

**INTERPRETATIVE GUIDE
CHANGES EFFECTIVE
4/15/2009**

UPDATE #1 – p. 10

■ **470 IAC 3-1.1-24 Child care home maximum capacity**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 24. A maximum of fifteen (15) children who are less than eleven (11) years of age may be present in the Class I child care home at any one (1) time during any part of the day. This number includes the caregiver's own children, related children, unrelated children, and any part-time child care children present.

◆ Intent:

To provide for the safety and developmental needs of the children. This rule sets the maximum number of children for whom a home may provide care and clarifies that all children present in the home are counted as part of the capacity.

○ Assessment Method:

Count the children present in the home during the visit. Further information can be gathered by reviewing children's files and the hours that each is scheduled to attend.

▲ Threshold of Compliance:

~~A home is non-compliant when there are more than fifteen children present at any one time or when twelve or more children younger than grade 1 are present. The child care home shall not exceed its licensed capacity.~~ This is excluding related children age 7 or above and children age 14 that do not require child care.

NOTE: The eleven years of age is not the threshold; Effective 7-1-07, new statute has defined a child in care as less than 14 years of age unless the child needs care.

UPDATE #2 – pp 21 – 22

■ **470 IAC 3-1.1-36.5 Child to staff ratio**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 36.5. (a) The maximum capacity in a Class I child care home shall be twelve (12) children at any one (1) time plus three (3) children during the school year who are enrolled in at least Grade 1. The addition of three (3) school age children may not occur during a break in the school year that exceeds four (4) weeks.

◆ Intent:

To provide for the safety and developmental needs of children this rule set the maximum number of children that maybe in the home at any point in time.

○ Assessment Method:

Count the children in care at the visit. Checking enrollment records and children's schedules will also provide information on the capacity. Children over seven years but less than 14 years must be counted unless the child is the licensee's child, step-child, grandchild, niece or nephew, brother, sister, foster child, or first cousin. Children over 14 that require child care should be counted. All the children of the other child care staff are counted just as all other unrelated children.

▲ Threshold of Compliance:

Over capacity and non-compliance with child/staff ratios are always cited. Repeat citations may result in probation or revocation of a license.

- (b) Children shall not be left unattended and shall be supervised at all times.

◆ Intent:

To ensure the safety and well-being of children at all times.

○ Assessment Method:

Observe supervision practice used in the home and the outside play area. Children must be in the sight or hearing of the child care staff at all times. *Children at bus stops must be observed until they get on the bus and until they get to the child care home from the bus stop.*

▲ Threshold of Compliance:

The following provides further clarification:

- Sound monitors alone are not acceptable a means of supervision.
- Children must be on the same floor of the home as the caregiver(s).
- During mealtimes, children shall remain in the caregiver's line of sight.
- With written parental permission, a child in grade one or older may participate in activities outside the direct supervision of a caregiver if the child is on the premise and the caregiver physically checks on the child every 15 minutes.
- If a child is able to toilet independently, she or he may do so without caregiver supervision.
- Children may sleep outside of the caregiver's direct line of vision providing that the doors to the rooms where the children are sleeping remain open and the caregiver visually monitors and checks the children's breathing periodically; children younger than 15 months must be checked every 15 minutes.
- The licensee's own children may sleep in their own bedrooms outside the observation of the caregiver.

- *Provider may stand at the door of the home and watch children until they get on the bus and watch them walking home from the bus drop off. Children must be observed at all times. The other children in the home must be supervised according to the above criteria.*
- *Providers may not sleep during the time they are counted in child/staff ratios.*

UPDATE #3 – p. 25

■ 470 IAC 3-1.1-38 Activities for healthy development

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 38. (a) The caregiver shall provide activities according to the age, developmental needs, interests, and number of children in care while including both active and quiet play which may consist of safe, age-appropriate toys, games, and equipment for both indoor and outdoor play.

◆ Intent:

To ensure positive development of children in care, with balanced attention to all areas of development. Activities need to be appropriate to each child's developmental stage. Toys, games, and indoor and outdoor play equipment must be safe, appropriate to the children's developmental stages and in sufficient quantity in order that there is opportunity for children to make choices.
Trampolines shall be inaccessible to child care children at all times.

○ Assessment Method:

Observe the children playing to determine if the activities planned by the caregiver are developmentally appropriate. Observe the toys, games and equipment both inside and outside to determine if they are safe, in good repair, and developmentally appropriate based on the ages of the children in care. *Check play area to see if a trampoline is present in the play area. If so, ask provider if it is used by the child care children. Observe children in play area to see if they get on the trampoline.*

UPDATE #4 – p. 27 – 28

■ 470 IAC 3-1.1-41 Discipline

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 41. (a) The licensee shall provide the parent or legal guardian with a written copy of the discipline policy of the child care home.

(b) The following behavior shall be prohibited by all direct child care providers:

(1) Cruel, harsh, or unusual punishment.

(2) Withdrawal or the threat of withdrawal of scheduled meals or snacks, rest, or bathroom opportunities.

◆ Intent:

To prevent mistreatment of children by the caregiver and to allow caregiver to guide the children to develop self-control and orderly conduct in relationships with peers and adults. Prohibiting or threatening to prohibit a child from eating a meal or snack, or depriving a child from using the bathroom or resting is not permitted.

To ensure that parents are aware of the discipline policy of the home in order that they can make an informed decision about the care they select for their child.

○ Assessment Method:

Observe the interaction between the caregiver(s) and the children during the visit to observe the discipline methods used at the home. Review the home's written discipline policy to determine if it is in compliance with this rule. Review the children's files for documentation that the policy has been provided to their families. *Observe the length of time a child spends in time out.*

▲ Threshold of Compliance:

Observation of an adult cursing at a child, speaking to a child in a threatening manner, or removing food from a child would be evidence of non-compliance. Children being made to "sit on the wall" or kneel on beans or stones are further examples of unacceptable discipline practices. In addition, observation of a caregiver using a discipline method inconsistent with the home's policy is grounds for citing non-compliance. *Time out shall not be longer than one minute per each year of the child's age (for example: four minutes for a four year old).*

UPDATE #5 – p 29

■ **470 IAC 3-1.1-44 Health**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 44. (a) The child care home must keep a Red Cross First Aid Manual or its equivalent in the child care home.

(b) The caregiver must maintain a first aid kit (as recommended by the American Red Cross First Aid Manual or its equivalent), including, but not limited to, syrup of ipecac with current date, in the child care home.

◆ Intent:

To ensure that first aid supplies and instructions for dealing with emergencies are always available. It is intended that these supplies are renewed to keep them in good usable condition and kept in a convenient place accessible only to the caregiver.

○ Assessment Method:

Observe the first aid kit to determine if it is complete. Observe to ensure that the kit includes a first aid manual. Syrup of Ipecac is not recommended.

▲ Threshold of Compliance:

~~Electric hand dryers may be used in lieu of towels. Hand sanitizers may not be used in lieu of washing hands with soap and running water.~~

- (c) Child care providers shall see that children's hands are washed at a sink with soap and warm running water before meals and snacks and after toilet use. Direct child care providers shall not permit children to use a common washcloth or towel.

◆ Intent:

To reduce the spread of illness. Hand washing is the most effective way to reduce the spread of illness in child care. Use of a shared towel or washcloth reduces the effectiveness of hand washing by providing the opportunity to share germs on the towel or washcloth.

○ Assessment Method:

Observe the bathroom and kitchen for soap and individual towels or paper towels. Check to determine if warm water is available at all sinks. Observe the children and caregiver to determine if hand washing is done routinely.

▲ Threshold of Compliance:

Electric hand dryers maybe used in lieu of towels. Hand sanitizers may not be used in lieu of washing hands with soap and running water.

UPDATE #6 – p. 37

■ **470 IAC 3-1.1-46 Fire prevention**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

- (u) The licensee shall notify the local fire department at the time of application or relicensure of the licensed capacity and the hours of operation of the home.

◆ Intent:

To allow the local fire department to know that the home has vulnerable children present and will require a different response than a typical home.

○ Assessment Method:

Interview the caregiver to determine if the local fire department has been notified. *In section 470 IAC 3-1.1-28.5 Annual Inspection, it states that fire departments shall be updated annually. To ensure consistency between the two sections, licensees shall notify the local fire department each year. This may be done in the form of a letter or a phone call. Provider may verbally state to consultant the date the fire department was called.*