

**Title 15 – Business Regulations**  
**Chapter 1 - Child Day-Care Center Licensing and Standards**

**Sec.**

15-01.010	Title
15-01.020	Purpose and Scope
15-01.030	Authority
15-01.040	Definitions
	<i>Subchapter I – Licensing</i>
15-01.050	Scope of Licensing
15-01.060	Local Ordinances and Codes
15-01.070	Waivers
15-01.080	Dual Licensure
15-01.090	Application and Reapplication for Licensing – Investigation
15-01.100	Licensing Capacity
15-01.110	License Denial, Suspension or Revocation
	<i>Subchapter II – Program</i>
15-01.120	Activity Program
15-01.130	Learning and Play Materials
15-01.140	Staff-Child Interactions
15-01.150	Behavior Management and Discipline
15-01.160	Rest Periods
15-01.170	Evening and Nighttime Care
15-01.180	Off-Site Trips
15-01.190	Transportation
15-01.200	Parent Communication
15-01.210	Policies
	<i>Subchapter III – Staffing</i>
15-01.220	Staff Pattern and Qualifications
15-01.230	Group Size and Staff-Child Ratios
15-01.240	Staff Development and Training
	<i>Subchapter IV – Nutrition</i>
15-01.250	Written Health and Nutrition Policies
15-01.260	Health Supervision and Infectious Disease Prevention
15-01.270	Medication Management
15-01.280	Nutrition
15-01.290	Kitchen and Food Service
15-01.300	Drinking and Eating Equipment
	<i>Subchapter V – Care, Safety and Environment</i>
15-01.310	Care of Young Children

- 15-01.320 Safety and Environment
- 15-01.330 Water Safety
- 15-01.340 First Aid Supplies
- 15-01.350 Outdoor Play Area
- 15-01.360 Indoor Play Area
- 15-01.370 Toilets, Handwashing Sinks and Bathing Facilities
- 15-01.380 Laundry
- 15-01.390 Nap and Sleep Equipment
- 15-01.4000 Storage
- 15-01.410 Program Atmosphere
- 15-01.420 Sanitation
- 15-01.430 Handwashing
- 15-01.440 Standard Precautions for Cleaning Up Bodily Fluids

*Subchapter VI – Agency Practices*

- 15-01.450 Discrimination/Indian Preference
- 15-01.460 Religious Activities
- 15-01.470 Special Requirements Regarding American Indian Children
- 15-01.480 Child Abuse, Neglect and Exploitation
- 15-01.490 Prohibited Substances
- 15-01.500 Limitations to Persons on Premises

*Subchapter VII – Records, Reporting and Posting*

- 15-01.510 Child Records and Information
- 15-01.520 Program Records
- 15-01.530 Personnel Policies and Records
- 15-01.540 Reporting of Death, Injury, Illness, Epidemic, or Child Abuse
- 15-01.550 Reporting of Circumstantial Changes
- 15-01.560 Posting Requirements

*Subchapter VIII – Repealer and Severability*

- 15-01.570 Repealer
- 15-01.580 Severability

**Legislative History**

Enacted:

- Ord. 317 Amending Title 15, Chapter 1 (06/05/12), BIA (06/08/12).
- Ord. 174 Child Day Care Center Licensing and Standards Code (9/5/03), BIA (9/12/03).

Repealed:

- Ord. 98 Child Day Care Center Licensing and Standards Code (9/1/92), BIA (9/4/92).

---

**15-01.010 Title.**

This Chapter shall be known as the Swinomish Indian Tribal Community Child Day-Care Center Licensing and Standards Code.

[History] Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.020 Purpose and Scope.**

The general purposes of this Chapter are:

- (A) To license child day-care centers and to assure the users of such centers, their parents, the community at large and the centers themselves that adequate minimum standards are maintained by all centers caring for children;
- (B) To safeguard the well-being of children receiving care away from home;
- (C) To promote the development of a sufficient number and variety of adequate childcare facilities, both public and private, within the exterior boundaries of the Reservation; and
- (D) To provide consultation to childcare facilities in order to help them improve their methods of and facilities for care.

[History] Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.030 Authority.**

This Chapter is enacted pursuant to authority provided by the following provisions of the Swinomish Constitution and By-Laws: Article VI, Section 1(k) and (s) of the Swinomish Constitution, as most recently amended on September 7, 1985.

[History] Ord. 174 (9/5/03).

**15-01.040 Definitions.**

For purposes of this Chapter, unless otherwise expressly provided, the following definitions shall apply:

- (A) **“Capacity”** means the maximum number of children the licensee is authorized to have on the premises at any given time.
- (B) **“Center”** means the same as **“child day-care center.”**

- (C) **“Child abuse or neglect”** means the injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child by any person under circumstances indicating the child’s health, welfare, and safety is harmed thereby.
- (D) **“Child day-care center”** means a facility providing regularly scheduled care for a group of thirteen (13) or more children, within a one (1) month of age through twelve (12) years of age range exclusively, for periods less than twenty-four (24) hours.
- (E) **“Department”** means the Swinomish Office of Planning and Community Development of the Swinomish Indian Tribal Community.
- (F) **“Department of Health”** means the Indian Health Service.
- (G) **“Infant”** means a child eleven (11) months of age and under.
- (H) **“License”** means a permit issued by the Department authorizing by law the licensee to operate a child day-care center and certifying the licensee meets minimum requirements under licensure.
- (I) **“Licensee”** means the person, organization, or legal entity responsible for operating the center.
- (J) **“Premises”** means the building where the center is located and the adjoining grounds over which the licensee has control.
- (K) **“Preschool age child”** means a child thirty (30) months of age through five (5) years of age not enrolled in kindergarten or an elementary school.
- (L) **“Reservation”** means all lands and waters within the exterior boundaries of the Swinomish Indian Reservation.
- (M) **“School-age child”** means a child five (5) years of age through twelve (12) years of age enrolled in kindergarten or an elementary school.
- (N) **“Senate”** means the Swinomish Indian Senate.
- (O) **“Staff”** means a childcare giver or a group of childcare givers employed by the licensee to supervise a child served at the center.
- (P) **“Toddler”** means a child nineteen (19) months of age through twenty-nine (29) months of age.
- (Q) **“Tribe,” “Tribal,” and “Swinomish”** mean or refer to the Swinomish Indian

Tribal Community, a federally recognized Indian tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934, which is composed of members tracing their ancestry to, and is a political and legal successor in interest to, certain tribes and bands and groups of Indians which were parties to the Treaty of Point Elliott.

- (R) **“Waddler”** means a child twelve (12) months of age through eighteen (18) months of age.

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

### *Subchapter I - Licensing*

#### **15-01.050 Scope of Licensing.**

- (A) The person or organization operating a child day-care center shall be subject to licensing by authority of this Chapter, unless specifically exempted by a law of the Swinomish Indian Tribal Community or the United States.
- (B) The person or organization operating a child day-care center and qualifying for exemption from requirements of this Chapter shall not be subject to licensure. The person or organization claiming an exemption shall provide the Department proof of entitlement to the exemption on the Department’s request.
- (C) The Department shall not license any center that is legally exempt from licensing.
- (D) The Department shall not license the Department employee or the member of the Department employee’s household when such person is involved directly, or in an administrative or supervisory capacity, in the:
- (1) Licensing process;
  - (2) Placement of a child in a licensed center; or
  - (3) Authorization of payment for a child in care.
- (E) The Department may license the center located in a private family residence when the portion of the residence accessible to children is:
- (1) Used exclusively for children during the center’s operating hours or while children are in care; or
  - (2) Separate from the family living quarters.

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.060 Local Ordinances and Codes.**

The Department shall issue or deny a license on the basis of the applicant's compliance with minimum licensing and procedural requirements. Tribal officials shall be responsible for enforcing Tribal ordinances and codes, such as zoning and building regulations.

[History] Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.070 Waivers.**

- (A) In an individual case, the Department, for good cause, may waive a specific requirement and may approve an alternative method for the licensee or applicant to achieve the specific requirement's intent if the:
  - (1) Licensee or applicant submits a written waiver request to the Department fully explaining the circumstances necessitating the waiver; and
  - (2) The Department determines that approval of the waiver will not jeopardize the safety or welfare of children in care or detract from the quality of licensee-delivered services.
- (B) The Department may approve a waiver request only for a specific purpose or child and for a specific period of time not exceeding the expiration date of the license.
- (C) The Department may limit or restrict a license issued to a licensee or an applicant in conjunction with a waiver.
- (D) The licensee shall maintain on the premises a copy of the Department's written waiver approval.
- (E) The Department's denial of a licensee's or applicant's waiver request shall not be subject to appeal.

[History] Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.080 Dual Licensure.**

The Department may either:

- (A) Issue a child day-care center license to the applicant having a foster home license or other license involving full-time care; or
- (B) Permit simultaneous care for a child and adolescent or adult on the same premises if the applicant or licensee:

- (1) Demonstrates evidence that care of one (1) client category will not interfere with the quality of services provided to another category of clients;
- (2) Maintains the most stringent maximum capacity limitation for the client categories concerned;
- (3) Requests and obtains a waiver permitting dual licensure; and
- (4) Requests and obtains a waiver to Section 15-01.080(B)(2), if applicable.

[History] Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.090 Application and Reapplication for Licensing – Investigation.**

- (A) The person or organization applying for a license or relicensure under this Chapter and responsible for operating the center shall comply with application procedures the Department prescribes and submit to the Department:
  - (1) A completed Department-supplied application for childcare license form, including required attachments, thirty (30) or more days before the:
    - (a) Expiration of a current license;
    - (b) Opening date of a new center;
    - (c) Relocation of a center;
    - (d) Change of the licensee; or
    - (e) Change of license category.
  - (2) A completed criminal history and background inquiry form for each staff person or volunteer having unsupervised or regular access to children in care; and
  - (3) The licensing fee.
- (B) In addition to the required application materials specified under Section 15-01.090(A), the applicant for initial licensure shall submit to the Department:
  - (1) An employment and education résumé of the person responsible for the active management of the center and the program supervisor;

- (2) Copies of the diploma or education transcript of the program supervisor; and
  - (3) Three (3) professional references for the licensee, director and program supervisor.
- (C) The applicant for a license under this Chapter shall be twenty-one (21) years of age or older.
- (D) The applicant, licensee and director shall attend Department-provided orientation training.
- (E) The Department may, at any time, require additional information from the applicant, licensee, staff person, volunteer, member of their households, and other persons having access to children in care as the Department deems necessary, including, but not limited to:
  - (1) Sexual deviancy evaluations;
  - (2) Substance and alcohol abuse evaluations;
  - (3) Psychiatric evaluations;
  - (4) Psychological evaluations; and
  - (5) Medical evaluations.
- (F) The Department may perform investigations or inspections of the applicant, licensee, staff person, volunteer, member of their households, and other persons having access to children in care as the Department deems necessary, including accessing criminal histories and law enforcement files. The Department may engage the services of qualified professionals to assist with or perform such investigation or inspection.
- (G) The Department shall maintain all records concerning an applicant or a licensee so that the confidentiality of substance abuse, psychiatric, psychological, medical and other private information is maintained in accordance with all applicable laws.
- (H) The applicant shall conform to rules and regulations approved or adopted by the:
  - (1) Department of Health, promoting the health of children in care, contained in this Chapter; and



- (2) Washington State fire marshal's office, establishing standards for fire protection for day-care centers and the Swinomish Fire Code, Chapter 12-05.
- (I) Failure to conform to all applicable rules and regulations shall be good cause to deny a license or relicensure to the applicant.

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.100 Licensed Capacity.**

- (A) The Department shall issue the applicant or licensee a license for a specific number of children dependent on the:
  - (1) Department's evaluation of the center's premises, equipment and physical accommodations;
  - (2) Number and skills of the licensee, the staff and volunteers; and
  - (3) Ages and characteristics of the children served.
- (B) The Department:
  - (1) Shall not issue the applicant or licensee a license to care for more children than permitted under this Chapter; and
  - (2) May issue the applicant or licensee a license to care for fewer children than the center's maximum capacity.

[History] Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.110 License Denial, Suspension or Revocation.**

- (A) Before granting a license and as a condition for continuance of a license, the Department shall consider the ability of the applicant and licensee to meet the requirements of this Chapter. If more than one person is the applicant or licensee, the Department shall consider their qualifications separately and jointly, and may deny, suspend, revoke, or not renew the license based on the failure of one (1) of the persons to meet the requirements.
- (B) The Department shall deny, suspend, revoke, or not renew the license of a person who:

- (1) Is a perpetrator of child abuse, or has been convicted of a crime involving child abuse or physical harm to another person, or knowingly allows such a person onto the premises;
  - (2) Commits or was convicted of a felony reasonably related to the competency of the person to meet the requirements of this Chapter;
  - (3) Engages in illegal use of a drug or excessive use of alcohol;
  - (4) Commits, permits, aids, or abets the commission of an illegal act on the premises;
  - (5) Commits, permits, aids, or abets the abuse, neglect, exploitation, or cruel or indifferent care to a child in care;
  - (6) Refuses to permit an authorized representative of the Department, state fire marshal, or Department of Health to inspect the premises; or
  - (7) Refuses to permit an authorized representative of the Department or the Department of Health access to records related to operation of the center or to interview the staff or a child in care.
- (C) The Department may deny, suspend, revoke, or not renew a license of a person who:
- (1) Seeks to obtain or retain a license by fraudulent means or misrepresentation, including, but not limited to:
    - (a) Making a materially false statement on the application; or
    - (b) Omitting material information on the application.
  - (2) Provides insufficient staff in relation to the number, ages or characteristics of children in care;
  - (3) Allows a person unqualified by training, experience or temperament to care for or be in contact with a child in care;
  - (4) Violates any condition or limitation on licensure including, but not limited to:
    - (a) Permitting more children on the premises than the number for which the center is licensed; or

- (b) Permitting on the premises a child of an age different from the ages for which the center is licensed.
  - (5) Fails to provide adequate supervision to a child in care;
  - (6) Demonstrates an inability to exercise fiscal responsibility and accountability with respect to operation of the center;
  - (7) Misappropriates property of a child in care;
  - (8) Knowingly permits on the premises an employee or volunteer who has made a material misrepresentation on an application for employment or volunteer service;
  - (9) Refuses or fails to supply necessary, additional Department requested information; or
  - (10) Fails to comply with any provision of this Chapter.
- (D) The Department shall not issue a license to a person who has had denied, suspended, revoked, or not renewed a license to operate a facility for the care of children or adults, on the Reservation or elsewhere, unless the person demonstrates by clear, cogent, and convincing evidence the person has undertaken sufficient corrective action or rehabilitation to warrant public trust and to operate the center in accordance with the rules of this Chapter.
- (E) The Department's notice of a denial, revocation, suspension, or modification of a license and the applicant's or licensee's right to a hearing, may be appealed to the Senate or its designee.

[History] Ord. 174 (9/5/03); Ord. 98 (9/1/92).

### *Subchapter II – Program*

#### **15-01.120 Activity Program.**

- (A) The licensee shall implement an age-appropriate activity program designed to meet the developmental, cultural and individual needs of the children served. The licensee shall ensure the program contains a range of learning experiences for children to:
- (1) Gain self-esteem, self-awareness, self-control, and decision-making abilities;
  - (2) Develop socially, emotionally, intellectually, and physically;

- (3) Learn about nutrition, health and personal safety; and
  - (4) Experiment, create and explore.
- (B) The licensee shall ensure the center's program offers variety and options, including a balance between:
- (1) Child-initiated and staff-initiated activities;
  - (2) Free play and organized events;
  - (3) Individual and group activities; and
  - (4) Quiet and active experiences.
- (C) The licensee shall ensure the center's program affords children daily opportunities for small and large muscle activities and outdoor play.
- (D) The licensee shall operate the center's program under a regular schedule of activities with allowances for a variety of special events. The licensee shall implement a planned program of activities as evidenced by a current, written activity schedule with goals for children's development and learning and the activities through which they will achieve these goals, and afford staff classroom planning time.
- (E) The licensee shall manage child and staff movement from one planned activity or care area to another to achieve smooth, unregimented transitions by:
- (1) Establishing familiar, daily routines to allow children to develop expectations and feel secure in the setting;
  - (2) Contributing to learning experiences; and
  - (3) Maintaining staff-to-child ratio and group size guidelines.
- (F) Caregivers should model respect for the feelings and rights of others, and provide an environment that respects gender, culture, ethnicity, family composition, and the special emotional, cognitive and developmental needs of the individual child.
- (G) A child may remain in care only ten (10) hours or less per day except as necessitated by the parents' working hours and travel time to and from the center.

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.130 Learning and Play Materials.**

The licensee shall provide children a variety of safe, easily accessible, developmentally appropriate learning and play materials of sufficient quantity to implement the center's program. All equipment in the setting shall be designed to support the abilities and developmental levels of the children served, with adaptations made as necessary to support children with disabilities. The licensee shall ensure material is culturally relevant and promotes:

- (A) Social development;
- (B) Intellectual ability;
- (C) Language development and communication;
- (D) Self-help skills;
- (E) Sensory stimulation;
- (F) Large and small muscle development; and
- (G) Creative expression.

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.140 Staff-Child Interactions.**

- (A) The licensee shall furnish the children a nurturing, respectful, supportive, and responsive environment through frequent interactions between children and the staff:
  - (1) Supporting children in developing an understanding of self and others by assisting children to share ideas, experiences and feelings;
  - (2) Providing age-appropriate opportunities for intellectual growth and development of children's social and language skills, including encouraging children to ask questions;
  - (3) Helping children to solve problems;
  - (4) Fostering creativity and independence in routine activities, including showing tolerance for mistakes; and
  - (5) Treating all children in care equally regardless of race, religion, culture, sex, and handicapping condition.

- (B) The licensee shall furnish children a pleasant and educational environment at meal and snack times. The staff shall provide good models for nutrition habits and social behavior by:
  - (1) Sitting and eating with children, when possible; and
  - (2) Encouraging conversation among children.

[History] Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.150 Behavior Management and Discipline.**

- (A) The licensee shall guide children's behavior based on an understanding of each of the individual child's needs and stage of development. The licensee shall promote the children's developmentally appropriate social behavior, self-control and respect for the rights of others.
- (B) The licensee shall ensure behavior management and discipline practices are fair, reasonable, consistent, and related to the children's behavior. The staff shall not administer cruel, unusual, hazardous, frightening, or humiliating discipline.
- (C) The licensee shall be responsible for implementing the behavior management and discipline practices of the center. No child in care shall determine or administer behavior management or discipline.
- (D) The licensee shall prohibit and prevent:
  - (1) Corporal punishment by any person on the premises, including biting, jerking, shaking, spanking, slapping, hitting, striking, or kicking a child, or other means of inflicting physical pain or causing bodily harm;
  - (2) The use of a physical restraint method, such as bonds, ties or straps;
  - (3) The use of a mechanical restraint for disciplinary purposes, locked timeout room, or closet; or
  - (4) The withholding of food as a punishment.
- (E) In emergency situations, a staff person competent to use restraint methods may use limited physical restraint when:
  - (1) Protecting a person on the premises from physical injury;
  - (2) Obtaining possession of a weapon or other dangerous object; or

- (3) Protecting property from serious damage.
- (F) The licensee shall document any incident involving the use of physical restraint.

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.160 Rest Periods.**

- (A) The licensee shall offer a supervised rest period to children:
  - (1) Five (5) years of age and under remaining in care more than six (6) hours; and
  - (2) Showing a need for rest.
- (B) The licensee shall plan quiet activities for children not needing rest.
- (C) The licensee shall allow children twenty-nine (29) months of age or younger to follow an individual sleep schedule.

[History] Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.170 Evening and Nighttime Care.**

- (A) For the center offering childcare during evening and nighttime hours, the licensee shall adapt the program, equipment, and staffing pattern to meet the physical and emotional needs of the children away from home at night.
- (B) The licensee shall maintain the same staff-to-child ratio in effect during daytime care. At all times, including sleeping hours, the staff shall keep all children within continuous visual or auditory range.
- (C) The licensee shall arrange child grouping so the sleeping child remains asleep during the arrival or departure of another child.

[History] Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.180 Off-Site Trips.**

- (A) The licensee may transport or permit the off-site travel of children to attend school, participate in field trips, or engage in other off-site activities only with prior written parental consent.
- (B) The parents' consent may be:

- (1) For a specific date and trip; or
- (2) A blanket authorization describing the full range of trips children may take. In such case, the licensee shall notify the parent(s) in advance about the trip.

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.190 Transportation.**

When the licensee provides transportation for a child in care:

- (A) The licensee shall ensure the motor vehicle is maintained in a safe operating condition;
- (B) The licensee shall ensure the motor vehicle is equipped with and that children are required to use appropriate safety devices and individual seat belts or safety belts for each child when the vehicle is in motion. For children under age 4, federally approved and properly installed child passenger restraint systems (car seats) or other appropriate child passenger safety seats appropriate for the mode of transportation are required. Seat belts are not required for buses approved by the Washington State Patrol or Swinomish Tribal Police;
- (C) Children age 12 and under shall be placed in the rear seat of a passenger vehicle.. In the event that no option exists for placing a child in the rear seat, the following steps shall be taken:
  - (1) Properly restrain the child.
  - (2) Push the vehicle seat all the way back to maximize distance between the child and an air bag; and
  - (3) Seat the child directly against the seat back.
- (D) The licensee shall ensure the number of passengers does not exceed the seating capacity of the motor vehicle;
- (E) The licensee or driver shall carry liability and medical insurance. The driver shall have a current Washington driver's license, valid for the classification of motor vehicle operated;
- (F) The driver or staff member supervising children in the motor vehicle shall have current first aid and cardiopulmonary resuscitation (CPR) training;



- (G) The licensee shall ensure a minimum of one (1) staff person, other than the driver, is present in the motor vehicle when:
  - (1) Seven (7) or more preschool age and younger children are present; or
  - (2) Staff-to-child ratio guidelines require a second staff person; and
- (H) The staff or the driver shall not leave any child unattended in the motor vehicle.

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.200 Parent Communication.**

- (A) The licensee shall:
  - (1) Explain to the parent(s) the center's policies and procedures;
  - (2) Orient the parent(s) to the center's philosophy, program and facilities;
  - (3) Advise the parent(s) of the children's progress and issues relating to the children's care and individual practices concerning the children's special needs; and
  - (4) Encourage parent participation in center activities.
- (B) The licensee shall furnish in writing, the following information to the parent(s):
  - (1) Enrollment and admission requirements;
  - (2) The fee and payment plan;
  - (3) A typical activity schedule, including hours of operation;
  - (4) Meals and snacks served, including guidelines on food brought from any child's home;
  - (5) Permission for free access by any child's parent to all center areas used by the child;
  - (6) Signing in and signing out requirements;
  - (7) Child abuse reporting law requirements;
  - (8) Behavior management and discipline;

- (9) Nondiscrimination statement;
- (10) Religious activities, if any;
- (11) Transportation and field trip arrangements;
- (12) Practices concerning an ill child;
- (13) Medication management;
- (14) Medical emergencies; and
- (15) If licensed for the care of an infant or toddler:
  - (a) Diapering;
  - (b) Toilet training; and
  - (c) Feeding.

[History] Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.210 Policies**

- (A) The licensee shall have written policies established, implemented, maintained and available that, at a minimum, require compliance with the provisions of STC 15-01 and that address, but are not limited to:
- (1) child development;
  - (2) safety;
  - (3) child abuse prevention and reporting;
  - (4) discipline (including an outline of positive methods of guidance appropriate to various ages of children);
  - (5) caregiver health, including
    - (a) Guidelines for exclusion for illness and the subsequent return to work;
    - (b) Information on the major occupational health hazards for caregivers;
    - (c) Stress management techniques;

- (d) Ensuring that all caregivers are physically and emotionally able to care for children, which may include an option to request that a caregiver provide a statement of physical fitness to care for young children from his/her doctor or other primary health care professional.

[History] Ord. 317 (6/5/12).

### *Subchapter III - Staffing*

#### **15-01.220 Staff Pattern and Qualifications.**

- (A) **General qualifications.** The licensee, staff member, volunteer, and other person associated with the operation of the center who has access to children in care shall:
  - (1) Be of good character;
  - (2) Demonstrate the understanding, ability, personality, emotional stability, and physical health suited to meet the cultural, emotional, mental, physical, and social needs of the children in care;
  - (3) Undergo a criminal and general background check; and
  - (4) Not have committed or been convicted of child abuse or any crime involving physical harm to another person.
  
- (B) **Center management.** The licensee shall serve as or employ a director, responsible for the overall management of the center's facility and operation. The director shall:
  - (1) Be twenty-one (21) years of age or older;
  - (2) Serve as administrator of the center, ensuring compliance with minimum licensing requirements;
  - (3) Have knowledge of child development as evidenced by professional references, education, experience, and on-the-job performance;
  - (4) Have the management and supervisory skills necessary for the proper administration of the center, including:
    - (a) Record maintenance;
    - (b) Financial management; and

- (c) Maintenance of positive relationships with the staff, children, parents, and the community.
  - (5) Have completed forty-five (45) or more college quarter credits in early childhood education/child development, or possess an equivalent educational or work experience background, or be a certified child development associate;
  - (6) Have two (2) or more years of successful experience working with children of the same age level as those served by the center as evidenced by professional references and on-the-job performance;
  - (7) Have planning, coordination and supervisory skills to implement a high quality, developmentally appropriate program; and
  - (8) Have knowledge of children and how to meet children's needs.
- (C) When the director does not meet the qualifications specified in Sections 15-01.210(B)(5), (6), (7), and (8), the director or licensee shall employ a program supervisor, responsible for planning and supervising the center's learning and activity program. The program supervisor shall:
- (1) Be twenty-one (21) years of age or older;
  - (2) Meet the education, experience, and competency qualifications specified in Sections 15-01.210(B)(5), (6), (7), and (8); and
  - (3) Discharge on-site program supervisory duties a minimum of twenty (20) hours weekly.
- (D) For the center serving school age children only, the program supervisor may substitute equivalent courses in education, recreation or physical education for required education.
- (E) The director and program supervisor may be one and the same person when qualified for both positions. The director or program supervisor shall normally be on the premises while the children are in care. If temporarily absent from the center, the director and program supervisor shall leave a competent, designated staff person in charge.
- (F) The director and program supervisor may also serve as childcare staff when such role does not interfere with the director's or program supervisor's management and supervisory responsibilities.

- (G) **Center staffing.** The licensee shall ensure the lead childcare staff person in charge of a child or a group of children implementing the activity program:
- (1) Is eighteen (18) years of age or older; and
  - (2) Possesses a high school education or equivalent; or
  - (3) Has child development knowledge and experience.
- (H) The licensee may assign a childcare assistant or aide to support lead childcare staff. The childcare assistant or aide shall be sixteen (16) years of age or older. The childcare assistant or aide shall care for children under the direct supervision of the lead childcare staff person. The licensee shall ensure no person under eighteen (18) years of age is assigned sole responsibility for a group of children. The assistant or aide, eighteen (18) years of age or older, may care for a child or group of children without direct supervision by a superior for a brief period time.
- (I) The licensee may arrange for a volunteer to support lead childcare staff. The volunteer shall be sixteen (16) years of age or older. The volunteer shall care for children under the direct supervision of the lead childcare staff person. The licensee may count the volunteer in the staff-to-child ratio when the volunteer meets staff member qualification requirements.
- (J) **Support service personnel.** The licensee shall provide or arrange for fulfillment of administrative, clerical, accounting, maintenance, transportation, and food service responsibilities so the childcare staff is free to concentrate on program implementation.
- (K) The licensee shall ensure completion of support service duties occurs in a manner allowing the center to maintain required staff-to-child ratios.

\*Previously codified as 15-01.210

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.230 Group Size and Staff-Child Ratios.**

- (A) The licensee shall conduct group activities within the following group size and staff-to-child ratio requirements, according to the age of the child:

<u>AGE OF CHILDREN</u>	<u>STAFF-CHILD RATIO</u>	<u>MAXIMUM GROUP SIZE</u>
1 mo. through 11 mos. (infant)	1:3	6
12 mos. through 18 mos. (waddler)	1:4	8
19 mos. through 29 mos. (toddler)	1:7	14
30 mos. through 5 years (preschooler)	1:10	20
5 years and older (school-age child)	1:15	30

- (B) Subject to the provisions of paragraph (F) below, the licensee shall conduct activities for each group in a specific classroom or other defined space within a larger area.
- (C) The licensee shall ensure each group is under the direct supervision by sight and sound of a qualified staff person or team of staff involved in directing the children's activities. Caregivers should know the whereabouts of the children in their care at all times.
- (D) The Department may approve reasonable variations to group size limitations if the licensee maintains required staff-to-child ratios, dependent on:
  - (1) Staff member qualifications;
  - (2) Program structure; and
  - (3) Usable square footage.
- (E) After consulting with a child's parent, the licensee may place the individual child in a different age group and serve the child within the different age group's required staff-to-child ratio based on the child's:
  - (1) Developmental level; and
  - (2) Individual needs.
- (F) In order to further clearly articulated and specific educational goals or cultural values, the licensee may combine children of different age groups provided the licensee maintains the staff-to-child ratio designated for the youngest child in the mixed group.

- (G) The licensee may group ambulatory children between one (1) year, and two and one-half (2½) years of age with other children, provided:
  - (1) The total number of children in the group does not exceed ten (10); and
  - (2) Two (2) staff members are assigned to the group.
- (H) The licensee shall ensure the staff person providing direct care and supervision of children is free of other duties at the time of care.
- (I) The licensee shall maintain required staff-to-child ratios indoors, outdoors, on field trips, and during rest periods. During rest periods, staff persons may be involved in other activities if members of the staff remain on the premises and each child is within continuous visual and auditory range of a staff person.
- (J) The licensee shall ensure staff members:
  - (1) Attend individual children or groups of children at all times; and
  - (2) Keep each child within continuous visual and auditory range, except when a toilet-trained child uses the toilet.
- (K) When only one (1) staff person is present, the licensee shall ensure a second staff person is readily available in case of an emergency.

\*Previously codified as 15-01.220

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.240 Staff Development and Training.**

- (A) The licensee shall have an orientation system making the employee and volunteer aware of program policies and practices. The licensee shall provide staff persons an orientation including, but not limited to:
  - (1) Minimum licensing rules required under this Chapter;
  - (2) Goals and philosophy of the center;
  - (3) Planned daily activities and routines;
  - (4) Child guidance and behavior management methods;
  - (5) Child abuse and neglect prevention, detection, and reporting policies and procedures;

- (6) Special health and developmental needs of individual children;
  - (7) The health care plan;
  - (8) Fire prevention and safety procedures; and
  - (9) Personnel policies, when applicable.
- (B) The licensee shall provide or arrange for regular training opportunities for the childcare staff to promote ongoing employee education and enhance practice skills.
- (C) The licensees shall conduct periodic staff meetings for planning and coordination purposes.
- (D) The licensee shall ensure:
- (1) A staff person with basic, standard, current first aid and cardiopulmonary resuscitation (CPR) training, or Department of Health approved training, is present at all times and in all areas children are in care; and
  - (2) The staff's CPR training includes methods appropriate for child age groups in care.
- (E) The licensee shall provide or arrange appropriate education and training for childcare staff on the prevention and transmission of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS).
- (F) The licensee shall ensure the staff person preparing full meals has a valid food handler permit.

\*Previously codified as 15-01.230

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

#### *Subchapter IV – Health and Nutrition*

##### **15-01.250 Written Health and Nutrition Policies.**

- (A) The licensee shall establish, implement, maintain and make available current written health policies and procedures for staff member orientation and use, and for the parent(s). The health care plan shall include, but not be limited to, information about the center's procedures concerning:



- (1) Communicable disease prevention, reporting, and management;
  - (2) Action taken for medical emergencies, including management of blocked airway (CPR);
  - (3) First aid/first response;
  - (4) Care of minor illnesses;
  - (5) Medication management;
  - (6) General hygiene practices;
  - (7) Handwashing practices;
  - (8) Food and food services; and
  - (9) Infant care procedures and nursing consultation, where applicable.
- (B) The licensee shall use the services of an advisory physician, physician's assistant or registered nurse to assist in the development, approval and periodic review of the center's health care plan.

\*Previously codified as 15-01.240

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.260 Health Supervision and Infectious Disease Prevention.**

- (A) **Child.** The licensee shall ask parents for information regarding the child's development, health and behavioral status, especially information about the child's health since last attendance in the facility. The licensee shall encourage the parent(s) to arrange a physical examination for children who have not had regular health care or a physical examination within one (1) year before enrollment.
- (B) The licensee shall encourage the parent(s) to obtain health care for a child when necessary. The licensee shall not be responsible for providing or paying for a child's health care.
- (C) Before or on a child's first day of attendance, the licensee shall have on file a certificate of age-appropriate immunization status form prescribed by the Department of Health proving the child's full immunization for:
- (1) Diphtheria;

- (2) Tetanus;
  - (3) Pertussis (whooping cough);
  - (4) Poliomyelitis;
  - (5) Measles (rubeola);
  - (6) Rubella (German measles);
  - (7) Mumps; and
  - (8) Other diseases prescribed by the Department of Health.
- (D) The licensee may accept a child without all required immunizations on a conditional basis if immunizations are:
- (1) Initiated before or on enrollment; and
  - (2) Completed as rapidly as medically possible.
- (E) The licensee may exempt the immunization requirement for a child if the parent(s) or guardian:
- (1) Signs a statement expressing a religious, philosophical or personal objection; or
  - (2) Furnishes a physician's statement of a valid medical reason for the exemption.
- (F) If a child must be physically restrained for medical reasons, that restraint shall occur in accordance with the instruction of the child's physician and/or practitioner and permission of the parent.
- (G) **Program.** A written policy for determining care for, inclusion, exclusion, and dismissal of ill children shall be implemented. The staff shall observe and screen children for signs of illness on a daily basis. The licensee shall care for or discharge home ill children based on the center's policies concerning ill children.
- (1) When a child has a severe illness or is injured, tired or upset, the staff shall separate the child from other children and attend to the child continuously until:

- (a) The child is able to rejoin the group and participate comfortably in the usual activities of the program without interfering with the care of the other children, and without posing an increased risk to other children or adults in the facility as determined by the caregiver or, if necessary, a health professional or official;
  - (b) The staff return the child to the parent(s); or
  - (c) The staff secures appropriate health care for the child.
- (2) The licensee shall provide a quiet, separate care room or area allowing a child requiring separate care an opportunity to rest.
- (3) The staff shall sanitize equipment used by a child if the staff suspects the child has a communicable disease.
- (4) The licensee may use the separate care room or area for other purposes when not needed for separation of a child.
- (H) The staff shall wash or assist a child to wash hands:
  - (1) After the child's toileting or diapering;
  - (2) Before and after the child eats;
  - (3) After participation in moist play; and
  - (4) Before the child participates in food activities.
- (I) The staff shall clean and disinfect toys, equipment, furnishings, and facilities according to the center's cleaning and disinfecting policies, as needed, but at a minimum in accordance with STC 15-01.420.
- (J) The licensee shall have appropriate extra clothing available for a child who wets or soils clothes.
- (K) The staff shall ensure that children do not share personal hygiene or grooming items.
- (L) **Staff.** Each center employee, volunteer, and other person having regular contact with children in care shall have a tuberculin (TB) skin test, by the Mantoux method, upon employment or licensure, unless against medical advice.
  - (1) Any person whose TB skin test is positive (ten (10) millimeters or more) shall have a chest x-ray within thirty (30) days following the skin test.

- (2) The licensee shall not require the person to obtain routine periodic TB retesting or x-ray (biennial or otherwise) after entry testing unless directed to obtain retesting by the person's health care provider or the local health department.
  
- (M) The licensee shall not permit the person with a reportable communicable disease to be on duty in the center or have contact with children in care unless approved in writing by a health care provider. Individuals responsible for food preparation or service shall be free of contagious disease.
  
- (N) The staff and volunteers shall wash hands:
  - (1) After toileting and diapering a child;
  - (2) After personal toileting;
  - (3) After giving medication;
  - (4) After participation in children's moist play;
  - (5) After cleaning or handling body fluids, even if gloves are used;
  - (6) After handling animals, animal waste or animal cages;
  - (7) After attending to an ill child; and
  - (8) Before serving or preparing food.

\*Previously codified as 15-01.250

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.270 Medication Management.**

The center may have a policy of not giving medication to children in care. If the center's written health care plan includes giving medication to a child in care, the licensee:

- (A) Shall give medications, prescription and nonprescription, only on the written approval of a parent, person, or agency having authority by court order to approve medical care;
  
- (B) Shall give prescription medications:
  - (1) Only as specified on the prescription label; or

- (2) As authorized, in writing, by a physician or other person legally authorized to prescribe medication.
- (C) Shall give the following classifications of nonprescription medications, with written parent authorization, only at the dose, duration and method of administration specified on the manufacturer's label for the age or weight of a child needing the medication:
- (1) Antihistamines;
  - (2) Nonaspirin fever reducers/pain relievers;
  - (3) Nonnarcotic cough suppressants;
  - (4) Decongestants;
  - (5) Anti-itching ointments or lotions, intended specifically to relieve itching;
  - (6) Diaper ointments and powders, intended specifically for use in the diaper area of a child; and
  - (7) Sunscreen.
- (D) Shall not give other nonprescription medication:
- (1) Not included in the categories listed in Section 15-01.260(C);
  - (2) Taken differently than indicated on the manufacturer's label; or
  - (3) Lacking labeled instructions, only when disbursement of the nonprescription medication is as required under Section 15-01.260(D)(1), (2) and (3):
    - (a) Authorized, in writing, by a physician; or
    - (b) Based on established medical policy approved, in writing, by a physician or other person legally authorized to prescribe medication.
- (E) Shall accept from a child's parent, guardian, or responsible relative only medicine in the original container, labeled with:
- (1) The child's first and last names;

- (2) The date the prescription was filled; or
  - (3) The medication's expiration date; and
  - (4) Legible instructions for administration, such as manufacturer's instructions or prescription label.
- (F) Shall keep medication, refrigerated or nonrefrigerated, in an orderly fashion, inaccessible to children;
- (G) Shall store external medication in a compartment separate from internal medication;
- (H) Shall keep a record of medication disbursed;
- (I) Shall return to the parent(s) or other responsible party, or shall dispose of medications no longer being taken; and
- (J) May, at the licensee's option, permit self-administration of medication by a child in care if the:
- (1) Child is physically and mentally capable of properly taking medication without assistance;
  - (2) Licensee includes in the child's file a parental or physician's written statement of the child's capacity to take medication without assistance; and
  - (3) Licensee ensures a child's medications and other medical supplies are stored so the medications and medical supplies are inaccessible to another child in care.

\*Previously codified as 15-01.260

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.280 Nutrition.**

- (A) The licensee shall provide food meeting the nutritional needs of the children in care, taking into consideration the:
- (1) Number of children in care;
  - (2) The children's ages and developmental levels;

- (3) The children's cultural backgrounds;
  - (4) Any child's handicapping condition, if any; and
  - (5) Hours of care on the premises.
- (B) The licensee shall provide only pasteurized milk or a pasteurized milk product.
- (C) The licensee shall provide milk to children in accordance with current USDA standards.
- (D) The licensee may serve a child twenty-four (24) months of age or older powdered Grade A milk, mixed in the center, provided the licensee completes the dry milk mixture, service and storage in a safe and sanitary manner.
- (E) Safe drinking water shall be accessible to children while indoors or outdoors. Drinking water shall be dispensed in accordance with STC 15-01.300.
- (F) The licensee may provide nutrient concentrates, nutrient supplements, a modified diet, or an allergy diet only with written permission of the child's health care provider. The licensee shall obtain from the parent(s) or child's health care provider a written list of foods the child cannot consume.
- (G) The licensee shall:
- (1) Record food and portion sizes planned and served;
  - (2) Prepare and date menus one (1) week or more in advance, containing meals and snacks to be served, including parent-provided snacks; and
  - (3) Specify on the menu a variety of foods enabling a child to consume adequate nutrients.
- (H) The licensee shall provide two (2) weeks or more of meal and snack menu variety before repeating the menu.
- (I) The licensee shall only make nutrition substitutions of comparable nutrient value and record changes on the menu.
- (J) The licensee shall provide nutritious meals according to a written plan that at a minimum complies with the following meal pattern to provide food to children in care in age-appropriate servings:
- (1) Providing children in care for eight (8) or less hours:

- (a) Two (2) or more snacks and one (1) meal; or
  - (b) Two (2) meals and one (1) snack.
- (2) Providing children in care for eight (8) or more hours:
- (a) Two (2) or more meals and two (2) snacks; or
  - (b) One (1) snack and three (3) meals.
- (3) Providing children arriving after school a snack;
- (4) Providing all children a snack in mid-morning and in midafternoon;
- (5) Providing children food at intervals not less than two (2) hours and not more than three (3) hours apart, unless the child is asleep;
- (6) Caregivers should feed infants on demand unless the parent provides written instructions otherwise; and
- (7) Allowing the occasional serving of party foods not meeting nutritional requirements.
- (K) When serving food, the licensee shall provide children the following:
- (1) At a minimum, the children's breakfast must contain:
- (a) A dairy product, including fluid milk, cheese, yogurt, or cottage cheese;
  - (b) Cereal or bread, whole grain or enriched; and
  - (c) Fruit or vegetable or juice containing a minimum of fifty percent (50%) real juice.
- (2) At a minimum, the children's lunch or dinner must contain:
- (a) A dairy product;
  - (b) A protein food including lean meat, fish, poultry, egg, legumes, nut butters, or cheese;
  - (c) Bread or bread alternative, whole grain or enriched; and
  - (d) Fruit or vegetable, two (2) total servings.



- (3) The children's snacks must include one (1) or more dairy or protein source provided daily, and contain a minimum of two (2) of the following four (4) components at each snack:
    - (a) A dairy product;
    - (b) A protein food;
    - (c) Bread or bread alternative; or
    - (d) Fruit or vegetable or juice containing a minimum of fifty percent (50%) real juice.
  - (4) The children's food must contain:
    - (a) A minimum of one (1) serving of Vitamin C fruit, vegetable, or juice, provided daily; and
    - (b) Servings of food high in Vitamin A, provided three (3) or more times weekly.
- (L) The licensee shall provide:
- (1) Dinner to the children in evening care when the children did not receive dinner at home before arriving at the center;
  - (2) A bedtime snack to the children in nighttime care; and
  - (3) Breakfast to the children in nighttime care if the children remain at the center after the children's usual breakfast time.
- (M) Choking Prevention
- (1) Precautions against choking shall be taken when feeding infants and toddlers.
  - (2) Caregivers shall not offer to children under 4 years of age any foods that are implicated in choking incidents (including foods that are round, hard, small, thick and sticky, smooth, or slippery). Examples of these foods are hot dogs (whole or sliced into rounds), whole grapes, hard candy, nuts, seeds, raw peas, hard pretzels, chips, peanuts, popcorn, marshmallows, spoonfuls of peanut butter, carrot and celery sticks, and chunks of meat larger than can be swallowed whole.
- (N) Bottle Feeding and Breastfeeding

- (1) Breastmilk (if not frozen) and prepared bottles of formula shall be kept refrigerated until immediately before use.
  - (2) Frozen breastmilk shall be thawed under cold running water or in the refrigerator.
  - (3) When there is more than one bottle-fed infant, bottles of breastmilk and formula shall be labeled with the child's name and shall be used only for the intended child.
  - (4) Breastmilk or formula shall be warmed in a pan of hot, not boiling, water for 5 minutes. The bottle shall then be shaken, and the milk temperature tested before feeding.
  - (5) Microwaves shall never be used to heat bottles of formula or breastmilk.
  - (6) Any contents remaining in a bottle of formula or breastmilk after feeding shall be discarded.
  - (7) Prepared bottles of formula shall be discarded after 24 hours if not used.
  - (8) Once opened, containers of ready-to-feed or concentrated formula shall be kept covered and refrigerated. They shall be discarded after 48 hours if not used.
  - (9) Unused, expressed breastmilk shall be discarded after 48 hours if refrigerated, or after 2 weeks if frozen.
- (O) Foods brought from home shall be labeled with the child's name, date, and the type of food, and should not be shared with other children unless intended for that purpose.
- (P) The licensee shall monitor sack lunches, snacks, and other foods brought from a child's home for consumption by the child, all children or a group of children in care, ensuring safe preparation, storage and serving and nutritional adequacy.
- (Q) For the center permitting sack lunches, the licensee shall have available food supplies to supplement food deficient in meeting nutrition requirements brought from a child's home and to nourish the child arriving without home-supplied food.

\*Previously codified as 15-01.270

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.290 Kitchen and Food Service.**

- (A) The licensee shall provide equipment for the proper storage, preparation and service of food to meet program needs.
- (B) Food preparation areas shall be separate from eating areas, play, toilet, bathroom, and diaper changing areas, and areas where animals are kept.
- (C) The licensee shall meet food service standards by ensuring that:
  - (1) The staff person who prepares full meals has a valid food handler permit;
  - (2) The staff person preparing and serving meals washes their hands before handling food;
  - (3) Handwashing facilities are located in or adjacent to food preparation areas;
  - (4) Food is wrapped and stored in a sanitary manner, especially milk, shellfish, meat, poultry, eggs, and other protein food sources;
  - (5) Food requiring refrigeration is stored at a temperature no warmer than forty degrees (40°) Fahrenheit;
  - (6) Frozen food is stored at a maximum temperature of zero degrees (0°) Fahrenheit;
  - (7) Refrigerators and freezers are equipped with thermometers and are regularly cleaned and defrosted;
  - (8) Food is cooked to correct temperatures and is maintained at a temperature not less than 140°F;
  - (9) Raw food is washed thoroughly with clean running water;
  - (10) Cooked food to be stored is rapidly cooled and refrigerated after preparation;
  - (11) Food that has been served on the child's plate and not eaten shall be discarded in containers with tight fitting lids that are emptied at least daily.
  - (12) Food is kept in original containers or in clean, labeled containers and stored off the floor;

- (13) Packaged, canned, and bottled food with a past expiration date is discarded;
  - (14) Food in dented cans or torn packages is discarded; and
  - (15) When food containing sulfiting agents is served, parents are notified.
- (D) The children may participate in food preparation as an educational activity. The licensee shall supervise the children when the children are in the kitchen or food preparation area.
- (E) The licensee shall make kitchen equipment inaccessible to the children, except during planned and supervised kitchen activities. The staff shall supervise food preparation activities. The licensee shall make potentially hazardous appliances and sharp or pointed utensils inaccessible to the child when the child is not under direct supervision.
- (F) The licensee shall install and maintain kitchen equipment and clean reusable utensils in a safe and sanitary manner by:
- (1) Sanitizing reusable utensils in a dishwasher or through use of a three (3) compartment dishwashing procedure; and
  - (2) Using only single-use or clean cloths, used solely for wiping food service, preparation, and eating surfaces.
  - (3) Food preparation areas, including countertops and tabletops, shall be cleaned and disinfected before and after each use.
  - (4) Dishes, highchair trays, and food service utensils shall be cleaned and disinfected after each use.
  - (5) Dishes and food service utensils should be allowed to air dry and stored in a manner that preserves their clean/disinfected status.

\*Previously codified as 15-01.280

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.300 Drinking and Eating Equipment.**

- (A) The licensee shall provide the children disposable single-use cups, individual labeled drinking cups, glasses or water bottles, or inclined jet-type drinking fountains.

- (B) The Department shall prohibit the center from using bubbler type drinking fountains and common drinking cups or glasses.
- (C) The licensee shall provide the children durable eating utensils appropriate in size and shape for the children in care.

\*Previously codified as 15-01.290

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

### *Subchapter V – Care, Safety and Environment*

#### **15-01.310 Care of Young Children.**

- (A) The licensee shall not accept for care a child under one (1) month of age.
- (B) **Facility.** The licensee shall:
  - (1) Provide a separate, safe play area for the children under one (1) year of age, or any child not walking;
  - (2) Care for the children under one (1) year of age in rooms or areas separate from older children, with:
    - (a) Not more than eight (8) children under one (1) year of age to a room or area; and
    - (b) Handwashing facilities in or adjacent to each such room or area.
- (C) **Diapering and toileting.** The licensee shall ensure that:
  - (1) The diaper changing area is:
    - (a) Separate from the food preparation areas;
    - (b) Adjacent to a handwashing sink; and
    - (c) Sanitized between use for different children; or
    - (d) Protected by a disposable covering discarded after each use.
  - (2) The designated changing area is impervious to moisture and washable;
  - (3) Diaper changing procedures are posted at the changing area;

- (4) Disposable towels or clean, reusable towels, laundered between usage for different children, are used for cleaning a child;
  - (5) The staff wash their hands after diapering a child or helping a child with toileting;
  - (6) Disposable diapers, a commercial diaper service or reusable diapers supplied by a child's family are used;
  - (7) Soiled diapers are placed without rinsing into a separate, cleanable, covered container provided with a waterproof liner before transporting to the laundry, parent or acceptable disposal;
  - (8) Soiled diapers are removed from the facility daily or more often unless the licensee uses a commercial diaper service;
  - (9) Toilet training is initiated when the child indicates readiness and in consultation with the child's parent;
  - (10) Potty chairs, when in use, are located on washable, impervious surfaces; and
  - (11) Toilet training equipment is sanitized after each use.
- (D) **Feeding.** The licensee and the infant's parent(s) shall agree on a schedule for the infant's feedings.
- (1) **Bottle feedings.**
    - (a) The licensee or parent(s) may provide for a child's bottle feeding in the following manner:
      - (i) A filled bottle brought from home;
      - (ii) Whole milk or formula in ready-to-feed strength; or
      - (iii) Formula requiring no preparation other than dilution with water, mixed on the premises.
    - (b) The licensee shall prepare a child's bottle and nipple in a sanitary manner in an area separate from diapering areas.
    - (c) The licensee shall sanitize a child's bottle and nipple between uses.

- (d) The licensee shall label a child's bottle with the child's name and date prepared.
  - (e) The licensee shall refrigerate a filled bottle if a child does not consume the content immediately and shall discard the bottle's content if the child does not consume the content within twelve (12) hours.
- (2) To ensure safety and promote nurturing, the staff should hold the infant when bottle feeding. The licensee shall ensure that the staff:
- (a) Always hold the infant unable to sit in a high chair in a semi-sitting position for feedings, unless such is against medical advice;
  - (b) Interact with the children;
  - (c) Do not prop a bottle;
  - (d) Do not give a bottle to a reclining child, unless the bottle contains water only;
  - (e) Take the bottle from a child when the child finishes feeding;
  - (f) Do not permit an infant carrying a bottle throughout the day; and
  - (g) Keep the children in continuous visual and auditory range.
- (3) The licensee shall provide semi-solid food for an infant, upon consultation with the parent(s), not before a child is four (4) months of age and not later than ten (10) months of age, unless such is not recommended by the child's health care provider.
- (E) **Sleeping equipment.** The licensee shall furnish an infant a single-level crib, infant bed, bassinet, or play pen for napping until such time the licensee and parent concur the infant can safely use a mat, cot or other approved sleeping equipment. The sleep equipment shall keep the infant safe from the dangers of suffocation.
- (F) When the licensee furnishes an infant or child a crib, the licensee shall ensure the crib is:
- (1) Sturdy and made of wood, metal or plastic with secure latching devices; and

- (2) Constructed with two and three-eighths ( $2\frac{3}{8}$ ) inches or less space between vertical slats when the crib is used for an infant six (6) months of age or younger. The licensee may allow an infant to use a crib not meeting the spacing requirement provided the licensee uses crib bumpers or another effective method preventing an infant's body from slipping between the slats.
- (G) The licensee shall not allow an infant or child to use a stacked crib.
- (H) The licensee shall ensure an infant's or child's crib mattress is:
  - (1) Snug fitting, preventing an infant from being caught between the mattress and crib side rails; and
  - (2) Waterproof and easily sanitized.
- (I) In order to reduce the risk of Sudden Infant Death Syndrome (SIDS), infants must be placed to sleep on their backs unless otherwise directed by the child's physician, and all sleeping arrangements for infants under 12 months of age should use firm mattresses and avoid soft bedding materials such as comforters, pillows, fluffy blankets, or stuffed toys.
- (J) **Program and equipment.** The licensee shall provide an infant a daily opportunity for:
  - (1) Large and small muscle development;
  - (2) Crawling and exploring;
  - (3) Sensory stimulation;
  - (4) Social interaction;
  - (5) Development of communication; and
  - (6) Learning self-help skills.
- (K) The licensee shall provide an infant safe, noningestible and suitable toys and equipment for an infant's mental and physical development.
- (L) **Nursing consultation.** The licensee licensed for the care of four (4) or more infants shall arrange for regular nursing consultation to include one (1) or more monthly on-site visits by a registered nurse trained or experienced in the care of young children.



- (M) In collaboration with the licensee, the nurse shall advise the center on the:
  - (1) Operation of the infant care program; and
  - (2) Implementation of the child health program.
- (N) The licensee shall obtain a written agreement with the nurse for consultation services.
- (O) The licensee shall document the nurse's on-site consultations.
- (P) The licensee shall ensure the nurse consultant's name and telephone number is posted or otherwise available on the premises.

\*Previously codified as 15-01.300

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.320 Safety and Environment.**

- (A) **General safety, maintenance and site.** The licensee shall operate the center:
  - (1) On an environmentally safe site;
  - (2) In a neighborhood free from a condition detrimental to the children's welfare; and
  - (3) In a location accessible to other services to carry out the program.
- (B) The licensee shall follow a plan to ensure routine maintenance of the indoor and outdoor premises in a safe and sanitary condition, free of hazards, and in good repair. Indoor and outdoor play areas shall be checked for hazards daily and prior to their use by children. The licensee shall ensure furniture and equipment are safe, stable, durable, age appropriate, and free of sharp, loose or pointed parts.
- (C) The licensee shall:
  - (1) Install handrails or safety devices at child height adjacent to steps, stairways and ramps;
  - (2) Maintain a flashlight or other emergency lighting device in working condition;
  - (3) Ensure there is no flaking or deteriorating lead-based paint on interior and exterior surfaces, equipment and toys accessible to preschool age and

younger children;

- (4) Finish or cover rough or untreated wood surfaces;
  - (5) Maintain one (1) or more telephones in working order, accessible to the staff; and
  - (6) Provide exit arrangements adequate for the number, ages and abilities of the children, including a minimum of two unobstructed exits leading to safe, open areas.
- (D) The licensee shall supply bathrooms and other rooms subject to moisture with washable, moisture-impervious flooring.
  - (E) The licensee caring for preschool age and younger children shall equip child-accessible electrical outlets with nonremovable safety devices or covers to prevent electrical injury.
  - (F) The licensee shall ensure the staff can gain rapid access in an emergency to a bathroom or other room occupied by the children.
  - (G) The licensee shall shield light bulbs and tubes in child accessible areas.
  - (H) The licensee shall keep the premises free from rodents, fleas, cockroaches, and other insects and pests.
  - (I) The licensee shall use a housekeeping sink or another appropriate method for drawing clean mop water and disposing wastewater.
  - (J) The licensee shall ensure the mop storage area is ventilated.
  - (K) The licensee shall ensure no firearm or other weapon is on the premises.
  - (L) The licensee shall comply with standards for fire protection, including the installation and use of smoke detectors, for day-care centers established by the State fire marshal's office and the Swinomish Fire Code, Chapter 12-05.
  - (M) Approved, properly maintained, multi-purpose fire extinguishers, appropriate for the size of the child care setting, shall be readily available, and caregivers trained on their operation.

\*Previously codified as 15-01.310

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.330 Water Safety.**

- (A) The licensee shall maintain the following water safety precautions when the children use an on premises swimming pool, wading pool or natural body of water, or enters the water on a field trip by ensuring that:
  - (1) The on-premises pool or natural body of water is inaccessible to the children when not in use;
  - (2) During the children’s use of a wading pool, an adult with current CPR training supervises the children at all times; and
  - (3) During the children’s use of a swimming pool or open body of water, a certified lifeguard is present at all times, in addition to required staff.
- (B) The licensee shall empty and clean portable wading pools daily when in use.
- (C) The licensee shall not permit the children to use or access a hot tub, spa, whirlpool, tank, or similar equipment.

\*Previously codified as 15-01.320  
[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.340 First Aid Supplies.**

The licensee shall maintain on the premises, easily accessible to caregivers at all times including during field trips and while transporting children, adequate first aid supplies that conforms to the center’s first aid policies and procedures. The licensee’s first aid supplies shall include emergency plans, disposable gloves, band-aids and bandages, tape, sterile gauze pads, roll gauze, scissors, emergency numbers, first aid resource guide, an insect sting kit. unexpired syrup of ipecac, which may be administered only on the advice of a physician or poison control center.

\*Previously codified as 15-01.330  
[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.350 Outdoor Play Area.**

- (A) The licensee shall provide a safe and securely fenced or Department-approved, enclosed outdoor play area:
  - (1) Adjoining directly the indoor premises; or
  - (2) Reachable by a safe route and method; and

- (3) Promoting the children’s active play, physical development, and coordination; and
  - (4) Protecting the play area from unsupervised exit or entry by the children; and
  - (5) Preventing child access to roadways and other dangers.
- (B) The licensee shall ensure the play area contains a minimum of seventy-five (75) usable square feet per child. If the center uses a rotational schedule of outdoor play periods so only a portion of the child population uses the play area at one time, the licensee may reduce correspondingly the children’s play area size. The licensee shall ensure appropriate child grouping by developmental or age levels, staff-to-child ratio adherence, and group size maintenance.
- (C) At its discretion, the Department may approve the licensee providing drop-in care only or operating in a densely developed area to use equivalent, separate indoor space for the children’s large muscle play.
- (D) The licensee providing full-time care shall ensure that the center’s activity schedule affords the children sufficient daily time to participate actively in outdoor play.
- (E) The licensee shall provide a variety of age appropriate play equipment for climbing, pulling, pushing, riding, and balancing activities. The licensee shall arrange, design, construct, select and maintain equipment, surfaces and ground cover to prevent injuries. The licensee’s quantity of outdoor play equipment shall offer the children a range of outdoor play options. The equipment shall be stored in a safe and orderly fashion when not in use.

\*Previously codified as 15-01.340

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.360 Indoor Play Area.**

- (A) The center’s indoor premises shall contain adequate area for children to play and sufficient space to house a developmentally appropriate program for the number and age range of children served. The licensee shall provide a minimum of thirty-five (35) square feet of usable floor space per child, exclusive of a bathroom, hallway, and closet. If the staff removes mats and cots when not in use, the licensee may use and consider the napping area as childcare space. The licensee may consider the kitchen usable space if:
- (1) Appliances and utensils do not create a safety hazard;

- (2) Toxic or harmful substances are not accessible to the children;
  - (3) Food preparation and storage sanitation is maintained; and
  - (4) The space is located safely and appropriately for use as a childcare activity area.
- (B) The licensee shall provide a minimum of fifty (50) square feet of usable floor space per child for the play and napping of an infant and other children requiring a crib.
- (C) The licensee may use a room for multiple purposes such as playing, dining, napping, and learning activities, provided the:
- (1) Room is of sufficient size; and
  - (2) Room's usage for one (1) purpose does not interfere with usage of the room for another purpose.
- (D) The licensee shall provide a variety of age appropriate play equipment. The licensee shall arrange, design, construct, select and maintain equipment and surfaces to prevent injuries. The equipment shall be stored in a safe and orderly fashion when not in use.

\*Previously codified as 15-01.350

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.370 Toilets, Handwashing Sinks, and Bathing Facilities.**

- (A) The licensee shall provide a minimum of one (1) indoor flush-type toilet and one (1) adjacent handwashing sink for every fifteen (15) persons normally on site, except:
- (1) A child eighteen (18) months of age or younger and other children using toilet training equipment need not be included when determining the number of required flush-type toilets;
  - (2) If urinals are provided, the number of urinals shall not replace more than one-third (1/3) of the total required toilets; and
  - (3) For the center serving school age children only, the number of sinks and toilets for the children shall equal or exceed the number required by the local school district.

- (B) The licensee shall supply the children warm running water for handwashing at a temperature range no less than eighty-five degrees Fahrenheit (85°) and no more than one hundred and twenty degrees Fahrenheit (120°).
- (C) The licensee shall locate the children's handwashing facilities in or adjacent to rooms used for toileting. Signs shall be posted at each handwashing facility indicating when handwashing is required and the proper steps to follow.
- (D) The licensee shall provide toileting privacy for the children of opposite sex six (6) years of age and older and for other children demonstrating a need for privacy.
- (E) The licensee shall provide toilets, urinals and handwashing sinks of appropriate height and size for the children in care or furnish safe, easily cleanable platforms impervious to moisture.
- (F) The licensee shall ensure rooms used for toileting are ventilated to the outdoors.
- (G) When the center serves children not toilet trained, the licensee shall provide developmentally appropriate equipment for the toileting and toilet training of the young children. The licensee shall sanitize the equipment after each child's use.
- (H) The licensee shall provide the children with soap and paper towels or other appropriate devices for washing and drying the children's hands and face.
- (I) If the center is equipped with a bathing facility, the licensee shall:
  - (1) Make the bathing facility inaccessible to the children; or
  - (2) Ensure the preschool age and younger child is supervised while using the bathing facility; and
  - (3) Equip the bathing facility with a conveniently located grab bar or other safety device such as a nonskid pad.

\*Previously codified as 15-01.360

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.380 Laundry.**

- (A) The licensee shall maintain access to laundry washing and drying facilities, which may include using on premises or off-site equipment.

- (B) The licensee shall use an effective method through temperature or chemical measures for adequately sanitizing the children's laundry contaminated with urine, feces, lice, scabies, or other infectious material.
- (C) When washing or drying occurs on-site, the licensee shall locate equipment in an area separate from the kitchen and inaccessible to the children.
- (D) The licensee shall store the children's soiled laundry separately from clean laundry.

\*Previously codified as 15-01.370

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.390 Nap and Sleep Equipment.**

- (A) The licensee shall provide a clean, separate, firm mat, cot, bed, mattress, play pen, or crib for each child five (5) years of age and under remaining in care for six (6) or more hours and for other children requiring a nap or rest period; *provided*, however, that sleeping equipment for infants and cribs shall comply with STC 15-01.310(E) – (H).
- (B) No child should sleep on a bare, uncovered surface. Seasonally appropriate covering, such as sheets or blankets that are sufficient to maintain adequate warmth, should be available and should be used by each child below school age.
- (C) Sleep equipment should not allow a child to either fall, become entrapped, or have clothing tangled on protrusions.
- (D) The licensee shall ensure the children's mats are of sufficient length, width and thickness to provide adequate comfort for the children to nap. The licensee may use washable sleeping bags to meet the mat requirements for toilet-trained children.
- (E) The licensee shall ensure the children's cots are of sufficient length and width and constructed to provide adequate comfort for the children to nap. The licensee shall ensure the cot surface is of a material that can be cleaned with a detergent solution, disinfected and allowed to air dry.
- (F) The licensee shall clean a child's nap equipment as needed and between uses by another child.
- (G) The licensee shall separate the children's nap equipment when in use to facilitate sanitation, child comfort and staff access.

- (H) The licensee shall ensure the children's bedding:
- (1) Consists of a clean sheet or blanket to cover the sleeping surface and a clean, suitable cover for each child;
  - (2) Is laundered weekly, or more often;
  - (3) Is assigned to an individual child and is not shared or used by another child; *provided*, however, that related children may share sleeping arrangements with parental approval and
  - (4) Is stored separately from bedding used by another child.
- (I) The licensee shall not use the upper bunk of a double deck bed for a preschool age or younger child.

\*Previously codified as 15-01.380

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.400 Storage.**

- (A) The licensee shall provide accessible individual space for each child to store clothes and personal possessions.
- (B) The licensee shall provide space separate from childcare area to store play and teaching equipment and supplies, records and files, cots, mats, and bedding.
- (C) The licensee shall store and make inaccessible to the children cleaning supplies, toxic substances, paint, poisons, aerosol containers, sharp or pointed objects, plastic bags, matches, flammable liquids, drugs of any kind, insecticides, other hazardous materials and items bearing warning labels. Hazardous materials shall be properly stored in labeled containers which, if appropriate, should be locked.
- (D) Should the licensee use a container filled from a stock supply, the licensee shall label the container to identify the contents.

\*Previously codified as 15-01.390

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.410 Program Atmosphere.**

- (A) The licensee shall provide a cheerful learning environment for the children by:



- (1) Covering walls and ceilings with light or bright colors; and
  - (2) Placing visually stimulating decorations, pictures, or other attractive materials at appropriate heights for the children.
- (B) The licensee shall maintain a safe and developmentally appropriate noise level, without inhibiting normal ranges of expression by the children, so the staff and children can be clearly heard and understood in normal conversation.
- (C) The licensee shall locate light fixtures and provide lighting intensities promoting good visibility and comfort for the children.
- (D) The licensee shall maintain the temperature within the center at:
- (1) Sixty-eight degrees (68°) Fahrenheit or more during the children's waking hours; and
  - (2) Sixty degrees (60°) Fahrenheit or more during the children's napping or sleeping hours.
- (E) The licensee shall regulate the temperature and ventilate the center for the health and comfort of the children in care.

\*Previously codified as 15-01.400

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

#### **15-01.420 Sanitation**

- (A) Any surface contaminated by body fluids (saliva, mucus, vomit, urine, stools, or blood) shall be cleaned and disinfected immediately, and caregivers shall use Standard Precautions set forth in STC 15-01.440, including the wearing of gloves, when cleaning contaminated areas.
- (B) Toilet areas, including sinks, countertops, faucets, handles, doorknobs, toilet bowls, and toilet seats, shall be cleaned daily, and shall be cleaned immediately when soiled.
- (C) Floors shall be cleaned daily and, when soiled, they shall be cleaned immediately. Carpets and rugs shall be shampooed when soiled and vacuumed at least daily.
- (D) Toys shall be cleaned weekly and, when soiled, they shall be cleaned immediately. Small toys that children can place in their mouths shall be cleaned and disinfected after each use.

- (E) Garbage and rubbish shall be removed from rooms where children and adults will be present, and shall be stored in closed containers that prevent access by children, insects, and rodents and other animals.

[History] Ord. 317 (6/5/12).

**15-01.430 Handwashing**

- (A) All caregivers, volunteers, and children shall wash all parts of their hands for at least 10 seconds with soap and water and then rinse them with water.
- (B) Each paper towel used for drying hands shall be used only once by only one individual.

[History] Ord. 317 (6/5/12).

**15-01.440 Standard Precautions for Cleaning Up Bodily Fluids**

- (A) Urine, stool, vomitus, blood, and body fluids shall be treated as potentially infectious. Spills of body fluid shall be cleaned up and surfaces sanitized immediately in accordance with the provisions of this section.
- (B) For small amounts of urine and stool on smooth surfaces; wipe off and clean away visible soil with a little detergent solution, then rinse the surface with clean water and apply a sanitizer to the surface for the required contact time.
- (C) For larger spills on floors, or any spills on rugs or carpets, the following steps must be followed:
  - (1) Wear gloves while cleaning. Disposable gloves can be used, but household rubber gloves are adequate for all spills except blood and bloody body fluids. Disposable gloves shall be used when blood may be present in the spill.
  - (2) Take care to avoid splashing any contaminated material onto the mucous membranes of the eyes, nose or mouth, or into any open sores.
  - (3) Wipe up as much of the visible material as possible with disposable paper towels and carefully place the soiled paper towels and other soiled disposable material in a leak-proof, plastic bag that has been securely tied or sealed. Use a wet/dry vacuum on carpets, if such equipment is available.
  - (4) Immediately use a detergent, or a disinfectant-detergent to clean the spill Area, and then rinse the area with clean water.
  - (5) For blood and body fluid spills on carpeting, blot to remove body fluids

from the fabric as quickly as possible, then spot clean the area with a detergent-disinfectant rather than with a bleach solution. Additional cleaning by shampooing or steam cleaning the contaminated surface may be necessary.

- (6) Sanitize the cleaned and rinsed surface by wetting the entire surface with a sanitizing solution of bleach in water (1/4 cup of household bleach in 1 gallon of water) or an industrial sanitizer used according to the manufacturer's instructions. For carpets cleaned with a detergent-disinfectant, sanitizing is accomplished by continuing to apply and extract the solution until there is no visible soil, and then following the manufacturer's instructions for the use of the sanitizer to be sure the carpet is sanitized by the treatment.
- (7) Dry the surface.
- (8) Clean and rinse reusable household rubber gloves, then treat them as a contaminated surface in applying the sanitizing solution to them. Remove, dry and store these gloves away from food or food surfaces. Discard disposable gloves.
- (9) Mops and other equipment used to clean up body fluids should be:
  - (a) Cleaned with detergent and rinsed with water;
  - (b) Rinsed with a fresh sanitizing solution;
  - (c) Wrung as dry as possible;
  - (d) Air-dried.
- (10) Wash hands afterward, even though gloves were worn.
- (11) Remove and bag clothing (caregiver and those worn by children) soiled by body fluids.
- (12) Put on fresh clothes after washing the soiled skin and hands of everyone involved.

[History] Ord. 317 (6/5/12).

### *Subchapter VI – Agency Practices*

#### **15-01.450 Discrimination/Indian Preference.**

The licensee shall comply with federal and tribal regulatory and statutory requirements regarding nondiscrimination in employment practices, nondiscrimination in client

services, and Indian preference under the Tribal Employment Rights Ordinance.

\*Previously codified as 15-01.410

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.460 Religious Activities.**

- (A) Consistent with tribal and federal laws, the licensee shall respect and facilitate the rights of every child in care to observe the tenets of the child's faith.
- (B) The licensee shall not punish or discourage any child for exercising these rights.
- (C) If the center conducts a religious activity program, the licensee shall maintain a written description of the center's religious policies and practices affecting the children in care.

\*Previously codified as 15-01.420

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.470 Special Requirements Regarding American Indian Children.**

When five percent (5%) or more of the center's child enrollment consists of Indian children, the licensee shall develop social service resources and staff member training programs designed to meet the special needs of such children through coordination with tribal, Indian health service and Bureau of Indian Affairs social service staff and appropriate urban Indian and Alaska Native consultants.

\*Previously codified as 15-01.430

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.480 Child Abuse, Neglect and Exploitation.**

The licensee and staff members shall protect the children in care from child abuse, neglect or exploitation, as required under the Swinomish Juvenile Title.

\*Previously codified as 15-01.440

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.490 Prohibited Substances.**

- (A) No person on center premises, transporting, or caring for the children off-site shall be under the influence of, consume or possess an:
  - (1) Alcoholic beverage; or
  - (2) Illegal drug.
- (B) The licensee shall prohibit smoking in the center at all times and in a motor vehicle when the licensee transports the children. The licensee may permit on premises smoking outdoors, away from the building, where the children are not present.

\*Previously codified as 15-01.450

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.500 Limitations to Persons on Premises.**

- (A) During center operating hours or while the children are in care, only the licensee, employee, volunteer, an authorized representative of a governmental agency, or parent shall have unsupervised or regular access to the children in care.
- (B) The licensee shall allow the parent(s) of the child or children in care unsupervised access only to the parents' child or children.

\*Previously codified as 15-01.460

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

*Subchapter VII – Records, Reporting and Posting*

**15-01.510 Child Records and Information.**

The licensee shall maintain on the premises organized confidential records and information concerning the children in care. The licensee shall ensure the children's record contains, at a minimum:

- (A) **Registration data.**
  - (1) Name, birth date, dates of enrollment and termination, and other identifying information;

- (2) Name, address and home and business telephone number of the parent(s) and at least one other person to be contacted in case of emergency; and
- (3) Completed enrollment application signed by the parent(s), guardian or responsible relative.

(B) **Authorizations.**

- (1) Name, address and telephone number of persons authorized to remove the children under care from the center;
- (2) Written parental consent for transportation provided by the center, including field trips and swimming, when children participate in these activities. A parent-signed blanket consent form may authorize the children's off-site travel; and
- (3) Written parental consent, or court order, for providing medical care, emergency transport to health care facilities for emergency care, and emergency surgery, except for such care authorized by law; with a designation by the parent of a hospital and physician of choice and, for a child with special health care needs (including allergies), an individualized emergency plan.

(C) **Medical and health data.**

- (1) Date and kind of illness and injury occurring on the premises, including the treatment given by staff members;
- (2) Medication given indicating dosage, date, time, and name of dispensing staff person; and
- (3) A health history, obtained when the licensee or staff member enrolls the children for care. The history shall include:
  - (a) The date of the child's last physical examination;
  - (b) Allergies;
  - (c) Special health or developmental problems and other pertinent health information;
  - (d) Immunization history as required under this Chapter; and

- (e) Name, address and telephone number of the children's health care provider or facility.

\*Previously codified as 15-01.470

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.520 Program Records.**

The licensee shall maintain the following documentation on the premises:

- (A) The daily attendance record:
  - (1) The parent(s), or other person(s) authorized by the parent(s) to take the children to or from the center, shall sign in the children on arrival and shall sign out the children at departure, using a full, legal signature; and
  - (2) When the children leave the center to attend school as authorized by the parent(s), the staff person shall sign out the children, and sign in the children on return to the center.
- (B) A copy of the report sent to the licenser about any illness or injury to the children in care requiring medical treatment or hospitalization;
- (C) Copies of meal and snack menus for a minimum of six (6) months;
- (D) The twelve (12) month record indicating the date and time the licensee conducted the required monthly fire evacuation drills;
- (E) A written plan for staff development, in areas including but not limited to the importance and implementation of the licensee's policies, health and safety, child development, prevention and control of infectious diseases (including Standard Precautions consistent with STC 15-01.440), child abuse prevention and reporting, first aid/first response, and choking prevention. The plan shall specify the content, frequency and manner of planned training.. The licensee shall document all such staff training;
- (F) Activity program plan records; and
- (G) Nursing consultation records, if applicable, including:
  - (1) A copy of the written agreement with the nurse; and

(2) A summary of the nurse's on-site consultation activities.

\*Previously codified as 15-01.480

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.530 Personnel Policies and Records.**

(A) Each employee and volunteer having unsupervised or regular access to the children in care shall complete and submit the following to the licensee or director by the date of hire:

- (1) An application for employment on a Department-prescribed form, or its equivalent; that requires disclosure of prior employment and character references and
- (2) A criminal history and background inquiry form.
  - (a) The licensee shall submit this form to its Human Resources office, if such exists and if not then to the Department prior to the first day of employment or volunteer services , permitting a criminal and background history check.
  - (b) The licensee shall conduct a reasonable investigation of the disclosed employment history and character references.
  - (c) The Department shall discuss the results of the inquiry with the licensee or director, when applicable.

(B) The licensee employing five (5) or more persons shall have written personnel policies describing staff benefits, if any, duties and qualifications.

(C) The licensee shall maintain a personnel record-keeping system, having on file for the licensee, staff person and volunteer:

- (1) An employment application, including work and education history;
- (2) Documentation of criminal history and background inquiry form submission;
- (3) A record of tuberculin skin test results, x-ray or an exemption to the skin test or x-ray;
- (4) Documentation of HIV/AIDS education and training;



- (5) A record of participation in staff development training;
- (6) Documentation of orientation program completion;
- (7) Documentation of a valid food handler permit, when applicable; and
- (8) Documentation of current first aid and CPR training, when applicable.

\*Previously codified as 15-01.490

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.540 Reporting of Death, Injury, Illness, Epidemic, or Child Abuse.**

The licensee or staff members shall report immediately:

- (A) A death, serious injury requiring medical treatment or illness requiring hospitalization of a child in care, by telephone and in writing, to the parent(s), licensor and child's social worker, if any;
- (B) An instance when the licensee or staff member has reason to suspect the occurrence of physical, sexual or emotional child abuse, child neglect or child exploitation, to the appropriate child protective services or local law enforcement agency in accordance with Chapter 8-05. If there is immediate danger to a child a report must be made to local law enforcement; or
- (C) An occurrence of food poisoning or communicable disease, by telephone, to the local public health department.

\*Previously codified as 15-01.500

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.550 Reporting of Circumstantial Changes.**

A child day-care center license is valid only for the address, person and organization named on the license. The licensee shall promptly report to the licensor major changes in staff, program or premises affecting the center's classification, delivery of safe, developmentally appropriate services, or continued eligibility for licensure. A major change includes the:

- (A) Center's address, location, space, or phone number;
- (B) Maximum number, age ranges, and sex of children the licensee wishes to serve as compared to current license specifications;

- (C) Number and qualifications of the center's staffing pattern that may affect staff competencies to implement the specified program, including:
  - (1) Change of ownership, chief executive, director, or program supervisor; and
  - (2) The death, retirement or incapacity of the licensee.
- (D) Name of the licensed corporation, or name by which the center is commonly known, or changes in the center's articles of incorporation and bylaws;
- (E) Occurrence of a fire, major structural change or damage to the premises; and
- (F) Plans for major remodeling of the center, including planned use of space not previously Department-approved.

\*Previously codified as 15-01.510

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

**15-01.560 Posting Requirements.**

- (A) The licensee shall post the following items, clearly visible to the parent(s) and staff members:
  - (1) The center's childcare license issued under this Chapter;
  - (2) A schedule of regular duty hours with the names of care giving staff;
  - (3) A typical activity schedule, including operating hours and scheduled mealtimes;
  - (4) Meal and snack menus;
  - (5) Emergency plans and procedures addressing potential disasters such as fire, hurricane, volcano, flood, blizzard, tornado, etc. with evacuation plans and procedures, including a diagram of exiting routes, but excluding child-specific information; and
  - (6) Emergency telephone numbers.
- (B) For the staff members, the licensee shall post:
  - (1) Dietary restrictions and nutrition requirements for particular children;

- (2) Handwashing practices; and
- (3) Diaper changing procedures, if applicable.

\*Previously codified as 15-01.520

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).

### *Subchapter VIII – Repealer and Severability*

#### **15-01.570 Repealer.**

Ordinance 98 is hereby repealed.

\*Previously codified as 15-01.530

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03).

#### **15-01.580 Severability.**

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter, or the application of the provision to other persons or circumstances is not affected and to this end the provisions of this Chapter are declared to be severable.

\*Previously codified as 15-01.540

[History] Ord. 317 (6/5/12); Ord. 174 (9/5/03); Ord. 98 (9/1/92).