

**INTERPRETATIVE GUIDE
CHANGES
EFFECTIVE 5/1/2011**

UPDATE #1: Swimming Pools – p. 27

■ **470 IAC 3-1.1-39 Swimming**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 39. (a) The caregiver shall be physically present at the swimming or wading pool to supervise when the children in care are swimming or wading.

(b) At least one (1) direct child care provider shall be available to supervise any children not swimming or wading in addition to staff requirements in section 36.5 of this rule.

(c) Child care providers shall empty portable wading pools immediately after use.

(d) All in-ground or non-portable aboveground swimming pools accessible to children shall be in compliance with local zoning ordinances and surrounded by a fence secured with a locked gate to prevent children from entering the area unsupervised.

◆ Intent:

To prevent accidental drowning and illness or infections that result from poor sanitary practices. Swimming and wading pools are a frequent cause of childhood injuries and deaths. Constant, intensive supervision is necessary for children in the pool; therefore a caregiver cannot also supervise children who are not in the pool. When not in use all pools must be absolutely inaccessible to the children. According to State Department of Health rules, wading pools without a filter or circulating water flow are not permitted in child care.

○ Assessment Method:

Observe to premise for pool and interview caregiver to determine if a wading or above ground pool is available to the children. Observe the pool for locked gate and fencing. The lock must be either a combination or key lock. If visiting home while pool is in use, closely observe the staffing and supervision. Automatic pool covers may be eligible for a variance to the fencing requirement. *These requirements must be met even if the pool is empty.*

▲ Threshold of Compliance:

If some of the children are in the pool and other children are outside the pool and only one staff person is present, the home is noncompliant. ~~The extra staff person is in addition to the number of staff required to meet the child to staff ratio.~~ ***There is one exception:** A caregiver may be in the fenced pool area alone with the children and remain outside of the pool while the children are in the pool as long as the provider is actively supervising the children (not laying in a lounge chair sunbathing) and all the children can either swim (can ask them to demonstrate) or have Coast Guard approved flotation devices on such as Puddle Jumpers. This does not include the blow up arm floats. Children located outside of the fenced pool area cannot be supervised by the caregiver in the pool area as long as there are children in the pool area. Child/staff ratios must be maintained at all times.* Caregiver cannot send children in house alone to use the bathroom nor can the caregiver leave the children in the pool alone. This is a violation of supervision.

UPDATE #2: Bi-Levels and Tri-Levels – p. 34

■ 470 IAC 3-1.1-46 Fire prevention

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 46. (a) All child care homes shall have two (2) remotely located means of egress.

(b) A basement area in which child care services are provided shall have a direct exit at ground level not involving stairs or ramps. The interior staircase serving the first floor is acceptable as the second exit for a basement in which child care services are provided. An example of an allowable exit is a level area directly outside the exterior door that is at least thirty-two (32) square feet. This area may be a porch, deck, or stairway landing. Bi-level and tri-level homes which are licensed and hold a regular license with the division of family and children, as of the effective date of this section, are exempt.

◆ Intent:

To ensure that the children can be evacuated from the home if there is a fire. Children younger than grade 1 can not be expected to evacuate themselves in case of fire. The caregiver should expect to transport the children from the home and should be able to evacuate all of the children in one trip from the house. The exits from the home must allow for quick and easy exit by the caregiver with the children. The direct exits to the outside shall be a distance apart to allow more than one route of escape.

○ Assessment Method:

Observe the exits from the home to determine if the rule is met. Measure the area outside the exit to determine if it is 32 square feet in area. Bi and tri-level homes that were licensed prior to July 3, 1996 are exempt from this rule. If a home that was exempted closes and re-opens, it continues to have exempt status. To determine if the lower level is a basement, the space must be 6' or more below grade for more than 50% of its perimeter. The way to calculate grade is it's the level of the ground that's finished (e.g. the surface you would expect to step out onto from a door). *In bi-levels and tri-levels whose lower level does not meet the definition of a basement the lower levels are considered the first floor.*

UPDATE #3: Fire Extinguishers – p. 37

■ 470 IAC 3-1.1-46 Fire prevention

Authority: IC 12-13-5-3

Affected: IC 12-17.2

■ (m) Licensee shall provide a two and one-half (2½) pound or greater ABC multiple purpose fire extinguisher which shall be located on each floor of the building in which child care services are provided, including an additional extinguisher located in the kitchen area of the child care home.

◆ Intent:

To allow a small fire to be extinguished prior to extensive damage. The use of the extinguisher is not an alternative to evacuating the children. The children should be evacuated prior to use of the extinguisher.

○ Assessment Method:

Observe the extinguishers to determine that they are the proper type. The floor of the home with the kitchen shall have two extinguishers, one in the kitchen and one elsewhere. In a multi-

level home, check each level ~~that child care is provided~~ for an extinguisher. Non-rechargeable extinguishers must be replaced every 2 years. Check documentation of date purchased and check to see that the dial reads full. Provider shall keep receipts showing purchase date. Rechargeable extinguishers shall be recharged annually. *According to the National Fire Protection Association (NFPA 10), the person who performs the maintenance has to be "trained". "Trained" means one who has undergone the instructions necessary to design, install, and perform maintenance and recharge service.*

UPDATE #4: Naps – p. 44

470 IAC 3-1.2-5 Naps

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 5. (a) Licensee shall provide a separate crib, portacrib, or playpen in which each infant or toddler can sleep. Each crib, portacrib, or playpen shall be equipped with a firm-fitting mattress or pad made of waterproof materials. A parent or legal guardian may provide or approve the use of a bassinet for an infant and is responsible along with the caregiver to monitor its use closely. (Manufacturers of bassinets indicate that a bassinet should no longer be used once an infant begins moving and turning unassisted.) (b) The licensee may use washable cots, sleeping bags, or mats for toddlers over twenty-four (24) months of age.

◆ Intent:

To protect children while they are sleeping by ensuring that the sleeping equipment is safe for children based on their development stage.

○ Assessment Method:

Observe the children's sleeping equipment to determine if each child younger than 24 months has a crib, portacrib, playpen, or bassinet. If a bassinet is used, determine if the parent has either provided or consented to the use of the bassinet. For the child older than 24 months and not using a crib, portacrib, or playpen for napping, determine if a cot, mat or sleeping bags is available for his or her use. If a child that is less than 24 months old would be better on a cot or mat due to climbing out of the crib or too large for the crib, the provider may apply for a variance with written parental permission. *Stackable cribs are not allowed.*

UPDATE #5: Class I Child Care Home – p. 51

■ **IC 12-17.2-5-6.3**

Class I child care home

Sec. 6.3. (a) To qualify for a license to operate a class I child care home under this chapter, a person must do the following:

- (1) Provide documentation to the division that the licensee has received a high school diploma or a high school equivalency certificate as described in IC 12-14-5-2.
- (2) Provide documentation to the division that the licensee:
 - (A) has completed;
 - (B) is enrolled in; or
 - (C) agrees to complete within the next three (3) years; a child development associate credential program or a similar program approved by the division.

◆ Intent:

To safeguard children's growth, development and well-being by ensuring that the licensee has the knowledge and skills to meet the children's developmentally needs. The child development associate (CDA) credential provides the necessary knowledge and skills for child care practitioners and is nationally recognized. The licensee has 3 years from the date of initial licensure to complete the CDA. Commitment to complete the CDA is documented on the Education Commitment Form.

This rule applies to licensees issued licenses on or after July 1, 2001. Licensees prior to that date are grandfathered and are not required to comply with this rule.

○ Assessment Method:

Determine by a review of documentation. Documentation shall include a copy of a high school diploma or equivalency certificate, and a copy of a CDA certificate or an Education Commitment Form. The Education Commitment Form is only valid for 3 years. Documentation can also include proof that the licensee/applicant has completed 12 credit hours in early childhood education or a related field from an accredited university or college with a "C" or better. A transcript must be provided to the Bureau for review and approval of the classes. *The high school diploma or equivalency certificate must be from a State Department of Education accredited institution.*

▲ Threshold of Compliance:

A variance to extend the Education Commitment Form can be granted for one year with a written variance request, documentation of enrollment in a CDA class, and any special hardship explained. The decision to award the variance is made by division.

When a provider has signed an educational form and agrees to complete her CDA by a certain date, but then closes before that time, the provider will be given additional time to get their CDA when they reopen. For example if a licensee was licensed on 1/1/03 and closes on 1/1/04, the licensee will have 2 additional years to complete the CDA. A new education form should be completed with the new date listed and an explanation of how calculated to the side of the form. If the licensee has less than 1 year of time left, the licensee must show proof of enrollment in school before license will be reissued