

Licensing Rules for Afterschool Child Care Programs Effective

FOREWORD

These Child Care Licensing Rules are designed to protect the health and safety of children. They also make sure that children in afterschool and summer programs get care and learning experiences that are right for their age.

The rules have been updated based on the latest scientific research about how children learn and grow. They also take into account industry standards and the practical aspects of operating afterschool programs that affect children's health, safety, and well-being. The format has been revised to make the rules easier to understand and use. The rules are now aligned with the child care rules used for family child care homes and center-based programs when appropriate. Other updates reflect changes to state and federal laws, the use of technology in government and program management, and the evolving system of afterschool services and supports in Vermont.

The Child Development Division aims to make sure the licensing requirements are clear, reasonable, fair, and enforceable. As part of the Agency of Human Services' Department for Children and Families, we keep the well-being of children and their families as the main focus.

We welcome public comments on the rules at any time. The comments will be considered for future updates or new requirements. You can share your comments on our website: <https://dcf.vermont.gov/cdd/laws-rules/licensing>.

Janet McLaughlin
Deputy Commissioner
Child Development Division

MISSION

The mission of the Child Development Division is to improve the well-being of Vermont's children. We do this through partnerships with families, communities, schools, providers, and state and federal agencies to increase statewide, client-centered access to developmentally appropriate and equitable child development services.

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Section 1 – Introduction

1.1 Legal Authority to Regulate Services

No person agency, corporation, partnership, or individual may operate or maintain a child care facility without a current license issued by the Vermont Department for Children and Families, Child Development Division. The legal authority for these rules is in 33 V.S.A. §§ 151(1) and 3502.

1.2 Purpose

These rules are meant to keep children safe and healthy and help them grow and develop in a positive way in an Afterschool Child Care Program. These rules are the basic standards for child care programs in Vermont. Afterschool Providers may choose to go beyond these rules in delivering care to children and their families.

1.3 Effective Dates

- A. These rules will go into effect for all initial applications for licensure as an Afterschool Child Care Program received on or after {effective date}.
- B. These rules will go into effect for all Afterschool Child Care Programs with a current license on {effective date}. A provider must read these rules and ensure full compliance before {add four months to above effective date}

1.4 Severability

The provisions of these rules are severable. If any provision of these rules is invalid, or if any application thereof to any person or circumstances is invalid, the invalidity shall not affect other provisions or applications of these rules which can be given effect without the invalid provision or application.

Section 2 – Definitions of Terms

- 2.1 “Afterschool Activity Specialist” is a person who is not considered staff but works in or contributes to the program curriculum on a short-term basis. The Afterschool Activity Specialist will lead instruction on one particular subject for no more than thirteen (13) consecutive weeks.
- 2.2 “Afterschool Aide” is a person assigned to work with a specific child or group of children. The Afterschool Aide may count in staff-to-child ratio.
- 2.3 “Afterschool Child Care Program” referred to as “ASP” in these rules is a program approved to provide school age children with developmentally appropriate learning, care, experiences, protection, and supervision before school, after school, and during school vacations. An ASP license is specific to a physical location where services are provided.
- 2.4 “Afterschool Program Staff” is a staff member who is:
 - A. Responsible for a group of school age children.
 - B. Provides developmentally appropriate learning, care, and experiences.
 - C. Develops and implements curriculum.
 - D. May supervise afterschool activity specialists, volunteers, and leaders-in-training.
- 2.5 “Annual Licensing Requirements” refers to compliance activities that must be completed every 365 days within the three (3) year license period.

- 2.6 “Auxiliary Staff” are employees of the Afterschool Program (ASP), community-based centers, and/or schools who may have contact with children and whose responsibilities do not include care of children. Auxiliary staff would include cooks, janitors, maintenance workers, and other staff who are not directly responsible for the supervision, care, and education of children.
- 2.7 “Background Clearance” is the process required by these rules in which a person may provide fingerprints and various databases are checked before the Division decides whether a person may associate with the ASP.
- 2.8 “Capacity” is the total number of children allowed to be present at any given time as approved on the license.
- 2.9 “Child” for the purposes of these rules is a person who is under the age of sixteen (16) years. A child with special health needs as defined in these rules is also considered a child and all rules apply to them.
- 2.10 “Child Development Database” is an online tool used by the Child Development Division to connect with child care providers, educators, and parents. It helps manage everything related to child care and early education licensing, as well as the training and qualifications of early childhood and afterschool professionals.
- 2.11 “Child with Special Health Needs” is one of the following:
- A. A person under the age of thirteen (13) years who is eligible for special services through a Children’s Integrated Services One Plan, an Individual Family Service Plan (IFSP), an Individualized Plan of Care (IPC), an Individualized Education Plan (IEP), a 504 Plan, a mental health treatment plan, or who may need special accommodations to be successful in the ASP.
 - B. A person who is age thirteen (13) or older, but under age nineteen (19) years, has an IEP or a documented physical, medical, emotional, or behavioral condition that precludes the person from providing self-care or being unsupervised. This must be confirmed in writing by a health care provider, licensed psychologist, or court records.
- 2.12 “Commissioner” is the Commissioner of the Department for Children and Families or designee.
- 2.13 “Corporal Punishment” is deliberately causing physical pain to a child to punish, correct, discipline, teach, or for any other reason.
- 2.14 “Curriculum” is content taught that supports the knowledge and skills to be acquired by children and the activities and experiences through which such knowledge and skills are achieved.
- 2.15 “Department” is the Vermont Agency of Human Services, Department for Children and Families, and/or its agents.
- 2.16 “Developmentally Appropriate” is practices grounded in research on how young children develop and learn. It involves activities and interactions that are appropriate for the age and developmental level, both individually and as a group. It helps each child reach goals that are challenging, but possible, and supports their unique growth and learning. The approach also considers the social and cultural backgrounds of the children.
- 2.17 “Division” is the Child Development Division within the Vermont Department for Children and Families.

- 2.18 “Experience” as used in relation to qualifications is experience working with groups of children, from birth through school age, as a paid professional, as a consistent and regularly scheduled volunteer, or as a trainee.
- 2.19 “Group” is the number of children who:
- A. Meet together regularly.
 - B. Can be identified with one another as being distinct from the larger population of children present.
 - C. Are assigned to a consistent staff member or team of staff members.
- 2.20 “Hazard” is a source of harm that may not be obvious to a child but has potential for injury/harm that is greater than the child could manage to avoid.
- 2.21 “Health Care Provider” or “Health Care Consultant” is someone legally allowed to give medical care. This can include a physician, nurse practitioner, nurse, and physician assistant.
- 2.22 “Individual Professional Development Plan” referred to as “IPDP” is a personalized plan to grow knowledge and skills in child care and education. It includes assessing current knowledge and skills, setting goals for improvement, and creating a plan with steps, resources, and a timeline to achieve those goals.
- 2.23 “Inactive License” is the license status when a program no longer provides care for three (3) months or longer and the licensee does not want to surrender their license.
- 2.24 “Kindergarten” is a one (1) year educational program designed to meet the needs of children who will attend first grade the following school year.
- 2.25 “License” is the official document that certifies that a person or entity has been granted permission by the State of Vermont to operate an ASP in accordance with the law, regulations, and rules of the Department for Children and Families.
- 2.26 “Licensed Space” is the indoor and outdoor space approved by the Division as useable space where children may be present.
- 2.27 “Licensee” is the person, corporation or other legal entity named on the license who has been approved by the Division to operate an ASP. The licensee is responsible for the operation of the ASP and is legally responsible for compliance with these rules.
- 2.28 “Northern Lights” is Vermont’s professional development system for early childhood and after school professionals.
- 2.29 “Parent” is a birth or adoptive parent, legal guardian, foster parent, or any other person having responsibility for, or legal custody of, a child.
- 2.30 “Parental Notification Letter” is a securely delivered written notification from the ASP to the parent(s) of enrolled children, indicating that a serious violation of these rules has been identified by the Division.
- 2.31 “Partner Staff” is a person employed by another entity, other than the ASP, who works with a child or group of children within the ASP.
- 2.32 “Pattern of non-compliance” is when the Division has found repeated violations during licensing visits that indicate regulatory non-compliance. These violations may immediately or directly impact the health, safety, and development of children. Pattern of non-compliance also means three (3) or more similar violations during a single licensing visit.

- 2.33 “Professional Development” is training and support activities designed for adults. These activities help individuals improve their work with children and families by increasing their knowledge, skills, and practices.
- 2.34 “Program” is all activities related to the provision of child care and education in the ASP.
- 2.35 “Program Administrator” is the staff person who is responsible for the overall management of the program in accordance with these rules.
- 2.36 “Program Director” is the staff person who is directly responsible for the ASP’s daily operations and services to children and their families. The director is also responsible for the development or approval of the ASP’s program and curriculum and for supervising staff and volunteers.
- 2.37 “Program Improvement Plan” is a list of steps the ASP needs to take to come into full or substantial compliance after violations have been found. It is the same as “corrective action.”
- 2.38 “Provisional License” is a temporary license given by the Division to a currently licensed or new ASP who does not fully meet these rules but is expected to do so within a set time, up to one year. This license cannot be renewed.
- 2.39 “Revocation” is the formal cancellation of a license by the Division.
- 2.40 “Risk” is exposure to danger, harm, or loss.
- 2.41 “School Age” is a child who meets at least one of the following:
- A. Is four (4) years of age or older and currently attending kindergarten.
 - B. Is scheduled to begin kindergarten within three (3) months.
 - C. Has completed kindergarten or a higher grade.
- 2.42 “Screen Time” is the time spent watching television or videos, playing video games, or using computers, tablets, or handheld devices, including smart phones.
- 2.43 “Seasonal Staff” are staff hired by the ASP to work only during a specific portion of the year, for up to six (6) months within a 365 day period.
- 2.44 “Sensory” is using activities that help each child learn through their five (5) senses, supporting their unique way of learning.
- 2.45 “Serious Incident” is an incident or unusual occurrence that is threatening to the health, safety, or welfare of the children, staff, or volunteers. It can include, but not be limited to, a lost or missing child, illness or injury that happened on the child care premises and when medical care or emergency responders were needed.
- 2.46 “Serious Violation” is breaking rules about group size or staffing requirements, or doing things that put children’s health, safety, or well-being at immediate risk. This can include corporal punishment, not supervising properly, or inappropriate physical or sexual contact.
- 2.47 “Specialized Child Care” is child care provided by a licensed child care provider who has signed an agreement with the Division to serve specific groups of children and their families. The ASP is required to maintain a high quality, inclusive program, comply with all regulations and rules, and obtain additional annual training in topics relevant to servicing the specialized needs of children or families. Specialized Child Care Providers must provide the level of care necessary to meet the individual needs of enrolled children. This includes children who meet any of the following:

- A. Involved with the Family Services Division of the Department for Children and Families.
 - B. With special physical, behavioral or developmental needs.
 - C. In families experiencing significant short-term stress.
- 2.48 “Single Service Items” are things used once for preparing, serving, or eating food, and then thrown away.
- 2.49 “Staff” includes everyone working or substituting at the ASP including a program administrator, program director, afterschool program staff, afterschool activity specialists, leaders-in-training, afterschool aides, auxiliary staff, and seasonal staff.
- 2.50 “Substantial Compliance” is following these rules well enough that any violations found do not put the children’s health and safety at risk.
- 2.51 “Substitute” is a staff member who is temporarily filling a position in the ASP due to the absence of regularly employed staff.
- 2.52 “Supervision of children” is knowing where each child is and what they are doing and being close enough to step in quickly to keep them safe from harm.
- 2.53 “Supervision of staff and volunteers” is watching and assessing staff, partner staff, and volunteers to make sure they interact well with children, follow ASP policies, procedures, and curriculum, and meet the requirements of these rules.
- 2.54 “Suspension” is officially prohibiting care in a licensed program right away because a child’s health, safety, or well-being is at immediate risk at the ASP.
- 2.55 “Variance” is an exception to a rule granted by the Division in circumstances when it determines the immediate or literal application of a rule would result in unnecessary hardship for the licensee, a child, or a family. The Division grants a variance when it determines the intent of the rule can be achieved by other means.
- 2.56 “Violation” is a breaking or not meeting a licensing law or rule.
- 2.57 “Volunteer” is an unpaid person who helps with children and is not counted in staff-to-child ratio or left alone with children.
- 2.58 “Youth Volunteer” and “Leadership-In-Training” is a person who is between thirteen (13) and seventeen (17) years of age and present at the ASP for a specific program purpose, are not counted in staff/child ratio, and cannot be left alone with children.

Section 3 – General Provisions

3.1 Regulated Service and Limitations

- A. An Afterschool Child Care Program provides care fitting for a child’s age and abilities. It provides education, a safe environment, and supervision designed to ensure wholesome growth and learning for children outside of their own homes for periods of less than twenty-four (24) hours per day. An Afterschool Child Care Program operates as a business or service on a regular or continuous basis, regardless of compensation.
- B. Any person or entity licensed to operate an Afterschool Child Care Program must not concurrently operate a Family Child Care Home.

- C. Children in an Afterschool Child Care Program must not be subjected to abuse, neglect, and/or mistreatment
- D. The following do not need a license under these rules:
 - 1. A person providing care for children of not more than two (2) families in addition to the providers own family.
 - 2. A hospital or establishment with a license from the Department of Health, unless its main purpose is to care for, protect, and supervise children.
 - 3. A program that mainly offers recreational or therapeutic activities unless its main purpose is to take care of, protect, and supervise children.
 - 4. Child care facilities operated by a religious organization for the care and supervision of children during or in connection with religious services or church sponsored activities.
 - 5. An after-school program that meets all of the following:
 - a. Serves students in one (1) or more grades from kindergarten through secondary school.
 - b. Receives funding through the 21st Century Community Learning Centers Program.
 - c. Is overseen by the Agency of Education.
 - d. Has not asked to participate in the Child Care Financial Assistance Program (CCFAP).
 - 6. Recreation programs that meet one or more of the following:
 - a. Operates less than four (4) hours per day and not more than thirteen (13) weeks a year for children ages three (3), four (4), and five (5) years.
 - b. Operates for not more than thirteen (13) consecutive weeks for children that have completed Kindergarten or will reach six (6) years by September 1st of the year enrolled.
 - c. Operates for not more than four (4) hours one (1) day a week or not more than two (2) hours for two (2) days a week.
 - d. Operates to provide a single skill-based activity for children three (3) years or older.

3.2 Licensing Process and Procedures

A. Authority to Inspect

- 1. The prospective licensee, the licensee, or the ASP staff must allow access to the ASP at reasonable hours by any authorized state or local official for the purposes of determining compliance with these rules. The Division representatives must make a reasonable effort to announce their presence and must identify themselves before entering the ASP. The prospective licensee, the licensee, or ASP staff may request the representative to produce valid identification.
- 2. The prospective licensee, the licensee, or the ASP staff must allow visits, inspections and examinations of the facility, its records, equipment, materials, and video footage for the purpose of determining compliance with these rules.

Any records or reports required in these rules must be given to a Division representative on request.

3. The licensee must allow representatives of the Division to interview any staff members regarding information relevant to determining compliance with these rules.
4. Upon request, the licensee, program administrator, or program director must provide the Division with a list of names, addresses, and telephone numbers of families served during the prior twelve (12) months, with dates and hours of attendance of each child served. The Division may request this information during a visit, or by telephone, or in writing.
5. The licensee must not interfere with an investigation or inspection, nor should they encourage anyone else to do so. The licensee must not give false information to the Department or cause another to do so.
6. Division staff may use electronic equipment to record any part of their visit or inspection of an ASP, including interviews that may be conducted or activities that may be occurring at the ASP.

3.3 Issuance of License

- A. To qualify for a license, or a license renewal, a prospective licensee must demonstrate to the satisfaction of the Division that the ASP is in full or substantial compliance with these rules.
- B. A license can only be given to the licensee for the ASP for which an application is made and must be for the ASP's actual site.
- C. A license is not transferable, assigned, or subject to sale.
- D. During the hours of operation when children are present, the facility must only be used for providing child care and educational services or training.

3.4 Licensing of an Organization with More than One (1) Site

- A. A separate application must be made for each ASP site location.
- B. An ASP that operates in two (2) or more buildings at the same location has the option of applying for a single license for all buildings at that location or for separate licenses for each building.

3.5 Nullification of a License

- A. The current license will immediately become void when any of the following occurs:
 1. When the ASP is sold or leased.
 2. The operation has moved to a new location.
 3. The license has been expired or revoked.
- B. The licensee is responsible for compliance with these rules, regardless of how many children are enrolled, until and unless any of the following occurs:
 1. An official closure notification has been submitted to the Division through the Child Development Database.
 2. The Division has taken action to suspend or revoke a license or deny renewal of a license.

3. The license has expired with no application for renewal. If the licensee closes the ASP, the licensee must inform the Division and surrender the license.

3.6 License Type: Full License

- A. A full license is issued when the Division determines that the licensee is in full or substantial compliance with the applicable provisions of these rules.
- B. A full license is effective for no more than three (3) years from the date of issuance, unless one of the following occurs:
 1. Modified to a provisional license
 2. Revoked
 3. Surrendered before the expiration date
 4. Suspended

3.7 License Type: Provisional License

- A. A provisional license may be issued under any of the following conditions:
 1. When the Division finds major issues that could harm the children's health, safety, or well-being.
 2. When an emergency or serious incident occurs that affects a licensee's ability to be in substantial compliance with these rules.
 3. The licensee has a pattern of non-compliance with these rules.
 4. The licensee has applied for renewal and is not in substantial compliance with these rules.
 5. The licensee has submitted a new application for license and full compliance has not been determined.
- B. A provisional license is effective for a period determined by the Division and specified on the license, not to exceed one (1) year from the date of issuance, unless one of the following occurs:
 1. Extended
 2. Modified to a full license
 3. Revoked
 4. Surrendered before the expiration date
 5. Suspended
- C. Upon issuance of a provisional license, the full license will become void.
- D. When a provisional license is issued, the licensee must provide a copy of the provisional license letter to the parents of each enrolled child within three (3) business days letting them know of this change. When the child's parents do not reside in the same home, a copy must be provided to each parent.
- E. During the provisional period, the licensee must comply with the conditions outlined by the Division.
- F. A provisional license may be replaced with a full license when the Division determines that the licensee has come into full or substantial compliance with

applicable provisions of these rules in advance of the expiration date of the provisional license.

- G. If the licensee is not able to come into full or substantial compliance with applicable provisions of these rules in advance of the expiration date of the provisional license, the license expires. The licensee must apply again and meet all the requirements for a full license in order to operate an ASP.

3.8 License Type: Inactive License

- A. A license is moved to “Status: Inactive” at the written request of the licensee when the program is no longer providing care for three (3) months or longer and the licensee does not want to surrender their license.
- B. A licensee with an inactive license must contact the Division and take part in a technical assistance site visit with a licensing field specialist at least one (1) month before providing care to children again.

3.9 Procedures for Initial Program Licensure

- A. The prospective licensee must apply for a license on forms provided, and in a manner set by the Division.
- B. Background Clearance Requirements at Initial Licensure:
 - 1. The prospective licensee must submit a Records Check Authorization form to the Division with the initial application. One form is required for the licensee, one for each staff person, and one for each partner staff person.
 - 2. At the time of application, the prospective licensee, every staff person, and every auxiliary staff person must also complete a background clearance after the Division provides a Fingerprint Authorization Certificate.
 - 3. The Division may use the results of a background clearance on file with the Division if it has been completed within the last five (5) years and the prospective licensee and/or staff have been employed in a licensed child care program within the past 180 days.
 - 4. For the purposes of this section and for any section of these rules that mentions a Records Check Authorization form, such form is considered complete only when it has been submitted and includes all of the following:
 - a. The full and complete name(s) of the person subject to the record check
 - b. Date of Birth
 - c. Gender
 - d. Social Security number
 - e. Current contact number
 - f. Current mailing address
 - g. Name and certificate number of the licensee
 - h. Position held
 - i. Name of all states lived in the last five (5) years
 - j. Place of birth

- k. Signature authorizing the background clearance to be completed
 5. For the purposes of this section and for any section of these rules that mention a Fingerprint Authorization Certificate, such certificate is considered complete only when it has been submitted, signed by the Division, and includes all of the following:
 - a. The full and complete name(s) of the person subject to fingerprinting
 - b. Date and place of birth
 - c. Gender
 - d. Social Security number
 - e. Current telephone number
 - f. Name of all states lived in
 - g. Signature of the person subject to the fingerprinting
 - h. Name and address of the Division to whom the fingerprinting results must be forwarded
 6. The licensee must make sure that all new staff, substitutes, partner staff, and any new individual representing the licensee submit a Records Check Authorization form to the Division before working with children and follow **all rules in the "Background Clearances" section of these rules.**
- C. Qualifications for Program Administrator and Program Director
- Before getting their first license, the prospective licensee must upload proof of education, training, and experience for the proposed program administrator and program director to their respective Quality and Credential Account. This proof must show that the proposed program administrator and program director meet the minimum qualifications established by these rules.
- D. Lead Poisoning Prevention
- If the facility to be licensed was built before 1978 and has not been confirmed lead-free by an inspector licensed by the Vermont Department of Health, the prospective licensee must comply with the requirements of state law governing lead poisoning, including the Vermont Regulations for Lead Control before licensure and must be sure that Inspection, Repair, and Cleaning Practices (IRC) are done according to the Vermont Regulations for Lead Control. Information for the IRC Compliance Statement must be included in the initial license application. An application may be denied if there is a risk of children being exposed to lead.
- E. Insurance Coverage
- The prospective licensee must carry liability insurance of a reasonable amount for the licensee's own protection and for the protection of children attending the ASP. Proof of insurance coverage must be provided to the Division.
- Transportation insurance, if applicable, must cover property damage, bodily injury, and liability.
- F. The prospective licensee must meet all applicable requirements of the Vermont Division of Fire Safety and the United States Americans with Disabilities Act, as amended. An ASP located in an approved public school or independent school

building will be exempt from providing this documentation to the Division in the initial application.

- G. The prospective licensee must make sure that the water and wastewater system used by the ASP has all the permits required by the Department of Environmental Conservation. Required permits or documentation of an approved water system must be submitted with the initial application. An ASP located in an approved public school or independent school building will be exempt from providing this documentation to the Division in the initial application.
- H. The prospective licensee must make sure that the drinking water system follows lead water testing and other requirements according to state law and all relevant Vermont Department of Health lead water testing regulations. Until at least one water outlet meets state standards, bottled water must be used for drinking, food preparation, and brushing teeth. An ASP located in an approved public school or independent school building will be exempt from providing this documentation to the Division in the initial application.
- I. If a prospective licensee is not required to have a drinking water permit, then the prospective licensee must make sure a system of potable water is maintained as follows:
 - 1. Testing for safe potable water must include checking for bacteria and chemicals like arsenic, uranium, nitrite, manganese, nitrate, and fluoride. This testing must follow state law and be done by a lab certified by the State of Vermont.
 - 2. Test results must meet Vermont standards. If any levels are too high, the water must be treated or water system fixed and tested again to make sure it is safe to drink. Until the water system meets standards, bottled water must be used for drinking, cooking, and brushing teeth.
 - 3. The sample must be taken from the tap that is used the most often for drinking, after any treatment like a UV light system, a softener, or charcoal filter.
 - 4. Information from this water test must be included in the initial application.
- J. If the program will provide care in the basement of a building, the licensee must make sure a radon test is done and meets the Environmental Protection Agency (EPA) safety standards.
- K. When applying, the prospective licensee must certify that they are in good standing with Vermont tax laws, either by having paid all taxes owed or by following a payment plan approved by the Commissioner of Taxes.
- L. When applying, the prospective licensee must certify that they are in good standing with the Vermont Office of Child Support under a child support order, either by having paid or being current with payments, or by following a payment plan approved by the Vermont Office of Child Support.
- M. A prospective licensee must meet all applicable requirements of the municipal zoning bylaws.
 - 1. Zoning approval for the ASP must be properly recorded in the municipal office in which the ASP is located. A copy of the approval must be provided to the Division in the initial application. An ASP located in an approved public school or independent school building will be exempt from providing documentation to the Division in the initial application.

2. The prospective licensee must make sure that the building is constructed, furnished, maintained, and equipped in compliance with all applicable requirements established by the Federal, State and local and municipal regulatory bodies. An ASP located in an approved public school or independent school building will be exempt from providing documentation to the Division in the initial application.
- N. After submitting a complete application to the Division, the prospective licensee must respond to any additional questions and reasonable requests for the Division to decide about the application.
- O. If a license to operate is denied, the Division will send the prospective licensee written notice explaining why and outlining the prospective licensee's right to appeal the decision.

3.10 Annual Licensing Requirements

- A. The licensee must complete all annual licensing requirements as described in the electronic notice sent by the Division.
- B. The Division must conduct an unannounced licensing compliance visit at least once every 365 days at each ASP.
- C. The licensee must make sure that all staff complete background clearances by submitting a Records Check Authorization form to the Division at least once every five (5) years and providing fingerprints, as needed.
- D. The licensee must make sure all staff have met ongoing professional development requirements as defined in section 5.6 "Annual Professional Development" in these rules.
- E. If the licensed facility was built before 1978 and has not been confirmed lead-free by an inspector licensed by Vermont Department of Health, the licensee must comply with the requirements of Vermont's Lead Safety laws. The licensee must also make sure that Inspection, Repair, and Cleaning Practices (IRC) are done and documented.
- F. The licensee must maintain continuous insurance coverage.

3.11 Procedure for License Renewal

- A. The licensee must complete all licensing renewal requirements as described by the electronic notice sent by the Division.
- B. The licensee must keep track of when their license expires and submit a complete renewal application on time to keep their license active and in good standing. The renewal application, along with all required documentation and proof, must be submitted before the current license expires.
- C. A licensee must use the forms and follow the process given by the Division to apply for a license renewal. The renewal application must include all of the following:
 1. All annual requirements related to background clearances, staff qualifications, annual professional development, lead poisoning prevention, and insurance.
 2. A licensee must make sure that the drinking water system complies with the lead water testing requirements according to state law and Vermont Department of Health water-testing rules. An ASP located in an approved public school or

independent school building will be exempt from providing this documentation to the Division.

3. If a licensee is not required by the Department of Environmental Conservation to have a drinking water permit, the licensee must make sure the drinking water system is chemically tested for arsenic, uranium, nitrite, nitrate, manganese, and fluoride once every six (6) years. This testing must be performed by a Drinking Water Laboratory certified by the State of Vermont.
 - a. Results must meet Vermont standards. Water must be treated and retested to make sure it is potable if any test(s) are elevated.
 - b. Bottled water for drinking, food preparation, and brushing teeth must be provided until such time as the drinking water system meets Vermont standards.
 - c. The sample must be taken from the tap that is used most often for drinking, after any treatment like a UV light system, a softener or charcoal filter.
 - d. Information from these water tests must be included in the license renewal.
4. The licensee must be in good standing with Vermont tax laws, either by having paid all taxes owed or by following a payment plan approved by the Commissioner of Taxes.
5. The licensee must be in good standing with the Vermont Office of Child Support under a child support order, either by having paid or being current with payments, or by following a payment plan approved by the Vermont Office of Child Support.
- D. When renewing their license, the licensee must prove to the Division that the ASP is in full or substantial compliance with these rules.
- E. If a licensee submits a renewal application on time and it is complete, the licensee's current license will be valid until the Division makes a decision on the renewal application.
- F. If the licensee does not provide sufficient application materials and documentation of compliance before the license expires, the license to operate will expire. The licensee will then need to submit a new license application and meet all requirements for the issuance of a full license in order to provide care for children. The ASP must not operate when the license has expired.
- G. After submitting a complete renewal application to the Division the licensee must answer any additional questions and reasonable requests from the Division to assist with the decision process for the renewal application.
- H. If a renewal application is denied, the Division will send the licensee written notice explaining why and outlining the licensee's right to appeal the decision. The licensee who submits a timely appeal request may continue to operate under a provisional license during the appeal period.

3.12 License

- A. The official license issued by the Division must be posted and display all of the following:
 1. Status of the license: full or provisional.
 2. Effective date of the license.

3. Date the license will expire.
 4. Authorization to operate the ASP.
 5. Terms and/or conditions added to the license.
 6. Approval to prepare and provide meals, if granted.
 7. Maximum number of children who may be served at one (1) time.
 8. Ages of children who may be served.
 9. Address of the ASP.
- B. The licensee must display a current license to operate the ASP and a copy of the current ASP Rules in the licensed space where parents, staff, and visitors can clearly see them. A void or out-of-date license must be immediately removed.
 - C. The Division may add terms that are fixed requirements and conditions that are time limited requirements to the approval of a license if needed. The licensee must follow all the terms and conditions on the license certificate.
 - D. When the licensee has the necessary documentation for a child with special health needs or a disability, the licensee may enroll and provide services to that child despite the term on the license regarding the ages authorized to be served by the ASP.
 - E. The licensee must not alter or tamper with the official posted license or cause another to alter or tamper with the official posted license.
 - F. The licensee must be responsible for compliance with these rules and must always operate the ASP within the terms and conditions of the license.
 - G. During a State of Emergency, requirements established by the Vermont Governor will override these ASP rules. The ASP must follow the requirements established by the Vermont Governor.
 - H. The licensee must follow all applicable state and federal laws even if those laws are stricter than these rules.
 - I. The licensee must not represent or give the impression that the ASP and its services are different than as defined by the license certificate and the limitations of these rules.
 - J. The licensee must notify the Division before any of the following changes in the operation of the ASP. The Division will determine whether to modify a current license, approve a time limited variance, or require the licensee to apply for a new license:
 1. Ability to prepare and provide meals.
 2. A reduction, addition, or substantial change in the indoor or outdoor space utilized for the care of children in the ASP.
 3. A change in the name of the ASP.
 4. A change in corporate governance.
 5. A change in the ASP's Taxpayer Identification Number.
 6. A change in the number of children served in the ASP at any one (1) time.
 7. A change in the ages of children the ASP serves.

8. A change in the program director and/or program administrator.
9. A change in the designated representative for a licensee.

3.13 Complaint Procedure

- A. The Division must receive and respond to complaints from the public regarding regulated child care and early education providers. Division staff will assess every complaint received to determine if it pertains to these rules.
- B. If a complaint about rule compliance is received, the Division must start an investigation. The Division must notify the licensee that a complaint is being investigated unless doing so would jeopardize a criminal or child protection investigation. The results of the investigation must be reported in writing to the licensee. If the complaint is substantiated or if any other violations are found during the investigation, the licensee must create and follow a program improvement plan to come into full or substantial compliance with state law and these rules.
- C. If a complaint does not relate to these rules, the Division may refer complaints to other governmental entities. At the time of the referral, the Division will request a report on the investigation's findings.

3.14 Violations and Program Improvement Plans

- A. When violations are found to exist, the Division will offer the licensee the opportunity to develop a program improvement plan to fix the issues within a timeframe agreed upon by both the Division and the licensee.
- B. When violations pose an immediate risk to children's physical, emotional, or developmental well-being, show a pattern of repeated non-compliance, or a licensee fails to comply with corrective action requirements; the Division may choose to take additional regulatory action.

3.15 Suspension, Revocation, or Denial of License

- A. If the Division finds a serious or immediate risk to the health, safety, and/or well-being of a child or children attending the ASP, it can immediately suspend the license with written notice. The notice will inform the licensee of the rights to appeal the decision and request a Human Services Board hearing. During the suspension, the ASP cannot operate while waiting for the appeal decision.
- B. The Division may deny an application for licensure or renewal or revoke the current license of the ASP for good cause, including the following:
 1. Failure to submit sufficient information to make a licensing decision at the time of application for licensure or renewal.
 2. Failure to comply with applicable provisions of state or federal law or these rules.
 3. Violation of the terms or conditions of the license.
 4. Any activity, policy, practice, or staff behavior the Division considers harmful and poses a serious or immediate threat to the health, safety, development, or well-being of children attending the ASP.
 5. Providing false or incomplete information, or misrepresenting material facts, when:
 - a. Applying for a license or renewal.

- b. Operating the ASP.
 - 6. Refusal to furnish the Division with information, files, reports, records, or video footage as required by these rules.
 - 7. Refusal to permit an authorized representative of the Division to enter the ASP during reasonable hours as required in these rules.
 - 8. Conduct that demonstrates a pattern of unwillingness or inability to consistently comply with these rules.
- C. The Division's decision to suspend, revoke, or deny a license will be communicated in writing and must state the reason(s) and factual basis for the action. The Division will notify the licensee of the right to appeal the decision and request a hearing.
- D. If the license has been suspended or revoked, the Division may notify the parent(s) of enrolled children of its actions or proposed actions.

3.16 Right to Appeal Regulatory Actions

- A. If the Division takes any of the following actions, it must notify the licensee in writing, detailing the factual evidence that justifies the action or intended action and explains the licensee's right to appeal the decision and request a hearing:
- 1. Suspends or revokes a full or provisional license to operate.
 - 2. Denies approval of a provisional license.
 - 3. Denies approval of a full license or renewal license.
 - 4. Replaces a full license with a provisional license.
 - 5. Cites a violation of regulation(s).
 - 6. Denies a request for a variance.
 - 7. Deems a variance void.
- B. If the licensee disagrees with the action, they must notify the Division in writing within thirty (30) days from the date of the Division's written notice that they wish to challenge the action and specifically request a Commissioner's Review. When the licensee wishes to have their appeal considered by the Human Services Board they must indicate in writing directly to the Human Service Board within thirty (30) days from the date of the Division's written notice.
- 1. Decisions resulting from the Commissioner's Review hearing are subject to further appeal to the Human Services Board.
 - 2. Appeals challenging the revocation of a full or provisional license to operate, or appeals of a denial variance, are not subject to a Commissioner's Review hearing. These appeals must be made directly to the Human Service Board.
 - 3. All other appeals may be made through a Commissioner's Review hearing or directly to the Human Services Board.
- C. If the Division receives a written request for a Commissioner's Review hearing within thirty (30) days of the date of the notice of action or intended action, the Division must start a Commissioner's Review hearing within thirty (30) days from the date the written request was received.
- D. A designee of the Commissioner may conduct the Commissioner's Review.

- E. The Commissioner's Review hearing must allow the licensee an opportunity to be heard regarding the action. The licensee may submit a written response to the Division's notice or may present their position in person, by phone, or virtually to the Commissioner's designee. The licensee may represent themselves or may designate another person or an attorney to represent the licensee. The licensee may provide witnesses, documents, or other evidence on their behalf.
- F. The Commissioner's Review process must include review of the factual evidence provided by the Licensing Unit of the Division and an interview with Licensing Unit staff. The Commissioner's designee may also interview any witnesses with information relevant to the facts of the matter, including program staff and parents. The Division will be responsible for the burden of proving facts alleged to justify the intended regulatory action.
- G. The Division must notify the licensee in writing of the final decision of the Department as a result of the Commissioner's Review. The notification must include the reasons for upholding or overturning the action or intended action.
- H. If the licensee does not agree with the findings of the Commissioner's Review, the licensee may continue their appeal by requesting a hearing before the Human Services Board. To proceed with the appeal, the licensee must notify the Human Services Board within thirty (30) days from the date of the letter communicating the findings of the Commissioner's Review.
- I. If a licensee requests an appeal in a timely manner, the current license will stay in effect until an official written decision has been rendered by the Department after a Commissioner's Review, or the Human Services Board if the appeal goes to the Board. However, the Division can immediately suspend the license if it believes the health, safety, or well-being of children attending the ASP is in serious or immediate danger.
- J. If the licensee does not make a timely request for an appeal, the action takes effect thirty (30) days after the issuance of the original notice.

3.17 Rule Variance

- A. Upon request of a licensee, the Division may grant a variance to a rule. A variance can be given in unique and exceptional situations where strictly following a rule would cause unnecessary hardship for the licensee or for a child and family, and the intent of the rule can be met in other ways.
 - 1. These rules do not prohibit the Division from issuing variances to multiple or all licensees, even if there is no application, when exceptional circumstances would cause unnecessary hardship for licensee.
 - 2. However, the Division cannot grant a variance to rules 4.2.G, 4.8.A, 8.7.A – 8.7.C.
- B. A licensee must apply in writing to the Division for a variance before starting any activity, policy, or practice that goes against these rules. The licensee must identify:
 - 1. The particular rule(s) they seek to vary.
 - 2. The details, including specific time frames or individual children or staff involved.
 - 3. The details of the hardship created by strictly following the rule.
 - 4. The plan for how the purpose of the rule will be met and maintained.

- C. Upon receipt of a completed request for a variance, the Division will:
 - 1. Review the request, discuss it with the licensee, make an inquiry, investigate, and possibly authorize an inspection of the program and/or premises to determine whether the proposed plan will fulfill the rule's intent.
 - 2. Make a timely decision regarding the request.
 - 3. Inform the licensee of the decision.
- D. The decision of the Division will be in writing, will state the reasons for the decision, will inform the licensee of the right to appeal, and will be a public record.
- E. If the licensee fails to follow the approved variance plan for the intent of these rules, the Division may declare the variance void.

3.18 Public Record of Regulatory Compliance

- A. The licensee must not charge an application or waitlist fee for child care services if the child applying qualifies for the Child Care Financial Assistance Program. If a fee was charged and it is later found that the child qualified for the Child Care Financial Assistance Program at the time the fee or fees were paid, the licensee must reimburse the individual who paid the fee.
- B. The licensee must make sure that tuition rates are available to the public.
- C. The licensee must not impose an increase on annual child care tuition that exceeds one and a half (1.5) times the most recent annual increase in the NAICS code 611, Educational Services.
- D. The licensee must display site visit reports, notice of violations, or notices of regulatory action as instructed by the Division for no less than fifteen (15) days after receiving them. The reports must be displayed in a location where parents can clearly see them.
- E. When a parental notification letter is required because of a serious violation or provisional license being issued, the Division representative must provide the licensee with written notice explaining the reasons and factual basis for the violation and its designation as a serious violation or the reasons and the factual basis for the provisional license being issued. The licensee must provide the letter to the parent of each enrolled child. When the child's parents are separated or divorced a copy must be provided to each parent if both are known to the licensee.
- F. The Division will publicly post violations on the Child Development Database to inform parents about the licensee's regulatory status and compliance history. These postings will stay on the website for at least five (5) years. If there are no repeat violations of a particular regulation, the licensee may ask the Division to remove the public violation record from the website after the five years.

Section 4 – Administration and Operation

4.1 Governing Body

- A. The licensee must have an identified owner or functioning governing body with responsibility for and authority over the operation of the ASP.
 - 1. The licensee of a privately owned ASP must provide documents identifying the name(s) and address(es) of the owner(s).

2. A corporation, partnership, or association must provide documents, when it applies, that identify all of the following:
 - a. All members of the governing body.
 - b. Contact information for all members of the governing body.
 - c. Terms of office for all officers.
 - d. Individual(s) designated as the ASP's representative.
- B. The owner or governing body of the ASP must comply with all applicable local, State, and federal laws. They will also be responsible for making sure these rules are followed by the ASP.

4.2 Notifications to the Division

- A. Death of a child: The licensee must make an immediate verbal report to the Division following any injury or accident involving a child in care resulting in death. The licensee must submit a written report within twenty-four (24) hours of the death.
- B. Missing child: When a child attending the ASP is missing from the program, the licensee or staff must make an immediate verbal report to the police, the child's parents, and the Division. The licensee must submit a written report to the Division within twenty-four (24) hours after the child went missing.
- C. Injuries or accidents resulting in medical or dental treatment: The licensee must submit a written report to the Division within twenty-four (24) hours of the incident.
- D. Animal bite: The licensee must submit a written report to the Division within twenty-four (24) hours of the incident.
- E. Fire: The licensee must submit a written report to the Division within twenty-four (24) hours of any fire in the ASP that required the use of a fire extinguisher and/or the services of a fire department.
- F. The licensee must immediately contact the parents of a child in any of the following events:
 1. If the child is expected to arrive from another program or person other than the parent but does not arrive as scheduled.
 2. If the child is expected to arrive from the parent but does not arrive as scheduled and the licensee has not been informed of the child's absence.
- G. Self-reported serious violation: If an incident or situation occurs in the ASP while children are present that could be considered a serious violation, the licensee must submit a written report to the Division within twenty-four (24) hours of the incident. The report should explain the specifics of what happened, what the licensee has done to verify the details of what occurred and what steps were taken to ensure the immediate safety and well-being of children to prevent a further serious violation.
- H. Background clearance: If there is a change to the situation of a person that may affect their background clearance as required by these rules, the licensee must let the Division know what happened and must submit a new Records Check Authorization form within twenty-four (24) hours of learning of a change of situation. The licensee must make sure the individual does everything required by the Division and must follow all rules in section 5.3 "Background Clearance" of these rules as related to the individual's change in situation.

- I. Terminated enrollment: When a child is expelled from a program the licensee must submit an incident report to the Division detailing the reason for expulsion with a description of what had been tried to avoid expulsion. The licensee must keep supporting documentation related to the expulsion for a minimum of 365 days from the date the child's enrollment was terminated.

4.3 Legal Mandates Regarding Child Abuse and Neglect

- A. The licensee, staff, partner staff, and volunteers must be informed of and have easy access to the twenty-four (24) hour Child Abuse Hotline maintained by the Department.
- B. The licensee, staff, substitutes, and partner staff who work with children are mandated reporters of child abuse and neglect pursuant to state law and are required to report to the Child Abuse Hotline when they reasonably suspect abuse or neglect of a child. This report must be made within twenty-four (24) hours of the time information regarding the suspected abuse or neglect was first received or observed.
- C. The licensee, staff, and substitutes must complete training approved by the Division in prevention, identification, and mandatory reporting of child abuse and neglect, which includes:
 1. The prevention of child sexual abuse.
 2. The signs and symptoms of sexual abuse, sexual violence, and grooming processes.
 3. Recognizing the dangers of child sexual abuse in and close to the home.
 4. Other predatory behaviors of sex offenders.
 5. Shaken baby syndrome, abusive head trauma, and child maltreatment.
- D. The licensee, staff, substitutes, and partner staff must sign a written statement verifying their understanding of the legal requirements to report suspected child abuse and neglect.
- E. A licensee must not punish or treat anyone unfairly if they report suspected child abuse or neglect in good faith. A person who reports suspected child abuse or neglect cannot be discharged, demoted, transferred, have their pay reduced, have their benefits reduced, have their work privileges reduced, receive a negative work performance evaluation, or have any other action taken against them because they filed a report with the Department regarding suspicion of abuse or neglect of a child.

4.4 Program Management and Recordkeeping

- A. The licensee, program administrator, or program director must keep all required records, schedules, materials, and equipment used to operate and maintain the ASP in good order and in locations easily accessed for daily use.
- B. The licensee, program administrator, or program director must set up a system to track attendance that includes the time when each child arrives and departs each day they attend the ASP.
- C. The licensee, program administrator, or program director must keep all daily attendance records for at least twelve (12) months from the date that care is provided. The records must show the hours of the children's attendance.
- D. Children's Files:

1. The ASP must maintain a complete and up-to-date enrollment file on-site for each child enrolled in the ASP. At a minimum the complete file must contain following information:

On the first day that the child attends the ASP:

- a. A completed child's admission form signed and dated by the parent that includes the first date the child attended the ASP and the days and hours the child is regularly scheduled to attend the ASP.
- b. The child's name and full home address.
- c. Identification of the child's preferred language.
- d. The child's date of birth.
- e. Name, address, and all applicable current telephone numbers for parents.
- f. Names for all people authorized to pick the child up from the ASP.
- g. Documentation of any health, developmental, emotional, or educational needs of the child including allergies, existing illnesses or injuries, previous serious illnesses or injuries, and any prescribed medication including those for emergency situations that may impact the care of the child, a current Asthma Action Plan, if applicable, and a general health history about the child from the parent, unless the child is homeless or in foster care.
- h. Child's immunization record or Vermont Department of Health approved exemption document, unless the child is homeless or in foster care.
- i. Written authorization from the parent for the ASP to be able to obtain emergency medical care and transportation.
- j. Written permission from parents for the ASP to transport the child, if applicable.
- k. Written permission from parents for the child to participate in swimming activities if swimming activities are a part of the program.
- l. Copy of court orders on custody and visitation arrangements, if applicable.
- m. Family Services Safety Plan, if applicable.

Within the first week the child attends the ASP:

- n. Name, address, and all applicable current telephone numbers for at least two (2) other people designated by the parents as emergency contacts.
- o. Name and telephone numbers of the child's primary health care and dental care providers, if the child has a dental care provider, unless the child is homeless or in foster care.
- p. Documentation of services for children with special health needs as defined in section 2.11 "Children with Special Health Needs" of these rules, unless the child is homeless or in foster care.

Within forty-five (45) days of the child's enrollment date:

- q. Documentation of the child's health exam.
2. The ASP has additional time to collect the following documents for a child experiencing homelessness or in foster care:

- a. Forty-five (45) days from the date of enrollment to obtain contact information for health care providers, general health history and related documentation, and documentation of special health needs, if any.
 - b. Six (6) months from the date of enrollment to obtain immunization records or a completed immunization-exemption form approved by the Vermont Department of Health.
3. Immunization records must be issued by a health care provider or a health clinic and include:
 - a. The vaccine administered and the date of each immunization. The immunization record should be updated after each additional immunization has been received.
 - b. If an enrolled child is in the process of complying with immunization requirements in accordance with the Vermont recommended immunization schedule, documentation in the child's file must include the required Vermont Department of Health form.
 4. The ASP must submit a Vermont Child Care Immunization Report at least once every 365 days to the Vermont Department of Health, Immunization Office as required by state law.
 5. The ASP must make sure that all emergency contact information for parents and other information supplied by parents is up to date. This should be done at least once every 365 days or whenever changes occur.
 6. Staff members who are responsible for a child must have access to important information from the child's enrollment file.
 7. When a child stops attending care, the last date of attendance must be recorded in the child's enrollment file.
 8. All records required by these rules that relate to a child must be kept for 365 days after a child's last day of enrollment and attendance. If a parent requests their child's records, the records must be provided within five (5) business days.

4.5 Personnel Files

- A. A licensee must maintain a complete and up-to-date personnel file for staff working at the ASP. A complete file must contain, at a minimum, the following information for each staff member:
 1. Name, date of birth, home address, and telephone number.
 2. Employment start and end dates.
 3. Documentation indicating if the staff member is considered seasonal staff.
 4. Documentation of having read and having ready access to a current copy of applicable child care licensing rules.
 5. Signed statement verifying understanding of their legal requirement to report suspected child abuse and neglect.
 6. The staff member's IPDP: Seasonal staff and substitutes filling a staff position for less than forty-five (45) working days within a 365 day period shall be exempt from this requirement.

7. Written annual performance reviews: Seasonal staff and substitutes filling a staff position for less than forty-five (45) working days within a 365 day period are exempt from this requirement.
- B. A licensee must maintain a complete and up-to-date file for auxiliary staff at the ASP. A complete file must contain at least the following information:
 1. Name, date of birth, home address, and telephone number.
 2. Employment start and end dates.
 3. Signed statement that they understand their legal requirement to report suspected child abuse and neglect.
- C. A licensee must make sure all partner staff have submitted a Records Check Authorization form for the ASP.
- D. If the licensee keeps off-site personnel records, the licensee or designee must also keep a written attestation onsite. The attestation must be signed by the licensee or designee and must state that each personnel file that is required for staff, auxiliary staff, substitutes, and partner staff contains all records as required by these rules. The licensee must permit representatives of the Division to have full access to off-site records to verify documentation.

4.6 Other Administrative Records

- A. Evacuation Drills: The licensee must maintain a record of each evacuation drill for at least two (2) years. The record must include all the following information:
 1. The date of the drill.
 2. The number of children and staff evacuated.
 3. The time taken to evacuate.
- B. Accidents and Injuries: The licensee must keep records pertaining to accidents and injuries involving children as outlined in the section 7.10 "Responding to Accidents, Injuries, and Medical Emergencies" of these rules. These may be kept in children's files or in a separate injury logbook. Incident reports related to accidents and injuries must be kept for a minimum of twenty-four (24) months from the date the incident occurred.
- C. Medication Administration: The licensee must maintain records pertaining to all medication administered to children. These may be kept in children's files or in a separate medication administration logbook. Medication records must be kept for a minimum of 365 days from the date the medication was given.
- D. Pesticides: The licensee must document all pesticide applications. These records must be kept for twenty-four (24) months after the date of the pesticide application and must be made available for inspection by Division representatives and parents. Records must include:
 1. The pesticide product name
 2. EPA Registration Number
 3. Amount of pesticide used
 4. Dates of application
 5. Location of application

6. Pests treated

- E. Staffing Schedule: The licensee must maintain a written record of the daily schedule for at least 365 days for all staff including exact days and hours worked and group of children the staff person was assigned.

4.7 Child Development Database

- A. The licensee must use the Child Development Database designated by the Division, whether it is the Bright Futures Information System (BFIS), the Child Development Division Information System (CDDIS), or another information system that the Division requires licensees to use.
- B. The licensee must use the Child Development Database to provide any of the notifications required by the section 4.2 “Notifications to the Division” of these rules.
- C. Documentation of staff qualifications and professional development activities must be submitted to Northern Lights to be verified and maintained in the Child Development Database within three (3) months of each person’s employment start date. The licensee and each staff member must maintain an up-to-date account in the Child Development Database while employed at the ASP.
- D. The licensee must provide up-to-date program information in the program’s Child Development Database account.
- E. The licensee must maintain a current list of the licensee or designee, staff, auxiliary staff, substitutes, leaders-in-training, volunteers, and partner staff in the program’s Child Development Database account. Any changes must be reported through the Child Development Database within five (5) business days of the change.

4.8 Non-Discriminatory Enrollment

- A. The licensee must not deny a child’s entry into the program because of:
1. Race
 2. Creed
 3. Color
 4. National origin
 5. Religion
 6. Disability
 7. Gender
 8. Parents’ marital status
 9. Gender identification

4.9 Safe Release of Children

- A. Staff must release a child only to person(s) authorized by the parents as specified in the child’s file. When a person authorized to pick up a child is unknown to the staff, the person’s identity must be verified before releasing the child.
- B. Staff transporting children home must release children to the address provided by parents and/or to the person(s) authorized by the parents.

- C. If a request is made by a parent for a child to be picked up by someone without prior authorization, the licensee must make sure that staff use a system to verify the identity of the parent calling and the person being authorized to pick up the child. Staff must document the request in writing and include information regarding the identity of the person who picks up the child.
- D. Staff must release a child to either parent unless there is a court order or a DCF Family Services Safety Plan in the child's enrollment file that prohibits release to a particular parent.

4.10 Emergency Preparedness, Response, and Recovery

- A. Emergency Preparedness and Response Training: Before opening the ASP, the licensee, program administrator, or program director must complete emergency preparedness and response training. This training must include content specifically related to procedures for:
 - 1. Evacuation
 - 2. Relocation
 - 3. Shelter-in-place and lock down
 - 4. Staff and volunteer emergency preparedness training and practice drills
 - 5. Communication and reunification with families
 - 6. Continuity of operations
 - 7. Accommodation of children with disabilities and children with chronic medical conditions
- B. Before opening the ASP the licensee must create and then maintain a written Emergency Preparedness and Response Plan to respond to a full range of emergencies whether natural or caused by a person or people. The licensee must notify the Emergency Management Director in their region of the ASP's location and can seek their help in developing the Emergency Preparedness and Response Plan. A complete plan must include how the licensee will deal with and manage the following situations and responsibilities:
 - 1. Continuity of operations for the ASP when an emergency occurs.
 - 2. Procedures for evacuation, relocation, shelter-in-place, and lockdown situations.
 - 3. Relocations procedures must include an established evacuation meeting location and how staff and children will get to the established evacuation meeting location. This procedure should also include safe transportation.
 - 4. Shelter-in-place procedures must include a system for how staff and children will remain at the ASP for an extended period.
 - 5. Procedures for concerns related to the location of the program, such as an area prone to flooding or power loss.
 - 6. Process for notifying the local authorities when an emergency is occurring.
 - 7. Communication system and plans to reunite children with parents.
 - 8. A system of identifying the children and staff present at the time of the emergency and maintaining knowledge of their whereabouts.

9. A system to account for all children and staff at the evacuation and relocation locations.
 10. A process for reunifying children with their families in the event of an emergency.
 11. A system for handling children with disabilities, and children with chronic medical conditions, as applicable.
 12. Staff chain of command and individual staff roles and responsibilities during emergencies.
 13. Process for conducting practice drills.
- C. The licensee must make sure that all staff and volunteers are trained on the Emergency Preparedness and Response Plan and know where to find the written plan in the ASP.
 - D. The licensee must make sure that the Emergency Preparedness and Response Plan is reviewed and updated when changes occur or at least once every 365 days..
 - E. The licensee must inform parents about the Emergency Preparedness and Response Plan. This includes informing parents where children will be taken if they need to be evacuated from the ASP and how parents can expect to be reunified with their children.
 - F. The licensee must have a written evacuation diagram that shows evacuation routes. This diagram should be posted in each classroom used by children.
 - G. The licensee must make sure that evacuation drills are conducted at least once a month. During these drills, both children and staff should be able to be evacuated in less than three (3) minutes.
 - H. The ASP must have an operating phone that is always present and in service when children are present. The phone number must be provided to the parents of the children that are enrolled and to the Division.
 - I. The licensee must make sure that lists of the following phone numbers are posted or located in a common place known to all staff along with 911 and ASP's 911 address:
 1. Poison Center (1-800-222-1222)
 2. Child Development Division (1-800-649-2642, option 3)
 3. Interpreter Service (when needed for enrolled children and/or their parents)
 4. Child Abuse Hotline (1-800-649-5285)
 Child specific information:
 5. Parental contacts
 6. Emergency contacts
 7. Doctor contact information

4.11 Confidentiality

The licensee must have written policies about the use and disclosure of confidential and personally identifiable information about children and families. Staff, auxiliary staff, leaders-in-training, substitutes, partner staff, and volunteers must not use or share any information about an individual child or family learned through their work at the ASP or

from ASP records, files, videotaping, tape recording, photographing, assessments or any documentation outside the daily operations of the ASP, unless use is clearly defined and parents have clearly given permission. Confidential and personally identifiable information must be shared with the Division or other entities with statutory authority on issues relating to the health, safety, and protection of children.

4.12 Annual Program Assessment

The licensee must demonstrate a commitment to continuous learning and improvement by conducting a thorough assessment of the program that includes input from staff and parents at least once every 365 days.

Section 5 – Program Personnel/Staffing

5.1 General Requirements for ASP Staff

- A. Staff, auxiliary staff, partner staff, leaders-in-training, substitutes, and volunteers must be healthy and physically able to carry out their caregiving duties. Anyone who is affected by illness, extreme fatigue, or any condition that limits their ability to safely work with children should not do so until their condition is improved.
- B. Staff, auxiliary staff, partner staff, leaders-in-training, substitutes, and volunteers must follow the exclusion policies, as set forth in the Signs and Symptoms Illness Chart related to contagious illness (see Appendix A).
- C. The program administrator or program director must successfully complete Division approved pediatric first aid and infant and child CPR training before being licensed and must keep their certifications current. Training documentation must be submitted to the program administrator or director's Quality and Credential account.
- D. Within one (1) month of starting employment at the ASP, all the following people must obtain Division approved training in pediatric first aid and child CPR. These people must remain certified in these areas while employed at the ASP. Documentation of this training must be submitted to the individual's Quality and Credential account:
 1. Staff who are counted in the staff-to-child ratios
 2. Auxiliary staff who are counted in the staff-to-child ratios
 3. Auxiliary staff who are left alone with children
- E. The licensee must make sure that at least one (1) responsible staff who has successfully completed Division approved pediatric first aid and child CPR be on the premises when children are present.
- F. Within one month of starting employment at the ASP, seasonal staff who are counted in the staff-to-child ratios must obtain Division approved training in pediatric first aid and in child CPR. These seasonal staff must remain certified in these areas while employed at the ASP. Documentation of this training must be submitted to each seasonal staff member's Quality and Credential account.
- G. The program administrator and/or program director must complete an orientation training session approved by the Division before beginning care for children.
- H. The program administrator or program director must make sure staff and substitutes complete an orientation training session approved by the Division before being left

alone with children, counted in staff-to-child ratios, or within one (1) month of starting employment, whichever comes first.

- I. Staff unable to be counted in staff-to-child ratio or left alone with children must complete the orientation training within one (1) month of starting employment.
- J. The orientation training session must include:
 1. Basic knowledge of child development to include these five (5) domains:
 - a. Cognitive
 - b. Social
 - c. Emotional
 - d. Physical development (motor and sensory)
 - e. Approaches to learning.
 2. Providing developmentally appropriate activities and experiences for children.
 3. Positive behavior management.
 4. Prevention of abusive head trauma and child maltreatment.
 5. Prevention, recognition, and reporting of child abuse and neglect.
 6. Information about preventing child sexual abuse.
 7. The signs and symptoms of sexual abuse, sexual violence, and grooming processes.
 8. Recognizing the dangers of child sexual abuse and other predatory behaviors of sex offenders.
 9. Supervision of children.
 10. Identification of and protection from hazards, bodies of water, and vehicular traffic.
 11. Inclusion of children with special health needs and disabilities.
 12. Inclusion of children who are English Language Learners.
 13. Recognition of and response to the symptoms of common childhood illnesses.
 14. Routine and emergency health protection of children including health related exclusions.
 15. Preventing the spread of infectious disease.
 16. Immunization requirements including exemption criteria and grace periods.
 17. Administration of medication requirements.
 18. Child accident and injury procedures including building and physical premises safety.
 19. Emergency Preparedness and Response training, including drills.
 20. Safety and sanitation requirements including handling and storage of hazardous materials and disposal of bio-contaminants.

21. Nutrition and food safety, including the prevention of and response to emergencies due to food and allergic reactions.
 22. Ensuring children have extra clothes, as applicable.
 23. Transportation and child passenger safety, as applicable.
 24. Release of children.
 25. Respectful engagement of parents.
 26. Cultural responsiveness.
 27. Guidelines for volunteers, partner staff, auxiliary staff, and leaders-in-training, as applicable.
 28. Responsibility to comply with licensing rules and regulations.
 29. Recordkeeping.
 30. Staffing requirements for opening and closing.
- K. The licensee must read and have easy access to current licensing rules. The licensee must make sure that every member of staff, auxiliary staff, partner staff, substitute, leader-in training, and volunteer has read and can easily access the current licensing rules. The licensee should give staff a chance to ask questions and seek clarification about these rules whenever needed.

5.2 Personnel Policies and Procedures

- A. The licensee must provide a staff handbook that includes the program's philosophy, and all written ASP policies and procedures as required under section 6.6 "General Requirements for the ASP and Staff" of these rules.
- B. Staff must receive a written annual performance review from their supervisor.
 1. Seasonal staff are exempt from the requirement that they receive a written annual performance review.
 2. Substitutes filling a staff position for less than forty-five (45) working days within a 365 day period are exempt from the requirement that they receive a written annual performance review.
- C. The licensee must create and follow a communication system among staff to make sure that any staff responsible for a child or group of children is informed about important information related to the care and education of the child or children.

5.3 Background Clearances

- A. The licensee must make sure that all new staff, substitutes, auxiliary staff, anyone designated as the representative of the licensee, partner staff, and volunteers present more than five (5) times in 365 days at the ASP submit a Records Check Authorization form to the Division before working with children in the ASP.
- B. The Division must run the following database checks after receiving a Records Check Authorization form:
 1. Vermont's Child Protection Registry
 2. Vermont Adult Abuse Registry
 3. Vermont Criminal Information Center Public Portal

4. National Sex Offender Public Website
- C. The licensee must make sure that all new staff, substitutes, auxiliary staff, and anyone designated as the representative of the licensee complete a fingerprint-supported background check as required by the Division. This includes submitting to fingerprinting at a location recognized by the Vermont Crime Information Center after having received the Fingerprint Authorization Certificate by the Division.
 1. If the person will be working with children at the ASP and has resided outside Vermont in the past five (5) years, the Division must receive the results of a search of child abuse and neglect registries in each state the person has resided in the past five years.
- D. The Division may choose to use the results of a background clearance that is already on file with the Division if it was completed within the last five (5) years and the person has worked in a licensed child care program within the past 180 days.
- E. The Division may choose to require a new background clearance at any time.
- F. The licensee must make sure that no person begins working with any children without approval from the Division. Provisional approval must be based on the results of a state fingerprint-supported background check. After receiving provisional approval, the person may work under the direct supervision of another ASP staff member who has completed a background clearance and received final approval from the Division within the past five years. However, a parent may be left alone with their own child(ren).
- G. The licensee must make sure that no person is left alone with children without final approval from the Division. Final approval must be based on the results of all fingerprint-supported background checks as required by law.
- H. Based on the result of the background clearance described in this section the following individuals are prohibited from operating, being employed at, or having unsupervised access to children at the ASP:
 1. A person required to complete a background clearance who refuses to consent to be processed for or who knowingly makes a materially false statement in connection a background clearance.
 2. A person convicted of fraud.
 3. A person convicted of a felony consisting of any of the following:
 - a. Murder
 - b. Child abuse or neglect
 - c. A crime against a child, including sexual activity or child pornography
 - d. Spousal abuse
 - e. A crime involving rape or sexual assault
 - f. Kidnapping
 - g. Arson
 - h. Physical assault or battery
 - i. A drug related offense committed during the preceding five (5) years

4. A person convicted of a misdemeanor offense as an adult against a child consisting of any of the following:
 - a. Violence
 - b. Child abuse or neglect
 - c. Child endangerment
 - d. Sexual assault or activity
 - e. Child pornography
 - f. Other bodily injury
5. A person convicted of a misdemeanor offense as an adult against another person consisting of any of the following:
 - a. Violence
 - b. Other bodily injury
6. A person convicted of abusing, neglecting, or mistreating any of the following:
 - a. Elderly
 - b. Disabled person
 - c. Animal
7. An adult or child who has had a report of abuse or neglect substantiated against them.
8. A person registered, or is required to be registered, on a state sex offender registry or repository or the National Sex Offender Registry.
- I. The Division may also disqualify a person from operating, working at, or having unsupervised access to children at the ASP if the Department has information that indicates the person may pose a risk of harm to children.

5.4 Exclusion of Person Prohibited from Working with Children

- A. The Division must provide the licensee with the results of the background clearance. This notification will indicate whether the individual is prohibited from working in the ASP and will specify whether the individual is eligible to request a variance. The Division must not reveal any disqualifying crime or other related information regarding the proposed staff member in its notification to the licensee.
- B. When the Division has determined an individual is prohibited from working in the ASP the Division must provide the individual for whom the background clearance was completed:
 1. The result of the background clearance.
 2. The basis for the decision.
 3. The process by which the individual may challenge the accuracy or completeness of the information contained in the basis for the decision.
 4. Whether the individual is eligible to request a variance.
- C. The Division may not share any information related to background clearance with anyone except as permitted by law or these rules.

- D. If the Division determines an individual is prohibited from working in the ASP, the licensee must immediately exclude that person from all of the following:
 - 1. Being employed at the ASP.
 - 2. Serving as the designated representative for the licensee.
 - 3. Being regularly present at the ASP.
- E. Only people prohibited from working in the ASP for any of the following reasons are eligible to request a variance:
 - 1. A drug related felony committed during the preceding five (5) years.
 - 2. A person convicted of abusing, neglecting, or mistreating an elderly person, a person with a disability, or an animal.
 - 3. A person convicted of a misdemeanor offense as an adult against another person consisting of:
 - a. Violence
 - b. Other bodily injury
 - 4. Other information is known to the Department.
- F. People who are prohibited from working in the ASP, but eligible to request a variance under **section 5.4.E** of these rules may not operate or be employed in the ASP unless the licensee and the person involved have obtained a written variance from the Division. To request a variance the licensee must submit evidence of the person's suitability or rehabilitation to the Division. It is the responsibility of the licensee and the person involved to provide proof supporting their request for a variance.

5.5 Qualifications and Experience

- A. The program administrator, program director, afterschool program staff, afterschool aides who are eighteen (18) years of age or older, and substitutes must be the only staff who may be alone with children.
- B. The licensee must make sure to maintain documentation showing that staff meet at least the minimum qualifications for their assigned position.
- C. **Program Administrator:** Must be at least twenty-one (21) years of age and have completed one (1) of the following:
 - 1. At least four (4) years of experience working with groups of school age children.
 - 2. Vermont Afterschool Professional Credential.
 - 3. Vermont Program Director Credential.
 - 4. Vermont Teacher Licensure.
 - 5. A bachelor's degree and at least twenty (20) months of experience working with school age children.
 - 6. A bachelor's degree in youth related field.
- D. **Program Director:** Must be at least twenty (20) years of age and have completed one (1) of the following:

1. At least two (2) years of experience working with groups of school age children and one (1) of the following:
 - a. Highly Qualified Paraprofessional Certificate.
 - b. Fundamentals for Early Childhood Professionals course.
 - c. Vermont Afterschool Foundations Certificate.
 - d. Vermont Afterschool Essentials Certificate.
 - e. Successful completion of a three (3) college credit course in child or human development or in curriculum.
 2. Vermont Afterschool Professional Credential.
 3. Vermont Program Director Credential.
 4. Vermont Teacher Licensure.
 5. An associate degree and at least ten (10) months experience working with school age children.
 6. An associate degree in a youth-related field.
- E. **Afterschool Program Staff:** Must be at least eighteen (18) years of age and meet one (1) of the following qualifications:
1. At least twelve (12) months of experience working with groups of school age children and must complete one (1) of the following within the first twelve months of employment in this position:
 - a. Highly Qualified Paraprofessional Certificate.
 - b. Fundamentals for Early Childhood Professionals course.
 - c. Vermont Afterschool Foundations Certificate.
 - d. Vermont Afterschool Essentials Certificate.
 2. At least a high school diploma or a GED and must complete one (1) of the following within the first twelve (12) months of employment:
 - a. Highly Qualified Paraprofessional Certificate.
 - b. Fundamentals for Early Childhood Professionals course.
 - c. Vermont Afterschool Foundations Certificate.
 - d. Vermont Afterschool Essentials Certificate.
 - e. Successful completion of a three (3) college credit course in child or human development or in curriculum.
 3. Vermont Afterschool Professional Credential
 4. Vermont Program Director Credential.
 5. Vermont Teacher Licensure.
 6. An associate degree in a youth-related field.
 7. Obtains a Highly Qualified Paraprofessional Certificate.

- F. **Afterschool Aide:** Must be at least sixteen (16) years of age and meets one (1) of the following qualifications:
1. Successful completion of the Fundamentals for Early Childhood Professionals course or the Vermont Afterschool Essentials Certificate within the first twelve (12) months of employment.
 2. Successful completion of a three (3) college credit course in child or human development or curriculum.
 3. Is enrolled in or has received a State Board of Education approved development or early childhood education.
- G. **Substitute:** Must be at least eighteen (18) years of age. Experience working with school age children is required. When a substitute fills a staff position for more than forty-five (45) working days within a 365 days period, the substitute must be fully qualified for the position they fill. The staff person must no longer be considered a substitute but must be considered a full staff person subject to all requirements for staff in these rules.

5.6 Annual Professional Development

- A. The licensee must make sure that staff have an Individual Professional Development Plan (IPDP) completed within six (6) months from the first date of employment. An IPDP can be documented in the individual's Quality and Credential Account and must be updated at a minimum once every 365 days. Substitutes who work less than forty-five (45) working days within a 365 days period and seasonal staff are exempt from the requirement of this rule.
- B. Staff who hold a current Vermont Agency of Education license with an endorsement in Early Childhood Education, Early Childhood Special Education, or Elementary Education may use their current license as documented verification of completing the IPDP requirement and annual professional development. This current Vermont Agency of Education license must be verified and documented in the individual's Quality and Credential Account.
- C. All professional development activities must meet all criteria as defined by Northern Lights and must be verified and documented in the individual's Quality and Credential Account.
- D. The program director and program administrator must each complete twelve (12) training hours of annual professional development activities starting from the individual's first date of employment. A minimum of two (2) of the twelve (12) training hours must be related to any of the following federally required health and safety topics:
1. Five domains of child development.
 2. Prevention and control of infectious diseases, including immunization.
 3. Medication administration.
 4. Prevention of and response to emergencies due to food and allergic reactions.
 5. Building and physical premises safety.
 6. Abusive head trauma, and child maltreatment, if applicable.
 7. Emergency preparedness and response planning.

8. Handling and storage of hazardous materials/correct disposal of bio-contaminants.
 9. Recognition and reporting of child abuse and neglect.
 10. Pediatric First aid and infant and child CPR.
 11. Appropriate precautions in transporting children, if applicable.
- E. Afterschool program staff must complete six (6) training hours of annual professional development activities. A minimum of two (2) of the six (6) training hours must be related to the federally required health and safety topics described in section 5.6.D "Annual Professional Development" of these rules.
 - F. Seasonal staff must complete four (4) training hours of annual professional development activities. A minimum of two (2) of the four (4) training hours must be related to the federally required health and safety topics described in section 5.6.D "Annual Professional Development" of these rules.
 - G. Substitutes must complete four (4) training hours of annual professional development activities. Substitutes filling a staff position for more than forty-five (45) working days within a 365 day period must complete the required number of annual professional development activities for the position they are substituting. A minimum of two (2) of the training hours must be related to the federally required health and safety topics described in section 5.6.D "Annual Professional Development" of these rules.
 - H. Pediatric first aid and infant and child CPR may count for up to two (2) hours of annual professional development in the year taken.

5.7 Afterschool Activity Specialists

- A. The program director or program administrator must keep a written record of the schedule for afterschool activity specialists for at least 365 days that at a minimum includes:
 1. Their name
 2. Date of birth
 3. Home address
 4. Telephone number
 5. Description subject and/or demonstration they lead
 6. Exact days and hours present at the ASP
- B. All afterschool activity specialists must maintain confidentiality as required by these rules.
- C. Afterschool activity specialists must not be counted in the staff-to-child ratios and must not be left alone with any child or children in the ASP.
- D. All afterschool activity specialists must be at least sixteen (16) years old.
- E. The licensee must make sure that afterschool activity specialists who are present more than five (5) times in a 365 day period follow these requirements:
 1. Afterschool activity specialists must comply with background clearances.
 2. Afterschool activity specialists spending time in the program must be oriented to the program and practices of the ASP.

3. Afterschool activity specialists must be informed of and have easy access to the twenty-four (24) hour Child Abuse Hotline maintained by the Department.
4. Afterschool activity specialists must receive training in the ASP's Emergency Preparedness and Response Plan and the procedure for evacuation drills.

5.8 Volunteers and Leaders-in-Training

- A. Volunteers and leaders-in-training must maintain confidentiality as required by section 4.11 "Confidentiality" of these rules.
- B. Volunteers and leaders-in-training must be under the direct supervision of a staff member and must not be counted in the staff-to-child ratios. They should never be left alone with any child or children in the ASP. A parent volunteer may be left alone with their own child(ren).
- C. The licensee must keep a written record of the volunteer's and leaders-in-training's schedule for at least 365 days, including:
 1. Their name
 2. Date of birth
 3. Home address
 4. Telephone number
 5. Description of their role
 6. Which staff is responsible for supervising them
 7. Group in which they were present
 8. Exact days and hours present at the ASP
- D. The licensee must make sure that volunteers and leaders-in-training who are present more than five (5) times in 365 days follow these requirements:
 1. Volunteers and leaders-in-training must comply with background clearances.
 2. Volunteers and leaders-in-training must be oriented to the program and practices of the ASP.
 3. Volunteers and leaders-in-training must be informed of and have easy access to the twenty-four (24) hour Child Abuse Hotline maintained by the Department.
 4. Volunteers and leaders-in-training must receive training in the ASP's Emergency Preparedness and Response Plan and the procedure for evacuation drills.
- E. All leaders-in-training must be at least thirteen (13) years old.

Section 6 – Parent/Family Engagement

6.1 Pre-enrollment Visits and Orientation

- A. The licensee must make sure that a chance to visit and observe the ASP is offered to parents considering enrolling their child.
- B. The licensee must set up a process to help children and parents get familiar with the ASP. This process should include an orientation to parents, a gradual introduction for

children to the program, and sharing of information about the child between the parents and the ASP.

6.2 Visits and Access to Children

- A. The licensee must make sure that parents have access to the ASP staff primarily involved with their children and access to their children without delay at any time children are in attendance. Parents do not need prior approval. This does not prevent the ASP from locking doors for security purposes or checking parent's identification.
- B. The ASP must have an operating telephone that is always on site and in service when children are present. The telephone number must be provided to the Division and the parents of children that are enrolled. If the program relies on voice mail as a primary form of communication with families, staff must have systems in place to make sure there is timely communication with parents throughout the day.

6.3 Parent Conferences

- A. Parents may request a formal or informal meeting with the program administrator, program director, or ASP staff with primary responsibility for their child at any time. The request must be accommodated within ten (10) business days.

6.4 Communication with Parents

- A. The ASP staff must regularly communicate with parents about their child's daily activities and behavior.
- B. Staff must encourage and facilitate two-way communication between the ASP and parents. Staff must communicate regularly to parents about ASP activities and program policies, community resources, and allow opportunities for parents to provide information, identify preferences, ask questions, and share concerns.
- C. The ASP must obtain written permission from parents before contacting or making professional/service referrals. This written permission must be kept in each child's file.
- D. The licensee must notify parents of the introduction of a new staff member.

6.5 Supporting Parental Involvement

The ASP must provide opportunities for parents to be involved, such as offering opportunities to volunteers at or in support of the program and by offering learning and/or social activities for parents and children.

6.6 Policies and Procedures

- A. The licensee, working with the program administrator and program director, must establish written policies and procedures. Written information provided to parents of all children enrolled in the ASP must include, at a minimum:
 - 1. Assurance that parents have access to the ASP and their child(ren) without prior notice and have access to their children's records.
 - 2. A description of information needed from parents for a child's enrollment.
 - 3. A typical daily schedule of activities.
 - 4. Information about fees and payment policies.
 - 5. Information about hours of operation and closings.

6. Procedures for signing children in and out.
7. Procedures for emergencies as required in these rules.
8. Information about the nutrition, meals, and meal preparation at the ASP.
9. Safe sleep policies, if applicable.
10. No smoking policy.
11. Information about results from the test for lead in the drinking water and any plan for remediation.
12. Policies on field trips, other off-site activities, and transportation.
13. Aquatic plan and practices, as applicable.
14. Health policies including illness exclusions, administration of medication, and immunization.
15. Policies and practices regarding positive guidance and behavior management.
16. Assurance that confidentiality of child and parent's information is maintained.
17. Information about the ASP's use of videotaping, tape recording, and/or photography of children, as applicable.
18. Information about the requirement to report suspected child abuse and/or neglect.
19. Description of the ASP's non-discriminatory practices:
 - a. How staff will respect each child's family, culture, differences, and abilities.
 - b. How classrooms will promote inclusivity through practice.
 - c. The availability of interpreter services when needed.
20. The ASP's approach to ensure growth and positive developmental experiences for enrolled children.
21. Policies related to the inclusion of children with special health needs and disabilities.
22. A description of religious activities, if any.
23. Information on how to access these ASP rules and other information about child development online.
24. Information concerning complaint procedures.
25. Information about the Child Care Consumer Line, including the telephone number (1-800-649-2642) and email (ahs.dcfddchildcarelicensing@vermont.gov).
26. Policies and procedures related to the expulsion or terminated enrollment of children.

6.6 Terminating Enrollment

- A. The licensee must support continuity of care and education for all children enrolled in the ASP. Before considering terminating the child's enrollment, the licensee must work collaboratively with parents and community resources to meet the needs of all children in the program.

- B. If a child's continued enrollment is at risk, the following must apply:
1. The licensee must work with the child's parent(s) and consult with professionals to develop, document, and follow a plan to address concerns. The goal of the plan should be to continue the child's enrollment.
 2. If the concerns cannot be resolved, the licensee must give written notice to the child's parent(s) at least five (5) business days before expulsion. For children documented with having special health needs and/or disabilities, a minimum of ten (10) business days' notice is required.
 3. When a child's enrollment is terminated from the program, the ASP must give the child's parents a complete copy of the child's file on or before the child's last day in the program. The ASP must also keep documentation showing that the file was provided to the parent.

Section 7 – Health, Safety, and Nutrition

- 7.1 The licensee must make sure that the ASP environment and practices support children's health and safety.
- 7.2 Hand washing
- A. The ASP staff must make sure that adults and children wash their hands:
1. Upon arrival at the ASP.
 2. Before preparing or handling food.
 3. Before eating.
 4. After they use the toilet.
 5. After cleaning.
 6. After taking out the garbage.
 7. After handling animals.
 8. After outdoor play.
 9. After coming into contact with bodily fluids.
- B. The program administrator or program director must make sure that adults also wash their hands:
1. Before and after giving medications.
 2. After caring for a child who is injured or may be sick.
 3. Before and after handling raw meat.
- C. The licensee must make sure the hand washing procedures include the following steps in the following order:
1. Use of running water and liquid soap.
 2. Moistening hands with water, applying soap, and washing hands for a minimum of twenty (20) seconds.
 3. Rinsing hands under running water.

4. Drying hands with a paper towel, hand dryer, an individual cloth towel used once by one (1) child or adult for a single hand washing or a cloth towel assigned to a specific child or adult to be used for multiple hand washings.
 5. Cloth towels must be placed in a hamper or other container to be laundered at the end of each day. Paper towels must be disposed of in a trash receptacle located near the sink.
- D. When hand washing is not practical due to outside activities or being off-site, and hands are not visibly soiled, hand sanitizer may be used by staff, other adults, and children in lieu of washing with soap and water. Staff must make sure that children using hand sanitizer rub their hands until the sanitizer has dried.
- E. Hot water used to wash children's hands must not exceed 120°F.
- F. If hand washing sinks are not child height, a step stool shall be available.
- G. Staff must wash the hands of children who are unable to wash their own and provide developmentally appropriate guidance and supervision to help children learn and practice healthy hand washing.

7.3 Universal Precautions

- A. Staff must use standard precautions when exposed to blood, body fluids, or excretions that may spread infectious diseases. The standard precautions include:
1. Use of nonporous disposable gloves to clean up the blood or blood-containing bodily fluid unless the material used to clean it up can easily contain the fluid.
 2. Clean, disinfect, and sanitize the soiled surface.
 3. Dispose of contaminated materials and store washable items in securely sealed plastic bags.
 4. Wash hands thoroughly using required handwashing procedures

7.4 Cleaning, Sanitizing, and Disinfecting

- A. Materials required for routine cleaning must be stored and used in a safe manner out of the reach of children.
- B. Cleaning must occur before sanitizing and disinfecting unless otherwise instructed by the manufacturer's recommendations.
- C. All cleaning solutions must be third party certified by the EPA's Safer Choice, Green Seal, or UL ECOLOGO.
- D. All sanitizing and disinfecting solutions must be EPA registered and used according to the manufacturer's instructions.
- E. Household bleach may be used for both sanitizing and disinfecting. When bleach is used for these purposes, fresh bleach solutions must be mixed daily and labeled with the date.
- F. Cleaning includes the removal of all dirt and debris by washing with a detergent solution in accordance with the manufacturer's directions. If applicable, staff must clean the following items as outlined below:
1. After each use:
 - a. Countertops

- b. Food preparation appliances
 - c. Plastic mouthed toys
 - d. Any item used by a sick child
2. Every Day:
 - a. Uncarpeted floors.
 - b. Vacuum carpeted floors
 3. Every Week:
 - a. Cots, mats, and bedding if used by the same child every day.
 4. Every Month:
 - a. Machine washable toys
 - b. Dress-up clothes including hats
 - c. Play activity centers
 - d. Refrigerator
 5. Twice a year:
 - a. Carpeted floors cleaned by hot water extraction
- G. Sanitizing is important to reduce germs on objects and surfaces to safe levels according to public health standards. It is especially necessary for surfaces that come into contact with food or anything that a child may place in their mouth. Staff must sanitize the following items as outlined below:
1. Before each use:
 - a. Food preparation surfaces
 - b. Dining tables and highchair trays
 - c. Non-flushing toilets
 2. After each use:
 - a. Eating utensils and dishes.
 3. At the end of the day:
 - a. Plastic mouthed toys
- H. Disinfecting is used to destroy or inactivate most germs on objects or surfaces and is suitable for non-porous surfaces that will not come into contact with food or be mouthed by children. At the end of each day, staff must disinfect the following items as outlined:
1. Door handles
 2. Handwashing sinks and faucets
 3. Countertops
 4. Toilets and toilet learning equipment
 5. Drinking fountains

7.5 Managing Infectious Diseases

- A. The licensee must create and follow a plan for the management of a disease that is spread from one person to another through direct contact, air, or other means in the ASP including the following:
 - 1. Naming and identifying symptoms of illnesses for which a child will be excluded or sent home from the ASP.
 - 2. How the Signs and Symptoms Chart (Appendix A) will be followed to determine if consultation with a health care provider is required.
 - 3. Written notification to parents when children may have been exposed to a reportable disease spread from one person to another through direct contact, air, or other means.
- B. Staff, auxiliary staff, partner staff, substitutes, leaders-in-training, and volunteers must follow the exclusion policies set forth in Signs and Symptoms of Illness Chart (see Appendix A).
- C. The Signs and Symptoms of Illness Chart (Appendix A) must be available for staff and parents to read.
- D. The licensee has the right to exclude a child from care if the child is too ill to participate in normal daily activities, even if the Signs and Symptoms of Illness Chart does not require exclusion.
- E. The licensee must make sure that a comfortable space, separate from other children, can be created for children who are showing signs of illness until their parent arrives to pick them up. The separate area must be suitably furnished to allow the child to sleep or rest and must not be located in the kitchen or toilet area.
- F. Staff must make sure that an ill child is supervised.
- G. All items used by a child who is ill must be disinfected before being used by another child.

7.6 Toileting and Toilet Training

- A. Children must be assisted in a timely manner when they need to use the toilet.
- B. Staff must offer positive guidance on safe and sanitary toileting. Children should be supported in developing toileting skills appropriate to their age and ability.
- C. Staff must make sure that all toilet training is carried out with the parent's knowledge and consent. The methods used by staff should be consistent with the parents' methods, as long as they are developmentally appropriate and comply with these rules. The child's progress and success in toileting should be regularly communicated to the child's parent(s).
- D. Children who are learning to use the toilet should be provided with safe and easy-to-clean equipment, such as child-sized toilets, step aids, modified child-sized toilet seats or inserts that fit directly over the toilet.

7.7 Oral Health

- A. If children brush their teeth at the ASP, each child must have an individual toothbrush used only by that child.

- B. Toothbrushes must be stored in a manner that allows air drying and prevents the toothbrush from touching other items such as other toothbrushes, soap, towels, or drinking cups.

7.8 Administration of Medication

- A. The licensee must create and consistently follow a written policy and plan regarding the administration of medication to children.
- B. The licensee must make sure that only staff who have completed a training course approved by the Division administer medication in the ASP. Staff under the age of eighteen (18) must not administer medication unless it is a rescue medication that is needed in an emergency.
- C. The licensee will make sure there is always one adult present who has completed the medication administration training course approved by the Division.
- D. With written permission from the parents, a school age child may self-medicate under the direct supervision of someone who has completed the training requirement within this section of these rules.
- E. Medication or herbal remedies must not be administered to a child unless the ASP has received written permission from the child's parents for each medication or herbal remedy.
- F. Written permission from parents to administer medication must include all the following information for each prescription and non-prescription medication administered to children:
 - 1. Name of child
 - 2. Child's date of birth
 - 3. Any medication allergies
 - 4. Name of medication
 - 5. Dosage to be given
 - 6. Time when medication is to be given
 - 7. Route of administration (mouth, ear, nose, topical, inhalation)
 - 8. Reason for the medication
 - 9. Start and end dates for administration of the medication
 - 10. Any special instructions
- G. All prescription and non-prescription medications must be in the original container, properly labeled with the child's name, and administered before the expiration date on the container. If there is any deviations from instructions on the label, they must be in writing from the child's health care provider.
- H. A record of administration of all medications given must be made and kept for 365 days from the date the medication was first given. This record may be kept in the child's file or in a medication administration log. The record must include:
 - 1. Medication name and dosage
 - 2. Time medication was given

3. Name of staff giving the medication
 4. Any adverse effects observed
- I. Unused and expired medication must be returned to the parent when no longer needed by the child or safely discarded with written parental permission.
 - J. Insect repellent and sunscreen are not considered medications. Written parental permission must be obtained before applying these products. The parental permission must specify the product and may permit application as needed over a span of time. Permission must be updated at least once every 365 days and kept in each child's file. School age children may apply these items with staff supervision.
 - K. All medication and non-medications described above must be securely stored and not reachable by children.
 - L. Prescription rescue medication, such as rescue inhalers, epinephrine (epi) pens, and seizure medication must be kept readily accessible for use in emergencies.

7.9 First Aid Kits

- A. The licensee must have a first aid kit that is easily reachable by adults in the ASP, but not reachable by children. The first aid kit must contain all of the following:
 1. First aid manual
 2. Adhesive tape
 3. Bandages
 4. Sterile gauze pads
 5. Rolls of gauze
 6. Disposable nonporous gloves
 7. Scissors
 8. Tweezers
 9. Instant cold pack
- B. The first aid kit must be re-stocked as supplies are used or as items reach their expiration dates.
- C. Staff must make sure that a fully stocked first kit is taken along on field trips. In addition to the items listed above, the kit must include:
 1. Water or liquid soap or antiseptic wipes.
 2. Any emergency medications needed for a child with allergies or special health needs.
 3. List of emergency phone numbers for parents, emergency contacts, and doctors.
 4. A copy of parental authorizations for emergency care.

7.10 Responding to Accidents, Injuries, and Medical Emergencies

- A. The licensee must create and follow written procedures in the case of accidents or injuries and plans for accessing emergency services. The plan must include:
 1. Procedures to be followed in case of an accident, injury, or medical emergency, including the method of transportation and notification of parents.

2. Procedures to be followed in case of accident, injury, or medical emergency when parents cannot be reached.
- B. Staff must make sure that if an accident or injury occurs to a child while in attendance immediate action is taken to protect the child from further harm and notify the child's parents as quickly as possible.
- C. Staff must create and file an incident report for each accident, injury, or medical emergency when the incident leaves a visible mark or first aid has been administered, even when medical treatment is not required. The child's parent must be provided with a copy of the report at pick up that day. The incident report must include:
1. Name of the child
 2. Date
 3. Time
 4. Description of the injury or medical emergency
 5. How it occurred
 6. Adult witnesses
 7. First aid provided
 8. Medical care required

7.11 Physical Environment and Safety

- A. General Safety of Building and Grounds
1. The physical facilities of the ASP, grounds, equipment, and toys must be free from hazards to the health, safety, and well-being of the children. All surfaces and finishes must be safe and non-hazardous.
 2. The licensee must make sure the interior space licensed for use by children must provide a minimum of thirty-five (35) square feet of safe useable interior space per child for the maximum number of children using the space at one time. Each child must have adequate space for free movement and active play. Measurements must be from wall to wall on the inside of the space. Furniture that restricts children's free movement and active play must be considered a deductible factor when determining square footage. Bathrooms, storage spaces, hallways, furnace rooms and other areas not used by children for sleep or play on a routine basis must not be counted in computing square footage of usable space.
 3. The licensee must protect children from peeling or chipping paint and paint-dust build up by regularly doing a visual check for paint chips, debris, and deteriorated paint on exterior and interior paint surfaces and cleaning using specialized techniques and ensure compliance with state law governing lead poisoning.
 4. The licensee must make sure that an asbestos contractor, certified by the Vermont Department of Health and in compliance with state law and the Vermont Department of Health's Regulations for Asbestos Control, assesses the ASP under the following circumstances and that all abatement recommendations are followed:
 - a. Before any renovations or remodeling

- b. If demolition, repair, maintenance, or another condition exposes or disturbs building material that may contain asbestos.
 5. The licensee must make sure there are no firearms and other weapons, including hunting knives, archery equipment, and weapon accessories, such as ammunition, present at the ASP.
 6. The licensee must prohibit any person, including parents, staff, afterschool activity specialists, auxiliary staff, partner staff, leaders-in-training, substitutes, or volunteers from the ASP and property when:
 - a. Their presence or behavior disrupts the program, distracts the staff from their responsibilities, intimidates or promotes fear among the children and/or staff.
 - b. There is reason to believe that their actions or behavior presents a risk of harm to the children present.
 7. All stairways, inside and outside the ASP, that are over three (3) steps must have railings and be equipped with adequate lighting.
 8. Furniture and equipment that present a tipping or falling hazard must be secured.
 9. Doors leading outside the building, stairways, hallways, windows, and doors in rooms used by children must always be clear and not blocked by stored items, non-movable barriers, toys, and other items.
 10. Closet and bathroom doors that can be locked must have an unlocking device readily accessible to staff. No locking or fastening device may be used on the outside of a door that would prevent free escape.
 11. Sharp objects must be kept out of children's reach unless used for a planned activity and closely supervised by an adult.
- B. Fire Safety
 1. The licensee must make sure that the ASP always comply with Vermont Division of Fire Safety rules. This includes complying with Vermont Division of Fire Safety inspection reports, having regular fire systems inspected with violations that were identified during the inspection noted as corrected and having fire extinguishers currently tagged.
 2. Building exits must not be locked in a way that does not allow for quick release. Doors must not be blocked and must remain accessible at all times.
 3. The licensee must consult with the area Fire Marshal when any life safety system is out of service or projected to be out of service for more than four (4) hours. This may include a blocked exit due to structural issues or a sprinkler or fire alarm system. The licensee must complete safety instructions provided by the Fire Marshal.
 4. Staff must be physically able to assist in exiting all the children present in the event of a fire or other emergency requiring building evacuation.
- C. Plumbing, Water, and Sewage
 1. The licensee must make sure that the ASP always complies with applicable rules from the Department of Environmental Conservation and the plumbing is kept in good working condition. The plumbing must also meet all applicable plumbing codes as established by the Vermont Division of Fire Safety.

2. The licensee must make sure that any taps that provide water for drinking, food preparation, and brushing teeth provide potable water that meet the Vermont Department of Health's drinking water standards.
- D. Composting, Recycling, and Garbage
1. Compost must be in containers that are securely covered.
 2. Children must only access compost containers when under direction supervision of staff.
 3. Recycling items that pose a safety hazard for children, such as metal cans, must be kept out of the reach of children.
 4. Garbage, recycling, and compost must not exceed the limits of its container and must be removed from rooms used by children each day.
 5. Garbage and compost stored outside must be kept away from where children play and must be maintained in a manner that does not pose any health or safety risk to children.
- E. Ventilation, Heating, Cooling, and Lighting
1. Any room in the ASP used by children must be maintained at a minimum temperature of 65° F and a maximum of 85°F at one (1) foot above floor level.
 2. Adequate ventilation must be provided indoors during hot weather. All rooms occupied by children must have at least one (1) window that opens and is properly screened, unless artificial ventilation is used.
 3. Each bathroom in the ASP must be ventilated by a properly screened window that opens or an operating electric exhaust fan.
 4. The use of unvented kerosene heaters is prohibited.
 5. All heating and cooling equipment must be shielded to prevent injury to children. The use of heating and cooling equipment must be approved for use by the Vermont Division of Fire Safety.
 6. Screens used on all windows, doors, or other openings to the outside must be in good condition. Doors that remain open to the outside, excluding fire doors, must have screens.
 7. Air conditioners, electric fans, and heaters, including all floor or window units, must be out of reach to children. If the units are mounted indoors or outdoors, they must be securely attached.
 8. The ASP must have sufficient natural and artificial lighting in all areas where care and education are provided to allow children to see clearly to reduce the risk of injury and allow staff to visually supervise the children.
 9. Parking areas, pedestrian walkways, and other exterior portions of the ASP used after dark by children, parents, and staff members must be well lit.
- F. Use of Pesticides
1. Pesticides should only be used when other pest prevention and control measures have not worked. Pesticides must not be used only to control pests for aesthetic reasons. Whenever possible, the ASP must use "Minimum Risk Pesticides," as defined by federal law. Only pesticides registered with the Vermont Agency of

Agriculture, Food and Markets may be used. Use of these pesticides must be documented in the ASP's administrative records.

2. All contracted pesticide application must be applied only by commercial applicators certified by the Vermont Agency of Agriculture, Food and Markets.
3. Staff and parents of enrolled children must be notified in writing five (5) days before any planned application of pesticides. Notice must include the site of the planned application, pests to be treated for, and proposed pesticides to be used.
4. The licensee must make sure that the application of pesticides is only made when children are not present, when there is ample time to ventilate indoor areas after application, and when surfaces that can be touched or mouthed by children are not treated or are thoroughly cleaned and sanitized after an application. If outdoor applications of pesticides are made while children are present, children must not be permitted in those areas until recommended by the manufacturer's instructions, or the applicator's instructions if applied by a pest control professional.
5. Bait boxes must be childproof and must be inaccessible to children.

G. Management of Toxic Substances

1. All poisonous or toxic materials, including materials required for routine cleaning, must be inaccessible to children.
2. The storage of flammable liquids and gases is not allowed in the ASP except as permitted by the Vermont Division of Fire Safety.
3. All containers of poisonous, toxic, or hazardous materials present in the ASP must be labeled for easy identification and used only in such a manner and under conditions that will not contaminate food or create a hazard to the children or staff.
4. Anything that diffuses or emits airborne chemicals including anti-pest strips, ozone generators, plug-in air fresheners, toxic nail polish, nail polish remover, and aerosol sprays must not be used in the ASP.
5. Plants accessible to children, both indoors and outdoors, must be non-toxic.

H. Use of Tobacco, Alcohol, Cannabis, and Illegal Drugs

1. The licensee and the program director must make sure that the use of tobacco and tobacco substitutes such as e-cigarettes is not allowed inside and outside the ASP at any time. They also are not allowed in any vehicle used to transport children.
2. The licensee and program director must make sure that the use of alcohol, cannabis, and illegal drugs is not allowed inside and outside the ASP at any time. They also are not allowed in any vehicle used to transport children.
3. No person in the ASP may use or be under the influence of alcohol or drugs while children are present at the ASP. Medication prescribed by a physician or over-the-counter medication that does not impair the ability of staff to adequately supervise and care for the children may be taken.

I. Animals

1. Animals present at the ASP must not present a danger or health hazard to the children or staff.
2. Animals or pets present at, or brought into, the ASP must be vaccinated and registered as prescribed by law/ Documentation must be maintained at the ASP.
3. Animals present at the ASP must be maintained and cared for in a safe and sanitary manner that does not pose a health hazard for children or staff.
4. Animals must not be allowed on surfaces where food or drink is prepared or served. Animals who roam freely must not be allowed near children who are eating.

J. General Kitchen Provisions

1. The ASP must have approval from the Division to prepare on-site meals. The on-site preparation of only snacks does not require approval by the Division.
2. The food preparation surfaces must not be used for other activities when food or drink is being prepared or served.
3. A bathroom sink must not be used for food preparation.
4. The kitchen and all food preparation, storage and serving areas, utensils, and equipment must be kept and stored in a clean, dry, sanitary place free of insects, rodents, dust, and other contaminants and must be handled in such a manner as to prevent contamination.
5. The kitchen must have at least one (1) sink with hot and cold water running from a single spigot.
6. Children must only be allowed in the meal preparation areas when under the direct supervision of staff.
7. The staff must make sure all dishes, cups, and glasses used by the children are free from chips, cracks, or other defects.
8. The kitchen must contain the necessary operable equipment to prepare, store, serve, and clean-up all meals and snacks for children and adults. All kitchen machinery and equipment must be constructed and arranged to be easily cleanable and must be in good condition.
9. When a dishwasher is not available, and single service items are not used for food service, the licensee must make sure that there be three (3) compartments with a drain board set-up for cleaning dishes. A four (4) step process must include dishwashing, rinsing, sanitizing, and air drying all dishes and utensils:
 - a. Dishes must be washed with soap in hot, clean water
 - b. Dishes must be rinsed in hot, clean water
 - c. Dishes must then be immersed for at least ten (10) seconds in a sanitizing rinse. The sanitizing rinse must be EPA registered or a diluted bleach and water mixture. If using bleach, staff must follow the manufacturer's instructions when mixing for this purpose.
 - d. Dishes must be air dried.
10. All surfaces used for food preparation must be easily cleanable and non-porous.

11. All single serve items including cups, plates, spoons, forks, and other single serve containers and utensils must only be used once.
12. The ASP must have a refrigerator to keep perishable foods at 40°F or colder and a freezer to maintain frozen food at 0°F or colder. Food stored in the refrigerator must be stored in a manner that allows the free circulation of cool air. All refrigerated foods must be covered.
13. The ASP must make sure that perishable food provided by a child's home is stored in a refrigerator. If a refrigerator is not available, then food from a child's home must be stored in insulated lunch boxes with at least two (2) ice packs.
14. All food must be stored in containers that are dated. Food items used by or intended for a specific child must be plainly labeled.
15. Food items must be stored separately from cleaning materials.

K. Food Safety

1. The licensee must make sure that individuals who are ill do not prepare food for children. Individuals who are ill must not be permitted in the food preparation area. Individuals with open sores that cannot be covered must not handle or prepare food.
2. Foods must be cooked to the proper temperature and must be served promptly after preparation. All reheated food must be cooked to at least 165°F. Hot food must be maintained at temperatures not less than 135°F and cold foods must be maintained at temperatures not more than 41°F.
3. Perishable food must not be kept at room temperature for more than one (1) hour while being prepared or served.
4. Frozen foods must be thawed in the refrigerator, under cold running water, or defrosted in the microwave.
5. All expired and contaminated food must be disposed of right away.
6. Fresh fruits and vegetables must be thoroughly washed before serving.
7. Food that has been served to a child or adult must be disposed if not eaten. Once food has been served, it must not be re-used, served to a different child, or stored, except as compost.

L. Food and Nutrition

1. The licensee must create and follow a written policy concerning meals and snacks. This policy must be provided to all parents at the time of enrollment as required in the "Communicating ASP Policies and Procedures" section of these rules. It must include:
 - a. A description of all food services provided
 - b. Usual time of snacks and meals
 - c. Policies and procedures related to food allergies, religious dietary requirements, and other special needs
 - d. Policies and procedures for safe eating habits

2. The licensee must make sure that individuals responsible for food preparation have knowledge of nutritional requirements, sanitary food preparation, storage and clean-up, and adhere to the ASP's policies related to food and nutrition and food safety.
 3. The licensee must make sure that menus are planned in advance, dated, and posted so that they are clearly visible to parents. Any changes to the posted menu must be noted. Menus of meals and snack for the preceding six (6) weeks must be kept on file.
 4. The ASP must offer and provide children with a chance to have a second portion of food when the first portion of that food has been eaten. However, no child must be required or forced to eat.
 5. Children must be seated when eating.
 6. The licensee must make sure that children are minimally served the following meals and snacks based on the time the children are present:
 - a. Four (4) hours or less: one (1) snack
 - b. Four (4) to six (6) hours: one (1) meal and one (1) snack
 - c. Six (6) to eleven (11) hours: two (2) meals and one (1) snack, or one (1) meal and two (2) snacks
 - d. More than eleven (11) hours: three (3) meals and two (2) snacks
 - e. School age children attending school for a full day must be offered a snack within one (1) hour of their afternoon arrival.
 7. The licensee must make sure that the meals and snacks provided meet the current USDA/Child and Adult Care Food Program (CACFP) meal pattern requirements that are adjusted according to the age of each child.
 8. Fruit juice may be served if it is 100% juice. Other juice and sugar-sweetened or artificially sweetened beverages must not be served.
 9. When milk products are provided by the program they must meet the following criteria:
 - a. Fluid pasteurized cow's milk, 1% or skim served to all children.
 - b. For drinking purposes, powdered milk must not be used as a substitute for fluid milk.
 10. Hot food and liquids should be kept out of the reach of children unless the child is engaged in cooking activities or eating a meal that includes hot foods and/or liquids during which time staff must directly supervise the child(ren).
 11. Drinking water must be readily accessible to children at all times.
 12. The licensee must make sure that if food is provided to the ASP by a vendor that the vendor has a valid Food Service Establishment License from the Vermont Department of Health.
- M. Special Nutritional Requests and Restrictions
1. The licensee must make sure that staff only serve special or therapeutic diets if they have written instructions from the child's health care provider.

2. The licensee must make sure that if the parent asks to change basic meal patterns due to a child's medical need, like food allergies or food intolerance, the parent provides the ASP with written documentation from the child's health care provider authorizing the modification.
3. The licensee must make sure that if the parent asks for a change of basic meal patterns due to a family's food preferences or religious beliefs, the parent provides the ASP with written documentation specifying which foods are not acceptable, which food substitutes from the same food groups are allowed, and when the child should eat.
4. Staff must consistently follow special nutritional requests and restrictions from parents when documentation has been provided.

N. Outdoor Play Area and Equipment

1. There must be a safe outdoor play area with seventy-five (75) square feet of safe, usable space per child for the maximum number of children using the space at any one time. The space must provide opportunities for vigorous play and large muscle activity on the premises or within a safe walking distance. All off-site outdoor play areas must be approved by the Division.
2. The outdoor play area must have a shaded area.
3. The outdoor play area must be fenced or otherwise protected from hazards such as traffic, bodies of water, trains, and animals. Fencing or natural barriers that may include hedges or other clear land boundaries must prevent children from exiting and allow for safe supervision of outdoor play.
4. If fencing is used, it must be sturdy, safe, and reinforced to give support. The fence must be constructed to discourage climbing and must allow for visual supervision of children by staff.
5. When the Division requires fencing due to a safety concern, the fence must be a minimum of three (3) feet in height with openings no larger than 3.5 inches. All gates leading out of the play area must be secured with self-closing and self-latching mechanisms. There must be at least two (2) exits with one (1) that does not lead into the ASP.
6. The outdoor play area must be free of dumpsters, uncovered trash cans, highly flammable materials, standing pools of water, and other hazards. Staff must inspect the outdoor play area before children begin to play to make sure there are no hazards present that could include animal feces, litter, adult tools, or other items that could injure a child.
7. All outdoor play equipment must be sturdy, safe, and free from rough edges, sharp corners, pinch and crush points, splinters, exposed bolts, small loose pieces, and areas that cause entrapment. Equipment should also be free from recall from the U.S. Consumer Product Safety Commission.
8. To prevent a child from getting trapped, no openings in equipment may be bigger than 3.5 inches.
9. Children must only be allowed to play on equipment that is identified as being designed for children of that age per the manufacturer's instructions.
10. Equipment must be set up so that children playing on one (1) piece of equipment will not interfere with children playing on another piece of equipment.

11. Large outdoor play equipment must be securely anchored following manufacturer's specifications. The equipment must not be located on concrete or asphalt surfaces. The equipment must be placed to meet the manufacturer's specifications for use zones.
12. To ensure children's safety, the licensee must provide an approved resilient surface at the required depth under and around all play equipment that is thirty inches or higher from the ground. This includes climbing equipment, slides, swings, and similar structures. The surface must also cover the recommended use zones to protect children in case of falls.
13. If the resilient material in use zones freezes, staff must make sure that children will not play on the equipment until the material has thawed and is once again resilient.
14. Sandboxes must be maintained in a safe and sanitary manner.
15. Bicycles, tricycles, scooters, and other riding toys must be the correct size for the child using the riding toy. Riding toys must be kept in good condition. When bicycles are not designed with chain guards, children's clothing must be properly secure to protect against getting caught in the bicycle chains.
16. Staff must make sure that all children wear proper fitting safety helmets and apparel while riding bicycles, using scooters, and using other riding toys.

O. Bathrooms

1. The ASP must have at least one (1) conveniently located bathroom equipped with one toilet and hand sink for every fifteen (15) children present at any one time.
2. Bathrooms must only be used by children, parents, ASP staff, partner staff, auxiliary staff, substitutes, and volunteers of the program while the program is operating.
3. The licensee must make sure the bathroom has properly functioning toilet(s) and hand sink(s).
4. Bathrooms used by enrolled children must have properly dispensed toilet paper easily available. Toilets must be flushed after every use.

P. Cleanliness and Maintenance

1. The ASP, its furnishings, and toys, must be kept in a clean and tidy condition.
2. All interior and exterior walls, roofs, chimneys, floors, doors, ceilings, windows, skylights, stairways, ramps, and porches must be maintained in good condition.
3. The ASP must be kept free from an infestation of rodents and insects.
4. Floors must be kept clean in areas where care and education are provided.
5. Hard surfaces accessible to children must be smooth, non-porous, and easy to clean.
6. Exterior stairs, walks, ramps, and porches must be cleared of ice and snow or other hazards that may block exits.

Q. Indoor Play

1. Trampolines may be used if they measure thirty-six (36) inches in diameter or smaller.
2. The licensee must make sure that all art and play materials are non-toxic.
3. Indoor climbing structures that allow children to achieve a height of more than thirty (30) inches must have appropriate shock absorbing cushioned surfaces beneath them to protect children from injury in the event of a fall.

R. Swimming and Access to Water

1. A fence is not required for water-filled wading pools. Wading pools must be emptied, cleaned, and disinfected daily after use. When not in use, wading pools must be empty and stored dry.
2. The licensee must make sure that a fence is installed for all swimming pools or other natural or artificial bodies of water accessible to make sure that no child may gain access without staff approval, observation, and supervision. Fences around pools must be at least four (4) feet high with no more than a vertical clearance of three and a half (3.5) inches at the bottom. Gates must swing outward with self-closing and self-latching devices installed at least three (3) inches below the top of the gate on the side facing the pool/water. Gates must be locked when not in use.
3. The licensee must make sure hot tubs have a locking cover or a fence at least four (4) feet high with no more than a vertical clearance of three and a half (3.5) inches at the bottom. Gates must swing outward with self-closing and self-latching devices installed at least three (3) inches below the top of the gate on the side facing the hot tub. Gates must be locked when not in use.
4. For all swimming pools, the licensee must make sure that the water is filtered and maintained according to the pool/filter manufacturer's recommendations. Pools must be kept in accordance with good health and safety practices.
5. For any natural or artificial bodies of water that can be accessed from the outdoor play area, the licensee must visually check the area before use to make sure it is free of hazards like glass, animal feces, or other health and safety risks.

S. Water Supervision and Prohibitions

1. The licensee must have written permission from each child's parent before the child engages in swimming or wading activities. This written permission must be kept in each child's file.
2. The licensee must make sure all staff counted in the ratio during swimming or wading activities completes the American Red Cross online course, "Water Safety for Parents and Caregivers" before allowing children to swim or wade while in care.
3. When children are using wading pools, staff with valid certification in pediatric first aid and in infant and child CPR must be physical present and visually supervising all children at all times.
4. When children are swimming or playing in swimming pools or other natural or artificial bodies of water, staff who are confident swimmers and hold a valid certification in pediatric first aid and in infant and child CPR must be physically present and visually supervising all children at all times.

5. When twelve (12) or fewer enrolled children are swimming or playing in a pool or other natural or artificial body of water, the license must make sure that a lifeguard is present. If no lifeguard is present, the following staff-to-child ratios must be maintained:
 - a. One (1) adult for every two (2) children under the age of four (4) years.
 - b. One (1) adult for every six (6) children age four (4) and older.
6. When thirteen (13) or more enrolled children are swimming or playing in a pool or other natural or artificial body of water at one time, the licensee must make sure that there is one (1) certified lifeguard assigned to each group of twenty-six (26) or fewer children in the water.
7. Lifeguards must possess first aid, CPR, and lifeguard certification from the YMCA, American Red Cross (ARC), Ellis & Associates or another nationally recognized organization that provides equivalent certification.
8. When lifeguards are on duty supervising the swimming area, they must not be counted in the following staff-to-child ratios. The minimum staff-to-child ratios for children participating in a swimming activity supervised by a certified lifeguard must be:
 - a. One (1): ten (10) for children ages eight years and older
 - b. One (1): eight (8) for children ages six (6) and seven (7) years
 - c. One (1): six (6) for children ages three (3) to five (5) years
 - d. One (1): three (3) for children younger than three (3) years.
9. The licensee must create a written aquatic plan that covers supervision and safety in swimming activities. This plan must have a table of contents and plot plan for any swimming facility in use by the program indicating where first aid is to be practiced and where emergency equipment is to be placed. The plan must include all of the following:
 - a. Identify who is designated as the program's aquatic director.
 - b. Be reviewed once every 365 days..
 - c. Be updated as needed.
 - d. Be known by all staff present at the swimming facility.
 - e. Be kept on file at the facility with a copy available while swimming occurs.
 - f. In the case of off-site swimming locations, be formulated in conjunction with off-site aquatics personnel.
 - g. Be available for review.
10. The written aquatic plan must include the designation of an aquatic director, the person responsible for the implementation of the plan when children are present. The plan must include the following systems:
 - a. Before swimming activities, children should be identified as swimmers or non-swimmers based on their swimming ability. However, if the water is less than waist deep for the child, a system for assessing swimming ability is not required.

- b. Identification of each child by name, predetermined status of swimmer or non-swimmer, their swimming ability, and the area to which the swimmer is assigned.
 - c. Create and follow a system for the visual identification of each child.
 - d. Non-swimmers should be restricted to areas where the water is less than waist deep for the child, except during “learn to swim” programs or when shallow water is in a non-swimming area.
 - e. Recording the entry to and exit from the swimming area for each child.
 - f. Assigning each swimmer to a buddy who must have the same swimming ability. One threesome is allowed per swimming area. When children are unable to comprehend or implement a buddy system, another method that provides an equal level of swimmer safety, supervision, and accountability must be substituted and described in the written aquatic plan.
 - g. Instructions to children when using the buddy system on how to notify the lifeguard when their partner is distressed or missing.
 - h. All swimmers and non-swimmers must be counted every fifteen (15) minutes.
 - i. A “lost swimmer” plan must be in place to activate when a count fails to account for all swimmers. The plan must include clearing the water and searching for the lost swimmer, while making sure there is continued supervision of the other children.
11. The use of swimming pools or other natural or artificial bodies of water are not allowed during hours of darkness.
 12. Diving must only be allowed for enrolled children when an American Red Cross (ARC) Water Safety Instructor (WSI), who holds a valid certificate, is present and supervising diving.

T. Transportation Safety

1. The licensee must make sure that any vehicle used for transporting children, whether owned by the ASP or not, be registered, inspected, and insured according to state law and these rules. This documentation must be kept on file at the ASP for 365 days.
2. Any vehicle used to transport children must be equipped with a first aid kit and additional emergency as specified in the “First Aid Kits” section of these rules.
3. The licensee must make sure that any vehicle used to transport children is safe and in good condition. If the vehicle is not owned by the ASP, the program administrator or program director must get a written statement from the vehicle owner stating the vehicle is safe and in good condition. This documentation must be kept on file at the ASP for 365 days.
4. The licensee must make sure that drivers do not transport more people than the capacity of the vehicle.
5. All children under eight (8) years must be properly secured in a federally approved child restraint system appropriate to their weight and size unless a child’s medical condition requires the use of a special seat. These child restraint requirements do not apply to busing options that do not have seat belts.

6. All children over eight (8) years of age, the driver, and any adult passengers must be restrained using a child restraint or a safety belt in good working order.
7. All vehicles must have working heat, and it is preferred to be equipped with air conditioning. A comfortable temperature must be kept in vehicles while transporting children. Buses and vehicles without air conditioning may be used when the interior of the bus does not exceed 85°F.
8. The licensee must make sure that the driver transporting children holds a valid operator's license that is suitable for the vehicle being used. If the vehicle transports sixteen (16) or more people, including the driver, the driver must hold a valid commercial driver's license with a passenger endorsement.
9. The licensee must make sure that the driver follows all traffic laws.
10. The licensee must make sure that the driver does not use a cell phone or text while driving. Should communication be necessary, the driver must park the vehicle before using any handheld device.
11. The licensee must make sure that written permission is obtained from parents before transporting children. Parents must also be notified and must give permission for someone not employed by the ASP to transport their child. This written permission must be retained in each child's file for 365 days.
12. The licensee must make sure they obtain written permission authorizing the ASP to transport children home. The permission must specify the address where the children are to be released and whether the child may be released if the authorized person is not present.
13. The licensee must make sure written permission is obtained from parents allowing the ASP to release a child to a transportation service not operated by the ASP.
14. A child must never be left unattended or unsupervised in a vehicle at any time.
15. Staff-to-child ratios established in the "Maximum Capacity, Group Size, and Staffing" section of these rules must always be maintained while children are transported. The following is an adjustment to that requirement:
 - a. When there are more than six (6) children being transported in a vehicle there must be a second adult in addition to the driver.
16. The licensee must create and follow a procedure for accounting for all children transported. The procedure must, at a minimum, include:
 - a. Recording information on all trips including date, time, driver, vehicle, and children transported.
 - b. Recording the name of the adult a child was released to, if not the ASP staff.
 - c. Recording the address a child was released to if not to an authorized person or ASP staff.
 - d. A method for confirming that every child gets out of the vehicle after each trip.
17. The licensee must make sure that when the ASP provides transportation, the maximum amount of time a child can be transported to or from the child's home, the ASP, or school does not exceed forty-five (45) minutes one-way.

U. Field Trips

1. The licensee must make sure that written permission from parents is obtained before all field trips, including walking field trips. This written permission must be kept in each child's file. The permission form must give parents the following information:
 - a. The destination of the trip
 - b. The type of transportation
 - c. Whether one-way travel time will exceed forty-five (45) minutes
2. Children's health and safety must always be protected when on field trips or walking field trips. The licensee will create and follow a procedure to check unlicensed areas for hazards that could harm children, including visually inspecting the area before use to make sure it is free of things like broken glass, animal feces, and traffic, and other possible hazards.
3. Playgrounds and playground equipment used by children on field trips or walking field trips must meet or exceed requirements in these rules.
4. The licensee must make sure that all staff-to-child ratios set in the "Maximum Capacity, Group Size, and Staffing" section of these rules are maintained during field trips and walking field trips.
5. Children must always be physically and visually supervised by the staff when on field trips or walking field trips.
6. When a field trip includes access to swimming pools or natural or artificial bodies of water, staff must make sure that all "Water Supervision and Prohibitions" in these rules are strictly followed.

Section 8 – Teaching and Learning

- 8.1 The licensee must oversee a program of educational and developmental activities to make sure the curriculum is developmentally appropriate as required by this section of these rules.
- 8.2 Supporting English Language Learners
 - A. All children must be included in all activities.
 - B. Staff must plan for the full and successful inclusion for children who are English Language Learners. An individual plan for each child must be developed with the child's parents and staff. The plan must address all needs of the child.
 - C. Changes and adjustments must be made to the curriculum, activities, schedule, environment, adult-child and peer interactions, teaching strategies and materials as needed to support the individual needs and positive development of children who are English Language Learners.
 - D. The licensee must make sure that parents and staff know how to access interpreter services to assist with communication between the program, the child, and the parents.
- 8.3 Supporting Children with Special Health Care Needs and Children with Disabilities
 - A. Staff must plan for the full and successful inclusion of children with special health care needs and/or disabilities. An individual plan for each child must be developed

with the child's parents and staff. The plan must address all health or other needs of the child.

- B. The curriculum and activities must be adapted to provide all children with chances to participate in all activities that are appropriate to their age, development, and individual needs.
- C. If a parent of a child with an identified special health need or disability voluntarily provides copies of the child's Individual Education Plan (IEP), Children's Integrated Services (CIS) One Plan, or the equivalent, staff must keep this document in the child's file and review with all staff working with that child.
- D. Staff must follow changes in routine, emergency procedures, and nurturing activities, including toileting, feeding, dressing, and resting when the changes are made in consultation with the child's parents and either professionals or agencies providing services to the child.
- E. Changes and adjustments must be made for children in activities, schedule, environment, adult-child and peer interactions, teaching strategies and materials when needed to support the individual needs, positive development, and goals described in the child's IEP, CIS One Plan, or equivalent for children with special health care needs and/or disabilities.

8.4 Outdoor Play Opportunities

- A. Children must have chance for moderate-to-vigorous play and gross motor activity outdoors either on the premises or within a safe walking distance of the ASP for at least sixty (60) minutes each day.
 - 1. For programs that operate for more than two (2) hours but less than four (4) hours per day, staff must make sure that children are given the chance for at least thirty (30) minutes of outside physical activity each day.
- B. Staff must be aware of extreme weather conditions such as excessive heat or humidity, cold temperatures including wind chill factors, or poor air quality that could impact the well-being or health of the children. Children must not be allowed to play outside during extreme weather conditions.
- C. On any day when children are not able to play outside, staff must provide the chance for children to participate in at least thirty (30) minutes of moderate-to-vigorous physical activity indoors. Programs operating less than two (2) hours per day must give children the chance for at least fifteen (15) minutes of moderate-to-vigorous physical activity indoors.
- D. Staff must interact with children during outdoor play.

8.5 Schedules and Routines

- A. Staff must develop, document, and follow a consistent daily routine that includes a balance of:
 - 1. Chances for children to have individual, small group, and full group play and learning.
 - 2. Chances for children to have child-directed as well as staff-directed activities.
 - 3. Active and quiet play.
 - 4. Rest or quiet time play.

5. Indoor and outdoor play.
- B. The licensee must make sure that a written schedule is created for each group of children and is posted where it is clearly visible to parents, staff, and children as appropriate. The schedule must show blocks of time assigned to different types of activities in the daily and weekly routine.

8.6 Opportunities for Development and Learning

- A. Toys, materials, and equipment must be varied and available and there must be enough to allow all children to benefit from their use, allow for a range of choices, and reduce conflicts between children.
- B. Toys, materials, and equipment must support developmentally appropriate and meaningful learning experiences and meet the needs and interests of each child.
- C. Toys, materials, and equipment must reflect children's cultures and communities and help them learn of other cultures and communities.
- D. Furniture and equipment children use for play and daily routines must be durable and appropriate for the size, abilities, and activities of the children.
- E. Staff must make sure that children participate in developmentally appropriate play, sensory activities, and learning experiences in each of the following areas:
 1. Developing of Self: approaches to learning, social and emotional development, growing, moving, and being healthy.
 2. Communication and Expression: language and literacy development, and creative arts and expression.
 3. Learning about the World: mathematics, science, and social studies.

8.7 Respect for Diversity

- A. The environment must be respectful and reflect an understanding of the diversity of parents, cultures, and ethnicities of the children attending the ASP and those of people in the surrounding communities.
- B. Materials and experiences available to children must represent the diversity found in society, including race, gender, family composition, age, language, and abilities.
- C. Staff must consult with parents about care practices specific to their children's culture and community and provide as much consistency as possible in ASP practices for each child.

8.8 Screen Time Limitations

- A. Screen time must be limited to programs and games that are developmentally appropriate and educational. A developmentally appropriate movie for entertainment may be used no more than once a month.
- B. Screen time must not expose children to inappropriate content that is sexually explicit, violent, or contains inappropriate language.
- C. Screen time must be supervised by staff.
- D. Screen time must not exceed thirty (30) minutes each day per child or group of children, except once a month they may watch a two (2) hour movie.

- E. Staff must inform and receive permission from the parents of each child if a PG rated movie is going to be shown in the ASP.
- F. Children using technology to complete homework assignments or to engage in educational activities that require the use of technology must not have this screen time count in the time limitations outlined above.
- G. The use of assistive technology by a child with special health needs that is included in their Children's Integrated Services (CIS) One Plan, Individual Family Service Plan (IFSP), or Individual Education Plan (IEP) must not be included in this definition of screen time.
- H. Other developmentally appropriate activities must be available when television/video viewing occurs.

8.9 Teaching and Learning Opportunities

Children must experience frequent positive interactions with a consistent staff member or team that gives each child a variety of age appropriate opportunities throughout the day.

8.10 Maximum Capacity, Group Size, and Staffing

- A. All children who are present at the ASP without a parent must be included in determining the capacity of the program at any given time. A child whose parent(s) is a staff member must count in the staff-to-child ratio when the child is present at the ASP.
- B. The number of children served by the ASP at any one time must not exceed the maximum capacity allowed and documented on the license certificate.
- C. The staff-to-child ratio must not exceed one (1) staff person for every thirteen (13) children. The maximum number of children in a group will be twenty-six (26).
- D. Youth volunteers and leaders-in-training who are thirteen (13), fourteen (14), or fifteen (15) years old must not be counted as children in the staff-to-child ratio and maximum group size when they are listed as youth volunteers and leaders-in-training in the ASP's Database account.
- E. Staff who are qualified based on rules outlined in the "Qualification and Experience" section of these rules and are physically present and working with children may be counted in the staff-to-child ratios.
- F. Substitutes who are temporarily filling a staff position may be left alone with children and may count in the staff-to-child ratios.
- G. Afterschool aides who are over eighteen (18) years old and assist in the implementation of the program may be counted in the staff-to-child ratios and can be left alone with children. Afterschool aides who are at least sixteen (16) but under eighteen (18) years of age must be within eyesight or ear shot of an Afterschool Program Staff and may be counted in the staff-to-child ratios.
- H. Auxiliary staff, afterschool activity specialists, and volunteers must not be left alone with children and must not count in the staff-to-child ratios at the ASP.

8.11 Staffing Schedule

- A. The licensee must make sure that the ASP has at least one (1) staff member who meets the qualifications for the position of program administrator or program director.

The licensee must make sure the program administrator or program director is present at the ASP at least 40% of the time children are in care.

- B. The program administrator, program director, or licensee must make sure that when they are not present at the ASP that another staff member is designated and in-charge of the ASP.
- C. The licensee must make sure that each group of children is led by a staff member who is at least qualified as an afterschool program staff member.
- D. When seven (7) or more children are present at the ASP, a second adult who could assist in an emergency must be within direct hearing distance of the licensed space.
- E. When a substitute fills a staff position for forty-five (45) or more working days within a 365 day period, the substitute must be qualified for the position they fill and must no longer be considered a substitute but is considered a staff person subject to all requirements for staff in these rules.
- F. Youth volunteers and leaders-in-training who are seventeen (17) years old or younger must be under the direct supervision of a staff member and must not be left alone with children.

8.12 Supervision of Children

- A. Staff must have visual supervision of children at all times, except as allowed in rule 8.13.B.
- B. Children may be out of direct supervision within the confines of the licensed ASP space for brief periods of time with parameters and conditions as outlined below and with staff knowledge and permission.

Grades and Age Group	Buddy Requirement	Time Limit
Grades K, one (1), and two (2)	With a buddy in the same age group	For not more than ten (10) minutes
Grades three (3) – five (5)	With a buddy in the same age group	For not more than then (10) minutes
Grades six (6) and over	No buddy required	For not more than ten (10) minutes

- C. The buddy system must not be used when children are using the bathroom.
- D. The staff person giving permission for children to use the buddy system must make sure that the children have returned to the group before the stated time has elapsed.
- E. When children are outside playing, staff must be outside visually supervising the children.
- F. When children are eating, staff must be positioned to allow for visual supervision of all children and must be able to physically respond if necessary to any child who may be choking.
- G. Children must be protected from harmful acts of other children.

8.13 Quality of Interactions

- A. Each child must be treated with consideration and respect with equal chances to take part in all developmentally appropriate activities.
- B. The licensee must create and utilize a positive transition plan with the introduction of a new staff member.
- C. Staff must appropriately hold, touch, smile, and talk to children.
- D. Staff must speak to children at their eye level.
- E. Staff must be available and responsive to children, encouraging them to share experiences, ideas, and feelings.
- F. At least one (1) staff member must sit with children during meals and snacks.
- G. Staff must listen with attention and respect to children.
- H. Children must be attended to timely when they cry.
- I. Nurturing activities done by staff must be done with consideration of the parents' expressed preferences and nurturing practices when these are developmentally appropriate and comply with these rules.
- J. Staff voices must not dominate the overall sound of the group.
- K. Staff must positively model and set limits for children in areas of health, safety, and personal interactions.
- L. Staff must encourage and guide children to resolve their own conflicts.

8.14 Positive Guidance and Behavior Management

- A. The licensee must follow their written positive guidance and behavior management of children policy.
- B. Staff's expectations of children's behavior and responses to children's behavior must be appropriate to each child's level of development and understanding. Guidance must be designed to meet the individual needs of each child.
- C. Staff must use positive methods of guidance and behavior management that encourages self-control, self-direction, self-esteem, and cooperation.
- D. No form of inappropriate discipline or corporal punishment may be used with children. This includes:
 - 1. No hitting, shaking, biting, or pinching.
 - 2. No restricting a child's movements or actions through use of physical force, binding, tying, use of any other mechanical restraint, or using medication without written parental permission, without following the medicine's label, and/or without a medical prescription.
 - 3. No withholding of food, water, sleep, or toilet use.
 - 4. No confining a child to an enclosed or darkened area, such as a closet or a locked room.
 - 5. No inflicting mental or emotional punishment such as humiliating, shaming, threatening, or frightening a child.
 - 6. No making disparaging remarks regarding a child and/or their family.

- E. No punitive action may be taken with children for toileting accidents, for failure to eat all or part of a meal, or for not completing a prescribed activity.
- F. Profanity and obscene language must not be used in the ASP while children are present.
- G. The licensee must consult with parents and professionals to design an effective behavior management plan and adapt behavior management practices for a child who exhibits a pattern of challenging behaviors.

Appendix A – Signs & Symptoms of Childhood Illnesses

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