hour fire resistance rating

2. The door in the smoke stop partition shall be not less than 36 inches wide. The door assembly shall have a fire resistance rating of 20 minutes and shall be equipped with a self-closing device, a latch and an automatic hold

open device as specified in 10 1244 of National Fire Protection Association 101

Exception: Existing doors not less than 32 inches wide may be accepted if the door meets the other requirements

I. MINIMUM CONSTRUCTION STANDARDS

1. Centers shall be located up to the maximum height indicated in the following building construction types

		Number of Stories (Stories are counted starting at floor of exit discharge)			
		1	2	3	4
Fire Resistive	0 to 3	X	X	X	X
Protected Noncombustible	3 thru 5	X	X	X	X
	6 & older	X	X	X	X
Protected Wood Frame and Protected Ordinary	0 to 3	X	X	XX	
	3 thru 5	X	X	*	
	6 & older	X	X	*	
Heavy Timber	0 to 3	X	*		
	3 thru 5	X	*		
	6 & older	X	*		
Unprotected Noncombustible	0 to 3	X	*		
	3 thru 5	X	*		
	6 & older	X	*		
Unprotected Wood Frame and Unprotected	0 to 3	X			
	3 thru 5		**		
	6 & older		**		

X = Permitted.
XX = Not permitted.
* Note 1 - Permitted if entire building is equipped with an automatic fire extinguishing system.
** Note 2 - May be permitted for children 3 years of age and older if the children are limited to the first floor and number of children is limited to 50 and there are two remote exits; or if they are limited to the first floor and the number of children is limited to 100 and each room has an exit directly to the outside

b. Existing buildings:

(1) Exterior walls must be of 1-hour fire resistance construction if less than 10 feet from property line. (CDCC VII-C-1-b-1)

[illegible] openings shall not be permitted less than 5 feet from property line.

[illegible] Roof covering must be fire [illegible] hardout

[illegible] Classroom shall front on one public street or yard space not less than 20 feet in which front shall be located one required exit

[illegible] Sec. 1-6, 2, 3 & 4.

[illegible] TYPE OF [illegible]

[illegible] Any vertical opening or [illegible] shall be enclosed and protected in accordance with Section 6-2 of National Fire Protection Association [illegible]

[illegible]

[illegible] In centers for children 5 years old or [illegible] interior finish for all walls and ceilings shall be Class A or Class B in accordance with Section 6-2 of National Fire Protection Association [illegible] and floors shall be Class A, B, or [illegible] In new construction, interior finish [illegible] of egress shall be Class A or Class B

[illegible] Tongue and groove wood [illegible] over 1/2 inch thick may be permitted

In centers for children 6 years of age or older, interior finish for areas of egress shall be Class A or Class B

and for individual rooms Class A, B, or C. Floors shall be Class A, B or C.

[illegible] Decorations and furnishings shall be in accordance with Sections 1[illegible]-415 and 1[illegible]-416 of National Fire Protection Association 101. Child prepared art work and teaching materials may be attached directly to the walls and shall not exceed 20 percent of the wall area.

[illegible] FIRE PROTECTION AND SAFETY DEVICES

[illegible] Fire detectors which are part of a complete [illegible] that shall be in [illegible] in the building at all times. [illegible] the center. Detectors shall be in [illegible] and protective areas [illegible]. The detectors may be single [illegible] with an integral alarm having [illegible] at a central [illegible]

Exceptions:

(1) Detectors are not required in fully automatic sprinklered buildings.

(2) Detectors are not required in centers [illegible] children 6 years of age and [illegible] the sleeping facilities are [illegible]

[illegible] operated fire [illegible] at [illegible] times of the center [illegible] with more than 100 children, the fire alarm system shall be installed

Fire extinguishers

An adequate number of approved fire extinguishers, as approved by the Fire Department, shall be installed for first-aid extinguishment protection. They shall be inspected at least once a year and kept charged and filled at all times. [illegible]

Heat activated fire alarm system

An approved heat-activated fire alarm system conforming to the provisions of

to transmit an alarm to the fire department that is legally committed to serve the area in which the center is located in the most direct and reliable method approved by local regulations.

[illegible]

[illegible]

the Fire Marshall's Rules and Regulations shall be installed at all group care centers giving care to children during the night [illegible]

[illegible]

[illegible] ventilating, [illegible] equipment shall [illegible]

[illegible]

[illegible]

[illegible] protective receptacle covers shall be installed [illegible]

[illegible]

Electrical circuits

(1) Electrical circuits shall be maintained with proper fuse protection and shall be installed in accordance with the National Electrical Code

(2) Extension cords shall not extend from one room to another, nor shall they be stapled, or nailed or otherwise permanently

MODEL	STATE	FEDERAL
A. APPLICATION		
This section established life safety requirements for Family Child Day Care Homes. A family day care home is a dwelling unit which provides the care, maintenance, and supervision of one or more, but fewer than seven children [illegible] but less than twenty-[illegible] hours, [illegible] attended by a parent or legal guardian.	The department of public welfare (department of social services), after consultation with the department of health, the department of public instruction, (department of education) and the fire marshall, shall make, promulgate, and publish such rules and regulations and minimum standards as shall be deemed necessary to protect the best interests of minor children and to carry out the purposes of this act. (Revised Laws of Hawaii 1955, Chapter 108, As Amended, Sect. 1[illegible]) (Note: This represents the total provision for fire and safety in family day care homes.)	
The requirements apply to homes housing children under 5 years of age, from 5 through 6 years of age and for children 6 years of age and older. The text principally applies to homes for children under 5 years of age and variances from it for homes housing children of other age groups are indicated. Where a facility houses more than one age group, the requirements for the youngest age group shall apply.		
[illegible] Family Day Care Homes are located in a building containing mixed or hazardous occupancies, the separation requirements of the locally applicable building code or, if none exists, a nationally recognized model code, shall be satisfied.		
B. UNIT DETAILS		
In a one or two-family dwelling or building of unprotected wood frame construction used for child care purposes, every room used for sleeping, living, or dining purposes shall have at least two means of egress, in this		

instance, an operable window will be considered one means of egress), at least one of which shall be a door or stairway providing a means of unobstructed travel to the outside of the building at street or ground level. No room or space shall be occupied for living or sleeping purposes which is access only by a ladder, rolling stairs or through a trap door. (Sleeping purposes in this instance, means from midnight 6:00 a.m.)

Where children are located on a floor below the floor of exit discharge (basement) at least one exit shall be provided directly to the outside at grade level. No facility shall be located more than one story below the ground.

C. DOORS

Each door in a means of egress shall be not less than 24 inches wide.

Every closet door latch shall be such that children can open the door from inside the closet.

Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency.

D. STAIRS

Every stairway shall comply at least with the minimum requirements for Class B stairways in Section [illegible] of NFPA [illegible] Stairways, and they shall be built and kept free of items or [illegible].

E. MINIMUM CONSTRUCTION STANDARDS

Each building used as a Family Child Day Care Home shall meet the local minimum housing code and fire prevention code for the applicable class of residential construction.

F. INTERIOR FINISH

Interior finish in occupied spaces in the home shall be no more hazardous than Class C in accordance with Section 6-5 of NFPA 101.

The interior finish in means of egress shall be Class A or B.

G. DETECTION SYSTEMS

Where the floor above the floor of exit discharge is used for sleeping purposes (sleeping purposes being from midnight till 6 am), there shall be detector which responds to products of combustion other than heat at the top of the stairs in a building 3 stories or less with open stairways; or inside the dwelling unit used as a day care facility in a multiple dwelling.

H. EXTINGUISHERS

A portable fire extinguisher suitable for Class B fires shall be provided for the kitchen and cooking areas

I. HEATING EQUIPMENT

Any heaters in spaces occupied by children shall be separated from the space by partitions, screens or other means. Unvented room heaters shall not be permitted. Oil and gas fired room heaters shall be installed in accordance with the applicable Standards listed in Appendix B of NFPA 101. A guard shall be provided to protect any children from hot surfaces and open flames.

ELECTRICAL SERVICES

Electrical wiring in new construction shall be installed in according with the National Electrical Code

[illegible]

[illegible]

Special [illegible]

[illegible]

FACILITY

At [illegible]
to provide [illegible]
[illegible]
failure

OTHER SAFETY REQUIREMENTS

NOTE

The Federal Occupational and Safety Law is now in effect and will apply to establishments having three or more employees. While the policies and procedures to be established under this Act are now being formulated, it should be a function of the licensing authority through its fire safety specialist to advise owners and operators of day care homes and centers of their responsibilities in connection with the law.

THE FOLLOWING PROCEDURES SHALL BE INCORPORATED IN THE OPERATION OF HOMES AND CENTERS

1. Porches, walkways, and play areas which are elevated shall have barriers to prevent falls by pre-school children.

2. Water heaters shall be equipped with thermostatic control.

3. Stairs, walkways, ramps and porches shall be maintained free from accumulations of water, ice, or snow and shall have a non-slip surfacing.

4. Play areas and play equipment shall be maintained in a reasonably safe condition and supervised by properly trained personnel under standards to be developed by the state licensing authority.

5. All flammable materials, including fuel, pressurized cans, cleaning fluids and supplies, polishes and matches shall be stored in designated cabinets or storage facilities accessible only to authorized persons. The construction of such facilities shall be in accordance with the provisions of nationally recognized standards, such as National Fire Protection Association No. 30. Medical supplies, bleaches, detergents, insecticides and similar materials shall be stored in equally safe facilities.

6. Lead paint shall not be used in redecorating. Paint coatings in older buildings converted to day care center use shall be checked to assure the absence of a hazardous quantity of lead in accordance with ANS No. [illegible]

7. Clear glass panels in sliding doors, shower doors, tub enclosures, storm doors and elsewhere shall be clearly marked to avoid accidental impact and shall be provided in accordance with ANS No. 97.1. Where clear glass is used in exterior windows less than 32 inches above floor level, the glass shall be of safety grade.

8. Untreated, flammable materials shall not be used for decorative purposes, seasonal or otherwise. Non flammable and fire retardant treated materials are available for such purposes. The use of candles with unexposed flame shall not be allowed except as used for educational purposes and maintained under control of supervising adults.

9. Waste baskets and other waste containers shall be [illegible] of non combustible materials.

10. Trash collection receptacles and burning facilities shall be separated from child play areas.

11. First-aid kits shall be located at convenient places. [illegible] Standards should be developed during the contract period. In centers accommodating more than 15 children, one staff member shall have received certified first aid training.

12. In all day care homes and centers there shall be a single line (where available) telephone immediately accessible to staff. Immediately adjacent to the telephone shall be conspicuously posted emergency telephone numbers, including fire, police, physician, health agency and ambulance.

13. Ground areas are well drained, surfaced where necessary, and free from depressions in which water may stand.

14. Premises are free from accumulations of refuse, dilapidated structures, vermin, other health and safety hazards, or "attractive nuisances."

15. Exterior spaces are fenced or have natural barriers to restrict children from unsafe areas.

16. All buildings, utility equipment, and playground facilities are located, installed, maintained, and used to insure the safety of children.

17. The storage, collection, and disposal of garbage is conducted so as to control nuisance conditions.

18. Outside stairs have safety gates, or there are ramps to prevent small or handicapped children from falling. All stairs and ramps are provided with handrails, and landings or gates are provided beyond each exterior door and interior doors opening onto a stairway.

19. Exterior building openings, when necessary during seasonal insect emergency periods, are screened, or have other approved means of insect exclusion.

20. Except in a private home, outside doors open outward. In centers caring for more than 12 children, the major outside doors are equipped with panic hardware. If children in wheelchairs are to be in care, doors are wide enough to accommodate the chair.

21. All rooms are adequately ventilated and all rooms, corridors, halls, stairs, and porches are adequately lighted.

22. There are no open flames, open fireplaces, or floor heaters in use, and all heating elements including hot water pipes are insulated or installed in such a way that children cannot come in contact with them.

23. Approved type heating facilities, where necessary, are properly installed, maintained, and capable of maintaining a draft free temperature of 72 degrees F. at floor level in occupied rooms.

24. Furniture, equipment, and toys are appropriate to the ages of the children, are sturdily constructed without sharp edges, and present minimal hazards to children.

25. All painted surfaces accessible to children are free of toxic materials

26. First aid supplies, medications, cleaning materials, poisons and other potentially hazardous materials are stored in small containers in cabinets inaccessible to children.

SUMMARY

IV FIRE AND SAFETY REQUIREMENTS

1. Because the federal document does not contain specific fire and safety provisions, this section will compare only the Model and State documents. Furthermore, as the State document contains the following general provisions: the "Fire Marshall shall make, prescribe, and publish minimum standards deemed necessary. . .", it is assumed that the provisions specified in the State document do not make up the total State requirements in this area.

CHILD DAY CARE CENTERS

2. Occupancy and Capacity. Model and State documents have the same provisions for capacity and occupancy load in day care facilities. For day care there is to be a minimum of 35 square feet of floor area per child. Moreover, the State specifies 50 square feet per child for night care.

3. Exit, Access to Exits, Emergency Exits, Doors and Refuge Areas. Both documents contain similar provisions. However, the Model relates its exit requirements to other construction factors such as the height of the building in which the center is located, the type of wood frame, and the existence of sprinkler systems or combustion detectors. On the other hand, the State specifies the proper width of exit door, the type of exit door locks, and the proper maintenance of corridors and pathways.

4. The State requirements on the travel distance between the door of the room and the exit from a given floor is 75 feet, the Model, 100 feet. The Model, however, has other travel distance specifications on a) the distance between any given point in a room and an exit; and b) any point in a sleeping room or suite and the door. Both Model and State require that doors swing in the direction of exit.

5. Since the Model allows day care centers to be located in high rise buildings, it requires each center to provide areas of refuge. These may be either smoke-proof towers or horizontal exits.

6. Sleeping Area Compartments. The Model requires that sleeping areas be divided with partitions which have specified fire resistance rating and that these compartments have doors which meet Model specifications.

7. Minimum Construction Standards and Other Requirements. The State construction standards require exterior walls to be of 1 hour fire resistance construction. The Model Standards are more comprehensive. For example, the maximum height at which a facility can be located depends on the fire resistance rating of the building, the age of the children being cared for, and the number and accessibility of exits. The Model also contains provisions on the degree of resistance of the interior finish of a building. These provisions vary according to the age of children in the center. Additional areas contained in the Model pertain to hazard areas and center service equipment.

8. Model and State both require fire extinguishers and heat activated fire alarm systems. However, Model and State differ on the specifications of these safety measures.

9. The State requires each center to have an evacuation plan which would include staff training plans and fire drills. While the Model lacks this specific provision, it does contain a fire evacuation contingency plan in its provision for disaster and emergency plans.

GROUP DAY CARE HOMES

10. Neither the State nor Federal have fire and safety requirements governing family day care homes.

OTHER SAFETY REQUIREMENTS

11. The Federal Occupational and Safety law has generated new Model policies and procedures for the operation of day care facilities. The Model requires the incorporation of procedures which cover a wide variety of areas.