

**Title of Proposed Rule:** Rules Regulating Child Care Centers (less than 24 hours)

**CDHS Tracking #:** 21-05-20-01

Office, Division, & Program:  
OEC, Division of Early Care  
and Learning, Child Care  
Licensing Unit

Rule Author: Carin Rosa

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### RULEMAKING PACKET

**Type of Rule:** *(complete a and b, below)*

- a.  Board  Executive Director  
b.  Regular  Emergency

**This package is submitted to State Board Administration as:** *(check all that apply)*

- AG Initial Review       Initial Board Reading       AG 2<sup>nd</sup> Review       Second Board Reading / Adoption

**This package contains the following types of rules:** *(check all that apply)*

- Number  
  X   Amended Rules  
  X   New Rules  
  X   Repealed Rules  
  X   Reviewed Rules

|   |                  |
|---|------------------|
| What month is being requested for this rule to first go before the State Board? | September        |
| What date is being requested for this rule to be effective?                     | December 1, 2021 |
| Is this date legislatively required?  | No               |

I hereby certify that I am aware of this rule-making and that any necessary consultation with the Executive Director's Office, Budget and Policy Unit, and Office of Information Technology has occurred.

**Office Director Approval:** \_\_\_\_\_ **Date:** \_\_\_\_\_

#### REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION

Comments:

Estimated 1st Board September 2nd Board October Effective Date December 1, 2021  
Dates: \_\_\_\_\_

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### **STATEMENT OF BASIS AND PURPOSE**

#### **Summary of the basis and purpose for new rule or rule change.**

*Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. **1500 Char max***

The Department is statutorily required to review rules on a regular basis and is authorized to promulgate rules for child care programs providing less than twenty-four (24) hour care that create standards and regulation for these child care programs. Each child care program must meet approved minimum standards as established by rule. This rule package includes proposed changes to reduce barriers for staff qualifications and outdoor space requirements. In order to help programs identify all rules applicable to their program type, this package has been reorganized into a more consumer friendly format.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

- to comply with state/federal law and/or  
 to preserve public health, safety and welfare

Justification for emergency:

#### **State Board Authority for Rule:**

| Code                       | Description  |
|----------------------------|--|
| 26-1-107(5), C.R.S. (2020) | State Board to promulgate rules  |
| 26-1-109, C.R.S. (2020)    | State department rules to coordinate with federal programs                         |
| 26-1-111, C.R.S. (2020)    | State department to promulgate rules for public assistance and welfare activities. |

#### **Program Authority for Rule:** *Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.*

| Code                               | Description  |
|------------------------------------|--|
| 26-6-113, C.R.S. (2020)            | Periodic review of rules and procedures, and licensing of child care facilities            |
| 26-6-106(1)(a), (2), C.R.S. (2020) | The Department shall prescribe and publish licensing standards for facilities and agencies |
|                                    |  |
|                                    |  |

Does the rule incorporate material by reference?

Yes

No

Does this rule repeat language found in statute?

Yes

No

If yes, please explain.

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## REGULATORY ANALYSIS

### 1. List of groups impacted by this rule.

*Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?*

Licensed child care centers providing less than 24 hour care.

### 2. Describe the qualitative and quantitative impact.

*How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?*

Licensed child care centers are governed by these rules and will both benefit from and bear the burden of these rules. For example, programs may need to pay staff time to complete additional training requirements. Licensed child care center and child care professionals will benefit from the expanded qualification options proposed in this rule package. Children in licensed child care centers will benefit from the expanded well-being and safety requirements in this rule package. Child care programs will benefit from the decreased barriers to operating programs, including outdoor space requirements and grade level requirements. Child care programs will also benefit from the reorganization of the rules.

### 3. Fiscal Impact

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources. **Answer should NEVER be just "no impact" answer should include "no impact because..."***

State Fiscal Impact (Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)

None because there are no costs to the Department for implementing these rules.

County Fiscal Impact

None because nothing in the rule revision creates costs for counties.

Federal Fiscal Impact

None because nothing in the rule revision creates federal costs.

Other Fiscal Impact (such as providers, local governments, etc.)

Providers may have to pay staff members to complete additional required trainings.

### 4. Data Description

*List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?*

The Child Care Center Rules Re-write committee work product and Preschool Development Grant workgroups (stakeholder working groups) directed all aspects of this revised rule package, including

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advising the Department on language and provisions. Senate Bill (SB) 19-63 Work Group and SB 19-104 Work Group products were also incorporated into this rule package. Caring for Our Children 2019, a collection of national standards that represent the best policies and practices for early child care, informed the health and safety portions of the rule revisions to ensure the rules followed nationally recognized standards of care. The 2014 Federal Child Care and Development Fund requirements for FFY 2016-2018 was used to ensure that we will be compliant with the Federal reauthorization and requirements of our federal funding source, the Child Care and Development Fund (CCDF).

#### **5. Alternatives to this Rule-making**

*Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative. Answer should NEVER be just “no alternative” answer should include “no alternative because...”*

No alternatives because these rules are considered minimum requirements for health and safety. Requirements that were deemed as unnecessary were removed from the rule package.

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**OVERVIEW OF PROPOSED RULE**

Compare and/or contrast the content of the current regulation and the proposed change.

**PRESCHOOL DEVELOPMENT GRANT (PDG) WORKGROUP RECOMMENDATIONS**

**AND LEGISLATIVE REQUIREMENTS – PURPLE**

**PROVIDER/STAKEHOLDER REQUESTED CHANGE – GREEN**

**RULE CLARIFICATION – BLUE**

**TECHNICAL CLEAN UP/RULE REDUCTION – RED**

| Rule section Number | Issue   | Old Language   | New Language or Response  | Reason / Example / Best Practice       | Public Comment No / Detail |
|---------------------|---|--|---|--|----------------------------|
| 7.000               | <i>Incorrect Statutory Reference</i>            | <i>Section 26.5.103 C.R.S.</i>   | <i>Section 26.5-101(3) C.R.S.</i>   |  |                            |
| 7.702               | Stakeholder requested change                    | <b>RULES REGULATING CHILD CARE CENTERS (LESS THAN 24-HOUR CARE)</b>  | <b>RULES REGULATING CHILD CARE CENTERS THAT PROVIDE LESS THAN 24-HOUR CARE</b>  | Added clarification                    | No                         |
| 7.702               | Technical cleanup, stakeholder requested change | All child care centers must comply with the current “General Rules for Child Care Facilities” 7.701; “Rules Regulating Child Care Centers (Less Than 24-Hour Care)” 7.702; “Rules Regulating Special Activities” 7.719; “Rules and Regulations Governing the Sanitation of Child Care Centers in the State of Colorado” 25-1.5-101(1)(h), C.R.S.; and the USDA CACFP Part 266.20(1.5). | All childcare centers must comply with the current “General Rules for Child Care Facilities” 7.701; “Rules Regulating Child Care Centers <b>That Provide Less Than 24-Hour Care</b> ” 7.702; “Rules Regulating Special Activities” 7.719;” 6 <b>CCR 1010-7, “The Health and Sanitation Rules and Regulations Governing the Sanitation of Child Care Facilities in the State of Colorado</b> C.R.S.; and Part 266.20(1.5). | Technical cleanup, added clarification | No                         |
| 7.702               | Rule clarification                              | <b>N/A. New rule.</b>  | <b>Drop-In, Part Day, Mobile Preschool, Teen Parent and Other Programs Operated by Public School Districts, additional rules or substitution to rules can be found under Section 7.702.100.</b><br><br><b>HARDSHIP WAIVERS</b><br><br>Any applicant or licensee who has applied for or been issued a license to operate a childcare facility has a right to appeal, pursuant to § 26-6-106(3), C.R.S., any rule or        | Added clarification                    | No                         |

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|             |   |   | standard which, in his or her opinion, poses an undue hardship on the person, facility, or community. An “undue hardship” is defined as a situation where compliance with the rule creates a substantial, unnecessary burden on the applicant or licensee’s business operation or the families or community it serves, which reasonable means cannot remedy. An undue hardship does not include the normal cost of operating the business. |  |    |
| 7.702.1 A   | Stakeholder requested change, technical cleanup | Child care centers, less than 24-hour care (referred to as “centers”), provide comprehensive care for children when the parents or guardians are employed or otherwise unavailable to care for the children. Child care centers may operate twenty four (24) hours a day, but the children are cared for at the center fewer than twenty four (24) hours a day. | Child care centers that provide less than 24-hour care (referred to as “centers”) provide comprehensive care for children when the parents or guardians are employed or otherwise unavailable to care for the children. Childcare centers may operate twenty-four (24) hours a day, but the children are cared for at the center fewer than twenty-four (24) hours a day.  | Technical cleanup, added clarification | No |
| 7.702.1 B   | Technical cleanup                               | Child care centers, less than 24-hour programs of care, include the following types of facilities:  | Child care centers that provide less than 24-hour care include the following types of facilities:  | Technical cleanup                      | No |
| 7.702.1 B 1 | Technical cleanup                               | A “large child care center” provides care for 16 or more children between the ages of 2 1/2 and 18 years.   | A “large childcare center” provides care for 16 or more children between the ages six (6) weeks and eighteen (18) years.   | Technical cleanup                      | No |
| 7.702 B 2   | Technical cleanup                               | A “small child care center” provides care for 5 through 15 children between the ages of 2 and 18 years.   | A “small childcare center” provides care for up to fifteen (15) children between the ages of two (2) and eighteen (18) years.  | Technical cleanup                      | No |
| 7.702 B 5   | Technical cleanup                               | “Preschool” is a part-day child care program for 5 or more children between the ages of 2 1/2 and 7 years.  | A “preschool” is a childcare program for five (5) or more children between the ages of two and one-half (2 1/2) and seven (7) years.   | Technical cleanup                      | No |
| 7.702 B 6   | Stakeholder requested addition                  | N/A. New rule.  | A “mobile part-day preschool program” is a program with a mobile classroom that uses no permanent building on a regular basis, for children three (3) to seven (7) years of age, with no more than eight (8) children at any given time. Each class session must not exceed five (5) hours.  | New program type                       | No |
| 7.702 B 7   | Rule clarification                              | “Kindergarten” provides a program for children the year before they enter the first grade.  | A “kindergarten program” provides a program for children the year before they enter the first grade. Only private kindergarten programs not regulated by the Colorado  | Added clarification                    | No |

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|                  |                    |   | Department of Education are required to be licensed.   |  |                      |
| 7.702 B<br>11    | Rule clarification | N/A. New rule.  | A "teen parent program" provides care for children fourteen (14) days old to thirty-six (36) months and is operated by an accredited public school system on school premises. Infants between seven (7) and thirteen (13) days old may be accepted for care with written approval from a health care provider.   | Added clarification                    | No                   |
| 7.702 B<br>12    | Technical cleanup  | "Staff": all references to staff or staff positions include paid staff and equally qualified volunteers under Section 7.702.44, E.  | "Staff" all references to staff or staff positions include paid staff, equally qualified volunteers, and substitutes under Section 7.702.45.   | Technical cleanup                      | No                   |
| 7.702.2 A        | Technical cleanup  | The governing body must appoint a director who will be responsible to the governing body and who will be delegated the authority and responsibility for the operation of the center according to its defined purpose and policies.  | The governing body must appoint a Director who will be responsible to the governing body and who will be delegated the authority and responsibility for the operation of the center according to its defined purpose and policies.   | Technical cleanup                      | No                   |
| 7.702.2 D        | Technical cleanup  | Any center having a director assigned to a classroom shall have qualified and adequate staff, allowing the director or qualified staff the ability to attend to the duties of a director as they arise.   | Any center having a Director assigned to a classroom must have qualified and adequate staff, allowing the Director or qualified staff the ability to attend to the duties of a director as they arise.   | Technical cleanup                      | Yes                  |
| 7.702.2 E        | Technical cleanup  | The director of the center is responsible for administering the center in accordance with licensing rules. The director must plan and supervise the child development program, plan for or participate in selection of staff, plan for orientation and staff development, supervise and coordinate staff activities, evaluate staff performance, and participate in the program activities. | The Director of the center is responsible for administering the center in accordance with licensing rules. The Director must plan and supervise the child development program, plan for or participate in selection of staff, plan for orientation and staff development, supervise and coordinate staff activities, evaluate staff performance, and participate in the program activities.            | Technical cleanup                      | No                   |
| 7.702.31<br>A, B | Rule clarification | At the time of enrollment, and upon amendments to policies and procedures, the center must give the parent(s)/guardian(s) the center's policies and procedures, and provide the opportunity to ask questions. Written copies must be available either electronically or in hard copy.   | A. At the time of enrollment, and upon amendments to policies and procedures, the center must give the parent(s)/guardian(s) the center's policies and procedures and provide the opportunity to ask questions. Written copies must be available either electronically or in hard copy. The center must obtain a signed document stating that the parent(s)/guardian(s) have received the policies and | Technical cleanup, added clarification | Yes, changed wording |

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|                    |                    | The center must obtain a signed document stating that the parent(s)/guardian(s) have received the policies and procedures, and by signing the policies and procedures document, the parent(s)/guardian(s) agree to follow, accept the conditions of, and give authorization and approval for the activities described in the policies and procedures. Policies must include the following:  | <p>procedures, and by signing the policies and procedures document, the parent(s)/guardian(s) agree to follow, accept the conditions of, and give authorization and approval for the activities described in the policies and procedures.</p> <p>B. The written policies and procedures must be developed, implemented, and followed, and must include at a minimum the following information:</p>  |   |                      |
| 7.702.31<br>B 8, 9 | Rule clarification | <p>H. The center's procedure on guidance, positive instruction, supporting positive behavior, discipline and consequences, including how the center will:</p> <ol style="list-style-type: none"> <li>1. Cultivate positive child, staff and family relationships;</li> <li>2. Create and maintain a socially and emotionally respectful early learning and care environment;</li> <li>3. Implement teaching strategies supporting positive behavior, pro-social peer interaction, and overall social and emotional competence in young children;</li> <li>4. Provide individualized social and emotional intervention supports for children who need them, including methods for understanding child behavior; and developing, adopting and implementing a team-based positive behavior support plan with the intent to reduce challenging behavior and prevent suspensions and expulsions; and,</li> <li>5. Access an early childhood mental health consultant or</li> </ol> | <p>8. The center's procedure on positive guidance, behavior expectations, positive instruction, supporting positive behaviors, as well as strategies and techniques for supporting children with challenging behaviors, including how the center will:</p> <ol style="list-style-type: none"> <li>a. Promote responsive and positive child, staff, and family relationships and interactions;</li> <li>b. Create and maintain a program-wide culture that promotes children's mental health, social, and emotional well-being;</li> <li>c. Implement teaching strategies supporting positive behavior, pro-social peer interaction, and overall social and emotional competence in young children; and,</li> <li>d. Provide individualized social and emotional intervention supports for children who need them, including methods for understanding child behavior; and developing, adopting, and implementing a team-based positive behavior support plan with the intent to reduce challenging behavior and prevent suspensions and expulsions.</li> </ol> <p>9. How decisions are made and what steps are taken prior to the suspension, expulsion, or request to parents or guardians to withdraw a child from care due to concerns about the child's behavioral issues. These procedures must be consistent with the center's policy on guidance and positive instruction, and include documentation of the steps taken to understand and respond to challenging behavior including:</p> | Technical cleanup, added clarification, stakeholder | Yes, changed wording |

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|                     |   | other specialist as needed.<br><br>Z. How decisions are made and what steps are taken prior to the suspension, expulsion or request to parents or guardians to withdraw a child from care due to concerns about the child's behavioral issues. These procedures must be consistent with the center's policy on guidance, positive instruction, discipline and consequences, and include documentation of the steps taken to understand and respond to challenging behavior. | a. <b>Identify and consult with an</b> early childhood mental health consultant or other specialist as needed.  |   |                      |
| 7.702.31<br>B 10-12 | Technical cleanup                               | N/A   | Revised numbering   | Technical cleanup                               | No                   |
| 7.702.31<br>B 11    | Technical cleanup, rule clarification           | The procedures for emergencies and disaster preparedness such as but not limited to lost children, tornadoes, and fires;  | The procedures for emergencies and disaster preparedness such as <b>but not limited to</b> lost children, tornadoes, fires, <b>shelter in place, lockdown, active shooter on premises, reunification with families after emergency or disaster, and evacuating children with disabilities as specified in Section 7.701.100 of the General Rules for Child Care Facilities;</b> | Technical cleanup, rule clarification           | No                   |
| 7.702.31<br>B 13    | Technical cleanup                               | The procedure governing field trips, television and video viewing, and special activities, including staff responsibility for the supervision of children;  | The procedure <b>for</b> governing field trips, television and video viewing, and special activities, including staff responsibility for the supervision of children;   | Technical cleanup                               | No                   |
| 7.702.31<br>B 21    | Technical cleanup                               | The provisions of meals and snacks;   | The provision of meals and snacks;  | Technical cleanup                               | No                   |
| 7.702.31<br>B 22    | Technical cleanup                               | Diapering and toilet training;  | <b>The procedure for diapering, toilet training, and toileting;</b>   | Technical cleanup                               | No                   |
| 7.702.31<br>B 23    | Technical cleanup                               | Visitors to the center;   | <b>The procedure for allowing</b> visitors to the center;   | Technical cleanup                               | No                   |
| 7.702.31<br>B 24    | Technical cleanup, stakeholder requested change | Parent and staff conferences to inform the parents or guardians of the child's progress, social, and physical needs;  | <b>The procedure for conducting</b> parent and staff conferences <b>to partner with the parent(s)/guardian(s) to discuss</b> the child's progress, social, and physical needs;  | Technical cleanup, stakeholder requested change | Yes, changed wording |
| 7.702.31<br>B 24-30 | Technical cleanup                               | N/A   | Revised numbering   | Technical cleanup                               | No                   |
| 7.702.31            | Technical cleanup                               | The procedure for filing a complaint about  | The procedure for filing a complaint about childcare (see   | Technical cleanup                               | No                   |

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| B 25             |                              | childcare (see section 7.701.55, General Rules for Child Care Facilities);   | Section 7.701.55, General Rules for Child Care Facilities);   |   |                            |
| 7.702.31<br>B 26 | Technical cleanup            | Reporting of child abuse (see section 7.701.53, General Rules for Child Care Facilities);  | The procedure for reporting of child abuse (see Section 7.701.53, General Rules for Child Care Facilities);   | Technical cleanup                               | No                         |
| 7.702.31<br>B 27 | Technical cleanup            | The procedure of the protection of infants from secondhand smoke;  | The procedure of the protection of infants from secondhand and thirdhand smoke;   | Technical cleanup, stakeholder requested change | Yes, added thirdhand smoke |
| 7.702.31<br>B 28 | Rule clarification           | N/A. New rule.   | The procedure for establishing safe sleep environments for infants including how staff will supervise and physically check on infants who are sleeping;   | Added clarification                             | No                         |
| 7.702.31<br>B 29 | Stakeholder requested change | N/A. New rule.   | The procedure for dressing children appropriately for the weather; and,   | Added clarification                             | Yes                        |
| 7.702.31<br>C    | Rule clarification           | N/A. New rule.   | Policies and procedures must be reviewed annually. Any changes must be incorporated and must be communicated to the parent(s)/guardian(s).  | Rule clarification                              | No                         |
| 7.702.32         | Technical cleanup            | The center must notify the parents or guardians in writing of significant changes in its services, policies, or procedures so that they can decide whether the center continues to meet the needs of the child.  | Removed duplicative rule  | Technical cleanup, rule reduction               | No                         |
| 7.702.32<br>A-H  | Technical cleanup            | N/A  | Revised numbering   | Technical cleanup                               | No                         |
| 7.702.32<br>A    | Rule clarification           | A. For security purposes, a sign-in/sign-out sheet or other mechanism for parents and guardians must be maintained daily by the center. It must include, for each child in care, the date, the child's name, the time when the child arrived at and left the center, and the parent or guardian's signature or other identifier. | For security purposes, a sign-in/sign-out sheet or other mechanism for parents/guardians, or staff if children are being transported, must be maintained daily by the center. It must include, for each child in care, the date, the child's name, the time when the child arrived at and left the center, and the parent /guardian or staff member's signature or other unique identifier. For children who are transported, parent(s)/guardian(s) must verify the accuracy of the sign-in/sign-out sheet at least weekly. | Added clarification                             | No                         |
| 7.702.32<br>D    | Technical cleanup            | The director of the center or the director's delegated substitute must have a means for determining at all times who is present at the center.   | The Director of the center, or the Director's delegated substitute, must have a means for determining at all times who is present at the center.  | Technical cleanup                               | No                         |
| 7.702.32<br>E    | Rule clarification           | A written policy regarding visitors to the center must be posted and a record maintained daily by the center   | A written policy regarding visitors to the center must be posted and a record maintained daily by the center that includes at a minimum the date, time, visitor's name, and   | Technical cleanup, rule clarification           | No                         |

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|               |                                   | that includes at a minimum the visitor's name and address and the purpose of the visit. At least one piece of identification must be inspected for individuals who are strangers to personnel at the center.  | the purpose of the visit. At least one (1) piece of identification must be inspected for individuals who are <b>unknown</b> to personnel at the center.  |   |    |
| 7.702.32<br>F | Stakeholder requested change      | The center must release the child only to the adult(s) for whom written authorization has been given and is maintained in the child's record (see 7.702.91). In an emergency, the child may also be released to an adult for whom the child's parent or guardian has given verbal authorization. If the staff member who releases the child does not know the adult, identification must be required to assure that the adult is authorized to pick up the child. | The center must release the child only to <b>an individual over the age of sixteen (16)</b> for whom written authorization has been given <b>by the parent(s)/guardian(s)</b> and is maintained in the child's record (see Section 7.702.34). In an emergency, the child may also be released to an <b>individual</b> for whom the child's parent/guardian has given verbal authorization. If the staff member who releases the child does not know the <b>individual</b> , identification must be required to assure that the <b>individual</b> is authorized to pick up the child. | Stakeholder requested change, technical cleanup | No |
| 7.702.33      | Technical cleanup                 | N/A   | <b>Revised numbering</b>   | Technical cleanup                               | No |
| 7.702.33<br>A | Technical cleanup, rule reduction | A. The following records must be on file at the center:<br><br>1. Records of enrollment, daily attendance for each child, and daily record of the time the child arrives at and departs from the center;<br><br>2. Current health department inspection report issued within the past twenty-four (24) months;<br><br>3. Current fire department inspection report issued within the past twenty-four (24) months;  | A. The following records must be on file at the center:<br><br>1. Records of enrollment, daily attendance for each child, and daily record of the time the child arrives at and departs from the center;<br><br>2. A list of current staff members, substitutes, and staffing patterns;<br><br>3. Copies of menus; and<br><br>4. A record of visitors to the center.   | Technical cleanup, rule reduction               | No |

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Office, Division, & Program:  
OEC, Division of Early Care  
and Learning, Child Care  
Licensing Unit

Rule Author: Carin Rosa

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|          |                                  | <p>4. A list of current staff members, substitutes, and staffing patterns;</p> <p>5. Copies of menus; and</p> <p>6. A record of visitors to the center.</p>  |   |                                  |    |
| 7.702.33 | Technical cleanup/rule reduction | <p>Each center must immediately report in writing to the Colorado Department of Human Services any accident or illness occurring at the center that resulted in medical treatment by a physician or other health care professional, hospitalization, or death. This report must be made within 48 hours after the accident or illness occurred.</p> <p>A report about a fatality must include:</p> <p>The Child's name, birth date, address, and telephone number;</p> <p>The names of the child's parents or guardians and their address and telephone number if different from that of the child;</p> <p>Date of the fatality;</p> <p>Brief description of the incident or illness leading to the fatality;</p> <p>Names and addresses of witnesses or persons who were with the child at the time of death; and,</p> <p>Name and address of police department</p> | Removed outdated requirement covered in alternate rule Section 7.701 of General Rules | Technical cleanup, rule reductio | No |

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|               |                                   | or authority to whom the report was made.  |  |                                   |     |
| 7.702.33<br>B | Rule clarification                | Within forty-eight (48) hours of the incident, the center must submit a written report to the State Department about any child who has been lost from the center and for whom the local authorities have been contacted. Such report must indicate:  | The center must submit to the Department <b>as soon as possible, but not longer than twenty-four (24) hours</b> , a written report about any child who has been separated from the group outside of the supervision of their assigned staff member or for whom the local authorities have been contacted. Such report must indicate:   | Rule clarification                | No  |
| 7.702.33      | Technical cleanup, rule reduction | The center must report to the Colorado Department of Public Health and Environment or its local unit any communicable illnesses, including but not limited to measles, mumps, diphtheria, rubella, tuberculosis, shigella, hepatitis, meningitis, or giardia, contracted by a staff member or a child at the center. | <b>Removed rule; regulated by CPHE</b>   | Technical cleanup, rule reduction | No  |
| 7.702.33<br>C | Stakeholder requested addition    | N/A. New rule.   | <b>C. All programs must register their operational status information in the Office of Early Childhood Provider Status Portal every calendar year in the months of April and October.</b><br><b>1. All programs must update their information any time their operational status changes during a declared state emergency.</b>   | Stakeholder requested addition    | No  |
| 7.702.33<br>D | Stakeholder requested addition    | N/A. New rule.   | <b>All prospective and current staff members in the following roles must register with the Colorado Shines Professional Development Information System:</b><br><b>1. Large Center Director;</b><br><b>2. Large Center Assistant Director;</b><br><b>3. Small Center Director;</b><br><b>4. Early Childhood Teacher;</b><br><b>5. Infant Program Supervisor;</b><br><b>6. Infant Early Childhood Teacher;</b><br><b>7. Toddler Early Childhood Teacher;</b><br><b>8. Kindergarten Teacher;</b><br><b>9. Assistant Early Childhood Teacher; and,</b><br><b>10. Staff Aide.</b> | Stakeholder requested addition    | Yes |
| 7.702.34      | Technical cleanup                 | N/A.   | <b>Revised numbering</b>   | Technical cleanup                 | No  |
| 7.702.34<br>A | Stakeholder requested change      | The center must maintain and update annually a record on each child that includes:   | <b>An admission record must be completed for each child prior to or at the time of the child's admission. This record must be updated annually and when changes occur. The</b>   | Stakeholder requested change      | No  |

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|                 |                              |   | admission record must include:   |   |     |
| 7.702.34<br>A 2 | Technical cleanup            | B. Names and home and employment addresses and telephone numbers of parents or guardians.<br>C. Any special instructions as to how the parents or guardians can be reached during the hours the child is at the center. | 2. Parent(s)/guardian(s) names; home and e-mail addresses; telephone numbers, including home, work, and cell numbers; employer name and work address; and, any special instructions as to how the parent(s)/guardian(s) may be reached during the hours that the child is in care at the child center;   | Technical cleanup                       | No  |
| 7.702.34<br>A 4 | Technical cleanup            | Names, addresses, and telephone numbers of persons who can assume responsibility for the child in the event of an emergency if parent(s)/guardian(s) cannot be reached immediately;                                     | Names, addresses, and telephone numbers of persons who can assume responsibility for the child in the event of an emergency if the parent(s)/guardian(s) cannot be reached immediately;  | Technical cleanup                       | No  |
| 7.702.34<br>A 5 | Technical cleanup            | Name, address, and telephone numbers of the child's health care provider, dentist, and hospital of choice;  | Name, address, and telephone numbers of the child's health care provider, dentist, and if applicable, their hospital of choice;  | Technical cleanup                       | No  |
| 7.702.34<br>A 6 | Stakeholder requested change | Health information, including medical report, chronic medical problems, and immunization history.   | A health history, including any health care plans, which indicates communicable diseases and chronic illnesses or injuries the individual has had, any known drug reactions and allergies, medications being taken, any necessary health procedures or special diets, and immunization record;   | Stakeholder requested change            | Yes |
| 7.702.34<br>A 8 | Rule clarification           | Written authorization from a parent or guardian for the child to participate in field trips or excursion, whether walking or riding.  | Written authorization, obtained in advance of the event from a parent/guardian, for a child to participate in field trips or special activities, whether scheduled or unscheduled, whether walking or riding in an approved vehicle;   | Rule clarification; defined requirement | No  |
| 7.702.34<br>A 9 | Rule clarification           | N/A. New rule.  | Written authorization from a parent/guardian for media release.  | Rule clarification                      | No  |
| 7.702.34<br>B   | Rule clarification           | NA. New rule.   | B. The center must maintain and update annually and upon changes, a record on each child that includes:<br><br>1. A written record of any serious accident, illness, or injury occurring during care must be retained in each child's record, with a copy provided to the parent(s)/guardian(s);<br><br>2. Observations of the child's development to document the child's progress and challenges to be discussed at parent | Rule clarification                      | No  |

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|                 |                              |  | <p>conferences;</p> <p>3. A record of parent conferences, including dates of conferences, and names of center staff and parent(s)/guardian(s) involved; and,</p> <p>4. A copy of the child's health statement completed by a health care provider.</p> |                               |    |
| 7.702.35        | Technical cleanup            | N/A  | Revised numbering  | Technical cleanup             | No |
| 7.702.35<br>A   | Rule clarification           | The center office must maintain a record for each staff member that includes the following:  | A record must be maintained, either written or electronic, for each staff member that includes the following:  | Rule clarification            | No |
| 7.702.35<br>A 2 | Technical cleanup            | Verification of education, work experience, employment, training, and completion of first aid and CPR courses;                                       | Verification of qualifications and training;   | Technical cleanup             | No |
| 7.702.35<br>A 3 | Stakeholder requested change | Immunization record and health examination reports;  | Immunization record or statement, and health history;  | Stakeholder requested change; | No |
| 7.702.35<br>A 4 | Rule clarification           | Date of employment;  | Dates of employment and employment history;  | Rule clarification            | No |
| 7.702.35<br>A 6 | Technical cleanup            | Information received from the State Department's automated system and the Colorado Bureau of Investigation (may be retained in a confidential file). | All information from background checks as required in the General Rules for Child Care Facilities at Section 7.701.32.   | Rule clarification            | No |
| 7.702.35        | Technical cleanup            | Each staff member's personnel file must contain all required information within thirty (30) business days of the first day of employment;            | Removed rule; duplicative  | Technical cleanup             | No |
| 7.702.36        | Technical cleanup            | N/A  | Revised numbering  | Technical cleanup             | No |
| 7.702.36<br>A   | Technical cleanup            | The confidentiality of all staff and children's records must be maintained. See Section 7.701.6 in the General Rules for Child Care Facilities.      | The confidentiality of all staff and children's records must be maintained. See Section 7.701.6 of the General Rules for Child Care Facilities.  | Technical cleanup             | No |
| 7.702.36<br>D   | Rule clarification           | The records of children and personnel must be maintained by the center for at least three (3) years.   | The records of children and staff must be maintained by the center for at least three (3) years after the last date of attendance or employment with the program.  | Rule clarification            | No |
| 7.702.36<br>E   | Rule clarification           | N/A. New rule.   | The health and mental health consultation records must be maintained by the center for at least three (3) years from the date of consultation.   | Rule clarification            | No |
| 7.702.36        | Technical cleanup            | N/A.   | Revised numbering  | Technical cleanup             | No |

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| F, G           |                    |  |  |                                   |                     |
| 7.702.4        | Technical cleanup  | Personnel  | Staff  | Technical cleanup                 | No                  |
| 7.702.4<br>A-M | Technical cleanup  | N/A.   | Revised numbering  | Technical cleanup                 | No                  |
| 7.702.41<br>A  | Technical cleanup  | All personnel at the center must demonstrate knowledgeable decision-making, judgment, and concern for the proper care and well-being of children.  | All staff at the center must demonstrate knowledgeable decision-making, judgment, and concern for the proper care and well-being of children.  | Technical cleanup                 | No                  |
| 7.702.41<br>B  | Technical cleanup  | Staff, substitutes, or volunteers must not consume or be under the influence of any substance that impairs their ability to care for children.   | Staff must not consume or be under the influence of any substance that impairs their ability to care for children.   | Technical cleanup                 | No                  |
| 7.702.41<br>C  | Technical cleanup  | Illegal drugs and drug paraphernalia, marijuana and marijuana infused products, and alcohol must never be present on the premises of the center during operating hours.                        | Illegal drugs and drug paraphernalia must never be present on the premises of the center during operating hours.   | Technical cleanup                 | No                  |
| 7.702.41<br>D  | Rule clarification | N/A. New rule  | Staff must not use marijuana and marijuana infused products, tobacco products of any kind, or alcohol in the presence of children. To prevent exposure to secondhand smoke, child care centers must prohibit the use of tobacco and marijuana products on all center property, both indoors and outdoors. All marijuana and marijuana infused products, vaping and tobacco products, and alcohol must be kept inaccessible to children at all times. | Rule clarification                | Yes, added language |
| 7.702.41<br>E  | Technical cleanup  | When caring for children, staff must refrain from personal use of electronics including, but not limited to, cell phones and portable electronic devices.                                      | When caring for children, staff must refrain from the personal use of electronics including, but not limited to, cell phones and portable electronic devices.  | Technical cleanup                 | No                  |
| 7.702.4        | Technical cleanup  | The center must determine if any staff person who works at the center has ever been convicted of a crime as found at Section 7.701, D, 5 or 6, of The General Rules for Child Care Facilities. | Removed outdated requirement covered in alternate rule Section 7.701 of General Rules.   | Technical cleanup, rule reduction | No                  |
| 7.702.4        | Technical cleanup  | The personnel file of each staff member of the center must contain clearance or arrest report from the Colorado Bureau of Investigation resulting from the staff                               | Removed outdated requirement covered in alternate rule Section 7.701 of General Rules.   | Technical cleanup, rule reduction | No                  |

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|               |                                   | member's criminal record check. The requirement for a criminal record check is found in Section 7.701.33 of the General Rules for Child Care Facilities.   |  |                                   |    |
| 7.702.4       | Technical cleanup                 | The personnel file of each staff member must contain the results of the state department's automated system. The method for making the request is found in Section 7.701.32 of the General Rules for Child Care Facilities   | Removed outdated requirement covered in alternate rule Section 7.701 of General Rules.   | Technical cleanup, rule reduction | No |
| 7.702.41<br>G | Rule clarification                | All staff members must submit to the center a medical statement, signed and dated by a physician or other health care provider, verifying that they are in good mental, physical, and emotional health appropriate for the position for which they have been hired. This statement must be dated no more than six (6) months prior to employment or within thirty (30) calendar days after the date of employment. This statement must indicate when subsequent medical statements are required. | All staff members must submit to the center a medical statement, signed and dated by a physician or other health care provider, verifying that they are in good mental, physical, and emotional health appropriate for the position for which they have been hired. This statement must be dated no more than six (6) months prior to employment or within thirty (30) calendar days after the first date of employment. Subsequent self-reported health histories must be submitted annually. | Rule clarification                | No |
| 7.702.41      | Technical cleanup, rule reduction | If, in the opinion of a physician or mental health practitioner, an employee's examination or test results indicate a physical, emotional, or mental condition that could be hazardous to a child, other staff, or self, or that would prevent satisfactory performance duties must not be assigned or returned to a position until the condition is cleared to the satisfaction of the examining physician.   | Removed duplicative rule   | Technical cleanup, rule reduction | No |
| 7.702.41<br>H | Technical cleanup                 | Reorganized from Section 7.702.33 A of the previous version:<br>The duties and responsibilities of each staff position and the lines of authority and responsibility within the center must be in writing.   | The duties and responsibilities of each staff position and the lines of authority and responsibility within the center must be in writing.   | Technical cleanup                 | No |

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| 7.702.41 I | Technical cleanup  | Reorganized from Section 7.702.33 B of the previous version:<br>At the time of employment, staff members must be informed of their duties and assigned a supervisor.   | At the time of employment, staff members must be informed of their duties and assigned a supervisor.  | Technical cleanup                     | No |
| 7.702.41 J | Technical cleanup  | Prior to working with children, each staff member must read and be instructed about the policies and procedures of the center, including those related to hygiene, sanitation, food preparation practices, proper supervision of children, and reporting of child abuse. Staff members must sign a statement indicating that they have read and understand the center's policies and procedures.   | Prior to working with children, each staff member must read and be instructed about all policies and procedures of the center. Staff members must sign a statement indicating that they have read and understand the center's policies and procedures.  | Technical cleanup, rule reduction     | No |
| 7.702.41 K | Rule clarification | The child care center must ensure that all staff are familiar with the licensing rules governing child care centers within thirty (30) calendar days of employment at the center.  | Within thirty (30) calendar days of employment at the center, each staff member must read and be instructed about all licensing rules governing childcare centers. Staff members must sign a statement indicating that they have read and understand the licensing rules.   | Technical cleanup, rule clarification | No |
| 7.702.41 L | Technical cleanup  | Reorganized from Section 7.702.33 O of the previous version:<br>If volunteers are used by the center, there must be a clearly established policy regarding their function, orientation, and supervision. See also Section 7.702.44 A-E.  | If volunteers are used by the center, there must be a clearly established policy regarding their function, orientation, and supervision. See also Section 7.702.45 F.   | Technical cleanup                     | No |
| 7.702.41 M | Technical cleanup  | Reorganized from Section 7.702.33 P of the previous version:<br>Within thirty (30) calendar days of the last day of employment, staff members must be provided a letter verifying their experience at the center. The letter must contain the center's address, phone number, and license number; the employee's start date and end date; and the total number of hours worked with children. Hours worked with infants and toddlers must be documented separately from hours worked with other age groups. The letter must be signed by a Director, | Within thirty (30) calendar days of the last day of employment, staff members must be provided a letter verifying their experience at the center. The letter must contain the center's address, phone number, and license number; the employee's start date and end date; and the total number of hours worked with children. Hours worked with infants and toddlers must be documented separately from hours worked with other age groups. The letter must be signed by a Director, Owner, or human resources agent of the center or governing body. | Technical cleanup                     | No |

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|                 |   | Owner, or human resources agent of the center or governing body.  |   |   |   |
| 7.702.42        | Rule clarification                              | Personnel Policies, Orientation, and Staff Development  | Training  | Rule clarification                              | No  |
| 7.702.42<br>A   | Technical cleanup                               | Effective September 30, 2016, all staff must complete a pre-service training prior to working with children. The training must include: <ol style="list-style-type: none"> <li>1. Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic; and,</li> <li>2. Handling and storage of hazardous materials and the appropriate disposal of bio contaminants.</li> </ol> | All staff must complete a pre-service <b>building and physical premises safety</b> training prior to working with children. The training must include <b>identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, vehicular traffic, handling and storage of hazardous materials, and the appropriate disposal of biological contaminants.</b> | Technical cleanup                               | No  |
| 7.702.42<br>A 1 | Rule clarification                              | N/A. New rule   | This training is developed and facilitated by the program for staff to identify program specific environmental hazards. Staff must be retrained if there are changes to the building and physical premises.   | Rule clarification                              | No  |
| 7.702.42<br>B   | Technical cleanup, stakeholder requested change | All staff must complete a Department approved standard precautions training that meets current Occupational Safety and Health Administration (OSHA) requirements prior to working with children. This training must be renewed annually and counts towards ongoing training requirements.   | All staff must complete a <b>Department-approved</b> standard precautions training that meets current Occupational Safety and Health Administration (OSHA) requirements prior to working with children. This training must be renewed annually and <b>will be counted</b> towards ongoing <b>professional development</b> .   | Technical cleanup, stakeholder requested change | Yes, training counts towards ongoing professional development |
| 7.702.42<br>C   | Technical cleanup, stakeholder requested change | Each staff member working with infants less than twelve (12) months old must complete a Department approved safe sleep training prior to working with infants less than twelve (12) months old. This training must be renewed annually and may be counted towards ongoing training requirements.  | Staff working with infants less than twelve (12) months old must complete a <b>Department-approved</b> safe sleep training prior to working with infants less than twelve (12) months old. This training must be renewed annually and <b>will be counted</b> towards ongoing <b>professional development</b> .  | Technical cleanup, stakeholder requested change | Yes, training counts towards ongoing professional development |
| 7.702.42<br>D   | Technical cleanup, stakeholder requested        | Effective September 30, 2016, each staff member working with children   | <del>Effective September 30, 2016</del> Staff working with children less than three (3) years of age must complete a  | Technical cleanup, stakeholder requested        | Yes, training   |

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|            | change                            | less than three (3) years of age must complete a Department approved prevention of shaken baby/abusive head trauma training prior to working with children less than three (3) years of age. This training must be renewed annually and counts towards ongoing training requirements.  | Department-approved prevention of shaken baby/abusive head trauma training prior to working with children less than three (3) years of age. This training must be renewed every two (2) years and will be counted towards ongoing professional development.  | change                           | counts towards ongoing professional development |
| 7.702.42 E | Technical cleanup                 | Reorganized from Section 7.702.52 B 4 of the previous version:<br><br>For every thirty (30) or fewer children in attendance, there must be at least one (1) staff member on duty who holds a current Department-approved First Aid and Safety Certificate (including CPR for all ages of children) and is responsible for administering First Aid and CPR to children. Such individuals must be with the children at all times when the center is in operation. If children are at different locations, there must be a First Aid and CPR qualified staff member at each location. | For every thirty (30) or fewer children in attendance, there must be at least one (1) staff member on duty who holds a current Department-approved First Aid and Safety Certificate (including CPR for all ages of children) and is responsible for administering First Aid and CPR to children. Such individuals must be with the children at all times when the center is in operation. If children are at different locations, there must be a First Aid and CPR qualified staff member at each location. | Technical cleanup                | No  |
| 7.702.42 F | Rule clarification                | All employees caring for children, not required by rule to be certified in First Aid and CPR, must complete a basic first aid and CPR module within 30 calendar days of employment and the module must be renewed every two (2) years.   | Within thirty (30) calendar days of employment, all employees caring for children, not required by rule to be certified in First Aid and CPR, must complete the Department-approved Introduction to First Aid and CPR module. The module must be renewed every two (2) years.  | Rule clarification               | No  |
| 7.702.42 G | Technical cleanup, rule reduction | Within thirty (30) calendar days of employment and annually, all employees and regular volunteers must be trained using a Department approved training about child abuse prevention, including common symptoms and signs of child abuse.<br><br>Within thirty (30) calendar days of employment and annually, all employees and regular volunteers must be trained  | Within thirty (30) calendar days of employment, all employees and regular volunteers must be trained using a Department-approved training about child abuse prevention, which includes common symptoms and signs of child abuse, how to report, where to report, and when to report suspected or known child abuse or neglect. This training must be renewed annually.   | Technical cleanup/rule reduction | No  |

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|            |                                | using a Department approved training on how to report, where to report and when to report suspected or known child abuse or neglect.        |   |                                |   |
| 7.702.42 H | Stakeholder requested addition | N/A. New rule.  | Within thirty (30) calendar days of employment, all staff required to register with the Colorado Shines Professional Development Information System (listed in Section 7.702.33, D) must complete the Department-approved training: Introduction to the Early Intervention and Preschool Special Education Programs. This course is required once and will be counted towards ongoing professional development.                                       | Stakeholder requested addition | Yes, training counts towards ongoing professional development |
| 7.702.42 I | Stakeholder requested addition | N/A. New rule.  | Within thirty (30) calendar days of employment, all staff required to register with the Colorado Shines Professional Development Information System (listed in Section 7.702.33, D) must complete the Department-approved Recognizing the Impact of Bias on Early Childhood Professionals training or other Department-approved training on implicit bias. This course is required once and will be counted towards ongoing professional development. | Stakeholder requested addition | Yes, training counts towards ongoing professional development |
| 7.702.42 J | Stakeholder requested addition | N/A. New rule.  | Within thirty (30) calendar days of employment, all Directors and Assistant Directors must complete the Department-approved training: Working with an Early Childhood Mental Health Consultant. This course is required once and will be counted towards ongoing professional development.  | Stakeholder requested addition | Yes, training counts towards ongoing professional development |
| 7.702.42 K | Stakeholder requested addition | N/A. New rule.  | Within thirty (30) calendar days of employment, all Directors and Assistant Directors must complete the Department-approved training: Introduction to Child Care Health Consultation. This course is required once and will be counted towards ongoing professional development.  | Stakeholder requested addition | Yes, training counts towards ongoing professional development |
| 7.702.42 L | Stakeholder requested change   | All staff who work with children must complete a minimum of fifteen (15) clock hours of training each year beginning with the start date of | All staff who work with children must complete a minimum of fifteen (15) clock hours of ongoing professional development each year, beginning with the start date of the employee. At least three (3) clock hours per year must   | Stakeholder requested change   | No  |

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|                 |                                       | the employee. At least three (3) clock hours per year must be in the focus of social emotional development.  | be in the focus of social-emotional development.   |                                       |                           |
| 7.702.42<br>L 1 | Technical cleanup, rule clarification | Ongoing professional development courses must demonstrate a direct connection to one or more of the following competency areas:<br>a. Child growth and development, and learning or courses that align with the competency domains of child growth and development;<br><br>b. Child observation and assessment;<br><br>c. Family and community partnership;<br><br>d. <del>Guidance</del> ;<br><br>e. Health, safety and nutrition;<br><br>f. Professional development and leadership;<br><br>g. Program planning and development; or,<br><br>h. Teaching practices. | Ongoing professional development courses must demonstrate a direct connection to one (1) or more of the following competency areas:<br>a. Child growth and development, and learning;<br><br>b. Child observation and assessment;<br><br>c. Family and community partnerships;<br><br>d. Social-emotional health and development promotion;<br><br>e. Health, safety and nutrition;<br><br>f. Professional practice;<br><br>g. Teaching practices: | Technical cleanup, rule clarification | Yes, updated competencies |
| 7.702.42<br>L 2 | Technical cleanup                     | Each one (1) semester credit hour course with a direct connection to the   | Each one (1) semester credit hour course with a direct connection to the competency area listed in <b>Section</b>  | Technical cleanup                     | No                        |

**Title of Proposed Rule: Rules Regulating Child Care Centers (less than 24 hours)**

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Licensing Unit

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|                   |                              | competency area listed in Section 7.702.33, I, 1-8, taken at a regionally accredited college or university shall count as fifteen (15) clock hours of ongoing professional development.   | 7.702.42, L, 1, a-h, taken at an accredited college or university shall count as fifteen (15) clock hours of ongoing professional development.  |  |     |
| 7.702.42<br>L 4 f | Rule clarification           | N/A. New rule.  | Connection to social emotional focus, if applicable.  | Rule clarification   | No  |
| 7.702.42<br>L 5   | Rule clarification           | N/A. New rule.  | The trainer must have documentation of the qualifications for each topic of training conducted, which must be available for review by the Department.   | Rule clarification   | No  |
| 7.702.42<br>M     | Technical cleanup            | Reorganized from Section 7.702.33 N of the previous version:<br><br>Within thirty (30) calendar days of employment and annually, all staff responsible for the collection, review, and maintenance of the child immunizations records must complete the Colorado Department of Public Health and Environment immunization course.             | Within thirty (30) calendar days of employment and annually, all staff responsible for the collection, review, and maintenance of the child immunizations records must complete the Colorado Department of Public Health and Environment immunization course.   | Technical cleanup  | No  |
| 7.702.43<br>A-G   | Technical cleanup            | N/A.  | Revised numbering.  | Technical cleanup  | No  |
| 7.702.43<br>A     | Rule clarification           | N/A. New rule.  | Large Center Directors must have a current Director Qualifications Letter issued by the Department or a current Early Childhood Professional Credential Level III or higher in Version 3.0 as determined by the Department prior to working as the Director of a large center.  | Rule clarification   | No  |
| 7.702.43<br>B     | Technical cleanup            | The educational requirements for the Director of a Large Center must be met by satisfactory completion of one of the following. (All course hours are given in semester credit hours, but equivalent quarter credit hours are acceptable.) Official college transcripts must be submitted to the Department for evaluation of qualifications. | The educational requirements for the Director of a Large Center must be met by satisfactory completion of one (1) of the following. (All course hours are given in semester credit hours, but equivalent quarter credit hours are acceptable.) Official college transcripts must be submitted to the Department for evaluation of qualifications. | Technical cleanup  | No  |
| 7.702.43<br>B 1   | Rule clarification           | A Bachelor degree   | A Bachelor's, Master's, or Doctorate degree   | Rule clarification   | No  |
| 7.702.43<br>B 1   | PDG Workgroup Recommendation | A Bachelor degree in early childhood education from a regionally accredited Colorado college or university; or,   | 1. A Bachelor's, Master's, or Doctorate degree from an accredited college or university in one (1) of the following:  | Rule change due to Preschool Development Grant (PDG) workgroup's | Yes |

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|                 |                              | A Master's degree with a major emphasis in child development, Early Childhood Education, Early Childhood Special Education;  | <ul style="list-style-type: none"> <li>a. Child Development;</li> <li>b. Child Psychology;</li> <li>c. Early Childhood Education;</li> <li>d. Early Childhood Special Education;</li> <li>e. Educational Leadership and Administration;</li> <li>f. Elementary Education;</li> <li>g. Family and Human Development;</li> <li>h. Family Studies; or,</li> <li>i. Special Education; or,</li> </ul>  | recommendations   |    |
| 7.702.43<br>B 2 | PDG Workgroup Recommendation | <p>Completion of all of the following three (3) semester credit hour courses from a regionally accredited college or university in each of the following subject or content areas:</p> <ul style="list-style-type: none"> <li>a. Introduction to early childhood professions;</li> <li>b. Introduction to early childhood lab techniques;</li> <li>c. Early childhood guidance strategies for children;</li> <li>d. Early childhood health, nutrition, and safety;</li> <li>e. Administration of early childhood care and education programs;</li> <li>f. Administration: human relations for early childhood profession or introduction to business;</li> <li>g. Early childhood curriculum development;</li> <li>h. Early childhood growth and development.</li> <li>i. The exceptional child; and, Infant/toddler theory and practice; or the Department approved expanding quality infant/toddler training;</li> </ul> | <p>Completion of all of the following three (3) semester credit hour courses from an accredited college or university in each of the following subject or content areas:</p> <ul style="list-style-type: none"> <li>a. Introduction to Early Childhood Professions;</li> <li>b. Introduction to Early Childhood Techniques;</li> <li>c. Guidance Strategies for Young Children or has been issued a Colorado Pyramid Model Training certificate of completion;</li> <li>d. Health, Nutrition, and Safety;</li> <li>e. Administration of Early Childhood Care and Education Programs;</li> <li>f. Administration: Human Relations for Early Childhood Professions or Introduction to Business;</li> <li>g. Curriculum Development: Methods and Techniques;</li> <li>h. Child Growth and Development;</li> <li>i. The Exceptional Child; and,</li> <li>j. Infant/Toddler Theory and Practice or have been issued the Expanding Quality Infant/Toddler Training certificate of completion; or,</li> </ul> | Rule change due to PDG workgroup's recommendations (representatives from Higher Education and Community Colleges) | No |
| 7.702.43<br>B 3 | Technical cleanup            | Completion of a course of training approved by the Department that includes course content listed at Section 7.702.42,   | Completion of a course of training approved by the Department that includes course content listed at Section 7.702.43, B, 1; and experience listed at Section 7.702.43,  | Technical cleanup   | No |

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|                 |  | A, 3, a-j, and experience listed at Section 7.702.42, B.   | C.  |  |     |
| 7.702.43<br>C   | Rule clarification   | The experience requirements for the director of a large center must be met by completion of the following amount of work experience in a child development program, which includes working with a group of children in such programs as a preschool, child care center, kindergarten, or Head Start program:         | The experience requirements for the Director of a Large Center must include direct work with young children and families within an early care and education setting and is based on the completion of the following amount of verified work experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual: | Rule clarification   | No  |
| 7.702.43<br>C 1 | Technical cleanup, PDG Workgroup recommendation            | Persons with Bachelor's or Master's degree with a major emphasis in child development, early childhood education, early childhood special education, or an early childhood professional Credential Level IV Version 2.0 as determined by the Colorado Department of Education; no additional experience is required. | Persons with a Bachelor's, Master's, or Doctorate degree with a major emphasis as listed in Section 7.702.43, B, 1, or individuals with an Early Childhood Professional Credential Level III Version 3.0 as determined by the Department; no additional experience is required.   | Technical cleanup, PDG Workgroup recommendation            | No  |
| 7.702.43<br>C 2 | Stakeholder requested change, PDG Workgroup recommendation | Persons with a 2-year college degree in early childhood education must have twelve (12) months (1,820 hours) of verified experience working directly with children in a child development program.   | Persons with an Associate's degree in Early Childhood Education or Child Development must have three (3) months (455 hours) of verified experience.   | Stakeholder requested change, PDG Workgroup recommendation | No  |
| 7.702.43<br>C 3 | Stakeholder requested change, technical cleanup            | Person's with a Bachelor's degree and completion of the hours specified in Sections 7.702.42, A, 3, a-j, must have twelve (12) months (1,820 hours) of verified experience working directly with children in a child development program.  | Persons with a Bachelor's degree and have completed the thirty (30) semester credit hours specified in Section 7.702.43, B, 2, must have three (3) months (455 hours) of verified experience.   | Stakeholder requested change, technical cleanup            | No  |
| 7.702.43<br>C 4 | Stakeholder requested change, technical cleanup            | Persons who have no degree but have completed the thirty (30) semester credit hours specified in Section 7.702.42, A, 3, a-j, must have twenty-four (24) months (3,640 hours) of verified experience working directly with children in a child development program.  | Persons who have no degree but have completed the thirty (30) semester credit hours specified in Section 7.702.43, B, 2, must have six (6) months (910 hours) of verified experience.   | Stakeholder requested change, technical cleanup            | No  |
| 7.702.43<br>C 5 | Technical cleanup  | Verified experience acquired in a licensed Colorado family child care home or school-age child care center may count for up to half of the required experience   | 5. Additional requirements for verified experience include:<br>a. Verified experience acquired in a school-age childcare center may count for up to half of the required experience for Director qualifications. The  | Technical cleanup  | Yes |

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|                   |  | for director qualifications. To have Colorado family child care home experience considered, the applicant must be or have been the licensee. The other half of the required experience must be working directly with children in a child development program.  | <p>other half of the required experience must be working directly with children in a child development program; and,</p> <p>b. For family childcare home experience to be considered, the applicant must be, or have been, the licensee in the State of Colorado.</p>  |   |    |
| 7.702.43<br>C 5   | Technical cleanup, rule reduction                | Experience with five (5) year olds must be verified as follows:<br>a. If experience caring for five-year-old children occurs in a childcare center classroom, the hours worked shall be counted as preschool experience; or, If experience caring for five-year-old children occurs in an elementary school program, the hours worked shall be counted as school-age experience.   | Removed rule due to confusion and not pertinent to children's safety   | Technical cleanup ,rule reduction                                     | No |
| 7.702.43<br>D 1 a | Rule clarification, PDG Workgroup recommendation | 1. All individuals holding a valid approval letter for director qualifications from the Department of Human Services, who have not completed the required courses in each of the following subject or content areas, must take one course every two (2) years from a regionally accredited college or university at a two year, four year or graduate level. Official transcripts listing completion of one (1) or more of the five (5) courses shall be submitted to the Colorado Department of Human Services within thirty calendar days of completing each course until all five (5) courses have been completed in:<br><br>a. Early childhood guidance strategies;<br><br>b. Early childhood health, nutrition and safety or child nutrition; | 1. All individuals who were previously qualified as a Large Center Director by the Department, who have not completed the required courses in each of the following subject or content areas, must take one (1) course every two (2) years from an accredited college or university, with all courses completed by February 1, 2022, or be in compliance with a current Transitory Director Qualification Letter. Official transcripts listing completion of one (1) or more of the five (5) courses shall be submitted to the Department within thirty (30) calendar days of completing each course until all five (5) courses have been completed in:<br><br>a. Guidance Strategies for Young Children or has been issued a Colorado Pyramid Model Training certificate of completion;<br><br>b. Health, Nutrition and Safety or Child Nutrition;<br><br>c. The Exceptional Child;<br><br>d. Infant/Toddler Theory and Practice or have been issued the Expanding Quality in Infant and Toddler Care Training certificate of completion; | Technical cleanup, rule change due to PDG workgroup's recommendations | No |

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|                 |   | <p>c. The exceptional child;</p> <p>d. Infant/toddler theory and practice; or expanding quality in infant and toddler training; and,</p> <p>e. Administration: human relations for early childhood professions.</p>  | <p>and,</p> <p>e. Administration: Human Relations for Early Childhood Professions or <a href="#">Introduction to Business</a>.</p>  |  |    |
| 7.702.43<br>D 2 | PDG Workgroup recommendation, technical cleanup | Except individuals holding an early childhood professional Credential Level IV Version 2.0 as determined by the Colorado Department of Education, directors meeting all large center director requirements in Section 7.702.42, A, in centers operating more than six (6) hours a day must complete a three (3) semester credit hour course from a regionally accredited college or university every five (5) years in a subject related to the operation of a center and must be able to demonstrate the relationship of the course taken to the operation of the center. | Except for individuals holding an Early Childhood Professional Credential <a href="#">Level III Version 3.0</a> as determined by the Department, Directors meeting all large center Director requirements in Section 7.702.43, B, in centers operating more than six (6) hours a day must complete a three (3) semester credit hour course from an accredited college or university every five (5) years in a subject related to the operation of a center and must be able to demonstrate the relationship of the course taken to the operation of the center. | Rule change due to PDG workgroup's recommendations (Early Childhood Workforce Development Team), technical cleanup | No |
| 7.702.43<br>D 4 | Rule clarification                              | N/A. New rule,   | <a href="#">Director letters must be renewed prior to the expiration date or the letter becomes invalid and the individual no longer qualifies as a Director of a Large Center.</a>   | Rule clarification   | No |
| 7.702.43<br>E   | Technical cleanup                               | <p>Revocation of Large Center Director Letter</p> <p>1. Large center directors must have a current director qualifications letter issued by the Department prior to working as the director of a large center.</p> <p>2. Director letters must be renewed prior to the expiration</p>  | <p>Revocation of Large Center Director Letter</p> <p>1. Persons may be denied an original or renewal of a <a href="#">Director Letter</a>; a <a href="#">Director Letter</a> may be revoked if substantial evidence has been found that the applicant or director is responsible for one or more of the following at any childcare facility, including, but not limited to:</p> <p>a. Committing fraud;</p> <p>b. Responsible for egregious or repetitive grounds for negative</p>  | Technical cleanup  | No |

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|  |  | <p>date or the letter becomes void; thus, this person no longer qualifies as a large center director.</p> <p>3. At the time of renewal for a director letter, education and experience must be verified to ensure qualifications are met.</p> <p>4. Persons may be denied an original or renewal of a director letter; a director letter may be revoked if substantial evidence has been found that the director is responsible for one or more of the following at any child care facility, including, but not limited to:</p> <ul style="list-style-type: none"> <li>a. Committing fraud;</li> <li>b. Responsible for egregious repetitive grounds for negative licensing actions;</li> <li>c. Providing false information;</li> <li>d. Providing false transcripts for self or staff; or,</li> <li>e. Providing false letters of experience for self or staff.</li> </ul> <p>5. Persons who have had a director letter revoked or denied for the reasons listed in Section 7.702.42, D, 4, a-e may submit a new application for consideration after a period of two (2) years from the date of denial or revocation.</p> <p>6. A person issued a new director letter after a denial or revocation</p> | <p>licensing actions;</p> <ul style="list-style-type: none"> <li>c. Providing false information;</li> <li>d. Providing false transcripts for self or staff; or,</li> <li>e. Providing false letters of experience for self or staff.</li> </ul> <p>2. Persons who have had a <b>Director Letter</b> revoked or denied for the reasons listed in Section 7.702.43, E, 1, a-e, may submit a new application for consideration after a period of two (2) years from the date of denial or revocation.</p> <p>3. A person issued a new <b>Director Letter</b> after a denial or revocation shall receive a provisional letter for no less than nine (9) months. After the provisional period has been completed, a new application may be submitted for consideration of a five (5) year time limited letter.</p> <p>4. Persons whose <b>Director Letter</b> has been denied or revoked for the reasons listed in Section 7.702.43, E, 1, a-e, may file an appeal in the same manner as a request for waiver, as specified in Section 7.701.13 of the General Rules for Child Care Facilities.</p> |  |  |
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|               |                              | <p>shall receive a provisional letter for no less than nine (9) months. After the provisional period has been completed, a new application may be submitted for consideration for a five (5) year time limited letter.</p> <p>7. Persons whose director letter has been denied or revoked for the reasons listed in Section 7.702.42, D, 4, a-e, may file an appeal in the same manner as a request for waiver, as specified in Section 7.701.13 "General Rules for Child Care Facilities."</p>  |  |                              |                    |
| 7.702.43<br>F | Stakeholder requested change | <p><b>Substitute Director Requirements</b></p> <p>1. At all times, every large childcare center must have a substitute director that meets all of the requirements for director as listed at Section 7.702.42, A and B. When the director of the large childcare center cannot be present sixty percent (60%) of any day the center is in operation, the equally qualified substitute director must substitute for the director. In an emergency situation, when the equally qualified director substitute cannot be present, an individual that does not meet all of the director educational and experience requirements may substitute for the director for a maximum of two (2) weeks per calendar year if they meet one or more of the following requirements:</p> <p>a. At least one year of experience as an early childhood teacher at the center;</p> | <p><b>Assistant Director Requirements</b></p> <p>1. An Assistant Director working under the supervision of a Director must be at least eighteen (18) years of age, have at least nine (9) months (1,365 hours) of experience as an Early Childhood Teacher, and must meet one (1) of the following qualifications:</p> <p>a. A Bachelor's, Master's, or Doctorate degree from an accredited college or university; or,</p> <p>b. Completion of at least half of the required coursework for director qualifications in Section 7.702.43, B, 3, including the following two (2) administration courses:<br/>(1) Administration of Early Childhood Care and Education Programs; and,<br/>(2) Administration: Human Relations for Early Childhood Professions, or Introduction to Business.</p> | Stakeholder requested change | Yes, in support of |

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|               |  | <p>b. A Bachelor of Arts or Bachelor of Science in the human services field; OR,<br/>Qualification as an early childhood teacher and completion of at least half of the required coursework for director qualifications including the two (2) administration classes; administration of early childhood care and education programs and administration; human relations for early childhood professions.</p>  |  |                    |    |
| 7.702.43<br>G | Rule clarification   | N/A. New rule.  | All course grades used for the Large Center Director or Assistant Director requirements must be a "C" or better.   | Rule clarification | No |
| 7.702.44      | Technical cleanup  | N/A.  | Revised numbering  | Technical cleanup  | No |
| 7.702.44<br>A | Rule clarification, technical cleanup, PDG Workgroup recommendations, stakeholder requested change | <p>The director or substitute director of a small center must have completed one of the following:</p> <ol style="list-style-type: none"> <li>1. A current professional teaching license issued by the Colorado Department of Education with an endorsement in the area of early childhood education or early childhood special education. ;</li> <li>2. A current early childhood professional Credential Level III Version 2.0 as determined by the Colorado Department of</li> </ol> | <p>The Director or Substitute Director of a Small Center must either: meet Large Center Director Qualifications or meet at least one (1) of the following qualifications:</p> <ol style="list-style-type: none"> <li>1. Possess a current professional teaching license issued by the Colorado Department of Education with an endorsement in the area of Elementary Education, Early Childhood Education, Early Childhood Special Education, or Early Childhood Special Education Specialist; or,</li> <li>2. Possess a current Early Childhood Professional Credential Level II or higher in Version 3.0 as determined by the Department; or,</li> <li>3. Current certification as a Child Development Associate (CDA) credential in: Center-Based, Preschool; Center-Based, Infant-Toddler; or Family Child Care; or other Department-approved credential; or,</li> </ol> | Rule clarification | No |

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|  |  | <p>Education;</p> <p>3. Three (3) years' satisfactory experience in the group care of children less than six (6) years of age (5460 hours) and at least two (2) 3-semester hours from a regionally accredited college or university, at either a two year, four year or graduate level, in each of the following subject or content areas in early childhood education; one of the courses must be either introduction to early childhood education or guidance strategies;</p> <p>4. Two (2) years' college education (sixty semester hours) at a regionally accredited college or university, at either a two year, four year or graduate level, in</p> | <p>4. Two (2) years and nine (9) months (5,005 hours) of satisfactory experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual, and at least two (2) three (3)-semester credit hour courses from an accredited college or university in Early Childhood Education, and one (1) of the courses must be either:</p> <p>a. Introduction to Early Childhood; or,</p> <p>b. Early Childhood Guidance Strategies for Children or has been issued a Colorado Pyramid Model Training certificate of completion; or,</p> <p>5. Nine (9) months (1,365 hours) of satisfactory experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual, and an Associate's degree from an accredited college or university, with at least two (2) three (3)-semester credit hour courses in Early Childhood Education, and one (1) of the courses must be either:</p> <p>a. Introduction to Early Childhood Professions; or,</p> <p>b. Early Childhood Guidance Strategies for Children or has been issued a Colorado Pyramid Model Training certificate of completion; or,</p> |  |  |
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|  |  | <p>each of the following subject or content areas with at least two (2) 3-semester-hour courses in early childhood education; one of which must be either introduction to early childhood education or guidance strategies; and one (1) year (1820 hours) of satisfactory experience in the group care of children less than six (6) years of age;</p> <p>5. Current certification as a Child Development Associate (CDA) or other Department-approved credential; or,</p> <p>6. A two (2) year college degree in child development or early childhood education from a</p> | <p>6. <b>Three (3) months (455 hours)</b> of satisfactory experience in the care <b>and supervision of four (4) or more</b> children less than <b>eight (8)</b> years of age who are not related to the individual; and an Associate's degree in Child Development or Early Childhood Education from a regionally accredited college or university, with at least two (2) three (3)-semester credit hour courses in either:</p> <p>a. Introduction to Early Childhood Professions <b>or possesses a Child Development Associate (CDA) credential in: Center-Based, Preschool; Center-Based, Infant-Toddler; or Family Child Care; or,</b></p> <p>b. <b>Early Childhood Guidance Strategies for Children or has been issued a Colorado Pyramid Model Training certificate of completion.</b></p> |  |  |
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|            |                    | regionally accredited college or university, at either a two year, four year or graduate level, in each of the following subject or content areas that must include at least one 3- semester hour course in either introduction to early childhood education or guidance strategies and six (6) months (910 hours) satisfactory experience in the group care of children less than six (6) years of age. |   |                    |    |
| 7.702.44 B | Technical cleanup  | Satisfactory experience includes all options listed at Section 7.702.42 B.   | Satisfactory experience includes all options listed at Section 7.702.43, B and C.   | Technical cleanup  | No |
| 7.702.44 C | Rule clarification | N/A. New rule.   | All course grades used for the Small Child Care Center Director requirements must be a "C" or better.   | Rule clarification | No |
| 7.702.44 D | Rule clarification | N/A. New rule.   | Substitute Director Requirements<br>1. In the absence of the Director of a Small Center, an individual who meets Director qualifications for a Small Center or a Large Center must substitute for the Director. | Rule clarification | No |
| 7.702.45   | Technical cleanup  | 7.702.44   | 7.702.45  | Technical cleanup  | No |
| 7.702.45   | Rule clarification | Qualification for Other Staff Members  | Qualifications for Teachers, Substitutes, Staff Aides, and  | Rule clarification | No |

**Title of Proposed Rule: Rules Regulating Child Care Centers (less than 24 hours)**

**CDHS Tracking #: 21-05-20-01**

Office, Division, & Program:  
OEC, Division of Early Care  
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Licensing Unit

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| 7.702.45<br>A | Technical cleanup, rule clarification, PDG Workgroup recommendations, stakeholder requested changes | <p>Early Childhood Teacher</p> <p>1. An early childhood teacher, assigned responsibility for a single group of children and working under the supervision of a director, must be at least eighteen (18) years of age and must meet at least one of the following qualifications:</p> <ul style="list-style-type: none"> <li>a. A Bachelor's degree from a regionally accredited college or university with a major area of study in one of the following areas: <ul style="list-style-type: none"> <li>1) Early childhood education;</li> <li>2) Elementary education;</li> <li>3) Special education;</li> <li>4) Family and child development; or,</li> <li>5) Child psychology.</li> </ul> </li> <li>b. A Bachelor's degree from a regionally accredited college or university with a major area of study in any area other than those listed at Section 7.702.42, A, 1, A and additional two (2) three-semester hour early childhood education college courses with one course being either introduction to early childhood education or guidance strategies;</li> <li>c. Current early childhood professional Credential Level III Version 2.0 as determined by the Colorado Department of Education.</li> <li>d. A 2-year college, sixty (60) semester credit hours, in early childhood education from a</li> </ul> | <p><u>Volunteers</u></p> <p>Early Childhood Teacher</p> <p>1. An Early Childhood Teacher, assigned responsibility for a single group of children and working under the supervision of a <b>Director</b>, must be at least eighteen (18) years of age and meet at least one (1) of the following qualifications:</p> <ul style="list-style-type: none"> <li>a. A Bachelor's, <b>Master's, or Doctorate</b> degree from <b>an</b> accredited college or university with a major area of study in one (1) of the following areas: <ul style="list-style-type: none"> <li>(1) <b>Child Development</b>;</li> <li>(2) <b>Child Psychology</b>;</li> <li>(3) Early Childhood Education;</li> <li>(4) <b>Early Childhood Special Education</b>;</li> <li>(5) <b>Educational Leadership and Administration</b>;</li> <li>(6) Elementary Education;</li> <li>(7) Family and <b>Human</b> Development;</li> <li>(8) <b>Family Studies</b>; or,</li> <li>(9) Special Education; or,</li> </ul> </li> <li>b. A Bachelor's, <b>Master's, or Doctorate</b> degree from <b>an</b> accredited college or university with a major area of study in any area other than those listed at Section 7.702.45, A, 1, a, and an additional two (2) three (3)-semester credit hour courses in Early Child Education, with one (1) course as the following:</li> </ul> | Technical cleanup, rule clarification, PDG Workgroup recommendations, stakeholder requested changes | Yes |
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|  |  | <p>regionally accredited college or university, which must include at least two (2) three-semester hour courses, one of which must be either introduction to early childhood education or guidance strategies; and at least six (6) months (910 hours) of satisfactory experience;</p> <p>e. Completion of twelve (12) semester hours from a regionally accredited college or university, at either a two year, four year or graduate level, in each of the following subject or content areas in early childhood education and one of the three (3) semester hour courses must be either introduction to early childhood education or guidance strategies, plus nine (9) months (1,395 hours) of verified experience in the care and supervision of four (4) or more children less than six (6) years of age who are not related to the individual;</p> <p>f. Completion of a vocational or occupational education sequence in child growth and development plus twelve (12) months (1,820 hours) of verified experience in the care and supervision of four (4) or more children less than six (6) years of age who are not related to the individual;</p> <p>g. Current certification as a Child Development Associate (CDA) or other Department-approved credential;</p> | <p>(1) Introduction to Early Childhood Professions;<br/>or,</p> <p>(2) Early Childhood Guidance Strategies for Children or has been issued a Colorado Pyramid Model Training certificate of completion; or,</p> <p>c. An Associate's degree (60 semester credit hours) from an accredited college or university in Early Childhood Education or Child Development, which must include at least two (2), three (3)-semester credit hour courses in either:</p> <p>(1) Introduction to Early Childhood Professions;<br/>or,</p> <p>(2) Early Childhood Guidance Strategies for Children or has been issued a Colorado Pyramid Model Training certificate of completion; or,</p> <p>d. A current professional teaching license issued by the Colorado Department of Education with an endorsement in the area of Elementary Education, Early Childhood Education, Early Childhood Special Education, or Early Childhood Special Education Specialist; or,</p> <p>e. A current Early Childhood Professional Credential Level II or higher in Version 3.0 as determined by the Department; or,</p> <p>f. A current certification as a Child Development Associate (CDA) in: Center-Based, Preschool; Center-Based, Infant-Toddler; or Family Child Care; or other Department-approved credential; or,</p> <p>g. Completion of a course of training approved by the Department and published on the</p> |  |  |
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|  |  | <p>h. Completion of a course of training approved by the Department that includes training and work experience with children in a child growth and development program plus twelve (12) months (1,820 hours) of verified experience in the care and supervision of four (4) or more children less than six (6) years of age who are not related to the individual; or,</p> <p>i. Twenty-four (24) months (3,640 hours) of verified experience in the care and supervision of four (4) or more children less than six (6) years of age who are not related to the individual. Satisfactory experience includes being a licensee of a Colorado family child care home; a teacher's aide or teacher in a child care center, preschool, or elementary school, plus either:</p> <ol style="list-style-type: none"> <li>1) A current Colorado Level I credential; or,</li> <li>2) Two (2) three-semester hour early childhood education college courses from a regionally accredited college or university, at either a two year, four year or graduate level, in each of the following subject or content areas with one course being either introduction to early childhood education or guidance strategies.</li> </ol> <p>2. All college course grades toward early</p> | <p>Department's approval list; and <b>nine (9) months (1,365 hours)</b> of <b>verified</b> experience in the care and supervision of four (4) or more children less than <b>eight (8)</b> years of age who are not related to the individual; or,</p> <p>h. <b>Three (3) months (455 hours)</b> of verified experience in the care and supervision of four (4) or more children less than <b>eight (8)</b> years of age who are not related to the individual; and the completion of <b>eighteen (18)</b> semester credit hours from <b>an</b> accredited college or university in Early Childhood Education, with one (1) course as:</p> <p>(1) Introduction to Early Childhood Professions;<br/><b>or,</b></p> <p>(2) <b>Early Childhood</b> Guidance Strategies for Children or has been issued a <b>Colorado Pyramid Model Training certificate of completion</b>; or,</p> <p>i. <b>Twenty-one (21) months (3,185 hours)</b> of verified experience in the care and supervision of four (4) or more children less than <b>eight (8)</b> years of age who are not related to the individual. Satisfactory experience includes being a licensee of a Colorado Family Child Care Home, a teacher's aide or teacher in a childcare center, preschool, or elementary school. In addition, the individual must either:</p> <p>(1) <b>Possess a</b> current Early Childhood Professional Credential <b>Level I or higher in Version 3.0</b> as determined by the Department; or,</p> <p>(2) Complete two (2) three (3) semester credit hour courses from <b>an</b> accredited college or university in Early Childhood Education with one (1) course as either:</p> |  |
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|                    |  | childhood teacher qualifications must be "C" or better.  | <p>(a) Introduction to Early Childhood Professions or has been issued the Child Development Associate (CDA) Credential; or,</p> <p>(b) Early Childhood Guidance Strategies for Children or has been issued a Colorado Pyramid Model Training certificate of completion.</p> <p>2. All course grades used for the Early Childhood Teacher requirements must be a "C" or better.</p> |  |    |
| 7.702.45 B         | Technical cleanup                                | 7.702.46   | 7.702.45 B   | Technical cleanup                                  | No |
| 7.702.45 B 1 a     | Technical cleanup                                | The infant program must have an infant program supervisor who has verified training and experience in one of the following:  | The infant program must have an Infant Program Supervisor who meets at least one (1) of the following qualifications:  | Technical cleanup                                  | No |
| 7.702.45 B 1 a (1) | Stakeholder requested change, rule clarification | A registered nurse, licensed to practice in Colorado, with a minimum of 6 months of experience in the care of infants.   | A Registered Nurse, licensed to practice in Colorado, with a minimum of three (3) months (455 hours) of verifiable experience in the care and supervision of infants who are not related to the individual; or,  | Stakeholder requested change, rule clarification   | No |
| 7.702.45 B 1 a (2) | Stakeholder requested change, rule clarification | A licensed practical nurse, licensed to practice in Colorado, with twelve (12) months of experience in the care of infants.  | A Licensed Practical Nurse, licensed to practice in Colorado, a minimum of nine (9) months (1,365 hours) of verifiable experience in the care and supervision of infants who are not related to the individual; or,  | Stakeholder requested change, rule clarification   | No |
| 7.702.45 B 1 a (3) | Technical cleanup                                | An adult who holds a certificate in infant and toddler care from a regionally accredited college or university with completion of a minimum of thirty (30) semester credit hours in the development and care of infants and toddlers in a group setting; | An adult who holds a certificate in infant and toddler care from an accredited college or university with completion of a minimum of thirty (30) semester credit hours in the development and care of infants and toddlers in a group setting; or,   | Technical cleanup                                  | No |
| 7.702.45 B 1 a (4) | PDG Workgroup recommendation                     | An adult who is currently certified as a Child Development Associate (CDA) and has completed the Department approved expanding quality in infant and toddler development course of training.   | An adult who is currently certified as a Child Development Associate (CDA) in: Center-Based, Preschool; Center-Based, Infant-Toddler; or Family Child Care; and has completed the Infant/Toddler Theory and Practice or has been issued the Expanding Quality in Infant and Toddler Care Training certificate of completion; or,   | Rule change due to PDG workgroup's recommendations | No |
| 7.702.45           | PDG Workgroup                                    | An adult who:  | An adult who holds a current Early Childhood Professional  | PDG Workgroup                                      | No |

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| B 1 a (5)             | recommendation, stakeholder requested change                        | <ol style="list-style-type: none"> <li>1) Holds a current early childhood professional Credential Level III Version 2.0, as determined by the Colorado Department of Education;</li> <li>2) Has completed one three-semester-hour class in infant/toddler development; or,</li> <li>3) Has completed the Department-approved "Expanding Quality in Infant and Toddler Development" and holds 12 months of verifiable full-day experience working with infants and/or toddlers</li> </ol>   | <p>Credential <b>Level II or higher in Version 3.0</b>, as determined by the Department, has a minimum of <b>nine (9) months (1,365 hours)</b> of verifiable experience in the care and supervision of infants and/or toddlers, and:</p> <ol style="list-style-type: none"> <li>(a) Has completed one (1) three (3) semester credit hour course in Infant/Toddler Development; or,</li> <li>(b) Has completed the Department-approved Expanding Quality in Infant and Toddler Care training course.</li> </ol>  | recommendation, stakeholder requested change                        |    |
| 7.702.45<br>B 1 a (6) | Technical cleanup, stakeholder requested change, rule clarification | <p>An adult who:</p> <ol style="list-style-type: none"> <li>1) Is at least nineteen (19) years of age, and,</li> <li>2) Is qualified as an early childhood teacher (Section 7.702.44, A), and,</li> <li>3) Has a minimum of twelve (12) months of verifiable full-day experience in the group care of infants or toddlers; and,</li> <li>4) Has completed at least two (2) three (3)-semester hour college courses from a regionally accredited college or university on the development and care of infants and toddlers in a group setting, one (1) of which must be infant/toddler development or the Department approved expanding quality in infant and toddler development course of training</li> </ol> | <p>An adult who:</p> <ol style="list-style-type: none"> <li>(a) Is at least nineteen (19) years of age;</li> <li>(b) Is qualified as an Early Childhood Teacher (Section 7.702.45, A);</li> <li>(c) Has a minimum of <b>nine (9) months (1,365 hours)</b> of verifiable experience in the care and supervision of infants or toddlers; and,</li> <li>(d) Has completed at least two (2) three (3)-semester credit hour courses from an accredited college or university on the development and care of infants and toddlers in a group setting, one (1) of which must be: <ol style="list-style-type: none"> <li>(i) Infant/Toddler Development; or,</li> <li>(ii) The Department-approved Expanding Quality in Infant and Toddler Care training course; or,</li> </ol> </li> </ol> | Technical cleanup, stakeholder requested change, rule clarification | No |
| 7.702.45<br>B 1 a (7) | Technical cleanup, stakeholder requested change                     | <p>An adult who:</p> <ol style="list-style-type: none"> <li>1) Is at least nineteen (19) years of age, and,</li> </ol>   | <p>An adult who:</p> <ol style="list-style-type: none"> <li>(a) Is at least nineteen (19) years of age;</li> <li>(b) Is qualified as an Early Childhood Teacher (Section 7.702.45, A);</li> </ol>   | Technical cleanup, stakeholder requested change                     | No |

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|                      |   | <p>2) Is qualified as an early childhood teacher (Section 7.702.44, A), and,</p> <p>3) Has a minimum of twelve (12) months of verifiable full-day experience in the group care of infants or toddlers; and,</p> <p>4) Has completed at least two (2) three (3)-semester hour college courses from a regionally accredited college or university on the development and care of infants and toddlers in a group setting, one (1) of which must be infant/toddler development or the Department approved expanding quality in infant and toddler development course of training</p>  | <p>(c) Has a minimum of <b>one (1) year and nine (9) months (3,185 hours)</b> of verifiable experience in the group care and supervision of infants or toddlers; and,</p> <p>(d) Will complete, within the first six (6) months of employment, two (2) three (3)-semester credit hour courses from <b>an</b> accredited college or university, one (1) of which must be:</p> <p>(i) Infant/Toddler Development; or,</p> <p>(ii) The Department-approved Expanding Quality in Infant and Toddler Care training course.</p>   |   |    |
| 7.702.45<br>B 1 b, c | Technical cleanup, stakeholder requested change, rule clarification | <p>An infant program early childhood teacher must have completed eight (8) hours of orientation in the infant program from the infant program supervisor including, but not limited to, the following topics:</p> <p>a. Toys and equipment, appropriate activities for infants and toddlers, appropriate sleep positions for infants and toddlers, the safe and appropriate diaper change technique; and,</p> <p>b. At least six (6) months of experience in the care of infants or toddlers; and,</p> <p>c. Meet qualifications for an early childhood teacher found at Section 7.702.44, A, or be qualified as an infant program supervisor.</p> | <p>b. An Infant Program Early Childhood Teacher must meet the following requirements:</p> <p>(1) Meet the qualifications for an Early Childhood Teacher found at Section 7.702.45, A, or be qualified as an Infant Program Supervisor; and,</p> <p>(2) <b>Has a minimum three (3) months (455 hours) of verifiable</b> experience in the care and supervision of <b>children under three (3) years of age.</b></p> <p>c. <b>Prior to being assigned a group of children, the Infant Program Early Childhood Teacher must complete eight (8) hours of orientation in the infant program under the supervision of the Infant Program Supervisor. The orientation may include, but not limited to, the following topics:</b></p> <p>(1) Toys and equipment, appropriate activities for infants and toddlers, appropriate sleep positions for infants and toddlers, and the safe and appropriate diaper change technique.</p> | Technical cleanup, stakeholder requested change, rule clarification | No |
| 7.702.45<br>B 2 a    | Technical cleanup   | In the infant program, there must be a qualified Infant Program Supervisor present sixty percent of the hours of   | In the infant program, there must be a qualified Infant Program Supervisor present sixty percent (60%) of the hours of operation of the infant program who is responsible   | Technical cleanup   | No |

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|                   |                              | operation of the infant program who is responsible for the care of the infants. An individual qualified as an Infant Early Childhood Teacher must be responsible during the remaining time.   | for the care of the infants. An individual qualified as an Infant Early Childhood Teacher must be responsible during the remaining time.   |  |    |
| 7.702.45<br>C     | Technical cleanup            | 7.702.47  | 7.702.45 C   | Technical cleanup                                  | No |
| 7.702.45<br>C 1   | Technical cleanup            | The Toddler Early Childhood Teacher, a staff member assigned responsibility for a single group and working under the supervision of the Director, must meet at least one of the following qualifications:   | The Toddler Early Childhood Teacher, a staff member assigned responsibility for a single group and working under the supervision of the Director, must meet at least one (1) of the following qualifications:  | Technical cleanup                                  | No |
| 7.702.45<br>C 1 a | Stakeholder requested change | A registered nurse, licensed to practice in Colorado with a minimum of 6 months of experience in the care of infants and/or toddlers  | A Registered Nurse, licensed to practice in Colorado, with a minimum of <b>three (3) months (455 hours) of verifiable</b> experience in the care and supervision of <b>children less than three (3) years of age who are not related to the individual;</b> or,  | Stakeholder requested change                       | No |
| 7.702.45<br>C 1 b | Stakeholder requested change | A licensed practical nurse with at least twelve (12) months of verifiable experience in the care of children less than three (3) years of age   | A Licensed Practical Nurse, licensed to practice in Colorado, with at least <b>nine (9) months (1,365 hours) of verifiable</b> experience in the care and supervision of children less than three (3) years of age <b>who are not related to the individual;</b> or,   | Stakeholder requested change                       | No |
| 7.702.45<br>C 1 c | Technical cleanup            | An adult who holds a certificate in infant and toddler care from a regionally accredited college or university with completion of at least thirty (30) semester hours or equivalent in such courses as child growth and development, nutrition, and care practices with children birth to three (3) years of age; or, | An adult who holds a certificate in infant and toddler care from <b>an</b> accredited college or university with completion of at least thirty (30) semester <b>credit</b> hours or equivalent in such courses as child growth and development, nutrition, and care practices with children birth to three (3) years of age; or, | Technical cleanup                                  | No |
| 7.702.45<br>C 1 d | PDG Workgroup Recommendation | An adult who is certified as a Child Development Associate (CDA) or Certified Child Care Professional (CCP) or holds another Department-approved certificate  | An adult who is certified as a Child Development Associate (CDA) <b>in: Center-Based, Preschool; Center-Based, Infant-Toddler; or Family Child Care;</b> or is certified as a Child Care Professional (CCP); or holds another Department-approved certificate; or,   | Rule change due to PDG workgroup's recommendations | No |
| 7.702.45<br>C 1 e | Technical cleanup            | An adult who meets the education and experience requirements for an Early Childhood Teacher of a large center (Section 7.702.44, A); or,  | An adult who meets the education and experience requirements for an Early Childhood Teacher of a large center (Section 7.702.45, A); or,   | Technical cleanup                                  | No |
| 7.702.45<br>C 1 f | PDG Workgroup recommendation | A current early childhood professional Credential Level II Version 1.0 or LEVEL   | A current Early Childhood Professional Credential <b>Level II or higher in Version 3.0</b> as determined by the Department.  | Rule change due to PDG workgroup's                 | No |

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|                 |   | II version 2.0 as determined by the Colorado Department of Education   |   | recommendations (Early Childhood Workforce Development Team)                                    |    |
| 7.702.45<br>D   | Rule clarification  | N/A. New rule  | A Kindergarten Teacher, assigned responsibility for a single group of children during times specified in Section 7.702.46, must meet one (1) of the following qualifications  | Rule clarification  | No |
| 7.702.45<br>D 1 | Rule clarification  | Each teacher of a kindergarten class must have the same qualifications as a director for a large center, be state certified or licensed as an elementary teacher by the Colorado Department of education, or have a four (4) year degree from a regionally accredited college or university in elementary or early childhood education   | Each teacher of a kindergarten class must have the same qualifications as a Director for a Large Center (see Section 7.702.43); or must possess a current professional teaching license issued by the Colorado Department of Education in Elementary Education; or,   | Rule clarification  | No |
| 7.702.45<br>D 2 | PDG Workgroup Recommendation                                    | A current early childhood professional Credential Level III Version 2.0 as determined by the Colorado Department of Education  | A current Early Childhood Professional Credential Level II or higher in Version 3.0 as determined by the Department   | Rule change due to PDG workgroup's recommendations (Early Childhood Workforce Development Team) | No |
| 7.702.45<br>E   | Technical cleanup   | An Assistant Early Childhood Teacher, assigned responsibility for a single group of children during times specified in Section 7.702.42, A, must meet one (1) of the following qualifications:   | An Assistant Early Childhood Teacher, assigned responsibility for a single group of children during times specified in Section 7.702.46, must meet one (1) of the following qualifications:   | Technical cleanup   | No |
| 7.702.45<br>E 1 | Technical cleanup, rule reduction, stakeholder requested change | Completion of one of the early childhood education courses in Section 7.702.42, A, with a course grade of "C" or better and twelve (12) months (1820 hours) verified experience in the care and supervision of four (4) or more children less than six (6) years of age, who are not related to the individual. Satisfactory experience includes being a licensee of a family child care home; a teacher's aide in a center, preschool or elementary school. Assistant early childhood teachers must be enrolled in and attending the second (2nd) early | Completion of one (1) of the Early Childhood Education courses in Section 7.702.43 B, 3, with a course grade of "C" or better; and a minimum of nine (9) months (1,365 hours) of verified experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual. Assistant Early Childhood Teachers must be enrolled in and attending the second (2 <sup>nd</sup> ) Early Childhood Education course, which will be used as the basis for their qualification for the position of Early Childhood Teacher; or, | Technical cleanup, rule reduction, stakeholder requested change                                 | No |

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|                 |  | childhood education class which will be used as the basis for their qualification for the position of early childhood teacher;  |   |  |    |
| 7.702.45<br>E 2 | Technical cleanup                                | Completion of two (2) of the Early Childhood Education courses referenced in Section 7.702.42, A, with a course grade of "C" or better and no experience; or,   | Completion of two (2) of the Early Childhood Education courses referenced in Section 7.702.43, B, 3, with a course grade of "C" or better and no experience; or,  | Technical cleanup                                | No |
| 7.702.45<br>E 3 | Rule clarification, PDG Workgroup recommendation | A current early childhood professional Credential Level 1 Version 1.0 or 2.0 as determined by the Colorado Department of Education.   | A current Early Childhood Professional Credential Level I or higher in Version 3.0 as determined by the Department.   | Rule clarification, PDG Workgroup recommendation | No |
| 7.702.45<br>F   | Technical cleanup                                | D. Substitutes  | F. Substitute Staff   | Technical cleanup                                | No |
| 7.702.45<br>F 1 | Rule clarification                               | Qualified staff must be available to substitute for regularly assigned staff who are sick, on vacation, or otherwise unable to be on duty.  | Equally qualified staff must be available to substitute for regularly assigned staff who are sick, on vacation, or otherwise unable to be on duty.  | Rule clarification                               | No |
| 7.702.45<br>F 2 | Stakeholder requested addition                   | N/A. New rule.  | For short term unscheduled Early Childhood Teacher vacancies up to five (5) business days per calendar year, an Assistant Early Childhood Teacher can substitute for the Early Childhood Teacher. The date and times of substitution must be recorded and available for review at all times.  | Stakeholder requested addition                   | No |
| 7.702.45<br>G   | Technical cleanup                                | D. Staff Aides<br><br>1. Staff aides must be at least sixteen (16) years of age and must work directly under the supervision of the director or an early childhood teacher.<br><br>2. Infant staff aides must be at least eighteen (18) years of age.<br><br>3. Staff aides, without supervision from an early childhood teacher or director, may supervise no more than two (2) preschool age children while assisting the children with | G. Staff Aides<br><br>1. Staff Aides must be at least sixteen (16) years of age and must work directly under the supervision of the Director or an Early Childhood Teacher.<br><br>2. Infant Staff Aides must be at least eighteen (18) years of age.<br><br>3. Staff Aides, without supervision from an Early Childhood Teacher or Director, may supervise no more than two (2) preschool age children while assisting the children with diapering or toileting. | Technical cleanup                                | No |

**Title of Proposed Rule: Rules Regulating Child Care Centers (less than 24 hours)**

**CDHS Tracking #: 21-05-20-01**

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|                 |                                   | diapering or toileting.  |   |                                   |     |
| 7.702.45<br>F   | Technical cleanup                 | E. Volunteers (see also Section 7.702.33, I and J)   | H. Volunteers   | Technical cleanup                 | No  |
| 7.702.45<br>F 1 | Rule clarification                | Volunteers who work more than fourteen (14) calendar days (112 hours) per calendar year who are used to meet staff to child ratio must be equally qualified as an early childhood teacher, assistant early childhood teacher or aide and have complete staff records as required in Section 7.702.92   | Volunteers who are used to meet staff to child ratio must be equally qualified as an Early Childhood Teacher, Assistant Early Childhood Teacher, or Staff Aide. Equally qualified volunteers must have complete staff records as required in Section 7.702.35 and complete training requirements as required in Section 7.702.42.   | Rule clarification                | Yes |
| 7.702.45<br>F   | Technical cleanup, rule reduction | Volunteers who complete fingerprint-based background checks and the State Department automated child abuse and neglect background check as required per section 7.701.32, and 7.701.33 of the General rules for Child Care Facilities.   | Removed rule; covered in General Rules  | Technical cleanup, rule reduction | No  |
| 7.702.45<br>F 2 | Rule clarification                | Volunteers must be supervised and given instructions as to the center's policies and procedures.   | Volunteers who are not required to be equally qualified or successfully complete background checks must be supervised and given instruction as to the center's policies and procedures.   | Rule clarification                | No  |
| 7.702.46        | Technical cleanup                 | 7.702.45   | 7.702.46  | Technical cleanup                 | No  |
| 7.702.46        | Technical cleanup                 | N/A  | Revised numbering   | Technical cleanup                 | No  |
| 7.702.46<br>A 1 | Technical cleanup                 | For the purposes of this subsection A, in determining staff-child ratios, only staff members and/or volunteers qualified under Section 7.702.44, E, who work directly with children are counted.   | For the purposes of this subsection A, in determining staff-child ratios, only staff members and/or volunteers qualified under Section 7.702.45 E, who work directly with children are counted.   | Technical cleanup                 | No  |
| 7.702.46<br>A 2 | Rule clarification                | For full day programs, during times of low attendance and/or during the first and last hour of the day, when only eight (8) or fewer children are present in the facility, there must be at least one (1) early childhood teacher or assistant early childhood teacher working with the children and a | For full day programs, during times of low attendance and/or during the first and last hour of the day, when only eight (8) or fewer children are present in the facility, there must be at least one (1) Early Childhood Teacher or Assistant Early Childhood Teacher working with the children and a second staff member must be on site and immediately available. There must be no more than two (2) children less than the age of two (2) present. When nine (9) | Rule clarification                | No  |

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|                    |                                | second staff member immediately available. There must be no more than two (2) children less than the age of two (2) present. When nine (9) or more children are in attendance, at least two (2) staff members must be on duty. | or more children are in attendance, at least two (2) staff members must be on duty.   |                                |    |
| 7.702.46<br>A 4    | Stakeholder requested addition | N/A. New rule.   | If the Director of a Large Center cannot be present sixty percent (60%) of any day, an Assistant Director must be on site acting in the capacity of the Director.   | Stakeholder requested addition | No |
| 7.702.46<br>A 5    | Stakeholder requested addition | N/A. New rule.   | When there is a Director vacancy or absence, an Assistant Director may substitute for the Director for a maximum of up to twelve (12) weeks per calendar year. The Assistant Director must be on site at least sixty percent (60%) of any day the center is open. For vacancies exceeding twelve (12) weeks, an individual meeting Director qualification must be on site acting as Director until a new Director is appointed. The dates must be documented and kept on file for review. | Stakeholder requested addition | No |
| 7.702.46<br>A 6    | Stakeholder requested addition | N/A. New rule.   | An Assistant Director must consult with a qualified Director on administering the center in accordance with early childhood principles and practices and Licensing rules.   | Stakeholder requested addition | No |
| 7.702.46<br>A 7    | Technical cleanup              | There must be assigned at least one qualified Early Childhood Teacher supervising each group of children unless otherwise specified in rules. A Director may be the assigned teacher for one group of children.                | There must be assigned at least one (1) qualified Early Childhood Teacher supervising each group of children unless otherwise specified in rules. A Director may be the assigned teacher for one (1) group of children.   | Technical cleanup              | No |
| 7.702.46<br>A 8 e  | Stakeholder requested addition | N/A. New rule.   | When substituting for an Early Childhood Teacher in compliance with Section 7.702.45, D, 2.   | Stakeholder requested addition | No |
| 7.702.46<br>A 9    | Technical cleanup              | At least one (1) staff member with current Department-approved medication administration training and delegation must be on duty at all times.   | At least one (1) staff member with the current Department-approved medication administration training and delegation must be on duty at all times.  | Technical cleanup              | No |
| 7.702.46<br>A 10 d | Technical cleanup              | Staff member supervising children is qualified as an early childhood teacher or assistant early childhood teacher.   | Staff member supervising children is qualified as an Early Childhood Teacher or Assistant Early Childhood Teacher.  | Technical cleanup              | No |
| 7.702.46<br>A 11   | Technical cleanup              | Formal kindergarten class sessions must have 1 staff member for each 25 or fewer children in attendance. At other parts of the day when children are in attendance,  | Formal kindergarten class sessions must have one (1) staff member for each twenty-five (25) or fewer children in attendance. At other parts of the day when children are in attendance, the ratio must be one (1) staff member to each  | Technical cleanup              | No |

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|                       |   | the ratio must be 1 staff member to each 15 or fewer children.  | fifteen (15) or fewer children.   |   |     |
| 7.702.46<br>A 12      | Technical cleanup   | Children of the director or of staff members who attend the center and other children on the premises for supervision and care must be counted against the licensed capacity in the appropriate age groups. | Children of the Director or of staff members who attend the center and other children on the premises for supervision and care must be counted against the licensed capacity in the appropriate age groups.   | Technical cleanup   | No  |
| 7.702.46<br>A 15 c, d | Rule clarification  | Group size for children in preschool and school age classrooms may be exceeded for circle time, meal and snack time, special occasions and activities. The room capacity must not be exceeded.              | c. Group size for children in preschool and school age classrooms may be exceeded for circle time, meal and snack time, special occasions, and activities.<br><br>d. The licensed room capacity must not be exceeded at any time.   | Rule clarification  | Yes |
| 7.702.46<br>A 15 e, f | Technical cleanup   | d, e  | e, f  | Technical cleanup   | No  |
| 7.702.46<br>A 16      | Legislative requirement:<br>Senate Bill (SB) 21-167,<br>Regulation of Child Care<br>Centers | N/A. New rule.  | Emergency Situations<br>a. In the case of an emergency situation, including but not limited to illness, death, accident, law enforcement action, road closure, hazardous weather, emergency bodily function, child elopement, or providing emergency attention or care to a child, the child care center may operate under the following guidelines:<br>(1) The facility may temporarily use a staff member, who has successfully completed criminal background check requirements, to supervise children for no more than two (2) hours until a qualified staff member is secured. The dates and times must be recorded and made available for review at all times.<br>(2) A Large Child Care Center or a child care center that operates on the property of a school district, district charter school, or institute charter school, may permit a staff member, who has successfully completed criminal background check requirements but is not a qualified caregiver, to supervise children for an amount of time that is reasonably necessary to address an emergency circumstance.<br>(3) During any emergency situation, the facility must | Legislative requirement:<br>SB21-167, Regulation of<br>Child Care Centers | Yes |

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| 7.702.46<br>C 1-3  | Stakeholder requested change, rule clarification | Staff must consult with a currently Colorado licensed registered nurse with knowledge and experience in maternal and child health, a pediatric nurse practitioner or a family nurse practitioner, or a pediatrician at least once a month at the child care facility. The monthly consultation must be specific to the needs of the facility and include some of the following topics: training, delegation and supervision of medication administration and special health procedures, health care, hygiene, disease prevention, equipment safety, nutrition, interaction between children and adult caregivers, and normal growth and development. In part day preschools that operate less than five (5) hours per day or drop- in child care centers, consultation must occur as often as the nurse delegating medications requires. | <p><u>be in compliance with the staff-to-child ratio.</u></p> <ol style="list-style-type: none"> <li>1. Center staff must have a monthly consultation with a current Department-approved Child Care Health Consultant who must meet one (1) of the following qualifications:               <ol style="list-style-type: none"> <li>a. A Licensed Registered Nurse with knowledge and experience in maternal and child health;</li> <li>b. A Pediatric Nurse Practitioner;</li> <li>c. A Family Nurse Practitioner; or,</li> <li>d. A Physician with knowledge and experience in pediatrics or maternal and child health.</li> </ol> </li> <li>2. The monthly consultation must be specific to the needs of the facility and include some of the following topics: training, delegation and supervision of medication administration and special health procedures, health care plans, hygiene, disease prevention, equipment safety, nutrition, interaction between children and adult caregivers, and child growth and development.</li> <li>3. The monthly consultation must be conducted on-site at least quarterly or more frequently as required by the Child Care Health Consultant. Teleconsultations are allowed for the remaining months.</li> </ol> | Stakeholder requested change, rule clarification | No |
| 7.702.46<br>C 4    | Rule clarification                               | The date and content of each consultation must be recorded and maintained in the center's files.   | The date and content of each consultation must be recorded and maintained in the center's files for three (3) years.   | Rule clarification                               | No |
| 7.702.46<br>C 5, 6 | Technical cleanup                                | The center must maintain documentation including the Child Care Health Consultant's (CCHC) Department of Regulatory Agencies (DORA) proof of RN or MD current licensure in good standing, a brief biography highlighting applicable knowledge, experience and approximate dates worked as a school nurse or child  | <ol style="list-style-type: none"> <li>5. For the Department-approved Child Care Health Consultant, the center must maintain documentation from the Colorado Department of Regulatory Agencies that the Registered Nurse or the Medical Doctor's licensure is in good standing.</li> <li>6. For the Department-approved Child Care Health Consultant, the center must maintain documentation of a</li> </ol>   | Technical cleanup                                | No |

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|              |                                   | care health consultant commenced.  | brief biography highlighting applicable knowledge, experience, and approximate dates worked as a school nurse or Child Care Health Consultant.   |                                   |                     |
| 7.702.46 C 7 | Stakeholder requested change      | Child Care Health Consultants (CCHC) hired after February 1, 2016, must complete the Department approved Child Care Health Consultant (CCHC) training within six (6) months. The center must obtain and maintain proof of course completion.   | All Department-approved Child Care Health Consultants must complete the Department-approved Child Care Health Consultant introductory training course within six (6) months of hire. Child Care Health Consultants must complete Department-approved ongoing professional development training every three (3) years. The center must obtain and maintain proof of training completion.  | Stakeholder requested change      | Yes, added language |
| 7.702.46 C   | Technical cleanup, rule reduction | Child Care Health Consultants (CCHC) employed as a health consultant prior to February 1, 2016, must complete the Department approved Child Care Health Consultant (CDHC) training by August 1, 2016. The center must obtain and maintain proof of course completion.  | Removed outdated rule  | Technical cleanup, rule reduction | No                  |
| 7.702.46 C 9 | Stakeholder requested addition    | N/A. New rule.   | All Department-approved Child Care Health Consultants must complete the Department-approved training about child abuse prevention, which includes common symptoms and signs of child abuse or neglect. This training must be completed within thirty (30) days of hire and renewed every three (3) years.  | Stakeholder requested addition    | No                  |
| 7.702.5      | Technical cleanup                 | 7.702.51   | 7.702.5  | Technical cleanup                 | No                  |
| 7.702.5 B    | Technical cleanup, rule reduction | Explanation of the center's policies and procedures. Parents' signatures must be secured, indicating that they have read and agree to the center's policies and procedures;  | Removed duplicative rule   | Technical cleanup, rule reduction | No                  |
| 7.702.5 B 2  | Technical cleanup                 | Completion of the registration information required for inclusion in the child's record as required in Section 7.702.91 and,   | Completion of the registration information required for inclusion in the child's record as required in Section 7.702.34 and,   | Technical cleanup                 | No                  |
| 7.702.5 B 3  | Stakeholder requested change      | If applicable, a health care plan authorized by the child's health care provider and parent(s)/guardian(s) defining the interventions needed to care for a child who has an identified health or developmental condition or concern including, but not limited to: seizures, asthma, diabetes, severe allergies, heart | If applicable, a Department-approved health care plan authorized by the child's health care provider and parent(s)/guardian(s) defining the interventions needed to care for a child who has an identified health or developmental condition or concern including, but not limited to seizures, asthma, diabetes, severe allergies, heart or respiratory conditions, and physical disabilities. Any applicable medications, supplies, and/or medical | Stakeholder requested change      | No                  |

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|                |                                | or respiratory conditions, and physical disabilities. The staff working with a child with a health care plan must be informed, trained and delegated responsibility for carrying out the health care plan; supervision of the plan and interventions need to be documented.  | equipment must be available to the staff prior to the child's first day of care. The staff working with a child with a health care plan must be informed, trained, and delegated responsibility for carrying out the health care plan by the Department-approved Child Care Health Consultant; supervision of the plan and interventions must be documented.   |                                |     |
| 7.702.5 C<br>1 | Technical cleanup              | The admission of children who have special health care needs, disabilities, or developmental delays which includes children with social emotional and behavioral needs must be in alignment with the training and ability of staff and in compliance with the Americans with Disabilities Act. Services offered must show that a reasonable effort is made to accommodate the child's needs and to integrate the child with other children. (See General Rules for Child Care Facilities, Section 7.701.14.) | The admission of children who have special health care needs, disabilities, or developmental delays which includes children with social emotional and behavioral needs must be in alignment with the training and ability of staff and in compliance with the Americans with Disabilities Act. Services offered must show that a reasonable effort is made to accommodate the child's needs and to integrate the child with other children. (See Section 7.701.14 of the General Rules for Child Care Facilities.) | Technical cleanup              | No  |
| 7.702.5 C<br>2 | Technical cleanup              | The center must inform its Child Care Health Consultant (CCHC) prior to the first day of care of the enrollment of a child with special health care needs, if known, so staff receive training, delegation and supervision as indicated by the child's individualized health care plan.  | The center must inform its Department-approved Child Care Health Consultant prior to the first day of care of the enrollment of a child with special health care needs, if known, so staff receive training, delegation and supervision by the Department-approved Child Care Health Consultant as indicated by the child's individualized health care plan.   | Technical cleanup              | No  |
| 7.702.5 C<br>4 | Stakeholder requested addition | N/A. New rule.   | For an enrolled child with a newly identified special health care need, the center must obtain written instructions for providing services from the child's parent(s)/guardian(s) and the health care provider. If the child with special health care needs does not have an existing individualized health care plan, the individualized health care plan and all associated medication(s) and/or equipment must be provided within thirty (30) calendar days of the child's identified need.                     | Stakeholder requested addition | Yes |
| 7.702.5 C      | Technical cleanup              | N/A  | Revised numbering  | Technical cleanup              | No  |

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| 5                 |                                   |   |   |                                   |    |
| 7.702.5 C<br>5 a  | Stakeholder requested change      | Medication schedule;  | Medication <b>and dosing</b> schedule;  | Stakeholder requested change      | No |
| 7.702.5 D         | Technical cleanup                 | If the parent agrees that the center should care for a child in the infant program who is 18 months or older, the child must have on a file a written statement from a licensed physician confirming that care for the child is appropriate in this toddler program.  | If the parent(s)/ <b>guardian(s)</b> agree(s) that the center should care for a child in the infant program who is eighteen (18) months or older, the center must have on file a written statement from a <b>health care provider</b> confirming that care for the child is appropriate in <b>the</b> infant program.   | Technical cleanup                 | No |
| 7.702.5 E         | Technical cleanup                 | If the parent agrees that the center should care for a child in the toddler program who is twelve (12) months old but not walking independently, or is over thirty-six (36) months old, the center ust have on a file a written statement from a licensed physician confirming that care for the child is appropriate in this toddler program.  | If the parent(s)/ <b>guardian(s)</b> agree(s) that the center should care for a child in the toddler program who is twelve (12) months old but not walking independently, or is over thirty-six (36) months old, the center must have on file a written statement from a <b>health care provider</b> confirming that care for the child is appropriate in <b>the</b> toddler program. | Technical cleanup                 | No |
| 7.702.52          | Technical cleanup                 | 7.702.52  | <b>7.702.51</b>   | Technical cleanup                 | No |
| 7.702.51<br>A 1   | Stakeholder requested change      | The center has the right to refuse to admit a child if a statement from a health care professional is not submitted.  | The center has the right to refuse to admit a child if a statement from a health care provider <b>or documentation of immunization status, or exemption,</b> is not submitted.  | Stakeholder requested change      | No |
| 7.702.51<br>A 2 a | Stakeholder requested change      | Documentation of immunization status or exemption as required by Colorado Department of Public Health and Environment (CDPHE). Immunizations must be updated and recorded as specified on the certificate of immunization or alternate certificate of immunization as supplied and approved by the Colorado Department of Public Health and Environment (CDPHE). Colorado law requires proof of immunization be provided prior to or on the first day of admission. | <b>Colorado law requires proof of immunization status with the submission of a clinical immunization record or submission of the Certificate of medical or nonmedical exemption prior to the first day of attendance.</b>   | Stakeholder requested change      | No |
| 7.702.51<br>A 2   | Technical cleanup, rule reduction | Whenever the Director has reason to suspect a child participating in the program may have a condition potentially communicable to the child or others, or finds the child's general   | <b>Removed rule; covered in CDPHE rules</b>   | Technical cleanup, rule reduction | No |

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|                 |                                   | condition indicates the need for examination, the Director must require a statement from the child's health care provider approving the child to return to group care.  |   |                                   |    |
| 7.702.51<br>A 2 | Technical cleanup, rule reduction | For children attending a drop-in center, parent(s)/guardian(s) of each child must submit a statement of the child's current health status or written verification of a scheduled appointment with a health care provider within thirty (30) calendar days or by the second visit, whichever is longer. The statement of the child's current health status must be signed and dated by a health care provider who has seen the child within the last twelve (12) months, or within the last six (6) months for children less than two and one-half (2 ½) years of age. Subsequent statements are not required if there have been no health changes in the child and the parent(s)/guardian(s) attest in writing to the health status of the child on an annual basis. Children attending drop-in childcare with special medical needs must have the statement from a health care professional as indicated in section 7.702.52, A, 2, b-f. | Removed rule; drop-in centers do not have an exception to the rule  | Technical cleanup, rule reduction | No |
| 7.702.51        | Technical cleanup, rule reduction | Emergency Procedures<br>1. At the time of admission, the center must obtain telephone numbers of the child's physician or other appropriate health care professional and numbers where the parent or guardian and at least one other responsible adult can typically be reached in the event of accident, illness, or other emergency.<br>2. The center must obtain written authority to arrange for medical care in the event of an emergency. This information must be on file the first day  | 1-3: duplicative; 4: moved to Section 7.702.42 E, 5: moved to Section 7.702.42 F; 6: removed rule, covered in CDPHE rules | Technical cleanup, rule reduction | No |

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|              |                              | <p>a child attends the center.</p> <p>3. When accidents, injuries, or illnesses occur, the director or responsible adult in charge must notify the parent or guardian of the child and if necessary, call the physician or medical facility as instructed in writing by the parent or guardian.</p> <p>4. For every thirty (30) or fewer children in attendance, there must be at least one (1) staff member on duty who holds a current department-approved first aid and safety certificate (including CPR for all ages of children) and is responsible for administering First Aid and CPR to children. Such individuals must be with the children at all times when the center is in operation. If children are at different locations, there must be a First Aid and CPR qualified staff member at each location.</p> <p>5. All employees caring for children, not required by rule to be certified in First Aid and CPR, must complete a basic first aid and CPR module within 30 calendar days of employment and the module must be renewed every 2 years.</p> <p>6. Children too ill to remain in the group must be comfortably cared for and supervised until they can be taken home or suitably cared for elsewhere.</p> |  |                              |                     |
| 7.702.51 B   | Technical cleanup            | 7.702.52 C   | 7.702.51 B   | Technical cleanup            | No                  |
| 7.702.51 B 1 | Stakeholder requested change | Any routine medication, prescription or non-prescription (over-the-counter) must be administered only with a current written order of a health care provider with prescriptive authority and with written parental consent. Home   | Any <b>unexpired</b> routine medication, prescription or non-prescription (over the counter), must be administered only with a current written order of a health care provider with prescriptive authority and with written parental consent. Home remedies, homeopathic medication, <b>vitamins, and supplements must not be administered to children in childcare.</b> | Stakeholder requested change | Yes, added language |

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|                   |                                  | remedies, including homeopathic medications, shall never be given to a child.   |   |                                  |    |
| 7.702.51<br>B     | Technical cleanup/rule reduction | Acetaminophen or ibuprofen is able to be used multiple times with one (1) current, signed multi-use medication order for up to three (3) consecutive calendar days if the order is specific about when the medication is to be given. The child specific multi-use medication order must be renewed with the child's updated health statement.  | Removed rule due to request from stakeholders   | Technical cleanup/rule reduction | No |
| 7.702.51<br>B 6   | Technical cleanup                | Staff designated by the center director to give medications must complete the four (4) Department-approved medication administration training and have current annual delegation or more often as determined by the Child Care Health Consultant. Delegation must be from the center's current Child Care Health Consultant who must observe and document the competency of each staff member involved in medication administration. All staff administering medication must have current CPR, First Aid and standard precautions training prior to administering medication with the following exceptions: | Staff designated by the Director to give medications must complete the Department-approved Medication Administration Training and have current annual delegation or more often as determined by the Department-approved Child Care Health Consultant. Delegation must be from the center's current Department-approved Child Care Health Consultant who must observe and document the competency of each staff member involved in medication administration. All staff administering medication must have current CPR and First Aid training prior to administering medication with the following exceptions: | Technical cleanup                | No |
| 7.702.51<br>B 6 a | Stakeholder requested change     | Staff determined by the director, in consultation with the Child Care Health Consultant, to be responsible for providing routine emergency medications covered in the approved medication administration training for the treatment of severe allergies or inhaled medications for the treatment of asthma must receive training and delegation from their Child Care Health Consultant for those   | Staff determined by the Director, in consultation with the Department-approved Child Care Health Consultant, to be responsible for providing emergency medications must complete the Department-approved Medication Administration Training: Severe Allergy or Asthma. After completing the training, staff must receive delegation from their Department-approved Child Care Health Consultant for those medications only. Staff must then provide those medications to children based on the instructions from the child's individualized health care plan.   | Stakeholder requested change     | No |

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| 7.702.51<br>B 6 b, c | Technical cleanup   | <p>medications only.</p> <p>b. Staff determined by the director, in consultation with the Child Care Health Consultant, to be responsible for providing medications not covered in the approved medication administration training shall also be permitted to administer medications and/or medical treatments such as emergency seizure medication, insulin or oxygen with individualized training and delegation from the Child Care Health Consultant based on instructions from the child's individualized health care plan.</p> <p>c. Staff may be trained and delegated in the administration of a single rescue medication or rescue medical intervention by the center's Child Care Health Consultant. Such training and delegation shall qualify the staff member to provide a rescue medication or treatment for a specific child based on instructions from the child's individualized health care plan.</p> | <p>b. Staff determined by the Director, in consultation with the Department-approved Child Care Health Consultant, to be responsible for providing medications not covered in the approved medication administration training shall also be permitted to administer medications and/or medical treatments such as emergency seizure medication, insulin, or oxygen with individualized training and delegation from the Department-approved Child Care Health Consultant based on instructions from the child's individualized health care plan.</p> <p>c. Staff may be trained and delegated in the administration of a single rescue medication or rescue medical intervention by the center's Department-approved Child Care Health Consultant. Such training and delegation shall qualify the staff member to provide a rescue medication or treatment for a specific child based on instructions from the child's individualized health care plan.</p> | Technical cleanup   | No |
| 7.702.51<br>B 7      | Technical cleanup, rule reduction, stakeholder requested addition | <p>All medications, except those medications specified in the Department's approved medication administration training as emergency medications, must be kept in an area inaccessible to children, but available to staff trained in administering medication. If refrigeration is required, the medication must be stored in either a separate refrigerator or a leak proof container in a designated area of a food storage refrigerator, separate from food and inaccessible to children. Controlled medications must be counted and safely secured, and specific policies regarding their</p>   | <p>All medications, except those medications specified in the Department-approved medication administration training as emergency medications, must be locked and inaccessible to children, but available to staff trained in administering medication. Controlled medications must be counted and safely secured, and specific policies regarding their handling require special attention in the center's policies. Access to these medications must be limited.</p>  | Technical cleanup, rule reduction, stakeholder requested addition | No |

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|                    |                              | handling require special attention in the center's policies. Access to these medications must be limited (see Section 12-22-318, C.R.S.).  |   |                              |    |
| 7.702.51<br>B 7 a  | Stakeholder requested change | Emergency medications must be stored in accordance with the Child Care Health Consultant's recommendation. Emergency medications are not required to be stored in a locked area. Emergency medications may be stored in an area easily accessible and identifiable to staff but out of reach of children. When away from the classroom, staff must carry emergency medications in a bag on their person. | Emergency medications are not required to be locked <b>but must</b> be stored in an area inaccessible to children, and easily accessible and identifiable to staff. Emergency medications must be stored in accordance with the Department-approved Child Care Health Consultant's recommendation.  | Stakeholder requested change | No |
| 7.702.51<br>B 7 b  | Stakeholder requested change | When away from the classroom, staff must carry emergency medication in a bag on their person   | When away from the classroom, staff <b>assigned to supervise the child</b> must carry the emergency medication.   | Stakeholder requested change | No |
| 7.702.51<br>B 10   | Stakeholder requested change | If a medication is out of date or left over, the parent(s)/guardian(s) is responsible for picking up the medication.   | If a medication is out of date or left over, the parent(s)/guardian(s) is responsible for picking up the medication. <b>If the parent(s)/guardian(s) do not respond, the center must dispose of the medications as required by the Colorado Department of Public Health and Environment.</b>  | Stakeholder requested change | No |
| 7.702.51<br>B 11   | Technical cleanup            | Topical preparations such as petroleum jelly, diaper rash ointments, sunscreen, bug sprays, and other ointments may be administered to children with written parental authorization. These preparations may not be applied to open wounds or broken skin unless there is a written order by the prescribing practitioner.  | Topical preparations such as petroleum jelly, diaper rash ointments, sunscreen, insect repellent, and other ointments may be administered to children with <b>written authorization from the parent(s)/guardian(s)</b> . These preparations may not be applied to open wounds or broken skin unless there is a written order by the prescribing health care provider. | Technical cleanup            | No |
| 7.702.51<br>B 12 a | Stakeholder requested change | Child's name;  | <b>Child's name and birthdate;</b>  | Stakeholder requested change | No |
| 7.702.51<br>B 12 c | Stakeholder requested change | Time medication is to be given;  | Time medication is to be given <b>by written medication authorization;</b>  | Stakeholder requested change | No |
| 7.702.51           | Stakeholder requested        | N/A. New rule,   | <b>Time medication is administered to child;</b>  | Stakeholder requested        | No |

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| B 12 d               | addition                         |   |  | addition                         |     |
| 7.702.51<br>B 12 e-g | Technical cleanup                | d, e, f   | e, f, g  | Technical cleanup                | No  |
| 7.702.51<br>C 1      | Stakeholder requested change     | The center must obtain written authorization and instructions from the parent(s)/guardian(s) for the application of sunscreen or the use of another form of parent(s)/guardian(s) approved sun protection to their children's exposed skin prior to outside play. A doctor's permission is not needed to use sunscreen at the center.   | The center must obtain written authorization and instructions from the parent(s)/guardian(s) for the application of sunscreen or the use of another form of parent(s)/guardian(s) approved sun protection with a <b>full-spectrum UVA/UVB rating of SPF thirty (30) or greater</b> to their children's exposed skin prior to outside play <b>year-round</b> . A doctor's permission is not needed to use sunscreen at the center.  | Stakeholder requested change     | No  |
| 7.702.51<br>C 2 a    | Stakeholder requested addition   | The center must apply sunscreen, have the parent or guardian apply sunscreen, or use another form of parent or guardian approved sun protection for children prior to children going outside. Sunscreen must be reapplied as directed by the product label.   | 2. The center must apply sunscreen, have the parent(s)/guardian(s) apply sunscreen, or use another form of <b>parent/guardian</b> approved sun protection for children prior to children going outside. Sunscreen must be reapplied as directed by the product label.<br><br>a. <b>When the parent(s)/guardian(s) applies sunscreen, the center must have a mechanism for logging application times to ensure sunscreen is applied and reapplied as directed by the product label.</b> | Stakeholder requested addition   | Yes |
| 7.702.51<br>C 4      | Technical cleanup                | If sunscreen is provided by the center, parents must be notified in advance, in writing, of the type of sunscreen the center will use.  | If sunscreen is provided by the center, <b>parent(s)/guardian(s)</b> must be notified in advance, in writing, of the type of sunscreen the center will use.  | Technical cleanup                | No  |
| 7.702.51<br>C 6      | Stakeholder requested addition   | N/A. New rule.  | <b>Infants under six (6) months must be kept out of direct sunlight while outdoors.</b>  | Stakeholder requested addition   | No  |
| 7.702.51             | Technical cleanup/rule reduction | E. Control of Communicable Illnesses<br>1. When children have been diagnosed with a communicable illness such as hepatitis, measles, mumps, meningitis, diphtheria, rubella, salmonella, tuberculosis, giardia, or shigella, the center must immediately notify the local health department or the Colorado Department of Public Health and Environment, all staff members, and all parents and guardians of children in care. Children's | <b>Removed rule; covered in CDPHE's rules</b>  | Technical cleanup/rule reduction | No  |

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|                 |                                   | confidentiality must be maintained.<br>2. The director must ask parents to report exposure of a child to communicable illness outside of the center, and, at the discretion of the director, the child should be excluded from the center for the period of time prescribed by the child's physician or by the local health department. |   |                                   |                      |
| 7.702.6         | Technical cleanup                 | 7.702.5   | 7.702.6   | Technical cleanup                 | No                   |
| 7.702.61        | Technical cleanup                 | 7.702.53  | 7.702.61  | Technical cleanup                 | No                   |
| 7.702.61        | Technical cleanup, rule reduction | A. Hand Washing<br>1. Children's hand washing must be supervised and must be taught when necessary.<br>2. Children's hand washing must be taught when necessary.  | Removed rule; covered in CDPHE's rules  | Technical cleanup, rule reduction | No                   |
| 7.702.61 A      | Technical cleanup                 | B   | A   | Technical cleanup                 | No                   |
| 7.702.61 A      | Technical cleanup                 | (See also Section 7.702.73, A, 3)   | Removed reference; rules incorporated in this section   | Technical cleanup                 | No                   |
| 7.702.61 A 1 d  | Rule clarification                | N/A. New rule.  | Be located and arranged to provide privacy for older children in need of diaper changing.   | Rule clarification                | No                   |
| 7.702.61 A 2    | Stakeholder requested addition    | N/A. New rule.  | Children being diapered must be within arm's reach of the staff member and actively supervised throughout the diapering process.  | Stakeholder requested addition    | No                   |
| 7.702.61 A 3, 4 | Technical cleanup                 | Reorganized from 7.702.75 G:<br>3. One (1) diaper change area is required in every infant and toddler classroom.<br>Reorganized from 7.702.75 I.<br>4. One (1) designated diaper change area is required for every twenty-four (24) preschool age children.   | 3. One (1) designated diaper change area is required in every infant and toddler classroom.<br>4. One (1) designated diaper change area is required for every twenty-four (24) preschool age children.  | Technical cleanup                 | No                   |
| 7.702.61 B      | Rule clarification                | N/A. New subsection   | Toileting   | Rule clarification                | No                   |
| 7.702.61 B 1, 2 | Technical cleanup                 | Reorganized from previous Section 7.702.54, B, 4 and 5:<br>1. There must be no attempt to toilet train children until they are able to verbalize or otherwise indicate need, help manage their own clothing, and be able  | Reorganized from another section<br>1. There must be no attempt to toilet train children until they are able to communicate or otherwise indicate need, help manage their own clothing, and be able to access toileting facilities.<br>2. For each child who is learning to use a toilet, the | Technical cleanup                 | Yes, changed wording |

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|                 |                    | to access toileting facilities.<br>2. For each child who is learning to use a toilet, the child's individual developmental abilities and needs must be accommodated as stated in the written policies and procedures for the center.   | child's individual developmental abilities and needs must be accommodated as stated in the written policies and procedures for the center.   |                    |    |
| 7.702.62        | Technical cleanup  | 7.702.54   | <b>7.702.62</b>  | Technical cleanup  | No |
| 7.702.62<br>A 1 | Rule clarification | All children must be under direct supervision of a responsible adult at all times.   | All children must be under the <b>direct</b> supervision at all times of a <b>qualified</b> adult <b>who has been assigned the responsibility to supervise.</b>  | Rule clarification | No |
| 7.702.62<br>A 3 | Rule clarification | Staff must be awake, alert and supervising all children.   | Staff must be awake, alert, and <b>actively</b> supervising all children.  | Rule clarification | No |
| 7.702.62<br>A 4 | Technical cleanup  | Center staff must directly supervise children and maintain staff to child ratio during special activities that occur with an outside vendor or provider and where the vendor uses their expert staff to facilitate the activity.   | <b>Staff</b> must directly supervise children and maintain staff to child ratio during special activities that occur with an outside vendor or provider and where the vendor uses their expert staff to facilitate the activity. | Technical cleanup  | No |
| 7.702.62<br>A   | Technical cleanup  | 5. The center must provide a rest period with rest equipment of at least thirty (30) minutes for all preschool-age children remaining in the center longer than five (5) hours. Quiet activities are permissible during the thirty (30) minute period. Older children requiring a rest time must be given one.<br>6. Children must not be forced to sleep. Children who do not sleep after thirty (30) minutes must be allowed to move to another area and be provided with quiet toys and equipment to play with such as puzzles or books.<br>7. Children must be allowed to leave their napping area within ten (10) minutes of waking.<br>8. The center must provide mats or cots and a designated rest period for all preschool age children. Drop-in childcare centers must provide mats or cots for at least fifty percent (50%) of the licensed capacity of the center. | <b>Reorganized to other sections</b>   | Technical cleanup  | No |

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| 7.702.62<br>A 5   | Technical cleanup                 | The center must ensure that children are dressed appropriately for the weather before going outside.   | The <b>staff</b> must ensure that children are dressed appropriately for the weather before going outside.   | Technical cleanup                 | No                  |
| 7.702.62<br>B     | Technical cleanup, rule reduction | The staff must have daily contact with adults who transport the infants and toddlers to and from the center.   | <b>Removed rule; duplicative</b>   | Technical cleanup, rule reduction | No                  |
| 7.702.62<br>B 1   | Stakeholder requested change      | Children must not be confined for prolonged periods of time to cribs, playpens swings, highchairs, infant seats, or other equipment that confines movement. They must have an opportunity each day for freedom of movement, such as creeping, crawling, or walking in a safe, clean, open, uncluttered area. | <b>Outside of mealtimes</b> , children <b>who are awake</b> must not be confined for <b>more than fifteen (15) minutes</b> at a time to cribs, playpens, swings, highchairs, infant seats, or other equipment that confines movement. <b>Children</b> must have <b>the</b> opportunity for freedom of <b>gross motor</b> movement. | Stakeholder requested change      | No                  |
| 7.702.62<br>B 2   | Rule clarification                | Throughout the day, each child must have frequent, individual, personal contact, and attention from an adult, such as being held, rocked, taken on walks inside and outside the center, talked to, and sung to.  | Throughout the day, each child must have frequent, individual, personal contact, and attention from an adult, such as being held, rocked, taken on walks inside and outside the center, talked to, <b>read to</b> , and sung to.   | Rule clarification                | No                  |
| 7.702.62<br>B     | Technical cleanup                 | There must be no attempt to toilet train children until they are able to verbalize or otherwise indicate need, help manage their own clothing, and be able to access toileting facilities.   | <b>Reorganized to other sections</b>   | Technical cleanup                 | No                  |
| 7.702.62<br>B     | Technical cleanup                 | For each child who is learning to use a toilet, the child's individual developmental abilities and needs must be accommodated as stated in the written policies and procedures for the center.   | <b>Reorganized to other sections</b>   | Technical cleanup                 | No                  |
| 7.702.63<br>B 3   | Stakeholder requested change      | Staff must investigate whenever children cry.  | Staff must investigate whenever children cry, <b>scream, or appear to withdraw and must try to verbally or physically soothe the child.</b>  | Stakeholder requested change      | Yes, added language |
| 7.702.63<br>B 4 a | Stakeholder requested addition    | N/A. New rule.   | <b>Children must be allowed to leave their sleeping area immediately upon waking.</b>  | Stakeholder requested addition    | No                  |
| 7.702.63<br>C 1   | Stakeholder requested change      | Each infant up to eighteen (18) months of age and enrolled in the infant program must be provided with an individual crib, futon approved for infants, or other approved sleep/rest equipment meeting  | Each infant up to eighteen (18) months of age and enrolled in the infant program must be provided with an individual crib, futon approved for infants, or other approved sleep/rest equipment meeting Consumer Product Safety Commission (CPSC) standards. <b>Individual cribs or futons</b>                                       | Stakeholder requested change      | No                  |

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|                    |                                  | Consumer Product Safety Commission (CPSC) standards.  | must provide each infant with sufficient space for the infant's length, size, and movement.   |                                  |    |
| 7.702.63<br>C 2    | Stakeholder requested change     | In the infant room, soft bedding or materials that could pose a suffocation hazard are not permitted in cribs, futons approved for infants, or other approved sleep/rest equipment. Soft bedding means, but is not limited to, any soft sleep surface like bumper pads, pillows, blankets, quilts, comforters, sleep positioning devices, sheepskins, blankets, flat sheets, cloth diaper bibs, plush toys, pacifiers with stuffed animals attached, and stuffed animals. | In the infant room, soft bedding or materials that could pose a suffocation hazard are not permitted in cribs, futons approved for infants, or other approved sleep/rest equipment. Soft bedding means, but is not limited to, any soft sleep surface like bumper pads, pillows, blankets, quilts, comforters, sleep positioning devices, sheepskins, blankets, flat sheets, cloth diaper bibs, plush toys, pacifiers with stuffed animals attached, and stuffed animals. | Stakeholder requested change     | No |
| 7.702.63<br>C 2 a  | Stakeholder requested addition   | N/A. New rule.  | Mattresses for cribs and futons must have a properly fitted, clean sheet.   | Stakeholder requested addition   | No |
| 7.702.63<br>C 11   | Technical cleanup                | Swaddling of infants must only be allowed with a health care plan completed and signed by the child's physician.  | Swaddling of infants must only be allowed with a health care plan completed and signed by the child's health care provider.   | Technical cleanup                | No |
| 7.702.63<br>C 12   | Technical cleanup                | Each infant up to twelve (12) months of age who uses a pacifier must have the pacifier offered when being put down to sleep unless the parent direct(s) otherwise.  | Each infant up to twelve (12) months of age who uses a pacifier must have the pacifier offered when being put down to sleep unless the parent(s)/guardian(s) direct(s) otherwise.   | Technical cleanup                | No |
| 7.702.63<br>C 13   | Stakeholder requested change     | Infant monitors must be used in separate sleeping rooms for infants unless qualified staff remain in the room with sleeping infants at all times. When monitors are used, the following conditions must be met:   | Infant sound monitors must be used in separate sleeping rooms for infants unless qualified staff remain in the room with sleeping infants at all times. When monitors are used, the following conditions must be met:   | Stakeholder requested change     | No |
| 7.702.63<br>C 13 e | Stakeholder requested addition   | N/A. New rule.  | The monitor must be out of reach of children.   | Stakeholder requested addition   | No |
| 7.702.63<br>C 14   | Technical cleanup/rule reduction | After December 31, 2015, separate sleep rooms are prohibited in new construction, change of governing body, and change of capacity in childcare centers.  | Separate sleep rooms are prohibited in new construction, change of governing body, and change of capacity in childcare centers.   | Technical cleanup/rule reduction | No |
| 7.702.63<br>C 18   | Stakeholder requested change     | Supervised tummy time must be offered to infants one month of age or older up to twenty to thirty (20-30) minutes per day. If the infant falls asleep during tummy time, immediately place him/her on their back  | Supervised tummy time must be offered to infants one (1) month of age or older at least four (4) times per day for full day programs for short periods (3-5 minutes) and increase the amount of time as the infant shows they enjoy the activity. If the infant falls asleep during tummy time,   | Stakeholder requested change     | No |

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|                  |                                | in approved sleeping equipment.  | immediately place him/her on their back in approved sleeping equipment.   |                                |    |
| 7.702.63<br>C 19 | Stakeholder requested addition | When staff place infants in approved sleeping equipment for sleep, they must check to ensure that the temperature in the room is comfortable for a lightly clothed adult, check the infants to ensure that they are comfortably clothed (not overheated or sweaty), and that bibs, necklaces, and garments with ties or hoods are removed. Clothing sacks or other clothing designed for sleep must be used in lieu of blankets if needed for additional warmth. | When staff place infants in approved sleeping equipment for sleep, they must check to ensure that the temperature in the room is comfortable for a lightly clothed adult, check the infants to ensure that they are comfortably clothed (not overheated or sweaty), and that bibs, necklaces, and garments with ties or hoods are removed.<br><br>a. Clothing sacks or other clothing designed for sleep must be worn in lieu of blankets if needed for additional warmth. Clothing must not restrict the movement of the child's arms or legs. | Stakeholder requested addition | No |
| 7.702.63<br>C 20 | Rule clarification             | Infants must not be placed to sleep in the same crib or futon as another infant or child, and must never sleep with an adult in a bed, on a couch, or in any other setting or manner.  | Infants must not be placed to sleep in the same crib or futon as another infant or child at the same time.  | Rule clarification             | No |
| 7.702.63<br>D    | Technical cleanup              | 7.702.63   | Reorganized from another section; revised numbering   | Technical cleanup              | No |
| 7.702.63<br>D 1  | Technical cleanup              | Reorganized from previous Section 7.702.54, A, 6:<br>Children must not be forced to sleep.   | Reorganized from another section  | Technical cleanup              | No |
| 7.702.63<br>D 2  | Stakeholder requested change   | In rooms used for napping, the light must be dim at nap time to promote an atmosphere conducive to sleep.  | In rooms used for napping, the lighting must be dim at nap time to promote an atmosphere conducive to sleep but must be bright enough for supervision of children.  | Stakeholder requested change   | No |
| 7.702.63<br>D 3  | Technical cleanup              | Reorganized from previous Section 7.702.63 C:<br>When the room provided for rest is used for other program activities, the cots, pads, and linens must be stored in an area that is not included in the required square footage assigned for play space.   | Reorganized from another section  | Technical cleanup              | No |
| 7.702.63<br>D 4  | Technical cleanup              | Reorganized from previous Section 7.702.63 E, F:<br>E. In the toddler room, a crib, sleeping cot, or two (2) inch mat must be provided for each child, and there   | Reorganized from another section  | Technical cleanup              | No |

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|          |                       | <p>must be a minimum of two (2) feet between each crib or cot. Aisles between cots or cribs must be kept free of all obstructions while cribs are occupied. No child less than the age of two (2) years should use a cot for sleeping without written permission of the parent or guardian.</p> <p>In the toddler room, a crib, sleeping cot, or two (2) inch mat must be provided for each child, and there must be a minimum of two (2) feet between each crib or cot. Aisles between cots or cribs must be kept free of all obstructions while cribs are occupied.</p> <p>1. Individual cribs must provide each toddler with sufficient space for the toddler's length, size, and movement, and must meet federal Consumer Product Safety Commission standards. Each crib must be fitted with a firm, comfortable mattress and heavy plastic sheeting or other type of waterproof material. If individual cribs are used, they must be separated by a sturdy divider from the area used for activities.</p> <p>2. Sleeping cots and mats must be of firm construction and in good repair.</p> <p>F. In the toddler room, a sheet and a blanket or suitable covering must be provided for each child to be used only by that child.</p> |   |                       |    |
| 7.702.63 | Stakeholder requested | A sheet and a blanket, or suitable  | A fitted sheet and a blanket, or suitable covering, must be | Stakeholder requested | No |

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OEC, Division of Early Care  
and Learning, Child Care  
Licensing Unit

Rule Author: Carin Rosa

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| D 4 c           | change, technical cleanup   | covering, must be provided for each child to be used only by that child.   | provided for each child to be used only by that child.   | change, technical cleanup   |                     |
| 7.702.63<br>D 5 | Technical cleanup, rule clarification, stakeholder requested addition | Reorganized from previous Section 7.702.45, A, 5-7:<br>5. The center must provide a rest period with rest equipment of at least thirty (30) minutes for all preschool-age children remaining in the center longer than five (5) hours. Quiet activities are permissible during the thirty (30) minute period. Older children requiring a rest time must be given one.<br>6. Children must not be forced to sleep. Children who do not sleep after thirty (30) minutes must be allowed to move to another area and be provided with quiet toys and equipment to play with such as puzzles or books.<br>7. Children must be allowed to leave their napping area withing ten (10) minutes of waking.<br>Reorganized from previous Section 7.702.63, B:<br>Cots or pads must be spaced at least two (2) feet apart on all sides during rest time. Children must have a safe area in which to rest. | If preschool-age children are in care for longer than five (5) hours, the center must provide at least a thirty (30) minute rest period meeting the following:<br><br>a. A firm cot or two (2) inch mat with a sheet and blanket, or other suitable covering, must be provided for each child;<br><br>i. Cots or pads must be spaced at least two (2) feet apart on all sides during rest time. Children must have a safe area in which to rest that is easily supervised, out of the path of traffic, and free of hazards.<br><br>b. Quiet activities are permissible must be available for children who do not sleep during the thirty (30) minute period. Older children requiring a rest time must be given one;<br><br>c. Older children requiring a rest time must be given the opportunity to rest;<br><br>d. Children who do not sleep after thirty (30) minutes must be allowed to move to another area and be provided with quiet toys and equipment to play with such as puzzles or books; and,<br><br>e. Children who fall asleep must be allowed to leave their napping area within ten (10) minutes of waking. | Technical cleanup, rule clarification, stakeholder requested addition | Yes, added language |
| 7.702.63        | Technical cleanup   | 7.702.55   | 7.702.63; revised numbering  | Technical cleanup   | No                  |
| 7.702.63<br>A   | Rule clarification  | Meals and Snacks   | Meals and Snacks Provided by the Center  | Rule clarification  | No                  |
| 7.702.63<br>A 1 | Rule clarification  | All meals and snacks provided by the center must meet current USDA child and adult care food program meal pattern requirements and be offered at suitable intervals. Children who are at the center for more than 4 hours, day or evening,   | All meals and snacks provided by the center must meet current United States Department of Agriculture (USDA) Child and Adult Care Food Program (CACFP) meal pattern requirements and be offered at suitable intervals not more than three (3) hours apart. Children who are at the center for more than four (4) hours, day or evening, must be  | Rule clarification  | No                  |

**Title of Proposed Rule: Rules Regulating Child Care Centers (less than 24 hours)**

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|                 |                                  | must be offered a meal.  | offered a meal. Arrangements must be made for feeding children who are in care before 6 a.m. or after 6 p.m.  |                                  |   |
| 7.702.63<br>A 2 | Technical cleanup                | If 100% fruit juice, which is not a sugar sweetened beverage, is offered as part of meals and/or snacks, it must be limited to no more than twice per week.  | If 100% fruit juice, which is not a sugar sweetened beverage, is offered as part of meals and/or snacks, it must be limited to no more than <b>two (2) times</b> per week.  | Technical cleanup                | No  |
| 7.702.63<br>A 4 | Stakeholder requested change     | The size of servings must be suitable for the child's age and appetite, and sufficient time must be allowed so that meals are unhurried.   | The size of servings must be suitable for the child's age and sufficient time must be allowed so that meals are unhurried.  | Stakeholder requested change     | No  |
| 7.702.63<br>A 5 | Stakeholder requested addition   | N/A. New rule.   | <b>Foods offered shall be age appropriate and not pose a choking hazard.</b>  | Stakeholder requested addition   | Yes   |
| 7.702.63<br>A 6 | Technical cleanup                | In centers that do not regularly provide a meal, if a child brings a meal from home that does not appear to meet current USDA child and adult care food program meal pattern requirements, the center must have foods available to offer as a supplement to that meal.   | In centers that do not regularly provide a meal, if a child brings a meal from home that does not appear to meet current USDA <b>Child and Adult Care Food Program</b> meal pattern requirements, the center must have foods available to offer as a supplement to that meal. | Technical cleanup                | No  |
| 7.702.63<br>A 8 | Stakeholder requested addition   | N/A. New rule.   | <b>Children must not be given foods that are contrary to the religious beliefs of their families or that are known to cause an allergic reaction or a health hazard.</b>  | Stakeholder requested addition   | No  |
| 7.702.63<br>A 9 | Stakeholder requested addition   | N/A. New rule.   | <b>Food and beverages are not to be used as a reward.</b>   | Stakeholder requested addition   | Yes, not applicable for children on an individualizing educational plan |
| 7.702.63<br>A   | Technical cleanup/rule reduction | All food prepared by the center must be from sources approved by the local health department or the State Department of Public Health and Environment. All food must be prepared, served, and stored in such a manner as to be clean, wholesome, free from spoilage, and safe for human consumption. Home-canned vegetables, fruits, and meats cannot be | <b>Removed rule; covered in CDPHE's rules</b>   | Technical cleanup/rule reduction | No  |

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|                  |                                   | served.   |   |                                   |    |
| 7.702.63<br>A 10 | Technical cleanup, rule reduction | Meal menus must be planned at least one week in advance, dated, and posted in a place visible to parents. After use, menus must be filed and retained for three (3) months. Records must be available for periodic review and evaluation.   | Meal menus must be planned at least one week in advance, dated, and posted in a place visible to parents. After use, menus must be filed and retained for three (3) months.   | Technical cleanup, rule reduction | No |
| 7.702.63<br>A 11 | Technical cleanup                 | Reorganized from previous Section 7.702.74, B 1:<br>A table, counter, or shelf, separate from the diaper changing area, must be available for preparing infants' and toddlers' food.  | Reorganized from another section.   | Technical cleanup                 | No |
| 7.702.63<br>B    | Technical cleanup, rule reduction | Commercially prepared formula must be mixed according to the manufacturer's direction and each bottle marked with the child's first and last name.  | Removed rule; covered in CDPHE's rules  | Technical cleanup, rule reduction | No |
| 7.702.63<br>B 4  | Stakeholder requested change      | When the infant program provides food other than formula, food must be varied and include food from cereal, vegetable, fruit, and protein sources. When the center does not provide solid food, it must supply any additional foods and/or monitor the infant's total nutritional intake. | When the infant program provides food other than <b>breast milk or</b> formula, food must be varied and include food from cereal, vegetable, fruit, and protein sources. When the center does not provide solid food, it must supply any additional foods and/or monitor the infant's total nutritional intake. | Stakeholder requested change      | No |
| 7.702.63<br>B    | Technical cleanup, rule reduction | There must be a sufficient supply of bottles provided for the entire day; or if nursing bottles are to be reused, they must be washed, rinsed, and sanitized after each use.  | Removed rule; covered in CDPHE's rules  | Technical cleanup, rule reduction | No |
| 7.702.63<br>B    | Technical cleanup, rule reduction | Bottles of formula or breast milk must never be warmed in a microwave oven.   | Removed rule; covered in CDPHE's rules  | Technical cleanup, rule reduction | No |
| 7.702.63<br>B 5  | Stakeholder requested change      | A staff member may not mix cereal with formula and feed it to an infant from a bottle or infant feeder unless there are written instructions from the child's health care provider.   | A staff member may not mix cereal with <b>breast milk or</b> formula and feed it to an infant from a bottle or infant feeder unless there are written instructions from the child's health care provider.   | Stakeholder requested change      | No |
| 7.702.63<br>B 6  | Technical cleanup                 | Reorganized from previous Section 7.702.61 H:<br>In infant nurseries, an adequate number of high chairs or other suitable pieces of equipment that  | In infant nurseries, an adequate number of highchairs, or other suitable pieces of equipment that meet federal Consumer Product Safety Commission standards, must be provided for infant feeding.   | Technical cleanup                 | No |

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|                 |                                   | meet federal Consumer Product Safety Commission standards must be provided for infant feeding.  |  |                                   |                       |
| 7.702.63<br>B 7 | Technical cleanup                 | Reorganized from previous Section 7.702.54, C, 17:<br>Children who are awake must not be confined for more than fifteen (15) minutes at a time to cribs, playpens, swings, high chairs, infant seats, or other equipment that inhibits freedom of movement. Children who are actively eating may be in a high chair or other approved feeding equipment for longer than fifteen (15) minutes. Children must be moved away from the feeding location once feeding is complete. | Children who are actively eating may be in a highchair or other approved feeding equipment for longer than fifteen (15) minutes. Children must be moved once feeding is complete.  | Technical cleanup                 | No                    |
| 7.702.63<br>C 2 | Stakeholder requested change      | Toddlers must be sitting when drinking from a bottle.   | Toddlers must be sitting when eating or drinking.  | Stakeholder requested change      | No                    |
| 7.702.63<br>C   | Technical cleanup, rule reduction | Commercially prepared formula must be mixed according to the manufacturer's direction and each bottle marked with the child's first and last name.  | Removed rule; covered in CDPHE's rules   | Technical cleanup, rule reduction | No                    |
| 7.702.63<br>C   | Technical cleanup, rule reduction | There must be a sufficient supply of bottles provided for the entire day; or if nursing bottles are to be reused, they must be washed, rinsed, and sanitized after each use.  | Removed rule; covered in CDPHE's rules   | Technical cleanup, rule reduction | No                    |
| 7.702.64        | Technical cleanup                 | 7.702.56  | 7.702.64   | Technical cleanup                 | No                    |
| 7.702.64<br>A   | Stakeholder requested addition    | N/A. New rule.  | Guidance used at the center must be developmentally appropriate to the development of the child and is used as an opportunity to teach children social-emotional skills, such as self-regulation, problem-solving, and empathy for others. | Stakeholder requested addition    | Yes, changed language |
| 7.702.64<br>B   | Stakeholder requested addition    | Children must not be subjected to physical or emotional harm or humiliation.  | Children must not be subjected to physical or emotional harm, <del>or</del> humiliation, or threats.   | Stakeholder requested addition    | Yes, updated language |
| 7.702.64<br>C   | Technical cleanup                 | The Director must not use, or permit a staff person or child to use, corporal or  | The Director must not use, or permit a staff person or child to use, corporal or other harsh punishment.   | Technical cleanup                 | No                    |

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|                           |                                | other harsh punishment, including but not limited to pinching, shaking, spanking, punching, biting, kicking, rough handling, hair pulling, or any humiliating or frightening method of guidance.  |   |                                |   |
| 7.702.64 E                | Stakeholder requested addition | N/A. New rule.  | Physical activity and outdoor time must not be withheld as a disciplinary measure.  | Stakeholder requested addition | No                                      |
| 7.702.64 F                | Stakeholder requested change   | Separation, when used for guidance, must not exceed five (5) minutes and must be appropriate for the child's age. The child must be in a safe, lighted, well-ventilated area and be within sight and hearing of an adult. The child must not be isolated in a locked, closed room, or closet.   | Separation, when used for guidance, must not exceed five (5) minutes and must be appropriate for the child's development. The child must be in a safe, lighted, well-ventilated area and be within sight and hearing of an adult. The child must not be isolated in a locked, closed room, or closet. | Stakeholder requested change   | Yes, charged language                   |
| 7.702.64 H                | Stakeholder requested addition | N/A. New rule.  | Any form of restraint is not permitted.   | Stakeholder requested addition | Yes, comment is addressed in 7.702.64 I |
| 7.702.64 I                | Stakeholder requested addition | N/A. New rule.  | Physical redirection may be used to keep a child from immediate imminent danger. The child must be immediately released once removed from imminent danger.  | Stakeholder requested addition | No                                      |
| Previous Section 7.702.57 | Technical cleanup              | <p><b>7.702.57 Overnight Care</b></p> <p>A. All of the provisions required in Section 7.702 of these rules for childcare centers apply to centers offering overnight care of children which includes care that extends beyond midnight. In addition, centers must observe the following provisions:</p> <p>B. A nutritious evening meal must be made available to children.</p> <p>C. Quiet activities must immediately precede the children's bedtime.</p> | Reorganized rules; moved to Section 7.702.67  | Technical cleanup              | No                                      |

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|                   |                                | <p>D. Children's faces and hands must be washed, and children must be changed into comfortable clothing for sleeping.</p> <p>E. Each child must be provided with a comfortable separate bed, crib, or cot suitable for the child's age or a two (2) inch sleeping mat or mattress. Each child must also be provided with sheets and a clean, washable covering. If mats or mattresses are used, the room temperature at floor level must be 68 to 72 degrees. Pads and mattresses must be fitted with a clean, washable, removable covering. Permission of parents or guardians must be obtained for each child who uses a sleeping mat or mattress placed on the floor.</p> <p>F. All children must be directly supervised at all times.</p> <p>G. The staff-child ratio for sleeping children is one (1) adult to every six (6) or fewer children in attendance.</p> |   |                                |  |
| 7.702.65          | Technical cleanup              | 7.702.58   | 7.702.65  | Technical cleanup              | No   |
| 7.702.65<br>A 2   | Rule clarification             | Daily physical gross motor activities, with or without equipment or materials, must be provided outdoors, or indoors during inclement weather, to preschool age and older for no less than sixty (60) minutes total for full day programs. Activities do not have to occur all at one time.  | Daily physical gross motor activities, with or without equipment or materials, must be provided outdoors, or indoors during inclement weather, to children <b>toddler age</b> and older for no less than sixty (60) minutes total for full day programs. Activities do not have to occur all at <b>once</b> . | Rule clarification             | Yes, providing a chart in the administrative guide |
| 7.702.65<br>A 2 a | Stakeholder requested addition | N/A. New rule.   | Programs who qualify for an outdoor space hardship per Section 7.702.74, B, 1, must provide daily physical gross  | Stakeholder requested addition | No   |

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| 7.702.65<br>A 3 | Stakeholder requested addition | N/A. New rule.   | <p>motor activities indoors or outdoors.</p> <p>Children's access to outdoor space must be provided daily, except during inclement weather.</p> | Stakeholder requested addition | No |
| 7.702.65<br>A   | Technical cleanup              | <p>Daily physical gross motor activities, with or without equipment or materials, must be provided outdoors or indoors during inclement weather, to preschool age and older children for no less than thirty (30) minutes total for part day programs operating from three (3) to five (5) hours per day. Activities do not have to occur all at one time.</p> <p>Daily physical gross motor activities, with or without equipment or materials, must be provided outdoors or indoors during inclement weather, to preschool age and older children daily for no less than fifteen (15) minutes total for part day programs operating up to three (3) hours per day. Activities do not have to occur all at one time.</p> <p>Daily physical gross motor activities, with or without equipment or materials, must be provided to toddler age children outdoors for no less than fifteen (15) minutes for part day programs operating up to three (3) hours per day, no less than thirty (30) minutes total for part day programs operating from three (3) to five (5) hours per day, and no less than sixty (60) minutes for full day programs.</p> <p>When inclement weather limits outdoor activities, indoor physical daily gross motor activities, with or without equipment or materials, must be provided to toddler age children outdoors for no less than fifteen (15) minutes for part day programs operating up to three (3) hours per day,</p> | <p>Reorganized rules; moved to Section 7.702.102 A</p>  | Technical cleanup              | No |

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|                 |                              | no less than thirty (30) minutes total for part day programs operating from three (3) to five (5) hours per day, and no less than sixty (60) minutes for full day programs.  |   |                              |    |
| 7.702.65<br>A 4 | Stakeholder requested change | Infants must be provided outdoor play at least three (3) times per week, weather permitting.   | Infants must be provided <b>access to</b> outdoor play at least three (3) times per week, weather permitting.   | Stakeholder requested change | No |
| 7.702.65<br>A 6 | Technical cleanup            | N/A.   | <b>Revised numbering</b>  | Technical cleanup            | No |
| 7.702.65<br>A 6 | Stakeholder requested change | Portable First Aid kits must be available to staff at all times, including field trips, and must be located out of reach of children and maintained in a sanitary condition. First aid kits must be checked and restocked on at least a monthly basis.                   | Portable first aid kits must be available to staff at all times, including field trips <b>and short excursions, and</b> must be checked and restocked on at least a monthly basis.  | Stakeholder requested change | No |
| 7.702.65<br>A 7 | Technical cleanup            | If a child participates in activities away from the facility, the center must obtain the parent or guardian's written permission for the child to participate in the activity at a specific location and day. Staff ratios found at Section 7.702.55 must be maintained. | If a child participates in activities away from the facility, the center must obtain the parent or guardian's written permission for the child to participate in the activity at a specific location and day. Staff ratios found at Section <b>7.702.46</b> must be maintained. | Technical cleanup            | No |
| 7.702.65<br>B   | Technical cleanup            | N/A.   | <b>Revised numbering</b>  | Technical cleanup            | No |
| 7.702.65<br>B 1 | Stakeholder requested change | Television and video viewing is prohibited for children less than two (2) years of age.  | <b>Screen time, which includes, television, recorded media, computer, tablet, cell phones, video games, and other media devices,</b> is prohibited for children less than two (2) years of age.   | Stakeholder requested change | No |
| 7.702.65<br>B 2 | Stakeholder requested change | All television, recorded media, computer, tablet and media devices are prohibited during snack or meal times.  | <b>Screen time</b> is prohibited during snack or meal times.  | Stakeholder requested change | No |
| 7.702.65<br>B 4 | Stakeholder requested change | For children two (2) years of age and older, television, recorded media and video time must be limited to thirty (30) minutes per week.  | For children two (2) to five (5) years of age, screen time must be limited to no more than thirty (30) minutes <b>per day.</b>  | Stakeholder requested change | No |
| 7.702.65<br>B 5 | Stakeholder requested change | For children two (2) years of age and older, television, recorded media, computer, and media device time may only exceed thirty (30) minutes per week for a special occasion   | For children two (2) years of age and older, screen time may only exceed <b>sixty (60) minutes</b> for a special occasion <b>and must not occur more than once every two (2) weeks.</b>   | Stakeholder requested change | No |

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| 7.702.65<br>B 6   | Stakeholder requested addition | N/A. New rule.  | All children must be provided with a developmentally appropriate alternative activity once the child(ren) loses interest in the media activity.   | Stakeholder requested addition | No |
| 7.702.65<br>B 7   | Stakeholder requested change   | There is no restriction for children using personal adaptive equipment.   | There is no time restriction for children using personal adaptive equipment or assistive technology or participating in mandatory school activities.  | Stakeholder requested change   | No |
| 7.702.65<br>C 1   | Technical cleanup              | The center must notify the children's parents or guardians in advance of any field trip. The staff-child ratio found at Section 7.702.55 must be maintained at all times.   | The center must notify the children's parents or guardians in advance of any field trip. The staff-child ratio found at Section 7.702.46 must be maintained at all times.   | Technical cleanup              | No |
| 7.702.65<br>C 2   | Technical cleanup              | All groups of children must be actively supervised by a qualified early childhood teacher at all times.   | All groups of children must be actively supervised by a qualified Early Childhood Teacher at all times.   | Technical cleanup              | No |
| 7.702.66          | Technical cleanup              | 7.702.59  | 7.702.66  | Technical cleanup              | No |
| 7.702.66<br>A 2   | Technical cleanup              | The center must obtain written permission from parents or guardians for any transportation of their child during child care hours.  | The center must obtain written permission from the parent(s)/guardian(s) for any transportation of their child(ren) while in care.  | Technical cleanup              | No |
| 7.702.66<br>A 10  | Stakeholder requested addition | N/A. New rule.  | Attendance must be verified as children enter and exit the vehicle to ensure all children are accounted for.  | Stakeholder requested addition | No |
| 7.702.66<br>B 1 a | Stakeholder requested change   | The vehicle must be enclosed and have door locks;   | The vehicle must be enclosed and have working door locks;   | Stakeholder requested change   | No |
| 7.702.66<br>B 1 c | Technical cleanup              | The vehicle must be kept in satisfactory condition to assure the safety of occupants. Vehicle tires, brakes, and lights must meet safety standards set by the Colorado Department of Revenue, Motor Vehicle Division; | The vehicle must be kept in satisfactory condition to ensure the safety of occupants. Vehicle tires, brakes, and lights must meet safety standards set by the Colorado Department of Revenue, Motor Vehicle Division; | Technical cleanup              | No |
| 7.702.66<br>B 2 b | Technical cleanup              | Two or more children must never be restrained in one seat belt;   | Two (2) or more children must never be restrained in one (1) seat belt;   | Technical cleanup              | No |
| 7.702.66<br>C 2   | Technical cleanup              | All drivers of vehicles owned or leased by the center in which children are transported must have a current department-approved First Aid and certificate that includes CPR for all ages of children.                 | All drivers of vehicles owned or leased by the center in which children are transported must have a current Department-approved First Aid and Safety certificate that includes CPR for all ages of children.          | Technical cleanup              | No |
| 7.702.66<br>C 6   | Technical cleanup              | The driver shall not eat, smoke, or use a cellular device while driving.  | The driver must not eat, smoke, or use a cellular device while driving.   | Technical cleanup              | No |
| 7.702.66<br>C 7   | Technical cleanup              | The required staff to child ratio shall be maintained at all times.   | The required staff to child ratio must be maintained at all times.  | Technical cleanup              | No |

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| 7.702.66<br>D 2 | Technical cleanup            | There must be at least one adult, in addition to the driver, for each five (5) or fewer infants/toddlers being transported. Each adult must have a current department-approved first aid and safety certificate that includes CPR for all ages of children.  | There must be at least one (1) adult, in addition to the driver, for each five (5) or fewer infants/toddlers being transported. Each adult must have a current <b>Department-approved First Aid and Safety</b> certificate that includes CPR for all ages of children. | Technical cleanup            | No |
| 7.702.67        | Technical cleanup            | 7.702.57   | <b>7.702.67</b>  | Technical cleanup            | No |
| 7.702.67<br>A 1 | Stakeholder requested change | A nutritious evening meal must be made available to children.  | A nutritious evening meal must be made available to children. <b>If provided by the center, the meal must meet current USDA Child and Adult Care Food Program meal pattern requirements.</b>   | Stakeholder requested change | No |
| 7.702.67<br>A 3 | Stakeholder requested change | Children's faces and hands must be washed, and children must be changed into comfortable clothing for sleeping.  | Children's faces and hands must be washed, <b>children's teeth must be brushed according to the child's age</b> , and children must be changed into comfortable clothing for sleeping.   | Stakeholder requested change | No |
| 7.702.67<br>A 5 | Rule clarification           | All children must be directly supervised at all times.   | <b>Staff must be awake, alert, and actively supervising all children.</b>  | Rule clarification           | No |
| 7.702.67<br>A 3 | Stakeholder requested change | The staff-child ratio for sleeping children is one (1) adult to every six (6) or fewer children in attendance.   | The staff-child ratio for sleeping children is one (1) adult to every six (6) or fewer children in attendance. <b>Once one (1) child is awake, the staff-child ratio as defined in Section 7.702.46 must be maintained.</b>  | Stakeholder requested change | No |
| 7.702.7         | Technical cleanup            | 7.702.6  | <b>7.702.7</b>   | Technical cleanup            | No |
| 7.702.71        | Technical cleanup            | 7.702.61   | <b>7.702.71</b>  | Technical cleanup            | No |
| 7.702.71        | Technical cleanup            | Indoor and outdoor play equipment and materials must be appropriate for children's ages, size, and activities.<br><br>Indoor and outdoor materials and equipment must be sufficiently varied and appropriate for the developmental needs of the children and the number attending.<br><br>Indoor and outdoor equipment, materials, and furnishings must be sturdy, safe, and free of hazards.<br><br>Any permanently installed indoor climbing equipment or indoor portable climbing equipment eighteen (18) inches or higher must have protective | <b>Reorganized rules; moved to Section 7.702.72</b>  | Technical cleanup            | No |

**Title of Proposed Rule: Rules Regulating Child Care Centers (less than 24 hours)**

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and Learning, Child Care  
Licensing Unit

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|            |                                       | <p>surfacing meeting current federal safety requirements. Protective surfacing must be installed according to manufacturer's instructions, underneath and in the use, zone surrounding the equipment.</p> <p>Mats manufactured for indoor climbing equipment over eighteen (18) inches or higher must meet current federal safety requirements. Written documentation from manufacturer must be available for review at all times.</p> |  |                                       |     |
| 7.702.71   | Technical cleanup                     | N/A.   | Revised numbering  | Technical cleanup                     | No  |
| 7.702.71 F | Stakeholder requested addition        | N/A. New rule.   | Glitter must not be used with children under three (3) years of age.   | Stakeholder requested addition        | Yes |
| 7.702.71 G | Stakeholder requested change          | Plastic bags and sharp tools and instruments must be stored in areas inaccessible to children  | Loose plastic bags must be stored in areas inaccessible to children.   | Stakeholder requested change          | No  |
| 7.702.71 H | Technical cleanup, rule clarification | Plastic bags and sharp tools and instruments must be stored in areas inaccessible to children  | Sharp tools and instruments must be stored in areas inaccessible to children.  | Technical cleanup, rule clarification | No  |
| 7.702.71 I | Technical cleanup                     | For every five (5) infants for which the center is licensed there must be at least one (1) piece of sturdy mobile equipment that is easily accessible to effectively evacuate the infants.   | For every five (5) infants for which the center is licensed, there must be at least one (1) piece of sturdy mobile equipment that is easily accessible to safely and effectively evacuate infants. | Technical cleanup                     | No  |
| 7.702.71 J | Technical cleanup                     | Reorganized from previous Section 7.702.61 L:<br>If using a crib is not designed for emergency evacuation, the crib must be reinforced with a kit manufactured for this purpose.   | Reorganized rule   | Technical cleanup                     | No  |
| 7.702.71 L | Technical cleanup                     | Reorganized from previous Section 7.702.62 F:<br>Toys, toy parts, furnishings, equipment and materials accessible to children less than three (3) years of age must not be a choke hazard or able to be inhaled. Any area of the facility accessible to children less than three (3) years of age must be free of  | Reorganized rule   | Technical cleanup                     | No  |

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|                 |                                | any choke or inhalation hazards.   |   |                                |                      |
| 7.702.71<br>M   | Technical cleanup              | Reorganized from previous Section 7.702.62 G:<br>Toys, toy parts, furnishings, equipment, and materials made of brittle, easily breakable plastic or glass are not permitted for children less than five (5) years of age. | Reorganized rule  | Technical cleanup              | No                   |
| 7.702.71<br>N   | Technical cleanup              | Reorganized from previous Section 7.702.61 I:<br>The infant program must have an adult rocking chair.  | Reorganized rule  | Technical cleanup              | No                   |
| 7.702.71<br>O   | Technical cleanup              | Reorganized from previous Section 7.702.62 H:<br>In the infant program, some play equipment from the following list must be provided: rubber washable toys, rattles, blocks, balls, and music player.                      | Reorganized rule  | Technical cleanup              | No                   |
| 7.702.71<br>P   | Stakeholder requested addition | N/A. New rule.   | Some sand or equivalent dry material or water play should be offered to children eighteen (18) months of age or older, indoors or outdoors, at least monthly and year-round.  | Stakeholder requested addition | No                   |
| 7.702.71<br>Q   | Stakeholder requested addition | N/A. New rule.   | At least three (3) examples of materials must be available to the children that are developmentally appropriate, culturally sensitive, and represent diversity in ethnicity, race, gender, age, and abilities. Variety must exist in toys, books, and pictures. | Stakeholder requested addition | Yes, changed wording |
| 7.702.71<br>R 4 | Technical cleanup              | Dramatic play area   | Dramatic play   | Technical cleanup              | No                   |
| 7.702.71<br>R 5 | Technical cleanup              | Large muscle equipment   | Gross motor   | Technical cleanup              | No                   |
| 7.702.71<br>R 8 | Stakeholder requested change   | Science  | Science and math  | Stakeholder requested change   | No                   |
| 7.702.71<br>S   | Stakeholder requested change   | 1. Gross Motor Development;<br>2. Fine Motor Development;<br>3. Language Development; and,<br>Social Interaction.  | 1. Books and pictures;<br>2. Dramatic play;<br>3. Gross motor;<br>4. Manipulatives; and,<br>5. Music  | Stakeholder requested change   | No                   |
| 7.702.71<br>T 4 | Stakeholder requested change   | Science  | Science and math  | Stakeholder requested change   | No                   |
| 7.702.72        | Technical cleanup              | 7.702.62   | 7.702.72  | Technical cleanup              | No                   |

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| 7.702.72          | Rule clarification                | General Requirements  | Indoor/Outdoor Equipment, Materials and Surfaces  | Rule clarification                | No  |
| 7.702.72          | Technical cleanup                 | N/A.  | Revised numbering   | Technical cleanup                 |     |
| 7.702.72          | Technical cleanup, rule reduction | Equipment and materials must be provided for both indoor and outdoor play.  | Removed duplicative rule  | Technical cleanup, rule reduction | No  |
| 7.702.72          | Technical cleanup, rule reduction | Indoor and outdoor equipment must be manufactured for commercial use  | Removed stringent rule at stakeholder's request   | Technical cleanup, rule reduction | Yes |
| 7.702.72<br>A     | Rule clarification                | Indoor and outdoor play equipment and materials must be appropriate for the children's ages, size, and activities.<br><br>Indoor and outdoor materials and equipment must be sufficiently varied and appropriate for the developmental needs of the children and the number attending.  | A variety of play equipment and materials appropriate for children's age, size, developmental needs, and activities must be provided for both indoor and outdoor structured and free play.              | Rule clarification                | No  |
| 7.702.72<br>A 1   | Stakeholder requested addition    | N/A. New rule.  | Programs who qualify for an outdoor space hardship per Section 7.702.74, B, 1 are not required to provide equipment and materials for outdoor play.   | Stakeholder requested addition    | No  |
| 7.702.72<br>C     | Rule clarification                | Any permanently installed indoor climbing equipment or indoor portable climbing equipment eighteen (18) inches or higher must be installed according to manufacturer's instructions, underneath and in the use zone surrounding the equipment.  | All other indoor or outdoor playground facilities, with permanently installed or portable climbing equipment, without an annually certified playground inspection must meet the following requirements: | Rule clarification                | No  |
| 7.702.72<br>C 1   | Rule clarification                | N/A. New subsection.  | Resilient Surfacing   | Rule clarification                | No  |
| 7.702.72<br>C 1 a | Stakeholder requested change      | Any permanently installed indoor climbing equipment eighteen (18) inches or higher must have protective surfacing meeting current federal safety requirements.  | All climbing equipment eighteen (18) inches or higher must have resilient surfacing of at least six (6) inches in the use zone surrounding the equipment.   | Stakeholder requested change      | No  |
| 7.702.72<br>C 1 b | Technical cleanup                 | Reorganized from previous Section 7.702.62, B, 9:<br>Department-approved resilient surfacing includes loose fill materials such as wood chips, wood mulch, engineered wood fiber, pea gravel, synthetic pea gravel, shredded rubber tires, and sand. Solid unitary materials include poured in place surfacing, approved rubber mats, | Reorganized from a different section  | Technical cleanup                 | No  |

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|                      |                                | playground tiles, and Astroturf with built in resilient pad.  |  |                                |    |
| 7.702.72<br>C 1 c    | Rule clarification             | Sand used as a resilient surface must be raked regularly to retain its resiliency and to retrain a depth of at least six (6) inches.  | Loose fill resilient surface must be raked regularly to retain its resiliency and to retain a depth of at least six (6) inches.  | Rule clarification             | No |
| 7.702.72<br>C 1 d    | Rule clarification             | Mats manufactured for resilient material for both equipment heights must meet current federal safety standards. Written documentation from manufacturer must be available for review at all times.    | Any newly installed solid unitary materials used for resilient materials must have written documentation from manufacturer stating the material meet current federal safety standards. The documentation must be available for review at all times.                      | Rule clarification             | No |
| 7.702.72<br>C 2      | Rule clarification             | N/A. New subsection.  | Maximum Height of Equipment  | Rule clarification             | No |
| 7.702.72<br>C 2 a, b | Stakeholder requested change   | The maximum height of any piece of playground equipment is six (6) feet if accessible to children 2-1/2 to 6 years of age, and three (3) feet if accessible to children less than 2-1/2 years of age. | The maximum height for toddler climbing equipment cannot exceed thirty-two (32) inches.<br><br>The maximum height for preschool and school-age climbing equipment must not exceed six (6) feet in height with six (6) inches of Department-approved resilient surfacing. | Stakeholder requested change   | No |
| 7.702.72<br>C 3      | Rule clarification             | N/A. New rule.  | Use Zone   | Rule clarification             |    |
| 7.702.72<br>C 3 a    | Stakeholder requested addition | N/A. New rule.  | Toddler climbing equipment must have a three (3) foot use zone surrounding the equipment. Toddler slides require a six (6) foot use zone extending out from the base of the slide.   | Stakeholder requested addition | No |
| 7.702.72<br>C 3 b    | Stakeholder requested addition | N/A. New rule.  | The use zone for swings used by toddlers is determined by measuring the distance from the top of the swing to the bottom of the bucket seat. This measured distance must extend from both the front and the back of the swing.   | Stakeholder requested addition | No |
| 7.702.72<br>C 3 c    | Stakeholder requested addition | N/A. New rule.  | Preschool and school-age climbing equipment must have a six (6) foot use zone surrounding the equipment. For slides exceeding six (6) feet in height, the use zone from the base of the slide must be as long as the slide height.                                       | Stakeholder requested addition | No |
| 7.702.72<br>C 3 d    | Stakeholder requested addition | N/A. New rule.  | The use zone for swings used by children preschool age and older is determined by measuring the distance from the top of the swing to the ground. This measured distance must extend from both the front and the back of the swing.                                      | Stakeholder requested addition | No |
| 7.702.72<br>C 4      | Technical cleanup              | Reorganized from previous Section 7.702.62, B, 2:<br>Moving equipment must be located   | Reorganized from another section   | Technical cleanup              | No |

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|                 |  | toward the edge or corner of a play area or be designed in such a way as to discourage children from running into the path of the moving equipment.  |   |  |    |
| 7.702.72<br>C 5 | Technical cleanup/rule reduction                                     | Reorganized from previous Section 7.702.62, B, 3:<br>Metal equipment must be placed in the shade. When possible and must be arranged so that children playing on one piece of equipment will not interfere with children playing or running to another piece of equipment. | Metal equipment must be placed in the shade.  | Technical cleanup/rule reduction                                     | No |
| 7.702.72<br>C 6 | Stakeholder requested change   | All pieces of playground equipment must be designed to guard against entrapment and strangulation.   | All pieces of playground equipment must be designed to guard against entrapment and strangulation. <b>Any openings in gross motor equipment above ground must be smaller than three and one half (3 ½) inches or greater than nine (9) inches to prevent entrapment.</b>  | Stakeholder requested change   | No |
| 7.702.72<br>C 7 | Stakeholder requested change   | Swings must have seats made of a flexible material.  | Swings must have seats made of a flexible material <b>and all "S" hooks must be secured.</b>  | Stakeholder requested change   | No |
| 7.702.72<br>C 8 | Rule clarification   | N/A. New rule.   | <b>All outdoor play areas used for children's activities must be checked daily and kept safe and free from hazardous materials or debris by removal of debris, dilapidated structures, and broken or worn play equipment. The staff must identify hazardous, high-risk areas; those areas must be made inaccessible to children to reduce the possibility of injuries and accidents.</b>  | Rule clarification   | No |
| 7.702.72<br>D   | Legislative requirement: SB 21-167, Regulation of Child Care Centers | N/A. New rule.   | <b>For purposes of a playground facility inspection, the Department shall accept as satisfactory proof of valid certification of the playground facility, certification, or a copy of certification, from an individual who is licensed or certified to perform playground safety inspections through the National Recreation and Park Association, or other nationally recognized playground facility safety organization. The Department shall not require a duplicate inspection if there is a satisfactory inspection report.</b> | Legislative requirement: SB 21-167, Regulation of Child Care Centers | No |
| 7.702.72<br>D 1 | Rule clarification   | N/A. New rule.   | <b>All playground facilities who hold a certified playground safety inspection must maintain resilient surfacing in compliance with the certification.</b>  | Rule clarification   | No |
| 7.702.72<br>E   | Stakeholder requested change   | Children must wear helmets when riding scooters, bicycling, skateboarding, or rollerblading. The helmet must be  | Children must wear helmets when riding scooters, bicycling, skateboarding, or rollerblading. <b>The helmet must be removed after the activity. Motorized riding toys are not</b>  | Stakeholder requested change   | No |

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|              |                                   | removed after the activity. Motorized riding toys are not permitted.   | permitted.  |                                   |     |
| 7.702.72 F   | Stakeholder requested addition    | N/A. New rule.   | Trampolines and inflatable bouncers are prohibited.   | Stakeholder requested addition    | Yes |
| 7.702.73     | Stakeholder requested change      | Space Requirements   | Indoor Learning Environment   | Stakeholder requested change      | No  |
| 7.702.73 A   | Stakeholder requested change      | Indoor Area Requirements   | Indoor Space requirements   | Stakeholder requested change      | No  |
| 7.702.73 A   | Technical cleanup, rule reduction | Childcare centers in operation prior to January 1, 1966, and which continue operation under the same governing body, must provide open indoor play space of at least twenty-five (25) square feet of floor space per child, including space for readily movable furniture and equipment, and with the exclusions noted in the preceding paragraph. | Removed outdated rule   | Technical cleanup, rule reduction | No  |
| 7.702.73 A 2 | Stakeholder requested addition    | N/A. New rule.   | Indoor play areas must be uncluttered, safe, and allow for freedom of movement.   | Stakeholder requested addition    | No  |
| 7.702.73 A   | Technical cleanup                 | Diaper change areas must be located and arranged so as to provide privacy for older children in need of diaper changing. See also Section 7.702.53, B.   | Reorganized to Section 7.702.61 A   | Technical cleanup                 | No  |
| 7.702.73 A   | Technical cleanup/rule reduction  | Toddler centers licensed to July 1, 1989 are exempt from the room size requirement.  | Removed outdated rule   | Technical cleanup/rule reduction  | No  |
| 7.702.74     | Technical cleanup                 | N/A.   | Revised numbering   | Technical cleanup                 |     |
| 7.702.74     | Stakeholder requested addition    | N/A. New subsection.   | Outdoor Learning Environment  | Stakeholder requested addition    | No  |
| 7.702.74 A   | Stakeholder requested change      | Outdoor Area Requirements  | Outdoor Space requirements  | Stakeholder requested change      | No  |
| 7.702.74 A 1 | Stakeholder requested change      | The center must provide an outdoor play area that is adjacent to or safely accessible to the indoor facilities. When the area is not adjacent, staff members must accompany children to and from the play area.  | Readily accessible gross motor play space and access to outdoor space must be provided.   | Stakeholder requested change      | No  |
| 7.702.74 A 2 | Stakeholder requested change      | The outdoor play area must provide a minimum of seventy-five (75) square feet of space per child for a group of children using the total play area at any one time.  | The outdoor learning environment for preschool age and older must provide a minimum of seventy-five (75) square feet of space per child for a group of children using the total play area at any one time. The total play area must | Stakeholder requested change      | No  |

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|                   |                                   | The total play area must accommodate at least thirty-three percent (33%) of the licensed capacity of the center or a minimum of 1500 square feet, whichever is greater.   | accommodate at least thirty-three percent (33%) of the licensed capacity for children preschool age and older or a minimum of 1500 square feet, whichever is greater.   |                                   |                     |
| 7.702.74<br>A 2 a | Stakeholder requested addition    | N/A. New rule.  | Programs who qualify for an outdoor space hardship per Section 7.702.74, B, 1 must meet the minimum outdoor learning environment square footage requirements indoors or through a combination of indoor and outdoor space.  | Stakeholder requested addition    | No                  |
| 7.702.74<br>A     | Technical cleanup, rule reduction | The playground area must have at least two (2) different types of surfaces. Each type of surface must cover at least ten percent (10%) of the playground area.  | Removed rule that is too stringent and not required for children's safety   | Technical cleanup, rule reduction | No                  |
| 7.702.74<br>A 5   | Stakeholder requested change      | A minimum of one hundred fifty (150) square feet of shaded area in the fenced play area must be provided to guard children against the hazards of excessive sun and heat. Shaded areas must be provided year-round. | A minimum of one hundred fifty (150) square feet of shaded area in the fenced play area must be provided to guard children against the hazards of excessive sun and heat. Shaded areas must be provided year-round.   | Stakeholder requested change      | No                  |
| 7.702.74<br>B     | Stakeholder requested addition    | N/A. New rule.  | <p><b>B. Outdoor Space Hardship</b></p> <p>1. If an outdoor play space is not directly attached to the facility or accessible via secure access, or the childcare facility cannot meet outdoor space requirements due to a hardship based on the location of the facility, the facility must develop a site-specific plan, which will be submitted to the Department for review and approval, that includes the following:</p> <ul style="list-style-type: none"> <li>a. Identification of an accessible (appropriate for the age group of children served) alternate outdoor space including a description and approximate square footage of the space;</li> <li>b. A diagram outlining how children will safely travel to and from this location;</li> <li>c. A plan for supervision, including any special staffing requirements, to safely access and utilize the alternate outdoor space that includes: <ul style="list-style-type: none"> <li>(1) Attendance tracking upon arrival to the outdoor space and return to the facility;</li> <li>(2) Children's toileting and diapering needs;</li> <li>(3) Children's routine and emergency medical needs including the use of first aid kits and</li> </ul> </li> </ul> | Stakeholder requested addition    | Yes, added language |

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|                 |                                   |  | <p>accessibility of emergency contact information when not on site at the childcare facility;</p> <p>(4) Plans for alternate activities if the outdoor space is unavailable; and,</p> <p>(5) If play equipment or climbing structures are present in the outdoor space, a plan for assessing safety of equipment and supervising age-appropriate play;</p> <p>d. An emergency evacuation plan including the location of a secondary site for reunification with parents in the case of an emergency while at the offsite location and plans for accessing shelter in the case of emergency; and,</p> <p>e. A policy that notifies the parent(s)/guardian(s) of the alternate outdoor space.</p> <p>2. If the outdoor space becomes unusable or the program cannot maintain what was approved in the plan, the program must submit a new plan to the Department within ten (10) calendar days of a change in the usability of such outdoor space.</p> <p>3. Childcare facilities licensed prior to December 1, 2021 may not reduce or eliminate existing licensed outdoor space to qualify for the outdoor space hardship.</p> |                                   |    |
| 7.702.8         | Technical cleanup                 | 7.702.7  | <del>7.702.8</del>  | Technical cleanup                 | No |
| 7.702.81        | Technical cleanup                 | 7.702.71   | <del>7.702.81</del>   | Technical cleanup                 | No |
| 7.702.81<br>A 4 | Stakeholder requested addition    | N/A. New rule.   | <p>Prior to licensure, If the infant or toddler program is located on a floor above or below the main floor of egress leading directly outside, the childcare facility must develop and submit an alternate location plan for approval by the Department that includes following:</p> <p>a. Fire department and building department approval per the locally adopted fire and building codes;</p> <p>b. An emergency evacuation plan with identified primary and secondary areas of refuge;</p> <p>c. Any special equipment necessary to operate in and evacuate safely from the alternate location; and,</p> <p>d. Any special staffing and training requirements to ensure the ability to safely evacuate the alternate location.</p>   | Stakeholder requested addition    | No |
| 7.702.81<br>B   | Technical cleanup, rule reduction | The infant program must be located on the grade level. | <del>Removed rule due to new rule at Section 7.702.81, A, 4.</del>  | Technical cleanup, rule reduction | No |
| 7.702.81        | Rule clarification                | If the infant program is in the same                   | If the infant program is in the same building as a facility   | Rule clarification                | No |

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| B 1             |                                   | building as a facility caring for children of other ages, the infant program must be physically separated in different rooms.   | caring for children of other ages, the infant program must be physically separated in different rooms <b>by walls no less than eight (8) feet and full doors.</b>  |                                   |    |
| 7.702.81<br>C   | Technical cleanup, rule reduction | The toddler program must be located on the grade level.   | <b>Removed rule due to new rule at Section 7.702.81, A, 4.</b>   | Technical cleanup, rule reduction | No |
| 7.702.81<br>C 1 | Rule clarification                | N/A. New rule.  | <b>If the toddler program is in the same building as a facility caring for children of other ages, the toddler program must be physically separated in different rooms by walls no less than eight (8) feet and full doors.</b>  | Rule clarification                | No |
| 7.702.81<br>C 2 | Technical cleanup                 | If the toddler program is combined with a large childcare center or an infant program, toddler facilities, both indoor and outdoor, must be completely separate from facilities for other age groups, except as allowed by Section 7.702.73, B,8 and 10. If the facility wishes to provide opportunities for a toddler to have occasional contact with siblings, plans must be approved by the Department licensing representative. | If the toddler program is combined with a large childcare center or an infant program, toddler facilities, both indoor and outdoor, must be completely separate from facilities for other age groups, except as allowed by <b>Section 7.702.74, B, 6 and 8.</b> If the facility wishes to provide opportunities for a toddler to have occasional contact with siblings, plans must be approved by the Department licensing representative. | Technical cleanup                 | No |
| 7.702.82        | Technical cleanup                 | 7.702.72  | <b>7.702.82</b>  | Technical cleanup                 | No |
| 7.702.82<br>A   | Stakeholder requested change      | The center must comply with applicable state and local building code.   | The center must comply with applicable state and local building <b>and fire codes.</b>   | Stakeholder requested change      | No |
| 7.702.82<br>B   | Technical cleanup, rule reduction | Prior to construction, architectural plans for new buildings or for-extensive remodeling of existing buildings must be submitted for review and approval by the Department, the local fire department, and the local building department as to appropriateness, adequacy, and suitability for childcare functions.  | Prior to construction, architectural plans for new buildings or for-remodeling of existing buildings must be submitted for review and approval by the Department, the local fire department, and the local building department as to appropriateness, adequacy, and suitability for childcare functions.   | Technical cleanup, rule reduction | No |
| 7.702.83        | Technical cleanup                 | 7.702.75  | <b>7.702.83</b>  | Technical cleanup                 | No |
| 7.702.83<br>A   | Stakeholder requested addition    | N/A. New rule.  | <b>1. In toilet facilities where the adult and children's facilities are separated by a partition, adults and children must not use the facilities at the same time.<br/>2. After January 1, 2022, staff and children toilet facilities must be separate in new construction.</b>  | Stakeholder requested addition    | No |
| 7.702.83<br>C   | Technical cleanup                 | Drop-in childcare centers must provide a minimum of one 1 lavatory and one 1 flush toilet for each 20 or fewer children.  | <b>Reorganized to Section 7.702.101, F, 2.</b>   | Technical cleanup                 | No |
| 7.702.83        | Rule clarification                | The same toilet facilities must not be used   | The same toilet facilities must not be used simultaneously   | Rule clarification                | No |

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| D               |                                | simultaneously by school-age children of both sexes, and toilets for school-age children must be separated by partitions to provide privacy.   | by school-age children of both genders, and toilets for school-age children must be separated by partitions to provide privacy.  |                                |     |
| 7.702.83<br>D 1 | Stakeholder requested addition | N/A. New rule.   | School-age children must be allowed the use of gender-segregated toilet facilities that are consistent with their gender identity.   | Stakeholder requested addition | No  |
| 7.702.83<br>E   | Rule clarification             | Toilet facilities are not required for children less than two (2) years of age.  | Toilet facilities must be provided for children two (2) years of age and older.  | Rule clarification             | No  |
| 7.702.83<br>F   | Rule clarification             | Toilet rooms for children must be located within the toddler program.  | Toilet facilities for toddlers must be located within their classroom.   | Rule clarification             | No  |
| 7.702.83<br>F   | Technical cleanup              | A diaper change table and handwashing sink are required in every toddler classroom meeting requirements of Section 7.702.51.   | Reorganized to Section 7.702.61, A, 3.   | Technical cleanup              | No  |
| 7.702.84        | Technical cleanup              | 7.702.76   | 7.702.84   | Technical cleanup              | No  |
| 7.702.84<br>A   | Technical cleanup              | Office space separate from areas used by children, other than for isolation purposes, must be provided for staff to perform administrative duties.   | Office space separate from areas used by children must be provided for staff to perform administrative duties.   | Technical cleanup              | No  |
| 7.702.84<br>A 1 | Stakeholder requested change   | N/A. New rule.   | If the office space is accessible to children, it must be free of hazards.   | Stakeholder requested change   | No  |
| 7.702.9         | Technical cleanup              | 7.702.8 Fire and Other Safety Requirements   | 7.702.9 Safety Requirements  | Technical cleanup              | No  |
| 7.702.91        | Technical cleanup              | 7.702.81   | 7.702.91   | Technical cleanup              | No  |
| 7.702.91<br>A   | Stakeholder requested addition | N/A. New rule.   | Firearms are prohibited on the premises, both indoor and outdoor, and in any vehicle in which children are transported.<br>1. No concealed carry firearms are allowed during childcare hours even if the adult possess a concealed carry permit.   | Stakeholder requested addition | Yes |
| 7.702.91<br>F   | Stakeholder requested change   | All heating units, gas or electric, must be installed and maintained with safety devices to prevent fire, explosions, and other hazards. No open-flame gas or oil stoves, unscreened fireplaces, hot plates, or unvented heaters can be used for heating purposes. All heating elements, including hot water pipes, must be insulated or installed in such a way that children cannot come in contact with | All heating units, gas or electric, must be installed and maintained per the manufacturer's specifications with safety devices to prevent fire, explosions, and other hazards. No open-flame gas or oil stoves, unscreened fireplaces, hot plates, or unvented heaters can be used for heating purposes. All heating elements, including hot water pipes, must be insulated or installed in such a way that children cannot come in contact with them. | Stakeholder requested change   | No  |

**Title of Proposed Rule: Rules Regulating Child Care Centers (less than 24 hours)**

**CDHS Tracking #: 21-05-20-01**

Office, Division, & Program:  
OEC, Division of Early Care  
and Learning, Child Care  
Licensing Unit

Rule Author: Carin Rosa

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|               |                                  | them.   |   |                                  |    |
| 7.702.91<br>G | Stakeholder requested change     | Nothing flammable or combustible can be stored within three (3) feet of a furnace or hot water heater.  | Combustible materials must not be stored in hallways, stairways, boiler rooms, mechanical rooms, or electrical equipment rooms.   | Stakeholder requested change     | No |
| 7.702.92      | Technical cleanup                | 7.702.82  | 7.702.92  | Technical cleanup                | No |
| 7.702.92      | Stakeholder requested addition   | N/A. New rule.  | Centers must comply with the locally adopted fire code, including but not limited to the following:   | Stakeholder requested addition   | No |
| 7.702.92<br>A | Stakeholder requested change     | Every building and structure must have the sufficient exits to permit the prompt escape of occupants in case of fire or other emergency. Additional safeguards must be provided for life safety in case any single safeguard is ineffective due to some human or mechanical failure.                    | Every building and structure must have the minimum required number of exits to permit the prompt escape of occupants in case of fire or other emergency. Additional safeguards must be provided for life safety in case any single safeguard is ineffective due to some human or mechanical failure.  | Stakeholder requested change     | No |
| 7.702.92<br>D | Stakeholder requested change     | No child of less than first grade school level can be cared for in areas above or below the main floor of exit unless allowed by the Uniform Building Code and approved by the local fire department.   | No children younger than school age can be cared for in areas above or below the main floor of exit unless in compliance with all Codes and Standards as adopted by the local jurisdiction and approved by the local fire department, or except as provided in the location exception in Section 7.702.81, A, 4.  | Stakeholder requested change     | No |
| 7.702.92<br>E | Stakeholder requested change     | One (1) exit from each room must be directly to the exterior of the building or to a common hallway leading to the exterior. The exit path must not go through another classroom, to get to the hallway.  | One (1) exit from each room must be directly to the exterior of the building or to a common hallway leading to the exterior. The exit path must not go through an intervening room such as a bathroom, another classroom, storage room, or kitchen.   | Stakeholder requested change     | No |
| 7.702.92      | Technical cleanup/rule reduction | Each center must have at least two (2) approved, alternate means of egress from each floor of the building or to a common hallway leading to the exterior. They must be at different locations.   | Removed duplicative rule; covered in fire inspection  | Technical cleanup/rule reduction | No |
| 7.702.92<br>G | Stakeholder requested change     | If the center has a security lock on outside exit doors, the center must obtain written permission from the local fire department; and there must be a written sign attached to the door instructing center staff that the security lock is not to be utilized when children are present at the center. | Regardless of the number of staff and children, exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. Dead bolts may be installed on the main exit door, but the lock cannot be used during business hours, and there must a sign indicating that "this door must remain unlocked during business hours." | Stakeholder requested change     | No |
| 7.702.92 I    | Stakeholder requested change     | Every building and structure must have an automatic or Department- approved manually operated fire alarm system to  | Fire alarm and fire sprinklers must be provided in accordance with the locally adopted fire code. If a fire alarm system is installed, it must be used to warn  | Stakeholder requested change     | No |

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|                 |                              | warn occupants of the existence of fire or to facilitate the orderly conduct of fire exit drills.   | occupants of the existence of fire or to facilitate the orderly conduct of fire exit drills.   |  |    |
| 7.702.100       | Rule clarification           | N/A. New section.   | Drop-in, part day, mobile part-day preschool, teen parent programs, and other programs operated by public school districts   | Rule clarification                                 | No |
| 7.702.101       | Rule clarification           | N/A. New subsection.  | Drop-in Programs   | Rule clarification                                 | No |
| 7.702.101 A 1   | Stakeholder requested change | The Director or Substitute Director of an extended hour drop-in childcare center operating at least six (6) calendar days per week must be present at the center or involved in director activities at least fifty percent (50%) of the hours of operation of any day the center is in operation. | The Director or Assistant Director of an extended hour drop-in childcare center operating at least six (6) calendar days per week must be present at the center or involved in director activities at least fifty percent (50%) of the hours of operation of any day the center is in operation. | Stakeholder requested change                       | No |
| 7.702.101 A 2   | Stakeholder requested change | Whenever the Director of a drop-in childcare center cannot be present fifty percent (50%) of any day the center is in operation, a substitute Director that meets one (1) of the following qualifications must be present:  | Whenever the Director of a drop-in childcare center cannot be present fifty percent (50%) of any day the center is in operation, an Assistant Director that meets one (1) of the following qualifications must be present:   | Stakeholder requested change                       | No |
| 7.702.101 A 2 a | Technical cleanup            | At least one (1) year of experience as a qualified Early Childhood Teacher at the drop-in childcare center;   | At least one (1) year of experience as a qualified Early Childhood Teacher at the drop-in child care center;   | Technical cleanup                                  | No |
| 7.702.101 A 2 b | Technical cleanup            | Eighteen (18) months of experience as a qualified Early Childhood Teacher with children less than twelve (12) years of age and at least six (6) months experience at the drop-in childcare center;  | Eighteen (18) months of experience as a qualified Early Childhood Teacher with children less than twelve (12) years of age and at least six (6) months experience at the drop-in child care center;  | Technical cleanup                                  | No |
| 7.702.101 A 2 c | Rule clarification           | A Bachelor of Arts or Bachelor of Science degree from a regionally accredited college or university in the human services field   | A Bachelor's, Master's, or Doctorate degree from an accredited college or university in one (1) of the human services field below:   | Rule clarification                                 | No |
| 7.702.101 A 2 c | PDG Workgroup Recommendation | N/A. New subsection.  | (1) Child Development;<br>(2) Child Psychology;<br>(3) Early Childhood Education;<br>(4) Early Childhood Special Education;<br>(5) Educational Leadership and Administration;<br>(6) Elementary Education;<br>(7) Family and Human Development;  | Rule change due to PDG workgroup's recommendations | No |

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|                    |                    |   | (8) Family Studies;<br>(9) Special Education;   |                    |    |
| 7.702.101<br>A 2 d | Rule clarification | Qualification as an Early Childhood Teacher and completion of at least half of the required coursework for director qualifications, including one of the administration classes   | Qualification as an Early Childhood Teacher and completion of at least half of the required coursework for director qualifications, including one (1) of the following administration classes:<br>(1) Administration of Early Childhood Care and Education Programs; or,<br>(2) Administration: Human Relations for Early Childhood Professions or Introduction to Business.  | Rule clarification | No |
| 7.702.101<br>B 1   | Technical cleanup  | Drop-in childcare centers may follow a ratio of one (1) adult for every eight (8) children for children in a mixed age group of two (2) years of age to twelve (12) years.  | Drop-in <b>child care</b> centers may follow a ratio of one (1) adult for every eight (8) children for children in a mixed age group of two (2) years of age to twelve (12) years.  | Technical cleanup  | No |
| 7.702.101<br>C 1   | Technical cleanup  | For children attending a drop-in center, parent(s)/guardian(s) of each child must submit a statement of the child's current health status or written verification of a scheduled appointment with a health care provider within thirty (30) calendar days or by the second visit, whichever is longer. The statement of the child's current health status must be signed and dated by a health care provider who has seen the child within the last twelve (12) months, or within the last six (6) months for children less than two and one-half (2½) years of age. Subsequent statements are not required if there have been no health changes in the child and the parent(s)/guardian(s) attest in writing to the health status of the child on an annual basis. Children attending drop-in child care with special medical needs must have the statement from a health care professional as indicated in section 7.702.52, A, 2, b-f. | For children attending a drop-in center, <b>the</b> parent(s)/guardian(s) of each child must submit a statement of the child's current health status or written verification of a scheduled appointment with a health care provider within thirty (30) calendar days or by the second visit, whichever is longer. The statement of the child's current health status must be signed and dated by a health care provider who has seen the child within the last twelve (12) months, or within the last six (6) months for children less than two and one-half (2 ½) years of age. Subsequent statements are not required if there have been no health changes in the child and the parent(s)/guardian(s) attest in writing to the health status of the child on an annual basis. Children attending drop-in childcare with special medical needs must have the statement from a health care <b>provider</b> as indicated in Section 7.702.51, A, 2, <b>b-e</b> . | Technical cleanup  | No |

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| 7.702.101<br>F 1   | Technical cleanup              | A toddler program located in a drop-in childcare center licensed for five (5) or fewer toddlers may be separated from the rest of the center by a five (5) foot wall.   | A toddler program located in a drop-in <b>child care</b> center licensed for five (5) or fewer toddlers may be separated from the rest of the center by a five (5) foot wall.   | Technical cleanup              | No                  |
| 7.702.101<br>F 3   | Technical cleanup              | Toilet rooms for children must be located within the toddler program. Drop-in child care centers need not provide a toilet in the toddler classroom if the facility is licensed for ten (10) or fewer toddlers. A diaper change table and hand washing sink is required in every toddler classroom meeting requirements at Section 7.702.53, B. | <b>Toilet facilities are not required to be located in the toddler classroom for drop-in child care centers licensed for ten (10) or fewer toddlers.</b>  | Technical cleanup              | No                  |
| 7.702.102          | Rule clarification             | N/A. New subsection.  | <b>Part-day programs</b>  | Rule clarification             | No                  |
| 7.702.102<br>A 1   | Stakeholder requested addition | Supervised tummy time must be offered to infants one month of age or older up to twenty to thirty (20-30) minutes per day. If the infant falls asleep during tummy time, immediately place him/her on their back in approved sleeping equipment.  | Supervised tummy time must be offered to infants one (1) month of age or older <b>at least two (2) times per day for part day programs for short periods (3-5 minutes) and increase the amount of time as the infant shows they enjoy the activity.</b> If the infant falls asleep during tummy time, immediately place him/her on their back in approved sleeping equipment.                             | Stakeholder requested addition | No                  |
| 7.702.102<br>B 1 a | Stakeholder requested addition | N/A. New rule.  | <b>Programs who qualify for an outdoor space hardship per Section 7.702.74, B, 1 must provide daily physical gross motor activities indoors or outdoors.</b>  | Stakeholder requested addition | Yes, added language |
| 7.702.102<br>B 2   | Rule clarification             | N/A. New rule.  | <b>Daily physical gross motor activities must be provided for children toddler age and older based on the program's hours of operation:</b><br>a. For programs operating up to three (3) hours per day, fifteen (15) minutes of gross motor activities is required.<br>b. For programs operating between three (3) and five (5) hours per day, thirty (30) minutes of gross motor activities is required. | Rule clarification             | No                  |
| 7.702.103          | Stakeholder requested addition | N/A. New subsection.  | <b>Mobile Part-Day Preschool Programs</b><br><b>A. Policies</b><br><b>1. Written schedules must be provided to</b>  | Stakeholder requested addition | No                  |

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|  |  |  | <p>parent(s)/guardian(s) and the Department. Any changes to location must be provided to parent(s)/guardian(s) and the Department in advance.</p> <p>2. The program must have an emergency evacuation plan and location.</p> <p>a. The program must develop a plan for transporting children, specific to each mobile unit, in the case of an emergency. The plan must be approved by the Department prior to caring for children.</p> <p><b>B. Staff Qualifications</b></p> <p>1. There must be a large childcare center qualified Director available during operating hours. A Director can oversee multiple mobile preschool programs under the same governing body.</p> <p>2. Each mobile preschool program must have a qualified Early Childhood Teacher on site.</p> <p><b>C. Supervision</b></p> <p>1. Children must be directly supervised when entering and exiting the mobile preschool.</p> <p><b>D. Child Care Equipment and Materials</b></p> <p>1. A variety of developmentally appropriate materials, equipment, and learning activities from the following categories must be available so that for any one time at least half of the children for which the program is licensed can be individually involved.</p> <p>a. Art;</p> <p>b. Blocks and accessories;</p> <p>c. Books and pictures;</p> <p>d. Imaginative play;</p> <p>e. Manipulatives;</p> |  |  |
|--|--|--|--|--|--|

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|           |                    |                                       | <p>f. Music; and</p> <p>g. Science and Math.</p> <p>E. Facility Requirements</p> <ol style="list-style-type: none"> <li>1. The mobile unit must be parked and appropriately secured prior to children arriving for care.</li> <li>2. The use of handwashing sinks and toilets not located within the facility must be approved by the Colorado Department of Public Health and Environment.</li> <li>3. If the mobile preschool is approved by the Colorado Department of Public Health and Environment to use a toilet located outside of the facility, there must be one (1) additional staff member, who is an Assistant Early Childhood Teacher or an Early Childhood Teacher, to properly supervise and accompany the children to the toilet facilities.</li> <li>4. If the Colorado Department of Public Health and Environment approves the use of a public restroom, the restroom must not be shared with the public during the hours the preschool is in operation.</li> <li>5. There must be a minimum of fifteen (15) square feet per child in the mobile classroom.</li> <li>6. The mobile preschool must be capable of maintaining a draft-free temperature of a minimum of sixty-eight (68) degrees Fahrenheit.</li> <li>7. The program must have safely accessible access to an outdoor area for daily planned activities, during inclement weather, an indoor space must be available for gross motor activities.             <ol style="list-style-type: none"> <li>a. Programs who qualify for an outdoor space hardship per Section 7.702.74, B, 1 must provide daily physical gross motor activities indoors.</li> </ol> </li> </ol> <p>F. Safety</p> <ol style="list-style-type: none"> <li>1. Space heaters must have screens, a safety overheat protection, a safety trip-over switch, and be inaccessible to children.</li> <li>2. The mobile preschool must have two (2) means of emergency egress.</li> </ol> |                    |    |
| 7.702.104 | Rule clarification | N/A. New subsection.                  | Teen Parent Programs Operated by a School District  | Rule clarification | No |
| 7.702.104 | Rule clarification | Infants between the ages of seven (7) | Infants between the ages of seven (7) and thirteen (13)   | Rule clarification | No |

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| A 2         |  | and fourteen (14) days may be accepted for care only with written approval from a health care professional and if there are no medical complications for the infant and/or teen mother.                                       | days may be accepted for care only with written approval from a health care provider and if there are no medical complications for the infant and/or teen mother.  |  |     |
| 7.702.104 B | Technical cleanup  | Infant and toddler programs affiliated with teen parent programs that are operated by accredited public school systems on school premises may substitute the following staff requirements for those at 7.702.46 and 7.702.47: | Infant and toddler programs affiliated with teen parent programs that are operated by accredited public school systems on school premises may substitute the following staff requirements for those at 7.702.45 B, C:  | Technical cleanup  | No  |
| 7.702.105   | Rule clarification   | N/A. New subsection.  | <a href="#">Child Care Programs and Preschools Operated by a Public School District</a>  | Rule clarification   | No  |
| 7.702.105 A | Legislative requirement: SB21-056, Expand Cannabis-based Medicine at Schools | N/A. New rule.  | <a href="#">The administration of medical marijuana must comply with policies listed in sections 12-255-120, 12-255-127, and 2-30-116, C.R.S.</a>  | Legislative requirement: SB21-056, Expand Cannabis-based Medicine at Schools | No  |
| 7.702.105 B | Stakeholder requested addition   | N/A. New rule.  | <ol style="list-style-type: none"> <li>1. <a href="#">Preschool age classrooms that are operated by public school districts are not required to have a Large Center Director qualified staff member assigned to each program when they have an organizational structure that includes at least ten (10) administrative support elements from the following:</a> <ol style="list-style-type: none"> <li>a. Colorado Preschool Program coordinator;</li> <li>b. Parent educational specialist;</li> <li>c. Principal;</li> <li>d. Health coordinator;</li> <li>e. Nurse;</li> <li>f. Health technician;</li> <li>g. Food service director;</li> <li>h. A registered dietitian or an individual with a Master's level or higher education in Nutrition;</li> <li>i. Fire/health/safety inspector;</li> <li>j. Mental health team;</li> <li>k. Speech language pathologist;</li> <li>l. Occupational/physical therapist;</li> <li>m. School psychologist;</li> <li>n. Family outreach worker;</li> <li>o. Human resource specialist; or,</li> <li>p. Transportation manager.</li> </ol> </li> <li>2. <a href="#">The program must obtain a Director who meets Large</a></li> </ol> | Stakeholder requested addition   | Yes |

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|                  |                                |                | Center Director qualifications if substantial evidence has been found leading to an adverse licensing action for any of the following:<br>a. Lack of supervision;<br>b. Operating out of the approved staff member to child ratio; or,<br>c. Operating without sufficient qualified staff.<br>3. Programs who have their Director privileges revoked may submit a request for consideration after a period of two (2) years from successful completion of the adverse licensing action. |                                |    |
| 7.702.105<br>C 2 | Stakeholder requested addition | N/A. New rule. | In licensed programs operated by public school districts, substitutes may be from the sponsoring school system's list of approved substitutes. Substitutes who do not meet qualifications for the position that they are substituting for can be used up to twelve (12) weeks per year. The dates and times must be recorded and made available for review at all times.  | Stakeholder requested addition | No |
| 7.702.105<br>D   | Stakeholder requested addition | N/A. New rule. | Licensed programs operated by public school districts who do not meet fencing or barrier requirements in Section 7.702.74, A, 3 may use the school's perimeter fencing if they maintain a ratio of one (1) staff member to eight (8) children.  | Stakeholder requested addition | No |

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### **STAKEHOLDER COMMENT SUMMARY**

#### **Development**

*The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):*

Child Care Center Rules Re-write Committee, Preschool Development Grant Work Groups, and Legislative Work Groups for SB 19-104 and SB-19-063: Colorado Children's Campaign, Buell Foundation, Early Childhood Association of Colorado, Colorado Department of Education, Colorado Department of Public Health and Environment, Colorado Child Care Quality Initiative Unit, Montessori Associations, Children's Hospital, Health Child Care Colorado, National Wildlife Federation, Worldmind, Arvada Fire Department, Denver Fire Department, Colorado Department of Public Safety, Governor's Office, Department of Higher Education, Arapahoe Community College, Front Range Community College, EPIC, Downtown Denver Partnership, Westminster School District, Early Connections Learning Center, United Way Denver, Early Childhood Council representatives, Denver Public Health and Environment, Institute for Racial Equity and Excellence, Jefferson County School District, Weld County School District, St. Vrain School District, and Boulder County School District.

#### **This Rule-Making Package**

*The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:*

All licensed child care centers operating less than 24 hours

#### **Other State Agencies**

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

Yes  No

If yes, who was contacted and what was their input?

#### **Sub-PAC**

Have these rules been reviewed by the appropriate Sub-PAC Committee?

Yes  No

|                          |                 |                |                |
|--------------------------|-----------------|----------------|----------------|
| Name of Sub-PAC          | Early Childhood |                |                |
| Date presented           | July 8, 2021    |                |                |
| What issues were raised? | None            |                |                |
| Vote Count               | <i>For</i>      | <i>Against</i> | <i>Abstain</i> |
|                          | 11              | 0              | 1              |

If not presented, explain why.

#### **PAC**

Have these rules been approved by PAC?

Yes  No

|                          |                                      |                |                |
|--------------------------|--------------------------------------|----------------|----------------|
| Date presented           | Scheduled for presentation in August |                |                |
| What issues were raised? | None                                 |                |                |
| Vote Count               | <i>For</i>                           | <i>Against</i> | <i>Abstain</i> |

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| 15                             | 0 | 0 |
| If not presented, explain why. |   |   |

**Other Comments**

Comments were received from stakeholders on the proposed rules:

Yes     No

*If "yes" to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.*

## 7.702 RULES REGULATING CHILD CARE CENTERS THAT PROVIDE LESS THAN 24-HOUR CARE

All childcare centers must comply with the current “General Rules for Child Care Facilities” 7.701; “Rules Regulating Child Care Centers THAT PROVIDE LESS THAN 24-HOUR CARE” 7.702; “Rules Regulating Special Activities” 7.719;” 6 CCR 1010-7, “THE HEALTH AND SANITATION RULES AND REGULATIONS GOVERNING THE SANITATION OF CHILD CARE FACILITIES IN THE STATE OF COLORADO C.R.S.; AND Part 266.20(1.5).

DROP-IN, PART DAY, MOBILE PRESCHOOL, TEEN PARENT, AND OTHER PROGRAMS OPERATED BY PUBLIC SCHOOL DISTRICTS MUST BE IN COMPLIANCE WITH ALL RULES FOUND IN THIS SECTION. ADDITIONAL RULES OR SUBSTITUTION TO RULES CAN BE FOUND UNDER SECTION 7.702.100.

### HARDSHIP WAIVERS

ANY APPLICANT OR LICENSEE WHO HAS APPLIED FOR OR BEEN ISSUED A LICENSE TO OPERATE A CHILDCARE FACILITY HAS A RIGHT TO APPEAL, PURSUANT TO § 26-6-106(3), C.R.S., ANY RULE OR STANDARD WHICH, IN HIS OR HER OPINION, POSES AN UNDUE HARDSHIP ON THE PERSON, FACILITY, OR COMMUNITY. AN “UNDUE HARDSHIP” IS DEFINED AS A SITUATION WHERE COMPLIANCE WITH THE RULE CREATES A SUBSTANTIAL, UNNECESSARY BURDEN ON THE APPLICANT OR LICENSEE’S BUSINESS OPERATION OR THE FAMILIES OR COMMUNITY IT SERVES, WHICH REASONABLE MEANS CANNOT REMEDY. AN UNDUE HARDSHIP DOES NOT INCLUDE THE NORMAL COST OF OPERATING THE BUSINESS.

#### 7.702.1 DEFINITIONS

- A. Childcare centers THAT PROVIDE LESS THAN 24-HOUR CARE (referred to as “centers”) provide comprehensive care for children when the parents or guardians are employed or otherwise unavailable to care for the children. Childcare centers may operate twenty-four (24) hours a day, but the children are cared for at the center fewer than twenty-four (24) hours a day.
- B. Childcare centers THAT PROVIDE less than 24-hour programs of care include the following types of facilities:
  - 1. A “large childcare center” provides care for 16 or more children between the ages SIX (6) WEEKS AND EIGHTEEN (18) years.
  - 2. A “small childcare center” provides care for UP TO FIFTEEN (15) children between the ages of TWO (2) AND EIGHTEEN (18) years.
  - 3. An “infant program” provides care for children between the ages of 6 weeks and 18 months.
  - 4. A “toddler program” provides care for children between the ages of 12 months (when walking independently or with a health care provider’s statement indicating developmental appropriateness of placement in a toddler program) and 36 months.
  - 5. A “preschool” is a part-day childcare program for five (5) or more children between the ages of two and one-half (2 1/2) and seven (7) years.
  - 6. A “MOBILE PART-DAY PRESCHOOL PROGRAM” IS A PROGRAM WITH A MOBILE CLASSROOM THAT USES NO PERMANENT BUILDING ON A REGULAR BASIS, FOR CHILDREN THREE (3) TO SEVEN (7) YEARS OF AGE, WITH NO MORE THAN (8) EIGHT CHILDREN AT ANY GIVEN TIME. EACH CLASS SESSION MUST NOT EXCEED FIVE (5) HOURS.

7. A “kindergarten program” provides a program for children the year before they enter the first grade. **ONLY PRIVATE KINDERGARTEN PROGRAMS NOT REGULATED BY THE COLORADO DEPARTMENT OF EDUCATION ARE REQUIRED TO BE LICENSED.**
  8. A “full day program” enrolls children for five (5) or more hours per day.
  9. A “part-day program” enrolls children for a maximum of up to five (5) hours per day. Individual children shall not attend more than one (1) five (5) hour session per day.
  10. A “drop-in childcare center” provides occasional care for 40 or fewer children between the ages of 12 months and 13 years of age for short periods of time not to exceed six (6) hours in any 24-hour period of time or fifteen (15) hours in any seven (7) day period of time.
  11. **A “TEEN PARENT PROGRAM” PROVIDES CARE FOR CHILDREN FOURTEEN (14) DAYS OLD TO THIRTY-SIX (36) MONTHS AND IS OPERATED BY AN ACCREDITED PUBLIC SCHOOL SYSTEM ON SCHOOL PREMISES. INFANTS BETWEEN SEVEN (7) AND THIRTEEN (13) DAYS OLD MAY BE ACCEPTED FOR CARE WITH WRITTEN APPROVAL FROM A HEALTH CARE PROVIDER.**
  12. “Staff” all references to staff or staff positions include paid staff, equally qualified volunteers, **AND SUBSTITUTES** under Section 7.702.45.
- C. Licensed childcare centers enrolling children five (5) years of age or younger are required to participate in Colorado Shines, the state quality rating and improvement system.

## **7.702.2 ADMINISTRATION**

(See also “Administration” at **SECTION 7.701.5 OF THE** General Rules for Child Care Facilities)

- A. The governing body must appoint a **DIRECTOR** who will be responsible to the governing body and who will be delegated the authority and responsibility for the operation of the center according to its defined purpose and policies.
- B. The governing body must formulate the purpose and policies to be followed by the center. It must have a regular planned review of such purpose and policies to determine that the center is in compliance with licensing rules.
- C. The governing body is responsible for providing necessary facilities, adequate financing, qualified personnel, services, and program functions for the safety and well-being of children in accordance with these rules.
- D. Any center having a **DIRECTOR** assigned to a classroom **MUST** have qualified and adequate staff, allowing the **DIRECTOR** or qualified staff the ability to attend to the duties of a director as they arise.
- E. The **DIRECTOR** of the center is responsible for administering the center in accordance with licensing rules. The **DIRECTOR** must plan and supervise the child development program, plan for or participate in selection of staff, plan for orientation and staff development, supervise and coordinate staff activities, evaluate staff performance, and participate in the program activities.

## **7.702.3 POLICIES AND PROCEDURES**

### **7.702.31 Statement of Policies and Procedures**

- A. At the time of enrollment, and upon amendments to policies and procedures, the center must give the parent(s)/guardian(s) the center’s policies and procedures and provide the opportunity to ask questions. Written copies must be available either electronically or in hard copy. The center must

obtain a signed document stating that the parent(s)/guardian(s) have received the policies and procedures, and by signing the policies and procedures document, the parent(s)/guardian(s) agree to follow, accept the conditions of, and give authorization and approval for the activities described in the policies and procedures.

**B. THE WRITTEN POLICIES AND PROCEDURES MUST BE DEVELOPED, IMPLEMENTED, AND FOLLOWED, AND MUST INCLUDE AT A MINIMUM THE FOLLOWING INFORMATION:**

1. The center's purpose and its philosophy on childcare;
2. The ages of children accepted;
3. The hours the center is open, specific hours during which special programs are offered, and holidays when the center is closed;
4. The procedure regarding inclement and excessively hot weather;
5. The procedure concerning admission and registration of children including whether non-immunized or under immunized children are enrolled in the program;
6. An itemized fee schedule;
7. The procedure for identifying where children are at all times including times of transition;
8. The center's procedure on **POSITIVE** guidance, **BEHAVIOR** expectations, positive instruction, supporting positive **BEHAVIORS, AS WELL AS STRATEGIES AND TECHNIQUES FOR SUPPORTING CHILDREN WITH CHALLENGING BEHAVIORS**, including how the center will:
  - a. **PROMOTE RESPONSIVE AND** positive child, staff, and family relationships **AND INTERACTIONS**;
  - b. Create and maintain a **PROGRAM-WIDE CULTURE THAT PROMOTES CHILDREN'S MENTAL HEALTH, SOCIAL, AND EMOTIONAL WELL-BEING**;
  - c. Implement teaching strategies supporting positive behavior, pro-social peer interaction, and overall social and emotional competence in young children; **AND**,
  - d. Provide individualized social and emotional intervention supports for children who need them, including methods for understanding child behavior; and developing, adopting, and implementing a team-based positive behavior support plan with the intent to reduce challenging behavior and prevent suspensions and expulsions.
9. **HOW DECISIONS ARE MADE AND WHAT STEPS ARE TAKEN PRIOR TO THE SUSPENSION, EXPULSION, OR REQUEST TO PARENTS OR GUARDIANS TO WITHDRAW A CHILD FROM CARE DUE TO CONCERNS ABOUT THE CHILD'S BEHAVIORAL ISSUES. THESE PROCEDURES MUST BE CONSISTENT WITH THE CENTER'S POLICY ON GUIDANCE AND POSITIVE INSTRUCTION, AND INCLUDE DOCUMENTATION OF THE STEPS TAKEN TO UNDERSTAND AND RESPOND TO CHALLENGING BEHAVIOR INCLUDING:**
  - a. **IDENTIFY AND CONSULT WITH AN** early childhood mental health consultant or other specialist as needed.
10. The procedure, including notification of parent(s)/guardian(s), for handling children's illnesses, accidents, and injuries;

11. The procedures for emergencies and disaster preparedness such as **BUT NOT LIMITED TO** lost children, tornadoes, fires, **SHELTER IN PLACE, LOCKDOWN, ACTIVE SHOOTER ON PREMISES, REUNIFICATION WITH FAMILIES AFTER EMERGENCY OR DISASTER, AND EVACUATING CHILDREN WITH DISABILITIES AS SPECIFIED IN SECTION 7.701.100 OF THE GENERAL RULES FOR CHILD CARE FACILITIES;**
12. The procedure for transporting children, if applicable, including transportation arrangements and parental permission for excursions and related activities;
13. The procedure **FOR** governing field trips, television and video viewing, and special activities, including staff responsibility for the supervision of children;
14. Media and internet usage policy outlining screen and media use related to their curriculum. The media plan must have information on ongoing communication with children about online safe practices for children over the age of five (5);
15. The procedure on children's safety related to riding in a vehicle, seating, supervision, and emergency procedures on the road;
16. The procedure for releasing children from the center only to persons for whom the center has written authorization and the procedure for picking-up the child during an emergency;
17. The procedures followed when a child is picked up from the center after the center is closed or not picked up at all, and to ensure that all children are picked up before the staff leave for the day;
18. The procedure for caring for children who arrive late to the center and their class/group is away from the center on a field trip or excursion;
19. The procedure for storing and administering children's medication and delegation of medication administration in compliance with Section 12-38-132, C.R.S., of the "Nurse Practice Act";
20. The procedure concerning children's personal belongings and money;
21. The provision~~S~~ of meals and snacks;
22. **THE PROCEDURE FOR** diapering, ~~Diapering~~, toilet training, **AND TOILETING;**
23. **THE PROCEDURE FOR ALLOWING VISITORS** ~~Visitors~~ to the center;
24. **THE PROCEDURE FOR CONDUCTING PARENT** ~~Parent~~ **and staff conferences to PARTNER WITH the PARENTS(S)/GUARDIAN(S) TO DISCUSS** the child's progress, social, **EMOTIONAL**, and physical needs;
25. The procedure for filing a complaint about childcare (see **SECTION 7.701.55; OF THE** General Rules for Child Care Facilities);
26. **THE PROCEDURE FOR REPORTING** ~~REPORTING~~ of child abuse (see **SECTION 7.701.53; OF THE** General Rules for Child Care Facilities);
27. **THE PROCEDURE OF THE PROTECTION OF INFANTS FROM SECONDHAND AND THIRDHAND SMOKE;**
28. **THE PROCEDURE FOR ESTABLISHING SAFE SLEEP ENVIRONMENTS FOR INFANTS INCLUDING HOW STAFF WILL SUPERVISE AND PHYSICALLY CHECK ON INFANTS WHO ARE SLEEPING;**

29. THE PROCEDURE FOR DRESSING CHILDREN APPROPRIATELY FOR THE WEATHER; AND,

30. Notification when childcare service is withdrawn and when parent(s)/guardian(s) withdraw their children from the center.

~~How decisions are made and what steps are taken prior to the suspension, expulsion, or request to parents or guardians to withdraw a child from care due to concerns about the child's behavioral issues. These procedures must be consistent with the center's policy on guidance and positive instruction and include documentation of the steps taken to understand and respond to challenging behavior.~~

C. POLICIES AND PROCEDURES MUST BE REVIEWED ANNUALLY. ANY CHANGES MUST BE INCORPORATED AND MUST BE COMMUNICATED TO THE PARENT(S)/GUARDIAN(S).

#### 7.702.32 Communication, Emergency, and Security Procedures

~~The center must notify the parents or guardians in writing of significant changes in its services, policies, or procedures so that they can decide whether the center continues to meet the needs of the child.~~

- A. For security purposes, a sign-in/sign-out sheet or other mechanism for parents/guardians, **OR STAFF IF CHILDREN ARE BEING TRANSPORTED**, must be maintained daily by the center. It must include, for each child in care, the date, the child's name, the time when the child arrived at and left the center, and the parent /guardian or staff member's signature or other **UNIQUE** identifier. **FOR CHILDREN WHO ARE TRANSPORTED, PARENT(S)/GUARDIAN(S) MUST VERIFY THE ACCURACY OF THE SIGN-IN/SIGN-OUT SHEET AT LEAST WEEKLY.**
- B. The center must have a working telephone with the number available to the public. Emergency telephone numbers of the following must be posted near the telephone: a 911 notice, where 911 is available, or rescue unit if 911 isn't available; a hospital or emergency medical clinic; the local fire, police, and health departments; and Rocky Mountain Poison Control. The telephone must be available to staff at all times that the center is in operation.
- C. The center must be able to provide emergency transportation to a health care facility at all times.
- D. The **Director** of the center, or the **Director's** delegated substitute, must have a means for determining at all times who is present at the center.
- E. A written policy regarding visitors to the center must be posted and a record maintained daily by the center that includes at a minimum **THE DATE, TIME**, visitor's name, and the purpose of the visit. At least one **(1)** piece of identification must be inspected for individuals who are **UNKNOWN** to personnel at the center.
- F. The center must release the child only to **AN INDIVIDUAL OVER THE AGE OF SIXTEEN (16)** for whom written authorization has been given **BY THE PARENT(S)/GUARDIAN(S)** and is maintained in the child's record (see Section 7.702.34). In an emergency, the child may also be released to an **INDIVIDUAL** for whom the child's parent/guardian has given verbal authorization. If the staff member who releases the child does not know the **INDIVIDUAL**, identification must be required to assure that the **INDIVIDUAL** is authorized to pick up the child.
- G. The center must have a procedure for dealing with individuals not authorized by the parent or guardian of a child who attempts to have the child released to them.
- H. The center must have a written procedure for closing the center at the end of the day to ensure that all children are picked up.

#### 7.702.33 Administrative Records and Reports

A. The following records must be on file at the center:

1. Records of enrollment, daily attendance for each child, and daily record of the time the child arrives at and departs from the center;

~~Current health department inspection report issued within the past twenty-four (24) months;~~

~~Current fire department inspection report issued within the past twenty-four (24) months;~~

2. A list of current staff members, substitutes, and staffing patterns;
3. Copies of menus; and
4. A record of visitors to the center.

~~Each center must immediately report in writing to the Colorado Department of Human Services any accident or illness occurring at the center that resulted in medical treatment by a physician or other health care professional, hospitalization, or death. This report must be made within 48 hours after the accident or illness occurred.~~

~~A report about a fatality must include:~~

~~The Child's name, birth date, address, and telephone number;~~

~~The names of the child's parents or guardians and their address and telephone number if different from that of the child;~~

~~Date of the fatality;~~

~~Brief description of the incident or illness leading to the fatality;~~

~~Names and addresses of witnesses or persons who were with the child at the time of death; and,~~

~~Name and address of police department or authority to whom the report was made.~~

B. The center must submit to the Department **AS SOON AS POSSIBLE, BUT NOT LONGER THAN TWENTY-FOUR (24) HOURS**, a written report about any child who has been separated from the group outside of the supervision of their assigned staff member or for whom the local authorities have been contacted. Such report must indicate:

1. The name, birth date, address, and telephone number of the child;
2. The names of the parent(s)/guardian(s) and their address and telephone number if different from those of the child;
3. The date when the child was lost;
4. The location, time, and circumstances when the child was last seen;
5. Actions taken to locate the child; and,
6. The name of the staff person supervising the child.

~~The center must report to the Colorado Department of Public Health and Environment or its local unit any communicable illnesses, including but not limited to measles, mumps, diphtheria, rubella,~~

~~tuberculosis, shigella, hepatitis, meningitis, or giardia, contracted by a staff member or a child at the center.~~

- C. ALL PROGRAMS MUST REGISTER THEIR OPERATIONAL STATUS INFORMATION IN THE OFFICE OF EARLY CHILDHOOD PROVIDER STATUS PORTAL EVERY CALENDAR YEAR IN THE MONTHS OF APRIL AND OCTOBER.
  - 1. ALL PROGRAMS MUST UPDATE THEIR INFORMATION ANY TIME THEIR OPERATIONAL STATUS CHANGES DURING A DECLARED STATE EMERGENCY.
- D. ALL PROSPECTIVE AND CURRENT STAFF MEMBERS IN THE FOLLOWING ROLES MUST REGISTER WITH THE COLORADO SHINES PROFESSIONAL DEVELOPMENT INFORMATION SYSTEM:
  - 1. LARGE CENTER DIRECTOR;
  - 2. LARGE CENTER ASSISTANT DIRECTOR;
  - 3. SMALL CENTER DIRECTOR;
  - 4. EARLY CHILDHOOD TEACHER;
  - 5. INFANT PROGRAM SUPERVISOR;
  - 6. INFANT EARLY CHILDHOOD TEACHER;
  - 7. TODDLER EARLY CHILDHOOD TEACHER;
  - 8. KINDERGARTEN TEACHER;
  - 9. ASSISTANT EARLY CHILDHOOD TEACHER; AND,
  - 10. STAFF AIDE.

**7.702.34 Children's Records**

- A. AN ADMISSION RECORD MUST BE COMPLETED FOR EACH CHILD PRIOR TO OR AT THE TIME OF THE CHILD'S ADMISSION. THIS RECORD MUST BE UPDATED ANNUALLY AND WHEN CHANGES OCCUR. THE ADMISSION RECORD MUST INCLUDE:
  - 1. The child's full name, birth date, current address, and date of enrollment;
  - 2. Parent(s)/guardian(s) names; home and **E-MAIL ADDRESSES**; telephone numbers, including **HOME, WORK, AND CELL NUMBERS; EMPLOYER NAME AND WORK ADDRESS**; and, any special instructions as to how the parent(s)/guardian(s) may be reached during the hours that the child is in care at the center;
  - 3. Names, addresses, and telephone numbers of persons authorized to pick up the child from the center;
  - 4. Names, addresses, and telephone numbers of persons who can assume responsibility for the child in the event of an emergency if **THE** parent(s)/guardian(s) cannot be reached immediately;
  - 5. Name, address, and telephone numbers of the child's health care provider, dentist, **AND IF APPLICABLE**, their hospital of choice;

6. A HEALTH HISTORY, INCLUDING ANY HEALTH CARE PLANS, WHICH INDICATES COMMUNICABLE DISEASES AND CHRONIC ILLNESSES OR INJURIES THE INDIVIDUAL HAS HAD, ANY KNOWN DRUG REACTIONS AND ALLERGIES, MEDICATIONS BEING TAKEN, ANY NECESSARY HEALTH PROCEDURES OR SPECIAL DIETS, AND IMMUNIZATION RECORD;
  7. A dated, written authorization for emergency medical care signed and updated annually by the parent(s)/guardian(s). The authorization must be notarized if required by the local hospital, clinic, or emergency health care facility;
  8. WRITTEN AUTHORIZATION, OBTAINED IN ADVANCE OF THE EVENT FROM A PARENT/GUARDIAN, FOR A CHILD TO PARTICIPATE IN FIELD TRIPS OR SPECIAL ACTIVITIES, WHETHER SCHEDULED OR UNSCHEDULED, WHETHER WALKING OR RIDING IN AN APPROVED VEHICLE; AND,
  9. WRITTEN AUTHORIZATION FROM A PARENT/GUARDIAN FOR MEDIA RELEASE.
- B. THE CENTER MUST MAINTAIN AND UPDATE ANNUALLY AND UPON CHANGES, A RECORD ON EACH CHILD THAT INCLUDES:
1. A WRITTEN RECORD OF ANY SERIOUS ACCIDENT, illness, or injury OCCURRING DURING CARE MUST BE RETAINED IN EACH CHILD'S record, WITH A COPY PROVIDED TO THE PARENT(S)/GUARDIAN(S);
  2. OBSERVATIONS of the child's development TO DOCUMENT THE CHILD'S PROGRESS AND CHALLENGES TO BE DISCUSSED AT PARENT CONFERENCES;
  3. A record of parent conferences, including dates of conferences, and names of center staff and parent(s)/guardian(s) involved; and,
  4. A COPY OF THE CHILD'S HEALTH STATEMENT COMPLETED BY A HEALTH CARE PROVIDER.

**7.702.35 Staff Records**

- A. A RECORD MUST BE MAINTAINED, EITHER WRITTEN OR ELECTRONIC, for each staff member that includes the following:
1. Name, address, telephone number, and birth date of the individual;
  2. Verification of QUALIFICATIONS AND TRAINING;
  3. Immunization record OR STATEMENT, and HEALTH HISTORY;
  4. Dates of employment AND EMPLOYMENT HISTORY;
  5. Names, addresses, and telephone numbers of persons to be notified in the event of an emergency; and,
  6. ALL INFORMATION FROM BACKGROUND CHECKS AS REQUIRED IN THE GENERAL RULES FOR CHILD CARE FACILITIES AT SECTION 7.701.32.

~~Each staff member's personnel file must contain all required information within thirty (30) business days of the first day of employment.~~

**7.702.36 Confidentiality and Retention**

- A. The confidentiality of all staff and children's records must be maintained. See Section 7.701.6 of the General Rules for Child Care Facilities.
- B. Staff and children's records must be available, upon request, to authorized personnel of the Department.
- C. If records for organizations having more than one (1) center are kept in a central file, duplicate identifying and emergency information for both staff and children must also be kept on file at the center attended by the child and where the staff member is assigned.
- D. The records of children **AND STAFF** must be maintained by the center for at least three (3) years **AFTER THE LAST DATE OF ATTENDANCE OR EMPLOYMENT WITH THE PROGRAM.**
- E. **THE HEALTH AND MENTAL HEALTH CONSULTATION RECORDS MUST BE MAINTAINED BY THE CENTER FOR AT LEAST THREE (3) YEARS FROM THE DATE OF CONSULTATION.**
- F. Records of enrollment, daily attendance for each child and daily records of the time the child arrives at and departs from the center for the past twelve (12) months must be on file at the center. The previous two (2) years must be on file at either the center or a central location or storage.
- G. Posting of any personal information or photos of children on social media or advertisement without written parental consent is prohibited.

#### **7.702.4 STAFF**

##### **7.702.41 General Requirements for All Staff**

- A. All **STAFF** at the center must demonstrate knowledgeable decision-making, judgment, and concern for the proper care and well-being of children.
- B. **STAFF** must not consume or be under the influence of any substance that impairs their ability to care for children.
- C. Illegal drugs **AND** drug paraphernalia, ~~marijuana and marijuana infused products, and alcohol~~ must never be present on the premises of the center, **during operating hours.**
- D. **STAFF MUST NOT USE MARIJUANA AND MARIJUANA INFUSED PRODUCTS, TOBACCO PRODUCTS OF ANY KIND, OR ALCOHOL IN THE PRESENCE OF CHILDREN. TO PREVENT EXPOSURE TO SECONDHAND SMOKE, CHILD CARE CENTERS MUST PROHIBIT THE USE OF TOBACCO AND MARIJUANA PRODUCTS ON ALL CENTER PROPERTY, BOTH INDOORS AND OUTDOORS. ALL MARIJUANA AND MARIJUANA INFUSED PRODUCTS, VAPING AND TOBACCO PRODUCTS, AND ALCOHOL MUST BE KEPT INACCESSIBLE TO CHILDREN AT ALL TIMES.**
- E. When caring for children, staff must refrain from **THE** personal use of electronics including, but not limited to, cell phones and portable electronic devices.

~~The center must determine if any staff person who works at the center has ever been convicted of a crime as found at Section 7.701, D, 5 or 6, of The General Rules for Child Care Facilities.~~

~~The personnel file of each staff member of the center must contain clearance or arrest report from the Colorado Bureau of Investigation resulting from the staff member's criminal record check. The requirement for a criminal record check is found in Section 7.701.33 of the General Rules for Child Care Facilities.~~

~~The personnel file of each staff member must contain the results of the state department's automated system. The method for making the request is found in Section 7.701.32 of the General Rules for Child Care Facilities~~

- F. Staff members must be current for all immunizations routinely recommended for adults by their health care provider.
- G. All staff members must submit to the center a medical statement, signed and dated by a physician or other health care provider, verifying that they are in good mental, physical, and emotional health appropriate for the position for which they have been hired. This statement must be dated no more than six (6) months prior to employment or within thirty (30) calendar days after the FIRST date of employment. ~~This statement must indicate when subsequent medical statements are required.~~ SUBSEQUENT SELF-REPORTED HEALTH HISTORIES MUST BE SUBMITTED ANNUALLY.  
  
~~If, in the opinion of a physician or mental health practitioner, an employee's examination or test results indicate a physical, emotional, or mental condition that could be hazardous to a child, other staff, or self, or that would prevent satisfactory performance duties must not be assigned or returned to a position until the condition is cleared to the satisfaction of the examining physician.~~
- H. THE DUTIES AND RESPONSIBILITIES OF EACH STAFF POSITION AND THE LINES OF AUTHORITY AND RESPONSIBILITY WITHIN THE CENTER MUST BE IN WRITING.
- I. AT THE TIME OF EMPLOYMENT, STAFF MEMBERS MUST BE INFORMED OF THEIR DUTIES AND ASSIGNED A SUPERVISOR.
- J. PRIOR TO WORKING WITH CHILDREN, EACH STAFF MEMBER MUST READ AND BE INSTRUCTED ABOUT ALL POLICIES AND PROCEDURES OF THE CENTER. STAFF MEMBERS MUST SIGN A STATEMENT INDICATING THAT THEY HAVE READ AND UNDERSTAND THE CENTER'S POLICIES AND PROCEDURES.
- K. WITHIN THIRTY (30) CALENDAR DAYS OF EMPLOYMENT AT THE CENTER, EACH STAFF MEMBER MUST READ AND BE INSTRUCTED ABOUT ALL LICENSING RULES GOVERNING CHILDCARE CENTERS. STAFF MEMBERS MUST SIGN A STATEMENT INDICATING THAT THEY HAVE READ AND UNDERSTAND THE LICENSING RULES.
- L. IF VOLUNTEERS ARE USED BY THE CENTER, THERE MUST BE A CLEARLY ESTABLISHED POLICY REGARDING THEIR FUNCTION, ORIENTATION, AND SUPERVISION. SEE ALSO SECTION 7.702.44 A-E.
- M. WITHIN THIRTY (30) CALENDAR DAYS OF THE LAST DAY OF EMPLOYMENT, STAFF MEMBERS MUST BE PROVIDED A LETTER VERIFYING THEIR EXPERIENCE AT THE CENTER. THE LETTER MUST CONTAIN THE CENTER'S ADDRESS, PHONE NUMBER, AND LICENSE NUMBER; THE EMPLOYEE'S START DATE AND END DATE; AND THE TOTAL NUMBER OF HOURS WORKED WITH CHILDREN. HOURS WORKED WITH INFANTS AND TODDLERS MUST BE DOCUMENTED SEPARATELY FROM HOURS WORKED WITH OTHER AGE GROUPS. THE LETTER MUST BE SIGNED BY A DIRECTOR, OWNER, OR HUMAN RESOURCES AGENT OF THE CENTER OR GOVERNING BODY.

#### 7.702.42 Training

- A. ~~Effective September 30, 2016~~ All staff must complete a pre-service BUILDING AND PHYSICAL PREMISES SAFETY training prior to working with children. The training must include IDENTIFICATION OF AND PROTECTION FROM HAZARDS THAT CAN CAUSE BODILY INJURY SUCH AS ELECTRICAL HAZARDS, BODIES OF WATER, VEHICULAR TRAFFIC HANDLING AND STORAGE OF HAZARDOUS MATERIALS AND THE APPROPRIATE DISPOSAL OF BIOLOGICAL CONTAMINANTS.

1. THIS TRAINING IS DEVELOPED AND FACILITATED BY THE PROGRAM FOR STAFF TO IDENTIFY PROGRAM SPECIFIC ENVIRONMENTAL HAZARDS. STAFF MUST BE RETRAINED IF THERE ARE CHANGES TO THE BUILDING AND PHYSICAL PREMISES.
- B. ALL staff must complete a Department-approved standard precautions training that meets current Occupational Safety and Health Administration (OSHA) requirements prior to working with children. This training must be renewed annually and WILL BE COUNTED towards ongoing PROFESSIONAL DEVELOPMENT training requirements.
- C. Staff working with infants less than twelve (12) months old must complete a Department-approved safe sleep training prior to working with infants less than twelve (12) months old. This training must be renewed annually and WILL ~~may~~ be counted towards ongoing PROFESSIONAL DEVELOPMENT training requirements.
- D. ~~Effective September 30, 2016~~ Staff working with children less than three (3) years of age must complete a Department-approved prevention of shaken baby/abusive head trauma training prior to working with children less than three (3) years of age. THIS TRAINING MUST BE RENEWED EVERY TWO (2) YEARS AND WILL BE COUNTED TOWARDS ONGOING PROFESSIONAL DEVELOPMENT.
- E. FOR EVERY THIRTY (30) OR FEWER CHILDREN IN ATTENDANCE, THERE MUST BE AT LEAST ONE (1) STAFF MEMBER ON DUTY WHO HOLDS A CURRENT DEPARTMENT-APPROVED FIRST AID AND SAFETY CERTIFICATE (INCLUDING CPR FOR ALL AGES OF CHILDREN) AND IS RESPONSIBLE FOR ADMINISTERING FIRST AID AND CPR TO CHILDREN. SUCH INDIVIDUALS MUST BE WITH THE CHILDREN AT ALL TIMES WHEN THE CENTER IS IN OPERATION. IF CHILDREN ARE AT DIFFERENT LOCATIONS, THERE MUST BE A FIRST AID AND CPR QUALIFIED STAFF MEMBER AT EACH LOCATION.
- F. WITHIN THIRTY (30) CALENDAR DAYS OF EMPLOYMENT, ALL EMPLOYEES CARING FOR CHILDREN, NOT REQUIRED BY RULE TO BE CERTIFIED IN FIRST AID AND CPR, MUST COMPLETE THE DEPARTMENT-APPROVED INTRODUCTION TO FIRST AID AND CPR MODULE. THE MODULE MUST BE RENEWED EVERY TWO (2) YEARS.
- G. Within thirty (30) calendar days of employment, all employees and regular volunteers must be trained using a Department-approved training about child abuse prevention, which includes common symptoms and signs of child abuse, HOW TO REPORT, WHERE TO REPORT, AND WHEN TO REPORT SUSPECTED OR KNOWN CHILD ABUSE OR NEGLECT. THIS TRAINING MUST BE RENEWED ANNUALLY.
- H. WITHIN NINETY (90) ~~THIRTY (30)~~ CALENDAR DAYS OF EMPLOYMENT, ALL STAFF REQUIRED TO REGISTER WITH THE COLORADO SHINES PROFESSIONAL DEVELOPMENT INFORMATION SYSTEM (LISTED IN SECTION 7.702.33, D) MUST COMPLETE THE DEPARTMENT-APPROVED TRAINING COURSE: INTRODUCTION TO THE EARLY INTERVENTION AND PRESCHOOL SPECIAL EDUCATION PROGRAMS. THIS COURSE IS REQUIRED ONCE AND WILL BE COUNTED TOWARDS ONGOING PROFESSIONAL DEVELOPMENT.
- I. WITHIN NINETY (90) ~~THIRTY (30)~~ CALENDAR DAYS OF EMPLOYMENT, ALL STAFF REQUIRED TO REGISTER WITH THE COLORADO SHINES PROFESSIONAL DEVELOPMENT INFORMATION SYSTEM (LISTED IN SECTION 7.702.33, D) MUST COMPLETE THE DEPARTMENT-APPROVED RECOGNIZING THE IMPACT OF BIAS ON EARLY CHILDHOOD PROFESSIONALS TRAINING OR OTHER DEPARTMENT-APPROVED TRAINING ON IMPLICIT BIAS. THIS COURSE IS REQUIRED ONCE AND WILL BE COUNTED TOWARDS ONGOING PROFESSIONAL DEVELOPMENT.
- J. WITHIN NINETY (90) ~~THIRTY (30)~~ CALENDAR DAYS OF EMPLOYMENT, ALL DIRECTORS AND ASSISTANT DIRECTORS MUST COMPLETE THE DEPARTMENT-APPROVED

TRAINING: WORKING WITH AN EARLY CHILDHOOD MENTAL HEALTH CONSULTANT. THIS COURSE IS REQUIRED ONCE AND WILL BE COUNTED TOWARDS ONGOING PROFESSIONAL DEVELOPMENT.

K. **WITHIN NINETY (90) THIRTY (30)** CALENDAR DAYS OF EMPLOYMENT, ALL DIRECTORS AND ASSISTANT DIRECTORS MUST COMPLETE THE DEPARTMENT-APPROVED TRAINING: INTRODUCTION TO CHILD CARE HEALTH CONSULTATION. THIS COURSE IS REQUIRED ONCE AND WILL BE COUNTED TOWARDS ONGOING PROFESSIONAL DEVELOPMENT.

L. All staff who work with children must complete a minimum of fifteen (15) clock hours of ONGOING PROFESSIONAL DEVELOPMENT each year, beginning with the start date of the employee. At least three (3) clock hours per year must be in the focus of social-emotional development.

1. Ongoing professional development courses must demonstrate a direct connection to one (1) or more of the following competency areas:

- a. Child growth and development, and learning ~~or courses that align with the competency domains of child growth and development;~~
- b. Child observation and assessment;
- c. Family and community partnerships;
- d. ~~Guidance~~ SOCIAL-EMOTIONAL HEALTH AND DEVELOPMENT PROMOTION;
- e. Health, safety and nutrition;
- f. Professional PRACTICE; ~~development and leadership~~
- g. ~~Program planning and development; or,~~

~~h.~~ TEACHING PRACTICES:

2. Each one (1) semester credit hour course with a direct connection to the competency area listed in Section 7.702.42, L, 1, A-H, taken at a ~~N~~ regionally accredited college or university shall count as fifteen (15) clock hours of ongoing professional development.

3. Training hours completed can only be counted during the year taken and cannot be carried over.

4. To be counted for ongoing professional development, the training certificate must have documentation that includes:

- a. The title of the training;
- b. The competency domain or from a nationally approved vendor list;
- c. The date and clock hours of the training;
- d. The name or signature of the trainer, or other approved method of verifying the identity of trainer or entity;
- e. Expiration of training, if applicable; and,
- f. CONNECTION TO SOCIAL EMOTIONAL FOCUS, IF APPLICABLE.

5. THE TRAINER MUST HAVE DOCUMENTATION OF THE QUALIFICATIONS FOR EACH TOPIC OF TRAINING CONDUCTED, WHICH MUST BE AVAILABLE FOR REVIEW BY THE DEPARTMENT.

M. Within thirty (30) calendar days of employment and annually, all staff responsible for the collection, review, and maintenance of the child immunizations records must complete the Colorado Department of Public Health and Environment immunization course.

**7.702.43 Director Qualifications - Large Child Care Center**

A. LARGE CENTER DIRECTORS MUST HAVE A CURRENT DIRECTOR QUALIFICATIONS LETTER ISSUED BY THE DEPARTMENT OR A CURRENT EARLY CHILDHOOD PROFESSIONAL CREDENTIAL LEVEL III OR HIGHER IN VERSION 3.0 AS DETERMINED BY THE DEPARTMENT PRIOR TO WORKING AS THE DIRECTOR OF A LARGE CENTER.

B. The educational requirements for the Director of a Large Center must be met by satisfactory completion of one (1) of the following. (All course hours are given in semester credit hours, but equivalent quarter credit hours are acceptable.) Official college transcripts must be submitted to the Department for evaluation of qualifications.

1. A Bachelor's, MASTER'S, OR DOCTORATE degree from aN regionally accredited college or university in one (1) of the following:

- a. Child Development;
- b. CHILD PSYCHOLOGY;
- c. Early Childhood Education;
- d. Early Childhood Special Education;
- e. EDUCATIONAL LEADERSHIP AND ADMINISTRATION;
- f. ELEMENTARY EDUCATION;
- g. FAMILY AND HUMAN DEVELOPMENT;
- H. FAMILY STUDIES; OR,
- I. SPECIAL EDUCATION; OR,

2. Completion of all of the following three (3) semester credit hour courses from an regionally accredited college or university in each of the following subject or content areas:

- a. Introduction to Early Childhood Professions;
- b. Introduction to Early Childhood Lab Techniques;
- c. ~~Early Childhood~~ Guidance Strategies for YOUNG Children OR HAS BEEN ISSUED THE COLORADO PYRAMID MODEL TRAINING CERTIFICATE OF COMPLETION;
- d. ~~Early Childhood~~ Health, Nutrition, and Safety;
- e. Administration of Early Childhood Care and Education Programs;

- f. Administration: Human Relations for Early Childhood Professions or Introduction to Business;
  - g. ~~Early Childhood~~ Curriculum Development: **METHODS AND TECHNIQUES**;
  - h. ~~Early Childhood~~ Child Growth and Development;
  - i. The Exceptional Child; and,
  - j. Infant/Toddler Theory and Practice or **HAVE BEEN ISSUED THE EXPANDING QUALITY INFANT/TODDLER TRAINING CERTIFICATE OF COMPLETION**; or,
3. Completion of a course of training approved by the Department that includes course content listed at Section 7.702.43, B, 1; and experience listed at Section 7.702.43, C.
- C. The experience requirements for the Director of a Large Center must **INCLUDE DIRECT WORK WITH YOUNG CHILDREN AND FAMILIES WITHIN AN EARLY CARE AND EDUCATION SETTING AND IS BASED ON THE** completion of the following amount of **VERIFIED** work experience **IN THE CARE AND SUPERVISION OF FOUR (4) OR MORE CHILDREN LESS THAN EIGHT (8) YEARS OF AGE WHO ARE NOT RELATED TO THE INDIVIDUAL**:
- 1. Persons with a **BACHELOR'S**, Master's, **OR DOCTORATE** degree with a major emphasis as listed in Section 7.702.43, B, 1, or individuals with an Early Childhood Professional Credential **LEVEL III VERSION 3.0** as determined by the Department; no additional experience is required.
  - 2. Persons with an Associate's degree in Early Childhood Education **OR CHILD DEVELOPMENT** must have **THREE (3) MONTHS (455 HOURS)** of verified experience.
  - 3. Persons with a Bachelor's degree and have completed the thirty (30) semester credit hours specified in Section 7.702.43, B, 2, must have **THREE (3) MONTHS (455 HOURS)** of verified experience.
  - 4. Persons who have no degree but have completed the thirty (30) semester credit hours specified in Section 7.702.43, B, 2, must have **SIX (6) MONTHS (910 HOURS)** of verified experience.
  - 5. Additional requirements for verified experience include:
    - a. Verified experience acquired in a school-age childcare center may count for up to half of the required experience for Director qualifications. The other half of the required experience must be working directly with children in a child development program; and,
    - b. **FOR FAMILY CHILDCARE HOME EXPERIENCE TO BE CONSIDERED, THE APPLICANT MUST BE, OR HAVE BEEN, THE LICENSEE IN THE STATE OF COLORADO.**
- ~~Experience with five (5) year olds must be verified as follows:~~
- ~~b. If experience caring for five-year-old children occurs in a childcare center classroom, the hours worked shall be counted as preschool experience; or,~~
  - ~~c. If experience caring for five-year-old children occurs in an elementary school program, the hours worked shall be counted as school-age experience.~~
- D. Renewal of Large Center Director Qualifications Letter

1. All individuals WHO WERE PREVIOUSLY QUALIFIED AS A LARGE CENTER DIRECTOR by the Department, who have not completed the required courses in each of the following subject or content areas, must take one (1) course every two (2) years from an regionally accredited college or university, with all courses completed BY FEBRUARY 1, 2022, OR BE IN COMPLIANCE WITH A CURRENT TRANSITORY DIRECTOR QUALIFICATION LETTER. Official transcripts listing completion of one (1) or more of the five (5) courses shall be submitted to the Department within thirty (30) calendar days of completing each course until all five (5) courses have been completed in:
  - a. ~~Early Childhood~~ Guidance Strategies FOR YOUNG CHILDREN OR HAS BEEN ISSUED A COLORADO PYRAMID MODEL TRAINING CERTIFICATE OF COMPLETION;
  - b. ~~Early Childhood~~ Health, Nutrition and Safety or Child Nutrition;
  - c. The Exceptional Child;
  - d. Infant/Toddler Theory and Practice or HAVE BEEN ISSUED THE Expanding Quality in Infant and Toddler Care Training CERTIFICATE OF COMPLETION; and,
  - e. Administration: Human Relations for Early Childhood Professions OR INTRODUCTION TO BUSINESS.
2. Except for individuals holding an Early Childhood Professional Credential LEVEL III VERSION 3.0 as determined by the Department, Directors meeting all large center Director requirements in Section 7.702.43, B, in centers operating more than six (6) hours a day must complete a three (3) semester credit hour course from aN regionally accredited college or university every five (5) years in a subject related to the operation of a center and must be able to demonstrate the relationship of the course taken to the operation of the center.
3. The renewal application and the official transcripts must be submitted to the Department. The renewed director letter shall expire five (5) years from approval of the renewal application.
4. DIRECTOR LETTERS MUST BE RENEWED PRIOR TO THE EXPIRATION DATE OR THE LETTER BECOMES INVALID AND THE INDIVIDUAL NO LONGER QUALIFIES AS A DIRECTOR OF A LARGE CENTER.

**E.** Revocation of Large Center Director Letter

1. Persons may be denied an original or renewal of a DIRECTOR LETTER; a DIRECTOR LETTER may be revoked if substantial evidence has been found that the applicant or director is responsible for one or more of the following at any childcare facility, including, but not limited to:
  - a. Committing fraud;
  - b. Responsible for egregious or repetitive grounds for negative licensing actions;
  - c. Providing false information;
  - d. Providing false transcripts for self or staff; or,
  - e. Providing false letters of experience for self or staff.

2. Persons who have had a **DIRECTOR LETTER** revoked or denied for the reasons listed in Section 7.702.43, E, 1, a-e, may submit a new application for consideration after a period of two (2) years from the date of denial or revocation.
3. A person issued a new **DIRECTOR LETTER** after a denial or revocation shall receive a provisional letter for no less than nine (9) months. After the provisional period has been completed, a new application may be submitted for consideration of a five (5) year time limited letter.
4. Persons whose **DIRECTOR LETTER** has been denied or revoked for the reasons listed in Section 7.702.43, E, 1, a-e, may file an appeal in the same manner as a request for waiver, as specified in Section 7.701.13 **OF THE "General Rules for Child Care Facilities"**.

~~Substitute Director Requirements~~

- ~~1. At all times, every large childcare center must have a substitute director that meets all of the requirements for director as listed at Section 7.702.42, A and B. When the director of the large childcare center cannot be present sixty percent (60%) of any day the center is in operation, the equally qualified substitute director must substitute for the director. In an emergency situation, when the equally qualified director substitute cannot be present, an individual that does not meet all of the director educational and experience requirements may substitute for the director for a maximum of two (2) weeks per calendar year if they meet one or more of the following requirements:~~
  - ~~c. At least one year of experience as an early childhood teacher at the center;~~
  - ~~d. A Bachelor of Arts or Bachelor of Science in the human services field; OR,~~
  - ~~e. Qualification as an early childhood teacher and completion of at least half of the required coursework for director qualifications including the two (2) administration classes; administration of early childhood care and education programs and administration; human relations for early childhood professions.~~

**F. ASSISTANT DIRECTOR REQUIREMENTS**

3. AN ASSISTANT DIRECTOR WORKING UNDER THE SUPERVISION OF A DIRECTOR MUST BE AT LEAST EIGHTEEN (18) YEARS OF AGE, HAVE AT LEAST NINE (9) MONTHS (1,365 HOURS) OF EXPERIENCE AS AN EARLY CHILDHOOD TEACHER, AND MUST MEET ONE (1) OF THE FOLLOWING QUALIFICATIONS:
  - a. A BACHELOR'S, MASTER'S, OR DOCTORATE DEGREE FROM AN ACCREDITED COLLEGE OR UNIVERSITY; OR,
  - b. COMPLETION OF AT LEAST HALF OF THE REQUIRED COURSEWORK FOR DIRECTOR QUALIFICATIONS IN SECTION 7.702.43, B, 3, INCLUDING THE FOLLOWING TWO (2) ADMINISTRATION COURSES:
    - (1) ADMINISTRATION OF EARLY CHILDHOOD CARE AND EDUCATION PROGRAMS; AND,
    - (2) ADMINISTRATION: HUMAN RELATIONS FOR EARLY CHILDHOOD PROFESSIONS, OR INTRODUCTION TO BUSINESS.

- G. ALL COURSE GRADES USED FOR THE LARGE CENTER DIRECTOR OR ASSISTANT DIRECTOR REQUIREMENTS MUST BE A "C" OR BETTER.

**7.702.44 Director Qualifications - Small Child Care Center**

- A. The Director or Substitute Director of a Small Center **MUST EITHER: MEET LARGE CENTER DIRECTOR QUALIFICATIONS** or meet at least one (1) of the following qualifications:
1. **POSSESS A** current professional teaching license issued by the Colorado Department of Education with an endorsement in the area of **ELEMENTARY EDUCATION, EARLY CHILDHOOD EDUCATION, EARLY CHILDHOOD SPECIAL EDUCATION, OR EARLY CHILDHOOD SPECIAL EDUCATION SPECIALIST**; OR,
  2. Possess a current Early Childhood Professional Credential **LEVEL II OR HIGHER IN VERSION 3.0** as determined by the Department; or,
  3. Current certification as a Child Development Associate (CDA) **CREDENTIAL IN: CENTER-BASED, PRESCHOOL; CENTER-BASED, INFANT-TODDLER; OR FAMILY CHILD CARE**; or other Department-approved credential; or,
  4. **TWO (2) YEARS AND NINE (9) MONTHS (5,005 HOURS)** of satisfactory experience in the care **AND SUPERVISION OF FOUR (4) OR MORE** children less than **EIGHT (8)** years of age who are not related to the individual, and at least two (2) three (3)-semester credit hour courses from an **regionally** accredited college or university in Early Childhood Education, and one (1) of the courses must be either:
    - a. Introduction to Early Childhood; or,
    - b. **EARLY CHILDHOOD Guidance Strategies FOR CHILDREN OR HAS BEEN ISSUED A COLORADO PYRAMID MODEL TRAINING CERTIFICATE OF COMPLETION**; OR,
  5. **NINE (9) MONTHS (1,365 HOURS)** of satisfactory experience in the care **AND SUPERVISION OF FOUR (4) OR MORE** children less than **EIGHT (8)** years of age who are not related to the individual, and an Associate's degree from an **regionally** accredited college or university, with at least two (2) three (3)-semester credit hour courses in Early Childhood Education, and one (1) of the courses must be either:
    - a. Introduction to Early Childhood Professions; OR,
    - b. **EARLY CHILDHOOD Guidance Strategies FOR CHILDREN OR HAS BEEN ISSUED A COLORADO PYRAMID MODEL TRAINING CERTIFICATE OF COMPLETION**; OR,
  6. **THREE (3) MONTHS (455 HOURS)** of satisfactory experience in the care **AND SUPERVISION OF FOUR (4) OR MORE** children less than **EIGHT (8)** years of age who are not related to the individual; and an Associate's degree in Child Development or Early Childhood Education from a **regionally** accredited college or university, with at least two (2) three (3)-semester credit hour courses in either:
    - a. Introduction to Early Childhood Professions **OR POSSESSES A CHILD DEVELOPMENT ASSOCIATE (CDA) CREDENTIAL IN: CENTER-BASED, PRESCHOOL; CENTER-BASED, INFANT-TODDLER; OR FAMILY CHILD CARE**; OR,
    - b. **EARLY CHILDHOOD Guidance Strategies FOR CHILDREN OR HAS BEEN ISSUED A COLORADO PYRAMID MODEL TRAINING CERTIFICATE OF COMPLETION**.
- B. Satisfactory experience includes all options listed at Section 7.702.43, **B and C**.
- C. **ALL COURSE GRADES USED FOR THE SMALL CHILD CARE CENTER DIRECTOR REQUIREMENTS MUST BE A "C" OR BETTER.**

D. SUBSTITUTE DIRECTOR REQUIREMENTS

1. IN THE ABSENCE OF THE DIRECTOR OF A SMALL CENTER, AN INDIVIDUAL WHO MEETS DIRECTOR QUALIFICATIONS FOR A SMALL CENTER OR A LARGE CENTER MUST SUBSTITUTE FOR THE DIRECTOR.

**7.702.45 QUALIFICATIONS FOR TEACHERS, SUBSTITUTES, STAFF AIDES, AND VOLUNTEERS**

A. Early Childhood Teacher

1. An Early Childhood Teacher, assigned responsibility for a single group of children and working under the supervision of a **DIRECTOR**, must be at least eighteen (18) years of age and meet at least one (1) of the following qualifications:
  - a. A Bachelor's, **MASTER'S, OR DOCTORATE** degree from a **regionally** accredited college or university with a major area of study in one (1) of the following areas:
    - (1) **CHILD DEVELOPMENT;**
    - (2) **CHILD PSYCHOLOGY;**
    - (3) Early Childhood Education;
    - (4) **EARLY CHILDHOOD SPECIAL EDUCATION;**
    - (5) **EDUCATIONAL LEADERSHIP AND ADMINISTRATION;**
    - (6) Elementary Education;
    - (7) Family and **HUMAN** Development;
    - (8) **FAMILY STUDIES;** or,
    - (9) Special Education; or,
  - b. A Bachelor's, **MASTER'S, OR DOCTORATE** degree from a **regionally** accredited college or university with a major area of study in any area other than those listed at Section 7.702.45, A, 1, a, and an additional two (2) three (3)-semester credit hour courses in Early Child Education, with one (1) course as the following:
    - (1) Introduction to Early Childhood Professions; or,
    - (2) **EARLY CHILDHOOD Guidance Strategies FOR CHILDREN OR HAS BEEN ISSUED A COLORADO PYRAMID MODEL TRAINING CERTIFICATE OF COMPLETION; OR,**
  - c. An Associate's degree (60 semester credit hours) from a **regionally** accredited college or university in Early Childhood Education or **CHILD DEVELOPMENT**, which must include at least two (2), three (3)-semester credit hour courses in either:
    - (1) Introduction to Early Childhood Professions; **OR,**

- (2) EARLY CHILDHOOD Guidance Strategies FOR CHILDREN OR HAS BEEN ISSUED A COLORADO PYRAMID MODEL TRAINING CERTIFICATE OF COMPLETION; OR,
- d. A CURRENT PROFESSIONAL TEACHING LICENSE ISSUED BY THE COLORADO DEPARTMENT OF EDUCATION WITH AN ENDORSEMENT IN THE AREA OF ELEMENTARY EDUCATION, EARLY CHILDHOOD EDUCATION, EARLY CHILDHOOD SPECIAL EDUCATION, OR EARLY CHILDHOOD SPECIAL EDUCATION SPECIALIST; OR,
- e. A current Early Childhood Professional Credential LEVEL II OR HIGHER IN VERSION 3.0 as determined by the Department; or,
- f. A current certification as a Child Development Associate (CDA) IN: CENTER-BASED, PRESCHOOL; CENTER-BASED, INFANT-TODDLER; OR FAMILY CHILD CARE; or other Department-approved credential; or,
- g. Completion of a course of training approved by the Department AND PUBLISHED ON THE DEPARTMENT'S APPROVAL LIST; and NINE (9) MONTHS (1,365 HOURS) of VERIFIED experience in the care and supervision of four (4) or more children less than EIGHT (8) years of age who are not related to the individual; or,
- h. THREE (3) MONTHS (455 HOURS) OF verified experience in the care and supervision of four (4) or more children less than EIGHT (8) years of age who are not related to the individual; and the completion of EIGHTEEN (18) semester credit hours from an regionally accredited college or university in Early Childhood Education, with one (1) course as:
  - (1) Introduction to Early Childhood Professions; or,
  - (2) EARLY CHILDHOOD Guidance Strategies FOR CHILDREN OR HAS BEEN ISSUED A COLORADO PYRAMID MODEL TRAINING CERTIFICATE OF COMPLETION; OR,
- i. TWENTY-ONE (21) MONTHS (3,185 HOURS) of verified experience in the care and supervision of four (4) or more children less than EIGHT (8) years of age who are not related to the individual. Satisfactory experience includes being a licensee of a Colorado Family Child Care Home, a teacher's aide or teacher in a childcare center, preschool, or elementary school. In addition, the individual must either:
  - (1) POSSESS A current Early Childhood Professional Credential LEVEL I OR HIGHER IN VERSION 3.0 as determined by the Department; or,
  - (2) Complete two (2) three (3) semester credit hour courses from an regionally accredited college or university in Early Childhood Education with one (1) course as either:
    - (a) Introduction TO EARLY CHILDHOOD PROFESSIONS OR HAS BEEN ISSUED THE CHILD DEVELOPMENT ASSOCIATE (CDA) CREDENTIAL; OR,
    - (b) Early Childhood Guidance Strategies FOR CHILDREN OR HAS BEEN ISSUED A COLORADO PYRAMID MODEL TRAINING CERTIFICATE OF COMPLETION.

2. ALL COURSE GRADES USED FOR THE EARLY CHILDHOOD TEACHER REQUIREMENTS MUST BE A "C" OR BETTER.

B. Infant Program Staff

1. Staff Requirements

a. The infant program must have an Infant Program Supervisor who meets at least one (1) of the following qualifications:

- (1) A Registered Nurse, licensed to practice in Colorado, with a minimum of THREE (3) MONTHS (455 HOURS) OF VERIFIABLE experience in the care and supervision of infants WHO ARE NOT RELATED TO THE INDIVIDUAL; OR,
- (2) A Licensed Practical Nurse, licensed to practice in Colorado, a minimum OF NINE (9) MONTHS (1,365 HOURS) OF VERIFIABLE experience in the care and supervision of infants WHO ARE NOT RELATED TO THE INDIVIDUAL; OR,
- (3) An adult who holds a certificate in infant and toddler care from aN regionally accredited college or university with completion of a minimum of thirty (30) semester credit hours in the development and care of infants and toddlers in a group setting; or,
- (4) An adult who is currently certified as a Child Development Associate (CDA) IN: CENTER-BASED, PRESCHOOL; CENTER-BASED, INFANT-TODDLER; OR FAMILY CHILD CARE; AND HAS COMPLETED THE INFANT/TODDLER THEORY AND PRACTICE OR HAS BEEN ISSUED THE EXPANDING QUALITY IN INFANT AND TODDLER CARE TRAINING CERTIFICATE OF COMPLETION; OR,
- (5) An adult who holds a current Early Childhood Professional Credential LEVEL II OR HIGHER IN VERSION 3.0, as determined by the Department, has a minimum OF NINE (9) MONTHS (1,365 HOURS) of verifiable-experience IN THE CARE AND SUPERVISION OF infants and/or toddlers, and:
  - (a) Has completed one (1) three (3) semester credit hour course in Infant/Toddler Development; or,
  - (b) Has completed the Department-approved Expanding Quality in Infant and Toddler Care training course.
- (6) An adult who:
  - (a) Is at least nineteen (19) years of age;
  - (b) Is qualified as an Early Childhood Teacher (Section 7.702.45, A);
  - (c) Has a minimum of NINE (9) MONTHS (1,365 HOURS) of verifiable experience in the group care of infants or toddlers; and,
  - (d) Has completed at least two (2) three (3)-semester credit hour courses from aN regionally accredited college or university on the development and care of infants and toddlers in a group setting, one (1) of which must be:

- (i) Infant/Toddler Development; or,
    - (ii) The Department-approved Expanding Quality in Infant and Toddler Care training course; or,
  - (7) An adult who:
    - (a) Is at least nineteen (19) years of age;
    - (b) Is qualified as an Early Childhood Teacher (Section 7.702.45, A);
    - (c) Has a minimum of **ONE (1) YEAR AND NINE (9) MONTHS (3,185 HOURS)** of verifiable experience in the group care and supervision of infants or toddlers; and,
    - (d) Will complete, within the first six (6) months of employment, two (2) three (3)-semester credit hour courses from a **regionally** accredited college or university, one (1) of which must be:
      - (i) Infant/Toddler Development; or,
      - (ii) The Department-approved Expanding Quality in Infant and Toddler Care training course.
- b. An Infant Program Early Childhood Teacher must meet the following requirements:
  - (1) Meet the qualifications for an Early Childhood Teacher found at Section 7.702.45, A, or be qualified as an Infant Program Supervisor; and,
  - (2) **HAS A MINIMUM THREE (3) MONTHS (455 HOURS) OF VERIFIABLE experience in the care and supervision OF CHILDREN UNDER THREE (3) YEARS OF AGE.**
- c. Prior to being assigned a group of children, the Infant Program Early Childhood Teacher must complete eight (8) hours of orientation in the infant program under the supervision of the Infant Program Supervisor. The orientation may include, but not limited to, the following topics:
  - (1) Toys and equipment, appropriate activities for infants and toddlers, appropriate sleep positions for infants and toddlers, and the safe and appropriate diaper change technique.
- d. The Infant Program Staff Aide must be at least eighteen (18) years of age, must have completed eight (8) hours of orientation as listed above at the infant program, and must work under the direct supervision of an Infant Early Childhood Teacher.
- e. There must be at least one (1) staff member on duty in each infant room at all times who holds a current Department-approved First Aid and Safety certificate that includes CPR for all ages of children.

2. Required Staff and Supervision

(See chart in Section 7.702.46)

- a. In the infant program, there must be a qualified Infant Program Supervisor present sixty percent (60%) of the hours of operation of the infant program who is responsible for the care of the infants. An individual qualified as an Infant Early Childhood Teacher must be responsible during the remaining time.
- b. The Infant Program Supervisor or an Infant Early Childhood Teacher must be assigned to each group of ten (10) or fewer infants in attendance. An Infant Program Staff Aide may be assigned to assist the Infant Program Supervisor or the Infant Early Childhood Teacher when six (6) through ten (10) infants are in care in the group to maintain the staff ratio of one (1) adult for each five (5) infants.
- c. There must be assigned at least one (1) Infant Program Supervisor in the infant program for each twenty (20) or fewer infants in attendance.

**C. Toddler Program Staff**

**1. Staff Requirements**

The Toddler Early Childhood Teacher, a staff member assigned responsibility for a single group and working under the supervision of the Director, must meet at least one (1) of the following qualifications:

- a. A Registered Nurse, licensed to practice in Colorado, with a minimum of **THREE (3) MONTHS (455 HOURS) OF VERIFIABLE** experience in the care and supervision of **CHILDREN LESS THAN THREE (3) YEARS OF AGE WHO ARE NOT RELATED TO THE INDIVIDUAL**; or,
  - b. A Licensed Practical Nurse, licensed to practice in Colorado, with at least **NINE (9) MONTHS (1,365 HOURS) OF VERIFIABLE** experience in the care and supervision of children less than three (3) years of age **WHO ARE NOT RELATED TO THE INDIVIDUAL**; or,
  - c. An adult who holds a certificate in infant and toddler care from a **N regionally** accredited college or university with completion of at least thirty (30) semester **CREDIT** hours or equivalent in such courses as child growth and development, nutrition, and care practices with children birth to three (3) years of age; or,
  - d. An adult who is certified as a Child Development Associate (CDA) **IN: CENTER-BASED, PRESCHOOL; CENTER-BASED, INFANT-TODDLER; OR FAMILY CHILD CARE**; or is certified as a Child Care Professional (CCP); or holds another Department-approved certificate; or,
  - e. An adult who meets the education and experience requirements for an Early Childhood Teacher of a large center (Section 7.702.45, A); or,
  - f. A current Early Childhood Professional Credential **LEVEL II OR HIGHER IN VERSION 3.0** as determined by the Department.
- 2. Staff Aides must be at least sixteen (16) years of age, must work directly under the supervision of the Director or a Toddler Early Childhood Teacher, and must have completed eight (8) hours of orientation at the Toddler Program.
  - 3. For every fifteen (15) or fewer toddlers, there must be at least one (1) staff member in the toddler program at all times who has a current Department-approved First Aid and Safety certificate that includes CPR for all ages of children.

**D. Kindergarten Teacher**

A KINDERGARTEN TEACHER, ASSIGNED RESPONSIBILITY FOR A SINGLE GROUP OF CHILDREN DURING TIMES SPECIFIED IN SECTION 7.702.46, MUST MEET ONE (1) OF THE FOLLOWING QUALIFICATIONS:

1. Each teacher of a kindergarten class must have the same qualifications as a **DIRECTOR** for a **LARGE CENTER** (see Section 7.702.43); or **MUST POSSESS A CURRENT PROFESSIONAL TEACHING LICENSE ISSUED** by the Colorado Department of Education in Elementary Education; or,
2. A current Early Childhood Professional Credential **LEVEL III OR HIGHER IN VERSION 3.0** as determined by the Department.

**E.** Assistant Early Childhood Teacher

An Assistant Early Childhood Teacher, assigned responsibility for a single group of children during times specified in Section 7.702.46, must meet one (1) of the following qualifications:

1. Completion of one (1) of the Early Childhood Education courses in Section 7.702.43 **B, 3**, with a course grade of "C" or better; and a minimum of **NINE (9) MONTHS (1,365 HOURS)** of verified experience in the care and supervision of four (4) or more children less than **EIGHT (8)** years of age who are not related to the individual. ~~Satisfactory experience includes being a licensee of a Colorado Family Child Care Home; or a Teacher's Aide in a childcare center, Early Head Start, Head Start, preschool, or elementary school.~~ Assistant Early Childhood Teachers must be enrolled in and attending the second (2<sup>nd</sup>) Early Childhood Education course, which will be used as the basis for their qualification for the position of Early Childhood Teacher; or,
2. Completion of two (2) of the Early Childhood Education courses referenced in Section 7.702.43, **B, 3**, with a course grade of "C" or better and no experience; or,
3. A current Early Childhood Professional Credential Level I **OR HIGHER IN** Version **3.0** as determined by the Department.

**F.** Substitute **STAFF**

1. **EQUALLY** qualified staff must be available to substitute for regularly assigned staff who are sick, on vacation, or otherwise unable to be on duty.
2. **FOR SHORT TERM UNSCHEDULED EARLY CHILDHOOD TEACHER VACANCIES UP TO TEN (10) FIVE (5) BUSINESS DAYS PER CALENDAR YEAR, AN ASSISTANT EARLY CHILDHOOD TEACHER CAN SUBSTITUTE FOR THE EARLY CHILDHOOD TEACHER. THE DATE AND TIMES OF SUBSTITUTION MUST BE RECORDED AND AVAILABLE FOR REVIEW AT ALL TIMES.**

**G.** Staff Aide

1. Staff **AIDES** must be at least sixteen (16) years of age and must work directly under the supervision of the Director or an Early Childhood Teacher.
2. Infant **STAFF AIDES** must be at least eighteen (18) years of age.
3. Staff **AIDES**, without supervision from an Early Childhood Teacher or **DIRECTOR**, may supervise no more than two (2) preschool age children while assisting the children with diapering or toileting.

**H.** Volunteers

1. VOLUNTEERS WHO ARE USED TO MEET STAFF TO CHILD RATIO MUST BE EQUALLY QUALIFIED AS AN EARLY CHILDHOOD TEACHER, ASSISTANT EARLY CHILDHOOD TEACHER, OR STAFF AIDE. EQUALLY QUALIFIED VOLUNTEERS MUST HAVE COMPLETE STAFF RECORDS AS REQUIRED IN SECTION 7.702.35 AND COMPLETE TRAINING REQUIREMENTS AS REQUIRED IN SECTION 7.702.42.
2. VOLUNTEERS WHO ARE NOT REQUIRED TO BE EQUALLY QUALIFIED OR SUCCESSFULLY COMPLETE BACKGROUND CHECKS must be supervised and given instruction as to the center's policies and procedures.
3. Volunteers between the ages of twelve (12) and sixteen (16) must have a written purpose developed by the center for volunteering and may not volunteer for more than two (2) hours per day.

**7.702.46 Required Staff and Supervision**

A. Staff-Child Ratios

1. For the purposes of this subsection A, in determining staff-child ratios, only staff members and/or volunteers qualified under Section 7.702.45, who work directly with children are counted.
2. For full day programs, during times of low attendance and/or during the first and last hour of the day, when only eight (8) or fewer children are present in the facility, there must be at least one (1) Early Childhood Teacher or Assistant Early Childhood Teacher working with the children and a second staff member **MUST BE ON SITE AND** immediately available. There must be no more than two (2) children less than the age of two (2) present. When nine (9) or more children are in attendance, at least two (2) staff members must be on duty.
3. The Director of the center must be present at the center at least sixty percent (60%) of any day that the center is open.

a. **CENTERS LICENSED UNDER THE SAME GOVERNING BODY THAT PROVIDE CARE FOR PRESCHOOL-AGE CHILDREN ONLY AT MULTIPLE LOCATIONS ARE NOT REQUIRED TO HAVE A LARGE CENTER DIRECTOR QUALIFIED STAFF MEMBER ASSIGNED TO EACH PROGRAM. TO QUALIFY, CENTERS MUST HAVE AN ORGANIZATIONAL STRUCTURE THAT INCLUDES EMPLOYEES OF THE CENTER THAT PROVIDE AT LEAST TEN (10) ADMINISTRATIVE SUPPORT ELEMENTS FROM THE FOLLOWING:**

1. **COLORADO PRESCHOOL PROGRAM COORDINATOR;**
2. **PARENT EDUCATIONAL SPECIALIST;**
3. **PRINCIPAL;**
4. **HEALTH COORDINATOR;**
5. **NURSE;**
6. **HEALTH TECHNICIAN;**
7. **FOOD SERVICE DIRECTOR;**
8. **A REGISTERED DIETITIAN OR AN INDIVIDUAL WITH A MASTER'S LEVEL OR HIGHER EDUCATION IN NUTRITION;**

9. FIRE/HEALTH/SAFETY INSPECTOR;

10. MENTAL HEALTH TEAM;

11. SPEECH LANGUAGE PATHOLOGIST;

12. OCCUPATIONAL/PHYSICAL THERAPIST;

13. SCHOOL PSYCHOLOGIST;

14. FAMILY OUTREACH WORKER;

15. HUMAN RESOURCE SPECIALIST; OR,

16. TRANSPORTATION MANAGER.

b. THE PROGRAM MUST OBTAIN A DIRECTOR WHO MEETS LARGE CENTER DIRECTOR QUALIFICATIONS IF SUBSTANTIAL EVIDENCE HAS BEEN FOUND LEADING TO AN ADVERSE LICENSING ACTION FOR ANY OF THE FOLLOWING:

1. LACK OF SUPERVISION;

2. OPERATING OUT OF THE APPROVED STAFF MEMBER TO CHILD RATIO;

3. OPERATING WITHOUT SUFFICIENT QUALIFIED STAFF.

4. IF THE DIRECTOR OF A LARGE CENTER CANNOT BE PRESENT SIXTY PERCENT (60%) OF ANY DAY, AN ASSISTANT DIRECTOR MUST BE ON SITE ACTING IN THE CAPACITY OF THE DIRECTOR.
5. WHEN THERE IS A DIRECTOR VACANCY OR ABSENCE, AN ASSISTANT DIRECTOR MAY SUBSTITUTE FOR THE DIRECTOR FOR A MAXIMUM OF UP TO TWELVE (12) WEEKS PER CALENDAR YEAR. THE ASSISTANT DIRECTOR MUST BE ON SITE AT LEAST SIXTY PERCENT (60%) OF ANY DAY THE CENTER IS OPEN. FOR VACANCIES EXCEEDING TWELVE (12) WEEKS, AN INDIVIDUAL MEETING DIRECTOR QUALIFICATION MUST BE ON SITE ACTING AS DIRECTOR UNTIL A NEW DIRECTOR IS APPOINTED. THE DATES MUST BE DOCUMENTED AND KEPT ON FILE FOR REVIEW.
6. AN ASSISTANT DIRECTOR MUST CONSULT WITH A QUALIFIED DIRECTOR ON ADMINISTERING THE CENTER IN ACCORDANCE WITH EARLY CHILDHOOD PRINCIPLES AND PRACTICES AND LICENSING RULES.
7. There must be assigned at least one (1) qualified Early Childhood Teacher supervising each group of children unless otherwise specified in rules. A Director may be the assigned teacher for one (1) group of children.
8. Full day programs may have Assistant Early Childhood Teachers supervise preschool-age and older children during the following periods of operation:
  - a. Opening hours: an Assistant Early Childhood Teacher may be alone with children for the first two (2) hours of a center's daily operating hours;
  - b. Nap time: an Assistant Early Childhood Teacher may be alone with children for up to one (1) hour during nap time;

- c. Closing hours: an Assistant Early Childhood Teacher may be alone with children for up to the two (2) hours prior to the closing time of a center's daily operations;
  - d. Taking children to the restroom or diapering; and,
  - e. **WHEN SUBSTITUTING FOR AN EARLY CHILDHOOD TEACHER IN COMPLIANCE WITH SECTION 7.702.45, F, 2.**
9. At least one (1) staff member with **THE** current Department-approved medication administration training and delegation must be on duty at all times.
  10. At nap time, the child to staff ratio may be doubled for children two and one half (2 ½) years of age and older in preschool classrooms when the following conditions have been met:
    - a. At least half of the children are sleeping;
    - b. Another staff member is onsite in the center and immediately available;
    - c. Maximum group size and room capacity are not exceeded; and,
    - d. Staff member supervising children is qualified as an **EARLY CHILDHOOD TEACHER OR ASSISTANT EARLY CHILDHOOD TEACHER.**
  11. Formal kindergarten class sessions must have **one** (1) staff member for each **TWENTY-FIVE (25)** or fewer children in attendance. At other parts of the day when children are in attendance, the ratio must be **one** (1) staff member to each **FIFTEEN (15)** or fewer children.
  12. Children of the **DIRECTOR** or of staff members who attend the center and other children on the premises for supervision and care must be counted against the licensed capacity in the appropriate age groups.
  13. In determining staff-child ratios, children who are in attendance for only part of the day are counted only while at the center.
  14. Staff-Child Ratios

| <b>AGES OF CHILDREN</b>                | <b>NUMBER OF STAFF</b>        |
|--|-------------------------------|
| 6 weeks to 18 months (infants)         | 1 staff member to 5 infants   |
| 12 months to 36 months                 | 1 staff member to 5 toddlers  |
| 24 months to 36 months                 | 1 staff member to 7 toddlers  |
| 2-1/2 years to 3 years                 | 1 staff member to 8 children  |
| 3 years to 4 years                     | 1 staff member to 10 children |
| 4 years to 5 years                     | 1 staff member to 12 children |
| 5 years and older                      | 1 staff member to 15 children |
| Mixed age group 2-1/2 years to 6 years | 1 staff member to 10 children |

- a. In other preschool age combinations, the staff ratio for the youngest child must be utilized if more than twenty percent (20%) of the group is composed of younger children. This does not apply to infants and toddlers. The ratio for toddler groups is based on the youngest child in the group.
15. Maximum Group Size for Children

| <b>AGES OF CHILDREN</b> | <b>MAXIMUM GROUP SIZE</b> |
|-------------------------|---------------------------|
|-------------------------|---------------------------|

|   |             |
|---|-------------|
| 6 weeks to 18 months                    | 10 infants  |
| 12 months to 36 months                  | 10 toddlers |
| 24 months to 36 months                  | 14 toddlers |
| 2-1/2 years to 3 years                  | 16 children |
| 3 years to 4 years                      | 20 children |
| 4 years to 5 years                      | 24 children |
| 5 years and older                       | 30 children |
| Mixed age group 2-1/2 to 6 years of age | 20 children |

- a. In other preschool age combinations, the maximum group size for the youngest child must be utilized if more than twenty percent (20%) of the group is composed of younger children. This does not apply to infants and toddlers. The group size for toddler groups is based on the youngest child in the group.
- b. Preschool age and school-age groups of children must be separated into developmentally appropriate activities. Groups are not required to be separated from each other by permanent or portable dividers or walls.
- c. Group size for children in preschool and school age classrooms may be exceeded for circle time, meal and snack time, special occasions, and activities.
- d. **THE LICENSED ROOM CAPACITY MUST NOT BE EXCEEDED AT ANY TIME.**
- e. Toddler-age groups of children must be separated from each other by permanent or portable dividers or other methods as approved by the Department.
- f. When combining age groups, not including individual child transitions, children must be cared for in the room licensed for the youngest child in care, including the outdoor play area.

16. EMERGENCY SITUATIONS

- A. IN THE CASE OF AN EMERGENCY SITUATION, INCLUDING BUT NOT LIMITED TO ILLNESS, DEATH, ACCIDENT, LAW ENFORCEMENT ACTION, ROAD CLOSURE, HAZARDOUS WEATHER, EMERGENCY BODILY FUNCTION, CHILD ELOPEMENT, OR PROVIDING EMERGENCY ATTENTION OR CARE TO A CHILD, THE CHILD CARE CENTER MAY OPERATE UNDER THE FOLLOWING GUIDELINES:
  - (1) THE FACILITY MAY TEMPORARILY USE A STAFF MEMBER, WHO HAS SUCCESSFULLY COMPLETED CRIMINAL BACKGROUND CHECK REQUIREMENTS, TO SUPERVISE CHILDREN FOR NO MORE THAN TWO (2) HOURS UNTIL A QUALIFIED STAFF MEMBER IS SECURED. THE DATES AND TIMES MUST BE RECORDED AND MADE AVAILABLE FOR REVIEW AT ALL TIMES.
  - (2) A LARGE CHILD CARE CENTER OR A CHILD CARE CENTER THAT OPERATES ON THE PROPERTY OF A SCHOOL DISTRICT, DISTRICT CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL, MAY PERMIT A STAFF MEMBER, WHO HAS SUCCESSFULLY COMPLETED CRIMINAL BACKGROUND CHECK REQUIREMENTS BUT IS NOT A QUALIFIED CAREGIVER, TO SUPERVISE CHILDREN FOR AN AMOUNT OF TIME THAT IS REASONABLY NECESSARY TO ADDRESS AN EMERGENCY CIRCUMSTANCE.
  - (3) DURING ANY EMERGENCY SITUATION, THE FACILITY MUST BE IN COMPLIANCE WITH THE STAFF-TO-CHILD RATIO.

B. Service/Housekeeping Personnel

1. Service personnel must be available for housekeeping and food preparation as needed for adequate operation and maintenance of the center.
2. Assignment of housekeeping and maintenance duties to childcare staff must not interfere with their supervisory responsibilities and childcare duties.

C. Child Care Health Consultant

1. CENTER STAFF MUST HAVE A MONTHLY CONSULTATION WITH A CURRENT DEPARTMENT-APPROVED CHILD CARE HEALTH CONSULTANT WHO MUST MEET ONE (1) OF THE FOLLOWING QUALIFICATIONS:
  - A. A LICENSED REGISTERED NURSE WITH KNOWLEDGE AND EXPERIENCE IN MATERNAL AND CHILD HEALTH;
  - B. A PEDIATRIC NURSE PRACTITIONER;
  - C. A FAMILY NURSE PRACTITIONER; OR,
  - D. A PHYSICIAN WITH KNOWLEDGE AND EXPERIENCE IN PEDIATRICS OR MATERNAL AND CHILD HEALTH.
2. The monthly consultation must be specific to the needs of the facility and include some of the following topics: training, delegation and supervision of medication administration and special health procedures, health care PLANS, hygiene, disease prevention, equipment safety, nutrition, interaction between children and adult caregivers, and CHILD growth and development.
3. THE MONTHLY CONSULTATION MUST BE CONDUCTED ON-SITE AT LEAST QUARTERLY OR MORE FREQUENTLY AS REQUIRED BY THE CHILD CARE HEALTH CONSULTANT. TELECONSULTATIONS ARE ALLOWED FOR THE REMAINING MONTHS.
4. The date and content of each consultation must be recorded and maintained in the center's files FOR THREE (3) YEARS.
5. FOR THE DEPARTMENT-APPROVED CHILD CARE HEALTH CONSULTANT, the center must maintain documentation from the Colorado Department of Regulatory Agencies that the Registered Nurse or the Medical Doctor's licensure is in good standing.
6. FOR THE DEPARTMENT-APPROVED CHILD CARE HEALTH CONSULTANT, the center must maintain documentation of a brief biography highlighting applicable knowledge, experience, and approximate dates worked as a school nurse or Child Care Health Consultant.
7. ALL DEPARTMENT-APPROVED Child Care Health Consultants must complete the Department-approved Child Care Health Consultant INTRODUCTORY training COURSE within six (6) months OF HIRE. CHILD CARE HEALTH CONSULTANTS MUST COMPLETE DEPARTMENT-APPROVED ONGOING PROFESSIONAL DEVELOPMENT TRAINING EVERY THREE (3) YEARS. The center must obtain and maintain proof of training completion.

~~Child Care Health Consultants (CCHC) employed as a health consultant prior to February 1, 2016, must complete the Department approved Child Care Health Consultant (CDHC)~~

~~training by August 1, 2016. The center must obtain and maintain proof of course completion.~~

8. All Department-approved Child Care Health Consultants must complete the Department-approved Colorado Department of Public Health and Environment immunization course annually. The center must obtain and maintain proof of course completion.
9. **ALL DEPARTMENT-APPROVED CHILD CARE HEALTH CONSULTANTS MUST COMPLETE THE DEPARTMENT-APPROVED TRAINING ABOUT CHILD ABUSE PREVENTION, WHICH INCLUDES COMMON SYMPTOMS AND SIGNS OF CHILD ABUSE OR NEGLECT. THIS TRAINING MUST BE COMPLETED WITHIN THIRTY (30) DAYS OF HIRE AND RENEWED EVERY THREE (3) YEARS.**

#### **7.702.5 ADMISSION PROCEDURE**

- A. The center must accept and care only for children of the ages for which it has been licensed. At no time shall the number of children in attendance exceed the number for which the center has been licensed.
- B. Admission procedures must be completed prior to the child's attendance at the center and must include:
  1. A pre-admission interview with the child's parent(s)/guardian(s) to determine whether the services offered by the center will meet the needs of the child and the parent(s)/guardian(s);

~~Explanation of the center's policies and procedures. Parents' signatures must be secured, indicating that they have read and agree to the center's policies and procedures;~~
  2. Completion of the registration information required for inclusion in the child's record as required in Section 7.702.34 and,
  3. If applicable, a Department-approved health care plan authorized by the child's health care provider and parent(s)/guardian(s) defining the interventions needed to care for a child who has an identified health or developmental condition or concern including, but not limited to seizures, asthma, diabetes, severe allergies, heart or respiratory conditions, and physical disabilities. **ANY APPLICABLE MEDICATIONS, SUPPLIES, AND/OR MEDICAL EQUIPMENT MUST BE AVAILABLE TO THE STAFF PRIOR TO THE CHILD'S FIRST DAY OF CARE.** The staff working with a child with a health care plan must be informed, trained, and delegated responsibility for carrying out the health care plan **BY THE DEPARTMENT-APPROVED CHILD CARE HEALTH CONSULTANT;** supervision of the plan and interventions must be documented.
- C. Children with Special Needs
  1. The admission of children who have special health care needs, disabilities, or developmental delays which includes children with social emotional and behavioral needs must be in alignment with the training and ability of staff and in compliance with the Americans with Disabilities Act. Services offered must show that a reasonable effort is made to accommodate the child's needs and to integrate the child with other children. (See ~~Section 7.701.14 of the~~ General Rules for Child Care Facilities, ~~Section 7.701.14.~~)
  2. The center must inform its **DEPARTMENT-APPROVED** Child Care Health Consultant prior to the first day of care of the enrollment of a child with special health care needs, if known, so staff receive training, delegation and supervision **BY THE DEPARTMENT-APPROVED** Child Care Health Consultant as indicated by the child's individualized health care plan.

3. For a child with special health care needs requiring intervention and/or medication, the center must obtain written instructions for providing services from the child's parent(s)/guardian(s), and the health care provider. If an existing individualized health care plan is provided for the child, it must be reviewed and followed by the center staff when caring for the child. If the child does not have an existing individualized health care plan, the individualized health care plan must be obtained by the child's first day of care.
4. FOR AN ENROLLED CHILD WITH A NEWLY IDENTIFIED SPECIAL HEALTH CARE NEED, THE CENTER MUST OBTAIN WRITTEN INSTRUCTIONS FOR PROVIDING SERVICES FROM THE CHILD'S PARENT(S)/GUARDIAN(S) AND THE HEALTH CARE PROVIDER. IF THE CHILD WITH SPECIAL HEALTH CARE NEEDS DOES NOT HAVE AN EXISTING INDIVIDUALIZED HEALTH CARE PLAN, THE INDIVIDUALIZED HEALTH CARE PLAN AND ALL ASSOCIATED MEDICATION(S) AND/OR EQUIPMENT MUST BE PROVIDED WITHIN THIRTY (30) CALENDAR DAYS OF THE CHILD'S IDENTIFIED NEED.
5. The individual health care plan must be updated at least every twelve (12) months from the date of the initial plan and as changes occur. The plan must include all information needed to care for the child, must be signed by the health care provider, parent(s)/guardian(s) and must include, but not be limited to, the following:
  - a. Medication AND DOSING schedule;
  - b. Nutrition and feeding instructions;
  - c. Medical equipment or adaptive devices, including instructions;
  - d. Medical emergency instructions;
  - e. Toileting and personal hygiene instructions;
  - f. Behavioral interventions; and,
  - g. Medical procedure/intervention orders.
- D. If the parent(s)/GUARDIAN(S) agree(s) that the center should care for a child in the infant program who is eighteen (18) months or older, the center must have on file a written statement from a HEALTH CARE PROVIDER confirming that care for the child is appropriate in THE infant program.
- E. If the parent(s)/GUARDIAN(S) agree(s) that the center should care for a child in the toddler program who is twelve (12) months old but not walking independently, or is over thirty-six (36) months old, the center must have on file a written statement from a HEALTH CARE PROVIDER confirming that care for the child is appropriate in THE toddler program.

**7.702.51 Health Care**

- A. Statements of Health Status
  1. The center has the right to refuse to admit a child if a statement from a health care provider OR DOCUMENTATION OF IMMUNIZATION STATUS, OR EXEMPTION, is not submitted.
  2. At the time of admission, the parent(s)/guardian(s) must provide for each child entering the center:
    - a. COLORADO LAW REQUIRES PROOF OF IMMUNIZATION STATUS WITH THE SUBMISSION OF A CLINICAL IMMUNIZATION RECORD OR THE

**SUBMISSION OF THE CERTIFICATE OF MEDICAL OR NONMEDICAL EXEMPTION PRIOR TO THE FIRST DAY OF ATTENDANCE.**

- b. Within thirty (30) calendar days of admission, and within thirty (30) calendar days following the expiration date of a previous health statement, the parent(s)/guardian(s) of each child must submit a statement of the child's current health status or written verification of a scheduled appointment with a health care provider. The statement of the child's current health status must be signed and dated by a health care provider who has seen the child within the last twelve (12) months, or within the last six (6) months for children less than two and one-half (2½) years of age. The statement must include when the next visit is required by the health care provider. All health statements must be kept at the center.
- c. Statements of health status of children less than two (2) years of age must be updated in accordance with the American Academy of Pediatrics recommended schedule for routine health supervision or as required in writing by the health care provider.
- d. Health statements for children over two (2) years of age to seven (7) years of age must be updated in accordance with the American Academy of Pediatrics recommended schedule for routine well child exams.

~~Whenever the Director has reason to suspect a child participating in the program may have a condition potentially communicable to the child or others, or finds the child's general condition indicates the need for examination, the Director must require a statement from the child's health care provider approving the child to return to group care.~~

- e. For children seven (7) years of age and older or who have completed the first (1<sup>st</sup>) grade, subsequent statements of health status must be obtained every three (3) years.

~~For children attending a drop-in center, parent(s)/guardian(s) of each child must submit a statement of the child's current health status or written verification of a scheduled appointment with a health care provider within thirty (30) calendar days or by the second visit, whichever is longer. The statement of the child's current health status must be signed and dated by a health care provider who has seen the child within the last twelve (12) months, or within the last six (6) months for children less than two and one-half (2½) years of age. Subsequent statements are not required if there have been no health changes in the child and the parent(s)/guardian(s) attest in writing to the health status of the child on an annual basis. Children attending drop-in childcare with special medical needs must have the statement from a health care professional as indicated in section 7.702.52, A, 2, b-f.~~

~~Emergency Procedures~~

- ~~1. At the time of admission, the center must obtain telephone numbers of the child's physician or other appropriate health care professional and numbers where the parent or guardian and at least one other responsible adult can typically be reached in the event of accident, illness, or other emergency.~~
- ~~2. The center must obtain written authority to arrange for medical care in the event of an emergency. This information must be on file the first day a child attends the center.~~
- ~~3. When accidents, injuries, or illnesses occur, the director or responsible adult in charge must notify the parent or guardian of the child and if necessary, call the physician or medical facility as instructed in writing by the parent or guardian.~~

- ~~4. For every thirty (30) or fewer children in attendance, there must be at least one (1) staff member on duty who holds a current department approved first aid and safety certificate (including CPR for all ages of children) and is responsible for administering First Aid and CPR to children. Such individuals must be with the children at all times when the center is in operation. If children are at different locations, there must be a First Aid and CPR qualified staff member at each location.~~
- ~~5. All employees caring for children, not required by rule to be certified in First Aid and CPR, must complete a basic first aid and CPR module within 30 calendar days of employment and the module must be renewed every 2 years.~~
- ~~6. Children too ill to remain in the group must be comfortably cared for and supervised until they can be taken home or suitably cared for elsewhere.~~

**B. Medication**

1. Any **UNEXPIRED** routine medication, prescription or non-prescription (over the counter), must be administered only with a current written order of a health care provider with prescriptive authority and with written parental consent. Home remedies, homeopathic medication, **VITAMINS, AND SUPPLEMENTS MUST NOT BE ADMINISTERED TO CHILDREN IN CHILDCARE.**
2. The written order by the person with prescriptive authority shall include:
  - a. Child's name;
  - b. Licensed prescribing practitioner name, telephone number, and signature;
  - c. Date authorized;
  - d. Name of medication and dosage;
  - e. Time of day medication is to be given;
  - f. Route of medication;
  - g. Length of time the medication is to be given;
  - h. Reason for medication (unless this information needs to remain confidential);
  - i. Side effects or reactions to watch for; and,
  - j. Special instructions.
3. Medications must be kept in the original labeled bottle or container. Prescription medications must contain the original pharmacy label.
4. Over-the-counter medication must be kept in the originally labeled container and be labeled with the child's first and last name.
5. In the case medication needs to be given on an ongoing, long-term basis, the authorization and consent forms must be reauthorized on an at least annual basis. Any changes in the original medication authorization require a new written order by the prescribing practitioner and a change in the prescription label.

~~Acetaminophen or ibuprofen is able to be used multiple times with one (1) current, signed multi-use medication order for up to three (3) consecutive calendar days if the~~

~~order is specific about when the medication is to be given. The child-specific multi-use medication order must be renewed with the child's updated health statement.~~

6. Staff designated by the Director to give medications must complete the Department-approved Medication Administration Training and have current annual delegation or more often as determined by the Department-approved Child Care Health Consultant. Delegation must be from the center's current Department-approved Child Care Health Consultant who must observe and document the competency of each staff member involved in medication administration. All staff administering medication must have current CPR **AND** First Aid training prior to administering medication with the following exceptions:
  - a. Staff determined by the Director, in consultation with the **DEPARTMENT-APPROVED** Child Care Health Consultant, to be responsible for providing emergency medications **MUST COMPLETE** the Department-approved **MEDICATION ADMINISTRATION TRAINING: SEVERE ALLERGY OR ASTHMA. AFTER COMPLETING THE TRAINING, STAFF** must receive delegation from their **DEPARTMENT-APPROVED** Child Care Health Consultant for those medications only. Staff must then provide those medications to children based on the instructions from the child's individualized health care plan.
  - b. Staff determined by the Director, in consultation with the **DEPARTMENT-APPROVED** Child Care Health Consultant, to be responsible for providing medications not covered in the approved medication administration training shall also be permitted to administer medications and/or medical treatments such as emergency seizure medication, insulin, or oxygen with individualized training and delegation from the **DEPARTMENT-APPROVED** Child Care Health Consultant based on instructions from the child's individualized health care plan.
  - c. Staff may be trained and delegated in the administration of a single rescue medication or rescue medical intervention by the center's **DEPARTMENT-APPROVED** Child Care Health Consultant. Such training and delegation shall qualify the staff member to provide a rescue medication or treatment for a specific child based on instructions from the child's individualized health care plan.
7. All medications, except those medications specified in the Department-approved medication administration training as emergency medications, must be **LOCKED** and inaccessible to children, but available to staff trained in administering medication. ~~If refrigeration is required, the medication must be stored in either a separate refrigerator or a leak proof container in a designated area of a food storage refrigerator, separate from food and inaccessible to children.~~ Controlled medications must be counted and safely secured, and specific policies regarding their handling require special attention in the center's policies. Access to these medications must be limited.
  - a. Emergency medications are not required to be locked **BUT MUST** be stored in an area inaccessible to children, and easily accessible and identifiable to staff. Emergency medications must be stored in accordance with the Department-approved Child Care Health Consultant's recommendation.
  - b. When away from the classroom, staff **ASSIGNED TO SUPERVISE THE CHILD** must carry the emergency medication.
8. The center must have a written policy on the storage and access of inhalers and epinephrine carried by school-age children. The policy must include a written contract with the parent(s)/guardian(s) and child acknowledgement assigning levels of responsibility of each individual. This contract includes orders for the medication from a health care provider, along with confirmation from the health care provider and the

Department-approved Child Care Health Consultant that the student has been instructed and is capable of self-administration of the prescribed medications.

9. Children are not allowed to bring medications to childcare unless accompanied by a responsible adult.
10. If a medication is out of date or left over, the parent(s)/guardian(s) is responsible for picking up the medication. **IF THE PARENT(S)/GUARDIAN(S) DO NOT RESPOND, THE CENTER MUST DISPOSE OF THE MEDICATIONS AS REQUIRED BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.**
11. Topical preparations such as petroleum jelly, diaper rash ointments, sunscreen, insect repellent, and other ointments may be administered to children with **WRITTEN AUTHORIZATION FROM THE PARENT(S)/GUARDIAN(S)**. These preparations may not be applied to open wounds or broken skin unless there is a written order by the prescribing health care provider.
12. A written medication log must be kept for each child. This log is part of the child's records. The log must contain the following:
  - a. Child's name **AND BIRTHDATE;**
  - b. Name of the medication, dosage, and route;
  - c. Time medication is to be given **BY WRITTEN MEDICATION AUTHORIZATION;**
  - d. **TIME MEDICATION IS ADMINISTERED TO CHILD;**
  - e. Special instructions;
  - f. Name and initials of the individuals giving the medication; and,
  - g. Notation if the medication was not given and the reason.

C. Sun Protection

1. The center must obtain written authorization and instructions from the parent(s)/guardian(s) for the application of sunscreen or the use of another form of parent(s)/guardian(s) approved sun protection with a **FULL-SPECTRUM UVA/UVB RATING OF SPF THIRTY (30) OR GREATER** to their children's exposed skin prior to outside play **YEAR-ROUND**. A doctor's permission is not needed to use sunscreen at the center.
2. The center must apply sunscreen, have the parent(s)/guardian(s) apply sunscreen, or use another form of **PARENT/GUARDIAN** approved sun protection for children prior to children going outside. Sunscreen must be reapplied as directed by the product label.
  - a. **WHEN THE PARENT(S)/GUARDIAN(S) APPLIES SUNSCREEN, THE CENTER MUST HAVE A MECHANISM FOR LOGGING DOCUMENTING APPLICATION TIMES TO ENSURE SUNSCREEN IS APPLIED AND REAPPLIED AS DIRECTED BY THE PRODUCT LABEL. IF DOCUMENTATION OF APPLICATION TIME IS NOT AVAILABLE, THE CENTER MUST ENSURE THAT SUNSCREEN IS APPLIED THIRTY (30) MINUTES BEFORE GOING OUTDOORS. IF THE CHILD WILL BE OUTSIDE FOR MORE THAN ONE HOUR, SUNSCREEN MUST BE REAPPLIED EVERY TWO HOURS.**

3. When supplied for an individual child, the sunscreen must be labeled with the child's first and last name.
4. If sunscreen is provided by the center, **PARENT(S)/GUARDIAN(S)** must be notified in advance, in writing, of the type of sunscreen the center will use.
5. Children over four (4) years of age may apply sunscreen to themselves under the direct supervision of a staff member.
6. **INFANTS UNDER SIX (6) MONTHS MUST BE KEPT OUT OF DIRECT SUNLIGHT WHILE OUTDOORS.**

~~E. Control of Communicable Illnesses~~

- ~~1. When children have been diagnosed with a communicable illness such as hepatitis, measles, mumps, meningitis, diphtheria, rubella, salmonella, tuberculosis, giardia, or shigella, the center must immediately notify the local health department or the Colorado Department of Public Health and Environment, all staff members, and all parents and guardians of children in care. Children's confidentiality must be maintained.~~
- ~~2. The director must ask parents to report exposure of a child to communicable illness outside of the center, and, at the discretion of the director, the child should be excluded from the center for the period of time prescribed by the child's physician or by the local health department.~~

**7.702.6 CHILD CARE SERVICES**

**7.702.61 Personal Hygiene**

~~A. Hand Washing~~

- ~~1. Children's hand washing must be supervised and must be taught when necessary.~~
- ~~2. Children's hand washing must be taught when necessary.~~

A. Diapering

~~(See also Section 7.702.73, A, 3)~~

1. All diaper change areas must:
  - a. Be a minimum of thirty-six (36) by eighteen (18) inches in size and large enough to accommodate the size of the child;
  - b. Have a place inaccessible to children for storing all diaper change supplies and disinfecting solutions and products;
  - c. Have a sufficient supply of diapers at all times; and,
  - d. **BE LOCATED AND ARRANGED TO PROVIDE PRIVACY FOR OLDER CHILDREN IN NEED OF DIAPER CHANGING.**
2. **CHILDREN BEING DIAPERED MUST BE WITHIN ARM'S REACH OF THE STAFF MEMBER AND ACTIVELY SUPERVISED THROUGHOUT THE DIAPERING PROCESS.**

3. ONE (1) DIAPER CHANGE AREA IS REQUIRED IN EVERY INFANT AND TODDLER CLASSROOM.
4. ONE (1) DESIGNATED DIAPER CHANGE AREA IS REQUIRED FOR EVERY TWENTY-FOUR (24) PRESCHOOL AGE CHILDREN.

## B. TOILETING

1. THERE MUST BE NO ATTEMPT TO TOILET TRAIN CHILDREN UNTIL THEY ARE ABLE TO COMMUNICATE OR OTHERWISE INDICATE NEED, HELP MANAGE THEIR OWN CLOTHING, AND BE ABLE TO ACCESS TOILETING FACILITIES.
2. FOR EACH CHILD WHO IS LEARNING TO USE A TOILET, THE CHILD'S INDIVIDUAL DEVELOPMENTAL ABILITIES AND NEEDS MUST BE ACCOMMODATED AS STATED IN THE WRITTEN POLICIES AND PROCEDURES FOR THE CENTER.

## 7.702.62 Physical Care and Supervision

### A. General

1. All children must be under the DIRECT supervision at all times of a QUALIFIED adult WHO HAS BEEN ASSIGNED THE RESPONSIBILITY TO SUPERVISE.
2. The time a child arrives and leaves the center each day must be recorded. Staff members must complete written attendance verification periodically throughout the day, including during transitions.
3. Staff must be awake, alert, and ACTIVELY supervising all children.
4. STAFF must directly supervise children and maintain staff to child ratio during special activities that occur with an outside vendor or provider and where the vendor uses their expert staff to facilitate the activity.
- ~~5. The center must provide a rest period with rest equipment of at least thirty (30) minutes for all preschool-age children remaining in the center longer than five (5) hours. Quiet activities are permissible during the thirty (30) minute period. Older children requiring a rest time must be given one.~~
- ~~6. Children must not be forced to sleep. Children who do not sleep after thirty (30) minutes must be allowed to move to another area and be provided with quiet toys and equipment to play with such as puzzles or books.~~
- ~~7. Children must be allowed to leave their napping area within ten (10) minutes of waking.~~
- ~~8. The center must provide mats or cots and a designated rest period for all preschool age children. Drop-in childcare centers must provide mats or cots for at least fifty percent (50%) of the licensed capacity of the center.~~
5. The STAFF must ensure that children are dressed appropriately for the weather before going outside.

### B. Infant and Toddler Programs

- ~~The staff must have daily contact with adults who transport the infants and toddlers to and from the center.~~

1. OUTSIDE OF MEALTIMES, children WHO ARE AWAKE must not be confined for MORE THAN FIFTEEN (15) MINUTES AT a time to cribs, playpens, swings, highchairs, infant seats, or other equipment that confines movement. CHILDREN must have THE opportunity for freedom of GROSS MOTOR movement.
2. Throughout the day, each child must have frequent, individual, personal contact, and attention from an adult, such as being held, rocked, taken on walks inside and outside the center, talked to, READ TO, and sung to.
- ~~4. There must be no attempt to toilet train children until they are able to verbalize or otherwise indicate need, help manage their own clothing, and be able to access toileting facilities.~~
- ~~5. For each child who is learning to use a toilet, the child's individual developmental abilities and needs must be accommodated as stated in the written policies and procedures for the center.~~
3. Staff must investigate whenever children cry, SCREAM, OR APPEAR TO WITHDRAW AND MUST TRY TO VERBALLY OR PHYSICALLY SOOTHE THE CHILD. WHEN PUTTING INFANTS TO SLEEP, STAFF MAY ALLOW FOR A PERIOD OF NO LONGER THAN TEN (10) MINUTES WITHOUT VERBALLY OR PHYSICALLY SOOTHING THE CHILD TO ENABLE THE INFANT TO TRY TO SELF SOOTHE AND FALL ASLEEP.
4. Children must be allowed to form and observe their own pattern of sleep and waking periods. Special provision must be made so that children requiring a morning nap time have a separate area for their nap apart from space used for play.
  - a. CHILDREN MUST BE ALLOWED TO LEAVE THEIR SLEEPING AREA IMMEDIATELY UPON WAKING.

C. Safe Sleep Environments for Infants

1. Each infant up to eighteen (18) months of age and enrolled in the infant program must be provided with an individual crib, futon approved for infants, or other approved sleep/rest equipment meeting Consumer Product Safety Commission (CPSC) standards. INDIVIDUAL CRIBS OR FUTONS MUST PROVIDE EACH INFANT WITH SUFFICIENT SPACE FOR THE INFANT'S LENGTH, SIZE, AND MOVEMENT.
2. In the infant room, soft bedding or materials that could pose a suffocation hazard are not permitted in cribs, futons approved for infants, or other approved sleep/rest equipment. Soft bedding means, but is not limited to, any soft sleep surface like bumper pads, pillows, blankets, quilts, comforters, sleep positioning devices, sheepskins, blankets, flat sheets, cloth diaper bibs, plush toys, PACIFIERS WITH STUFFED ANIMALS ATTACHED, and stuffed animals.
  - a. MATTRESSES FOR CRIBS AND FUTONS MUST HAVE A PROPERLY FITTED, CLEAN SHEET.
3. Approved sleeping equipment must be firm and mattresses must fit snugly ensuring no more than two fingers are able to be inserted between the mattress and the side of the approved sleeping equipment.
4. Toys, including mobiles and other types of play equipment that are designed to be attached to any part of sleeping equipment, must be kept away from sleeping infants and out of sleep environments, including hanging toys. Blankets and other items must not be hung from or draped over the sides or any part of sleeping equipment.

5. All sleep/rest equipment must be safe, sturdy, and free from hazards including, but not limited to broken or loose slats, torn mattress, chipping paint or loose screws.
6. Drop side and stacking cribs are prohibited.
7. Bassinets and playpens are prohibited in childcare centers.
8. Other sleep equipment not manufactured for commercial use is prohibited.
9. An infant must be placed on his/her back for sleeping.
10. Alternative sleep positions for infants must only be allowed with a health care plan completed and signed by the child's physician.
11. Swaddling of infants must only be allowed with a health care plan completed and signed by the child's **HEALTH CARE PROVIDER**.
12. Each infant up to twelve (12) months of age who uses a pacifier must have the pacifier offered when being put down to sleep unless the parent(**S**)/**GUARDIAN(S)** direct(s) otherwise.
13. Infant **SOUND** monitors must be used in separate sleeping rooms for infants unless qualified staff remain in the room with sleeping infants at all times. When monitors are used, the following conditions must be met:
  - a. The sound monitoring equipment is able to pick up the sounds of all sleeping infants;
  - b. The receiver of the sound monitoring equipment is actively monitored by staff at all times;
  - c. All sleeping infants must be physically observed at least every ten (10) minutes by a staff member;
  - d. Sound monitoring equipment must be regularly checked to ensure it is working correctly; **and**,
  - e. **THE MONITOR MUST BE OUT OF REACH OF CHILDREN.**
14. ~~After December 31, 2015~~, Separate sleep rooms are prohibited in new construction, change of governing body, and change of capacity in childcare centers.
15. Infants who fall asleep in a piece of equipment not approved for sleep must immediately be moved to their approved sleep area and placed on their back to sleep.
16. Cribs must be used for sleeping, not extended play nor confinement.
17. If music is played in the infant sleep area, the music must not be played at a loud volume that would prevent infants from being heard by staff. Music equipment must not be placed under a crib or within three (3) feet of the sleeping infant.
18. Supervised tummy time must be offered to infants one (1) month of age or older **AT LEAST FOUR (4) TIMES PER DAY FOR FULL DAY PROGRAMS FOR SHORT PERIODS (3-5 MINUTES) AND INCREASE THE AMOUNT OF TIME AS THE INFANT SHOWS THEY ENJOY THE ACTIVITY**. If the infant falls asleep during tummy time, immediately place him/her on their back in approved sleeping equipment.

19. When staff place infants in approved sleeping equipment for sleep, they must check to ensure that the temperature in the room is comfortable for a lightly clothed adult, check the infants to ensure that they are comfortably clothed (not overheated or sweaty), and that bibs, necklaces, and garments with ties or hoods are removed.
  - a. Clothing sacks or other clothing designed for sleep must be **WORN** in lieu of blankets if needed for additional warmth. **CLOTHING MUST NOT RESTRICT THE MOVEMENT OF THE CHILD'S ARMS OR LEGS.**
20. Infants must not be placed to sleep in the same crib or futon as another infant or child **AT THE SAME TIME.**

D. Rest Time and Equipment

1. **CHILDREN MUST NOT BE FORCED TO SLEEP.**
2. In rooms used for napping, the lighting must be dim at nap time to promote an atmosphere conducive to sleep **BUT MUST BE BRIGHT ENOUGH FOR SUPERVISION OF CHILDREN.**
3. **WHEN THE ROOM PROVIDED FOR REST IS USED FOR OTHER PROGRAM ACTIVITIES, THE COTS, PADS, AND LINENS MUST BE STORED IN AN AREA THAT IS NOT INCLUDED IN THE REQUIRED SQUARE FOOTAGE ASSIGNED FOR PLAY SPACE.**
4. In the toddler room, a crib, sleeping cot, or two (2) inch mat must be provided for each child, and there must be a minimum of two (2) feet between each crib or cot. Aisles between cots or cribs must be kept free of all obstructions while cribs are occupied. No child less than the age of two (2) years should use a cot for sleeping without written permission of the parent or guardian.
  - a. Individual cribs must provide each toddler with sufficient space for the toddler's length, size, and movement, and must meet federal Consumer Product Safety Commission standards. Each crib must be fitted with a firm, comfortable mattress. If individual cribs are used, they must be separated by a sturdy divider from the area used for activities.
  - b. Sleeping cots and mats must be of firm construction and in good repair.
  - c. A **FITTED** sheet and a blanket, or suitable covering, must be provided for each child to be used only by that child.
5. If preschool-age children are in care for longer than five (5) hours, the center must provide at least a thirty (30) minute rest period meeting the following:
  - a. A firm cot or two (2) inch mat with a sheet and blanket, or other suitable covering, must be provided for each child;
    - i. Cots or pads must be spaced at least two (2) feet apart on all sides during rest time. Children must have a safe area in which to rest that is easily supervised, out of the path of traffic, and free of hazards.
  - b. Quiet activities ~~are permissible~~ **MUST BE AVAILABLE FOR CHILDREN WHO DO NOT SLEEP** during the thirty (30) minute period. Older children requiring a rest time must be given one;

- c. Children who do not sleep after thirty (30) minutes must be allowed to move to another area and be provided with quiet toys and equipment to play with such as puzzles or books; and,
- d. Children who fall asleep must be allowed to leave their napping area within ten (10) minutes of waking.

### 7.702.63 Food and Nutrition

#### A. Meals and Snacks PROVIDED BY THE CENTER

1. All meals and snacks provided by the center must meet current UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) CHILD AND ADULT CARE FOOD PROGRAM (CACFP) meal pattern requirements and be offered at suitable intervals NOT MORE THAN THREE (3) HOURS APART. Children who are at the center for more than four (4) hours, day or evening, must be offered a meal. ARRANGEMENTS MUST BE MADE FOR FEEDING CHILDREN WHO ARE IN CARE BEFORE 6 A.M. OR AFTER 6 P.M.
2. If 100% fruit juice, which is not a sugar sweetened beverage, is offered as part of meals and/or snacks, it must be limited to no more than TWO (2) TIMES per week.
3. Centers must not provide sugar sweetened beverages to children. These are beverages that have been sweetened with various forms of sugars that add calories and include, but are not limited to: soda, fruitades, fruit drinks, flavored milks, and sports and energy drinks.
4. The size of servings must be suitable for the child's age and appetite, and sufficient time must be allowed so that meals are unhurried.
5. FOODS OFFERED SHALL BE AGE APPROPRIATE AND NOT POSE A CHOKING HAZARD.
- 6.. In centers that do not regularly provide a meal, if a child brings a meal from home that does not appear to meet current USDA CHILD AND ADULT CARE FOOD PROGRAM meal pattern requirements, the center must have foods available to offer as a supplement to that meal.
7. Staff members must sit with the children and encourage them to try a variety of food served. During meals, children should be encouraged to engage in conversation and to express their independence.
8. CHILDREN MUST NOT BE GIVEN FOODS THAT ARE CONTRARY TO THE RELIGIOUS BELIEFS OF THEIR FAMILIES OR THAT ARE KNOWN TO CAUSE AN ALLERGIC REACTION OR A HEALTH HAZARD.
9. FOOD AND BEVERAGES ARE NOT TO BE USED AS A REWARD.  
  
~~All food prepared by the center must be from sources approved by the local health department or the State Department of Public Health and Environment. All food must be prepared, served, and stored in such a manner as to be clean, wholesome, free from spoilage, and safe for human consumption. Home-canned vegetables, fruits, and meats cannot be served.~~
10. Meal menus must be planned at least one week in advance, dated, and posted in a place visible to parents. After use, menus must be filed and retained for three (3) months.  
~~Records must be available for periodic review and evaluation.~~

11. A TABLE, COUNTER, OR SHELF, SEPARATE FROM THE DIAPER CHANGING AREA, MUST BE AVAILABLE FOR PREPARING INFANTS' AND TODDLERS' FOOD.

B. Feeding the Infant

1. An individualized diet and feeding schedule must be provided according to a written plan submitted by the parent or by the child's physician with the knowledge and consent of the parent. A change of diet and schedule must be noted on each child's daily activity schedule and posted in an area clearly visible to the staff.

~~Commercially prepared formula must be mixed according to the manufacturer's direction and each bottle marked with the child's first and last name.~~

2. All infants less than six (6) months of age must be held for bottle feeding. Bottles must not be propped. Older infants must not be allowed to hold their own bottles when lying flat. Bottles must not be allowed in a crib with the infant.
3. Older infants must be provided with suitable solid foods that encourage freedom in self-feeding and must be fed in safe chairs such as highchairs or baby-feeding tables.
4. When the infant program provides food other than BREAST MILK OR formula, food must be varied and include food from cereal, vegetable, fruit, and protein sources. When the center does not provide solid food, it must supply any additional foods and/or monitor the infant's total nutritional intake.

~~There must be a sufficient supply of bottles provided for the entire day; or if nursing bottles are to be reused, they must be washed, rinsed, and sanitized after each use.~~

~~Bottles of formula or breast milk must never be warmed in a microwave oven.~~

5. A staff member may not mix cereal with BREAST MILK OR formula and feed it to an infant from a bottle or infant feeder unless there are written instructions from the child's health care provider.
6. In infant nurseries, an adequate number of highchairs, or other suitable pieces of equipment that meet federal Consumer Product Safety Commission standards, must be provided for infant feeding.
7. Children who are actively eating may be in a highchair or other approved feeding equipment for longer than fifteen (15) minutes. Children must be moved once feeding is complete.

C. Feeding the Toddler

1. Staff members must either feed toddlers or supervise them when they are eating, and children must be encouraged to try a variety of food served.
2. Toddlers must be sitting when EATING OR drinking from a bottle.
3. CHILDREN WHO ARE ACTIVELY EATING MAY BE IN A HIGHCHAIR OR OTHER APPROVED FEEDING EQUIPMENT FOR LONGER THAN FIFTEEN (15) MINUTES. CHILDREN MUST BE MOVED AWAY FROM THE FEEDING LOCATION ONCE FEEDING IS COMPLETE.

~~Commercially prepared formula must be mixed according to the manufacturer's direction and each bottle marked with the child's first and last name.~~

~~There must be a sufficient supply of bottles provided for the entire day; or if nursing bottles are to be reused, they must be washed, rinsed, and sanitized after each use.~~

#### **7.702.64 Guidance**

- A. GUIDANCE USED AT THE CENTER MUST BE APPROPRIATE TO THE DEVELOPMENT OF THE CHILD AND IS USED AS AN OPPORTUNITY TO TEACH CHILDREN SOCIAL-EMOTIONAL SKILLS, SUCH AS SELF-REGULATION, PROBLEM-SOLVING, AND EMPATHY FOR OTHERS.
- B. Children must not be subjected to physical or emotional harm, ~~or~~ humiliation, OR THREATS.
- C. The Director must not use, or permit a staff person or child to use, corporal or other harsh punishment. ~~including but not limited to pinching, shaking, spanking, punching, biting, kicking, rough handling, hair pulling, or any humiliating or frightening method of guidance.~~
- D. Guidance must not be associated with food, rest, or toileting. No child should be punished for toileting accidents. Food must not be denied to or forced upon a child as a disciplinary measure.
- E. PHYSICAL ACTIVITY AND OUTDOOR TIME MUST NOT BE WITHHELD AS A DISCIPLINARY MEASURE.
- F. Separation, when used for guidance, must not exceed five (5) minutes and must be appropriate for the child's DEVELOPMENT. The child must be in a safe, lighted, well-ventilated area and be within sight and hearing of an adult. The child must not be isolated in a locked, closed room, or closet.
- G. Verbal abuse and derogatory remarks about the child are not permitted.
- H. ANY FORM OF RESTRAINT IS NOT PERMITTED.
- I. PHYSICAL REDIRECTION MAY BE USED TO KEEP A CHILD FROM IMMEDIATE IMMINENT DANGER. THE CHILD MUST BE IMMEDIATELY RELEASED ONCE REMOVED FROM IMMEDIATE DANGER.

#### **7.702.57 Overnight Care**

- A. ~~All of the provisions required in Section 7.702 of these rules for childcare centers apply to centers offering overnight care of children which includes care that extends beyond midnight. In addition, centers must observe the following provisions:~~
- B. ~~A nutritious evening meal must be made available to children.~~
- C. ~~Quiet activities must immediately precede the children's bedtime.~~
- D. ~~Children's faces and hands must be washed, and children must be changed into comfortable clothing for sleeping.~~
- E. ~~Each child must be provided with a comfortable separate bed, crib, or cot suitable for the child's age or a two (2) inch sleeping mat or mattress. Each child must also be provided with sheets and a clean, washable covering. If mats or mattresses are used, the room temperature at floor level must be 68 to 72 degrees. Pads and mattresses must be fitted with a clean, washable, removable covering. Permission of parents or guardians must be obtained for each child who uses a sleeping mat or mattress placed on the floor.~~
- F. ~~All children must be directly supervised at all times.~~

~~G. The staff child ratio for sleeping children is one (1) adult to every six (6) or fewer children in attendance.~~

## **7.702.65 Activities**

### A. Activity Schedules

1. The center must carry out a planned program suitable to the needs of the children. This program must be described in writing and be available for review when requested by the department or by parents or guardians of children in care.
2. Daily physical gross motor activities, with or without equipment or materials, must be provided outdoors, or indoors during inclement weather, to children **TODDLER AGE** and older for no less than sixty (60) minutes total for full day programs. Activities do not have to occur all at **ONCE**.
  - a. **PROGRAMS WHO QUALIFY FOR AN OUTDOOR SPACE HARDSHIP PER SECTION 7.702.74, B, 1, MUST PROVIDE DAILY PHYSICAL GROSS MOTOR ACTIVITIES INDOORS OR OUTDOORS.**
3. **CHILDREN'S ACCESS TO OUTDOOR SPACE MUST BE PROVIDED DAILY, EXCEPT DURING INCLEMENT WEATHER.**

~~Daily physical gross motor activities, with or without equipment or materials, must be provided outdoors or indoors during inclement weather, to preschool age and older children for no less than thirty (30) minutes total for part day programs operating from three (3) to five (5) hours per day. Activities do not have to occur all at one time.~~

~~Daily physical gross motor activities, with or without equipment or materials, must be provided outdoors or indoors during inclement weather, to preschool age and older children daily for no less than fifteen (15) minutes total for part day programs operating up to three (3) hours per day. Activities do not have to occur all at one time.~~

~~Daily physical gross motor activities, with or without equipment or materials, must be provided to toddler age children outdoors for no less than fifteen (15) minutes for part day programs operating up to three (3) hours per day, no less than thirty (30) minutes total for part day programs operating from three (3) to five (5) hours per day, and no less than sixty (60) minutes for full day programs.~~

~~When inclement weather limits outdoor activities, indoor physical daily gross motor activities, with or without equipment or materials, must be provided to toddler age children outdoors for no less than fifteen (15) minutes for part day programs operating up to three (3) hours per day, no less than thirty (30) minutes total for part day programs operating from three (3) to five (5) hours per day, and no less than sixty (60) minutes for full day programs.~~
4. Infants must be provided **ACCESS TO** outdoor play at least three (3) times per week, weather permitting.
5. If the center takes children on routine short excursions, such activities and locations must be posted at the center.
6. Portable first aid kits must be available to staff at all times, including field trips **AND SHORT EXCURSIONS, AND** must be checked and restocked on at least a monthly basis.

7. If a child participates in activities away from the facility, the center must obtain the parent or guardian's written permission for the child to participate in the activity at a specific location and day. Staff ratios found at Section 7.702.46 must be maintained.

B. Screen Time and Media Use

1. **SCREEN TIME, WHICH INCLUDES**, television, **RECORDED MEDIA, COMPUTER, TABLET, CELL PHONES, VIDEO GAMES, AND OTHER MEDIA DEVICES**, is prohibited for children less than two (2) years of age.
2. **SCREEN TIME** is prohibited during snack or meal times.
3. All media that children are exposed to must not contain explicit language or topics.
4. For children two (2) to five (5) years of age, screen time must be limited to no more than thirty (30) minutes **PER DAY**.
5. For children two (2) years of age and older, screen time may only exceed **SIXTY (60) minutes** for a special occasion **AND MUST NOT OCCUR MORE THAN ONCE EVERY TWO (2) WEEKS**.
6. **ALL CHILDREN MUST BE PROVIDED WITH A DEVELOPMENTALLY APPROPRIATE ALTERNATIVE ACTIVITY ONCE THE CHILD(REN) LOSES INTEREST IN THE MEDIA ACTIVITY**.
7. There is no **TIME** restriction for children using personal adaptive equipment **OR ASSISTIVE TECHNOLOGY OR PARTICIPATING IN MANDATORY SCHOOL ACTIVITIES**.

C. Field Trips

1. The center must notify the children's parents or guardians in advance of any field trip. The staff-child ratio found at Section 7.702.46 must be maintained at all times.
2. All groups of children must be actively supervised by a qualified **EARLY CHILDHOOD TEACHER** at all times.
3. Children must be actively supervised at all times.
4. An accurate itinerary must remain at the center.
5. When taking children on a field trip, staff must have the following information about each child: name, address, and phone number of the child's physician or other appropriate health care professional and the written authorization from the parent or guardian for emergency medical care.
6. If children attending the field trip require routine medications be administered during the field trip or have special health needs, a staff member with current medication administration training and delegation must attend on the field trip.
7. A list of all children and staff on a field trip must be kept at the center.

**7.702.66 Transportation**

A. Transportation Provided by the Center

1. The center is responsible for any children it transports.

2. The center must obtain written permission from **THE PARENT(S)/GUARDIAN(S)** for any transportation of their child **(REN) WHILE IN CARE**.
3. The number of staff members who accompany children when being transported in the vehicle must meet the childcare staff ratio found at Section 7.702.46. The driver of the vehicle is considered a staff member.
4. Children must not be permitted to ride in the front seat of a vehicle and must remain seated while the vehicle is in motion. All children must be secured in a child restraint system that is appropriate for the age and development of that child. The child restraint must conform to all applicable Federal Motor Vehicle Safety Standards and Colorado child passenger safety laws.
5. Children must be loaded and unloaded out of the path of moving vehicles.
6. Children must not be permitted to stand or sit on the floor of a moving vehicle, and their arms, legs, and heads must remain inside the vehicle at all times.
7. Children must not be left unattended in the vehicle.
8. Transportation arrangements for school-age children must be by agreement between the center and the children's parents, i.e., whether the child can walk, ride a bicycle, or travel in a car. The center must monitor the children to be sure they arrive at the center when expected and follow up on their whereabouts if they are late. Written permission from parents or guardians for their children to attend community functions after school hours must include agreements regarding transportation.
9. Prior to a field trip or other excursion, the center must obtain information on liability insurance from parents and staff who transport children in their own cars and verify that all drivers have valid driver's licenses.
10. **ATTENDANCE MUST BE VERIFIED AS CHILDREN ENTER AND EXIT THE VEHICLE TO ENSURE ALL CHILDREN ARE ACCOUNTED FOR.**

B. Requirements for Vehicles

1. Any vehicle used for the transportation of children to and from the center or during center activities must meet the following requirements:
  - a. The vehicle must be enclosed and have **WORKING** door locks;
  - b. The seats of the vehicle must be constructed and installed according to the vehicle manufacturer's specifications;
  - c. The vehicle must be kept in satisfactory condition to **ENSURE** the safety of occupants. Vehicle tires, brakes, and lights must meet safety standards set by the Colorado Department of Revenue, Motor Vehicle Division;
  - d. Seating must be comfortable with a seat of at least ten (10) inches wide for each child;
  - e. The provider must not transport more children than any vehicle is able to safely accommodate when child restraint systems and seat belts are properly installed in the vehicle. Two (2) or more children must never be restrained in one (1) seat belt or child restraint system; and,
  - f. Modifications to vehicles including, but not limited to, the addition of seats and seat belts must be completed by the manufacturer or an authorized

representative of the manufacturer. Documentation of such modifications must be available for review.

2. In passenger vehicles, which include automobiles, station wagons, and vans with a manufacturer's established capacity of sixteen (16) or fewer passengers and less than 10,000 pounds, the following is required:
  - a. Each child must be restrained in an individual seat belt;
  - b. Two (2) or more children must never be restrained in one (1) seat belt;
  - c. Lap belts must be secured low and tight across the upper thighs and under the belly; and,
  - d. Children must be instructed and encouraged to keep the seat belt properly fastened and adjusted.
3. In vehicles with a manufacturer's established capacity of sixteen (16) or more passengers, seat belts for passengers are not required.

#### C. Requirements for Drivers of Vehicles

1. All drivers of vehicles transporting children must comply with applicable laws of the Colorado Department of Revenue, Motor Vehicle Division, and ordinances of the municipality in which the center operates.
2. All drivers of vehicles owned or leased by the center in which children are transported must have a current Department-approved First Aid and SAFETY certificate that includes CPR for all ages of children.
3. In each vehicle used to transport children, drivers must have access to a First Aid kit.
4. The driver must ensure that all doors are secured at all times when the vehicle is moving.
5. The driver must make a good faith effort to ensure that each child is properly belted throughout the trip.
6. The driver **MUST** not eat, smoke, or use a cellular device while driving.
7. The required staff to child ratio **MUST** be maintained at all times.
8. All drivers must be at least twenty (20) years of age.
9. Drivers must complete a minimum of four (4) hours of Department-approved driver training. The Department's approval will be based on the review of a training curriculum that includes at a minimum: behind the wheel training; participant transport attendance procedures including taking attendance at the destination; managing behavioral issues; loading and unloading procedures; daily vehicle inspection procedure; proper tire inflation; emergency equipment and how to use it; accident procedures; passenger illness procedures; procedures for backing up; and vehicle evacuation.

#### D. Transporting Infants and Toddlers

1. Children must be properly fastened into a child restraint system that conforms to all applicable Federal Motor Vehicle Safety Standards pursuant to Colorado law.

2. There must be at least one (1) adult, in addition to the driver, for each five (5) or fewer infants/toddlers being transported. Each adult must have a current **DEPARTMENT-APPROVED FIRST AID AND SAFETY** certificate that includes CPR for all ages of children.
3. An adult must accompany each child to and from the vehicle.
4. Infants and toddlers must not be transported in the front seat of a vehicle.

#### **7.702.67 Overnight Care**

- A. All of the provisions required in Section 7.702 of these rules for childcare centers apply to centers offering overnight care of children which includes care that extends beyond midnight. In addition, centers must observe the following provisions:
1. A nutritious evening meal must be made available to children. If provided by the center, the meal must meet current USDA **CHILD AND ADULT CARE FOOD PROGRAM** meal pattern requirements.
  2. Quiet activities must immediately precede the children's bedtime.
  3. Children's faces and hands must be washed, **CHILDREN'S TEETH MUST BE BRUSHED ACCORDING TO THE CHILD'S AGE**, and children must be changed into comfortable clothing for sleeping.
  4. Each child must be provided with a comfortable separate bed, crib, or cot suitable for the child's age or a two (2) inch sleeping mat or mattress. Each child must also be provided with sheets and a clean, washable covering. If mats or mattresses are used, the room temperature at floor level must be 68 to 72 degrees. Pads and mattresses must be fitted with a clean, washable, removable covering. Permission of parents/guardians must be obtained for each child who uses a sleeping mat or mattress placed on the floor.
  5. **STAFF MUST BE AWAKE, ALERT, AND ACTIVELY SUPERVISING ALL CHILDREN.**
  6. The staff-child ratio for sleeping children is one (1) adult to every six (6) or fewer children in attendance. **ONCE ONE (1) CHILD IS AWAKE, THE STAFF-CHILD RATIO AS DEFINED IN SECTION 7.702.46 MUST BE MAINTAINED.**

#### **7.702.7 CHILD CARE EQUIPMENT AND MATERIALS**

##### **7.702.71 General Requirements**

~~Indoor and outdoor play equipment and materials must be appropriate for children's ages, size, and activities.~~

~~Indoor and outdoor materials and equipment must be sufficiently varied and appropriate for the developmental needs of the children and the number attending.~~

~~Indoor and outdoor equipment, materials, and furnishings must be sturdy, safe, and free of hazards.~~

~~Any permanently installed indoor climbing equipment or indoor portable climbing equipment eighteen (18) inches or higher must have protective surfacing meeting current federal safety requirements. Protective surfacing must be installed according to manufacturer's instructions, underneath and in the use, zone surrounding the equipment.~~

~~Mats manufactured for indoor climbing equipment over eighteen (18) inches or higher must meet current federal safety requirements. Written documentation from manufacturer must be available for review at all times.~~

- A. Durable furniture such as tables and chairs must be child-sized or appropriately adapted for children's use.
- B. Window blind cords must be secured out of children's reach to prevent strangulation.
- C. Items labeled "keep out of reach of children" must be inaccessible to children.
- D. Staples must be inaccessible to children less than three (3) years of age.
- E. Thumb tacks must not be used in areas accessible to children less than three (3) years of age.
- F. GLITTER MUST NOT BE USED WITH CHILDREN UNDER THREE (3) YEARS OF AGE.
- G. LOOSE PLASTIC BAGS MUST BE STORED IN AREAS INACCESSIBLE TO CHILDREN.
- H. SHARP TOOLS AND INSTRUMENTS MUST BE STORED IN AREAS INACCESSIBLE TO CHILDREN.

~~In infant nurseries, an adequate number of highchairs or other suitable pieces of equipment that meet federal Consumer Product Safety Commission standards must be provided for infant feeding.~~

~~The infant program must have an adult rocking chair.~~

- I. For every five (5) infants for which the center is licensed, there must be at least one (1) piece of sturdy mobile equipment that is easily accessible to SAFELY AND effectively evacuate infants.
- J. IF USING A CRIB IS NOT DESIGNED FOR EMERGENCY EVACUATION, THE CRIB MUST BE REINFORCED WITH A KIT MANUFACTURED FOR THIS PURPOSE.
- K. Evacuation equipment must not block exit routes. Nothing may be stored in or under any evacuation equipment.

Evacuation equipment must:

1. Be located in the room or immediately outside the interior classroom door;
  2. Be labeled for easy identification;
  3. Be ready for use; and,
  4. Fit through doorways.
- L. TOYS, TOY PARTS, FURNISHINGS, EQUIPMENT, AND ANY MATERIALS ACCESSIBLE TO CHILDREN UNDER THAN THREE (3) YEARS OF AGE MUST NOT BE A CHOKE HAZARD OR ABLE TO BE INHALED. ANY AREA OF THE FACILITY ACCESSIBLE TO CHILDREN LESS THAN THREE (3) YEARS OF AGE MUST BE FREE OF ANY CHOKE OR INHALATION HAZARDS.
  - M. TOYS, TOY PARTS, FURNISHINGS, EQUIPMENT, AND MATERIALS MADE OF BRITTLE, EASILY BREAKABLE PLASTIC OR GLASS ARE NOT PERMITTED FOR CHILDREN LESS THAN FIVE (5) YEARS OF AGE.

- N. THE INFANT PROGRAM MUST HAVE AN ADULT ROCKING CHAIR.
- O. IN THE INFANT PROGRAM, SOME PLAY EQUIPMENT FROM THE FOLLOWING LIST MUST BE PROVIDED: RUBBER WASHABLE TOYS, RATTLES, BLOCKS, BALLS, AND MUSIC PLAYER.
- P. SOME SAND OR EQUIVALENT DRY MATERIAL OR WATER PLAY SHOULD BE OFFERED TO CHILDREN EIGHTEEN (18) MONTHS OF AGE OR OLDER, INDOORS OR OUTDOORS, AT LEAST MONTHLY AND YEAR-ROUND.
- Q. AT LEAST THREE (3) EXAMPLES OF MATERIALS MUST BE AVAILABLE TO THE CHILDREN THAT ARE DEVELOPMENTALLY APPROPRIATE, CULTURALLY SENSITIVE, AND REPRESENT DIVERSITY IN ETHNICITY, RACE, GENDER, AGE, AND ABILITIES. VARIETY MUST EXIST IN TOYS, BOOKS, AND PICTURES.
- R. The center must have enough play materials and equipment so that at any one time each child for which the center is licensed for can be individually involved. Separate play rooms or separate interest centers must be provided for each category of equipment required for the program. A variety of material and equipment from the following categories must be available:
1. Art;
  2. Blocks and accessories;
  3. Books and pictures;
  4. Dramatic play ~~area~~;
  5. GROSS MOTOR;
  6. Manipulatives;
  7. Music; and,
  8. Science AND MATH.
- S. In the toddler program, some play materials and equipment easily accessible to children must be provided from each of the following categories:
1. BOOKS AND PICTURES;
  2. DRAMATIC PLAY;
  3. GROSS MOTOR;
  4. MANIPULATIVES; AND,
  5. MUSIC.
- T. If the center serves school-age children, it must have some age-appropriate materials and equipment from each of the following categories:
1. Arts and crafts;
  2. Games;
  3. Sports;

4. Science **AND MATH**; and,
  5. Literature.
- U.** An appropriate supply of play materials must be readily accessible to children and must be arranged in an orderly manner so that children can select, remove, and replace the play materials either independently or with minimum assistance.

**7.702.72 Indoor/Outdoor Equipment, Materials, and Surfaces**

~~Equipment and materials must be provided for both indoor and outdoor play.~~

~~Indoor and outdoor equipment must be manufactured for commercial use.~~

- A. A VARIETY OF** play equipment and materials appropriate for children's age, size, developmental needs, and activities **MUST BE PROVIDED FOR BOTH INDOOR AND OUTDOOR STRUCTURED AND FREE PLAY.**

**1. PROGRAMS WHO QUALIFY FOR AN OUTDOOR SPACE HARDSHIP PER SECTION 7.702.74, B, 1 ARE NOT REQUIRED TO PROVIDE EQUIPMENT AND MATERIALS FOR OUTDOOR PLAY.**

- B.** Indoor and outdoor equipment, materials, and furnishings must be sturdy, safe, and free of hazards.

- C. ALL OTHER INDOOR OR OUTDOOR PLAYGROUND FACILITIES, WITH PERMANENTLY INSTALLED OR PORTABLE CLIMBING EQUIPMENT, WITHOUT AN ANNUALLY CERTIFIED PLAYGROUND INSPECTION MUST MEET THE FOLLOWING REQUIREMENTS:**

**1. RESILIENT SURFACING**

- a. ALL CLIMBING EQUIPMENT EIGHTEEN (18) INCHES OR HIGHER MUST HAVE RESILIENT SURFACING OF AT LEAST SIX (6) INCHES IN THE USE ZONE SURROUNDING THE EQUIPMENT.**
- b. DEPARTMENT-APPROVED RESILIENT SURFACING INCLUDES LOOSE FILL MATERIALS SUCH AS WOOD CHIPS, WOOD MULCH, ENGINEERED WOOD FIBER, PEA GRAVEL, SYNTHETIC PEA GRAVEL, SHREDDED RUBBER TIRES, AND SAND. SOLID UNITARY MATERIALS INCLUDE POURED IN PLACE SURFACING, APPROVED RUBBER MATS, PLAYGROUND TILES, AND ASTROTURF WITH BUILT IN RESILIENT PAD.**
- c. LOOSE FILL RESILIENT SURFACE** must be raked regularly to retain its resiliency and to retain a depth of at least six (6) inches.
- d. ANY NEWLY INSTALLED SOLID UNITARY MATERIALS USED** for resilient materials must **HAVE** written documentation from manufacturer stating the **MATERIAL** meet current federal safety standards. The documentation must be available for review at all times.

**2. MAXIMUM HEIGHT OF EQUIPMENT**

- a. THE MAXIMUM HEIGHT FOR TODDLER CLIMBING EQUIPMENT CANNOT EXCEED THIRTY-TWO (32) INCHES.**
- b. THE MAXIMUM HEIGHT FOR PRESCHOOL AND SCHOOL-AGE CLIMBING EQUIPMENT MUST NOT EXCEED SIX (6) FEET IN HEIGHT WITH SIX (6) INCHES OF DEPARTMENT-APPROVED RESILIENT SURFACING.**

3. USE ZONE

- a. TODDLER CLIMBING EQUIPMENT MUST HAVE A THREE (3) FOOT USE ZONE SURROUNDING THE EQUIPMENT. TODDLER SLIDES REQUIRE A SIX (6) FOOT USE ZONE EXTENDING OUT FROM THE BASE OF THE SLIDE.
- b. THE USE ZONE FOR SWINGS USED BY TODDLERS IS DETERMINED BY MEASURING THE DISTANCE FROM THE TOP OF THE SWING TO THE BOTTOM OF THE BUCKET SEAT. THIS MEASURED DISTANCE MUST EXTEND FROM BOTH THE FRONT AND THE BACK OF THE SWING.
- c. PRESCHOOL AND SCHOOL-AGE CLIMBING EQUIPMENT MUST HAVE A SIX (6) FOOT USE ZONE SURROUNDING THE EQUIPMENT. FOR SLIDES EXCEEDING SIX (6) FEET IN HEIGHT, THE USE ZONE FROM THE BASE OF THE SLIDE MUST BE AS LONG AS THE SLIDE HEIGHT.
- d. THE USE ZONE FOR SWINGS USED BY CHILDREN PRESCHOOL AGE AND OLDER IS DETERMINED BY MEASURING THE DISTANCE FROM THE TOP OF THE SWING TO THE GROUND. THIS MEASURED DISTANCE MUST EXTEND FROM BOTH THE FRONT AND THE BACK OF THE SWING.

4. Moving equipment must be located toward the edge or corner of a play area or be designed in such a way as to discourage children from running into the path of the moving equipment.

5. Metal equipment must be placed in the shade. ~~When possible and must be arranged so that children playing on one piece of equipment will not interfere with children playing or running to another piece of equipment.~~

6. All pieces of playground equipment must be designed to guard against entrapment and strangulation. ANY OPENINGS IN GROSS MOTOR EQUIPMENT ABOVE GROUND MUST BE SMALLER THAN THREE AND ONE HALF (3 ½) INCHES OR GREATER THAN NINE (9) INCHES TO PREVENT ENTRAPMENT.

7. Swings must have seats made of a flexible material AND ALL "S" HOOKS MUST BE SECURED.

8. ALL OUTDOOR PLAY AREAS USED FOR CHILDREN'S ACTIVITIES MUST BE CHECKED DAILY AND KEPT SAFE AND FREE FROM HAZARDOUS MATERIALS OR DEBRIS BY REMOVAL OF DEBRIS, DILAPIDATED STRUCTURES, AND BROKEN OR WORN PLAY EQUIPMENT. THE STAFF MUST IDENTIFY HAZARDOUS, HIGH-RISK AREAS; THOSE AREAS MUST BE MADE INACCESSIBLE TO CHILDREN TO REDUCE THE POSSIBILITY OF INJURIES AND ACCIDENTS.

D. FOR PURPOSES OF A PLAYGROUND FACILITY INSPECTION, THE DEPARTMENT SHALL ACCEPT AS SATISFACTORY PROOF OF VALID CERTIFICATION OF THE PLAYGROUND FACILITY, CERTIFICATION, OR A COPY OF CERTIFICATION, FROM AN INDIVIDUAL WHO IS LICENSED OR CERTIFIED TO PERFORM PLAYGROUND SAFETY INSPECTIONS THROUGH THE NATIONAL RECREATION AND PARK ASSOCIATION, OR OTHER NATIONALLY RECOGNIZED PLAYGROUND FACILITY SAFETY ORGANIZATION. THE DEPARTMENT SHALL NOT REQUIRE A DUPLICATE INSPECTION IF THERE IS A SATISFACTORY INSPECTION REPORT.

1. ALL PLAYGROUND FACILITIES WHO HOLD A CERTIFIED PLAYGROUND SAFETY INSPECTION MUST MAINTAIN RESILIENT SURFACING IN COMPLIANCE WITH THE CERTIFICATION.

- E. Children must wear helmets when riding scooters, bicycling, skateboarding, or rollerblading. **THE HELMET MUST BE REMOVED AFTER THE ACTIVITY. MOTORIZED RIDING TOYS ARE NOT PERMITTED.**
- F. **TRAMPOLINES AND INFLATABLE BOUNCERS ARE PROHIBITED.**

**7.702.73 INDOOR LEARNING ENVIRONMENT**

A. Indoor **SPACE** Requirements

1. There must be open, indoor play space of at least thirty (30) square feet of floor space per child, including space for movable furniture and equipment. For space to be counted in the square footage calculation, the space must be accessible and used by children.

~~Childcare centers in operation prior to January 1, 1966, and which continue operation under the same governing body, must provide open indoor play space of at least twenty-five (25) square feet of floor space per child, including space for readily movable furniture and equipment, and with the exclusions noted in the preceding paragraph.~~

2. **INDOOR PLAY AREAS MUST BE UNCLUTTERED, SAFE, AND ALLOW FOR FREEDOM OF MOVEMENT.**
3. Adequate storage space must be provided for indoor and outdoor equipment and supplies.

~~Diaper change areas must be located and arranged so as to provide privacy for older children in need of diaper changing. See also Section 7.702.53, B.~~

4. Number of Children Allowed in One (1) Room

| <b>AGE OF CHILDREN</b> | <b>MAXIMUM NUMBER OF CHILDREN IN A ROOM</b> |
|------------------------|---|
| 6 weeks to 18 months   | 10 infants                                  |
| 12 months to 18 months | 10 infants                                  |
| 12 months to 36 months | 20 toddlers                                 |
| 18 months to 24 months | 20 toddlers                                 |
| 24 months to 36 months | 28 toddlers                                 |
| 30 months to 36 months | 28 toddlers                                 |

~~Toddler centers licensed to July 1, 1989 are exempt from the room size requirement.~~

5. Square Footage Requirement per Child

| <b>AGE OF CHILD</b>            | <b>SEPARATE FREE PLAY AREA</b> | <b>SEPARATE SLEEP AREA</b>  | <b>COMBINED SLEEP AND PLAY AREA</b> |
|--------------------------------|--------------------------------|---|-------------------------------------|
| 6 weeks to 18 months (infants) | 35 square feet                 | Adequate space to accommodate size of cribs and needs of infant and staff | 50 square feet                      |

|                                    |                |                |                |
|------------------------------------|----------------|----------------|----------------|
| 12 months to 36 months (toddlers)  | 30 square feet | 30 square feet | 45 square feet |
| 2-1/2 years to 5 years (preschool) | N/A            | N/A            | 30 square feet |
| 5 years and over (school-age)      | N/A            | N/A            | 30 square feet |

6. In the infant program, the minimum indoor space per infant for sleep and activities is fifty (50) square feet.
  1. In a combination sleep/activity rooms, the sleep area must be separated by a sturdy divider from the area used for activities, and cribs must be arranged so that all infants and cribs are easily accessible to staff members.

**7.702.74 OUTDOOR LEARNING ENVIRONMENT**

**A. Outdoor SPACE Requirements**

1. ~~The center must provide an outdoor play area that is adjacent to or safely accessible to the indoor facilities. When the area is not adjacent, staff members must accompany children to and from the play area. Readily accessible gross motor play space and access to outdoor space must be provided.~~
2. The **OUTDOOR LEARNING ENVIRONMENT FOR PRESCHOOL AGE AND OLDER** must provide a minimum of seventy-five (75) square feet of space per child for a group of children using the total play area at any one time. The total play area must accommodate at least thirty-three percent (33%) of the licensed capacity **FOR CHILDREN PRESCHOOL AGE AND OLDER** or a minimum of 1500 square feet, whichever is greater.
  - a. **PROGRAMS WHO QUALIFY FOR AN OUTDOOR SPACE HARDSHIP PER SECTION 7.702.74, B, 1 MUST MEET THE MINIMUM OUTDOOR LEARNING ENVIRONMENT SQUARE FOOTAGE REQUIREMENTS INDOORS OR THROUGH A COMBINATION OF INDOOR AND OUTDOOR SPACE.**
3. The play area must be fenced or have natural barriers, such as hedges or stationary walls at least four (4) feet high, to restrict children from unsafe areas.
  - a. **CENTERS LICENSED TO PROVIDE CARE FOR PRESCHOOL-AGE CHILDREN ONLY MAY USE THE CENTERS PERIMETER FENCING IF THEY MAINTAIN A RATIO OF ONE (1) STAFF MEMBER TO EIGHT (8) CHILDREN.**
4. The play area must be designed so that it is easily supervised.

~~The playground area must have at least two (2) different types of surfaces. Each type of surface must cover at least ten percent (10%) of the playground area.~~
5. A minimum of one hundred fifty (150) square feet of shaded area in the fenced play area must be provided to guard children against the hazards of excessive sun and heat. **SHADED AREAS MUST BE PROVIDED YEAR-ROUND.**

- 6.. In the infant program, the outdoor play area must be a minimum of four hundred (400) square feet.
7. In the infant program, the outdoor area can be used by other age groups at the center, but it must not be used by any other group of children while infants are using it.
8. The total outdoor play area for toddler age groups must be a minimum of seven hundred fifty (750) square feet if licensed for ten (10) toddlers and one thousand fifty (1,050) square feet if licensed for fourteen (14) or more toddlers, or seventy-five (75) square feet per child for the largest group size for which the program is licensed.
9. In the toddler program, the outdoor play area can be shared by infants, but infants and toddlers must not be allowed to use the play area at the same time.

## B. OUTDOOR SPACE HARDSHIP

1. IF AN OUTDOOR PLAY SPACE IS NOT DIRECTLY ATTACHED TO THE FACILITY OR ACCESSIBLE VIA SECURE ACCESS, OR THE CHILDCARE FACILITY CANNOT MEET OUTDOOR SPACE REQUIREMENTS DUE TO A HARDSHIP BASED ON THE LOCATION OF THE FACILITY, THE FACILITY MUST DEVELOP A SITE-SPECIFIC PLAN, WHICH WILL BE SUBMITTED TO THE DEPARTMENT FOR REVIEW AND APPROVAL, THAT INCLUDES THE FOLLOWING:
  - a. IDENTIFICATION OF AN ACCESSIBLE (APPROPRIATE FOR THE AGE GROUP OF CHILDREN SERVED) ALTERNATE OUTDOOR SPACE INCLUDING A DESCRIPTION AND APPROXIMATE SQUARE FOOTAGE OF THE SPACE;
  - b. A DIAGRAM OUTLINING HOW CHILDREN WILL SAFELY TRAVEL TO AND FROM THIS LOCATION;
  - c. A PLAN FOR SUPERVISION, INCLUDING ANY SPECIAL STAFFING REQUIREMENTS, TO SAFELY ACCESS AND UTILIZE THE ALTERNATE OUTDOOR SPACE THAT INCLUDES:
    - (1) ATTENDANCE TRACKING UPON ARRIVAL TO THE OUTDOOR SPACE AND RETURN TO THE FACILITY;
    - (2) CHILDREN'S TOILETING AND DIAPERING NEEDS;
    - (3) CHILDREN'S ROUTINE AND EMERGENCY MEDICAL NEEDS INCLUDING THE USE OF FIRST AID KITS AND ACCESSIBILITY OF EMERGENCY CONTACT INFORMATION WHEN NOT ON SITE AT THE CHILDCARE FACILITY;
    - (4) PLANS FOR ALTERNATE ACTIVITIES IF THE OUTDOOR SPACE IS UNAVAILABLE; AND,
    - (5) IF PLAY EQUIPMENT OR CLIMBING STRUCTURES ARE PRESENT IN THE OUTDOOR SPACE, A PLAN FOR ASSESSING SAFETY OF EQUIPMENT AND SUPERVISING AGE-APPROPRIATE PLAY;
  - d. AN EMERGENCY EVACUATION PLAN INCLUDING THE LOCATION OF A SECONDARY SITE FOR REUNIFICATION WITH PARENTS IN THE CASE OF AN EMERGENCY WHILE AT THE OFFSITE LOCATION AND PLANS FOR ACCESSING SHELTER IN THE CASE OF EMERGENCY; AND,

- e. A POLICY THAT NOTIFIES THE PARENT(S)/GUARDIAN(S) OF THE ALTERNATE OUTDOOR SPACE.
- 2. IF THE OUTDOOR SPACE BECOMES UNUSABLE OR THE PROGRAM CANNOT MAINTAIN WHAT WAS APPROVED IN THE PLAN, THE PROGRAM MUST SUBMIT A NEW PLAN TO THE DEPARTMENT WITHIN TEN (10) CALENDAR DAYS OF A CHANGE IN THE USABILITY OF SUCH OUTDOOR SPACE.
- 3. CHILDCARE FACILITIES LICENSED PRIOR TO DECEMBER 1, 2021 MAY NOT REDUCE OR ELIMINATE EXISTING LICENSED OUTDOOR SPACE TO QUALIFY FOR THE OUTDOOR SPACE HARDSHIP.

**7.702.8 BUILDINGS AND FACILITIES**

**7.702.81 Building Site**

A. General

- 1. Centers can be located in a private residence only when that portion of the residence to which children have access is used exclusively for the care of children during the hours the center is in operation or is separate from the living quarters of the family.
- 2. No other business can operate in the rooms used by the center during the hours of childcare.
- 3. Rooms licensed for specific ages of children cannot be used for other ages of children without the prior written approval of the licensing authority.
- 4. PRIORITY TO LICENSURE, IF THE INFANT OR TODDLER PROGRAM IS LOCATED ON A FLOOR ABOVE OR BELOW THE MAIN FLOOR OF EGRESS LEADING DIRECTLY OUTSIDE, THE CHILDCARE FACILITY MUST DEVELOP AND SUBMIT AN ALTERNATE LOCATION PLAN FOR APPROVAL BY THE DEPARTMENT THAT INCLUDES FOLLOWING:
  - a. FIRE DEPARTMENT AND BUILDING DEPARTMENT APPROVAL PER THE LOCALLY ADOPTED FIRE AND BUILDING CODES;
  - b. AN EMERGENCY EVACUATION PLAN WITH IDENTIFIED PRIMARY AND SECONDARY AREAS OF REFUGE;
  - c. ANY SPECIAL EQUIPMENT NECESSARY TO OPERATE IN AND EVACUATE SAFELY FROM THE ALTERNATE LOCATION; AND,
  - d. ANY SPECIAL STAFFING AND TRAINING REQUIREMENTS TO ENSURE THE ABILITY TO SAFELY EVACUATE THE ALTERNATE LOCATION.

B. Infant Programs

~~The infant program must be located on the grade level.~~

- 1. If the infant program is in the same building as a facility caring for children of other ages, the infant program must be physically separated in different rooms BY WALLS NO LESS THAN EIGHT (8) FEET AND FULL DOORS.

C. Toddler Program

~~The toddler program must be located on the grade level.~~

1. IF THE TODDLER PROGRAM IS IN THE SAME BUILDING AS A FACILITY CARING FOR CHILDREN OF OTHER AGES, THE TODDLER PROGRAM MUST BE PHYSICALLY SEPARATED IN DIFFERENT ROOMS BY WALLS NO LESS THAN EIGHT (8) FEET AND FULL DOORS.
2. If the toddler program is combined with a large childcare center or an infant program, toddler facilities, both indoor and outdoor, must be completely separate from facilities for other age groups, except as allowed by SECTION 7.702.74, B, 6 AND 8. If the facility wishes to provide opportunities for a toddler to have occasional contact with siblings, plans must be approved by the Department licensing representative.

#### **7.702.82 Building Plans and Construction**

- A. The center must comply with applicable state and local building AND FIRE CODES.
- B. Prior to construction, architectural plans for new buildings or for ~~extensive~~ remodeling of existing buildings must be submitted for review and approval by the Department, the local fire department, and the local building department as to appropriateness, adequacy, and suitability for childcare functions.

#### **7.702.83 Toilet Facilities**

- A. Toilet facilities for the staff and other adults must be in separate restrooms or be separated by a partition from children's facilities, except in centers licensed for thirty (30) or fewer children and in centers with programs of four (4) hours or less.
  1. IN TOILET FACILITIES WHERE THE ADULT AND CHILDREN'S FACILITIES ARE SEPARATED BY A PARTITION, ADULTS AND CHILDREN MUST NOT USE THE FACILITIES AT THE SAME TIME.
  2. AFTER JANUARY 1, 2022, STAFF AND CHILDREN TOILET FACILITIES MUST BE SEPARATE IN NEW CONSTRUCTION.
- B. Toilet facilities for children must be separate from rooms used for other purposes and must be located on the same floor as the inside play area.
- C. A minimum of one (1) sink and one (1) flush toilet must be provided for each fifteen (15) or fewer children. ~~Drop-in childcare centers must provide a minimum of one 1 lavatory and one 1 flush toilet for each 20 or fewer children.~~
- D. The same toilet facilities must not be used simultaneously by school-age children of ~~both~~ ALL GENDERS, and toilets for school-age children must be separated by partitions to provide privacy.
  1. SCHOOL-AGE CHILDREN MUST BE ALLOWED THE USE OF GENDER SEGREGATED TOILET FACILITIES THAT ARE CONSISTENT CORRESPOND WITH TO THEIR GENDER IDENTITY.
- E. ~~Toilet facilities are not required for children less than two (2) years of age.~~ TOILET FACILITIES MUST BE PROVIDED FOR CHILDREN TWO (2) YEARS OF AGE AND OLDER.
- F. Toilet facilities for TODDLERS must be located within their classroom. ~~A diaper change table and hand washing sink are required in every toddler classroom meeting requirements of Section 7.702.51.~~

#### **7.702.84 Office Facilities**

- A. Office space separate from areas used by children, ~~other than for isolation purposes,~~ must be provided for staff to perform administrative duties.

1. IF THE OFFICE SPACE IS ACCESSIBLE TO CHILDREN, IT MUST BE FREE OF HAZARDS.

- B. The office must have sufficient space for maintenance and safe storage of children's and staff records and the center's business records.

## 7.702.9 FIRE AND OTHER SAFETY REQUIREMENTS

### 7.702.91 General Requirements

- A. FIREARMS AS DEFINED IN § 18-1-901(3)(h), C.R.S., ARE PROHIBITED ON THE PREMISES, BOTH INDOOR AND OUTDOOR, AND IN ANY VEHICLE IN WHICH CHILDREN ARE TRANSPORTED.

~~1. No concealed carry firearms are allowed during childcare hours even if the adult possesses a concealed carry permit.~~

- B. Buildings must be kept in good repair and maintained in a safe condition.
- C. Major cleaning is prohibited in rooms occupied by children.
- D. Volatile substances such as gasoline, kerosene, fuel oil, oil-based paints, firearms, explosives, and other hazardous items must not be stored in any area of the building used for childcare.
- E. Combustibles such as cleaning rags, mops, and cleaning compounds must be stored in well-ventilated areas, separated from flammable materials, and stored in areas inaccessible to children.
- F. All heating units, gas or electric, must be installed and maintained PER THE MANUFACTURER'S SPECIFICATIONS with safety devices to prevent fire, explosions, and other hazards. No open-flame gas or oil stoves, unscreened fireplaces, hot plates, or unvented heaters can be used for heating purposes. All heating elements, including hot water pipes, must be insulated or installed in such a way that children cannot come in contact with them.
- G. ~~Nothing flammable or combustible can be stored within three (3) feet of a furnace or hot water heater.~~ COMBUSTIBLE MATERIALS MUST NOT BE STORED IN HALLWAYS, STAIRWAYS, BOILER ROOMS, MECHANICAL ROOMS, OR ELECTRICAL EQUIPMENT ROOMS.
- H. In rooms used by children, all electrical outlets that are accessible to children must have protective covers, or safety outlets must be installed.
- I. Permanently located battery-powered lights must be provided in locations readily accessible to staff in the event of electric power failure. Batteries must be checked regularly.
- J. Closets, attics, basements, cellars, and furnace rooms must be kept free from accumulation of extraneous materials such as furnishings, newspapers, and magazines.
- K. Kitchens, including all hazardous items, must be inaccessible to children at all times.

### 7.702.92 Fire Safety

CENTERS MUST COMPLY WITH THE LOCALLY ADOPTED FIRE CODE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

- A. Every building and structure must have the MINIMUM REQUIRED NUMBER OF sufficient exits to permit the prompt escape of occupants in case of fire or other emergency. Additional

safeguards must be provided for life safety in case any single safeguard is ineffective due to some human or mechanical failure.

- B. Every building or structure must be constructed, arranged, equipped, maintained, and operated as to avoid undue danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time reasonably necessary for escape from the building or structure in case of fire or other emergency.
- C. In every building or structure, exits must be arranged and maintained so as to provide free and unobstructed egress from all parts of the building or structure at all times when it is occupied. No lock or fastening to prevent free escape from the inside of any building can be installed. Only panic hardware or single-action hardware is permitted on a door or on a pair of doors. All door hardware must be within the reach of children.
- D. No children YOUNGER THAN SCHOOL age can be cared for in areas above or below the main floor of exit unless IN COMPLIANCE WITH ALL CODES AND STANDARDS AS ADOPTED BY THE LOCAL JURISDICTION and approved by the local fire department, OR EXCEPT AS PROVIDED IN THE LOCATION EXCEPTION IN SECTION 7.702.81, A, 4.
- E. One (1) exit from each room must be directly to the exterior of the building or to a common hallway leading to the exterior. The exit path must not go through AN INTERVENING ROOM SUCH AS A BATHROOM, another classroom, STORAGE ROOM, OR KITCHEN. ~~to get to the hallway.~~  
~~Each center must have at least two (2) approved, alternate means of egress from each floor of the building or to a common hallway leading to the exterior. They must be at different locations.~~
- F. All stairways, interior and exterior, that are used by children must be provided with handrails within reach of the children.
- G. ~~If the center has a security lock on outside exit doors, the center must obtain written permission from the local fire department; and there must be a written sign attached to the door instructing center staff that the security lock is not to be utilized when children are present at the center.~~ REGARDLESS OF THE NUMBER OF STAFF AND CHILDREN, EXIT DOORS SHALL BE OPENABLE FROM THE INSIDE WITHOUT THE USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT. DEAD BOLTS MAY BE INSTALLED ON THE MAIN EXIT DOOR, BUT THE LOCK CANNOT BE USED DURING BUSINESS HOURS, AND THERE MUST A SIGN INDICATING THAT "THIS DOOR MUST REMAIN UNLOCKED DURING BUSINESS HOURS."
- H. Every exit must be clearly visible, or the route to reach it must be conspicuously indicated. Each path of escape must be clearly marked.
- I. FIRE ALARM AND FIRE SPRINKLERS MUST BE PROVIDED IN ACCORDANCE WITH THE LOCALLY ADOPTED FIRE CODE. IF A FIRE ALARM SYSTEM IS INSTALLED, IT MUST BE USED ~~Every building and structure must have an automatic or Department-approved manually operated fire alarm system~~ to warn occupants of the existence of fire or to facilitate the orderly conduct of fire exit drills.

**7.702.100 DROP-IN, PART DAY, MOBILE PART-DAY PRESCHOOL, TEEN PARENT PROGRAMS, AND OTHER PROGRAMS OPERATED BY PUBLIC SCHOOL DISTRICTS**

**7.702.101 DROP-IN PROGRAMS**

**A. DIRECTOR REQUIREMENTS**

- 1. The Director or ASSISTANT Director of an extended hour drop-in childcare center operating at least six (6) calendar days per week must be present at the center or

involved in director activities at least fifty percent (50%) of the hours of operation of any day the center is in operation.

- a. If the Director is not on site at the center for a portion of any day that center is in operation, the Director must be available by phone.
  - b. The Director must be present in the center at least thirty (30) hours each week.
2. Whenever the Director of a drop-in childcare center cannot be present fifty percent (50%) of any day the center is in operation, AN ASSISTANT Director that meets one (1) of the following qualifications must be present:
- a. At least one (1) year of experience as a qualified Early Childhood Teacher at the drop-in CHILD CARE center;
  - b. Eighteen (18) months of experience as a qualified Early Childhood Teacher with children less than twelve (12) years of age and at least six (6) months experience at the drop-in CHILD CARE center;
  - c. A Bachelor's, MASTER'S, OR DOCTORATE degree from an regionally accredited college or university IN ONE (1) OF THE HUMAN SERVICES FIELD BELOW:
    - (1) CHILD DEVELOPMENT;
    - (2) CHILD PSYCHOLOGY;
    - (3) EARLY CHILDHOOD EDUCATION;
    - (4) EARLY CHILDHOOD SPECIAL EDUCATION;
    - (5) EDUCATIONAL LEADERSHIP AND ADMINISTRATION;
    - (6) ELEMENTARY EDUCATION;
    - (7) FAMILY AND HUMAN DEVELOPMENT;
    - (8) FAMILY STUDIES;
    - (9) SPECIAL EDUCATION; OR,
  - d. Qualification as an Early Childhood Teacher and completion of at least half of the required coursework for director qualifications, including one (1) of the following administration classes:
    - (1) ADMINISTRATION OF EARLY CHILDHOOD CARE AND EDUCATION PROGRAMS; OR,
    - (2) ADMINISTRATION: HUMAN RELATIONS FOR EARLY CHILDHOOD PROFESSIONS OR INTRODUCTION TO BUSINESS.

#### B. STAFF TO CHILD RATIOS

1. Drop-in CHILD CARE centers may follow a ratio of one (1) adult for every eight (8) children for children in a mixed age group of two (2) years of age to twelve (12) years.

2. One (1) to two (2) children, one (1) year of age to two (2) years of age, may join the preschool age group of children for short periods of time for structured activities.

#### C. HEALTH CARE

1. For children attending a drop-in center, **THE** parent(s)/guardian(s) of each child must submit a statement of the child's current health status or written verification of a scheduled appointment with a health care provider within thirty (30) calendar days or by the second visit, whichever is longer. The statement of the child's current health status must be signed and dated by a health care provider who has seen the child within the last twelve (12) months, or within the last six (6) months for children less than two and one-half (2 ½) years of age. Subsequent statements are not required if there have been no health changes in the child and the parent(s)/guardian(s) attest in writing to the health status of the child on an annual basis. Children attending drop-in childcare with special medical needs must have the statement from a health care **PROVIDER** as indicated in Section 7.702.51, A, 2, **B-E**.

#### D. REST TIME EQUIPMENT

1. Drop-in **CHILD CARE** centers must provide mats or cots for at least fifty percent (50%) of the licensed capacity of the center.

#### E. PLAY-EQUIPMENT AND MATERIALS

1. Drop-in **CHILD CARE** centers must provide indoor gross motor equipment, including, but not limited to, an indoor climbing structure, an open area for indoor, and must provide gross activities at least two (2) times during each six (6) hour period of time.

#### 4. BUILDING SITE – TODDLER PROGRAM

1. A toddler program located in a drop-in **CHILD CARE** center licensed for five (5) or fewer toddlers may be separated from the rest of the center by a five (5) foot wall.
2. Drop-in **CHILD CARE** centers must provide a minimum of one (1) sink and one (1) toilet for each twenty (20) or fewer children.
3. **TOILET FACILITIES ARE NOT REQUIRED TO BE LOCATED IN THE TODDLER CLASSROOM FOR DROP-IN CHILD CARE CENTERS LICENSED FOR TEN (10) OR FEWER TODDLERS.**

#### 7.702.102 PART-DAY PROGRAMS

##### A. SAFE SLEEP ENVIRONMENT

1. Supervised tummy time must be offered to infants one (1) month of age or older **AT LEAST TWO (2) TIMES PER DAY FOR PART DAY PROGRAMS FOR SHORT PERIODS (3-5 MINUTES) AND INCREASE THE AMOUNT OF TIME AS THE INFANT SHOWS THEY ENJOY THE ACTIVITY.** If the infant falls asleep during tummy time, immediately place him/her on their back in approved sleeping equipment.

##### B. GROSS MOTOR ACTIVITIES

1. Daily gross motor activities, with or without equipment or materials, must be provided outdoors, or indoors during inclement weather. Activities do not have to occur all at once.
  - a. **PROGRAMS WHO QUALIFY FOR AN OUTDOOR SPACE HARDSHIP PER SECTION 7.702.74, B, 1 MUST PROVIDE DAILY PHYSICAL GROSS MOTOR ACTIVITIES INDOORS OR OUTDOORS.**

2. DAILY PHYSICAL GROSS MOTOR ACTIVITIES MUST BE PROVIDED FOR CHILDREN TODDLER AGE AND OLDER BASED ON THE PROGRAM'S HOURS OF OPERATION:
  - a. FOR PROGRAMS OPERATING UP TO THREE (3) HOURS PER DAY, FIFTEEN (15) MINUTES OF GROSS MOTOR ACTIVITIES IS REQUIRED.
  - b. FOR PROGRAMS OPERATING BETWEEN THREE (3) AND FIVE (5) HOURS PER DAY, THIRTY (30) MINUTES OF GROSS MOTOR ACTIVITIES IS REQUIRED.

#### **7.702.103 MOBILE PART-DAY PRESCHOOL PROGRAMS**

##### **A. POLICIES**

1. WRITTEN SCHEDULES MUST BE PROVIDED TO PARENT(S)/GUARDIAN(S) AND THE DEPARTMENT. ANY CHANGES TO LOCATION MUST BE PROVIDED TO PARENT(S)/GUARDIAN(S) AND THE DEPARTMENT IN ADVANCE.
2. THE PROGRAM MUST HAVE AN EMERGENCY EVACUATION PLAN AND LOCATION.
  - a. THE PROGRAM MUST DEVELOP A PLAN FOR TRANSPORTING CHILDREN, SPECIFIC TO EACH MOBILE UNIT, IN THE CASE OF AN EMERGENCY. THE PLAN MUST BE APPROVED BY THE DEPARTMENT PRIOR TO CARING FOR CHILDREN.

##### **B. STAFF QUALIFICATIONS**

1. THERE MUST BE A LARGE CHILDCARE CENTER QUALIFIED DIRECTOR AVAILABLE DURING OPERATING HOURS. A DIRECTOR CAN OVERSEE MULTIPLE MOBILE PRESCHOOL PROGRAMS UNDER THE SAME GOVERNING BODY.
2. EACH MOBILE PRESCHOOL PROGRAM MUST HAVE A QUALIFIED EARLY CHILDHOOD TEACHER ON SITE.

##### **C. SUPERVISION**

- CHILDREN MUST BE DIRECTLY SUPERVISED WHEN ENTERING AND EXITING THE MOBILE PRESCHOOL.

##### **D. CHILD CARE EQUIPMENT AND MATERIALS**

2. A VARIETY OF DEVELOPMENTALLY APPROPRIATE MATERIALS, EQUIPMENT, AND LEARNING ACTIVITIES FROM THE FOLLOWING CATEGORIES MUST BE AVAILABLE SO THAT FOR ANY ONE TIME AT LEAST HALF OF THE CHILDREN FOR WHICH THE PROGRAM IS LICENSED CAN BE INDIVIDUALLY INVOLVED:
  - a. ART;
  - b. BLOCKS AND ACCESSORIES;
  - c. BOOKS AND PICTURES;
  - d. IMAGINATIVE PLAY;
  - e. MANIPULATIVES;

- f. MUSIC; AND
- g. SCIENCE AND MATH.

E. FACILITY REQUIREMENTS

1. THE MOBILE UNIT MUST BE PARKED AND APPROPRIATELY SECURED PRIOR TO CHILDREN ARRIVING FOR CARE.
2. THE USE OF HANDWASHING SINKS AND TOILETS NOT LOCATED WITHIN THE FACILITY MUST BE APPROVED BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.
3. IF THE MOBILE PRESCHOOL IS APPROVED BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO USE A TOILET LOCATED OUTSIDE OF THE FACILITY, THERE MUST BE ONE (1) ADDITIONAL STAFF MEMBER, WHO IS AN ASSISTANT EARLY CHILDHOOD TEACHER OR AN EARLY CHILDHOOD TEACHER, TO PROPERLY SUPERVISE AND ACCOMPANY THE CHILDREN TO THE TOILET FACILITIES.
4. IF THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT APPROVES THE USE OF A PUBLIC RESTROOM, THE RESTROOM MUST NOT BE SHARED WITH THE PUBLIC DURING THE HOURS THE PRESCHOOL IS IN OPERATION.
5. THERE MUST BE A MINIMUM OF FIFTEEN (15) SQUARE FEET PER CHILD IN THE MOBILE CLASSROOM.
6. THE MOBILE PRESCHOOL MUST BE CAPABLE OF MAINTAINING A DRAFT-FREE TEMPERATURE OF A MINIMUM OF SIXTY-EIGHT (68) DEGREES FAHRENHEIT.
7. THE PROGRAM MUST HAVE SAFELY ACCESSIBLE ACCESS TO AN OUTDOOR AREA FOR DAILY PLANNED ACTIVITIES, DURING INCLEMENT WEATHER, AN INDOOR SPACE MUST BE AVAILABLE FOR GROSS MOTOR ACTIVITIES.
  - a. PROGRAMS WHO QUALIFY FOR AN OUTDOOR SPACE HARDSHIP PER SECTION 7.702.74, B, 1 MUST PROVIDE DAILY PHYSICAL GROSS MOTOR ACTIVITIES INDOORS.

F. SAFETY

1. SPACE HEATERS MUST HAVE SCREENS, A SAFETY OVERHEAT PROTECTION, A SAFETY TRIP-OVER SWITCH, AND BE INACCESSIBLE TO CHILDREN.
2. THE MOBILE PRESCHOOL MUST HAVE TWO (2) MEANS OF EMERGENCY EGRESS.

**7.702.104 TEEN PARENT PROGRAMS OPERATED BY A PUBLIC SCHOOL DISTRICT**

A. Infant programs affiliated with Teen Parent Programs that are operated by accredited public school systems and on school premises may substitute the following age requirements for those at Section 7.702.1, B, 3:

1. The minimum age of infants in care is seven (7) days.
2. Infants between the ages of seven (7) and THIRTEEN (13) days may be accepted for care only with written approval from a health care PROVIDER and if there are no medical complications for the infant and/or teen mother.

3. Infants fourteen (14) days of age and over may be accepted for care if there are no medical complications for the infant and/or teen mother.
  4. The maximum age of infants in care may be extended only in those situations where no teen parent toddler program exists. In this circumstance, an infant may remain in the infant program until the end of the school semester in which the infant becomes eighteen (18) months old.
- B. Infant and toddler programs affiliated with teen parent programs that are operated by accredited public school systems on school premises may substitute the following staff requirements for those at Section 7.702.45 B, C:
1. The Director must be present in the infant program classroom or adjacent teen parent classroom at least sixty percent (60%) of any day the center is open.
  2. If the Director cannot be present sixty percent (60%) of any day, an individual who meets Assistant Director qualifications must substitute for the Director.
  3. Infant staff aides must be at least fifteen (15) years of age and may be parents-to-be, parents of enrolled infants, or students enrolled in a childcare related course with the sponsoring school system.
  4. Substitutes for infant program staff must be from the sponsoring school system's list of approved substitute staff members. Substitutes who do not meet minimum staff qualifications can work no more than ten (10) consecutive business days per assignment. The dates and times must be recorded and made available for review at all times.
  5. Substitutes for infant program staff must hold a current Department-approved First Aid and Safety certificate that includes CPR for all ages of children.
- C. Rest Time Equipment
1. Bassinets and playpens are allowed for use in a teen parent program when the teen parent(s) remain(s) on site.

**7.702.105 CHILD CARE PROGRAMS AND PRESCHOOLS OPERATED BY A PUBLIC SCHOOL DISTRICT**

A. THE ADMINISTRATION OF MEDICAL MARIJUANA MUST COMPLY WITH POLICIES LISTED IN SECTIONS 12-255-120, 12-255-127, AND 2-30-116. C.R.S.

**B. DIRECTOR REQUIREMENTS**

1. PRESCHOOL AGE CLASSROOMS THAT ARE OPERATED BY PUBLIC SCHOOL DISTRICTS ARE NOT REQUIRED TO HAVE A LARGE CENTER DIRECTOR QUALIFIED STAFF MEMBER ASSIGNED TO EACH PROGRAM WHEN THEY HAVE AN ORGANIZATIONAL STRUCTURE THAT INCLUDES AT LEAST TEN (10) ADMINISTRATIVE SUPPORT ELEMENTS FROM THE FOLLOWING:
  - a. COLORADO PRESCHOOL PROGRAM COORDINATOR;
  - b. PARENT EDUCATIONAL SPECIALIST;
  - c. PRINCIPAL;
  - d. HEALTH COORDINATOR;

- e. NURSE;
  - f. HEALTH TECHNICIAN;
  - g. FOOD SERVICE DIRECTOR;
  - h. A REGISTERED DIETITIAN OR AN INDIVIDUAL WITH A MASTER'S LEVEL OR HIGHER EDUCATION IN NUTRITION;
  - i. FIRE/HEALTH/SAFETY INSPECTOR;
  - j. MENTAL HEALTH TEAM;
  - k. SPEECH LANGUAGE PATHOLOGIST;
  - l. OCCUPATIONAL/PHYSICAL THERAPIST;
  - m. SCHOOL PSYCHOLOGIST;
  - n. FAMILY OUTREACH WORKER;
  - o. HUMAN RESOURCE SPECIALIST; OR,
  - p. TRANSPORTATION MANAGER.
2. THE PROGRAM MUST OBTAIN A DIRECTOR WHO MEETS LARGE CENTER DIRECTOR QUALIFICATIONS IF SUBSTANTIAL EVIDENCE HAS BEEN FOUND LEADING TO AN ADVERSE LICENSING ACTION FOR ANY OF THE FOLLOWING:
    - a. LACK OF SUPERVISION;
    - b. OPERATING OUT OF THE APPROVED STAFF MEMBER TO CHILD RATIO;
    - c. OPERATING WITHOUT SUFFICIENT QUALIFIED STAFF.
  3. PROGRAMS WHO HAVE THEIR DIRECTOR PRIVILEGES REVOKED MAY SUBMIT A REQUEST FOR CONSIDERATION AFTER A PERIOD OF TWO (2) YEARS FROM SUCCESSFUL COMPLETION OF THE ADVERSE LICENSING ACTION.

#### C. SUBSTITUTES

1. Substitutes for Directors of part-day public school preschools may be from the sponsoring school system's list of approved substitutes. Substitutes who do not meet director qualifications must consult with a qualified director on administering the center in accordance with early childhood principles and practices and licensing rules.
2. IN LICENSED PROGRAMS OPERATED BY PUBLIC SCHOOL DISTRICTS, SUBSTITUTES MAY BE FROM THE SPONSORING SCHOOL SYSTEM'S LIST OF APPROVED SUBSTITUTES. SUBSTITUTES WHO DO NOT MEET QUALIFICATIONS FOR THE POSITION THAT THEY ARE SUBSTITUTING FOR CAN BE USED UP TO TEN (10) CALENDAR DAYS PER YEAR. ~~twelve (12) weeks per year.~~ THE DATES AND TIMES MUST BE RECORDED AND MADE AVAILABLE FOR REVIEW AT ALL TIMES.

#### D. OUTDOOR SPACE REQUIREMENTS

1. LICENSED PRESCHOOL PROGRAMS OPERATED BY PUBLIC SCHOOL DISTRICTS WHO DO NOT MEET FENCING OR BARRIER REQUIREMENTS IN SECTION

7.702.74, A, 3 MAY USE THE SCHOOL'S PERIMETER FENCING IF THEY MAINTAIN A RATIO OF ONE (1) STAFF MEMBER TO EIGHT (8) CHILDREN.