

## **§7303. DEFINITIONS**

### ***Affiliate*** –

- i. with respect to a partnership or limited liability company, each partner or member thereof;
- ii. with respect to a corporation, each officer, director and stockholder thereof;
- iii. with respect to a natural person:
  - a. that person and any individual related by blood, marriage or adoption within the third degree of kinship to that person;
  - b. any partnership, together with any or all its partners, in which that person is a partner; and
  - c. any corporation in which that person an officer, director or stockholder, or holds, directly or indirectly, a controlling interest;
- iv. with respect to any of the above, any mandatary, agent, or representative or any other person, natural or juridical, acting at the direction of or on behalf of the licensee or applicant; or
- v. director of any such day care facility.

***Anniversary*** – the last day of the month in which the original license was issued to the provider/facility and is the date by which the license is eligible for renewal each year.

***Behavior Guidance*** – the ongoing positive process of helping children develop inner control (self regulation) so that they can manage their own behavior in an appropriate and acceptable manner by using corrective action to change the undesired behavior.

***Camp*** – a program operated only when school is not in session for the summer months and school holidays.

***Capacity*** – the number of children the provider is licensed to care for at any given time as determined by the Licensing Section.

***Child Care Health Consultant*** – qualified health and safety professional approved by DHH to provide training, consultation, and technical assistance to out of

home child care facilities and early childhood education staff (and parents) on health and safety topics.

***Change of Location (CHOL)*** – change in physical address/location of the facility.

***Change of ownership (CHOW)*** – a transfer of ownership of a currently licensed facility that is in operation and caring for children.

***Clock Hour*** – involvement or participation in a professional learning situation for 60 minutes.

***Comparable Setting*** – experience working in an organized daily program with children or the operator of a registered family child day care home. Directors working with children less than nine years of age shall document experience with prekindergarten, kindergarten, or first grade children.

***Complaint*** – an allegation that an owner, provider, or staff person is violating any provision of these standards or laws, or engaging in conduct, either by omission or commission, that negatively affects the health, safety, or well-being of any child for which the provider has responsibility.

***Corporation*** - any entity incorporated in Louisiana or incorporated in another State, registered with the Secretary of State in Louisiana, and legally authorized to do business in Louisiana.

***Culturally Appropriate*** – environments and activities that reflect home values, attitudes, and norms of children enrolled in the program as determined with input and interaction with the families that attend the program.

***DCFS*** – Louisiana Department of Children and Family Services

***Department (DCFS)*** –Louisiana Department of Children and Family Services.

***Developmentally Appropriate*** – Practices that use knowledge of child development appropriate activities, materials, and behavioral expectations for a specific age group.

***DHH*** – the Department of Health and Hospitals of the State of Louisiana.

***Director:***

***Director*** – the staff who is responsible for the day-to-day operation, management, and administration of the facility as recorded with the Licensing Section. For the purpose of these regulations, the term “director” means facility director or director designee, if applicable.

***Director Designee*** – the individual appointed by the director to act in lieu of the director when the director is not an on-site staff person at the licensed location. This individual shall meet director qualifications.

***Disqualification Period*** – the prescriptive period during which DCFS shall not accept an application for a provider. Any unlicensed operation during the disqualification period shall interrupt running of prescription until DCFS has verified that the unlicensed operation has ceased.

***Documentation*** – written evidence or proof, signed and dated by the parties involved (director, parents, staff, etc.) and available for review.

***Employee*** – a full or part time paid staff person.

***Existing Facility*** – a provider with a valid license at a particular location prior to the effective date of these standards.

***Extra-Curricular Personnel/Therapeutic Professionals*** – individuals who are not employees of the facility, but who come to the facility to provide therapy, services, or enrichment activities for an individual child or group of children. Individual is not required to be under the supervision of facility staff. Examples: computer instructor, dance instructor, librarian, tumble bus personnel, occupational therapist, physical therapist, speech therapist, mental health consultant, nutritionist, early interventionist, nurse, etc.

***Facility*** – a child day care center as defined in La. R.S. 46:1403.

***Foster Grandparents*** – a program organized by an agency that recruits and trains seniors to provide one-on-one attention to a child or to assist a group of children.

***Full-time*** – physical presence at the facility Monday through Friday for at least 32 hours.

***Group Size*** – the number of children assigned to a caregiver or team of caregivers and recognized by both staff and children who occupy an individual

classroom or well-defined space within a larger room. This space shall be divided into designated activity areas for each group using a variety of means appropriate for defining limits and reducing distraction, including but not limited to a temporary wall or physical barrier.

**Individual owner** – a natural person who directly owns a facility without setting up or registering a corporation, LLC, partnership, church, university, or governmental entity. The spouse of a married owner is also an owner unless the business is the separate property of the licensee acquired before his/her marriage, acquired through authentic act of sale from spouse of his/her undivided interest, or acquired via a judicial termination of the community of aquets and gains.

**Juridical entity** - corporation, partnership, limited-liability company, church, university, or governmental entity.

**License** – any license issued by DCFS to operate any child care facility as defined in R.S. 46:1403.

**Licensing Section** – DCFS, Division of Programs, Licensing Section

**Mandated Reporter** – professionals who may work with children in the course of their professional duties and who consequently are required to report all suspected cases of child abuse and neglect. This includes any person who provides training and supervision of a child, such as a public or private school teacher, teacher's aide, instructional aide, school principal, school staff member, social worker, probation officer, foster home parent, group home or other child care institution staff member, personnel of residential home facilities, a licensed or unlicensed day care provider, any individual who provides such services to a child, or any other person made a mandatory reporter under Article 603 of the Children's Code or other applicable law.

**Medication** – all drugs administered internally and/or externally, whether over-the-counter or prescribed.

**Monitor** – staff with specific responsibilities for assisting the driver in ensuring the safety of the children while they ride, board, or exit the vehicle, and for assisting the driver during emergencies

**Montessori School** – a facility recognized as accredited or certified as a Montessori School by the Board of Elementary and Secondary Education pursuant to La. R.S. 17:3401 et seq. or a public Montessori School regulated by the Department of Education

**Motor Skills:**

Fine – the abilities required to control the smaller muscles of the body for writing, playing an instrument, artistic expression and craft work. The muscles required to perform fine motor skills are generally found in the hands, feet, and head.

Gross – the abilities required in order to control the large muscles of the body for walking, running, sitting, crawling, and other activities. This involves the larger movements of arms, legs, feet, or the entire body (crawling, running, and jumping).

**NR** – not regulated.

**Nighttime Care** – care provided after 9:00 p.m. and prior to 5:00 a.m. in which no individual child remains for more than 24 hours in one continuous stay.

**Non-Porous** – a smooth, solid surface that limits the penetration of liquids beyond the immediate surface.

**Non-Vehicular Excursion** – any activity that takes place outside of the licensed area (play yard and facility), that is within a safe, reasonable walking distance, and **that** does not require transportation in a motor vehicle. This includes walking with children to and from schools.

**Owner or Operator** The individual who exercises ownership or control over a child day care facility, whether such ownership/control is direct or indirect.

**Ownership** - The right that confers on a person direct, immediate, and exclusive authority over a thing. The owner of a thing may use, enjoy, and dispose of it within the limits and under the conditions established by law.

Direct Ownership - when a natural person is the immediate owner of a child day care facility, i.e., exercising control personally rather than through a juridical entity.

Indirect Ownership - when the immediate owner is a juridical entity.

**Partnership** - includes any general or limited partnership licensed or authorized to do business in this state. The owners of a partnership are its limited or general partners and any managers thereof.

**Parent** – parent(s) or guardian with legal custody of the child.

**Posted** – prominently displayed in an area accessible to and regularly used by parents.

**Prekindergarten program** – a program as defined by R.S. 17:24.8.

**Premises** – building(s) and the land upon which the building(s) sits including but not limited to play yards and parking areas.

**Provider** – all owners or operators of a facility, including the director of such facility.

**Reasonable suspicion**— Licensing section personnel has or acquires information containing specific and articulable facts indicating that an owner, operator, or current or potential employee or volunteer has been investigated and determined to be the perpetrator of abuse or neglect against a minor in an investigation with a justified (valid) finding currently recorded on the state central registry.

**Rest time** – a daily period for children over 12 months of age during which children are placed on mats or cots or in cribs as age appropriate.

**Safety Interventions** - an immediate time limited plan to control the factor(s) that may result in an immediate or impending serious injury/harm to a child(ren).

**School age** – a child who is at least five years of age.

**Shall or Must** – mandatory.

**Should** – urged, advised, or may.

**Signature** – the act of signing ones full given name, to include at a minimum their first and last name acknowledging that some first names are only an initial.

**Special Needs Child** – a child who has a chronic physical, developmental, behavioral, or emotional condition and who also requires assistance beyond that generally required by a child to perform tasks that are within the typical chronological range of development, including but not limited to movement of large or small muscles,

learning, talking, communicating, self-help, social development, emotional development, seeing, hearing, and breathing.

**Staff** – all full-time or part-time paid or unpaid staff who perform services for the child care facility and have direct or indirect contact with children at the facility. Facility staff includes the director and any other employees of the facility, including but not limited to the cook, housekeeper, driver, substitutes, custodian, secretary, bookkeeper, and Foster Grandparents, excluding extra-curricular personnel.

**Staff-In-Charge** – the on-site staff appointed by the director as responsible for supervising the operation of the facility during the temporary absence of the director.

**State Central Registry**—repository that identifies any individual reported to have a justified (valid) finding of abuse or neglect of a child or children by DCFS.

**Student Trainee** – an individual at least 16 years of age in the facility as an educational course requirement, is never left alone with children, nor counted in the child/staff ratio.

**Supervision** – the function of observing, overseeing, and guiding a child and/or group of children. This includes awareness of and responsibility for the ongoing activity of each child and being near enough to intervene if needed. It requires physical presence, accountability for their care, knowledge of activity requirements, and knowledge of the children's abilities and needs.

**Temporary Absence** – absence for errands, conferences, minor illnesses, etc.

**Time-out** – a technique for temporarily separating a child where inappropriate behavior has occurred, and is intended to give a child time to calm down, thereby discouraging such behavior.

**Transportation** – the arranging of or providing of transportation of children (whether facility-provided, parent-provided, or contract-provided) for any reason, including daily transportation, transportation for field trips, or transportation for any other activity that takes place away from the licensed facility.

**Unlicensed operation** – operation of any child care facility as defined by R.S 14:403 at any location, without a valid, current license issued by DCFS.

**Use zone** – the surface under and around a piece of equipment onto which a child falling from or exiting from the equipment would be expected to land. These areas are also designated for unrestricted circulation around the equipment.

**Visitor** – anyone who enters the facility other than an enrolled or prospective child's parent, facility staff, therapeutic professionals, extracurricular personnel, and in the case of a church or school, any other routine employees, including but not limited to a pastor, principal, teacher, etc. who are never left alone with children.

**Volunteer** – a full or part-time unpaid staff person.

**Water activity** – a water-related activity in which children are in, on, near and accessible to, or immersed in, a body of water, including but not limited to a swimming pool, wading pool, water park, river, lake, beach, etc.

**Water play activity** – a water-related activity in which there is no standing water, including but not limited to fountains, sprinklers, water slip and slides, water tables, etc.

#### **§7306. GENERAL REQUIREMENTS**

A. Current Louisiana child care license shall be on display in an area accessible to and regularly used by parents and visitors, except for church affiliated facilities (LRS 46:1408.D) that choose to keep the license on file and available upon request.

B. All programs shall operate within the licensed capacity, age range, and/or other specific services designated on the license. In addition, the program shall operate within the hours of operation on file with the Licensing Section.

C. The facility's indoor and outdoor space shall be used exclusively by the children and facility staff during operating hours. Exceptions are allowed only for schools or churches regarding the shared use of kitchens, dining rooms, restrooms, and outdoor space. A child care facility, except one located in a church or school, shall be physically separated from any other business or enterprise, preventing access to children in care.



D. The provider shall maintain in force at all times current commercial liability insurance for the operation of a facility to ensure medical coverage for children in the event of accident or injury while in the care of the provider.

- Documentation shall consist of the insurance policy, current binder, or certificate of insurance that includes the name of the child care facility, physical address of the facility, name of the insurance company, policy number, period of coverage, and explanation of the coverage.

- An accident policy is acceptable in lieu of medical coverage on the commercial general liability policy if the cost of the policy is incurred by the provider.

E. Provider shall not require parents to waive the provider's responsibility while the child is in the care of the provider. Provider may not issue any disclaimer of responsibility in any of its policies, handbooks, parent contracts, advertising, or any other written or verbal form. This includes activities on or off the premises.

F. The provider shall have documentation of approval from the Office of Public Health, Sanitarian Services. If food is not prepared on site, written approval of the catering/transporting of the food is required from the Office of Public Health.

G. The provider shall have documentation of approval from the Office of State Fire Marshal.

H. The provider shall have documentation of approval from the Office of City Fire Department, if applicable.

I. The provider shall have certificate of occupancy (zoning), if applicable.

J. A daily attendance record for children, including the first and last name of each child, the time of arrival and departure of each child, and the first and last name of the person or entity to whom the child was released, shall be maintained. This record shall accurately reflect the children on the child care premises at any given time.

- If the record is completed by facility staff, that individual shall write the first and last name of the person to whom the child was released and sign his/her own first and last name.

- Children who leave and return to the facility during the day shall be signed in and signed out.

- A computerized sign in/out procedure is acceptable if the record accurately reflects the time of arrival and departure, as well as the first and last name of the person to whom the child was released. A print out of the computer record shall be provided immediately upon request. Information shall be available in the event of a power outage, computer downtime, or an emergency situation.

K. A daily attendance record for staff, including the director and owner, to include the staff's first and last name and the time of arrival and departure shall be maintained. This record shall accurately reflect persons on the child care premises at any given time. Staff shall document in/out when not on the child care premises.

L. Any visitor to the facility shall be accompanied by a staff person at all times.

#### **§7307. POLICIES AND PROCEDURES**

A. The provider shall have written policies and procedures available to staff and parents that shall include:

- days and hours of operation, including scheduled days/holidays when the facility is closed;
- admission policies and criteria;
- procedure for receiving and releasing a child from the facility;
- procedure for handling illnesses and injuries, including procedures when away from the child care facility;
- procedure for transportation of children;
- disenrollment procedures; and
- guidelines regarding biting behavior, treatment of bites, and notification to parents of the children involved. The provider shall keep the names of the children involved in the child-biting confidential.

B. The Provider shall develop and follow a written daily schedule that includes times of planned activities, allowing for flexibility and change.

- The written, current, daily schedule for each group of children shall be posted in each room. If different schedules are used seasonally or for night time care, the current schedule shall be posted. All schedules shall be available for review by parents and Licensing staff upon request.

- Activities on the daily schedule shall be age-appropriate and shall be adhered to with reasonable closeness, but shall accommodate and have due regard for individual needs and differences among the children.

- The daily schedule shall list times for indoor and outdoor play (weather permitting) that includes activities that support children's development of social, emotional, physical, language/literacy, cognitive/intellectual and cultural skills, meals/snacks, rest time, and other routines, including but not limited to hand washing and toileting.

- Indoor and outdoor play shall include periods that incorporate free play, gross motor activities, fine motor activities, and vigorous and quiet activities.

1. Children under two years of age shall be provided time and space for age appropriate physical activity for at least 60 minutes per day (includes indoor and outdoor activities).

2. Children two years of age and older shall be provided 60 minutes of physical activity per day (includes indoor and outdoor activities) that includes a combination of both teacher led and free play.

3. Infants shall be allowed to sleep according to their individual schedules.

4. Children four years of age and younger shall have daily rest time of at least one hour in programs operating more than five hours per day.

5. Children five years of age and older shall be offered the opportunity for quiet time.

6. If there are daily activities involving electronic devices, including but not limited to television, movies, games, videos, computers, hand held electronic devices, etc., these activities shall be included on the written daily schedule.

- Electronic device activities for children under two years of age, including but not limited to television, movies, games, videos, computers, hand held electronic devices, etc., shall be prohibited.

- Time allowed for electronic device activities for children ages two and above, including but not limited to television, movies, games, videos, computers, hand held electronic devices, etc., shall not exceed 60 minutes per day on a daily basis and 2.5 hours per day on school holidays or during the summer months.

7. Computers that allow internet access by the children shall be equipped with monitoring or filtering software, or an analogous software protection, that limits children's access to inappropriate web sites, e-mail, and instant messages.

8. Programs/movies/video games with violent or adult content, including but not limited to soap operas, television news, or sports programs aimed at audiences other than children, shall not be permitted in the presence of children. All television, video/DVD, or other programming shall be suitable for the youngest child present. "PG" or "PG-13" programming or its television equivalent shall not be shown to children under age 5. "PG" programming/movies shall only be viewed by children age 5 and above with written parental authorization. "PG-13" programming/movies shall only be viewed by children age 13 and above with written parental authorization. Parental authorization shall include the name of the program/movie, child's name, parent's signature, and date. Any programming with a rating more restrictive than "PG-13" is prohibited.

9. All video games shall be suitable for the youngest child with access to the games. "E10+" rated games shall be permitted for children age 10 years of age and above. "T" rated games shall not be shown to or played by children under age 13. "M" rated games shall not be permitted.

C. The provider shall establish and follow a written, posted policy describing all methods of behavior guidance and management that will be used by staff to manage children's behavior. The provider shall ensure that the following are adhered to:

- No child shall be subject to physical punishment, corporal punishment, verbal abuse, or threats. Prohibited actions include but are not limited to yelling, slapping, spanking, yanking, shaking, pinching, requiring a child to exercise, placing a child into uncomfortable positions, exposing a child to extreme temperatures or other measures producing physical pain, putting anything in a child's mouth, using abusive or profane language including but not limited to telling a child to "shut up", or threatening a child with a prohibited action even though there is/was no intent to follow through with the threat.

- Cruel, severe, unusual, or unnecessary punishment shall not be inflicted upon children.

- Derogatory remarks shall not be made in the presence of children about family members of children in care or about the children themselves.

- No child or group of children shall be allowed to discipline another child.

- No child or group of children shall be allowed to bully another child.

- No child shall be deprived of food or beverages.

- Children shall not be restrained by devices, including but not limited to high chairs or feeding tables, for disciplinary purposes.

- Children shall not have active play time withheld as punishment.

- Time out, if used, shall take place within sight of staff.

- The length of each time out session shall be based on the age of the child and shall not exceed one minute per each year of age of the child.

- Time out shall not be used for children under age two as these children are too young to cognitively understand the consequence.

D. The provider shall establish and follow a written, posted abuse/neglect policy that includes the following information:

- As mandated reporters, all staff and owners shall report any suspected abuse or neglect of a child in accordance with LA R.S. 14:403 to the local

Child Welfare Section.

- The provider shall not delay reporting suspected abuse or neglect to the local Child Welfare Section in an attempt to conduct an internal investigation to verify the abuse/neglect allegations.
- As required by Louisiana law, the provider shall not require any staff, including unpaid staff, to report suspected abuse/neglect to the provider or management prior to reporting to the Child Welfare Section.
- The local Child Welfare Section's (child protection) telephone number.

E. Parents shall be advised of the licensing authority of DCFS Licensing Section. Parents shall also be advised that they may call or write the Licensing Section should they have significant, unresolved licensing complaints. This written policy as well as the current telephone number and address of the Licensing Section shall be posted.

Department of Children and Family Services  
Division of Programs  
Licensing Section  
P. O. Box 3078  
Baton Rouge, LA 70821  
(225) 342-9905 Fax: (225) 342-9690

F. Providers shall post information advising parents that licensing inspections, regulations, and information regarding licensed child care facilities are available online at the DCFS website. In addition, parents shall be advised that licensing inspections are also available upon request to DCFS.

G. The provider shall establish and follow a policy for enrolled children advising parents that they are welcome to visit the facility anytime during regular hours of operation. This written policy shall be posted.

H. The provider shall offer at least three parent involvement opportunities each year. Activities may include but are not limited to open house, parent education session, parent/staff conference, family pot luck dinner, holiday party, parent/grandparent's day, week of the young child, or carnival. Provider shall maintain parent notices of the parent involvement activities offered.

I. The provider shall establish and follow a non-discrimination policy that prohibits discrimination by child care providers on the basis of race, color, creed, sex, national origin, handicapping condition, ancestry, or whether the child is being breastfed. This written policy shall be posted.

**§7308. CHILDREN'S RECORDS**

A. A record shall be maintained on each child to include:

1. child's information form signed and dated by the parent and updated as changes occur, listing:
  - the child's name, date of birth, sex, date of admission;
  - name of parent(s) and child's and parent's home address;
  - phone numbers where the parents can be reached while the child is in care;
  - name and phone number of a responsible person to contact in an emergency if parents cannot be located promptly;
  - name and telephone number of child's physician;
  - name and telephone number of the child's dentist, if applicable;
  - any special concerns, including but not limited to allergies, chronic illness, and any special needs of the child, if applicable; and
  - any special dietary needs, restrictions, or food allergies/intolerances, if applicable.
2. A written authorization signed and dated by the parent to secure emergency medical treatment.
3. A written authorization signed and dated by the parent noting the first and last names of individuals to whom the child may be released other than the

parent(s), including any other child care facilities, transportation services, or any person or persons who removes the child from the facility.

a. A child shall never be released to anyone unless authorized in writing by the parent.

b. Any additions/deletions shall be signed and dated by the parent.

c. The provider shall verify the identity of the authorized person prior to releasing the child.

4. A written statement from a medical authority when the child requires a special diet for medical reasons.

5. A written statement from the child's parent when the child is on a modified diet for religious reasons.

B. The provider shall obtain written, informed consent from the parent prior to releasing any information, recordings, or photographs from which the child might be identified, except for authorized state and federal agencies. This one time written consent shall be obtained from the parent and updated as changes occur.

C. The provider utilizing any type of recordings or taping of children, including but not limited to digital recordings, videotaping, audio recordings, web cam, security monitoring, etc., shall obtain documentation signed and dated by the parent indicating their awareness of such recordings/monitoring and its potential uses.

D. The provider shall maintain the confidentiality and security of all children's records. Staff shall not disclose or knowingly permit the disclosure of any information concerning the child or his/her family, directly or indirectly, to any unauthorized person.

#### **§7309. REQUIRED STAFF**

A. Each facility shall have a qualified director or director-designee who is an on-site, full-time staff person at the licensed location during the day time hours of operation (prior to 9:00 pm) and who is responsible for planning, managing, and controlling the facility's daily activities, as well as responding to parental concerns and ensuring that minimum licensing requirements are met.



B. When the director or director designee is not on the premises due to a temporary absence, there shall be an individual appointed as staff-in-charge who is at least 21 years of age. This staff shall be given the authority to respond to emergencies, inspections/inspectors, parental concerns, and have access to all required information. All staff shall be notified of this designation.

C. Staff shall be age 18 years or older. However, the provider may include in the child/staff ratio a person 16 or 17 years of age who is never left alone with children and who works under the direct supervision of a qualified adult staff.

D. When children are picked up or dropped off at the facility by a public or private school bus, staff shall be present to safely escort children to and from the bus.

**§7310. PERSONNEL RECORDS/QUALIFICATIONS**

A. At least one staff assigned to a group of children shall provide documentation of a high school diploma or GED. Within three years of effective date of these regulations, all staff having supervisory and /or disciplinary authority over children shall provide documentation of a high school diploma or GED. Staff currently employed as of the effective date of these regulations are not required to meet this standard as long as their employment remains continuous with their current owner.

B. A record for each paid and unpaid staff person, including substitutes and Foster Grandparents, shall be on file at the facility. Record shall include:

1. an application or a staff information form with the following information:

- name;
- date of birth;
- address;
- phone number;
- previous training/work experience;
- educational background;
- staff hire date; and
- staff last date of employment and reason for leaving, if

applicable.

2. a copy of a state or federal government issued photo ID.

3. documentation of three current, reference checks or phone notes signed and dated attesting affirmatively to his/her character, qualifications, and suitability to care and supervise children. These references shall be obtained from persons not related to the staff person. A letter from the Foster Grandparent agency, signed and dated by the agency representative, stating that references were checked and affirmed his/her character, qualifications, and suitability to care and supervise children, is acceptable for Foster Grandparents.

4. a written job description signed and dated by the staff person for each position, listing specific duties and whether or not the individual has supervisory or disciplinary authority over children.

5. documentation of a satisfactory criminal record check from Louisiana State Police as required by La. R.S. 46:51.2. This check shall be obtained prior to the individual being present on the child care premises. No person with a criminal conviction of a felony, or a plea of guilty or nolo contendere to a felony, or conviction of or a plea of guilty or nolo contendere to any offense included in 15:587.1, 14:2, 15:541 or any offense involving a juvenile victim, shall be eligible to own, operate, and/or be present in any capacity on the child care premises. For any owner or operator, a clear criminal background check in accordance with 46:51.2 shall be obtained prior to the issuance of a license or approval of a change of ownership. In addition, an owner, a director, or a director designee shall not have a conviction of, or plea of guilty or nolo contendere to any crime in which an act of fraud or intent to defraud is an element of the offense.

- An individual that applies for a position of supervisory or disciplinary authority over children in a child care facility may provide a certified copy of their criminal background check obtained from the Louisiana Bureau of Criminal Identification and Information Section of the Louisiana State Police. If an individual provides a certified copy of their criminal background check obtained from the Louisiana State Police to the provider, this criminal background check shall be accepted by DCFS

for a period of one year from the date of issuance of the certified copy. A photocopy of the certified copy shall be kept on file at the facility in which the individual is currently employed. However, prior to the one year date of issuance of the certified criminal background check, the provider shall request and obtain a satisfactory criminal check from Louisiana State Police in order for the individual to continue employment at the facility. If the clearance is not obtained by the provider prior to the one year date of issuance of the certified criminal background check, the staff person is no longer allowed on the child care premises until a clearance is received.

6. Prior to employment, each prospective employee or volunteer shall complete a state central registry disclosure form (SCR 1) provided by DCFS as required by R.S. 46:1414.1.

C. The following information shall be kept on file for therapeutic professionals and extracurricular personnel, e.g. computer instructor, dance instructor, tumble bus personnel, speech therapists, licensed health care professionals, state-certified teachers employed through a local school board, art instructors, and other outside contractors:

1. Documentation of a satisfactory criminal record check from Louisiana State Police as required by La. R.S. 46:51.2. This check shall be obtained prior to the individual being present on the child care premises. No person who has been convicted of, or a plea of guilty or nolo contendere to, any offense included in 15:587.1, 14:2, 15:541 or any offense involving a juvenile victim shall be present in any capacity on the child care premises.

- Independent contractors, therapeutic professionals, and/or extracurricular personnel may provide a certified copy of their criminal background check obtained from the Louisiana Bureau of Criminal Identification and Information Section of the Louisiana State Police to the provider prior to being present and working with a child or children at the facility. If an individual provides a certified copy of their criminal background check obtained from the Louisiana State Police to the provider, this criminal background check shall be accepted by the DCFS for a period of one year from the date of issuance of the certified copy. A photocopy of the certified copy shall be

kept on file at the facility. Prior to the one year date of issuance of the certified copy, the individual shall request and obtain a current certified copy of their criminal background check obtained from the Louisiana Bureau of Criminal Identification and Information Section of the Louisiana State Police in order to continue providing services to any child the child care facility. If the clearance is not provided to the provider prior to the one year date of issuance of the certified criminal background check, the individual shall no longer be allowed on the child care premises until a clearance is received. This criminal background check shall be accepted by the DCFS for a period of one year from the date of issuance of the certified copy. A photocopy of the certified copy shall be kept on file at the facility.

2. documentation of their presence at the facility to include:
  - name;
  - date of visit;
  - arrival and departure times; and
  - purpose of visit.

D. The following information shall be kept on file at the facility for each student trainee:

1. an application or a staff information form to include:
  - name;
  - date of birth;
  - address and phone number; and
  - name of educational facility and course instructor.
2. duties performed while present in the child care facility
3. documentation of their presence at the facility to include:
  - name;
  - date of visit;
  - arrival and departure times; and
  - purpose of visit.

## **§7311. DIRECTOR QUALIFICATIONS**

A. The director/director designee shall be at least 21 years of age, have a high school diploma or GED, and one year of experience in a licensed child care facility or comparable setting.

B. The director/director designee shall have documentation of meeting 100 points in the three categories of education, experience, and administration related training in accordance with chart below. In obtaining the 100 points, all three categories shall be used. Duplicate trainings provided by the same trainer are not accepted.

<b><u>Education</u></b>	Points	<b><u>Experience</u></b>	Maximum Points	<b><u>Administration &amp; Job Specific Related Training</u></b>	Maximum Points
		1 point per year – staff without supervisory or disciplinary authority over children. 2 points per year – staff with supervisory or disciplinary authority over children. 4 points per year – director or director designee approved by Licensing ( up to maximum number of points)			
Bachelor's or higher degree from a college or university recognized by the US Department of Education.in Early Childhood Education or Child Development	75	Full-time (32 hours or more per week) in a child care facility or comparable setting	40	Administrator Certificate from La. Pathways	60
Bachelor's or higher	75	Part-time (less than	20	3 college credit hours	45

degree from a college or university recognized by the US Department of Education.related to school age care for a <b>School-Age Only Program</b>		32 hours per week) in a child care facility or comparable setting		in child care administration and/or business administration	
Associate's degree from a college or university recognized by the US Department of Education.in Early Childhood Education or Child Development or Bachelor's degree in child-related field	50	Full-time (32 hours or more per week) in a child development related experience	20	2 college credit hours in child care administration and/or business administration	30
Bachelor's or higher degree from a college or university recognized by the US Department of Education in non-child related field	40	Part-time (less than 32 hours per week) in a child development related experience	10	1 college credit hour in child care administration and/or business administration	15
Associate's degree from a college or university recognized by the US Department of	30	Experience as a registered family day care home	20	One point awarded for each clock hour of training in child care administration and/or business	75

Education in non-child related field				administration	
Current Child Development Associate (CDA)	30			Current National Administrator's Credential	40
Diploma from a vocational school in child development or early education	20			One point awarded for each clock hour in child development or early childhood education	40
Directors Grandfathered in prior to (date) that do not meet the above qualifications	10			Approved correspondence course	40

C. Directors who met qualifications prior to the implementation of the current standards shall retain their qualified status as long as their employment remains continuous with their current owner. If the director's employment is not continuous or the facility undergoes a change of ownership, he/she will have two years from the date of the new director position to meet current director requirements. However, if the facility's license is revoked, application is denied, or license is not renewed, the director shall be required to meet qualifications under the current standards.

**§7312. STAFF DEVELOPMENT AND TRAINING**

**A. ORIENTATION TRAINING**

1. Within five business days of employment and prior to assuming sole responsibility for a group of children, each staff member, including substitutes and Foster Grandparents, shall receive orientation to facility's policies and practices to include the following topics:

- facility policies and practices, including health and safety procedures;
- emergency preparedness and evacuation planning;
- supervision of children;
- behavior guidance and management policy, including prohibited methods;
- job description;
- individual needs of the children enrolled;
- detecting and reporting child abuse and neglect, including the definition of mandated reporter;
- reporting and documenting incidents (accidents, injuries, illnesses, unusual behavior, etc.);
- current Child Care Class "A" Minimum Licensing Standards;
- daily schedule;
- confidentiality of information regarding children and their families;
- SIDS training, approved by DCFS, for all staff in facilities licensed to care for children under age 2. (See Reference sheet - SIDS Speaker Kit, websites for updates)

2. All staff responsible for transporting children (drivers and monitors) shall receive additional orientation training in the following areas prior to assuming their transportation duties:

- transportation regulations, including modeling of how to properly conduct a visual check of the vehicle and demonstration by staff to director on how to conduct a visual check;
- the proper use of child safety restraints required by these regulations and State Law (See Reference Sheet \_\_\_ for training resources);
- the proper loading, unloading, and tracking of children as required by these regulations;
- the location of the first aid kit; and



- the emergency procedures for the vehicle, including actions to be taken in the event of accidents or breakdowns.

3. Orientation training (within five business days of employment and prior to assuming sole responsibility for a group of children) shall include four days of supervised work with children.

4. Documentation of the orientation training shall consist of a statement/checklist in the staff record signed and dated by the staff person and director, attesting to having received the applicable orientation training (7312.A.1 – 4), the dates of the orientation training, and the dates of the supervised work with children.

## **B. CPR AND FIRST AID**

1. A minimum of two staff on the premises shall have documentation of current infant/child/adult certification in CPR. Original cards shall be presented upon request. This training shall be approved by DCFS prior to acceptance. Approved courses are listed on the DCFS website. Staff who maintain current certification as a first responder are considered to have current certification in CPR.

2. In addition to meeting the requirements of 7312.B.1, facilities with multiple buildings or floors shall have at least one currently certified staff in approved infant/child/adult CPR in each building and on each floor of the facility. Original cards shall be presented upon request.

3. A minimum of two staff on the premises shall have documentation of current pediatric first aid certification. Original cards shall be presented upon request. This certification shall be approved by the DCFS prior to acceptance. Approved courses are listed on the DCFS website. Staff who maintain current certification as a first responder are considered to have current certification in pediatric first aid.

4. In addition to meeting the requirements of 7312.B.3, facilities with multiple buildings or floors shall have at least one currently certified staff in approved pediatric first aid in each building and on each floor of the facility. Original cards shall be presented upon request.

5. For providers that arrange or provide transportation, at least one staff in each vehicle (facility provided or contract) shall have documentation of current infant/child/adult CPR certification and current pediatric first aid certification. Original cards shall be presented upon request.

6. At least two of the staff on the field trip, including water-related field trips, shall have documentation of current infant/child/adult CPR certification and pediatric first aid certification. Original cards shall be presented upon request.

7. Non-vehicular excursions shall require at least one staff in attendance and accessible to children at all times with documented current certification in infant/child/adult CPR and pediatric first aid. Original cards shall be presented upon request.

#### **C. MEDICATION ADMINISTRATION TRAINING**

Each facility, whether administering medication or not, shall have at least two staff trained in medication administration; however, all staff that administer medication shall have medication administration training. Training shall be obtained every two years from an approved Child Care Health Consultant. By virtue of his/her current license, a licensed practical nurse (LPN) or registered nurse (RN) shall be considered to have medication administration training.

#### **D. ONGOING TRAINING**

1. The director shall conduct and document at least one staff training monthly in which child care topics are reviewed with facility staff. Training may be in the form of meetings, newsletters, policy memos, or other forms of staff communication. Documentation of all forms of training shall consist of the date of the training, topics of training, and signatures of all staff verifying completion of training. Each quarter, at least one training session shall be conducted face-to-face with the staff. At least quarterly, topics shall include but are not limited to the following:

- preventive measures to eliminate or decrease the number and severity of incidents or accidents;
- problem areas identified by licensing personnel, parents,

and/or staff; and

- other child care areas as deemed necessary by the director.

2. When a staff person is re-trained, counseled, or reprimanded in response to an incident, documentation shall include date, topic(s), and signatures of staff and director.

3. The director shall ensure that each paid and unpaid staff, including substitutes and Foster Grandparents, receives training on an annual basis in the following topics:

- facility policies and practices, including health and safety procedures;
- emergency preparedness and evacuation planning;
- supervision of children;
- behavior guidance and management policy, including prohibited methods;
- job description;
- individual needs of the children enrolled;
- detecting and reporting child abuse and neglect (including the definition of mandated reporter);
- reporting and documenting incidents (accidents, injuries, illnesses, unusual behavior, etc.);
- current Child Care Minimum Licensing Standards;
- daily schedule; and
- confidentiality of information regarding children and their families.

Documentation shall consist of a checklist/statement signed and dated by the staff and the Director that these topics have been covered.

## **E. CONTINUING EDUCATION**

1. All paid and unpaid staff who are left alone with the children or who have supervisory or disciplinary authority over children, however temporary, shall

complete 24 clock hours of DCFS-approved training each calendar year in job-related subject areas beginning in January 2012. Hours are pro-rated if a staff person has not been employed for the entire 12-month period. DCFS shall make available at least nine clock hours of approved on-line training each calendar year at no cost to the staff. Documentation shall consist of certificates received by staff. Original certificates shall be presented upon request.

- Medication administration training by a Child Care Health Consultant may count toward fulfilling up to three hours towards the 24 clock hour requirement in the calendar year that the training was completed.
  - Infant/Child/Adult CPR may be counted up to three hours towards the 24 clock hour requirement in the calendar year that the training was completed.
  - Pediatric First Aid may be counted up to three hours towards the 24 clock hour requirement in the calendar year that the training was completed.
  - The required annual training hours from the DHH may be counted up to four hours towards the 24 clock hour requirement in the calendar year that the training was completed.
2. Foster Grandparents who are not counted in the child/staff ratio are excluded from this 24 clock hour training requirement.
  3. Staff who are not counted in the child/staff ratio, are never left alone with children, or do not have supervisory or disciplinary authority over children are excluded from the 24 clock hour training requirement.
  4. Directors/Director Designees shall complete three hours of DCFS approved training in facility administration practices. These hours may be counted towards the 24 clock hour requirement.

**§7315. REQUIRED CHILD/STAFF RATIOS AND GROUP SIZE**

- A. There shall always be a minimum of two staff present during hours of operation when children are present. In addition, child/staff ratios shall be met at all

times as the number of children supervised by one staff person shall not exceed the ratios as indicated below. Only those staff members directly involved in child care and supervision shall be considered in assessing child/staff ratio.

Ages of Children	Child/Staff Ratio	Child/Staff Ratio
		Effective May 1, 2012
Infants under 12 months	5:1	5:1
One year old	7:1	7:1
Two year old	11:1	9:1
Three year old	13:1	13:1
Four year old	15:1	15:1
Five year old	19:1	19:1
Six year old and up	23:1	23:1

- When a mixed group includes children less than five years of age, the age of the youngest child determines the ratio for the group to which the youngest child is assigned.

- An average of the child/staff ratio may be applied to a group of children ages five and older.

- During rest time, required staffing shall be present in the building and available to assist as needed to satisfy child/staff ratios. (Refer to Section 7317 regarding supervision requirements.)

B. When the nature of a special need or the number of children with special needs warrants added care, the provider shall add sufficient staff as deemed necessary by the Licensing Section in consultation with the provider to accommodate for these needs. Provider shall submit a written proposal for approval to the Licensing Section describing the staffing plan.

C. Child/staff ratios listed below shall apply when children are engaged in water activities, excluding water play activities unless children are participating in swimming lessons with a certified water safety instructor:

Three year old	13:2
Four year old	15:2
Five year old	19:2
Six year old and up	23:2

The child/staff ratio for the youngest child determines the ratio when children are of mixed ages in a group.

D. Child/staff ratio as specified in Sections 7315.A plus two additional adults shall be met for all field trips, excluding water activity field trips, for children ages 4 years and younger. An adult staff member from the licensed program shall be present with each group of children. At no time shall a child or group of children be left alone without an adult staff member present unless the child is supervised by his/her own parent or designated representative authorized by the parent.

E. Child/staff ratio as specified in Section 7315.A, plus one additional adult, shall be met for all field trips, excluding water activity field trips for children ages 5 years and older. An adult staff member from the licensed program shall be present with each group of children. At no time shall a child or group of children be left alone without an adult staff member present unless the child is supervised by his/her own parent or designated representative authorized in writing by the parent.

F. Child/staff ratio as specified in Section 7315.A, plus one additional adult, shall be met for all non-vehicular excursions, excluding water activity excursions. An adult staff member from the licensed program shall be present with each group of children. At no time shall a child or group of children be left alone without an adult staff member present unless the child is supervised by his/her own parent or designated representative authorized in writing by the parent.

G. A designated number of children shall relate to a designated staff on a regular and consistent basis.

H. Maximum number of children per group shall not exceed the following.

Ages of Children	Group Size	Group Size
Effective May 1, 2013		
Infants under 12 months	NR	10

One year old	NR	14
Two year old	NR	18
Three year old	NR	26
Four year old	NR	30
Five year old	NR	NR
Six year old and up	NR	NR

I. A group is determined by the number of children cared for by a caregiver or group of caregivers in a designated area not to exceed the maximum group size.

J. When more than one group of children use the same room, the room is divided into designated activity areas for each group, using a temporary wall or physical barrier that is at least three feet in height and appropriate for defining limits and reducing distraction.

K. Groups with their assigned staff may be combined for special group activities (e.g., movie time, outdoor play, indoor sports activities, meals, rest time, or field trips). Designated area requirements do not apply during these activities.

L. The DCFS form noting child/staff ratios and group size shall be posted in each room included in the facility's licensed capacity. (See Appendix \_\_)

**§7317. SUPERVISION**

A. Children shall be supervised at all times on the premises, on field trips, and on non vehicular excursions, including all water activities.

- Children shall not be left alone in any room, (excluding the restroom as noted in Section 7317.B) outdoors, or in vehicles, even momentarily, without a staff present.
- A staff person shall be assigned to supervise specific children whose names and whereabouts that staff person shall know and with whom the staff person shall be physically present.
- Staff shall be able to hear and see each child in his/her care.

B. Children who are developmentally able may be permitted to go to the restroom on the child care premises independently, provided that:

- staff member's proximity to children assures immediate intervention to safeguard a child from harm while in the restroom;
- individuals who are not staff members may not enter the facility restroom area while in use by any child other than their own child;
- children five years of age and younger shall be supervised by staff members who are able to hear the child while in the restroom; and
- children six years of age and older may be permitted to go and return from the restroom without staff; however, staff must know whereabouts of child.

C. When children are outside, the staff member shall be able to summon another adult staff without leaving the group unsupervised.

D. Staff shall actively supervise children engaged in water activities and shall be able to see all parts of the swimming pool, including the bottom.

E. Children ages two years and above may be grouped together at rest time with one staff in each room supervising the resting children. If two rooms share a common doorway, one staff may supervise the resting children. If the view of the staff supervising the children is obstructed by an object such as a low shelving unit, children shall be checked by sight by staff continually circulating among the resting children.

F. Areas used by the children shall be lighted in such a way as to allow visual supervision at all times.

G. While on duty with a group of children, staff shall devote their entire time to supervising the children, meeting the needs of the children, and participating with them in their activities. Staff duties that include cooking, housekeeping, and/or administrative functions shall not interfere with the supervision of children.

H. Diaper changing areas shall be situated so that if only one staff is supervising the group, the staff's back shall not be to the remaining children in the group unless a mirror is positioned that allows the staff to see the remaining children.

I. Individuals who do not serve a purpose related to the care of children or who hinder supervision of the children shall not be present in the facility.

J. The entire facility and play yard shall be checked after the last child departs to ensure that no child is left unattended at the facility. Documentation shall



include date, time of visual check, and signature of the staff conducting the visual check.

### **§7319. FOOD SERVICE AND NUTRITION**

A. Well-balanced and nourishing meals and snacks that are of sufficient proportions and nutritional value to meet each child's health needs shall be provided and served at the facility as specified under the Child and Adult Care Food Program of the United States Department of Agriculture (See reference sheet \_\_\_\_). A minimum of a breakfast or morning snack, lunch, and afternoon snack shall be served to children; however, meals and snacks shall be served at least every two and one-half to three hour intervals. In addition, if after-school children arrive and have not eaten within the last three hours, they shall be served a meal or snack within 30 minutes of arrival time.

B. Additional servings of nutritious food over and above the required daily minimum shall be provided to children if requested, unless there are special dietary written instructions from the child's doctor, a registered nutritionist, registered dietitian, or parent.

C. Children under 4 years of age shall not have foods that are implicated in choking incidents. Examples of these foods include but are not limited to the following: whole hot dogs, hot dogs sliced in rounds, raw carrot rounds, whole grapes, hard candy, nuts, seeds, raw peas, hard pretzels, chips, peanuts, popcorn, marshmallows, spoonfuls of peanut butter, and chunks of meat larger than what can be swallowed whole.

D. Children shall be allowed the time to eat each meal and snack within a reasonable time. Children shall not be forced to finish all their food.

E. Children shall be encouraged without coercing or negative consequences to eat a well balanced diet.

F. The week's menu shall be planned and prominently posted by the first day of each week and remain posted throughout the week. Posted menus shall be date-specific and shall list the specific food items served. If rotating menus are utilized, documentation shall note which menu is current. Menu substitutions or additions shall

be posted on or near the menu. Any substitution shall be of equal nutritional value.

G. Information regarding children's food allergies/special diets shall be posted in the food prep area with special care so that the individual children's names are not in public view. If a parent chooses to allow the provider to post the child's name and allergy information in public view, the provider shall obtain a signed and dated statement from the parent granting such permission.

H. Children's food shall be served on individual plates, napkins, paper towels, or in cups, as appropriate.

I. Providers who do not serve breakfast shall have nutritious food available for children who arrive in the morning without having eaten breakfast.

J. Food shall not be sold to the children. Soft drink vending machines and other food dispensers for personnel use shall be located outside of the areas utilized by children and shall be inaccessible to children.

K. Infants shall be held while being bottle-fed to provide a nurturing experience; however, if written permission is obtained from the parent, an infant or child who can hold a bottle may be placed in a crib, on a mat, in a carrier, etc.

L. A child's bottle shall not be propped at any time.

M. Microwave ovens shall not be used for warming bottles or infant food.

N. Drinking water shall be readily available indoors and outdoors to children at all times. Drinking water shall be offered and children shall be encouraged to drink water at least once between meals and snacks, before going outdoors, and upon returning from outdoors. Water shall be given to infants only with written instructions from parents or child's physician.

O. Parents/children are not allowed to bring food into the facility with the exception of bottled formula, breast milk, infant food, special dietary items related to medical or religious reasons, and refreshments for special occasions.

P. Bottled formula/breast milk shall be in labeled bottles or containers with labeled caps/covers with the child's name or initials. Bottles and containers shall be refrigerated upon arrival. Used and unused bottles shall be sent home daily.

Q. Infant food provided by the parent shall be in a container or jar labeled

with the child's name or initials. If food is fed directly from the container or jar, any uneaten food shall be discarded after one feeding.

R. Thermometers shall be provided in each refrigerator to ensure that perishable food is refrigerated at 41 degrees F or lower.

**§7320. HEALTH SERVICE TO THE CHILD**

A. In accordance with R.S. 46:1428, providers shall provide each child's parent or legal guardian with information concerning the influenza immunization by November 1st of every year. Information shall be provided by DCFS annually to each licensed facility.

B Upon arrival at the facility, each child's physical condition shall be observed for possible signs of illness, infections, bruises, injuries, etc. When noted, results including an explanation from the parent or child shall be documented.

C. Incidents, injuries, accidents, illnesses, and unusual behavior shall be reported to the parent or guardian no later than the child's release to the parent or authorized representative on the day of the occurrence.

D. Immediate notification to the parent or designated person is required after providing and/or seeking necessary medical attention for the child in the following situations:

- blood not contained in an adhesive strip;
- injury of the neck and head;
- eye injury;
- human bite which breaks the skin;
- any animal bite;
- an impaled object;
- broken or dislodged teeth;
- allergic reaction (refer to symptoms chart in Reference sheet XX);
- skin changes (e.g. rash, spots, swelling, etc.);
- unusual breathing (refer to symptoms chart in Reference sheet

XX);

- symptoms of dehydration (refer to symptoms chart in Reference sheet XX);

- any temperature reading over 101 oral, 102 rectal, or 100 axillary;

or

- any injury or illness requiring professional medical attention.

E. Documentation of incidents/injuries/accidents shall be maintained.

Documentation shall include:

- name of child;
- date and time of incident;
- location where incident took place;
- description of how incident occurred;
- part of body involved;
- description of injury;
- number and name of staff in classroom or on playground where

incident/injury/accident occurred;

- number of children in classroom or on playground where

incident/injury/accident occurred;

- actions taken by staff;

- time of parental notification (unsuccessful attempts to notify the parents/guardians, including phone number and times called, shall be documented);

- name of the person notified;

- signature of person notifying parent; and

- any corrective action to ensure that the incident does not re-occur.

The report shall be signed by the individual to whom the child is released on the day of the incident. If the parent refuses to sign, a staff shall document that decision.

F. Documentation of illnesses or unusual behavior shall be maintained.

Documentation shall include:

- child's name;
- type/description of illness or unusual behavior;
- date and time of onset and actions taken;

- time of parental notification (unsuccessful attempts to notify the parents/guardians, including phone number and times called, shall be documented);
- name of person contacted; and
- signature of person notifying the parent.

The report shall be signed by the individual to whom the child is released on the day of the illness/unusual behavior. If the parent refuses to sign, a staff shall document that decision.

G. In no situation which requires emergency medical attention, shall the provider delay seeking care while attempting to make contact with the parent/guardian.

H. Information regarding a child's medical condition may be posted in public view if the provider obtains a signed and dated statement from the parent granting such permission.

#### **§7321. MEDICATION ADMINISTRATION**

A. For prescription medication to be administered at the facility, the provider shall maintain a standardized printout from the pharmacy. For non-prescription medication to be administered at the facility, the provider shall maintain bottle packaging for the medication or a printed document from the manufacturer's website. This information shall be maintained in order for the provider to be aware of side effects and contraindications.

B. All medication sent to the facility shall be in its original container, shall not have an expired date, and shall be clearly labeled with the child's name to ensure that medication is for individual use only.

C. All aerosol medications shall be delivered to the child care facility in pre-measured dosages. During the administration of this medication, staff shall ensure the child is not disturbed by other children.

D. The provider shall follow any special directions as indicated on the medication bottle (e.g., before or after meals, with food or milk, refrigerate, etc.).

E. If the non-prescription medication label reads “to consult physician”, a written physician’s authorization with child’s name, date, medication name, and dosage shall be on file in order to administer the medication in addition to the parental authorization.

F. When parents administer medication to their own children on the child care premises, the following information shall be documented by either the parent or facility staff:

- date;
- child’s name;
- time administered;
- medication name;
- dosage administered;
- name of person administering medication; and
- signature of person completing the form.

G. The provider shall not apply topical ointments/sprays/creams (e.g., sunscreen, insect repellent, diaper rash ointment, etc.) without a written annual authorization signed and dated by the parent. If changes occur, parent shall update the authorization with a signature and date.

H. Children shall not administer their own medications without written authorization from the physician. Children shall administer medication in the presence of a staff person. In addition to authorization from the physician, parental authorization shall include:

- child’s name;
- name of the medication;
- date(s) to be administered within the current calendar week, excluding emergency and “as needed” medications;
- dosage (not acceptable to note “as indicated on bottle”);
- time to be administered, excluding emergency and “as needed” medications;
- special instructions, if applicable; and

- signature of parent and date of signature.

I. Medication administration records for children administering their own medication shall be maintained verifying that the medication was given according to physician and parent's authorization, including:

- date;
- time;
- dosage administered;
- signature of child; and
- signature of staff person who witnessed administration of

medication.

**§7322. ROUTINE MEDICATION ADMINISTRATION (excluding emergency and "as needed" medication)**

A. No medication of any type (prescription, non-prescription, or special medical procedure) shall be administered by facility staff unless authorized in writing by the parent. Authorization shall include:

- child's name;
- name of the medication;
- date(s) to be administered within the current calendar week;
- dosage (not acceptable to note "as indicated on bottle");
- time to be administered;
- special instructions, if applicable; and
- signature of parent and date of signature.

B. Medication administration records shall be maintained verifying that the medication was given according to parent's authorization, including:

- date;
- time;
- dosage administered; and
- signature (not initials) of the staff member who gave the

medication.

- C. All medications shall be sent home at the end of each calendar week.

**§7323. "AS NEEDED" MEDICATION**

A. No "as needed" medication of any type (prescription, non-prescription, or special medical procedure) or maintenance prescription shall be administered by facility staff unless authorized in writing by the parent. Authorization shall be updated every three months by the parent and as changes occur and shall include:

- child's name;
- name of the medication;
- circumstances for administering "as needed" medication;
- dosage (not acceptable to note "as indicated on bottle");
- special instructions, if applicable; and
- signature of parent and date of signature.

B. Medication administration records shall be maintained verifying that the medication was given according to parent's authorization, including:

- date;
- time;
- dosage administered;
- signature (not initials) of the staff member who gave the medication; and
- phone contact (date and time) with the parent prior to giving "as needed" medication.

C. Children with chronic health needs that require medical procedures such as tube feeding require specific instructions from the child's health care provider as part of an overall Care Plan. Administration of feedings or medications through a tube-feeding apparatus shall be performed by a staff member trained and authorized by a parent or individual designated by a parent. Parental authorization and training shall be documented and include the child's name, date of the training, name of staff trained, signature of staff trained, and signature of parent. Documentation of



feedings/medications administered shall include child's name, date, time, what was administered, and signature of staff that administered food/medication to child.

**§7324. EMERGENCY MEDICATION**

A. No medication of any type (prescription, non-prescription, or special medical procedure) shall be administered by facility staff unless authorized in writing by the parent.

B. There shall be a plan of action and parental authorization for children who require emergency medication (e.g., Epipen, Benadryl). Parental authorization and plan of care shall be updated as changes occur and at least every six months. Parental authorization and plan of care shall include:

- child's name;
- name of the medication;
- dosage (not acceptable to note "as indicated on bottle");
- method of administration;
- symptoms that would indicate the need for the medication;
- actions to take once symptoms occur;
- description of how to use the medication; and
- signature of parent and date of signature.

C. Medication administration records shall be maintained verifying that the medication was given according to the authorization, including:

- date;
- time;
- dosage administered;
- symptoms noted that indicated the need for the medication;
- actions taken once symptoms occurred;
- description of how medication was administered;
- signature (not initials) of the staff member who gave the

medication; and

- phone contact (date, time, and signature of person who contacted parent) with the parent after administering emergency medication.

**§7325. SAFE SLEEP PRACTICES**

A. Only one infant shall be placed in each crib. All infants shall be placed on their backs for sleeping.

- Written authorization from the child's physician is required for any other sleeping position. A notice of exception to this requirement shall be posted on or near the baby's crib and shall specify the alternate sleep position.
- Written authorization from the child's physician is required for a child to sleep in a car seat or other similar device and shall include the amount of time that the child is to remain in said device. The written authorization shall be updated every three months and as changes occur.

B. "Back to sleep" signs shall be posted above or on each crib.

C. Infants shall not be placed in positioning devices for sleeping unless the child has a note on file from the child's physician authorizing the device.

D. Infants who use pacifiers will be offered their pacifier when they are placed to sleep, and it shall not be placed back in the mouth once the child is asleep.

E. Bibs shall not be worn by any child while asleep.

F. Each infant shall be placed in a safety-approved crib with a firm mattress of no more than six inches and with well-fitting sheets.

1. Cribs shall not have more than 2 and 3/8-inches between slats and between the side and end panels.

2. Decorative cutout areas in crib end panels or decorative knobs on the corner posts, which can entrap a child's head or catch his or her clothing, are prohibited.

3. All latching devices on cribs shall hold securely, be maintained in proper working condition, and shall not be accessible by the child in the crib.

4. Full size cribs shall be in compliance with ASTM F 1169-10 as of

December 28, 2012.

G. Cribs shall be free of toys and other soft bedding, including fluffy blankets, comforters, bumper pads, pillows, stuffed animals, and wedges when the child is in the crib.

H. Nothing shall be placed over the head or face of the infant.

I. If a blanket is used for covering an infant, only a thin, lightweight blanket may be used. If used, the blanket shall be tucked in along the sides and foot of the mattress and shall not come up higher than the child's chest.

J. Staff shall visually check on sleeping infants at least every ten minutes.

K. A "safe sleep" policy, including all requirements of 7325.A – K, shall be posted in a prominent place in the infant room and included as part of parent policies.

#### **§7326. CARE OF CHILDREN**

A. Diapers shall be changed when wet or soiled.

B. While awake, children shall not remain in a crib/baby bed, swing, high chair, carrier, playpen, etc., for more than 30 consecutive minutes. Staff shall engage children in individual interaction and provide stimulation to children in these settings in a variety of ways, such as talking to, playing with, holding, and rocking children.

C. Infants shall be given the opportunity each day for supervised play while positioned on their stomachs.

D. Daily written reports to include liquid intake, food intake, child's disposition, bowel movements, eating patterns, and sleeping patterns shall be given to the parents of infants and one year old children on a daily basis. Reports shall be kept current throughout the day.

E. Children shall never be held by a staff removing a bottle from a warming device.

F. Pacifiers attached to strings or ribbons shall not be placed around a child's neck or attached to a child's clothing.

G. Hot liquids shall not be consumed in the presence of children.

H. Staff shall adhere to proper techniques for lifting a child. Staff shall not lift a child by one or both of child's arms.

I. Children shall be changed and cleaned immediately following a toileting accident.

J. Staff shall respond promptly to a child's request for toileting assistance.

K. Potty chairs, if used, shall not be in the open classroom area.

L. A child's shoe strings shall not be taped to the child's shoes or articles of clothing.

M. Staff and children shall wash their hands at least at the following times: upon arrival at the facility, before preparing or serving meals, while giving medication, after playing in water used by more than one person, after toileting, while helping a child use a toilet or changing diapers, after wiping noses or cleaning wounds, after handling pets and other animals, after playing in sandboxes, before eating meals or snacks, upon coming in from outdoors, after cleaning or handling the garbage, and anytime hands become soiled with body fluids (urine, saliva, blood, or nasal discharge).

N. Soap and single use towels shall be available at hand washing sinks.

O. Air machines for drying hands are prohibited.

## **§7327. INDOOR ENVIRONMENT**

### **A. INDOOR SPACE REQUIRED**

1. A minimum of at least 35 square feet per child of usable indoor space shall be available.

- The space shall not include toilet facilities, hallways, lofts, storage spaces, stairways, lockers, offices, storage or food preparation areas, rooms used exclusively for dining or sleeping, or rooms used exclusively for the care of ill children.

- Any room counted as play space shall be available for play for the duration of the facility's hours of operation.

- The maximum number of children in care at one time, whether on or off the premises, shall not exceed the capacity as specified on the current license.
- Indoor space shall include an area for dining. This area may be in each classroom.

2. The number of children using a room shall be based on the 35 square feet per child requirement, except for dining, sleeping, and other non-routine group activities such as film viewing and parties.

3. Provisions shall be available indoors for temporarily isolating a child having or suspected of having a communicable disease.

4. In rooms where there are cribs, there shall be adequate open floor play space available for crawling, walking, pulling up, and playing that is free of routine-care furniture (changing tables, cribs, rocking chairs, high chairs, etc.).

5. An indoor area shall be maintained for the purpose of providing privacy for diapering, dressing, and other personal care procedures for children beyond usual diapering age (three years of age and above).

## **B. INDOOR EQUIPMENT**

1. A variety of books, educational materials, toys, and play materials shall be provided, organized, and displayed within children's reach so that they may select and return items independently in each play area. There shall be materials and equipment to address the six areas of development: physical, language/literacy, social, cognitive, emotional, and cultural. Materials shall be available for the number of children in care so that each child is able to play or use equipment without having to wait with no other option available. All materials shall be developmentally appropriate to the needs and ages of the children assigned to each group. (See Reference Sheet \_\_\_ for recommendations.)

2. Individual, labeled space shall be available for each child's personal belongings.

3. Developmentally appropriate seating shall be used. Chairs and tables of suitable size shall be available for each child.

4. Feeding tables, if age appropriate, may be used at mealtimes. If feeding tables are used, the children's feet must be able to rest comfortably on a foot rest. These same tables may also be used for occasional program activities that require a table surface for no longer than 30 minutes in one day.

5. Staff shall ensure that the high chair manufacturer's restraint device is used when children are sitting in the high chair. Children who are too small or too large to be restrained using the manufacturer's restraint device shall not be placed in the high chair.

6. All diapering surfaces shall be non-porous and shall be sanitized after each use.

7. Individual and appropriate sleeping arrangements shall be made available for each child. Individual crib, cot, or mat of appropriate size, height, and material, sufficient to ensure his/her health and safety, shall be provided. The crib, cot, or mat shall be of adequate size to ensure that the child's head and feet rest on the mat or cot. For programs serving school age children only, individual and appropriate sleeping arrangements shall be made available for a child that requests a rest time.

a. Mattresses shall be of standard size so that they fit the crib frame without gaps of more than 1/2 inch.

b. The mattress support system shall not be easily dislodged from any point of the crib by an upward force from underneath the crib.

c. Cribs shall not have corner post extensions over 1/16th inch or cutouts in the headboards.

d. Non-full sized cribs shall meet the following: 16 Code of Federal Regulations- Consumer Product Safety Commission 1509. Reference Sheet \_\_\_\_ and link. Non-Full size cribs shall be in compliance with ASTM F 406-10a as of December 28, 2012.

e. Homemade cribs and homemade mattresses are prohibited.

f. Crib railings shall be in the upright locked position at all

times when the child is in the crib.

g. Mesh-sided playpens shall have mesh which is less than  $\frac{1}{4}$  inch in size.

8. Stackable cribs are prohibited.

9. Children shall not sleep in playpens or mesh-sided cribs.

10. Each child's sleeping accommodations shall be assigned to him/her on a permanent basis and labeled. If cot and/or mat is sanitized daily, permanent assignment is not required.

11. A labeled sheet or covering shall be provided by either the provider or the parent for covering the child during rest time. The sheet and/or covering shall be assigned to him/her on a permanent basis and labeled. If the sheet and/or covering is laundered daily, permanent assignment is not required.

12. Sheets and coverings shall be changed immediately when soiled or wet. Routine laundering shall occur at least weekly.

13. Cribs, cots, and mats shall be spaced at least 18 inches apart when in use to allow easy access by staff and safe evacuation of children.

14. Trampolines are prohibited.

15. Infant walkers are prohibited.

16. Toy chests, storage bins, and other equipment with attached lids are prohibited.

17. Latex balloons are prohibited for children younger than three years of age and shall not be in areas accessible to children under three years of age.

## **§7328. OUTDOOR ENVIRONMENT**

### **A. OUTDOOR SPACE**

1. Outdoor play space with a direct exit from the facility into the outdoor play yard shall be available. If the exit does not open directly onto the play yard, the outdoor play yard shall be attached to the facility in such a manner to ensure that the children are continuously protected by a permanent fence or other permanent barrier while going to or from the outdoor play yard. Children shall not exit the facility

through the kitchen. This regulation shall be deemed met for providers who met the outdoor play space requirement prior to the implementation of the current standards as long as no changes are made to the approved space.

2. Facility's outdoor play space shall be used at scheduled outdoor play times. Regularly scheduled off-site excursions shall not be made for the purpose of fulfilling the outdoor playtime requirement. If the facility is located in a school or church, the child care facility shall have time designated for exclusive use of the outdoor play area.

3. The outdoor play space shall be enclosed with a permanent fence or other permanent barrier in such a manner as to protect the children from traffic hazards, to prevent the children from leaving the premises without proper supervision, and to prevent contact with animals or unauthorized persons.

a. The barrier/fence shall be at least four feet in height.

b. Any openings in the fence shall be no greater than 3 ½ inches to prevent entrapment.

c. The fence shall be maintained in a stable, secure, upright, and good condition that poses no risk to children.

d. Gates shall be closed while children are outdoors.

4. The outdoor play space shall provide a minimum of 75 square feet for each child using the play space at any one time. The minimum outdoor play space shall be available for at least one-third of the licensed capacity.

5. All air conditioning/heating units, mechanical equipment, electrical equipment, or other hazardous equipment shall be inaccessible to children.

6. Crawlspace shall be inaccessible to children.

7. Areas where there are open cisterns, wells, ditches, fish ponds, swimming pools, and other bodies of water shall be made inaccessible to children by fencing and locked gates.

## **B. OUTDOOR EQUIPMENT, MATERIALS AND FURNISHINGS**

1. A variety of outdoor play equipment and materials (portable and/or stationary) shall be provided for the number of children in care so that each child is able



to play or use equipment without having to wait with no other option available. All materials shall be appropriate to the interests, needs and ages of the children assigned to each group.

2. Play equipment shall be laid out to ensure ample clearance space for the use of each play structure as follows:

- Stationary play structures 30 inches or less in height shall be spaced at least six feet apart.
- Stationary play structures more than 30 inches in height shall be spaced at least nine feet apart.

3. Play equipment with swings and/or play surfaces four feet or higher from the ground shall have protective surfacing under the use zone of the equipment. Protective surfacing includes loose fill materials such as sand, pea gravel, wood chips, or rubber chips. Rubber tiles, rubber mats, or poured-in-place rubber are acceptable if they meet the Consumer Product Safety Commission recommendations.

a. Protective surfacing at a depth of eight to ten inches or rubber mats meeting ASTM Standard F-355 shall be used. Reference Sheet \_\_\_\_

b. Protective surfacing shall extend at least six feet in all directions from play equipment with play surfaces four feet or higher from the ground.

c. Protective surfacing shall extend out from swings twice the distance of the height of the pivot point of the swing set structure. (See Reference Sheet \_\_\_\_ include information from "Handbook for Playground Safety".)

4. Climbing or stationary equipment, regardless of height, shall not be placed directly on asphalt, concrete, or other hard surfaces.

5. Openings in guardrails or between ladder rungs, or any other space that could entrap children, shall measure less than 3.5 inches or more than nine inches.

6. Swing seats made of wood or metal are prohibited.

7. Playground equipment shall be installed so that an average sized adult is not able to cause the fixed structure to wobble or tip.

8. Exposed ends of tubing on playground equipment shall be covered with plugs or caps.

9. Culverts are prohibited on playgrounds.
10. Sandboxes shall be constructed to permit drainage and shall be covered when not in use.

**§7329. SAFETY REQUIREMENTS**

A. A working phone capable of incoming and outgoing calls shall be available at all times and readily available at the facility. Facilities located in schools and churches shall have a phone within the licensed area. Coin-operated phones, cordless phones, or cellular phones are not acceptable for this purpose.

B. When a facility has multiple buildings and a phone is not located in each building where the children are housed, facility staff shall follow established written procedures for securing emergency help. The written plan shall be posted in each building.

C. Appropriate emergency numbers, including but not limited to numbers for the fire department, police department, and medical facility, and the facility's physical address shall be prominently posted on or near each phone.

D. The telephone number for poison control shall be prominently posted on or near each phone. The Louisiana Poison Control Number is 1-800-222-1222.

E. Indoor and outdoor areas shall be free of hazards.

F. All equipment used by children shall be maintained in a clean, safe condition and in good repair.

1. There shall be no dangerous angles, sharp edges, splinters, protruding nails, nuts and bolts, open S hooks, or pinch points within children's reach.

2. Play equipment shall be free of sharp points, corners, edges, splinters, protruding nails, bolts, or other components that could potentially entangle clothing or snag skin.

G. Microwave ovens and bottle warming devices shall be inaccessible to children.

H. Crock pots are prohibited in areas accessible to children.

I. Moveable equipment, including but not limited to television sets,

bookcases, shelves, appliances, warming devices, etc., shall be secured and supported so that it shall not fall or tip over.

J. Prescription and over-the-counter medications, poisons, cleaning supplies, harmful chemicals, equipment, tools, kitchen knives or potentially dangerous utensils, and any substance with a warning label stating it is harmful to or that it should be kept out of the reach of children, shall be locked away from and inaccessible to children. Whether these items are in a cabinet or in an entire room, the area shall be locked.

- Hand soap shall be accessible to children.
- Hand sanitizer gel shall be inaccessible to children when not in use.

K. Refrigerated medication shall be stored in a secure container with a lid to prevent access by children and avoid contamination of food.

L. Plastic bags, whether intended for storage, trash, diaper disposal, or any other purpose, shall be made inaccessible to children when not in use.

M. Construction, remodeling, or alterations of structures shall be done in such a manner as to prevent hazards or unsafe conditions (fumes, dust, safety hazards).

N. Secure railings shall be provided for flights of more than three steps and for porches more than three feet from the ground.

O. Accordion gates are prohibited unless there is documentation on file that the gate meets the requirements as approved by the Office of Public Health, Sanitarian Services.

P. Unused electrical outlets with a distance less than five feet from the floor shall be protected by a safety plug cover.

Q. Strings and cords shall be inaccessible to children under three years of age. These include but are not limited to those found on equipment, window coverings, televisions, radios, etc.

R. First aid supplies shall be kept on-site and easily accessible to employees and not within the reach of children.

S. All areas of the facility used by the children, including sleep areas, shall be properly heated, cooled, and ventilated. Rooms in which infants are sleeping shall be maintained at a temperature between 68 and 73 degrees Fahrenheit.

T. Electric space heaters are prohibited.

U. The provider shall prohibit the use or possession of alcohol, tobacco, illegal substances or unauthorized potentially toxic substances, fireworks, firearms (loaded or unloaded), and pellet or BB guns (loaded or unloaded) on the child care premises. A notice to this effect shall be posted.

V. Staff's personal belongings (including but not limited to contents of purses, backpacks, coat pockets, etc.) shall be inaccessible to children.

W. The provider shall post the current copy of "The Safety Box" newsletter issued by the Office of the Attorney General as required by Chapter 55 of Title 46 of the LRS 46:2701–2711. Items listed as recalled in the newsletter shall not be used and shall be immediately removed from the child care premises.

X. Toxic pesticides shall not be applied while children are present. Once applied, children shall not be present in the applied area for 12 hours.

Y. Lawn Care services shall not occur while children are on the playground or outside of the child care facility.

### **§7330. EMERGENCY PREPAREDNESS AND EVACUATION PLANNING**

A. The director, in consultation with appropriate state or local authorities, shall establish and follow a written emergency and evacuation plan to protect children in the event of any emergencies.

- Written multi-hazard plan shall include shelter in place, lock down situations, and evacuations with regard to natural disasters, manmade disasters, and attacks while children are in care.
- The plan shall be appropriate for the area in which the facility is located and address any potential disaster due to that particular location.
- The plan shall be reviewed with staff at least twice a year. Documentation shall include staff signatures and date reviewed.
- At a minimum, the plan shall be reviewed annually by the director for accuracy and updated as changes occur. Documentation of review shall consist of the director signature and date.

- The plan shall also include information regarding handling children with special needs enrolled in the child care facility as well as instructions for infants through children age two.
- The plan shall include but shall not be limited to a system to account for all children whether sheltering in place, locking down, or evacuating to a pre-determined relocation site.
- The plan shall include a system and back up system to contact parents or authorized third party release caretakers of children (how and when parents will be notified).
- The plan shall include a system to reunify children and parents following an emergency (how and when parents will be notified).
- Parents shall be informed of the details of this emergency plan prior to an emergency event.

B. The plan shall include lock down procedures for situations that may result in harm to persons inside the child care facility, including but not limited to a shooting, hostage incident, intruder, trespassing, disturbance, or any situation deemed harmful at the discretion of the director, designee, or public safety personnel.

- The director shall announce the "Lock Down" over the public address system or other designated system. The alert may be made using a pre-selected code word.
- In a "Lock Down" situation, all children are kept in classrooms or other designated safe locations that are away from the danger.
- Staff members are responsible for accounting for children and ensuring that no one leaves the classroom/safe area.
- Staff shall secure facility entrances, ensuring that no unauthorized individual leaves or enters the facility.
- Staff and children shall remain in the classroom/safe area, locking the classroom door, turning off the lights, and covering the windows. Staff shall encourage children to get under tables, behind cabinets, etc., and, if

possible, engage in quiet story time activities with the children until “all clear” is announced.

- Parent or authorized representative shall be notified no later than at the time of pick-up at the child’s release of a “Lock Down” situation at the facility on the date of the occurrence.

C. An individualized emergency plan (including medical contact information and additional supplies/equipment needed) must be in place for each child with special needs.

D. If evacuation of the facility is necessary, provider shall have an evacuation pack and all staff shall know the location of the pack. The contents shall be replenished as needed. At a minimum, the pack shall contain the following:

- list of area emergency phone numbers;
- list of emergency contact information and emergency medical authorization for all children enrolled;
- emergency pick up form;
- first aid kit;
- hand sanitizer;
- wet wipes;
- tissue;
- diapers if serving children who are not yet potty trained;
- plastic bags;
- battery powered flashlight;
- battery powered radio;
- batteries;
- food for all ages of children served, including infant food and formula;
- disposable cups; and
- bottled water.

E. If the facility is located within a ten-mile radius of a nuclear power plant or research facility, the facility shall also have plans for nuclear evacuation.

F. Fire drills shall be conducted at least once per month. Drills shall be conducted at various times of the day to include all children (children attending on certain days only and/or at certain times only) and shall be documented.

Documentation shall include:

- date and time of drill;
- number of children present;
- amount of time to evacuate the facility;
- problems noted during drill and corrections noted; and
- signatures (not initials) of staff present.

*The Licensing Section recommends that at least one fire drill every six months be held at rest time.*

G. Tornado drills shall be conducted at least once per month in the months of March, April, May, and June. Drills shall be conducted at various times of the day to include all children (children attending on certain days only and/or at certain times only) and shall be documented. Documentation shall include:

- date and time of drill;
- number of children present;
- problems noted during drill and corrections noted; and
- signatures (not initials) of staff present.

NOTE: For additional information contact the Office of Emergency Preparedness (Civil Defense) in your area.

### **§7331. WATER ACTIVITIES**

A. The provider shall obtain written authorization from the parent for the child to participate in any water activity or water play activity. The statement shall describe all types of water activities provided and the authorization shall be updated at least annually. It shall list the child's name, type of water/water play activity, location of water activity, parent's signature, and date.

B. Children under three years of age shall not engage in water activities in wading or swimming pools due to the risk of fecal-oral contamination and disease.

C. Use of saunas, spas, or hot tubs by children is prohibited.

D. Swimming, wading, and boating are not allowed at lakes, ponds, or other similar bodies of water.

E. The Provider shall have a written plan that describes the method that will be used by staff to account for children and ensure their safety while engaged in water activities. Staff and children shall be familiar with the method used.

F. If children use a pool or other bodies of water with a depth of more than two feet, a certified lifeguard holding a current certificate shall be on duty supervising the children participating in swimming or wading activities at all times. This individual shall not be counted in child/staff ratio. Original cards shall be presented upon request of the Licensing Section staff.

1. For on-site activities, the provider shall have documentation of the current lifeguard certification. Original cards shall be presented upon request.

2. For off-site activities, documentation as deemed acceptable by the Licensing Section shall be on file at the facility verifying that the supervising adult meets the above requirement or the lifeguard on duty is currently certified.

G. At least two staff responsible for supervising the on-site and/or off-site swimming/wading pools or activities in other bodies of water shall have documentation of current infant/child/adult CPR certification and Pediatric First Aid certification. Original cards shall be presented upon request.

### **§7332. NON-VEHICULAR EXCURSIONS**

A. Written parental authorization shall be obtained for all non-vehicular excursions. Authorization shall include the name of child, type and location of excursion, description of planned route, date, and signature of parent, and shall be updated at least annually.

B. The provider shall maintain a record of all non-vehicular excursion activities to include date, time, list of children, staff, and other adults, and type of excursion.

C. Children shall not be taken on a non-vehicular excursion to prevent the facility from being over capacity.



**§7333. TRANSPORTATION (facility provided, parent provided or contract provided)**

A. Transportation arrangements shall conform to state laws, including but not limited to those requiring the use of seat belts and child restraints. Additionally, no child under five years of age shall be transported in any vehicle, including a school bus, unless age and weight appropriate child restraints are utilized.

*(See Reference sheet \_\_\_\_ )*

B. Only one child shall be restrained in a single safety belt.

C. The children shall never be left unattended in a vehicle.

D. Each child shall safely board and/or leave the vehicle from the curb side of the street or shall be escorted across the street.

E. The vehicle shall be maintained in good repair as evidenced by:

- Ventilation and heating systems shall be operational and used to maintain a comfortable temperature during transport.

- The vehicle's engine shall be maintained in working mechanical order.

- The vehicle's interior shall be clean and free of trash and debris.

- The vehicle's seat coverings shall be in good repair.

- Written documentation shall be maintained of regular maintenance of all facility vehicles to include monthly inspection of tire wear and pressure, brakes, lights, and functioning seat belts.

F. The use or possession of alcohol, tobacco in any form, illegal substances or unauthorized potentially toxic substances, firearms (loaded or unloaded), or pellet or BB guns (loaded or unloaded) in any vehicle used to transport children is prohibited.

G. The number of persons in a vehicle used to transport children shall not exceed the manufacturer's recommended capacity.

H. The provider shall maintain a copy of a valid appropriate Louisiana driver's license for all individuals who drive vehicles (staff, contracted persons, parents) used to transport children.

I. The provider shall maintain in force at all times current commercial liability insurance for the operation of facility vehicles used to transport children in the event of accident or injury. This policy shall extend coverage to any staff member who provides transportation for any child in the course and scope of his/her employment.

Documentation shall consist of the insurance policy or current binder that includes the name of the child care facility, the name of the insurance company, policy number, period of coverage, and explanation of the coverage.

J. The provider shall maintain a copy of the current liability insurance policy for all non-facility-owned vehicles (provided by parents for field trips or provided by contract, whether daily or field trip) used to transport children.

K. Parents shall not be required to waive the provider's responsibility. Provider may not issue any disclaimer of responsibility in any of its policies, handbooks, parent contract, advertising, or any other written or verbal form.

L. The vehicle shall have evidence of a current safety inspection. A signed statement by the provider noting the expiration date of the vehicle's safety inspection is acceptable for a contracted vehicle or a parent's vehicle.

M. There shall be first aid supplies in each provider or contracted vehicle. First aid supplies (at least one per trip) shall be available for each field trip when parents provide transportation. A signed statement by the provider verifying that first aid supplies were available is acceptable for a contracted vehicle or a parent vehicle.

N. There shall be information prominently posted in each vehicle identifying the name of the director and the name, phone number, and address of the facility for emergency situations. A signed statement by the provider verifying the identifying information was posted is acceptable for a contracted vehicle or a parent vehicle.

O. Immediately upon unloading the last child and to ensure that all children have been unloaded, a staff person shall physically walk through the vehicle and inspect all seat surfaces, under all seats, and in all enclosed spaces and recesses in the vehicle's interior.

- The staff conducting the visual check shall record the time of the inspection and sign his or her full name, indicating that no child was left

on the vehicle.

- Documentation shall be maintained on file at the facility whether provided by facility or contract.

P. Children shall not be transported to prevent the facility from being over capacity.

**§7334. FIELD TRIPS (CONTRACT, FACILITY-PROVIDED OR PARENT PROVIDED)**

A. All requirements for general transportation, Section 7333, also apply to field trips.

B. The provider shall obtain and maintain a signed parental authorization for each field trip. Field trip authorization shall include the method of transportation, (contract vehicle, facility owned vehicle, parent vehicle), event, location, child's name, date and time of event, parent's signature, and date.

C. The driver plus one staff are required at all times in each vehicle when transporting any child under five years of age. Child/staff ratio shall be met in the vehicle.

D. When only transporting children five years of age and older, at least two staff, one of whom may be the driver, shall be in each facility vehicle unless the following are met:

- facility vehicle's capacity is less than ten,
- five or fewer children are being transported,
- the vehicle has a communication device, and
- child/staff ratio is met in the vehicle.

E. When only transporting children five years of age and older, at least one staff in addition to the driver shall be in each contracted vehicle unless the following are met:

- vehicle's capacity is less than ten,
- five or fewer children are being transported,
- the vehicle has a communication device, and

- child/staff ratio is met in the vehicle.

F. When parents transport children in addition to their own children, there shall be at least one adult present in each vehicle, in addition to the driver. The two adults shall be a parent and an adult staff or two parents of children currently enrolled in the facility who are not related to one another.

G. If transportation is provided by parents, a planned route shall be provided to each driver and a copy maintained in the facility.

H. Children shall be supervised during boarding and exiting vehicles by an adult who remains on the outside of the vehicle.

I. A written record for each field trip shall be maintained to include the following:

- the date of the field trip;
- destination of the trip;
- method of transportation;
- first and last names of all the children being transported in each vehicle;
- first and last names of the driver/staff or other adults (parents, volunteers, etc.) being transported in each vehicle;
- first and last names of other adults who joined the activity at the destination to assist with the supervision of the children;
- each child's attendance shall be recorded each time they load and unload from the vehicle; and
- the signature of the person conducting the check and the time the vehicle is checked for each loading and unloading.

**§7335. DAILY TRANSPORTATION (CONTRACT OR FACILITY PROVIDED)**

A. All requirements for general transportation, Section 7333, also apply to daily transportation.

B. The driver plus one staff are required at all times in each vehicle when transporting any child under five years of age. Child/staff ratio shall be met in the vehicle.

C. When only transporting children five years of age and older, at least two staff, one of whom may be the driver, shall be in each facility vehicle unless the following are met:

- facility vehicle's capacity is less than ten,
- five or fewer children are being transported,
- the vehicle has a communication device, and
- child/staff ratio is met in the vehicle.

D. When only transporting children five years of age and older, at least one staff in addition to the driver shall be in each contracted vehicle unless the following are met:

- vehicle's capacity is less than ten,
- five or fewer children are being transported,
- the vehicle has a communication device, and
- child/staff ratio is met in the vehicle.

E. Written authorization to transport the child signed and dated by the parent(s) shall include:

- name of child;
  - type of service (to and from home, and to and from school to include the name of the school);
  - names of individuals or school to whom the child may be released;
- and
- estimated duration of time spent on the vehicle per trip.

F. A current passenger log for each trip shall be used to track children and staff during transportation. The log shall be maintained on file at the facility and a copy shall be provided to the driver or attendant. The following shall be recorded on the log:

- the date the transportation is provided;
- the first and last name of the child;

- the first and last name of the driver/staff;
- pick up and drop off locations;
- authorized persons to whom the child may be released;
- the time the child was placed on the vehicle;
- the time the child was released and the name of the person or school to whom the child was released; and
- the signature of the staff that completed the log.

**§7336. CONTRACT REQUIREMENTS**

A. All requirements for general transportation, Section 7333, also apply to contracted transportation.

B. The provider shall maintain a contract that is signed by the provider and a representative of the transportation agency outlining circumstances under which transportation will be provided. This written contract shall be dated, time limited, and shall specify the following in the contract:

- Transportation arrangements shall conform to state laws, including but not limited to those requiring the use of seat belts and child restraints. Additionally, no child under five years of age shall be transported in any vehicle, including a school bus, unless age and weight appropriate child restraints are utilized. (*See Reference sheet \_\_\_\_*)

- Only one child shall be restrained in a single safety belt.
- Each child shall safely board and/or leave the vehicle from the curb side of the street or shall be escorted across the street.
- The vehicle shall be maintained in good repair as evidenced by:
  - Ventilation and heating systems shall be operational and used to maintain a comfortable temperature during transport.
  - The vehicle's engine shall be maintained in working mechanical order.
  - The vehicle's interior shall be clean and free of trash and debris.

- The vehicle's seat coverings shall be in good repair.
- The use or possession of alcohol, tobacco in any form, illegal substances or unauthorized potentially toxic substances, firearms (loaded or unloaded), or pellet or BB guns (loaded or unloaded) in any vehicle is prohibited.
- The number of persons in a vehicle used to transport children shall not exceed the manufacturer's recommended capacity.
- Current commercial liability insurance for the operation of the vehicle shall be required for children in the event of accident or injury.
- The vehicle shall have evidence of a current safety inspection.
- There shall be first aid supplies in each contracted vehicle.

C. The provider shall maintain a copy of a valid appropriate Louisiana driver's license for all contracted persons who drive vehicles used to transport children.

D. Documentation of a satisfactory criminal record check from Louisiana State Police as required by La. R.S. 46:51.2 is required for all contracted persons. A copy of this clearance shall be obtained prior to the individual being present with the children from the licensed program. No person who has been convicted of, or a plea of guilty or nolo contendere to, any offense included in 15:587.1, 14:2, 15:541 or any offense involving a juvenile victim, shall be present in any capacity with the children of the licensed facility.

- Independent contractors may provide a certified copy of their criminal background check obtained from the Louisiana Bureau of Criminal Identification and Information Section of the Louisiana State Police to the provider prior to being present with a child or children. If an individual provides a certified copy of their criminal background check obtained from the Louisiana State Police to the provider, this criminal background check shall be accepted by DCFS for a period of one year from the date of issuance of the certified copy. A photocopy of the certified copy shall be kept on file at the facility. Prior to the one year date of issuance of the certified copy, the individual shall request and obtain a current certified copy of

their criminal background check obtained from the Louisiana Bureau of Criminal Identification and Information Section of the Louisiana State Police in order to continue providing services for the child care facility. If the clearance is not provided to the facility prior to the one year date of issuance of the certified criminal background check, the individual shall no longer be allowed to provide services to the child care facility until a clearance is provided. This criminal background check shall be accepted by DCFS for a period of one year from the date of issuance of the certified copy. A photocopy of the certified copy shall be kept on file at the facility.

**§7337. CARE FOR CHILDREN DURING NIGHTTIME HOURS**

- A. Staff counted for purposes of meeting child/staff ratio shall be awake and supervising the children at all times.
- B. Meals shall be served to children who are in the facility at the ordinary meal times.
- C. Each child shall have a separate, age-appropriate bed or cot with mat or mattress covered by a sheet for each child, as well as a covering for each child (bunk beds are not allowed).
- D. Evening quiet time activity, such as story time, board games, and reading, shall be provided to each child arriving before the child goes to bed.
- E. Time for personal care routines and preparation for sleep, such as brushing teeth, washing hands and face as needed, toileting, and changing clothes shall be provided.
- F. The facility's entrance and drop off zones shall be well-lighted during hours of operation.
- G. The provider shall conduct monthly fire drills during the night time hours in addition to the required daytime drills. When conducting this type of fire drill, it is not necessary to exit the building with the children. Documentation shall include:



- date and time of drill;
- number of children present;
- amount of time to evacuate the facility and/or reach the exit;
- problems noted during drill and corrections noted; and
- signatures (not initials) of staff present.

*The Licensing Section recommends that at least one fire drill every six months be held during nighttime hours after children are sleeping.*

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