

**Title of Proposed Rule: Changes to General Rules for Facilities, Centers, and Homes**

**CDHS Tracking #: 18-04-09-01**

Office, Division, & Program: Rule Author:  
OEC, EC&L, Licensing Unit Carin Rosa

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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.*

The Child Care and Development Block Grant (CCDBG) Act statutorily requires that States which receive funds implement the requirements of the CCDBG Act Sec. 658H Criminal Background Checks. The Department is statutorily mandated to have in effect requirements, policies, and procedures to require and conduct criminal background checks for child care staff members, as well as, licensing, regulation, and registration requirements that prohibit the employment of child care staff members with disqualifying crimes. This package adds requirements as required by the CCDBG Act that must be effective by September 30, 2018.

**State Board Authority for Rule:**

Code	Description
26-1-107, C.R.S. (2018)	State Board to promulgate rules
26-1-109, C.R.S. (2018)	State department rules to coordinate with federal programs
26-1-111, C.R.S. (2018)	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
26-6-106(1)(a), C.R.S. (2017)	Standards for facilities and agencies, and authority to promulgate rules;
26-6-113, C.R.S. (2018)	Periodic review of rules and procedures, and licensing of child care facilities

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, school-aged child care centers, family child care homes and qualified exempt providers are governed by these rules and will both benefit from and bear the burden of these rules. Ensuring that all individuals providing care or supervision to children; or who have unsupervised access to children successfully complete background checks prior to caring for children or being allowed unsupervised access to children may adversely impact programs needing to fill staff positions immediately.

The children cared for in these programs will benefit from screening out individuals who cannot successfully pass background.

**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?*

There are approximately 2025 licensed child care centers, 1000 licensed school-aged child care centers and approximately 2000 family child care homes in Colorado.

For instance, providers may have staff members between the ages of 16 and 18 years that were not previously required to obtain fingerprint-based criminal record checks. Programs will now be required to conduct both CBI and FBI criminal record checks for these individuals.

Federal regulation prohibits the care of children without a completed background check. This federal requirement will change the ability for child care centers and school-aged child care programs to use five (5) calendar days to submit criminal fingerprint-based background checks for new employees, and ten (10) calendar days for abuse and neglect inquiry checks. The rules will align with federal guidelines by requiring background checks before caring for children.

**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)

There is no cost to the Department in implementing these rules. The cost associated with the additional fees to conduct background checks is the responsibility of the individual or child care program.

County Fiscal Impact

No County fiscal impact as nothing addressed in this rule revision creates costs for counties.

Federal Fiscal Impact

No Federal fiscal impact as nothing addressed in this rule revision creates Federal costs.

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

Individuals or licensed facilities with employees needing background checks to come into compliance will pay the fee to process CBI checks, currently \$29.50, and FBI background checks, currently \$22 (every five years).

**4. Data Description**

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

These rules are to comply with the Child Care and Development Block Grant Act Sec. 658H Criminal Background Checks requirements.

**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 alternative because these rules are statutorily mandated to be in effect by September 30, 2018 by the Child Care and Development Block Grant Act.

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**OVERVIEW OF PROPOSED RULE**

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

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public comment No / detail
7.701.32.C.1 and 2	CCDBG Act requirement	Requests for abuse and neglect inquiry checks must be submitted within 10 calendar days.	Requires successful completions of checks for individuals in child care centers, school-aged child care centers, family child care homes and qualified exempt providers prior to care and supervision of children; or unsupervised access to children.	Federal Criminal background check requirement	Yes, concerns about the ability to staff timely
7.701.32.I	CCDBG Act requirement	n/a	Requires results of abuse and neglect inquiry checks be maintained on site.	Federal Criminal background check requirement	Yes, Removed homes to reflect they are stored by the Department
7.701.33.C.1 and 2	CCDBG Act requirement	Requests for criminal fingerprint based background checks for adult family child care home residents are submitted at time of annual declaration of compliance.	Requires requests for adult family child care home residents are submitted timely.	Federal Criminal background check requirement	No
7.701.33.D.1.c	Technical cleanup	Requires Name Removal Forms to be submitted to CBI when the individual leaves employment.	Corrects that Name Removal forms need to be submitted to the Department.	Rule error	No
7.701.33.D.1.d	Technical cleanup	Requires criminal history reports of school district employees linked to a specific license.	Updates rule to match portability of background checks requiring that they are linked to any school district license	Update rule to align with portability statute.	NO
7.701.33.D.2	CCDBG Act requirement	Requires volunteers working 14 calendar days to complete background checks.	Adds exception language	Federal Criminal background check requirement	Yes, financial burden to programs
7.701.33.D.3	CCDBG Act requirement	Requests for criminal fingerprint-based background checks for volunteers submitted if working to meet ratios or qualifications more than 14 Calendar days	Requires volunteers working in the care or supervision of children or with unsupervised access to children submit criminal fingerprint-based background checks before caring for children.	Federal Criminal background check requirement	Yes, financial burden to programs
7.701.33.D.4	CCDBG Act requirement	Fingerprint-based background checks required to be submitted within 5 calendar days of employment	Requires successful completions of checks for individuals in child care centers, school-aged child care centers, family child care homes and qualified exempt providers prior to care and supervision of children; or unsupervised access to children	Federal Criminal background check requirement	Yes, concerns about the ability to staff timely
7.701.33.D.5	CCDBG Act requirement	FBI criminal background checks required once.	Requires FBI checks be completed every 5 years	Federal Criminal background check requirement	Yes, financial burden to programs

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Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public comment No / detail
7.702.41.F	CCDBG Act requirement	Fingerprint-based background checks required to be submitted within 5 calendar days of employment	Requires successful completions of checks for individuals in child care centers, school-aged child care centers, family child care homes and qualified exempt providers prior to care and supervision of children; or unsupervised access to children	Federal Criminal background check requirement	Yes, concerns about the ability to staff timely
7.702.41.G	CCDBG Act requirement	Abuse and neglect inquiry background checks required to be submitted within 10 calendar days of employment	Requires successful completions of checks for individuals in child care centers, school-aged child care centers, family child care homes and qualified exempt providers prior to care and supervision of children; or unsupervised access to children	Federal Criminal background check requirement	Yes, concerns about the ability to staff timely
7.702.44.E.2	CCDBG Act requirement	Requests for abuse and neglect inquiry checks and criminal fingerprint-based background checks for volunteers submitted if working to meet ratios or qualifications more than 14 Calendar days	Requires volunteers working in the care or supervision of children or with unsupervised access to children submit background checks before caring for children.	Federal Criminal background check requirement	Yes, financial burden to programs
7.702.44.E.3	CCDBG Act requirement	Volunteers supervised	Clarifies that volunteers must be directly supervised	Federal Criminal background check requirement	NO
7.702.44.E.4	CCDBG Act requirement	Allows volunteers with unsupervised access to children to be exempt from background checks if driving for a field trip	Removes this exemption	Federal Criminal background check requirement	NO
7.707.34.A	CCDBG Act requirement	Required only individuals 18 years or older to complete background checks	Requires employees regardless of age whose activities involve caring for children or with unsupervised access to children to complete background checks	Federal Criminal background check requirements	Yes, concern that no juvenile arrest information is shared.
7.707.34.B	CCDBG Act requirement	Did not require 16-18 year olds to complete criminal background check	Removes rule	Federal Criminal background check requirements	Yes, concern that no juvenile arrest information is shared.
7.707.34.C.1 and 2	CCDBG Act requirement	Requests for abuse and neglect inquiry checks and criminal fingerprint-based background checks for volunteers submitted if working to meet ratios or qualifications more than 14 Calendar days	Removes rule	Federal Criminal background check requirements	Yes, financial burden to programs
7.707.34.C.6	Technical cleanup	Referred to Universal Precautions training	Updated to Standard Precautions training	Rule clarification	NO
7.707.35.B	CCDBG Act requirement	Required direct supervision	Adds no unsupervised access to children	Federal Criminal background check requirements	NO

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Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public comment No / detail
7.707.35.D	CCDBG Act requirement	Requests for abuse and neglect inquiry checks and criminal fingerprint-based background checks for adult volunteers submitted if working more than 14 Calendar days	Requires volunteers regardless of age who are caring for children or who have unsupervised access to children and those that work more than 14 calendar days to complete background checks	Federal Criminal background check requirements	Yes, financial burden to programs
7.707.36.B.3	CCDBG Act requirement	Requirement for personnel file to have background checks for individuals 18 years or older	Requires background checks to be in personnel files regardless of age	Federal Criminal background check requirements	NO

**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):*

Office of Early Childhood Background Investigation Unit

**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, School-aged Child Care Centers, Family Child Care Homes, and Qualified Exempt Provider Homes.

**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	EC Sub-PAC		
Date presented	May 4, 2018		
What issues were raised?	none		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
		0	
If not presented, explain why.			

**PAC**

Have these rules been approved by PAC?

Yes  No

Date presented	May 4, 2018		
What issues were raised?	none		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
		0	1
If not presented, explain why.			

**Other Comments**

Comments were received from stakeholders on the proposed rules:

Yes  No

The feedback received was primarily regarding the financial burden to programs to complete background checks and the inability to staff programs timely due to background check processing times.

**DEPARTMENT OF HUMAN SERVICES**

**Social Services Rules**

**CHILD CARE FACILITY LICENSING**

**12 CCR 2509-8**

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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**7.700 CHILD CARE FACILITY LICENSING**

**7.701 GENERAL RULES FOR CHILD CARE FACILITIES**

**7.701.1 INTRODUCTION**

All rules in Section 7.701, et seq., shall be known and hereinafter referred to as the General Rules for Child Care Facilities and will apply to all child care applicants and licensees subject to the Child Care Licensing Act, Sections 26-6-101 to 26-6-119, C.R.S.

**7.701.11 Licensing Exemptions**

- A. A license must be obtained before care begins unless such care is exempt as set forth below.
- B. A license is not required for:
  - 1. A special school or class in religious instruction. Religious instruction is defined as instruction in religion as a subject of general education, or instruction in the principles of a particular religious faith. Faith- or spiritually-based programs which offer religious instruction combined with early childhood education, child care or child development activities as a part of the daily routine must obtain a child care license.
  - 2. A special school or class operated for a single skill-building purpose. Single skill building includes activities or instruction in one subject area. A single skill program includes the development of an individual skill which does not include naptime periods or overnight care, or any other time children are not engaged in that specific activity. Any time activities other than the identified single skill are provided; the program is no longer considered a single skill program and must obtain the appropriate license. Meals and snacks may be incorporated into the single skill request.
  - 3. A child care center operated in connection with a church, shopping center, or business where children are cared for during short periods of time, not to exceed three hours in any twenty-four (24) hour period of time, while parents or persons in charge of such children, or employees of the church, shopping center, or business whose children are being cared for at such location are attending church services at such location, shopping, patronizing or working on the premises of the business. This facility must be operated on the premises of the church, business, or shopping center. Only children of parents or guardians who are attending a church activity; patronizing the business or shopping center or working at the church, shopping center or business can be cared for in the center.
  - 4. Occasional care of children with or without compensation, which means the offering of child care infrequently and irregularly that has no apparent pattern.



5. A family care home that provides less than 24-hour care. Care must only be provided using one (1) of the options below at any one time:
    - a. Care of children who are directly related to the caregiver by blood, marriage or adoption. The relationship between the caregiver and child includes biological child(ren), step-child(ren), grandchild(ren), niece, nephew, sibling, or first cousin and provide care for children who are siblings from the same family household which is unrelated to the provider; or
    - b. Care of up to four (4) children, related or unrelated to the caregiver. No more than two (2) children under the age of two years may be cared for at any one time.
  6. A child care facility that is approved, certified, or licensed by any other state department or agency, or by a federal government department or agency, which has standards for operation of the facility and inspects or monitors the facility.
  7. The medical care of children in nursing homes.
  8. Ski area guest child care facilities as defined at Sections 26-6-102(5) and 26-6-103.5, C.R.S.
  9. Neighborhood Youth Organizations as defined at Sections 26-6-102(5.8) and 26-6-103.7, C.R.S.
- C. Any child care providers wishing to be declared exempt from the Child Care Licensing Act based on the nature of their program must submit a request for exemption to the State Department. That request must include the name and address of the facility, the number of children in care and their approximate ages, the hours of operation, and a basic description of the program and its curriculum.
- D. Decisions of the State Department regarding exemptions are the final agency decision of the Department and cannot be reviewed by an Administrative Law Judge.

**7.701.12 Civil Penalties and Injunctions**

- A. Violation of any provision of the Child Care Licensing Act or intentional false statements or reports made to the Department or to any agency lawfully delegated by the Department to make an investigation or inspection may result in fines assessed of not more than \$100 a day to a maximum of \$10,000:
1. A civil penalty will be assessed by the Department only in conformity with the provisions and procedures specified in Article 4 of Title 24, C.R.S. No civil penalty will be assessed without a hearing conducted pursuant to the Child Care Licensing Act and Article 4 of Title 24, C.R.S., before an Administrative Law Judge acting on behalf of the Department.
  2. Prior to receipt of a cease and desist order from the Department or from any agency delegated by the Department to make an investigation or inspection under the provision of the Child Care Licensing Act, any unlicensed child care facility may be fined up to \$100 a day to a maximum of \$10,000 for providing care for which a license is required.
  3. For providing child care for which a license is required after receipt of a cease and desist order, an unlicensed facility will be fined \$100 a day to a maximum of \$10,000.
  4. Assessment of any civil penalty under this section will not preclude the Department from initiating injunctive proceedings pursuant to Section 26-6-111, C.R.S.
  5. A licensed child care facility may be fined up to \$100 a day to a maximum of \$10,000 for each violation of the Child Care Licensing Act or for any statutory grounds as listed at Section 26-6-108(2), C.R.S.
  6. Assessment of any civil penalty does not preclude the Department from also taking action to deny, suspend, revoke, make probationary, or refuse to renew that license.

7. Any person intentionally making a false statement or report to the Department or to any agency delegated by the Department to make an investigation or inspection under the provisions of the Child Care Licensing Act may be fined up to \$100 a day to a maximum of \$10,000.
  8. Civil penalties assessed by the Department must be made payable to the Colorado Department of Human Services.
- B. In addition to civil penalties that may be assessed under Section 7.701.12, A, when an individual operates a facility after a license has been denied, suspended, revoked, or not renewed, or before an original license has been issued, injunctive proceedings may be initiated to enjoin the individual from operating a child care facility without a license.
- C. Within ten (10) working days after receipt of a notice of final agency action with regard to a negative licensing action or the imposition of a fine, or when the department identifies and documents in a report of inspection serious violations of any of the standards that could impact the health, safety or welfare of a child cared for at the facility or family child care home, each child care center, facility or family child care home must provide the department with the names and mailing addresses of the parents or legal guardians of each child cared for at the facility so that the department can notify the parents or legal guardians of the negative licensing action taken or the serious violation impacting the health, safety or welfare of a child. The facility will be responsible for paying a fine to the Department that is equal to the direct and indirect costs associated with the mailing of the notice.

### **7.701.13 Appeals and Waivers**

The Department is authorized to hear and decide three kinds of appeal or waiver requests by applicants or licensees: hardship appeals in this rule set, also referred to as hardship waivers, stringency appeals, and materials waiver requests, according to the following procedures. For purposes of this section 7.701.13, a county department of human/social services that certifies foster homes under § 26-6-106.3, C.R.S., is a "licensee."

#### **A. Hardship Waivers**

1. Any applicant or licensee who has applied for or been issued a license to operate a child care facility or child placement agency 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.
  1. "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.
  2. Emergency hardship appeals are requests by applicants or licensees to excuse noncompliance with a specific child care licensing rule due to urgent, significant, and unexpected situations outside the applicant's or licensee's control. Specific situations that may be considered "emergencies" under this paragraph include, but are not limited to:
    - 1) Natural disasters;
    - 2) Infectious disease outbreaks;
    - 3) Mold outbreaks;
    - 4) Acts of nature or an accident resulting in structural damage to the child care facility;  
or

- 5) For foster care homes and residential child care facilities, an immediate, child(ren)-specific, emergency placement, situation which may disrupt placement, or situation posing a safety risk to a child(ren) in out-of-home placement.
2. Such appeal must be submitted to the department in writing within sixty (60) calendar days from the date on which the rule, standard, or emergency situation allegedly created the hardship. The applicant or licensee or their designated representative must send an appeal on the state-prescribed form to the appropriate division. Each rule appealed requires an individual appeal and applicable fee. If the appeal is an emergency hardship appeal, the applicant or licensee must mark it as such on the state-prescribed form.
3. When submitting an appeal, the applicant or licensee must consider the impact on the health, safety, and wellbeing of any children in care and include a proposed alternate compliance plan.
4. The department must consider the impact of an appeal on the health, safety, and wellbeing of the children in care, which must take priority over any undue hardship alleged, when determining whether an appeal should be granted.
5. If the Department grants an appeal for undue hardship, it will issue the applicant or licensee an official decision notification letter temporarily excusing the applicant or licensee from compliance with the appealed rule or standard and accepting the alternate compliance plan.

#### B. Stringency Appeals

1. Any applicant or licensee who has applied for or been issued a license to operate a child care facility or child placement agency has a right to appeal, pursuant to § 26-6-106(3), C.R.S., any violation of a child care licensing rule cited in a report of inspection, on the basis that the rule has been too stringently applied by a representative of the department. "Stringency," as used in this section 7.701.13, means the child care licensing representative applied rules too strictly, improperly, or unfairly. Disputes over the factual accuracy of a cited violation are not reviewable under this provision and must be resolved with the licensing representative's supervisor.
2. Such appeal must be submitted to the department in writing within sixty (60) calendar days from the date of the report of inspection at issue. The applicant or licensee or their designated representative must send an appeal on the state-prescribed form to the appropriate division. Each rule citation requires an individual appeal and applicable fee.
3. When submitting an appeal, the applicant or licensee must provide all evidence that it believes shows the rule was applied too stringently.
4. The department must consider the impact of an appeal on the health, safety, and wellbeing of the children in care.
5. If the Department finds a licensing rule was too stringently applied in the appealed citation, it will issue the applicant or licensee a new report of inspection with that citation removed, which shall for all purposes supersede the original report of inspection.

#### C. Materials Waiver Requests

1. A child care center that is applied for or has been issued a license may request a waiver, pursuant to § 26-6-105.7, C.R.S., to use certain hazardous materials in its program or curriculum that would otherwise violate child care licensing rules.
2. The child care center must submit a materials waiver request in writing on the state-prescribed form to the appropriate division. Each rule for which waiver is requested requires an individual request and applicable fee. If the request also seeks to remove a citation on a report of inspection involving the materials, it must be submitted within sixty (60) calendar days from the date of the report of inspection; otherwise, it may be submitted at any time.
3. A child care center requesting a materials waiver must adopt a safety policy, included with the waiver request, that provides that:
  - a. Early childhood teachers are trained in the use of the specific material(s) in a way that provides reasonable, developmental-and age-appropriate safety provisions for children;
  - b. Current training certificates are provided for each staff/classroom where the materials waiver is being sought. Training must be completed through nationally recognized programs related to the curriculum or philosophy, or through other department-approved training, curriculum, or program validation; and,
  - c. Parents are notified in writing regarding the use of the hazardous materials in the child care center. The notice must include all of the potential safety risks associated with the materials. The child care center must obtain signed parental consent forms acknowledging awareness of the risks in using the materials in the child care center prior to implementing use of the identified materials and prior to any newly enrolled children attending the center after the waiver is implemented.
4. The department must consider the impact of a materials waiver request on the health, safety, and wellbeing of the children in care.
5. If the department grants a materials waiver request, it will issue the child care center an official decision notification letter allowing the use of the requested materials according to the provided safety policy. The applicant or licensee must post the decision letter next to the child care license until the letter's expiration date. If there is no expiration date, the decision letter expires three (3) years from the date of the letter. The approved waiver must be in place before using materials that pose a risk to children.

D. Administrative Review and Appeal Panel Procedures

1. The applicant or licensee must comply with all child care licensing rules and standards, including the rule(s) subject to an appeal or materials waiver request, until the applicant or licensee has received a written decision granting the appeal or waiver.
2. The Department will receive, review, and schedule all appeals and materials waiver requests for review by the appeal panel constituted under § 26-6-106(3), C.R.S.
  - a. For hardship appeals, the Department may propose that the appeal panel grant one or more appeals as part of a consent agenda, which the appeal panel may approve with a single vote; except if any panel member objects to the consent agenda, the appeals on such agenda must be decided individually. The appeal panel may not deny appeals by consent agenda.
  - b. For emergency hardship appeals, the Department may administratively grant the appeal if it meets the definition of an emergency situation and the proposed alternate

compliance plan adequately protects the health, safety, and wellbeing of children in care. If the Department does not administratively grant the emergency hardship appeal, it must schedule the appeal for review by the appeal panel.

- c. For materials waiver requests, the Department will administratively grant or deny the waiver request within sixty (60) days after receipt of the request. If it denies a waiver, the Department must provide notice in its decision of the center's right to appeal the denial within forty-five (45) days and the center's right to meet with Department personnel as part of that appeal.
  - d. If a child care center appeals the denial of a materials waiver request within forty-five (45) days of the denial, the Department will schedule the appeal for review by the appeal panel within forty-five (45) days of the appeal. The entire appeal process must not last longer than one hundred (100) days from the date of the notice of denial.
3. The appeal panel will adopt a written decision recommending that the department grant, deny, or grant with modifications an appeal or materials waiver request. The department must send an official decision letter, including the written decision of the appeal panel, to the applicant or licensee, within ten (10) days from the date of the appeal panel meeting.
- a. For hardship appeals and materials waiver requests, the official decision letter must be posted next to the child care license until its expiration date. If there is no expiration date, the letter expires three (3) years from its date.
  - b. If the department approves a hardship appeal or materials waiver request and the applicant or licensee wishes to make changes to the alternate compliance plan or safety policy submitted with the original appeal or request, the applicant or licensee must submit a new hardship appeal or materials waiver request.
  - c. If, after the department approves a hardship appeal or materials waiver request, the applicant or licensee violates the terms and conditions described in the approved alternate compliance plan, approved safety policy, or official decision letter, the department's approval will immediately be rescinded and considered null and void. For purposes of this provision, any injuries, accidents, or founded complaints or investigations related to the appealed or waived licensing rule constitute a violation.
4. Hearing requests
- a. For hardship or stringency appeals, if an applicant or licensee is aggrieved by the decision of the department, the applicant or licensee may request an administrative hearing pursuant to § 24-4-105, C.R.S. Written requests for an administrative hearing must be received in writing within 30 calendar days from the date the applicant or licensee received the department's decision. In all such administrative hearings, the applicant or licensee will bear the burden or proof by a preponderance of the evidence.
  - b. For appeals from denials of materials waiver requests, the Department's decision is a final agency decision subject to judicial review pursuant to § 24-4-106, C.R.S.

All facilities licensed under the Child Care Licensing Act are subject to the non-discrimination provisions of Title VI of the Civil Rights Act of 1964, as amended, and its implementing regulation, Title 45 Code of Federal Regulations (CFR), Part 80; the Age Discrimination Act of 1975, as amended, and its implementing regulation, Title 45 CFR, Part 91; Section 504 of the Rehabilitation Act of 1973, as amended, and its implementing regulation, Title 45 CFR, Part 84.

All facilities licensed under the Child Care Licensing Act are also subject to Titles I through V of the Americans with Disabilities Act, as amended, and its implementing regulation, Title 29 C.F.R., Part 1630. Decisions related to the enrollment, placement, or dismissal of a child with a disability or chronic condition must be in compliance with the Americans with Disabilities Act. The facility must provide reasonable accommodations for the child with a disability who has special needs.

A lack of independent ambulation or the need for assistance in feeding, toileting, or dressing or in other areas of self-care cannot be used as sole criteria for enrollment or placement or denial of enrollment or denial of placement. Efforts must be made to accommodate the child's needs and to integrate the child with his/her peers who do not have disabilities.

## **7.701.2 DEFINITIONS**

### **A. Types of Homes**

#### **1. Family Child Care Home**

"Family Child Care Home," defined at Section 26-6-102(13), C.R.S., means a type of family care home that provides less than 24-hour care for five (5) or more children under the age of eighteen (18) years on a regular basis in the primary residence of the child care provider.

#### **2. Foster Care Home**

"Foster Care Home," means a home that is certified by a county department or a child placement agency, pursuant to Section 26-6-106(14) C.R.S., for child care in a place of residence of a family or person for the purpose of providing twenty-four (24) hour foster care for a child and/or youth under the age of twenty-one (21) years. A foster care home may include foster care for a child and/or youth who is unrelated to the head of the home or foster care provided through a kinship foster care home, but does not include non-certified kinship care defined in Section 19-1-103(78.7), C.R.S. The term includes any foster care home receiving a child and/or youth for regular twenty-four (24) hour care and any home receiving a child and/or youth from any state-operated institution for child care or from any child placement agency. Foster care home also includes those homes licensed by the Department of Human Services pursuant to Section 26-6-104, C.R.S., that receive neither moneys from the counties, nor children and/or youth placed by the counties.

### **B. Specialized Group Facility**

A "Specialized Group Facility," defined at Section 26-6-102(36)(a), C.R.S., means a facility that is sponsored and supervised by a county department or a licensed child placement agency for the purpose of providing twenty-four (24) hour care for three (3) or more children, but fewer than twelve (12) children except as noted below, from at least three (3) but less than eighteen (18) years of age, or for those persons less than twenty-one (21) years old who are placed by court order prior to their eighteenth 18<sup>th</sup> birthday whose special needs can best be met through the medium of a small group. A specialized group facility may serve a maximum of one (1) child enrolled in Children's Habilitation Residential Program (CHRP) and eight (8) other foster children, or two (2) children enrolled in CHRP and five (5) other foster children, unless there has been prior written approval by the CHRP waiver administrator. If placement of a child in a Specialized Group Facility will result in more than three (3) children approved for Children's Habilitation Residential Program (CHRP) funding, then the total number of children placed in that Specialized Group Center will not exceed a maximum of six (6) total children. Placements of more than three (3) children approved for CHRP funding may be made if the agency can demonstrate to the CHRP waiver administrator that the provider has sufficient knowledge, experience, and supports to safely meet the needs of all

of the children in the home. Emergency placements will not exceed maximum established limits. Facilities that exceed established capacity at the time the rule takes effect may not accept additional children into the home until capacity complies with the rule.

**SPECIALIZED GROUP FACILITY MAXIMUM CAPACITY**

CHRP	Non-CHRP	Total Children
1	8	9
2	5	7

**SPECIALIZED GROUP CENTER MAXIMUM CAPACITY**

CHRP	Non-CHRP	Total Children
3	3	6

1. "Specialized Group Homes or Group Centers" who are serving children enrolled in the Children's Habilitation Residential Program (CHRP) waiver must be in compliance with rules contained within the Department of Health Care Policy and Financing's Medical Assistance Manual at Section 8.508 (10 CCR 2505-10).
2. "Specialized Group Centers" that serve three (3) children enrolled in CHRP waiver must be staffed with sufficient staff to deal with the complex needs of the children placed in the home.
3. A "Specialized Group Home" is located in a house owned or otherwise controlled by the group home parents who are primary responsible for the care of the children and reside at the home.
4. A "Specialized Group Center" is located in a facility owned or controlled by a governing body that hires the group center parents or personnel who are primarily responsible for the care of the children.

C. Child Care Center

"Childcare centers," are less than 24-hour programs of care as defined at Section 26-6-102(5), C.R.S., child care centers may provide care for five (5) or more children ages six (6) weeks up to the age of eighteen (18) years and include the following types of facilities:

1. A "large child care center" provides care for sixteen (16) or more children between two and one-half (2-1/2) years and up to the age of eighteen (18) years of age.
2. A "small child care center" provides care for five (5) through fifteen (15) children between two (2) years and up to the age of eighteen (18) years of age.
3. An "infant program" provides care for children between six (6) weeks and eighteen (18) months of age.
4. A "toddler program" provides care for children between the ages of twelve (12) months (when and walking independently) and thirty-six (36) months of age.
5. "Preschool" is a part-day child care program for five (5) or more children between the ages of two and one-half (2-1/2) and seven (7) years of age which operates less than five (5) hours per day.
6. "Kindergarten" provides a program for children the year before they enter the first grade.
7. A "school-age child care center" (hereafter referred to as the "center") means a child care center that provides care for five (5) or more children who are between five (5) years of age and up to the age of eighteen (18) years of age. Children 4 years of age, who will turn 5 on or before October 15th of the current calendar year may attend the center as part of a "building-based school-age child care program" or "building-based day camp" summer program prior to their kindergarten year. The centers purpose is to provide child care and/or an outdoor recreational experience using a natural environment. The center operates for more than one

week during the year. The term includes facilities commonly known as “day camps”, “summer camps”, “summer playground programs”, “before and after school programs”, and “extended day programs.” This includes centers operating with or without compensation for such care, and with or without stated educational purposes.

- a. A “building-based school-age child care program” means a child care program that provides care for five (5) or more children who are between five (5) years of age and up to the age of eighteen (18) years of age. Four (4) year old children may attend a building based school age child care center the summer prior to attending kindergarten and the child’s fifth (5<sup>th</sup>) birthday occurs on or before October 15<sup>th</sup>. The center is located in a building that is regularly used for the care of children.
- b. A “mobile school-age child care program” provides care for five (5) or more children who are at least seven (7) years of age or have completed the first grade and up to the age of eighteen (18) years. Children move from one site to another by means of transportation provided by the governing body of the program. The program uses no permanent building on a regular basis for the care of children.
- c. An “outdoor-based school-age child care program” provides care for five (5) or more children who are at least seven (7) years of age or have completed the first grade and up to the age of 18 years. This program uses no permanent building on a regular basis for the care of children. Children are cared for in a permanent outdoor or park setting.

D. Children's Resident Camp

A “Children's Residential Camp,” is defined at Section 26-6-102(8), C.R.S. means a facility operating for three or more consecutive 24-hour days during one or more seasons of the year with the purpose of a group living experience offering education and recreation activities in an outdoor environment. The recreational experiences may occur at the permanent camp or on trips off the premises. A children’s resident camp is not a considered a single skill program and must obtain a child care license.

1. A residential camp may have a “primitive camp” which is a portion of the permanent camp premises or another site at which the basic needs for camp operation such as places of abode, water supply systems, and permanent toilet and/or cooking facilities are not usually provided.
2. A “travel-trip camp” must be known as a camp in which there is no permanent camp site and children move from one site to another. The travel-trip camp either originates in Colorado or moves into and/or through Colorado from another state and operates for three or more consecutive twenty four (24) hour days during one or more seasons of the year for the care of five (5) or more children who are at least ten (10) years old or have completed the fourth grade. The program must have as its purpose a group learning experience offering educational and recreational activities utilizing an outdoor environment.

E. Day Treatment Center

A “Day Treatment Center,” defined at Section 26-6-102(10), C.R.S., means a facility that provides less than twenty-four (24) hour care for groups of five (5) or more children three (3) to twenty-one (21) years of age. Nothing prohibits a day treatment center from allowing a person who reaches twenty-one (21) years of age after the commencement of an academic year from attending an educational program at the day treatment center through the end of the semester in which the twenty-first 21<sup>st</sup> birthday occurs or until the person completes the educational program, whichever comes first. The center must provide a structured program of various types of psycho-social and/or behavioral treatments to prevent or reduce the need for placement of the child out of the home or community. This definition does not include special education programs operated by a public or private school system or programs that are licensed by other regulations of the Department of Human Services for less than twenty-four (24) hour care of children, such as a child care center or part-day preschool.



F. Child Placement Agency

A “Child Placement Agency,” defined at Section 26-6-102(7), C.R.S., means any corporation, partnership, association, firm, agency, institution, or person unrelated to the child being placed, who places, who facilitates placement for a fee, or arranges for placement any child under the age of eighteen (18) years with any family, person or institution for purposes of foster care, treatment and/or adoption. The natural parents or legal guardian of any child who places that child for care with any facility licensed as a “Family Child Care Home” or “Child Care Center” must not be deemed to be a Child Placement Agency.

To arrange for placement is to act as an intermediary by assisting a parent or guardian or legal custodian to place or plan to place a child with persons unrelated to the child for 24-hour care.

Any agency from out of state placing a child within Colorado must be licensed as a child placement agency by the Colorado Department of Human Services unless the placement services are coordinated with and provided by a county department of social services, Human Services or a child placement agency licensed by the department.

G. Residential Child Care Facility

1. “Residential Child Care Facility,” defined at Section 26-6-102(33), C.R.S., must provide twenty-four (24) hour residential group care and treatment for five (5) or more children between the ages of three (3) and eighteen (18) years old and for those persons to twenty-one (21) years old who are placed by court order prior to their eighteenth 18<sup>th</sup> birthday. A residential child care facility must offer opportunities for a variety of experiences through a group living program and specialized services that can be used selectively in accordance with an individual plan for each child. A residential child care facility includes “Shelter Care Facilities”, “Residential Child Care Facilities”, and “Psychiatric Residential Treatment Facilities”.
2. A “Transition Program” may be a component of an RCCF program in which the child is residing in the RCCF part of the time and in a living situation that child is expected to move to after treatment in the RCCF is completed. The purpose of transition is to enable the child to transition to the home or a less restrictive setting in a manner that prepares the child for success in the new setting.

H. Secure Residential Treatment Center

A “Secure Residential Treatment Center,” defined at Section 26-6-102(35), C.R.S., means a facility operated under private ownership that provides twenty-four (24) hour group care and treatment in a secure setting for five (5) or more children or persons from age ten (10) up to the age of twenty-one (21) who are committed by a court pursuant to an adjudication of delinquency or pursuant to a determination of guilt of a delinquent act or having been convicted as an adult and sentenced for an act that would be a crime if committed in Colorado, or in the committing jurisdiction, to be placed in a secure facility.

I. Neighborhood Youth Organization

A “Neighborhood Youth Organization,” defined at Section 26-6-102(26)(a), C.R.S., means a nonprofit organization that is designed to serve youth as young as six (6) years of age and up to the age of eighteen (18) years of age. A Neighborhood Youth Organization that operates primarily during times of the day when school is not in session and provides research-based, age-appropriate, and character-building activities designed exclusively for the development of youth from six (6) years to eighteen (18) years of age. These activities must occur primarily in a facility leased or owned by the Neighborhood Youth Organization. The activities must occur in an environment in which youth have written parental or legal guardian consent to become a youth member of the neighborhood youth organization and to arrive at and depart from the primary location of the activity on their own accord, without supervision by a parent, legal guardian, or organization.

A Neighborhood Youth Organization must not include faith-based centers, organizations or programs operated by state or city parks or special districts, or departments or facilities that are currently licensed as child care centers as defined in Section 26-6-102(5), C.R.S.

J. Other Definitions

1. "Affiliate of a licensee," means any person or entity that owns more than five (5) percent of the ownership interest in the business operated by the licensee; applicant for a license, or any person who is directly responsible for the care and welfare of children served, any executive; officer; member of the governing board; employee of a licensee; or a relative of a licensee, when the relative provides care to children at the licensee's facility, or is otherwise involved in the management or operations of the licensee's facility.
2. For the purposes of all child care licensing rules, the terms "child battering," "child abuse," "child molesting," and "child neglect" are terms to be considered within the definition of abuse set forth in Section 19-1-103, C.R.S., unless otherwise indicated.
3. "Citizen/legal resident" means a citizen of the United States, current legal resident of the United States, or lawfully present in the United States.
4. The "Consumer Product Safety Commission", as referred to in rules Regulating Child Care Facilities, means the National Commission that establishes standards for the safety of children's equipment and furnishings and for playground safety. Information about these guidelines may be obtained from the Office of Information and Public Affairs, U.S. Consumer Product Safety Commission (CPSC), Washington, D.C. 20207. The CPSC web address is <http://www.cpsc.gov>. The local U.S. Consumer Product Safety Commission Office is located at 1961 Stout Street, Denver, CO 80294. You may contact a Senior Resident Investigator in the Denver office for information. This rule refers to the current edition of the Consumer Product Safety Commission standards, in effect when rules referencing the Commission are referenced, and does not include later amendments to or editions of the standards. The standards may be examined at any State Publications Depository Library.
5. A "critical incident" is a serious incident or concern or potential incident or concern that poses a danger to a child or children at the facility or of a staff member at the facility.
6. "Department" is the Colorado Department of Human Services.
7. "EMPLOYEE" OR "APPLICANT FOR EMPLOYMENT," FOR THE PURPOSE OF THE CHILD ABUSE OR NEGLECT RECORDS CHECK REQUIRED IN SECTION 7.701.32, IS DEFINED AS: AN INDIVIDUAL (OTHER THAN AN INDIVIDUAL WHO IS RELATED TO ALL CHILDREN FOR WHOM CHILD CARE SERVICES ARE PROVIDED):
  - a. WHO IS EMPLOYED BY A LICENSED OR QUALIFIED EXEMPT CHILD CARE PROVIDER FOR COMPENSATION, INCLUDING CONTRACT EMPLOYEES OR SELF-EMPLOYED INDIVIDUALS;
  - b. WHOSE ACTIVITIES INVOLVE THE CARE OR SUPERVISION OF CHILDREN FOR A LICENSED OR QUALIFIED EXEMPT CHILD CARE PROVIDER OR UNSUPERVISED ACCESS TO CHILDREN WHO ARE CARE FOR OR SUPERVISED BY A LICENSED OR QUALIFIED EXEMPT CHILD CARE PROVIDER; OR
  - c. ANY INDIVIDUAL RESIDING IN A LICENSED OR QUALIFIED EXEMPT FAMILY CHILD CARE HOME WHO IS AGE 18 AND OLDER.
78. "Facility" is any business or operation established for the purpose of providing child care services that are required to be licensed pursuant to the Child Care Licensing Act, Section 26-6-101 et seq., C.R.S.
89. "Final Agency Action" means the determination made by the State Department, after opportunity for hearing to deny, suspend, revoke, or demote to probationary status a license

issued pursuant to the Child Care Licensing Act or an agreement between the Department and the licensee concerning the demotion of such a license to a probationary license.

910. "Governing Body" is the individual, partnership, corporation, or association in whom ultimate authority and legal responsibility are vested for the administration and operation of the child care facility.
4011. "Licensing Specialist" is the authorized representative of the Colorado Department of Human Services who inspects and audits child care facilities to ensure compliance with licensing requirements and to investigate possible violations of those requirements.
4412. "Negative licensing action" means a Final Agency Action resulting in the denial, suspension, or revocation of a license issued pursuant the Child Care Licensing Act or the demotion of such a license to a probationary license.
4213. "Serious emotional disturbance" means a diagnosable mental, behavioral, or emotional disorder that is of sufficient duration and has resulted in a functional impairment that substantially interferes with or limits a child's role or functioning in family, school, or community activities. Serious emotional disturbances do not include developmental disorders, substance-related disorders, or conditions or problems that may be a focus or clinical attention unless they occur with another diagnosable serious emotional disturbance.

#### 7.701.21 Homeless Youth Services - Definitions

"Homeless Youth" is defined at Sections 24-32-723 and 26-5.7-102(2), C.R.S.

"Homeless Youth Shelter" is defined at Sections 26-5.7-102(3) and 26-6-102(5.1), C.R.S.

"Licensed Host Family Home" is a home that is certified by the county department or a child placement agency as meeting the requirements for providing shelter to homeless youth.

#### 7.701.3 APPLICATION PROCESS

##### 7.701.31 Original Application

- A. A completed original application accompanied by the appropriate fee and proof of lawful presence in the United States (see Section 3.140.11) must be submitted to the State Department a minimum of sixty (60) days prior to the proposed opening date for the facility. For 24-hour agencies or facilities, the addendum with specific requirements must be completed and submitted with the application.
- B. A licensing evaluation will occur only after the department has received the complete application and appropriate fee.
- C. If a county or agency establishes and plans to sponsor a Specialized Group Facility, the governing body for the Specialized Group Facility is the applicant for the license. A written plan for the supervision of the Specialized Group Facility must accompany the application.

##### 7.701.32 Use of Records and Reports of Child Abuse or Neglect for Background and Employment Inquiries

- A. ~~A request to determine whether a~~ Any owner, applicant, employee, licensee or resident of a licensed facility, any supervisory employee of a guest care facility, or an exempt family child care home provider and each adult eighteen (18) years of age or older residing in the home (also known as a qualified adult) receiving or applying to receive Colorado Child Care Assistance moneys was found to be responsible in ~~MUST SUBMIT A REQUEST TO DETERMINE IF THEY HAVE BEEN FOUND TO BE RESPONSIBLE FOR~~ a confirmed report of child abuse or neglect reported to ~~IN~~ the State Department's automated system (TRAILS) ~~must be directed to and be the responsibility of the State Department.~~

AN OPERATOR OF A LICENSED FACILITY, GUEST CARE FACILITY, OR AN EXEMPT FAMILY CHILD CARE HOME PROVIDER MUST SUBMIT A REQUEST TO DETERMINE IF AN OWNER, APPLICANT FOR EMPLOYMENT OR CURRENT EMPLOYEE HAS BEEN FOUND RESPONSIBLE FOR A CONFIRMED REPORT OF CHILD ABUSE OR NEGLECT IN THE STATE DEPARTMENT'S AUTOMATED SYSTEM (TRAILS).

- AB. Foster Homes must also obtain a child abuse or neglect records check for each adult eighteen (18) years of age or older living in the home in every state where the adult has resided in the five 5 years immediately preceding the date of application.
- BC. An inquiry is not necessary regarding out-of-state employees of a children's resident camp or school-age child care center for a camp or center that is in operation for fewer than ninety (90) calendar days; out-of-state employees operating under this exemption must be supervised at all times by a staff member who has successfully completed all background checks.
- CD. The request must be made **ON THE STATE PRESCRIBED FORM, ACCOMPANIED BY THE REQUIRED FEE (FOR FEE ASSESSMENT SEE SECTION 7.000.73) within THE FOLLOWING REQUIRED TIME FRAMES:**
  - 1. **CHILD CARE CENTERS (LESS THAN 24-HOUR CARE), SCHOOL-AGED CHILD CARE FACILITIES, FAMILY CHILD CARE HOMES, AND QUALIFIED EXEMPT PROVIDERS MUST MEET THE FOLLOWING:**
    - a. **FOR ALL INDIVIDUALS WHOSE ACTIVITIES INVOLVE THE CARE OR SUPERVISION OF CHILDREN OR WHO HAS UNSUPERVISED ACCESS TO CHILDREN, REQUESTS MUST BE SUBMITTED AND SUCCESSFULLY COMPLETED PRIOR TO CARING FOR CHILDREN OR ALLOWING UNSUPERVISED ACCESS TO CHILDREN.**
      - 1) **INDIVIDUALS WHO HAVE OBTAINED A SUCCESSFULLY COMPLETED CBI OR FBI RECORD CHECK MAY CARE FOR CHILDREN, FOR NO LONGER THAN NINETY (90) CALENDAR DAYS, WHILE WAITING FOR ALL OTHER REQUIRED BACKGROUND CHECKS TO BE COMPLETED. THE INDIVIDUAL MUST BE SUPERVISED AT ALL TIMES BY AN INDIVIDUAL WHO HAS SUCCESSFULLY COMPLETED ALL REQUIRED BACKGROUND CHECKS.**
    - b. **FOR EACH ADULT EIGHTEEN (18) YEARS OF AGE OR OLDER, RESIDING IN A LICENSED FAMILY CHILD CARE HOME OR A QUALIFIED EXEMPT PROVIDER HOME, REQUESTS MUST BE SUBMITTED AT TIME OF APPLICATION.**
    - c. **FOR EACH ADULT EIGHTEEN (18) YEARS OF AGE OR OLDER, WHO BEGIN RESIDING IN THE HOME AFTER CARE BEGINS, REQUESTS MUST BE SUBMITTED WITHIN FIVE (5) CALENDAR DAYS, AND THESE ADULTS MUST NOT BE ALLOWED UNSUPERVISED ACCESS TO CHILDREN IN CARE UNTIL ALL BACKGROUND CHECKS HAVE BEEN SUCCESSFULLY COMPLETED.**
  - 2. **ALL OTHER REQUESTS EXCEPT THOSE SPECIFIED IN SECTION 7.701.32.C.1 MUST BE SUBMITTED WITHIN ten (10) calendar days of the first day of employment for each employee or facility.**
- CE. The request must be made within ten (10) calendar days of the first day of employment for each employee or facility on the State prescribed form, accompanied by the required fee paid by check or money order (for fee assessment see section 7.000.73).
- DF. The request must be accompanied by the individual's written authorization to obtain such information from the State automated system, if applicable.
- EG. The State Department will inform the requesting party in writing of whether the individual has been confirmed to be a person responsible for an incident of child abuse or neglect.

1. If the result of the inquiry is that the individual has been confirmed as responsible for an incident of child abuse or neglect, the State Department must provide the requesting party with information regarding the date of the reported incident, the type of abuse or neglect with the severity level, and the county department that confirmed the report.
  2. If the result of the inquiry is that the individual has not been confirmed to be responsible for an incident of child abuse or neglect, the State Department must notify the requesting party of this fact.
- FH.** The information provided by the State Department must serve only as the basis for further investigation. The director or operator may inform an applicant or employee that the report from the State Department's automated system was a factor in the director or operator's decision with regard to the applicant or employee's employment.
- GI.** Any person who willfully permits or who encourages the release of data or information related to child abuse or neglect contained in the State Department's automated database to persons not permitted access to such information commits a Class 1 misdemeanor and must be punished as provided in Section 18-1.3-501, C.R.S.
- HJ.** Every five (5) years, all child abuse and neglect inquiry background checks must be renewed by resubmitting an inquiry form and current fee to the department for processing. An updated clearance letter or verification of the submission of the inquiry form must be obtained before **PRIOR TO** the five (5) year **S FROM THE** date reflected on the current clearance letter.
- IK.** **THE RESULTS OF THE ABUSE AND NEGLECT INQUIRY MUST BE MAINTAINED AT THE CENTER, FACILITY, OR AGENCY AND MUST BE AVAILABLE FOR REVIEW UPON REQUEST BY A LICENSING SPECIALIST.**

### **7.701.33 Criminal Record Check**

- A. Criminal records checks are required under the following circumstances:
1. Each applicant listed below must submit to the Colorado Bureau of Investigation (CBI) and the Federal Bureau of Investigation (FBI) a complete set of fingerprints taken by a qualified law enforcement agency or any third party approved by CBI including county departments of human or social services that use fingerprint machines pursuant to section 19-3-406(1)(C),(2), C.R.S., to obtain any fingerprint criminal history record held by the CBI and FBI. If a third party takes the individual's fingerprints, the fingerprints may be electronically captured using CBI's approved LiveScan equipment pursuant to section 10-23-103 C.R.S. Payment of the fee for the criminal record check is the responsibility of the individual being checked, identified as follows:
    - a. Each applicant for an original license for a center, facility, or agency and any adult eighteen (18) years of age or older who resides in the licensed center, facility or agency.
    - b. Each exempt family child care home provider who provides care for a child and each individual who provides care for a child who is related to the individual (referred collectively in this section as a "qualified provider"), if the child's care is funded in whole or in part with money received on the child's behalf from the publicly funded Colorado Child Care Assistance Program; and, any adult eighteen (18) years of age or older who resides with a qualified provider where the care is provided.
    - c. Applicants for an original certificate for a foster care home, and any adult eighteen (18) years of age or older who resides in the foster care home.
    - d. Any person working in a twenty-four (24) hour child care agency or facility.
  2. Each applicant for an original license for a Neighborhood Youth Organization must comply with the criminal background check requirements found at Section 26-6-103.7(4), C.R.S.

The applicant must ascertain whether the person being investigated has been convicted of felony child abuse as specified in Section 18-6-401, C.R.S., or a felony offense involving unlawful sexual behavior as defined in Section 16-22-102(9), C.R.S. The Neighborhood Youth Organization must not hire a person as an employee or approve a person as a volunteer after confirmation of such a criminal history.

- B. Only in the case of a children's resident camp or school-age child care center, out-of-state persons employed in a temporary capacity for less than ninety (90) days are not required to be fingerprinted to obtain a criminal record check. Each person exempted from fingerprinting and being checked with the State Department's automated system must sign a statement which affirmatively states that she/he has not been convicted of any charge of child abuse or neglect, unlawful sexual offense, or any felony. Out-of-state employees operating under this exemption must be supervised at all times by a staff member who has successfully completed all background checks.

Prospective employers of such exempted persons must conduct reference checks of the prospective employees in order to verify previous work history and must conduct personal interviews with each such prospective employee.

- C. At the time the annual declaration of compliance is submitted to the Department, **EXCEPT AS REQUIRED PER SECTION 7.701.33.C.1 AND 7.701.33.C.2**, a criminal record check is required only for adults living at the licensed facility who have not previously obtained one. Because the Colorado Bureau of Investigation (CBI) provides the Department with ongoing notification of arrests, owners, applicants, licensees, and persons who live in the licensed facility who have previously obtained a criminal record check, they are not required to obtain additional criminal record checks.

1. **A COMPLETE SET OF FINGERPRINTS MUST BE SUBMITTED TO OBTAIN ANY CRIMINAL RECORD HELD BY CBI OR FBI, FOURTEEN (14) CALENDAR DAYS PRIOR TO A RESIDENT OF THE FAMILY CHILD CARE HOME OR QUALIFIED EXEMPT PROVIDER HOME TURNING EIGHTEEN (18) YEARS OF AGE.**
2. **A COMPLETE SET OF FINGERPRINTS MUST BE SUBMITTED WITHIN FIVE (5) CALENDAR DAYS FOR ANY NEW RESIDENT, EIGHTEEN (18) YEARS OF AGE OR OLDER, OF A FAMILY CHILD CARE HOME OR QUALIFIED EXEMPT PROVIDER HOME. ADULTS MUST NOT BE ALLOWED UNSUPERVISED ACCESS TO CHILDREN IN CARE UNTIL ALL BACKGROUND CHECKS HAVE BEEN SUCCESSFULLY COMPLETED.**

- D. Each owner, **OR** employee, ~~who is eighteen (18) years of age or older~~, of a facility or agency must submit to CBI a complete set of fingerprints to obtain any criminal record held by the CBI and FBI. Payment of the fee for the criminal record check is the responsibility of the individual being checked or the facility or agency. The results of the criminal record check, including a copy of the fingerprint card; CBI and FBI clear letter must be maintained at the home, center, facility, or agency and must be available for review upon request by a Licensing Specialist.

1. Employees and volunteers who are transferring from one child care facility to another may have their CBI, but not their FBI, fingerprints transferred if they complete the following process:
  - a. New employees must obtain their CBI clearance letter or a photocopy of their processed fingerprint card from their former employer or school district. They must attach it to a new fingerprint card, the top portion of which they have completed with new fingerprints taken. The new fingerprint card must include the new employer's address and the new employer's license I.D. number in the box labeled MNU. "Transfer - Child Care" must be inserted in the "Reason Fingerprinted" block. The CBI clearance letter (or photocopy of the old fingerprint card) and the new fingerprint card must be sent with a money order or other certified funds covering all current transfer fees payable to CBI at: Colorado Bureau of Investigation, 690 Kipling Street., Suite 3000, Denver, CO 80215. Those facilities that have accounts with CBI are not required to send the money order or certified funds; instead, they must enter their CBI account number in the OCA block of the new fingerprint card and CBI will deduct the current transfer fee.

- b. New employees who cannot obtain the CBI clearance letter or photocopy of the processed fingerprint card from their former employer must have their fingerprints retaken and follow the process detailed in Section 7.701.33, D, 1, a.
  - c. When an individual leaves employment, the facility must submit to ~~CBI~~ **THE DEPARTMENT** a completed Notification of Name Removal form to request the removal of the individual's name from their facility license number in the CBI database.
  - d. School district employees who currently work at a child care facility must have their criminal history report linked to the license number of the child care facility.
2. **EXCEPT AS REQUIRED PER SECTION 7.701.33.D.3, A**any adult volunteer, working as a staff member to meet the required staff-child ratio or staff qualifications, who works fourteen (14) days (112 hours) or more in a calendar year, must submit to CBI a complete set of fingerprints taken by a qualified law enforcement agency or any party approved by CBI to obtain a criminal record check. The results of the criminal record check must be maintained at the facility or agency and must be available for inspection by a Licensing Specialist. Employees operating as volunteers to meet required staff-child ratio that does not have a completed background check on file must be supervised at all times by a qualified staff member who has successfully completed all background checks.
3. **CRIMINAL BACKGROUND CHECK REQUESTS FOR VOLUNTEERS, WHOSE ACTIVITIES INVOLVE THE CARE AND SUPERVISION OF CHILDREN; OR WHO HAS UNSUPERVISED ACCESS TO CHILDREN MUST BE SUBMITTED AND SUCCESSFULLY COMPLETED PRIOR TO CARING FOR CHILDREN OR ALLOWING THE INDIVIDUAL UNSUPERVISED ACCESS TO CHILDREN IN CHILD CARE CENTERS (LESS THAN 24-HOUR CARE), SCHOOL-AGED CHILD CARE FACILITIES, FAMILY CHILD CARE HOMES, AND QUALIFIED EXEMPT PROVIDER HOMES.**
34. Requests for a criminal record check, **OTHER THAN THOSE REQUIRED PER SECTION 7.701.33.D.4.a,** must be submitted to the CBI within five (5) working days of the day that the individual begins to work at the facility or agency.
- a. **CRIMINAL BACKGROUND CHECK REQUESTS MUST BE SUBMITTED AND SUCCESSFULLY COMPLETED PRIOR TO AN INDIVIDUAL CARING FOR CHILDREN OR ALLOWING THE INDIVIDUAL UNSUPERVISED ACCESS TO CHILDREN IN CHILD CARE CENTERS (LESS THAN 24-HOUR CARE), SCHOOL-AGED CHILD CARE FACILITIES, FAMILY CHILD CARE HOMES, AND QUALIFIED EXEMPT PROVIDER HOMES.**
5. **EVERY FIVE (5) YEARS REQUESTS FOR FBI CRIMINAL RECORD CHECKS MUST BE RENEWED BY RESUBMITTING A COMPLETE SET OF FINGERPRINTS AND THE REQUIRED FEE TO CBI FOR PROCESSING. AN UPDATED CLEARANCE LETTER OR VERIFICATION OF THE SUBMISSION OF THE REQUEST MUST BE OBTAINED PRIOR TO FIVE (5) YEARS FROM THE DATE REFLECTED ON THE CURRENT CLEARANCE LETTER.**
56. For the purposes of these rules, “convicted” means a conviction by a jury or by a court and shall also include a deferred judgment and sentence agreement, a deferred prosecution agreement, a deferred adjudication agreement, an adjudication, and a plea of guilty or *nolo contendere*.
67. Facilities and agencies that hire individuals who have been convicted of any felony, except those listed in a-f below, unlawful sexual behavior, or any misdemeanor, the underlying factual basis of which has been found by the court on record to include an act of domestic violence must inform the department of that hiring within fifteen (15) calendar days of receiving knowledge of the conviction.
78. A child care facility shall not employ, or a child placement agency shall not employ or certify,

an individual who has been convicted of:

- a. Child abuse, as specified in Section 18-6-401, C.R.S.
- b. A crime of violence, as defined in Section 18-1.3-406, C.R.S.
- c. An offense involving unlawful sexual behavior, as defined in Section 16-22-102(9), C.R.S.
- d. A felony, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in Section 18-6-800.3, C.R.S.
- e. A felony involving physical assault, battery, or a drug-related offense within the five years preceding the date of application for a license or certificate.
- f. A pattern of misdemeanor convictions within the ten (10) years immediately preceding submission of the application. "Pattern of misdemeanor" shall include consideration of Section 26-6-108(2), C.R.S., regarding suspension, revocation and denial of a license, and shall be defined as:
  1. Three (3) or more convictions of third (3<sup>rd</sup>) degree assault as described in Section 18-3-204, C.R.S., and/or any misdemeanor, the underlying factual basis of which has been found by any court on the record to include an act of domestic violence as defined in Section 18-6-800.3, C.R.S.; or
  2. Five (5) misdemeanor convictions of any type, with at least two (2) convictions of third (3<sup>rd</sup>) degree assault as described in Section 18-3-204, C.R.S., and/or any misdemeanor, the underlying factual basis of which has been found by any court on the record to include an act of domestic violence as defined in Section 18-6-800.3, C.R.S. or,
  3. Seven (7) misdemeanor convictions of any type.
- g. Any offense in any other state, the elements of which are substantially similar to the elements listed in a- f.

89. No license or certificate to operate any agency or facility shall be issued by the Department, a county department of human or social services, or a licensed Child Placement Agency if the person applying for such license or certificate or an affiliate of the applicant, a person employed by the applicant, or a person who resides with the applicant of the facility has been determined to be insane or mentally incompetent by a court of competent jurisdiction and, should a court enter, pursuant to Part 3 or Part 4 of Article 14 of Title 15, C.R.S. or Section 27-65-109(4) or 27-65-127, C.R.S., an order specifically finding that the mental incompetency or insanity is of such degree that the applicant is incapable of operating a family child care home, foster care home, child care center, or child placement agency, the record of such determination and entry of such order being conclusive evidence thereof.

- E. Payment of the fee for the FBI check is the responsibility of the individual who is obtaining the check or the facility or agency. Certified foster parent(s) or any person eighteen (18) years of age or older who resides with a certified foster parent must obtain a criminal record check from the FBI regardless of the length of residence in Colorado.
- F. The Department may deny, revoke, suspend, change to probationary or fine a child care facility or child placement agency if the applicant(s), an affiliate of the applicant, or any person living with or employed by the applicant has:
  1. Been convicted in Colorado or in any other state of any felony, or has entered into a deferred judgment agreement or a deferred prosecution agreement in Colorado or in any other state to any felony other than those offenses specified in Section 26-6-104(7), C.R.S., or child



- abuse, as specified in Section 18-6-401, C.R.S., the record of conviction being conclusive evidence thereof, notwithstanding Section 24-5-101, C.R.S.; or
2. Been convicted of third degree assault, as described in Section 18-3-204, C.R.S., any misdemeanor, the underlying factual basis of which has been found by the court on any record to include an act of domestic violence, as defined in Section 18-6-800.3, C.R.S., any misdemeanor violation of a restraining order, as described in Section 18-6-803.5, C.R.S., any misdemeanor offense of child abuse as defined in Section 18-6-401, C.R.S., or any misdemeanor offense in any other state, the elements of which are substantially similar to the elements of any one of the offenses described in this paragraph; or
  3. Used any controlled substance as defined in Section 12-22-303(7), C.R.S. or consumed any alcoholic beverage or been under the influence of a controlled substance or alcoholic beverage during the operating hours of the facility; or
  4. Been convicted of unlawful use of a controlled substance as specified in Section 18-18-404, C.R.S., unlawful distribution, manufacturing, dispensing, sale, or possession of a controlled substance as specified in Section 18-18-405, C.R.S., or unlawful offenses relating to marijuana or marijuana concentrate as specified in Section 18-18-406, C.R.S.; or
  5. Consistently failed to maintain standards prescribed and published by the Colorado Department of Human Services; or
  6. Furnished or made any misleading or any false statement or report to the Colorado Department of Human Services; or
  7. Refused to submit to the Colorado Department of Human Services any reports, or refused to make available to the Department any records required by it in an investigation of the facility for licensing purposes; or
  8. Failed or refused to submit to an investigation or inspection by the Colorado Department of Human Services or to admit authorized representatives of the Department at any reasonable time for the purpose of investigation or inspection; or
  9. Failed to provide, maintain, equip, and keep in safe and sanitary condition premises established or used for child care pursuant to standards prescribed by the Colorado Department of Public Health and Environment and the Colorado Department of Human Services or by ordinances of regulations applicable to the location of the foster care home; or
  10. Willfully or deliberately violated any of the provisions of the Child Care Licensing Act; or
  11. Failed to maintain financial resources adequate for the satisfactory care of children served in regard to upkeep of premises and provision for personal care, medical services, clothing, and other essentials in the proper care of children; or
  12. Been charged with the commission of an act of child abuse or an unlawful sexual offense, as specified in Section 18-3-411(1), C.R.S., if:
    - a. Such individual has admitted committing the act or offense and the admission is documented or uncontroverted; or
    - b. An Administrative Law Judge finds that such charge is supported by substantial evidence.
  13. Admitted to an act of child abuse or if substantial evidence is found that the licensee, person employed by the licensee, or person who resides with the licensee in the foster home has committed an act of child abuse, as defined at Section 19-1-103(1), C.R.S.; or
  14. Been the subject of a negative licensing action; or

15. Misuse any public funds that are provided to any foster care home or any child placement agency that places, or arranges for placement of a child in foster care for the purposes of providing foster care services, child placement services related to the provision of foster care, or any administrative costs related to the provision of such foster care services or such foster-care-related child placement services.
- G. The Department may deny an application for a child care facility license or a child placement agency license if the applicant is a relative affiliate of a licensee, as described in Section 26-6-102(1)(d), C.R.S., of a child care facility or child placement agency, which is the subject of a previous negative licensing action or is the subject of a pending investigation by the Department that may result in a negative licensing action.
- H. For all CBI fingerprint-based criminal history record information checks required in this Section 7.701.33, including those confirming a criminal history as well as those confirming no criminal history, the Department will conduct a comparison search on the State Judicial Department's court case management system and the sex offender registry of the Colorado Department of Public Safety. The court case management search must be based on name, date of birth, and address, in addition to any other available criminal history data that the Department deems appropriate, is used to determine the type of crime(s) for which a person was arrested or convicted and the disposition thereof. The sex offender registry search is used to determine whether the address of a licensee or prospective licensee is listed as belonging to a registered sex offender, except that:
1. County departments of human or social services must conduct sex offender searches in the CBI sex offender registry and the national sex offender public website operated by the United States Department of Justice prior to certification and annually; include a copy in the provider record using the following criteria at a minimum:
    - a. Known names and addresses of each adult residing in the foster care home or kinship foster care home; and,
    - b. Address only, of the foster care home or the kinship foster care home.
  2. Child placement agencies must conduct sex offender searches in the CBI sex offender registry and the national sex offender public website operated by the United States Department of Justice prior to certification and annually, includes copy in the provider record using the following criteria at a minimum:
    - a. Known names and addresses of each adult residing in the foster care home or kinship foster care home; and,
    - b. Address only of each adult residing in the foster care home or the kinship foster care home.
- I. Portability of Background Checks
1. Where two or more individually licensed facilities are wholly owned, operated, and controlled by a common ownership group or school district, a fingerprint-based criminal history records check and a check of the Records and Reports of child abuse or neglect maintained by the department, completed for one of the licensed facilities of the common ownership group or school district pursuant to this section for whom a criminal records check is required under Section 26-6-107, C.R.S., may satisfy the records check requirement for any other licensed facility under the same common ownership group or school district. A new fingerprint-based criminal history records check or new check of the child abuse or neglect Records and Report must not be required of such an individual if the common ownership group or school district maintains a central records management system for employees of all its licensed facilities; takes action as required pursuant to Section 26-6-104, C.R.S., when informed of the results of a fingerprint-based criminal history records check or check of the of child abuse or neglect Records and Report that requires action pursuant to Section 26-6-107 C.R.S.; and informs the Department whenever an additional licensed facility comes under or is no longer under its ownership or control.

2. When a licensee is inspected pursuant to the Child Care Licensing Act and records regarding CBI and FBI fingerprint-based criminal background checks, as well as records and reports of child abuse and neglect maintained by the State Department, and the comparison search on the ICON system at the State Judicial system are held at a central records management system, the licensee must be afforded fourteen (14) calendar days to provide to the State Department documentation necessary to verify that employees at the licensed facility have the required records related to fingerprint-based criminal background checks.

#### **7.701.34 Fire and Health Inspections, Zoning Codes**

- A. Prior to the original license being issued, following the renovation of the facility that would affect the licensing of the facility and at least every two (2) years thereafter, all child care facilities except family child care homes and Neighborhood Youth Organizations must be inspected and obtain an approving inspection report from the local department of health or the Colorado Department of Public Health and Environment and from the local fire department. These reports must be maintained at the facility and be available for review upon request by a Licensing Specialist.
- B. Prior to the original license being issued, all child care facilities, except for foster homes and specialized group facilities, that are providing care for three or fewer children who are determined to have a developmental disability by a community centered board or who have a serious emotional disturbance, must submit to the State Department written approval from the local zoning department approving operation of the facility. The approval must include the address of the child care facility and the ages and numbers of children to be served. The facility must also submit written zoning department approval to the State Department any time there is a change to the license, including moving the facility to another location, increasing the capacity, or adding different ages of children.
- C. All child care facilities must operate in compliance with local planning and zoning requirements of the municipality, city and county, or county where the facility is located.

#### **7.701.35 Changes Requiring a New Application**

A license is deemed surrendered and a new application is required in any of the following circumstances:

- A. Change of licensee, owner, or governing body;
- B. Change in classification of facility or service offered; or
- C. Change in location of the facility.

#### **7.701.36 Types of Licenses**

##### **7.701.361 Permanent License**

- A. A permanent license is granted when the Department is satisfied that the facility or agency is in compliance with the appropriate Department rules and the Child Care Licensing Act. The permanent license remains in effect until surrendered or revoked.
- B. Once a permanent license has been issued, the licensee must annually submit to the Department a declaration of compliance with the applicable licensing rules and notice of continuing operation on the form prescribed by the Department, along with the appropriate annual fee as set forth at Section 7.701.4.
- C. Failure to submit the annual Continuation Notice and fee will constitute a consistent failure to maintain Department standards and may result in fines or the revocation of the license.

##### **7.701.362 Time-Limited License**

- A. A time-limited license is granted for specific types of child care facilities or agencies when the Department is satisfied that the facility or agency is in compliance with the appropriate Department rules and the Child Care Licensing Act. The time-limited license will expire on a set date.
- B. Once a time-limited license has been issued, the licensee must submit a renewal application and appropriate fee prior to the expiration of the time-limited license. This will keep the license in effect until a new time-limited license can be issued.
- C. Failure to submit the renewal application prior to the expiration of the time-limited license will result in the expiration of the license and closure of the facility.

**7.701.363 Provisional License**

- A. A provisional license or certificate may be issued only for the initial six (6) month licensing period.
- B. This license permits the facility to operate while it is temporarily unable to conform to all rules upon proof by the applicant that attempts are being made to comply with the rules.
- C. If an applicant holds a valid provisional license at the time of application for a permanent license, the provisional license will remain in effect until the application is acted on by the Department.

**7.701.364 Probationary License**

- A. A probationary license or certificate may be granted to a licensed facility or agency as provided in Section 26-6-108(2), C.R.S.
- B. If the applicant holds a valid probationary license and submits the renewal application and appropriate fee for a permanent license, the current license will remain in effect until the renewal application is acted on by the Department.

**7.701.365 Multiple Licenses**

- A. If a licensee wishes to assume child care responsibility in more than one classification of care, separate applications, fees, and licensing evaluations are required for each classification. A Family Child Care Home and a Specialized Group Home may only be licensed as one type of classification at any one location address.
- B. If a licensee wishes to operate more than one facility of the same classification but at different locations, a separate application, fee, and evaluation are required for each location.

**7.701.4 Fees**

**A. 7.700 CHILD CARE FACILITY LICENSING**

**7.701 GENERAL RULES FOR CHILD CARE FACILITIES**

**7.701.4 FEES**

- A. The appropriate application fee outlined in 7.701.4, c, must be submitted to the department with the application for a child care, agency or neighborhood youth organization license at least sixty (60) calendar days prior to the anticipated opening date of the facility or the expiration date of the provisional or probationary license.
- B. The appropriate annual continuation fee outlined in 7.701.4, c, must be submitted to the department annually, at least sixty (60) calendar days prior to the anniversary date of the license, along with a completed continuation declaration.
- C. Following is a schedule of original and annual continuation fees for all types of child care facilities and agencies:

<b>FAMILY CHILD CARE HOMES (1-6 CHILDREN)</b>			
	<u>Beginning 2018</u>	<u>Beginning 2019</u>	<u>2020 and beyond</u>
Original Application	\$35.00	\$55.00	\$65.00
Continuation	\$35.00	\$55.00	\$65.00
*(ONE YEAR FROM LICENSED ANNIVERSARY DATE)			

<b>LARGE FAMILY CHILD CARE HOMES (7-12 CHILDREN)</b>			
	<u>Beginning 2018</u>	<u>Beginning 2019</u>	<u>2020 and beyond</u>
Original Application	\$55.00	\$75.00	\$100.00
Continuation	\$55.00	\$75.00	\$100.00
*(One year from licensed anniversary date)			

<b>EXPERIENCED FAMILY CHILD CARE PROVIDER (UP TO 9 CHILDREN)</b>			
	<u>Beginning 2018</u>	<u>Beginning 2019</u>	<u>2020 and beyond</u>
Original Application	\$55.00	\$75.00	\$100.00
Continuation	\$55.00	\$75.00	\$100.00
*(One year from licensed anniversary date)			

<b>SMALL CHILD CARE CENTERS, PRESCHOOLS, SCHOOL AGE CHILD CARE, CHILDREN'S RESIDENT CAMPS AND NEIGHBORHOOD YOUTH ORGANIZATIONS (5-15 CHILDREN)</b>			
	<u>Beginning 2018</u>	<u>Beginning 2019</u>	<u>2020 and beyond</u>
Original Application	\$125.00	\$150.00	\$200.00
Continuation	\$125.00	\$150.00	\$200.00
*(One year from licensed anniversary date)			

<b>LARGE CHILD CARE CENTERS, PRESCHOOLS, SCHOOL AGE CHILD CARE, CHILDREN'S RESIDENT CAMPS AND NEIGHBORHOOD YOUTH ORGANIZATIONS (16-30 CHILDREN)</b>			
Facilities in this category will pay a base fee + a per child in capacity fee not to exceed \$1,800			
	<u>Beginning 2018</u>	<u>Beginning 2019</u>	<u>2020 and beyond</u>
Original Application	Base \$150.00+ \$2.00 Per Child	Base \$175.00+ \$2.00 Per Child	Base \$175.00+ \$3.00 Per Child
Continuation	Base \$150.00+ \$2.00 Per Child	Base \$175.00+ \$2.00 Per Child	Base \$175.00+ \$3.00 Per Child
*(One year from licensed anniversary date)			

<b>LARGE CHILD CARE CENTERS, PRESCHOOLS, SCHOOL AGE CHILD CARE, CHILDREN'S RESIDENT CAMPS AND NEIGHBORHOOD YOUTH ORGANIZATIONS (31 OR MORE CHILDREN)</b>			
<b>Facilities in this category will pay a base fee + a per child in capacity fee not to exceed \$1,800</b>			
	<b><u>Beginning 2018</u></b>	<b><u>Beginning 2019</u></b>	<b><u>2020 and beyond</u></b>
<b>Original Application</b>	Base \$200.00 + \$2.00 Per Child	Base \$250.00 + \$2.00 Per Child	Base \$300.00 + \$3.00 Per Child
<b>Continuation</b>	Base \$200.00 + \$2.00 Per Child	Base \$250.00 + \$2.00 Per Child	Base \$300.00 + \$3.00 Per Child
<b>*(one year from licensed anniversary date)</b>			

<b>Day Treatment Facilities</b>			
	<b><u>Beginning 2018</u></b>	<b><u>Beginning 2019</u></b>	<b><u>2020 and beyond</u></b>
<b>Original Application</b>	\$500.00	\$665.00	\$884.00
<b>Continuation 0-12 Students</b>	\$340.00	\$438.00	\$535.00
<b>Continuation 13-25</b>	\$556.00	\$716.00	\$875.00
<b>Continuation 26-50 Students</b>	\$770.00	\$992.00	\$1,216.00
<b>Continuation 51 or more Students</b>	\$1,003.00	\$1,291.00	\$1,580.00
<b>*(one year from licensed anniversary date)</b>			

<b>Specialized Group Facilities</b>			
	<b><u>Beginning 2018</u></b>	<b><u>Beginning 2019</u></b>	<b><u>2020 and beyond</u></b>
<b>Original Application</b>	\$200.00	\$266.00	\$354.00
<b>Continuation</b>	\$169.00	\$217.00	\$267.00
<b>*(one year from licensed anniversary date)</b>			

<b>Child Placement Agency- Foster Care</b>			
	<b><u>Beginning 2018</u></b>	<b><u>Beginning 2019</u></b>	<b><u>2020 and beyond</u></b>
<b>Original Application</b>	\$880.00	\$1,133.00	\$1,386.00
<b>Continuation 0-5 Homes</b>	\$448.00	\$577.00	\$705.00
<b>Continuation 6-15 Homes</b>	\$571.00	\$732.00	\$899.00
<b>Continuation 16-30 Homes</b>	\$710.00	\$914.00	\$1,108.00
<b>Continuation 31-50 Homes</b>	\$834.00	\$1,074.00	\$1,313.00
<b>Continuation 51 or More Homes</b>	\$973.00	\$1,253.00	\$1,532.00
<b>*(one year from licensed anniversary date)</b>			

<b>Child Placement Agency- Adoption</b>			
	<b>Beginning 2018</b>	<b>Beginning 2019</b>	<b>2020 and beyond</b>
<b>Original Application</b>	\$672.00	\$865.00	\$1,059.00
<b>Continuation 0-5 Finalized Adoptions</b>	\$340.00	\$423.00	\$513.00
<b>Continuation 6-11 Finalized Adoptions</b>	\$379.00	\$488.00	\$597.00
<b>Continuation 12-17 Finalized Adoptions</b>	\$401.00	\$516.00	\$632.00
<b>Continuation 18-23 Finalized Adoptions</b>	\$448.00	\$577.00	\$705.00
<b>Continuation 24 or More Finalized Adoptions</b>	\$463.00	\$596.00	\$730.00
<b>*(one year from licensed anniversary date)</b>			

A child placement agency licensed for both foster care and adoptions will pay only one fee, either the foster care fee or the adoption fee, whichever is greater. The annual report required by regulation 7.710.72, b, must be attached.

<b>Homeless Youth Shelter</b>			
	<b>Beginning 2018</b>	<b>Beginning 2019</b>	<b>2020 and beyond</b>
<b>Original Application</b>	\$500.00	\$665.00	\$884.00
<b>Continuation</b>	\$463.00	\$596.00	\$729.00

<b>Residential Childcare Facility</b>			
	<b>Beginning 2018</b>	<b>Beginning 2019</b>	<b>2020 and beyond</b>
<b>Original Application</b>	\$1,111.00	\$1,430.00	\$1,750.00
<b>Continuation 0-12 Children/Youth</b>	\$340.00	\$438.00	\$535.00
<b>Continuation 13-25 Children/Youth</b>	\$556.00	\$716.00	\$875.00
<b>Continuation 26-50 Children/Youth</b>	\$770.00	\$992.00	\$1,216.00
<b>Continuation 51-100 Children/Youth</b>	\$1,003.00	\$1,291.00	\$1,580.00
<b>Continuation 101 or more Children/Youth</b>	\$1,235.00	\$1,570.00	\$1,800.00
<b>*(one year from licensed anniversary date)</b>			
<b>** (With Shelter add 100.00 to all listed license fees)</b>			
<b>*** (With PRTF add 200.00 to all listed license fees)</b>			

<b>Secure Residential Childcare Facility</b>			
	<b>Beginning 2018</b>	<b>Beginning 2019</b>	<b>2020 and beyond</b>
<b>Original Application</b>	\$1,297.00	\$1,670.00	\$1,800.00
<b>Continuation</b>	\$1,297.00	\$1,670.00	\$1,800.00

<b>Changes Made to All License Types</b>			
	<b>Beginning 2018</b>	<b>Beginning 2019</b>	<b>2020 and beyond</b>
<b>Changes to Licensed Capacity</b>	\$62.00	\$80.00	\$97.00

<b>Changes to Physical Premises</b>	\$62.00	\$80.00	\$97.00
<b>Duplicate Licenses</b>	\$40.00		

- E. International adoption agencies with out-of-state offices will be required to reimburse the State for actual and necessary charges involved with travel to out-of-state offices.
- F. The appropriate administrative and criminal background check fees (refer to Section 7.701.33) paid with certified funds (i.e., money order or cashier's check) outlined in Section 3.905.1, A (9 CCR 2503-1) must be submitted to the State Department along with the completed background check packet upon renewal or signing a new fiscal agreement with the county to receive Colorado Child Care Assistance funds.

<b>CCCAP – Exempt Family Child Care Homes</b>	
Administration Fee for SFY2007 Initial Fingerprint Packet	\$9.00
Administrative Fee for Subsequent Year Initial Fingerprint Packet	\$11.00

- G. The appropriate fee must be submitted for each appeal request submitted within each licensing year. There will be no charge for waiver requests or emergency appeals.

<b>LESS THAN 24 HOUR APPEAL AND FEES (PER CALENDAR YEAR)</b>	
Initial appeal request	Free
Second appeal request	\$10.00 Each
Three or more requests	\$25.00 Each
Emergency Appeals	Free

- H. Any eligible child care facility providing less than 24 hour care that holds a Colorado shines level 3-5 and an average annual enrollment of at least fifty (50) percent of total children enrolled receiving CCCAP or enroll on average at least fifty (50) percent of the county's total CCCAP population may receive a discounted continuation fee of up to fifty (50) percent of their respective license type. The Colorado shines rating and CCCAP enrollment must be verified by the department.

**7.701.5 ADMINISTRATION**

**7.701.51 Governing Body**

- A. The governing body must be identified by its legal name on the original application and annual continuation notice. The names and addresses of individuals who hold primary financial control and officers of the governing body must be fully disclosed to the Department.
- B. The governing body must demonstrate to the Department, upon request, that there is sufficient financial support to operate and maintain the facility in accordance with all rules in Section 7.701, the rules regulating the specific type of facility, and the goals and objectives of the facility.

**7.701.52 Reports**

Critical incident reporting for 24-hour agencies, facilities and day treatment:

Within twenty four (24) hours, excluding weekends and holidays, of the occurrence of a critical incident at the facility or within twenty four (24) hours of a child's return to the facility:

- 1. Death



- a. Report any child/youth death in the facility or foster home while a child has an open placement, to include while a child is on or off grounds;
  - b. Report death of a child/ youth while a child is on the premises of day treatment;
  - c. Report death of staff while on duty;
  - d. Report death of foster parent with child(ren)/ youth in placement;
  - e. Report death of volunteer or visitor while on premises.
2. Abuse and neglect
- a. Report any allegation, suspicion, reasonable cause to know, observation or condition of physical, sexual, verbal, emotional, psychological, or financial abuse to a child/ youth when they are in placement or on the premises;
  - b. Report any allegation, suspicion, reasonable cause to know, observation or condition of physical, deprivation of needs, medical, supervisory, emotional, psychological, or financial neglect to a child/ youth while they are in placement or on the premises;
  - c. Report notification of an open investigation conducted by the county department.
3. Injury
- a. Report any serious injury to a child/youth that requires emergency medical attention by a health care professional outside of the facility or admission to a hospital;
  - b. Report any serious injury in which there is no known cause or due to alleged lack of supervision;
  - c. Report any injury, bruise or abrasion on the individual that occurs as a result of a physical management.
  - d. Report any injury to a foster parent, staff, volunteer or visitor as a result of an altercation with a child/youth.
4. Illness
- a. Report any serious illness that requires emergency medical attention by a health care professional outside of the facility or admission to a hospital;
  - b. Report when the wrong medication or dosage is given, or when the prescribed medication is not given to the client child/youth, which results in an adverse side effect (physiological or psychological) which requires treatment from a medical professional outside of the facility to address the adverse effects and ensure the safety of the child/ youth to sustain life;
  - c. A mandatory reportable illness, as required by the Colorado Department Of Public Health And Environment, of a child or staff member;
  - d. Report any suicidal attempt by a child/youth that requires emergency medical attention by a health care professional outside of the facility or admission to a hospital;
  - e. Report any self-injurious behavior by a child/youth that requires emergency medical attention by a health care professional outside of the facility or admission to a hospital;
  - f. Report if a child/youth is placed on a 72-hour/ M1 hold;
  - g. Report if a child, foster parent, or staff on duty receives medical or emergency attention outside of the facility as a result of a drug or alcohol related incident.
5. Emergency response
- a. Report if a fire department responds and extinguishes a fire;
  - b. Report a hazardous situation that occurs that could have possibly threatened the lives of other people around a facility or foster home;
  - c. Report incidents that result in law enforcement taking control of a situation or taking control of a facility or foster home;

- d. Report any major/ credible threat to the security and/or safety of a facility, foster home, or child/youth in out-of-home care;
- e. Report if a law enforcement agency files charges; issues a summons or citation to a child/ youth, and/or a child/youth is arrested while child/youth has an open placement at the facility or foster home, to include when child/youth is on or off grounds;
- f. Report if a child/ youth leaves without consent if under the age of 18 and does not return to the facility or foster home within 24 hours;
- g. Report if division of youth services child/ youth escapes the facility or foster home.

A report of a critical incident must be submitted directly through the Colorado Department of Human Services, Division of Child Welfare, Trails automated system.

**B. Reporting For Family Child Care Homes, Child Care Centers, Preschools, School Age Child Care, Children's Resident Camps And Neighborhood Youth Organizations**

1. Within twenty four (24) hours, excluding weekends and holidays, of the occurrence of a critical incident at the facility or within twenty four (24) hours of a child's return to the facility the licensee must report in writing to The Office of Early Childhood, Division of Early Care And Learning the following critical incidents involving a child in the care of the facility or a staff member on duty:
  - a. All deaths including the death of a child, staff member or volunteer as a result of an accident, suicide, assault, Sudden Unexpected Infant Death or any natural cause while at the facility, or while on authorized or unauthorized leave from the facility. This report must be completed in the online injury system within 24 hours of an incident. If a provider is unable to access the online system, you must use the paper form, and submit the form within 24 hours of the incident.
  - b. An injury to a child or staff member that requires emergency medical attention by a health care professional or admission to a hospital. Whether or not treatment was given. This report must be completed in the online injury system within 24 hours of an incident. If a provider is unable to access the online system, you must use the paper form, and submit the form within 24 hours of the incident.
  - c. A mandatory reportable illness, as required by the Colorado Department of Public Health and Environment, of a child or staff member that requires emergency medical attention by a health care professional or admission to a hospital. This report must be completed in the online injury system within 24 hours of an incident. If a provider is unable to access the online system, you must use the paper form, and submit the form within 24 hours of the incident.
  - d. Any allegation of physical, sexual, or emotional abuse or neglect to a child that results in reporting to a law enforcement, county department of human or social services agency.
  - e. Any fire that is responded to by a local fire department.
  - f. Any major threat to the security of a facility including, but not limited to, a threat to kidnap a child, riots, bomb threats, hostage situations, use of a weapon, or drive by shootings active shooter situation, or lock down, lock out situations.
  - g. A drug or alcohol related incident involving a staff member or a child that requires outside medical or emergency response.

- h. An assault, as defined by Sections 18-3-201 through 18-3-204, C.R.S., by a child upon a child, a child upon a staff member, volunteer or other adult; a staff member, volunteer or other adult upon a child, other staff member or other adult which results in a report to law enforcement.
  - i. A suicide attempt by a child at the facility which requires emergency intervention.
  - j. Felony theft or destruction of property by a child at the facility for which law enforcement is notified.
  - k. Any police or sheriff contact with the facility for a crime committed by a resident while in placement at the facility.
  - l. Any damage to the facility as a result of severe weather, fire, flood, mold or other natural disaster or damage to the facility that prevents the facility from normal operation.
- C. Reports Made to the Department Within Ten (10) Working Days
- 1. Any legal action against a facility, agency, owner, operator, or governing body that relates to or may impact the care or placement of children.
  - 2. Change of director of facility or agency;
  - 3. Closure of the facility or agency;
  - 4. Change of placement supervisor for a child placement agency.
  - 5. Change in Trails CPA supervisor or trails public provider profile.
- D. Changes to a License Requiring Written Notification to the Department Prior to Department Approval
- 1. Proposed change in the number, sex, or age of children for whom the facility is licensed that differs from that authorized by the license.
  - 2. Changes in the physical facility or use of rooms for child care at a facility.
  - 3. Change of name of the facility or agency.
  - 4. Change of residents in the facility, not to include those residents placed in the facility by a county department or a child placement agency.

**7.701.53 Reporting of Child Abuse**

- A. A child care facility must require each staff member of the facility to read and sign a statement clearly defining child abuse and neglect pursuant to state law and outlining the staff member's personal responsibility to report all incidents of child abuse or neglect according to state law.
- B. Any caregiver or staff member in a child care facility who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions that would reasonably result in abuse or neglect must immediately report or cause a report to be made of such fact to the state hotline, county department of human or social services or local law enforcement agency.
- C. If the suspected child abuse occurred at the child care facility, the report of suspected child abuse must be made to the county department of human or social services, police department, or other law enforcement agency in the community or county in which the child care facility is located.

- D. If the suspected child abuse did not occur at the child care facility, the report of suspected child abuse must be made to the county department of human or social services in the county in which the child resides or to the local law enforcement agency in the community in which the incident is believed to have occurred.
- E. At the time of admission the facility must give the child's parent or guardian information that explains how to report suspected child abuse or child neglect.

**7.701.54 Investigation of Child Abuse**

- A. Staff members of the county department of human or social services or a law enforcement agency that investigates an allegation of child abuse must be given the right to interview staff and children in care, and to obtain names, addresses, and telephone numbers of parents or legal guardians of children enrolled at the child care facility.
  - 1. An agency or facility must not interfere or refuse to cooperate with a child protection investigation.
  - 2. An agency or facility must not interview staff or children regarding the specific allegation(s) of child abuse or child neglect until the department of human or social services and/or local law enforcement agency has had the opportunity to interview all appropriate individuals and completed their investigation.
- B. Any report made to the law enforcement authorities or a county department of human or social services of an allegation of abuse of any child at the child care facility will result in the temporary suspension or reassignment of duties of the alleged perpetrator to remove the risk of harm to the child/children if there is reasonable cause to believe that the life or health of the victim or other children at the facility is in imminent danger due to continued contact between the alleged perpetrator and the child/children at the facility. Such suspension or reassignment of duties will remain in effect pending the outcome of the investigation by the appropriate authorities.

**7.701.55 Reporting of Licensing Complaints**

Child care facilities must provide written information to parents or legal guardians at the time of admission and staff members at the time of employment on how to file a complaint concerning suspected licensing violations. For family child care homes, child care centers, preschools, school age child care, children's resident camps and neighborhood youth organizations, the information must include the complete name, mailing address, and telephone number of the Colorado Department of Social or Human Services, Division of Early Care And Learning. For 24-hour care agencies and facilities providing out-of-home care and day treatment facilities, the information must include the complete name, mailing address, and telephone number of the Colorado Department of Human Services, Division of Child Welfare.

**7.701.56 Posting Licensing Information**

- A. At all times during the operating hours of the facility, except for foster care homes, the facility/agency must post the current child care license in a prominent and conspicuous location easily observable by those entering the child care facility or agency. For foster care homes, the certificate must be available for review/upon request.
- B. At all times during the operating hours of a family child care home, child care center, school-age child care center, or children's resident camp, the facility must post its most recent licensing inspection report or a notice as to where the report may be reviewed at the facility by the parent or legal guardian of a child or their designee.
- C. At all times during the operating hours of a Family Child Care Home, Child Care Center, Preschool, School Age Child Care, Children's Resident Camp And Neighborhood Youth Organization, the facility must post in a prominent and conspicuous location information regarding the procedures for filing a complaint with the Colorado Department of Human Services, Division Of Early Care And Learning,

including the telephone number and mailing address. All 24-hour care agencies and facilities providing out-of-home care and Day Treatment facilities must post in prominent and conspicuous location information regarding the procedures for filing a complaint with the Colorado department of human services, division of child welfare, including the telephone number and mailing address. For foster care homes and child placement agencies, information for filing a complaint must be made available upon request.

- D. All facilities, except Family Child Care Homes must post in every room of the child care facility, excluding bedrooms and living areas, the license capacity of the room and the staff-to-child ratio required by regulation to be maintained for the age of children cared for in the room.

#### **7.701.6 Confidentiality of Records**

- A. The records concerning the licensing of facilities and agencies are open to the public except as provided below.
- B. Anyone wishing to review a record must make a written request to the Department.
- C. The following documents are confidential and not available for review:
  - 1. Information identifying children or their families;
  - 2. Scholastic records, health reports, social or psychological reports. These are available only to the person in interest;
  - 3. Personal references requested by the Department; and
  - 4. Reports and records received from other agencies, including police and child protection investigation reports.

#### **7.701.7 Parental Accessibility**

- A. During hours of operation, a facility must allow access to parents and guardians having legal custody of a child in care to those areas of the facility that are licensed for child care.
- B. During the hours of operation, the facilities most recent licensing, fire department, and health department inspection reports must be accessible to parents and legal guardians of children in care or their designee and to parents and legal guardians considering placing their children in care at the facility.
- C. A facility does not violate this section when it restricts access by a parent, guardian or their designee to a child during an emergency as instructed by local authorities.

#### **7.701.8 Perjury Statement - Application Forms for Employment with a Child Care Provider**

Every application used in the State of Colorado for employment with a child care provider or facility, or for the certification of a foster home, must include the following notice to the applicant:

“Any applicant who knowingly or willfully makes a false statement of any material fact or thing in the application is guilty of perjury in the second degree as defined in Section 18-8-503, C.R.S., and, upon conviction thereof, shall be punished accordingly.”

#### **7.701.9 General Health Rules**

##### **7.701.91 Smoking and Tobacco Products**

Pursuant to 26-6-106(2)(e), C.R.S., 25-14-103.5, C.R.S., and 18-13-121, C.R.S., tobacco and nicotine products are prohibited by law from use in and around licensed child care facilities.

- A. Smoking and tobacco product use is prohibited at all times while transporting children on field trips and excursions.
- B. Smoking and tobacco product use is not prohibited in Family Child Care Homes during non-business hours.
- C. Foster parents are exempt from this rule when no children are in placement.

**7.701.100 Emergency and Disaster Preparedness for Child Care Centers, Family Child Care Homes, School-Age Programs, and Children’s Resident Camps**

- A. Prior to caring for children, all staff must complete a department-approved training in emergency and disaster preparedness. For seasonal children’s resident camp programs, operating no more than 90 days per calendar year, at least one on site director must be trained in the department approved training.
- B. Evacuation, Shelter in Place, Lockdown, and Active Shooter on Premises Plans for Children in Care

All child care providers must have a written plan for evacuating and safely moving children to an alternate site, as well as lockdown, shelter in place, and active shooter on premises. The plan must include provisions for multiple types of hazards, such as floods, fires, tornadoes, and active shooter situations. All employees of a child care provider must also be trained on the programs written plan prior to caring for children.

- 1. “Lockdown drill” means a drill in which the occupants of a building are restricted to the interior of the building and the building is secured.
- 2. “Shelter-in-place drill” means a drill in which the occupants of a building seek shelter in the building from an external threat.
- 3. “Active shooter on premises drill” means a drill to address an individual actively engaged in killing or attempting to kill people in a confined space or other populated area.

**C. Reuniting Families After an Emergency or Disaster**

All child care providers must have a written plan for emergency notification of parents and reunification of families following an emergency or disaster.

**D. Children with Disabilities and Those with Access and Functional Needs**

All child care providers must have a written plan that accounts for children with disabilities and those with access and functional needs. The plan must include a specific requirement indicating how all children with special needs will be included in the emergency plan.

**E. Continuity of Operations After a Disaster**

- 1. All child care providers must have a written plan for continuity of operations in the aftermath of an emergency or disaster. Components of the plan must include:
  - A. Responsibility for essential staffing needs and predetermined roles during and after the emergency or disaster;
  - B. Procedure for backing up or retrieving staff and children’s files; and
  - C. Procedure for protecting confidential and financial records.

2. During an emergency or other significant, unexpected event, a child care facility may request an emergency waiver to move to a temporary location or exceed capacity, on a temporary basis, to accept children and families from affected areas.

F. Fire, Natural Disaster, and Emergency Drills

1. Each staff member of the facility must be trained in fire safety and the use of available fire extinguishers and fire alarms.
2. Emergency drills, lockdown and active shooter on premises drills must be held at least quarterly but often enough so that all occupants are familiar with the drill procedure and their conduct during a drill is a matter of established routine. Fire drills must be held monthly and be consistent with local fire department procedures. Tornado drills must be held monthly from March to October. A record of all emergency drills held over the past twelve (12) months must be maintained by the facility or center, including date and time of drill, number of adults and children participating, and the amount of time taken to evacuate.
3. Drills must be held at unexpected times and under varying conditions to simulate the conditions of an actual fire or other emergency event.
4. Drills must emphasize orderly evacuation under proper discipline rather than speed. No running should be permitted.
5. Drills must include suitable procedures for ensuring that all persons in the building, or all persons subject to the drill, actually participate.
6. Fire alarm equipment must be used regularly in the conduct of fire exit drills. Hand bells or other alarm emanating devices may be used in lieu of fire alarm equipment if use of fire alarm equipment is not feasible including, but not limited to, facilities operating in buildings where multiple unrelated tenants share a common fire alarm system.
7. If appropriate to the location of the center, forest fire, tornado and/or flood drills must be held often enough that all occupants are familiar with the drill procedure and their conduct during a drill is a matter of established routine. A record of drills held over the past twelve (12) months must be maintained by the center.
8. For children's resident camps, at least one fire drill must be held within twenty-four (24) hours of the commencement of each camp session. The dates of the fire drills must be recorded in the camp office.
9. There must be a carbon monoxide detector installed in the area of the child care facility as recommended by the manufacturer and in the area where children and youth sleep.

**7.701.200 The Reasonable and Prudent Parent Standard Requirements for Facilities Providing Twenty-Four (24) Hour Out-Of-Home Care to Approve Activities for a Child or Youth in Foster Care**

Children and youth in foster care are entitled to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities as part of their well-being needs.

Providers must use a "reasonable and prudent parent standard" when determining whether to allow a child or youth in foster care, under the responsibility of the county or in non-secure residential settings under the Division of Youth Services (DYS), to participate in such activities following the criteria in A and B:

- A. For an activity to be approved consistent with the reasonable and prudent parent standard, the activity must:
  1. Maintain the health, safety, and best interests of each child or youth;

2. Encourage his/her emotional and developmental growth;
  3. Be age or developmentally appropriate; and,
  4. Be otherwise appropriate for the provider to approve.
- B. When applying the reasonable and prudent parent standard and prior to approval of the activity, the provider must take reasonable steps to obtain or determine:
1. Adequate information about the child or youth, including the youth's particular religious, cultural, social, or behavioral attributes and preferences;
  2. Behavioral and/or mental health stability of the child or youth;
  3. The age or developmental appropriateness of the activity; and,
  4. Whether the risk of reasonably foreseeable harm involved in the activity is at an acceptable level.
- C. The responsible county department of human or social services or DYS must receive the same state training in applying the reasonable and prudent parent standard, and must receive ongoing training by their respective certifying or sponsoring agencies or governing body, as needed.
- D. At least one trained one (1) staff or administrator in a specialized group facility or Residential Child Care Facility (RCCF) must be designated as authorized to apply the reasonable and prudent parent standard to decisions involving the participation of a child or youth in extracurricular, enrichment, cultural, or social activities.
- E. The rationale used to authorize an activity for a child or youth must be clearly documented in the facility records and provided in a timely manner to the county department of human or social services or DYS using the contracted, written reporting format.
1. The facility must consult with and obtain a current copy of the policy from the responsible county department of human or social services or DYS regarding activities that are considered appropriate for the facility to approve.
 

The responsible county department of human or social services or DYS may restrict certain activities based upon the documented exceptional needs and circumstances of a child or youth in foster care, which impact his/her unique safety needs.
  2. The wishes of the parents/legal custodian must be considered, including cultural implications, whenever practical.
  3. The facility may consult with the responsible agency for guidance about individual cases.
- F. Providers must not incur liability to the State Department or to the county department of human or social services because of an extracurricular, enrichment, cultural, or social activity approved by the provider if the provider demonstrates compliance with the reasonable and prudent parent standard. In a child welfare investigation arising out of such an activity approved by the provider, the facility must not be founded for institutional neglect if the provider demonstrates compliance with the reasonable and prudent parent standard.



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).

**7.702.1 DEFINITIONS [Rev. eff. 2/1/16]**

- A. 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.
- B. Child care centers, less than 24-hour programs of care, include the following types of facilities:
  - 1. A “large child care center” provides care for 16 or more children between the ages of 2 1/2 and 18 years.
  - 2. A “small child care center” provides care for 5 through 15 children between the ages of 2 and 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. “Preschool” is a part-day child care program for 5 or more children between the ages of 2 1/2 and 7 years.
  - 6. “Kindergarten” provides a program for children the year before they enter the first grade.
  - 7. “Full day program” enrolls children for five (5) or more hours per day.
  - 8. “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.
  - 9. A “drop-in child care 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.
  - 10. “Staff”: all references to staff or staff positions include paid staff and equally qualified volunteers under Section 7.702.44, E.
- C. Licensed child care 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 [Rev. eff. 2/1/16]**

(See also “Administration” at 7.701.5, 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 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.
- 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.
- F. The director of a part-day preschool program operated by an accredited public school system is responsible for administering the center in accordance with licensing rules and supervising the early childhood program. The director or staff designated by the governing body must plan for or participate in orientation and staff development, supervise or coordinate staff activities, participate in the evaluation of staff performance, and participate in program activities.

**7.702.3 POLICIES AND PROCEDURES [Rev. eff. 2/1/16]**

**7.702.31 Statement of Policies and Procedures [Rev. eff. 2/1/16]**

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. Policies must include the following:

- A. The center's purpose and its philosophy on child care;
- B. The ages of children accepted;
- C. The hours the center is open, specific hours during which special programs are offered, and, holidays when the center is closed;
- D. The procedure regarding inclement and excessively hot weather;
- E. The procedure concerning admission and registration of children including whether non-immunized or under immunized children are enrolled in the program;
- F. An itemized fee schedule;
- G. The procedure for identifying where children are at all times;
- H. The center's procedure on guidance, positive instruction, supporting positive behavior, discipline and consequences, including how the center will:
  - 1. Cultivate positive child, staff and family relationships;
  - 2. Create and maintain a socially and emotionally respectful early learning and care environment;
  - 3. Implement teaching strategies supporting positive behavior, pro-social peer interaction, and overall social and emotional competence in young children;
  - 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,

5. Access an early childhood mental health consultant or other specialist as needed.
- I. The procedure, including notification of parents or guardians, for handling children's illnesses, accidents, and injuries;
- J. The procedures for responding to emergencies such as lost children, tornadoes, and fires;
- K. The procedure for transporting children, if applicable, including transportation arrangements and parental permission for excursions and related activities;
- L. The procedure governing field trips, television and video viewing, and special activities, including staff responsibility for the supervision of children;
- M. The procedure on children's safety related to riding in a vehicle, seating, supervision, and emergency procedures on the road;
- N. The procedure for releasing children from the center only to persons for whom the center has written authorization;
- O. 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;
- P. 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;
- Q. The procedure for storing and administering children's medicines and delegation of medication administration in compliance with Section 12-38-132, C.R.S., of the "Nurse Practice Act";
- R. The procedure concerning children's personal belongings and money;
- S. Meals and snacks;
- T. Diapering and toilet training;
- U. Visitors to the center;
- V. Parent and staff conferences to inform the parents or guardians of the child's behavior, progress, and social and physical needs;
- W. The procedure for filing a complaint about child care (see 7.701.5, General Rules for Child Care Facilities);
- X. Reporting of child abuse (see 7.701.5, General Rules for Child Care Facilities);
- Y. Notification when child care service is withdrawn and when parents or guardians withdraw their children from the center; and,
- 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.

**7.702.32 Communication, Emergency, and Security Procedures [Rev. eff. 2/1/16]**

- A. 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.
- B. 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.
- C. 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.
- D. The center must be able to provide emergency transportation to a health care facility at all times.
- E. 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.
- F. 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 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.
- G. 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.
- H. 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.
- I. The center must have a written emergency procedure to report communicable illnesses to the local health department pursuant to regulations of the Colorado Department of Public Health and Environment.
- J. 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 Personnel Policies, Orientation, and Staff Development [Rev. eff. 2/1/16]**

- A. The duties and responsibilities of each staff position and the lines of authority and responsibility within the center must be in writing.
- B. At the time of employment, staff members must be informed of their duties and assigned a supervisor.
- C. 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.
- D. Effective September 30, 2016, all staff must complete a pre-service training prior to working with children. The training must include:

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,
  2. Handling and storage of hazardous materials and the appropriate disposal of bio contaminants.
- E. 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.
- F. Effective September 30, 2016, each staff member 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 annually and counts towards ongoing training requirements.
- G. 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.
- H. 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.
- I. Within thirty (30) calendar days of employment and annually all employees and regular volunteers must be trained using a Department approved training on how to report, where to report and when to report suspected or known child abuse or neglect.
- J. 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.
- K. 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 the employee. At least three (3) clock hours per year must be in the focus of social emotional development.
- L. Ongoing training and courses shall demonstrate a direct connection to one or more of the following competency areas:
1. Child growth and development, and learning or courses that align with the competency domains of child growth and development;
  2. Child observation and assessment;
  3. Family and community partnership;
  4. Guidance;
  5. Health, safety and nutrition;
  6. Professional development and leadership;
  7. Program planning and development; or,
  8. Teaching practices:
    - a. Each one (1) semester hour course with a direct connection to the 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 training.

- b. Training hours completed can only be counted during the year taken and cannot be carried over.
- M. To be counted for ongoing training, the training certificate must have documentation that includes:
  - 1. The title of the training;
  - 2. The competency domain;
  - 3. The date and clock hours of the training;
  - 4. The name or signature, or other approved method of verifying the identity of trainer or entity;
  - 5. Expiration of training if applicable; and
  - 6. Connection to social emotional focus if applicable.
- N. Within thirty (30) calendar days of employment and annually, all staff responsible for collection, review and maintenance of the child immunizations records must complete the Colorado Department of Public Health and Environment (CDPHE) immunization course.
- O. If volunteers are used by the center, there must be a clearly established policy in regard to their function, orientation, and supervision. See also Section 7.702.44.
- P. 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 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.

**7.702.4 PERSONNEL [Rev. eff. 2/1/16]**

**7.702.41 General Requirements for All Personnel [Rev. eff. 2/1/16]**

- A. All personnel at the center must demonstrate knowledgeable decision-making, judgment, and concern for the proper care and well-being of children.
- B. Staff, substitutes, or volunteers must not consume or be under the influence of any substance that impairs their ability to care for children.
- C. Illegal drugs, drug paraphernalia, marijuana and marijuana infused products, and alcohol must never be present on the premises of the center during operating hours.
- D. When caring for children, staff must refrain from personal use of electronics including, but not limited to, cell phones and portable electronic devices.
- E. 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.
- F. ~~A criminal record check request must be submitted to the Colorado Bureau of Investigation within five (5) business days that an individual is employed by the center.~~ 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.
- G. ~~A request for a review of the State Department's automated system must be made within ten (10) business days of each staff member's first day of employment.~~ **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.

- H. Staff members must be current for all immunizations routinely recommended for adults by their health care provider.
- I. All staff members must submit to the center a medical statement, signed and dated by a licensed physician or other health care professional, 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 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.  
  
Subsequent medical statements must be submitted as required in writing by a physician or other health care professional.
- J. 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 of duties must not be assigned or returned to a position until the condition is cleared to the satisfaction of the examining physician.

**7.702.42 Director Qualifications - Large Child Care Center [Rev. eff. 2/1/16]**

- A. The educational requirements for the director or substitute director of a large center must be met by satisfactory completion of one of the following. (All course hours are given in semester hours, but equivalent quarter hours are acceptable.) Official college transcripts must be submitted to the Department for evaluation of qualifications.
  - 1. A Bachelor degree in early childhood education from a regionally accredited Colorado college or university; or,
  - 2. A current early childhood professional Credential Level IV Version 2.0 as determined by the Colorado Department of Education; or,
  - 3. A master's degree with a major emphasis in child development, Early Childhood Education, Early Childhood Special Education; or,
  - 4. Completion of all of the following three (3) semester hour 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:
    - a. Introduction to early childhood professions;
    - b. Introduction to early childhood lab techniques;
    - c. Early childhood guidance strategies for children;
    - 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;
    - h. Early childhood growth and development.
    - i. The exceptional child; and,

- j. Infant/toddler theory and practice; or the Department approved expanding quality infant/toddler training; or,
    - 5. Completion of a course of training approved by the Department that includes course content listed at Section 7.702.42, A, 3, a-j, and experience listed at Section 7.702.42, B.
- B. 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:
  - 1. 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.
  - 2. 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.
  - 3. Persons with a Bachelor's degree and completion of courses 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.
  - 4. Persons who have no degree but have completed the thirty (30) semester 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.
  - 5. 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 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.
  - 6. Experience with five (5) year olds must be verified as follows:
    - a. If experience caring for five year old children occurs in a child care center classroom, the hours worked shall be counted as preschool experience; or,
    - b. If experience caring for five year old children occurs in an elementary school program, the hours worked shall be counted as school-age experience.
- C. Renewal of Large Center Director Qualifications Letter
  - 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:
    - a. Early childhood guidance strategies;
    - b. Early childhood health, nutrition and safety or child nutrition;
    - c. The exceptional child;
    - d. Infant/toddler theory and practice; or expanding quality in infant and toddler training; and,



- e. Administration: human relations for early childhood professions.
2. 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.
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.

D. Revocation of Large Center Director Letter

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.
2. Director letters must be renewed prior to the expiration date or the letter becomes void; thus, this person no longer qualifies as a large center director.
3. At the time of renewal for a director letter, education and experience must be verified to ensure qualifications are met.
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:
  - 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.
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.
6. 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.
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".

E. Substitute Director Requirements

1. At all times, every large child care 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 child care 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:

- a. At least one year of experience as an early childhood teacher at the center;
  - b. A Bachelor of Arts or Bachelor of Science in the human services field; or,
  - c. 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.
2. Whenever the director of a drop-in child care center cannot be present fifty percent (50%) of any day the center is in operation, a substitute that meets one 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 of Arts or Bachelor of Science degree from a regionally accredited college or university in the human services field; or,
  - d. 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.

**7.702.43 Director Qualifications - Small Child Care Center [Rev. eff. 2/1/16]**

- A. The director or substitute director of a small center must have completed one of the following:
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. ;
  2. A current early childhood professional Credential Level III Version 2.0 as determined by the Colorado Department of Education;
  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;
  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 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;
  5. Current certification as a Child Development Associate (CDA) or other Department-approved credential; or,
  6. A two (2) year college degree in child development or early childhood education 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 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.

B. Satisfactory experience includes all options listed at Section 7.702.42, B.

#### **7.702.44 Qualifications for Other Staff Members [Rev. eff. 2/1/16]**

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 must meet at least one of the following qualifications:
  - a. A Bachelor's degree from a regionally accredited college or university with a major area of study in one of the following areas:
    - 1) Early childhood education;
    - 2) Elementary education;
    - 3) Special education;
    - 4) Family and child development; or,
    - 5) Child psychology.
  - 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 7.702.54, 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;
  - c. Current early childhood professional Credential Level III Version 2.0 as determined by the Colorado Department of Education;
  - d. A 2-year college degree, sixty (60) semester hours, in early childhood education from a 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;
  - 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;
  - 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;
  - g. Current certification as a Child Development Associate (CDA) or other Department-approved credential;

- 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,
  - 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:
    - 1) A current Colorado Level I credential; or,
    - 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.
2. All college course grades toward early childhood teacher qualifications must be "C" or better.

**B. Kindergarten Teacher**

- 1. Each teacher of a kindergarten class must have the same qualifications as a director for a large center (see Section 7.702.42), 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.
- 2. A current early childhood professional Credential Level III Version 2.0 as determined by the Colorado Department of Education.

**C. Assistant Early Childhood Teacher**

An assistant early childhood teacher, assigned responsibility for a single group of children during times specified in 7.702.55, must meet one of the following qualifications:

- 1. 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 (2<sup>nd</sup>) early childhood education class which will be used as the basis for their qualification for the position of early childhood teacher;
- 2. Persons having completed two (2) of the early childhood education classes referenced in Section 7.702.42, A, with a course grade of "C" or better and no experience; or,
- 3. A current early childhood professional Credential Level I Version 1.0 or 2.0 as determined by the Colorado Department of Education.

**D. 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.

E. Volunteers (see also Section 7.702.33, I and J)

1. 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.
2. Volunteers ~~used more than fourteen (14) calendar days (112 hours) per calendar year that are used to meet staff to child ratio~~ must 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.**
3. Volunteers must be supervised and given instruction as to the center's policies and procedures.
- ~~4. The only time a parent/guardian volunteer may be alone with a child other than their own without completing all required background checks, is while driving on a field trip.~~
54. 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.

**7.702.45 Required Staff and Supervision [Rev. eff. 2/1/16]**

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 7.702.44, E, 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 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 or director substitute of the center must be present at the center at least sixty percent (60%) of any day that the center is open.
4. The director or substitute director of an extended hour drop-in child care center operating at least six 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 the center is in operation, the director must be available by phone.
  - b. The director must be present in the center at least 30 hours each week.
5. 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.

6. Part day programs must have an early childhood teacher supervise each group of children at all times. 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; and,
  - d. Taking children to the restroom/diapering.
7. At least one (1) staff member with current Department approved medication administration training and delegation must be on duty at all times.
8. 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.
9. 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, the ratio must be 1 staff member to each 15 or fewer children.
10. 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.
11. In determining staff-child ratios, children who are in attendance for only part of the day are counted only while at the center.
12. 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.

- b. 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 2 years of age to 12 years. 1-2 children 1 year of age to 2 years of age may join the preschool age group of children for short periods of time for structured activities as long as the 1 year old children are safely confined in a toddler seat or high chair.

13. 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. The room capacity must not be exceeded.
- d. Toddler-age groups of children must be separated from each other by permanent or portable dividers or other methods as approved by the Department.
- e. 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.

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 child care staff must not interfere with their supervisory responsibilities and child care duties.

C. Child Care Health Consultant

- 1. 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.

2. The date and content of each consultation must be recorded and maintained in the center's files.
3. 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 care health consultant commenced.
4. 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.
5. Child Care Health Consultants (CCHC) employed as a health consultant prior to February 1, 2016, must complete the Department approved Child Care Health Consultant (CCHC) training by August 1, 2016. The center must obtain and maintain proof of course completion.
6. All Child Care Health Consultants (CCHC) must complete the Department approved Colorado Department of Public Health and Environment (CDPHE) immunization course annually.

D. Substitutes

1. Qualified staff must be available to substitute for regularly assigned staff who are sick, on vacation, or otherwise unable to be on duty.
2. In the absence of the director of a small center, an individual who meets director qualifications for a small center must substitute for the director.
3. If the director of a large center cannot be present sixty percent (60%) of any day, a center staff member or other individual who meets director qualifications as listed at Section 7.702.42 for a large center must substitute for the director.
4. When there is a director vacancy, a director-qualified substitute must be present at the center at least sixty percent (60%) of any day the center is open until a new director is appointed.
5. For extended director absences (more than two (2) weeks and up to twelve (12) weeks per calendar year) a staff member with fifty percent (50%) of the director qualification requirements completed in education and experience may substitute for the director. Dates must be documented and on file for review. A fully qualified substitute director meeting qualifications in Section 7.702.42 is required for any absence exceeding twelve (12) weeks.
6. 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.

**7.702.46 Infant Program Staff [Rev. eff. 2/1/16]**

A. Staff Requirements

1. If a center operates solely as an infant program, there must be a director who meets the qualifications for a director of either a small center or a large center (Sections 7.702.44 and 7.702.43), depending upon the number of children for which the infant center is licensed.
2. The infant program must have an infant program supervisor who has verified training and experience in one of the following:
  - a. A registered nurse, licensed to practice in Colorado, with a minimum of 6 months of experience in the care of infants.



- b. A licensed practical nurse, licensed to practice in Colorado, with twelve (12) months of experience in the care of infants.
  - c. An adult who holds a certificate in infant and toddler care from a regionally accredited college or university with completion of a minimum of 30 semester hours in the development and care of infants and toddlers in a group setting.
  - d. 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.
  - e. An adult who:
    - 1) Holds a current early childhood professional Credential Level III Version 2.0, as determined by the Colorado Department of Education;
    - 2) Has completed one three-semester-hour class in infant/toddler development; or,
    - 3) Has completed the Department-approved “Expanding Quality in Infant and Toddler Development” and holds twelve months of verifiable full-day experience working with infants and/or toddlers.
  - f. An adult who:
    - 1) Is at least nineteen (19) years of age, and,
    - 2) Is qualified as an early childhood teacher (Section 7.702.44, A), and,
    - 3) Has a minimum of twelve (12) months of verifiable full-day experience in the group care of infants or toddlers; and,
    - 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.
  - g. An adult who:
    - 1) Is at least 19 years of age; and,
    - 2) Is qualified as an early childhood teacher (Section 7.702.44, A); and,
    - 3) Has at least two (2) years of verifiable full-day experience in the group care of infants or toddlers; and,
    - 4) Will complete within the first 6 months of employment two (2) three-semester hour college courses from a regionally accredited college or university with one of the courses being infant/toddler development or the Department approved expanding quality in infant and toddler development.
3. 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:
- 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,

- b. At least six (6) months of experience in the care of infants or toddlers; and,
  - c. Meet qualifications for an early childhood teacher found at Section 7.702.44, A, or be qualified as an infant program supervisor.
4. 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.
  5. 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.

**B. Required Staff and Supervision**

(See chart in Section 7.702.45)

1. In the infant program there must be a qualified infant program supervisor present 60 percent 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.
2. The infant program supervisor or an infant early childhood teacher must be assigned to each group of 10 or fewer infants in attendance. An infant program staff aide may be assigned to assist the infant program supervisor or early childhood teacher when 6 through 10 infants are in care in the group to maintain the staff ratio of 1 adult for each 5 infants.
3. There must be assigned at least one (1) infant program supervisor in the infant program for each 20 or fewer infants in attendance.

**7.702.47 Toddler Program Staff [Rev. eff. 2/1/16]**

**Staff Requirements**

- A. If a center operates solely as a toddler program, there must be a director who meets the qualifications for a director of either a large center or a small center (7.702.42 and 7.702.43), depending upon the number of children for which the toddler center is licensed.
- B. 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:
  1. A registered nurse, licensed to practice in Colorado, with a minimum of 6 months of experience in the care of infants and/or toddlers;
  2. 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;
  3. An adult who is certified as a Child Development Associate (CDA) or Certified Child Care Professional (CCP) or holds another Department-approved certificate;
  4. 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;
  5. An adult who meets the education and experience requirements for early childhood teacher of a large center (Section 7.702.44, A); or,

- 6. A current early childhood professional Credential Level II Version 1.0 or LEVEL III version 2.0 as determined by the Colorado Department of Education.
- C. 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 8 hours of orientation at the toddler program.
- D. For every fifteen (15) or fewer toddlers, there must be at least one staff member in the toddler program at all times who has a current Department-approved First Aid and CPR for all ages of children.

**7.702.48 Infant and Toddler Programs Affiliated with Public School Teen Parent Programs [Rev. eff. 2/1/16]**

- 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 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.
  - 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 7.702.46 and 7.702.47:
  - 1. Director qualifications may be met by a certified teacher with a major in home economics education or a vocationally credentialed teacher in consumer and homemaking or early childhood occupations. The director must complete at least three (3) semester hours in administration of a child care center.
  - 2. 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.
  - 3. If the director cannot be present sixty percent (60%) of any day, an individual who meets director qualifications must substitute for the director.
  - 4. 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 child care related course with the sponsoring school system.
  - 5. 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.
  - 6. Substitutes for infant program staff must hold a current department-approved first aid and safety certificate that includes CPR for all ages of children.

**7.702.5 CHILD CARE SERVICES [Rev. eff. 2/1/16]**

**7.702.51 Admission Procedure [Rev. eff. 2/1/16]**

- 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) or guardian(s) to determine whether the services offered by the center will meet the needs of the child and the parent(s) or guardian(s);
  - 2. 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;
  - 3. Completion of the registration information required for inclusion in the child's record as required in Section 7.702.91; and,
  - 4. 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 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 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 General Rules for Child Care Facilities, Section 7.701.14)
  - 2. 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.
  - 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 or guardian 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. The individual health care plan must be updated at least every twelve 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 and must include, but not be limited to, the following:
    - a. Medication 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
5. For a child with special health care needs, the center must obtain written instructions for providing services from the child's parents or legal guardian 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 must be completed within thirty (30) calendar days of the child's enrollment.
  6. The plan must be updated at least every twelve (12) months from the date of the initial plan or as changes occur.
  7. The center must inform its child care health consultant as soon as possible of the enrollment of a child with special health care needs so staff can receive training and support as indicated by the child's individualized health care plan.
- D. If the parent agrees that the center should care for a child in the infant program who is 18 months or older, the center must have on file a written statement from a licensed physician confirming that care for the child is appropriate in this infant program.
- E. 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 must have on file a written statement from a licensed physician confirming that care for the child is appropriate in this toddler program.

**7.702.52 Health Care [Rev. eff. 2/1/16]**

A. Statements of Health Status

1. The center has the right to refuse to admit a child if a statement from a health care professional is not submitted.
2. At the time of admission, the parent(s)/guardian(s) must provide for each child entering the center:
  - a. 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. Within thirty (30) calendar days after 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.
- e. 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.
- f. 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.
- g. 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.

#### B. 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.

7. 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.

C. Medication

1. 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 remedies, including homeopathic medications, shall never be given to a child.
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. Verbal orders taken from the licensed prescriber may be accepted only by a licensed registered nurse.
6. 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.
7. 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:

- a. 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 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 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.
  - 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.
8. Staff of drop-in child care centers must complete training from their nurse consultant delegating medication.
  9. 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 handling require special attention in the center's policies. Access to these medications must be limited (see Section 12-22-318, C.R.S.).
  10. 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.
  11. 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 will accompany orders for the medication from a health care provider along with confirmation from the health care provider that the student has been instructed and is capable of self-administration of the prescribed medications.
  12. The center must have a written policy on the storage and access of inhalers and epinephrine for all children in care. This policy must be reviewed by the Child Care Health Consultant.
  13. Children are not allowed to bring medications to child care unless accompanied by a responsible adult. If a medication is out of date or left over, parents are responsible for picking up the medication. If parents do not respond, the center is responsible for the disposal of medications according to center policy and procedures. Disposal of medications must be documented.
  14. 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.



15. 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;
  - b. Name of the medication, dosage, and route;
  - c. Time medication is to be given;
  - d. Special instructions;
  - e. Name and initials of the individuals giving the medication; and,
  - f. Notation if the medication was not given and the reason.

D. Sun Protection

1. The center must obtain the parent or guardian's written authorization and instructions for applying sunscreen or use of another form of parent or guardian 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.
2. 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.
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, parents 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.

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.

**7.702.53 Personal Hygiene [Rev. eff. 2/1/16]**

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.

B. Diapering

(See also Section 7.702.73, A, 3)

All diaper change areas must:

1. Be a minimum of 36 by 18 inches in size and large enough to accommodate the size of the child;
2. Be adjacent to or within reach of a hand washing sink;
3. Have a place inaccessible to children for storing all diaper change supplies and disinfecting solutions and products; and,
4. Have a sufficient supply of diapers at all times.

**7.702.54 Physical Care and Supervision [Rev. eff. 2/1/16]**

**A. General**

1. All children must be under direct supervision of a responsible adult at all times.
2. The time a child arrives and leaves the center each day must be recorded. Attendance verification must be made periodically throughout the day by staff members at the center.
3. Staff must be awake, alert and supervising all children.
4. 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.
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 child care centers must provide mats or cots for at least fifty percent (50%) of the licensed capacity of the center.
9. The center must ensure that children are dressed appropriately for the weather before going outside.

**B. Infant and Toddler Programs**

1. The staff must have daily contact with adults who transport the infants and toddlers to and from the center.
2. Children must not be confined for prolonged periods of time to cribs, playpens, swings, high chairs, 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.
3. 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.

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.
6. Staff must investigate whenever children cry.
7. 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.

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 or futon approved for infants or other approved sleep/rest equipment meeting Consumer Product Safety Commission (CPSC) standards.
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, and stuffed animals.
3. An infant must be placed on his/her back for sleeping.
4. Alternative sleep positions for infants must only be allowed with a health care plan completed and signed by the child's physician.
5. Swaddling of infants must only be allowed with a health care plan completed and signed by the child's physician.
6. 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 directs otherwise.
7. 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.
8. 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.
9. 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.
10. Drop side and stacking cribs are prohibited.
11. Bassinets and playpens are prohibited in child care centers unless licensed as a teen parent program when the teen parent(s) remain(s) on site.
12. Other sleep equipment not manufactured for commercial use is prohibited.
13. 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:

- 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; and,
  - d. Sound monitoring equipment must be regularly checked to ensure it is working correctly.
14. After December 31, 2015, separate sleep rooms are prohibited in new construction, change of governing body and change of capacity in child care centers.
  15. Infants who fall asleep in a car safety seat, bean bag chair, bouncy seat, infant seat, swing, jumping chair, play pen or play yard, highchair, chair, sofa, adult futon, adult bed or other 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 or confinement.
  17. 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.
  18. 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.
  19. 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.
  20. 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.
  21. 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.
- D. The facility must have a policy on the protection of infants from second hand smoke.

**7.702.55 Food and Nutrition [Rev. eff. 2/1/16]**

**A. Meals and Snacks**

1. 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, must be offered a meal.
2. Centers must not provide sugar sweetened beverages to children. These are liquids 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.

3. 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.
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. 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.
6. 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.
7. 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.
8. 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.

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.
2. Commercially prepared formula must be mixed according to the manufacturer's direction and each bottle marked with the child's first and last name.
3. 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.
4. Older infants must be provided with suitable solid foods that encourage freedom in self-feeding and must be fed in safe chairs such as high chairs or baby-feeding tables.
5. 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.
6. 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. Bottles of formula or breast milk must never be warmed in a microwave oven.
8. 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.

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 drinking from a bottle.
3. Commercially prepared formula must be mixed according to the manufacturer's direction and each bottle marked with the child's first and last name.
4. 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.

**7.702.56 Guidance [Rev. eff. 2/1/16]**

- A. Children must not be subjected to physical or emotional harm or humiliation.
- B. 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.
- C. 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.
- D. 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.
- E. Verbal abuse and derogatory remarks about the child are not permitted.

**7.702.57 Overnight Care [Rev. eff. 2/1/16]**

- A. All of the provisions required in Section 7.702 of these rules for child care 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.

**7.702.58 Activities [Rev. eff. 2/1/16]**

- 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 preschool age and older children for no less than sixty (60) minutes total for full day programs. Activities do not have to occur all at one time.
3. 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.
4. 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.
5. 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.
6. 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.
7. Infants must be provided outdoor play at least three (3) times per week, weather permitting.
8. If the center takes children on routine short excursions, such activities and locations must be posted at the center.
9. 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.

B. Screen Time and Media Use

1. Television and video viewing is prohibited for children less than two (2) years of age.
2. All television, recorded media, computer, tablet and media devices are 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) years of age and older, television, recorded media and video time must be limited to thirty (30) minutes per week.
5. For children two (2) years of age and older computer and tablet time must be limited to non-consecutive fifteen (15) minute increments not to exceed thirty (30) minutes per day.
6. For children two (2) years of age and older, television, recorded media, computer, tablet and media device time may only exceed thirty (30) minutes per week for a special occasion. There is no restriction for children using personal adaptive equipment.

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 7.702.55 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.

**7.702.59      Transportation [Rev. eff. 2/1/16]**

**A.      Transportation Provided by the Center**

1. The center is responsible for any children it transports.
2. The center must obtain written permission from parents or guardians for any transportation of their child during child care hours.
3. The number of staff members who accompany children when being transported in the vehicle must meet the child care staff ratio found at Section 7.702.45. 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.

**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 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 assure 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 or more children must never be restrained in one 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 shall not eat, smoke or use a cellular device while driving.
7. The required staff to child ratio shall 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 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.

**7.702.6 CHILD CARE EQUIPMENT AND MATERIALS [Rev. eff. 2/1/16]**

**7.702.61 General Requirements [Rev. eff. 2/1/16]**

- A. Indoor and outdoor play equipment and materials must be appropriate for children's ages, size, and activities.
- B. Indoor and outdoor materials and equipment must be sufficiently varied and appropriate for the developmental needs of the children and the number attending.
- C. Indoor and outdoor equipment, materials, and furnishings must be sturdy, safe, and free of hazards.
- D. 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.
- E. 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.
- F. Durable furniture such as tables and chairs must be child-sized or appropriately adapted for children's use.
- G. Children must wear helmets when riding scooters, bicycling, skateboarding, or rollerblading.
- H. In infant nurseries, an adequate number of high chairs or other suitable pieces of equipment that meet federal Consumer Product Safety Commission standards must be provided for infant feeding.
- I. The infant program must have an adult rocking chair.
- J. 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 infants.
- 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. If a crib is not designed for emergency evacuation, the crib must be reinforced with a kit manufactured for this purpose.

**7.702.62 Play-Equipment and Materials [Rev. eff. 2/1/16]**

- A. Equipment and materials must be provided for both indoor and outdoor play.
- B. Outdoor play equipment must meet the following requirements:
1. Swings must have seats made of a flexible material.
  2. 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.
  3. 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 on or running to another piece of equipment.
  4. 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.
  5. All pieces of playground equipment must be designed to guard against entrapment and strangulation.
  6. Any permanently installed outdoor climbing equipment or portable climbing equipment eighteen (18) inches or higher must have protective surfacing, meeting current federal safety requirements, underneath and in the use zone surrounding the equipment, and installed according to manufacturer instructions.
  7. All pieces of permanently installed playground equipment must be surrounded by a resilient surface of a depth of at least 4 inches. For equipment over three (3) feet in height, resilient material must be a depth of at least six (6) inches. 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.
  8. Sand used as a resilient surface must be raked regularly to retain its resiliency and to retain a depth of at least six (6) inches.
  9. 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 fine loose sand. Solid unitary materials include poured in place surfacing, approved rubber mats, playground tiles, and astro turf with built in resilient pad.
- C. The center must have enough play materials and equipment so that at any one time each child for which the center is licensed 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 Supplies;
  2. Blocks and Accessories;
  3. Books and Posters;
  4. Dramatic Play Area;
  5. Large Muscle Equipment;
  6. Manipulative Toys;
  7. Musical Equipment;
  8. Science Materials.
- D. 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;
  5. Library.
- E. 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.
- F. 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 any choke or inhalation hazards.
- G. 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.
- H. In the infant program, some play equipment from the following list must be provided: rubber washable toys, rattles, blocks, balls, record player, radio, tape player.
- I. In the toddler program, some play materials easily accessible to children must be provided from each of the following categories:
1. Gross Motor Development;
  2. Fine Motor Development;
  3. Language Development; and,
  4. Social Interaction.
- J. Drop-in child care centers must provide access to indoor large muscle equipment, including, but not limited to, an indoor climbing structure, an open area for indoor large muscle games, and must provide large muscle activities at least two times during each six (6) hour period of time.

- K. Drop-in centers providing an indoor climbing structure must have protective surfacing underneath and in the use zone surrounding the equipment meeting current federal safety requirements.

**7.702.63 Rest Time Equipment [Rev. eff. 2/1/16]**

- A. A firm cot or two (2) inch mat with a sheet and blanket or other suitable covering must be provided for each preschool child remaining in the center more than five (5) hours.
- B. 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.
- C. 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.
- D. In rooms used for napping, the light must be dim at nap time to promote an atmosphere conducive to sleep.
- E. 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.
  - 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.
  - 2. Sleeping cots and mats must be of firm construction and in good repair.
- 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.

**7.702.7 BUILDINGS AND FACILITIES [Rev. eff. 2/1/16]**

**7.702.71 Building Site [Rev. eff. 2/1/16]**

- 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 child care.
  - 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.
- B. Infant Programs
  - 1. The infant program must be located on the grade level.
  - 2. 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.
- C. Toddler Program
  - 1. The toddler program must be located on grade level.

2. If the toddler program is combined with a large child care 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.
3. 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.

**7.702.72 Building Plans and Construction [Rev. eff. 2/1/16]**

- A. The center must comply with applicable state and local building code and zoning regulations.
- 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 child care functions.

**7.702.73 Space Requirements [Rev. eff. 2/1/16]**

A. Indoor Area 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. Indoor space must be exclusive of kitchen, toilet rooms, office, staff rooms, hallways and stairways, closets, laundry, furnace rooms, and space occupied by permanent built-in cabinets and permanent storage shelves inaccessible to children.

Child care 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. Adequate storage space must be provided for indoor and outdoor equipment and supplies. Space for reserve supplies must be in addition to the designated space allotment for children's play activities.
3. 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 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 prior to July 1, 1989 are exempt from the room size requirement.

5. Square Footage Requirement per Child

AGE OF CHILD	SEPARATE FREE PLAY AREA	SEPARATE SLEEP AREA	COMBINED SLEEP AND PLAY AREA
6 weeks to 18 months (infants)	35 square feet	adequate space to accommodate size of cribs and needs of infants 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)	-	-	30 square feet
5 years and over (school-age)	-	-	30 square feet

6. In the infant program, the minimum indoor space per infant for sleep and activities is fifty (50) square feet. This space is exclusive of kitchen, toilet rooms, office, staff rooms, hallways and stairways, closets, laundry, furnace rooms, and space occupied by permanent built-in cabinets and storage shelves.
- a. If a separate sleep room is provided, it must have enough square footage that all babies and cribs are easily accessible to staff members. The activity room must contain at least thirty-five (35) square feet per child.
  - b. If a combination sleep/activity room is used, the sleep area must be separated by a sturdy divider from the area used for activities, and cribs must be arranged so that all babies and cribs are easily accessible to staff members.

B. Outdoor Area 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. Drop-in child care centers are not required to provide an outdoor play area.
2. 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 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.
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.
4. The play area must be designed so that all parts are visible and easily supervised.
5. 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.

6. A shaded area in the fenced play area of at least one hundred fifty (150) square feet must be provided by means of trees or other cover to guard children against the hazards of excessive sun and heat.
7. In the infant program, the outdoor play area must be a minimum of four hundred (400) square feet.
8. 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.
9. 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.
10. 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.

**7.702.74 Food Preparation Area [Rev. eff. 2/1/16]**

- A. See the “Rules and Regulations Governing the Sanitation of Child Care Centers in the State of Colorado.”
- B. Infant and Toddler Programs
  1. A table, counter, or shelf, separate from the diaper changing area, must be available for preparing infants' and toddlers' food.
  2. The program must prepare formula or food in the center's kitchen, or must have a second sink or a covered commercial container with a spigot for preparation of formula and food.

**7.702.75 Toilet Facilities [Rev. eff. 2/1/16]**

- A. Toilet facilities for the staff and other adults must be in separate compartments or 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.
- B. Toilet rooms 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) lavatory and one (1) flush toilet must be provided for each 15 or fewer children. Drop-in child care 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 sexes, and toilets for school-age children must be separated by partitions to provide privacy.
- E. Toilet facilities are not required for children less than two (2) years of age.
- F. Toilet facilities must be provided for children two (2) years of age and older.
- G. 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.
- H. Each infant classroom must have one diaper changing station and hand washing sink meeting requirements at Section 7.702.53, B.



- I. One designated diaper change area is required for every twenty-four (24) preschool age children.

**7.702.76 Office Facilities [Rev. eff. 2/1/16]**

- A. Office space separate from areas used by children, other than for isolation purposes, must be provided for staff to perform administrative duties.
- B. The office must have sufficient space for maintenance and safe storage of children's and staff records and the center's business records.

**7.702.8 FIRE AND OTHER SAFETY REQUIREMENTS [Rev. eff. 2/1/16]**

**7.702.81 General Requirements [Rev. eff. 2/1/16]**

- A. Buildings must be kept in good repair and maintained in a safe condition.
- B. Major cleaning is prohibited in rooms occupied by children.
- C. Volatile substances such as gasoline, kerosene, fuel oil, and oil-based paints, firearms, explosives, and other hazardous items must not be stored in any area of the building used for child care. Plastic bags and sharp tools and instruments must be stored in areas inaccessible to children.
- D. 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.
- E. 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 them.
- F. Nothing flammable or combustible can be stored within three (3) feet of a furnace or hot water heater.
- G. In rooms used by children, all electrical outlets that are accessible to children must have protective covers, or safety outlets must be installed.
- H. Except in part-day preschools, 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.
- I. Closets, attics, basements, cellars, furnace rooms, and exit routes must be kept free from accumulation of extraneous materials such as discarded furniture, furnishings, newspapers, and magazines.
- J. Children less than two (2) years of age must be excluded from the kitchen. When children age two (2) and older prepare food at the center, they may use only equipment and appliances that do not present a safety hazard. Staff-child ratios must be maintained.
- K. First Aid supplies must be maintained and made accessible to staff throughout the center and stored in areas inaccessible to children.
- L. All outdoor areas available to children's activities must be maintained in a safe condition by removal of debris, dilapidated structures, and broken or worn play equipment. The center must identify hazardous, high-risk areas. These areas must be made inaccessible to children.
- M. Playground surfaces must be checked on a daily basis for the presence of dangerous or other foreign materials. Playground equipment must be checked for safety on a monthly basis.
- N. Window blind cords must be secured out of children's reach to prevent strangulation.

- O. Items labeled “keep out of reach of children” must be inaccessible to children.
- P. Staples must be inaccessible to children less than three (3) years of age.
- Q. Thumb tacks must not be used in areas accessible to children less than three (3) years of age.

**7.702.82 Fire Safety [Rev. eff. 2/1/16]**

- A. Every building and structure must have 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 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.
- E. One 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.
- F. 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.
- G. All stairways, interior and exterior, that are used by children must be provided with handrails within reach of the children.
- H. 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.
- I. Every exit must be clearly visible, or the route to reach it must be conspicuously indicated. Each path of escape must be clearly marked.
- J. 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.

**7.702.90 RECORDS AND REPORTS [Rev. eff. 2/1/16]**

**7.702.91 Children's Records [Rev. eff. 2/1/16]**

The center must maintain and update annually a record on each child that includes:

- A. The child's full name, birth date, current address, and date of enrollment.
- B. Names and home and employment addresses and telephone numbers of parents or guardians.
- C. Any special instructions as to how the parents or guardians can be reached during the hours the child is at the center.

- D. Names, addresses, and telephone numbers of persons authorized to take the child from the center.
- E. Names, addresses, and telephone numbers of persons who can assume responsibility for the child in the event of an emergency if parents or guardians cannot be reached immediately.
- F. Name, address, and telephone number of the child's physician, dentist, and hospital of choice.
- G. Health information, including medical report, chronic medical problems, and immunization history.
- H. A dated written authorization for emergency medical care signed and updated annually by the parent or guardian. The authorization must be notarized if required by the local hospital, clinic, or emergency health care facility.
- I. Written authorization from a parent or guardian for the child to participate in field trips or excursions, whether walking or riding.
- J. Injury and illness record.
- K. Reports of serious injuries and accidents occurring during care that result in the hospitalization or death of a child.
- L. Significant observations of the child's development.
- M. A record of parent conferences, including dates of conferences and names of center staff and parents or guardians involved.

**7.702.92 Staff Records [Rev. eff. 2/1/16]**

- A. The center office must maintain a record for each staff member that includes the following:
  - 1. Name, address, telephone number, and birth date of the individual;
  - 2. Verification of education, work experience, employment, training, and completion of first aid and CPR courses;
  - 3. Immunization record and health examination reports;
  - 4. Date of employment;
  - 5. Names, addresses, and telephone numbers of persons to be notified in the event of an emergency; and,
  - 6. Information received from the State Department's automated system and the Colorado Bureau of Investigation (may be retained in a confidential file).
- B. Each staff member's personnel file must contain all required information within thirty (30) business days of the first day of employment.

**7.702.93 Administrative Records and Reports [Rev. eff. 2/1/16]**

- 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;
  - 2. Current health department inspection report issued within the past twenty-four (24) months;
  - 3. Current fire department inspection report issued within the past twenty-four (24) months;

4. A list of current staff members, substitutes, and staffing patterns;
  5. Copies of menus; and
  6. A record of visitors to the center.
- B. 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.
- C. A report about a fatality must include:
1. The child's name, birth date, address, and telephone number;
  2. The names of the child's parents or guardians and their address and telephone number if different from that of the child;
  3. Date of the fatality;
  4. Brief description of the incident or illness leading to the fatality;
  5. Names and addresses of witnesses or persons who were with the child at the time of death; and,
  6. Name and address of police department or authority to whom the report was made.
- D. 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:
1. The name, birth date, address, and telephone number of the child;
  2. The names of the parents or guardians 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.
- E. The center must report to the Colorado Department of Public Health and Environment or its local unit any communicable illness, including but not limited to measles, mumps, diphtheria, rubella, tuberculosis, shigella, hepatitis, meningitis, salmonella, or giardia, contracted by a staff member or a child at the center.

**7.702.94 Confidentiality and Retention [Rev. eff. 2/1/16]**

- A. The confidentiality of all personnel and children's records must be maintained. See Section 7.701.7 in the General Rules for Child Care Facilities.
- B. Personnel and children's records must be available, upon request, to authorized personnel of the State Department.

- C. If records for organizations having more than one 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 personnel must be maintained by the center for at least three (3) years.
- E. Posting of any personal information or photos of children on social media or advertisement without written parental consent is prohibited.
- 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.

**7.707 RULES REGULATING FAMILY CHILD CARE HOMES [Rev. eff. 1/1/10]**

All family child care homes must comply with the “General Rules for Child Care Facilities”, “Rules Regulating Special Activities”, and the “Rules Regulating Family Child Care Homes.”

**7.707.1 (None) [Rev. eff. 6/1/12]**

**7.707.2 DEFINITIONS AND TYPES OF FAMILY CHILD CARE HOMES [Rev. eff. 1/1/10]**

**7.707.21 Definitions [Rev. eff. 1/1/10]**

“AAP” means the American Academy of Pediatrics.

“ASTM” means the American Society for Testing and Materials. ASTM is an organization that coordinates the development of voluntary industry standards that supplement mandatory standards such as information to the public on Standard Consumer Safety Specification on Toy Safety (ASTM F-963) and other voluntary standards that cover specific children’s products.

“Accessible” means children being able to obtain equipment and materials without adult aid, may be age/development specific.

“Adverse or negative licensing action” means a final agency action resulting in the denial of an application, the imposition of fines, or the suspension or revocation of a license or the demotion of such a license to a probationary license.

“Age of child(ren) in child care” means any child(ren) that will count towards provider’s license capacity, is between the age of birth to eighteen years of age, is in care for supervision in the parent(s) absence for a part or the whole of any day, and is not the provider’s own child(ren).

“Age of provider’s own child(ren) that counts towards license capacity” means any birth, adopted, step or foster child(ren) of a provider whose age ranges from birth to twelve years of age.

“Aide or staff aide” means an individual who assists the provider or substitute provider in the care of children at a family child care home. An aide or staff aide must never be allowed to supervise a child(ren) alone. The provider or substitute provider must always be present at all times when the aide or staff aide is providing care for a child(ren).

“Approved sleeping equipment” means equipment that is appropriate for the age of the child, is intended for sleep or rest, and allows the child freedom of movement in a safe and sanitary manner.

“Available” means materials or equipment that is not immediately accessible to children, but which may be introduced with adult aid.

“Blocked telephone” means a telephone that will not accept telephone calls when caller ID says “unavailable”. This does not include telephones that require the caller to enter a ten digit telephone number from the telephone that is being called from or require the provider to have their name listed in a telephone directory.

“Choking hazard” means an item that presents the possibility of restriction or elimination of airflow into the lungs.

“CPR training” means cardiopulmonary resuscitation for adult, infant, and child.

“Clean” means to be free of visible dirt and debris or to remove dirt and debris by vacuuming or scrubbing and washing with soap and water.

“Complaint severity level” means the level of seriousness (zero to five) the State Department assigns to a complaint reported against a family child care home based on the severity of the allegation(s). The severity level assigned determines the timeframe in which the allegation(s) must be investigated by the licensing specialist.

“Compromise” means to expose to possible loss or danger.

“Culturally sensitive” means to encourage, share and explore the differences and similarities of heritage and culture, and its effect on learning, values, and behavior.

“Custodial or control speech” means using speech to direct or influence authority over a child(ren) by the use of directive speech to change a behavior.

“Danger” means exposure to harm or injury.

“Decorative pond” means an artificially confined body of water which is usually smaller than a lake. The pond can be decorated with large and small rocks, water lilies, pond plants, tadpole, fish, and have features such as lights, waterfalls and fast moving water.

“Derogatory” means to belittle, diminish, and express criticism or a low opinion of.

“Developmentally appropriate” means to provide an environment where learning experiences are meaningful, relevant, and are based upon a child’s individually identified strengths and weaknesses, interests, cultural background, family history and structure.

“Director” means an individual that has been evaluated and received a written letter that verifies that he/she meets the Colorado State Director qualification requirements for a large child care center.

“Discipline” means to punish in order to bring a child’s behavior under control.

“Disinfect” means to eliminate germs from inanimate surfaces through the use of chemicals (e.g., products registered with the U.S. Environmental Protection Agency as “disinfectant”) or a solution of household liquid chlorine bleach and water.

“Early Childhood Mental Health Consultant” (ECMHC) means a consultant who provides culturally sensitive and primarily indirect services for children, birth through six years of age in group care and early education settings.

“Early Childhood Mental Health Consultation services” means the provision of services that promote social and emotional development in children and transform children’s challenging behaviors. This includes capacity building for providers and family members; directly observing and interacting with children and the care giving environment; and, designing and modeling interventions that involve changes in the behaviors of family members and caregivers. It also includes collaboration with providers, employees, volunteers, and family members and caregivers who intervene directly with children in group care, early education and/or home settings.

“EQ I/T” means the Department approved Expanding Quality Infant/Toddler training for child care providers.

“Emergency” means a sudden, urgent, usually unexpected occurrence or occasion requiring immediate action.

“Emergency or urgent situation” means a personal or family situation that is critical in nature, which requires the provider to take immediate action; and leave the home to handle the emergency situation.

“Employee” means paid or unpaid individual that cares for or assists with the care of children.

“Equally qualified” means that the employee or substitute provider has the same required training and qualifications as the primary provider as specified in the Rules Regulating Family Child Care Homes.

“Extreme weather” means weather conditions that require unusual or immediate action to reduce exposure to harm or injury.

“Fall zone” means the distance that a child can fall from elevated equipment based upon the child’s age and size.

“First Aid training” means training in which a person reacts to injuries and performs simple emergency medical care procedures before emergency medical professionals are available as necessary.

“Flexibility” means the provider has the ready capability to adapt to new, different, or changing requirements of parent(s) or guardian(s) for child care.

“Frequently” means to occur often; many times and at short intervals.

“Gentle physical holding” means to carefully hold a child with the arms, without force.

“Guidance” means a way of teaching that empowers children to make decisions that are ethical, intelligent, and socially responsible.

“Guidance approach” means the use of guidance, distinct from discipline, to reduce the need for and resolve the occurrence of mistaken behavior in ways that are non-punitive.

“Harsh treatment” means treatment that is ungentle and unpleasant in action or effect; unpleasantly severe; stern; or cruel.

“HealthCare Plan” means the document contains written instructions about a specific health condition including the when and how specific interventions are to be carried out in a school or child care setting. This document should be signed by the child’s health care provider and parent. Health Care Plans can be collaboratively created by the child care health consultant, the child’s parents, health care provider and center staff, and are necessary for the care of children with chronic health care conditions such as asthma, seizure disorder, diabetes, or severe allergy. Health Care Plans may also guide the care of children with acute conditions that may need short-term special management in the group care setting such as child returning to care with a cast, or after a surgical intervention.

“Health care professional” means an organization or person who delivers proper health care in a systematic way professionally to any individual in need of health care services.

“Health care provider’s scope of practice” means the boundaries and rules within which a fully qualified medical practitioner, with substantial and appropriate training, knowledge, and experience, may practice in a field of medicine or other specifically defined field. Such practice is governed by requirements for professional accountability.

“Home remedy” means a non-medical treatment to attempt to cure or treat an ailment with common household items or foods.

“If applicable” means if the rule should be applied depending on the circumstances of the situation.

“Immediately” means without delay or hesitation, without any interval of time.

“Interactive learning” means a method of learning through hands on activities that help a child gain knowledge and skills by connecting with information and experiences provided by the provider.

“Intoxicated” means that a person is under the influence of drugs or alcohol to the point that his/her actions and/or behavior presents an immediate danger to her/himself or others.

“Language development materials” means materials that focus on the development of listening and speaking skills, and contains experiences which familiarize children with pre-reading and pre-writing activities.

“Lead poisoning” means poisoning by a toxic metal that is found in and around homes, in lead-based paint, chipping paint, or lead dust from deteriorated paint. Lead may cause a range of health effects, from behavior problems and learning disabilities, to seizures and death.

“Legal signature” means the parent’s full signature that includes both the first and last name.

“Lockdown drill” means a drill in which the occupants of a building are restricted to the interior of the building and the building is secured.

“Lost child” means the provider is unable to find the child. The child is no longer in the care or supervision of the provider.

“Mental Health Practitioner” means a mental health professional who offers services for the purpose of improving an individual’s mental health or to treat mental illness.

“Nationally recognized” means to be known in the majority of businesses or residential areas of the United States and that may meet local or national accreditation standards.

“Offered” means materials, equipment or activities, including meals, which are presented as options to children but are not required or forced, to be utilized or engaged.

“On occasion” means from time to time, a special event or ceremony, or irregularly.

“Organic materials” means materials relating to, or derived from living organisms.

“Pattern” means repeating an activity at regular intervals.

“Pedodontist” means a pediatric dentist, specializing in children from birth to four years of age.

“Periodically” means an ongoing event or activity that occurs without an established pattern.

“Permanent climbing equipment” means climbing equipment installed that is stable, cannot be overturned or displaced, and cannot be moved or relocated to another area without assistance.

“Physical restraint” means the use of bodily, physical force to involuntarily limit an individual’s freedom of movement; except that physical restraint does not include the holding of a child by one adult for the purposes of calming or comforting the child.

“Place of residence” means the place or abode where a person actually lives and provides child care on a regular, ongoing basis.

“Potential threat” means the possible exposure to harm or injury.

“Prescriptive authority” means the legal right of a medical person to prescribe medications under Colorado law.

“Protective equipment” means the use of protective head, knee, elbow and ankle equipment to protect a child riding on a scooter, bicycle, skateboard or rollerblades.



“Protective surfacing” means an approved material that is used beneath climbing equipment and is designed to protect a child who falls from the highest designated play surface on a piece of equipment to the protective surfacing below.

“Provider” means the person that resides in the home and provides direct care, supervision and education to child(ren) in care at least 60% of the daily hours of operation of the family child care home.

“Psittacine birds”, means all birds commonly known as parrots, cockatoos, cockatiels, macaws, parakeets, lovebirds, lories or lorikeets, and other birds of the order psittaciforme, may also be called hookbills because the upper beak is turned downward.

“Punished” means to impose a penalty on a person. The causes for punishment may be for a fault, offense or violation.

“Regionally accredited” means colleges and universities which earn regional accreditation status by meeting acceptable levels of quality and performance. The accrediting bodies for higher education are Middle States Association of Colleges and Schools, Northwest Association of Colleges and Schools, North Central Association of College and Schools, New England Association of Colleges and Schools, Southern Association of Colleges and Schools, and Western Association of Colleges and Schools.

“Regular basis” means occurring with normal frequency or routine schedule.

“Relative” means any of the following direct relationships by blood to the first degree, marriage, or adoption: parent, grandparent, son, daughter, grandson, granddaughter, brother, sister, stepparent, stepbrother, stepsister, stepson, stepdaughter, uncle, aunt, niece, nephew or first cousin.

“Reside” means to be in a residence, to dwell permanently or continuously, to occupy a place as one’s legal domicile.

“Restraint” means any method or device used to involuntarily limit freedom of movement including, but not limited to, bodily physical force, mechanical devices, or chemicals.

“Reverse evacuation drill” means a drill in which persons seek shelter and safety inside a building when said persons are outside the building and are faced with a threat, such as an armed individual or a dangerous animal.

“Routine medications” means any prescribed oral, topical, or inhaled medication, or unit dose epinephrine, that is administered pursuant to Section 26-6-119, C.R.S.

“Safe” means free of hazards posing danger of injury including, but not limited to, “keep out of reach” items, protrusions, broken items, areas of entrapment, strangulation or choking hazards, insufficient cushioning, poisonous chemicals, etc.

“Sanitized or sanitary” means to remove filth or soil and some small bacteria. For an inanimate surface to be considered sanitary the surface must be clean and the number of germs must be reduced to such a level that disease transmission by that surface is unlikely. This procedure is less rigorous than disinfection and is applicable to a wide variety of routine housekeeping procedures.

“Satisfactory experience” means the adequate practical knowledge, skill or practice necessary.

“Serious” means an injury or illness of an urgent nature needing immediate emergency attention.

“Serving” means an amount of food or beverage that is appropriate to meet a child’s nutritional and developmental needs.

“Severe weather drill” means a drill in which occupants of a building seek shelter appropriate to the severe weather threat, such as a blizzard, electrical storm, flood or tornado.

“Shelter-in-place drill” means a drill in which the occupants of a building seek shelter in the building from an external threat.

“Social-emotional development” means the development of self-awareness and self-regulation as reflected in the desire and growing ability to connect with others and the ability to experience, express and regulate a full range of emotions, to pay attention, make transitions from one activity to another, and cooperate in the context of relationships with others.

“Soft bedding” means, but is not limited to, any soft sleep surface like a water bed, sofa, pillows, bumper pads, soft materials like fluffy blankets, thick blankets and/or comforters, sheep skins, plush toys, and stuffed animals.

“Special need” means a child may have mild learning disabilities or profound developmental disabilities of mental functioning and/or bodily movement; food allergies or terminal illness; developmental delays that catch up quickly or remain entrenched; occasional panic attacks or serious psychiatric problems.

“Substitute provider” means a paid, volunteer or contract individual responsible for caring for the children in the capacity of the provider during the provider’s absence.

“Sweet foods” means a sweet bread or grain product that is high in fat and /or sugar.

“Under the influence” means that a person is under the influence of drugs or alcohol to the point that his/her actions and/or behavior present an immediate danger to her/himself or others.

“Universal precautions” means safe work practices to prevent exposure to blood and bodily fluids.

“Urgent” means an unforeseen combination of circumstances that requires immediate attention.

“USDA” means the United States Department of Agriculture.

“Varying” means to be at different times or different days; to give variety to activities; to bear no resemblance to a prior activity.

“Verbal abuse” means abusive behavior involving the use of language that is demeaning and is intended to insult, manipulate, ridicule, or offend. Harmful acts and the use of harsh or coarse language often characterize it.

“Volunteer” means a person who performs a service willingly and without pay.

“Written medication order” means a document for a specific medication for a specific child signed by the child’s health care provider. This must be a person with prescriptive authority. The order shall include the child’s name, medication, dose, time, route, and for how long the medicine is to be given. Orders for children over two years of age can only be valid for a period of up to one year, but may only be for a very brief duration of time as well. Children over two may need written medication orders more frequently since the dosage of the medication will change with the child’s weight. Written orders may also include information on the reason the medication is being given, potential side effects and any special instructions for administration.

#### **7.707.22      Types of Family Child Care Homes [Rev. eff. 6/1/12]**

All Family Child Care Home licenses, except infant/toddler, are issued with an age range for children from birth to eighteen (18) years of age. This allows for the care of older children with special needs. Each individual provider will determine the age range of children that he/she will enroll in the provider’s child care home. The providers own birth, adopted, step or foster children twelve (12) years of age and older do not count in the provider’s license capacity.

The capacity for a Family Child Care Home (generally referred to within these rules as “the home”) is determined by the amount of indoor and outdoor space designated for child care, as well as the following factors.

- A. A "Family Child Care Home" (FCCH) is a type of family care home that provides less than twenty-four (24) hour care at any time for two (2) or more children that are unrelated to each other or the provider, and are cared for in the provider's place of residence.
1. Licensed family child care homes enrolling children five (5) years of age or younger are required to participate in Colorado Shines, the state quality rating and improvement system.
- B. In a regular (FCCH) home, care may be provided for six (6) children from birth to eighteen (18) years of age with no more than two (2) children under two (2) years of age.
1. Care also may be provided for no more than two (2) additional children of school age attending full-day school. School-age children include children six (6) years of age and older who are enrolled in the first grade or above. A child enrolled in a kindergarten program is not considered a school-age child until the child begins attending kindergarten a year before they enter first grade.
  2. Residents of the home under twelve (12) years of age who are on the premises and all children on the premises for supervision are counted against the approved capacity, except where specifically indicated otherwise. Residents of the home include, but are not limited to, birth, adopted, step or foster children of the provider.
- C. A three (3) under two (2) license is a type of license that allows a provider to care for six (6) children from birth to eighteen (18) years of age with no more than three (3) children under two (2) years of age, with no more than two (2) of the three (3) children under twelve (12) months; the capacity includes the provider's own children under twelve (12) years of age. This license type may be approved with the following conditions:
1. The licensee has held a permanent license to operate a family child care home for at least two (2) years in Colorado immediately prior to the issuance of the license that would authorize the care of three (3) children under two (2) years of age;
  2. The licensee has completed the State Department approved Expanding Quality Infant/Toddler course of training;
  3. In the past two years, the licensee has had no substantiated complaints with a severity level of one (1) to three (3), consistent or willful substantiated rule violations of ratio, supervision, safety, or injury to a child observed during any licensing visit, or adverse licensing action;
  4. Care of additional children of school age is not authorized;
  5. Licensees issued a three (3) children under two (2) years of age license are approved for both the three (3) under two (2) and the regular license capacities and may switch between the two (2) capacities without notifying the State Department as long as they are in compliance with all licensing rules.
- D. An infant/toddler license is a type of family care home that provides less than twenty-four (24) hour care only for children who are between birth and three (3) years old. This license type may be approved with the following conditions:
1. If there is one (1) provider, there may be a maximum of four (4) children, with no more than two (2) of the four (4) children under twelve (12) months of age, including the provider's own children. The provider's own children, under the age of twelve (12), count in the capacity of four (4).
  2. If there are two (2) equally qualified providers, as specified in Section 7.707.31, B, 3, caring for children at all times when children are present, there may be a maximum of eight (8) children between birth and three (3) years old, and no more than four (4) of those children can be between birth and one (1) year old, including both providers' own children.

3. The provider has completed the State Department approved Expanding Quality Infant/Toddler (EQ I/T) course of training; and
  4. A provider that has also been licensed as a regular and three (3) under two (2) provider in the past, and is approved for an infant/toddler license, has the flexibility to provide care on any given day for the ages and capacities of a regular or three under two license without written approval of the State Department, as long as the provider is in compliance with all applicable rules at all times.
- E. A large child care home is a family child care home that provides care for seven (7) to twelve (12) children.
1. Child care may be provided to children from birth to eighteen (18) years of age. The provider needs an assistant when the ninth child arrives at the facility.
  2. Care may be provided to no more than two (2) children under two (2) years of age.
- F. The Experienced Child Care Provider
1. An Experienced Child Care Provider (ECCP) home is a licensed child care home where care is approved for no more than nine (9) children of different age combinations depending upon which option the home is operating.
  2. The requirements for an Experienced Child Care Provider are:
    - a. Have been a licensed family child care home provider in Colorado for at least the last six (6) consecutive years; equal experience operating as a licensed military family child care home is acceptable;
    - b. Have completed ninety (90) clock hours of training within the preceding six (6) years, including the State Department approved infant/toddler course. The ninety (90) hours of training does not include licensing training universal precautions, First Aid and CPR, and medication administration training;
    - c. Have had no adverse licensing action;
    - d. Have had no adverse action taken against the provider's license in the preceding two (2) years; and,
    - e. Comply with local zoning restrictions.
  3. Applying for the Experienced Provider License
 

At least sixty (60) calendar days prior to the proposed date of operation as an experienced provider, the applicant must submit to the State Department a completed and signed experienced provider application form, which:

    - a. Affirms compliance with all the rules for family child care home providers and experienced providers;
    - b. Affirms that the 90 clock hours of training have been completed;
    - c. Includes an agreement to waive the right to appeal rules related to capacity and space requirements; and,
    - d. Affirms the provider understands that the experienced provider's license will immediately revert to a regular license if capacities are exceeded at any time.
  4. ECCP Options Table

The following chart describes the various options available to the experienced family child care home. Providers may change options without notifying the State Department, as long as the home is in compliance with one option at any one time and all licensing rules.

### Experienced Child Care Provider License

All options include provider's own children under twelve (12) years of age.

Number of Children	Total Children in Care at a Given Time	Birth Up to School-Age	Additional School-Age	Number of Children Under 2 Allowed	(Of Those Under 2) Number Under 12 Months Allowed
Option 1	9	7	2	2	2
Option 2	9	8	1	2	2
Option 3	9	5	4	2	2
Option 4	9	6	3	3	2
Option 5	4	4	0	4	2

#### 7.707.3 PERSONNEL [Rev. eff. 1/1/10]

All infant/toddler family child care homes and large family child care homes must meet all of the personnel requirements in Section 7.707.31, except where rules specific to infant/toddler homes and large family homes replace other rules.

#### 7.707.31 Requirements for Personnel [Rev. eff. 6/1/12]

##### A. General Requirements

1. Primary providers must physically reside at the family child care home and must provide the child care.
2. Primary providers and/or substitutes must be at least eighteen (18) years of age. Aides must be at least sixteen (16) years of age. Aides and volunteers shall work under the direct supervision of a primary provider at all times.
3. Providers, employees, substitutes, and volunteers must demonstrate an interest in and knowledge of children and a concern for their proper care and well-being.
4. Children for whom the provider has custody and responsibility must not have been placed in foster care or residential care because the provider or other resident of the home was abusive, neglectful, or a danger to the health, safety, or well-being of those children.
5. Providers must not be under the influence of any substance that impairs their ability to care for children.
6. The primary provider is responsible for ensuring that all employees, substitutes and volunteers are familiar with the children in care, the Rules Regulating Family Child Care Homes rules, the home's policies, and the location of children's files and emergency numbers.
7. The primary provider must plan for the selection, orientation, training and/or staff development of any employee, volunteer, or substitute.
8. The primary provider must plan for and supervise the care and activities of children.

9. All providers and all persons residing in the home must submit to the State Department at time of original application on the form required by the State Department, a health evaluation signed and dated by a licensed physician or other health professional.
10. Subsequent health evaluations for the provider and children residing in the home who are less than twelve (12) years of age must be submitted every two (2) years or as required in a written plan signed by a physician or other health professional. A new family member and/or a new resident of the home must submit to the State Department, within thirty (30) days from the date the individual began living in the home, a State Department approved health evaluation form signed and dated by a licensed physician or other health professional.
11. If, in the opinion of a physician or mental health practitioner, a physical, medical (including side effects of medication), emotional, or psychological condition exists at any time that may jeopardize the health of children or adversely affect the ability of a provider to care for children, an equally qualified substitute provider must be employed, or child care services must cease until the physician or mental health practitioner states in writing that the health risk has been eliminated.

B. Infant/Toddler Home Provider Requirements

1. For an infant/toddler home with one (1) provider, that provider must be at least twenty-one (21) years of age.
2. For an infant/toddler home with two (2) providers, one (1) provider must be at least twenty-one (21) years of age and the second equally qualified provider must be at least eighteen (18) years of age.
3. Each provider must have completed one (1) year of supervised experience caring for children who are younger than three (3) years old. The provider must be able to submit to the State Department official written verification of the required experience. The experience may have been obtained as:
  - a. A Colorado licensed family child care home;
  - b. A military licensed child care home;
  - c. A provider, in a family foster home certified for children younger than three (3) years of age; or,
  - d. An employee in a licensed child care center in an infant and/or toddler program.

C. Large Home Provider Requirements

1. The licensee must be at least eighteen (18) years of age, the primary provider, and must reside in the large child care home.
2. The primary provider at a large child care home must meet one of the following:
  - a. A minimum of two (2) years of documented satisfactory experience in the group care of children under the age of six (6) years or as a licensed home provider in Colorado. Equal experience operating as an approved military child care home is accepted; or,
  - b. A minimum of two (2) years of college education from a regionally accredited college or university, with at least one (1) college course in early childhood education, plus one (1) year of documented satisfactory experience in the group care of children as:
    - 1) A licensed home provider in Colorado,
    - 2) A military licensed child care home;

- 3) A Colorado certified family foster home; or,
  - 4) A staff member in a licensed child care center.
- c. Current certification as a Child Development Associate (CDA); or,
  - d. Completion prior to licensing of the State Department approved Expanding Quality Infant/Toddler course; and,
    - 1) A minimum of two (2) years of experience as a licensed child care provider holding a permanent license in Colorado immediately before becoming a licensee of a large child care home; or,
    - 2) A minimum of two (2) years of full-time experience in a licensed program. The group care shall have been with children who are under the age of six (6) years.
- 3. If the provider was previously licensed to operate a family child care home, there must have been no:
    - a. In the past two years, the licensee has had no substantiated complaints with a severity level of one (1) to three (3), consistent or willful substantiated rule violations of ratio, supervision, safety, or injury to a child observed during any licensing visit, or adverse licensing action; and,
    - b. Adverse action on the license within the last two (2) years; and
    - c. Substantiated specific rule violations of ratios, supervision, safety, or injury to a child observed during any licensing visit in the past two (2) years.
  - 4. Staff aides must be at least sixteen (16) years of age and must work directly under the supervision of the primary provider in charge and responsible for the care of the children. If left alone with children, the staff aide or assistant provider must meet all same age and training requirements as the provider.

**7.707.32 Training [Rev. eff. 6/1/12]**

- A. Prior to issuance of the license, the licensee and primary provider must complete:
  - 1. A State Department approved fifteen (15) clock hour pre-licensing course of training that includes nine (9) core knowledge standards. The content of one of the standards must specifically address appropriate guidance with children and that corporal discipline is never allowed. The clock hours of pre-licensing training do not include certification in First Aid, CPR, and medication administration training;
  - 2. A monitored written test or approved alternate method to verify knowledge and comprehension of the content of the training materials must be administered by the trainer to the trainee at the end of the pre-licensing training course. The trainee must have a passing score of no less than 80%. Part of approval of pre-licensing is that the provider must be able to access and understand the Rules Regulating Family Child Care Homes. The provider must take pre-licensing training for any original application except for change of address; or,
  - 3. Individuals who are currently director qualified or have a two (2) or four (4) year degree in early childhood education from a regionally accredited college or university are exempt from pre-licensing training, except for the one and one-half (1½) hours of universal precautions training, and the section of the pre-licensing training that covers the business requirements for operation of a home; and,
  - 4. A state department approved training in standard precautions that meets current occupational safety and health administration (OSHA) requirements prior to working with

children. This training must be renewed annually and may be counted towards ongoing training requirements. This standard precautions training can be included as part of the pre-licensing training, in which case the total number of hours for pre-licensing training required in 7.707.a1 is increased to sixteen (16) clock hours, and standard precautions training may count as no more than one (1) hour of the sixteen (16) clock hours; and,

5. Documentation of this training must include the number of hours of training, completion date, and expiration date. Renewal of standard precautions training can be taken as a part of the first aid training, but must be in addition to the renewal First Aid training;
6. First Aid and CPR training, for all ages of children from infant to twenty-one (21) years of age; and,
7. The State Department approved course of training for medication administration.
8. Effective December 31, 2016 all providers and staff must complete a building and physical premises training prior to working with children. The training must include:
  - a. Identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic; and
  - b. Handling and storage of hazardous materials and the appropriate disposal of bio contaminants.
9. Effective December 31, 2016 each provider or staff member responsible for the collection, review, and maintenance of the child immunization records must complete the Colorado department of public health and environment (CDPHE) immunization course within thirty (30) calendar days of employment. This training must be renewed annually and may count towards ongoing training requirements.
10. Effective December 31, 2016 each provider, staff member or regular volunteer 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 annually and may count towards ongoing training requirements.
11. Effective 12/31/2016 each provider, staff member or regular volunteer must complete a department approved training about child abuse prevention, including common symptoms and signs of child abuse within thirty (30) calendar days of employment. This training must be renewed annually and may count towards ongoing training requirements.

B. Licensees requesting continuation of a permanent license shall:

1. Complete fifteen (15) clock hours of training each year. At least three (3) of the fifteen (15) clock hours must be in social emotional development; and,
2. Ongoing training and courses shall demonstrate a direct connection to one or more of the following competency areas:
  - a. Child growth and development and learning courses that align with the competency domains of child growth and development;
  - b. Child observation and assessment;
  - c. Family and community partnership;
  - d. Guidance;
  - e. Health, safety, and nutrition;



- f. Professional development and leadership;
- g. Program planning and development; and
- h. Teaching practices:
  - 1) Each one (1) semester hour course with a direct connection to the competency area listed in section 7.707.33, b, 2, a-g, taken at a regionally accredited college or university shall count as fifteen (15) clock hours of ongoing training.
  - 2) Training hours completed can only be counted during the year taken and cannot be carried over.
  - 3) The fifteen (15) clock hours of training do not include recertification in First Aid and CPR.
  - 4) To be counted for ongoing training, a provider must receive for each training, a training certificate that includes:
    - a) The title of the training; and,
    - b) The competency area; and,
    - c) The clock hours of the training; and,
    - d) The name and signature of the trainer or another approved method of verifying the name and qualifications of the trainer.
    - e) The trainer must have documentation of the qualifications for each topic of training conducted, which must be available for review by representatives of the State Department.

**7.707.33 Substitutes [Rev. eff. 1/1/10]**

All infant/toddler family child care homes and large family child care homes must meet all of the substitute requirements, except where rules specific to infant/toddler homes and large family homes replace other rules.

**7.707.331 General Substitute Information [Rev. eff. 1/1/10]**

- A. The provider must have a plan for an urgent, emergency, personal or family situation that requires the provider to leave the family child care home immediately.
- B. Any substitute must be at least eighteen (18) years old and capable of providing care and supervision of children, and handling emergencies in the absence of the provider.
- C. Prior to caring for children, any substitute, except a substitute used in an urgent, emergency, personal or family situation, shall become familiar with:
  - 1. The Rules Regulating Family Child Care Homes;
  - 2. The home and provider's policies and procedures;
  - 3. The names, ages and any special needs or health concerns of the children; and,
  - 4. The location of emergency information.
- D. Parents or guardians must be notified each time a substitute is used to provide supervision of all children in care in the absence of the primary provider.

- E. Substitutes used in an urgent, emergency, personal or family situation must:
  1. Be given the names, ages of the children, and any special needs or health concerns;
  2. Immediately call each parent(s) or guardian(s) to notify them that the provider has been called away from the family child care home for a personal or family emergency; and,
  3. If the substitute does not meet all the requirements for the position, must notify parent(s) or guardian(s) immediately to pick up their children.
- F. In the infant/toddler family child care home, the substitute for the provider(s) must meet the same age requirements as the provider as specified in Section 7.707.31. C.
- G. In the large family child care home, the substitute for the:
  1. Primary provider must be equally qualified, as specified in Section 7.707.31, C, to provide care and supervision of children in the absence of the primary provider; and,
  2. Staff aide must be equally qualified, as specified in Section 7.707.31, A, 2, to substitute for the staff aide when necessary.

**7.707.34 Employees [Eff. 1/1/10]**

- A. Any employee ~~who is eighteen (18) years of age and older~~ WHOSE ACTIVITIES INVOLVE THE CARE OR SUPERVISION OF CHILDREN; OR WHO HAS UNSUPERVISED ACCESS TO CHILDREN must complete:
  1. A fingerprint based criminal background record check as required at section 7.701.33 and,
  2. The State Department mandated automated system background check for child abuse and neglect as required at Section 7.701.32.

~~B. Any employee who is sixteen (16) years of age to eighteen (18) years of age must only complete the State Department mandated automated system background check for child abuse and neglect.~~

- CB. Additionally, employees and substitutes for the primary provider, who provide care to children for fourteen (14) days (112 hours) or more per calendar year must complete:
  - ~~1. A fingerprint based criminal background record check as required at Section 7.701.33;~~
  - ~~2. The State Department mandated automated system required background check for child abuse and neglect as required at Section 7.701.32;~~
  31. Verification of current certification of First Aid and CPR for all ages of children;
  42. A statement of a current health evaluation, signed by an approved health care professional, that was completed within the last twenty-four (24) months;
  53. Verification of current State Department approved medication administration training; and
  64. Verification of current State Department approved universal precaution training.

**7.707.35 Volunteers [Eff. 1/1/10]**

- A. Volunteers cannot be used to meet staff to child ratio.
- B. Volunteers must be directly supervised by the child care provider, WITH NO UNSUPERVISED ACCESS TO CHILDREN, and have clearly established written duties.

- C. Volunteers must be made familiar with the Rules Regulating Family Child Care Homes and the provider's written policies and procedures prior to assisting with the care of children.
- D. Any ~~adult~~ volunteer ~~eighteen (18) years of age or older who~~ **WHOSE ACTIVITIES INVOLVE THE CARE OR SUPERVISION OF CHILDREN, WHO HAVE UNSUPERVISED ACCESS TO CHILDREN; OR WHO** works more than fourteen (14) days (112 hours) a calendar year must complete:
  - 1. A fingerprint based criminal background record check as required at Section 7.701.33; and,
  - 2. The State Department required automated system background check for child abuse and neglect, as required at Section 7.701.32.

**7.707.36 Employee, Volunteer, and Substitute Records [Eff. 1/1/10]**

- A. Personnel files for each employee, substitute, and volunteer must contain all required information within thirty (30) calendar days of the first day of employment, volunteering, or functioning as a substitute.
- B. The personnel files for each employee, substitute, and volunteer shall be available for review by any representative of the State Department and must include:
  - 1. The name, address, telephone number, and birth date of the individual;
  - 2. Information received from the state automated systems check on child abuse;
  - 3. Information received from the fingerprint based criminal record background check as required at Section 7.701.33 ~~for individuals eighteen (18) years of age and older;~~
  - 4. A record of the dates and hours of employment, volunteering, or functioning as a substitute, including the first date and the final date;
  - 5. Names, addresses, and telephone numbers of persons to be notified in the event of an emergency; and,
  - 6. A signed statement:
    - a. Clearly defining child abuse and neglect pursuant to state law and outlining the employee, substitute, or volunteer's personal responsibility to report all incidents of suspected child abuse or neglect according to state law; and,
    - b. Verifying that the employee, substitute, or volunteer has read and understands the home's policies and procedures.
  - 7. Official written verification of training, completion and expiration dates as required for the position including:
    - a. Current First Aid and CPR for all ages of children;
    - b. Universal precautions; and,
    - c. Medication administration training.
  - 8. Official written verification of education, work experience, and previous employment, as applicable for the position; and,
  - 9. If obtained, a copy of a current Colorado Early Childhood Professional Credential.

**7.707.37 Administrative Records and Reports [Rev. eff. 1/1/10]**

- A. The provider must report in writing to the State Department any critical incident as defined at Section 7.701.52 and any fire that occurs at the home to which a local fire department has responded.
- B. The provider must immediately telephone and also submit to the State Department within twenty-four (24) hours, excluding weekends and holidays, a written report about any child who has been lost from the provider's care and whether authorities have been contacted or not. Such report must indicate:
  - 1. The name, birth date, address, and telephone number of the child;
  - 2. The names of the parents or guardians and their address and telephone number if different from those of the child;
  - 3. The date, location, time, and circumstances when the child was last seen;
  - 4. All actions taken to locate the child, including whether local authorities were notified; and,
  - 5. The name of the provider and/or person supervising the child at the time the child was last seen.
- C. The home must have a written plan and emergency response procedures that explain, at a minimum, the life saving procedures that will be followed, and how the home will function during a fire, severe weather, lockdown, reverse evacuation, or shelter-in-place emergency situation. The plan must include, but not be limited to:
  - 1. Prompt notification of parents or guardians;
  - 2. When local authorities will be notified; and
  - 3. How emergency transportation will be provided.
- D. The following records must be kept and maintained in the files at the home for three (3) years after termination of care or employment:
  - 1. A daily attendance sign in/sign out sheet for each child, including the time the child arrives at and departs from the home;
  - 2. Children's records per Section 7.707.51;
  - 3. A list of current employees, volunteers, and substitutes work schedules;
  - 4. Employee, substitute, and volunteer records per Section 7.707.36; and
  - 5. A record of visitors and volunteers in the home during scheduled business hours.
- E. Confidentiality and Retention
  - 1. Information and records concerning all employees, substitutes, volunteers, children and their families must be maintained confidential and all required records must be stored in a secure location.
  - 2. Employee and children's records must be available, upon request, to authorized representatives of the State Department.

**7.707.4 POLICIES AND PROCEDURES**

**7.707.41 Statement of Policies [Rev. eff. 1/1/10]**

- A. At the time of enrollment, the provider must give the parent(s) or guardian(s) a written statement of the home's policies and procedures, and provide the opportunity to ask questions. Written copies must be available either electronically or in hard copy. The provider 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, which include all updates, changes, and must include at a minimum the following information:
1. Admission and registration procedures;
  2. Authorization of parents or other designees to pick up children, including the policy for how the provider will respond to individuals not authorized by parents/guardians to pick up a child and if a parent arrives under the influence of a controlled substance;
  3. An itemized fee schedule or individual fee agreement; fee expectations when fees may be reimbursed, when child does not attend program; when child is requested to leave the program; and, authorization for field trips;
  4. Procedure, including fees, when a child arrives or departs other than expected agreed upon care hours;
  5. Parent and provider responsibilities for special activities or programs outside of the licensed facility, such as inclusion and/or exclusion of children and the payment of additional fees;
  6. Hours of operation or individual hours agreement to include regularly closed days and applicable special program hours; policy on closure due to provider illness or family emergency and unscheduled closures;
  7. Procedure for managing a situation where children remain after the scheduled closure of the facility and the parent, guardian or other emergency contacts cannot be reached. This may include notification of the local county department of social services or police, if necessary. In the event that the provider has not been approved for overnight care, the provider cannot keep the children in care beyond midnight;
  8. Activities and snacks for children who remain at the home after closing;
  9. Services offered for children with special needs in compliance with the Americans with Disabilities Act;
  10. Acceptance of non-immunized children and notification if the provider's own birth, adopted, or step children have not been immunized;
  11. Substitute care, and the clarification of responsibility for obtaining back-up care;
  12. How and by whom children are supplied with appropriate clothing and equipment necessary to participate in indoor and outdoor activities, including helmets, wrist protection, and knee and elbow pads when riding a scooter, bicycle, skateboard or rollerblades;
  13. Storage, loss, damage or theft of provider's or child's personal belongings;
  14. Scheduled and unscheduled trips away from the family child care home; the requirement of notification of the excursion prior to the event and need for signed permission from the parent(s) or guardian(s) for the excursion and a phone number where the provider can be reached during a field trip;
  15. Transportation availability, vehicle restraint requirements, and seating capacities;

16. Written authorization or denial for media use including, but not limited to, television shows, video, music, software used at the facility and time limits for all media use;
17. Meals, snacks, and parental notification of menus, and how children with food allergies are accommodated;
18. Policy on transitioning a child from either breast feeding to a bottle and/or cup, or from a bottle to a cup;
19. Behavior guidance and discipline appropriate to the age and development the child, including positive instruction, supporting positive behavior, discipline and consequences. Policies shall include how the provider will:
  - A. Cultivate positive child, provider, staff (if applicable) and family relationships;
  - b. Create and maintain a socially and emotionally respectful early learning and care environment;
  - c. Implement strategies supporting positive behavior, pro-social peer interaction, and overall social and emotional competence in young children;
  - d. Provide individualized social 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,
  - e. Access an early childhood mental health consultant or other specialist as needed.
20. Rest time and equipment;
21. Diapering and toilet training, including, but not limited to, process, communication, time frames, supplies, and expectation;
22. Provision of daily outside play time;
23. Use of and how often sunscreen is applied, including authorization for use of sunscreen, and how infants are protected from sun exposure without the use of sunscreen;
24. Protection of children from exposure to second hand smoke;
25. Notification of parents or guardians for handling children's illnesses, accidents, injuries, or other emergencies;
26. Specific circumstances and symptoms for not admitting ill children and conditions for re-admittance;
27. Storing, administering, recording and disposing children's medicines in compliance with the State Department approved medication administration course;
28. Adverse weather precautions to include temperature extremes; inclement weather expectations and procedures, and fee expectations if home is closed during inclement weather and notification of how to find out;
29. Emergency response procedures that explain, at a minimum, the life saving procedure that will be followed and how the home will function during a fire, severe weather, lockdown, reverse evacuation, or shelter-in-place emergency situation;
30. Reporting of child abuse, including the name of the county department of social/human services and phone number of where a child abuse report should be made;

31. Filing a complaint about a family child care home, including the name, address and telephone number of the Colorado Department of Human Services, Division of Child Care, where a complaint may be filed;
32. Where a parent may obtain the official Rules Regulating Family Child Care Homes, including the Secretary of State's website;
33. 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 policy on guidance, positive instruction, discipline and consequences, and include documentation of the steps taken to understand and respond to challenging behavior; and
34. Regularly identifying on a routine basis recalled toys, equipment, and furnishings and developing a plan to remove the recalled items from the home.

**7.707.5      ADMISSION PROCEDURE [Rev. eff. 1/1/10]**

- A. An admission process must be completed prior to the child's attendance at the home and must include:
  1. A pre-admission interview, by telephone or in person, with the child's parent(s) or guardian(s) to determine whether the services offered by the home will meet the needs of the child and the parent(s) or guardian(s);
  2. An explanation of the provider's written policies and procedures. The child's parent(s) or guardian(s) must sign a statement indicating that they have read, received, and understand the provider's current policies and procedures;
  3. A plan for payment of fees;
  4. Completion of the registration information and authorizations required for inclusion in the child's record.
- B. At the time of admission, the provider must obtain:
  1. Contact information for parents or guardians;
  2. Contact information for other responsible adults;
  3. Where the parent or guardian and can be reached in the event of an accident, illness or other emergency; and,
  4. The telephone number of the child's health care provider;
  5. Written authority to arrange for medical care in the event of an emergency; and
  6. Names of individuals authorized to take the child from the home.

**7.707.51      Children's Records [Rev. eff. 1/1/10]**

- A. An admission record must be completed for each child prior to or at the time of the child's admission and updated annually, unless otherwise specified in these rules. The admission record must include:
  1. The child's full name, date of birth, current address, and date of enrollment;
  2. Family member names;

3. Parent(s) and guardian(s) home and e-mail addresses; telephone numbers, including home, work, cell and pager numbers, if the parent chooses to provide those numbers; employer name and work address; and, any special instructions as to how the parent(s) or guardian(s) may be reached during the hours that the child is in care at the child care home;
  4. Names and telephone numbers of persons other than parent(s) or guardians(s) who are authorized to take the child from the family child care home;
  5. Names, addresses, and telephone numbers of persons who can assume responsibility for the child in the event of an emergency if the parent(s) or guardian(s) cannot be reached immediately;
  6. Names, addresses, and telephone numbers of the child's health care provider, dentist, pedodontist, and hospital of choice, if applicable;
  7. Health admission information, including a health care plan, chronic medical conditions, allergies, and immunization history, shall be provided to the child care provider the first day the child attends the family child care home;
  8. A dated, written authorization for emergency medical care signed and updated annually by the parent(s) or guardian(s);
  9. 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 or guardian;
  10. Written authorization, obtained in advance of the event from a parent or guardian, for a child to participate in field trips or excursions, whether walking or riding in an approved vehicle;
  11. Written authorization for media use including, but not limited to, television and video viewing, music, video games, and computer use. The authorization must include approved time limits. The authorization form only needs to be on file if media use is not addressed in the home policies and procedures statement; and
  12. Written authorization for special activities (see Section 7.714.1).
- B. All forms contained in the admission record must be current and accessible to providers, substitutes, and representatives of the State Department.
- C. The complete file for each child in care must be retained by the home for at least three years after the child leaves the home. It must be available without restriction to the licensing agency and to the child protective services worker, police, child's parent(s) or guardian(s).
- D. Except for the licensing authority, child protective services worker, police, and the child's parent(s) or guardian(s), children's reports and records and facts learned about children and their families must be kept confidential.

**7.707.6 COMMUNICATION, EMERGENCY AND SECURITY PROCEDURES [Rev. eff. 4/1/15]**

- A. The home must have a working unblocked telephone that has the capacity to receive all incoming and Reverse 911 calls, and record messages during child care hours.
1. The telephone must be on the premises in the general area of the primary provider.
  2. The telephone number must be made available to each parent and the licensing authority.
  3. The following emergency telephone numbers must be posted near the telephone:
    - a. 911 or the alternate emergency number for local fire or police;



- b. Name and phone number of at least one (1) designated emergency substitute for the provider;
  - c. Name and physical address of the family child care home;
  - d. Hospital or emergency medical clinic;
  - e. Local health department;
  - f. Rocky Mountain Poison Center number at 1-800-222-1222; and,
  - g. Location of children's personal emergency numbers.
4. The telephone and alternative emergency telephone numbers for parent(s) or guardian(s) and other authorized emergency contacts of each child in care must be accessible in one designated place.
  5. If 911 is not available, the provider must have a plan for accessing emergency transportation at all times.
  6. The provider or substitute must notify parent(s) or guardian(s) when accidents, injuries, or illnesses occur.
  7. Emergency health care providers' numbers must be accessible in one designated place.

**B. Release of Children**

The provider must release the child only to the person(s) to whom the parent or guardian has given written authorization. Written authorization must be maintained in the child's record. In an urgent and/or emergency situation, the child may be released to a person twelve (12) years of age or older for whom the child's parent or guardian has given verbal authorization. If the provider who releases the child does not know the person, picture identification must be required to assure that the person is authorized to pick-up the child.

**C. Sign In/Out Procedure**

The provider must maintain a daily sign in/out method containing the date, the child's name, the time that the child arrived at and left the home, and the parent, guardian, or authorized person's signature. A full signature is required by the parent or guardian every time the child arrives at or leaves the home. The provider may sign in or out children who arrive directly from school or an activity as needed on a daily basis. The provider must use their full signature. The parent/guardian must provide a signature on a weekly basis to verify the record.

**D. Visitors**

Visits from all non-family members to the home must be on the sign in/out log, including the name, date, and arrival/departure times.

**7.707.7 CHILD CARE SERVICES**

**7.707.71 Health Care, Medication, Communicable Disease, Sun Protection, Second Hand Smoke, and First Aid Supplies [Rev. eff. 6/1/12]**

**A. Statements of Health Status and Immunization**

1. At the time of admission, the parent or guardian must provide the following information to the provider for each child entering the home:

- a. Health information, including any known allergies, medication being taken and possible side effects, special diets required, and chronic health conditions;
  - b. Information and health care plan on the care of each child who has an identified health condition or developmental concerns, including, but not limited to seizures, asthma, diabetes, allergies, heart or respiratory conditions, and physical or emotional disabilities; and,
  - c. Documentation of immunization status or exemption, including month and year each immunization was administered. 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. Colorado law requires that proof of immunization be provided prior to the first day of admission.
2. Within thirty (30) days after admission, and within thirty (30) days following the expiration date, the parent or guardian 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 practitioner. 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 under two and one-half (2-1/2 ) 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 licensed child care home.
  3. If the parent or legal guardian of a child wishes an exemption from the requirement for immunizations due to religious or personal beliefs, the child's parent or legal guardian, must complete and sign the current Colorado Department of Public Health and Environment immunization card which states the reason for such an exemption. The home has the right to refuse to admit any child if a completed current immunization card is not submitted.
  4. Parent(s) or guardian(s) must be notified in the written policies if the provider's children are non-immunized, if children attending facility are non-immunized, and if children with personal and religious exemptions to immunization are accepted in care.
  5. Statements of health status of children under two (2) years of age must be updated in accordance with the national pediatric recommended schedule for routine health supervision or as required in writing by health care provider.
  6. Health statements for children over two (2) years to seven (7) years of age must be updated annually.
  7. For children seven (7) years of age and older, health statements must be updated every three (3) years as long as the children are in care.

**B. Emergency Medical Care**

1. The provider must obtain written authority to arrange for emergency medical care for each child. Written authorization to obtain emergency medical care must be on file prior to or on the first day of admission and must be re-authorized annually.
2. In the event of injury or illness, the affected child must be separated from the other children in the room or area where child care is being provided and made as comfortable as possible. First Aid care must be provided as required. If additional care, medical attention, or removal from the home is indicated, the child's parent or guardian must be contacted by telephone, if possible, and medical assistance obtained without undue delay.

**C. Medication**

1. Any routine medication, prescription or non-prescription (over-the-counter), homeopathic or vitamin, may be administered by the provider only with a current written order of a health

care provider with prescriptive authority and with written parental consent. Home remedies may never be given to a child.

- a. If the routine medication involves the administration of unit dose epinephrine, the administration must be accompanied by a written individual health care plan by the prescribing health care provider that identifies the factors for determining the need for the administration of the medication, and is limited to emergency situations.
  - b. If the routine medication involves the administration of a nebulized inhaled medication, the administration must be accompanied by a written health care plan by the prescribing health care provider that identifies the factors for determining the need for the administration of the medication.
  - c. Topical preparations used for prevention on unbroken skin including, but not limited to, petroleum jelly, diaper rash ointments, sunscreen, and insect repellent can be administered solely with written parent authorization. Topical preparations used as treatment on open wounds or broken skin must have a written order from a prescribing health care provider in addition to parent authorization.
2. The provider can accept such medicines only in the original container. Prescription medicine containers must bear the original pharmacy label that shows the prescription number, name of medication, date filled, physician's name, child's name, and directions for dosage. When no longer needed, medications must be returned to the parent or guardian or destroyed.
  3. Over-the-counter and homeopathic medication must be labeled with the child's first and last name. The provider can administer medication only to the child whose name appears on the written order from the prescribing health care provider.
  4. All providers who administer medication must have daily face-to-face verbal contact with parents of children needing medication and must be currently trained through the State Department-approved medication administration course and must administer medication in compliance with the concepts taught in the course.
  5. Medication must be stored in a locked cabinet, cupboard, or locked box so that it is inaccessible to children. If refrigeration is required, it must be stored in a leak-proof container in a designated area of the refrigerator separated from food.
  6. Medication must be administered, documented and disposed of in accordance with the State Department approved training in medication administration.
  7. A written medication log must be kept for each child. This log is a part of the child's record. The log must contain the child's name, time medication was given, name of the medication, dosage and route, special instructions, name or initials of the individual giving the medication, notation if the medication was not given, and the reason.
- D. Control of Communicable Illness
1. When a child in care, resident of the home or provider has been diagnosed with a reportable communicable illness, including, but not limited to, chicken pox, hepatitis, measles, mumps, meningitis, diphtheria, rubella, salmonella, giardia, tuberculosis, and shigella, the provider must immediately notify the parents or guardians of all children in care and report to the local county department of health or the Colorado Department of Public Health and Environment.
  2. Any individual diagnosed with a reportable communicable illness must be excluded from contact with children in care at the home for a period of time determined by the individual's health care provider or by the local health department.
- E. Sun Protection

1. The provider must inform the parent or guardian, through the policies and procedures statement or an authorization form, that sunscreen will be applied to the children's exposed skin prior to outside play. A doctor's permission is not needed to use sunscreen at the home. When a parent or guardian supplies sunscreen for an individual child, the container must be labeled with the child's first and last name. If sunscreen is provided by the provider, parents must be notified in advance, in writing, of the type of sunscreen the provider will use. Parent(s) or guardian(s) must notify the provider if sunscreen has been applied to the child's skin prior to arriving at the home. Sunscreen must never be applied to an infant's skin.
2. Children over four years of age may apply sunscreen to themselves under the direct supervision of the provider.
3. Sunscreen used must be full spectrum UVA/UVB with an SPF of thirty or greater and applied according to manufacturer's instructions.

F. First Aid Supplies

Supplies must be maintained and stored in an area inaccessible to children. Supplies shall include band aids, tape, gauze, disposable gloves and compression bandages.

**7.707.72 Personal Hygiene, Hand Washing and Bathing, Diapering and Toileting, and Cleaning Toys [Rev. eff. 1/1/10]**

A. Hand Washing and Bathing

1. All providers must wash their hands thoroughly with soap under warm running water, when available, and dry with an individual use and/or single use disposable towel before preparing, serving, and eating food; before administering medication; after helping a child with toileting or diapering; after provider's own toileting; after wiping a child's nose; whenever possible on field trips, at a park, or at another location away from the home; after handling animals, their toys, or food and water bowls; after contact with bodily fluids or secretions; and, any other time the hands become soiled or contaminated.
2. All children must wash their hands thoroughly with soap under warm running water, when available, and dry with an individual use and/or single use disposable towel; before preparing and eating food; after toileting or diapering; after wiping his/her nose; whenever possible on field trips, at a park, or at another location away from the home; after handling animals, their toys, or food and water bowls; after contact with bodily fluids or secretions; and, any other time the hands become soiled or contaminated.
3. The hand washing area should promote self-help skills to include, but not be limited to, step stools, soap, and towels accessible to children.
4. If paper towels are not used, each child shall have an assigned towel that is used consistently, doesn't touch other towels, and is laundered weekly or more often if needed.
5. Children's towels and drinking cups must not be shared.
6. Hand washing areas shall be routinely disinfected when visibly dirty or prior to use different from hand washing.
7. Hand sanitizers and wipes are not acceptable alternatives to hand washing, except on outings where running water may be unavailable. Alcohol based hand sanitizers shall not be used for children under three (3) years of age.
8. When a child is bathing, the bath water must be between ninety (90) and one hundred (100) degrees. Children under five (5) years of age must not be left unattended while being bathed.

B. Diapering and Toileting

1. The home must have a designated diaper change area for all children in need of diaper changing. The diaper change area must:
  - a. Have a smooth, durable, nonabsorbent, and easily cleanable surface; and
  - b. Be large enough to accommodate the size of the child being changed.
2. The following procedure must be followed each time a diaper is changed:
  - a. Soiled or wet diapers and clothing must be changed promptly and be replaced with clean diapers and clothing whenever necessary;
  - b. The child must be placed on a clean, sanitized, dry changing table or mat;
  - c. Providers must use single use disposable gloves;
  - d. Use closest hand washing sink to the diaper changing area that is not used for food preparation;
  - e. Children's hands must be washed with soap and water after diapering;
  - f. Providers must clean and disinfect the diaper changing area after each diaper change;
  - g. Providers must vigorously clean all parts of their hands with soap and warm running water and dry their hands with individual paper or cloth towels after diapering each child;
  - h. During child care hours, clothing soiled by bodily fluids must be placed in a leak proof container. The container must be stored inaccessible to children and sent home on a daily basis;
  - i. Parent(s) or provider(s) must provide extra clothing;
  - j. For each child who is learning to use a toilet, the provider must accommodate the child's individual developmental abilities and needs, in accordance with nationally recommended procedures, and as contained in the provider's written policies and procedures;
  - k. Toilets must be flushed between uses; and
  - l. If potty chairs are used, all parts of the potty chair must be disinfected immediately after each use.

C. Cleaning Toys

1. Toys that are not mouthed or otherwise contaminated by body fluids shall be cleaned and sanitized at least once a week and whenever visibly soiled.
2. Toys that are placed in children's mouths or are otherwise contaminated by body fluids shall be cleaned and sanitized prior to use by another child.

**7.707.73 Food and Nutrition [Rev. eff. 1/1/10]**

- A. A nutritious snack or meal must be offered during the midmorning and mid-afternoon hours. A mid-day meal must also be provided and must meet at least one-third (1/3) of the child's daily nutritional needs as required by the USDA child and adult care food program meal pattern requirements. Arrangements must be made for feeding children who are in care before 6 a.m. or after 6 p.m.

- B. Food must be offered to children when they are awake at intervals not more than three hours apart.
- C. Food must be wholesome and nutritious and stored in a safe and sanitary manner. A wide variety of foods, including fresh fruits and vegetables and whole grain products must be provided to children to ensure adequate intake of dietary fiber, vitamins, minerals, and other important nutrients.
- D. If the provider does not regularly provide meals, the provider must supplement children's meals that are inadequate with foods to meet the nationally recognized meal pattern requirements.
- E. Provider(s) and parent(s) must have ongoing communication regarding special diet and feeding needs of the child(ren).
- F. Foods offered shall be age appropriate and not pose a choking hazard.
- G. Children are encouraged, but not forced, to eat food or drink fluids.
- H. Children with special needs are included in regular meal areas and routines.
- I. All milk and juice offered to children must be pasteurized.
- J. Juice must be limited to one (1) serving a day. Sweet type foods must be limited to no more than two (2) servings per week.
- K. Water must be offered and available at all times and cannot be a substitute for milk during meals.
- L. Food must be offered to the child from the child's individual dish and utensil(s). If uneaten portion(s) from the child's plate are saved, they must be refrigerated and stored safely and must be served, eaten, or discarded within four hours of being prepared.
- M. 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.
- N. Dishes, cookware, high chair trays and utensils must be washed, sanitized, and stored in a safe and sanitary manner. When used, disposable dishes and utensils must be disposed of after use. Food preparation and service areas including, but not limited to, sinks, faucets, counters, and tables must be sanitary.
- O. Bottles and Formula
  - 1. Bottles of milk, formula or breast milk must never be warmed or thawed in a microwave oven. Infant formula and breast milk cannot be reused. If a child does not finish the bottle of formula or breast milk within one (1) hour, the contents must be thrown out.
  - 2. If the infant is breast fed, the provider must not offer formula, water, or other liquids without discussing substitutions or supplementation with the infant's parent.
  - 3. The provider must make an area in the home available for a breast feeding mother to breast feed her infant while visiting the home during business hours.
  - 4. All infants unable to hold their own bottles must be held by the provider during bottle feedings and should be held so they can see the face of the provider if it is appropriate for the child.
  - 5. Infants and toddlers must not be allowed to hold their own bottles or sippie cups when lying flat to prevent choking, ear infections, bottle mouth or tooth decay.
  - 6. There must be a sufficient supply of bottles provided for the entire day; or, if bottles are to be reused, they must be washed, rinsed, and sanitized after each use.

7. Commercially prepared formula must be mixed in accordance with the directions of the manufacturer or the child's health care provider.
8. Each bottle must be marked with the child's name when there is more than one (1) child in care that drinks from a bottle.

P. Solid Foods

1. At a minimum, meals and snacks provided for infants under the age of one (1) year must contain the foods listed in the USDA child and adult care food program meal pattern for infants.
2. Foods must be appropriate for infants' developmental stages as determined by instructions obtained from the infant's parent(s), guardian(s), or health care provider.
3. No new foods shall be introduced to children under twelve (12) months of age without parental permission.
4. Infants who are eating solid foods shall be provided with developmentally appropriate solid foods that encourage freedom in self-feeding.
5. Provider(s) must either feed infants and toddlers or directly supervise them while they are eating.
6. Honey and products containing honey must never be served to infants under twelve (12) months of age.

**7.707.74 Direct Care of Children**

**7.707.741 Supervision [Rev. eff. 1/1/10]**

- A. The primary provider must supervise and know the location and activity of all children at all times while they are in care.
- B. The provider's own children who are age twelve (12) years of age and over may each have one (1) friend over during child care hours if the following conditions are met:
  1. The visiting children are not present for supervision; and,
  2. The visiting children can immediately be sent home if needed; and,
  3. The visiting children must be age twelve (12) years or over; and,
  4. Visiting children must not compromise or participate in the care and supervision of children.
- C. The provider may have other children over on occasion if the following conditions have been met:
  1. The visiting children are under the active supervision of their parent or guardian or their own child care provider; and,
  2. The square footage requirements for the home accommodates all children present.

**7.707.742 Physical Care [Rev. eff. 1/1/10]**

- A. Children must be provided a developmentally appropriate environment.
- B. Provider(s) must provide for children's appropriate care and well-being, taking into consideration the individual needs of each child.

- C. 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 home, talked to, and sung to.
- D. Infants in care who are unable to hold a bottle must be held during bottle feedings.
- E. Infants must be held frequently while in care.
- F. Provider(s) must pick-up children appropriately around their upper chest and under their arms, and based on the developmental needs of the child.
- G. Children leaving the family child care home for school or other activities must be dressed appropriately to protect the health and safety of children for the weather.
- H. Provider(s) must respond to the needs of a child, including, but not limited to: crying, toileting, hunger, and thirst. The timing of the response must not result in physical harm to the child.
- I. Providers must investigate whenever children cry.
- J. Providers must develop/provide an environment that minimizes the risk to children from hurting themselves or each other.
- K. Greetings/Departures
  1. Children should be greeted individually and pleasantly upon arrival and departure.
  2. Parent(s) or guardian(s) shall be allowed access to their children and all approved and licensed areas at all times.
  3. When necessary, upon arrival and departure, the parent or guardian and provider shall share information related to the child's health and safety including, but not limited to, special diets, accident reports, specific fears, and family traumas.
- L. Providers must not use any controlled substance or consume any alcoholic beverage during the operating hours of the facility or be under the influence of a controlled substance or alcoholic beverage during the operating hours of the facility, or use any substance that impairs their ability to care for children.
- M. Providers, substitutes, visitors, volunteers, and residents of the provider's home who consume or are under the influence of alcohol are not permitted to work with children or be in the area used for child care during business hours.
- N. Illegal drugs or paraphernalia must never be present on the premises of the child care home.

**7.707.75 Sleep and Waking Time [Rev. eff. 4/1/15]**

- A. Children must be allowed to form and observe their own pattern of sleep and waking periods. Provision must be made so that children requiring a nap time have a separate area for their nap away from other children currently playing.
- B. Children who are awake must not be confined for more than thirty (30) minutes at a time to cribs, high chairs, swings, playpens or other equipment that inhibit freedom of movement, unless they are eating. Confinement must never be used as a form of discipline. They must have an opportunity each day for freedom of movement, such as creeping, crawling, or walking in a safe, clean open, uncluttered area.



- C. The provider must provide a rest period for all preschool-age children remaining in the home for longer than four (4) hours. A rest period and rest equipment must also be provided for older children who require a rest time.
- D. Rest or sleep periods must be scheduled appropriately for the age and development of the child(ren) and not forced. Children who do not sleep after thirty (30) minutes must be provided with developmentally appropriate alternative activities. Infants and toddlers must be placed in their approved sleeping equipment within ten (10) minutes of falling asleep, unless being held by the provider, while being transported on a field trip, or if children are not at the provider's home.
- E. Toddlers, preschoolers, and older children, as necessary, must have a suitable mat not less than two inches thick, cot, bed, or sofa, with a clean washable sheet that has been sanitized between uses by different children. Children must be provided with a clean blanket.
- F. During rest/nap time the provider must remain alert and supervise all children by sight or sound. The atmosphere should be calm and conducive to rest or sleep.
- G. Safe Sleep Training for Family Child Care Staff

All staff who work with infants must complete Department-approved safe sleep training prior to working with infants and on an annual basis

#### H. Safe Sleep Environments for Infants

1. Each infant up to twelve (12) months of age must be provided with an individual crib or futon approved for infants or other approved sleep/rest equipment meeting Consumer Product Safety Commission (CPSC) standards.
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 diapers, bibs, plush toys, and stuffed animals.
3. Infants must be placed on their back for sleeping.
4. Alternative sleep positions for infants must only be allowed with a health care plan completed and signed by the child's physician.
5. Swaddling of infants must only be allowed with a health care plan completed and signed by the child's physician.
6. 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 directs otherwise.
7. 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.
8. Approved sleeping equipment mattresses must be firm and must fit snugly ensuring no more than two adult fingers are able to be inserted between the mattress and the side of the approved sleeping equipment.
9. 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.
10. Drop side and stacking cribs are prohibited.

11. Infant monitors must be used when infants are sleeping in a separate room out of the direct supervision of the primary caregiver. When in use infant monitors must meet the following conditions:
    - a. The sound monitoring equipment must be able to pick up the sounds of all sleeping infants;
    - b. The receiver of the sound monitoring equipment must be actively monitored by the primary provider or staff member at all times;
    - c. All sleeping infants must be physically observed at least every ten (10) minutes by the primary provider or a staff member; and
    - d. Sound monitoring equipment must be regularly checked to ensure it is working correctly.
  12. Infants who fall asleep in a car safety seat, bean bag chair, bouncy seat, infant seat, swing, jumping chair, play pen or play yard, highchair, chair, sofa, adult futon, adult bed or ANY other piece of equipment not approved for sleep must immediately be moved to their approved sleep area and placed on their back to sleep.
  13. Cribs must be used for sleeping, not extended play or confinement.
  14. 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 once feeding is complete.
  15. 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 the caregiver(s). Music equipment must not be placed under a crib or within three (3) feet of the sleeping infant.
  16. Supervised tummy time 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.
  17. When the caregiver places 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.
  18. 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.
- I. The facility must have policies, and ensure they are followed for safe sleep environments for infants.
  - J. The facility must have a policy, and ensure it is followed on the protection of infants from second hand smoke.

**7.707.76 Overnight Care [Rev. eff. 1/1/10]**

- A. Regular overnight care (care that past midnight) of children is permitted only when licensed to do so.
- B. All children in care must be provided with a comfortable cot, crib, bed, or couch suitable for the child's age, two (2) sheets, and a suitable warm covering. At least forty (40) square feet of floor space must be available for each bed. Beds arranged in parallel must be at least two (2) feet apart.

- C. Sheets must be changed weekly, between use by different persons, and more frequently if needed. No provider shall knowingly allow a child to sleep in a wet bed.
- D. Children's faces and hands must be washed, teeth brushed, and children must change into comfortable clothing for sleeping. Extra sleepwear must be available in the event that a change is necessary.
- E. When the provider goes to sleep, the provider must sleep on the same level of the home where children under eight (8) years of age are sleeping.
- F. Written permission must be obtained from parent(s) or guardian(s) on where the child sleeps, whether the child shares a room with another individual, and the equipment that the child is sleeping on.

**7.707.8 GUIDANCE, LEARNING ACTIVITIES, MATERIALS AND MEDIA USE**

**7.707.81 Guidance [Rev. eff. 1/1/10]**

- A. At the time of admission, the provider shall discuss with the parent or guardian the home's guidance expectations and consequences of a child's behavior.
- B. Guidance must be appropriate to the developmental age of child, constructive or educational in nature, and may include such measures as diversion, separation, talking with the child about the situation, praise for appropriate behavior, and gentle holding.
- C. Children must not be subjected to physical or emotional harm or humiliation. The provider must not use, or permit anyone else 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 discipline.
- D. Physical, mechanical, and chemical restraint shall never be used.
- E. Guidance must not be associated with food, rest or toileting. Children must not be punished for not resting or sleeping, toileting accidents, failure to eat all or part of meals or snacks, or failure to complete an activity. Food or drink may not be denied or forced upon children as a disciplinary measure.
- F. Meals and snacks can be temporarily postponed or provided individually, but deprivation of meals, snacks and beverages must not be used as punishment.
- G. Separation, when used as guidance, must be brief and appropriate for the child's age and circumstances. The child must be in a safe, lighted, well-ventilated room within hearing and vision of the provider or other qualified adult. Children must never be isolated in a locked room, attic or closet area.
- H. Verbal or emotional abuse and derogatory remarks about any child and/or any child's family and home environment is prohibited.
- I. The provider or approved substitute is responsible for and shall supervise all guidance used within the home. The provider must not allow one child to punish another child.
- J. A child must not be punished for the actions of a parent or guardian. This includes, but is not limited to, failure to pay fees, failure to provide appropriate clothing, failure to provide materials for an activity, or any conflict between the provider and the parent or guardian.

**7.707.82 Learning Activities [Rev. eff. 1/1/10]**

- A. Talking with children is generally social and not limited to only custodial or control speech.

- B. Children must be encouraged to relate or to communicate with each other and with adults using developmentally appropriate behavior.
- C. Provider(s) shall respond to children's attempts to communicate, using culturally sensitive eye contact and making an effort to create two-way conversation.
- D. Each child in care must be provided with an opportunity for both group and individual play.
- E. The provider shall encourage individual expression and adult directed projects shall be kept to a minimum, since children's work is varied and individual.
- F. Children shall not be forced to participate in activities; alternate developmentally appropriate activities shall always be available.
- G. Activities must be available to the children that are culturally sensitive and represent diversity in ethnicity, race, gender, and age. Variety shall exist in toys, books, and pictures.
- H. Boys and girls should not be restricted to specific roles in play.
- I. At least one (1) provider-initiated language activity shall be offered daily, such as reading, storytelling, flannel boards, or puppetry.
- J. The provider(s) shall initiate at least one (1) interactive musical activity weekly, such as singing, dancing, playing instruments, marching, listening to tapes or recordings, radios, and musical videos.

**7.707.83 Materials [Rev. eff. 1/1/10]**

- A. A selection of at least four (4) books must be available for the group of infants/toddlers in care.
- B. A selection of at least ten (10) books must be available for all children over two (2) years of age in care and must be organized and accessible to children most of the day. If children over five (5) years of age are in care, books relevant to that age of child must be included within the ten (10) books.
- C. Materials must be available to the children that are developmentally appropriate, culturally sensitive and represent diversity in ethnicity, race, gender, and age. Variety shall exist in toys, books, and pictures.
- D. At least four (4) language development materials appropriate to age of the children shall be available, such as telephones, puppets, story boards, dolls, and chalk boards.
- E. At least four (4) types of age-appropriate eye-hand materials shall be available for use daily which should include at least some of the following: crayons, paper, scissors, non-chokable small building toys, developmentally appropriate multi-size stringing beads, pegs, sewing cards and puzzles.
- F. Age-appropriate blocks and accessories shall be accessible for free play daily allowing at least two (2) children to play independently, yet simultaneously.
- G. A selection of at least four (4) types of developmentally appropriate nature or science related games, materials, or activities shall be available: natural object collections, plants, gardens, pets, magnets, magnifying glasses, or science props.
- H. At least four (4) types of developmentally appropriate math or number materials shall be available: counting objects, balance scales, rulers, number puzzles, magnetic numbers, and dominoes.
- I. At least four (4) types of art materials shall be available: crayons, pencils, markers, paints, play dough, scissors, and glue. Some art materials must be readily available each day.

- J. At least four (4) types of dramatic play materials shall be accessible for free play daily such as: backpacks, purses, hats, dress up clothing, housekeeping toys, dolls and accessories, toy telephones, play houses, toy animals, cars and trucks, costumes, and safe jewelry.
- K. Outdoor physical free play materials shall consist of at least four (4) age appropriate toys and equipment including, but not limited to, the following in good repair: push toys, riding toys, tossing toys, climbing equipment, balance boards, stationary swings, slides, balls, toss games, and sports equipment. These must be provided daily except in extreme weather, such as rain, snow, or extreme temperatures when indoor physical play may be substituted.
- L. Materials provided in large homes must be double the requirements for the regular home as listed above.
- M. Some sand or equivalent dry material or water play should be offered indoors or outdoors at least monthly and year round. If used, food and/or organic material must be discarded each week.

**7.707.84 Media Use [Eff. 1/1/10]**

- A. Media use including, but not limited to, television, video viewing, music, video games, and computer use should be permitted only with:
  - 1. The written approval of a child's parent(s) or guardian(s). The authorization may be included in the parent handbook or contract;
  - 2. Parent-approved time limits; and
  - 3. Activities must not contain violence, profanity, nudity, or sexual content, and must have a rating appropriate for the age of children in care.
- B. All children must be provided with a developmentally appropriate alternative activity once the child(ren) loses interest in the media activity.

**7.707.9 FACILITY REQUIREMENTS AND TRANSPORTATION**

**7.707.91 General Requirements [Rev. eff. 1/1/10]**

- A. The entire premises are subject to inspection for licensing and safety purposes including, but not limited, to the entire residence and where care is to be provided, the grounds surrounding the residence, the basement, the attic (if accessible), the storage shed, garage and/or carport, and any vehicles used for transportation of children in care.
- B. A business of a nature and any activity that might be hazardous to the health, safety, or well-being of children, or that interferes with the supervision of children, cannot be operated or conducted on the premises of the home during child care business hours.
- C. Mobile homes used as family child care homes must have at least two (2) exits, be secured, attached, skirted, and properly installed and stabilized.
- D. The premises of the family child care home must be kept safe and free from hazards to health at all times.
- E. All weapons must be locked and inaccessible to children. Ammunition and arrows must be locked and stored separately. This includes, but is not limited to, firearms, air rifles, bb guns, paintball guns, bows, hunting knives, swords, hunting sling shots, and martial arts weapons. Trigger locks are acceptable. Antique and other guns used for decoration must be unloaded, inoperable and have the firing pin removed. An unstrung bow need not be stored in a locked container. Weapons must not be transported in any vehicle in which children are riding unless the weapons are made inoperable and inaccessible. The provider, employees, and substitutes must know the location of any weapons in the home.

- F. All garbage and other wastes must be stored in a manner that is inaccessible to children and disposed of in a manner that does not constitute a health hazard or nuisance.
- G. Fire hazards, such as defective electrical or gas appliances and electric cords, dangerous or defective heating or cooking equipment, exposed wiring and flammable material stored in such a manner as to create a risk of fire must be corrected or eliminated.
- H. All stairways must be free from hazards, and those with more than five (5) steps must be equipped with banisters or handrails within reach of children. The slats on all railings must be no wider than four (4) inches apart or modified to prevent entrapment.
- I. Drinking and food preparation water from any source other than a regular municipal water supply or commercially bottled water must be tested annually and the results available for review. The water must be in compliance with water quality requirements of the Colorado Department of Public Health and Environment.
- J. Any provider's, employee's, substitute's, volunteer's, and/or visitor's animal(s) and/or fish that are dangerous, and/or pose a potential threat to a child's safety or health must be confined in a place away from the child care area and inaccessible to children. The provider's animals must be vaccinated as required by state law and local ordinance, and proof of vaccination must be available for review by the licensing specialist.
- K. Psittacine/hooded beak birds must be in a separate room inaccessible to children in care.
- L. Children must not be permitted to mistreat animals.
- M. All play equipment must be designed to guard against entrapment and strangulation. Swing sets and other outdoor play equipment must be correctly assembled, well maintained, and securely stabilized or anchored. All swings for children three (3) years of age and older must have seats made of flexible material.
- N. All exercise equipment must be inaccessible to children.

**7.707.92 Indoor Requirements**

**7.707.921 General Indoor Requirements [Rev. eff. 1/1/10]**

- A. There must be open, indoor play space of at least thirty-five (35) square feet of floor space per child, including space for moveable furniture and equipment exclusive of:
  - 1. Hallways;
  - 2. Bathrooms;
  - 3. Stairways;
  - 4. Closets;
  - 5. Laundry rooms;
  - 6. Furnace rooms; and
  - 7. Space occupied by permanent built-in cabinets and permanent storage shelves.
- B. The large home must provide sufficient floor space in the specific room(s) designated for use for child care that does not include space used by household furniture.
- C. One room or area in the home, within sight or sound of the provider, that contains a bed, cot or sofa must be available for a child in the event of an illness or injury where a child can be separated from

other children and comfortably cared for. A crib or playpen with a pad must be provided for children under twelve (12) months of age. A clean, washable sheet and blanket must be provided for each child, and shall be cleaned and changed after each use by a sick or injured child.

- D. All floors must have an easily cleanable finish including, but not limited to: carpets, tile, wood or concrete.
- E. Interior walls must be free of holes and constructed of solid material with a smooth finish that can be easily cleaned. Painted finishes shall be maintained free from peeling, chipping or otherwise deteriorating paint.
- F. The home must be equipped with adequate light, heat, ventilation, and plumbing for safe and comfortable occupancy. The heating facility must be capable of maintaining a draft-free temperature of a minimum of sixty-eight (68) degrees Fahrenheit at floor level in all rooms used for child care.
- G. All rooms must be kept in a clean and sanitary condition and be free of any evidence of pest or rodent infestation.
- H. Stairways of more than four (4) steps that are accessible to children must have gates that prevent access from the area being used when children under two (2) years old are present. The gate may be taken down as long as the provider is providing direct supervision of the child who is learning climbing skills on the stairs. Because of the risk of serious physical injury to a child, providers, employees, substitutes, volunteers, and visitors must never lift children over the gates while on a stairway.
- I. Because of the risk of serious physical injury to a child, providers, employees, substitutes, volunteers, and visitors must never step over a gate while holding a child or lift a child over a gate.

**7.707.922 Indoor Equipment, Materials and Furnishings [Rev. eff. 1/1/10]**

- A. Toys, toy parts and any material accessible to children under three (3) years of age must be large enough that they cannot be swallowed or inhaled, to prevent a choking hazard.
- B. An adequate number of high chairs and other child size suitable equipment that meets nationally recognized standards must be provided when feeding each child under two (2) years of age.
- C. Children's use of walkers with wheels is prohibited unless specifically provided for a child's special needs as ordered in the child's health care plan.
- D. Furnishings and equipment in the area approved for child care must be in good repair.
- E. Furnishings for relaxation and comfort shall include, but not be limited to:
  - 1. Soft play areas, which may include rugs, carpets, mats, and cushions; and
  - 2. Clean and soft toys.

**7.707.923 Indoor Safety [Rev. eff. 6/1/12]**

- A. All hazardous items and materials must be inaccessible to children including, but not limited to, office supplies, matches, plastic bags, cleaning and laundry materials, medicines, perfumes, curling irons, adult sharp scissors and knives, cosmetics, shaving lotions, hair products, poisonous plants, and all items labeled by manufacturer as "keep out of reach of children.
- B. In rooms accessible to children, all electrical outlets and power strips must have protective covers, or safety outlets must be installed; all exposed light bulbs must have protective covers. Electrical cords must be in good condition and shall not pose a hazard, such as strangulation, falling or tripping.

- C. Window blind cords and coverings must be secured out of children's reach or otherwise made safe to prevent strangulation.
- D. During child care hours, fans that pose a safety hazard to children (such as dangling cords, fans that can be pulled onto the child, and those where the child can stick fingers in the blades) must be inaccessible to children.
- E. Although exterior doors can be locked, they must be maintained so as to permit easy exit; interior doors must be designed to prevent children from becoming trapped.
- F. No locks or fastening devices can be used that would prevent emergency evacuation.
- G. Any level where child care occurs must have two (2) means of escape. A basement exit may include a window large enough for the provider, employees, substitute, volunteers, visitors, and children to individually exit.
- H. If the window sill height is over thirty ( 30) inches, there must be permanent access to the window. This includes a ladder bolted to the wall or sturdy and easily climbed furniture or steps.
- I. Upper levels where child care occurs, without a second exit, must have escape ladders designed specifically for the purpose of evacuation of children.
- J. All heating units, unvented 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.
- K. Any cooking stoves with controls within reach of a child shall have a safety guard.
- L. Flammable or combustible items must be stored in a locked area remote from the kitchen, at least three (3) feet from the furnace, hot water heater or any other heating device. These items include, but are not limited to, paints, fuels, insecticides, and other hazardous chemicals.
- M. A smoke detector in working condition must be installed on each level of the home.
- N. There must be a carbon monoxide detector installed in the area of the home as recommended by the manufacturer and in the area where children sleep.
- O. The home must contain at least one (1) fire extinguisher in working condition with the minimum weight of five (5) pounds, and minimum rating of 2A-10-BC. The fire extinguisher or identifying sign where the fire extinguisher is located must be highly visible and easily accessible.
- P. The use of indoor and/or climbing equipment indoors is subject to Section 7.707.932.

**7.707.93 Outdoor Requirements**

**7.707.931 General Outdoor Requirements [Rev. eff. 1/1/10]**

- A. At least seventy-five (75) square feet of useable outdoor play space must be available for each child.
- B. The outdoor play space must be enclosed with at least a forty-two inch (42") fence or natural barrier. If a natural barrier is used, it must begin no higher than three and one-half inches (3-1/2") from the ground. If the home does not have a fenced play space, provisions must be made for outdoor play in an area approved by the State Department.
- C. All parts of the play area must be visible and easily supervised.
- D. Shade must be available.



- E. Decks that are more than twelve (12) inches high must have or be modified to have a protective railing or other barrier with slats no wider than four (4) inches apart. Additionally, for decks installed at ground level with more than a twelve inch (12") gap between flooring and ground, the gap must be inaccessible to children.
- F. Tiered yards that have drop offs of more than twelve inches (12") must have a protective railing or other barrier with slats no wider the four inches (4") apart.
- G. All outdoor areas where children may pass or play shall be kept free of animal contamination. All animal wastes must be promptly removed and placed in a lidded container or otherwise inaccessible to children.
- H. Window wells accessible to children must have covers that are in good condition and will protect children from falling into the window well. Window well covers must not prevent exiting from a basement window designated as the second exit.
- I. Swimming pools, permanent wading pools, and above ground pools located on the property of the home must be enclosed with a five foot (5') fence and a locked gate.
- J. Water used by children in play areas, including wading pools, must be clean and not left to stand more than one (1) day.
- K. All hot tubs must have bolted and securely locked covers.
- L. Decorative ponds in the designated play area must use childproofing grates to prevent risk of drowning when there is no fence.
- M. The use of a trampoline by children in care is prohibited. If there is a trampoline on the property of the home, it must be stored in a way that makes it totally inaccessible to children.
- N. Tree houses must be inaccessible to children in care.
- O. Walkways must be cleared of snow and ice to provide safe entry and exit from the home.

**7.707.932 Outdoor Equipment, Materials and Surfaces [Rev. eff. 1/1/10]**

- A. Protective Surfacing Requirements
  - 1. All pieces of permanently installed climbing equipment must be surrounded by and have at least four inches (4") of a nationally recognized protective surface underneath the equipment.
  - 2. By December 31, 2010, all pieces of permanently installed playground equipment must be surrounded by and have at least six inches (6") of a nationally recognized protective surface underneath the equipment.
- B. Sand may be used as a protective surfacing when regularly raked, rototilled or replaced to retain its resiliency.
- C. If during any type of licensing visit the sand has become compacted and lost resiliency or depth, the provider must immediately replace the sand with one of the other approved protective surfacing materials.
- D. Portable climbing equipment over two feet (2') in height, whether indoor or outdoor, must be on a protective surfacing. No equipment can be placed on cement or grass.
- E. By December 31, 2010, all swing sets or permanent climbing equipment must ensure a minimum fall zone consistent with the nationally recognized standards.

**7.707.933 Outdoor Activities [Rev. eff. 1/1/10]**

- A. The home program must include outdoor play for all ages each day except when the severity of weather, including temperature extremes, makes it a health hazard or when a child must remain indoors as indicated in writing by a health care provider or in a health care plan.
- B. Developmentally appropriate supervision must be provided during outdoor play in the approved, adjoining fenced play area.
- C. Children playing in an unfenced area or any other outdoor play area, other than the required, approved fenced play area must be under direct supervision at all times.
- D. Children must wear helmets, wrist protection, and knee and elbow pads when riding a scooter, bicycle, skateboard, or rollerblades. Motorized riding toys are not permitted.
- E. All protective surfacing (excluding sand, wood chips, wood mulch, engineered wood fiber, pea gravel, synthetic pea gravel, and shredded rubber tires) and rubber mats must be manufactured for such use consistent with federal guidelines and be approved by the State Department.
- F. With written permission of the parent(s) or guardian(s), children in care shall be permitted to use the permanent pool in the presence of an adult who holds a current Red Cross basic lifeguarding certificate or equivalent, and is actively responsible for lifeguarding protection.

**7.707.934 Outdoor Safety [Rev. eff. 1/1/10]**

- A. Children must be directly and actively supervised near standing water including, but not limited to, fountains, buckets, wading pools, and animal troughs.
- B. All outdoor play areas shall frequently be surveyed and must be kept safe and free from hazardous materials or debris that could cause harm to children.
- C. Outdoor play space, including areas under decks must be free from safety hazards including, but not limited to, lawn mowers, tools, propane, gasoline, building scraps, and scrap metal. Gas grills with propane tanks must have a safety on/off knob on it.

**7.707.94 Transportation [Rev. eff. 1/1/10]**

- A. The driver of a vehicle used to transport children must follow required state laws, including possession of a current valid Colorado driver's license, automobile insurance, and meet the requirements of Colorado child passenger safety laws.
- B. At least one (1) adult in the vehicle transporting children must have a current State Department-approved First Aid and safety certificate that includes CPR for all ages of children. A First Aid kit must be available in the vehicle.
- C. Any child transported must be properly restrained in a child restraint system that meets the requirements of the Colorado child passenger safety law that requires:
  - 1. Children must ride in a rear-facing child safety seat until they are at least one (1) year old and weigh at least twenty (20) pounds.
  - 2. Children ages one (1) to four (4) years and who weigh twenty (20) to forty (40) pounds must be restrained in a forward-facing car seat.
  - 3. Children at least four (4) years of age and are less than six (6) years old must continue to ride in a child restraint (unless they are fifty-five inches tall); typically, this is a booster seat; and
  - 4. Children between six (6) and sixteen (16) years old or are fifty-five inches (55") tall must be properly restrained in a seat belt.

- D. When any vehicle is used by the home to transport children in care, the following requirements must be met:
1. Each child under four years of age and weighs less than forty pounds must be properly fastened into a child restraint system in a seating position equipped with a safety belt or other means to secure the system according to the manufacturer's instructions;
  2. Two or more children must never be restrained in one (1) seat belt or child restraint system;
  3. It is the responsibility of the driver transporting children to ensure that such children are provided with and that they properly use a child restraint system or safety belt system;
  4. Children between six (6) and sixteen (16) years of age or are fifty inches tall or more must be instructed and monitored to keep the seat belt properly fastened and adjusted;
  5. Children, who are appropriately placed in a safety belt system according to state law, must be properly secured by the safety belt system. The shoulder belt must never be placed behind the back or under the arm. The lap belt must be secured low and tight across the upper thighs;
  6. Children under thirteen (13) years of age must never be transported in the front seat of a vehicle;
  7. Children must never be left alone in a vehicle;
  8. Children must be loaded and unloaded safely and out of the path of moving vehicles;
  9. The total number of passengers being transported shall never exceed the manufacturer's specifications;
  10. The provider cannot transport more children than any vehicle can safely accommodate with child restraint systems and seat belts that are properly installed in the vehicle;
  11. The seats of the vehicle must be constructed and installed according to the manufacturer's specifications;
  12. 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;
  13. The vehicle must be enclosed and have door locks in proper working order;
  14. 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 (Section 42-4-236, C.R.S.) and
  15. At a large home, there must be at least one (1) adult supervisor, in addition to the driver, for nine (9) to twelve (12) children using the vehicle.
- E. The home must obtain written permission from the parent or guardian for transportation of the child.
- F. If the child care home provides transportation to and from care, the provider must monitor the child between the vehicle and the child's home or another home authorized by the child's parent or guardian until the child is safely in the care of another adult.
- G. Transportation arrangements for school-age children must, be by agreement between the home and the child's parent or guardian (e.g., whether the child can walk, ride a bicycle, or travel in a car). The home must exercise reasonable precaution to see that the children arrive at the home from school when expected and must follow up on their whereabouts if late. Written permission from a parent or

guardian for the child to attend community functions after school hours must include agreements regarding transportation.

- H. If transportation is provided between the home and school for school-age children, the required adult-to-child ratio and supervision must be maintained for children remaining at the home.