



Certification Page
Regular and Emergency Rules
Revised July 2016

☐ Emergency Rules *(After completing all of Sections 1 and 2, proceed to Section 5 below)*

☒ Regular Rules

1. General Information

a. Agency/Board Name Wyoming Department of Family Services		
b. Agency/Board Address 2300 Capitol Avenue	c. City Cheyenne	d. Zip Code 82002
e. Name of Contact Person Nichole Anderson	f. Contact Telephone Number 777-8539	
g. Contact Email Address nichole.anderson@wyo.gov		h. Adoption Date November 25, 2016
i. Program Child Care Licensing		

2. Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed.

If "New," provide the Enrolled Act numbers and years enacted:		
c. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed <i>(Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification)</i>		
Chapter Number: 1	Chapter Name: General Provisions	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 2	Chapter Name: Certification Process	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 3	Chapter Name: Denial, Non-Renewal, Revocation, or Suspension of License	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 4	Chapter Name: General Requirements	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 5	Chapter Name: Rules For Certification Of A Family Child Care Home (FCCH)	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 6	Chapter Name: Rules For Certification Of A Family Child Care Center (FCCC)	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 7	Chapter Name: Rules For Certification Of A Child Care Center (CCC)	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 8	Chapter Name: Health and Sanitation	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 9	Chapter Name: Fire Standards For Family Child Care Home	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 10	Chapter Name: Fire Standards For Child Care Centers And Family Child Care Centers	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed

d. ☒ The Statement of Reasons is attached to this certification.

e. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

3. State Government Notice of Intended Rulemaking

a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the Secretary of State: 7/18/16

b. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the Legislative Service Office: 7/18/16

c. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the Attorney General: 7/18/16

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. ☒ Yes ☐ No ☐ N/A

b. A public hearing was held on the proposed rules. ☐ Yes ☒ No

If "Yes:"	Date:	Time:	City:	Location:

5. Final Filing of Rules

a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature: 9/12/16

b. Date on which final rules were sent to the Legislative Service Office: 9/12/16

c. Date on which a PDF of the final rules was electronically sent to the Secretary of State: 9/12/16

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual
(Blue ink as per Rules on Rules, Section 7)

Printed Name of Signatory

Steve Corsi

Signatory Title

Director, Wyoming Department of Family Services

Date of Signature

9/12/16

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature

Date of Signature

Attorney General: 1. Statement of Reasons; 2. Original Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; and 5. Memo to Governor documenting emergency (for emergency rules only).

LSO: 1. Statement of Reasons; 2. Copy of Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; 5. Electronic copy of rules (PDFs) emailed to LSO-Rules@wyoleg.gov; clean and strike/underscore; and 6. Memo to Governor documenting emergency (for emergency rules only).

SOS: 1. PDF of clean copy of rules; and 2. Hard copy of Certification Page as delivered by the AG.

STATEMENT OF PRINCIPAL REASONS

ADMINISTRATIVE RULES FOR CERTIFICATION OF CHILD CARE FACILITIES

The Department of Family Services finds it necessary to repeal Chapters 1-11 of the Child Care Facilities Certification Rules and replace with the proposed Chapters 1 through 10 of the Child Care Licensing Program rules. It should be noted the Administrative Rules for Certification of Child Care Facilities title has been changed to Rules for Certification of a Family Child Care Home (FCCH), Family Child Care Center (FCCC), or Child Care Center (CCC). Wyoming Statutes §§ 9-2-2101 and 14-4-101 through 117, authorize the Department of Family Services to promulgate rules.

The proposed rules were drafted following input from experts and other interested parties from across the state. The goal of these revisions is to reflect best practices and enhance safety for children in licensed facilities. The chapters and content were reorganized to remove redundant provisions already in statute and between chapters. In addition, the proposed rules were reduced to comply with the Governor's directive to reduce rules. The Rules were reduced by 102 pages.

By chapter, substantive changes to the rules are:

Chapter 1: General Provisions

- Removed the definition of auxiliary staff.
- Definitions were clarified, revised and unnecessary definitions were removed.
- The Definition section was removed from Chapter 2 and combined with Chapter 1.

Chapter 2: Certification Process

- Certification Process rules were moved from Chapter 3, Certification of Child Caring Facilities.
- Renamed re-application to renewal.
- Separated Section 6, Provisional License.
- Moved the Confidentiality section to Chapter 4.

Chapter 3: Denial, Non-Renewal, Revocation, or Suspension of License

- Moved some reasons for denial, revocation, or suspension into Chapter 4.
- Moved the Authority paragraph to Chapter 1.
- Clarified immediate suspension and aligned with statutes.
- Section 6, Documentation has been removed.
- New section 5, Contested Case Hearing replaces all of Chapter 5, Contested Case Hearing.

Chapter 4: General Requirements

- This chapter replaces a majority of chapters 6, 7, and 8 to reduce duplication.
- Removed Table 2 and clarified the calculation of maximum group size.
- Reorganized and separated some sections to clarify the rules and combined duplicated sections.

- To comply with federal regulations, the Central Registry checks will be required annually and national fingerprint background checks will be required every five (5) years. Exclusions for employment were also aligned with the new federal requirements.
- To comply with federal requirements, added a violent misdemeanor committed as an adult against a child as a disqualifying conviction and for clarification, felony and misdemeanor crimes have been separated.
- To comply with federal requirements, a provider is no longer able to determine rehabilitation. In addition, the Department has established a review process.
- To comply with federal requirements, staff, household members, substitutes, and volunteers may not be employed or present in the facility if the background check indicates they have been convicted or have a pending deferred prosecution of a felony or misdemeanor involving. The change would restrict the issuance of a license when a person with a disqualifying conviction or pending deferred prosecution is employed or present in the facility.
- To comply with federal requirements pre-service orientation has been expanded and the assignment of training credits for this training was removed.
- To comply with federal training requirements, the training credits were increased by one credit hour.
- The tracking of training credits changed to annual from biennial.
- To comply with federal training requirements, the Early Learning Guidelines (ELG) and Early Learning Foundations (ELF) have been included into the first year training requirements.
- The Infant Toddler Director Credential requirement has been relaxed and will only be required when four or more infants are present, instead of enrolled.
- Records and Reports section has been separated.
- Hazardous Conditions and General Compliance were combined into one section and re-titled Health and Safety Requirements.
- The Confidentiality section has been moved from Chapter 2 to Chapter 4.
- Created a requirement for the facility to report emergency response by law enforcement, fire, or an ambulance.
- Inflatable play equipment shall not be used indoor or outdoors.
- The use of inflatable beds is prohibited.
- All providers shall have an outdoor play space.
- Infants and toddlers shall not be swaddled or have anything placed in the sleep area with the infant and the provider shall roll the infant from stomach to back. The rules provide clarification for the supervision of a sleeping infant.
- Moved infant specific training to the general Training section.

Chapters 5, 6, and 7: FCCH, FCCC, and CCC

- Chapters 5, 6, and 7 are facility type specific and replace the old chapters 6, 7, and 8.
- Rules that apply to all facility types were consolidated into Chapter 4. Chapters 5, 6, and 7 now only contain rules that apply to that facility type.
- In Chapters 5 and 6, the number of neighborhood and childhood friends was reduced to two children at any given time.

Chapter 9: Health and Sanitation

- Chapter 9 has been renumbered to Chapter 8.
- One inspection will be conducted each year and more often at the discretion of the regulatory authority.

Chapter 10 and 11: Fire Standards for Family Child Care Home, Family Child Care Center and Child Care Center

- Chapters 10 and 11 are renamed to Chapters 9 and 10.

RULES FOR CERTIFICATION OF A FAMILY CHILD CARE HOME (FCCH),
FAMILY CHILD CARE CENTER (FCCC) OR CHILD CARE CENTER (CCC)

CHAPTER 1

GENERAL PROVISIONS

Section 1. **Authority.**

These rules are promulgated pursuant to W.S. § 9-2-2104(a)(vii), W.S. §§ 14-4-104 and 16-3-101 through 106.

Section 2. **Purpose.**

These rules have been adopted to provide uniform licensing for the protection of children in a Family Child Care Home, Family Child Care Center, and Child Care Center.

Section 3. **Severability.**

If any provision of these rules is declared unconstitutional or beyond the authority conferred upon the Department by the Wyoming Legislature, the remaining provisions shall not be affected by the declaration.

Section 4. **Introduction.**

The Department is responsible for the licensing, monitoring and enforcement of the rules for all Wyoming providers of child care services covered in these rules. Providers/directors are required to comply with all federal, state and local laws, statutes and rules that pertain to a child care business in addition to these rules. Allegations of violations of applicable laws, statutes or rules shall be reviewed by the Department and appropriate action taken by the Department.

Section 5. **Definitions.**

(a) “Applicant” means any person who submits an application to the Department for a child care license.

(b) “Application” means the form on which a person indicates, in writing, a request to become licensed or renew a license. The individual who will be legally responsible for the operation of the facility which includes assuring compliance with the licensing law and rules shall apply for the license, using the form provided by the Department.

(c) “Authorized fire inspector” means the representative of the Department of Fire Prevention or in localities where self-enforcement of minimum standards exists, the official fire inspector.

(d) “Authorized health inspector” means the representative of the Department of Agriculture or in localities where self-enforcement of minimum standards exists, the official health inspector.

(e) “Certification” refers to the laws governing the issuance of a child care license or certificate in accordance with W.S. §§ 14-4-101 through 117. Certification and Licensing are used interchangeably in these rules.

(f) “Change Request” means the application form on which a provider/director requests a change to the child care license.

(g) “Child abuse or neglect” means the improper treatment of children as defined in W.S. §§ 14-3-202(a)(ii) and 14-3-202(a)(vii).

(h) “Child care” is a service for families provided on behalf of children and their parents, and designed to supplement daily parental care, excluding facilities defined in the Certification of Providers of Substitute Care Services, 5-15-2013. <http://soswy.state.wy.us/Rules/default.aspx>

(i) “Child safety restraint system” means any device which is designed to protect, hold or restrain a child in a privately owned, leased or rented noncommercial passenger vehicle in such a way as to prevent or minimize injury to the child in the event of a motor vehicle accident or sudden stop.

(j) “Complaint” means a report to child care licensing that alleges a child care facility is in or has been in violation of applicable laws, statutes, or rules.

(k) “Constant air inflatable device” means a structure relying on a continuous supply of air pressure to maintain its shape, on or in which users play.

(l) “Department” means the Department of Family Services.

(m) “Developmentally appropriate” means suitable to the chronological age range and developmental characteristics of a specific group of children.

(n) “Direct supervision” means within sight and sound.

(o) “Director” means any person who is employed to operate a Family Child Care Center or Child Care Center.

(p) “Discipline” means a process by which staff assists children to develop inner control necessary to manage their own behavior.

(q) “Fall height” means the vertical distance between the highest designated play space on a piece of equipment and the protective surfacing beneath it.

(r) “Group size” means the maximum number of children allowed to occupy an individual classroom or well-defined space.

(s) “Household member” means a person who resides in a family home which may be evidenced by factors including, but not limited to: maintaining clothing and personal effects at the household address, receiving mail at the household address, using identification with the household address, or eating and sleeping at the household address on a regular basis.

(t) “Infant” means any child in care from birth to 12 months of age.

(u) “Inspection” includes, but is not limited, to an examination and assessment of the entire facility, premises, equipment, required records, and measurement of the indoor and outdoor space.

(v) “Licensor” means the representative of the Department who performs inspections and enforces compliance of these rules.

(w) “Licensing authority” also known as Certifying Authority, means the Department operating as the department which issues licenses/certificates, makes inspections, enforces rules and handles all administrative details relating to enforcement of W.S. 14-4-101 through 117.

(x) “Medication” means any medication prescribed by a health care professional and commonly used non-prescription over-the-counter medications including, but not limited to: essential oils, ointments, repellents, lotions, creams or powders.

(y) “Non-Renewal” means the action taken when a request for renewal has been submitted, but the content of the request does not demonstrate compliance with these rules and a license cannot be issued.

(z) “Non-Compliance report” means any report of child care rules violation made to the Department in which it is determined after an investigation that a preponderance of evidence of the violation exists.

(aa) “Premises” means the structures and tract of land used by the facility for child care activities.

(bb) “Provider” means any person at or above the age of majority or any legal entity, who applies, qualifies for and is issued a license or a person who is providing child care without a license.

(cc) “Resilient surface” means the surface under and around playground equipment that reduces the risk of serious injury from a fall. For specifics visit: <http://www.cpsc.gov/en/Safety-Education/Safety-Guides/Sports-Fitness-and-Recreation/Playground-Safety/>

(dd) “School age children” means children who have completed kindergarten or are enrolled in the first grade or are six (6) years old or older.

(ee) “Staff” means any provider, director, employee, substitute, or volunteer providing direct care of children and used to meet staff:child ratio requirements. Minimum age of staff shall be 16 years.

(ff) “Staff:child ratio” means the maximum number of children permitted to be directly cared for per staff member.

(gg) “Start date” means the first day staff is used to care for children.

(hh) “Summer camp” means any program that is operated by a non profit organization during the summer months for less than 30 calendar days (160 hours) per child per year and whose program orientation is primarily recreational or centered around the teaching of one (1) subject matter.

(ii) “Swaddling” means the act of wrapping a child with a material such as a cloth or a blanket that restricts the movement of a child’s body and limbs. Swaddling cloth is any material, product or devise that restricts the movement of a child.

(jj) “Swimming pool” means any body of water containing more than 12 inches of water, which could be used for the purpose of swimming or any other recreational activity.

(kk) “Toddler” means any child in care from 12 to 36 months of age.

(ll) “Training credits” means hours for which training has been approved for the purposes of fulfilling the licensing training requirements.

(mm) “Unfounded Non-Compliance report” means any report of child care rules violation for which it is determined after an investigation that a preponderance of evidence of the alleged violation does not exist.

(nn) “Use zone” means 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.

(oo) “Visitor” means an individual, including an intern, who is present in a child care facility for no more than 24 hours in a month and who is present only for the purpose(s) of providing a program, service, conducting an inspection, investigation, observation or

evaluation, and who is not counted in staff:child ratios, does not supervise children and is within sight and sound of a staff member at all times.

(pp) “Volunteer” means any person acting as staff without any form of payment or compensation. Minimum age for a volunteer is 16 years.

(qq) “Wading pool” means a basin filled with 12 or fewer inches of water, and designed for the purpose of wading.

(rr) “Weapon” means, but is not limited to, a firearm, explosive or incendiary material, or other device, instrument, material or substance, which in the manner it is ordinarily used, or is ordinarily intended to be used, is reasonably capable of producing death or serious bodily injury.

(ss) “Youth Trainee” means a youth age 13 to 16 who is not acting as staff and not receiving any form of payment or compensation.

RULES FOR CERTIFICATION OF A FAMILY CHILD CARE HOME (FCCH), FAMILY
CHILD CARE CENTER (FCCC) OR CHILD CARE CENTER (CCC)

CHAPTER 2

CERTIFICATION PROCESS

Section 1. **Licensing Procedures.**

- (a) Any provider who provides care for more than two (2) children is required to be licensed unless exempt under W.S §§ 14-4-101 and 102.
- (b) Only one (1) exempt provider shall provide care in a location or residence.
- (c) Providers who are legally exempt may request voluntary licensing.

Section 2. **Application.**

- (a) Information on the child care licensing process shall be made available by the Department.
- (b) Application is required for anyone not currently licensed.
- (c) All applications shall receive action from the Department within 30 days after being filed. Applications are considered as filed when the licenser has received a signed and dated application form filled out in its entirety. The following items are required to be submitted at the time of application or within 30 days. If not received within 30 days the application shall be denied:
 - (i) A signed and dated application form filled out in its entirety;
 - (ii) Tuberculosis (TB) test results, for the provider and/or director;
 - (iii) Inspections and/or approval of local fire, sanitation, and zoning (where required);
 - (iv) Documentation from a licensed health care professional that the applicant has no diagnosed conditions that would impair their ability to provide child care;
 - (v) Proof of required education, training or experience;
 - (vi) A completed Central Registry or child abuse/neglect check in all states lived in for the past five (5) years for staff and all adult household members including

any adult who intends to move into the home, which does not reveal any disqualifying information;

(vii) A completed fingerprint based national criminal history record check for staff and all household members, including any adult who intends to move into the home, which does not reveal any disqualifying information;

(viii) A completed National and State Sex Offender Registry check for staff and all household members, including any adult who intends to move into the home, which does not reveal any disqualifying information;

(ix) Proof of completion of pre-service orientation training in accordance with Chapter 4, Section 9 (a); and

(x) A fee of \$50.00.

(d) Action taken on an application includes either the issuance of a one (1) year license, issuance of a provisional license or denial of the application.

Section 3. Change Notification.

(a) Written notification to the licenser from the provider and/or director is required as soon as the provider and/or director has knowledge of the following changes: name of facility, name of provider and/or director; or there are changes in the classification; capacity; licensing period; or there are structural modifications.

(b) Changes in the physical address require local fire, health inspections and zoning approval (where required). For physical location changes, a new license shall be issued to reflect the change.

(c) Changes shall be effective when all required documentation has been received and/or inspection reports have been completed, or the date requested by the provider or director, whichever is later.

Section 4. Inspection.

(a) Within 30 days after an application has been filed, the licenser shall conduct a scheduled inspection of the child care facility.

(b) A minimum of one (1) annual licensing inspection is required of all facilities.

(c) Additional licensing inspections, scheduled or unscheduled may be conducted during the licensing year.

(d) Inspections may include, but are not limited to:

(i) Examination and assessment of the entire facility, equipment, and records for compliance with these rules;

(ii) Measurement of available indoor and outdoor play space initially and/or with any change;

(iii) Discussion of any licensing violations discovered and technical assistance as the result of inspection.

(e) Copies of all completed inspection forms shall be kept on site and made available by the provider and/or director to parents, other inspectors or anyone else requesting to see the inspection results.

(f) All child care facilities shall receive annual fire and health approved inspections in addition to the Department inspection. Local ordinances may require additional inspections.

Section 5. License Issuance.

(a) Upon application for licensure, or for the purpose of renewal of an existing license, or to change the existing license, the Department shall review program documents that demonstrate compliance with the licensing rules and all applicable inspections of the facility. Based on the information submitted or reviewed and the result of the inspections, the Department shall issue a license to the child care facility if the facility:

(i) Is in compliance with the applicable Federal, State and local laws, and rules or regulations unless a variance for an exception to a specific regulation has been approved by the Department;

(ii) Has no open investigations by Child Care Licensing or Child Protective Services pending against the provider and/or director, staff in their capacity of employee, or a household member; and

(iii) Has resolved any determination of non-compliance from a prior or currently held license.

(b) Each license is issued for the address, provider, and child care facility named on the license. It is not transferable or assignable.

(i) Two (2) or more licenses shall not be issued for the same, adjacent or shared locations unless the facilities operate independently of one another by:

(A) Not using shared or common equipment simultaneously; and

(B) Maintaining all records and complying with all child care licensing rules independent from the same, adjacent or shared facilities.

(c) When a facility closes or relocates, the license shall be invalid and shall be surrendered to the Department within 10 days of closure or relocation.

(d) The license remains in effect until the Department takes action.

(e) A license shall be issued for a one (1) year term.

(f) Current license shall be prominently displayed for public viewing at all times.

Section 6. **Provisional License.**

(a) A provisional license, for a period not to exceed six (6) months, may be issued for an initial or renewal license, permitting operation of a child care facility when:

(i) The facility is temporarily unable to conform to all required minimum standards due to circumstances beyond their control; and/or

(ii) Compliance with licensing rules is being monitored based on an approved corrective action plan.

(b) A license for a one (1) year term shall be issued to replace a provisional license at any time full compliance is documented and/or monitoring is completed.

Section 7. **Variance.**

(a) The facility may submit a written request to the Department for a variance to a rule when the facility is unable to meet full compliance with a standard provision in these rules.

(b) The written request shall show:

(i) A compelling reason why the facility is unable to meet the rule requirement; and

(ii) What accommodations the facility shall make to ensure the safety and well-being of children.

(c) All variances shall be reviewed and approved or denied by the Department and shall be:

(i) Reviewed not less than annually to determine if continuation of the variance is appropriate; and

(ii) Terminated at any time the safety and well-being of children is in jeopardy and shall terminate upon the expiration of the current license.

(d) Approval of a variance request shall not be interpreted as permanently waiving compliance with these rules.

Section 8. Licensure Fees.

(a) At the time of the application, a licensing fee of \$50.00 shall be paid by all applicants.

(b) A renewal fee of \$25.00 for all licensed facilities is due upon the expiration date of the current license or when a facility has submitted a request for a change in the renewal date.

Section 9. Application for Renewal of a License.

(a) Renewal of an existing license shall be dependent upon submission of a request for renewal and payment of the renewal fee as described in Section 8(b) of this chapter, and continued compliance with child care licensing rules.

(b) Medical statements are not required when renewing a license but may be required whenever there has been a change in the physical or mental condition of the provider/director or when the Department is aware of a concern about the ability of the provider/director to provide safe child care.

Section 10. Complaints.

(a) The Licensing Authority shall notify local Child Protective Services or the local law enforcement agency when it receives a complaint of child abuse or neglect involving a provider and/or director, or staff. Complaints concerning child abuse or neglect shall not be investigated by licensing authority staff.

(b) Complaints involving violations of child care licensing rules shall be investigated by the Licensing Authority. When appropriate, joint investigations shall be made with Child Protective Services workers, fire or health inspectors or law enforcement.

(i) Anonymous complaints shall be accepted; and

(ii) If complaints relate to non-licensing issues (i.e. rates charged and hours of operation), the complaint shall be rejected or referred when appropriate.

(c) The provider and/or director shall be notified in writing of the allegations made in the complaint.

- (d) Upon completion of the investigation:
 - (i) The provider and/or director shall be notified in writing of the findings and any areas of non-compliance with rules;
 - (ii) What corrections shall be made and a date by which compliance shall be expected;
 - (iii) Who is responsible for the correction;
 - (iv) What was done or will be done to correct the problem;
 - (v) The Licenser may monitor to ensure that the situation does not develop again; and
 - (vi) An appropriate date, not to exceed 14 days from the date of the notice, for the correction of all issues of non-compliance.
- (e) The Department shall review, within 14 days after receipt, the program's Corrective Action Plan and schedule. At that time, the Department shall:
 - (i) Approve the proposed Corrective Action Plan and completion schedule; or
 - (ii) Modify and approve a Corrective Action Plan and completion schedule; or
 - (iii) Disapprove the Corrective Action Plan and completion schedule and revoke or suspend the prior certification of the program pursuant to Chapter 3 of these Rules.
- (f) When the Department approves a proposed or modified Corrective Action Plan and completion schedule for achieving full compliance, the Department may grant certification.

RULES FOR CERTIFICATION OF A FAMILY CHILD CARE HOME (FCCH),
FAMILY CHILD CARE CENTER (FCCC) OR CHILD CARE CENTER (CCC)

CHAPTER 3

DENIAL, NON-RENEWAL, REVOCATION OR SUSPENSION OF LICENSE

Section 1. **Reasons for Denial, Non-Renewal, Revocation or Suspension.**

(a) The Department may deny, non-renew, revoke, or suspend a license for reasons including, but not limited to:

(i) Violation of the applicable statutes or rules that has been willful, continual, or hazardous to the health or safety of children;

(ii) Any staff, household member, volunteer, or substitute who has a criminal conviction or a pending deferred prosecution of a felony or misdemeanor as cited in Chapter 4, Section 3;

(iii) Any staff, household member, volunteer, or substitute who is using or is under the influence of alcohol or illegal drugs at any time while caring for children on or off the facility premises or while transporting children;

(iv) Any staff, household member, volunteer, or substitute who is misusing prescription or over-the-counter drugs at any time while caring for children, on or off the facility premises, or while transporting children;

(v) Any staff, household member, volunteer, or substitute who is substantiated for the abuse/neglect of a child or vulnerable adult and is placed on Central Registry;

(vi) Any staff, household member, volunteer, or substitute furnishing or making a false statement or report to a licenser;

(vii) Any staff, household member, volunteer, or substitute failing to provide, equip or maintain the child care premises in a safe and sanitary condition;

(viii) Any staff, household member, volunteer, or substitute failing to complete all required training;

(ix) Illegal drugs found on the premises of the facility, including any vehicle on the property, or in any vehicle that transports children;

(x) Failure or refusal to cooperate with an investigation or interference with an investigation;

(xi) Failure to admit authorized representatives of the Department at any time the facility is open for operation for the purpose of investigation, obtaining records, inspection or monitoring;

(xii) Failure to comply with a Corrective Action Plan;

(xiii) Provider and/or director has been found in a legal proceeding to have committed fraud against the Department; or

(xiv) Failure to comply with the application process.

Section 2. Denial, Revocation, Suspension or Non-Renewal.

(a) When a child care license is to be denied, revoked, suspended or non-renewed, the provider and/or director shall be notified by the Department in writing of the action being taken.

(b) A Notice of Revocation, Denial, Suspension or Non-Renewal shall include the following:

(i) A statement of the laws, rules or regulations violated;

(ii) A statement of authority for the revocation, non-renewal or denial;

(iii) The effective date of the action;

(iv) The right to seek representation by a lawyer, friend, or relative. The Department shall not be responsible for any fees charged; and

(v) The penalty for unlicensed operation.

(c) A notice of revocation, non-immediate suspension, or non-renewal of a child care license shall be sent to the parents of children currently attending the facility when the provider and/or director has not requested an administrative hearing as outlined in the Department's Contested Case Hearing Rules. A complete list of parents with mailing addresses shall be supplied to the Department by facility staff upon request. The notice to parents shall include the following:

(i) Name of facility;

(ii) Name of the provider or director;

(iii) Action being taken and the reason(s) for the action; and

(iv) Date the action shall be effective.

Section 3. Application Following Revocation.

(a) Application by the same provider and/or director shall not be accepted for three (3) years following revocation of a child care license.

(b) Application by the same provider and/or director cannot be made following a second revocation.

Section 4. Immediate Suspension.

(a) During an investigation by Child Care Licensing, Child Protective Services, and/or law enforcement, an immediate suspension shall be requested by the licenser if it becomes apparent to an investigator that emergency action is required to protect the health, safety and/or welfare of children.

(b) The decision to suspend a license shall be made by the Administrator for the Certifying Authority or designee following review of the investigative information. The Notice of Suspension shall include the following:

(i) A statement of authority for the suspension;

(ii) The suspension of a license is effective immediately;

(iii) The right to seek representation by a lawyer, friend, or relative. The Department shall not be responsible for any fees charged; and

(iv) The penalty for unlicensed operation.

(c) The licenser or other Department designee shall hand deliver the Notice of Suspension and ensure that all children are picked up by their parents or guardians.

(d) The provider or director shall give a complete list of child care children with parental contact information to the licenser. The licenser or a Department designee shall provide immediate notification to all parents with children in care.

(e) The suspension shall remain in effect while there continues to be a need to protect the health, safety and/or welfare of the children in the child care facility.

(f) The Department shall rescind the suspension when the need to protect the health, safety and/or welfare of the children in the child care facility no longer exists.

(g) The Department may initiate revocation proceedings during the suspension, if warranted.

(h) No action regarding a renewal shall take place while the facility's license is under suspension.

Section 5. **Contested Case Hearing.**

The hearing shall be conducted in accordance with the Department's Contested Case Hearing Rules.

RULES FOR CERTIFICATION OF A FAMILY CHILD CARE HOME (FCCH),
FAMILY CHILD CARE CENTER (FCCC) OR CHILD CARE CENTER (CCC)

CHAPTER 4

GENERAL REQUIREMENTS

Section 1. **Program Specific Certification Standards.**

(a) All child caring facilities shall comply with all sections of this Chapter and the following Chapters and Sections of these Rules:

- | | | |
|-------|-------------|----------|
| (i) | Chapter 1: | All; |
| (ii) | Chapter 2: | All; |
| (iii) | Chapter 3: | All; |
| (iv) | Chapter 4: | All; |
| (v) | Chapter 8 | All; |
| (vi) | Chapter 9: | All; and |
| (ix) | Chapter 10: | All. |

Section 2. **Capacity/Supervision Requirements.**

(a) The licenser shall determine total capacity for each facility. The licensed capacity shall never be exceeded. Maximum group size shall be limited by facility capacity. For specific rules relating to Capacity and Supervision refer to Chapters 5, 6, and 7.

(b) Staff:child ratios and supervision requirements as described in this chapter shall be maintained at all times.

(c) Staff:child ratios and maximum group size shall be maintained as follows (Table 4-1) during all hours of operation when facilities care for only one (1) age group:

Table 4-1

Ages of Children	Staff:Child Ratio	Maximum Group Size
Birth to 12 mos.	1:4; 2:8; 3:10	10
12 mos. - 24 mos.	1:5; 2:10; 3:12	12
24 mos. - 36 mos.	1:8; 2:16; 3:18	18
3 year olds	1:10; 2:20; 3:24	24
4 and 5 year olds	1:12; 2:24; 3:30	30
School age and older	1:18; 2:32; 3:40	40

(d) Fewer children may be present in the youngest age group and slots shifted to older age groups, but the age of the youngest child shall dictate the ratio.

(e) When age groups are combined the following staff:child ratios and group sizes for the youngest age group present shall apply. These options represent maximum numbers of children per youngest age group and total.

(i) When one (1) staff person is present caring for up to six (6) children under the age of 36 months there shall be no more than two (2) under the age of 12 months, no more than two (2), one (1) year to 24 months, and no more than two (2), two (2) years to 36 months, with a maximum group size of eight (8) children; or

(ii) When one (1) staff person is present, if there are only two (2) children under the age of two (2), the maximum group size can be increased to ten (10) children and no more than five (5) children shall be present in the 24-36 month age group.

(iii) When two (2) staff persons are present and caring for a mixed age group there shall be no more than four (4) children under the age of 12 months, no more than four (4), one (1) year to 24 months, and no more than four (4), two (2) years to 36 months, with a maximum group size of 15 children.

(f) When four (4) or more infants are present, the provider or staff shall have an infant/toddler director credential.

(g) Reasonable accommodations shall be made for children with special needs and shall be based on the child's abilities.

(h) Supervision of children 10 years or older may be relaxed with parents' written permission to allow children to be out of the direct supervision of an adult while participating in parent approved activities.

(i) In order to be counted in the staff:child ratio, staff shall be attending to the children. Necessary cooking, cleaning, janitorial, or similar tasks performed by a staff person counted in the staff:child ratio may take no longer than a few minutes, shall be done in such a way that the children are within sight and sound of the staff person, and the staff person can quickly and easily leave the task to handle direct child caring duties.

(j) Staff under the age of majority shall be under the direct supervision of an adult staff member at all times. Minimum age of staff shall be 16 years.

(k) Youth trainees may be present in the facility with a written plan outlining their specific purpose for being present, a TB test, training goals and objectives.

(l) A youth trainee shall be supervised, aided, and assisted by an adult staff at all times. The facility shall maintain records and document training time in the facility with dates, time, location and supervising trainer. There shall be one (1) youth trainee per one (1) adult staff. Youth trainees are never counted in staff:child ratios.

(m) There shall be at least one (1) adult staff supervising the care of children at all times.

(n) At least one (1) person certified in infant/child CPR and first aid shall be in attendance at all times and in all areas that children are in care.

Section 3. **Provider, Director, and Staff Requirements.**

(a) Before the provider, director, their staff, household member, substitute or volunteer assume responsibility for the direct care of children, work in the facility or move into the Family Child Care Home or Family Child Care Center, the following shall be on file:

(i) Current TB test results and risk assessment in accordance with Wyoming Department of Health recommendation;

(ii) Start date or date moved into home;

(iii) A child abuse/neglect Central Registry check which does not reveal any disqualifying information.

(iv) A full fingerprint based national criminal history record background check. Staff, household members, substitutes, and volunteers may not be employed or present in the facility if the background check indicates they have been convicted or have a pending deferred prosecution of a felony or misdemeanor or a substantiation involving:

(A) Felony:

(I) Abuse, neglect, abandonment, exploitation or endangering children or vulnerable adults;

(II) A sexual offense against a person or child;

(III) Allowing the commission of a sexual offense against a child;

(IV) Violence, including rape, sexual assault, physical assault, kidnapping, battery or homicide;

(V) A crime against a child or vulnerable adult;

- (VI) Physical assault;
- (VII) Domestic violence;
- (VII) Battery;
- (IX) Drug offense; or
- (X) Arson.

(B) Misdemeanor:

(I) Violent misdemeanor committed as an adult against a child; or

(II) Violent misdemeanor including battery, physical assault, or domestic violence within the last five (5) years.

(C) Any other crime that causes the facility to be concerned for the safety or well-being of children or others.

(D) Prospective employees, disqualified staff, or household members may request a review of the accuracy and completeness of the criminal history to the Department within 10 days of the receipt of the disqualification notice, except when the provider or director is submitting an initial application.

(I) Verification of an accurate and complete criminal history shall be submitted in conjunction with the request for a review.

(II) The Department shall review evidence of the inaccuracy or incompleteness of the record and render a decision within 20 days of the receipt of the review request and verification.

(III) The prospective employee, disqualified staff, or household members shall not be afforded the right to a Contested Case Hearing.

(E) Prospective employees, disqualified staff, or household members with a felony drug conviction or a conviction of misdemeanor physical assault, battery, or domestic violence within the last five (5) years, may request a review, within 10 days of the receipt of the disqualification notice, of whether the individual has been rehabilitated.

(I) Evidence of rehabilitation shall be submitted with the request for review.

(II) The Department shall determine if rehabilitation has occurred and provide notice to the provider or director.

(III) The prospective employee, disqualified staff, or household members shall not be afforded the right to an Contested Case Hearing.

(c) All persons who provide direct care to children and are used in staff:child ratios 24 hours or more in one (1) month shall meet the same training requirements as the provider. See Section 9 of this Chapter.

(d) The provider or director is responsible for the actions of any staff, household member, volunteer, substitute or youth trainee who has contact with the children while the facility is operating.

(e) All staff, household members, substitutes, and volunteers shall complete a child abuse/neglect Central Registry background check once a year and a full fingerprint based national criminal history record background check every five (5) years.

Section 4. **Parental Rights.**

(a) Parents or guardians shall have unrestricted and immediate access to his/her children and any area of the facility where their child is located.

(b) Locks can be used on doors to the facility if the following is in place:

(i) A door bell or other means a parent can alert staff of his or her presence, which is maintained, operational and responded to immediately at all times the door is locked;

(ii) All fire egress hardware shall be maintained and operational to allow exit from the interior of the building, as per the Fire Inspector's direction.

(c) Parents have a right to the following information:

(i) All inspection reports required as a condition for the licensing of the facility;

(ii) Phone number for the facility;

(iii) All known and/or treated injuries that occur to his/her child while he/she is in care;

(iv) Any situation that occurred during child care that caused concerns for the child's health or safety;

(v) Staff:child ratio requirements;

- (vi) Menus;
- (vii) Complaint and compliance history; and
- (viii) Documentation of provider, director, and staff training.

Section 5. Policies.

(a) Parents shall be given a copy of written program policies, initially and when there are changes to the policy. Program policy shall include the following:

- (i) Discipline procedures;
- (ii) Sick children in care;
- (iii) Administration of medication;
- (iv) Safety procedures outlining conditions for use of a swimming or wading pool if one is used;
- (v) Administrative policy such as payment, hours of operation and services provided by the child care facility;
- (vi) Safety procedures for the release of children;
- (vii) The presence of any weapons on the premises;
- (viii) Any unusual policies (i.e. not celebrating birthdays or holidays);
- (ix) Information on sleeping arrangement and supervision when overnight care of children is provided;
- (x) Emergency preparedness guidelines and procedures shall be given to parents in writing and include:
 - (A) How parents shall be notified in the case of an emergency at the facility;
 - (B) Relocation site with contact information at that site; and
 - (C) Procedures for child reunification or release.
- (xi) Complaint procedures for reporting concerns; and

(xii) Information on obtaining a facility's complaint and compliance report.

Section 6. Discipline and Guidance.

(a) Written discipline policy shall be followed by all staff and shall:

(i) Not include any discipline that is in violation of applicable laws;

(ii) Outline methods of guidance appropriate to the ages of the children enrolled;

(iii) Explicitly describe positive guidance, such as redirection, natural and logical consequences, modeling of positive behavior and other non-violent, non-abusive methods of discipline; and

(iv) Be included in orientation of all staff.

(b) When "time out" is used, it shall:

(i) Enable the child to regain control of himself/herself and shall keep the child in visual contact with a caregiver;

(ii) Be a last resort technique for a child who is harming another, or in danger of harming himself/herself; and

(iii) Be used infrequently and for very brief periods of time-out using one (1) minute for each year of the child's age. It shall be used selectively, taking into account the child's developmental stage and the usefulness of "time out" for the particular child.

(c) Children in care shall not act as or be employed as staff or be allowed authority over other children.

(d) The following behavior shall be prohibited in all child care settings:

(i) Punishment associated with food, rest or toilet training;

(ii) Rough handling of children, including but not limited to hitting, spanking, beating, shaking, pinching, pushing or other measures that could produce physical pain;

(iii) Inappropriate use of language, including but not limited to profanity, name-calling, derogatory or demeaning terminology or screaming related to disciplinary purposes;

- (iv) Any form of humiliation including threats of physical punishment;
- (v) Any form of emotional maltreatment including rejecting, terrorizing, corrupting, isolating or ignoring a child. Children can be removed from a group, but not isolated. Behaviors of a child may be ignored, but not the child; and
- (vi) Any form of confining a child's movement or restraining a child as a means of punishment.

Section 7. Medications.

(a) Medications shall only be given in child care when the facility has agreed to administer medications and adheres to the following:

(i) Staff who administers medication has received the training approved by the Department on administration of medication; and

(ii) A medication consent form has been completed and signed by the parent or legal guardian and includes:

(A) Name of child and parent or guardian; and

(B) Specific instructions for the date and time to be administered and dosage; or

(C) A standing order from a parent or health professional for commonly used nonprescription medication that defines what medication and when a medication should be used.

(b) Prescription medications and pharmaceutical samples prescribed by a physician or licensed health professional and all over the counter medications shall bear the original prescription label or written instructions to include the following information:

(i) Child's name printed on the container;

(ii) Amount and frequency of dosage; and

(iii) Name of prescribing physician or other health professional, with the exception of over-the-counter medications.

(c) All medications shall be stored per manufacturer's instructions and:

(i) In a safety lock container;

(ii) In an enclosed space that is inaccessible to children; or

(iii) In a refrigerator separated from food in a sealed plastic container, inaccessible to children.

(d) The facility shall keep a written record of all medication, including over-the-counter medication given to children. This record shall include:

- (i) Name of child;
- (ii) Name of medication;
- (iii) Date and time the medication was administered;
- (iv) Amount of medication given; and
- (v) Signature or initials of person administering medication.

(e) Notification of medication administration shall be given to the parent or guardian on the day it was administered.

(f) Any deviation from recommended dosage on the label shall be accompanied by a physician's written instructions.

(g) Medications shall not be used beyond the date of expiration and shall not be stored on premises when no longer needed.

(h) The use of sunscreen, insect repellent, essential oils and over the counter topical medications shall not be subject to the training requirements of this Section.

(i) The sunscreen, insect repellent, essential oils and over the counter topical medications shall be stored in the original container and the manufacturer's instructions for use shall be followed; and

(ii) A consent form, signed by the parent or legal guardian, which allows the application of sunscreen, insect repellent, essential oils and over the counter topical medications on his/her child and indicates the brands of sunscreen unless supplied by parent for his/her child only.

Section 8. Transportation and Field Trips.

(a) Vehicles used to transport children shall be maintained in safe condition and comply with applicable motor vehicle laws.

(b) Operators of vehicles used to transport children shall have the appropriate type of driver's license and be at least 18 years of age.

(c) The number of persons in a vehicle used to transport children shall not exceed the manufacturer's recommended capacity nor the number of seat belts installed when the vehicle was manufactured.

(d) Each child who is a passenger shall be properly secured in a child safety restraint system or seat belt as required by law. The child safety restraint system shall conform to Federal Motor Vehicle Safety Standards for child restraint systems.

(e) When children are taken off site, there shall be:

- (i) A first aid kit;
- (ii) Emergency medical release forms on all children;
- (iii) A current and updated attendance record; and
- (iv) Adult supervision at all times.

Section 9. Training.

(a) The applicant or provider shall complete pre-service orientation training which shall include, but not be limited to:

- (i) Safety and health of children;
- (ii) Fire safety, approved by the fire authority;
- (iii) Sanitation procedures, approved by the sanitation authority;
- (iv) First Aid and CPR;
- (v) Medication administration;
- (vi) Sudden Infant Death Syndrome (SIDS);
- (vii) Safe sleep practices;
- (viii) Blood borne pathogens;
- (ix) Recognition and reporting of suspected child abuse or neglect;
- (x) Shaken Baby Syndrome;
- (xi) Nutrition training; and

(xii) Transportation of children.

(b) Within three (3) months of staff's start date and prior to assuming responsibility for unsupervised direct care of children, all staff shall receive the approved pre-service and facility staff orientation training.

(i) The facility staff orientation training shall include all staff policies, procedures, and child care licensing rules; and

(ii) Facility staff shall sign a statement acknowledging they have read the facility policies, procedures, and child care licensing rules.

(c) Any orientation training that meets the requirements of the pre-service training completed within the 12 months prior to the issuance of the initial license may be applied to the pre-service training.

(d) All other training may be applied toward the first year training requirements.

(e) All staff shall have Infant/Child Cardiopulmonary Resuscitation (CPR) and First Aid (FA) training and certification shall be kept current.

(i) One (1) training credit shall be applied for each subsequent time First Aid and Infant/Child CPR are updated.

(f) Any staff person engaged in child care 24 hours or more per month, providing direct care for children, and counted in staff:child ratios shall complete a minimum of 16 training credits to be completed annually. Directors are required to meet all licensing rule requirements.

(g) No more than 50% of the required training credits shall be acquired from videos, books or other written, pre-recorded materials, except when it is demonstrated that other training options are not available.

(h) To meet the 16 training credit requirement, a combination of the following training shall be completed in the first year:

(i) Eight (8) credits of training in Early Learning Guidelines and Early Learning Foundations shall be completed within the first licensing year; and

(ii) Eight (8) elective training credits in the area of early learning, early childhood, and/or child development.

(i) For subsequent licensing years, to meet the 16 training credit requirement, a combination of the following training shall be completed:

(i) Eight (8) core credits of total training shall include all of the following areas:

- (A) Blood borne pathogens;
- (B) Fire safety approved by the fire authority;
- (C) Sanitation approved by the health authority;
- (D) Recognition and reporting of suspected child abuse or neglect;
- (E) Emergency preparedness;
- (F) Sudden Infant Death Syndrome (SIDS);
- (G) Safe Sleep;
- (H) Shaken Baby Syndrome;
- (I) Transportation; and

(ii) Eight (8) elective training credits in the area of early learning, early childhood, and/or child development.

(j) Proof of completion of child care training credits shall be kept on file by the facility and shall include documentation of training credits, transcripts or certification of first aid and infant/child CPR.

(k) Training shall be approved by the Department before credit shall be allowed. Training sponsored by an accredited college or university does not require Department's approval if it is related to the care of children. Each college credit hour shall equal 15 training credits.

(l) Any staff member who has a professional certificate or license requiring continuing education units (CEU's) in the area of child growth and development, may apply those units to meet child care licensing requirements. Each CEU credit hour shall equal 15 training credits.

(m) Training credits shall only be applied to the current licensing year.

(n) Training for Infant or Toddler Staff:

(i) When four (4) or more infants are present, at least one (1) staff person working directly with infants or toddlers shall have a minimum of eight (8) training credits of specialized training in the care of infants or toddlers every two years; and

(ii) All other staff caring for infants or toddlers shall complete a minimum of four (4) training credits, every two (2) years in specialized infant or toddler training as part of their training requirements.

Section 10. **Records.**

(a) Child care facilities shall maintain complete and updated administrative, staff and children's records on-site. All records shall be retained for a minimum of three (3) years.

(i) All records for children actively participating in a program shall be reviewed and updated annually.

(b) Administrative records shall include:

(i) Attendance record for each child to include dates attended and arrival/departure times verified by staff;

(ii) Current health, fire, zoning (if required) and licensing inspection reports; and

(iii) Private water testing reports if required.

(iv) Manufacturer's instructions for all indoor and outdoor play equipment, if installed by the current provider, director or board of directors.

(c) Provider, director, staff, substitute and volunteer records shall include:

(i) Name, date of birth, address, and telephone number;

(ii) TB test results in accordance with Wyoming Department of Health recommendation;

(iii) Start date or date moved into home;

(iv) Documented proof of all required training credits received by staff to include the number of hours of training, dates and titles of training;

(v) Dates, hours worked and area of responsibility;

(vi) Results of a child abuse/neglect Central Registry check and verification of a completed full national fingerprint based criminal history background check to include all adult household members; and

(vii) A physician's statement when there is a question of any staff member's ability to provide safe and adequate care for children.

(d) Individual child's records shall be in place before a child is left in care and shall include:

(i) The child's full name, birth date, current address and date of enrollment;

(ii) Name, home, employment addresses and phone number of parent(s) or guardian(s) legally responsible for the child;

(iii) Names, addresses and telephone numbers of persons authorized to take the child from the facility. Children may not be released to unauthorized persons without prior parent approval and proper identification;

(iv) Names, addresses and telephone numbers of person(s) who can assume responsibility for the child in the event of an emergency, if parent(s) or guardian(s) cannot be reached immediately;

(v) Name and telephone number of the child's physician and dentist;

(vi) Health information including allergies, chronic physical problems and pertinent social information on the child and his family;

(vii) Immunization records as required by W.S. 14-4-116 and the Department of Health, Immunization Program, except for school age children who are attending public school. In programs that are operated on a drop-in basis, immunization records for children are not required, but recommended to be on file. If attendance on a drop-in basis exceeds 30 calendar days, immunization records are required;

(viii) Written authorization from parent(s) or guardian(s) for the child to participate in field trips or excursions, whether walking or riding;

(ix) Written authorization from parent(s) or guardian(s) for the child to be transported;

(x) Written authorization from parent(s) or guardian(s) for the child to use a swimming or wading pool if one is used;

(xi) Written authorization from parent(s) or guardian(s) for emergency medical care; and

(xii) Reports of injury or illness occurring while a child is in care requiring hospitalization, or treatment by a physician or the occurrence of the death of a child.

Section 11. **Reports.**

(a) All child care facilities shall report any injury, illness or incident which occurs at the facility and results in medical treatment, hospitalization or death to the parents of the child(ren) immediately and to the child care licenser within 24 hours. A written report shall be sent to the child care licenser within three (3) days of the incident. The death of any child in care, regardless of cause, shall be reported to licensing immediately.

(b) Emergency response to the child care facility by law enforcement, fire, or ambulance during hours of operation shall be verbally reported to the child care licenser within 24 hours.

(c) All staff are required to report cases of suspected child abuse or neglect. A provider, director or their staff shall report immediately to the local Department office and local law enforcement any circumstances indicating that a child in care may have been subjected to abuse or neglect.

Section 12. **Confidentiality.**

(a) The Department records concerning the licensing of facilities are open to public inspection with some exceptions as stated in this Section.

(b) Anyone wishing to read or obtain information from a record not available on the Department's website shall make a written request to the Department. Parts of the record that are not available for public inspection are:

(i) Names and personal information of children or their relatives, and names of complainants;

(ii) Personal information of the provider and/or director and staff, such as but not limited to, social security numbers, date of birth, background check results, physician's statements; and

(iii) Any information that is confidential by law.

(c) The provider shall make all required inspection reports available for public inspection.

(d) Children's names, pictures and any other information of them shall not be posted on social media sites without a parent or guardian's written permission.

Section 13. Evening and Overnight Care.

(a) When any facility cares for children past 7:00 p.m., the following rules shall apply in addition to all other rules and regulations specific to the type of facility:

(i) Children shall receive a full evening meal. Children who are in attendance overnight shall also receive breakfast unless released to the parent before 8:00 a.m.;

(ii) Children of the opposite sex over six (6) years of age shall have separate sleeping areas; and

(iii) Sleeping child(ren) shall sleep on the same level as the staff person and the staff person shall be able to hear the child(ren).

Section 14. Health and Safety Requirements.

(a) Children shall be present only in areas of the facility approved and inspected for child care and designated for their use.

(b) Rooms not designated and approved for child care shall be made inaccessible to children with the exception of rooms used as an evacuation route or shelter.

(c) The overall condition of the child care facility and grounds, including play areas, equipment, and toys, shall be maintained in a clean, uncluttered, safe condition and free of hazards.

(d) All rooms used by children shall be adequately heated, cooled, illuminated, and ventilated.

(e) If infant care is included in the same building as a facility caring for children of other ages, infants shall be provided with a designated and safe play area.

(f) Toys shall be suitable for age and development.

(g) Awake infants or toddlers shall not be confined to a crib, playpen/play yard, swing, high chair, car seat, carrier, or in one (1) position for excessive periods of time.

(h) A sufficient supply of clean, dry diapers shall be available, and diapers shall be changed as frequently as needed. Diaper changing shall be documented for each infant and available to the parent.

(i) Decks, porches, steps, stairs and walkways shall be maintained in good repair and safe condition. Stairs, decks and elevated porches shall have sturdy railings, child safety gates or guard rails.

(j) Children shall not have access to cords or ropes, including but not limited to, window treatment cords or electrical cords.

(k) Spaces that could entrap children, including but not limited to, openings in guardrails or banisters, shall measure three and a half (3.5) inches or less, or more than nine (9) inches to prevent entrapment.

(l) Potentially dangerous or unsafe items shall be made inaccessible to children.

(m) Electrical outlets shall be tamper resistant or covered with safety caps when not in use.

(n) Any item which may present a burn hazard including heating units and appliances, shall be made inaccessible to children unless its use is for an activity directly supervised by an adult.

(o) Electric fans shall be out of the reach of children or shall be fitted with an appropriate mesh to prevent access to the blades by children.

(p) Chemicals shall not be used around children and in a manner that contaminates surfaces such as tables, carpets, lawns, food, or food preparation areas.

(q) Weapons/Firearms. The facility shall develop, adopt, follow and maintain on file, written policies and procedures governing the safe management of firearms and weapons.

(i) The facility shall prohibit the use of any firearms or other weapons on the grounds of the facility or program or in any building used by children, except by law enforcement personnel in emergency and non-emergency situations;

(ii) In Family Child Care Homes and Family Child Care Centers located in the provider's home, firearms and ammunition shall be stored and locked separately from each other in an area that is inaccessible to children. Reloading rooms shall be locked and inaccessible to children; and

(iii) No explosives of any type shall be allowed.

(r) Any animal with a history of attacking even one (1) person or demonstrating aggressive behavior, shall be made inaccessible to the children in care.

(s) Media, including but not limited to, movies and internet sites that are rated higher than PG shall not be accessible to children during child care hours.

(t) Staff and household members shall not be under the influence or consume alcohol, illegal drugs or misuse prescription drugs or over-the-counter drugs, on or off the premises during operating hours and while transporting children. The use of tobacco, tobacco products or electronic cigarettes is prohibited in the facility when children are present.

(u) An operable phone shall be available in the facility at all times and emergency phone numbers to include 911, poison control, an adult emergency substitute, as well as the address and phone number of the facility shall be posted by the telephone or in a location that is immediately visible at all times.

(v) Emergency preparedness guidelines shall be written, available, followed and include:

(i) Plans for evacuation, shelter-in-place, lockdown of the facility, reunification and procedures for responding to each type of emergency likely in the area;

(ii) Plans for children with special needs as soon as they are enrolled in the program;

(iii) That children's emergency contact phone numbers and attendance records shall be taken outside during all emergency evacuation and drills;

(iv) That drills shall include practice from all exit locations, at varied times of the day, and during varied activities; and

(v) That fire safety and emergency evacuation diagrams (floor plans) shall be posted by all exits.

(w) All equipment and products used in child care facilities shall be used per manufacturer instructions.

(x) Wet or soiled clothing, including disposable undergarments, shall be changed promptly. A sufficient supply of clean clothing for emergency use shall be provided.

(y) Children shall be provided opportunity for, but shall not be required, to sleep and children shall have their own separate cots, pads, and bedding; and

(i) Cots or pads shall be spaced at least two (2) feet apart on all sides. The bedding shall be washed once a week or more often as needed.

(ii) For overnight care, children shall have a separate cot or non-inflatable bed on which to sleep.

(z) Toys, phones, doorknobs, door casings, handles and railings shall be cleaned and sanitized once a week or whenever visibly soiled. Table tops, high chairs or food serving surfaces be sanitized before and after each use.

(aa) Staff shall wash their hands:

(i) After using the toilet or helping a child use a toilet, diaper changing, handling bodily fluid, handling pets, cleaning or handling the garbage, or handling food (The kitchen sink shall not be used for hand washing after diaper changing); and

(ii) Before diaper changing, handling food, eating, and giving medication.

(bb) Children shall wash their hands:

(i) Before and after eating; and

(ii) After using the toilet, handling pets, and/or playing in sandboxes.

(cc) A sturdy stool shall be available to children as needed to make hand washing sinks accessible.

(dd) Soap and single service hand towels shall be available at all hand washing sinks.

(ee) Dirty laundry shall not be accessible to children.

(ff) All child care facilities shall have at least a basic first-aid kit or its equivalent on hand at all times. The first aid kit shall be taken on field trips and outings.

Section 15. **Indoor Play Space.**

(a) The indoor area designated for the children's use while in care shall include a minimum of 35 square feet of usable play space per child, and this space shall be available to the children on a continual basis.

(b) If the required outdoor space in Section 16 is not available, and the facility has been granted a variance for the lack thereof, the same amount of indoor space required in (c) below may be used and provide for types of activities equivalent to those performed in an outdoor space and shall be used at least one (1) time per day for at least 30 minutes;

(c) When children are separated into age groups, and only one (1) age group is using the indoor play space at any given time, the following minimum play space requirements apply;

(i) Thirty-five (35) square feet for each child birth to 18 months of age;

(ii) Fifty (50) square feet for each child 18 months to 24 months of age;
and

(iii) Seventy-five (75) square feet for each child over the age of 24 months of age.

(d) Indoor play equipment with a fall height of more than 24 inches shall be installed over a resilient surface covering the appropriate use zones:

(i) Resilient surfacing shall be installed, maintained and replaced according to the manufacturer's instructions.

(e) Commercial constant air inflatable devices shall be used indoors only if the manufacturer's guidelines permit.

Section 16. **Outdoor Play Space.**

(a) There shall be a minimum of 75 square feet of outdoor play space for each child when ages of children are combined, except as provided in Section 15.

(b) If a child care facility does not provide care for more than a four (4) hour period per day, outdoor play space is not required. However, if the facility does have outdoor play space and it is used for play, that space shall meet licensing requirements.

(c) This space shall be used at least one (1) time per day for at least 30 minutes when weather and environmental conditions do not pose a significant health or safety risk.

(d) When children are separated into age groups, and only one (1) age group is using the outdoor play space at any given time, the following minimum play space requirements apply:

(i) Thirty-five (35) square feet for each child birth to 18 months of age;

(ii) Fifty (50) square feet for each child 18 months to 24 months of age;
and

(iii) Seventy-five (75) square feet for each child over the age of 24 months of age.

(e) The outdoor play area shall be enclosed with a fence. The fence shall be at least four (4) feet in height and the bottom edge shall be no more than three and one-half (3 ½) inches off the ground.

(f) Some shaded areas shall be provided in the outdoor play area.

(g) Sandboxes shall be constructed to permit drainage and shall be covered tightly and secured when not in use.

(h) Equipment shall be sturdy, stable, and free of hazards that are accessible to children during normal supervised play and all pieces of equipment shall be installed as directed by the manufacturer's instructions and specifications.

(i) Outdoor play equipment with a fall height of more than 24 inches shall be installed over a resilient surface covering the appropriate use zones:

(i) Equipment with a fall height of more than 24 inches but less than seven (7) feet shall have six (6) inches of uncompressed resilient surface, except sand;

(ii) Equipment with a fall height of seven (7) feet to 10 feet shall have nine (9) inches of uncompressed resilient surface;

(iii) Sand should not be used as a surfacing material when the fall height is greater than four (4) feet; and

(iv) Resilient surfacing shall be installed, maintained and replaced according to the manufacturer's instructions.

(j) Providers shall ensure that children have protection appropriate for weather conditions.

(k) Outdoor play areas shall be free from miscellaneous debris or litter such as tree branches, soda cans, bottles, glass, or animal waste.

(l) Window wells shall be covered, but shall not impede egress or allow for entrapment.

(m) Trampolines over three (3) feet in diameter shall not be used on or off the premises and shall be fenced or otherwise made inaccessible to child care children. Small exercise trampolines may be used by children three (3) years or older with adult supervision and written parental permission.

(n) Commercial constant air inflatable devices shall ONLY be used in accordance with the Consumer Product Safety Commission (CPSC) standards and under the following conditions:

(i) Follow all manufacturer's guidelines for safe installation (including anchoring) and ongoing maintenance. The constant air inflatable devices shall be situated away from any fences, greenhouses, power lines and branches. The electrical cables shall be inaccessible to children and shall not create a tripping hazard;

(ii) Follow all manufacturer's guidelines for age and weight limits; consider limiting use to children six (6) years of age and older;

(iii) Follow all manufacturer's guidelines regarding the number of children allowed on the device at any one (1) time; consider limiting use to one (1) child at a time. If more than one child will be on the bouncer at the same time, make sure the children are about the same age and size (weight);

(iv) Follow all manufacturer's guidelines regarding use during inclement weather; the weather conditions shall be monitored on a constant basis;

(v) Children shall be directly supervised by staff in the immediate vicinity (watched constantly, not just in the area) at all times; if supervision cannot be maintained, the constant air inflatable device shall be deflated and made inaccessible to children; and

(vi) Develop and implement a Parental Waiver which details the safety measures put in place to ameliorate the risk to children (ALL parents shall sign the waiver to have their children participate in activities on the constant air inflatable device).

Section 17. Swimming Pools, Wading Pools, and Water Hazards.

(a) When water hazards are present within the approved play area, the following shall apply:

(i) Shall be enclosed by a fence no less than four (4) feet high;

(ii) Facility policy shall include written safety procedures outlining conditions for use of a swimming pool, wading pool or other bodies of water and be given to parents and staff;

(iii) Written parental consent is required for use of a swimming or wading pool;

(iv) An adult staff member shall be in the immediate vicinity at all times when a water hazard is available and accessible;

(v) An adult shall remain in direct physical contact with infants at all times;

(vi) There shall be at least one (1) certified lifeguard present when a swimming pool is in use when there is more than three (3) feet of water;

(vii) Children are to be instructed on the safe use of a swimming pool;

(viii) When using a public or private swimming pool, staff:child ratios for infants and toddlers, birth to 36 months, shall be 1:1; for children three (3) five to (5) years old shall be 1:4; for children who have completed kindergarten or are enrolled in first grade or higher or are six (6) years or older shall be 1:6 while swimming. Certified lifeguards may be used to meet these staff:child ratios when the lifeguard is age 16 or older and assigned only to that group of children; and

(ix) Children shall not be allowed to use hot tubs or spas and they shall be made inaccessible.

Section 18. Food Service.

(a) Nutritionally balanced snacks, meals and appropriate portions for the needs and ages of children shall be provided;

(i) Adequate fluids shall be provided and encouraged; and

(ii) Special dietary needs and/or food allergies shall be posted in food preparation areas and in the area the child eats.

(b) If a child is in attendance for five (5) or more hours, a meal shall be provided, unless a child arrives after lunchtime and an evening meal is not provided by the facility. In this case, a nutritious snack shall be provided.

(c) Pasteurized milk shall be made available at all meals, unless written documentation is provided by the parent and is on file.

(d) Parents may provide meals and bottles for their own child. These meals and bottles shall be clearly marked with the child's name, stored and served in accordance with approved health and sanitation procedures.

(e) Food shall be served on plates, other disinfected containers, or clean single use items such as napkins. Food shall not be placed on bare surfaces.

(f) Children shall not be forced to eat.

Section 19. Infant and/or Toddler Care.

(a) Safe conditions:

(i) There shall be a minimum of 50 square feet per infant or toddler if play and sleep space is combined. When not combined, 35 square feet of available play space shall be provided per child.

(ii) When cribs, bassinets or play pens are used, the following applies:

(A) Shall be separated by a space of not less than three (3) feet;

(B) Shall comply with the manufacturer's instructions and in accordance with the Consumer Product Safety Commission's (CPSC) current standards: <https://www.cpsc.gov/en/Safety-Education/Safety-Guides/Kids-and-Babies/Cribs/>; and

(C) Stacking cribs shall not be used.

(b) Sleeping infants shall:

(i) Be placed on their backs for sleeping, unless a licensed health care provider signs a waiver. If the infant has not been observed turning repeatedly from stomach to back and back to stomach by the provider, the infant shall be returned to his/her back for sleeping;

(ii) Be placed on a firm, flat surface for sleeping;

(iii) Have nothing placed in or over the crib, bassinet, or play pen;

(iv) Pacifiers shall only be used when provided by the parent(s);

(v) Have nothing placed over his/her head or face while sleeping;

(vi) Be placed in the same or adjacent room with enough light to see each infant's face, to view the color of the infant's skin and to check on the infant's breathing;

(vii) Be actively supervised by staff in an ongoing manner by checking on them for the above every five (5) minutes;

(viii) Not be swaddled without a licensed health care professional statement, including instructions and a time frame for swaddling an infant, on file. Swaddling is prohibited for infants that have the ability to roll over independently. A one-piece sleeper or sack equipped with an attached system that fastens securely only across the upper torso may be used; however shall not restrict the arms, hips, or legs of the infant. The sleeper or sack shall be used to manufacturer's guidelines and shall not slide up around the infant's face; and

(ix) Be moved as soon as possible if he/she falls asleep in any piece of infant equipment other than a crib.

(c) When four (4) or more infants are present, the facility shall have a staff person responsible who shall:

(i) Hold an Infant/Toddler Director Credential recognized by the Department;

(ii) Be available for at least 50% of the work week, unless an exception by the licenser for good cause is given; and

(iii) Require two (2) staff be in the facility at all times.

(d) Food Service for Infants:

(i) Staff may prepare bottles, when doing so must use an approved water source as outlined in Chapter 8, Section 2. Formula shall be stored in its original container and the manufacturer's mixing instructions shall be followed and any deviation from these instructions shall be accompanied by written instructions from a licensed health care provider.

(ii) Expressed human milk shall:

(A) Be labeled with a water-resistant label with the child's name and the date and time the milk was expressed; and

(B) Be refrigerated immediately upon arrival at the facility.

(iii) Bottle propping shall not be permitted. Infants shall receive individual direct care during feeding. Bottles shall not be left with a sleeping infant.

(iv) Infants shall be fed on demand unless the parent provides written instructions otherwise.

(v) All infant feeding shall be documented and available to parents daily.

RULES FOR CERTIFICATION OF A FAMILY CHILD CARE HOME (FCCH)

CHAPTER 5

Section 1. **Program Specific Certification Standards.**

All Family Child Care Homes shall comply with all sections of this Chapter and the following Chapters and Sections of these Rules:

- | | | |
|-------|------------|----------|
| (i) | Chapter 1: | All; |
| (ii) | Chapter 2: | All; |
| (iii) | Chapter 3: | All; |
| (iv) | Chapter 4: | All; |
| (v) | Chapter 8: | All; and |
| (vi) | Chapter 9: | All. |

Section 2. **Capacity/Supervision Requirements.**

(a) The licenser shall determine total capacity for the facility. The licensed capacity shall never exceed the maximum capacity of ten (10) children.

(i) The children counted in the capacity include the provider's own children under the age of six (6) years old.

(A) All foster children, under the age of 13, on the premises shall be included in the capacity;

(B) All children, including those related to staff, on the premises during hours of operation shall be included in the capacity; and

(C) School age childhood friends shall be limited to two (2) at any given time.

(b) There shall be at least one (1) adult staff supervising the care of children at all times and the following supervision requirements also apply:

(i) Awake infants and toddlers shall be directly supervised by staff at all times;

(ii) Children who have completed kindergarten or are enrolled in first grade or are six (6) years old or older may be located in adjacent fenced outdoor areas of the facility if there is direct access, the staff person can clearly hear what happens in the adjacent area and the staff person remains attentive and moves from one area to the other every couple of minutes;

(iii) Children ages three (3) and older may be located in adjacent indoor areas of the facility if there is direct access, the staff person can clearly hear what happens in the adjacent area and the staff person remains attentive and moves from one area to the other every couple of minutes;

(iv) If children are in more than two (2) non-adjacent areas, a staff person shall be present and attending the children in each area;

(v) All children shall be located on the same level as staff at all times;
and

(vi) Napping children who are not within sight of the staff person shall be within easy hearing distance at all times, be checked on every few minutes, once awake, and meet all other requirements.

Section 3. Provider and Staff Requirements.

(a) The provider shall have attained the age of majority and be physically and mentally able to care for children.

(b) The provider shall have a high school diploma or an equivalent certificate;
or

(i) Shall be able to document a minimum of three (3) months of supervised work experience or education in the care of children other than his/her own;

(ii) Shall have completed six (6) clock hours of child care training in addition to pre-service training prior to licensing; or

(iii) Shall have received a professional credential from an organization recognized by the Department.

(c) The provider shall ensure all records and reports required are maintained onsite.

(d) The provider shall be onsite and available in the facility a minimum of 75% of the operating week, unless an exception by the licenser for good cause is given.

(e) When a provider is not present at the facility, a qualified adult staff person with sufficient knowledge and training in the operation of the facility, as well as decision-making authority, shall be left in charge.

Section 4. Evening and Overnight Care.

(a) Whenever any facility cares for children past 7:00 p.m., the following rules shall apply in addition to all other rules and regulations specific to the type of facility:

(i) Sleeping child(ren) shall sleep on the same level as the staff person and the staff person shall be able to hear the child(ren); and

(ii) There shall be a staff person awake and on duty to release or receive a child.

RULES FOR CERTIFICATION OF A FAMILY CHILD CARE CENTER (FCCC)

CHAPTER 6

Section 1. **Program Specific Certification Standards.**

(a) All Family Child Care Centers shall comply with all sections of this Chapter and the following Chapters and Sections of these Rules:

- | | | |
|-------|-------------|----------|
| (i) | Chapter 1: | All; |
| (ii) | Chapter 2: | All; |
| (iii) | Chapter 3: | All; |
| (iv) | Chapter 4: | All; |
| (v) | Chapter 8: | All; and |
| (vi) | Chapter 10: | All. |

Section 2. **Capacity/Supervision Requirements.**

(a) The licenser shall determine total capacity for the facility and the maximum capacity of 15 children shall never be exceeded.

(i) The children counted in the capacity for a Family Child Care Center located in the director's primary residence, includes the director's own infant, toddler and/or children ages three (3) to five (5). The director's own children who have completed kindergarten or are enrolled in first grade or higher or are six (6) years or older are not included in the capacity.

(A) All foster children and children related to staff, under the age of 13, on the facility premises shall be included in the capacity.

(B) School aged childhood friends shall be limited to two (2) at any given time.

(ii) The licensed capacity for a Family Child Care Center, located outside of the director's primary residence, includes children under the age of 13 that are present, to include foster children or all children related to the director or staff and on the facility premises.

(A) School aged childhood friends shall be limited to two (2) at any given time.

(b) Group size may be relaxed and staff:child ratio reduced at nap time to one (1) staff member in the sleeping area as long as that staff person has a clear view of all napping children in the room.

(i) Other staff may be excused for other activities, however, staff numbers shall be maintained within the facility to meet overall staff:child ratios at all times.

(ii) When the staff:child ratio is at a level where only one (1) staff is necessary, napping children who are not within sight of the staff person shall be within easy hearing distance at all times and shall be checked on every few minutes.

(iii) Awake children shall be directly supervised.

(c) Group size shall not be exceeded for more than one (1) hour during portions of the day such as opening and closing hours and special events. Building or room capacity shall not be exceeded and staff:child ratios shall be maintained.

(d) There shall be at least one (1) adult staff supervising the care of children at all times and the following supervision requirements also apply:

(i) Awake infants and toddlers shall be directly supervised by staff at all times;

(ii) Children who have completed kindergarten or are enrolled in first grade or are six (6) years old or older may be located in adjacent outdoor fenced areas of the facility if there is direct access, the staff person can clearly hear what happens in the adjacent area and the staff person remains attentive and moves from one area to the other every couple of minutes;

(iii) Children ages three (3) and older may be located in adjacent indoor areas of the facility if there is direct access, the staff person can clearly hear what happens in the adjacent area and the staff person remains attentive and moves from one area to the other every couple of minutes;

(iv) If children are in more than two (2) non-adjacent areas then a staff person shall be present and attending the children in each area; and

(v) All children shall be located on the same level of staff at all times.

Section 3. **Director/Assistant Director and Staff Requirements.**

(a) The director shall:

(i) Be at least 21 years old;

(ii) Have a high school diploma or an equivalent certificate;

(iii) Have the following education and experience:

(A) Any combination of education and experience equivalent to one (1) year in the areas of management and early childhood education;

(B) Shall have completed six (6) clock hours of child care training in addition to pre-service training prior to licensing; or

(C) Shall have received a professional credential from an organization recognized by the Department.

(iv) The director shall ensure all records and reports required are maintained onsite.

(v) Meet all training requirements as outlined in Chapter 4.

(vi) Be onsite and available for at least 50% of the operating week in which they are listed as the director, unless an exception by the licenser for good cause is given.

(vii) Whenever the director is absent from the facility, an assistant director shall be on duty. The director is responsible for the operation of the center and the actions of all staff and household member.

(viii) In the event the director leaves the employment of the facility, the assistant director shall be responsible until a director is hired. A director shall be hired within a reasonable time frame and the facility shall notify Child Care Licensing immediately.

(b) An assistant director does not need to meet the requirements of the director but shall have the following:

(i) Be at least 18 years;

(ii) Have high school diploma or an equivalent certificate;

(iii) Six (6) months of full time experience in licensed or legally exempt child care or 15 hours of approved training, including orientation;

(iv) Sufficient knowledge and training in the operation of the facility as well as decision making authority to assume the duties of director during his/her absence before they can assume responsibility of the operation of the facility; and

(v) Meet all training requirements as outlined in Chapter 4.

(c) Staff Requirements

(i) Before the director and any staff assume responsibility for direct care of children, the staff shall meet the requirements specified in Chapter 4, General Requirements.

Section 4. **Evening and Overnight Care.**

(a) Whenever any facility cares for children past 7:00 p.m., the following rules will apply in addition to all other rules and regulations specific to the type of facility:

(i) Sleeping child(ren) shall sleep on the same level as the staff person and the staff person shall be able to hear the child(ren); and

(ii) There shall be a staff person awake and on duty to release or receive a child.

RULES FOR CERTIFICATION OF A CHILD CARE CENTER (CCC)

CHAPTER 7

Section 1. **Program Specific Certification Standards.**

(a) All Child Care Centers shall comply with all sections of this Chapter and the following Chapters and Sections of these Rules:

- | | | |
|-------|-------------|----------|
| (i) | Chapter 1: | All; |
| (ii) | Chapter 2: | All; |
| (iii) | Chapter 3: | All; |
| (iv) | Chapter 4: | All; |
| (v) | Chapter 8: | All; and |
| (vi) | Chapter 10: | All. |

Section 2. **Capacity/Supervision Requirements.**

(a) The licenser shall determine facility capacity based on individual room capacity for all rooms used by children. This room capacity shall be displayed in each room and never be exceeded.

(i) The children counted in the capacity include all children present to include school age children and children related to staff.

(ii) Group size may be limited by room capacity.

(b) Staff:child ratios and supervision as described in this chapter shall be maintained at all times.

(c) For rules relating to staff:child ratios refer to Chapter 4, General Requirements.

(d) Staff:child ratio reduced at nap time to one (1) staff member in the sleeping area as long as that staff person has a clear view of all napping children in the room. Other staff may be excused for other activities; however, staff numbers shall be maintained within the facility to meet overall staff:child ratios at all times.

(e) Group size may not be exceeded for more than one (1) hour during portions of the day such as, but not limited to opening and closing hours and special events. Building or room capacity shall not be exceeded and staff:child ratios shall be maintained.

(f) There shall be at least one (1) adult staff directly supervising children in each area of the facility where children are located at all times.

Section 3. **Director/Assistant Director/ Staff Requirements**

(a) The director shall:

- (i) Be at least 21 years old;
- (ii) Have a high school diploma or an equivalent certificate;
- (iii) Have a combination of education and experience equivalent to two (2) years in the areas of management, early childhood education, child development, nursing or other;
- (iv) Shall have completed six (6) clock hours of child care training in addition to pre-service training prior to licensing;
- (v) Shall have received a professional credential from an organization recognized by the Department;
- (vi) Directors shall meet all training requirements as outlined in Chapter 4;
- (vii) Be onsite and available for at least 50% of the operating week in which they are listed as the director, unless an exception by the licenser for good cause is given;
- (viii) Whenever the director of a center is absent from the facility, an assistant director shall be on duty; and the director remains responsible for the operation of the center and the actions of all staff, volunteers and substitutes;
- (ix) In the event the director leaves the employment of the facility, the assistant director shall be responsible until a director is hired. A director shall be hired within a reasonable time frame and the facility shall notify Child Care Licensing immediately; and
- (x) It is the responsibility of the center director to ensure that all records and reports are maintained onsite.

(b) An assistant director does not need to meet the requirements of the director but shall have the following:

- (i) Be at least 21 years old;
- (ii) A high school diploma or an equivalent certificate;
- (iii) Have a combination of education and experience equivalent to one (1) year;

(iv) Sufficient knowledge and training in the operation of the facility as well as decision making authority to assume the duties of director during his/her absence before they can assume responsibility of the operation of the facility; and

(v) Meet all training requirements as outlined in Chapter 4.

(c) **Staff Requirements**

(i) Before the director and any staff assume responsibility for direct care of children, the staff shall meet the requirements specified in Chapter 4, General Requirements.

Section 4. Evening and Overnight Care.

(a) Whenever any facility cares for children past 7:00 p.m, the following rules, in addition to all other rules and regulations, shall apply:

(i) Adult staff shall be awake and on duty at all times when children are sleeping;

(ii) Staff:child ratio may be reduced to one (1) staff member in each sleeping area as long as all children are sleeping and that staff person has a clear view of all children;

(iii) Other facility staff may be excused for other activities, however, overall staff:child ratios within the facility shall be maintained at all times; and

(iv) When any child awakens relaxed staff:child ratios shall no longer be used.

CHAPTER 8

ADMINISTRATIVE RULES FOR CERTIFICATION

OF CHILD CARE FACILITIES

HEALTH AND SANITATION

Section 1. **Authority and Purpose.**

These rules are authorized by W.S. 14-4-104(b)(iii) and (iv), and W.S. 9-2-106. The purpose of certification is to regulate the health and sanitation policies and practices of child care facilities so as to protect the health, safety, and welfare of children.

All Child Care Facilities are inspected for compliance with these rules by the authorized health inspectors who will also require compliance to be met to these rules. Actions taken on licenses due to non-compliance with these rules will be taken through the Department of Family Services as a result of the recommendations from one or more of the following: the authorized health inspector, Department of Agriculture, and/or Department of Health. Public health officials can put restrictive orders or close facilities that pose public health risks.

Section 2. **Definitions.**

The following definitions shall apply in the interpretation of health and sanitation standards for child care facilities.

(a) "Approved chemical sanitizing agent" those sanitizing solutions that have as active ingredients chlorine, iodine, quaternary ammonia, or other sanitizing solutions approved by the authorized health inspector.

(b) "Approved source" means the source(s) of the water whether it be from a spring, artesian well, drilled well, municipal water supply, or any other source that has been inspected and the water sampled, analyzed, and found to be of a safe and sanitary quality in accordance with the applicable laws and regulations of the State of Wyoming.

(c) "Bottled water" means water that is from an approved source and is placed in a sealed container or package and is offered for sale for human consumption or other consumer uses.

(d) "Communicable" capable of being transmitted from one person to another.

(e) "Compliance letter" a letter sent to the authorized health inspector outlining what has or will be done by the provider and/or director to comply with the health/sanitation standards.

(f) "Cross-contamination" the transmission of infectious or toxic agents from one object to another.

(g) "Drinking water" means water that meets 40 CFR 141 National Primary Drinking Water Regulations; is traditionally known as "potable water"; included the term "water" except where the term used connotes that the water is not potable, such as "boiler water," "mop water," "rainwater," "wastewater," and "non-drinking" water.

(h) "Easily cleanable" means a characteristic of a surface that:

(i) Allows effective removal of soil by normal methods;

(ii) Is dependent on the material, design, construction, and installation of the surface;

(iii) Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose, and use; and

(iv) Includes a tiered application of the criteria that qualify the surface as easily cleanable as specified under Subparagraph (A) of this definition, to different situations in which varying degrees of cleanability are required such as:

(A) The appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for consumer dining; or

(B) The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.

(i) "Equipment" means an article that is used in the operation of an establishment such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, vending machine, or warewashing machine. It does not include items used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or over wrapped lot, such hand trucks, forklifts, dollies, pallets, racks, and skids.

(j) "Food" means articles used for food or drink for humans including meat and ice intended for human consumption; chewing gum; beverages subject to the Federal Alcohol Administration Act, as amended, (Title 27 U.S.C.201 et seq.); articles used for components of any article noted above in this paragraph.

(k) "Food area(s)" is the area(s) of the facility used for storage, preparation, and/or serving of food. Included is that area where the food service utensils and equipment are washed and/or stored.

(l) "Food-contact surface" means a surface of equipment or a utensil with which food normally comes into contact; or from which food may drain, drip, or splash into a food or onto a surface normally in contact with food.

(m) "Garbage" waste resulting from the growing, handling, preparation, cooking, and consumption of food; also includes sanitary napkins, soiled diapers, and other insect or rodent-attracting refuse.

(o) "Insect and rodent proof" capable of keeping insects and rodents from entering buildings, garbage containers, diaper pail(s), or containers (e.g., tight fitting screens, doors, lids.)

(p) "Multi-use" means designed or intended to be used more than once and intended to be cleanable.

(q) "Nonabsorbent" a relatively hard surface that will not absorb liquids, food items, etc.

(r) "Pathogen(ic)" any disease-producing microorganism or material.

(s) "Potentially Hazardous Food (Time/Temperature Control for Safety Food)." means a food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

(i) Potentially hazardous food (time/temperature control for safety food) includes:

(A) An animal food that is raw or heat-treated; a plant food that is heat treated or consists of raw seed sprouts, cut melons, or garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support pathogenic microorganism growth or toxin formation; and

(B) Except as specified in Subparagraph (C) (IV) of this definition, a food that because of the interaction of its AW and PH values is designated as

Product Assessment Required (PA) in Table A or B of this definition:

<u>Table A. Interaction of pH and aw for control of spores in food heat treated to destroy vegetative cells and subsequently packaged</u>			
<u>AW values</u>	<u>pH</u>		
	<u>4.6 or less</u>	<u>> 4.6 - 5.6</u>	<u>> 5.6</u>
<u><0.92</u>	<u>non-PHF*/non-TCS food**</u>	<u>non-PHF/non-TCS food</u>	<u>non-PHF/non-TCS food</u>
<u>> 0.92- 95</u>	<u>non-PHF/non-TCS food</u>	<u>non-PHF/non-TCS food</u>	<u>PA***</u>
<u>> 0.95</u>	<u>non-PHF/non-TCS food</u>	<u>PA</u>	<u>PA</u>
<u>* PHF means potentially hazardous food</u> <u>** TCS food means time/temperature control for safety food</u> <u>*** PA means Product Assessment required</u>			

<u>Table B. Interaction of PH and AW for control of vegetative cells and spores in food not heat-treated or heat-treated but not packaged</u>				
<u>AW values</u>	<u>pH</u>			
	<u>< 4.2</u>	<u>4.2 - 4.6</u>	<u>> 4.6 - 5.0</u>	<u>> 5.0</u>
<u>< 0.88</u>	<u>non-PHF*/non-TCS food**</u>	<u>non-PHF/non-TCS food</u>	<u>non-PHF/non-TCS food</u>	<u>non-PHF/non-TCS food</u>
<u>0.88 – 0.90</u>	<u>non-PHF/non-TCS food</u>	<u>non-PHF/non-TCS food</u>	<u>non-PHF/non-TCS food</u>	<u>PA***</u>
<u>> 0.90–0.92</u>	<u>non-PHF/non-TCS food</u>	<u>non-PHF/non-TCS food</u>	<u>PA</u>	<u>PA</u>
<u>> 0.92</u>	<u>non-PHF/non-TCS food</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>
<u>* PHF means Potentially Hazardous Food</u> <u>** TCS food means time/temperature control for safety food</u> <u>*** PA means Product Assessment required</u>				

(ii) Potentially hazardous food (time/temperature control for safety food) does not include:

(A) An air-cooled hard-boiled egg with shell intact, or an egg with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable salmonellae;

(B) A food in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;

(C) A food that because of its pH or aw value, or interaction of aw and pH values, is designated as a non-PHF/non-TCS food in Table A or B of this definition;

(D) A food that is designated as Product Assessment Required (PA) Table A or B of this definition and has undergone a Product Assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that food is precluded due to:

(I) Intrinsic factors including added or natural characteristics of the food such as preservatives, antimicrobials, humectants, acidulants, or nutrients,

(II) Extrinsic factors including environmental or operational factors that affect the food such as packaging, modified atmosphere such as reduced oxygen packaging, shelf life and use, or temperature range of storage and use, or

(III) A combination of intrinsic and Extrinsic factors; or

(E) A food that does not support the growth or toxin formation of pathogenic microorganisms in accordance with one of the Subparagraphs (C)(I) - (C)(IV) of this definition even though the food may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.

(t) "Private water supply" a water supply meant for human consumption, but that is used by the occupants of only one (1) facility and the children being cared for at that facility (well, cistern, etc.).

(u) "Regulating authority" the Department of Family Services (Department) or its designated representative.

(v) "Safe materials" articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of the food. An article that is used as specified in section 409 or 706 of the Federal Food, Drug, and Cosmetic Act, as amended or articles that are used in conformity with applicable regulations.

(w) "Sanitization" means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of five (5) logs, which is equal to a ninety nine and nine hundred ninety nine thousandths percent (99.999%) reduction, of representative disease microorganisms of public health importance.

(x) "Single service article" means tableware, carryout utensils, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one (1) time, one (1) person use after which they are intended for discard.

(y) "Shielding" a protective covering placed over lights or heating fixtures that will effectively prevent glass fragments from contaminating foods or food contact surfaces.

(z) "Utensils" means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multi-use, single-service, or single-use; gloves used in contact with food; food temperature measuring devices; and probe-type price or identification tags used in contact with food.

Section 3. Review of Plans and Specifications.

(a) Whenever a Child Care Center (CCC) is constructed or remodeled or an existing structure is converted to use as a child-caring facility, a copy of the plans and specifications for such construction, remodeling, or conversion shall be submitted to the authorized health inspector for review and approval at least sixty (60) days prior to the date for bid letting, the date for occupancy or the start of construction. The authorized health inspector shall review the plans and specifications and a letter of approval or disapproval shall be sent within thirty (30) days from the date of receiving the plans. If the plans and specifications are disapproved, each deficiency or item not found on the plans and specifications shall be so indicated on the plan review. The applicant shall then submit a letter to the health inspector indicating that they have changed their plans in accordance with those items listed in the review. Upon receipt of the compliance letter, the authorized health inspector shall issue a letter of approval. This submittal of plans and specifications does not fulfill any requirements of state or local fire officials.

(b) The plans and specifications for a Child Care Center shall include, as required by the regulatory authority based on the type of operation, type of food preparation, and foods prepared, the following information to demonstrate conformance with Rule provisions:

- (i) Intended menu;
- (ii) Anticipated volume of food to be stored, prepared, and sold or served;
- (iii) Proposed layout, mechanical schematics, construction materials, and finish schedules;
- (iv) Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications;
- (v) Evidence that standard procedures that ensure compliance with the requirements of this rule are developed or are being developed; and
- (vi) Other information that may be required by the regulatory authority for the proper review of the proposed construction, conversion or modification, and procedures for operating an establishment or processing plant.

Section 4. Sanitation Requirements for Child Care Facilities.

(a) All Child Care Centers (CCC) shall be required to comply with the Wyoming Food Safety Rule, State of Wyoming, latest edition. The Wyoming Food Safety Rule may exceed standards mentioned in this chapter, but are only applicable to Child Care Centers (CCC).

(b) All Family Child Care Homes (FCCH) and Family Child Care Centers (FCCC) shall comply with the following standards. The principles and requirements of the Wyoming Food Safety Rule may be required, over and above these rules, in cases where potentially hazardous foods are prepared.

- (i) Floors and floor coverings shall be maintained in good repair and shall not be visibly soiled.
- (ii) The walls, wall coverings, and ceilings shall be maintained in good repair and shall not be visibly soiled.
- (iii) Light fixtures, vent covers, wall-mounted fans, and similar equipment attached to walls and ceilings shall be kept clean and maintained in good repair.

(iv) Walls and ceiling surfaces

(A) If present, lead-based paint shall not present a poisoning hazard. Building components including walls, doors and windows that have been painted with lead-based paint shall have the paint safely removed, covered over or shall be maintained to ensure dust lead levels do not exceed one hundred (100) micrograms/sq. ft. on the floors (including carpeted floors), five hundred (500) micrograms/sq. ft. on the interior window sills and eight hundred (800) micrograms/sq. ft. in the window troughs.

(B) Lead-poisoning hazards shall be minimized during lead-based paint removal and remodeling of all pre-1978 facilities.

(C) All other toxic or potentially hazardous compounds, to include urea formaldehyde and asbestos, shall be excluded from new construction material(s) in walls and ceilings and shall be effectively sealed in existing facilities.

(v) Doors and windows

(A) All doors, windows, and other entrances to the outside shall effectively protect against the entrance of all insects and rodents.

(B) Screening material shall not be less than sixteen (16) mesh to the inch.

(vi) Lighting

(A) All rooms in which food or drink are prepared or in which utensils are washed or stored shall be uniformly lighted with a minimum of twenty (20) foot candles of light at work level.

(B) Lighting shall be from a permanently fixed artificial light source.

(C) Shielding to protect against broken glass falling into food shall be provided for all artificial lighting fixtures located over, by, or within food storage, preparation, service, or display areas and where utensils and equipment are cleaned and stored.

(vii) All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, fumes, toxic gases, or stagnant air. Wyoming Food Safety Rules have additional ventilation requirements for Child Care Centers (CCC).

(viii) Restrooms

(A) All child care facilities shall be provided with restroom facilities. Each facility shall have at least one (1) toilet and at least one hand washing sink per restroom. In addition, Child Care Centers (CCC) shall be required to comply with the requirements of the Uniform Plumbing Code (UPC), latest edition.

(B) If care is provided to children who are not toilet trained, then at least one "potty chair" per four (4) children who are being potty trained shall be required.

(C) All restrooms shall be provided with covered trash receptacles, single service hand towels or hand drying devices, hand cleanser, and toilet tissue at all times.

(D) Toilet facilities shall be kept clean and sanitary and maintained in good repair.

(ix) Water supply

(A) Hot and cold potable water (under pressure) shall be provided to all rooms in which food is prepared and utensils are washed and to all restrooms.

(B) The water supply shall be of such quantity as to provide enough water for food preparation, washing of hands, and washing of utensils and equipment.

(C) Private water supplies serving child caring facilities shall have a bacterial test every six (6) months. If infants under one (1) year are present, the water supply shall be tested for nitrates every three (3) years. Water tests shall be conducted at an EPA certified laboratory and/or a laboratory accredited for microbiological testing in drinking water according to EPA approved testing methods.

(D) All bottled, packaged, or transported water shall be potable.

(x) Hand Washing Sinks

(A) Hand washing sinks shall be located in or immediately adjacent to all restrooms.

(B) Sinks shall be located at a convenient height (24-36 inches at top) for children, or stools shall be provided.

(C) Diaper changing area shall be located as close as possible to an operable hand sink with hot and cold running water. The distance from diaper changing area to such hand sink shall not exceed twelve (12) feet.

(D) Hot water from such hand washing sinks or other child accessible faucet(s) shall not exceed 120°F at exit point from the faucet.

(xi) Utensils and equipment

(A) Multi-use utensils and equipment shall be constructed and repaired with safe materials. They shall be corrosion resistant, easily cleanable, and durable under conditions of normal use.

(B) Single service articles shall be made from clean, sanitary, and safe materials.

(C) Reuse of single service articles is prohibited.

(xii) Multi-use utensils and food contact surfaces of equipment shall be washed, rinsed, and sanitized after each use or whenever contamination may have occurred. Food contact surfaces shall be corrosion resistant, durable, and easily cleanable under normal use.

(xiii) Non-food contact surfaces of equipment shall be cleaned as necessary to keep the equipment free of accumulation of dust, dirt, food particles and other debris.

(xiv) Manual washing and sanitizing of utensils and food contact surfaces:

(A) For manual washing, rinsing, and sanitizing of utensils and equipment, three (3) compartments or containers shall be used;

(B) Each compartment shall be large enough to accommodate the utensils or equipment;

(C) The first compartment shall contain a hot detergent that is kept clean. The second compartment shall contain hot, clear rinse water. The third compartment shall contain an approved sanitizing solution as outlined in the Wyoming Food Safety Rule. Dishes and equipment shall then be air dried;

(D) All utensils and equipment shall remain in the final sanitizing rinse for at least one (1) minute, and the utensils or equipment shall then be air dried; and

(E) When chemicals are used for sanitization, a test kit or other device that accurately measures the parts per million concentration of the sanitizer shall be provided and used.

(I) Commercial sprays which have tested and are mixed at the appropriate strength may be used.

(II) Commercial wipes may not be used due to inability to be tested accurately.

(xv) Mechanical washing and sanitizing

(A) Cleaning and sanitizing may be done by a spray type or immersion dishwashing machine or by any other type of machine or device if it can be demonstrated to the authorized health inspector that it thoroughly cleans and sanitizes utensils and equipment. Home type machines, followed by hand sanitizing, may be approved.

(B) These machines and devices shall be maintained in good repair and shall be operated in accordance with the manufacturer's instructions.

(xvi) Storage of utensils and equipment

(A) Cleaned and sanitized utensils and equipment shall be stored at least six (6) inches above the floor level in a clean, dry location and in such a manner that protects them from contamination by splash, dust, or other means.

(B) Food contact surfaces of fixed equipment shall also be protected from contamination by splash, dust, or other means.

(C) Single service articles shall be stored at least six (6) inches above the floor in closed cartons or containers that protect them from contamination.

(xvii) Sewage disposal

(A) All sewage, including liquid waste, shall be disposed of by a public sewerage system or by a sewerage disposal system constructed and operated according to the requirements of the Department of Environmental Quality (DEQ) or its authorized representative.

(B) Non-water carried sewage disposal facilities are prohibited, except as permitted by the authorized health inspector in remote areas or because of special situations.

(xviii) Solid waste (garbage)

(A) Inside garbage storage shall be kept in lined, durable, easily cleanable, insect and rodent-proof containers that will not leak or absorb liquids.

(B) All containers used for garbage shall be kept covered with tight fitting lids and shall be available in sufficient numbers to accommodate all garbage and refuse. Outside containers shall be made inaccessible to dogs, cats, and wild animals.

(C) Containers shall be kept clean at all times.

(D) Garbage and refuse shall be disposed of often enough to prevent the development of odor(s) and/or the attraction of insects and rodents.

(xix) Food care

(A) Food shall be of a sound condition, free from spoilage, filth, or other contamination and shall be safe for human consumption.

(B) Food shall be obtained from sources that comply with all laws relating to food and food labeling. Wild game is prohibited from being served to the children.

(C) The serving of "home-canned" foods to the children is prohibited.

(D) Fluid milk and milk products used or served shall be pasteurized and shall meet the Grade A Quality standards as established by law. (The serving of raw or unpasteurized milk is prohibited.)

(E) Dry milk and dry milk products shall be made from pasteurized milk or milk products and shall be used only in cooking.

(F) At all times, including while being stored, prepared, displayed, served, or transported, food shall be protected from contamination by dust, insects, rodents, unclean utensils and equipment, unnecessary handling, coughs and sneezes, flooding, drainage, and overhead leakage.

(G) The temperature of potentially hazardous food shall be kept at 41°F or below, or 135°F or above, at all times. Sufficient refrigerated or hot or cold storage equipment shall be available to maintain these temperatures. Thermometers shall be available at all times for monitoring food temperatures. Refrigeration thermometers shall be kept in top front of the unit.

(H) Food, whether raw or prepared, if removed from the container or package in which it was obtained, shall be stored in a clean, covered, and labeled container.

(I) Containers of food, except those packaged in waterproof containers shall be stored at least six (6) inches above the floor.

(J) Cooked or finished potentially hazardous food stored under refrigeration shall not exceed five (5) inches in depth.

(K) Stored frozen food shall be maintained in a frozen condition.

(L) Food shall be prepared with the least possible manual contact, with suitable utensils, and on surfaces that, prior to use, have been cleaned, rinsed, and sanitized to prevent cross-contamination.

(M) Potentially hazardous frozen foods shall be thawed under the following conditions:

(I) In a refrigeration unit at a temperature not to exceed 41°F;

(II) Under potable running water at a temperature of 70°F or below; or

(III) In a microwave or part of the continuous cooking process. Potentially hazardous, frozen foods shall not be thawed at room temperature.

(N) All food shall be served and displayed in a clean and sanitary manner.

(O) Family Child Care Homes (FCCH) and Family Child Care Centers (FCCC) may serve milk according to the following rules:

(I) Grade A pasteurized milk bottled in one half (1/2) or one (1) gallon containers may be used for pouring glasses of milk.

(II) The use of the one half (1/2) or one (1) gallon commercially filled containers shall be contingent on the following:

(1.) No milk, once poured from the original container, shall be reused for beverages or cooking; and

(2.) The one half (1/2) or one (1) gallon container shall be returned to the refrigerator as soon as the individual glasses are filled and shall not remain on the table during lunch, snack, or other dining times.

(III) The USDA commodity code does not allow dry or powdered milk products to be reconstituted and used for drinking purposes.

(P) Once served to a child, that unwrapped portion of any leftover food or drink shall not be served again.

(Q) Only pasteurized eggs and egg products and pasteurized juice shall be served to children nine (9) years old and under in the child care setting, with the exception of air cooled hard boiled eggs with shell intact as defined in Chapter 9, Section 2 (s) (ii) (A).

(xx) Animals

(A) All animals, including animal equipment such as food dishes and bedding, shall be excluded from the food preparation, utensil, and equipment washing and dining areas.

(B) Dogs, cats, and ferrets that are brought on child care premises shall be up-to-date on their rabies vaccinations. Unvaccinated animals shall be vaccinated at least one (1) month before they come onto the premises. If the animal is too young to be vaccinated for rabies it may be allowed on the premises, but shall not be handled by children. Domestic animals that can be vaccinated and permitted on the premises shall have all current vaccinations as required by the local ordinances and shall be considered free of communicable diseases. Verification of such vaccinations shall be present on the premises.

(C) Animals allowed on child care premises shall include the following: domestic dog, domestic cat, domestic ferret, domestic ungulate (e.g. cow, sheep, goat, pig, horse), pet rabbit, pet rodent (e.g. mice, rats, hamsters, gerbils, guinea pigs, chinchillas), aquarium fish, non-psittacine cage and aviary birds (e.g. canaries, finches, mynahs, and diamond doves). See (F) for circumstances where psittacine birds are allowed. Wild, aggressive or potentially harmful animals shall not be allowed on the

premises, unless they are presented by a professional who has experience handling wildlife, and are displayed in enclosed cages which prevent contact between the animal and children.

(D) Children under five (5) years shall not have direct contact with ferrets, baby chicks and baby ducks.

(E) Because of the real possibility of rabies in bats, raccoons, skunks, and wild carnivores, these animals (including recently dead animals) should not be permitted in any child care facility under any circumstances.

(F) There shall be no reptiles or amphibians, including but not limited to snakes, lizards, turtles, or frogs on the child care premises due to the threat of salmonellosis transmission. All birds capable of carrying psittacosis shall be certified as being psittacosis free, tested or treated by a veterinarian to eliminate or prevent psittacosis or similar diseases.

(xxi) Pest control

(A) Insect and rodent control measures shall be implemented as needed to keep them under control.

(B) Approved methods, besides physical restraint, are stick-um fly strips, electronic killing devices, and other nontoxic methods or pesticides if approved by the authorized health inspector.

(xxii) Personnel practices

(A) All persons who come in contact with the children or who are involved in the food preparation aspect of the operation shall wash their hands and exposed portions of their arms with soap and warm water before food preparation, before and after diaper changes, after smoke breaks, after using the toilet, and whenever else it is necessary to keep them clean and free of contamination.

(I) If disposable gloves are used, hands shall be washed before putting on the gloves and after removing the gloves.

(B) No person shall use tobacco in any form while engaged in food preparation, service of food or while washing utensils and equipment. Smoking is prohibited in these areas.

(C) Hair control shall be employed by all those engaged in food preparation. Hair shall be restrained in such a manner as to prevent hairs from contaminating food or food contact surfaces.

(D) Persons engaged in food preparation or who come in contact with the children shall maintain good hygienic practices during all working periods at the child-caring facility.

(E) The outer clothing of all employees shall be clean and free of food residues.

(xxiii) Diaper changing area

(A) Any child care facility having children requiring diaper changes shall have a designated diaper changing area.

(B) Such an area shall have a smooth, non-absorbent, easily cleanable surface.

(C) This area shall be sanitized after each diaper change with an approved sanitizing agent.

(D) Such sanitizing agents or apparatus shall be readily available and clearly labeled.

(E) Hand washing is required after every diaper change. Use of plastic gloves is recommended for diaper changing. If blood is present, plastic gloves shall be used.

(xxiv) Cots, pads, and bedding

(A) Each child shall have his/her own cot, bedding, etc., which shall be labeled with the child's name.

(B) Such cot or bedding shall not be shared with other children prior to cleaning and sanitizing.

(C) Bedding material (unless laundered) shall be stored so that the bedding is not touching to prevent possible cross-contamination.

(D) Cots and bedding shall be cleaned and sanitized on a weekly basis.

(E) Twenty-four (24) hour facilities shall have enough covered cots on hand to accommodate those children staying past 8:00 P.M.

(xxv) Miscellaneous

(A) All medicines, alcohol, detergents, sanitizers and related cleaning compounds, and other chemicals shall be inaccessible to children.

(B) Hazardous compounds such as insecticides and rodenticides and other chemicals bearing the skull and crossbones or “Danger” designation shall be kept under lock and key.

(C) Poisonous or toxic chemicals shall not be stored above or adjacent to food, food items (utensils), food contact surfaces, or toys and playthings. They shall not be used in such a manner that they could contaminate these articles.

(D) Containers of poisonous or toxic materials shall be prominently and distinctly labeled for easy identification of contents.

(E) All toys provided to the children shall be of such construction as having an easily cleanable surface.

(F) Toys and other small articles that may find their way into children's mouths shall be cleaned and sanitized at least once a week or whenever visibly soiled by using an approved sanitizer at the proper strength.

Section 5. Health Requirements for all Child Care Facilities.

(a) Communicable diseases

(i) No person with a communicable disease, or being a carrier of such, that is listed on the Wyoming Department of Health (WDH) Reportable Disease and Condition List shall work in a childcare facility, unless:

(A) They have been declared non-infectious to others by a licensed physician, physician assistant (PA), or nurse practitioner (NP); or

(B) Approval has been given by the local or State Department of Health; or

(I) In the case of Hepatitis B, Hepatitis C, or HIV the infected individual has received bloodborne pathogen training and has been determined to be of negligible risk to other persons during the routine care of children by a licensed physician and the facility director; or

(II) In the case of a sexually transmitted disease the infected individual has been determined to be of negligible risk to other persons during the routine care of children by a licensed physician, physician assistant, or nurse practitioner.

(ii) No person shall work in a child care facility while they are experiencing any of the following:

(A) Skin infection or rash unless the lesion can be completely covered and drainage contained by an impervious dressing, all other persons are prevented from having contact with the lesion, and the affected person can practice adequate hand hygiene; or the condition is due to a non-infectious condition as verified by a licensed physician, PA, or NP.

(B) Jaundice unless due to a non-infectious condition as verified by a licensed physician, PA, or NP.

(C) Purulent conjunctivitis

(D) Head lice, until after first treatment.

(E) Scabies, until treatment is completed.

(iii) No person shall work in a child care facility if exclusion is directed by state or local public health officials.

(iv) Exclusion of children:

(A) Any child who cannot participate in a regular child care program due to discomfort, injury or other symptoms of illness may be refused for care by the facility staff.

(B) A facility serving well children may not admit a child who has any of the illnesses/symptoms of illness specified below:

(I) A communicable disease, or being a carrier of such, that is listed on the Wyoming Department of Health (WDH) Reportable Disease and Condition List, unless:

(1.) They have been declared non-infectious to others by a licensed physician, physician assistant (PA), or nurse practitioner (NP); or

(2.) Approval has been given by the local or state department of health; or

(3.) In the case of Hepatitis B, Hepatitis C, or HIV the infected individual has been determined to be of negligible risk to other persons in routine childcare settings by a licensed physician and the facility director.

(II) Diarrhea, when it is:

(1.) Due to disease spread by fecal contamination as verified by a licensed physician, PA, or NP; or

(2.) Accompanied by evidence of dehydration or fluid loss, identified by sunken eyes or poor skin elasticity; or

(3.) Accompanied by a history of poor fluid intake or unusual drowsiness; or

(4.) Continued beyond four (4) days unless a physician provides written documentation that it is safe to readmit the child for care.

(III) Severe pain or discomfort;

(IV) Two (2) or more episodes of acute vomiting within a period of twenty-four (24) hours;

(V) Difficult or rapid breathing;

(VI) Yellowish eyes or skin unless due to a non-infectious condition as verified by a licensed physician, PA, or NP;

(VII) Sore throat with a fever over 101 degrees or severe coughing;

(VIII) Head lice, until after first treatment;

(IX) Scabies, until treatment is completed;

(X) Children suspected of being in contagious stages of hepatitis A, chicken pox, pertussis, measles, mumps, rubella or diphtheria;

(XI) Skin infection or rash, excluding diaper rash, unless under the care of a licensed physician, PA, or NP, and the licensed healthcare provider has approved in writing their return to child care;

(XII) Purulent conjunctivitis;

(XIII) Swollen joints or visibly enlarged lymph nodes, unless under the care of a licensed physician, PA, or NP, and the licensed healthcare provider has approved in writing their return to child care;

(XIV) Elevated oral temperature of 101 degrees or over, unless under the care of a licensed physician, PA, or NP, and the licensed healthcare provider has approved in writing their return to child care;

(XV) Blood in urine, unless under the care of a licensed physician, PA, or NP, and the licensed healthcare provider has approved in writing their return to child care;

(XVI) Mouth sores associated with drooling, unless under the care of a licensed physician, PA, or NP, and the licensed healthcare provider has approved in writing their return to child care;

(XVII) Other conditions as may be determined by the health consultant or provider on an individual basis.

(C) The parent shall be notified immediately when a child has symptoms requiring exclusion from care. The child care facility must provide adequate separation and direct supervision of a sick child until he/she can be removed from the facility.

(D) If a child or employee becomes seriously or suspiciously ill with a communicable disease during the hours of operation of the facility, he/she shall be separated, and children shall be supervised, from the rest of the children until he/she can be removed from care and/or examined or treated by a licensed physician, PA, or NP and verified to be non-infectious to others.

(E) A room or other area that can be used for separation shall be provided at each facility for persons becoming ill or suspected of being ill with a communicable disease, and it shall be equipped with a cot or bed and bedding material that can be easily sanitized.

(F) When communicable diseases occur and attendees or other staff have been exposed, all staff members shall be advised and all parents or guardians of exposed children shall be immediately notified by the provider to observe for symptoms; the specific identity of the persons infected with a communicable disease shall not be revealed except to authorized health authorities.

(G) Facilities shall report any communicable disease listed on the Wyoming Department of Health Reportable Diseases and Conditions list occurring to the children to the local public health office and to licensing.

(H) Facilities shall obtain the current list of reportable diseases and conditions from the office of the State Epidemiologist, Wyoming Department of Health.

(I) Chronic upper respiratory problems, except common allergies, shall require annual examinations by a physician.

(J) Deteriorating health conditions shall be brought to the attention of the certifying authority.

Section 6. Inspection of Child Care Facilities.

(a) Representatives of the Department of Family Services or designated representatives of the Department of Family Services, including the authorized health inspector, shall be permitted to enter any child care facility at any reasonable time for the purpose of making necessary inspections to determine compliance with health standards. The authorized health inspector or designated representative shall be permitted to examine the records of the child care facility that he/she considers necessary for compliance with these standards.

(b) The health and sanitation inspection frequency of all child care facilities shall be based on risk. All Child Care Centers shall receive a health and sanitation inspection at least one (1) time per year and more often at the discretion of the regulatory authority.

(c) Inspection and enforcement procedures for these sanitation standards, unless otherwise agreed upon in writing with the Department of Health of the local jurisdictional areas, shall be as follows:

(i) The original copy of the inspection form shall be retained by the Wyoming Department of Agriculture, the designated agent of the health office; and

(ii) One copy of the completed inspection report form shall be furnished to the provider, director, owner or his/her representative at the conclusion of the health inspection.

(d) Compliance procedures. Failure to take action to correct any violations noted by the authorized health inspector within the agreed timeframe shall be reported to the licensing authority and may result in the loss of the license.

Section 7. **Summary Suspension.**

(a) If the health or sanitation conditions of a child care facility pose an imminent health threat to the children or staff, the authorized health inspector shall consult with the Regulating authority, which may summarily suspend the license to operate under W.S. 14-4-108(c).

CHAPTER 9
ADMINISTRATIVE RULES FOR CERTIFICATION
OF CHILD CARE FACILITIES
FIRE STANDARDS FOR FAMILY CHILD CARE HOME
Residential Classification

Section 1. Authority and Purpose.

(a) The fire standards for building and life safety shall be administered and enforced by the authority having jurisdiction designated by W.S. 35-9-101 through 35-9-130. For the purpose of these rules, the authority having jurisdiction is called the fire official. The fire official has the authority and responsibility to administer and enforce the adopted codes and/or laws of the jurisdiction, and to require technical assistance as needed.

(b) These requirements shall apply to all child care homes in the State of Wyoming in which children receive supervision or personal services for less than twenty-four (24) hours per day.

(c) The purpose of the fire inspection is to ensure compliance with minimum requirements that will provide a reasonable level of fire and life safety, property protection and public welfare from actual and potential hazards created by fire, explosions and other hazardous conditions. Actions taken on licenses due to non-compliance with these rules will be taken through the Department of Family Services as a result of the recommendations from the fire inspector.

(d) These fire standards are basic requirements. The fire official, after conducting an onsite fire inspection, may require correction of other fire hazards.

(e) A limited but reasonable time shall be allowed for compliance with any part of the code requirements.

(f) Child care homes certified prior to the effective date of these rules shall be maintained in accordance with the codes under which the facility was certified.

(g) New child care homes requesting certification shall comply with the currently adopted building, fire, electrical and mechanical codes of the jurisdiction.

Section 2. Definitions.

The following definitions shall apply in the interpretation of minimum fire and life safety requirements for child care homes.

(a) "Approved" pertains to materials, type of construction or appliances and refers to approval by the building or fire official as the result of investigation and tests conducted by that official or by reason of accepted principals and/or tests by nationally recognized authorities, technical or scientific organizations.

(b) “Building or Fire Official” means the authorized person serving as a designated employee, representative or agent of the governing authority and may be known as fire marshal, fire chief, fire prevention officer, chief fire prevention officer, chief of the bureau of fire prevention, fire prevention chief, fire inspector, building inspector, electrical inspector, building official or authority having jurisdiction.

(c) “Family Child Care Home” means a licensed child care facility in which care is provided for no more than ten (10) children in the primary residence of the provider and shall be classified as Residential.

(d) “Homemade Appliance” means an appliance which has been manufactured or constructed by an individual who is not normally in a business of manufacturing or constructing such appliances; and where such appliance has not been tested or evaluated by a nationally recognized testing laboratory and properly labeled. Such appliances are prohibited in child care homes.

(e) “Local Enforcement Jurisdiction” means the governing authority who has the responsibility to provide minimum fire and life safety requirements within their own jurisdiction as outlined in Wyoming Statute 35-9-121.

Section 3. **Smoke Alarms.**

(a) Smoke alarms (detectors) shall be installed and maintained as follows:

(i) On the ceiling or wall outside each separate sleeping area in the immediate vicinity of sleeping rooms.

(ii) In each room used for sleeping purposes.

(iii) In each story including basements and cellars.

(iv) Smoke alarms shall emit a signal when the batteries are low.

(v) In new construction, additions and alterations, required smoke alarms shall receive their primary power from the building wiring and shall be equipped with a battery backup.

(A) Wiring shall be permanent and without a disconnecting switch.

(B) Where more than one smoke alarm is required to be installed, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms.

(vi) The alarm shall be clearly audible in all sleeping rooms over background noise levels with all intervening doors shut.

(vii) Smoke alarms shall be tested every month at a minimum (once a week is highly recommended) and a record kept on premises and available to the fire official/Department of Family Services personnel.

(b) All child care facilities must install carbon monoxide detectors.

Section 4. **Occupancy Use and Separation.**

(a) The garage shall be separated from the child care home (residence) and its attic area by means of a minimum one-half (1/2) inch sheet rock applied to the garage side. This applies to applicants for licensure after the effective date of these rules.

(b) Door openings between the garage and the residence shall be equipped with either solid wood doors not less than 1-3/8 inches thick or solid or honeycomb core steel doors not less than 1-3/8 inches thick.

(c) Openings from a garage directly into a room used for sleeping purposes shall not be permitted.

Section 5. **Exits.**

The building or fire official, in accordance with the adopted building and fire codes, shall determine number of exits, placement and adequacy. General requirements are:

(a) A minimum of two (2) exits;

(i) A second exit may consist of a sliding glass patio door with approved landing, guardrails and handrails.

(ii) Windows and garages shall not be considered as an exit for this purpose;

(iii) An exit door is a side-hinged door and shall be at least 32" of clear width by 80" in height in new construction or as approved by the authority having jurisdiction in existing construction.

(b) Required exit access, exits or exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency.

(c) An exit shall be free from obstructions that would prevent its use, including the accumulation of snow and ice.

(d) Egress doors shall be readily openable from the inside without the use of a key or any special knowledge or effort, the door knob system shall be an "emergency exit feature type, no unlocking required". Use of dead bolts, chains, night latches, manually operated flush bolts or surface bolts are not permitted during child care hours.

(e) The means of egress, including the exit discharge, shall be illuminated at all times the building is occupied.

(f) Porches, steps, stairs, landings and walkways shall be maintained in good repair and safe condition, and in compliance with the adopted code or as approved by the authority having jurisdiction.

(g) Guardrails shall be located along open-sided walking surfaces, mezzanines, stairways, ramps and landings and along glazed sides of stairways, ramps and landings which are located more than thirty (30) inches above the floor or grade below.

(h) Guardrails shall form a protective barrier not less than forty-two (42) inches high.

(i) Open guardrails shall have intermediate rails or balusters or ornamental patterns such that a three and a half (3 ½) inch diameter sphere cannot pass through any opening.

(j) Landings shall have a width not less than the width of the stairway or the width of the door, whichever is the greater. Landings shall have a length measured in the direction of travel of not less than thirty-six (36) inches.

(k) Basements must have two (2) approved exits with one leading directly to the outside.

Section 6. Emergency Escape and Rescue Window.

(a) Sleeping rooms shall have at least one (1) exterior emergency escape and rescue opening (may be a window or door unless the sleeping room is in a basement, then a door is required). Such opening shall open directly to the exterior.

(i) Emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height shall be twenty-four (24) inches; the minimum net clear opening width shall be twenty (20) inches.

(ii) Emergency escape and rescue openings shall have the bottom of the clear opening not greater than forty-four (44) inches measured from the floor.

(iii) Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools.

Section 7. Portable Fire Extinguishers.

(a) Portable fire extinguishers shall be installed in child care homes. The fire official having jurisdiction shall approve the proper type and number of extinguishers. General rules are:

(i) At least one (1) fire extinguisher is required for each three thousand (3,000) square feet of floor area. Additional extinguishers may be required to make sure travel distance to an extinguisher is no more than seventy-five (75) feet from any location.

(ii) The rating of each fire extinguisher shall not be less than 2A-10:BC. (Look for this number on the extinguisher.)

(iii) The extinguisher shall be located in a conspicuous location where it will be readily accessible and immediately available for use. The location shall be along the normal path of travel.

(iv) Fire extinguishers shall not be obstructed or obscured from view.

(v) Fire extinguishers shall be installed on the hangers or brackets supplied. Hangers or brackets shall be securely anchored to the mounting surface in accordance with the manufacturer's installation instructions.

(vi) Fire extinguishers shall be installed so that the top is not more than five (5) feet above the floor. The clearance between the bottom of the extinguisher and the floor shall not be less than four (4) inches.

(vii) Fire extinguishers shall not be mounted or stored in cupboards or broom closets except if the location is properly signed with a sign approved by the fire inspector.

(viii) Fire extinguishers shall be inspected monthly by the provider and documentation of the inspection shall be kept.

(ix) New fire extinguishers shall be inspected and will have the annual service tag attached before the issuance of a license.

(x) Fire extinguishers shall be inspected and serviced annually according to NFPA Standard 10. Fire extinguishers shall have service tags attached showing date of service and who serviced it.

Section 8. Storage.

(a) Storage of combustible and flammable materials and liquids in buildings shall be orderly and separated from heaters or heating devices by distance or shielding so that ignition cannot occur and made inaccessible to children. No explosives of any type are allowed on the premises except for reloading powder when it is stored in the following manner.

(i) No black powder is allowed on the premises;

(ii) Reloading activities are prohibited during child care hours of operation; and

(iii) The reloading powder quantity shall not exceed the maximum necessary for reloading activities.

(b) Combustible materials shall not be stored in attic, under-floor, under exit stairways, and concealed spaces unless walls, floor and ceiling forming the storage area are protected on the

enclosed side by one-hour fire-resistive construction or the space is provided with an approved automatic fire sprinkler system.

- (c) Trapdoors and access covers shall be kept closed at all times except when in use.
- (d) Combustible storage shall not be stored in exits, hallways or stairways.
- (e) Combustible materials shall not be suspended from any ceiling surface in any manner.

Section 9. Heating Appliances.

(a) Heating appliances shall be listed and approved and installed in accordance with the manufacturer's instructions, the adopted building code, fire code, fuel gas code, mechanical code and electrical code. All chimneys, smokestacks or similar devices from stoves, furnaces, fireboxes or boilers shall be installed or constructed in accordance with their listings and the above-mentioned codes.

(i) The fire official may require the furnace, boiler, fireplace or heating appliance to be inspected and/or serviced by a licensed serviceman.

(b) Furnaces shall be cleaned (including filter replacement) as often as necessary to prevent accumulation of lint and dust.

(c) Homemade heating appliances shall be removed from service.

(d) Heating appliances such as free standing and built in fireplaces shall have a non-combustible guard placed around the unit with a separation to prevent accidental burns.

Section 10. Electrical.

(a) All electrical wiring, equipment and appliances shall be installed and maintained in accordance with NFPA 70, National Electric Code.

(b) Special protective covers or tamper resistant outlets for all electrical outlets not in use shall be installed in all areas occupied by the children. All new construction and remodeled child care facilities must be fitted with tamper resistant outlets.

(c) Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.

(d) Extension cords and flexible cords shall not be used as a substitute for permanent wiring.

(e) Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact.

- (f) Extension cords shall be used only with portable appliances.
- (g) Extension cords shall be plugged directly into an approved receptacle, power tap or multiplug adapter and, except for approved multiplug extension cords, shall serve only one (1) portable appliance.
- (h) The ampacity of the extension cords shall not be less than the rated capacity of the portable appliance supplied by the cord.
- (i) Extension cords shall be maintained in good condition without splices, deterioration or damage.
- (j) Extension cords shall be grounded when serving grounded portable appliances.
- (k) Open junction boxes and open-wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes.
- (l) All breakers or fuses in an electrical panel shall be legibly labeled and identified as to purpose or use on a circuit directory located on the face or inside the panel door.

Section 11. Premises Identification.

- (a) New and existing buildings shall have approved address numbers, building numbers, or approved building identification. Numbers and/or identification shall:
 - (i) Be placed in a position to be plainly legible and visible from the street or road fronting the property;
 - (ii) Contrast with their background; and
 - (iii) Be a minimum of 4 inches high with a minimum stroke width of 0.5 inch.

Section 12. Fire Safety and Evacuation Plans.

- (a) Fire safety plans shall include the following:
 - (i) The procedure for reporting a fire or other emergency;
 - (ii) The life safety strategy and procedures for notifying, relocating, or evacuating occupants;
 - (iii) Site plans indicating the following:
 - (A) A current list kept by the exit door of who is at the facility each day as well as emergency contact numbers. This list must be taken with the children during evacuation of the building; and
 - (B) The occupancy assembly point for both good and bad weather;

(iv) Floor plans identifying the locations of the following:

- (A) Exits;
- (B) Primary evacuation routes;
- (C) Secondary evacuation routes; and
- (D) Portable fire extinguishers.

(b) Employee Training and Response Procedures shall include the following:

(i) Employees shall be trained in the fire emergency procedures described in their fire evacuation and fire safety plans;

(ii) Employees shall receive training in the contents of fire safety and evacuation plans and their duties as part of new employee orientation and at least annually thereafter. Records shall be kept and made available to the fire official/Department of Family Services personnel upon request; and

(iii) Employees shall be trained in fire prevention, evacuation and fire safety in accordance with the following:

(A) Employees shall be familiarized with the fire alarm and evacuation signals, their assigned duties in the event of an alarm or emergency, evacuation routes, exterior assembly areas, and procedures for evacuation; and

(B) Employees shall be trained to know the locations and proper use of fire extinguishers.

Section 13. Emergency Evacuation Drills (Fire Drills).

(a) Emergency evacuation drills shall:

- (i) Be held monthly;
- (ii) Be planned and conducted by the provider or staff;
- (iii) Require all occupants to participate;

(iv) Be conducted at different hours of the day or evening, at unexpected times and under varying conditions, to avoid distinction between drills and actual fires. Drills shall be held to simulate the unusual conditions that occur in case of fire; and

(v) Be initiated by activating the smoke alarm.

(b) Outdoor assembly areas shall be designated and shall be located a safe distance from the building being evacuated so as to avoid interference with fire department operations.

(i) As building occupants arrive at the assembly point, the responsible caregiver shall determine if all occupants have been successfully evacuated or have been accounted for.

(c) Records shall be maintained of required emergency evacuation drills and include the following information:

- (i) Identity of the person conducting the drill;
- (ii) Date and time of drill;
- (iii) Notification method used;
- (iv) Staff members on duty and participating;
- (v) Number of occupants evacuated;
- (vi) Special conditions simulated;
- (vii) Problems encountered;
- (viii) Weather conditions when occupants were evacuated; and
- (ix) Time required to accomplish complete evacuation.

(d) No one shall reenter the premises until authorized to do so by the caregiver in charge.

CHAPTER 10
ADMINISTRATIVE RULES FOR CERTIFICATION
OF CHILD CARE FACILITIES
FIRE STANDARDS FOR CHILD CARE CENTERS
AND FAMILY CHILD CARE CENTERS
Educational Classification (Group E)

Section 1. **Authority and Purpose.**

(a) The fire standards for building and life safety shall be administered and enforced by the authority having jurisdiction designated by W.S. 35-9-101 through 35-9-130. For the purpose of these rules, the authority having jurisdiction is called the fire official. The fire official has the authority and responsibility to administer and enforce the adopted codes and/or laws of the jurisdiction, and to require technical assistance as needed.

(b) These requirements shall apply to all child care centers and family child care centers in the State of Wyoming with a current license dated prior to the effective date of these rules in which clients receive education, supervision or personal services for less than twenty-four (24) hours per day.

(c) These fire standards are basic requirements. The fire official, after conducting an onsite fire inspection, may require correction of other fire hazards.

(d) Changes to a facility licensed prior to the effective date of these rules requiring a plan review will require the facility to comply with the currently adopted building, fire, electrical and mechanical codes of the jurisdiction.

(e) Child care centers and family child care centers requesting licensure or facilities moving to a new location after the effective date of these rules shall comply with the currently adopted building, fire, electrical and mechanical codes of the jurisdiction.

(f) The purpose of the fire inspection is to ensure compliance with minimum requirements that will provide a reasonable level of fire and life safety, property protection and public welfare from actual and potential hazards created by fire, explosions and other hazardous conditions. Actions taken on licenses due to non-compliance with these rules will be taken through the Department of Family Services as a result of the recommendations from the fire inspector.

(g) A limited but reasonable time shall be allowed for compliance with any part of the code requirements.

(h) Child care centers and family child care centers licensed prior to the effective date of these rules, shall be maintained in accordance with the codes under which the facility was licensed.

(i) New child care centers and family child care centers requesting certification shall comply with the currently adopted building, fire, electrical and mechanical codes of the jurisdiction.

Section 2. **Definitions.**

The following definitions shall apply in the interpretation of minimum fire and life safety requirements for Child Care Centers and Family Child Care Centers.

(a) “Approved” pertains to materials, type of construction or appliances and refers to approval by the building or fire official as the result of investigation and tests conducted by that official or by reason of accepted principals and/or tests by nationally recognized authorities, technical or scientific organizations.

(b) “Building or Fire Official” the authorized person serving as a designated employee, representative or agent of the governing authority and may be known as fire marshal, fire chief, fire prevention officer, chief fire prevention officer, chief of the bureau of fire prevention, fire prevention chief, fire inspector, building inspector, electrical inspector, building official or authority having jurisdiction.

(c) “Child Care Center or Family Child Care Center” the use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than ten (10) children shall be classified as a Group E.

(d) “Homemade Appliance” an appliance which has been manufactured or constructed by an individual who is not normally in a business of manufacturing or constructing such appliances; and where such appliance has not been tested or evaluated by a nationally recognized testing laboratory and properly labeled. Such appliances are prohibited in child care centers.

(e) “Institutional (Group I-4)” a facility that provides supervision and personal care on less than a twenty-four (24) hour basis for more than five (5) children two and one-half (2-1/2) years of age or less shall be classified as Institutional Group I-4. Exception: a child day care facility that provides care for more than five (5) but no more than one hundred (100) children two and one-half (2-1/2) years of age or less, when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

(f) “Local Enforcement Jurisdiction” the governing authority who has the responsibility to provide minimum fire and life safety requirements within their own jurisdiction as outlined in Wyoming Statute 35-9-121.

Section 3. Review of Building Plans.

(a) Plans shall be submitted to the Wyoming Department of Fire Prevention and Electrical Safety for review prior to beginning work for remodeling or additions to existing facilities and for new construction when the cost for construction or remodeling is over forty thousand dollars (\$40,000) and the facility houses more than ten (10) children.

(i) Plan review applications for the installation of any fire alarm systems, fire sprinkler systems or commercial hood systems shall be submitted and approved by the Fire or Building authority prior to installation.

(b) Child care centers and family child care centers operating within local enforcement jurisdictions shall follow procedures for obtaining permits and plan review as required by the local jurisdiction.

(c) All construction, regardless of cost or size, shall comply with the minimum adopted State of Wyoming codes.

Section 4. Automatic Fire Sprinklers.

(a) An automatic sprinkler system shall be provided throughout all Group E fire areas greater than twenty thousand (20,000) square feet in area. An automatic sprinkler system shall also be provided for every portion of educational buildings below the level of exit discharge.

(i) Exception: where each classroom has at least one exterior exit door at ground level.

(b) The building owner shall be responsible for ensuring that the fire and life safety systems are maintained in an operable condition at all times.

(c) Records of all system inspections, tests and maintenance required shall be maintained on the premises and made available to the fire official or the Department of Family Services personnel upon request.

Section 5. Fire Alarms.

(a) A manual fire alarm system shall be installed in Group E occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system.

(i) Exception: Group E occupancies with an occupant load of less than fifty (50). (NOTE: Occupant load is based on square footage of the facility divided by a factor of twenty (20). It is not based on Department of Family Services licensing numbers.)

(ii) Fire detection and alarm systems shall be maintained in an operative condition at all times, and shall be replaced or repaired when defective.

(iii) The building owner shall be responsible for ensuring that the fire and life safety systems are maintained in an operable condition at all times.

(iv) Service personnel shall meet the qualification requirements of NFPA 72A for maintaining, inspecting, and testing such systems.

(v) Records of all system inspections, tests and maintenance required shall be maintained on the premises and made available to the fire official or Department of Family Services personnel upon request.

Section 6. **Smoke Alarms.**

(a) Smoke alarms (detectors) shall be installed and maintained as follows:

(i) On the ceiling or wall outside each separate sleeping area in the immediate vicinity of sleeping rooms.

(ii) In each room used for sleeping purposes.

(iii) In each story including basements and cellars.

(iv) Smoke alarms shall emit a signal when the batteries are low.

(v) In new construction, additions and alterations, required smoke alarms shall receive their primary power from the building wiring and shall be equipped with a battery backup.

(A) Wiring shall be permanent and without a disconnecting switch.

(B) Where more than one (1) smoke alarm is required to be installed, the smoke alarms shall be interconnected in such a manner that the activation of one (1) alarm will activate all of the alarms.

(vi) The alarm shall be clearly audible in all sleeping rooms over background noise levels with all intervening doors shut.

(vii) Smoke alarms shall be tested monthly (weekly testing is highly recommended).

(viii) A written record of all inspections, tests and maintenance required shall be maintained made available to the fire official or Department of Family Services personnel.

(b) All child care facilities must install carbon monoxide detectors.

Section 7. Occupancy Use and Separation.

(a) Child care centers located in mixed use occupancies shall be separated from such buildings/uses by an approved two(2) hour occupancy separation.

(i) Exception, two (2) hour separation is not required in all mixed use occupancies that are fully fire sprinklered per NFPA 13, have a manual automatic and monitored fire alarm system and one(1) hour occupancy separation as defined by the International Building Code.

Section 8. Exits.

(a) The building or fire official in accordance with the International Building and Fire Codes shall determine number of exits, placement and adequacy. General requirements are:

(i) A minimum of two (2) exits;

(A) A second exit may consist of a sliding glass patio door with approved landing, guardrails and handrails;

(B) Windows and garages shall not be considered as an exit for this purpose; and

(C) An exit door is a side-hinged door and shall be at least 3' by 6'8" in new construction, or as approved by the authority having jurisdiction in existing construction;

(ii) Doors shall swing in the direction of egress travel where serving an occupant load of fifty (50) or more. Occupant load is based on the square footage of facility divided by a factor of twenty (20);

(iii) Required exit access, exits or exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency;

(iv) An exit shall be free from obstructions that would prevent its use, including the accumulation of snow and ice;

(v) Egress doors shall be readily openable from the inside without the use of a key or any special knowledge or effort, the door knob system shall be an "emergency exit feature type, no unlocking required". Use of dead bolts, chains, night latches, manually operated flush bolts or surface bolts are not permitted during child care hours;

(vi) Exit paths shall be illuminated at all times the building is occupied;

(vii) Exit path illumination shall be supplied from two (2) sources of power where the exiting system requires two (2) exits (storage batteries, unit equipment or on-site generator);

(viii) Exits and exit access doors shall be marked by an approved exit sign readily visible from any direction of egress travel;

(ix) Exit signs shall be internally or externally illuminated by two (2) lamps or shall be of the self-luminous type;

(x) Exit signs shall be illuminated at all times. In case of power loss the exit signs shall be connected to emergency power source (storage batteries, unit equipment, or on-site generator);

(xi) Porches, steps, stairs, landings and walkways shall be maintained in good repair and safe condition, and in compliance with the adopted code or as approved by the authority having jurisdiction;

(xii) Guardrails shall be located along open-sided walking surfaces, mezzanines, stairways, ramps and landings and along glazed sides of stairways, ramps and landings which are located more than thirty (30) inches above the floor or grade below;

(xiii) Guardrails shall form a protective barrier not less than forty-two (42) inches high.

(xiv) Open guardrails shall have intermediate rails or balusters or ornamental patterns such that a three and one-half (3 ½) inch diameter sphere cannot pass through any opening.

(xv) In new construction and remodeled facilities landings shall be no less than ½ inch below the sill plate of the door and shall have a length measured in the direction of travel of not less than forty-four (44) inches.

Section 9. Emergency Escape and Rescue Window.

(a) Sleeping rooms shall have at least one (1) exterior emergency escape and rescue opening (may be a window or door). Such opening shall open directly to the exterior.

(i) Emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height shall be twenty-four (24) inches; the minimum net clear opening width shall be twenty (20) inches.

(ii) Emergency escape and rescue openings shall have the bottom of the clear opening not greater than forty-four (44) inches measured from the floor.

(iii) Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools.

Section 10. Kitchen Hood & Duct Fire Extinguishing System.

(a) Each commercial kitchen exhaust hood and duct system required by the adopted fire code or mechanical code to have a Type I hood shall be protected with an approved automatic fire-

extinguishing system. Prior to the installation of a Type I hood a plan review must be submitted and approved by the fire authority.

(b) Pre-engineered automatic dry and wet chemical extinguishing systems shall be tested in accordance with UL 300 and listed and labeled for the intended application.

(c) Other types of automatic fire-extinguishing systems shall be listed and labeled for specific use as protection for cooking operations.

(d) A manual actuation device shall be located at or near a means of egress from the cooking area, a minimum of ten (10) feet and a maximum of twenty (20) feet from the kitchen exhaust system.

(e) The manual actuation device shall be located a minimum of four and one-half (4.5) feet and a maximum of five (5) feet above the floor.

(f) The actuation of the fire suppression system shall automatically shut down the fuel or electrical power supply to the cooking equipment.

(g) The fuel and electrical supply reset shall be manual.

(h) Where a building fire alarm system is installed, automatic fire-extinguishing systems shall be monitored by the building fire alarm system in accordance with NFPA 72.

(i) Automatic fire-extinguishing systems shall be serviced at least every six (6) months and after activation of the system. The system shall have a service tag attached stating date of service and who serviced it. Inspection shall be by qualified individuals certified by the State of Wyoming, and a certificate of inspection shall be forwarded to the fire official upon completion.

(j) Hoods, grease-removal devices, fans, ducts and other appurtenances shall be cleaned at intervals necessary to prevent the accumulation of grease.

(k) Cleanings shall be recorded, and records shall state the extent, time and date of cleaning. Such records shall be maintained on the premises.

(l) A portable class K rated fire extinguisher shall be provided within a thirty (30) foot travel distance of commercial-type cooking equipment.

Section 11. Portable Fire Extinguishers.

(a) Portable fire extinguishers shall be installed in Group E occupancies. The fire official having jurisdiction shall approve the proper type and number of extinguishers. General rules are:

(i) At least one (1) fire extinguisher is required for each three thousand (3,000) square feet of floor area. Additional extinguishers may be required to make sure travel distance to an extinguisher is no more than seventy-five (75) feet from any location;

(ii) The rating of each fire extinguisher shall not be less than 2A-10:BC. (Look for this number on the extinguisher);

(iii) The extinguisher shall be located in a conspicuous location where it will be readily accessible and immediately available for use. The location shall be along the normal path of travel;

(iv) Fire extinguishers shall not be obstructed or obscured from view;

(v) Fire extinguishers shall be installed on the hangers or brackets supplied. (Unless housed in approved fire extinguisher cabinets.) Hangers or brackets shall be securely anchored to the mounting surface in accordance with the manufacturer's installation instructions;

(vi) Fire extinguishers shall be installed so that the top is not more than five (5) feet above the floor. The clearance between the bottom of the extinguisher and the floor shall not be less than four (4) inches;

(vii) Fire extinguishers shall not be mounted or stored in cupboards or broom closets in Child Care Centers,

(A) Fire extinguishers in Family Child Care Centers will not be mounted or stored in cupboards or broom closets except if the location is properly signed with a sign approved by the fire inspector.

(viii) Fire extinguishers shall be inspected monthly by the provider and documentation of the inspection shall be kept;

(ix) New fire extinguishers will be inspected and will have the annual service tag attached before the issuance of a license; and

(x) Fire extinguishers shall be inspected and serviced annually according to NFPA Standard 10.

Section 12. Storage.

(a) Curtains, draperies, hangings and other decorative materials suspended from walls or ceilings shall be flame resistant in accordance with NFPA 701.

(b) Storage of combustible materials in buildings shall be orderly and separated from heaters or heating devices by distance or shielding so that ignition cannot occur. No explosives of any type are allowed on the premises.

(c) Clothing and personal effects shall not be stored in corridors and lobbies unless:

(i) Corridors are protected by an approved automatic sprinkler system.

- (ii) Corridors are protected by an approved smoke detection system.
- (iii) Storage in metal lockers provided the minimum required egress width is maintained.
- (d) Artwork and teaching materials shall be limited on walls of corridors to not more than twenty percent (20%) of the wall area.
- (e) Combustible materials shall not be stored in attic, under-floor, under exit stairways, and concealed spaces unless walls, floor and ceiling forming the storage area are protected on the enclosed side by one-hour fire-resistive construction or the space is provided with an approved automatic fire sprinkler system.
- (f) Trapdoors and access covers shall be kept closed at all times except when in use.
- (g) Combustible storage shall be maintained two (2) feet or more below the ceiling in nonsprinklered buildings or a minimum of eighteen (18) inches below sprinkler head deflectors in sprinklered buildings.
- (h) Combustible storage shall not be stored in exits, hallways or stairways.
- (i) Combustible material shall not be stored in boiler rooms, mechanical rooms or electrical equipment rooms.
- (j) Combustible and flammable materials and liquids shall be properly stored and shall not create a fire hazard. The maximum amount allowed shall not exceed ten (10) gallons.

Section 13. **Heating Appliances.**

- (a) Heating appliances shall be listed and approved and installed in accordance with the manufacturer's instructions, the adopted building code, mechanical code and electrical code. All chimneys, smokestacks or similar devices from stoves, furnaces, fireboxes or boilers shall be installed or constructed in accordance with their listings and the above-mentioned codes.
 - (i) The fire official may require the furnace, boiler, fireplace or heating appliance to be inspected and/or serviced by a licensed serviceman.
- (b) Furnaces shall be cleaned (including filter replacement) as often as necessary to prevent accumulation of lint and dust.
- (c) Homemade heating appliances shall be removed from service.
- (d) Heating appliances such as free standing and built in fireplaces shall have a non-combustible guard placed around the unit with a separation to prevent accidental burns.

Section 14. Electrical.

- (a) All electrical wiring, equipment and appliances shall be installed and maintained in accordance with NFPA 70, National Electrical Code.
- (b) Special protective covers for all electrical outlets, or tamper resistant outlets, not in use shall be installed in all areas occupied by the children. All new construction and remodeled child care facilities must be fitted with tamper resistant outlets.
- (c) Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.
- (d) Extension cords and flexible cords shall not be used as a substitute for permanent wiring.
- (e) Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact.
- (f) Extension cords shall be used only with portable appliances.
- (g) Extension cords shall be plugged directly into an approved receptacle, power tap or multiplug adapter and, except for approved multiplug extension cords, shall serve only one (1) portable appliance.
- (h) The ampacity of the extension cords shall not be less than the rated capacity of the portable appliance supplied by the cord.
- (i) Extension cords shall be maintained in good condition without splices, deterioration or damage.
- (j) Extension cords shall be grounded when serving grounded portable appliances.
- (k) Open junction boxes and open-wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes.
- (l) All breakers or fuses in an electrical panel shall be legibly labeled and identified as to purpose or use on a circuit directory located on the face or inside the panel door.
- (m) A working space of not less than thirty (30) inches in width, thirty-six (36) inches in depth and seventy-eight (78) inches in height shall be provided in front of electrical service equipment. No storage of any materials shall be located within the designated working space.

Section 15. Premises Identification.

- (a) New and existing buildings shall have approved address numbers, building numbers, or approved building identification. Numbers and/or identification shall:

- (i) Be placed in a position to be plainly legible and visible from the street or road fronting the property;
- (ii) Contrast with their background; and
- (iii) Be a minimum of four (4) inches high with a minimum stroke width of 0.5 inch.

Section 16. Fire Safety and Evacuation Plans.

(a) An approved fire safety and evacuation plan shall be prepared and maintained in Group E occupancies.

(i) Fire safety and evacuation plans shall be reviewed or updated annually or as necessitated by changes in staff assignments, occupancy, or the physical arrangement of the building.

(ii) Fire safety and evacuation plans shall be available in the workplace for reference and review by employees, and copies furnished to the fire official for review upon request.

(b) Fire Evacuation Plans shall contain the following:

- (i) Emergency egress or escape routes;
- (ii) Procedures for employees who must remain to operate critical equipment before evacuating;
- (iii) Procedures for accounting for occupants after evacuation has been completed;
- (iv) Identification and assignment of personnel responsible for rescue or emergency medical aid;
- (v) The preferred and any alternative means of notifying occupants of fire or emergency;
- (vi) The preferred and any alternative means of reporting fires and other emergencies to the fire department or designated emergency response organization;
- (vii) Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan; and
- (viii) A description of the emergency voice/alarm communication system alert tone and preprogrammed voice messages, where provided.

(c) Fire Safety Plans shall include the following:

- (i) The procedure for reporting a fire or other emergency;
 - (ii) The life safety strategy and procedures for notifying, relocating, or evacuating occupants.
 - (iii) Site plans indicating the following:
 - (A) The occupancy assembly point;
 - (B) The locations of fire hydrants; and
 - (C) The normal routes of fire department vehicle access;
 - (iv) Floor plans identifying the locations of the following:
 - (A) Exits;
 - (B) Primary evacuation routes;
 - (C) Secondary evacuation routes;
 - (D) Accessible egress routes;
 - (E) Areas of refuge;
 - (F) Manual fire alarm boxes;
 - (G) Portable fire extinguishers;
 - (H) Occupant-use hose stations; and
 - (I) Fire alarm annunciator panels and controls;
 - (v) A list of major fire hazards associated with the normal use and occupancy of the premises, including maintenance and housekeeping procedures;
 - (vi) Identification and assignment of personnel responsible for maintenance of systems and equipment installed to prevent or control fires; and
 - (vii) Identification and assignment of personnel responsible for maintenance, housekeeping and controlling fuel hazard sources.
- (d) Employee Training and Response Procedures shall include the following:
- (i) Employees shall be trained in the fire emergency procedures described in their fire evacuation and fire safety plans;

(ii) Employees shall receive training in the contents of fire safety and evacuation plans and their duties as part of new employee orientation and at least annually thereafter. Records shall be kept and made available to the fire official or Department of Family Services personnel upon request;

(iii) Employees shall be trained in fire prevention, evacuation and fire safety in accordance with the following:

(A) Employees shall be apprised of the fire hazards of the materials and processes to which they are exposed;

(B) Each employee shall be instructed in the proper procedures for preventing fires in the conduct of their assigned duties;

(C) Employees shall be familiarized with the fire alarm and evacuation signals, their assigned duties in the event of an alarm or emergency, evacuation routes, areas of refuge, exterior assembly areas, and procedures for evacuation; and

(D) Employees shall be trained to know the locations and proper use of fire extinguishers.

Section 17. Emergency Evacuation Drills (Fire Drills).

(a) Emergency evacuation drills shall:

(i) Be held monthly in Group E occupancies;

(ii) Require all occupants participate;

(iii) Be planned and conducted by the director or staff;

(iv) Require prior notification to the fire official when required;

(v) Be conducted at different hours of the day or evening, during the recess or gymnastic periods, at unexpected times and under varying conditions, to avoid distinction between drills and actual fires. Drills shall be held to simulate the unusual conditions that occur in case of fire; and

(vi) Be initiated by activating the fire alarm system when a fire alarm system is provided.

(b) Outdoor assembly areas shall be designated and shall be located a safe distance from the building being evacuated so as to avoid interference with fire department operations. The assembly areas shall be arranged to keep each class separate to provide accountability of all individuals.

(i) As building occupants arrive at the assembly point, the responsible staff or auxiliary staff person shall determine if all occupants have been successfully evacuated or have been accounted for.

(c) Records shall be maintained of required emergency evacuation drills and include the following information:

- (i) Identity of the person conducting the drill;
- (ii) Date and time of drill;
- (iii) Notification method used;
- (iv) Staff members on duty and participating;
- (v) Number of occupants evacuated;
- (vi) Special conditions simulated;
- (vii) Problems encountered;
- (viii) Weather conditions when occupants were evacuated; and
- (ix) Time required to accomplish complete evacuation.

(d) No one shall reenter the premises until authorized to do so by the staff or auxiliary staff person in charge.

(e) If the child care center is a preschool, the first emergency evacuation drill of each school year shall be conducted within ten (10) days of the beginning of classes.