

Environmental

Health

RULES & REGULATIONS

**Rules for Child Care Facilities, Centers,
and Home Care**

Chapter 11 of the Denver Revised Municipal Code and the Child Care Licensing Act, Section 26-6-101 to 26-6-119, C.R.S., sections 25-1.5-101(1)(a) and (h), 25-1.5-102(1)(a) and (d), 25-1-108(1)(c)(I) and 25-5-508, C.R.S. and 25-1.5-101(1)(h), C.R.S.



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Table of Contents

GENERAL RULES FOR CHILD CARE FACILITIES

7.701	GENERAL RULES FOR CHILD CARE FACILITIES	1
7.701.1	INTRODUCTION [Rev. eff. 8/7/06]	1
7.701.11	Licensing Exemptions [Rev. eff. 8/7/06].....	1
7.701.12	Civil Penalties and Injunctions [rev. eff. 6/1/00].....	2
7.701.13	Waivers [rev. eff. 6/1/00].....	3
7.701.14	Civil Rights [rev. eff. 6/1/00].....	3
7.701.2	DEFINITIONS	4
7.701.21	Types of Homes	4
7.701.211	Family Child Care Home [Rev. eff. 8/1/07]	4
7.701.211	Foster Care Home [Eff. 8/1/07]	4
7.701.212	Specialized Group Facility [Rev. eff. 8/1/07].....	4
7.701.213	Child Care Center [Rev. eff. 8/1/07]	5
7.701.214	Children's Resident Camp [Rev. eff. 8/1/07].....	6
7.701.215	Day Treatment Center [Rev. eff. 8/1/07]	7
7.701.216	Child Placement Agency [Rev. eff. 8/1/07]	7
7.701.217	Residential Child Care Facility [Rev. eff. 8/1/07]	7
7.701.218	Secure Residential Treatment Center [Rev. eff. 8/1/07].....	8
7.701.22	Other Definitions [Rev. eff. 8/1/07]	8
7.701.3	APPLICATION PROCESS	9
7.701.31	Original Application [Rev. eff. 8/1/06].....	9
7.701.32	Use of Records and Reports of Child Abuse or Neglect for Background and Employment Inquiries [Rev. eff. 10/30/07].....	9
7.701.33	Criminal Record Check [Rev. eff. 9/10/10]	11
7.701.34	Fire and Health Inspections, Zoning Codes [Rev. eff. 8/1/07]	16
7.701.35	Changes Requiring a New Application [Rev. eff. 8/7/06].....	17
7.701.36	Types of Licenses.....	17
7.701.361	Permanent License [Rev. eff. 8/7/06]	17
7.701.362	Time-Limited License [Eff. 8/7/06]	17
7.701.363	Provisional License [Rev. eff. 8/7/06].....	18
7.701.364	Probationary License [Rev. eff. 8/7/06]	18

7.701.363	Provisional License [Rev. eff. 8/7/06].....	18
7.701.364	Probationary License [Rev. eff. 8/7/06]	18
7.701.365	Multiple Licenses [Rev. eff. 8/7/06]	18
7.701.4	FEES [Rev. eff. 9/1/08].....	18
7.701.5	ADMINISTRATION	21
7.701.51	Governing Body.....	21
7.701.52	Reports	21
7.701.53	Reporting of Child Abuse	22
7.701.54	Investigation of Child Abuse [rev. eff. 11/1/98].....	23
7.701.55	Reporting of Licensing Complaints [rev. eff. 9/3/99].....	23
7.701.56	Child care facilities must provide written information to parents at the time of admission and staff members at the time of employment on how to file a complaint concerning suspected licensing violations. The information must include the complete name, mailing address, and telephone number of the Colorado Department of Human Services, Division of Child Care. Posting Licensing Information [rev. eff. 9/1/02]	23
7.701.6	CONFIDENTIALITY OF RECORDS.....	24
7.701.7	PARENTAL ACCESSIBILITY.....	24
7.701.8	PERJURY STATEMENT - APPLICATION FORMS FOR EMPLOYMENT WITH A CHILD CARE PROVIDER [eff. 9/3/99].....	24

RULES AND REGULATIONS GOVERNING THE HEALTH, SAFETY AND SANITATION OF CHILD CARE FACILITIES

7.1	Authority.....	25
7.2	Scope and Purpose	25
7.3	Applicability.....	25
7.4	Definitions	26
7.5	Incorporation by Reference.....	34
7.6	Premise.....	35
7.6.1	Grounds.....	35
7.6.2	Solid Waste	35
7.6.3	Pools, Hot Tubs and Natural Swim Areas.....	35
7.7	Facility.....	36
7.7.1	Building.....	36
7.7.2	Detached Structures and Modular Classrooms.....	37

7.8	Sanitary Facilities and Controls.....	37
7.8.1	Water Supply.....	37
7.8.2	Sewage.....	39
7.8.3	Plumbing.....	39
7.8.4	Toilet Facilities.....	40
7.8.5	Hand Washing/Bathing Facilities.....	41
7.8.6	Custodial Areas.....	42
7.9	Interior Design.....	42
7.9.1	Personal Belongings.....	42
7.9.2	Play Equipment.....	43
7.9.3	Napping, Sleeping Areas and Equipment.....	43
7.9.4	Toys, Furnishings and Equipment.....	43
7.9.5	Ill / Injured Child Area.....	44
7.10	Disease Prevention.....	45
7.10.1	Personal Health.....	45
7.10.2	Demonstration of Knowledge.....	46
7.10.3	Hand Washing and Hygienic Practices.....	46
7.10.4	Medications and First Aid.....	48
7.10.5	Sanitizers.....	48
7.10.6	Disinfectants.....	50
7.11	Food Service.....	51
7.11.1	Plumbing.....	51
7.11.2	Ventilation.....	53
7.11.3	Cooking and Hot Holding Equipment.....	53
7.11.4	Commercial Refrigeration Equipment.....	53
7.11.5	Domestic Equipment.....	53
7.11.6	Operational Requirements.....	54
7.12	Infant and Toddler Programs and as Applicable to Older Children.....	55
7.12.1	Personal Items and Bedding.....	55
7.12.2	Staff Clothing for Infant Care.....	56
7.12.3	Feeding.....	56
7.12.4	Diapering.....	57
7.13	Care Of Animals.....	58
7.13.1	Prohibited Animals.....	59

7.13.2	Animal Bite Control.....	59
7.13.3	Enclosures	59
7.13.4	Child Participation.....	60
7.13.5	Designated Animal Areas	60
7.14	Toxic Materials Management.....	60
7.14.1	Insect and Rodent Control	60
7.14.2	Poisonous or Toxic Materials	61
7.14.3	Art and Science Materials	62
7.15	Compliance Procedures	63

RULES REGULATING CHILD CARE CENTERS

7.702	RULES REGULATING CHILD CARE CENTERS (LESS THAN 24-HOUR CARE) [REV. EFF. 2/1/16]	65
7.702.1	DEFINITIONS [REV. EFF. 2/1/16].....	65
7.702.2	ADMINISTRATION [REV. EFF. 2/1/16].....	66
7.702.3	POLICIES AND PROCEDURES [REV. EFF. 2/1/16].....	66
7.702.31	Statement of Policies and Procedures [REV. EFF 2/1/16]	66
7.702.32	Communication, Emergency, and Security Procedures [Rev. eff. 2/1/16].....	68
7.702.33	Personnel Policies, Orientation, and Staff Development [Rev. eff. 2/1/16].....	68
7.702.4	PERSONNEL [REV. EFF 2/1/16].....	70
7.702.41	General Requirements for All Personnel [Rev. Eff. 2/1/16].....	70
7.702.42	Director Qualifications - Large Child Care Center [Rev. eff. 2/1/16].....	71
7.702.43	Director Qualifications - Small Child Care Center [Rev. eff. 2/1/16]	74
7.702.44	Qualifications for Other Staff Members [Rev. eff. 2/1/16].....	75
7.702.45	Required Staff and Supervision [Rev. eff. 2/1/16]	77
7.702.46	Infant Program Staff [Rev. eff. 2/1/16].....	81
7.702.47	Toddler Program Staff [REV. EFF 2/1/16]	83
7.702.48	Infant and Toddler Programs Affiliated with Public School Teen Parent Programs [Rev. eff. 2/1/16]	83
7.702.5	CHILD CARE SERVICES [Rev. eff. 2/1/16].....	84
7.702.51	Admission Procedure [Rev. eff. 2/1/16]	84
7.702.52	Health Care [Rev. eff. 2/1/16]	86
7.702.53	Personal Hygiene [Rev. eff. 2/1/16]	90
7.702.54	Physical Care and SUPERVISION [Rev. eff. 2/1/16].....	90

7.702.55	Food and Nutrition [Rev. eff. 2/1/16].....	93
7.702.56	Guidance [Rev. eff. 2/1/16].....	94
7.702.57	Overnight Care [Rev. eff. 2/1/16].....	95
7.702.58	Activities [2/1/16].....	95
7.702.59	Transportation [Rev. eff. 2/1/16].....	97
7.702.6	CHILD CARE EQUIPMENT AND MATERIALS [2/1/16]	99
7.702.61	General Requirements [Rev. eff 2/1/16]	99
7.702.62	Play-Equipment and Materials [Rev. eff. 2/1/16]	99
7.702.63	Rest Time Equipment [Rev. eff. 2/1/16].....	101
7.702.7	BUILDINGS AND FACILITIES [2/1/16]	102
7.702.71	Building Site [2/1/16].....	102
7.702.72	Building Plans and Construction [2/1/16]	102
7.702.73	Space Requirements [Rev. eff. 2/1/16]	102
7.702.74	Food Preparation Area [Rev. eff. 2/1/16]	104
7.702.75	Toilet Facilities [Rev. eff. 2/1/16]	105
7.702.76	Office Facilities [Rev. eff. 2/1/16]	105
7.702.8	FIRE AND OTHER SAFETY REQUIREMENTS [Rev. eff. 2/1/16]	105
7.702.81	General Requirements [Rev. eff. 2/1/16]	105
7.702.82	Fire Safety	106

RULES REGULATING SCHOOL-AGE CHILD CARE CENTERS

7.712	RULES REGULATING SCHOOL-AGE CHILD CARE CENTERS	110
7.712.1	POLICY OF THE COLORADO DEPARTMENT OF HUMAN SERVICES [Rev. eff. 11/1/98]	110
7.712.2	DEFINITIONS [Rev. eff. 6/1/07]	110
7.712.3	POLICIES AND PROCEDURES	111
7.712.31	Statement of Policies and Procedures [Rev. eff. 6/1/07]	111
7.712.32	Communication, Emergency, and Security Procedures [Rev. eff. 6/1/07].....	112
7.712.33	Personnel Policies, Orientation, and Staff Development [Rev. eff. 9/1/08]	113
7.712.4	PERSONNEL	114
7.712.42	General Requirements for All Personnel [Rev. eff. 6/1/07]	114
7.712.42	Required Personnel and Qualifications [Rev. eff. 6/1/07]	115
7.712.43	Required Staff Supervision [Rev. eff. 6/1/07].....	116
7.712.44	Volunteers [Rev. eff. 11/1/98].....	116

7.712.5	CHILD CARE SERVICES	117
7.712.51	Admission Procedure [Rev. eff. 6/1/07]	117
7.712.52	Health Care [Rev. eff. 6/1/07].....	117
7.712.53	Personal Hygiene [Rev. eff. 10/1/03].....	120
7.712.54	Food and Nutrition [Rev. eff. 10/1/03].....	120
7.712.55	Discipline [Rev. eff. 11/1/98].....	120
7.712.56	Transportation [Rev. eff. 6/1/07].....	121
7.712.6	PROGRAM ACTIVITIES	122
7.712.61	Activity Schedules [Rev. eff. 6/1/07]	123
7.712.62	Equipment and Materials [Rev. eff. 6/1/07].....	123
7.712.63	Field Trips [Rev. eff. 11/1/98].....	123
7.712.64-66	(None).....	124
7.712.7	BUILDING AND FACILITIES	124
7.712.71	Facility Requirements [Rev. eff. 6/1/07]	124
7.712.72	Toilet Facilities [Rev. eff. 11/1/98]	124
7.712.73	Food Preparation Area [Rev. eff. 11/1/98]	125
7.712.74	Fire and Other Safety Requirements [Rev. eff. 10/1/03].....	125
7.712.8	RECORDS AND REPORTS	126
7.712.81	Children's Records [Rev. eff. 6/1/07].....	126
7.712.82	Staff Records [Rev. eff. 6/1/07]	127
7.712.83	Administrative Records and Reports [Rev. eff. 11/1/98].....	128
7.712.84	Confidentiality and Retention [Rev. eff. 11/1/98]	129

RULES REGULATING FAMILY CHILD CARE HOMES

7.707	RULES REGULATING FAMILY CHILD CARE HOMES [Rev. eff. 1/1/10]	130
7.707.1	POLICY OF THE COLORADO DEPARTMENT OF HUMAN SERVICES [Rev. eff. 1/1/10]	130
7.707.2	DEFINITIONS AND TYPES OF FAMILY CHILD CARE HOMES	130
7.707.21	DEFINITIONS [Rev. eff. 1/1/10].....	130
7.707.22	TYPES OF FAMILY CHILD CARE HOMES [Rev. eff. 1/1/10]	137
7.707.3	PERSONNEL [Rev. eff. 1/1/10].....	142
7.707.31	Requirements for Personnel [Rev. eff. 1/1/10]	142
7.707.32	Training [Rev. eff. 1/1/10].....	144

7.707.33	Substitutes [Rev. eff. 1/1/10].....	146
7.707.331	General Substitute Information [Rev. eff. 1/1/10]	146
7.707.34	Employees [Eff. 1/1/10].....	147
7.707.35	Volunteers [Eff. 1/1/10]	147
7.707.35	Employee, Volunteer, and Substitute Records [Eff. 1/1/10]	147
7.707.37	Administrative Records and Reports [Rev. eff. 1/1/10].....	148
7.707.4	POLICIES AND PROCEDURES	149
7.707.41	Statement of Policies [Rev. eff. 1/1/10]	149
7.707.5	Admission Procedure [Rev. eff. 1/1/10].....	151
7.707.51	Children's Records [Rev. eff. 1/1/10].....	152
7.707.6	COMMUNICATION, EMERGENCY, AND SECURITY PROCEDURES [Rev. eff. 1/1/10].....	153
7.707.7	CHILD CARE SERVICES	154
7.707.71	Health Care, Medication, Communicable Disease, Sun Protection, Second Hand Smoke, and First Aid Supplies [Rev. eff. 1/1/10].....	154
7.707.72	Personal Hygiene, Hand Washing and Bathing, Diapering and Toileting, and Cleaning Toys [Rev. eff. 1/1/10]	158
7.707.73	Food and Nutrition [Rev. eff. 1/1/10].....	159
7.707.74	Direct Care of Children	161
7.707.741	Supervision [Rev. eff. 1/1/10]	161
7.707.742	Physical Care [Rev. eff. 1/1/10].....	161
7.707.75	Sleep and Waking Time [Rev. eff. 1/1/10].....	162
7.707.76	Overnight Care [Rev. eff. 1/1/10].....	165
7.707.8	GUIDANCE, LEARNING ACTIVITIES, MATERIALS AND MEDIA USE ...	166
7.707.81	Guidance [Rev. eff. 1/1/10]	166
7.707.82	Learning Activities [Rev. eff. 1/1/10]	166
7.707.83	Materials [Eff. 1/1/10].....	167
7.707.84	Media Use [Eff. 1/1/10]	168
7.707.9	FACILITY REQUIREMENTS AND TRANSPORTATION	168
7.707.92	Indoor Requirements	170
7.707.921	General Indoor Requirements [Rev. eff. 1/1/10]	170
7.707.922	Indoor Equipment, Materials and Furnishings [Rev. eff. 1/1/10]	171
7.707.923	Indoor Safety [Rev. 1/1/10]	171
7.707.93	Outdoor Requirements.....	172
7.707.931	General Outdoor Requirements [Rev. eff. 1/1/10].....	172

7.707.932	Outdoor Equipment, Materials and Surfaces [Rev. eff. 1/1/10]	173
7.707.933	Outdoor Activities [Rev. eff. 1/1/10]	173
7.707.934	Outdoor Safety [Rev. eff. 1/1/10]	174
7.707.94	Transportation [Rev. eff. 1/1/10]	174

RULES REGULATING CHILDREN'S RESIDENT CAMPS

7.711	RULES REGULATING CHILDREN'S RESIDENT CAMPS [Rev. eff. 6/1/07]	177
7.711.1	DEFINITIONS [Rev. eff. 4/1/13]	177
7.711.11	Purpose and Goals [Rev. eff. 11/1/98]	177
7.711.12	Governing Body [Rev. eff. 6/1/07]	177
7.711.13	Financial Support [Rev. eff. 11/1/98].....	178
7.711.14	Insurances [Rev. eff. 11/1/98].....	178
7.711.15	Written Agreements, Reports, and Logs [Rev. eff. 6/1/07]	178
7.711.2	PERSONNEL	179
7.711.21	General Requirements for All Personnel [Rev. eff. 6/1/07].....	179
7.711.21	Necessary Camp Personnel [Rev. eff. 6/1/07].....	180
7.711.22	Necessary Staff Supervision [Rev. eff. 6/1/07].....	181
7.711.3 – 7.711.42	None [Rev. eff. 6/1/07]	182
7.711.5	CHILD CARE	182
7.711.51	Health Care [Rev. eff. 6/1/07]	182
7.711.52	Discipline [Rev. eff. 11/1/98]	184
7.711.53	Security Practices [Rev. eff. 7/1/00].....	184
7.711.54	Food and Nutrition [Rev. eff. 10/1/03]	185
7.711.55	Transportation [Rev. eff. 6/1/07]	185
7.711.6	RECORDS FOR CHILDREN AND PERSONNEL	186
7.711.61	Children's Records [Rev. eff. 6/1/07]	186
7.711.62	Staff Records [Rev. eff. 6/1/07].....	187
7.711.63	General Information [Rev. eff. 7/1/00]	188
7.711.7	CAMPSITE, PHYSICAL FACILITY, FIRE SAFETY AND SANITATION	188
7.711.71	Campsites [Rev. eff. 6/1/07]	188
7.711.72.1	Permanent and Semi-Permanent Shelters and Sleeping Facilities	189
7.711.73	Toilet and Bathing Facilities	190

7.711.74	Food Preparation Area	191
7.711.75	General Building Safety [Ref. eff. 6/1/12]	191
7.711.76	Fire Safety Provisions [Rev. eff. 4/1/15]	193
7.712	RULES REGULATING SCHOOL-AGE CHILD CARE CENTERS	193
7.712.1	(None) [Rev. eff. 6/1/12]	194
7.712.2	DEFINITIONS [Rev. eff. 6/1/07]	194

RULES REGULATING SPECIAL ACTIVITIES

7.719	RULES REGULATING SPECIAL ACTIVITIES [Rev. eff. 6/1/07]	195
7.719.1	GENERAL PROVISIONS [Rev. eff. 6/1/07]	195
7.719.2	WATER ACTIVITIES	196
7.719.21	Swimming [Rev. eff. 6/1/07]	196
7.719.22	Boating, Canoeing, Sailing, and Kayaking on Flatwater [Rev. eff. 6/1/07]	197
7.719.23	Boating, Canoeing, Tubing, and Kayaking on Class I or II Moving Water [Rev. eff. 6/1/07]	197
7.719.24	White Water Rafting on Class III and IV Rivers [Rev. eff. 6/1/07]	198
7.719.3	ARCHERY AND RIFLERY	198
7.719.31	Archery [Rev. eff. 6/1/07]	198
7.719.32	Riflery [Rev. eff. 6/1/07]	199
7.719.4	HORSEBACK RIDING [Rev. eff. 6/1/07]	200
7.719.5	TRAMPOLINE [Rev. eff. 6/1/07]	201
7.719.6	CLIMBING ACTIVITIES	201
7.719.61	Rock Climbing and Ropes Courses [Rev. eff. 6/1/07]	201
7.719.7	HIKING, BACKPACKING, AND CAMPING	204
7.719.71	Hiking [Rev. eff. 6/1/07]	204
7.719.72	Backpacking and Camping [Rev. eff. 6/1/07]	205
7.719.8	BIKING [Rev. eff. 6/1/07]	206

RULES REGULATING NEIGHBORHOOD YOUTH ORGANIZATIONS

7.720	RULES REGULATING NEIGHBORHOOD YOUTH ORGANIZATIONS [Eff. 4/1/11]	207
7.720.1	DEFINITIONS [Eff. 4/1/11]	207
7.720.2	OPERATION OF A NEIGHBORHOOD YOUTH ORGANIZATION	207

7.720.3	COMMUNICATION, EMERGENCY AND SECURITY PROCEDURES..	208
7.720.4	PERSONNEL POLICIES, ORIENTATION, STAFF DEVELOPMENT	209
7.720.41	General Requirements for All Personnel [Rev. eff. 6/1/12]	209
7.720.42	Volunteers and Visitors [Eff. 4/1/11]	210
7.720.5	NEIGHBORHOOD YOUTH ORGANIZATION SERVICES.	210
7.720.51	Admission Procedure [Eff. 4/1/11]	210
7.720.52	Guidance and Discipline [Eff. 4/1/11]	210
7.720.53	Records and Reporting [Eff. 4/1/11]	211
7.720.54	Transportation [Eff. 4/1/11]	211
7.720.6	PROGRAM ACTIVITIES	212
7.720.61	Field Trips [Eff. 4/1/11]	212
7.720.7	BUILDING AND FACILITIES	213
7.720.71	Facility Requirements [Eff. 4/1/11]	213
7.720.72	Food [Eff. 4/1/11]	213
7.720.73	Fire and Other Safety Requirements [Rev. eff. 6/1/12]	213
7.720.8	RECORDS AND REPORTS	214
7.720.81	Youth Records [Eff. 4/1/11]	214
7.720.82	Staff Records [Eff. 4/1/11]	215
7.720.83	Administrative Records and Reports [Eff. 4/1/11]	215
7.720.84	Confidentiality, Records Retention, and Cooperation with Local Investigations [Eff. 4/1/11]	216
7.721	RULES REGULATING HOST FAMILY HOMES [Eff. 9/15/12]	216
7.721.1	DEFINITIONS [Eff. 9/15/12]	217

GENERAL RULES FOR CHILD CARE FACILITIES

7.701 GENERAL RULES FOR CHILD CARE FACILITIES

7.701.1 INTRODUCTION [Rev. eff. 8/7/06]

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 Chapter 11 of the Denver Revised Municipal Code and Child Care Licensing Act, Sections 26-6-101 to 26-6-119, C.R.S.

7.701.11 Licensing Exemptions [Rev. eff. 8/7/06]

- 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 which more than 75 percent of the time that children are present is spent in religious instruction. Religious instruction is defined to include such developmentally appropriate children's activities as worship, singing religious songs, listening to religious stories, learning and practicing religious cultural activities, and participating in religious celebrations.
 - 2. A special school or class operated for a single skill-building purpose.
 - 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 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, 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 or 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 in which less than 24-hour care is given for only one child or two or more children who are siblings from the same family household 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.

- 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 Department regarding exemptions are the final agency decision of the State Department and cannot be reviewed by an Administrative Law Judge.

7.701.12 Civil Penalties and Injunctions [rev. eff. 6/1/00]

- 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 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 Section 11-8 of the Denver Revised Municipal Code and 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 Section 11-8 of the Denver Revised Municipal Code 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 \$1,000 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 11-8 of the Denver Revised Municipal Code and 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 Chapter 11 of the Denver Revised Municipal Code and 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 11-8 of the Denver Revised Municipal Code and 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 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, each child care center 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. 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 Waivers [rev. eff. 6/1/00]

- A. Any person who has applied for or been issued a certificate or license to operate a child care facility or child placement agency has the right to request a waiver of any rule or regulation which, in his/her opinion, works an undue hardship on the person, facility, or the community, or has been too stringently applied by a representative of the Department.
- B. Requests for waivers must be submitted to the department in writing within 60 calendar days of the date on which the rule allegedly was too stringently applied or created the hardship. Requests must include the name and address of the facility, its assigned license number, the citation of the rule for which a waiver is being sought, and all relevant information regarding the alleged hardship or evidence of the rule being too stringently applied.
- C. The Department will designate, pursuant to the Child Care Licensing Act, an appeal panel, which will meet to review appeal requests and make recommendations to the Department. Requests should be submitted to the Division of Child Care Services.
- D. If a child care facility or agency is aggrieved by the decision of the appeal panel, the facility or agency has a right to a formal hearing pursuant to Section 24-4-105, C.R.S., if the facility or agency petitions the Department in writing within 30 calendar days of receipt of the written appeal decision.
- E. Written decisions of the appeal panel must be posted beside the child care license.

7.701.14 Civil Rights [rev. eff. 6/1/00]

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

7.701.21 Types of Homes

7.701.211 Family Child Care Home [Rev. eff. 8/1/07]

"Family Child Care Home", defined at Section 26-6-102(4), C.R.S., means a type of family care home that provides less than 24-hour care for 2 or more children on a regular basis in a place of residence. Children in care are from different family households and are not related to the head of household.

7.701.211 Foster Care Home [Eff. 8/1/07]

A "Foster Care Home", defined at Section 26-6-102(4.5), C.R.S., means a facility that is certified by the county department or a child placement agency for child care in a place of residence of a family or person for the purpose of providing twenty-four (24) hour family care for a child under the age of eighteen (18) years who is not related to the head of such home, except in the case of relative care. The term includes any foster care home receiving a child for regular twenty-four (24) hour care and any home receiving a child from any state-operated institution for child care or from any child placement agency.

7.701.212 Specialized Group Facility [Rev. eff. 8/1/07]

A "Specialized Group Facility", defined at Section 26-6-102(10)(a), C.R.S., means 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 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 center 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

- A. "Specialized Group Homes or Group Centers" who are serving children enrolled in the Children's Habilitation Residential Program (CHRP) waiver shall 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).
- B. "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.
- C. A "Specialized Group Home" is located in a house owned or otherwise controlled by the group home parents who are primarily responsible for the care of the children and reside at the home.
- D. 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.

7.701.213 Child Care Center [Rev. eff. 8/1/07]

"Child care centers", less than 24-hour programs of care defined at Section 11-2 (1)(a) of the Denver Revised Municipal Code and Section 26-6-102(1.5), C.R.S., include the following types of facilities:

- A. A "large child care center" provides care for sixteen (16) or more children between two and one-half (2-1/2) and sixteen (16) years of age.
- B. A "small child care center" provides care for five (5) through fifteen (15) children between two (2) and sixteen (16) years of age.
- C. An "infant nursery" provides care for children between six (6) weeks and eighteen (18) months of age.

- D. A "toddler nursery" provides care for children between the ages of twelve (12) months (when walking independently) and thirty-six (36) months of age.
- E. "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.
- F. "Kindergarten" provides a program for children the year before they enter the first grade.
- G. A "school-age child care center" means a child care center that provides care for five (5) or more children who are between five (5) and sixteen (16) years of age. The center's 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 operated with or without compensation for such care, and with or without stated educational purposes.
 - 1. 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) and sixteen (16) years of age. The center is located in a building that is regularly used for the care of children.
 - 2. 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. 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.
 - 3. 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. 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.

7.701.214 Children's Resident Camp [Rev. eff. 8/1/07]

A "Children's Residential Camp", defined at Section 11-2 (1)(g) of the Denver Revised Municipal Code and Section 26-6-102(2.2), C.R.S., means a facility operating for three (3) or more consecutive 24-hour days for the care of five (5) or more children. The campers must have completed kindergarten or be at least six (6) years old to seventeen (17) years old.

- A. 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.
- B. A "Trip Camp" is a camp in which children move from one site to another by means of the child's own power or by a transportation mode permitting the child's guidance of a vehicle or animal. The trip camp originates in Colorado

and operates for three or more consecutive 24-hour days during the year for the care of 5 or more children who are at least 10 years old or have completed the fourth grade to 18.

7.701.215 Day Treatment Center [Rev. eff. 8/1/07]

A "Day Treatment Center", defined at Section 26-6-102(2.4), C.R.S., means a facility that provides less than twenty-four (24) hour care for groups of five (5) or more children from five (5) to eighteen (18) years of age and for those persons to twenty-one (21) years old who are placed in the program by court order prior to their eighteenth birthday. 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 24-hour care of children, such as a child care center or part-day preschool.

7.701.216 Child Placement Agency [Rev. eff. 8/1/07]

A "Child Placement Agency", defined at Section 26-6-102(2), 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 of any child under the age of eighteen (18) years with any family, person or institution for purposes of foster care, treatment 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" shall 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 or a child placement agency licensed by the department.

7.701.217 Residential Child Care Facility [Rev. eff. 8/1/07]

- A. "Residential Child Care Facility", defined at Section 11-2 (1)(e) of the Denver Revised Municipal Code and Section 26-6-102(8), C.R.S., shall 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 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 "Community-Based

Residential Child Care Facilities", "Shelter Care Facilities", "Therapeutic Residential Child Care Facilities", and "Psychiatric Residential Treatment Facilities".

- B. "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 tenable 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.

7.701.218 Secure Residential Treatment Center [Rev. eff. 8/1/07]

A "Secure Residential Treatment Center", defined at Section 26-6-102(9), 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 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 of having been convicted as an adult and sentenced for an at that would be a crime if committed in Colorado, or in the committing jurisdiction, to be placed in a secure facility.

7.701.22 Other Definitions [Rev. eff. 8/1/07]

- A. "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 or the applicant for a license, any person who is directly responsible for the care and welfare of children served, any executive, officer, member of the governing board, or employee of a licensee, or a relative of a licensee, which relative provides care to children at the licensee's facility, or is otherwise involved in the management or operations of the licensee's facility.
- B. 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.
- C. "Citizen/legal resident" means a citizen of the United States, current legal resident of the United States, or lawfully present in the United States.
- D. 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, Colorado 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.
- E. A "critical incident" is a serious life safety or potential life safety incident or concern that poses a danger to the life, health, and/or well-being of a child or children at the facility or of a staff member at the facility.
 - F. "Department" is the Colorado Department of Human Services.
 - G. "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.
 - H. "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.
 - I. "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.
 - J. "Licensing specialist" is the authorized representative of the Colorado Department of Human Services who inspects child care facilities to ensure compliance with licensing requirements and to investigate possible violations of those requirements.
 - K. "Negative licensing action" means a Final Agency Action resulting in the denial, suspension, or revocation of a license issued. Pursuant to the Child Care Licensing Act or the demotion of such a license to a probationary license.
 - L. "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 of clinical attention unless they occur with another diagnosable serious emotional disturbance.

7.701.3 APPLICATION PROCESS

7.701.31 Original Application [Rev. eff. 8/1/06]

- A. A completed original application accompanied by the appropriate fee and proof of lawful presence in the United States (see Section 3.140.11, 9 CCR 2503-1) must be submitted to the State Department a minimum of 60 days prior to the proposed opening date for the facility.
- B. A licensing evaluation will occur only after the Department has received the complete application and appropriate fee.

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

Employment Inquiries [Rev. eff. 10/30/07]

A request to determine whether any owner, applicant, employee, licensee or resident of a licensed facility, or 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 a confirmed report of child abuse or neglect reported to the State Department's automated system shall be directed to and be the responsibility of the State Department.

- A. Certified 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 years previous to the date of application.
- B. 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, if the employee changes employment to a different facility that has the same licensing body.
- C. 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).
- D. The request must be accompanied by the individual's written authorization to obtain such information from the State automated system, if applicable.
- E. The State Department will inform the requesting party in writing of whether the individual has been confirmed to be 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 shall 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 shall notify the requesting party of this fact.
- F. The information provided by the State Department shall 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.
- G. 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 shall be punished as provided in Section 18-1.3-501, C.R.S.

7.701.33 Criminal Record Check [Rev. eff. 9/10/10]

- A. Criminal records checks are required:**
1. Each applicant listed below shall submit to the Colorado Bureau of Investigation (CBI) a complete set of fingerprints taken by a qualified law enforcement agency to obtain any criminal record held by the CBI if they have lived in Colorado more than two (2) years and any criminal record held by the Federal Bureau of Investigation (FBI) if they have lived in Colorado for less than two (2) years. Payment of the fee for the criminal record check is the responsibility of the individual being checked or the home, center, facility, or agency.
 - 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 an 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.
 2. Each applicant listed below shall 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 to obtain any criminal record held by the CBI or FBI. Payment of the fee for the criminal record check is the responsibility of the individual being checked.
 - a. Applicants for an original certificate for a foster care home, and any adult eighteen (18) years of age or older who resides in the certified foster care home. If the certified foster home has not completed a check with the FBI at the time of renewal, each applicant for a foster care home, and any adult eighteen (18) years of age or older who resides in the certified home must submit a complete set of fingerprints for an FBI criminal record check;
 - b. Specialized group home parents and any person working in a twenty- four (24) hour child care facility shall 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 to obtain any criminal record held by the CBI or FBI. On or before January 1, 2011 and thereafter, programs shall document in employee files that submission for such request has been completed.
- 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. Prospective employers of such exempted persons shall conduct reference checks of the prospective employees in order to verify previous work history and shall conduct personal interviews with each such prospective employee.

- C. At the time the annual declaration of compliance is submitted to the department, 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 are not required to obtain additional criminal record checks.
- D. Each owner, employee who is eighteen (18) years of age or older and newly hired 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. 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 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 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 \$2 money order payable to CBI to: Colorado Bureau of Investigation, 690 Kipling St., Ste. 3000, Denver, CO 80215. Those facilities that have accounts with CBI are not required to send the \$2 money order; instead, they shall enter their CBI account number in the OCA block of the new fingerprint card.
 - 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 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. Licensees must send a copy of an employee's or a resident's criminal record check to his/her new employer upon written request from that employer.
 3. Any adult volunteer, working as a staff member to meet the required staff- child ratio or staff qualifications, who works 14 days or more in a calendar year, must submit to CBI a complete set of fingerprints taken by a qualified law enforcement agency 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.
 4. Requests for a criminal record check must be submitted to the CBI within 5 working days of the day that the individual begins to work at the facility or agency.
 5. 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.
 6. 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 15 calendar days of receiving knowledge of the conviction.
 7. 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. Any felony offenses involving unlawful sexual behavior, as defined in Section 16-22-102(9), C.R.S.
 - d. Any 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. Any felony involving physical assault, battery, or a drug-related/alcohol-related offense within the five years preceding the date of application for a license or certificate;
 - f. Has shown 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 3rd 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 3rd 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-e above; or,
8. No license or certificate to operate any agency or facility shall be issued by the Department, a county department, 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 27-10-109(4) or 27-10-125, 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. Any individual who is obtaining a criminal record check and who has lived in Colorado for 24 or fewer months must request that the CBI obtain a criminal record check from the Federal Bureau of Investigation (FBI). 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 making 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 or 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; or,
 - 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 licensed 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.
 - 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 licensee 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 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 ICON system. The ICON search, based on name, date of birth, and 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.

7.701.34 Fire and Health Inspections, Zoning Codes [Rev. eff. 8/1/07]

- 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 2 years thereafter, all child care facilities except family child care homes 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 family 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 [Rev. eff. 8/7/06]

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

- A. Change of licensee, owner, or governing body.
- B. Change in classification of facility or service offered.
- C. Change in location of the facility.
- D. Change in the Federal Employee Identification Number (FEIN) of the facility or agency.

7.701.36 Types of Licenses

7.701.361 Permanent License [Rev. eff. 8/7/06]

- 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 11-3, Section 32-57 of the Denver Revised Municipal Code and Section 7.701.4, below.
- C. Failure to submit the annual declaration and fee will constitute a consistent failure to maintain department standards and may result in revocation of the license.
- D. At the time the annual declaration of compliance is submitted to the Department, the licensee must also complete a written self-evaluation on the forms prescribed by the Department. The self-evaluation form must be maintained by the facility and be available for review upon request by the licensing specialist.

7.701.362 Time-Limited License [E.ff. 8/7/06]

- 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 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 [Rev. eff. 8/7/06]

- A. A provisional license or certificate may be issued only for the initial 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 [Rev. eff. 8/7/06]

- 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 at the time of application for a permanent license, the current license will remain in effect until the application is acted on by the Department.

7.701.365 Multiple Licenses [Rev. eff. 8/7/06]

- 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 [Rev. eff. 9/1/08]

- A. The appropriate application fee outlined in Section 7.701.4, C, must be submitted to the department with the application for a child care license at least 60 calendar days prior to the opening date of the facility or the expiration date of the provisional or probationary license.
- B. The appropriate application fee outlined in Section 7.701.4, C, must be submitted to the department annually, at least 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 fees for all types of child care facilities and agencies:

FAMILY CHILD CARE HOMES (1-8 Children)	
Original/Continuation	\$24
LARGE FAMILY CHILD CARE HOMES (7-12 Children)	
Original/Continuation	\$36
EXPERIENCED FAMILY CHILD CARE HOMES	
Original Application	\$39
Continuation	\$39

CHILD CARE CENTERS, PRESCHOOLS, SCHOOL AGE CHILD CARE AND
RESIDENT CAMPS

Original/Continuation (5-20 children)	\$ 77
Original/Continuation (21-50 children)	\$121
Original/Continuation (51-100 children)	\$176
Original/Continuation (101-150 children)	\$270
Original/Continuation (151-250 children)	\$374
Original/Continuation (251 or more children)	\$528

DAY TREATMENT CENTER Original/Continuation	\$44
SPECIALIZED GROUP FACILITY Original/Continuation	\$121

CHILD PLACEMENT AGENCIES LICENSED FOR FOSTER CARE

Original Application	\$627
Continuation (0-5 homes)	\$319
Continuation (6-15 homes)	\$407
Continuation (16-30 homes)	\$506
Continuation (31-50 homes)	\$594
Continuation (51 or more homes)	\$693

CHILD PLACEMENT AGENCIES LICENSED FOR ADOPTION

Original Application	\$479
Continuation (0-5 finalized adoptions)	\$242
Continuation (6-11 finalized adoptions)	\$270
Continuation (12-17 finalized adoptions)	\$286
Continuation (18-23 finalized adoptions)	\$319
Continuation (24 or more finalized adoptions)	\$330

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,

Original Application	\$79
Continuation (under 12 children)	\$242
Continuation (13-25 children)	\$39
Continuation (26-50 children)	\$55
Continuation (51 or more children)	\$71

RCCF/RTC's pay one continuation fee per year based on the total licensed capacity of the facility.

HOMELESS YOUTH SHELTER Original/Continuation	\$330
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SECURE RESIDENTIAL TREATMENT CENTER Original/Continuation
\$924

CHANGES TO LICENSES (capacity and/or number of children) \$44
DUPLICATE LICENSES
\$33

CHANGES TO LICENSES of Family Child Care Homes, Large
Family Child Care Homes, and Experienced Family Child
Care Homes will never exceed the cost of the original or
continuation fee.

- D. Following is a schedule of fees for the original application and annual fee required for the temporary and full accreditation of international adoption agencies:

INTERNATIONAL ADOPTION AGENCIES

Original Application for One Year Temporary Accreditation
\$1,600

Original Application for Two Year Temporary Accreditation
\$1,600

Annual Fee for Agencies with Two Year Temporary Accreditation
\$1,600

Original Application for Full Accreditation for Agencies that
\$4,000
Complete 100 or more Intercountry Adoptions in a Calendar Year

Original Application for Full Accreditation for Agencies \$3,000 that
Complete 50-99 Intercountry Adoptions in a Calendar Year

Original Application for Full Accreditation for Agencies that
\$2,000
Complete 49 or Fewer Intercountry Adoptions in a Calendar Year

Annual Fee for Agencies with Full Accreditation
\$2,000

Original Application for Full Accreditation - Agencies with
\$2,000
Colorado and Out-of-State Offices - Additional Fee

Original Application for Temporary Accreditation -
\$ 500

Agencies with Colorado and Out-of-State Offices - Additional
Fee

- 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.

CCCAP - EXEMPT FAMILY CHILD CARE HOMES
Administration Fee for SFY2007 Initial Fingerprint Packet
\$ 8.00
Administration Fee for Subsequent Year Initial Fingerprint
Packet \$10.00

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 declaration. 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

- A. Within 24 hours, excluding weekends and holidays, of the occurrence of a critical incident at the facility or within 24 hours of a child's return to the facility if the child was on authorized or unauthorized leave from the facility, the facility or child placement agency must report in writing to the licensing or certifying authority the following critical incidents involving a child in the care of the facility or a staff member on duty:
 1. The death of a child or staff member as a result of an accident, suicide, assault, or any natural cause while at the facility, or while on authorized or unauthorized leave from the facility.
 2. An injury to a child or staff member that requires emergency medical attention by a health care professional or admission to a hospital.
 3. 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.
 4. Any allegation of physical, sexual, or emotional abuse or neglect to a child that results in reporting to a law enforcement or social services agency.
 5. Any fire that is responded to by a local fire department.
 6. 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.
 7. A drug or alcohol related incident involving a staff member or a child that requires outside medical or emergency response.
 8. 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, or a staff member upon a child which results in a report to law enforcement.
9. A suicide attempt by a child at the facility which requires emergency intervention.
 10. Felony theft or destruction of property by a child while in placement at the facility for which law enforcement is notified.
 11. Any police or sheriff contact with the facility for a crime committed by a resident while in placement at the facility.
 12. A report of a critical incident must be submitted on the Colorado Department of Human Services, Division of Child Care, critical incident form.
- B. The following items must be reported in writing to the Department within 10 working days, unless otherwise noted:
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. Proposed change in the number, sex, or age of children for whom the facility is licensed that differs from that authorized by the license.
 4. Change of address of child placement agency.
 5. Changes in the physical facility or use of rooms for child care at a facility.
 6. Closure of the facility or agency.
 7. Change of name of the facility or agency.
 8. 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 county department of 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 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 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 [rev. eff. 11/1/98]

- A. Staff members of the county department of 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 of children enrolled at the child care facility.
- B. Any report made to the law enforcement authorities or a county department of 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 [rev. eff. 9/3/99]

7.701.56 Child care facilities must provide written information to parents at the time of admission and staff members at the time of employment on how to file a complaint concerning suspected licensing violations. The information must include the complete name, mailing address, and telephone number of the Colorado Department of Human Services, Division of Child Care. Posting Licensing Information [rev. eff. 9/1/02]

- A. At all times during the operating hours of the facility, except for foster care homes, the facility/agency shall post the current child care license in a prominent and conspicuous location easily observable by those entering the child care facility or agency. For family foster care homes, the certificate shall 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 shall 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 operation of a child care facility, except for family foster care homes and child placement agencies, the facility shall post in a prominent and conspicuous location information regarding the procedures for filing a complaint with the Colorado Department of Human Services, Division of Child Care, including the telephone number and mailing address. For family foster care homes and child placement agencies, information for filing a complaint

- shall be made available upon request.
- D. The facility 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.
 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 facility's 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.

7.701.8 PERJURY STATEMENT - APPLICATION FORMS FOR EMPLOYMENT WITH A CHILD CARE PROVIDER [eff. 9/3/99]

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, shall 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."

**RULES AND REGULATIONS GOVERNING THE HEALTH, SAFETY
AND SANITATION OF CHILD CARE FACILITIES**

7.1 Authority

These rules and regulations are promulgated pursuant to section 11-16 of the Denver Revised Municipal Code (D.R.M.C.) and sections 25-1.5-101(1)(a) and (h), 25-1.5-102(1)(a) and (d), 25-1-108(1)(c)(I) and 25-5-508, C.R.S.

7.2 Scope and Purpose

- A. This regulation shall govern minimum health and sanitation requirements for the operation and maintenance of child care facilities in order to protect the health of children and staff in these facilities.
- B. This regulation does not apply to:
 - 1. Family child care homes as defined in Section 26-6-102(4), C.R.S.;
 - 2. Cradle care homes, foster care homes, medical foster care, therapeutic foster care, and treatment foster care as defined in Section 26-6-102(2.4), (4.5), (5.6), (11), and (12) C.R.S.; and,
 - 3. Neighborhood youth organizations as defined in Section 26-6-102(5.8), C.R.S.

7.3 Applicability

- A. These rules and regulations shall apply to all child care facilities as defined in Chapter 11 of the Denver Revised Municipal Code and Sections 26-6-102(1.5), (2.2)(a), (2.5)(a), (5), (5.1), (6.7), (8), (9), and (10)(a), C.R.S. and definition 7.4(A)(6) of this regulation.
 - 1. Child care facilities in operation prior to the effective date of these regulations, which would require capital expenditures to fully meet all design, construction and equipment requirements of the regulations, shall be deemed acceptable if in good repair and capable of being maintained in a sanitary condition and pose no hazard to the health of the facility occupants.
 - 2. Any child care facility operator shall have the right to seek a variance to any section of these rules and regulations which, in his/her opinion, presents an undue hardship on the person, facility, or the community so long as minimum health and sanitation requirements are met. All variance requests shall be submitted to the City & County of Denver Department of Environmental Health in writing, stating the section for which the variance is being requested and the reason for the request.
- B. Plan Review. The Department may require detailed plans, menu, and specifications for food handling equipment of a child care facility proposed to be newly constructed, and/or the affected areas of any existing child care

facility proposed to be extensively remodeled. An existing licensee may be required to complete a plan review to verify compliance of regulations prior to license renewal if the facility has not completed a review. Each child care provider, person intending to become a child care provider or designee shall be responsible for submitting the requested plans, menu of food items to be served, and specifications for food handling equipment. Approval of requested plans and specifications is necessary before construction begins or before the business license is issued. Any revision of plans shall be submitted to the Department for review and/or approval. Plans shall include: a plan-view scale drawing of the facility; the location of all equipment, plumbing fixtures, ventilation systems, drains and connections; number and ages of proposed children; number of classrooms; kitchen and accompanying equipment; playground; exits; egress; and other pertinent information.

7.4 Definitions

- A. The following definitions shall apply in the interpretations and the enforcement of these regulations unless the context clearly states otherwise:
1. Advanced Food Preparation means cooking or assembling of potentially hazardous food either in its finished state or partially finished state, more than four hours in advance of serving. This practice requires temperature control to limit the growth of pathogenic organisms.
 2. Approved means acceptable to the City & County of Denver Department of Environmental Health or its authorized agents or employees based upon determination of conformance with these and other appropriate standards and good public health practice.
 3. Bacteria means organisms with a cell wall that can survive inside and outside of the body.
 4. Body fluids shall include urine, feces, saliva, blood, nasal discharge, eye discharge and injury or tissue discharge.
 5. Certificate of Immunization means an official Colorado Certificate of Immunization or an Alternate Certificate of Immunization that has been approved by the Colorado Department of Public Health and Environment and shall include one of the following forms of documentation that include the dates and type of immunizations administered to a child or the dates and types of exemption taken:
 - a. A paper document that includes information transferred from the records of a licensed physician, registered nurse, or public health official; or,
 - b. An electronic file or hard copy of an electronic file provided to the facility directly from the Colorado Department of Public Health and Environment immunization registry or from a software program approved by the Colorado Department of Public Health and Environment.

6. Child Care Facility means, for the purposes of this regulation, any facility defined as such in Section 11-2 of the Denver Revised Municipal Code and Sections 26-6-102(1.5), 2.2(a), (2.5)(a), (5), (5.1), (6.7), (8), (9), (10)(a), C.R.S., and,
- a. "Child care center" means a facility, by whatever name known, that is maintained for the whole or part of a day for the care of five or more children who are 18 years of age or younger and who are not related to the owner, operator, or manager thereof, whether the facility is operated with or without compensation for such care and with or without stated educational purposes. This term includes, but is not limited to, facilities commonly known as day care centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps, and centers for developmentally disabled children and those facilities that give 24-hour care for children and includes those facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades or operated as a component of a school district's preschool program operated pursuant to article 28 of title 22, C.R.S. The term shall not include any facility licensed as a family child care home, a foster care home, or a specialized group facility that is licensed to provide care for three or more children pursuant to subsection (i) of this section, but that is providing care for three or fewer children who are determined to have a developmental disability by a community centered board or who are diagnosed with a serious emotional disturbance.
 - b. "Children's resident camp" means a facility operating for three or more consecutive 24-hour days during one or more seasons of the year for the care of five or more children. The facility shall have as its purpose a group living experience offering education and recreational activities in an outdoor environment. The recreational experiences may occur at the permanent camp premises or on trips off the premises.
 - c. "Day treatment center" means a facility that provides less than 24-hour care for groups of five or more children who are:
 - (1) Five years of age or older, but less than 18 years of age; or,
 - (2) Less than 21 years of age and who are placed in the program by court order prior to their 18th birthday; and,
 - (3) Provides a structured program of various types of psycho-social and behavioral treatment to prevent or reduce the need for placement of the child out of the home or community.

- d. "Guest child care facility" means a facility operated by a ski area, as that term is defined in Section 33-44-103(6), C.R.S., where children are cared for:
- (1) While parents or persons in charge of such child are patronizing the ski area;
 - (2) Fewer than 10 total hours per day;
 - (3) Fewer than 10 consecutive days per year; and,
 - (4) Fewer than 45 days in a calendar year, with 30 or fewer of such 45 days occurring in either the winter or summer months.
- e. "Homeless youth shelter" means a facility that, in addition to other services it may provide, provides services and mass temporary shelter for a period of three days or more to youths who are at least 11 years of age, or older, and who otherwise are homeless youth as that term is defined in Section 26-5.7-102(2), C.R.S.
- f. "Public services short-term child care facility" means a facility that is operated by or for a county department of social services or a court and that provides care for a child:
- (1) While the child's parent or the person in charge of the child is conducting business with the county department of social services or participating in court proceedings;
 - (2) Fewer than 10 total hours per day;
 - (3) Fewer than 15 consecutive days per year; and,
 - (4) Fewer than 45 days in a calendar year.
- g. "Residential child care facility" means a facility licensed by the Colorado Department of Human Services to provide 24-hour group care and treatment for five or more children operated under private, public, or nonprofit sponsorship. Residential child care facility includes community-based residential child care facilities, shelter facilities, and therapeutic residential child care facilities as defined in rule by the state board, and psychiatric residential treatment facilities as defined in Section 25.5-4-103(19.5), C.R.S.
- h. "Secure residential treatment center" means a facility operated under private ownership that is licensed by the Colorado Department of Human Services to provide twenty-four-hour group care and treatment in a secure setting for five or more children or persons up to the age of 21 years over whom the juvenile court retains jurisdiction pursuant to Section 19-2-104 (6), C.R.S., 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. "Specialized group facility" means a facility sponsored and supervised by a county department or a licensed child placement agency for the purpose of providing 24-hour care for three or more children, but fewer than twelve children, whose special needs can best be met through the medium of a small group and who are:
 - (1) At least three years of age or older but less than 18 years of age; or,
 - (2) Less than 21 years of age and who are placed by court order prior to their 18th birthday. "Specialized group facility" includes specialized group homes and specialized group centers.
7. "Child Care Health Consultant" means the licensed medical professional with delegatory authority that, at a minimum, delegates the administration of medications and special health care procedures, but may more comprehensively provide information and consultation on a variety of health and safety topics impacting staff, children and families in early care and learning settings.
8. "Clean" means to be free of dust and debris or to remove dirt and debris by vacuuming or scrubbing and washing with soap and water.
9. "Common Towel" means a non-disposable towel that is used by more than one individual or is used more than one time by the same individual.
10. "Communicable Disease" means a disease caused by a microorganism (bacterium, virus, fungus, or parasite) that can be transmitted from person to person via an infected body fluid or respiratory spray, with or without an intermediary agent (e.g., louse, mosquito) or environmental object (e.g., table surface).
11. "Contamination" means the presence of infectious microorganisms or chemicals at levels toxic to human health in or on the body, environmental surfaces, articles of clothing, and/or in food or water.
12. "Critical Violation" means provisions of these rules and regulations that, if deemed in noncompliance, are more likely than other violations to contribute to illness or environmental hazards that may contribute to a disease outbreak. Critical violations include inappropriate diapering procedures, lack of hand washing, ineffective sanitization and disinfection, ill personnel preparing food or caring for children, unsafe water supply or sewage disposal, vermin infestation, food temperature abuse and uncontrolled toxics.
13. "Department" means City & County of Denver Department of Environmental Health or its authorized agents or employees.
14. "Disinfect" means to eliminate most or all pathogenic microorganisms, with the exception of bacterial spores by using effective bactericidal heat or concentration of chemicals which are registered with the U.S. Environmental Protection Agency. This is generally accomplished in a child care setting by the use of liquid chemical solutions such as a mixture of household bleach and water.

15. “Drinking Water” means water that meets criteria as specified in 5 CCR 1002-11, *Colorado Primary Drinking Water Regulations*. Drinking water is traditionally known as “potable water”. Drinking water includes the term “water” except where the term used connotes that the water is not potable, such as “boiler water,” “mop water,” “rainwater,” “reclaimed water,” “wastewater,” and “nondrinking water”.
16. “Easily Cleanable” means materials or surfaces that are smooth, durable, nonabsorbent, such that the soil, filth, and/or unseen contamination can be effectively removed by normal cleaning methods.
17. “Employee” means any person working or volunteering to perform duties in a child care facility.
18. “Extensive Remodeling” means any remodeling that normally would require a building permit from local government or that affects the building or area of operation of the child care facility, or a change in operation that requires a license change by the Department Of Human Services. Routine maintenance, repairs, cosmetic changes, or license changes that increase allowable capacity of the current license shall not be defined as extensive remodeling, unless a change in capacity requires an increase in the number of fixtures. Structural modifications required due to extensive remodeling shall pertain directly to the portions of the facility or building being remodeled.
19. “Food Preparation Sink” means a sink designated for food preparation activities including preparing bottles, washing produce, thawing foods, and rapid cooling of foods. Food preparation sinks are not hand washing sinks unless a multi-use sink operational plan is approved by the Department.
20. “Furnishings” means equipment such as high chairs, cribs, beds, crawling mats, chairs, sofas, eating tables, art/water/play tables, walkers, infant swings, bouncy seats, desks, workstations, dressers, interior play areas (jungle gyms), and toy chests.
21. “Gloves” means those which are non-porous, disposable and single-use.
22. “Grease Cooking” means the heating of raw animal products on food processing equipment such as grills, broilers, skilletts, woks, kettles or open rotisseries; or foods cooked in fats or oils utilized as a heat transfer media such as deep fryers where grease laden vapors are produced.
23. “Health Care Plan” means a document that contains written instructions about a specific health condition including 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(s)/guardian(s). Health Care Plans can be collaboratively created by the child care health consultant, the child’s parent(s)/guardian(s), 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 a child returning to care with a cast or after a surgical intervention.
24. "High Hazard Body Fluid" means urine, feces, vomitus, blood, and other body fluids with blood present.
 25. "Highly Susceptible Population" means persons who are more likely than other people in the general population to experience foodborne disease because they are immunocompromised, children under five years of age, or older adults; and they obtain food at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.
 26. "Hygiene" means protective measures, including practices of cleanliness, taken by individuals to promote health and limit the spread of infectious diseases.
 27. "Imminent Health Hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent illness or injury based on the nature, severity, and duration of the anticipated illness or injury.
 28. "Immunization" means the process by which a person becomes protected (immune) against a vaccine preventable disease.
 29. "Infant" means a child between birth and the age of 18 months.
 30. "Infection" means a condition caused by the multiplication of an infectious agent in the body.
 31. "Infectious" means capable of causing an infection.
 32. "Infestation" means the presence of unwanted pests such as insects, rodents, bats, birds or parasites at levels considered to pose either an economic or health threat.
 33. "Inspection" means an on-site evaluation by the Department of the child care facility during its normal hours of operation, with program staff in attendance, to determine conformance with these rules and regulations.
 34. "Kindergarten" means a program for children the year before they enter the first grade.
 35. "Lead-based Paint" as defined in Section 25-7-1102, C.R.S., means any paint containing more than six one-hundredths of one per cent by wet weight of lead metal, more than five-tenths of one percent by dry weight of lead metal, or more than one milligram per square centimeter of lead metal.
 36. "New Child Care Facility" means a facility, which is newly constructed or an existing structure that is converted for use as a child care facility as defined in Section 7.4(A)(6) that begins operation after the effective date of these rules.
 37. "Parasite" means an organism that lives on or in another living organism (e.g., giardia, ticks, lice, and mites).

38. **“Poisonous or Toxic Materials”** means substances capable of causing injury, illness or death when ingested, inhaled or absorbed.
39. **“Potentially Hazardous Food”** as defined in Chapter 23 of the D.R.M.C., *City & County of Denver Food Establishment Rules and Regulations*, means a food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation. This includes an animal food that is raw or heat-treated; a food of plant origin that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation; and a food that because of the interaction of its a_w and pH values is designated as product assessment required (PA) in table A or B of this definition:

TABLE A. Interaction of pH and a_w for control of spores in food heat-treated to destroy vegetative cells and subsequently packaged			
A_w Values	pH Values		
	4.6 OR LESS	>4.6 – 5.6	> 5.6
≤ 0.92	NON-PHF* FOOD	NON-PHF FOOD	NON-PHF FOOD
>0.92 - .95	NON-PHF FOOD	NON-PHF FOOD	PA***
>0.95	NON-PHF FOOD	PA	PA

* PHF means potentially hazardous food
 *** PA means product assessment required

TABLE B. Interaction of pH and a_w for control of vegetative cells and spores in food not heat-treated or food heat-treated but not packaged				
A_w Value	pH Values			
	<4.2	4.2 - 4.6	>4.6 - 5.0	>5.0
<0.88	NON-PHF* FOOD	NON-PHF FOOD	NON-PHF FOOD	NON-PHF FOOD

0.88 - 0.90	NON-PHF FOOD	NON-PHF FOOD	NON-PHF FOOD	PA***
>0.90 - 0.92	NON-PHF FOOD	NON-PHF FOOD	PA	PA
>.92	NON-PHF FOOD	PA	PA	PA
* PHF means potentially hazardous food *** PA means product assessment required				

"Potentially Hazardous Food" does not include:

- A. An air-cooled hard-boiled egg with shell intact, or an egg with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable Salmonellae;
- B. A food in an unopened, hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;
- C. A food that has been made using a standardized recipe and three samples from separate batches of which have been laboratory-verified to have pH or a_w value, or interaction of a_w and pH values, designated as a non-potentially hazardous food in Table A or B of this definition;
- D. A food that is designated as product assessment required (PA) in Table A or B of this definition and three samples from separate batches of which have undergone a product assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that food is precluded due to:
 1. Intrinsic factors including added or natural characteristics of the food such as preservatives, antimicrobials, humectants, acidulants, or nutrients,
 2. Extrinsic factors including environmental or operational factors that affect the food such as packaging, modified atmosphere such as reduced oxygen packaging, shelf life and use, or temperature range of storage and use, or
 3. A combination of intrinsic and extrinsic factors;
- E. A food that does not support the growth or toxin formation of pathogenic microorganisms in accordance with one of the subparagraphs (A - D) of this definition even though the food may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.
 40. "Preschool" means a part-day child care program for five or more children between the ages of 2-½ and seven years.
 41. "Privy" means a toilet without running water.
 42. "Psittacine Birds", also called "Hookbills" because the upper beak is turned downward, means all birds commonly known as Parrots, Amazons, Mexican Double-Heads, African Greys, Cockatoos, Macaws, Parakeets, Lovebirds, Lories, Lorikeets, and other birds of the order Psittaciforme.

43. "Ready-To-Eat Food" means food that is edible without further washing, cooking, or additional preparation and that is reasonably expected to be consumed in that form.
44. "Refuse" means any garbage, trash, or other forms of solid waste.
45. "Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals, registered with the U.S. Environmental Protection Agency, for sufficient time to reduce the bacterial count, including pathogens, to a safe level.
46. "School-Age Child Care Center" means, as defined in 12 CCR 2509-8 Rule 7.701.2.C.8, a facility that provides care for five or more children who are between five and 16 years of age. The center's 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 operated with or without compensation for such care, and with or without stated educational purposes.
47. "Single-Service (Use)" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, paper towels, place mats, doilies, wrapping materials, toothpicks and similar articles intended for one-time, one-person use and then discarded after each use.
48. "Small Child Care Centers" means, as defined in 12 CCR 2509-8 Rule 7.702.1.B.2, a facility that provides care for five through 15 children between the ages of two and 18 years.
49. "Staff Member or staff" means any person working or volunteering to perform duties in a child care facility, including caregivers.
50. "Toddler" means a child who walks independently between the ages of 12 months and 36 months and is enrolled in the toddler program.
51. "Virus" means a microscopic organism smaller than a bacterium that may cause disease. Viruses can grow or reproduce only in living cells.
52. "Wading Pool" means any artificial pool of water equal to or less than 18 inches in depth and intended for wading purposes.

7.5 Incorporation by Reference

These regulations incorporate by reference (as indicated within) materials originally published elsewhere. Such incorporation does not include later amendments to or editions of the referenced material. Pursuant to Section 24-4-103 (12.5)(a), C.R.S., the Department maintains certified copies of the complete text of any material incorporated by reference for public inspection during regular business hours and shall provide certified copies of the incorporated material at cost upon request. Information regarding how to obtain or examine the incorporated material is available from the Division Director, Division of Environmental Health & Sustainability, Colorado Department of Public Health & Environment, 4300 Cherry Creek Drive South, Denver, CO 80246-1530.

7.6 Premises

7.6.1 Grounds

- A. The grounds and premise shall be well drained and free of refuse, litter, animal droppings, insect and rodent harborages, weed overgrowth, open or accessible wells, grease interceptor, cisterns, cesspools, septic tanks, and unused equipment. This provision shall not be construed to limit outdoor educational or recreational programs.
 - 1. The ground surface (i.e., sand, soil, wood chips, and other resilient surfaces) in play areas shall not contain hazardous levels of any toxic chemical or substances.
 - 2. Outdoor play equipment accessible to children shall not be coated or treated with, nor shall it contain, toxic materials in hazardous amounts.
- B. Sand boxes shall be maintained in a sanitary condition and comply with the following requirements:
 - 1. Sandboxes shall be covered with a completely removable lid or other covering at the end of each day;
 - 2. Sandboxes shall be kept free from cat and other animal excrement, litter and debris;
 - 3. Sand shall be replaced as often as necessary to keep the sand visibly clean and free of extraneous materials; and,
 - 4. These requirements only apply to designated sand boxes and do not include sand used as a resilient material or other ground covering.

7.6.2 Solid Waste

- A. Interior refuse, recycling, and compost containers shall be easily cleanable and shall be emptied whenever full or at least at the end of each operating day.
- B. Exterior refuse, recycling and compost containers shall be easily cleanable, covered, and well maintained. Garbage storage areas shall be clean, well maintained and inaccessible to children. Refuse shall be removed on a regular basis in a manner which would prevent creation of a nuisance condition.
- C. Stored refuse shall be inaccessible to insects, rodents and other pests.

7.6.3 Pools, Hot Tubs and Natural Swim Areas

- A. Swimming pools, therapy pools, permanent wading pools, splash pools, hot tubs and swim areas shall be constructed, operated, and maintained in accordance with the *City & County of Denver Pool Rules and Regulations*, Chapter 51 of the D.R.M.C.

- B. Use of hot tubs, therapy pools, swimming pools and portable or permanent wading pools by children who are not toilet trained shall be prohibited.
 - 1. Portable wading pools shall be emptied and disinfected after use by each group of children, emptied and disinfected at the end of each day, and placed in storage when not in use.
 - 2. A contaminated wading pool shall be emptied, cleaned and disinfected.
- C. All swimming and recreational water-based activities shall be prohibited if a suspected outbreak of gastrointestinal illness is occurring at the facility. These activities shall not resume until the Department provides approval.
- D. Except for natural swimming areas, the water temperature shall be maintained between 77°F and 90°F while the pool is in use. Water temperature may exceed 90°F in therapy pools if designated by a child's health care plan. Water temperature in hot tubs shall not exceed 104°F.

7.7 Facility

7.7.1 Building

- A. The building or buildings wherein a child care facility is operated shall be maintained in good repair and shall not pose a health hazard to children enrolled. Buildings shall be maintained in a clean and sanitary condition and be free of insects, rodents and their harborages.
 - 1. Disturbances to painted finishes shall not present hazards associated with lead.
 - 2. Painted finishes shall be free from peeling or chipping paint. If repairs are necessary to address peeling or chipping paint, and the child care facility was built prior to 1978, repairs shall be done in a manner that prevents hazards associated with lead.
 - 3. Construction, remodeling, or alterations of child care facilities shall be done in a manner that does not create a health hazard, including but not limited to those hazards related to disturbances of asbestos-containing materials or lead based paint.
 - 4. Room finishes, cabinets, shelves and counters shall be easily cleanable, maintained in good repair, and kept clean.
 - 5. Hand contact and splash areas of doors, walls, cabinets and shelves shall be smooth, non-absorbent and easily cleanable.
 - 6. Floors shall be smooth, dry, cleanable and free of cracks, splinters, and utility outlets.
 - 7. Carpeting in approved areas shall be tightly woven and in good repair.
 - 8. Carpeting shall not be permitted in kitchens, restrooms, utility rooms, mechanical rooms, under and around sinks and diaper changing areas or in laundry areas.
 - 9. Floor wall junctures in all areas not carpeted shall be tightly coved with approved concave coving.

- B. All openings to the outside shall be effectively protected against the entrance of insects and rodents by means of closed, tight fitting doors, screening of openable windows and/or other effective means.
- C. Ventilation, mechanical or natural, shall be maintained to minimize health hazards including excessive drafts, odors, extreme temperatures, humidity and temperature fluctuations.
- D. The source of noxious odors shall be removed to the extent possible by removing the source of the noxious odor or by dissipating odors through cleaning and ventilation. The use of the following shall be prohibited:
 - 1. Incense;
 - 2. Moth crystals or moth balls;
 - 3. Toilet/urinal deodorizer blocks;
 - 4. Chemical air fresheners; and,
 - 5. Scent enhanced products (e.g., candles, essential oils, and spray and plug-in air fresheners, etc.).
- E. All areas of the facility shall be adequately lighted.
 - 1. A minimum of 30 foot candles (323 lux) of light shall be provided upon work and play surfaces.
 - 2. A minimum of 20 foot candles (215 lux) of light shall be provided in restrooms.
 - 3. A minimum of 10 foot candles (108 lux) of light shall be provided in hallways, stairways, and the remainder of the facility.
- F. Heating facilities shall maintain a draft-free temperature of at least 68°F at floor level in occupied infant and toddler rooms. The temperature shall be monitored with a mercury-free thermometer placed at floor level.

7.7.2 Detached Structures and Modular Classrooms

- A. Detached structures and modular classrooms not provided with plumbing shall meet all of the following stipulations:
 - 1. Only school-age children are cared for within the structure;
 - 2. Restrooms are to be within 200 feet of the structures or modular classrooms and accessible through unlocked door or key access during all hours of operation.

7.8 Sanitary Facilities and Controls

7.8.1 Water Supply

- A. An adequate supply of drinking water for the needs of the child care facility shall be provided in the building housing the establishment and shall be from a source constructed and operated in compliance with 5 CCR 1002-11, *Colorado Primary Drinking Water Regulations* and regulations adopted pursuant to Section 25-1.5-203, C.R.S.; or,

1. If the child care facility does not meet the definition of a public water system pursuant to 5 CCR 1002-11, *Colorado Primary Drinking Water Regulations*, the child care facility shall provide:
 - a. Adequate treatment on a continuous basis. Manual or pellet feed systems are not permitted;
 - b. Bacteriological samples at a minimum of once per quarter or at a frequency determined by the Department;
 - c. An N, N diethyl-p-phenylenediamine (DPD) colorimetric drinking water test kit capable of testing free chlorine at an accuracy of 0.1 milligrams per liter (mg/Liter);
 - d. Free chlorine shall range from 0.2 to 4 mg/Liter (0.2 to 1.2 mg/Liter recommended) at any fixture; and,
 - e. The previous twelve months of water sample reports shall be retained on file at the child care facility and shall be available for review by the Department when requested; and the child care facility shall immediately report positive bacteriological results to Department.
 2. Child care facilities with water supplies determined to be surface water or under the influence of surface water shall be required to filter their water to 1⁰m (micron) absolute using National Sanitation Foundation approved equipment and maintain a residual disinfectant concentration pursuant to Section 7.8.1(A)(1)(d) to ensure inactivation and/or removal of *Giardia* and other parasitic cysts and viruses.
 3. Water under pressure of at least 15 pounds per square inch (psi) (1.05 kilograms per square centimeter) at the required temperature shall be provided to all fixtures and equipment that use water.
- B. Bottled and packaged drinking water shall be obtained from a source that is approved by the Department and shall be handled and stored in a way that protects the water from contamination.
- C. Drinking water shall be readily accessible to children whenever the facility is operating.
1. Drinking fountains shall be equipped with angled jets and orifice guards located above the rim of the fountain. The pressure shall be regulated so that the water stream does not come in contact with the orifice guard or splash onto the floor.
 2. Drinking fountains on designated restroom hand washing, art, or science sinks shall be prohibited.
 3. Separate angle jet drinking fountain, when installed, shall be at an appropriate height for use by the children in the facility or be equipped with a step platform to make the sink available to children. If a platform is used, it shall be stable and easily cleanable.
 4. Individual single-service drinking cups shall be dispensed by the staff or through an approved cup dispenser. Children may not share single-service drinking cups.

5. Individual water bottles, bulk multiuse thermoses and other bulk water containers provided by the child care facility shall be in good repair and kept clean. Containers shall be washed, rinsed, and sanitized daily after use. Containers shall be stored clean and dry, and in a manner that protects them from contamination.
- D. Surface water utilized during backcountry excursions shall be treated and safe for drinking.
1. Water shall be boiled for a minimum of one minute for every 1000 feet in elevation above sea level; or,
 2. Water filter kits shall be utilized to filter water to 1 μ m (micron) absolute to control parasites. The water shall also be chemically disinfected using chlorine, iodine, or other approved means such as Ultra Violet light to control bacteria and viruses.
- E. Hot water shall be provided at all times during operation of a building-based facility. The water heating system shall be of adequate size to supply 90°F to restroom, diaper changing, custodial and classroom sinks, 110°F water to ware washing sinks, 120°F water to commercial low temperature dish machines, and 140°F water to laundry facilities where hot water is used to sanitize pursuant to 7.8.6(A)(4).
1. Each hand washing and classroom sink shall be provided with hot and cold water through a mixing valve or combination faucet. Hot water at sinks accessible to children shall be at least 90°F and shall not exceed a temperature of 120°F.
 2. Hot water delivered to bathing facilities shall be at least 90°F and shall not exceed a temperature of 120°F.

7.8.2 Sewage

All sewage, including liquid waste, shall be discharged to a sanitary sewer or to a sewage system constructed, operated and maintained according to law.

7.8.3 Plumbing

- A. All plumbing fixtures shall be connected to the potable water supply and waste water lines unless otherwise pre-approved by the Department and maintained in accordance with applicable state and local plumbing codes, ordinances, regulations and standards.
1. There shall be no cross connections between the drinking water supply and any non-drinking water supply, or any source of contamination;
 2. Plumbing shall be designed and constructed according to the *City & County of Denver Building Code*.
- B. The drinking water system shall be installed and maintained to preclude the possibility of backflow or back siphonage.
1. Where chemical dispensing towers without integral air gaps or breaks to prevent back siphonage are installed, an approved backflow prevention

device shall be installed between the chemical tower and the water supply line.

- C. The piping of any non-drinking water system such as air conditioning and fire protection systems shall be labeled and identified so as to be readily distinguished from piping that carries drinking water.

7.8.4 Toilet Facilities

- A. Only flush toilet facilities shall be installed and used in the establishment. They shall be accessible to children and shall be properly maintained in a clean and sanitary condition. The number of toilets per children and staff shall either meet the requirements of the *2009 International Plumbing Code*, hereby incorporated by reference, or the local building department requirements. Non-flushing toilets (i.e., potty chairs) are prohibited.
- B. Toilet room walls shall be constructed of easily cleanable, non-absorbent materials. Floors shall have an impervious surface. Floor wall junctures shall be tightly coved with approved concave coving.
- C. Toilet fixtures shall be of an easily cleanable design. Fixtures shall be of appropriate size and height for the children in the facility or be equipped with a step platform to make the fixture available to children. If a platform is used, it shall be stable and easily cleanable.
- D. The use of privies and portable chemical toilets in child care facilities is prohibited, except that the use of privies and portable chemical toilets located in remote wilderness areas may be allowed only after obtaining the approval of the Department and meeting applicable standards and local ordinances. These remote wilderness programs shall have adequate toilet facilities available for use. Privies and portable chemical toilets shall be separated from sleeping, activity, food preparation and storage rooms by a minimum of fifty (50) feet. Privies shall be properly screened and doors self-closing to prevent the entry of flies. Hand washing facilities approved by the Department shall be provided where privies and portable chemical toilets are located.
- E. During backcountry excursions where toilet facilities are not accessible, human waste shall be handled and disposed of in a manner that does not create a hazard and is approved by the Department and/or the governmental agency that oversees the usage of the land in which backcountry excursions take place.
 - 1. Waste shall be collected and packed out for proper disposal in an approved sewage system. Waste shall be collected in durable waste bags or waste tubes designed for such collection and shall be transported in hard sided, air tight secondary containers; or,
 - 2. Where allowed, human waste shall be deposited in cat holes dug 6-8 inches deep and 4-6 inches wide in organic soil so as to facilitate decomposition and sited a minimum of 200 feet away from water, trails, and campsites. Cat holes shall be filled in and covered after use. Toilet paper and feminine hygiene products shall be collected and packed out with other trash.

- F. An adequate supply of toilet paper shall be available from a dispenser located adjacent to each toilet.
- G. Toilet seat inserts, when used, shall be constructed of durable, easily cleanable materials and maintained in a clean and sanitary manner and disinfected after each use as described in Section 7.10.6.
- H. All toilet, bath and shower rooms in facilities shall have adequate mechanical ventilation or a window to the outside. Exhaust ventilation must be operational during the hours the child care facility operates.

7.8.5 Hand Washing/Bathing Facilities

- A. Hand washing and bathing facilities shall be installed and maintained in a clean, sanitary condition.
 - 1. Hand washing facilities shall be located in or immediately adjacent to toilet rooms and diaper changing areas. Hand washing facilities shall be located within food preparation areas as well as any other area where activities require frequent hand washing.
 - 2. In all new or extensively remodeled facilities providing care to infants, toddlers or preschoolers, a hand washing sink shall be accessible without barriers, allowing the caregiver to visually supervise the children during hand washing activities. Children's hand washing sinks shall be at an appropriate height for the children in the facility or be equipped with a step platform to make the sink available to children. If a platform is used, it shall be stable and easily cleanable.
 - 3. Bathtubs or showers, when used, shall be located within the facility or within a building approved by the Department.
 - 4. Soap and single-service towels from a dispenser or clean cloth towels laundered after each use shall be provided at each hand washing sink at a height for those children in the facility utilizing the hand washing sinks and supplies. Mechanical air drying devices may be used in lieu of disposable or cloth towels.
 - 5. Except as allowed in Section 7.8.5(A)(7), if cloth towels are used to dry hands they shall be immediately placed in a container and laundered after each use.
 - 6. The use of common towels or washcloths is prohibited.
 - 7. An adequate supply of bath towels and washcloths shall be available for each child who uses a shower or bath. Bath towels and washcloths shall be laundered at least once a week and shall not be shared or intermingled among children.
 - 8. Adequate space or accommodations such as a bench, hooks, storage shelves, or dressing counter shall be provided in bathing areas for the storage of clean towels and clothing while children bathe.
- B. Bathing facility walls and ceilings shall be constructed of easily cleanable, nonabsorbent materials. Floors shall have an impervious surface. Floor wall

junctures shall be tightly covered with approved concave coving.

7.8.6 Custodial Areas

- A. Laundry facilities, where provided, shall be maintained clean and in good repair. Except when life skills training is provided, laundry facilities shall be inaccessible to children.
 - 1. In buildings where laundry facilities are provided, properly vented gas or electric dryers shall be installed.
 - 2. Soiled linens and clothing shall be stored in non-absorbent or washable laundry bags or baskets until removed for laundering, shall be stored separate from clean linens and clothing, and shall be inaccessible to children. This provision does not prohibit life skills training in facilities providing more than 24-hour care.
 - 3. Laundry facilities shall be physically separated from food preparation, food storage, and restroom areas.
 - 4. The water temperature for the laundry shall be maintained above 140°F unless an approved disinfectant is applied in the rinse cycle, in accordance with the product label, or the dryer uses heat above 140°F as specified by the manufacturer.
 - 5. Soiled linens, slipcovers, and clothing contaminated with high hazard body fluid shall be stored and laundered separately.
 - 6. Clean linens and clothing shall be stored in a clean place and protected from contamination until used.
 - 7. When items are laundered offsite, it shall be in compliance with Section 7.8.6(A)(4) and returned to the facility in a clean container.
- B. A custodial sink or mop sink shall be provided or shall be easily accessible for use. The sink shall be properly plumbed with hot and cold water and directly drained to the sewer.
- C. Adequate space shall be provided for custodial and maintenance supplies and equipment. Storage areas shall be kept clean, sanitary, and inaccessible to children.

7.9 Interior Design

7.9.1 Personal Belongings

- A. Separate identified storage areas shall be provided for each child's personal effects, clothing and bed linens.
 - 1. Individual cubicles, lockers, coat hooks, drawers, or closet space shall be provided for storage of coats, hats and other personal articles.
 - 2. Staff members' personal effects and clothing shall be stored separately and be inaccessible to children.

7.9.2 Play Equipment

- A. Toys and art supplies shall be made of safe, non-toxic, durable, and cleanable materials.
 - 1. Soft, cloth toys shall be machine washable;
 - 2. Instructional supplies, toys and other play equipment shall not be stored in restrooms unless stored in a closed secondary non-absorbent container or closed cabinet.

7.9.3 Napping, Sleeping Areas and Equipment

- A. All sleeping and napping supplies such as cots, beds, cribs, mats, linens and pillows shall be maintained in a sanitary manner.
 - 1. Mats and cots shall be constructed of impervious, easily cleanable materials and maintained in good repair.
 - 2. If mattresses are not constructed of impervious materials they shall be covered with an impervious easily cleanable cover.
 - 3. Individual cribs, mats, cots, linens and pillows shall be marked with identifying information unless cleaned and sanitized or laundered between users.
 - 4. Linens shall be thoroughly cleaned and sanitized at a minimum of once per week or anytime the surface becomes visibly soiled in accordance with Section 7.8.6(A). When linens are left on mats or cots, they shall be stored so that there is no contact between individual mats, cots or bedding.
 - 5. Mattresses or mattress covers, mats and cots shall be thoroughly cleaned and sanitized prior to use by another child and whenever soiled, as required in Section 7.10.5.
 - 6. Mattresses or mattress covers, mats and cots shall be thoroughly cleaned and disinfected when contaminated with high hazard body fluids, as required in Section 7.10.6.
 - 7. Clean linens, clothing, pillows, mats and cots shall not be stored in restrooms.

7.9.4 Toys, Furnishings and Equipment

- A. Toys, furniture, indoor play equipment and other furnishings shall be maintained clean and in good repair.
 - 1. Dress-up clothing, hats, and all other headwear shall be washable and shall be maintained in a clean condition.
 - 2. Sensory tables and other play tables shall be maintained in a clean and sanitary manner. Sensory tables, when filled with water, shall be emptied after use by each group of children and at least daily. If organic materials (i.e. beans, pasta, rice, or other food items) are used in sensory tables, the materials may be used for a maximum of one week and then the materials shall be discarded.

3. Equipment, furnishings, toys, and play materials for infants and toddlers shall have smooth, nonporous surfaces or washable fabric surfaces that are easily cleanable.
 - a. Coverings shall be laundered any time the surface becomes visibly soiled. In use cloth toys such as stuffed animals, dolls, and hand puppets shall be laundered at a minimum of once per week, pursuant to Section 7.8.6(A), and immediately removed for laundering after being mouthed or any time they become visibly soiled.
 - b. Surfaces contaminated with high hazard body fluids shall be cleaned and disinfected, pursuant to Section 7.10.6, and when provided, coverings shall be removed for laundering.
 - c. Laundering of coverings shall be in accordance with Section 7.8.6(A).
4. Children that are toilet trained may have furnishings without impervious covers similar to a domestic setting as long as they are maintained clean and in good repair.
 - a. Absorbent toys and surfaces shall be cleaned, laundered, or removed from use at a frequency to prevent the accumulation of visible soil.
 - b. In the event of contamination with high hazard body fluid the furnishing shall be immediately cleaned and disinfected in accordance with Section 7.10.6, or shall be removed from use.

7.9.5 III / Injured Child Area

- A. Each facility shall include an area designated for the care of any ill or injured child who is being cared for by the health care provider or a designated staff member or is awaiting the arrival of a parent or guardian.
 1. Resident camps and 24-hour child care facilities require a designated area for the care of ill or injured children.
 2. In all other child care facilities the designated area may be located within a classroom or area normally used for child care. At least three feet of separation is recommended from all other children to help minimize exposure of staff and children not previously in close contact with the child.
 3. The area shall be adequately ventilated and heated.
 4. The area shall have available a bed, cot, or mat and a sheet and blanket.
 5. Children in the area shall have access to toilet and lavatory facilities where health and sanitation measures can be carried out without interruption by other children and staff activities.
 6. The area shall be located so as to allow staff supervision of the ill or injured child at all times.

7. All equipment, bedding, and toys utilized by the child with symptoms of illness shall be cleaned and sanitized or disinfected as required in Sections 7.8.6, 7.10.5, and 7.10.6, prior to use of another child.

7.10 Disease Prevention

7.10.1 Personal Health

- A. Staff shall be in good health and be free from communicable disease while caring for children, preparing food or employed in any capacity where there is a likelihood of transmitting disease to others at the facility.
- B. Children in care shall be immunized as required by 6 CCR 1009-2, *Rules Pertaining to the Infant Immunization Program and the Immunization of Students Attending School*, adopted by the Board of Health August 20, 2014. The official Certificate of Immunization, official Exemption form or written documentation of the student or child being In-Process shall be on file for each enrolled individual. Upon request of state or local health agencies, child care facilities are responsible for providing records with identifiers removed if the facility is subject to the Family Educational Rights and Privacy Act (FERPA).
 1. A child who is not appropriately vaccinated for his/her age and not in-process, or not exempt, shall be denied attendance in accordance with the 6 CCR 1009-2.
- C. Disease outbreaks shall immediately be reported to the Department. Reportable communicable disease shall be reported to the Department in the time frame stipulated by 6 CCR 1009-1, *Rules and Regulations Pertaining to Epidemic and Communicable Disease Control*.
 1. Child care facilities shall manage and control disease transmission through consultation with their child care health consultant and the Department.
 2. Additional guidance regarding infectious disease guidelines is provided in the CDPHE's *Infectious Diseases in Child Care and School Settings*, the American Academy of Pediatrics *Managing Infectious Disease in Child Care and Schools*, and *Caring for Our Children National Health and Safety Performance Standards Guidelines for Early Care and Education Programs*. Child care facilities may rely on this guidance.
 3. A written policy shall be implemented for staff and children regarding symptoms of illness that require exclusion from the child care facility. Guidance documents listed in 7.10.1(C)(2) should be used.
 4. Each child shall be observed for common signs of illness at arrival and throughout the day. A child who is ill upon arrival at the facility shall not be admitted pursuant to the exclusion or illness policy, pursuant to Section 7.10.1(C)(3).
 5. A thermometer capable of measuring human temperatures shall be available. Glass and mercury thermometers are prohibited. The thermometer shall be protected with a single-use cover or sanitized pursuant to Section 7.10.5 after each use.

6. When a child is ill, he or she shall be separated from other children until the parent or guardian can pick up the child.
7. In resident camps and 24-hour child care facilities, when an ill child is unable to be picked up by a parent or guardian within a reasonable time or when a child lives at the facility, the child must be isolated pursuant to the exclusion or illness policy, Section 7.10.1(C)(3).
8. Child care staff shall wear gloves when in contact with blood, feces and other high hazard body fluids.
9. Logs shall be kept to record children's symptoms of illnesses occurring among children attending the child care facility. Logs shall be maintained at the facility for two months and provided to the Department upon request. The logs shall include, at minimum, the following information:
 - a. Child's name or other identifying information;
 - b. Child's assigned classroom or group;
 - c. Date and time of symptoms of illness;
 - d. Symptoms;
 - e. Actions taken; and,
 - f. Date and time child was returned to group setting.

7.10.2 Demonstration of Knowledge

- A. Upon request, the person or persons performing a specific task shall demonstrate to the regulatory authority knowledge of communicable disease prevention as it relates to the specific task. This will be determined by staff's ability to show knowledge of the following:
 1. When, where, and how hand washing is required;
 2. When to prohibit staff members from caring for children;
 3. When to prohibit handling and preparation of food;
 4. Proper diapering procedure;
 5. Proper sanitization and disinfection of surfaces and toys; and,
 6. When to exclude or isolate children with symptoms of communicable illness.

7.10.3 Hand Washing and Hygienic Practices

- A. Staff members and children shall wash their hands using the following procedures:
 1. Moisten hands with warm running water;
 2. Apply soap;
 3. Rub hands vigorously until a soapy lather appears;
 4. Continue washing for at least 20 seconds outside of the water, rubbing areas between fingers, around nail beds, under fingernails, under jewelry and the backs of hands;

5. Rinse hands under warm running water until they are free of soap and dirt; and,
 6. Dry hands with a disposable towel, a clean cloth towel laundered after use, or a mechanical drying device.
- B. Staff members and children toddler-aged and older shall wash their hands at the following times:
1. Upon arrival for the day and after breaks;
 2. When caregivers move from caring for one group/classroom of children to another;
 3. Before and after:
 - a. Preparing food or beverages;
 - b. Eating, handling food, or feeding a child;
 - c. Giving medication, applying a medical ointment or cream or administering first aid; and,
 - d. Setup or use of a sensory table.
 4. After:
 - a. Using the toilet or assisting a child with toileting;
 - b. Diapering each child;
 - c. Handling body fluids;
 - d. Handling animals or cleaning up animal waste;
 - e. Coming in from outdoors;
 - f. Cleaning or handling garbage; and,
 - g. At any other time that hands become soiled.
- C. Infants shall have their hands washed with:
1. Soap and running water; or,
 2. A clean cloth that contains soap and is laundered after each use; or,
 3. The use of soap and warm water solution dispensed from a clean spray bottle, followed by a rinse before drying with a clean cloth or disposable towel:
 - a. Before and after meals and snacks;
 - b. After:
 - (1) Having their diaper changed;
 - (2) Coming in from outdoors; and,
 - (3) Whenever their hands become soiled.
- D. The use of hand sanitizers or wipes in lieu of hand washing is not approved for use within the facility. Hand sanitizers or wipes may be used for staff and children three years of age and older and only at times and in areas where hand washing facilities are not available, such as while out of doors in remote locations. Hand sanitizers and wipes shall be stored out of reach of children.
- E. Staff shall supervise children's hand washing to assure adequacy of the procedure.
- F. All staff members shall practice good personal hygiene in order to reduce the potential for disease transmission.

- G. All staff members shall wear clean outer garments. Staff members involved in both child care and food preparation shall wear a clean smock whenever they are involved with kitchen food preparation.
- H. Personal articles, such as combs, toothbrushes, razors, pacifiers, washcloths, water bottles, etc., shall be individually identified and shall be stored in a sanitary manner so as not to contaminate or come into contact with the personal hygiene articles of another child. Personal articles shall not be shared between children.
- I. Towels used for recreational water activities shall be individually identified, stored in a sanitary manner, laundered at least weekly, and not to be shared or intermingled among children.

7.10.4 Medications and First Aid

- A. Medication shall be inaccessible to children and shall be stored in the original container in a controlled area separated from food, cleaning compounds and other toxic substances. If refrigeration is required, the medication shall be stored:
 - 1. In a separate refrigerator maintained for that purpose only; or,
 - 2. In an impervious secondary container in a designated area of a food storage refrigerator, separated from food and inaccessible to children.
- B. Medications acquired by the facility or abandoned by parents or guardians shall be disposed of in accordance with 6 CCR 1007-2, Part 1, *Regulations Pertaining to Solid Waste Sites and Facilities* and 6 CCR 1007-3, Parts 260-268, and Parts 99 and 100.
- C. Medical oxygen shall not be used by children or staff in areas with open flames. Signage shall be posted in the child care facility that oxygen is in use.
- D. Basic first aid medical supplies, including gauze pads, rolled gauze, adhesive tape, cold pack, plastic bags, disposable gloves, band-aids, mechanism for cleaning hands in a remote location, and scissors, shall be provided and kept in clean storage, conveniently located and available to staff for emergency use and inaccessible to children.
 - 1. The poison control center may be called for guidance about any exposure to toxic substances or any potential poisoning emergency.
 - 2. First aid supplies and equipment with an expiration date shall be discarded and replaced once that date has passed.

7.10.5 Sanitizers

- A. Acceptance of sanitizers shall be determined by the following requirements:
 - 1. The chemical shall have a U.S. Environmental Protection Agency registration number and designation as a food contact surface sanitizer, be registered with the Colorado Department of Agriculture, and used in accordance with labeled instructions and 40 CFR 180.940, including:
 - a. Concentration;
 - b. Contact time;

- c. Method;
 - d. Surfaces; and,
 - e. Does not require a final rinse step.
- 2. Household bleach used shall be free of compounds to enhance the scent or other compounds that may adversely affect its use as a sanitizer.
- B. Sanitizers are to be used on surfaces that commonly come into contact with food, hands, the mouth, eyes, nose, and exposed skin of children and staff. These surfaces include, but are not limited to, kitchen surfaces, infant food preparation areas, pacifiers, drinking fountains, table tops, keyboards, toys, sleeping mats, cribs, high chairs, head phones, tumbling mats and furniture.
 - 1. Sanitizers are not to be used in place of soaps, detergents or other cleaning compounds that are intended and utilized to remove soil from surfaces, unless specifically formulated as a cleaner sanitizer.
 - 2. Sanitizing solutions shall be available to caregivers and staff during all hours of operation.
 - 3. The frequency of sanitizer use for food contact surfaces shall be in accordance with the requirements of Section 7.11.
 - 4. Toys used by preschool and older children shall be washed, rinsed, and sanitized at least once a week and whenever visibly soiled.
 - 5. Toys used by infants and toddlers shall be washed, rinsed, and sanitized at least daily.
 - 6. Toys that are placed in children's mouths or are otherwise contaminated by body fluids shall be washed, rinsed, and sanitized prior to use by another child.
- C. Sanitizers shall be mixed and used according to the label instructions, including concentration and contact time.
 - 1. If used as a sanitizer, household bleach shall be prepared and used at concentrations between 50 – 200 ppm chlorine.
 - 2. For sanitizers requiring mixing, test kits shall be provided and used to verify the required concentration. Solutions must be tested upon mixing and daily.
 - 3. Sanitizers obtained as ready-to-use (i.e., not requiring mixing) solutions and used in accordance with the manufacturer's labeled instructions, do not require the use of test strips.
- D. Bulk and working containers of sanitizers shall be stored inaccessible to children. Working containers of sanitizers shall be easily accessible for use by caregivers.
 - 1. Working containers of sanitizers shall be labeled as to their content and their intended use (i.e., sanitizer/toys and tables).
- E. Nothing in this Section shall prohibit the use of a dish washing machine, pursuant to Section 7.11.1(A)(5), clothes washing machine, or clothes dryer, pursuant to Section 7.8.6(A)(4), for sanitization of toys or other classroom materials.
 - 1. Hand washing sinks used in conjunction with toileting or diapering activities shall not be used for washing, rinsing, and sanitizing toys and equipment.

7.10.6

Disinfectants

- A. Acceptance of disinfectants shall be determined by the following requirements:
1. The chemical shall have a U.S. Environmental Protection Agency registration number and designation as a hospital grade disinfectant effective against *Salmonella choleraesuis (enteric)*, *Staphylococcus aureus*, and *Pseudomonas aeruginosa*, and be registered with the Colorado Department of Agriculture. The chemical shall be used in accordance with the labeled instructions, including:
 - a. Concentration;
 - b. Contact time;
 - c. Method; and,
 - d. Surfaces.
- B. Disinfectants are to be used on surfaces that are commonly contaminated with high hazard body fluids, such as but not limited to toilet seat inserts, diaper changing areas and tables, diaper pails and surfaces that have been in contact with high hazard body fluids.
1. Disinfectants are not to be used in place of soaps, detergents or other cleaning compounds that are intended and utilized to remove soil from surfaces, unless specifically formulated as a cleaner disinfectant.
 2. Toys, food, or body contact surfaces that become contaminated with high hazard body fluids shall be disinfected and then washed, rinsed, and sanitized before returned to use.
 3. Carpeting, rugs, and upholstery that have been contaminated by high hazard body fluids shall be cleaned by removing all visible debris with absorbent materials and treated through the use of a chemical or steam.
 4. In facilities where children are in diapers or require bladder or bowel hygiene assistance, disinfecting solution shall be available during all hours of operation. In all other facilities disinfecting solutions shall be available as needed.
- C. The frequency of disinfectant use shall be in accordance with the requirements of Section 7.12.4 or immediately upon clean-up of or contact with high hazard body fluids.
- D. Disinfectants, including household bleach, must be mixed and used according to the manufacturer's labeled instructions, including concentration and contact time.
1. Household bleach used shall be free of compounds to enhance the scent or other compounds that may adversely affect its use as a disinfectant.
 2. When disinfecting solutions are mixed at the facility and used for more than one day, daily testing is required.
 3. Disinfectants obtained as ready-to-use (i.e., not requiring mixing) solutions and used in accordance with the manufacturer's labeled instructions, do not require the use of test strips.
- E. Bulk and working containers of disinfectants shall be stored inaccessible to children. Working containers of disinfectants necessary for diaper changing and bladder and bowel hygiene shall be easily accessible for use by caregivers.

1. Working containers of disinfectants shall be labeled as to their content and their intended use (i.e., disinfectant/restrooms).

7.11 Food Service

Child care facilities providing meals or snacks shall have adequate food service facilities to accommodate the safe preparation and service of foods currently being provided and shall meet the requirements of Chapter 23 of the D.R.M.C., *City & County of Denver Food Establishment Rules and Regulations*, unless otherwise stated in Section 7.11:

7.11.1 Plumbing

- A. Minimum plumbing requirements for food service areas:
 1. Each sink shall be designated for one purpose unless otherwise approved by the Department through a written multi-use sink operational plan that is available on site for review.
 2. Facilities for hand washing must be adequate for staff preparing food and for staff and children prior to eating snacks and meals.
 - a. At least one dedicated hand washing sink for food handlers is required in all food service areas where food handling occurs. This sink is to be used only for hand washing, unless a multi-use sink operational plan has been approved in accordance with Section 7.11.1(A)(1).
 - b. Adequate hand washing facilities shall be available to accommodate supervised hand washing by all children immediately prior to eating for each snack and meal cycle.
 - c. Hand washing sinks do not need to meet the dimensional requirements of Section 5-208 J of Chapter 23 of the D.R.M.C., *City & County of Denver Food Establishment Rules and Regulations*.
 3. Facilities preparing meals or snacks shall have an approved method for food preparation, including washing produce. The following methods are acceptable:
 - a. A dedicated food preparation sink, indirectly plumbed to the sewer;
 - b. The dual use of one compartment of a two- or three- compartment sink that is also used for dishwashing is permitted provided:
 - (1) The compartment is washed, rinsed and sanitized prior to use for food preparation;
 - (2) The dish volume, including tableware, serving utensils, and cookware, is such that all dishes and utensils can be washed, rinsed, and sanitized in no more than two batches after breakfast, lunch, dinner, and snacks;

- (3) Soiled dishes are not staged or washed at the same time food is being washed or prepared in the sink;
 - (4) The sink shall be indirectly plumbed to the sewer unless otherwise approved by the Department; and,
 - (5) An operational plan in accordance with Section 7.11.1(A)(1) approved by the Department demonstrates all of the above criteria is in place and is protective of public health.
4. Facilities serving only pre-packaged meals or snacks including commercially prewashed and pre-packaged produce are exempt from the requirements of Section 7.11.1(A)(3).
5. Facilities using multi-use tableware, serving utensils or cookware shall have an approved method to wash dishes. In the absence of a commercial dishwashing machine, the following methods are acceptable:
 - a. Domestic dishwashing machine:
 - (1) Domestic dishwashing machines are approved provided dish volume is such that all dishes can be washed and sanitized in two or less complete cycles for each of the following: breakfast, lunch, dinner, and snacks; and meet one of the following conditions:
 - (a) The dishwashing machine is National Sanitation Foundation (NSF) certified; or,
 - (b) Equipped with a heat sanitizing cycle that reaches a minimum of 150^oF; or,
 - (c) The temperature of the wash water reaches a minimum of 155^oF.
 - b. Manual Ware washing:
 - (1) In the absence of a dishwashing machine, a dedicated three compartment sink shall be used for dishwashing provided it is indirectly plumbed to the sewer; or,
 - (2) In facilities where limited dishwashing is needed, a two compartment sink may be used for dishwashing provided it is indirectly plumbed to the sewer and the dish volume is such that all dishes and utensils can be washed, rinsed, and sanitized in no more than two batches after breakfast, lunch, dinner, and snacks. Department approval is required to use a two compartment sink for dishwashing.
6. Where structural changes pose a true economic hardship or are too difficult to implement due to space constraints, conflicts with the plumbing code, or building ownership, direct plumbing to the sewer system may be approved by the Department provided public health is protected. Documentation of approval shall be maintained on site.
7. Mop sinks are to be installed in accordance with Section 7.8.6(B).
8. The number of toilet facilities shall meet the requirements as stated in Section 7.8.4(A).

7.11.2 Ventilation

- A. Commercial ventilation is required where:
1. Grease cooking is conducted;
 2. Cooking appliances have a combined BTU rating of greater than 100,000 BTU or 21 kilowatts, as specified in the equipment's specifications; or,
 3. Local building or fire codes require commercial ventilation.
 4. Nothing in this section shall prohibit the cooking of meat inside an oven or on the stovetop in a covered pan or skillet as long as local building and fire codes are followed.

7.11.3 Cooking and Hot Holding Equipment

- A. Commercial cooking and hot holding equipment is not required in facilities meeting the exemptions in Section 7.11.5(A). Commercial equipment is required in facilities where any of the following conditions apply:
1. Commercial equipment is required by the local building or fire departments; or,
 2. Leftover potentially hazardous foods are cooled and then re-heated for hot holding and re-service to children; or,
 3. Domestic equipment cannot adequately cook or maintain potentially hazardous foods that are hot held above 135°F.

7.11.4 Commercial Refrigeration Equipment

- A. Commercial refrigeration equipment is not required in facilities meeting the exemptions in Section 7.11.5(A). Commercial equipment is required in facilities where any of the following conditions apply:
1. Commercial equipment is required by the local building or fire departments;
 2. The facility's menu involves advanced food preparation, as defined in Section 7.4(A)(1);
 3. Prepared potentially hazardous food is transported off premises for service or consumption at another facility;
 4. Leftover potentially hazardous foods are cooled for re-service to children; or,
 5. Domestic equipment cannot maintain potentially hazardous foods at 41°F or less.

7.11.5 Domestic Equipment

- A. Domestic cooking, hot holding and refrigeration equipment is permitted when

approved by the Department, maintained in good repair and under the following conditions:

1. In specialized group facilities, residential child care facilities, children's camps, and small child care centers with a capacity of 20 or fewer children; or,
2. In independent infant programs, toddler programs and kindergartens; or,
3. In facilities operated less than four hours per day; or,
4. In other facilities where the menu does not involve procedures listed in Section 7.11.4(A); and,
5. Where installation methods allow the equipment and surrounding area to be maintained in a clean sanitary condition.

7.11.6 Operational Requirements

- A. Date marking shall only apply to child care facilities that serve a highly susceptible population including preschool aged children (five years of age and younger) and facilities that specialize in serving children who are immunocompromised.
- B. Children may use the same room for eating and sleeping.
- C. Potentially hazardous foods supplied by the facility for offsite activities, such as field trips, shall be maintained at required temperatures prior to leaving the facility pursuant to Section 7.11 and if temperatures are not maintained after leaving the facility the food shall be consumed within four hours.
 1. Coolers can be used for storage and transport for offsite activities if they are easily cleanable, maintained in good repair, and kept clean.
- D. In child care facilities where individual meals are furnished by the parents or guardians, the food shall be restricted to their own child and the food shall be labeled with the child's name.
 1. When parents or guardians furnish snacks for children other than their own child, the snack shall consist only of foods that are prepackaged and prepared from commercial sources. Such foods shall be non-potentially hazardous or shelf stable and received sealed, and,
 2. If the food requires refrigeration after opening, remaining portions shall be discarded or sent home with the parent that supplied it.
 3. Uncut produce may be provided if the facility has the capacity to wash and prepare it in accordance with 7.11.1(A)(3).
- E. In child care facilities without adequate refrigeration or hot holding equipment to maintain food temperatures:
 1. Foods shall be obtained from approved licensed or commercial sources; and,
 2. Food service shall be limited only to non-potentially hazardous foods; or,
 3. Foods supplied by outside sources must be, received at the appropriate temperature, served within two hours, and remaining potentially hazardous foods shall be discarded.

- F. In child care facilities without adequate fixtures to wash, rinse and sanitize dishes and utensils, single-service utensils and tableware shall be used for dispensing, serving, and eating food.
- G. Family style meal service is permitted under the following conditions:
 - 1. Children are supervised;
 - 2. Utensils are used to dispense food;
 - 3. Soiled tableware and serving dishes are not returned to the kitchen for refilling; and,
 - 4. Food that becomes contaminated is discarded.
- H. Raw, uncut produce, including those grown on site, shall be permitted provided gardens and greenhouses conform to U.S. Department of Agriculture Good Agricultural Practices. For additional information, Interpretive Memo 14-08 *Determining "Approved Source" for Raw, Uncut Fruits and Vegetables*, may be referenced.
- I. Prohibited Foods:
 - 1. Service of honey to infants shall be prohibited.
 - 2. Pursuant to 25-5.5-117 (4), C.R.S, a child care facility shall not serve as a distribution site for raw milk.
 - 3. Except for freshly squeezed juice for immediate consumption the service of unpasteurized juice shall be prohibited.
- J. Prohibited Activities:
 - 1. Staff shall not be involved in the care of children and food preparation concurrently if there is a risk for contamination of food by body fluids.
 - 2. Staff members assigned to a specific group of children and involved in changing diapers shall be prohibited from preparing meals and snacks for children not in their group.
 - 3. Children shall not be involved in the preparation and handling of raw animal products.
 - 4. Children shall not handle, with bare hands, ready-to-eat foods for children other than themselves.
 - 5. This section does not prohibit teaching cooking projects if good hygienic practices are followed.
 - 6. This section does not prohibit life skills training in facilities providing more than 24-hour care.

7.12 Infant and Toddler Programs and as Applicable to Older Children

7.12.1 Personal Items and Bedding

- A. Adequate supplies of diapers, clean clothing and linens shall be available for the needs of each infant and toddler. Clothing and linens shall be changed when soiled with high hazard body fluids.
- B. Adequate storage space shall be provided for the personal items of each infant and toddler.

- C. Each infant and toddler shall be provided with two individual washcloths and one towel or an adequate supply of soft, non-irritating disposable towels.

7.12.2 Staff Clothing for Infant Care

- A. Clothing worn by staff members to and from work shall be covered or replaced by clean non-irritating washable smocks or similar clothing.
 - 1. Smocks shall be large enough to cover the lap and shoulder areas.
 - 2. Staff shall change or replace their smocks when smocks become soiled.

7.12.3 Feeding

- A. Staff members shall wash their hands before preparing bottles and foods and just prior to feeding infants, as well as when required by Section 7.10.3
 - 1. Staff members with cuts or open wounds on their hands shall not be involved with infant feeding unless the wound is covered with an impermeable cover and a single-use glove is worn over the impermeable cover.
- B. Infant food shall be stored in the original, labeled, covered containers.
- C. Infant formula and breast milk in bottles or other storage containers shall be:
 - 1. Labeled with the infant's name;
 - 2. The date received; and,
 - 3. Stored at 41°F or below.
 - 4. Formula or breast milk that is unopened and not used the day it was prepared or received from the parent or guardian shall be discarded or returned to the parent or guardian at the end of the day. This shall not apply to frozen breast milk.
- D. A designated sink shall be used to fill, warm, and dump infant bottles. In the absence of a designated sink, a written multi-use sink operational plan may be approved by the Department pursuant to Section 7.11.1(A)(1).
- E. Infant formula shall be mixed in accordance with the manufacturer's labeled instructions and shall be stored and labeled as indicated in Section 7.12.3(C). Expired formula shall not be used.
 - 1. Portions of formula or breast milk unconsumed by the child after each feeding shall be discarded. Bottles of formula, milk, or breast milk and other potentially hazardous liquids shall not be fed over a period exceeding one hour.
 - 2. If nursing bottles are to be reused, they shall be washed, rinsed and sanitized in approved ware washing facilities after each use, as required by Section 7.11.1(A)(5) or returned to the parent or guardian at the end of the day for washing.
 - 3. Bottles of frozen formula or breast milk shall be thawed under cold running water, in a crock-pot/warming device or in a refrigerator.

4. Bottles of infant formula or breast milk shall never be warmed in a microwave oven.
 5. The use of a crock-pot or other warming device to thaw and/or warm formula or breast milk can be utilized, if:
 - a. The breast milk or formula is thawed and warmed for immediate consumption and not returned to the refrigerator, and,
 - b. The warming container is emptied, cleaned, sanitized and refilled daily with fresh water.
 6. Bottles of formula or breast milk shall be labeled with the child's name. All formula and breast milk shall be used only for the intended child. Breast milk shall be differentiated by colored labels or another method approved by the Department.
 7. Accidental feeding of breast milk to another mother's child shall be handled in accordance with standard 4.3.1.4, *Feeding Human Milk to Another Mother's Child, Caring for Our Children*, 2015, hereby incorporated by reference.
 8. Beverages dispensed into a bottle by the facility staff shall be:
 - a. From an approved source;
 - b. Dispensed from the original container; and,
 - c. Dispensed into a clean sanitized bottle.
- F. Commercially processed baby food dispensed directly from the container to a child shall be limited to one infant, with unconsumed portions discarded at the end of each feeding.
1. Containers of baby food dispensed onto separate dishware and served individually from those dishes may be returned to the refrigerator for storage for the remainder of the day. Unconsumed portions from the dishware shall be discarded.
 2. No more than one infant shall be fed from the same container of food or the same utensil. Utensils, including dishware, shall be washed, rinsed and sanitized between uses by an approved method as described in Section 7.11.1(A)(5).

7.12.4 Diapering

- A. Diapers shall be checked for wetness or feces at least every two hours, or whenever the child indicates discomfort or exhibits behavior that suggests a soiled or wet diaper. The child shall be changed when found to be wet or soiled.
- B. A diaper changing station or changing area shall be provided and located separate from any food preparation, storage or serving area:
 1. Equipment and surfaces shall be of sturdy construction with smooth, durable, nonabsorbent and easily cleanable surfaces.
 2. A hand washing sink shall be:
 - a. Located adjacent to or within reach of the changing table and/or changing area;

- b. Provided with hot and cold running water, delivered under pressure through a mixing faucet; and,
 - c. Supplied with soap and single-service towels from a dispenser or a mechanical drying device.
 - 3. Soiled diapers, wipes and gloves shall be disposed of in a washable, covered container lined with a plastic bag, located adjacent to the changing table or changing area, and inaccessible to children.
 - 4. Items unrelated to diaper changing shall not be placed on changing tables or wall hung changing stations.
 - 5. Changing tables, stations or mats shall be kept clean and in good repair and shall be cleaned and disinfected after each use with a disposable towel as indicated in Section 7.10.6.
- C. The following procedure shall be conducted each time a diaper is changed:
 - 1. All supplies needed for diaper changing shall be placed at the diaper changing area before the child is brought to the changing area.
 - 2. Individuals changing diapers shall place a new pair of gloves on hands prior to changing the child's diaper.
 - 3. The child shall be placed on a clean disinfected dry changing table or mat.
 - 4. The child shall be cleaned on the body wherever necessary.
 - 5. Soiled clothes shall be placed in a plastic bag for parents or guardians to take home. Soiled diapers shall be placed in a covered, impervious plastic lined receptacle.
 - 6. If topical ointments are applied, clean gloves shall be donned. Gloves shall be removed before handling clean clothing and diapers.
 - 7. An infant's hands shall be washed as outlined in Section 7.10.3(C). A toddler's hands shall be washed as outlined in Section 7.10.3(A).
 - 8. The child then may be returned to a clean crib or to play.
 - 9. The staff member shall then clean to remove visible soils and disinfect the following:
 - a. The diapering area;
 - b. The equipment or supplies touched during diapering; and,
 - c. Any other surfaces or furnishings contaminated with urine or feces.
 - 10. The staff member shall then thoroughly wash his/her hands in accordance with Section 7.10.3(A).
- D. Soiled cloth diapers shall be immediately placed in a waterproof bag after being removed from the child and shall be stored in a covered diaper pail for return to the parents, guardians or diaper service or until laundered. Soiled cloth diapers or clothing shall not be rinsed.

7.13 Care Of Animals

No more than three adult animals for every 25 children may be cared for at a child care facility unless the animals are utilized as part of a developed educational program or therapy program with a written plan that outlines the intended goal and need for the

animals. Nothing in this section shall prohibit the properly located, stabled and corralled livestock, such as horses associated with equestrian programs at children's camps or fish in bowls or aquariums.

7.13.1 Prohibited Animals

- A. The following animals are prohibited in child care facilities:
 - 1. Psittacine birds, ferrets, and primates;
 - 2. Poisonous animals inclusive of spiders, venomous insects, venomous reptiles including snakes, and venomous amphibians;
 - 3. Stray or wild animals; and,
 - 4. Aggressive animals.
- B. Live poultry including adult birds, chicks, and ducklings, reptiles, and amphibians shall be prohibited from:
 - 1. The premises of facilities caring only for children under the age of five;
 - 2. Classrooms with children kindergarten age or younger or communal areas that these children use in facilities that also care for children over the age of five.
 - a. Because infections from these animals spread via fecal-oral transmission (hand to mouth behaviors), use of these animals in other classrooms where older children engage in frequent hand to mouth behaviors is discouraged.
- C. Animals other than non-aggressive fish are prohibited in infant programs.

7.13.2 Animal Bite Control

- A. All dogs and cats shall have current rabies vaccinations administered by a licensed veterinarian. Record of rabies vaccinations shall be available at the child care facility whenever the dog or cat is on site.
 - 1. All animal bites involving species that are known reservoirs of rabies, including but not limited to dogs, bats, cats, ferrets, raccoons, skunks and foxes, shall be immediately reported to the Department or other appropriate agencies.

7.13.3 Enclosures

- A. Enclosures for small animals, such as hamsters, gerbils, guinea pigs, rabbits and the like, shall be constructed to be non-absorbent and easily cleanable and shall be cleaned as needed so as not to create nuisance conditions. Animal waste, used bedding and other waste material shall be removed from the premise and not left to accumulate.
- B. Enclosures for larger animals and poultry shall be cleaned daily to remove animal waste, soiled bedding and other debris. Run off from enclosures, barns, corrals, and manure storage areas shall be managed in an approved manner so as not to

pollute wells and waterways. Adequate fly and mosquito control measures shall be utilized as needed.

- C. All animal waste on outdoor play areas shall be promptly removed and placed in a closed disposal container.

7.13.4 Child Participation

- A. Children's contact with animals, enclosures and waste products shall be supervised. Children under the age of five years shall not be involved with the cleaning of animal enclosures or the removal and handling of animal waste products.

- 1. Children and individuals involved with the care, feeding or handling of animals shall thoroughly wash their hands in accordance with 7.10.3(B)(4)(d) immediately after any contact with animals, animal enclosures or animal waste products.

7.13.5 Designated Animal Areas

- A. Specific areas shall be designated for animals. Live animals shall be prohibited from the following areas:

- 1. Food preparation, food storage and dining areas; and,
 - 2. Areas where children routinely play (e.g., sandboxes, playgrounds).

- B. Animal feed and bedding shall be stored separate from human food, food supplies and food preparation areas.

- 1. Animal feed shall not be located in food preparation areas or on eating surfaces.
 - 2. Animal feed that requires refrigeration may be stored in an impervious secondary container to separate it from human food and make it inaccessible to children.

- C. Location and/or presence of animals shall be determined based on the protection of the health of children and caregivers with allergies.

7.14 Toxic Materials Management

7.14.1 Insect and Rodent Control

- A. Pests shall be managed with integrated strategies for long-term pest suppression, using the most cost-effective means with the least possible hazard to people, property, and the environment.

- B. The use of poisonous compounds to control weeds, rodents, insects, and other pests shall be implemented only after other means have been used for control, such as the elimination of harborages, removing access to food, and sealing of points of entry. These compounds shall be used according to labeled instructions.

- C. All food, food utensils, and equipment, bedding, toys, sleeping mats and other equipment, materials and items that will come into contact with food or children shall be protected during the time pesticide application is conducted. Pesticides shall be applied in a manner as to prevent skin contact and other exposure to children or staff. Application of pesticides shall not be conducted when children are present.
- D. Only approved, U.S. Environmental Protection Agency registered insecticides, rodenticides, and herbicides may be used. Application must strictly follow all label instructions and must be authorized by the director. Rodenticides shall be dispensed in tamper proof boxes, shall have a distinctive color so as not to be mistaken for food, and shall be in cake or pellet form.
- E. Restricted pesticides shall be applied only by a certified pest control applicator or under the direct supervision of a certified pest control applicator.

7.14.2 Poisonous or Toxic Materials

- A. There shall be present in child care facilities only those poisonous or toxic materials necessary for general maintenance of the building, grounds, and equipment. These compounds shall be used according to labeled instructions.
- B. Pre-school age children shall be appropriately supervised around any poisonous plants either in the child care facility or outdoor areas. Toxic plants are prohibited in areas designated for infants and toddlers.
- C. Containers of poisonous or toxic materials shall be prominently and distinctly labeled for easy identification of contents. Poisonous or toxic materials shall not be transferred into food or drink containers.
- D. Poisonous or toxic materials shall not be stored or used in a way that could contaminate food, food utensils and equipment, bedding, sleeping mats, toys and other equipment, materials and items that will come into contact with food or children.
 - 1. Cleaning materials, sanitizers, disinfectants, detergents, flammable and other toxics shall be properly labeled, and stored inaccessible to children.
- E. Sanitizers, disinfectants, or other cleaning compounds intended for use on food contact surfaces, toys and body contact surfaces shall be used in a way that does not leave a toxic residue on such surfaces.
- F. Prior to beginning any renovation or demolition activity of a child care facility, all requirements pursuant to 5 CCR 1001-10, Colorado Air Quality Control Commission, Regulation Number 8 Part B, including inspection for asbestos containing materials must be met. All work shall be conducted by a Colorado certified asbestos building inspector.
- G. For child care facilities built before 1978, all painted surfaces of any building components shall be considered to contain lead-based paint unless a lead-based paint determination deems otherwise.
 - 1. Sections 7.14.2(G) does not apply if a lead-based paint determination shows that all painted surfaces of building components which will be disturbed during the renovation activities are not considered to contain

lead-based paint. A lead-based paint determination must be made either by a certified inspector or risk assessor pursuant to 5 CCR 1001-23, Colorado Air Quality Control Commission, Regulation Number 19 Part A, or by a certified renovator pursuant to the U.S. Environmental Protection Agency Lead Renovation, Repair and Painting Program regulations found at 40 CFR Part 745, Subpart E. The results of these determinations shall be on file at each child care facility and available for review.

2. Renovation activities that will disturb painted surfaces either deemed to contain lead or not tested in child care facilities built before 1978 (including certain repairs and maintenance, and painting preparation activities) shall be conducted pursuant to the U.S. Environmental Protection Agency Lead Renovation, Repair and Painting Program regulations found at 40 CFR Part 745, Subpart E.
- H. By May 1, 2017, radon testing shall be conducted in existing facilities as required by this section pursuant to Department guidance and the procedures described in the American Association of Radon Scientists and Technologists (AARST) *Protocol for Conducting Radon and Radon Decay Product Measurements in Schools and Large Buildings*, 2014, hereby incorporated by reference.
1. New child care facilities opening after the effective date of these rules and regulations shall complete radon tests within six months of occupancy. Child care facilities remodeled after the effective date of these rules and regulations shall notify the Department of such remodeling in order that the Department may assess the need for any additional radon testing.
 2. The results of these tests shall be on file at each facility and available for review.
 3. This section shall not apply to non-building based programs such as mobile school age child care programs.
- I. The use of urea formaldehyde foam insulation is prohibited.

7.14.3 Art and Science Materials

- A. Art and science materials shall be used in a way so as not to constitute a hazard to the children or staff. Children using potentially toxic materials shall be directly supervised by staff. (For example, shaving cream can be hazardous to asthmatic children.) Nontoxic, water-based materials should be used whenever possible.
- B. The use or storage of concentrated or strong acids and bases; carcinogenic materials; toxic organic solvents; materials that produce toxic dusts, and materials with heavy metals such as lead, mercury, or cadmium are prohibited.
- C. Bulk art and science materials shall be stored in original containers, clearly labeled, and stored in accordance with manufacturer's instructions. All art and science materials transferred into a secondary storage container must be clearly labeled.
- D. If food items are used as art and science materials they shall be labeled for the intended use (e.g., "not for consumption" or equivalent language).

7.15 Compliance Procedures

- A. Prior to recommending approval of a license, the Department shall inspect the proposed child care facility to determine compliance with these rules and regulations.
 - 1. The Department shall recommend approving a license if its inspection establishes that the proposed child care facility complies with the requirements of these rules and regulations.
 - 2. Items deemed not in compliance with the requirements of these rules and regulations shall be corrected prior to the Department recommending approval of the license. A written plan of correction or timetable for correction may be accepted as temporary compliance.
- B. The Department may, upon inspection, make a recommendation to the Department of Human Services to submit adverse action against a child care facility's license for any violation of these rules and regulations or as otherwise provided by law.
 - 1. A copy of the non-compliance inspection report(s) of the child care facility shall be forwarded by the Department to the Department Of Human Services for review.
- C. Acting under Section 25-1.5-101(1)(a) and 25-1.5-102(1)(a), C.R.S., the Department shall have the power and duty to close a child care facility and forbid the gathering of people therein to protect the public health from the cause of epidemic and communicable diseases. Immediate closure shall be used only when the situation imperatively requires emergency action or the operator has been guilty of deliberate and willful violation that poses an imminent health hazard.
- D. When serious or repeated violations of these rules and regulations have been found, the Department may abate the nuisance by seeking injunctive relief through judicial means, as provided under Sections 16-13-308, 16-13-309, 25—1-501, *et seq.*, 25-1.5102, and 25-4-1061, *et seq.*, C.R.S.
- E. An inspection of a child care facility shall be performed prior to its opening and at least once every two years thereafter or more often as determined by risk.
- F. The Department, after proper identification, shall be permitted to enter any child care facility, whether announced or unannounced prior to the visit, during business hours and at other times during which activity is evident to determine compliance with these rules and regulations. The agents shall be permitted to examine documents or true copies of documents that pertain directly to the operation of the child care facility as it applies to compliance with these rules and regulations.
- G. Whenever an inspection of a child care facility is made, the findings shall be recorded on an inspection report form. Inspection remarks shall describe violation(s) that exist(s).
 - 1. Once the inspection report form is finalized, a copy of the completed inspection report form shall be furnished to the facility.

2. The completed inspection report form is a public document that shall be made available for public disclosure, according to law, to any person who requests it.
3. The inspection report form shall specify a reasonable period of time for the correction of the violations found and correction of the violations shall be accomplished within the period specified, in accordance with the following provisions:
 - a. If an imminent health hazard exists, such as but not limited to an inability to maintain the integrity of potentially hazardous foods, sewage backup into the facility, lack of drinking water, or an interruption of water service to the facility for more than two hours, the facility shall immediately cease operations unless dismissal of the children would be detrimental to their well-being or unless an alternative plan for operation has been approved by the Department. Operations shall not be resumed until authorized by the Department.
 - b. All critical violations are to be corrected as soon as possible, but in any event, by the date and time specified by the Department.
 - c. All other violations shall be corrected by the date and time agreed to or specified by the Department but no later than 90 calendar days after the inspection.
 - d. The Department may approve a compliance schedule that extends beyond the time limits specified if a written schedule of compliance is submitted by the operator and no health hazard exists or will result from allowing an extended schedule for compliance.
4. The inspection report shall state that failure to comply with any order, notice, rule, regulation or correction of a violation within required time limits may result in the initiation of administrative or legal regulatory action, an administrative citation and/or a recommendation of adverse action of licensure to the Department Of Human Services. An opportunity for appeal of the inspection findings and time limitation will be provided if a written request for an administrative hearing is filed with the Department within five days following the date of receipt of inspection. If the request for a hearing is received, a hearing shall be held no sooner than 20 days after the operator is notified of the hearing.
5. Whenever a child care facility is required, under the provisions of these rules and regulations to cease operations, it shall not resume operations until a re-inspection determines that conditions responsible for the requirement to cease operations no longer exist. Opportunity for re-inspection shall be offered within a reasonable time frame.

RULES REGULATING CHILD CARE CENTERS

7.702 RULES REGULATING CHILD CARE CENTERS (LESS THAN 24-HOUR CARE) [REV. EFF. 2/1/16]

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" C.R.S. 25-1.5-101(1)(h), 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 includes paid staff and equally qualified volunteers under Section 7.702.44, E.

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 amendment the center must give the parent(s)/guardian(s) the center's policies and procedures, and provide the opportunity to ask questions. 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. 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. 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, holidays when the center is closed.
- D. The procedure regarding inclement and excessively hot weather.
- E. The procedure concerning admission and registration of children.
- 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.
 4. 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's 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.
- 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 7.702.101). 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. Staff hired prior to September 29, 2016, must complete a department approved preservice training by September 30, 2016. All staff hired after September 30, 2016 must complete a department approved preservice 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.
 - 2. Handling and storage of hazardous materials and the appropriate disposal of bio contaminants.
- E. Each staff member working with infants under twelve (12) months old must complete a department approved safe sleep training by December 31, 2015. Each staff member hired after December 31, 2015, must complete a department approved safe sleep training prior to working with infants under twelve (12) months old.
- F. Each staff member working with children under three (3) years of age must complete a department approved prevention of shaken baby/abusive head trauma training by September 30, 2016. Each staff member hired after September 30, 2016, must complete a department approved abusive head trauma training prior to working with children under three (3) years of age.
- 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;
 - 8. Teaching practices;

- a. Each one (1) semester credit hour course with a direct connection to the competency area listed in section 7.702.33, 1, 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; and,
 - 2. The competency domain; and,
 - 3. The date and clock hours of the training; and,
 - 4. The name or signature, or other approved method of verifying the identity of trainer or entity; and,
 - 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) 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, judgement 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 5 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 10 working days of each staff member's first day of employment. 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 30 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. Additional experience is not required; or
 - 2. A current early childhood professional credential level IV Version 2.0 as determined by the Colorado Department of Education; or
 - 3. 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.

4. 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, or 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 the courses specified in Sections 7.702.42, A, 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;
 - 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 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;
 - 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 negative licensing;
 - C. Providing false information;
 - D. Providing false transcripts for self or staff;
 - 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 7.702.42d.4.a-c 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 a 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.
 - 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 under 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 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 under 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; or,
4. Two (2) years' college education sixty semester hours (60) 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 under six (6) years of age; or,
 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 under 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;
 - 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, and additional two (2) three-semester hour early childhood education college courses with one (1) course being either introduction to early childhood education or guidance strategies.
 - c. Current early childhood professional credential level III Version 3.0 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 under 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 under 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 under six (6) years of age who are not related to the individual.
- i. Twenty-four (24) months (3,640 hours) of verified experience in the care and supervision of four (4) or more children under 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

- 1. 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:
 - a. Completion of one (1) 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 teacher's must be enrolled in and attending the second (2nd) early childhood education class which will be used as the basis for their qualification for the position of early childhood teacher; or

- b. 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.
 - c. 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) 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 who are used to meet staff to child ration must complete fingerprint based background checks and the state department automated child abuse and neglect background check.
 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.
 5. Volunteers between the ages of twelve (12) and sixteen (16) must have a written purpose for volunteering and time frames must be limited to less 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 (1st) 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 60 percent 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 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 (1) 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.
 - 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 old 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.
 - 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

AGES OF CHILDREN	NUMBER OF STAFF
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 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

AGES OF CHILDREN	MAXIMUM GROUP SIZE
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 (1) three (3) semester credit hour class in infant/toddler development; or;
 - 3) 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 old, 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

- 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 years old.
 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 old.
 5. An adult who meets the education and experience requirements for early childhood teacher of a large center (Section 7.702.44.A).
 6. A current early childhood professional credential level ii version 1.0 or 2.0 as determined by the Colorado Department of Education.
- C. Staff aides must be at least 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.

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 individualized 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
 - 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) days after admission, and within thirty (30) days following the expiration date, 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 under 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 under 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 (1st) 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) 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 under 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. 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.
6. 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
 - 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 at least an 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 multi-use medication order must be renewed with each updated health statement.
 7. Staff designated by the center director to give medications must complete the 4 four (4) hour 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 rectal diastat, 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;
- 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, 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 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 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 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. If the infant refuses the pacifier, s/he should not be forced to take it. After the infant falls asleep, there is no need to reinsert the pacifier if it falls out. Pacifiers should not be coated in any sweet solution, and they should be cleaned and replaced regularly. The pacifier should be suitable for the age and size of the infant.
 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 may only be used in separate sleeping rooms for infants under the following conditions:
 - a. The sound monitoring equipment is able to pick up the sounds of all sleeping infants.
 - b. The receiver of the sound monitoring equipment is actively monitored by staff at all times.
 - c. All sleeping infants must be physically observed at least every ten (10) minutes by a staff member.
 - d. Sound monitoring equipment must be regularly checked to ensure it is working correctly.
 14. After December 31, 2015, separate sleep rooms must be 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 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 supplement 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 [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. Outdoor physical gross motor activities, with or without equipment or materials, must be provided to toddler age children on a daily basis.
 6. When inclement weather limits outdoor activities, indoor physical gross motor activities, with or without equipment or materials, must be provided to toddler age children on a daily basis.
 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 under 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 be from a variety of types and 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.
 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. An accurate itinerary must remain at the center.
 4. 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.
 5. 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.
6. 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.

- 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.
 - 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 (1) adult, in addition to the driver, for each five (5) or fewer infants/toddlers being transported. Each adult must have a current department-approved first aid and safety certificate that includes CPR for all ages of children.

3. An adult must accompany each child to and from the vehicle.
4. Infants and toddlers must not be transported in the front seat of a vehicle.

7.702.6 CHILD CARE EQUIPMENT AND MATERIALS [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/glider.
- 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 SIX (6) feet if accessible to children 2-1/2 to 6 years of age, and three (3) feet if accessible to children under 2-1/2 years of age.
 5. All pieces of playground equipment must be designed to guard against entrapment and strangulation.
 6. 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 four (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 whom 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;
 - 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 [2/1/16]

7.702.71 Building Site [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 [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 7.702.63, B.
4. Number of Children Allowed in One Room

AGE OF CHILDREN	MAXIMUM NUMBER OF CHILDREN IN A ROOM
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 7/1/89 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 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 33 percent 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 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 10 percent of the playground area.
6. A shaded area in the fenced play area of at least 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 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) if licensed for fourteen (14) or more toddlers or seventy-five (75) square foot 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 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 under 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, 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

- 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.
 - 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) working 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.
 - 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.
 - 6. Name and address of police department or authority to whom the report was made.

- D. Within forty-eight (48) hour 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;
 - 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 [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.

RULES REGULATING SCHOOL-AGE CHILD CARE CENTERS

7.712- RULES REGULATING SCHOOL-AGE CHILD CARE CENTERS

All school-age child care centers must comply with the "General Rules for Child Care Facilities" as well as the "Rules Regulating School-Age Child Care Centers" and the "Rules and Regulations Governing the Sanitation of Child Care Centers in the State of Colorado."

7.712.1 POLICY OF THE COLORADO DEPARTMENT OF HUMAN SERVICES [Rev. eff. 11/1/98]

It is the policy of the Colorado Department of Human Services ("the Department") to promote and encourage child care in environments that contribute to the safety, health, protection, and well-being of children. To verify compliance with standards intended to ensure such an environment, the department requires thorough and ongoing appraisals of child care facilities, persons working in the child care profession, and the nature of care provided.

7.712.2 DEFINITIONS [Rev. eff. 6/1/07]

- A. A "school-age child care center" (hereafter referred to as the "center") is a child care center that provides care for 5 or more children who are between 5 and 16 years of age. The center's 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 operated with or without compensation for such care, and with or without stated educational purposes.
- B. A "building-based school-age child care program" is a child care program that provides care for 5 or more children who are between 5 and 16 years of age. The center is located in a building that is regularly used for the care of children.
- C. A "day camp" is a school-age child care program which operates at least four (4) hours a day primarily during one season of the year, and during school vacation periods for children between five (5) and eighteen (18) years of age, which accepts registrations for finite, not necessarily contiguous sessions. Programs may operate daily between 6:00 a.m. and 10:00 p.m. Day camp programs may incidentally offer not more than two overnight stays each camp session. The day camp provides a creative recreational and educational opportunity through group oriented programs. The day camp utilizes trained leadership and the resources of the natural surroundings to contribute to each child's mental, physical, social, and personal growth.

The types of day camps are as follows:

- 1. A "building based day camp" is a child care program that provides care for five (5) or more children who are between five and eighteen years of

- age. The day camp is located in a building which, along with the outdoor surroundings, is regularly used by the program.
2. A "mobile day camp" is a child care program that provides programming for five (5) or more children who are at least 7 years of age or who have completed the first grade. 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. Mobile day camp programs may operate in multiple sites under one license.
 3. An "outdoor-based day camp" is a child care program that provides care for five (5) or more children who are at least 7 years of age or have completed the first grade. The day camp uses no permanent building on a regular basis and provides programming in a permanent outdoor or park setting.

7.712.3 POLICIES AND PROCEDURES

7.712.31 Statement of Policies and Procedures [Rev. eff. 6/1/07]

- A. A written statement of the center's policies and procedures must be available to parents and guardians and must include the following:
 1. The center's purpose and its philosophy on child care.
 2. The ages of children accepted.
 3. Services offered for special needs children in compliance with the Americans with Disabilities Act (see Section 7.701.14, General Rules for Child Care Facilities).
 4. The hours and dates when the center is in operation, specific hours during which special activities are offered, holidays when the center is closed.
 5. The policy regarding severe weather.
 6. The procedure concerning admission and registration of children.
 7. An itemized fee schedule.
 8. The procedure for identifying where children are at all times.
 9. The policy on discipline.
 10. The procedure, including notification of parents and guardians, for handling children's illnesses, accidents, and injuries.
 11. The procedures for handling lost children and other emergencies at all times, including during field trips. An outline of a plan of action in case of natural disaster is found at Section 7.712.83, G.
 12. The procedure for transporting children, if applicable, including transportation arrangements and parental permission for excursions and related activities.
 13. The written policy and procedure governing field trips, television and video viewing, and special activities, including the staff's responsibility for the supervision of children.
 14. The policy on children's safety related to riding in a vehicle, seating, supervision, and emergency procedures on the road.

15. The procedure for releasing children from the center only to persons for whom the center has written authorization.
16. The procedures followed when a child is picked up from the center after the closing hours of the center or not picked up at all, and the procedure to ensure that all children are picked up before the staff leave for the day.
17. 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.
18. The procedure for administering children's medicines and delegation of medication administration in compliance with Section 12-38-132, C.R.S., of the "Nurse Practice Act".
19. The procedure concerning children's personal belongings and money.
20. The policy concerning meals and snacks.
21. The policy regarding visitors.
22. The procedure for filing a complaint about child care (see Section 7.701.5, General Rules for Child Care Facilities).
23. The policy regarding the reporting of child abuse (see Section 7.701.5, General Rules for Child Care Facilities).
24. The policy regarding the child care facilities' responsibility to notify parents or guardians when the program will no longer be able to serve children.
25. The policy regarding the parent's or guardian's responsibility to notify the child care program when parents or guardians withdraw their child(ren) from the program.

7.712.32 Communication, Emergency, and Security Procedures [Rev. eff. 6/1/07]

(See also Section 7.712.52, B)

- 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. With parent or guardian's approval, a child may sign in and out instead of the parent or guardian. Staff must verify attendance periodically throughout the day.
- C. Each center is required to have a written mission statement. This statement must be kept on file, updated periodically, and made known to staff and to parents and guardians, and must be available during the licensing inspection.
- D. During the hours the center is in operation, the center must provide an office and/or monitored telephone number known to the public and available to parents in order to provide immediate access to the center.
- E. If the center has a permanent site, there must be a telephone at the site.
- F. Centers must have an established means of communication between staff and the program office when children are being transported or are away

from the permanent site on a field trip.

- G. Emergency telephone numbers must be posted at each permanent site and taken on all field trips and during mobile school-age child care programs. The emergency numbers must include, at a minimum, 911, if available, or rescue unit if 911 isn't available; the clinic or hospital nearest to the activity location; ambulance service; fire, police, and health departments; and Rocky Mountain Poison Control.
- H. Mobile school-age child care programs must have a way to be contacted while in transit.
- I. The center must be able to provide emergency transportation to a health care facility at all times either via program vehicle or the emergency medical services system.
- J. 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.
- K. 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.
- L. With the exception of children who are allowed to sign themselves in and out, 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 Section 7.712.81). 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.
- M. 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.
- N. The center must have a written emergency procedure that explains, at a minimum, how children will be evacuated to a safe area in case of fire or other disaster and the reporting of reportable communicable illnesses to the local health department pursuant to regulations of the State Department of Public Health and Environment.
- O. 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.

7.712.33 Personnel Policies, Orientation, and Staff Development [Rev. eff. 9/1/08]

- 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, the staff member must read and be instructed about the policies and procedures of the center, including those relating 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. Day camp staff shall receive a minimum of fifteen (15) hours of pre-camp training, not including First Aid and CPR. Pre-camp training must include all training activities that staff participate in as a whole. Training should include, but not be limited to, familiarizing staff with the camp mission, site emergency policy and procedures, how to supervise and facilitate activities with campers, and health care policies and procedures. Policies and procedures must be in writing. Staff will be supervised and additional training may be provided if needed. Day camps must have a system in place to provide staff the essential training information for late hires.
 - E. The center must have a staff development plan that includes a minimum of fifteen (15) clock hours of training each year for all staff. This requirement does not apply to day camps. This training must relate to one or more of the following general areas: child growth and development, healthy and safe environment, developmentally appropriate practices, guidance, family relationships, cultural and individual diversity, and professionalism. The fifteen (15) clock hours of training do not include recertification in First Aid and CPR.
 - F. All staff must complete training in universal precautions within the first three (3) months of employment.

7.712.4 PERSONNEL

7.712.42 General Requirements for All Personnel [Rev. eff. 6/1/07]

- A. All personnel of the center must demonstrate an interest in and a knowledge of children and concern for their proper care and well-being.
- B. All personnel must be free from illness and conduct that would endanger the health, safety, or well-being of children.
- C. The center must determine if any staff person who works at the center has ever been convicted of a crime as listed at Section 7.701.33, D, 5 or 6, of the General Rules for Child Care Facilities.
- D. A criminal record check request for all in-state staff must be submitted to the Colorado Bureau of Investigation within five (5) days that an individual is employed by the center. The personnel file of each in-state staff member of the center must contain clearance or arrest report from the Colorado Bureau of Investigation resulting from the caregiver'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. Seasonal staff that indicate that they will not be returning to the program for employment shall be removed from the CBI list for the program.
- E. A request for a review of the State Department's automated system must be made within ten (10) working days of each staff member's first day of employment. The method for making the request is found in 7.701.32 (General Rules for Child Care Facilities).
- F. Each staff member and volunteer must furnish the center with information concerning chronic health problems, any known drug reactions, allergies,

medications being taken, and/or other health problems that could affect the staff member's ability to perform the duties of the job assigned.

7.712.42 Required Personnel and Qualifications [Rev. eff. 6/1/07]

- A. **Program Director**

Each center must have an on-site program director who shall be at least 21 years of age. The program director must have demonstrated to the hiring authority maturity of judgment, administrative ability, and the skill to appropriately supervise and direct school-age children in an unstructured setting.

 - 1. The program director must have verifiable education or training in work with school-age children in such areas as recreation, education, scouting, or 4-H; and the program director must have completed at least one of the following qualifications:
 - a. A 4-year college degree with a major such as recreation, education with a specialty in art, elementary or early childhood education, or a subject in the human service field.
 - b. Two years of college training and 6 months of satisfactory and verifiable full-time or equivalent part-time, paid or volunteer, experience, since attaining the age of 18, in the care and supervision of 4 or more children.
 - c. Three years of satisfactory and verifiable full-time or equivalent part-time, paid or volunteer, experience, since attaining the age of 18, in the care and supervision of 4 or more children. The program director must complete 6 semester hours, 9 quarter hours in course work from a regionally accredited college or university, or 40 clock hours of training in course work applicable to school-age children within the first 9 months of employment.
 - 2. The program director is responsible for planning and implementing the program and supervising the staff.
- B. **Program Leaders**

Program leaders must be at least 18 years of age and demonstrate an ability to work with children. Program leaders must have at least three (3) months of full-time or equivalent part-time satisfactory and verifiable experience with school-age children.
- C. **Program Aides**
 - 1. Program aides must be at least 16 years of age. Program aides who are under eighteen (18) years of age must work directly under the supervision of the program director or program leaders.
 - 2. Program aides can be counted as staff in determining child care staff ratios.
- D. **Employment of maintenance staff, including kitchen service, grounds, and housekeeping employees less than 16 years of age, must be in compliance with Colorado labor laws.**
- E. **First Aid and CPR Certified Staff**

For every 30 or fewer children in attendance, there must be at least 1 staff member who holds a current department-approved first aid and safety

certificate that includes CPR for all ages of 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. In a day camp, all staff that are eighteen (18) years of age and over are required to have a current First Aid and CPR certificate from a nationally recognized provider. Uncertified staff must work with another certified staff member.

7.712.43 Required Staff Supervision [Rev. eff. 6/1/07]

- A. A program director must be present at the center at least 60% of any day the center is in operation. An individual who meets one of the following requirements must be present for the remaining 40% of the day:
 - 1. A program leader who is at least 21 years of age and has at least 3 months of full-time or equivalent part-time verifiable experience working with children. A program leader who is at least 18 years of age and has at least 1 year full-time or equivalent part-time verifiable experience working with children.
 - 2. Two program leaders who are at least 19 years of age and have at least 3 months of full-time or equivalent part-time verifiable experience working with children.
- B. If the program director cannot be present 60% of any day the center is in operation, an individual who meets program director qualifications must substitute for the director.
- C. There must be at least 1 program leader providing supervision with each group of 30 or fewer children cared for by the center. At all times, staff must be actively supervising children.
- D. There must be 1 staff member for each 15 children in attendance.
- E. At any time when 9 or more children are present at the center, there must be at least 1 program leader actively supervising children and another responsible person at least 16 years of age on the premises. When 8 or fewer children are present, there must be at least 1 program leader on duty and a second staff member on call and immediately available in an emergency.
- F. At all times, school-age child care personnel must be actively supervising the children.
- G. In a mobile day camp program or an outdoor-based day camp program, the staff ratio given at Section 7.712.43, C and D, must be maintained, but there must be at least two (2) program leaders at all times with the children.

7.712.44 Volunteers [Rev. eff. 11/1/98]

- A. If volunteers are used by the center, there must be a clearly established policy in regard to their function, orientation, and supervision.
- B. If volunteers are counted in the staff to child ratio, references must be obtained for them consistent with Section 7.712.41, D.
- C. Volunteers must have qualifications suitable to the tasks assigned.

- D. Volunteers must be:
 - 1. Directly supervised by a program director or program leader.
 - 2. Given instruction as to the center's policies and procedures.

7.712.5 CHILD CARE SERVICES

7.712.51 Admission Procedure [Rev. eff. 6/1/07]

- A. The center can accept children only of the ages for which it has been licensed. At no time can 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. Completion of the registration information for inclusion in the child's record, as required in Section 7.712.81.
 - 2. Providing the parent(s) or guardian(s) with a copy of the center's policies and procedures.

7.712.52 Health Care [Rev. eff. 6/1/07]

- A. Statements of Health Status
 - 1. At the time of admission, health information must be provided for every child entering the center, including any known drug reactions and allergies, medications being taken, and any special diets required. The name, address, and phone number of the child's physician and dentist must be provided.
 - 2. At the time of admission, information regarding all immunizations a child has had, including month and year each immunization was administered, must be provided to the Center, or a plan must be developed with the parent or guardian for submitting the information within thirty (30) days of enrollment. Immunizations must be recorded on the Certificate of Immunization or alternate approved immunization form supplied and approved by the Colorado Department of Public Health and Environment (CDPHE) and kept on file at the center. If the center is located at an elementary school and all the children attend that school, the immunization records may be maintained at the school office but must be accessible to licensing specialists.
- B. Emergency Procedures
 - 1. Written authorization for emergency medical care must be in the child's file as required in Section 7.712.81.
 - 2. If a child requires medical attention away from the program site, the child's parent(s) or guardian(s) must be notified, and necessary medical care sought from a licensed physician or medical facility.
 - 3. 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. For building- based programs, a cot or mat, plus a sheet and blanket must

- be provided.
4. A responsible staff member must be present or within hearing distance of any ill child.
 5. First aid supplies must be available at the program site and in all vehicles operated by the center.

C. Medication

1. Prescription and non-prescription (over-the-counter) medications for eyes or ears, all oral medications, topical medications, inhaled medications, and certain emergency injections can be administered only with the written order of a person with prescriptive authority and with written parental consent. Centers may administer medications for chronic health conditions or emergency situations.
2. The written order by the prescribing practitioner must include:
 - Child's name
 - Licensed prescribing practitioner name, telephone number, and signature
 - Date authorized
 - Name of medication and dosage
 - Time of day medication is to be given
 - Route of medication
 - Length of time the medication is to be given
 - Reason for medication (unless this information needs to remain confidential)
 - Side effects or reactions to watch for
 - Special instructions
3. Medications must be kept in the original labeled bottle or container. Prescription medications must contain the original pharmacy label that lists:
 - Child's name
 - Prescribing practitioner's name
 - Pharmacy name and telephone number
 - Date prescription was filled
 - Expiration date of the medication
 - Name of the medication
 - Dosage
 - How often to give the medication
 - Length of time the medication is to be givenOver-the-counter medication must be kept in the originally labeled container and be labeled with the child's first and last name.
4. In the case medication needs to be given on an ongoing, long-term basis, the authorization and consent forms must be reauthorized on an 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.

5. All child care staff designated by the center director to give medications must complete the 4-hour Department-approved medication administration training and have current First Aid and universal precautions training.
 6. Medications must be kept in an area 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.
 7. 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.
 8. 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:
 - Child's name
 - Name of the medication, dosage, and route given
 - Time medication is to be
 - Special instructions
 - Name and initials of the individuals giving the medication
 - Notation if the medication was not given and the reason
 9. 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.
 10. The center may, with written parental consent and authorization of the prescribing practitioner, permit children who have asthma to carry their own inhalers or children who are at risk of anaphylaxis to carry their own EPI-PEN, and use them as directed. All staff must be aware of which children have asthma and which ones may use their own inhalers as needed.
- D. Sun Protection
1. The center must supervise that sunscreen is applied to children prior to outside play or outside activities unless parents provide written notice that they have applied the sunscreen themselves. A doctor's permission is not needed to use sunscreen at the center.
 2. When supplied for an individual child, the sunscreen must be labeled with the child's first and last name.
 3. If sunscreen is provided by the center, parents must be notified in advance, in writing, of the type of sunscreen the center will use.
 4. Children may apply sunscreen to themselves under the direct supervision of a staff member.
- E. Control of Communicable Illness
1. When children show signs of severe or communicable illness, they must

- be separated from other children, the parent(s) or guardian(s) notified, and a doctor or medical facility consulted as needed regarding treatment.
2. Staff members with a communicable illness must not be permitted to work or have contact with children or other staff members if the illness could be readily transmitted during normal working activities.
 3. 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 or state department of health, all staff members, and all parents and guardians of children in care. Children's confidentiality must be maintained.

7.712.53 Personal Hygiene [Rev. eff. 10/1/03]

- A. Hand Washing/Clothing
Children's hand washing must be supervised and must be taught when necessary.
- B. Diapering
The center must have one or more designated diaper change areas for all children in need of diaper changing. The diaper change area must:
 1. Be a minimum of 36 by 18 inches in size and large enough to accommodate the size of the child.
 2. Have a place inaccessible to children for storing all diaper change supplies and disinfecting solutions and products.
 3. Have a sufficient supply of diapers at all times.

7.712.54 Food and Nutrition [Rev. eff. 10/1/03]

- A. Drinking water must be freely available to children at all times.
- B. Nutritious snacks must be served at suitable intervals.
- C. Children who are at the center for more than 4 hours, day or evening, or come directly to the center from a morning kindergarten class must receive a meal.
 1. If the center provides a meal, it must meet one-third of the child's daily nutritional needs.
 2. The center staff must check lunches brought from children's homes to determine if they meet one-third of the child's daily nutritional needs.
 3. If the child fails to bring a meal, or if the meal meets less than one-third of the child's daily nutritional needs, the center must supply an adequate meal.
- D. All food prepared by the center must be from sources approved by the health authority. All food must be stored, prepared, and served in such a manner as to be clean, wholesome, free from spoilage, and safe for human consumption. Home-canned foods cannot be served.

7.712.55 Discipline [Rev. eff. 11/1/98]

- A. Discipline must be appropriate and constructive or educational in nature, and

may include such measures as diversion, separation of the child from problem situations, talking with the child about the situation, or praise for appropriate behavior.

- B. Children must not be subjected to physical or emotional harm or humiliation.
- C. The director must not use, or permit a staff person or child to use, corporal or other harsh punishment, including but not limited to pinching, shaking, spanking, punching, biting, kicking, rough handling, hair pulling, or any humiliating or frightening method of discipline.
- D. Discipline must not be associated with food, rest, or toileting. No child should be punished for toileting accidents. Food must not be denied to or forced upon a child as a disciplinary measure.
- E. Separation, when used as discipline, must be brief and appropriate for the child's age and circumstances. The child must be in a safe, lighted, well-ventilated area and be within hearing and vision of a staff member. The child must not be isolated in a locked room, bathroom, closet, or pantry.
- F. Verbal abuse and derogatory remarks about the child are not permitted.
- G. Authority to discipline must not be delegated to other children, and the center must not sanction one child punishing another child.

7.712.56 Transportation [Rev. eff. 6/1/07]

- A. Transportation Provided by the Center
 1. The center is responsible for any children it transports and must abide by applicable state and federal motor vehicle laws.
 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 7.712.43. The driver of the center vehicle is considered a staff member.
 4. Children must not be permitted to ride in the front seat of a vehicle unless they are secured in a seatbelt that conforms to all applicable Federal Motor Vehicle Safety Standards. Children must remain seated while the vehicle is in motion.
 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. Transportation arrangements for school-age children must be by agreement between the center and the children's parents, i.e., whether the children 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.

8. 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 transporting children to and from the center or during program 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 10 inches wide for each child.
2. In passenger vehicles, which include automobiles, station wagons, and vans with a manufacturer's established capacity of 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.
 - d. Children must be instructed and required to keep the seat belt properly fastened and adjusted.
3. In vehicles with a manufacturer's established capacity of 16 or more passengers, seat belts for passengers are not required, but shall be used if provided.

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 child care program is operated.
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.

7.712.6 PROGRAM ACTIVITIES

7.712.61 Activity Schedules [Rev. eff. 6/1/07]

- A. The center must provide parents or guardians with a list of activities it offers.
- B. Parents or guardians must be given the opportunity to indicate to the staff of the center if they do not want their child to participate in an activity.
- C. Parents or guardians must be notified in advance of all activities that will occur away from the center.
- D. Television viewing, including videos, should not be permitted without the approval of a child's parents, who must be advised of the center's policy regarding television and video viewing.
- E. A mobile day camp program must establish a daily itinerary and make available a copy to each child's parent or guardian. A copy must also be on file at the program's headquarters. The itinerary should be followed as closely as possible. In case of an emergency or change in the itinerary, the headquarters of the mobile day camp must be notified immediately. Parents must be instructed to contact the main headquarters to determine the exact location of their child.

7.712.62 Equipment and Materials [Rev. eff. 6/1/07]

- A. In a building based school-age child care center, a rest time and rest equipment must be provided for school-age children who require a rest time.
- B. Children at the center must have access to age-appropriate materials and equipment from at least the following categories:
 - 1. Activity supplies
 - 2. Manipulatives and games
 - 3. Recreation equipment
 - 4. Library items
 - 5. Science equipment and materials
- C. Children must wear helmets when riding scooters, bicycling, skateboarding, or rollerblading.

7.712.63 Field Trips [Rev. eff. 11/1/98]

- A. The program may include field trips, where children and staff leave the center to visit some site in the community. On a field trip or during a mobile school-age child care program:
 - 1. Staff-child ratios must be maintained at all times.
 - 2. Children must be actively supervised at all times.
 - 3. An accurate itinerary must remain at the headquarters/office of the center.
 - 4. The staff must have with them on a field trip 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 parent(s) or guardian(s) for emergency medical care.
- B. A list of all children and staff on a field trip must be kept at the headquarters of the center.

7.712.64-7.712.66 (None)

7.712.7 BUILDING AND FACILITIES

7.712.71 Facility Requirements [Rev. eff. 6/1/07]

- A. The mobile day camp program and the outdoor-based day camp program may use as a gathering place a public park or playground if the program primarily includes field trips away from the gathering place. Such programs must have a contingency plan for facilities to use during inclement weather. The plan must be available to parents on a daily basis.
- B. If a room or rooms inside a building are used for indoor care, the following ratio must be maintained: open indoor play space of at least 30 square feet of floor space per child, including space for readily movable furniture and equipment. Indoor space is exclusive of kitchen, toilet rooms, office, staff rooms, hallways and stairways, closets, laundry rooms, furnace rooms, and space occupied by permanent built-in cabinets and permanent storage shelves.
- C. When a building is being used during the summer months by a center specifically as a gathering place at the beginning and end of the day, the 30 square feet requirement need not apply. The total amount of time during which the number of children present may exceed the 30 square feet requirement must not exceed 3 hours. This time must be divided evenly between the morning and the evening.
- D. The building based school-age child care center must provide access to an outdoor play area. The outdoor play area may be a city park or public school ground. The play area must meet the following requirements:
 - 1. The center must provide a total outside play area of at least 75 square feet per child for a minimum of one-third of the licensed capacity of the center or a minimum of 1500 square feet, whichever is greater.
 - 2. Access to a shaded area, sheltered area, or inside building area must be provided at all times to guard children against the hazards of excessive sun and heat.
 - 3. The outdoor play area must be maintained in a safe condition by removing debris, dilapidated structures, and worn and broken play equipment. The center must identify hazardous, high-risk areas. These areas must be monitored to reduce the possibility of injury and accidents.
- E. A safe, comfortable place for relaxing and for sick children must be available at all times for children in care.

7.712.72 Toilet Facilities [Rev. eff. 11/1/98]

- A. Boys and girls must have separate, clearly identified toilet facilities, with toilets separated by partitions to provide privacy.
- B. There must be a minimum of one (1) toilet per 30 or fewer children for which the center is licensed. Hand-washing facilities must be available at the ratio of 1

sink per 30 or fewer children.

7.712.73 Food Preparation Area [Rev. eff. 11/1/98]

Areas used for food preparation, dish and utensil washing, and storage must be in compliance with the requirements of the Colorado Department of Public Health and Environment or its local unit.

7.712.74 Fire and Other Safety Requirements [Rev. eff. 10/1/03]

A. General Requirements

1. Buildings must be kept in good repair and maintained in a safe condition.
2. Major cleaning is prohibited in rooms occupied by children.
3. Volatile substances such as gasoline, kerosene, fuel oil, and oil-based paints, firearms, explosives, and other hazardous items must be stored away from the area used for child care and be inaccessible to children.
4. 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.
5. Closets, attic, basement, cellar, furnace room, and exit routes must be kept free from accumulation of extraneous materials.
6. Smoking is prohibited during business hours in all areas where child care is provided and when transporting children.
7. 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. Nothing flammable or combustible can be stored within 3 feet of a hot water heater or furnace.
8. Indoor and outdoor equipment, materials, and furnishings must be sturdy, safe, and free of hazards.
9. Equipment, materials, and furnishings, including durable furniture such as tables and chairs, must be stored in a manner that is safe for children.
10. Extension cords cannot be used in place of permanent wiring.
11. Corridors, halls, stairs, and porches must be adequately lighted. Operable battery-powered lights must be provided in locations readily accessible to staff in the event of electric power failure.

B. Fire Safety

1. Every building and structure must be constructed, arranged, equipped, maintained, and operated so 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.
2. Every building and structure must have at least 2 exits that permit the prompt escape of occupants in case of fire or other emergency.
 3. Every exit must be clearly visible, or the route to reach it must be conspicuously indicated. Each path of escape must be clearly marked.
 4. 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.
 5. If the building in which the center operates 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 staff that the security lock is not to be utilized when children are present and the center is in operation.
 6. 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.

C. Emergency Drills

1. Each staff member of the center must be trained in fire safety.
2. Fire exit 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. Fire drills must be consistent with local fire department procedures. A record of fire drills held over the past 12 months, including date and time of drill, number of adults and children participating, and the amount of time taken to evacuate, must be maintained by the center.
3. Drills must be held at unexpected times and under varying conditions to simulate the unusual conditions of an actual fire.
4. Drills must emphasize orderly evacuation under proper discipline rather than speed. No running or horseplay 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.
7. If appropriate to the location of the center, tornado 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 tornado drills held over the past 12 months must be maintained by the center.

7.712.8 RECORDS AND REPORTS

7.712.81 Children's Records [Rev. eff. 6/1/07]

- A. The center must maintain and update annually a record on each child that includes:
1. The child's full name, age, current address, and date of enrollment.
 2. Names and home and employment addresses and telephone numbers, which may include cell phone numbers, pagers, fax and e-mail of parents or guardians if available.
 3. Any special instructions as to how the parents or guardians can be reached during the hours the child is at the center.
 4. Names and telephone numbers of persons other than parents or guardians who are authorized to take the child from the center.
 5. 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.
 6. Name, address, and telephone number of the child's physician, dentist, and hospital of choice.
 7. Health information including medical history, chronic medical problems, and immunization history.
 8. A dated written authorization for emergency medical care signed and submitted annually by the parent or guardian. The authorization must be notarized if required by the local health care facility.
 9. Written authorization from a parent or guardian for the child to participate in field trips and to participate in program activities, listing any possible exclusions.
 10. Written authorization from a parent or guardian for the center to transport the child to and from school, whether by walking or driving.
 11. Reports of serious injuries and accidents occurring during care that result in medical attention, admission to the hospital, or death of a child.

7.712.82 Staff Records [Rev. eff. 6/1/07]

- A. The center office must maintain a record for each staff member, paid or volunteer, that includes the following:
1. Name, address, and birth date of the individual.
 2. The date that the staff member was employed by the center.
 3. Name, address, and daytime telephone number, which may include cell phone numbers, pager numbers, fax numbers and e-mail of the person(s) to be notified in the event of an emergency.
 4. Verification of the staff member's training, education, and experience.
 5. Copies of any first aid and CPR certification or other certification confirming the qualifications for the responsibilities assumed at the center, which may include copies of driver's licenses, college transcripts, and diplomas.
 6. Copies of written references or notes of phone references, as required by Section 7.712.41, D.

7. Verification that a criminal record check with the Colorado Bureau of Investigation is in process, or a copy of the results of the staff member's criminal record check.
 8. Verification that a review of the State Department's automated system for reporting child abuse and neglect has occurred or is in process.
- B. Each staff member's personnel file must contain all required information within 30 working days of the first day of employment.

7.712.83 Administrative Records and Reports [Rev. eff. 11/1/98]

- A. The following records must be on file at the center:
1. Records of enrollment, daily attendance for each child, and daily record of time child arrives at and departs from the center.
 2. Current health department inspection report issued within the past 24 months.
 3. Current fire department inspection report issued within the past 24 months.
 4. A list of current staff members, substitutes, and staffing patterns.
- B. Each center must immediately report in writing to the Department 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 those 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.
 6. Name and address of police department or authority to whom the report was made.
- D. 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, and giardia, contracted by a staff member or a child in care at the center.
- E. A medical log must be maintained at the center in which is recorded the name of the child and date of instances of at least the following:
1. Administration of first aid.
 2. Illness of the child while attending the center.
 3. Accident requiring the child to receive medical attention.
 4. The administration of any medication to a child.
- F. The center must submit to the department within 48 hours a written report 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.
 6. The name of the staff person supervising the child.
- G. Each center must have a written plan for action in case of natural disaster, including, but not limited to, floods, tornadoes, and severe weather; a lost or missing child; and injuries and illnesses. This plan must be on file at the center. The staff must have received training regarding the implementation of the plan prior to assuming supervisory responsibility for children. Written verification of the training must be in the staff member's personnel file.
1. The plan of action must include at least:
 - a. Prompt notification of parents or guardians.
 - b. Notification of the headquarters of the center.
 - c. When local authorities are notified.
 - d. Emergency transportation.
 - e. Specific procedures for responding to the crisis.
 - f. In the case of a mobile school-age child care program or a field trip, the plan must accompany staff members.

7.712.84 Confidentiality and Retention [Rev. eff. 11/1/98]

- A. The center must maintain complete records of children and personnel as required at Sections 7.712.81, 7.712.82, and 7.712.83.
- B. The confidentiality of all personnel and children's records must be maintained (see Section 7.701.7, General Rules for Child Care Facilities).
- C. Personnel and children's records must be available, upon request, to authorized personnel of the department.
- D. If records for organizations having more than one center are kept in a central file, duplicate identifying and emergency information for children must also be kept on file at the center attended by the child.
- E. The records of children and personnel must be maintained by the school-age child care center for at least 3 years.

RULES REGULATING FAMILY CHILD CARE HOMES

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 POLICY OF THE COLORADO DEPARTMENT OF HUMAN SERVICES [Rev. eff. 1/1/10]

It is the policy of the Colorado Department of Human Services ("the State Department") to promote and encourage child care in environments that contribute to the safety, health, protection, and well-being of children. To verify compliance with standards intended to ensure such an environment, the State Department requires thorough and ongoing appraisals of child care facilities, persons working in the child care profession, and the nature of care provided.

7.707.2 DEFINITIONS AND TYPES OF FAMILY CHILD CARE HOMES

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.

"EQIT" 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.

"Health Care 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, lorries or lorikeets, and other birds of the order psittaciforme, may also be called hook bills 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. 1/1/10]

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.
- 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; and,
 2. The licensee has completed the State Department approved expanding quality infant/toddler course of training; and,
 3. In the past two years, the licensee has had no:
 - a. Substantiated complaints with a severity level of one (1) to three (3); and,
 - b. Substantiated rule violations of ratio, supervision, safety, or injury to a child observed during any licensing visit; and,
 - c. Adverse licensing action.
 4. Care of additional children of school age is not authorized; and,
 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 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 (EQI/T) course of training.
 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.
 3. The Experienced Child Care Provider
- F. 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.
1. 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; and,
 - 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 pre-licensing training universal precautions, First Aid and CPR, and medication administration training; and,
 - 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.
2. 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; and,
 - b. Affirms that the 90 clock hours of training have been completed; and,
 - 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.
 3. 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

	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 Number under 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

G. Flexibility Options Chart

The following chart describes the various options available to the provider licensed as a regular home and meets the qualifications described below.

TEMPORARY FLEXIBILITY

1. Option 1: One (1) extra child two (2) years of age or older, in addition to the regular child care license capacity for a maximum of eight (8) weeks per calendar year as needed for flexibility purposes if the provider and home environment are in compliance with license capacity and meet the following requirements;
- or-
2. Option 2: One (1) extra child under two (2) years of age for a maximum

of eight (8) weeks, but not in addition to regular capacity per calendar year as needed for flexibility purposes if the provider and home environment are in compliance with license capacity and meet the following requirements;

-or-

3. Option 3: An overlap of one (1) extra child in addition to the regular child care license capacity for up to two (2) hours per day as needed for flexibility purposes if the provider and home environment meet the following requirements.

4. Option 1, 2 and 3: Temporary flexibility is only available to a provider while operating under a regular license capacity of the six (6) children birth to school-age + two (2) school- age children attending school.
 - a. The provider shall submit a written request to the State Department for temporary flexibility prior to begin using the flexible capacity.
 - b. The State Department will conduct a review of the licensing file for the home to verify that the provider meets all of the criteria listed below. The provider will be approved and notified in writing for approval to begin using temporary flexibility.
 - c. The provider shall have been licensed in Colorado for at least the last three (3) consecutive years prior to being approved for the temporary flexibility; experience operating as an approved military child care home is accepted.
 - d. The provider must have no substantiated complaints for severity one to three in the last two (2) years.
 - e. The provider must have had no adverse action on the license within the last three (3) years.
 - f. The provider must have had no substantiated specific rule violations of ratio, supervision, safety, or injury to a child observed during any licensing visit in the past two (2) years.
 - g. The provider must complete the EQ I/T training prior to the second year of being approved for temporary flexibility.
 - h. The provider's own children, or visiting children under twelve (12) years of age, are included in the license capacity for each day that the home is open for business.
 - i. A daily attendance record must be kept and shall include for each child in care, the time the child arrived, the time the child left and a parent or guardian's full signature.
 - j. The provider must be able to satisfactorily demonstrate emergency evacuation of all children in care during any licensing visit.
 - k. The attendance records shall be made available during any licensing visit.
 - l. The attendance records shall be kept for a minimum of three (3) years.
 - m. In order to continue to have the temporary flexibility,

the provider will be required to reapply annually on the continuation form.

The State Department will conduct a review of the licensing file every year to verify that the provider continues to meet all of the criteria.

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. 1/1/10]

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. Providers shall protect children from exposure to second hand smoke.
7. 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.
8. The primary provider must plan for the selection, orientation, training and/or staff development of any employee, volunteer, or substitute.
9. The primary provider must plan for and supervise the care and activities of children.
10. 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.
11. 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.

12. 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; or,
 - b. A military licensed child care home; or
 - 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 three (3) 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; or,
 - 2) A military licensed child care home; or,
 - 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. Substantiated complaints for severity one (1) to three (3) violations in the last two (2) years; and,
 - b. Adverse action on the license within the last three (3) years;
 - c. Substantiated specific rule violations of ratio, 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. 1/1/10]

- A. Prior to issuance of the license, licensees 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; and,
 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 minimum of one and one-half (1½) clock hours of State Department approved training in universal precautions. This one and one-half (1½) hours of universal precautions training can be included as part of the pre-licensing training, in which case the total number of hours required is sixteen and one-half (16½) clock hours; and,
 5. Documentation of this training must include the number of hours of training, completion date, and expiration date. This training must be renewed every three (3) years. Renewal of universal precautions training can be taken as a part of the First Aid training, but must be in addition to the renewal First Aid training; and,
 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.
- B. Licensees requesting continuation of a permanent license shall:
1. Complete fifteen (15) clock hours of training each year. Three (3) of the fifteen (15) clock hours must be in social emotional development; and,
 2. Document the ongoing training on the form designated by the State Department that is required to be submitted to the State Department every year.
 3. Demonstrate a direct connection to one or more of the following core knowledge areas:
 - a. Child growth and development
 - b. Healthy and safe environment
 - c. Developmentally appropriate practices,
 - d. Guidance,
 - e. Family relationships,
 - f. Cultural and individual diversity,
 - g. Professionalism,
 - h. Social emotional development
 4. The fifteen (15) clock hours of training do not include recertification in First Aid and CPR.
 5. 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 core knowledge 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.
 6. 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. All providers that were licensed prior to May 1, 2007 are required to take

a Department approved fifteen (15) clock hours of training by December 31, 2011.

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; and,
 - 2. The home and provider's policies and procedures; and,
 - 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; and,
 - 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 must complete:
 - 1. A fingerprint based criminal background record check as required at Section 7.701.33.
 - 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.
- C. 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.
 - 3. Verification of current certification of First Aid and CPR for all ages of children.
 - 4. A statement of a current health evaluation, signed by an approved health care professional, that was completed within the last twenty-four (24) months.
 - 5. Verification of current State Department approved medication administration training.
 - 6. 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 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 works more than fourteen 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.

7.707.35 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; and,
 2. Information received from the State automated systems check on child abuse; and,
 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; and,
 4. A record of the dates and hours of employment, volunteering, or functioning as a substitute, including the first date and the final date; and,
 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; and,
 - 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 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.
 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 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.
 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.
 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. By signing the policies and procedures document, the parent or guardian agrees to follow, accepts the conditions, and gives authorization and approval for the activities described in the policies.
- B. The written policies and procedures must be developed, implemented and followed, which includes 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 of the child.
 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. 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 parents(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; and,
 2. Contact information for other responsible adults; and,
 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; and,
 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 guardian(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, pedadontist, 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.
 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 to 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. 1/1/10]

- A. The home must have a working unblocked telephone that has the capacity to receive all incoming calls 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; and,
 - b. Name and phone number of at least one (1) designated emergency substitute for the provider; and,
 - c. Name and physical address of the family child care home; and,
 - d. Hospital or emergency medical clinic; and,
 - e. Local health department; and
 - 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. **Emergency Response and Drill Procedures**
 All drills must be held at varying times and all adults and children present in the home must participate in all drills. Fire drills must be conducted monthly. The following drills must be held a minimum of two (2) times per year:
1. Severe weather; and,
 2. Lockdown; and,
 3. Reverse evacuation; and,
 4. Shelter-in-place.
- C. **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.
- D. **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.
- E. **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. 1/1/10]

- 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; and,
 - 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. Second Hand Smoke
1. Child care home providers shall protect children from exposure to second hand smoke; and,
 2. Smoking is prohibited for all provider(s), employees, substitutes, parents, visitors, volunteers, and residents; and,
 3. Smoking is prohibited in the home or in the play yard in the proximity of children during business hours; and,
 4. Smoking is prohibited at all times while transporting children on field trips and excursions; and,
 5. Smoking includes carrying or having in one's possession a lighted

- cigarette, cigar, pipe or other object giving off smoke.
- G. 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 handwashing.
 - 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.

- 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.
 - 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 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 (3) 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; and 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. 1/1/10]

- 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 shall 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, shall 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. For each child under twelve (12) months, daily rest periods in a crib, playpen, or futon manufactured for children under twelve (12) months of age, each with a firm pad or mattress and a clean, washable cover must be provided.
 - G. Soft bedding and materials that could pose a suffocation hazard are not permitted in cribs or playpens, on futons or other rest time equipment for children under one (1) year of age.
 - H. Cribs and playpens must be safe, sturdy, and free from hazards including, but not limited to, torn netting, broken sides or holes. Space between crib slats must be no wider than two and three-eighths inches (2-3/8") or according to the current national safety standards.
 - I. Bassinets may be used for infants based on the manufacturers recommended requirement for age and weight of the child.
 - J. When put down to sleep, infants must be placed on their backs. An alternate sleep position must be approved in writing by a health care provider.
 - K. Sound monitoring equipment may be used in separate sleeping rooms for children under the following conditions:
 - 1. The equipment is able to pick up the sounds of all sleeping children. Additional equipment must be provided as necessary to provide adequate coverage.
 - 2. The receiver of the sound monitoring equipment is actively monitored by the provider at all times.
 - 3. Sleeping infants shall be physically monitored periodically and checked regularly by the provider, but not less than every thirty (30) minutes.
 - 4. Sound monitoring equipment shall be regularly checked to assure that it is working correctly.
 - L. 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.

- M. 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
- N. 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 must have the pacifier offered when being put down to sleep, unless the parent directs otherwise. If the infant refuses the pacifier, s/he should not be forced to take it. After the infant falls asleep, there is no need to reinsert the pacifier if it falls out. Pacifiers should not be coated in any sweet solution, and they should be cleaned and replaced regularly.
 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. Other sleep equipment not manufactured for commercial use is prohibited.
 12. Infant monitors may only be used in separate sleeping rooms in a family child care home for infants under the following conditions:
 - a. The sound monitoring equipment is able to pick up the sounds of all sleeping infants.
 - b. The receiver of the sound monitoring equipment is actively monitored by staff at all times.
 - c. All sleeping infants must be physically observed at least every ten (10) minutes by a staff member.

- d. Sound monitoring equipment must be regularly checked to assure it is working correctly.
- 13. 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.
- 14. Cribs must be used for sleeping, not extended play or confinement.
- 15. 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.
- 16. 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.
- 17. 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.
- 18. 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.
- 19. 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.
- O. The facility must have policies for safe sleep environments for infants.
- P. The facility must have a policy 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 extends 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 in 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 [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, such as: 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.
 - 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, where care is to be provided, the grounds surrounding the residence, the basement, the attic (if accessible), the storage shed, the 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/hooks 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,
 - 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, carpet, 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.
 - 2. Clean and soft toys.

7.707.923 Indoor Safety [Rev. 1/1/10]

- 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; and all exposed light bulbs must have protective covers. Electrical cords must be in good condition and not posing 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, 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 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.

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 (3½") 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 life guarding 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 drivers 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.

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.).
 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.

RULES REGULATING CHILDREN'S RESIDENT CAMPS

7.711 RULES REGULATING CHILDREN'S RESIDENT CAMPS [Rev. eff. 6/1/07]

In addition to the General Rules for Child Care Facilities, Children's Resident Camps shall follow the rules specified in this section and the "Rules and Regulations Governing the Sanitation of Child Care Centers in the State of Colorado".

7.711.1 DEFINITIONS [Rev. eff. 4/1/13]

- A. A "residential camp" is defined at Section 26-6-102(2.2), C.R.S.
- B. 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.
- C. A "travel-trip camp" shall 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 24-hour days during one or more seasons of the year for the care of five or more children who are at least ten (10) years old or have completed the fourth grade. The program shall have as its purpose a group learning experience offering educational and recreational activities utilizing an outdoor environment.
- D. A "non-medical religious camp" is a camp operated by a religious organization which does not believe in the use of medical practice in physical examination or treatment of illness or injury.

7.711.11 Purpose and Goals [Rev. eff. 11/1/98]

Each camp shall submit to the department a statement of goals and objectives. This statement shall be kept on file, updated periodically, made known to staff, and available for licensing inspection.

7.711.12 Governing Body [Rev. eff. 6/1/07]

The governing body shall be identified by its legal name. The names and addresses of individuals who hold primary financial control and officers of the governing body shall be disclosed fully to the Colorado Department of Human Services. When changes of governing body occur, the new governing body must immediately submit an original application and pay the required fee.

- A. If the governing body lets, leases, or rents the licensed facility to any group or organization whose program falls under the definition as found at Section 7.711.1

and verifies in writing to the State Department that the lessee meets the licensing standards, an application is not required of the lessee. If the governing body does not verify that the lessee meets the licensing standards, an application is required of the lessee and the license must be issued to the lessee before the camp opens. When the facility is let, leased, or rented, the governing body shall report the following in writing at the request of the State Department: name of the group, number and ages of children, length of time for use of the facility, and the purpose of the camp.

7.711.13 Financial Support [Rev. eff. 11/1/98]

The governing body shall satisfy the department upon request that there is sufficient financial support to operate and maintain a camp in accordance with these rules and camp goals and objectives.

7.711.14 Insurances [Rev. eff. 11/1/98]

- A. Every facility shall carry public liability insurance. The applicant or licensee shall submit the amount of the insurance and the name and the address of the insurance agency providing the insurance to the camp. The camp shall maintain information about the insurance at the campsite. A camp need not carry public liability insurance if the camp's governing body determines that insurance is unnecessary due to its financial ability to meet all possible claims. The basis of such judgment must be revealed to the department.
- B. Camps operating their own transportation vehicles shall carry liability insurance in compliance with the minimum limits required by Article 10, Chapter 7, Colorado Revised Statutes.

7.711.15 Written Agreements, Reports, and Logs [Rev. eff. 6/1/07]

- A. There shall be on file at the campsite and annually-dated a written agreement with a licensed physician or nearby health care facility stating that the physician or health care facility will furnish the necessary medical services for campers at the camp and medical help as a backup to the camp staff members responsible for health supervision.
- B. A travel-trip camp is not required to have a written agreement, but must have a list of all medical facilities in areas where the travel-trip camp will be traveling.
- C. The camp shall report to the State Department in writing within 48 hours each injury or illness which required that the camper be permanently sent home. The report shall include name, age and address of the camper; name of camper's parent(s) or guardian(s) and their address if different; date of accident or illness; description of accident or diagnosis of illness; treatment given; name and address of physician prescribing treatment; and, where treatment was given and disposition of the case.
- D. The camp shall maintain at the campsite a medical record keeping system, listing name of camper, ailment, treatment prescribed and administered date and name of person administering care. This record keeping system shall be available to licensing personnel.

- E. Within 24 hours of each incident, the camp shall submit to the State Department a written report about any camper who has been lost from the campsite and for whom a report has been made to the local sheriff's department for search and rescue. Such report shall indicate the name, age and address of the camper; the name of parent(s) or guardian(s) and their address if different; the date when the child was lost; the location, time and circumstances when the camper was last seen, circumstances of locating the camper.
- F. Each camp shall have a plan for action in case of natural disasters lost campers/swimmers, injuries, and illnesses. These plans shall be in writing and shall be on file at the camp office. The staff shall receive training regarding the implementation of these plans. In the case of a travel-trip or primitive camp, these plans shall accompany the staff members and campers.

7.711.2 PERSONNEL

7.711.21 General Requirements for All Personnel [Rev. eff. 6/1/07]

- A. All paid employees at the camp shall be sixteen (16) years of age or over, except that employment of maintenance staff including kitchen service, grounds, and housekeeping employees under 16 years of age is allowed if in compliance with Colorado labor laws.
- B. All counselors and staff members having a supervisory role with campers shall be at least eighteen (18) years of age and have interest in, respect for, and ability to work with children.
- C. There shall be a letter of agreement with each volunteer or employed staff member which includes listing of specific responsibilities/job description and referring to information contained in the hiring packet or staff manual. Days or hours of employment/time off, personal conduct, and necessary medical examinations must be provided in writing and may be provided in the hiring packet or the staff manual. The letter of agreement shall be signed by both the employer and the volunteer or staff member. In the case of staff members or volunteers who are younger than eighteen (18) years old, the letter of agreement shall also be signed by the parent or guardian.
- D. There shall be at least three references about each staff member of the camp attesting to the individual's character and suitability to work with children. The written references shall be in the personnel file or there shall be an indication in the personnel file that a reference has been obtained by telephone.
- E. Each staff member must complete a current health history and must have been examined within the last 24 months by a licensed medical health care professional approved to perform physical examinations. The health history must be completed within 90 calendar days of the beginning of working at the camp and shall be maintained in the personnel file at the camp. The staff members of a non-medical religious camp are exempt from this regulation.
- F. If a staff member wishes an exemption from an examination performed by a licensed medical health care professional due to religious beliefs, the staff member shall submit a signed, written statement, which states the reason for the religious

exemption and that the individual is in good health. A camp retains the right to ask a staff member for a written statement prior to employment at the camp.

- G. Each staff member shall be trained and given written instructions as to camp policy when emergencies occur, such as fires, lost campers, and injuries.

7.711.21 Necessary Camp Personnel [Rev. eff. 6/1/07]

- A. Each camp shall have an onsite director who shall be at least twenty-one (21) years of age. The director shall have a maturity of judgment and prior verified adult leadership experience in an administrative or supervisory position at an organized camp and twelve months employed adult leadership with groups of children since he/she attained the age of 18 years.
- B. At each permanent camp there shall be one or more health care providers who shall be responsible for monitoring the overall health of the camp and creating a healthy camp community. A health care provider may be one of the following: a licensed physician, a registered nurse, a licensed practical nurse, a licensed physician's assistant, a certified nursing assistant, or a staff member who holds a current American Red Cross Emergency Response Certificate or a current certificate as an Emergency Medical Technician or equivalent. Any health care provider other than a licensed physician, registered nurse, or licensed practical nurse must also hold a current certificate indicating completion of the State Department approved and required medication administration course.
 - 1. At least one health care provider shall be at the camp twenty-four (24) hours per day that the camp is in session.
 - 2. If the camp health care provider is not a physician or RN, a physician or RN currently licensed in Colorado must specifically delegate authority to any camp health care provider or camp staff member to administer medications. The delegating physician or RN must be aware of the specific medical needs of campers, be available for consultation while the camp is in session, and accept responsibility for monitoring the therapeutic effects of medications administered at camp. As directed by their scope of practice, EMT's may not administer medications in the camp setting; therefore, an EMT may not serve as the sole camp health care provider. Respiratory therapists may administer medication within their scope of practice.
 - 3. All health care providers, except physicians and RNs, must take the Department approved medication administration course and hold a current First Aid and CPR card.
- C. At any primitive camp within sixty (60) minutes from definitive medical care of the base camp, where children may be away from the base camp for up to six nights, there must be at least one staff member qualified with community First Aid training, CPR, and medication administration training if children taking medicine accompany the trip.
- D. At any primitive camp where children are either more than one hour from definitive medical care or are away from the base camp for seven or more nights, there must be at least one staff member with each group of children with wilderness First Aid training, CPR, and medication administration training.

- E. At any primitive camp where children are away from camp for seven or more nights and are more than one hour away from emergency medical services, there must be at least one staff member with each group of children with wilderness first responder training, CPR, and medication administration training if children taking medicine accompany the trip.
- F. There shall be sufficient camp counselors or staff members who have a supervisory role with children at the camp to meet the staff ratio as indicated in Section 7.711.23. Children under the age of six (6) years who live at camp or are visiting with their parent must be directly supervised by their parent at all times when the children are involved in camp activities. Staff members whose children are under six (6) years of age cannot be supervising campers or leading special activities when they are supervising their own children.
- G. If the camp has counselors-in-training, they must be directly accountable to a qualified counselor or specialized staff member and must be directly supervised by those individuals in their role when caring for children. The counselors-in-training who are less than eighteen years old shall not be counted as staff members in the maintenance of the staff ratio for supervision of children as found at Section 7.711.23.
- H. There shall be specialized staff members who are responsible for specific portions of the camp program. Requirements for those specialized staff members are found among the requirements for the specialized activity areas at Section 7.719, et seq.

7.711.22 Necessary Staff Supervision [Rev. eff. 6/1/07]

- A. The camp shall have an accurate system whereby staff members who are responsible for the supervision of children shall know where each child is at all times.
- B. At no time shall a camper be left without qualified supervision. Sleeping quarters of the counselors shall be in close proximity to sleeping quarters of the children whom they supervise so that counselors are within sight or hearing of the children they supervise. Children may sleep alone for specific program functions such as solos or survival experiences and then only when regularly monitored pursuant to the camp's written program.
- C. Each special activity shall be supervised by a staff member currently qualified in First Aid and CPR training, and by the experience and training in that special activity as specified in Section 7.719, et seq.
- D. In a residential camp, ratio of one staff member having a supervisory role with children per number of campers or fraction thereof shall be maintained at all times as follows:

Age of Children	Number of Children	Number of Staff Members
6 and 7 yrs. old	6	1
8 through 10 yrs. old	8	1
11 through 13 yrs. old	10	1
14 through 15 yrs. old and over	12	1

- E. In a trip away from the residential camp premises or at the primitive camp, the staff ratio given at Section 7.711.23, D, shall be maintained, but there shall be at least two staff members accompanying each trip, and one staff member shall hold at least a current Red Cross standard First Aid and safety certificate or equivalent. If the trip exceeds two nights, there shall be with the group a staff member who has maturity of judgment and has been trained in trip leading procedures.
- F. In a travel-trip camp, the staff ratio given at Section 7.711.23, D, shall be maintained, but there shall be at least two staff members at all times with the campers. One of those staff members must be at least twenty-one (21) years old and one staff member shall meet qualifications of the health care provider (see Section 7.711.22, B).
- G. In the case of trips away from the permanent residential camp, including overnights, there shall be a day-to-day itinerary prepared prior to departure. The resident camp headquarters shall keep a copy of the itinerary. The itinerary shall be followed as closely as possible. Resident camp headquarters shall be notified of an itinerary change as soon as possible.
- H. A travel-trip camp shall establish a day-to-day itinerary. A copy shall be on file at the camp headquarters. The itinerary shall be followed as closely as possible. In case of emergency, if a change in the itinerary is necessary, the camp headquarters shall be notified as soon as possible.

7.711.3 – 7.711.42 None [Rev. eff. 6/1/07]

7.711.5 CHILD CARE

7.711.51 Health Care [Rev. eff. 6/1/07]

- A. The camp health program shall be under the supervision of an individual qualified as stated at Section 7.711.22, B.
- B. At the time of admission, each camper shall furnish a health history which indicates communicable diseases and serious illnesses or operations the individual has had, any known drug reactions and allergies, medications being taken, and any necessary special diets at the time of camp admission.
- C. The camper shall present a statement confirming a physical examination which has been performed within the preceding twenty-four months by a licensed physician or qualified, licensed nurse practitioner. The physician or nurse practitioner shall be asked to inform the camp as to any physical problems which would limit the camper's activity, any special care which the child will need, and include a record of up-to-date immunizations which the child has had, including the date of the last tetanus shot.
- D. If the camper wishes an exemption from a statement confirming a physical examination and immunizations due to religious beliefs, the camper shall submit a written statement, signed by the camper's parents or legal guardian, which states the reason for such an exemption and that the individual is in good health. The camp has the right to refuse the admission of a child who has no statement from a physician or nurse practitioner.

- E. Within 24 hours after arrival at camp, each camper shall be observed by camp staff trained to do so to identify noticeable evidence of any illness, communicable disease, or signs of abuse. The camp health care provider shall meet with campers upon arrival at camp that have special medications or treatment procedures or dietetic restrictions or known allergic reactions or any known physical limitations.
- F. If a child shows signs of severe illness or communicable disease, the camper shall be separated from other campers, parents shall be notified, and a doctor or medical facility shall be consulted, if appropriate and as required, as to the child's treatment. All items used by the sick child shall be properly disinfected before use by any other person.
- G. The non-medical religious camp shall notify parents immediately when a camper becomes ill, but is exempt from the requirement of consultation with the doctor or medical facility.
- H. When communicable diseases occur, parents and staff members shall be advised what protective measures are available and indicated for the particular disease, and the county or state health officer notified.
- I. If a camper requires medical attention away from the camp site, the camper's parents or guardian shall be notified and necessary medical care shall be sought from a licensed physician or medical facility. Written authorization for medical care shall be in the child's file pursuant to Section 7.711.61, A, 9.
- J. If a camper requires medical attention away from the campsite of a non-medical religious camp, the parents shall be notified and their instructions followed.
- K. In the case of travel-trip camps, primitive camps, or trips away from the camp, a copy of the statement which has been signed by the parent or guardian indicating that the camp staff may obtain emergency medical care shall be in the possession of staff members accompanying the campers. The original signed statement shall be readily accessible.
- L. The camp health care provider shall be responsible for administering medication to campers. If the health care provider is not a currently Colorado licensed RN or physician, the health care provider may only administer medication delegated and supervised by a RN or physician. Respiratory therapists may administer medication within their scope of practice. The health care provider shall administer only medicines prescribed for an individual camper or medicines listed in written standing treatment procedures from a licensed physician who has agreed to furnish medical services for the camp, pursuant to Section 7.711.61, A. Such medicines shall only be administered by authority of written authorization given to the camp or to the health care provider by the child's physician or camp physician.
 - I. Medication prescribed for campers shall be from a licensed pharmacy; labeled with the name, address, and phone number of the pharmacy; name of the camper; name and strength of the medicine; directions for use; date filled; prescription number, and, the name of practitioner prescribing the medicine. When no longer needed, the medication shall be returned to the parent or destroyed.

2. A record of any medications administered shall be maintained in a medication administration record pursuant to Section 7.711.15, D.
 3. All medication at the permanent camp site shall be kept in a clean, locked container, except emergency medication such as EPI-PENS or asthma inhalers. On excursions away from the camp, medication shall be under the control of an adult and shall be stored inaccessible to children.
 4. The camp may, with written parental consent and authorization of the prescribing practitioner, permit children who have asthma to carry their own inhalers and use them as directed. All staff must be aware of which children have asthma and which ones may use their own inhalers as needed.
- M. First Aid supplies shall be located near food service operations, program areas, maintenance areas, the headquarters of the medical supervisor, and in motor vehicles which are used to transport campers.
- N. There shall be an identified headquarters of the health care provider at the campsite.
- O. There shall be a location at the campsite furnished with necessary equipment to care for an individual who needs to be separated from other campers due to a communicable disease or illness. The isolation quarter shall be located within close proximity of rest room facilities.
- P. A responsible adult shall be present or within hearing distance of any ill child.
- Q. Transportation shall be available at all times in cases of medical emergency according to the written emergency medical evacuation plan of the camp.

7.711.52 Discipline [Rev. eff. 11/1/98]

- A. The camp shall have a written policy regarding the discipline of children, which shall be explained to staff members before the camp session begins.
- B. Discipline shall be constructive or educational in nature and may include such measures as diversion, separation from problem situations, talking with the child about the situation, or praise for appropriate behavior.
1. Children shall not be subjected to physical harm, fear, or humiliation.
 2. Children shall not be punched, shaken, bitten, roughly handled, pinched, or subjected to any physical punishment.
 3. Separation, when used as discipline, shall be brief and appropriate to the child's age and circumstances, and the child shall be within hearing of an adult in a safe, lighted, well-ventilated place. No child shall be isolated in a locked room or closet.
 4. No child shall be punished for toileting accidents.
 5. Verbal abuse or derogatory remarks about the child, his family, his race, religion, or cultural background shall not be used or permitted.
 6. Meals may not be denied the camper as a disciplinary measure.
 7. Authority to punish shall not be delegated to other children nor shall the camp sanction one camper punishing another camper.

7.711.53 Security Practices [Rev. eff. 7/1/00]

- A. The camp shall establish a written security procedure and shall train staff members

and campers regarding this procedure. Such procedures may include, but are not limited to, the following:

1. The campers and staff organized into a buddy system and trained to report immediately to camp authorities when they believe their buddy is missing.
 2. Whistles issued to campers and/or staff who are instructed as to their usage if a camper or staff member is attacked.
 3. Campers and staff trained to report to the camp administration any strangers or unidentified person who may be at the campsite.
 4. Bumper stickers for each authorized car at camp.
 5. Limited advertisement of camp location.
 6. Use of intra-camp emergency communication.
- B. The camp shall report to the local law enforcement office or department the dates of the camp sessions and the location of the camp.
- C. When a camper is discharged from camp or when the camp session is over, the child shall be returned to the parent or guardian or to a properly identified adult approved by the child's parent or guardian.

7.711.54 Food and Nutrition [Rev. eff. 10/1/03]

- A. Each camp shall establish a written policy for its nutrition and food service program. This policy shall include meal hours, type of food service, staff responsibilities during the time food is served, authorization of special diets, and the administration of the food service program. This policy shall be available to all staff members.
- B. All foods shall be stored and prepared in accordance with the rules and regulations governing the sanitation of food service establishments in the State of Colorado.
- C. Foods provided by the camp shall be of sufficient quantity and nutritional quality to provide for the dietary needs of each child. Menus shall meet the most recently revised recommended daily allowances of the Food and Nutrition Board, National Academy of Sciences, National Research Council, adjusted for age, sex, religion, and activity. The only exception shall be by written parental or medical direction.
- D. Menus shall be planned at least a week in advance and shall be dated as to the week in use. The current week's menu shall be posted in the food preparation area. Food substitutions shall be noted on the menus in writing. After use, the menus shall be kept on file for the period of the camping season.
- E. In travel-trip camps, all menus shall be planned prior to leaving and changes noted in writing. Menus shall be maintained in file of camp.
- F. Drinking water shall be readily accessible to campers at all times.

7.711.55 Transportation [Rev. eff. 6/1/07]

- A. If the camp transports children from their home to camp, the camp shall assume responsibility for the child between the place where he/she is called for and the camp, and from the time he/she leaves the camp until delivered to his/her parents or to a responsible person designated by the parents or guardians.
- B. Any transportation of the camper during the camp session is the responsibility of the camp.

- C. There shall be at least one adult supervisor in addition to the driver when nine or more children are being transported at any one time. No child shall be permitted to remain unattended in any vehicle.
- D. Only that number of children and adults for whom there is comfortable seating space shall be transported. Standing in the vehicle while it is moving shall be prohibited. No person shall sit on the floor or in aisles, or project head or limbs out of the vehicle.
- E. No more than three persons, including the driver, shall be permitted to occupy the front seat of the vehicle. Each camper permitted to ride in the front seat of the vehicle shall be secured by a seat belt.
- F. If trucks are used by the camp as a means of transportation, the use shall be limited to short periods of time such as no more than thirty minutes. Safe seating arrangements shall be provided. Only trucks with sides may be used. When such trucks are in use, the tailgate shall be closed at all times when the vehicle is in motion. There shall be an adult riding with the campers in the back of the truck. Campers shall be seated whenever the vehicle is in motion.
- G. The camp which provides any transportation shall have a written policy including, but not limited to, the following topics: safety education while riding in the vehicles, seating, highway stops, relief drivers, when necessary, supervision, and emergency procedures on the road.
- H. All vehicles transporting children shall comply with the applicable regulations of the Colorado Department of Revenue, Motor Vehicle Division, and the ordinances of the municipality in which the vehicle is operated.
- I. All persons who transport campers shall be properly licensed to operate the vehicle being driven.
- J. At least one adult in each vehicle shall hold a current Red Cross standard First Aid and safety certificate or equivalent. The vehicle shall be equipped with a First Aid kit.
- K. Any vehicle which transports nine or more passengers shall carry a fire extinguisher, reflective equipment, and road side markers.

7.711.6 RECORDS FOR CHILDREN AND PERSONNEL

7.711.61 Children's Records [Rev. eff. 6/1/07]

- A. At the time the child is admitted to the camp, the following information shall be obtained and maintained at the campsite for each camper:
 1. Child's name, birth date, and address.
 2. Parents or guardian's names, addresses and telephone numbers.
 3. Parents or guardian's place of employment and telephone numbers, which may include work phone, cell phone and fax numbers, e-mail address and employment addresses.
 4. Name, address and telephone number of an adult designated to contact in case of emergency if the camp is unable to contact the parent or guardian.

5. Name, address and telephone number of individuals authorized to take the child from camp if different from the parent or guardian.
 6. Names of individuals that are not authorized to take the child from camp.
 7. Dates of the camp session which the child will attend.
 8. Name, address and telephone number of the child's doctor. This information need not be obtained in a non-medical religious camp or if the child is exempt for the need for a statement confirming a physical examination pursuant to Section 7.711.51, D.
 9. Authorization signed by the person or agency having custody, giving authority for the camp to obtain emergency medical care. A non-medical religious camp is exempt from this regulation.
 10. Authorization signed by the parent, person or agency having custody of the child to participate in all special trips or excursions in which the child may be walking or riding away from the campsite.
 11. Indication of any camp activity in which the parent, person or agency having custody of the child does not wish the child to participate (see Section 7.719, et seq.).
- B. The child's records shall also include:
1. A statement confirming a physical examination signed by the physician or nurse practitioner or a written statement signed by camper's parent or guardian pursuant to Section 7.711.51, D, and a current health history from the parent regarding the child's current physical condition (see Section 7.711.51, B).
 2. Copies of reports submitted to the department regarding injury or illnesses suffered by the camper, the fatality of a camper, or a report of a camper being lost (see Section 7.711.15).

7.711.62 Staff Records [Rev. eff. 6/1/07]

There shall be maintained at the campsite a record for each staff member, paid or volunteer, which shall include the following:

- A. Name, address, and birth date of the individual.
- B. Training, education, experience of the staff member.
- C. Copies of any first aid certification or other certification confirming qualifications for the responsibilities assumed at the camp.
- D. Copy of a statement signed by the physician or the nurse practitioner regarding the physical examination of the staff member or a statement from the staff member pursuant to Section 7.711.21, E.
- E. Name, address, and telephone number of any person(s) to be notified in the event of an emergency, which may include home phone number, work phone, cell phone, pager, fax number, and e-mail address if available.
- F. Copy of the written references or note of phone references pursuant to Section 7.711.21, D.
- G. Copy of the signed letter of agreement pursuant to Section 7.711.21, C.
- H. The dates that the staff member was on the staff of the camp.

7.711.63 General Information [Rev. eff. 7/1/00]

- A. The camper's file shall be retained by the camp for at least three years after the child leaves the camp, and shall be available without restriction to the licensing agency, but otherwise shall be treated as confidential. Retention of records for a longer period may be desirable where they reflect an accident, injury, or other unusual circumstances.
- B. Personnel records shall be maintained by the camp for at least three years. If the record reflects an accident, injury, or other unusual circumstance, it is suggested that the record be maintained for a longer period of time.
- C. Children's records shall be confidential, and facts learned about children and their families shall be kept confidential. The license may be denied, revoked, or made probationary if confidentiality of records or information is not maintained.

7.711.7 CAMPSITE, PHYSICAL FACILITY, FIRE SAFETY AND SANITATION

7.711.71 Campsites [Rev. eff. 6/1/07]

- A. All new and remodeled camp buildings, facilities, and equipment must meet the requirements of applicable codes and regulations, such as those governing health, safety, sanitation, building and fire; specifically, the codes of the local fire departments and the Colorado Department of Public Health and Environment.
- B. Prior to issuance of an original license, and at least every two years, the camp shall be inspected and approved by the state health department or its local unit as conforming to sanitary standards. In the case of a travel-trip camp, the plans that the camp has made to meet the requirements shall be inspected and approved prior to the date the trip camp begins.
- C. The camp must conform to fire prevention and protection requirements of local fire departments in the locality of the camp. An inspection and approval of the local fire department must be obtained prior to original licensing and at least every two years. If the camp is not located within the jurisdiction of a local fire department, such fire department approval is not required. In the case of a travel-trip camp, the fire department approval is not required since the camp has no permanent campsite.
- D. Existing facilities can be required to correct deficiencies, caused by non-compliance with regulations of the health or fire departments, which may be hazardous in nature.
- E. The camp shall identify hazardous, high-risk areas such as cliffs, cellars, mineshafts, etc. These areas shall be guarded or posted to reduce the possibility of accidents.
- F. Each residential camp shall have a telephone or comparable means of communication. If either of these is impossible, individual arrangements shall be made by the camp and approved by the State Department.
- G. Emergency telephone numbers shall be posted for at least, but no limited to, the camp doctor, nearest clinic or hospital, ambulance service, local sheriff's office and rescue unit, national or state forest service office (as appropriate), fire department or lookout station, and poison control center (if available).

- H. In the case of a primitive camp or travel-trip camp, sources of emergency care and methods of communication with such facilities as hospitals, police, and forest service shall be identified for each campsite on the itinerary.
- I. When playground equipment is provided at a residential camp, the equipment and playground area shall be free of obstruction and man-made or natural hazards and shall be away from natural pathways of traffic. Playground equipment such as, but not limited to, climbing apparatus, slides, swings, and swing sets shall:
 - 1. Be in good repair, of solid and safe construction, free of rough edges, protruding bolts and the possibility of entrapment of extremities.
 - 2. Be securely anchored to concrete or other suitable footing.
 - 3. Swings must have seats made of a flexible material.
 - 4. Moving equipment must be located toward the edge or corner of a play area or be designed in such a way as to discourage children from running into the path of the moving equipment.
 - 5. Metal equipment shall 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.
 - 6. The maximum height of any piece of playground equipment is six (6) feet.
 - 7. All pieces of playground equipment must be designed to guard against entrapment and strangulation.
 - 8. All pieces of permanently installed playground equipment must be surrounded by a resilient surface of a depth of at least six (6) inches. Rubber mats manufactured for such use consistent with the guidelines of the Consumer Product Safety Commission may be used in place of resilient material.
 - 9. The use of any materials under permanently installed playground equipment other than wood chips, wood mulch, engineered wood fiber, pea gravel, synthetic pea gravel, and shredded rubber tires must be approved by the State Department.
- J. If the residential camp is located on or uses national or state lands, the director shall familiarize the staff and campers with rules and ethics governing the use of such property and shall be responsible for compliance.
- K. An itinerary shall be filed or an arrangement shall be made with national or state forest service office if such land is to be used by the travel-trip camp. The director shall familiarize the staff and campers with rules governing the use of such property. Should the travel-trip camp pass onto private land, an agreement shall be made with the individual responsible for that land prior to access.

7.711.72.1 Permanent and Semi-Permanent Shelters and Sleeping Facilities

- A. All structures used by children shall be kept in good repair at all times.
- B. At least one-half of the floor area in each living unit, excluding tents, shall have a minimum ceiling height of seven feet. No portion of a room having a ceiling height of less than five feet shall be considered as usable floor space.

- C. If fabric structures are used, no plastic material will be permitted. Fabric structures shall be of a fire- and flame-retardant material. Existing fabric structures may be required to be removed on the basis of hazard potential.
- D. Campfires and open flames of any type shall be prohibited within ten feet of any tent.
- E. Each camp building used for living or sleeping quarters shall have windows or openings constructed so as to admit adequate light and air.
- F. Each camper shall be provided with his/her own mat, pad or cot.
- G. The aisles between rows of cots, beds, or bunks shall be kept clear for exiting purposes. There shall be at least two feet of clear space separating sides of beds.
- H. If bunk beds are in use, no bunks shall contain more than two tiers of beds. There shall be at least twenty-seven inches of clear space separating the tiers of beds and thirty-six inches of clear space between the top tier and the ceiling. Electric lights which are within reach of the top bunk shall be protected.
- I. Each permanent sleeping unit, building, or tent shall have not less than 30 square feet of floor space per person, camper, or counselor for single-tier beds and twenty square feet per person, camper or counselor for two-tier bunks.
- J. In tent structures which have a platform floor, beds or bunks shall be arranged in such a fashion that no camper who might fall from a bed or bunk could fall through the sides of the tent to the ground below.
- K. There shall be provision in each sleeping unit for storage of the camper's clothing and personal belongings.
- L. No camper shall sleep in the same room or tent with any person of the opposite sex excepting members of his/her immediate family.
- M. In a primitive camp or travel-trip camp, adequate shelters such as a tent shall be available for each child. There shall be fifteen square feet per occupant in each tent or shelter.
- N. Reasonable insulation shall be provided from cold/dampness by means of such things as a ground cloth beneath the tent.

7.711.73 Toilet and Bathing Facilities

- A. In a resident camp there shall be one toilet for every twenty campers or fraction thereof for which the camp is licensed. Urinals may be substituted for no more than one-third of the required toilets.
- B. Separate designated toilet facilities shall be provided for each sex in coed camps.
- C. Installation, operation, and maintenance requirements for toilet facilities and urinals:
 - 1. Water-flush toilets and urinals, chemical toilets, pit privies or latrines shall be provided and maintained in a clean and sanitary condition.
 - 2. Toilets, privies, and latrines shall have tight seat covers free of splinters.
- D. Hand washing facilities shall be provided throughout the camp. There shall be one basin or lavatory for each twenty campers.
- E. Showers or bathtubs shall be located within buildings used for sleeping, such as cabins or dormitories, or in a centrally located shower or bathing structure.
 - 1. There shall be one shower head or bathtub for each twenty campers or fraction thereof for which the camp is licensed.
 - 2. Hand washing facilities shall be available in the shower or bathing area.

3. Shower or bathhouses shall be provided with vapor-proof lights enclosed in a shatterproof container.
- F. All sewage disposable systems shall meet the state and local health department requirements.
- G. In a primitive or travel-trip camp, the following shall be provided:
 1. If the camp is not provided with privies or other acceptable-type toilets, there shall be separate designated areas; for each gender for toilet use that meets the Health Department's requirements.

7.711.74 Food Preparation Area

- A. The kitchen, the food preparation process, dish and utensil washing, food storage, and all other food service areas shall be operated in compliance with the rules and regulations governing food services establishments within the State of Colorado.
- B. Garbage and trash removal shall meet the requirements of the state, federal, and local ordinances.

7.711.75 General Building Safety [Ref. eff. 6/1/12]

- A. Every building, structure, tent, cabin and camp premises shall be kept in good repair, and shall be maintained in a safe condition.
- B. All new electrical installations shall meet standards of the National Electrical Code. All electrical work must be installed by a licensed electrical contractor with proper permits and inspections. Each electric outlet on the outside of a building shall be mounted in approved, protective weatherproof housing.
- C. In buildings accommodating more than 12 persons, exit signs shall be posted at every required exit doorway and wherever otherwise required to clearly indicate the directions of egress. Exit signs shall have letters of at least five inches in height.
- D. A building with an occupancy of more than twelve persons shall be provided with at least two separate and independent means of egress located as far apart as practical and in no case less than fifty percent of the largest dimension of the building.
 1. In an existing building such as a cabin occupied by more than twelve but less than twenty persons, a window may be utilized as an acceptable second exit. The window must be openable and the distance from the window to the ground must not be more than four feet.
 2. Each exit door shall be hung to swing in the direction of exit travel. Exiting through a food preparation area is not permitted.
- E. If buildings with second stories are used by campers, there must be two widely separated exits from each floor.
- F. Each fire escape from any upper level of a building must be installed in accordance with requirements of the National Fire Protection Association codes.
- G. The door hardware on a door, forming part of a means of egress, shall be of a type that is non-locking against egress and operated with a single motion. The use of hooks and eyes, bolts, bars, and similar devices is prohibited on any door provided for

- exiting purposes or designated as an exit when camp is in use.
- H. When occupancy of a building exceeds 100 persons, exit doors shall be equipped only with panic hardware.
 - I. The means of egress or the entire passage to free and safe ground remote from a building shall be unobstructed for easy travel conditions at all times.
 - J. There shall be fifteen square feet per occupant in any room having an occupant load of more than 50 persons where fixed seats are not installed and which is used for classroom, assembly, or similar purposes. The maximum occupancy shall be posted in a conspicuous place near the main exit from the room.
 - K. In an assembly area or classroom such as a recreation room, dining hall, chapel or gymnasium, each door from that room occupied by campers shall enter a one-hour fire-rated corridor between exits or there shall be a direct egress to the outside from each such room.
 - L. Where a sleeping occupancy is maintained on the floor over a basement area or on a second floor, the ceiling of the basement or first floor shall be protected with five-eighths inch United Underwriters Laboratory-listed gypsum wallboard or any other proven assembly of materials that will provide a minimum one-hour resistance to fire, unless such construction is of solid or laminated wood timbers not less than three inches in thickness and installed so as to be smoke tight.
 - M. Furnaces, fireplaces, heaters, or wood-burning stoves shall meet the following regulations:
 - 1. Furnaces such as forced-air furnaces or hot water boilers must be separated from the rest of the building by one-hour fire-resistive material (see Section 7.711.75, M) provided with adequate outside combustion air, installed and maintained with safety devices to prevent fire, explosions, and other hazards.
 - 2. Only heaters installed with permanent connections and protectors shall be used.
 - 3. All heaters installed shall be U.L. approved and installed according to manufacturers' specifications.
 - 4. Boilers used for hot water supply rated at over 200,000 BTU or any boiler used for building heating shall be inspected and a certificate provided as required by the Division of Labor.
 - 5. A heater or wood-burning stove shall be located and/or protected in such a manner as to prevent injuries to occupants of the building.
 - 6. Wood-burning stoves shall be regularly cleaned of ashes, which are immediately removed from the building and properly stored.
 - 7. Fireplaces shall be protected by a screen or glass device.
 - 8. Space around furnaces, heaters, and wood-burning stoves shall not be used for storage.
 - N. Fire hazards and combustible materials such as paper and rags shall not be permitted to accumulate upon the premises and shall not be stored near water heater, furnaces, heaters, stoves.
 - O. Ammunition, firearms, explosives, power tools, and special equipment involving unusual risk shall be stored in a locked place not occupied by children and shall always be under the custody and direct supervision of authorized personnel when in use.
 - P. All flammables shall be stored in approved containers or storage cabinet or in a

- building other than buildings which children occupy.
- Q. Substances which may be toxic to a child if ingested, inhaled or handled, including, but not limited to, poisons, drugs, medicines, insecticides, herbicides, rodenticides, bleaches, chemicals, plastic bags and corrosive agents shall be stored in a cabinet or enclosure located in an area not used by children, stored in the original container, and properly labeled.
- R. Glass doors, walls, or panels shall be clearly marked. Safety glass shall be installed when required.
- S. Stairways of more than three risers shall be equipped with handrails on each side of the stairways. A stairway which is larger than 88 inches wide shall have an intermediate handrail equidistant between the two handrails.
- T. All window wells and outside stairwells that are hazardous to children shall be equipped with screens or guards, which shall be attached in such a manner that they may either be removed from the inside or broken in from the outside in case of fire.
- U. Premises shall be free of all hazards, including, but not limited to, old refrigerators, freestanding walls, open cisterns, grease traps, unsafe fences, worn or hazardous play equipment.

7.711.76 Fire Safety Provisions [Rev. eff. 4/1/15]

- A. Any fire extinguisher used at the camp must be of a dry chemical type, hung at a level readily available to staff members, and annually inspected by an approved inspector. Indian pump backpack fire extinguishers and fire extinguishers approved for use by the U.S. Forest Services are also acceptable.
 1. There must be a fire extinguisher located in the camp kitchen.
 2. In each building and/or structure, there must be a fire extinguisher on each floor.
 3. In tent areas, there must be a fire extinguisher located within seventy-five (75) feet of each tent or a plan approved by the department.
- B. In each camp there must be a fire alarm(s) which sounds a separate and distinctly recognizable tone from all other signaling devices used by the camp. The alarm(s) must be audible throughout the occupied camp premises. The alarm device, once activated, must continue to sound automatically.
- C. Within twenty-four hours after arrival at the campsite, all individuals attending the camp must be made familiar with the methods by which the fire alarm may be activated and with procedures to be followed upon notification of fire.
- D. Each separate building used for sleeping campers and each multistory building must be protected by a smoke detector on each floor of the building.
- E. Areas used for campfires must be cleared and must be away from overhanging branches.
- F. Campfires must never be left unattended and must be thoroughly extinguished. Extinguishing equipment must be close at hand.

7.712 RULES REGULATING SCHOOL-AGE CHILD CARE CENTERS

All school-age child care centers must comply with the "General Rules for Child Care Facilities" as well as the "Rules Regulating School-Age Child Care Centers" and the "Rules

and Regulations Governing the Sanitation of Child Care Centers in the State of Colorado.”

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

7.712.2 DEFINITIONS [Rev. eff. 6/1/07]

- A. A “school-age child care center” (hereafter referred to as the “center”) is a child care center that provides care for 5 or more children who are between 5 and 16 years of age. The center’s 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 operated with or without compensation for such care, and with or without stated educational purposes.
- B. A “building-based school-age child care program” is a child care program that provides care for 5 or more children who are between 5 and 16 years of age. The center is located in a building that is regularly used for the care of children.
- C. A “day camp” is a school-age child care program which operates at least four (4) hours a day primarily during one season of the year, and during school vacation periods for children between five (5) and eighteen (18) years of age, which accepts registrations for finite, not necessarily contiguous sessions. Programs may operate daily between 6:00 a.m. and 10:00 p.m. Day camp programs may incidentally offer not more than two overnight stays each camp session. The day camp provides a creative recreational and educational opportunity through group oriented programs. The day camp utilizes trained leadership and the resources of the natural surroundings to contribute to each child’s mental, physical, social, and personal growth.

RULES REGULATING SPECIAL ACTIVITIES

7.719 RULES REGULATING SPECIAL ACTIVITIES [Rev. eff. 6/1/07]

These rules for Special Activities shall apply to School-Age Child Care Centers, Residential Child Care Facilities, and Children's Resident Camps.

7.719.1 GENERAL PROVISIONS [Rev. eff. 6/1/07]

- A. There shall be a written program that reflects the purpose of the child care facility, including a list of activities at the child care facility. The written program must be provided to parents.
- B. Parents shall be given the opportunity to indicate to child care facility staff whether they do not wish their child to participate in a special activity (see Section 7.711.61, A. 10).
- C. Each phase of the child care facility program shall be under the supervision of a resident qualified staff member who shall be responsible for health and safety precautions. Verification of experience and/or certification shall be in the staff members personnel files at the child care facility.
- D. If the child care facility participates in special activities other than those for which rules are found in this section, such as ballooning or winter camping, the child care facility shall develop and follow a written plan which includes at least the following:
 - 1. The qualifications of the supervisor of the activity.
 - 2. The qualifications of any other staff members necessary for proper supervision of the activity.
 - 3. The number of necessary staff members needed to supervise the activity.
 - 4. Conditions under which a child may participate in the activity, such as age or skill level of the child.
 - 5. Any special equipment necessary, its supply and condition.
 - 6. Access to medical treatment.
 - 7. Development of an emergency plan.
- E. Paint ball activities where children shoot paint balls at other children are prohibited at a child care facility.
- F. The staff member supervising special activities shall possess evidence of appropriate experience, training, and/or certification in the program specialty Said staff member shall be present at the site of the activity whenever the activity is being earned out unless otherwise indicated in these rules.
- G. The qualified supervising staff member of special activities shall have the following duties:
 - 1. Direct training of other staff members working in the activity.
 - 2. Assign duties to staff members.
 - 3. Assure that all necessary equipment is complete, in good repair, and safe to use.
 - 4. Assure that environmental hazards are not severe enough to cause danger to children.
- H. Rules shall be reviewed with children at the beginning of each activity.
- I. First Aid supplies shall be available at each special activity site.

- J. The staff to child ratio for each type of facility must be followed according to rules for that facility regardless of activity unless the ratio is different for the specified activity, in which case the activity staff to child ratio should apply.

7.719.2 WATER ACTIVITIES

7.719.21 Swimming [Rev. eff. 6/1/07]

- A. There shall be a swimming supervisor who, as a minimum, holds a current Red Cross life guard training certificate or equivalent, such as a YMCA or Boy Scout aquatics instructor's certificate. If the child care facility is offering swimming instruction, the swimming supervisor must also hold a Red Cross water safety instructor certificate or equivalent.
- B. At any time the swimming area is open, there shall be at the swimming area a staff member who holds at least a current life guard training certificate or equivalent for each thirty campers in the water. There shall be present as least one staff member for each ten children in the water. The lifeguard does not count in the staff to child ratio for supervision of children.
- C. The swimming area shall be off limits when appropriate numbers of qualified staff members are not present.
- D. If the child care facility uses a pool for which the child care facility is not responsible, the child care facility need not provide a lifeguard if there is a qualified lifeguard provided by the pool. If the pool does not provide a qualified lifeguard, staff members meeting qualifications stated at Section 7.719.2, B. must be provided by the child care facility. There shall be at least one staff lookout counselor at the pool for each ten children in the water.
- E. Swimming area rules and emergency procedures shall be posted in a visible location at the swimming area.
- F. The swimming pool or swimming area shall meet the standards of the Colorado Department of Public Health and Environment.
- G. If children are permitted to swim in a lake or pond, swimming areas shall be clearly designated
- H. Before children are permitted to swim in deep water, swimming skills must be tested by property trained staff members.
- I. There shall be a system known to child and lookout staff for checking the children when children are in the water.
- J. The following equipment must be available for use at the pool side or the take shore in which swimming is permitted:
 - 1. A rescue tube;
 - 2. Reach pole; and,
 - 3. Backboard.
- K. Where the size of the body of water makes it impossible to reach victims by reach pole, rescue tube or other rescue device, a rescue boat must be available at all times.
- L. If a child care facility has shoreline activities such as wading, fishing, ecology or nature studies, the child care facility shall have a written policy which defines

qualifications of persons accompanying the group and safety, factors to be followed. Staff members shall be acquainted with the policy.

- M. In the case of a travel-trip camp, there shall be a minimum of one staff member who holds at least current Red Cross life guard training certificate or equivalent who is responsible for all swimming activities.

7.719.22 Boating, Canoeing, Sailing, and Kayaking on Flatwater [Rev. eff. 6/1/07]

- A. The boating supervisor shall hold, at a minimum:
 - 1. A current Red Cross life guard training certificate or equivalent; or,
 - 2. Boy Scout certificate; or,
 - 3. Basic small craft instructor, small craft safety, or paddle safety certificate for the type of craft which is to be supervised; or,
 - 4. Documentation of experience indicating knowledge and skill in teaching and supervision specific to the watercraft activities to be conducted.
- B. The boating supervisor, or staff member equally qualified who has been trained by the boating supervisor, must be on site during the activity.
- C. Other staff members shall have appropriate experience and training for the type of craft to be utilized.
- D. Whenever children are on the water they shall be wearing a United States Coast Guard approved personal flotation device appropriate to the weight of the child.
- E. There shall be a minimum of two lookout staff members at the shoreline and/or on the water at any time when children are on the water in boating, canoeing, kayaking or sailing activities. Hazards such as the size of the lake, the skill of the children, the conditions of the water, and the temperature of the water, shall be taken into account by the supervisor of the activity when determining the number and location of lookout staff necessary with the children, but there shall never be fewer staff with the children than those required at Section 7.711.23, D.
- F. Except for kayaking, there shall be a staff member in any boat which holds one or more children under seven years old.
- G. At no time shall the occupancy of the craft exceed the capacity established for the craft by the United States Coast Guard standards.
- H. There shall be a warning device, such as a loud whistle, air horn, or other audible signal device, which can readily be heard by persons on the water that indicates the need for children and staff to return to the facility.
- I. Where the size and depth of the Body of water indicates, there shall be a rescue boat in close proximity to where the activity takes place. This rescue boat shall be in good repair and shall contain appropriate equipment, such as a rescue tube, reach pole, extra oar, or paddle.
- J. Water craft shall not enter a swimming area when swimmers are in the water.

7.719.23 Boating, Canoeing, Tubing, and Kayaking on Class I or II Moving Water [Rev. eff. 6/1/07]

- A. The boating supervisor shall hold, at a minimum:

1. Current Red Cross life guard training certificate or equivalent; or,
 2. Boy Scout certificate; or,
 3. Basic small craft instructor certificate for the type of craft which is to be supervised; or,
 4. Documentation of experience indicating knowledge and skill in teaching and supervision specific to the watercraft activities to be conducted.
- B. The boating supervisor must be on site during the activity.
 - C. Children shall only canoe, tube, or kayak on Class II or less water.
 - D. Supervising staff must be experienced and knowledgeable about the river being used, including the height and speed of the river.
 - E. The child care facility must have a written policy on evaluating the safety of the river. Supervising staff must be trained on the policy.
 - F. Each child shall wear a United States Coast Guard approved personal flotation device whenever they are on the moving water.
 - G. The supervisor of this activity shall be trained in Red Cross standard First Aid and safety, and CPR.
 - H. The supervisor shall be familiar with rescue techniques with canoes, kayaks, and tubes on moving water and shall train children in these techniques.
 - I. Rescue equipment appropriate to the activity shall be available, such as rope throw bag and rescue tubes.

7.719.24 White Water Rafting on Class III and IV Rivers (Classes of rivers are those as defined by the International Scale of River Difficulty) [Rev. eff. 6/1/07]

- A. If the child care facility operates white water rafting, the child care facility must be licensed by the Division of Parks and Outdoor Recreation as a river outfitter.
- B. If a child care facility provides a white water rafting experience by purchase from a river outfitter, the license of the outfitter must be valid.

7.719.3 ARCHERY AND RIFLERY

7.719.31 Archery [Rev. eff. 6/1/07]

- A. The archery supervisor shall have certification, documented training or experience from a recognized organization or certifying body for the type of activities offered.
- B. The archery range shall be free from hazards and well-marked. There shall be a clear path to the target which is not obstructed by such things as rocks, trees or branches. Traffic, trail, or other camp activities shall not be placed in the direction of the flight of the arrows.
- C. Equipment shall be maintained in safe condition. Bows and arrows shall be inspected for fractures, splinters or cracks before each use. Damaged bows and arrows shall not be utilized.
- D. Equipment shall be stored under lock and key when not in use. Bows and arrows shall be used only in the specified archery area.

- E. If the child care facility has field archery, a procedure shall be established and posted to provide for the safety of the archers, including issuance of arrows at check-in point of the archery trail, check in of archer at the beginning of the archery trail, and check out when archer has completed the trail.
- F. The archery supervisor or a staff person trained and authorized by the archery supervisor must be present at all times when children are present at the archery range or field.
- G. All archers shall use the same firing line. Arrows shall be issued only at the firing line.
- H. Arrows shall be nocked to bow string after shooters are on the firing line and after the signal to shoot has been given.
- I. Before arrows are released, shooters shall have a definite target.
- J. Movement must be controlled by a supervising staff member. All persons must stay behind the firing line until the signal to retrieve arrows is given. All arrows shall be retrieved at the same time.

7.719.32 Riflery [Rev. eff. 6/1/07]

- A. The riflery supervisor shall hold a National Rifle Association instructor's or assistance instructor's certification in rifle shooting or equivalent certification from a national organization or shall have verified experience equivalent to that necessary to obtain the National Rifle Association Fire Arm certification.
- B. If the riflery supervisor is not present at the rifle range whenever children are firing guns, the staff person(s) trained by the riflery supervisor must be present at all times when children are present.
- C. The rifle range shall be free from all hazards, away from other activities and traffic of any type; shall be well marked with danger signs or flags; all blind approaches shall be fenced or blocked off.
- D. The range shall be constructed with an appropriately designed bullet-stop so that all bullets will be stopped behind the targets. The bullet-stop shall be free of trees, rocks, boulders, or other objects which may cause a bullet to ricochet away from the bullet-stop.
- E. There shall be a well-defined firing line which shall be level with the targets and elevated off the ground. A minimum space of five feet between firing points shall be established or firing points separated by a permanent divider. Targets must be designed to minimize potential for ricochet. Targets cannot depict human form.
- F. Only the following types of guns shall be permitted:
 1. .22 caliber rimfire, single-shot, bolt-action rifles having no trigger modification other than the factory setting.
 2. Pneumatic spring-type and CO₂ air guns may be either .22 caliber or .177 (BB size).
- G. Proper condition of the firearms shall be maintained by inspection before and after usage, cleaning as necessary. Firearms that do not function properly shall be repaired and tested before usage.
- H. Instruction on the use of firearms shall be presented to the children prior to the use of the rifle range.
- I. No more than five cartridges at a time shall be distributed to a child by the

responsible supervising staff member and issued only at the firing line.

- J. Firing shall be permitted at the firing line only. Observers shall remain behind firing line.
- K. Actions of uncased firearms shall be kept open except when on firing line ready to fire.
- L. All firearms shall be unloaded immediately upon the command "cease firing" regardless of when this command is given. Actions shall remain open until further commands are given.
- M. On ranges where shooters must go down range to change targets and score: movement must be controlled by the supervising staff member.
- N. All spent or unspent cartridges must be returned to the supervising staff member.

7.719.4 HORSEBACK RIDING [Rev. eff. 6/1/07]

- A. The horseback riding supervisor shall have completed at least one of the following:
 - 1. Certificate from nationally recognized organization or riding school.
 - 2. Written verification of successful experience in formal horseback riding instruction.
- B. The horseback riding supervisor shall train a sufficient number of child care facility riding staff members in the supervision of children in the horseback riding program for the anticipated size of the riding program.
- C. Child care facility riding staff shall be trained by the horseback riding supervisor in emergency procedures appropriate to the horseback riding activity.
- D. At least two trained riding child care facility staff members, one of whom holds a current American Red Cross standard First Aid and safety certificate or equivalent, shall accompany each trail excursion. If the horseback ride is more than one hour from emergency medical services, at least one staff member shall be trained in wilderness first aid training. If the horseback ride is for seven or more nights and is more than one hour away from emergency medical services, there must be at least one staff member with each group of children with wilderness first responder training, CPR, and medication administration training. If more than twenty children participate in the trail excursion, there shall be a trained riding child care facility staff member assigned for each additional ten or fewer riders.
- E. First Aid supplies shall be carried on each trail excursion and available at each horseback riding ring/arena.
- F. No person is allowed in the riding area unless the horseback riding supervisor or a trained riding child care facility staff member is present.
- G. The riding supervisor shall determine the child's riding experience and level of skill and must take these into account in assigning which horse each child should ride and determining the type of riding activity in which each child should engage. Children shall be given instruction in basic safety, which shall include at least the following: riding rules in the ring and on the trail, how to approach, mount and dismount.
- H. Children shall be appropriately dressed for riding, which shall include shoes or boots and long pants. The riding supervisor must evaluate the footgear of each child and make the stirrups safe for each child's shoe or boot.
- I. Protective head gear/helmets are mandatory for children ring riding and on trail rides.
- J. Parents must be notified in advance of what type of protective gear is used by the child care facility. If children bring helmets from home, they must be specifically

- designed for equestrian use, worn correctly, and in good condition.
- K. The horseback riding equipment shall be in good condition, properly sized and adjusted for each rider.
 - L. The horse barn or stable, ring, and commonly used trail(s) shall be in good repair and free of dangerous obstructions.
 - M. Horses shall be cared for with evidence of an adequate feeding schedule and a means to care for sick horses.
 - N. Horses shall not be permitted in the other designated activity areas.

7.719.5 TRAMPOLINE [Rev. eff. 6/1/07]

- A. The trampoline supervisor shall have documented formal training and experience in use of trampoline and knowledge of safety and spotting techniques.
- B. Trampolines shall be equipped with pads along the sides and shall be kept in good repair.
- C. No person shall be on the trampoline unless a trampoline supervisor is present and spotters are present on all four sides of the trampoline.
- D. Trampolines shall be secured from unauthorized use by any person.
- E. The child shall dismount the trampoline by sitting on the edge and sliding off. No child shall jump off the trampoline.
- F. Spotters shall be posted on four sides of each trampoline at all times. Spotters shall not stand, sit, or lie on trampoline, but shall stand in a position of readiness, watching the jumper at all times.

7.719.6 CLIMBING ACTIVITIES

7.719.61 Rock Climbing and Ropes Courses [Rev. eff. 6/1/07]

- A. When a child care facility offers basic/single-pitch rock climbing or advanced/multi-pitched climbing, which includes such topics as the care and use of basic equipment, knots, anchors and belays, verbal signals, safety measures, basic climbing holds and moves, and techniques of rappelling, the following rules must be complied with:
 - 1. The climbing supervisor shall:
 - a. Be at least 18 years old;
 - b. Have certification or documented experience in knots, anchors, safety zones, verbal signals, belaying, rappelling, and safe tie-ins, or training or experience from a recognized organization, such as the Association for Challenge Course Technology or certifying body for the type of activities offered; and,
 - c. Have at least six weeks' experience in a management or supervisory capacity in similar types of programs.
 - 2. A climbing instructor shall have verified knowledge of technical climbing by completion of a course or climbing school, or a minimum of ten hours of instruction.
 - 3. At least two climbing instructors must be present at the climbing site at all times.

4. There shall be one climbing instructor for each six (6) climbers or two climbing instructors for thirteen (13) children.
 5. There shall be a staff member who holds at least a current Red Cross standard First Aid and safety certificate or equivalent at the rock climbing site.
 6. First Aid supplies, put together by a person knowledgeable in First Aid supplies needed for climbing activities and possible injuries, shall be present at the climbing site.
 7. No child shall be forced to participate in this activity.
 8. The climbing supervisor shall be responsible for the proper maintenance of all equipment used. Equipment shall be checked by the supervisor immediately prior to use.
 9. All rock climbing equipment shall meet industry standards and shall be maintained, visually and physically inspected, and replaced on a timely basis.
 10. Climbers must wear helmets at all times when in designated helmet zones.
 11. The child care facility shall not permit an unsupervised climb.
 12. The climbing supervisor must have knowledge of where the climb is to occur and must give approval on the day of the climb for the climb to occur.
 13. Each rock climber must be visually supervised.
 14. Children waiting to climb must be supervised by a staff member.
 15. All climbers and rappellers shall be belayed in a top rope manner by a belayer that has been instructed in proper procedures, and directly supervised until competency has been demonstrated.
- B. If the child care facility offers advanced/multi-pitched climbing, the following rules shall also be complied with:
1. The climbing supervisor accompanying participants shall:
 - a. Hold a current Red Cross standard First Aid and safety certificate or equivalent, and a current certificate for cardiopulmonary resuscitation;
 - b. Have been an instructor, under supervision, for two seasons with verifiable experience and a review of any serious accidents;
 - c. Have completed a technical climbing school or training in technical climbing with evidence by letter of such completion;
 - d. Have led ten additional multi-pitched Class V climbs (the classification of the climbs as defined by the American Alpine Club) within the last two years; and,
 - e. Have knowledge of mountain rescue techniques. If the climb is more than sixty (60) minutes from emergency medical services, the climbing supervisor must hold a current wilderness First Aid training certificate or equivalent.
 2. The climbing instructor or the rope leader shall have:
 - a. The same training as the climbing supervisor;
 - b. Have been an instructor, under supervision, for one season with verifiable experience and a review of any serious accidents;
 - c. Completed a technical climbing school or training in technical climbing;

- d. Led five additional multi-pitched climbs; and,
 - e. Knowledge of mountain rescue techniques. No instructor shall take campers on a climb he/she has not completed previously.
3. No child will be the rope leader.
 4. A child who is permitted to participate in the climb must be at least thirteen (13) years old. The climbing supervisor shall assess the ability of the child as to the difficulty of the climb.
 5. The climbing instructor and climbing site must be approved by the climbing supervisor for each climb.
 6. The climbing supervisor, an equally qualified person, or two (2) equally qualified rope leaders shall be present at the climb site.
 7. There shall be one rope leader that is at least eighteen (18) years of age to each three climbers in an extended climb.
 8. First Aid equipment must be carried with the staff on each climb.
- C. If the child care facility offers high and/or low ropes courses or a climbing wall, the following rules must be complied with at all times:
1. The rope supervisor must have training and experience on the type of rope course or climbing wall being used and must hold a current standard First Aid and safety certificate or, if the ropes course or climbing wall is more than sixty (60) minutes from definitive care, must hold a wilderness First Aid card.
 2. The rope instructor must have training and experience on the type of rope course or climbing wall being used and must be supervised by the rope supervisor and must hold a current standard First Aid and safety certificate or, if the ropes course or climbing wall is more than sixty (60) minutes from definitive care, must hold a wilderness First Aid card.
 3. Ropes courses must have written evidence of annual inspection by qualified Association of Challenge Course Technology (ACCT) personnel of course elements for integrity of all hardware, materials, and equipment.
 4. Ropes courses must be inspected regularly before use by the rope supervisor or the rope instructor.
 5. All equipment and elements of a rope course or climbing wall must be safety checked prior to each use and have written records of regular inspection and maintenance of all equipment and elements utilized.
 6. Children must wear safety equipment appropriate to the size of the child and appropriate helmets when using the high ropes course or climbing wall.
 7. At all times, there must be a rope supervisor or rope instructor on the ropes course with children.
 8. Ropes courses and climbing walls must be off limits to children when a rope supervisor or rope instructor is not present.
 9. Access to ropes courses and climbing walls must be controlled by education, signs, and whatever other means are necessary to control unsupervised access.
 10. The child care facility must have written safety procedures for use of the ropes course(s) and climbing wall. Staff must be trained on the safety

procedures.

7.719.7 HIKING, BACKPACKING, AND CAMPING

7.719.71 Hiking [Rev. eff. 6/1/07]

If the child care facility offers hiking activities, the following rules shall be complied with:

- A. The hiking supervisor must hold a current Red Cross standard First Aid and safety certificate or equivalent; shall have knowledge of outdoor experience and the symptoms and correct treatment procedures for hypothermia and dehydration; and, shall have verifiable experience in hiking and backpacking at the elevation where the hike is to take place.
- B. The staff members involved in hiking shall be trained by the supervisor and shall continually observe and monitor campers on the trail for early diagnosis and treatment of injury or illness.
- C. When a group takes a hike within 60 minutes of definitive medical care, there must be at least one staff member currently qualified with Red Cross standard First Aid and safety training certificate or equivalent, current CPR certificate, and current training in the Department required and approved medication administration training.
- D. When a group takes a hiking or backpacking trip where children are either more than 60 minutes away from definitive medical care, there must be at least one staff member with each group of children with current wilderness First Aid training, or equivalent, current CPR training, and current medication administration training.
- E. At least two (2) staff members must accompany a group in hikes. From time to time, hiking groups may divide up as long as hikers are always with one staff member and staff members are in visual, verbal or electronic (radio or wireless communication) contact with each other.
- F. In selecting the area for hiking, the hiking supervisor shall consider the hiker's age, physical condition and experience, as well as the season, weather trends, methods of evacuation, and communication.
- G. Before participation, children must be instructed on:
 - 1. The fundamental safety procedures to follow on the trail;
 - 2. Procedures to follow if lost;
 - 3. Proper health and sanitation procedures on the trail;
 - 4. Rules governing land to be hiked;
 - 5. Potential high-risk areas; and,
 - 6. Fire precautions.
- H. Each hiker shall be equipped with protective clothing against natural elements such as rain, snow, wind, cold, sun, and insects.
- I. First Aid supplies, put together by a person knowledgeable in First Aid supplies needed for possible accidents and/or injuries, shall be present on each hike. The contents of each kit shall be adequate for the number of children, the terrain, and the length of the hike.
- J. An itinerary of the hiking trip and a list of all people on the hike must be kept at the child care facility.

- K. The child care facility must have written safety procedures for hiking, including the written protocol for evacuating a child that becomes sick or injured on a hike. Staff and children must be trained on the safety procedures and protocol.

7.719.72 Backpacking and Camping [Rev. eff. 6/1/07]

- A. The backpacking and camping supervisor shall have knowledge and verifiable experience in camping and/or backpacking at the elevation where the backpacking or camping will take place.
- B. When a group is backpacking or camping within sixty (60) minutes of definitive medical care, there must be at least one staff member currently qualified with Red Cross standard First Aid training certificate or equivalent, current CPR training, and current training in the Department required and approved medication administration training.
- C. When a group is backpacking or camping where children are more than sixty (60) minutes away from definitive medical care, there must be at least one staff member with each group of children with current wilderness First Aid training or equivalent, current CPR training, and current medication administration training.
- D. If a child will require medication administration while away from the child care facility while backpacking or camping, there must be at least one staff member present with current medication administration training who has been delegated by a registered nurse to administer medication.
- E. The staff members involved in backpacking or camping shall be trained by the supervisor and shall continually observe and monitor children on the trail for early diagnosis and treatment of injuries or illness.
- F. The backpacking or camping supervisor shall consider the hiker's age, physical condition, and experience, as well as the season, weather trends, methods of evacuation and communication, and water quality and quantity in selecting the area for backpacking or camping.
- G. Children shall have a safety orientation and be instructed on the applicable precautions, such as:
 - 1. The fundamental safety procedures to follow on the trail;
 - 2. Procedures for a hiker if he/she becomes lost;
 - 3. Proper health procedures, including the need for drinking fluids and eating appropriate foods;
 - 4. Sanitation procedures;
 - 5. Relevant rules and regulations;
 - 6. Potential high-risk areas which may be found on the trail;
 - 7. Fire danger precautions; flash floods; lightening dangers; and,
 - 8. Procedures when encountering wild animals.
- H. Children shall be oriented to minimum impact guidelines and techniques.
- I. Each child shall be equipped with protective clothing and equipment against anticipated natural elements such as rain, snow, wind, cold, sun, and insects.
- J. Appropriate first aid supplies shall be present on each trip. The contents of each kit shall be adequate for the number of children, the terrain, and the length of the trip.

- K. An itinerary of the trip with a list of participants must be available to parents, staff, local police jurisdictions and staff or contractors of the Colorado Department of Human Services.
- L. The child care facility must have written safety procedures for backpacking or camping, including the written protocol for evacuating a child that becomes sick or injured.

7.719.8 BIKING [Rev. eff. 6/1/07]

If a child care facility has bicycling trips either on a public road or on mountain trails, the following rules shall be complied with:

- A. The bicycling supervisor must be familiar with state laws about bicycling; be knowledgeable about the type of bicycling terrain where the bicycle trips will occur be knowledgeable about bicycling in the mountains, if applicable; shall know how to make simple bicycle repairs; and, shall hold at least a current Red Cross standard First Aid and safety certificate or equivalent.
- B. At least two (2) staff members must accompany a group while biking. From time to time, biking groups may divide up as long as bikers are always with one staff member and staff members are in visual, verbal or electronic (radio or wireless communication) contact with each other. A bicycling supervisor or staff member equally qualified and another qualified staff member must accompany each bicycle trip. Correct staff to child ratios must be complied with at all times. There must be one staff member at the beginning and end of each bicycle group.
- C. Each bicycler shall wear head protection and the bicycle shall be equipped with brakes in good condition. Bicycles shall be in good condition, properly maintained, inspected prior to each bicycling trip, and adjusted to the size of the child riding the bicycle. Children using their own bicycles will be informed in advance, in writing that their bicycles must be in good condition, properly maintained, inspected prior to each bicycling trip, and adjusted to the size of the child riding the bicycle.
- D. An appropriate bicycle repair kit and First Aid equipment must be taken on each trip. The First Aid supplies must be put together by a person knowledgeable in First Aid supplies needed for bike trips and possible accidents and/or injuries.
- E. The bicycling supervisor must instruct children as to emergency procedures, safe riding practices, and road and trail etiquette.
- F. The bicycling supervisor shall evaluate each child as to his/her physical capability to participate in the planned bicycling trip, keeping in mind the trip length, terrain, altitude of the trip, and weather conditions.
- G. Water/fluids must be taken on each bicycle trip.
- H. An itinerary of the biking trip and a list of all people on the biking trip must be kept at the child care facility.
- I. The child care facility must have written safety procedures of bike trips, including the written protocol for evacuating a child that becomes sick or injured on a bike trip. Staff and children must be trained on the safety procedures and protocol.

RULES REGULATING NEIGHBORHOOD YOUTH ORGANIZATIONS

7.720 RULES REGULATING NEIGHBORHOOD YOUTH ORGANIZATIONS [Eff. 4/1/11]

All Neighborhood Youth Organizations shall comply with the "General Rules for Child Care Facilities".

7.720.1 DEFINITIONS [Eff. 4/1/11]

"Employee" means a paid employee of a neighborhood youth organization who is of eighteen years of age or older.

"Neighborhood Youth Organization" means a nonprofit organization that is designed to serve youth as young as six years of age and as old as eighteen years of age and 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 to eighteen years of age.

- A. These activities shall occur primarily in a facility leased or owned by the neighborhood youth organization. The activities shall 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.
- B. A Neighborhood Youth Organization shall 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 7.702, et seq. (12 CCR 2509-8).

"Volunteer" means a person who volunteers his or her assistance to a neighborhood youth organization and who is eighteen years of age or older.

"Youth member" means a youth who is six years of age through eighteen years of age whose parent or legal guardian has provided written consent for the youth to participate in the activities of a Neighborhood Youth Organization and who pays a nominal fee for said membership.

7.720.2 OPERATION OF A NEIGHBORHOOD YOUTH ORGANIZATION [Eff. 4/1/11]

- A. The Neighborhood Youth Organization's shall post its policies and procedures in bold print and in plain view, and shall make a written copy available to parents and guardians, which shall include the following:
 1. The address of the licensed Neighborhood Youth Organization, general hours of operation, and policy regarding closure of the Neighborhood Youth Organization.

2. The Neighborhood Youth Organization's mission statement.
 3. The ages of youth accepted.
 4. The procedure concerning membership requirements that at a minimum include: name, date of birth, parent/guardian contact information, emergency contact information, and written authorization to attend.
 5. The procedures for:
 - a. Arrival and departure from the Neighborhood Youth Organization;
 - b. Notification of parents and guardians, for handling emergencies;
 - c. Youth's personal belongings and money;
 - d. Filing a complaint against the Neighborhood Youth Organization; and,
 - e. Background checks and other criminal history checks of employees and volunteers.
 6. The policies on:
 - a. Guidance;
 - b. Visitors;
 - c. Meals and snacks;
 - d. The reporting of child abuse (see Section 7.701.53 of the General Rules for Child Care Facilities).
 7. If services are offered for special needs youth that the Neighborhood Youth Organization operates in compliance with Section 7.701.14, Civil Rights.
 8. An itemized fee schedule.
 9. The role of the governing board.
- B. The fee for obtaining a Neighborhood Youth Organization License is located in the General Rules at Section 7.701.4.

7.720.3 COMMUNICATION, EMERGENCY AND SECURITY PROCEDURES
[Eff. 4/1/11]

Each Neighborhood Youth Organization is required to have a written mission statement. This statement shall be kept on file, updated periodically, and made known to staff and to parents and guardians, and shall be available during the licensing inspection.

- A. During the hours the Neighborhood Youth Organization is in operation, the Neighborhood Youth Organization shall provide an office and/or monitored telephone number known to the public and available to parents in order to provide immediate access to the Neighborhood Youth Organization.
- B. There shall be a land line telephone at the primary facility.
- C. The Neighborhood Youth Organization shall have an established means of communication between staff and the program office when youth are being transported or are away from the permanent site on a field trip.
- D. Emergency telephone numbers shall be posted at each permanent site and taken on all field trips and during mobile Neighborhood Youth Organization programs. The emergency numbers shall include, at a minimum, emergency 911, or rescue unit telephone number if 911 is not available; phone numbers are also required for the clinic or hospital nearest to the activity location; ambulance service; local fire, police, and health departments; and, Rocky Mountain Poison Control.

- E. The Neighborhood Youth Organization shall have a written emergency procedure that explains at a minimum, how youth will be evacuated to a safe area in case of fire or other disaster and the reporting of reportable communicable illnesses to the local health department pursuant to regulations of the Colorado Department of Public Health and Environment.
- F. The Neighborhood Youth Organization shall be able to provide emergency transportation to a health care facility at all times either via program vehicle or the emergency medical services system.
- G. The director of the Neighborhood Youth Organization or the director's delegated substitute shall have a means for determining at all times who is present at the Neighborhood Youth Organization.
- H. A written policy regarding visitors to the Neighborhood Youth Organization shall be posted and a record maintained daily by the Neighborhood Youth Organization that includes, at a minimum, the visitor's name and address and the purpose of the visit.

**7.720.4 PERSONNEL POLICIES, ORIENTATION, AND STAFF DEVELOPMENT
[Eff. 4/1/11]**

The duties and responsibilities of each staff position and the lines of authority and responsibility within the Neighborhood Youth Organization shall be in writing.

- A. At the time of employment, staff members shall be informed of their duties and assigned a supervisor.
- B. Prior to working with youth, the staff member shall read and be instructed about the policies and procedures of the Neighborhood Youth Organization, including those relating to proper supervision of youth and reporting of child abuse. Staff members shall sign a statement indicating that they have read and understand the Neighborhood Youth Organization's policies and procedures.
- C. All full time staff shall be required to receive CPR and First Aid certification within the first sixty (60) calendar days of employment at their own expense or as arranged by the Neighborhood Youth Organization.
- D. All staff shall complete training in universal precautions within the first three (3) months of employment at their own expense or as arranged by the Neighborhood Youth Organization.

7.720.41 General Requirements for All Personnel [Rev. eff. 6/1/12]

- A. All personnel of the Neighborhood Youth Organization shall demonstrate an interest in and knowledge of youth development and concern for youths' well-being.
- B. All personnel shall be free from communicable disease and conduct that would endanger the health, safety, or well-being of youth. Each staff member shall furnish the Neighborhood Youth Organization with information concerning communicable health problems that could affect the staff member's ability to perform the duties of the job assigned.
- C. A child abuse and neglect and a criminal record check request for all staff shall be completed and on file at the Neighborhood Youth Organization's administrative

headquarters pursuant to General Rules sections 7.701.32 and 7.701.33.

7.720.42 Volunteers and Visitors [Eff. 4/1/11]

If volunteers are used by the Neighborhood Youth Organization, there shall be a clearly established policy in regard to their function, orientation, training and supervision.

- A. Volunteers shall have qualifications suitable to the tasks assigned.
- B. Individuals who volunteer less than five days a month shall be:
 - 1. Directly supervised by a program director or program leader.
 - 2. Given instruction as to the Neighborhood Youth Organization's policies and procedures.
- C. Individuals who volunteer more than five days a month shall be:
 - 1. Appropriately trained for the position; and,
 - 2. Have the same background check as staff pursuant to Section 7.720.41, D; and,
 - 3. Section 7.701.33, D, 5 or 6, shall be referenced to determine whether a conviction requires that the individual not be allowed to volunteer or the conviction requires reporting to the Division of Child Care.
- D. Visitors and youth members shall always be supervised by a staff member.

7.720.5 NEIGHBORHOOD YOUTH ORGANIZATION SERVICES

7.720.51 Admission Procedure [Eff. 4/1/11]

- A. Prior to admission, the parent(s)' or legal guardian's signed authorization for the youth member to arrive or depart without parental or legal guardian supervision shall be obtained.
- B. The Neighborhood Youth Organization can accept youth only of the ages for which it has been licensed. At no time shall the number of youth in attendance exceed the number for which the Neighborhood Youth Organization has been certified by the fire department.
- C. Admission and membership procedures shall be completed prior to the youth's attendance at the Neighborhood Youth Organization and shall include completion of the registration information for inclusion in the youth's record, as required in Section 7.720.81.

7.720.52 Guidance and Discipline [Eff. 4/1/11]

- A. 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 shall not be allowed.
- B. Separation or time-out, when used as guidance or discipline, shall be brief and appropriate for the youth's age and circumstances. The youth shall be in a safe, lighted, well-ventilated area and be within hearing and vision of a staff member. The youth shall not be isolated in a locked room, bathroom, closet, or pantry.
- C. Verbal abuse and derogatory remarks about the youth are not permitted.

- D. Authority to provide guidance and/or discipline shall not be delegated to other youth.
- E. Youth shall not be denied food or water as a form of guidance or discipline.

7.720.53 Records and Reporting [Eff. 4/1/11]

Each Neighborhood Youth Organization shall develop:

- A. A system of gathering, recording, and responding to complaints; and,
- B. A method and a training for employees on reporting known or suspected child abuse; and,
- C. A method of record keeping for staff, volunteer, visitor, youth member and other program files.

7.720.54 Transportation [Eff. 4/1/11]

- A. Transportation Provided by the Neighborhood Youth Organization
 - 1. The Neighborhood Youth Organization is responsible for any youth it transports and shall abide by applicable State and Federal motor vehicle laws.
 - 2. The Neighborhood Youth Organization shall obtain written permission from parents or guardians for any transportation of their youth.
 - 3. Youth shall not be permitted to ride in the front seat of a vehicle unless they are secured in a constraint system that conforms to all applicable Federal Motor Vehicle Safety Standards based on the youth's weight and size.
 - 4. Youth shall be loaded and unloaded out of the path of moving vehicles.
 - 5. Youth shall remain seated while the vehicle is in motion. Youth shall not be permitted to stand or sit on the floor of a moving vehicle and their arms, legs, and heads shall remain inside the vehicle at all times.
 - 6. Prior to a field trip or other excursion, the Neighborhood Youth Organization shall obtain information on liability insurance from parents and staff who transport youth in their own cars and verify that all drivers have valid driver's licenses.
- B. Requirements for Vehicles
 - 1. Any vehicle used for transporting youth to and from the Neighborhood Youth Organization or during program activities shall meet the following requirements:
 - a. The vehicle shall be enclosed and have working door locks.
 - b. The seats of the vehicle shall be constructed and installed according to the vehicle manufacturer's specifications.
 - c. The vehicle shall be kept in satisfactory condition to assure the safety of occupants. Vehicle tires, brakes, and lights shall meet safety standards set by the Colorado Department of Revenue, Motor Vehicle Division.
 - d. Seating shall be comfortable, with a seat of at least ten (10) inches wide for each youth.
 - 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 youth shall be restrained in an individual seat belt.
 - b. Two or more youth shall never be restrained in one seat belt.
 - c. Lap belts shall be secured low and tight across the upper thighs and under the belly.
 - d. Youth shall be instructed and required 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, but shall be used if provided.
 4. There shall be a First-Aid kit in all vehicles.
- C. Requirements for Drivers of Vehicles
1. All drivers of vehicles transporting youth shall comply with applicable laws of the Colorado Department of Revenue, Motor Vehicle Division, and ordinances of the municipality in which the youth care program is operated.
 2. All drivers of vehicles owned or leased by the Neighborhood Youth Organization in which youth are transported shall have a current Department-approved First Aid and safety certificate that includes CPR for all ages of youth.
 3. The driver shall ensure that all doors are secured at all times when the vehicle is moving.
 4. The driver shall periodically check that each youth is properly belted throughout the trip.

7.720.6 PROGRAM ACTIVITIES

7.720.61 Field Trips [Eff. 4/1/11]

- A. The program may include field trips, where youth and staff leave the Neighborhood Youth Organization to visit sites in the community.
 1. Youth shall be actively supervised at all times.
 2. An accurate itinerary shall remain at the headquarters, office, primary or temporary site of the Neighborhood Youth Organization.
 3. During a field trip, the staff shall have the following information with them:
 - a. Each youth's emergency contact information; and,
 - b. The written authorization from parent(s) or guardian(s) for emergency medical care.
- B. During a field trip, a list of all youth and staff on the field trip shall be kept at the headquarters or site of the Neighborhood Youth Organization.
- C. During all field trips, staff shall bring a First Aid kit.
- D. During all field trips, youth members shall have access to water and toilet facilities.
- E. During all field trips, staff shall carry with them information regarding the nearest health care facility.
- F. Field trip locations shall be accessible to emergency medical service.

7.720.7 BUILDING AND FACILITIES

7.720.71 Facility Requirements [Eff. 4/1/11]

Each Neighborhood Youth Organization shall maintain and post the appropriate fire and health inspection certificates.

7.720.72 Food [Eff. 4/1/11]

- A. Areas used for food preparation, dish and utensil washing, and storage shall be in compliance with the requirements of the Colorado Department of Public Health and Environment or its local unit.
- B. Youth member dietary allergy information gathered during youth member admission shall be referenced when preparing food for any and all youth members.

7.720.73 Fire and Other Safety Requirements [Rev. eff. 6/1/12]

- A. General Requirements
 1. Buildings shall be kept in good repair and maintained in a safe condition.
 2. Major cleaning involving the use of household or industrial cleaners is prohibited in rooms presently occupied by youth.
 3. Volatile substances such as gasoline, kerosene, fuel oil, and oil-based paints, firearms, explosives and other hazardous items shall be stored away from the area used for youth care and be inaccessible to youth.
 4. Combustibles such as cleaning rags, mops, and cleaning compounds shall be stored in well-ventilated areas separated from flammable materials and stored in areas inaccessible to youth.
 5. Closets, attic, basement, cellar, furnace room, and exit routes shall be kept free from accumulation of extraneous materials that could cause or fuel a fire or hinder an escape or evacuation.
 6. All heating units, whether gas or electric, shall 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 may be used for heating purposes. All heating elements, including hot water pipes, shall be insulated or installed in such a way that youth cannot come into contact with them. Nothing flammable or combustible may be stored within three (3) feet of a hot water heater or furnace.
 7. Indoor and outdoor equipment, materials, and furnishings shall be sturdy, safe and free of hazards.
 8. Equipment, materials, and furnishings, including durable furniture such as tables and chairs, shall be stored in a manner that is safe for youth.
 9. Extension cords cannot be used in place of permanent wiring.
 10. Corridors, halls, stairs, and porches shall be adequately lighted. Operable battery-powered or solar lights shall be provided in locations readily accessible to staff in the event of electric power failure.

B. Fire Safety

A fire safety certificate shall be on file for each Neighborhood Youth Organization or at a central location.

C. Emergency Drills

1. Each staff member and volunteer of the Neighborhood Youth Organization shall be trained in fire safety.
2. Fire exit drills shall 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. Fire drills shall be consistent with local fire department procedures. A record of fire drills held over the past twelve (12) months, including date and time of drill, number of adults and youth participating, and the amount of time taken to evacuate, shall be maintained at the Neighborhood Youth Organization site.
3. Drills shall be held at unexpected times and under varying conditions to simulate the unusual conditions of an actual fire.
4. Drills shall emphasize orderly evacuation under proper discipline rather than speed. No running or horseplay should be permitted.
5. Drills shall include suitable procedures for ensuring that all persons in the building or all persons subject to the drill participate.
6. Fire alarm equipment shall be used regularly in the conduct of fire exit drills.
7. Tornado and emergency evacuation and lock down drills shall 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 these drills held over the past twelve (12) months shall be maintained at the Neighborhood Youth Organization site.

7.720.8 RECORDS AND REPORTS

7.720.81 Youth Records [Eff. 4/1/11]

The central administrative facility or Neighborhood Youth Organization site shall maintain and update annually a record on each youth that includes:

- A. The youth's full name, age, current address, date of birth, and membership.
- B. Names, addresses, and telephone numbers, which may include cell phone number(s), pagers, fax, and e-mail of parents or legal guardians.
- C. Any special instructions as to how the parents or guardians can be reached during the hours the youth is at the Neighborhood Youth Organization.
- D. Names, addresses, and telephone numbers of persons who can assume responsibility for the youth in the event of an emergency if parents or guardians cannot be reached immediately.
- E. A dated written authorization by a parent or legal guardian for:
 1. The youth member to attend and be a member of the Neighborhood Youth Organization and to arrive and depart with parental or legal guardian supervision.

2. Emergency medical care signed and submitted annually by the parent or guardian.
 3. The youth to participate in field trips and to participate in program activities, listing any possible exclusions.
- F. Reports of critical incidents including, but not limited to, serious injuries and accidents occurring during care that result in medical attention, admission to the hospital, or death of a youth.
- G. Information regarding food borne allergies shall be obtained from all youth members and shall be referenced when preparing or serving food to youth members to prevent allergic reactions.

7.720.82 Staff Records [Eff. 4/1/11]

- A. The Neighborhood Youth Organization shall maintain a record for each adult staff member, paid or volunteer, that includes the following:
1. Name, address, and birth date of the individual.
 2. The date that the staff member was employed by the Neighborhood Youth Organization.
 3. Name, address, and daytime telephone number, which may include cell phone numbers, pager numbers, fax numbers and e-mail address, of the person(s) to be notified in the event of an emergency.
 4. Record and verification of the staff member's training, education, and experience.
 5. Copies of First-Aid and CPR certification or other certification confirming the qualifications for the responsibilities assumed at the Neighborhood Youth Organization, which may include copies of driver's licenses, college transcripts, and diplomas.
 6. Verification that a criminal record check has been performed and updated every two years with the Colorado Bureau of Investigation is in process, and a copy of the results of the staff member's criminal record check.
 7. Verification that a review of the State Department's automated system for reporting youth abuse and neglect has occurred or is in process.
- B. Each staff member's personnel file shall contain all required information within thirty (30) calendar days of the first day of employment.

7.720.83 Administrative Records and Reports [Eff. 4/1/11]

- A. The following records shall be on file at the Neighborhood Youth Organization:
1. Records of enrollment, daily attendance for each youth, and daily record of time each youth arrives at and departs from the Neighborhood Youth Organization.
 2. Current Colorado Department of Public Health and Environment or local health department inspection report within the past twenty-four (24) months.
 3. Current local fire department inspection report issued within the past twenty-four (24) months.

4. A list of current staff members, available on site or on file at a central location.
- B. A report about a critical incident shall include:
1. The youth's name, birth date, address, and telephone number.
 2. The names of all involved and witnesses to the incident, the youth's parents or guardians, and their address and telephone number(s) if different from those of the youth.
 3. Date of the incident.
 4. Brief description of the incident.
 5. Documentation of action taken and/or the name and address of the police department or authority if a report was made.
- C. Each Neighborhood Youth Organization shall have a written plan for action in case of natural disaster including, but not limited to, floods, tornadoes, severe weather, and injuries. This plan shall be on file at the Neighborhood Youth Organization. The staff shall have received training regarding the implementation of the plan prior to assuming supervisory responsibility for youth. Written verification of the training shall be in the staff member's personnel file.

7.720.84 Confidentiality, Records Retention, and Cooperation with Local Investigations [Eff. 4/1/11]

- A. The Neighborhood Youth Organization shall maintain complete records of youth and personnel.
- B. The confidentiality of all personnel and youth's records shall be maintained, pursuant to Section 7.701.6, "Confidentiality of Records".
- C. Personnel and youth's records shall be available, upon request, to authorized personnel of the State Department, pursuant to Section 19-1-307(2)(j.7), C.R.S.
- D. If records for a headquarters servicing more than one Neighborhood Youth Organization are kept in a central file, duplicate identifying and emergency information for both staff and youth must also be kept on file at the Neighborhood Youth Organization attended by the youth and where the staff member is assigned.
- E. The records of youth and personnel shall be maintained by the Neighborhood Youth Organization or Neighborhood Youth Organization central headquarters for at least three (3) years.
- F. Neighborhood Youth Organizations shall cooperate with all state and local investigations regarding incidents including but not limited to licensing violations, child abuse, and incidents affecting the health, safety, and welfare of youth members.

7.721 RULES REGULATING HOST FAMILY HOMES [Eff. 9/15/12]

Child Placement Agencies and county departments are authorized to certify Host Family Homes. These rules apply to those child placement agencies and county departments that choose to certify Host Family Homes.

7.721.1 DEFINITIONS [Eff. 9/15/12]

“Homeless youth” is defined in the General Rules at Section 7.701.21.

“Licensed Host Family Home” is defined in the General Rules at Section 7.701.21.

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2015

COUNCIL BILL NO. BR15-0753
COMMITTEE OF REFERENCE:
Safety and Well-being Committee

A BILL

For an ordinance approving a proposed Fiscal Year 2016 Amendment to the Amended and Restated Operating Agreement between the City and County of Denver and the Denver Health and Hospital Authority providing for the amounts to be paid for services by the City and County of Denver and by the Denver Health and Hospital Authority during 2016 and amending other provisions of the Operating Agreement.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. The proposed Fiscal Year 2016 Amendment to the Amended and Restated Operating Agreement between the City and County of Denver and the Denver Health and Hospital Authority, in the words and figures contained and set forth in that form of Fiscal Year 2016 Amendment to the Amended and Restated Operating Agreement, available in the office and on the web page of City Council, and to be filed in the office of the Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver, under City Clerk's Filing No. CE60436-26, is hereby approved.

COMMITTEE APPROVAL DATE: October 13, 2015

MAYOR-COUNCIL DATE: October 20, 2015

PASSED BY THE COUNCIL: _____, 2015

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____, 2015

ATTEST: _____ - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2015; _____, 2015

PREPARED BY: Debra R. Knapp, Assistant City Attorney DATE: October 22, 2015

Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed ordinance. The proposed ordinance is submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.

D. Scott Martinez, City Attorney for the City and County of Denver

BY: _____, Assistant City Attorney DATE: _____, 2015

Design Criteria for Non-conforming Pool

Any new or extensively remodeled pool or spa not complying with the most current rules and regulations, may be considered for conditional approval if the following criteria is met. This criteria is meant to be used as guidance for non-conforming pool designs and does not guarantee the design will be approved.

- No more than 20% of each body of water shall have a raised curb. A minimum of 4ft of unobstructed deck space from the water's edge around at least 80% of each body of water.
- There shall be no infinity edges that do not incorporate a "catch" or "safety ledge" on the exterior side of the pool that would prevent someone that did decide to climb on or over the edge from falling more than 18". The materials and design of the safety edge must be approved by the department.
- No pool shall be designed or constructed such that it incorporates a sharp 90 degree corner. All appurtenances like walls, fountains, stairs, attached to or near the pool where water can present a slip hazard must be designed so that sharp 90 degree corners are not present.
- When a curb is provided, the deck shall not be more than 18" below the top of the curb. Curbed areas should comprise no more than 20% total deck space.
- The use decorative features shall not interfere with deck drainage or impede emergency access or present any safety concerns.
- There shall be no areas of the pool/spa that contain obstructions without a protective barrier. All obstructions that prevent 4" of unobstructed deck space must be protected by a barrier or must be designed to discourage patron access such as designing water features so that they cannot be climbed, sat, or walked on by incorporating rounded surfaces or other approved design features. When an obstruction exists in multiple areas around the pool the minimum distance between obstructions shall be four feet. For example multiple fountains around the perimeter of a pool must be 4" apart or more.
- Internal pool walls or walls that divide pools into one or more sections that are not intended to be walked on may be less than 4' wide, if the 4' deck space requirement is otherwise met. Such dividing walls should be capped with a finish that discourages patrons from standing or walking on these surfaces.