

**MINIMUM LICENSING  
REQUIREMENTS FOR  
OUT-OF-SCHOOL TIME  
PROGRAMS**

Division of Child Care and Early Childhood Education

**CHILD CARE LICENSING UNIT  
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# MINIMUM LICENSING REQUIREMENTS FOR OUT-OF-SCHOOL TIME PROGRAMS

## 100 CHILD CARE LICENSING

### 101 Related Laws and Requirements

1. The “Child Care Facility Licensing Act” Ark. Code Ann. 20-78-201-220, as amended, is the statutory authority for licensing Out-of-School-Time (OST) Programs in Arkansas. This act created the Division of Child Care and Early Childhood Education and authorized the Division to establish rules and regulations governing the granting, revocation, denial and suspension of licenses for OST facilities and the operation of OST facilities in this state. The Minimum Licensing Requirements for Out-Of-School Time Programs is the Division’s rules and regulations for Out-Of –School Time Facilities.
2. The Child Care Facility Licensing Act designates the Arkansas Department of Human Services, Division of Child Care and Early Childhood Education as the administrative agency responsible for administering the Act in accordance with the Minimum Licensing Requirements for Out-of-School Time Programs. The Division is authorized to inspect and investigate any proposed or operating OST program and any personnel connected with the OST program to determine if the facility will be or is being operated in accordance with the Child Care Facility Licensing Act and the Minimum Licensing Requirements for Out-of-School-Time Programs.
3. The Child Care Licensing Unit will notify the applicable federal agency at any time they become aware of or are advised of violations of any of the following or similar laws. The owner should be aware of applicable federal laws which may affect the operation of the facility, such as, but not limited to:
  - a. Americans with Disabilities Act (ADA).
  - b. Environmental Protection Agency (EPA) regulations to ensure that any renovation or repair work on a home, child care facility, or school that was constructed prior to 1978 shall be completed by a contractor that is certified by the Environmental Protection Agency (EPA), when the repairs and/or renovations consist of any or all of the following: the repair or renovation disturbs six (6) or more square feet of the interior, the repair or renovation disturbs twenty-five (25) or more square feet of the exterior, and/or the repair or renovation involves removing a window.
  - c. Federal civil rights laws state that a facility may not discriminate on the basis of race, color, sex, religion, national origin, physical or mental handicap, or veteran status.

4. The Licensee shall maintain Child Care Liability Insurance (Act 778 of 2009), and comply with the following requirements:
  - a. Prior to the approval of an application, the applicant shall provide verification of the required coverage to the Licensing Specialist and provide subsequent verification when requested. (Facilities licensed prior to the effective date of this revision shall have ninety (90) days to comply with this requirement.)
  - b. The Licensee shall maintain the minimum amount of coverage as follows:

Licensed Capacity of Center	Minimum Child Care Liability Insurance Coverage Required
1-74	\$500,000 per occurrence
75 and up	\$1,000,000 per occurrence

5. Laws relevant to the operation of OST facilities are available upon request.
6. The following standards are the minimum licensing requirements which shall be met by persons or organizations which operate a OST facility. In recommending a license be issued, the Division of Child Care and Early Childhood Education works in coordination with the local and state Health Departments, Fire Departments, City Planning or Zoning Departments and the Boiler Division of the Department of Labor. Persons considering opening or expanding an OST facility shall immediately contact these individual departments for inspection and information on their separate regulations.  
  
A prospective Licensee should request clarification regarding the codes or covenants enforced by these departments as some may prevent the operation of an OST facility at a particular location, may limit the number of participants in care or may impose additional safety requirements.
7. The Licensing Unit shall share information on the location and status of new applicants applying for a license and on facilities holding a license when a city or county requests the information.

## 102 General Requirements

1. OST Facilities shall maintain compliance with the licensing requirements at all times. To be in substantial compliance, the OST Facility shall meet all essential standards necessary to protect the health, safety and welfare of the participants attending the OST Facility. Essential standards include but are not limited to those relating to issues involving fire, health, safety, nutrition, discipline, staff/participant ratio and space. Failure to comply with any of the licensing requirements for OST Facilities may result in any of the following adverse actions:
  - a. Denial of an application for a license or for church exempt status
  - b. Revocation or suspension of a license or church exempt status
  - c. Issuance of a provisional license or provisional church exempt status
2. The following factors may be considered when determining the appropriate adverse action:
  - a. Severity of the deficiency cited
  - b. Number of violations cited
  - c. Frequency of violations cited
  - d. Past history of compliance
  - e. Willingness/ability to correct violations
3. Each OST Facility shall be reviewed by the Child Care Licensing Unit to determine whether the facility is in compliance with all the Minimum Licensing Requirements for Out-of-School Time Programs. Child Care Licensing staff shall have access to OST Facilities for the purpose of conducting inspections, reviews and complaint investigations.
4. Denial of access to the facility or to interview participants may result in any of the adverse action described above.
5. Any facility that has not provided care to participants for a period of one year shall be closed unless a written request is made by the licensee stating why closure should not take place. If the licensee requests that the license remain open, license fees and required inspections shall be kept current.
6. Falsification of any document or the submission of false information to the Child Care Licensing Unit or any other unit of the Division may constitute grounds for revocation of the license. (Falsification means the submission of untrue information, whether by statement or omission.)

## 103 Licensing Procedures

1. Application- An application shall be obtained from the Child Care Licensing Unit. The completed application packet shall be submitted to the Child Care Licensing Unit for review and approval. A completed application packet shall consist of:
  - a. A signed application form with a designated person who assumes legal responsibility for operation of the OST facility
  - b. Name of proposed director and their qualifications
  - c. Names, addresses and telephone number of Board of Directors, if applicable
  - d. Clear written guidelines of responsibility for the Board of Directors, if applicable
  - e. Building/facility diagram
  - f. Description of the services that will be provided to the participants
  - g. Verification that criminal record checks and child maltreatment central registry checks have been initiated on all owners, operators and staff members of the OST Facility.
  - h. Boiler inspection, or verification that inspection has been scheduled
  - i. Fire Department approval
  - j. Health Department approval
  - k. Zoning Approval
  - l. Verification of OST Facility Liability Insurance (if OST Facility Liability Insurance cannot be obtained before application, it must be obtained with proof provided to the Child Care Licensing Unit **before** care of participants can be provided)
  
2. Time for processing: The Licensing Specialist has sixty days to submit a recommendation to the Division.
  
3. A pre-approval consultation meeting shall be required for all applicants for a license prior to the approval of the application. This meeting shall be offered to the applicant prior to application or within 30 days of the receipt of the application.
  
4. License- The Child Care Licensing Unit shall conduct a licensing study of each OST facility to determine eligibility for a license. The facility shall be approved by the Child Care Licensing Unit before a license may be issued by the Division. A license for a OST facility shall specify:
  - a. The name and address of the facility
  - b. The owner/operator of the OST facility
  - c. The number of participants authorized for care at the OST facility
  - d. The expiration of any provisional licenses
  - e. The type of care the OST facility will be providing

5. License—Non-transferable- A license for an OST facility or approval for a church-operated exempt status shall apply only to the address and location stated on the license or approval issued. It shall not be transferable from one holder of the license or approval to another or from one place to another. If the location of an OST Facility is changed, or the operator of the OST Facility is changed, then the license or approval for that OST Facility shall be automatically closed on such a change. The OST Facility shall notify the Licensing Unit of a change of location or ownership.
6. Compliance—On-site inspections of OST programs are conducted by the Child Care Licensing Unit on a routine basis to determine a facility's continued compliance with the standards. The caregiver shall cooperate with licensing staff during licensing visits.

Violations of rules are documented in writing by use of the licensing compliance record.

Documentation shall include:

- a. Reference to the specific rule violated
  - b. A factual description of the nature of the violation and how the OST Program failed to comply
  - c. A date of expected corrections
  - d. Date corrections are determined to have been made
7. The Child Care Licensing Unit shall have the authority to make both scheduled and unscheduled visits throughout the license to:
    - a. Conduct inspections and reviews to determine compliance with the licensing requirements
    - b. Investigate all complaints involving possible violations of licensing requirements
    - c. Offer consultation and technical assistance
  8. The Child Care Licensing Specialist may increase unscheduled monitor visits where numerous or severe violations of standards are cited.
  9. If a violation is of imminent threat to the health, safety and welfare of the participants attending the OST Program, corrective action or compliance shall be obtained within 24 hours in order to insure the health, safety and welfare of the participants in care. If an OST program violates an administrative standard or standard that does not directly threaten the immediate health, safety or welfare of the participants in care, these violations shall be corrected within a reasonable time as mutually agreed upon by the Child Care Licensing Unit and the OST program.

Once a violation has been corrected, the correction will be documented on the Licensing Compliance Record and a copy provided to the OST program.

10. New Provisional License- The Child Care Licensing Specialist shall recommend a new provisional license when the facility is newly opened or a facility has been acquired by new owners whose

compliance history has not been determined. A new provisional license shall not exceed twelve (12) months in length.

At the end of the provisional license, the Division may in its discretion:

- a. Issue a regular license
- b. Revoke the license
- c. Suspend the license
- d. Issue a successive provisional license

11. Regular License: The Child Care Licensing Specialist shall recommend a regular license. A regular license shall be issued when the facility has demonstrated substantial compliance, or an existing Licensee with a Regular license relocates their facility and their past demonstrates a substantial level of compliance.

12. Probationary Provisional License- The Licensing Unit may issue a Probationary Provisional license when the OST program is not maintaining substantial compliance due to deficiencies which are so numerous, frequent, or severe as to potentially jeopardize the health, safety and welfare of participants. The facility and Licensing Unit shall have a corrective action plan in place addressing the issues.

Based on the level of compliance during the period of the Probationary Provisional license, the Licensing Unit may:

- a. Issue a Regular license
- b. Suspend the license
- c. Revoke the license

13. Suspension of License- The Division may suspend a license when the Licensing Unit determines that the facility has serious areas of non-compliance, but the facility would be able to resume normal operation when the harmful conditions are eliminated.

If granted, the suspension order remains in effect until the order expires or until the Division determines that the problem necessitating the suspension order have been resolved. The suspension of a license may not exceed twelve (12) months. If the Division finds that the terms of the suspension order have been met prior to the expiration of the suspension period, the Division retains the discretion to reinstate the license. If the terms of the order have not been met, the Division may revoke the license.

14. Revocation of License-The Division may revoke a license when any of the following situations occur:



- a. The facility fails to maintain substantial compliance with licensing requirements.
  - b. The facility fails or refuses to correct cited deficiencies in a timely manner.
  - c. The facility fails to insure the health, safety and welfare of children in care.
15. The revocation of a license nullifies and cancels the license. At the time of a final determination of revocation of the license by the Division, the Division shall specify in the revocation letter the terms of the revocation. The licensee shall not be eligible to reapply for a license for a minimum of one (1) year or longer, if specified in the revocation order. Related parties shall not be eligible to apply for a license for the same specified period. (Related parties are defined as immediate family members, member of Board of Directors, persons or entities associated or affiliated with, or which share common ownership, control, or common board members or which have control of or is controlled by the licensee. An immediate family member is defined as a spouse, step and in-law relationships, a child, a natural or adoptive parent, a sibling, a grandparent, a grandchild or a son or daughter-in-law.) Applicants who are denied a license or registration due to this requirement may appeal the denial to the Child Care Facility Review Panel. Facilities wishing to be re-licensed must submit a new application for licensure for review and approval by the Division. Approval must be obtained and a new license issued before the facility provides care to a licensable number of participants.

**104 Licensing Fees**

1. Each facility shall submit an annual license fee as long as the facility is in compliance with The Minimum Licensing Requirements for Out-Of-School Time Programs. A facility license fee is determined by combining the maximum license capacity of all licenses located within the same premises.

MAXIMUM LICENSED CAPACITY	ANNUAL FEE
a. Up to 17 participants	\$ 15.00
b. 17 to 99 participants	\$ 50.00
c. 100 or more participants	\$ 100.00

- 2. Upon review and determination of a licensing recommendation by the Child Care Licensing Specialist, the Specialist shall issue a Notice of License Fee Due to the facility.
- 3. The Division shall not issue a license unless the required license fee has been paid.
- 4. A copy of the license fee notice shall be submitted along with payment prior to the license being approved.
- 5. The fee schedule shall apply to all OST facility recommendations for licensure as follows:
  - a. New Provisional License-(Provisional License for new operation to be issued for a period of

- twelve (12) months.) A one-year license fee shall be paid prior to the issuance of a provisional license.
- b. New Regular License or Conversion from provisional to regular status-A license fee shall be paid prior to the issuance of a new license.
  - c. Conversion to Provisional Status-No license fee is due for licenses converted to provisional status during the term of a regular license.
6. A second notice of license fee due will be sent to facilities failing to submit the required license fee (Notice of License Fee Past Due). This notice will be sent 20 days after the initial notice of fee due. Failure to submit a license fee within 20 days of receipt of the past due notice will result in action to suspend the license until such time as the fee is paid.
  7. Refunds of license fees paid are made only when the Division does not approve issuance of a license. There shall be no refunds of license fees paid for voluntary closure of a facility or for Division action to revoke or suspend a license.
  8. All license fees paid to the Division shall be deposited in a special Child Care Provider's Fund. This fund shall be used to meet the cost of conducting statewide criminal record checks, with the remaining money used for training or materials to be loaned to child care/OST providers.

## **105 Appeal of Licensing Action**

1. A licensee or applicant for license may request an appeal of any of the following licensing actions:
  - a. Adverse licensing actions (revocation or suspension of a license, conversion to a provisional license or denial of an application for a license)
  - b. Founded licensing complaints
  - c. Denials of alternative compliance requests
  - d. Cited noncompliance with the published standards
2. An appeal may be initiated on any of the above actions by requesting an appeal in writing to the Licensing Specialist or Licensing Supervisory Staff. Requests to appeal adverse licensing actions must be mailed within ten (10) calendar days of the receipt of the notice of the adverse action. Requests to appeal licensing actions, other than adverse, must be mailed within twenty (20) calendar days from receipt of the notification of the action. The request to appeal shall include a statement of the action(s) taken by the Division and the reason(s) the licensee or applicant for license disagrees with that action. The request to appeal will be reviewed by the Licensing Supervisor and the Licensing Administrator. If the appeal is not resolved to the satisfaction of the licensee or applicant for license, the matter will be referred to the Child Care Appeal Review Panel for hearing. (This appeal process also applies to Church Operated exempt facilities.) **(Additional information regarding the appeal procedures and the Child Care Appeal Review Panel is available on request.)**

## 106 Alternative Compliance

1. The Division may grant alternative compliance with the Minimum Licensing Requirements for Out-of-School Time Programs if the Division determines that the alternative form of compliance offers equal protection of health, safety and welfare to participants and meets the basic intent of the requirements for which the OST program is making the request.
2. The Division shall consider all requests for alternative compliance with the Licensing requirements except those requirements that are enforced by the Department of Health, Local Fire Marshal or State Fire Marshal's office and applicable city ordinances including zoning.
3. To request alternative compliance, the following procedure shall be initiated by the person responsible for the operation of the OST facility.
4. The applicant/licensee shall submit the request for alternative compliance in writing.
5. The request shall include:
  - a. The specific standards for which alternative compliance is sought.
  - b. An explanation of how the alternative form of compliance is equal to or exceeds the stated requirements.
  - c. Full justification and description of what the alternative compliance method will be and the method by which the facility will carry out this plan to continue to provide for the health, safety and welfare of participants as intended by the requirements.
  - d. The applicant/licensee shall provide clear and supportive evidence and upon request of the Division, and expert's opinion on the effect of the request on health, safety, and welfare of the participants.
6. A separate written request shall be submitted for each requirement of which alternative compliance is sought. The approved alternative compliance is effective for the duration of the license unless a shorter time frame is specified.
7. The granting of alternative compliance for a requirement shall in no way constitute a precedent. If an alternate means of complying with the requirement is granted by the Division and the facility fails to satisfactorily implement this alternate means, the original requirement for which alternative compliance was sought shall become immediately enforceable.
8. The Division shall have the right to obtain an expert opinion to corroborate expert opinions provided by the applicant/licensee.

9. The Division shall have the right to deny requests for alternative compliance when it finds that such requests do not adequately protect the health, safety and welfare of participants and do not meet the intent of the requirements.
10. All requests for alternative compliance shall be answered in writing by the Division.

## **107 Church-Operated Exemption**

1. All regulations included in this manual apply to Church Operated Exempt (COE) facilities unless stated below.
2. Act 245 of 1983 defines those facilities that may apply for an exemption from obtaining of license to operate an OST facility and the process through which such exemption may be granted. The facility must be operated by a church or group of churches and be exempt from the State Income Tax levied by Act 118 of 1929, as amended. The person or persons in charge of such a facility shall submit a written request to the Division for such exemption along with the following:
  - a. Verification of exemption from State Income Tax
  - b. Verification that the facility is operated by a church or group of churches
  - c. Verification that the facility has been inspected annually and meets the applicable fire safety and health standards
  - d. Certification from the facility that it is in substantial compliance with published standards that similar nonexempt OST facilities are required to meet
3. The Division shall review each request for a church-operated exemption and reply in writing within 60 days from receipt of such request.
4. The OST facility shall be visited by Division staff to verify the facility's substantial compliance with the published standards prior to the consideration and review by the Division.
5. The Division shall consider each request for exemption and shall review the Division staff's written report in determining an OST facility's substantial compliance with published standards.
6. If an OST facility claims and states the belief that a particular standard is of a religious nature, the Division shall consider and make a determination on the statements that shall then be a final action subject to review under the Administrative Procedures Act.
7. Written notification of an exemption shall be made to the OST facility stating the maximum number of participants allowable, the dates of exemption and any other conditions by which an exemption is granted.

8. Division staff shall have the authority to visit any church-operated exempt facility to review, advise and verify the maintenance of substantial compliance at the direction of the Division.

## 108 Licensing Investigations

1. Child Care Licensing staff shall investigate all complaints involving the possible violation of licensing requirements.

## 109 Child Maltreatment Record Checks

1. The following persons shall be required to have their background reviewed through an Arkansas Child Maltreatment Central Registry Check. A check or money order for \$10.00 made out to Department of Human Services (DHS) must be attached to each form.

- |   |   |
|---|---|
| a. Each applicant to own or operate an OST facility   | At application and every two years thereafter   |
| b. Staff members and applicants for employment in an OST facility   | At application or within 10 days of hire/start date and every two years thereafter                              |
| c. All volunteers who have routine contact with participants  | At application and every two years thereafter   |
| d. Administration staff and/or members of Board of Directors who have supervisory and/or disciplinary control over participants or who have routine contact with participants | At application and every two years thereafter   |
| e. Student Observers  | At beginning of observation or within 10 days of first observation and every two years thereafter if applicable |

2. If a complaint of child maltreatment is filed against any owner/operator, staff or other person in an OST program, the Child Care Licensing Specialist shall evaluate the risk to participants and determine the suitability of the person(s) to supervise, be left alone with participants, have disciplinary control over participants or remain in the program during hours of care until the allegations have been determined true or unsubstantiated. Pending the evaluation of risk to participants by the Child Care Licensing Unit, the person(s) alleged shall not be left alone with participants.

3. If corrective action is appropriate, the facility shall require all staff members who have had a founded report of child maltreatment to follow the corrective action plan specified by the Child Care Licensing Unit. Corrective action measures may vary from relevant training to reassignment or termination. Failure to comply with corrective action plans may constitute grounds for adverse action against the license.
4. The statewide Child Maltreatment "Hot Line" and the Child Care Licensing Central Office number shall be posted in a conspicuous place in the OST facility. The "Hot Line" number is 1-800-482-5964 and the Licensing Central Office number is (501) 682-8590 or toll free 1-800-445-3316.

## 110 Criminal Record Checks

1. The following persons shall apply to the Identification Bureau of the Arkansas State Police for a nationwide criminal record check, to be conducted by the FBI, which shall include a fingerprint check. The individual is responsible for the cost of a nationwide check. Each request must be accompanied by a check or money order made out to the Arkansas State Police for \$19.25.

- |   |   |
|---|---|
| a. Each applicant to own or operate an OST facility   | Initial application only  |
| b. Staff who have not been a resident of the State of Arkansas for the five (5) preceding years | Within 10 days of hire/start date                                     |
| c. Administrative persons that have direct contact with participants                            | If the person has not been a resident of Arkansas for <u>5</u> years. |

2. The following persons shall be required to have their background reviewed through Criminal Records check conducted by the Arkansas State Police.

- |   |  |
|---|--|
| a. Each applicant to own or operate an OST facility       | At application and every 5 years thereafter                    |
| b. Staff and applicants for employment in an OST facility | Within 10 days of hire/start date and every 5 years thereafter |

- c. Administrative persons that have direct contact with participants                      Within 10 days of hire and every 5 years thereafter

3. No person shall be eligible to be an OST facility owner, operator, or employee if that person has pled guilty, or been found guilty, of any of the following offenses by any court in the State of Arkansas, any similar offense by a court in another state or any similar offense by a federal court. The following offenses are permanently prohibited:

01. Abuse of an endangered or impaired person, if felony	§5-28-103
02. Arson	§5-38-301
03. Capital Murder	§5-10-101
04. Endangering the Welfare of an Incompetent person- 1 <sup>st</sup> degree	§5-27-201
05. Kidnapping	§5-11-102
06. Murder in the First degree	§5-10-102
07. Murder in the Second degree	§5-10-103
08. Rape	§5-14-103
09. Sexual Assault in the First degree	§5-14-124
10. Sexual Assault in the Second degree	§5-14-125

- 4. Due to the serious nature of the permanently prohibited offenses they are considered prohibited even if the record is expunged, pardoned or otherwise sealed.
- 5. A conviction, plea of guilty or plea of nolo contendere for any offense that involves violence or a sexual act whether or not the record of the offense is expunged, pardoned or otherwise sealed may result in being permanently prohibited from licensure, church operated exempt, or employment with a child care facility or COE.
- 6. No person shall be eligible to be a OST facility owner, operator, or employee if that person has pled guilty, or been found guilty, of any of the following offenses by any court in the State of Arkansas, any similar offense by a court in another state or any similar offense by a federal court. The following offenses are prohibited:

01. Assault, Aggravated	§5-13-204
02. Assault, Second degree	§5-13-206
03. Assault, Aggravated on a Family or Household Member	§5-26-306
04. Battery in the First	§5-13-201
05. Battery in the Second	§5-13-202
06. Breaking or Entering	§5-39-202
07. Burglary	§5-39-201
08. Coercion	§5-13-208
09. Computer Crimes Against Minors	§5-27-601 et. seq.
10. Contributing to the Delinquency of a Juvenile	§5-27-220
11. Contributing to the Delinquency of a Minor	§5-27-209

12. Criminal Attempt	§5-3-201
13. Criminal Complicity	§5-3-202
14. Criminal Conspiracy	§5-3-401
15. Criminal Impersonation	§5-3-208
16. Criminal Solicitation	§5-3-301
17. Criminal Use of a Prohibited Weapon	§5-73-104
18. Cruelty to Animals	§5-62-101
19. Death Threats Concerning a School Employee or Students	§5-17-101
20. Domestic Battery in the First	§5-26-303
21. Domestic Battery in the Second	§5-26-304
22. Domestic Battery in the Third	§5-26-305
23. Employing or Consenting to the Use of a Child in a Sexual Performance	§5-27-402
24. Endangering the Welfare of a Minor in the First	§5-27-205
25. Endangering the Welfare of a Minor in the Second	§5-27-206
26. Endangering the Welfare of an Incompetent Person in the First	§5-27-201
27. Endangering the Welfare of an Incompetent Person in the Second	§5-27-202
28. Engaging Children in Sexually Explicit Conduct for Use in Visual or Print Media	§5-27-303
29. False Imprisonment in the First	§5-11-103
30. Felony Abuse of an Endangered or Impaired Person	§5-28-103
31. Felony Interference with a Law Enforcement Officer	§5-54-104
32. Felony Violation of the Uniform Controlled Substance Act	§5-64-101 - §5-64-501 et. seq.
33. Financial Identity Fraud	§5-37-227
34. Forgery	§5-37-201
35. Incest	§5-26-202
36. Interference with Court Ordered Custody	§5-26-502
37. Interference with Visitation	§5-26-501
38. Introduction of Controlled Substance into Body of Another Person	§5-13-210
39. Manslaughter	§5-10-104
40. Negligent Homicide	§5-10-105
41. Obscene Performance at a Live Public Show	§5-68-305
42. Pandering or Possessing Visual or Print Medium Depicting Sexually Explicit Conduct Involving a Child	§5-27-304
43. Patronizing a Prostitute	§5-70-103
44. Permanent Detention or Restraint	§5-11-106
45. Permitting Abuse of a Minor	§5-27-221
46. Producing, Directing, or Promoting a Sexual Performance by a Child	§5-27-403
47. Promoting Obscene Materials	§5-68-303
48. Promoting Obscene Performance	§5-68-304
49. Promoting Prostitution in the First	§5-70-104
50. Promoting Prostitution in the Second	§5-70-105
51. Promoting Prostitution in the Third	§5-70-106
52. Prostitution	§5-70-102
53. Public Display of Obscenity	§5-68-205
54. Resisting Arrest	§5-54-103
55. Robbery	§5-12-102
56. Robbery (Aggravated Robbery)	§5-12-103
57. Sexual Offense (any)	§5-14-101 et. seq.
58. Simultaneous Possession of Drugs and Firearms	§5-74-106
59. Soliciting Money or Property from Incompetents	§5-27-229
60. Stalking	§5-71-229



61. Terroristic Threatening	§5-13-310
62. Theft by Receiving	§5-36-106
63. Theft of Property	§5-36-103
64. Theft of Services	§5-36-104
65. Transportation of Minors for Prohibited Sexual Conduct	§5-27-305
66. Unlawful Discharge of a Firearm from a Vehicle	§5-74-107
67. Voyeurism	§5-16-102

7. Any person who has pled guilty, nolo contendere, or who has been found guilty of any one of the offenses listed above may apply to the Division to demonstrate rehabilitation, if more than five (5) years for a misdemeanor offense or ten (10) years for a felony offense have passed since that person was convicted and they have completed their sentence. (Confinement, parole and/or probation.). The Division is authorized to determine whether rehabilitation is sufficient for the person to be an OST program owner, operator, or staff.
8. Rehabilitation is contingent upon no additional convictions of any type or nature during the five (5) year period for misdemeanor offenses and ten (10) year period for felony offenses preceding the date of the request for the criminal history check.

## 200 ORGANIZATION AND ADMINISTRATION

### 201 Administrative Procedures

1. The Owner and/or Board of Directors shall be responsible for operating the OST facility and shall have final responsibility to ensure that the facility meets licensing requirements. Names, addresses, and telephone numbers of Board members shall be provided to the Licensing Specialist.
2. The OST facility shall provide a written procedure for reporting suspected of child maltreatment. This procedure shall be followed and a call made to the Hot Line whenever there is a suspicion of child maltreatment (1-800-482-5964). These reports of child maltreatment shall include all allegations made to the licensee by parents, staff members or the general public. The licensee should call Child Care Licensing for guidance if there is any question about whether or not the Hot Line should be called regarding any situation where potential child maltreatment is involved.
3. The facility shall provide a written procedure for reporting suspected licensing violations. Serious licensing violations shall be reported to the Licensing Unit. These include, but are not limited to, violations relating to transportation, inappropriate behavior guidance, leaving participants unattended or unsupervised (when applicable), staff/participant ratio violations or any other violations or any other violation that could imminently affect the health and safety of participants.

4. Parents shall be informed in writing upon enrollment of participant that participants may be subject to interviews by licensing staff, child maltreatment investigators and/or law enforcement officials for the purpose of determining licensing compliance or for investigative purposes. Participant interviews do not require parental notice or consent.

## **300 PERSONNEL**

### **301 Director/Site Supervisor**

1. The Licensee shall ensure that there is a Director present at all times when participants are present. In the absence of the Director or if the Director is not located on site, the Licensee shall ensure there is a designated individual in charge who shall serve as the Site Supervisor and have the authority to carry out the daily operations of the OST program.
2. There shall be a Director/ Site Supervisor on site who shall be responsible for:
  - a. Administering, planning, managing and controlling the daily activities of the center
  - b. Ensuring that the facility meets licensing requirements
  - c. Ensuring the health and safety of participants
  - d. Providing prudent supervision of all staff and volunteers
3. Directors shall be age twenty-on (21) or older, and provide documentation of one of the following educational levels (Directors-previously approved prior to the implementation of these requirements may continue in their position and do not have to meet these educational levels):
  - a. Bachelor's Degree or higher Degree in Early Childhood, Child/Youth Development or a related field. Related fields include youth development, elementary education, special education, psychology, sociology, social work, home economics/family and consumer science, recreation/kinesiology, child and family studies
  - b. Bachelor's Degree in a non-related field with the addition of a School-Age Credential or nine (9) college credit hours in Child/Youth Development obtained within the two years of employment
  - c. AA Degree, High School Diploma, or GED in addition to one of the following: nine (9) college hours in Child/Youth Development, School Age Credential, or Technical Certificate in School-Age/Youth Development obtained within two years of employment
  - d. A high school diploma or GED with a minimum of four (4) documented program years experience in a licensed child care, non-licensed OST program, or elementary education program(s) may be substituted for above educational requirements. In addition, the individual will be required to complete all School-Age Specialists online training modules prior to assuming the role of Director.
4. Site Supervisors shall be age twenty-one (21) or older, and provide documentation of one of the following educational levels:

- a. Bachelor's Degree or higher Degree in Early Childhood, Child/Youth Development or a related field. Related fields include youth development, elementary education, special education, psychology, sociology, social work, home economics/family and consumer science, recreation/kinesiology, child and family studies.
  - b. Bachelor's Degree in a non-related field with the addition of a School-Age Credential or nine (9) college credit hours in Child/Youth Development obtained within two years of employment
  - c. AA Degree, High School Diploma, or GED in addition to one of the following: nine (9) college hours in Child/Youth Development, School Age Credential, or Technical Certificate in School-Age/Youth Development within two years of employment
  - d. A high school diploma or GED with a minimum of one (1) documented program years experience in a licensed child care, non-licensed OST program, or elementary education program(s) may be substituted for above educational requirements. In addition, the individual will be required to complete all School-Age Specialists online training modules prior to assuming the role of Director.
5. All new Directors and Site Supervisors shall attend New Director's Orientation (orientation class sponsored by the Division) within six months of employment. Proof of attendance shall be maintained in the director's file.
  6. The director and site supervisor shall obtain fifteen (15) clock hours in early childhood education or child/youth development each year as approved by the Division. Documentation of training shall be maintained and available for review.
  7. Topics appropriate for continuing early childhood education or child/youth development shall include, but are not limited to the following:
    - a. Child/Youth growth and development
    - b. Nutrition and food service
    - c. Family communication and involvement
    - d. Curriculum and curriculum development
    - e. Developmentally appropriate practice and learning environments
    - f. Behavior management
    - g. Emergency care and first aid
    - h. Administration and management of OST programs
    - i. Building partnerships with schools and the larger community
    - j. Creating a Culturally Competent OST program
    - l. OST program management and supervision

8. The Licensee shall notify the Licensing Unit of any change in the person named as director within five (5) calendar days.

## **302 Staff Requirements**

1. A person shall be considered a staff member if they have disciplinary or supervisory control over participants, is left alone with participants at anytime, or is counted in staff/participant ratio, regardless if they are paid by the facility or not.
2. Staff members in an OST program shall be age 18 years or older. Exceptions may be allowed for individuals sixteen (16) or seventeen (17) years of age to work in a center if they meet all of the following criteria:
  - a. The individual shall not have disciplinary control over participants.
  - b. The individual shall not be left alone with participant at any time.
  - c. The individual shall be under the direct supervision of an adult staff member at all times.
  - d. The individual shall meet all other staff requirements.
3. All staff members who work directly with participants shall have a high school diploma or GED or shall be enrolled in a high school or GED curriculum and complete the curriculum within one year of hire. This requirement is not applicable to staff that are ages 16-18 and still in high school.
4. All staff members who work directly with participants shall obtain at least fifteen (15) hours of in-service training or outside workshop training each year in continuing Early Childhood Education or Child/Youth Development. This training shall be approved by the Division.
5. At least one (1) adult caregiver who has current certification by the American Heart Association or the American Red Cross in child and/or adult cardiopulmonary resuscitation (CPR) and at least one (1) caregiver who has a current certification from the American Heart Association or the American Red Cross in First Aid shall be present within the confines of the center while participants are in care. Adult CPR is also required if school age participants are in care, or documentation that the current certification covers the ages of participants in care. Infant/Child/Adult **CPR** certification will also be accepted from the AR Department of Labor, with documentation they conducted the course. Certifications may be held by the same person.
6. Prior to providing direct care to the participants, staff shall receive an orientation in basic health & safety, facility behavior management policies, center schedules, minimum licensing requirements, and shall be advised that they are mandated reporters under the Child Maltreatment Reporting Act.

7. All staff members working in an OST program, in any capacity, shall obtain a health card or physician's statement showing the absence of contagious Tuberculosis. This shall be renewed on a yearly basis.
8. All staff members caring for participants shall be able to perform necessary job functions.
9. Staff shall not engage in behavior that could be viewed as sexual, dangerous, exploitative or physically harmful to participants. Staff shall not use profanity or speak in an abusive manner when participants are present.
10. No OST program staff shall consume or be under the influence of illegal drugs. (A drug test may be required if there is reasonable cause to suspect violation of this requirement and the issue cannot otherwise be resolved.) No caregiver shall consume or be under the influence of alcohol while delivering care. No caregiver shall consume or be under the influence of medications (prescription or non-prescription) which impair their ability to provide care.

### 303 Volunteers

1. Volunteers are those that have routine contact with participants and assist staff in the facility. If they are left alone with participants, considered in the staff/participant ratios or given supervisory/disciplinary control over participants they shall be considered staff and must meet the requirements for personnel (Section 300) and staff requirements (Section 302).
2. All volunteers in a OST program shall be 18 years or older unless the volunteer is under the direct supervision of the director or person in charge and has been approved on an individual basis by the Child Care Licensing Unit.
3. Volunteers who have routine contact with participants, shall have on file a physician's statement or health card and a Child-Maltreatment Central Registry check. An exception shall be given to parents who volunteer to assist in field trips. Child maltreatment Central Registry checks for volunteers under age 18 must include a parent's signature.
4. Individuals who provide health services or program enrichment activities on a limited basis are not considered volunteers. The facility shall retain a register of such persons listing name, organization, address, telephone number, date and time in the center.

### 304 Student Observers

1. Students visiting the OST program on a regular or periodic basis to **observe program** activities or for similar purposes shall not be counted in the staff/participant ratio, shall not have disciplinary control over participants and shall not be left alone with participants. These individuals shall have the following documentation on file:

- a. Child maltreatment background check
  - b. A health care or physician’s statement showing the absence of contagious tuberculosis
2. Students that are conducting practicum, student teaching, or working in the same capacity as a staff member or volunteer must meet the criteria in the appropriate section. (Sections 302 and 304)

### **305 Staff/Participant Ratio**

1. A licensee shall not have more participants in care at any one time that the maximum specified on the license.
2. The following staff/participant ratio shall be maintained:

Ages of Participants	Number of Staff	Number of Children
a. Kindergarten and above	1	18

3. The OST program shall provide additional staff for any temporary absence of primary participant caring staff for activities such as breaks, meal preparation, transportation, etc.
4. DDS (Developmental Disabilities Services) staff/participant ratios shall be maintained in all facilities that are licensed by both Child Care Licensing and DDS.
5. Additional staff provisions shall be made for enrollment of participants with disabilities who require individual attention.
6. OST programs with evening / night care variations shall ensure that staff are awake and have participants in view at all times. Participants shall have privacy when bathing.

### **306 Maximum Group Size**

1. An OST program shall organize its environment so that participants may participate in activities individually and in small groups, so that the development of each participant is supported.
2. Maximum group size at any one time during the day may not exceed twice the maximum number of participants allowed per staff member as required by the staff-to-participant ratio in Section 305.

Enough staff must be physically present at all times with each group to maintain the maximum number of participants per staff member as required by the participant-to-staff member ratio in Section 305.

3. Maximum group size limitations do not apply during rest times, lunch times, outdoor play periods, field trips, or the length of a special occasion, including but not limited to a holiday party and a visit from a special guest.

## **400 PROGRAM**

### **401 General Program Requirements**

1. Parents shall have access to their child/youth at anytime during hours of operation.
2. Staff shall not release a participant to anyone whom is not immediately recognized as the participant's parent or as someone on the authorized pick-up list unless:
  - a. The individual can provide an official picture ID AND
  - b. The person in charge can match the ID to the individual named on the child's data sheet
3. Verification of permission for persons not on the authorized list shall be obtained by the person in charge by calling the parent, at a number listed in the participants's record. The person in charge shall view an official picture ID of the individual to verify identity.

### **402 General Program Activities**

1. The Licensee shall develop a written weekly routine listing well-rounded developmentally appropriate activities for participants and provide a copy of the routine of weekly activities to parents when they enroll the participants.
2. The OST program shall provide activities that promote physical, social, cognitive and emotional development. Activities shall:
  - a. Be age and skill level appropriate
  - b. Offer project-based, experiential activities that promote creativity and youth self-expression
  - c. Offer short and long term projects
  - d. Offer opportunities for alternating periods of indoor and outdoor activities, weather permitting
  - e. Offer alternating periods of active and quiet activities
  - f. Offer a balance of large and small muscle activities

- g. Offer more than one (1) option for an activity grouping including individual, small group or large group activities
- 3. The OST program shall offer activities that target life skill development that:
  - a. Encourages development of critical thinking skills
  - b. Provides participants opportunities to work individually, in small groups and in large groups
  - c. Offers a progression of skill levels within activities
- 4. The OST program shall offer activities that integrate opportunities throughout the program for the participants to develop personal responsibility, self-direction and leadership by providing opportunities to:
  - a. Work on self-directed projects
  - b. Make content choices
  - c. Plan and conduct activities
  - d. Offer opportunities for leadership roles throughout the program
  - e. Support participant leadership through the policies and engagement strategies of the program
  - f. Form special clubs/groups within the program
  - g. Plan and participate in community service
- 5. The OST program shall provide activities that provide recognition of achievement and participation that:
  - a. Promote diversity in cultures, religion, ethnicities, abilities, etc.
  - b. Are representative of the cultures of the participants
  - c. Are adaptable for different levels of ability
  - d. Provide program displays that are reflective of the varying ages, cultures and abilities of the participants

## **403 Outdoor Activities**

- 6. If the OST program offers outdoor activities, staff shall consider the following environmental factors:
  - a. When the heat index is forecasted to be ninety (90) degrees or above, outside activities should be scheduled during early morning hours or the length of time spent outdoor should be reduced to avoid heat stress.



- b. When outdoor activities occur during the hotter part of the day, participants should have shaded areas, an ample supply of water and should be monitored closely for signs of heat stress.
- c. When outdoor activities occur during the winter months when temperatures are extremely cold, the time scheduled for outdoor play should be reduced or suspended depending on the temperature and other weather conditions.

#### **404 Field Trips**

1. The safety and welfare of participants during field trip is in the hands of the staff on the trip. Every effort possible should be made to be sure that:
  - a. Safety risks, field trip rules, and behavior expectations are discussed with participants prior to field trip departure
  - b. Accountability of participants is tightly controlled and frequent “head counts” are conducted while on the trip
  - c. Regardless of which mode of transportation is used, all vehicles are kept in proper operating conditions at all times.
  - d. Ratios are adjusted as needed based on the risk associated with the field trip activity and/or to maintain proper supervision of all participants in attendance on the field trip.
2. Written permission from parents shall be on file each time participants leave the OST program to participate in field trips or other activities that the participant does not attend on a regular basis. The written permission shall include:
  - a. Name and description of activity
  - b. Time of leaving and returning
  - c. Method of transportation to the facility

#### **405 Screen Time**

1. Screen time refers to the amount of time that a participant uses or is engaged with electronic media. Electronic media includes but is not limited to television, videos, DVDs, computers, portable electronic devices, etc.
2. OST programs shall ensure that program’s weekly schedules are constructed in a way that no more than 25% of the program’s total weekly program hours of operation allow participants to engage or use non-educational electronic media.
3. If television programming, videos, DVDs, or computer programs are built into an OST program as an activity option, the content should be age-appropriate, non-violent, and primarily educational. Television and software rating systems shall be used as a guide for appropriate use.

4. Programs that actively engage participant movement should be used most frequently than programs that promote inactivity.
5. Commercial advertising should be avoided when engaging with electronic media and snacking locations should be separated from television or computer use.
6. Participants should be offered alternative(s) to television or recreational screen time.

## **500 POSITIVE GUIDANCE AND DISCIPLINE**

### **501 Introduction**

The OST program shall offer a nurturing, respectful, supportive and responsive environment that supports frequent interactions between the participants and staff. Staff shall:

1. Support participants in developing an understanding of self and others by assisting the participants in sharing ideas, experiences and feelings
2. Provide participants age-appropriate opportunities for growth and development of their social and communication skills
3. Assist the participants in solving problems
4. Foster creativity and independence in routine activities that shall include tolerance for mistakes
5. Treat and model equality of all participants regardless of race, religion, culture, gender and ability
6. Offer verbal encouragement to the participants during the course of an activity
7. Use respectful voice tone and positive guidance practices
8. Promote teamwork among participants

### **502 General**

1. For behavior guidance practices used by the OST program, the Licensee shall:
  - a. Discuss the behavior guidance practices of the OST program with the parents of each participant at the time of enrollment
  - b. Provide a copy of the behavior guidance practices in writing to the parents
  - c. Have each parent verify in writing their receipt of a copy of the behavior guidance practices
  - d. Maintain the signed verification in the participant's record
2. The OST program shall guide the behavior of the participants based on an understanding of the participant's individual needs and stages of development by:
  - a. Supporting the participant's developmentally appropriate social behavior, self-control and respect for the rights of others

- b. Ensuring that the behavior management and discipline practices are fair, reasonable, consistent and related to the participant's behavior
  - c. Ensuring that staff are responsible for implementing the behavior management and discipline practices of the OST program
  - d. Ensuring that staff do not administer discipline that is cruel, unusual, hazardous, frightening or humiliating
3. Acceptable behavior guidance techniques may include:
- a. Look for appropriate behavior and reinforce the participants with praise and encouragement when they are behaving well
  - b. Remind the participants on a daily basis of the rules by using clear positive statements regarding how they are expected to behave rather than what they are not suppose to do
  - c. Use brief supervised separation from the group (not to exceed one (1) minute per year of participant's age) only when the participant does not respond to a verbal command which instructs the participant how to behave
  - d. Encourage small positive steps when a participant who misbehaves begins to behave appropriately rather than waiting until the participant has behaved for a long period of time
  - e. Attend to the participants who are behaving appropriately and other participants will follow their example in order to obtain your attention
4. The following activities or threats of such activities are unacceptable as behavior guidance measures. The OST program shall prohibit and prevent any individual on the premises from using any of the following that include, but are not limited to:
- a. Using physical punishment
  - b. Biting or biting back,, jerking, swatting, pulling hair, twisting arms, shaking, spanking, slapping, hitting, striking, kicking or exercising other means of inflicting physical or emotional pain or causing bodily harm
  - c. Using a physical restraint method that causes injury to the participant
  - d. Using a mechanical restraint, locked time-out room or closet
  - e. Using verbal, profane or abusive language
  - f. Withholding food as punishment
  - g. Washing mouth with soap
  - h. Taping or obstructing a participant's mouth
  - i. Placing unpleasant or painful tasting substances in mouth, on lips, etc.
  - j. Placing participants in dark areas
  - k. Yelling (does not include a raised voice level to gain a participant's attention to protect the participant from risk of harm)
  - l. Forcing physical activity such as running laps, doing push-ups, etc
  - m. Associating punishment with rest, toileting or illness

- n. Denying food as punishment or punishing participants for not eating
  - o. Labeling, shaming, humiliating, frightening, physically or mentally harming participants
  - p. Activities or experiences that may be damaging to the self-esteem of the participants
5. Upon completion of proper training, staff may use limited physical restraint that does not cause injury to a participant when they use it only in emergencies, document any incident involving its use, and notify the participant's parents of its use. Staff may use it when the following emergencies exist:
- a. To protect a person on the premises from physical injury or
  - b. To protect property from serious damage or
  - c. To obtain possession of a weapon or other dangerous object

## **600 RECORDS**

### **601 Record Requirements**

1. All staff, child and facility records shall be kept and made available to the Child Care Licensing Unit on request. The records shall be maintained for three (3) years unless otherwise indicated.
2. Licensing compliance forms (DCC-521) shall be available at the facility for 3 years. The facility shall advise parents in writing that the compliance forms are available for review upon request.

### **602 Facility Records**

1. Facility Records shall be maintained on site and include:
  - a. Attendance records on all participants
  - b. Transportation rosters, if applicable (maintained for one year)
  - c. Verification of current vehicle registration, if applicable
  - d. Verification of required commercial vehicle insurance coverage, if applicable
  - e. Verification of required Child Care Liability Insurance
  - f. Verification of current pet vaccinations, if applicable
  - g. Verification of annual fire department approval
  - h. Verification of annual health department approval
  - i. Verification of zoning approval
  - j. Verification of annual approval by the Boiler Inspector Division of the Department of Labor
  - k. Mobile Home Commission approval for double wide manufactured homes, if applicable
  - l. Record of emergency drills
  - m. Plans and procedures of Emergency Preparedness
  - n. Procedures for reporting allegations of child maltreatment
  - o. Procedures for reporting suspected licensing violations

- p. Licensing compliance forms
- q. Log of Product Recall and Safety Notices from Attorney General's Office
- r. Articles of Incorporation, if applicable
- s. Current list of names, addresses and phone numbers of the Board of Directors, if applicable

## **603 Personnel Records**

1. All personnel at the OST program shall have a personnel file that includes a completed application by the individual. The file may be maintained off site, unless otherwise noted, and shall contain the following:
  - a. Name, date of birth, address and telephone number
  - b. Education, training and experience
  - c. Health record, including current health card and/or physician's statement verifying the staff is free of contagious tuberculosis
  - d. Employment related information for previous six (6) years, with written documentation of verification of employment and reference checks
  - e. Attendance record, listing days and hours worked
  - f. Date of employment and date of separation
  - g. Documented training or continuing education; i.e., orientation, in-service training, and workshop documentation, which shall include title of workshop, presenter, hours of training and date
  - h. Initiation of Criminal Record Checks and Central Registry Checks and the results obtained when received
  - i. Verification of completion of the required transportation training and a readable, current copy of the driver's license for all staff who transport children (must be on site)

## **604 Participant Records**

1. The OST facility shall maintain a record for each participant in care and it shall be kept on site. Records for participants no longer enrolled may be maintained off site. Participant's records shall contain the following information:
  - a. Application form which includes participant's name, date of birth and address, name of parent or guardian, telephone numbers (home and business), work hours of parents or guardians, and date of enrollment in facility.
  - b. The name, address, and telephone number (home and business) of a responsible person to contact in an emergency if the parent or guardian cannot be located promptly.
  - c. Name, address and telephone of participant's physician or emergency care facility.
  - d. Written permission of parent or guardian authorizing emergency medical care and transportation of participant for emergency treatment (This authorization shall accompany the participant anytime they are transported.)

- e. Name(s) of persons authorized to pick up participant.
- f. Permission slips signed by parent or guardian authorizing the participant to be taken on specific field trips.
- g. Pertinent medical history on the participant.
- h. An authorized record of up-to-date immunizations or documentation of a religious, medical or philosophical exemption from the Arkansas Department of Health (Updated immunization schedules will be provided as changes are received from the Arkansas Department of Health.)
- i. A record of all accidents or injuries indicating the location, time of day, area or piece of equipment where the incident occurred.

## **700 NUTRITION**

### **701 Nutrition Requirements**

1. Breakfast shall be provided to participants who arrive before 7:00 A. M.
2. The OST program may serve breakfast to all participants rather than a morning snack provided there is no more than three (3) hours between breakfast and lunch. The OST program does not necessarily have to serve breakfast before 7:00 A.M.
3. The OST program shall ensure that all participants have lunch, mid-morning and mid-afternoon snacks.
4. All meals, snacks and sack lunches shall meet the current nutrition guidelines of the U. S Department of Agriculture including substitutions made by staff for participants who have allergies (Refer to Appendix A). Parents shall provide the instructions for these substitutions in writing.
5. If participants bring sack lunches, the OST program shall supplement the lunches if necessary to ensure the lunches meet the current nutrition guidelines of the U. S. Department of Agriculture.
6. Staff shall offer the required meals and snacks, but shall not force the participants to eat.
7. Staff shall not consume food and drink in the presence of participants if it is not available to the participants.
8. Each participant shall have an individual drinking glass or disposable cup.
9. Vending machines are acceptable provided they are not the only source of snacks and/or beverages.
10. All food service work stations shall be kept sanitary.

11. If the OST program is in a rural day camp setting, the OST program is not required to serve milk to the participants.
12. Participants in overnight care shall have breakfast prior to their leaving for school or other activities.
13. Staff shall provide supper to participants during the evening meal hours.
14. Staff shall provide snacks to participants in attendance for more than 2 ½ hours prior to bedtime.

## 800 BUILDINGS

### 801 Building Requirements

1. OST programs shall comply with the Minimum Requirements of The National Fire Safety Code 101 as administered by local fire department or by the State Fire Marshal, who has final authority. Written verification of annual approval shall be maintained on file. **The National Fire Safety Code 101 does not allow the use of basements or floors above ground level by children, first grade and younger, unless there is a ground level exit.**
2. State Health Department requirements shall be met. Written verification of annual approval shall be maintained on file.
3. Department of Labor, Boiler Inspection Division requirements shall be met. All water heaters and any other boilers in licensed child care settings shall be inspected on an annual basis and/or upon installation. Verification that initial inspection has been scheduled and annual approval shall be maintained on file. Inspection, or proof of attempt to set up initial inspection, shall be completed within six (6) months of licensure. Scheduling and completion of annual inspections will be the responsibility of the Department of Labor, however, the facility is responsible for cooperating and keeping documentation of such inspection on file for review. (AR Code §20-23-101 et. seq.)
4. All space used by the OST program shall be kept clean and free of hazardous or potentially hazardous objects. These objects include, but are not limited to, poisonous substances, firearms, explosives, broken toys/equipment, or other objects that could be harmful or dangerous, if they are determined to be accessible to participants. Poisonous substances are those that are labeled with a skull and crossbones label.
5. Thirty-five square feet per participant of usable floor space shall be required for indoor activities. This does not include bathrooms, kitchen and hallways. Usable space in the OST Program shall include areas in the program space used for storage of programmatic materials which are accessible to participants. This does not include closets or storage space for equipment that is not in use.

6. Separate space shall be provided for the isolation of participants who become ill and shall be located in an area that can be supervised at all times by a staff member.
7. All parts of the OST program used by the participants shall be well heated, lighted and ventilated. Glass doors shall be clearly marked. When windows and doors are used for ventilation, they shall be screened and shall not present a safety hazard.
8. Floor furnaces, gas heaters, electric heaters, hot radiators, water heaters, air conditioners and electric fans shall have guards and shall not present a safety hazard. Portable fuel heaters shall not be used.
9. Floors, ceilings and walls shall be in good repair and kept clean. Paints used at the facility shall be lead free.
10. An OST program shall have an operable telephone on site all hours participants are present. The Licensee shall provide the phone number to the Licensing Unit and to the parents. This phone may be a cell phone if the phone stays operable, stays at the facility during all hours of care, and is the phone number provided to the Licensing Unit and the parents.
11. The following structures shall not be used as OST programs:
  - a. Manufactured homes constructed prior to June, 1976
  - b. Manufactured homes constructed with metal roofs and outside walls
  - c. Single-wide manufactured homes
  - d. Portable storage type buildings
12. Double-wide manufactured homes may be considered provided they are tied down in accordance with the manufacturer's tie down specifications manual. Any new applicant for an OST program that requests the use of a manufactured home shall obtain an inspection at the applicant's expense from the Arkansas Manufactured Home Commission.
13. Manufactured homes currently licensed as OST facilities shall be tied down as recommended by the Arkansas Manufactured Home Commission.
14. Portable classroom buildings are not considered manufactured homes, but do require Fire Department approval. Portable classroom buildings installed after 11-1-2002 shall have Fire Department approval prior to purchase and installation.



## 900 GROUNDS

To provide the safest possible playground environment, you are encouraged to meet Consumer Product Safety Commission's guidelines listed in the "Handbook for Public Playground Safety". However, the following are minimum requirements and shall be met.

**Please note that these requirements do not mandate the use of any large and/or permanently anchored pieces of playground equipment that would require fall zones and surfacing. Numerous options for suitable playground environments are available and acceptable. For information on playground options, contact your Licensing Specialist.**

Because public playgrounds and other play environments away from the facility may not meet acceptable safety standards, staff should provide close supervision and not allow participants to use any equipment that appears unsafe (eg: broken equipment, sharp objects, strangulations hazards, etc.).

### 901 Layout and Design

1. The play area shall be enclosed and provide at least 75 square feet per child present on the playground at anytime.
2. There shall be an outside exit from the play area.
3. The area shall be well drained.
4. There shall be equipment and activities appropriate for the age and number of participants enrolled in the facility.
5. When outdoor playgrounds are accessible to the public and not enclosed, perimeter boundaries shall be established and communicated to the participants in order to maintain a safe outdoor playing area.

### 902 General Hazard

1. The area shall be free of hazards or potentially hazardous objects.
2. Equipment, which is designed to be anchored, shall be properly anchored so that the anchoring devices are below ground level.
3. Sand for playing shall be kept safe and clean.

4. Paint on equipment shall be lead free.
5. All fasteners, including S-hooks, shall be securely tightened or closed.
6. There shall be no sharp points, corners, edges, or splinters.
7. The only trampolines allowed shall be mini-tramps used under direct supervision.
8. To prevent entrapment, there shall be no opening(s) between any interior opposing surfaces between 3.5 and 9 inches. (Openings in equipment that might allow a child's body to pass through, but not their head.) Ground bounded openings are exempt.
9. Balance beams higher than 12 inches shall have fall zones.

### **903 Slides**

1. Slides shall not have any spaces or gaps between the platform and the slide surface.

### **904 Swings**

1. The following swings shall not be used for any ages:
  - a. Multi-occupancy swings designed to hold more than one participant, except tire swings
  - b. Animal figure swings
  - c. Free swinging rope (Tarzan ropes)
  - d. Swinging exercise rings
  - e. Trapeze bars
2. There shall be no wood or metal swing seats.

### **905 Climbing Equipment**

1. Flexible grid climbing devices, such as rope or chain ladders, climbing ropes, etc., shall be securely anchored at both ends.
2. Sliding poles shall have no protruding welds or seams along the sliding surface and the pole shall not change directions.

## **906 Merry-Go-Rounds**

1. The only merry-go-rounds allowed are portable merry-go-rounds not designed to be anchored and they shall have handgrips or other secure means of holding on.

## **907 Seesaws**

1. Seesaws without spring centering devices shall have shock absorbing materials, such as partial tires embedded in the ground underneath the seats or secured to the underside of the seats.
2. Hand holds shall be provided for both hands at each seating position and shall not turn when grasped.

## **908 Fall Zones/Surfacing**

1. There shall be fall zones and surfacing under and around equipment that is over 24" in height at the highest accessible point. (The highest accessible point is defined as the highest surface on the piece of equipment where children would stand or sit when the equipment is being used as intended.) Fall zones shall extend a minimum of 6' in all directions (unless otherwise specified) from the perimeter of the equipment. Exceptions may be granted for structures that have protective barriers in place.
2. Swings require fall zones and surfacing regardless of height.
3. Fall zone surfacing depths shall be as follows:
  - a. Structures over 2' and under 3 ½' at the highest accessible point shall have a minimum surfacing material depth of 6"
  - b. Structures 3 ½' up to 5' at the highest accessible point shall have a minimum surfacing material depth of 9" (shredded tires or other shredded or chopped rubber products shall have a minimum depth of 6")
  - c. Structures 5' and taller at the highest accessible point shall have a minimum surfacing material depth of 12" (shredded tires or other shredded or chopped rubber products shall have a minimum of 6" depth)
4. Shock absorbent material such as sand, pea gravel, wood chips, wood mulch, shredded tires, etc., shall be used in fall zone areas under and around playground equipment which requires a fall zone.
  - a. When purchasing gravel, care should be taken prior to purchase to insure that the gravel is actually pea gravel that is smooth and rounded, and not crushed rock or gravel with sharp edges.

- Crushed rock and sharp gravel will not be approved.
- b. Pea gravel used for fall zones shall not be over ½ inch in diameter.
  5. Hard surface materials, such as asphalt and concrete shall not be used as base surfaces in the fall zones except under commercial matting or other systems/products designed to be installed over hard surfaces.
  6. SLIDES: The fall zone for slides measuring 6 feet or over, measured from the slide platform to the ground, shall extend 10 feet from the exit end of the slide. Fall zones for slides measuring under 6 feet from the platform to the ground shall extend 6 feet from the exit end of the slide.
  7. SWINGS: The fall zone for single-axis swings (standard swings) (except toddler swings) shall extend to the front and to the rear of the swing a minimum distance of two times the height of the pivot point (where the chain attaches to the frame) above the playing surface. The fall zone for toddler swings shall extend to the front and rear of the swing a minimum of two times the distance from the pivot point to the swing seat. (Note exemption listed in 908.1 above.) Fall zones shall also extend six feet to the sides of the swing set.
  8. SWINGS: The fall zone for multi-axis swings (such as tire swings or others with three or more suspending chains) shall extend in all directions a minimum of six feet, plus the height of the suspending rod or chain.
  9. Fall zones shall be free of obstacles onto which participants may fall.

## **1000 FURNITURE AND EQUIPMENT**

### **1001 Furniture and Equipment Requirements**

1. Each OST program shall be equipped with equipment, books and indoor and outdoor equipment to take care of the needs of the total group and to provide each participant with a variety of activities throughout the day.
2. All equipment shall be sturdy, clean, and safe.
3. Paint on toys, equipment and other materials shall be lead free.
4. Chairs and tables shall be the size-appropriate for participants.
5. The OST program shall provide individualized space for storing personal belongings.

6. There shall be storage space for extra materials and other equipment when not in use.
7. Outdoor equipment that requires fall zones and surfacing shall require the same fall zones and surfacing if used inside the facility. (This does not apply to equipment specifically designed for indoor use only.)

## **1002 Sleeping Arrangements**

1. There shall be a labeled, individual cot or mat, bottom sheet, and adequate cover for each participant in care that requires rest time.
2. The use of mats shall be acceptable if they are at least 2 inches thick, washable, waterproof, and size-appropriate for participants.
3. Sleeping equipment shall be kept at least one foot apart for resting to prevent cross-contamination and ease of access in an emergency.
4. Sheets and covers shall be washed at least once a week. Once a sheet/cover/blanket has been used by a participant, it shall not be used by another participant until it has been washed.

## **1100 HEALTH**

### **1001 General Health Requirements**

1. No participant or staff shall be admitted who has a contagious or infectious disease. Parents and guardians shall be notified to pick up the participant if the participant exhibits any of the symptoms listed below:
  - a. Fever: A body temperature of 101 or greater
  - b. Diarrhea: three (3) or more watery stools in a 24 hour period
  - c. Vomiting: Vomiting on two or more occasions within the past 24 hour period
  - d. Rash: Body rashes, not obviously associated with diapering, heat or allergic reactions to medications
  - e. Sore Throat: if associated with fever or swollen glands in the neck
  - f. Severe Coughing: Episodes of coughing which may lead to repeated gagging, vomiting or difficulty breathing
  - g. Pink Eye: Pink or red eye(s) which may be swollen with white or yellow discharge, until on antibiotics for 24 hours
  - h. Untreated Scabies, Head Lice or the presence of nits: May return after treatment and removal of nits
  - i. Multiple Sores inside mouth with drooling: unless health care provider determines the

condition is non-infectious

- j. Ring Worm: a fungal infection of the scalp or skin: may return after evaluation and under treatment by a health care provider
  - k. Impetigo: may return 24 hours after treatment is initiated
2. Any participant who becomes ill and unable to participate in daily activities shall be separated from other participants, supervised, and parents shall be called to pick up the participant.
  3. Any participant who is injured shall have immediate attention. Parents shall be notified of all injuries. Injuries that require the attention of medical personnel shall be reported to the parent immediately and to the Licensing Unit within one business day.
  4. Parents or guardians of all participants shall be notified of contagious illness as soon as possible.
  5. A first aid supply shall be kept out of reach of the participants. A first aid kit containing medications shall be locked. This kit shall include the following:
    - a. Adhesive band-aids (various sizes)
    - b. Sterile gauze squares
    - c. Adhesive tape
    - d. Roll of gauze bandages
    - e. Bottle of water for cleansing wounds
    - f. Antiseptic
    - g. Thermometer that can be sanitized
    - h. Scissors with blunt tips
    - i. Disposable gloves
    - j. Tweezers
    - k. Soap
    - l. Mouth covers to use for CPR
  6. Facilities shall comply with the Clean Indoor Air Act of 2006. Smoking in a OST program is prohibited at all times. This includes:
    - a. All areas of the facility, regardless of whether participants are in care (includes time periods such as nights, weekends, holidays, etc., also includes office areas or other areas of the facility that share the same ventilation systems)
    - b. Outdoor play area(s)
    - c. Other outdoor areas when participants are present
    - d. In any vehicle used to transport participants, whether participants are present in the vehicle or not

7. Garbage and trash shall be removed from the center daily and from the grounds at least once a week.
8. There shall be no pets or animals allowed that present a health and safety threat. If a pet does become a health or safety risk, the pet should be contained until it can be removed from the OST program at the end of the day.
  - a. Pets with which participants have contact shall have all vaccinations as required by law with all vaccinations being administered by a licensed veterinarian
  - b. The verification of vaccinations shall be kept in the facility records
9. Insects and rodents shall not infest the center.
10. Waste and sewage disposal and toileting equipment shall be safe and sanitary.
11. Staff shall locate trash receptacles near bathroom exits in order to minimize the spread of infection.
12. The communicable diseases listed in Appendix B, whether suspected in a participant or adult shall be reported within 24 hours to either the local County Health Unit or the toll free Reporting System (800-482-8888). Immediate notification is recommended for the following:
  - a. Hepatitis
  - b. Rash illness (including MEASLES & RUBELLA)
  - c. WHOOPING COUGH (pertussis)
  - d. MENINGITIS
  - e. MUMPS
  - f. Tuberculosis
  - g. Salmonellas (including typhoid).
  - h. E-coli
13. Reporting data should include:
  - a. The reporter's name, location, and phone number
  - b. The name of the disease reported and the date of onset
  - c. The patient's name, address, phone number, age, sex and race (Please spell the patient's name)
  - d. The attending physician's name, location and phone number
  - e. Any pertinent clinical and laboratory information used in the diagnosis (Please give the laboratory name)
  - f. Any treatment information, if known

14. Within 15 days of enrollment of a participant, the OST facility shall verify that the participant has been immunized as required by the Arkansas Department of Health and Human Services or the participant cannot remain in care (Arkansas Code 20-78-206 as amended by Act 870 of 1997--a current immunization schedule is provided as an insert in this publication).
15. Participants shall be protected from overexposure to the sun. Sunscreen shall be used if needed and as directed by the parent. School age participants and older may apply sunscreen to themselves with supervision with written parental permission, when age appropriate, and when administered according to the recommendations of the manufacturer. A blanket permission may be obtained annually.

## **1102 Handwashing**

1. Individual towels, paper towels, or forced air dryers shall be within the reach of participants.
2. A liquid soap shall be accessible in the hand washing area and used by caregivers and participants.
3. Running water shall be available in all lavatories.
4. All staff and participants shall wash their hands with soap and water at the following times:
  - a. Before meals and snacks
  - b. Before preparing meals
  - c. After toileting
  - d. After each diaper change
  - e. After contact with bodily fluids
  - f. After outdoor play
  - g. After coming in contact with animals
  - h. Other times as needed
5. Caregiver's and participant's hand shall be washed with soap before meals and snacks, after using the restroom, after each diaper change, and as needed. The use of hand sanitizer shall not be a replacement for soap and running water.
6. A wash cloth or towel shall not be used more than one time before laundering.



### **1103 Drinking Facilities**

1. The water supply shall be approved by the Arkansas Department of Health.
2. Drinking water shall be provided to the participants.
3. Drinking water shall not be obtained from the hot water supply.

### **1104 Toilet Facilities**

1. There shall be 1 toilet and 1 sink available for each group of fifteen (15) participants.
2. Clean clothes shall be available for participants who might soil themselves.
3. Each OST program licensed or approved for more than thirty (30) children over the age of 18 months shall have a separate rest room for staff.
4. Toilet tissue shall be located within reach of the participant when toileting.
5. The caregiver shall assist participants in toilet routine and hygiene practices as needed.

### **1105 Medications**

1. If the policy of the OST program authorizes staff to administer prescription medications, staff shall do so only:
  - a. With written permission of parent, person or agency having authority by court order to approve medical care
  - b. With medication provided in the original container by the parent, guardian or responsible relative
  - c. With first and last names of the participant and the date the prescription was filled or the expiration date of the medication on the container
  - d. According to the dose, duration and method of administration specified on the prescription label or authorized in writing from a physician or other person legally authorized to prescribe medication

2. The only Non-Prescription Medications that the OST program may authorize staff to administer are as follows:
  - a. Antihistamines
  - b. Non-aspirin fever reducers/pain relievers
  - c. Non-narcotic cough suppressants
  - d. Decongestants
  - e. Anti-itching ointments or lotions, intended specifically to relieve itching
  - f. Sun screen
  
3. To administer these Non-Prescription Medications, staff shall do so only:
  - a. With written permission of parent, person or agency having authority by court order to approve medical care
  - b. With medication provided in the original container by a parent, guardian or responsible relative
  - c. With first and last names of the participant and manufacturer's expiration date on the container
  - d. According to the manufacturer's label that specifies dose, duration and method of administration according to the age or weight of the participant
  
4. The staff person who administers the medication shall initial the permission slip and record the time they administer the medication.
  
5. Staff shall keep all medicines out of the reach of participants when dispensing and store them in a locked area at all other times.
  
6. Staff shall dispose of medication when a participant withdraws from care or when the medication is out of date.
  
7. Medicine shall be stored separately from food at all times.

## **1200 SAFETY**

### **1201 Safety Requirements**

1. The OST facility shall have a written plan detailing the procedures to follow in the event of emergencies (fires, floods, tornadoes, utility disruptions, bomb threats, etc.) (Act 801 of 2009). The plan and procedures are required for emergencies that could cause structural damage to the facility, be identified as a threat by the Arkansas Department of Emergency Management or pose a health and/or safety hazard to the participants and staff.

2. The written plan shall include the following information:
  - a. Designated relocation site and evacuation route
  - b. Procedures for notifying parents of relocation
  - c. Procedures for ensuring family reunification
  - d. Procedures to address the needs of individual participants, including participants with special needs
  - e. Procedures and documentation for annual training of staff regarding the plan and possible reassignment of staff duties in an emergency
  - f. Plans to ensure that all staff and volunteers are familiar with the components of the plan
3. The facility shall coordinate with local emergency management officials to plan for emergencies.
4. Written procedures and evacuation diagrams for emergency drills shall be posted in each OST program space.
5. Fire and tornado drills shall be practiced each month as follows:
  - a. Fire and tornado drills shall be practiced on separate days and at different times of the day.
  - b. Everyone in the OST facility at the time of the drill shall participate in the drill
  - c. Staff, including volunteers and substitutes, shall be trained in emergency drill procedures
6. The facility shall maintain a record of emergency drills. This record shall include:
  - a. Date of drill
  - b. Type of drill
  - c. Time of day
  - d. Number of children/youth and staff participating in the drill
  - e. Length of time taken to reach safety
7. The OST facility shall maintain an evacuation pack that shall be taken on all drills and during actual emergency evacuations. The pack shall be easily accessible in an emergency and all staff shall know the location of the pack. The evacuation pack shall include, but is not limited to the following:
  - a. List of emergency numbers
  - b. List of all emergency and contact information for participants
  - c. List of all emergency and contact information for staff
  - d. First aid kit (requirement 1101.6) with extra gloves
  - e. Kleenex
  - f. Battery powered flashlight and extra batteries
  - g. Battery powered radio and extra batteries
  - h. Hand sanitizer
  - i. Notepad and pens/pencils

- j. Whistle
  - k. Disposable cups
  - l. Wet wipes
  - m. Emergency survival blanket
- 
8. The facility shall notify the Licensing Unit of any damage to the building and/or grounds within one business day, or as soon as phone service is available.
  9. OST programs shall maintain a log of all age appropriate participant product recalls and safety notices issued by CPSC or distributed by the Attorney General's Office and shall post or otherwise make these notices available for parents to review. The facility director shall certify, on an annual basis, that these notices have been maintained and reviewed and that any identified items have been removed from the facility. Forms for self-certification will be provided by the Licensing Specialist and shall be submitted annually. (Act 1313 of 2001).
  10. There shall be no alcoholic beverages in any part of the facility during hours of care. Illegal drugs/paraphernalia shall not be in any part of the facility or on the premises, regardless if participants are present or not.
  11. All medications and poisonous substances shall be kept in separately locked areas.
  12. All detergents and cleaning supplies shall be kept out of the reach of participants. (This does not include hand soap in participant or staff bathrooms.)
  13. Supplies used for participants' activities shall be carefully supervised.
  14. All bags belonging to participants shall be checked on arrival to eliminate possible hazards. Purses and bags belonging to staff shall be stored out of reach of participants.
  15. Electrical outlets shall be guarded.
  16. Balloon use shall be carefully supervised.
  17. Staff shall be instructed in the use of fire extinguishers.
  18. The facility shall maintain smoke detectors/fire extinguishers as required by the Fire Department. Smoke detectors shall be kept in working order at all times.

## **1202 Swimming Pools**

1. Swimming pools and natural pools of water may be used for water play if the following requirements are met:
  - a. Health Department approval where applicable
  - b. Written parental permission
  - c. One person is present at all times who has current certification in lifeguard training. (The certification must be with an organization whose training is accepted by liability insurance companies within this industry. Examples include Ellis and Associates, Red Cross, YMCA, etc.)
2. Adult supervision of the participants shall be provided at all times, with grouping based on a 1:8 following staff/participant ratio: (Unless participants are participating in an authorized swimming instruction program.)
3. When participants of different ages are swimming in a group, the staff/participant ratio shall be based on the youngest participant within the group.
4. Lifeguards, swimming instructors or any other swimming pool staff may be counted in the ratio when the facility's participants are the only occupants of the pool and these persons have completed criminal and child maltreatment background checks and have a current health card.
5. Swimming pools located within the play area of the center shall be enclosed. The enclosure shall consist of a locked gate and a fence that is at least four feet high.

## **1300 TRANSPORTATION**

### **1301 Transportation Requirements**

1. The requirements in this section apply to all transportation provided by the licensee, including transportation provided by any person on behalf of the licensee, regardless of whether the person is employed by the licensee. Periodic transportation, such as a parent requesting that the participant be picked up at school due to the parent's work schedule or other conflicts, is also covered by these requirements, whether a fee is charged for this service or not.
2. Staff transporting children shall meet the following requirements:
  - a. Be at least twenty-one (21) years old or the minimum age required by the Licensee's commercial auto insurance

- b. Hold a current valid driver's license or commercial driver's license as required by state law, and a readable copy shall be maintained in the staff's record
  - c. Successfully completed the training course in "Driver Safety" that is offered or approved by the Division prior to transporting participants. Verification of the completed course in "Driver Safety" shall be maintained on site in the staff's record.
3. The vehicle(s) used for the transportation of participants shall be in compliance with Arkansas state laws on transportation of children.
4. Vehicles shall be licensed and maintained in proper working condition.
5. Commercial insurance coverage shall be maintained for any vehicle used for transportation by the facility. Verification of commercial insurance coverage shall be provided to the Licensing Specialist prior to transportation of participants. (Facilities licensed prior to the effective date of these regulations shall obtain required coverage within ninety (90) days.) Required coverage amounts to be maintained are:
  - a. Minimum coverage of \$100,000 Combined Single Limit (CSL)
  - b. Minimum coverage of \$100,000 for both Uninsured Motorist (UM) and Under Insured Motorist (UIM)
  - c. Minimum coverage of \$5,000 Personal Injury Protection (PIP) for each passenger (based on the number of passengers the vehicle is manufactured to transport)
6. Driver may be counted in staff/participant ratio, but shall not be the only adult when more than 12 participants over the age of three are transported.
7. For transporting participants in kindergarten and above only, a ratio of 1:18 shall be maintained. Driver may be counted in staff/participant ratio.
8. Any participant who is less than 6 years old or weighs less than 60 pounds shall be restrained in a child passenger safety seat. Any participant who is at least 6 years or weighs at least 60 pounds must be restrained by a safety belt. (Act 470 of 2001). Conventional school busses are exempt from this requirement except for the transportation of infants/toddlers. (See#1302.2) Child passenger safety seats shall be used in accordance with manufacturer's guidelines.
9. There shall be a seating space and an individual, appropriate restraint system provided for each participant transported.
10. Rosters listing the date, the names and ages/date of birth of all participants being transported as well as the name of the driver and any other staff member on the vehicle shall be maintained. These rosters shall be used to check participants on and off the vehicle when they are picked up and

dropped off at home, school, etc. and when they arrive at and leave the facility. Transportation rosters shall be kept by the facility and available for review for one year.

11. To insure that no participants are left on the vehicle, the driver or a staff member must walk through the vehicle and physically inspect each seat before leaving the vehicle. The driver or the staff member, who conducted the walk through inspection, must sign the transportation roster to verify that all participants have exited the vehicle.
12. To insure that participants have safely arrived in the appropriate classroom, the transportation roster shall be reviewed by the Director or designee and compared with OST program attendance records. The Director or designee shall sign off on the transportation roster to verify that all participants have safely transitioned from the vehicle to the programs space.
13. Any vehicles designed or used to transport more than seven (7) passengers and one (1) driver must have approved child safety alarm devices installed. These devices must be properly maintained in working order at all times.

Vehicles in service at licensed facilities prior to July 1, 2005, shall have the alarm installed by a qualified technician or mechanic no later than December 31, 2005. On or after July 1, 2005, all vehicles at newly licensed facilities and newly acquired vehicles at existing facilities shall have a child safety alarm installed before placing the vehicle in service.

The Child Care Licensing Unit shall maintain a list of approved alarm systems.

**Clarification –**

- The alarm system shall be installed so that the driver must walk to the very back of the vehicle to reach the switch that deactivates the alarm. Alarm switches installed in locations that do not require the driver to walk to the back of the vehicle and view all seating areas will not be acceptable.
- The alarm system may be installed by any certified technician or mechanic employed by a recognized electronics or automotive business in accordance with the devices manufacturer's recommendations.
- The time delay from activation of the alarm until the alarm sounds shall be no longer than one minute. Any of the following three options are acceptable to meet the intent of Act 1979 when participants are being delivered at the facility. Other options must be approved by the Licensing Unit.

### Options

1. Unload all of the participants, walk through the vehicle to ensure that no participants remain on board and deactivate the alarm. (This option will only work if you are able to unload all participants in less than one minute.)
2. Upon arrival, have one staff member immediately walk through the vehicle to deactivate the alarm system. That staff member will remain near the alarm switch at the back of the vehicle until all participants have been unloaded to ensure that no participant is left on board. (This option will require at least two staff members, one to supervise the participants and one to remain inside the vehicle.)
3. Upon arrival, deactivate the alarm and unload the participants. Immediately after unloading, start the vehicle and move it to a different location for final parking. (This will reactivate the alarm and require a final walk through.)

## **1400 SPECIAL NEEDS**

### **1401 Special Needs Requirements**

1. The Individuals with Disabilities Education Act (IDEA) is a law ensuring services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education and related services to eligible infants, toddlers, children and youth with disabilities.
2. A child with Special Needs is defined as:
  - a. A child determined eligible for special services under the Individual with Disabilities Education Act (IDEA) for whom a current IFSP (Individual Family Service Plan) or IEP (Individual Education Plan) exists and/or
  - b. A child whose physical condition has lasted or is expected to last at least two (2) years as diagnosed by a licensed medical or psychological examiner
3. As specified in Public Law 108-466 §635.16 A-B (IDEA as reauthorized):
  - a. Children with disabilities including children in public or private institutions or other care facilities are educated to the maximum extent appropriate with children who are not disabled.



- b. Special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of the child is such that the child is not achieving a satisfactory education in a regular class that provides supplementary aids and services.
4. All OST facilities shall comply with all applicable provisions as specified in IDEA:
- a. The OST facility shall enroll children with special needs without regard to disability. **(Programs are required to provide space and care for a child who can be placed in their facility with existing services, as well as added supports from special educational services, and as long as the health and safety of the child can be met.)**
  - b. Staff shall provide care in the general program with children who are not disabled
  - c. The OST facility shall assist in facilitation of services required to meet the “special needs” of children in the OST program or in the classroom as specified on the individualized education/individual family service plan.
  - d. OST Facility staff (regular classroom staff) shall be a partner in the IFSP/IEP plan process
  - e. The OST facility shall allow service providers who are representatives of DHS, DDS or ADE access to the OST facility to provide special services as prescribed on the plan to enable the plan to be implemented in the classroom (natural/ least restrictive environment).
  - f. The OST facility shall not charge special service providers for space, accept “gratuities”, or payment for allowing special service providers to provide services in their facility.
  - g. The OST facility is not required to “displace” children or staff to make space available to special service providers.
  - h. In order for a special service provider to provide special services in the facility, the IFSP/IEP planning team under the authority of the Arkansas Department of Education and/or the Arkansas Department of Human Services, Developmental Disabilities Services, shall identify the needed special services on the IFSP/IEP.
  - i. OST program staff shall reinforce the specified goals and objectives as part of the daily routine of the programs.

## PROGRAM SPECIFIC VARIATIONS

### 1600 EVENING & NIGHT CARE VARIATIONS

Night care is any care provided after midnight.

### 301 Staff/Participant Ratio

1. Staff members shall be awake at all times and shall have participants in view at all times.

## **401 Program Requirements**

1. Evening quiet time activity shall be provided to each participant arriving before bedtime.

## **701 Nutrition Requirements**

1. Participants who are in care overnight shall be provided with a breakfast prior to leaving for school or other activities.
2. Supper shall be provided to participants during evening meal hours.
3. Snacks meeting the current U.S. Department of Agriculture guidelines shall be provided to participants in attendance for more than 2 ½ hours prior to bedtime.

## **1002 Sleeping Arrangements**

1. Bedtime schedules shall be established for participants in consultation with the participant's parent(s).
2. Storage space for clothing and personal belongings shall be provided within easy reach of the participant.
3. Individual beds or cots equipped with comfortable mattresses, sheets, pillows, pillow cases and blankets shall be provided for participants in all-night care. Bed linens shall be changed at least once a week or daily when wet or soiled.
4. Mats may be used for participants in evening care.
5. The upper level of double deck beds shall be allowed for participants 10 years or older if a bed rail and safety ladder are provided.
6. Participants shall have clean and comfortable sleeping garments for their individual use.

## **1105 Toilet Facilities**

1. There shall be age appropriate bathing facilities available for all participants. For children 2 ½ years and older in night care (after midnight), there shall be a bathtub or shower available. Bathtubs and showers shall be equipped to prevent slipping.

2. Bathrooms shall be located near the sleeping areas.
3. No participant under 6 years of age shall be left alone or with another participant while in the bathtub or shower.

## **1700 PART TIME PROGRAM VARIATIONS**

### **401 Program Requirements**

1. A rest period is not required for participants who are in care for less than 4 hours per day or arrive shortly after lunch.
2. Outside play may be scheduled for periods of less than 1 hour daily.

### **701 Nutrition Requirements**

1. Facilities in operation for more than 3 hours per day shall provide a snack that meets current U.S. Department of Agriculture Guidelines.

## **1800 SICK CARE COMPONENTS**

### **301 Staff/Participant Ratio**

1. The following ratios shall be maintained at all times:
  - a. Preschool/School Age 1:5, Maximum group size 10
2. Staff shall be separated in the same manner participants are separated to prevent cross infection.

### **302 Director**

1. If the component is part of an OST facility, the sick care program director shall be accountable to the facility director. If the component is an entity unto itself the program director may also be the facility director.
2. The program director shall have completed the following training:

- a. Communicable disease control
- b. Recognition and care of usual childhood illness
- c. CPR certification
- d. First Aid certification

## **401 Program Requirements**

1. Participants shall be provided with quiet activities according to their age and abilities.
2. Staff shall:
  - a. Administer medicine according to prescribed instructions
  - b. Take temperature frequently or as needed
  - c. Monitor any changes in condition
  - d. Record necessary medical or physiological data or changes
  - e. Notify parents immediately if the participant's condition changes significantly for the worse, especially if the condition meets one of the excludable diseases or symptoms
3. The participant shall be removed immediately from sick care when his/her condition meets one of the excludable diseases or symptoms.
4. Participants may be returned to the regular OST program when a doctor's statement has been obtained or when the participant is free of symptoms for 24 hours.

## **603 Participant Records**

1. The record shall contain information on the specific condition or illness placing the participant in sick care.
2. The record shall contain any recommendations for needed medical treatment and/or program or environment modifications that the participant needs.

## **801 Building Requirements**

1. If located in the same facility as OST program, sick care shall be separate with a separate entrance and separate ventilation system.
2. Participants with respiratory illnesses shall be cared for in separate space from participants with gastrointestinal illness. Any participant with an undiagnosed condition shall be separated from

other participants to prevent cross infection. A separate area can be defined by curtains; partitions etc. if airborne transmission is not likely.

3. A hand-washing sink shall be available in each room.
4. To prevent cross contamination, a designated toilet shall be available to each sick care room.
5. The facility shall be self contained-i.e. food, water, bedding, toileting (no potty chairs) etc.

## **1101 Furniture & Equipment Requirements**

1. No furniture, fixtures, equipment and supplies designated for use in the sick care component shall be used or shared by well participants.
2. All laundry shall be washed each day. The items shall be placed in a plastic bag and labeled “contaminated” so necessary precautions can be taken.
3. All toys and equipment shall be disinfected after every use.

## 1101 General Health Requirements

TABLES OF COMMUNICABLE DISEASES AND SYMPTOMS THAT EXCLUDE PARTICIPANTS FROM SICK CARE:  
(asterisk denotes reportable diseases)

### 1. Communicable Diseases:

a. RESPIRATORY ILLNESS	b. GASTROINTESTINAL ILLNESS	c. CONTACT
Chicken Pox	Giardia Lamblia*	Impetigo
German Measles	Hepatitis A *	Lice
Hemophilus influenza	Salmonella*	Scabies
Measles *	Shigella *	
Meningococcus*		
Mumps*		
Strep Throat		
Tuberculosis *		
Whooping Cough *		

### 2. Symptoms that Exclude Participants from Sick Care:

A symptom is a condition that indicates an illness that may not be identifiable by one of the above listed names but presents a situation where the participant shall not be admitted to or remain in sick care and should be seen by the family physician.

- a. Diarrhea
  - Accompanied by evidence of dehydration for excessive fluid loss
  - Accompanied by history of poor fluid intake and/or marked lethargy
  - With blood or mucous in the stool unless at least one stool culture shows the absence of Salmonella, Shingella, Campylobacter or E-Coli
  - That exceeds 5 bowel movements in an 8 hour period of is continued over 3 or 4 days unless the participant is under the supervision of a physician with written documentation
- b. Vomiting for over a 6 hour period
- c. Difficult or rapid breathing
- d. Severe coughing: episodes of coughing which may lead to gagging, vomiting, or difficulty breathing
- e. Mucous (phlegm) that is foul smelling, yellow or green and the child has a fever over 102
- f. Asthmatics with severe upper respiratory infections who have not been seen by a physician or whose distress is not controlled by medication

- g. Sore throat and fever greater than 103 or confirmed Strep throat until treated with antibiotics for over 24 hours
- h. Skin conditions that have not been diagnosed as noncontiguous by a physician; including but not limited to:
  - Yellow (jaundiced) eyes or skin
  - Child in contagious stages of chicken pox, measles, mumps or rubella
  - Untreated impetigo
  - Untreated scabies or head lice
  - Blood-red rashes and skin conditions with spontaneous bruising
- i. Participants who are in the contagious states of Pertussis, diphtheria, or tuberculosis
- j. Pink or red eye(s) which may be swollen with white or yellow discharge until on antibiotics for over 24 hours
- k. Abdominal pain that is intermittent or persistent
- l. Fever over 102 for greater than 24 hours, or any fever over 103 unless the Participant has been evaluated and treated by a physician and does not have other exclusion criteria.

## APPENDIX A: DEFINITIONS

1. **"Act"** means the Child Care Facility Licensing Act as amended.
2. **"Child Care Center"** means any Child Care Facility conducted under public or private auspices on a profit or nonprofit basis providing direct care and protection for children. Any facility that is open more than five (5) hours during any 24 hour period or more than a total of ten (10) hours during a seven (7) day period is considered a Child Care Center and shall be subject to the provisions of the Child Care Facility Licensing Act. Those facilities meeting the above definitions but operating no more than three weeks are not required to comply with the licensing requirements, i.e.: Summer Bible Schools and Camps.

For purposes of determining the need for a license, all care provided at the site of a licensed program is considered a part of the licensed program and therefore subject to licensing requirements. This includes separate buildings located on the same property or any other property under the same ownership. However part time programs serving participants not participating in the licensed program are exempt as long as they operate no more than 5 hours per day or 10 hours per week.

A public or private school which operates a Kindergarten (K5) in conjunction with grades one and above, or for grades one and above only and provides short-term custodial care (not to exceed 20 hours weekly) prior to and/or following classes for those students, is not required to comply with licensing requirements for the short-term custodial care provided.

3. **"Child Care Facility"** means any facility defined by Ark. Code Ann. § 20-78-202(4).
4. **"Child Care Licensing Unit"** means the unit within the Department of Human Services, Division of Child Care and Early Childhood Education, that inspects and investigates any proposed or operating Child Care Center and any personnel connected with the center to determine if the facility will be or is being operated in accordance with the Child Care Facility Licensing Act and the Licensing Requirements for the Child Care Centers. Also referred to as "Licensing Unit".
5. **"Child Maltreatment Central Registry Check"** means a check of the Arkansas Child Maltreatment Central Registry for any record of founded child abuse and neglect or maltreatment.
6. **"Criminal Record Check"** means a statewide criminal record check conducted by the Identification Bureau of the Arkansas State Police.



7. "**Criminal FBI Check**" means a nationwide criminal record check conducted by the Federal Bureau of Investigation that conforms to the applicable federal standards and includes the taking of fingerprints. Application for a nationwide criminal check shall be made to the Identification Bureau of the Department of the Arkansas State Police.
8. "**Day Care Centers**" means child care for children age 2 1/2 or 30 months and above.
9. "**Department**" means the Arkansas Department of Human Services.
10. "**Division**" means the Division of Child Care and Early Childhood Education.
11. "**Employee**" or "**Staff**" means all full or part-time employees or any person(s) who perform services under the direction and control of the Child Care Facility, regardless if they are paid or not. This includes any person(s) that has supervisory or disciplinary control over children, is at any point left alone with children, or is counted in staff/child ratios.
12. "**Evening and Night Care**" means child care provided between 7:00 p.m. and 6:00 a.m.
13. "**Kindergarten**" means a school based program offered for children five (5) years of age (**K5**) during the school year prior to their entry into the first grade.
14. "**Operator**" means any person or entity exercising any measure of supervision or control over a Child Care Facility.
15. "**Owner**" means any person who assumes the legal responsibility for operation of a child care facility.
16. "**Out of School Time Program**" means a child care/school-age or youth development program caring for children who are in kindergarten (K-5 years of age) and above. Out of School Time(OST) care includes before and after school care, extended care during school holiday, summer day camps, and youth development programs. OST programs which operate with children arriving and leaving voluntarily for scheduled classes, activities, practice, games and meetings are defined as a recreational program and do not fall under the definition of requiring licensure as an OST program. (AR Statute 20-78-202. Definitions)

17. "**Part-time Care**" means child care provided no longer than four (4) hours per day or not to exceed a maximum of 20 hours per week. These types of programs may include, but are not limited to, half day kindergarten, mother's day out programs, play schools and some nursery schools.
18. "**Personnel**" is defined as the facility owner or operator, staff or volunteer.
19. "**Program**" is defined as all activities that comprise the child's day at the center.
20. "**School Age Care**" means child care for children who are in kindergarten (K5) and above. School age child care includes before and after school care and extended care during school holidays and summer day camps. School age programs, which operate with children arriving and leaving voluntarily for scheduled classes, activities, practices, games and meetings, shall not be considered as meeting this definition.
21. "**Sick Care**" is defined as a separate service providing care for children who are too sick to attend day care as stated in Section 1000 but who do not exhibit any of the excludable diseases as defined in Section 1500. The primary objective of this service is to insure that children in care receive the required attention necessary for moderately ill children.
22. "**Staff**" or "**Employee**" means all full or part-time employees/staff or any person(s) who perform services under the direction and control of the Child Care Facility, regardless if they are paid or not. This includes any person(s) that has supervisory or disciplinary control over children, is at any point left alone with children, or is counted in staff/child ratios.
23. "**Substantial Compliance**" means compliance with all **essential standards** necessary to protect the health, safety and welfare of the children attending the Child Care Center. Essential standards include **but are not limited to** those relating to issues involving fire, health, safety, nutrition, discipline, staff/child ratio and space.
24. "**Swimming Pool**" means any pool of water in excess of 12 inches deep. This does not include natural pools of water such as lakes, ponds and rivers.
26. "**Volunteer**" means a person who provides services to a OST facility, but has no supervisory or disciplinary control over children, is not left alone with children, and is not counted in staff/child ratios.

## **APPENDIX B: LIST OF REPORTABLE DISEASES**

## **APPENDIX C: USDA CHILD CARE MEAL PLAN**

## **APPENDIX D: DISASTER/EMERGENCY PREPAREDNESS**

### **IMMUNIZATION REQUIREMENTS**