

**DRAFT for APRIL 22, 2010**

**§7324. INDOOR ENVIRONMENT**

**A. INDOOR SPACE REQUIRED**

1. A minimum of at least 35 square feet per child of usable indoor space shall be available.
  - a. The space shall not include toilet facilities, hallways, lofts, storage spaces, shelving units, stairways, lockers, offices, storage or food preparation areas, or rooms used exclusively for the care of ill children.
  - b. Any room counted as play space shall be available for play for the duration of the facility's hours of operation.
  - c. If rooms are used exclusively for dining and/or sleeping, they shall not be included in the licensed capacity.
  - d. The maximum number of children in care at one time, whether on or off the premises shall not exceed the capacity as specified on the current license.
  - e. Indoor space shall include an area for dining. This area may be in each classroom.
2. The number of children using a room shall be based on the 35 square feet per child requirement except for dining, sleeping and other non-routine group activities such as film viewing and parties.
3. Provisions shall be available indoors for temporarily isolating a child having or suspected of having a communicable disease so he/she can be removed

from the other children. Movable partitions are permissible so that the space may be used for play when not needed for isolating an ill child.

4. In rooms where there are cribs, there shall be adequate open floor play space available for crawling, walking, pulling up and playing free of routine care furniture for diapering, feeding, sleeping, etc.

5. An indoor area shall be maintained for the purpose of providing privacy for diapering, dressing and other personal care procedures for children beyond usual diapering age.

## B. INDOOR EQUIPMENT

1. A VARIETY OF Books, educational materials, toys and play materials shall be provided, organized and displayed within children's reach so that they may select and return items independently in each play area. There shall be materials and equipment to address the six areas of development: physical, language/literacy, social, cognitive, emotional and cultural. Materials shall be available for the number of children cared for so that each child is able to play or use equipment without having to wait with no other option available. All materials shall be appropriate to the needs and ages of the children assigned to each group.

2. Individual, labeled space shall be available for each child's personal belongings.

3. Developmentally appropriate seating shall be used. Chairs and tables of suitable size shall be available for each child. Child care staff shall ensure that children are comfortably seated at tables that are between waist and mid-chest level and allow the child's feet to rest on a permanently installed firm surface while seated.

4. Feeding tables, if age appropriate, may be used at mealtimes only.
5. Child care staff shall ensure that the high chair manufacturer's restraint device is used when children are sitting in the high chair. Children who are too small or too large to be restrained using the manufacturer's restraint device shall not be placed in the high chair.
6. All diapering surfaces shall be non-porous and shall be sanitized after each use.
7. Individual and appropriate sleeping arrangements shall be made available for each child, 12 months or older. Individual crib, cot or mat of appropriate size, height and material, sufficient to ensure his/her health and safety shall be provided. The crib, cot, or mat shall be of adequate size to ensure that the child's head and feet rest on the mat or cot and are spaced to allow easy access by staff and safe evacuation of children.
8. Each infant shall be provided with his/her individual crib (baby bed) of appropriate size, height and material, sufficient to ensure his/her health and safety.
  - a. Cribs shall be made of wood, metal or plastic and shall have secure latching devices.
  - b. Mattresses shall be of standard size so that they fit the crib frame without gaps of more than ½ inch and no more than 6 inches thick.
  - c. The mattress support system shall not be easily dislodged from any point of the crib by an upward force from underneath the crib.
  - d. Cribs shall not have corner post extensions over 1/16th

inch nor cutouts in the headboards.

- e. Non-full sized cribs shall meet the following: 16 CFR 1509

Requirements for Non-Full Size Baby Cribs.

- f. Homemade cribs and homemade mattresses are prohibited.
- g. Crib slats shall be no more than 2 3/8 inches apart.
- h. Crib railings shall be in the UPRIGHT locked position at all times when the child is in the crib.

- 9. Stackable cribs are prohibited.

10. Playpens shall not be substituted for cribs. Children shall not sleep in playpens.

11. Each child's sleeping accommodations shall be assigned to him/her on a permanent basis and labeled.

12. Sheets and coverings shall be changed immediately when soiled or wet.

13. A labeled sheet or covering shall be provided by either the provider or the parent for covering the child.

14. Cribs, cots, and mats shall be spaced at least 18 inches apart when in use.

- 15. Trampolines are prohibited.

- 16. Infant walkers are prohibited.

17. Toy chests, storage bins or other equipment with attached lids are prohibited.

- 18. Latex balloons are prohibited.

**§7325. OUTDOOR ENVIRONMENT**

A. Outdoor Space

1. Outdoor play space with a direct exit from the facility into the outdoor play yard shall be available. If the exit does not open directly onto the play yard, the outdoor play yard shall be attached to the facility in such a manner to ensure that the children are continuously protected by a permanent fence or other permanent barrier while going to and/or from the outdoor play yard. Children shall not exit the facility through the kitchen.

2. Facility's outdoor play space shall be used at scheduled outdoor play times. Regularly scheduled off-site excursions shall not be made for the purpose of fulfilling the outdoor playtime requirement. If the facility is located in a school or church, the child care facility shall have time designated for exclusive use if the outdoor play area.

3. The outdoor play space shall be enclosed with a fence or other barrier in such a manner as to protect the children from traffic hazards; to prevent the children from leaving the premises without proper supervision; and to prevent contact with animals or unauthorized persons.

a. The barrier/fence shall be at least 4 feet in height.

b. Any openings in the fence shall be no greater than 3 ½ inches to prevent entrapment.

c. The fence shall be maintained in a stable, secure, upright and in good condition which poses no risk to children.

d. Gates shall be closed while children are outdoors.

4. The outdoor play space shall provide a minimum of 75 square feet for each child using the play space at any one time. The minimum outdoor play space shall be available for at least one-third (1/3) of the licensed capacity.

5. Outdoor play space shall be maintained free from weeds, tall grass, thorn-like plants and/or litter.

6. Children attending facilities located at schools and churches shall have their own designated time for their exclusive use of the playground.

7. All air conditioning/heating units, mechanical equipment, electrical equipment, or other hazardous equipment shall be inaccessible to children.

8. Crawlspace shall be inaccessible to children.

9. Areas where there are open cisterns, wells, ditches, fish ponds, swimming pools, and other bodies of water shall be made inaccessible to children by fencing and locked gates.

**B. OUTDOOR EQUIPMENT, MATERIALS AND FURNISHINGS**

1. A variety of outdoor play equipment and materials (portable and stationary) shall be provided for the number of children cared for so that each child is able to play or use equipment without having to wait with no other option available. All materials shall be appropriate to the interests, needs and ages of the children assigned to each group.

2. Play equipment shall be laid out to ensure ample clearance space for the use of each play structure.

a. Stationary play structures no more than 30 inches in height shall be spaced at least 6 feet apart.

b. Stationary play structures more than 30 inches in height shall be spaced at least 9 feet apart.

3. Play equipment with play surfaces 4 feet or higher from the ground and swings shall have protective surfacing under the fall zone of the equipment.

a. Protective surfacing at a depth of 8 to 10 inches or rubber mats meeting ASTM Standard F-355 shall be used.

b. Protective surfacing shall extend at least 6 feet in all directions from play equipment with play surfaces 4 feet or higher from the ground.

c. Protective surfacing shall extend out from swings twice the distance of the height of the pivot point of the swing set structure. (See Appendix \_\_\_\_ include information from "Handbook for Playground Safety")

3. Climbing and/or stationary equipment regardless of height shall not be placed directly on asphalt and/or concrete.

4. Openings in guardrails or between ladder rungs, or any other space that could entrap children, shall measure less than 3.5 inches or more than 9 inches.

5. Swing seats made of wood or metal are prohibited.

6. Playground equipment shall be installed so that an average sized adult is not able to cause the fixed structure to wobble or tip.

7. Exposed ends of tubing on playground equipment shall be covered with plugs and caps .

8. Culverts are prohibited on playgrounds.

9. Sandboxes shall be constructed to permit drainage and shall be covered when not in use.

**§7327. SAFETY REQUIREMENTS**

A. At least one working corded, land line telephone shall be present in the facility. Coin operated telephones nor cordless phones are acceptable for this purpose. Facilities located in schools and churches shall have a telephone within the licensed area.

B. When a facility has multiple buildings and a telephone is not located in each building where the children are housed, facility staff shall follow established written procedures for securing emergency help. The written plan shall be posted in each building.

C. Appropriate emergency numbers such as fire department, police department, and medical facility shall be prominently posted on or near each telephone as well as the facility's physical address.

D. The telephone number for poison control shall be prominently posted on or near each telephone. The Louisiana Poison Control Number is 1-800-222-1222.

F. All equipment as well as the indoor area and the outdoor play area shall be maintained in a clean safe condition, in good repair and free of hazards.

1. There shall be no dangerous angles, no sharp edges, splinters, protruding nails, nuts and bolts, no open S hooks or pinch points, etc., within children's reach.

2. Play equipment shall be free of sharp points, corners, and edges, splinters, protruding nails, bolts, or other components that could potentially entangle clothing or snag skin.

G. Microwave ovens and bottle warming devices shall be inaccessible to children.

1. Microwave ovens that have been designated exclusively for staff use shall be located outside of the children's area.

H. Crock pots are prohibited in areas accessible to children.

I. Any equipment, to include but not limited to television sets, bookcases, shelves, appliances, warming devices, etc. shall be secured and supported so that they shall not fall or tip over.

J. Prescription and over-the-counter medications, poisons, cleaning supplies, harmful chemicals, equipment, tools, kitchen knives or potentially dangerous utensils and any substance with a warning label stating it is harmful or that it should be kept out of the reach of children, shall be locked away from and inaccessible to children.

Whether a cabinet or an entire room, the area shall be locked.

K. Refrigerated medication shall be stored in a secure container with a lid to prevent access by children and avoid contamination of food.

L. Plastic bags, whether intended for storage, trash, diaper disposal, or any other purpose, shall be locked away from and inaccessible to children when not in use.

M. Open containers with standing water such as mop buckets shall be inaccessible to children.

N. Construction, remodeling, or alterations of structures shall be done in such a manner as to prevent hazards or unsafe conditions (fumes, dust, safety hazards).

O. Secure railings shall be provided for flights of more than three steps and for porches more than three feet from the ground.

P. Open stairways located within the licensed space shall be inaccessible to children. At a minimum, gates shall be installed at the top and/or bottom of each open stairway. OSFM? Gates shall have latching devices that adults can open but children can

not. Children shall be supervised closely when around stairways that are accessible on the premises but not within the licensed space.

Q. Accordion gates are prohibited.

R. Unused electrical outlets shall be protected by a safety plug cover.

S. Strings and cords such as but not limited to those found on equipment, window coverings, etc. shall be inaccessible to children.

T. First aid supplies shall be kept on-site and easily accessible to employees and not within the reach of children.

U. All areas of the facility used by the children, including sleep areas, shall be properly heated, cooled, and ventilated.

V. Electric space heaters, if used, shall ????

1. be inaccessible to children and be stable;

2. have protective covering to keep hands and objects away from the electric heating element;

3. bear the safety certification mark of a recognized testing laboratory, such as UL (Underwriters Laboratories) or ETL(Electrotechnical Laboratory);

4. be placed at least 3 feet from curtains, papers, furniture and any flammable object;

5. have a tip over switch so that if the heater is knocked over it will automatically shut off.

W. The provider shall prohibit the use and/or possession of alcohol, tobacco, illegal substances or unauthorized potentially toxic substances, fireworks, firearms (loaded or unloaded), pellet or BB guns (loaded or unloaded) on the child care premises. A notice to this effect shall be posted.

X. Staff's personal belongings (such as, but not limited to, contents of

purses, backpacks, coat pockets, etc.) shall be inaccessible to children.

Y. The provider shall post the current copy of "The Safety Box" newsletter issued by the Office of the Attorney General as required by Chapter 55 of Title 46 of the LRS 46:2701–2711.

Z. Any situation that violates the spirit of these regulations and/or is deemed unsafe for the children, even though it may not be specifically mentioned as forbidden is prohibited.

**§7329. EMERGENCY PREPAREDNESS AND EVACUATION PLANNING**

- A. The director, in consultation with appropriate state or local authorities, shall establish and follow a written emergency and evacuation plan to protect children in the event of any emergencies such as shelter in place and lock down situations or need for evacuation with regard to natural disasters, man-made disasters and attacks while children are in care. The plan shall be appropriate for the area in which the facility is located and address any potential disaster due to that particular location. Emergency procedures shall be reviewed with staff at least twice a year. The policy shall also include information regarding handling children with special needs as well as infant and toddlers. The plan shall include but is not limited to a system to account for all children whether sheltering in place or evacuating to a pre-determined re-location site, system to contact parents of children (how and when parents will be notified), and notification to parents of the plan to assist in re-unification. Emergency child pick up forms will be available at each re-location site to assist with

re-uniting parent and child.

- B. Emergency evacuation and relocation plans must include specific information and supply lists for children under 2 years of age. In addition, an individualized plan (including medical contact information and additional supplies/equipment needed) must be in place for each child with special needs as identified by an Individual Family Service Plan (IFSP) or an Individual Education Plan (IEP).
- C. If evacuation of the facility is necessary, provider shall have an evacuation pack and all staff shall know the location of the pack, At a minimum the pack shall contain the following:
  - a. list of area emergency telephone numbers
  - b. list of emergency contact information and emergency medical authorization for all children enrolled
  - c. first aid kit
  - d. hand sanitizer
  - e. wet wipes
  - f. diapers if serving infants
  - g. battery powered flashlight
  - h. battery powered radio
  - i. disposable cups
  - j. bottled water

**NOTE: For additional information contact the Office of Emergency Preparedness (Civil Defense) in your area.**

Examples:

Natural	Severe weather
	Ice storms
	Hurricanes
	Tornadoes
	Floods
	High Winds
Technological	Electrical and/or Gas outages
	Loss of Water
	Flooding from broken pipes
	Fire
	Exposure to hazardous materials from industrial plants, barge, rail or trucking accidents
Attacks	Bomb threats
	Biological/Chemical attacks
	Explosions

D. If the center is located within a ten-mile radius of a nuclear power plant or research facility, the center shall also have plans for nuclear evacuation.

E. Fire drills shall be conducted at least once per month. Drills shall be conducted at various times of the day to include all children (children attending on

certain days only or at certain times only) and shall be documented. Documentation shall include:

1. date and time of drill;
2. number of children present;
3. amount of time to evacuate the facility;
4. problems noted during drill and corrections noted; and
5. signatures (not initials) of staff present.

*The Child Care Licensing and Regulatory Section recommends that at least one fire drill every six months be held at naptime.*

F. The center shall establish and implement a tornado drill program consisting of at least 2 tornado drills during the months of April to October to assure prompt emergency procedures in the case of a tornado.

**§7329. NON-VEHICULAR EXCURSIONS**

A. Written parental authorization shall be obtained for all non-vehicular excursions. Authorization shall include the name of child, type and location of excursion, date and signature of parent, and shall be updated at least annually.

B. The provider shall maintain a record of all non-vehicular excursion activities to include date, time, list of children, staff, and other adults, and type of activity.

**§7331. GENERAL TRANSPORTATION (CONTRACT, FACILITY PROVIDED, PARENT PROVIDED)**

Providers who transport or arrange transportation of children assume additional responsibility and liability for the safety of the children. Whether transportation is provided on a daily basis or for field trips only, these general regulations shall apply.

A. Transportation arrangements shall conform to state laws, including but not limited to seat belts and child restraints. However, no child under 5 years shall be transported in a vehicle including a school bus without the proper child restraints.

*NOTE: For additional information regarding state laws, contact Office of Public Safety.  
(See Appendix \_\_\_\_ – Child Safety Restraint law)*

B. Only one child shall be restrained in a single safety belt.

C. The children shall be attended by a staff person at all times while in the vehicle.

D. Each child shall safely board or leave the vehicle from the curb side of the street and/or shall be escorted across the street.

E. The vehicle shall be maintained in good repair.

F. Air conditioning and heating systems shall be operational and used to maintain a comfortable temperature during transport.

G. The vehicle's engine shall be maintained in working mechanical order.

H. The vehicle's interior shall be clean and free of trash and debris.

I. The vehicle's seat coverings shall be in good repair.

J. Written documentation shall be maintained of regular maintenance of all facility vehicles to include monthly inspection of tire wear and pressure, brakes, lights, and functioning seat belts.

K. The use and/or possession of tobacco in any form, illegal substances or unauthorized potentially toxic substances, firearms (loaded or unloaded), pellet or BB

guns (loaded or unloaded) in any vehicle is prohibited.

L. The number of persons in a vehicle used to transport children shall not exceed the manufacturer's recommended capacity.

M. Children shall not be allowed to ride in the front seat of any vehicle.

N. The provider shall maintain a copy of a valid appropriate Louisiana driver's license for all individuals who drive vehicles (staff, contracted persons, parents) used to transport children.

O. The provider shall maintain in force at all times current commercial liability insurance for the operation of facility vehicles to ensure medical coverage for children in the event of accident or injury. This policy shall extend coverage to any staff member who provides transportation for any child in the course and scope of his/her employment.

P. The provider is responsible for payment of medical expenses of a child injured while in the provider's care. Documentation shall consist of the insurance policy or current binder that includes the name of the child care facility, the name of the insurance company, policy number, period of coverage and explanation of the coverage.

Q. If transportation is provided by parents for field trips or transportation is provided by contract, whether daily or field trip, a copy of the current liability insurance shall be maintained on file.

R. Parents shall not be required to waive the provider's responsibility. Provider may not issue any disclaimer of responsibility in any of its policies, handbooks, parent contract, advertising, or any other written or verbal form.

S. The vehicle shall have evidence of a current safety inspection. In lieu of a visual inspection of a contracted vehicle, a signed statement by the contracted agency

representative verifying the expiration date of the current inspection is acceptable. In lieu of the visual inspection of a parent's vehicle, a signed statement by the director verifying the expiration date of the current inspection is acceptable.

T. There shall be first aid supplies in each provider or contracted vehicle. First aid supplies (at least one per trip) shall be available for each field trip when parents provide transportation. In lieu of a visual inspection of a contracted vehicle, a signed statement by the contracted agency representative verifying this information is acceptable.

U. There shall be information prominently posted in each vehicle identifying the name of the director and the name, telephone number, and address of the facility for emergency situations. In lieu of a visual inspection of a contracted vehicle, a signed statement by the contracted agency representative verifying this information is acceptable.

V. Each vehicle operated by the facility shall have operable door locks. The driver/monitor shall be responsible for keeping the doors locked when children are present in the vehicle.

W. Immediately upon unloading the last child and to ensure that all children have been unloaded, a staff person other than the driver/monitor shall physically walk through the vehicle and inspect all seat surfaces, under all seats and in all compartments or recesses in the vehicle's interior.

1. The staff conducting the visual check shall record the time of the inspection and sign his or her full name indicating that no child was left on the vehicle.

2. Documentation shall be maintained on file at the facility whether provided by facility or contract.

X. When children are picked up or drop off at the facility by a public school bus, safe conduct to and from the bus shall be provided.

**§7333. FIELD TRIPS (CONTRACT, FACILITY-PROVIDED, PARENT PROVIDED)**

A. All requirements for general transportation, Section 7331, also apply to field trips. In addition, the following standards shall apply when transportation is provided/arranged for field trips:

1. The provider shall maintain a signed parental authorization for each field trip. Field trip authorization shall include the method of transportation, (contract vehicle, facility owned vehicle, parent vehicle) used to transport children, event, location, child's name, date and time of event, parent's signature and date.
2. At least two staff, one of whom may be the driver, shall be in each facility or contracted vehicle unless facility has a communication device and child/staff ratio is met in the vehicle.
3. When parents transport children other than their own children, there shall be at least one adult present in each vehicle in addition to the driver.
4. If transportation is provided by parents, a planned route shall be provided to each driver and a copy maintained in the facility.
5. Children shall be supervised during boarding and exiting vehicles by an adult who remains on the outside of the vehicle.
6. A written record for each field trip shall be maintained to include the following:
  - a. the date of the field trip;

- b. destination of the trip;
- c. method of transportation;
- d. first and last names of all the children being transported in each vehicle;
- e. first and last names of the driver/staff or other adults (parents, volunteers, etc.) being transported in each vehicle;
- f. first and last names of other adults who joined the activity at the destination to assist with the supervision of the children;
- g. the child, staff, and other adults' attendance recorded each time they board the vehicle;
- h. the signature of the person conducting the check and the time the vehicle is checked for each loading.

7.

**§7335. DAILY TRANSPORTATION (CONTRACT OR FACILITY PROVIDED)**

A. All requirements in general transportation, Section 7331, also apply for daily transportation. In addition, the following standards all apply when daily transportation is provided/arranged.

1. A staff person shall be present when the child is delivered to the facility.
2. The driver plus one staff are required at all times in each vehicle when transporting any child under five years of age.
3. When transporting children five years of age and older, the driver plus one staff person shall be in each contracted or facility provided vehicle unless the

vehicle has a communication device which allows staff to contact emergency personnel, and the child/staff ratio is met in the vehicle.

4. Written authorization to transport the child signed and dated by the parent(s) shall include:

- a. name of child;
- b. type of service, (for example: to and from home, to and from school to include the name of the school);
- c. names of individuals to whom the child may be released.

5. A current passenger log for each trip shall be used to track children and staff during transportation. The log shall be maintained on file at the facility whether the transportation is provided by facility or contract. The following shall be recorded on the log:

- a. the date the transportation is provided;
- b. the first and last name of the child;
- c. the first and last name of the driver/staff;
- d. the time the child was placed on the vehicle;
- e. the time the child was released and the name of the person to whom the child was released; and
- f. the signature of the staff who completed the log.

6. Each driver or attendant shall be provided with a current master transportation list including each child's name, pick up and drop off locations and authorized persons to whom the child may be released. Documentation shall be maintained on file at the facility whether provided by the facility or contract.

7. Children shall not be transported more than 1½ hours per trip on

a routine basis.

8. Children shall not be transported to prevent the facility from being over capacity.

**§7337. CONTRACT REQUIREMENTS**

A. The provider shall maintain a contract which is signed by the provider and a representative of the transportation agency outlining circumstances under which transportation will be provided. This written contract shall be dated, time limited and shall include verbiage in Section 7331.

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