

**Rules for  
Registered Family Child Care Homes  
Effective**

**FOREWORD**

Child Care Licensing Rules are designed to protect the health and safety of children. They also make sure that children in early childhood education and afterschool 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 early childhood education and 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. Other updates reflect changes to state and federal laws, the use of technology in government and program management, and the evolving system of early childhood and afterschool services 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: <http://dcf.vermont.gov/cdd/laws-regs>

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.

## TABLE OF CONTENTS

Section 1 – Introduction.....	5
1.1    Legal Authority to Regulate Services .....	5
1.2    Purpose .....	5
1.3    Effective Dates.....	5
1.4    Severability.....	5
Section 2 – Definitions of Terms .....	5
Section 3 – General Provisions.....	9
3.1    Regulated Service and Limitations.....	9
3.2    Licensing Process and Procedures .....	10
3.3    Issuance of License.....	10
3.4    Nullification of a License .....	11
3.5    License Type: Full License .....	11
3.6    License Type: Provisional License .....	11
3.7    License Type: Inactive License .....	12
3.8    Procedures for Initial Program Licensure.....	13
3.9    Annual Licensing Requirements.....	16
3.10   Procedures for License Renewal .....	16
3.11   License.....	18
3.12   Complaint Procedure .....	19
3.13   Violations and Program Improvement Plans .....	19
3.14   Suspension, Revocation or Denial of License.....	20
3.15   Right to Appeal Regulatory Actions .....	20

3.16	Rule Variance .....	22
3.17	Public Record of Regulatory Compliance .....	23
Section 4 – Administration and Operation .....		24
4.1	Notifications to the Division.....	24
4.2	Legal Mandates Regarding Child Abuse and Neglect.....	25
4.3	Program Management and Recordkeeping .....	25
4.4	Personnel Files .....	27
4.5	Other Administrative Records.....	28
4.6	Child Development Database.....	28
4.7	Non-Discriminatory Enrollment .....	29
4.8	Safe Release of Children.....	29
4.9	Emergency Preparedness, Response, and Recovery .....	29
4.10	Confidentiality.....	31
Section 5 – Program Personnel/Staffing .....		31
5.1	General Requirements for the FCCP and Staff.....	31
5.2	Personnel Policies and Procedures .....	33
5.3	Background Clearances.....	34
5.4	Exclusion of Person Prohibited from Working with Children.....	36
5.5	Qualifications and Experience.....	36
5.7	Volunteers .....	39
Section 6 – Parent/Family Engagement .....		39
6.1	Pre-enrollment Visits and Orientation.....	39
6.2	Visits and Access to Children .....	40
6.3	Parent Conferences.....	40
6.4	Communication with Parents.....	40
6.5	Supporting Parental Involvement .....	40
6.6	FCCH Policies and Procedures.....	41
6.7	Terminating Enrollment .....	42
Section 7 – Health, Safety, and Nutrition.....		43

7.2	Hand washing.....	43
7.3	Universal Precautions .....	45
7.4	Cleaning, Sanitizing, and Disinfecting .....	45
7.5	Managing Infectious Diseases.....	47
7.6	Children’s clothing.....	48
7.7	Diapering.....	49
7.8	Toileting and Toilet Learning/Training.....	50
7.9	Sleep and Rest Accommodations.....	50
7.10	Safe Sleep Practices for Infants Under Twelve (12) Months.....	51
7.11	Rest Practices for Children Over Twelve (12) Months .....	52
7.12	Oral Health .....	52
7.13	Administration of Medication.....	52
7.14	First Aid Kits.....	54
7.15	Responding to Accidents, Injuries, and Medical Emergencies .....	55
7.16	Physical Environment and Safety.....	56
Section 8 – Teaching and Learning.....		75
8.2	Supporting English Language Learners.....	75
8.3	Supporting Children with Special Health Care Needs and Children with Disabilities... 76	76
8.4	Outdoor Play Opportunities.....	76
8.5	Schedules and Routines .....	77
8.6	Opportunities for Development and Learning.....	77
8.7	Respect for Diversity .....	78
8.8	Screen Time Limitations.....	78
8.9	Maximum Capacity and Staffing .....	79
8.10	Maximum Capacity and Staffing .....	80
8.11	Supervision of Children.....	82
8.12	Quality of Interactions .....	83
8.13	Positive Guidance and Behavior Management.....	83

## **Section 1 – Introduction**

### **1.1 Legal Authority to Regulate Services**

No person agency, corporation, partnership, or individual may operate or maintain a registered family child care home 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. A person providing care for children from more than two (2) families, other than the person's family, must be registered or licensed in accordance with these rules.

### **1.2 Purpose**

These rules are meant to keep children safe and healthy and help them grow and develop in a positive way in a Family Child Care Home. These rules are the basic standards for child care programs in Vermont. Family Child Care 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 a Registered Family Child Care Home received on or after {effective date}.
- B. These rules will go into effect for all Registered Family Child Care Homes with a current license on {effective date}. A Registered FCCH must read these rules and make sure of full compliance before [add four months to effective date above].

### **1.4 Severability**

The provisions of these rules are severable. If any of these rules is invalid, or if any application thereof to any person or circumstances is invalid, the invalidity will 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 “Annual Licensing Requirements” refers to compliance activities that must be complete every 365 days within the three (3) year license period.
- 2.2 “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 FCCH.
- 2.3 “Capacity” is the total number of children allowed to be present at any given time as approved on the license.
- 2.4 “Child” for the purposes of these rules is a person who is at least six (6) weeks old and has not reached thirteen (13) years. A child with special health needs as defined in these rules is also considered a child and all rules apply to them.
- 2.5 “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.
- 2.6 “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 Services

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 do well in an FCCH.

- B. A person who is thirteen (13) years or older, but under 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.
- 2.7 “Classroom Aide” is a person assigned to work with a specific child or children with special needs and does not count in the staff to child ratio.
- 2.8 “Commissioner” is the Commissioner of the Department for Children and Families or designee.
- 2.9 “Corporal Punishment” is deliberately causing physical pain to a child to punish, correct, discipline, teach, or for any other reason.
- 2.10 “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.
- 2.11 “Department” is the Vermont Agency of Human Services, Department for Children and Families, and/or its agents.
- 2.12 “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.
- 2.13 “Division” is the Child Development Division within the Department for Children and Families.
- 2.14 “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.
- 2.15 “Family Child Care Assistant” is a qualified staff member who works under the supervision of an FCCP and provides child care services.
- 2.16 “Family Child Care Home” referred to as the “FCCH” in these rules is the residence of someone approved to care for children. It must provide safe and suitable care, education, protection, and supervision to help children grow and learn outside their homes for less than twenty-four (24) hours a day. This is the physical location where care is provided.
- 2.17 “Family Child Care Provider” referred to as the “FCCP” in these rules is the person who has been approved to operate a registered FCCH. The FCCP is responsible for the operation of the FCCH and is legally responsible for compliance with these rules. The FCCP approves the FCCH’s program and curriculum and supervises staff and volunteers.
- 2.18 “FCCP’s Own Child” is the child, stepchild, or adopted child of the FCCP. FCCP’s own child also means a child who is under guardianship or foster care in the custody of the FCCP. The FCCP’s grandchild or great grandchild, who resides in the FCCH, is also to be included in this definition.

- 2.19 “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.
- 2.20 “Health Care Provider” or “Health Care Consultant” is someone legally allowed to give medical care, such as a physician, nurse practitioner, nurse, and physician assistant.
- 2.21 “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.
- 2.22 “Infant” is a person who is at least six (6) weeks old and under thirteen (13) months.
- 2.23 “Inactive License” is the license status when an FCCH program no longer provides care for three (3) months or longer and does not want their license to expire.
- 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 an FCCP has been granted permission by the State of Vermont to operate an FCCH 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 Child Development Division as useable space where children may be present in a Registered FCCH.
- 2.27 “Northern Lights” is Vermont’s professional development system for early childhood and after school professionals.
- 2.28 “Parent” is a birth or adoptive parent, legal guardian, foster parent, or any other person having responsibility for, or legal custody of a child.
- 2.29 “Parental Notification Letter” is a securely delivered written notification from the FCCP to the parent(s) of enrolled children, indicating that a serious violation of these rules has been identified by the Child Development Division.
- 2.30 “Partner Staff” is a person employed by another entity, other than the FCCH, who works with a child or group of children within the FCCH.
- 2.31 “Pattern of non-compliance” is when the Child Development Division has found repeated violations during licensing visits that indicate ongoing 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 one licensing visit.
- 2.32 “Pre-schooler” is a person who is thirty-six (36) months up until three (3) months before attending kindergarten.
- 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 FCCH.
- 2.35 “Program Improvement Plan” is a list of steps the FCCP needs to take to come into full or substantial compliance after violations have been found. It is the same as ‘corrective action.’

- 2.36 “Provisional License” is a temporary license given by the Child Development Division to a registered or new FCCP 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.
- 2.37 “Revocation” is the formal cancellation of a license by the Child Development Division.
- 2.38 “Risk” is exposure to danger, harm, or loss.
- 2.39 “Safe Sleep Practices” are guidelines and actions by staff to help prevent Sudden Unexpected Infant Death.
- 2.40 “School age” is a child who meets at least one of the following:
- A. Is four (4) years or older and currently attending kindergarten.
  - B. Is scheduled to begin kindergarten within three (3) months.
  - C. Has completed kindergarten or a higher grade.
- 2.41 “Screen Time” is the time spent watching television or videos, playing video games, or using computers, tablets, or handheld devices, including smart phones.
- 2.42 “Seasonal staff” are staff hired by the FCCH to work only during a specific portion of the year, for up to six (6) months within a 365 day period.
- 2.43 “Sensory” is using activities that help each child learn through their five (5) senses, supporting their unique way of learning.
- 2.44 “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.
- 2.45 “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.
- 2.46 “Specialized Child Care” is child care provided by registered FCCP who has signed an agreement with the Child Development Division to serve specific groups of children and their families. The FCCP 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 development needs.
  - C. In families experiencing significant short-term stress.
- 2.47 “Single service items” are things used once for preparing, serving, or eating food, and then thrown away.
- 2.48 “Staff” includes everyone working or substituting at the FCCH including the FCCP, assistants, aides, substitutes, trainees, or seasonal staff.
- 2.49 “Substantial Compliance” is following these rules well enough that any violations found do not put the children’s health and safety at risk.

- 2.50 “Substitute” is a staff member who is temporarily filling a position in an FCCH due to the FCCP’s or regularly employed staff’s absence.
- 2.51 “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.
- 2.52 “Supervision of staff, partner staff, and volunteers” is watching and assessing staff, partner staff, and volunteers to make sure they interact well with children, follow FCCH policies, procedures, and curriculum, and meet the requirements of these rules.
- 2.53 “Suspension” is officially prohibiting care in a registered program right away because a child’s health, safety, or well-being is at immediate risk at the FCCH.
- 2.54 “Toddler” is a person who is at least thirteen (13) months old and less than thirty-six (36) months old.
- 2.55 “Trainee” is a staff member who helps teach and care for children and may help with the curriculum.2.56 “Variance” is an exception to a rule granted by the Child Development Division in circumstances when it determines the immediate or literal application of a rule would result in an unnecessary hardship for the FCCP, a child, or a family. The Division grants a variance when it determines the intent of the rule can be achieved by other means.
- 2.57 “Violation” is a breaking or not meeting a licensing law or rule.
- 2.58 “Volunteer” is an unpaid person who helps with children. Volunteers are not counted in staff to child ratio and are not to be left alone with children.

### **Section 3 – General Provisions**

#### **3.1 Regulated Service and Limitations**

- A. A Registered Family Child Care Home 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. A Registered Family Child Care Home must be operated in the residence occupied by the Family Child Care Provider (FCCP).
- B. Any person or entity registered to operate an FCCH may not operate a Center Based Child Care and Preschool Program or an Afterschool Child Care Program at the same time.
- C. An FCCP may not be a licensed foster care provider without a variance from the Department for Children and Families. An FCCP may not provide respite care for foster children or be a foster care provider, either licensed or professional, except at the request of the Department. An FCCP may provide respite or temporary foster care to a child, with a variance, who is already enrolled in the provider’s FCCH.
- D. Children in an FCCH must not be subjected to abuse, neglect, and/or mistreatment.
- E. The following programs in a person’s home do not need a license under either of these rules:

1. Child care provided for children of not more than two (2) families in addition to the provider's family.
2. A home that mainly offers recreational or therapeutic activities unless the home takes care of, protects, and supervises children as a main part of what it does.

### 3.2 Licensing Process and Procedures

#### A. Authority to Inspect

1. The prospective FCCP, the Registered FCCP, or FCCH staff must allow access to the FCCH at reasonable hours by any authorized state or local official for the purpose 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 FCCH. The prospective FCCP, the Registered FCCP, or FCCH staff may request the representative to produce valid identification.
2. The prospective FCCP, the Registered FCCP, or FCCH staff must allow visits, inspections and examinations of the FCCH, 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 FCCP must allow representatives of the Division to interview any staff members regarding information relevant to determining compliance with these rules.
4. Upon request, the FCCP 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, by telephone, or in writing.
5. The FCCP must not interfere with an investigation or inspection, nor should they encourage anyone else to do so. The FCCP 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 FCCH, including interviews that may be conducted or activities that may be occurring at the FCCH.

### 3.3 Issuance of License

- A. To qualify for a license, or a license renewal, a prospective FCCP or Registered FCCP must demonstrate to the satisfaction of the Division that the FCCH is in full or substantial compliance with these rules.
- B. A license can only be given to the FCCP for the FCCH for which an application is made and must be for the FCCP's legal residence.
- C. A license is not transferable, assignable, or subject to sale.

- D. During the hours of operation when children are present, the FCCH must only be used for providing child care and educational services or training.

### 3.4 Nullification of a License

- A. The current license will immediately become void when any of the following occurs:
  - 1. The FCCH is sold or leased.
  - 2. The operation has moved to a new location.
  - 3. The license has been expired or revoked.
- B. The FCCP is responsible for compliance with these rules, regardless of how many children are enrolled, until and unless any of the following occurs:
  - 1. 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 FCCP closes the FCCH, the FCCP must inform the Division and surrender the license.

### 3.5 License Type: Full License

- A.. A full license is issued when the Division determines that the FCCP 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 it is:
  - 1. Modified to a provisional license
  - 2. Revoked
  - 3. Surrendered before the expiration date
  - 4. Suspended

### 3.6 License Type: Provisional License

- A. A provisional license may be issued:
  - 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 an FCCP's ability to be in substantial compliance with these rules.

3. The FCCP has a pattern of non-compliance with these rules.
  4. The FCCP has applied for renewal and is not in substantial compliance with these rules.
  5. An individual has submitted a new application for a license or registration 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:
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 FCCP must provide a copy of the provisional license letter to the parents of each enrolled child within three (3) business day, 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 FCCP 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 FCCP has come into full or substantial compliance with the applicable provisions of these rules in advance of the expiration date of the provisional license.
- G. If the FCCP is not able to come into full or substantial compliance with the applicable provisions of these rules in advance of the expiration date of the provisional license, the license expires. To provide care for more than two (2) families, not counting the FCCP's own family, the FCCP must apply again and meet all the requirements for a full license.

### 3.7 License Type: Inactive License

- A. A license is moved to "Status: Inactive" at the written request of the FCCP when the program is no longer providing care for three (3) months or longer and the FCCP does not want their license to expire.

- B. The FCCP must contact the Division at least one (1) month before providing care to children again and take part in a technical assistance site visit with a licensing field specialist.

### 3.8 Procedures for Initial Program Licensure

- A. A prospective FCCP must apply for a license on forms provided, and in a manner set by the Division.
- B. The FCCP applicant must complete a “Family Child Care Home Census List” and provide a list of all persons residing in the home. The list must include at a minimum:
  - 1. Name
  - 2. Gender
  - 3. Date of birth
  - 4. Social Security number
  - 5. Each person’s relationship to the FCCP applicant
- C. Background Clearance Requirements at Initial Licensure:
  - 1. The prospective FCCP must submit a Records Check Authorization form to the Division with the initial application. One form is required for the FCCP, one for each staff person, one for each volunteer, and one for any person sixteen (16) years or older living in the FCCH.
  - 2. At the time of application, the prospective FCCP, every staff person, and every person eighteen (18) years or older who is living in the FCCH must also complete a fingerprint supported background clearance after the Division provides a Fingerprint Authorization Certificate.
  - 3. The Division can choose to 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 FCCP 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 FCCH
  - 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 FCCP must make sure that all new staff, substitutes, household members, volunteers, and partner staff 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.
- D. Before getting their first license, the prospective FCCP must upload proof of their education, training, and experience to their Quality and Credential Account. This proof must show that they meet minimum qualifications established by these rules.
- E. If the prospective FCCH was built before 1978 and has not been confirmed lead-free by an inspector licensed by the Vermont Department of Health, the prospective FCCP must comply with the requirements of Vermont 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.

- F. The prospective FCCP must carry liability insurance of a reasonable amount for its own protection and for the protection of children attending the FCCH. Evidence of insurance coverage must be provided to the Division.
  - 1. Transportation insurance, if applicable, must cover property damage, bodily injury, and liability.
- G. The prospective FCCH heating system must be inspected by a qualified person to make sure it is correctly installed and in working order. Proof of a satisfactory inspection, within the six (6) months before initial application, must be provided to the Division.
- H. The prospective FCCP must make sure that the drinking water system follows lead water testing and other requirements as established by Vermont law and all relevant Vermont Department of Health lead water testing regulations. Until at least one water outlet meets Vermont standards, bottled water must be used for drinking, food preparation, and brushing teeth.
- I. The prospective FCCP must make sure a drinking water system serving less than twenty-five (25) people each day, and supplied by a well or spring, provides safe drinking water 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 Vermont 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 prospective FCCP will provide care in the basement of the FCCH, the prospective FCCP must make sure a radon test is done and meets the Environmental Protection Agency (EPA) safety standards.
- K. When applying, the FCCP 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 FCCP 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. After submitting a complete application to the Division, the prospective FCCP must answer any additional questions and reasonable requests for the Division to decide about the application.
- N. If a license to operate is denied, the Division will send the prospective FCCP written notice explaining why and outlining the FCCP's rights to appeal the decision.

### 3.9 Annual Licensing Requirements

- A. The FCCP 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 FCCH.
- C. The FCCP must make sure 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 FCCP must make sure that they and all staff have met ongoing professional development requirements as defined in these rules.
- E. If the FCCH was built before 1978 and has not been confirmed lead-free by an inspector licensed by the Vermont Department of Health, the FCCP must comply with the requirements Vermont's lead safety laws. The FCCP must also make sure that Inspection, Repair, and Cleaning Practices (IRC) are done and documented.
- F. The FCCP must maintain continuous insurance coverage.

### 3.10 Procedures for License Renewal

- A. The FCCP must complete all licensing renewal requirements as described by the electronic notice sent by the Division.
- B. The FCCP 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. An FCCP must use the forms and follow the process given by the Division to apply for a renewal of the FCCP's license. 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. An FCCP must make sure that the drinking water system complies with the lead water testing requirements according to all relevant Vermont Department of Health water testing regulations.

3. The FCCP must make sure that the FCCH heating system has been inspected by a qualified person within the last 730 days and found to be correctly installed and in safe working order. Proof of a satisfactory inspection must be provided to the Division.
4. The FCCP must make sure that a drinking water system serving fewer than twenty-five (25) people each day, and supplied by a well or spring, is chemically tested for arsenic, nitrite, nitrate, manganese, and fluoride once every six (6) years. This testing must be done by a lab certified by the State of Vermont.
  - a. Test results must meet Vermont standards. If any levels are too high, the water must be treated or the system fixed and tested again to make sure the water is safe to drink.
  - b. Until the drinking water system meets Vermont standards, bottled water for drinking, food preparation, and brushing teeth must be provided.
  - c. 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.
  - d. Information from these water tests must be included in the license renewal.
5. The FCCP 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.
6. The FCCP 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 FCCP must prove to the Division that the FCCH is in full or substantial compliance with these rules.
- E. If an FCCP submits a renewal application on time and it is complete, the FCCP's current license will be valid until the Division makes a decision on the renewal application.
- F. If the FCCP does not provide sufficient application materials and documentation of compliance before the FCCP's license expires, the license to operate will expire. The FCCP 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 of more than two (2) families other than the family of the FCCP.
- G. After submitting a complete renewal application to the Division, the FCCP 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 FCCP written notice explaining why and outlining the FCCP's rights to appeal the decision. The FCCP

who submits a timely appeal request may continue to operate under a provisional license during the appeal period.

### 3.11 License

- A. The official license issued by the Division must be posted and must contain 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 an FCCH.
  - 5. Terms and/or conditions added to the license
  - 6. Approval to prepare and provide meals, if granted.
  - 7. Address of the FCCH.
- B. The FCCP must display a current license to operate an FCCH and a copy of the current FCCH Licensing Rules in the home 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 FCCP must follow all the terms and conditions on the license certificate.
- D. When the FCCP has the necessary documentation for a child with special health needs or a disability, the FCCP may enroll and provide services to that child despite the term on the license regarding the ages authorized to be served by the FCCP.
- E. The FCCP must not alter or tamper with the official posted license or cause another to alter or tamper with the official posted license.
- F. The FCCP must be responsible for compliance with these rules and must always operate the FCCH within the terms and conditions of the license.
- G. During a State of Emergency, requirements established by the Vermont Governor will override these FCCH rules. The FCCP must follow the requirements established by the Vermont Governor.
- H. The FCCP must follow all applicable state and federal laws even if those laws are stricter than these rules.
- I. The FCCP must not represent or give the impression that the FCCH and its services are different than as defined by the license certificate and the limitations of these rules.

- J. The FCCP must notify the Division before any of the following changes in the operation of the FCCH. The Division will determine whether to modify a current license, approve a time limited variance, or require the FCCP 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 FCCH.
  3. A change in the name of the FCCH.
  4. A change in corporate governance.
  5. A change in the FCCH's Taxpayer Identification Number.
  6. An increase in the number of children served in the FCCH at any one time or moving from a registered to licensed FCCP.
  7. A change in the ages of children the FCCH serves.
  8. Changes in the household membership.
  9. If the FCCP is unable to provide direct care that will require a long-term substitute.

### 3.12 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 FCCP that a complaint is being investigated unless doing so jeopardizes a criminal or child protection investigation. The results of the investigation must be reported in writing to the FCCP. If the complaint is substantiated or if any other violations are found during the investigation, the FCCP 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.

### 3.13 Violations and Program Improvement Plans

- A. When violations are found to exist, the Division will offer the FCCP the opportunity to develop a program improvement plan to fix the issues within a timeframe agreed upon by both the Division and the FCCP.

- B. When violations pose an immediate risk to children's physical, emotional, or developmental well-being, show a pattern of repeated non-compliance, or an FCCP fails to comply with corrective action requirements, the Division may choose to take additional regulatory action.

### 3.14 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 FCCH, 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 (HSB) hearing. During the suspension, the FCCP 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 an FCCH for good cause, including but not limited to 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 FCCH.
  - 5. Providing false or incomplete information, or misrepresenting material facts, when:
    - a. Applying for a license or renewal.
    - b. Operating the FCCH.
  - 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 FCCH 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 FCCP 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.

### 3.15 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 FCCP'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 FCCP 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 FCCP 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 of 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 FCCP an opportunity to be heard regarding the action. The FCCP may submit a written response to the Division's notice or the FCCP may present their position in person, by phone, or virtually to the Commissioner's designee at the Department. The FCCP may represent themselves or the FCCP may designate another person or an attorney to represent the FCCP. The FCCP 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 but not limited to 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 FCCP 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 FCCP does not agree with the findings of the Commissioner's Review, the FCCP may continue their appeal by requesting a hearing before the Human Services Board. To proceed with the appeal, the FCCP 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 an FCCP 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 FCCH is in serious or immediate danger.
- J. If the FCCP does not make a timely request for an appeal, the action takes effect thirty (30) days after the issuance of the original notice.

### 3.16 Rule Variance

- A. Upon request of an FCCP, 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 FCCP 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 FCCPs, even if there is no application, when exceptional circumstances would cause unnecessary hardship for the programs.
  - 2. However, the Division cannot grant a variance to rules 4.1.G, 4.7.A, 8.7.A – 8.7.C.
- B. An FCCP must apply in writing to the Division for a variance before starting any activity, policy, or practice that goes against these rules. The FCCP 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 rule4. 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 FCCP, 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 FCCP of the decision.
- D. The decision of the Division will be in writing, will state the reasons for the decision, must inform the FCCP of the right to appeal, and will be a public record.
- E. If the FCCP fails to follow the approved variance plan for the intent of these rules, the Division may declare the variance void.

### 3.17 Public Record of Regulatory Compliance

- A. The FCCP 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 FCCP must reimburse the individual who paid the fee.
- B. The FCCP must make sure that tuition rates are available to the public.
- C. The FCCP 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 FCCP 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 FCCP 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 FCCP 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 FCCP.
- F. The Division will publicly post violations on the Child Development's Information System Website to inform parents about the FCCP'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 FCCP may ask the Division to remove the public violation record from the website after the five years.

## Section 4 – Administration and Operation

### 4.1 Notifications to the Division

- A. Death of a child: The FCCP must make an immediate verbal report to the Division following any injury or accident involving a child in care resulting in death. The FCCP must submit a written report within twenty-four (24) hours of the death.
- B. Missing child: When it is determined that a child attending the FCCH is missing from the program, the FCCP or staff must immediately notify the police, the child's parents, and the Division. A written report must be made to the Division within twenty-four (24) hours after the child was determined to have gone missing.
- C. Animal bite: The FCCP must immediately report any incident where a child is bitten by an animal while attending the FCCH. A written report must be made to the Division within twenty-four (24) hours of the incident.
- D. Fire: The FCCP must immediately report to the Division any fire in the FCCH that required the use of a fire extinguisher and/or the services of a fire department. A written report must be made to the Division within forty-eight (48) hours of the incident.
- E. Missing child: When it is determined that a child attending the FCCH is missing from the program, the FCCP or staff must immediately notify the police, the child's parents, and the Division. A written report must be made to the Division within twenty-four (24) hours after the FCCH determines the child is missing.
- F. The FCCP 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 FCCP has not been informed of the child's absence.
- G. Self-reported serious violation: If an incident or situation occurs in an FCCH while children are present that could be considered a serious violation, the FCCP must self-report this to the Division within twenty-four (24) hours of the incident. The report should explain the specifics of what happened, what the FCCP has done to verify the details of what occurred and what steps were taken to make sure 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 FCCP must submit a new Records Check Authorization within one (1) business day of learning of a change of situation. The FCCP must make sure the individual does everything required by the Division and must follow all rules in "Background Clearances" (rules 5.3.A – 5.3.H) as related to the individual's change in situation.
- I. The FCCP must submit a new Records Check Authorization form to the Division within one (1) business day for anyone new residing in the FCCH.
- J. Terminated enrollment: When a child is expelled from an FCCH the FCCP 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 FCCP must keep

supporting documentation related to the expulsion for a minimum of 365 days from the date the child's enrollment was terminated.

#### 4.2 Legal Mandates Regarding Child Abuse and Neglect

- A. The FCCP, staff, substitutes, partner staff, and volunteers must be informed of and have easy access to the twenty-four-hour Child Abuse Hotline maintained by the Department.
- B. The FCCP, staff, substitutes, and partner staff who work with children are mandated reporters of child abuse and neglect pursuant to Vermont 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 FCCP, staff, and substitutes must complete training approved by the Division in prevention, identification, and mandatory reporting of child abuse and neglect, as well as training in:
  - 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 FCCP must have all staff, substitutes, and partner staff sign a written statement verifying their understanding of the legal requirements to report suspected child abuse and neglect.
- E. An FCCP 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.

#### 4.3 Program Management and Recordkeeping

- A. The FCCP must keep all required records, schedules, materials, and equipment used to operate and maintain the FCCH in good order and in locations easily accessed for daily use.
- B. The FCCP must review all written policies and procedures once every 365 days and revise when necessary.
- C. The FCCP must set up a system to track attendance that includes the time when each child arrives and departs each day they attend the FCCH.
- D. The FCCP 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.
- E. Children's Files:

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

On the first day that the child attends the FCCP:

- a. A completed child's admission form signed and dated by the parent that includes the first date the child attended the FCCP and the days and hours the child is regularly scheduled to attend the FCCP.
- 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 FCCP.
- 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 FCCP to be able to obtain emergency medical care and transportation.
- j. Written permission from parents for the FCCP 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 FCCP:

- 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 FCCP 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 FCCP 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 FCCP 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 Vermont law.
  6. The FCCP 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.
  7. Staff members who are responsible for a child must have access to important information from the child's enrollment file.
  8. When a child stops attending care, the last date of attendance must be recorded in the child's enrollment file.
  9. 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.

#### 4.4 Personnel Files

- A. An FCCP must maintain a complete and up-to-date personnel file for staff working at the FCCH. 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 will be exempt from this requirement.
- B. An FCCP must make sure all partner staff have submitted a Records Check Authorization form for the FCCH.
- 4.5 Other Administrative Records
- A. Evacuation Drills: The FCCP must maintain a record of each evacuation drill for at least two (2) years. The records must include:
    1. The date of the drill.
    2. The number of children and staff evacuated.
    3. The time taken to evacuate.
    4. Notation of whether the drill was conducted while children were sleeping or resting.
  - B. Accidents and Injuries: The FCCP must keep records pertaining to accidents and injuries involving children as outlined in the "Responding to Accidents, Injuries, and Medical Emergencies" section 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 FCCP 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 FCCP 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 FCCP must maintain a written record of the daily schedule for at least 365 days for all staff including exact days and hours worked.
- 4.6 Child Development Database
- A. The FCCP must use the Child Development Database designated by the Division, whether it is Bright Futures Information System (BFIS), the Child Development Division Information System (CDDIS), or another information system that the Division requires the FCCP to use.

- B. The FCCP must use the Child Development Database to provide any of the notifications required by the “Notifications to Child Care Licensing” section of these rules.
- C. The FCCP and each staff member must create a Quality and Credential Account within three (3) months of each person’s employment start date. The FCCP and each staff member must maintain their account and keep it up to date while employed at the FCCH.
- D. The FCCP must provide up-to-date program information in the FCCH’s Child Development Database account.
- E. The FCCP must maintain a current list of the staff, substitutes, partner staff, volunteers, and people who reside in the FCCH 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.

#### 4.7 Non-Discriminatory Enrollment

- A. The FCCP 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

#### 4.8 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 FCCP or 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 FCCP 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.
- 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.

#### 4.9 Emergency Preparedness, Response, and Recovery

- A. The FCCP must create and 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 FCCP must notify the Emergency Management Director in their region of the FCCH’s location and can seek their help in developing the

Emergency Preparedness and Response Plan. A complete plan must include how the FCCP will deal with and manage the following situations and responsibilities:

1. Continuity of operations for the FCCH 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 FCCH 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 infants, toddlers, 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.
- B. Emergency Preparedness and Response Training: Within six (6) months of opening an FCCH, the FCCP 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 infants and toddlers, children with disabilities, and children with chronic medical conditions
- C. The FCCP 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 FCCH.
- D. The FCCP 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 FCCP must inform parents about the Emergency Preparedness and Response Plan. This includes letting parents know where children would be taken if they need to be evacuated from the FCCH and how parents can expect to be reunified with their children.
  - F. The FCCP must have a written evacuation diagram that shows evacuation routes. This diagram should be posted on each level of the home where care is provided to children.
  - G. The FCCP 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. At least one (1) drill every 365 days must be conducted while children are sleeping or resting.
  - I. The FCCP 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.
  - J. The FCCP 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 the FCCH'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

#### 4.10 Confidentiality

- A. The FCCP must have written policies about the use and disclosure of confidential and personally identifiable information about children and families. Staff, substitutes, partner staff, and volunteers must not use or share any information about an individual child or family learned through their work at the FCCH or from FCCH records, files, videotaping, tape recording, photography, assessments or any documentation outside the daily operations of the FCCH, 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.

## **Section 5 – Program Personnel/Staffing**

### 5.1 General Requirements for the FCCP and Staff

- A. The FCCP, staff, substitutes, partner staff, 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. The FCCP, staff, substitutes, partner staff, 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 FCCP must successfully complete Division approved pediatric first aid and in infant and child CPR training before being licensed and must keep their certification current. Training documentation must be submitted to the FCCP's Quality and Credential account.
- D. Within one (1) month of starting employment at the FCCH, all staff who are counted in the staff to child ratios must obtain Division approved training in pediatric first aid and in infant and child CPR. Staff members must remain certified in these areas while employed at the FCCH. Proof of this training must be submitted to each staff member's Quality and Credential account.
- E. The FCCP make sure that at least one (1) responsible adult who has successfully completed Division approved pediatric first aid and infant and child CPR be on the premises when children are present.
- F. Within one (1) month of starting employment at the FCCH, seasonal staff who are counted in the staff to child ratios must complete Division approved training in pediatric first aid and infant and child CPR. Seasonal staff must remain certified in these areas while employed at the FCCH. Proof of this training must be submitted to each seasonal staff member's Quality and Credential account.
- G. The FCCP must complete an orientation training session approved by the Division before beginning care for children.
- H. The FCCP must make sure staff and substitutes complete an orientation training session approved by the Division before being left alone with children, counted in the staff to child ratios, or within one (1) month of starting employment, whichever comes first.
- I. Trainees counted in the staff to child ration 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 shaken baby syndrome, 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. Safe sleep practices, as applicable.
  10. Supervision of children.
  11. Identification of and protection from hazards, bodies of water, and vehicular traffic.
  12. Inclusion of children with special health needs and disabilities.
  13. Inclusion of children who are English Language Learners.
  14. Recognition of and response to the symptoms of common childhood illnesses.
  15. Routine and emergency health protection of children including health related exclusions.
  16. Preventing the spread of infectious disease.
  17. Immunization requirements to include exemption criteria and grace periods.
  18. Administration of medication requirements.
  19. Child accident and injury procedures including building and physical premises safety.
  20. Emergency Preparedness and Response training, including drills.
  21. Safety and sanitation requirements including handling and storage of hazardous materials and disposal of bio-contaminants.
  22. Nutrition and food safety, including the prevention of and response to emergencies due to food and allergic reactions.
  23. Ensuring children have extra clothes and diapers available, as applicable.
  24. Transportation and child passenger safety, as applicable.
  25. Release of children.
  26. Respectful engagement of parents.
  27. Cultural responsiveness.
  28. Responsibility to comply with licensing rules and regulations.
  29. Recordkeeping.
  30. Guidelines for staff, substitutes, volunteers, and partner staff, as applicable.
  31. Staffing requirements for opening and closing.
- K. The FCCP must read and have easy access to current licensing rules. The FCCP must make sure that all staff, substitute, partner staff, and volunteer has read and can easily access the current licensing rules. The FCCP 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 is required to include the program's philosophies, policies, and procedures as outlined under the "General Requirements for the FCCP and Staff" of these rules.
- B. The FCCP 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 FCCH submit a Records Check Authorization form to the Division before working with children in the FCCH.
- 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 FCCH 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 FCCH 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, residing at, being employed at, or having unsupervised access to children at the FCCH:

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 with 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 found by a court to have abused, neglected, or mistreated any of the following:
  - a. Child
  - b. Elderly
  - c. Disabled person
  - d. 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 FCCH 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 FCCP with the results of the background clearance. This notification will indicate whether the individual is prohibited from working in the FCCH 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 FCCP.
- B. When the Division has determined an individual is prohibited from working in an FCCH, 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 FCCH, the FCCP must immediately exclude that person from all of the following:
  1. Being employed at the FCCH
  2. Being regularly present at the FCCH
- E. Only people prohibited from working in the FCCH 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 FCCH, but eligible to request a variance under this rule, may not be employed, reside at, or regularly be present in an FCCH unless the FCCP and the person involved have obtained a written variance from the Division. To request a variance the FCCP must submit evidence of the person's suitability or rehabilitation to the Division. It is the responsibility of the FCCP and the person involved to provide proof supporting their request for a variance.

#### 5.5 Qualifications and Experience

- A. A registered FCCP that operates a register FCCH must make sure, and maintain documentation showing, that they are at least eighteen (18) years and meet or exceeds at least one (1) of the following qualifications before licensure or within twelve (12) months of initial licensure:
1. At least a Vermont Early Childhood Career Ladder Level One (1) Certificate or higher.
  2. At least successful completion of the Fundamentals for Early Childhood Professionals course.
  3. At least a current CDA (Child Development Association Credential) from the National Council for Professional Recognition.
  4. At least a Child Care Certificate from Community College of Vermont.
  5. Successful completion of at least twelve (12) college credits in content consistent with the core knowledge areas identified by Northern Lights.
- B. **Family Child Care Assistant:** The FCCP must make sure, and keep documentation showing that each Family Child Care Assistant is eighteen (18) years and meets or exceeds one (1) of the following qualifications:
1. Successfully completes the Fundamentals for Early Childhood Professionals course within the first twelve (12) months of employment.
  2. Successfully completes at least three (3) college credits in content consistent with the first twelve (12) months of employment.
  3. Obtains a Highly Qualified Paraprofessional Certificate within the first twelve (12) months of employment.
  4. Graduated from a State Board of Education approved Human Services Program Certificate that emphasizes child development or early childhood education.
- C. **Classroom Aide:** A classroom aide must be at least eighteen (18) years, have at least twelve (12) months of experience working with children from grade three (3) or younger, and meet one (1) of the following qualifications:
1. Successfully completes 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 at least three (3) college credits in content consistent with the core knowledge areas identified by Northern Lights within the first twelve (12) months of employment.
  3. Is enrolled in or has received a State Board of Education approved Human Services Program Certificate that emphasizes child development or early childhood education.
- D. **Substitute:** A substitute must be at least eighteen (18) years. Experience working with children in grade three (3) or younger is required.
1. When a substitute fills a staff position for more than forty-five (45) working days within a 365 day 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 FCCP, within six (6) months of licensure, and staff within six (6) months from their first date of employment must have an Individual Professional Development Plan (IPDP) completed. An IPDP can be documented in the individual's Quality and Credential Account and must be updated at a minimum of once every 365 days. Substitutes who work less than forty-five (45) working days within a 365 day period and seasonal staff are exempt from the requirement of this rule.
- B. The FCCP and 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 FCCP must make sure all staff complete a total of twelve (12) hours of annual professional development activities starting from licensure and/or 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. Presentation and control of infectious diseases, including immunization.
  - 3. Sudden unexpected infant death (SUID) prevention and use of safe sleeping practices, if applicable.
  - 4. Medication administration.
  - 5. Prevention of and response to emergencies due to food and allergic reactions.
  - 6. Building and physical premises safety.
  - 7. Prevention of shaken baby syndrome and abusive head trauma, and child maltreatment, if applicable.
  - 8. Emergency preparedness and response planning.
  - 9. Handling and storage of hazardous materials/correct disposal of bio-contaminants.
  - 10. Recognition and reporting of child abuse and neglect.
  - 11. Pediatric First aid and infant and child CPR.
  - 12. Appropriate precautions in transporting children, if applicable.
- E. Substitute staff must complete four (4) hours of annual professional development activities. A minimum of two (2) to four (4) training hours must be related to the federally required health and safety topics described in rule 5.6.D.
- F. Substitutes filling a staff position for more than forty-five (45) working days within a 365 day period must be required to complete fifteen (15) hours of annual professional development activities. A minimum of three (3) of the fifteen (15) training

hours must be related to the federally required health and safety topics described in rule 5.6.D.

- G. Seasonal staff must complete four (4) 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 rule 5.6.D.
- 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 Volunteers

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

## Section 6 – Parent/Family Engagement

### 6.1 Pre-enrollment Visits and Orientation

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

## 6.2 Visits and Access to Children

- A. The FCCP must make sure that parents have access to the FCCH and to their children without delay and at any time children are in attendance. Parents do not need prior approval. This does not prevent the FCCP from locking doors for security reasons or checking parents' identification.
- B. The FCCP 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 FCCP 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 FCCP regarding their child at any time. Any such request must be accommodated within ten (10) business days.

## 6.4 Communication with Parents

- A. The FCCP must regularly communicate with parents about their child's daily activities and behavior. For children under twenty-four (24) months, this must include feedings, diapering, resting, and developmental progress.
- B. The FCCP must encourage and facilitate two-way communication between the FCCH and parents. The FCCP must regularly communicate to parents about FCCH activities and program policies, community resources, and allow many opportunities for parents to provide information, identify preferences, ask questions, and share concerns.
- C. The FCCP must obtain written permission from parents before contacting or making professional/service referrals. This written permission must be retained in each child's file.

## 6.5 Supporting Parental Involvement

- A. The FCCP must provide opportunities for parents to be involved, such as offering chances to volunteer at or in support of the FCCH and by offering learning and/or social activities for parents and children.
- B. The FCCP must provide quiet, comfortable space for parents or staff to breast/chest feed their child while the child is attending the FCCH.

## 6.6 FCCH Policies and Procedures

- A. The FCCP must establish written policies and procedures. Written information provided to parents of all children enrolled in the FCCH must include, at a minimum:
1. Assurance that parents have access to the FCCH 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 FCCH.
  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. FCCH aquatic 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 FCCH'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 FCCH'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. FCCH 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. A copy of the FCCH's aquatic plan, if any.
24. Information on how to access these FCCH rules and other information about child development online.
25. Information concerning complaint procedures.
26. Information about the Child Care Consumer Line, including the telephone number (1-800-649-2642) and email [ahs.dfcddchildcarelicensing@vermont.gov](mailto:ahs.dfcddchildcarelicensing@vermont.gov).
27. Policies and procedures related to the expulsion or terminated enrollment of children.

## 6.7 Terminating Enrollment

- A. The FCCP must support continuity of care and education for all children enrolled in the FCCH. Before considering terminating the child's enrollment, the FCCP 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 FCCP must work with the child's parent(s) and consult with professionals to develop 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 FCCP must give written notice to the child's parent(s) with at least five (5) business day notice before expulsion. For children identified with special health needs and/or disabilities, a minimum of ten (10) business day notice is required.
3. When a child's enrollment is terminated from the program, the FCCP 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 FCCP must also keep documentation showing that the file was provided to the parent.
4. If the FCCH also offers private prekindergarten education, it must follow all regulations set by the Agency of Education for suspending or expelling students under the age of eight (8) years.

## **Section 7 – Health, Safety, and Nutrition**

7.1 The FCCP must make sure that the FCCH environment and practices support children's health and safety.

7.2 Hand washing

A. The FCCP must make sure that adults and children wash their hands:

1. Before preparing or handling food
2. Before and after handling raw meat
3. Before they eat
4. Before feeding children
5. After diapering or toileting
6. After cleaning
7. After taking out the garbage
8. After handling animals
9. After outdoor play

B. The FCCP 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. After coming into contact with:
    - a. Blood
    - b. Fecal matter
    - c. Urine
    - d. Vomit
    - e. Nasal secretions
    - f. Other body fluids
- C. The FCCP 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 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, paper towel, or hand dryer.
  5. Disposing of the towel with cloth towels 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 the FCCP, 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. Only non-alcoholic hand sanitizer may be used for children under twenty-four (24) months.
- 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 must 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.
- H. Staff must wash the hands of infants who cannot hold their heads up independently with a washcloth, soap, and water.

### 7.3 Universal Precautions

- A. Staff must use standard precautions when exposed to blood or blood-containing bodily fluids. The standard precautions include:
  1. Use of nonporous disposable gloves to clean up the blood or blood-containing fluid unless the material used to clean it up can easily contain the fluid.
  2. Clean and disinfect 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 from the EPA's Safe 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.

F. Cleaning, to include the removal of all dirt and debris by washing with a detergent solution in accordance with the manufacturer's directions, for the following items must be done as outlined:

1. After each use:

- a. Countertops
- b. Food preparation appliances
- c. Plastic mouthed toys
- d. Changing tables
- e. Cribs, cots, mats, and bedding, if used by different children
- f. Any item used by a sick child
- g. A pacifier that touches the floor or ground

2. Every Day:

- a. Uncarpeted floors

3. Every Week:

- a. Cribs, 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

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 children may place in their mouth(s). Sanitizing for the following items must be done as outlined:

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
    - b. Pacifiers
- 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. Disinfecting the following items must be done as outlined:
1. At the end of each day:
    - a. Door handles
    - b. Hand washing sinks and faucets
    - c. Countertops
    - d. Toilets and toilet learning equipment
    - e. Outside of diaper pails
    - f. Drinking fountains, if applicable

## 7.5 Managing Infectious Diseases

- A. The FCCP 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 FCCH including the following:
  1. Naming and identifying symptoms of illnesses for which a child will be excluded or sent home from the FCCH.

2. How the Signs and Symptoms Chart (Appendix A) will be followed to determine with 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. Daily Health Check: Upon arrival at the FCCH, staff must observe each child for symptoms of a disease spread from one person to another through direct contact, air, or other means and signs of injuries. Any obvious injuries must be documented along with any comments from the parents pertaining to the child's condition. This documentation must be maintained in the child's file for a minimum of 365 days.
  - C. The FCCP, staff, substitutes, partner staff, and volunteers must follow the exclusion policies as set forth in Signs and Symptoms of Illness Chart (see Appendix A).
  - D. The Signs and Symptoms of Illness Chart (Appendix A) must be available for staff and parents to read.
  - E. The FCCP can decide 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.
  - F. The FCCP 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.
  - G. Staff must make sure that an ill child is supervised.
  - H. All items used by a child who is ill must be disinfected before being used by another child.

#### 7.6 Children's clothing

- A. The FCCP must make sure that children's clothing is changed when wet or soiled.
- B. When children's clothing needs to be changed because it is wet or soiled, the clothing must be put in a sealed plastic container or bag and returned to the child's parent at the end of the day. An FCCP may choose to wash the clothing on site.
- C. Children's clothes, combs, and brushes must not be shared with other children and must be stored separately with individual children's personal belongings.

## 7.7 Diapering

- A. Upon knowing that a child's diaper is wet or soiled, staff must be sure that the child's diaper is changed.
- B. The FCCP must have an established procedure for checking diapers regularly including visually inspecting children's diapers at least every two (2) hours.
- C. The FCCP must make sure that there is a sturdy diaper changing area with a clean, washable, and non-absorbent surface. The diapers changing area must not be located in the kitchen or any area where food is stored, prepared, or served.
- D. If the hand washing sink used for toileting and diapering is also used for food preparation, the faucet and sink must be sanitized before being used for food preparation.
- E. The FCCP must make sure that used disposable diapers are placed in a container that is washable and has a cover that keeps children from accessing the diapers.
- F. The container for used diapers must be within arm's reach of the diaper changing area.
- G. The container for used diapers must be emptied, cleaned, and disinfected each day.
- H. If cloth diapers are used, staff must put the wet or soiled diaper in a plastic bag or individual container that can be sealed, kept out of reach of children, and sent home each day.
- I. The FCCP must have a written diaper changing procedure that staff can easily access. This procedure must include all of the following:
  - 1. Preparation: Gather supplies, prepare the changing surface with a disposable covering or make sure that the surface was recently cleaned and disinfected and then bring the child to the diaper changing area.
  - 2. Dirty Phase: Remove soiled diaper, dispose of diaper, and cleanse diaper area of the child.
  - 3. Clean Phase: Put on clean diapers, dress the child, and wash the child's hands.
  - 4. Clean Up: Clean and disinfect the diaper changing surface, and staff member washes their own hands.
  - 5. Record: Record diaper change.

J. In addition to hand washing, disposable non-porous gloves must be worn during diapering when:

1. A staff member has an open cut, sore, or cracked skin.
2. A child has an open cut or sore on their skin.
3. A child has a known infection that is spread through feces.

#### 7.8 Toileting and Toilet Learning/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 helped in developing toileting skills that match their age and ability.
- C. Staff must make sure that all toilet learning and 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.

#### 7.9 Sleep and Rest Accommodations

- A. General Sleep and Rest Provisions including Crib Requirements
  1. The FCCP must make sure that each child, except school-age children, has an individual crib, port-a-crib, cot, mat, or bed that is safe for the child's age and development. The equipment should be in good repair and used by only one child each day. No child must nap directly on the floor or on furniture not made for sleeping. Cribs or port-a-cris must be used for children under twelve (12) months old. Children must not nap in cribs or port-a-cris if they are physically able to climb out without help.
  2. The FCCP must make sure that all cribs and port-a-cris used for children at the FCCH meet the Consumer Product Safety standards.

3. Cots, mats, and mattresses must be nonporous or have nonporous coverings. Each child must have clean, individual bed linens, either supplied by the FCCP or brought by the parents. No child may nap directly on nonporous coverings.
4. Infants and toddlers must not be allowed to have bottles or cups in the crib or other sleeping place.
5. Children must be supervised by staff while the children are napping or resting.
6. Staff must directly observe sleeping children at least every fifteen (15) minutes to check the child's face, color of skin, and check on the child's breathing.
7. Lighting to permit appropriate supervision must be provided in sleeping areas where children are napping or resting. This means that staff can see the child's face, color of skin, and check on the child's breathing.
8. Wet or soiled cots, cribs, mats, and bedding must be changed quickly and stored in a sealed plastic bag or container until washed.
9. Bedding used by a child must be stored in a manner that prevents contact with bedding used by other children.

#### 7.10 Safe Sleep Practices for Infants Under Twelve (12) Months

- A. Infants must be able to nap when tired.
- B. Infants must always be placed on their backs to sleep.
- C. Staff must make sure that infants sleep in cribs or port-a-cribs. Infants must not be placed to sleep on soft surfaces, such as a couch or sofa, pillow, quilts, or sheepskins, or blankets.
- D. Infants must not be placed in car seats, swings, highchairs, jumping chairs, or similar equipment for sleep. A child that falls asleep in this type of equipment must be gently moved to a crib or port-a-crib.
- E. Each crib or port-a-crib must have a firm, tight-fitting mattress covered by a tight-fitting crib sheet.
- F. Soft objects, toys, or loose bedding must not be used in infant sleep areas. Soft or loose bedding includes bumper pads, pillows, quilts, comforters, sheepskins, blankets, flat sheets, burp clothes, and bibs.

- G. Infants must not be swaddled for sleep. Clothing sacks or similar clothing designed for safe sleep may be used.
- H. Before placing a child in a crib or port-a-crib, remove bibs, necklaces, and clothing with ties or hoods.
- I. Positioning devices should not be used unless required by the child's health care provider. If such a device is needed, written instructions from the child's health care provider for the use of any such device must be kept in the child's file.
- J. Infants may not be placed in cribs or port-a-cribs with bottles. Pacifiers are permitted in cribs and port-a-cribs with parental permission. Pacifiers may not have cords or clips.

#### 7.11 Rest Practices for Children Over Twelve (12) Months

- A. The FCCP must design the FCCH's schedule to make sure that every child younger than school age and present for five (5) hours or more must have the opportunity for sleep or rest. Children over twelve (12) months may sleep or rest with blankets, pillows, and soft toys.
- B. Children must not be required to sleep. Children who do not nap must be provided with space and equipment for quiet play.

#### 7.12 Oral Health

- A. If children brush their teeth at the FCCH, 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.

#### 7.13 Administration of Medication

- A. The FCCP must create and consistently follow a written policy and plan regarding the administration of medication to children.
- B. The FCCP must make sure that only staff who have completed a training course approved by the Division administer medication in the FCCH. 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 FCCP 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 FCCH 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 given 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 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 dosage
  2. Time medication was given
  3. Name of staff giving the medication
  4. Any adverse effects observed
- I. Unused medication must be returned to the parent when no longer needed by the child or safely discarded with written parental permission.
- J. Insect repellent, sunscreen, and non-prescription diaper ointment 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. Children younger than school age should not apply any of these items to themselves. 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.

#### 7.14 First Aid Kits

- A. The FCCP must have a first aid kit that is easily reachable by adults in the FCCH, but not reachable by children. The first aid kit must contain:
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. Non-glass, non-mercury thermometer
  10. An instant cold pack
- B. The first aid kit must be re-stocked as supplies are used or as items reach their expiration dates.
- C. The FCCP must make sure that a fully stocked first kit is taken along on field trips lasting two (2) hours or more. In addition to the items listed above, the kit on such field trips 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

#### 7.15 Responding to Accidents, Injuries, and Medical Emergencies

- A. The FCCP 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. Description of the injury or medical emergency
4. How it occurred
5. Adult witnesses
6. First aid provided
7. Medical care required

#### 7.16 Physical Environment and Safety

##### A. General Safety of Building and Grounds

1. The physical facilities of the FCCH, including 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 FCCP must make sure that the interior space designated for use by children is available when the FCCH is in operation. This space must be sufficient and arranged to allow each child enough room for free movement and active play.
3. The FCCP 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 make sure of compliance with Vermont law governing lead poisoning.
4. The FCCP must make sure that an asbestos contractor, certified by the Vermont Department of Health in compliance with Vermont law and the Vermont Department of Health's Regulations for Asbestos Control, assesses the FCCH 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 FCCP must make sure all firearms and other weapons, including but not limited to hunting knives, archery equipment, and weapon accessories, such as

ammunition, are locked at the FCCH. Ammunition must be locked and stored in a location separate from weapons.

6. The FCCP must prohibit any person, including but not limited to parents, staff, afterschool activity specialists, partner staff, substitutes, or volunteers from the FCCH 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 FCCH, that are over three (3) steps must have railings and be equipped with adequate lighting.
8. The FCCP must make sure that safe and sturdy gates are always used on stairways accessible to children when children under thirty-six (36) months are present.
9. Children must be protected from electrical outlets by using protective covers, tamper-proof outlets, or other devices manufactured for this purpose.
10. Children must be protected from choking hazards presented by cords on window coverings, electric or electronic appliances, or equipment and telephones.
11. Furniture and equipment that present a tipping or falling hazard must be secured.
12. Doors leading outside the FCCH, 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.
13. Closet and bathroom doors that can be locked must have an unlocking device easily accessible to staff. No locking or fastening device may be used on the outside of a door that would prevent free escape.
14. Children younger than three (3) years must not have unsupervised access to small toys or objects that pose a choking hazard, deemed by the Consumer Product Safety Commission (CPSC) as objects being smaller than a Choke Test Cylinder, which is 1.25 inches in diameter and 2.25 inches in length.
15. 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 FCCP must limit the care of children to the ground floor of the home. Another level of the home may be used if that floor has two (2) separate means of exit to the outside of the home. If the second floor is used there must be a safe evacuation plan for children from the second floor.
2. If the basement of the FCCH is used for care, there must be two (2) exits directly to the outside of the home. One (1) of the exits must be a door that exits directly to the outside of the home; bulkhead type doors are not allowed. The second exit may be a window provided that the window is no more than forty-four (44) inches from the sill of the window to the floor and has a minimum opening of at least twenty (20) inches wide by twenty-four (24) inches high. The window must be accessible to children and staff and easy to open.
3. Windows are considered egress compliant with a minimum opening of at least twenty (20) inches wide by twenty-four (24) inches high and are no more than forty-four (44) inches from the sill of the window to the floor. When an identified egress window is more than forty-four (44) inches from the sill of the window to the floor, the FCCP must have a fixed bench or step for children to use as an emergency exit. The bench or step must always be clear and unobstructed by stored items, non-movable barriers, toys, or other items.
4. The FCCP must make sure that each floor of the home, and in the corridor to access the home in an apartment building, has an operating smoke alarm as well as smoke alarms in the immediate area where children sleep. The FCCP must make sure carbon monoxide alarms are located outside of rooms where children sleep.
5. There must be at least one (1) easily accessible dry chemical fire extinguisher that has at least a 2-A: 10BC classification. This fire extinguisher must be maintained in operating condition. It must bear an official tag, properly signed, attesting to current operating condition.
6. The fire extinguisher must be visibly mounted to the wall near an exit door.
7. Staff must be familiar with the use and handling of the fire extinguisher.
8. 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 FCCP must make sure that the FCCH plumbing is kept in good working condition.
2. The FCCP must make sure that any taps used for drinking, food, preparation, and brushing teeth meets Vermont's drinking water standards at all times.

#### 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 materials must be rinsed and stored in a manner that does not attract insects, rodents, or other pests that pose a safety or health hazard for children.
4. Recycling items that pose a safety hazard for children, such as metal cans, must be kept out of the reach of children.
5. Garbage, recycling, and compost must not exceed the limits of its container and must be removed from rooms used by children when the container is full.
6. 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, and Cooling

1. Any room in the FCCH 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. Any areas used by infants must be kept at least 68°F at floor level.
3. 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.
4. Each bathroom in the FCCH must be ventilated by a properly screened window that opens or an operating electric exhaust fan.
5. The use of unvented kerosene heaters is prohibited.

6. 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.
7. 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.
8. 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.
9. The FCCH 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 the FCCP and staff to visually supervise the children.
10. Parking areas of driveways, pedestrian walkways, and other exterior portions of the premises 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 methods have not worked. Pesticides must not be used only to control pests for aesthetic reasons. Whenever possible, the FCCH must use "Minimum Risk Pesticides," as defined 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 FCCH's administrative records.
2. All contracted pesticide applications 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 FCCP 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 not be reachable by children.
2. The storage of flammable liquids and gases is not allowed in the FCCH except as permitted by the Vermont Division of Fire Safety.
3. All containers of poisonous, toxic, or hazardous materials present in the FCCH 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 FCCH while children are present.
5. Plants accessible to children, both indoors and outdoors, must be non-toxic.

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

1. The FCCP must make sure that the use of tobacco and tobacco substitutes such as e-cigarettes is not allowed inside and outside the FCCH when children are present. They also are not allowed in any vehicle used to transport children.
2. If smoking occurs in the FCCH when children are not present, the FCCP must inform parents that their child will be exposed to an environment in which tobacco products and/or tobacco substitutes such as e-cigarettes are used before the parent enrolling the child in the FCCH.
3. The FCCP must make sure that the use of alcohol, cannabis, and illegal drugs is not allowed inside and outside the FCCH when children are present and in any vehicle used to transport children.
4. No person in the FCCH may use or be under the influence of alcohol or drugs while children are present at the FCCH. 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 FCCH must not present a danger or health hazard to the children or staff.
2. Animals or pets present at, or brought into, the FCCH must be vaccinated and registered as prescribed by law. Documentation must be maintained at the FCCH.
3. Animals present at the FCCH 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 food preparation surfaces must not be used for other activities when food or drink is being prepared or served.
2. 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.
3. The kitchen must have at least one (1) sink with hot and cold water running from a single spigot.
4. The FCCP must make sure all dishes, cups, and glasses used by the children are free from chips, cracks, or other defects.
5. 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 repair.
6. When a dishwasher is not available, and single service items are not used for food service, the FCCP must make sure that there be two (2) compartments with a drain board set-up for cleaning dishes. A three (3) step process must include dishwashing, rinsing, 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 be air dried.
- 7. All surfaces used for food preparation must be easily cleanable and non-porous.
- 8. All single serve items including cups, plates, spoons, forks, and other single serve containers and utensils must only be used once.
- 9. The FCCH 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.
- 10. The FCCP 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.
- 11. Food items must be stored separately from cleaning materials.

#### K. Food Safety

- 1. The FCCP must make sure that individuals who are ill do not prepare food for children. 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 may 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 promptly.
- 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 of 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 FCCP 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 FCCH 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 FCCP 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 snacks for the preceding six (6) weeks must be kept on file.
3. Children must be introduced to a variety of food textures, finger foods, and education about nutrition. Children must be encouraged to serve and feed themselves.
4. The FCCP 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. The FCCP 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.

6. The FCCP 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.
7. Parents who furnish meals or snacks must be provided with a copy of the CACFP Guidelines. Parents must be encouraged to provide appropriate portions that are adequate and nutritious.
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 FCCH they must meet the following criteria:
  - a. Fluid pasteurized cow's milk, 1% or skim served to all children two (2) years or older.
  - b. Whole pasteurized cow's milk, when not on formula or human milk served to children twelve (12) months to twenty-four (24) months.
  - c. 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). An adult who is cooking or drinking a hot beverage must not hold children.
11. Drinking water must be readily available to children at all times.
12. Children must not be allowed to carry or drink from bottles or cups while crawling or walking.
13. The FCCP must make sure that if food is provided to the FCCH by a vendor that has a valid Food Service Establishment License from the Vermont Department of Health.

#### M. Infant Nutrition

1. The FCCP must make sure parents of each enrolled infant provide written feeding instructions specifying the child's primary source of nutrition (human milk, infant formula, or both) and feeding schedule. The instructions must be updated as the child's diet changes.

2. Infants must be fed according to their individual feeding schedule and needs.
3. Introduction to all new foods must be made only with the parents' permission.
4. Until they are able to hold an unsupported bottle for themselves, infants must be held for bottle-feeding. At no time may a bottle be propped for feeding an infant.
5. Bottles must be individually labeled with the infant's name and refrigerated immediately after preparation by staff or upon arrival if prepared by parents.
6. Infants must not be served the formula or human milk of another infant.
7. Formula and human milk must not be heated or thawed in a microwave. If formula is heated it must be served to children only after contents have been properly mixed and determined to be a safe temperature. If human milk is heated it must be gently swirled in the bottle and determined to be a safe temperature before serving.
8. Open containers of ready-to-feed or concentrated formula must be covered, refrigerated, and discarded after forty-eight (48) hours if not used. Freshly mixed powder or liquid concentrate must be covered, refrigerated, and discarded after twenty-four (24) hours if not used. Unused portions of formula that were offered to the infant must be discarded after each feeding.
9. Unused human milk can be given to the infant again if it is within two (2) hours from when the feeding started. After two (2) hours, any leftover milk must be labeled as expired, refrigerated, and returned to the parent. Freshly expressed milk that has not been fed can stay at room temperature for up to four (4) hours. After four (4) hours, it must be refrigerated or fed to the infant. Stored human milk that is not used should be returned to the parent after ninety-six (96) hours if it has been refrigerated and after six (6) months if it has been frozen.
10. Formula or milk must not be mixed with cereal, fruit juice, or any other foods in the child's bottle without written documentation from the infant's health care provider. Commercially prepared formula must be prepared and stored according to directions.
11. Foods for infants should have a texture and consistency that make them safe to eat and help reduce the risk of choking.
12. Baby food for each infant must be served from a dish unless the entire jar is served at one time. Containers of baby food that are open but not finished must be covered, dated, and labeled. Opened baby food must be used or thrown away within thirty-six (36) hours from the initial opening.

13. Sanitary methods must be used in handling formula, human milk, bottles, and nipples. Bottles and nipples that will be reused must be thoroughly washed between uses. Pre-filled bottles for single use by one (1) child must be cleaned and sent home.

#### N. Special Nutritional Requests and Restrictions

1. The FCCP 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 FCCP 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 FCCP with written documentation from the child's health care provider authorizing the modification.
3. The FCCP must make sure that if the parent asks for a change of basic meal patterns because of the family's food preferences or religious beliefs, the parent provides the FCCP 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.

#### O. Outdoor Play Area and Equipment

1. There must be a safe outdoor play area large enough to allow for vigorous play and activities that involve large muscle movements either on the premises or within a safe walking distance of the FCCH. 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 like 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 tall 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.
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, except for multifunctional, prefabricated residential play structure.
11. Large outdoor play equipment must be securely anchored following manufacturer's specifications. The equipment must not be placed on concrete or asphalt surfaces. The equipment must be placed to meet the manufacturer's specifications for use zones.
12. Sandboxes must be kept in a safe and sanitary manner.
13. 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.
14. The FCCP must make sure that all children wear proper fitting safety helmets and apparel while riding bicycles, using scooters, and using other riding toys.
15. For all play equipment that is thirty (30) inches or higher from the ground, including climbing equipment, slides, swings, and similar equipment, the FCCP must make sure that the surface under and around the equipment, including

recommended use zones, is made of approved resilient material to protect children in case of falls.

- a. Materials in the use zone must consist of wood chips, pea stone, mulch, engineered wood fibers, sand, safety-tested shredded or rubber-like material, or rubber-mats designed for protective cushioning.
- b. Materials used in the use zone must follow the recommendations listed in the most recent publication of U.S. Consumer Product Safety Commission's Public Playground Safety Handbook. These recommendations specify the critical depth of tested materials based on the highest climbing surface of the equipment.
- c. Materials used in the use zone must be installed and maintained following the manufacturer's instructions.
- d. If loose material like sand, mulch, or shredded rubber is used in use zones, the FCCP must make sure that the material is raked regularly and replenished to maintain depth and resilience as needed.
- e. If the resilient material in use zones freezes, the FCCP must make sure that children will not play on the equipment until the resilient material has thawed and is once again resilient.

#### P. Bathrooms

1. The FCCH must have at least one (1) bathroom that has one (1) properly functioning toilet and hand sink.
2. Bathrooms used by enrolled children must have properly dispensed toilet paper easily accessible. Toilets must be flushed after every use.

#### Q. Cleanliness, Maintenance, and Safety

1. The FCCH, 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 kept in good condition.
3. The FCCH must be kept free from an infestation of rodents and insects.
4. Floors must be kept clean in areas where care and education is provided. This includes:

- a. Uncarpeted floors must be swept daily.
  - b. Carpeted floors must be vacuumed weekly.
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 any other hazards that may block exits.
  7. Mobile baby walkers must not be used unless deemed medically necessary by a qualified health practitioner.
  8. Trampolines may be used if they measure thirty-six (36) inches in diameter or smaller.
  9. The FCCP must make sure that all art and play materials are non-toxic.
  10. If children are allowed access to indoor climbing structures that allow them to achieve a height of more than thirty (30) inches, the structures must have shock absorbing cushioned surface beneath them to protect children from injury in the event of a fall.

#### R. Swimming and Access to Water

1. The FCCP 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. All staff must complete the American Red Cross online course, "Water Safety for Parents and Caregivers" before allowing children to swim or wade while in care.
3. 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.
4. The FCCP must make sure that a fence is installed for all swimming pools or other natural or artificial bodies of water accessible from the outdoor play area to make sure no child may gain access without staff approval, observation, and supervision. Fences around pools must be at least four (4) feet tall with no more than a vertical clearance of 3.5 inches at the bottom. Gates must swing outward and have 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.

5. For all swimming pools, the FCCP 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.
6. For any natural or artificial bodies of water that can be accessed from the outdoor play area, the FCCP 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. Pool/Water Supervision and Prohibitions

1. When children are using wading pools, staff with valid certification in pediatric first aid and in infant and child CPR must be physically present and visually supervising all children at all times.
2. 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.
3. When children in care are swimming or playing in a pool or other natural or artificial body of water, the FCCP 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 four (4) years.
  - b. One (1) adult for every six (6) children four (4) years and older.
4. 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.
5. When lifeguards are on duty supervising the swimming area, they must not be counted in the 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.

6. Staff must make sure the following systems are in place when children in their care are swimming in pools or other natural or artificial bodies of water:
  - 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. Create and follow a system for the visual identification of each child.
  - c. 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 part of a non-swimming area.
  - d. All swimmers and non-swimmers must be counted every fifteen (15) minutes.
  - e. 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 missing swimmer, while making sure there is continued supervision of the other children.
7. The use of swimming pools or other natural or artificial bodies of water are not allowed during hours of darkness.
8. 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 FCCP must make sure that any vehicle used to transport children, whether owned by the FCCP or not, is registered, inspected, and insured according to state law and these rules. Documentation of this must be kept on file at the FCCH for 365 days.
2. Any vehicle used to transport children must be equipped with a first aid kit and additional emergency items as specified in the “First Aid Kits” section of these rules.
3. The FCCP must make sure that any vehicle used to transport children is safe and in good condition. If the vehicle is not owned by the FCCP, the FCCP must get a written statement from the vehicle owner that the vehicle is safe and in good condition. This documentation must be kept on file at the FCCH for 365 days.

4. The FCCP must make sure that drivers do not transport more people than the capacity of the vehicle allows.
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, 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 that they have functioning 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 FCCP must make sure that the driver transporting children holds a valid operator's license suitable for the vehicle being used. If the vehicle transports sixteen (16) or more people, including the driver, the driver must have a valid commercial driver's license with a passenger endorsement.
9. The FCCP must make sure that the driver follows all traffic laws.
10. The FCCP 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 FCCP 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 FCCP to transport their child. This written permission must be kept in each child's file for 365 days.
12. Written permission authorizing the FCCH to transport children home must give the address where the children are to be released and whether the child may be released if an authorized person is not present.
13. The FCCP must make sure written permission is obtained from parents, allowing the FCCH to release a child to a transportation service that is not operated by the FCCH.
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 and Staffing" section of these rules must always be maintained while children are being transported.

- a. The FCCP must make sure that when there are three (3) or more non-ambulatory children in the vehicle, at least two (2) staff members are present. If there are more than six (6) non-ambulatory children in the vehicle a staff to child ratio of one (1): four (4) must be maintained, in addition to the driver.
16. The FCCP 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 FCCP.
  - c. Recording the address a child was released to if not to an authorized person, FCCP, or staff.
  - d. A method for confirming that every child gets out of the vehicle after each trip.
17. The FCCP must make sure that when the FCCH provides transportation, the maximum amount of time a child can be transported to or from the child's home, the FCCH, or school does not exceed forty-five (45) minutes one-way.

#### U. Field Trips

1. The FCCP 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. Staff 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 FCCP must make sure that all staff to child ratios set in the “Maximum Capacity 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:
  - a. Visually inspect the area before use to make sure it is free of health and safety hazards like broken glass, animal feces, strong currents, or posted health warnings.
  - b. Make sure that all rules related to “Pool/Water Supervision and Prohibitions” in these rules are strictly followed.
  - c. Make sure that children are limited to areas where water is less than waist-deep for the child, unless the child’s swimming ability has been assessed.

## **Section 8 – Teaching and Learning**

- 8.1 The FCCP 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 FCCP must make sure that parents know how to access interpreter services to assist with communication between the FCCH, 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 diapering, toileting, feeding, dressing, and resting when the changes are done 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 the chance for moderate-to-vigorous play and gross motor activity outdoors either on the premises or within a safe walking distance of the FCCH for at least sixty (60) minutes each day.
  - 1. For FCCHs that operate for more than two (2) hours but less than four (4) hours each day, staff must make sure that children are given the chance for at least thirty (30) minutes of outside physical activity each day.
  - 2. For FCCHs that operate for two (2) hours or less each day, staff must make sure that children are given the chance for at least fifteen (15) minutes of outside physical activity each day.
- B. The FCCP 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, the FCCP 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. The FCCP must create, 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.

#### 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. Comfortable adult-sized seating must be available indoors for staff.

- F. The FCCP must make sure that the amount of awake time children under twenty-four (24) months spend in any confining equipment, such as a crib, play pen, port-a-crib, swing, or seat is not more than thirty (30) minutes in any two (2) hour period.
- G. The FCCP must make sure that children under three (3) years are encouraged and supported to develop self-care skills and habits. Children three (3) years and older are encouraged and supported to develop and master independence of self-care skills and habits.
- H. The FCCP 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 FCCH 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. The FCCP must consult with parents about care practices specific to their children's culture and community and provide as much consistency as possible in FCCH practices for each child.

#### 8.8 Screen Time Limitations

- A. Screen time must not be used for children younger than two (2) years.
- B. 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.
- 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. The FCCP must inform and receive permission from the parents of each child if a PG rated movie is going to be shown in the FCCH.
- F. School age 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 Maximum Capacity and Staffing

- A. All children who are present at the FCCH without a parent must be included in determining the capacity at any given time. A child younger than school age and whose parent(s) is a staff member must be counted in staff to child ratio when the child is present at the FCCH.
- B. A child that lives in the home may have another child visit them in the home during operating hours. The visiting child does not count in the staff to child ratios.
- C. Staff who meet the qualifications outlined in the "Qualifications and Experiences" section of these rules and are physically present and working with children may be counted in the staff to child ratios.
- D. The FCCP must be present and counted in the staff to child ratio at least 60% of the time during hours of operation and must actively engage in giving care and education services when counted in the staff to child ratios.
- E. Classroom aides should not be included in staff to child ratios when they are carrying out their job responsibilities as a classroom aide. However, a classroom aide may be left alone with the child or children to whom they are assigned.
- F. Partner staff must not count in the staff to child ratios at the FCCH. However, partner staff may be left alone with children with parental permission.

- G. The FCCP must make sure trainees fifteen (15) years or younger are not left alone with children. Trainees eighteen (18) years or older may be left alone with children in the FCCH provided that the FCCP, Family Child Care Assistant, or substitute is present in the FCCH.

8.10 Maximum Capacity and Staffing

- A. The FCCP's own children under twenty-four (24) months residing in the home must be counted when considering the limit on enrolled children less than twenty-four (24) months but should not be counted in the overall limit on the number of children enrolled in care.
- B. At no time may the total number of children enrolled in care exceed ten (10) during "Registered FCCH: Year-Round Care" or twelve (12) children for "Registered FCCH: Summer Vacation."
- C. The FCCP must make sure that the number of staff present meets or is greater than the requirements described in the "Registered FCCH: Year-Round Care" and the "Registered FCCH: Summer Vacation" charts for age group, maximum group size, and staff to child ratios.
- D. In the "Registered FCCH: Year-Round Care" chart an FCCP may care for up to ten (10) children total without a second adult.

<b>Registered FCCH: Year Round Care</b>				
<b>Total Staff</b>	<b>Total Children Up to:</b>	<b>Age of Children</b>		
		<b>Under 24 months *</b>	<b>2-5 years</b>	<b>School age</b>
2	6	6	0	0
2	10	4	2	4
2	10	4	1	5
2	10	4	0	6
2	10	3	3	4
2	10	3	2	5
2	10	3	1	6
2	10	3	0	7
1	3	3	0	0
1	10	2	4	4
1	10	2	3	5
1	10	2	2	6
1	10	2	1	7
1	10	2	0	8
1	10	1	5	4

1	10	1	4	5
1	10	1	3	6
1	10	1	2	7
1	10	1	1	8
1	10	1	0	9
1	10	0	6	4
1	10	0	5	5
1	10	0	4	6
1	10	0	3	7
1	10	0	2	8
1	10	0	1	9
1	10	0	0	10

E. During summer school vacation, the FCCP must use the “Registered FCCH: Summer Vacation” chart to make sure they do not exceed the capacity limits and staff to child ratios.

F. The FCCP’s own children who are six (6) years or older will not count in staff to child ratios when using the “Registered FCCH: Summer Vacation” chart to determine maximum capacity and staffing.

<b>Registered FCCH: Summer Vacation</b>				
Total Staff	Total Children Up to:	Age of Children		
		Under 24 months *	2-5 years	School age
1	6	2	2	2
1	6	2	1	3
1	6	2	0	4
1	6	1	4	1
1	6	1	3	2
1	6	1	2	3
1	6	1	1	4
1	6	1	0	5
1	6	0	5	1
1	6	0	4	2
1	6	0	3	3
1	6	0	2	4
1	6	0	1	5
1	6	0	0	6
2	12	2	4	6

2	12	2	3	7
2	12	2	2	8
2	12	2	1	9
2	12	2	0	10
2	12	1	5	6
2	12	1	4	7
2	12	1	3	8
2	12	1	2	9
2	12	1	1	10
2	12	1	0	11
2	12	0	0	12
2	12	0	6	6
2	12	0	5	7
2	12	0	4	8
2	12	0	3	9
2	12	0	2	10
2	12	0	1	11

8.11 Supervision of Children

- A. Staff must make sure of visual supervision of children at all times, except as permitted in this rule.
- B. Staff may step away from the children to meet their basic care needs throughout the day. This must be time limited. Staff must be able to hear all children of pre-school age and younger at all times. Staff must be able to physically respond immediately.
- C. Staff must know where all school-age children are and what they are doing at all times and must be able to physically respond immediately.
- D. When children are sleeping or resting, staff must be able to see the children. If all the children cannot be seen at the same time, staff must visually observe all children at least every fifteen (15) minutes.
- E. When children are playing outside, staff must be outside and must be visually supervising the children. If staff cannot do this because of mixed ages of the children or the need to step away to meet basic care needs of children, staff may supervise the school age children from inside the home as long as the children can be seen from inside and the outside play area is fenced to prevent the children from leaving

the play area. Children younger than school age must not play outside at any time without a staff person present.

- 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.
- H. The FCCP must make sure that no one is left alone with children unless they have a fingerprint supported background clearance. A parent may be left alone with their own child(ren).

#### 8.12 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. Staff must appropriately hold, touch, smile, and talk to children.
- C. Staff must speak to children at their eye level.
- D. Staff must be available and responsive to children, encouraging them to share experiences, ideas, and feelings.
- E. Staff must listen with attention and respect to children.
- F. Children must be attended to timely when they cry.
- G. Nurturing activities done by staff, including diapering, toileting, feeding, dressing, and resting must be done in a relaxed, reassuring, and individualized manner that is developmentally appropriate and promotes the child's learning, self-help, and social skills.
- H. 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.
- I. Staff voices must not dominate the overall sound of the group.

#### 8.13 Positive Guidance and Behavior Management

- A. The FCCP must create and follow a policy in plain language regarding positive guidance and behavior management of children. The policy must be given to staff and parents.
- 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 not going to sleep, 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 FCCH while children are present.
- G. The FCCP 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 and Symptoms of Illness Chart)

DRAFT