

**A REPORT TO THE GOVERNOR
AND THE
ARIZONA LEGISLATURE**

ARIZONA CHILD CARE STANDARDS

REVIEW COMMITTEE

RECOMMENDATIONS FOR

STAFF-TO-CHILDREN RATIO AND

SQUARE FOOTAGE REQUIREMENTS

FOR

PUBLIC AND PRIVATE CHILD CARE CENTERS

DECEMBER, 1994

**ARIZONA DEPARTMENT OF HEALTH SERVICES
OFFICE OF CHILD CARE LICENSURE
1647 EAST MORTEN AVENUE, SUITE 230
PHOENIX, ARIZONA 85020
(602) 255-1272**



*Health and Child Care Review Services
Office of Child Care Licensure*

1647 East Morten Avenue, Suite 230
Phoenix, Arizona 85020
(602) 255-1272
(602) 255-1126 FAX

FIFE SYMINGTON, GOVERNOR
JACK DILLENBERG, D.D.S., M.P.H., DIRECTOR

December 16, 1994

The Honorable Governor J. Fife Symington, III
State Capitol, West Wing, 9th Floor
1700 West Washington
Phoenix, Arizona 85007-2848

Dear Governor Symington:

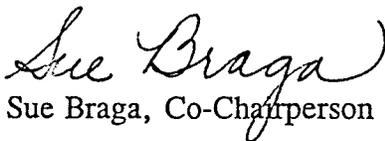
The Arizona Child Care Standards Review Committee is pleased to submit the proposed Recommendations regarding staff-to-children and square-footage requirements for public and private day care providers. This report is in compliance with the Laws 1994, Chapter 5, Section 4, which was enacted during the Ninth Special Session of the 41st Legislature.

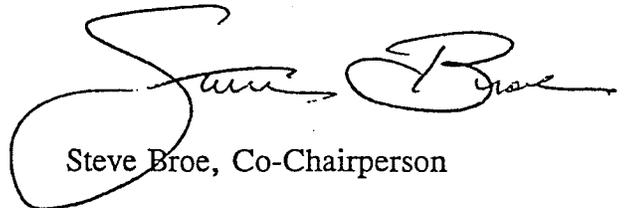
The report contains information regarding the decision-making process, findings, copies of the minutes, handouts provided, summaries of the public hearings and other pertinent documentation. The Office of Child Care Licensure within the Department of Health Services has copies of other related materials that were compiled for the Committee.

The recommendations proposed in the report constitute a comprehensive effort to develop standards that can be implemented by a wide range of child care providers. Moreover, the report signifies the cooperation of a diverse group of individuals who came together for a common purpose - to ensure the health, safety and well-being of children in day care facilities throughout Arizona.

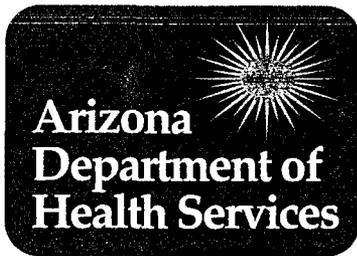
It is our sincere hope that the legislature will consider the Child Care Standards Review Committee's recommendations and commit to improving the quality of child care.

Sincerely,


Sue Braga, Co-Chairperson


Steve Broe, Co-Chairperson

Attachments



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FIFE SYMINGTON, GOVERNOR
JACK DILLENBERG, D.D.S., M.P.H., DIRECTOR

December 16, 1994

The Honorable John Greene
President of the Senate
1700 West Washington-Senate Wing
Phoenix, Arizona 85007

Dear President Greene:

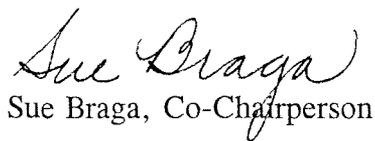
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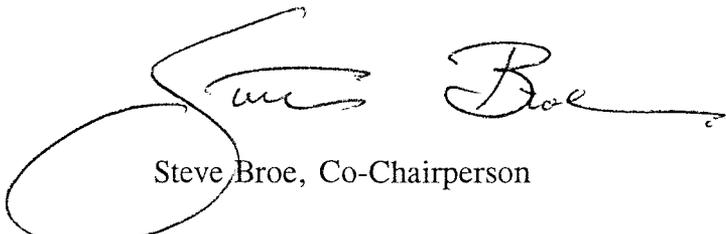
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FIFE SYMINGTON, GOVERNOR
JACK DILLENBERG, D.D.S., M.P.H., DIRECTOR

December 16, 1994

The Honorable Mark Killian
Speaker-Arizona House of Representatives
1700 West Washington-House Wing
Phoenix, Arizona 85007

Dear Speaker Killian:

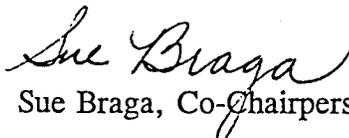
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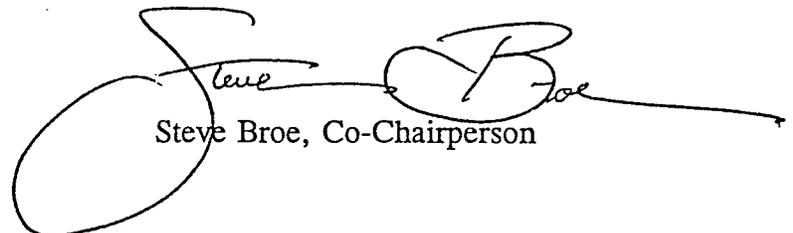
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ARIZONA CHILD CARE STANDARDS REVIEW COMMITTEE REPORT

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ARIZONA CHILD CARE STANDARDS REVIEW COMMITTEE REPORT

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I. INTRODUCTION AND BACKGROUND

Purpose

The Arizona Child Care Standards Review Committee (ACCSRC) was established following the passage of Chapter 5, Senate Bill 1005 during the Ninth Special Session of the Arizona Legislature, June, 1994. The Committee is charged with improving child care in the state. Specifically, the purpose of the Committee is to:

- ◆ Conduct an evaluation of laws that govern child day care programs to determine ways to lessen the regulatory burden on providers while protecting the health, safety and well-being of children in all day care settings.
- ◆ To create a comparable regulatory system that applies to public and private child day care programs.
- ◆ To study how to apply comparable day care center square footage and staff-to-children requirements.
- ◆ To recommend the agency to be responsible for the administration and enforcement of the standards.
- ◆ To conduct public hearings in different locations.
- ◆ To submit several reports.

Refer to Appendix A, Senate Bill 1005.

Under the law, the first phase of the Committee's task is to recommend staff-to-children ratios and square footage requirements by December 31, 1994. This report includes the ACCSRC Committee's Recommendation and supporting documentation.

Committee Membership

Under the law, the ACCSRC Committee was established consisting of the following members:

1. The Superintendent of Public Instruction or the Superintendent's designee.
2. Five members appointed by the Superintendent of Public Instruction.

3. Two members appointed by the Governor.
4. Two members appointed by the President of the Senate.
5. Two members appointed by the Speaker of the House of Representatives.

Refer to Appendix B, Committee Members.

Committee Support

The Arizona Department of Health Services (ADHS), Office of Child Care Licensure was identified as the Agency charged with the responsibility to support the ACCSRC Committee. The ADHS Implementation Team members are listed in Appendix C.

In addition to ADHS staff, representatives from Arizona Department of Economic Security and Arizona Department of Education also provided support to the Committee. Other agency representatives are listed in Appendix D.

Facilitation and administrative support is provided to the Committee by the private consulting firm, PRISM, Inc.

Committee Meetings

In August and September, 1994, Committee members were selected. Also during this time period ADHS staff finalized the planning and preparation for the Committee's activity. The first Committee meeting was held on October 5, 1994. During the first phase of their task, the full Committee met five times. In addition, a sub-committee met once to draft proposed staff-to-children and square footage requirements. A schedule of meetings is included in Appendix E. Sub-committee members are listed in Appendix B.

As specified in the law, public meetings were conducted in various locations throughout the state. Representatives from the ACCSRC Committee conducted the four meetings with support from the ADHS Implementation Team. Refer to Section III and Appendix F for additional information about the public meetings.

Committee Process

The Committee selected two Co-Chairpersons to provide formal leadership of meetings. Leadership of meetings rotated between the co-chairpersons. In addition, they developed meeting agendas with the assistance of the Facilitator and ADHS staff.

Committee meetings followed the open meeting law requirements and formal rules of order. Committee discussion focused on reaching consensus on issues when possible. The approach used by the Committee to accomplish its first task was to:

- ◆ Clarify the task and exemptions
- ◆ Identify areas of agreement
- ◆ Use of sub-committee to draft proposed standards
- ◆ Committee approval of proposed standards
- ◆ Obtain public comment
- ◆ Finalize recommendations and report

Each meeting was attended by interested members of the public. Members of the public in attendance commented at most meetings. Meeting agendas, minutes and lists of attendees are included in Appendix E.

II. ARIZONA CHILD CARE STANDARDS REVIEW COMMITTEE

PROPOSED STAFF-TO-CHILDREN RATIO AND SQUARE FOOTAGE REQUIREMENTS

RECOMMENDATION:

The Child Care Standards Review Committee recommends that the existing day care center requirements for staff-to-children ratio and square footage apply to both public and private day care providers. (Pursuant to Laws 1994, Chapter 5, Section 4, Subsections B.2 and B.6):

- A) Children shall be grouped for supervision according to age and maturity and center personnel shall supervise all children at all times. There shall be at least the following ratios of personnel directly engaged in the care and supervision of children in the center's care:

1. Infants	1:5 or 2:11
2. One-year-old children	1:6 or 2:13
3. Two-year-old children	1:8
4. Three-year-old children	1:13
5. Four-year-old children	1:15
6. Five-year-old children who are not yet school age	1:20
7. School-age children	1:20

- B) At least 25 square feet of interior activity space shall be available for each child included in the center's capacity, except that at least 35 square feet shall be available for each infant and one-year-old child up to the second birthday. When one-year-old children are mixed with older children in the same activity area, the requirement of at least 35 square feet of indoor activity space per child shall govern.
- C) At least 75 square feet shall be available for each child occupying the outside play area at any time. To allow all children scheduled access, the outside play area shall contain the minimum of 75 square feet per child for at least 50 percent of the center's capacity.
- D) An outside play area shall not be required if no child attends the center more than four hours per day and at least 50 square feet of indoor activity space is available for each child.

Report on
Staff-to-Children Ratio and
Square Footage Requirements

E) The following are exceptions to A - D:

1. Teenagers present in the center for academic purposes and under adult supervision who are 14 and 15 years of age shall not be counted in the center's staffing ratios as either children or adults if they are enrolled in a curriculum-based child care occupation or child development program¹ for academic credit.
2. Teenage parents under 16 years of age who are present in the center shall not be counted in the staff-to-children ratio requirements as either children or adults.²
3. Federally mandated programs that operate under federal regulations that meet or exceed state square footage requirements and staff-to-children ratio requirements.³

This recommendation does not determine the agency responsible for enforcing and administering square footage requirements or staff-to-children ratio requirements for child care provided by public schools.

¹ Item 1 refers to HERO/STRIVE or comparable programs.

² Reference Appendix J, Reference Supporting Teenage Parent Status under the Recommended Staff-to-Children Ratio.

³ Item 3 exemption refers to Migrant Programs, American Indian Education Program, Bilingual Programs, Special Education, Even Start, Head Start, and Title One Programs.

III. SUMMARY OF PUBLIC PARTICIPATION AND ISSUES

The Arizona Child Care Standards Review Committee (ACCSRC) with the support of the Implementation Team from ADHS conducted public meetings for the purpose of obtaining public comment, input and testimony on the Committee's proposed staff-to-children ratios and square footage requirements for public and private child day care programs.

Four meetings were conducted between November 14 - 22, 1994 in Yuma, Flagstaff, Tucson and Phoenix. All public meeting documentation, schedule, notices, press notices, mailing, opening remarks, agendas, minutes and attendees are attached as Appendix F.

The Committee also invited the public to submit written comments on the proposed requirements directly to ADHS office by November 25, 1994.

A summary of both oral and written public comments was prepared by the Committee's Facilitator and presented at the meeting of December 7. The summaries are included in this section. Complete transcripts of public comments and sample letters are included in Appendix F.

November 30, 1994
(Revised 12/8/94)

**ARIZONA CHILD CARE STANDARDS REVIEW COMMITTEE
ARIZONA DEPARTMENT OF HEALTH SERVICES**

***SUMMARY OF ORAL COMMENTS FROM
PUBLIC MEETINGS ON PROPOSED
STAFF-TO-CHILDREN RATIO AND SQUARE FOOTAGE REQUIREMENTS
FOR PUBLIC AND PRIVATE CHILD CARE PROGRAMS
(November 14 - 22, 1994)***

Following is a summary of the public comments regarding Child Care Standards Review Committee's proposed recommendation for Staff-to-Children Ratio and Square Footage Requirements for Public and Private Day Care Programs. Each of the public meetings was taped and the detailed transcriptions are enclosed with this summary.

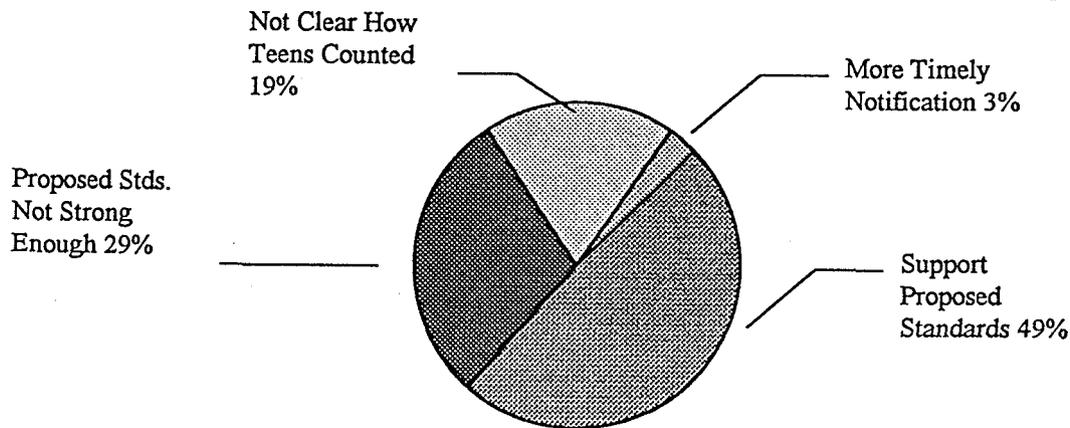
A total of 31 members of the public made comments at the four meetings. Following are subtotals by location:

DATE	LOCATION	NUMBER OF SPEAKERS
November 14, 1994	Yuma	7
November 18, 1994	Flagstaff	2
November 21, 1994	Tucson	8
November 22, 1994	Phoenix	14
TOTAL		31

Major Themes from Public Comments:

1. 15 of 31 speakers supported the proposed Staff-to-Children Ratios and Square Footage Requirements.
2. 9 of 31 speakers expressed the opinion that the proposed standards are too liberal to be in the best interest of the children. Many of these speakers referred to the standards recommended by the National Association for Education of Young Children, American Academy of Pediatrics/American Public Health Association, and The National Center for Clinical Infant Programs, as better guidelines for staffing ratios.

3. 6 of 31 speakers voiced concern and confusion regarding how teenagers and teen parents are addressed in the staffing ratios. This issue may need further clarification.
4. One individual raised the issue of more timely notification of public hearings and the dissemination of information to all concerned parties. This concern referred primarily to the Life Management Educators in the public school system throughout the state. These individuals did not receive information until after the first public meeting was held.



5. Additional Items for Clarification:
 - a. Inside Square Footage Requirement - Exactly what does the 35 square foot activity space for infants include? (Refer to State Statute, Article 6, Section 603)
 - b. How do proposed standards apply to: Year-round school, enrichment programs and family education programs?

Submitted by:

Margaret O'Donnell
PRISM, Inc.

November 30, 1994
(Revised 12/8/94)

**ARIZONA CHILD CARE STANDARDS REVIEW COMMITTEE
ARIZONA DEPARTMENT OF HEALTH SERVICES**

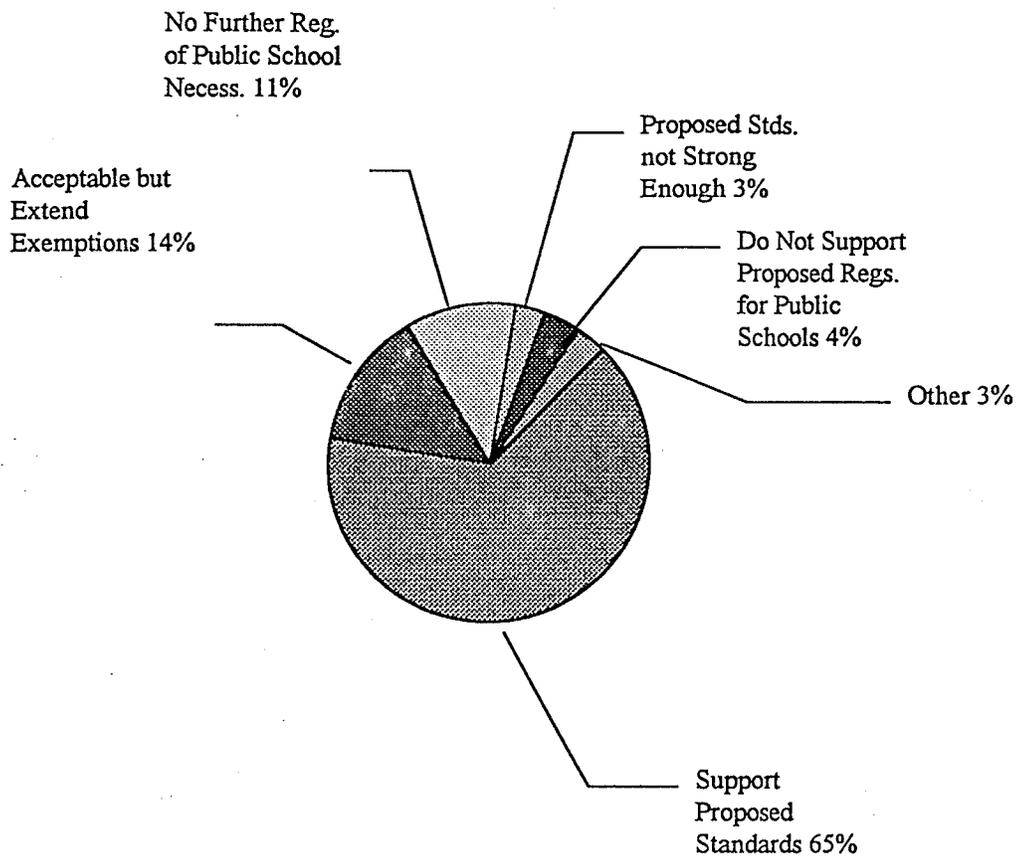
***SUMMARY OF WRITTEN COMMENTS FROM
PUBLIC MEETINGS ON PROPOSED
STAFF-TO-CHILDREN RATIO AND SQUARE FOOTAGE REQUIREMENTS
FOR PUBLIC AND PRIVATE CHILD CARE PROGRAMS
(November 14 - 22, 1994)***

A total of 150 written comments were submitted by the public. Ninety-one were mailed to ADHS and fifty-nine were hand delivered at the four public meetings.

Following is a summary of major themes from written comments. Actual written comments are filed at the Office of Child Care Licensure and are available for review upon request. Samples of form letters are submitted for your information.

Major Themes from Written Comments

1. Ninety-eight of the public submitting comments support the proposed standards (91 of the letters were from various private child care providers in Tucson - see sample letter #1 attached).
2. Twenty-one of the public submitting comments felt that the proposed square footage and ratio requirements are acceptable, however, want to extend exemptions to community education enrichment programs (see sample letter #2 attached).
3. Sixteen of the public submitting comments felt that further regulation of public school daycare was not necessary and will not contribute to higher quality child care (see sample letter #3 attached).
4. Four of the public submitting written comments expressed the opinion that the proposed standards are not strong enough to be in the best interest of children.
5. Six of the public submitting written comments do not support the proposed regulation of public school child care.
6. Five additional letters related to timely notification or general comments unrelated to proposed standards were received.
(See chart on next page)



Submitted by:

Margaret O'Donnell
Prism, Inc.

**SAMPLE
LETTER #1**

November 22, 1994

To Whom It May Concern,

I am writing in support of regulations that follow the child. It also seems only appropriate for one agency to oversee these regulations. All programs whether public or private should have to abide by the same health and safety regulations. this seems only fair.

Please take our children's basic rights into consideration. Thank you in advance for seriously considering this issue and our children's best interests.

Thank You,



SAMPLE
LETTER #2

November 15, 1994

Members of the Child Care Standards Review Committee
% Ms. Marlene Morgan, Program Manager
ADHS Office of Child Care Licensure
1647 East Morten Ave., Suite # 230
Phoenix, AZ 85020

RE: Senate Bill 1005

Dear Committee Members:

I recently received a notice about a public meeting to be held to review your Committee's recommendation for staffing ratios and square footage standards for both public and private day care centers. I have no quarrel with these ratios and standards since the public school child care programs have usually surpassed them anyway. But I understand that there are members of the committee who want to extend any rules and regulations beyond the realm of the traditional "child care" setting to that of the educational and recreational programs that the public schools offer outside of school hours, including summer school and other enrichment programs.

I fear that if such rules and regulations are written with only child care in mind and then applied to educational settings that the enrichment programs offered by the schools and other agencies such as the YWCA/YMCA's would be in jeopardy. I believe that the following facilities should be exempt from any rules and regulations that your committee sets: the homes of parents or blood relatives; a religious institution conducting a nursery in conjunction with its religious services; an educational institution conducting a nursery in conjunction with adult classes or meetings; regularly organized private or public schools engaged in an educational program before, during and after school hours, including community education enrichment programs (if such schools provide "day care only" programs before or after school, that portion of the school providing such care shall be considered a day care center and subject to regulations); any facility that provides educational or training in specific subjects such as dance, drama, music, self-defense, religion, art, academics, and specific sports; and any facility that provides only recreational or instructional activities to school age children who may come and go from the center at their own volition.

The children in my district have used community education classes and programs to enrich their lives for many years. There have been no other services available in the area. We do not wish these programs to end because some special interest group wishes to create yet another agency to oversee programs we feel already have adequate supervision.

Sincerely

SAMPLE LETTER #3

November 15, 1994

Members of the Child Care Standards Review Committee
% Ms. Marlene Morgan, Program Manager
ADHS Office of Child Care Licensure
1647 East Morten Ave., Suite # 230
Phoenix, AZ 85020

RE: Senate Bill 1005

Dear Committee Members:

It recently came to my attention that your Committee has been given the charge of extending licensing rules and regulations to child care programs that exist under the auspices of the public school system. I understand that there is a group of private child care providers that made allegations that the child care programs in the public schools were inferior because they were not required to be licensed. I also understand that this same group appears to feel that the rules and regulations should also be extended to govern educational and recreational programs that the public schools offer outside of school hours, including summer school and other enrichment programs.

I cannot believe that in a time during which many are calling for a reduction in taxes and a reduction in government regulation that a group with a narrow agenda of its own has asked the state to create another agency or expand the scope of an existing agency to enforce rules and regulations over programs that currently answer to the fire marshall, OSHA, ADA, DES, the principal of school in which the program is housed, the Superintendent of the District, the Governing Board of the District, and Parents. Having yet another agency oversee these programs would cost the taxpayers more with little to show in the way of better quality programs.

The public school programs are adequately governed on a local level, and I feel that if something is not right I have a forum in which to bring my grievances. We do not need yet another layer of bureaucracy to oversee programs that have not exhibited inadequacies.

Sincerely,



IV. SUMMARY OF ANTICIPATED IMPACT ON PUBLIC AND PRIVATE DAY CARE CENTERS

The ACCSRC Committee's Recommendation will apply to staff-to-children and square footage ratios at public and private child day care centers in the state.

The total number of licensed private child day care centers affected is 1,329 as of December 1, 1994.

The total number of public school-based child day care centers affected by these requirements has not been determined at this time. However, the potential number of schools in the state which may have one or more child care programs is between 1 and 1,108 public schools, as of September 1, 1994. These include elementary and middle schools, junior high schools, and high schools.

Exemptions are noted in Section II, Committee's Recommendation.

APPENDIX A

**SENATE
BILL
1005**

**(LAWS 1994,
CHAPTER 5)**

Senate Engrossed
FILED
ARIZONA
SECRETARY OF STATE

State of Arizona
Senate
Forty-first Legislature
Ninth Special Session
1994

CHAPTER 5
SENATE BILL 1005

AN ACT

AMENDING TITLE 36, CHAPTER 7.1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-883.04; AMENDING SECTION 36-883.04, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT; AMENDING SECTION 36-884, ARIZONA REVISED STATUTES; MAKING AN APPROPRIATION; RELATING TO CHILD DAY CARE.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 36, chapter 7.1, article 1, Arizona Revised Statutes, is amended by adding section 36-883.04, to read:

36-883.04. Standards of care; rules; enforcement;
deadline

A. NOTWITHSTANDING SECTION 36-884, THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES, IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF ECONOMIC SECURITY, SHALL PRESCRIBE REASONABLE RULES AND STANDARDS REGARDING:

1. THE HEALTH, SAFETY AND WELL-BEING OF CHILDREN CARED FOR IN ANY PUBLIC SCHOOL DAY CARE PROGRAM. THESE RULES SHALL BE COMPARABLE TO THE RULES AND STANDARDS PRESCRIBED PURSUANT TO SECTION 36-883.

2. THE ENFORCEMENT OF THE STANDARDS OF CARE ADOPTED PURSUANT TO THIS SUBSECTION INCLUDING PENALTIES FOR NONCOMPLIANCE WITH THESE STANDARDS. THESE ENFORCEMENT AND PENALTY PROVISIONS SHALL BE COMPARABLE TO THOSE EXISTING FOR PRIVATE DAY CARE PROGRAMS.

B. THE RULES REQUIRED BY SUBSECTION A OF THIS SECTION SHALL BE ADOPTED AND FILED WITH THE SECRETARY OF STATE PURSUANT TO SECTION 41-1024 OR 41-1026 NO LATER THAN MARCH 31, 1996.

C. RULES PRESCRIBED PURSUANT TO SUBSECTION A OF THIS SECTION SHALL PROVIDE THAT THE RULES DO NOT BECOME EFFECTIVE BEFORE JULY 1, 1996.

1 Sec. 2. Section 36-883.04, Arizona Revised Statutes, as added by
2 section 1 of this act, is amended to read:

3 36-883.04. Standards of care; rules; enforcement

4 ~~A. Notwithstanding section 36-884, The director of the department~~
5 ~~of health services, in consultation with the department of education and~~
6 ~~the department of economic security, shall prescribe reasonable rules and~~
7 standards regarding:

8 ~~1-~~ the health, safety and well-being of children cared for in any
9 public school day care program. These rules shall be comparable to the
10 rules and standards prescribed pursuant to section 36-883.

11 ~~2-~~ THE DIRECTOR SHALL ALSO PRESCRIBE RULES REGARDING the
12 enforcement of the standards of care adopted pursuant to this subsection
13 including penalties for noncompliance with these standards. These
14 enforcement and penalty provisions shall be comparable to those existing
15 for private day care programs.

16 ~~B. The rules required by subsection A of this section shall be~~
17 ~~adopted and filed with the secretary of state pursuant to section 41-1024~~
18 ~~or 41-1026 no later than March 31, 1996.~~

19 ~~C. Rules prescribed pursuant to subsection A of this section shall~~
20 ~~provide that the rules do not become effective before July 1, 1996.~~

21 Sec. 3. Section 36-884, Arizona Revised Statutes, is amended to
22 read:

23 36-884. Exemptions

24 The provisions of this article shall not apply to the care given to
25 children by or in:

26 1. The homes of parents or blood relatives.
27 2. A religious institution conducting a nursery in conjunction with
28 its religious services or conducting parent-supervised occasional drop-in
29 care.

30 3. A unit of the public school system. IF A PUBLIC SCHOOL PROVIDES
31 DAY CARE OTHER THAN DURING REGULAR SCHOOL HOURS OR FOR CHILDREN WHO ARE
32 NOT REGULARLY ENROLLED IN KINDERGARTEN PROGRAMS OR GRADES ONE THROUGH
33 TWELVE, THAT PORTION OF THE SCHOOL THAT PROVIDES DAY CARE IS SUBJECT TO
34 STANDARDS OF CARE PRESCRIBED PURSUANT TO SECTION 36-883.04.

35 4. A regularly organized private school engaged in an educational
36 program which may be attended in substitution for public school pursuant
37 to section 15-802. If such school provides day care beyond regular public
38 school hours or for children who are not regularly enrolled in
39 kindergarten programs or grades one through twelve, that portion of the
40 school providing such care shall be considered a day care center and
41 subject to the provisions of this article.

42 5. Any facility that provides training only in specific subjects,
43 including dancing, drama, music, self-defense or religion.

44 6. Any facility that provides only recreational or instructional
45 activities to school age children who may come to and go from the center
46 at their own volition.

47 7. Any of the Arizona state schools for the deaf and the blind.

1 Sec. 4. Child care standards review committee;
2 membership; duties

3 A. The child care standards review committee is established
4 consisting of the following members:

5 1. The superintendent of public instruction or the superintendent's
6 designee.

7 2. Five members appointed by the superintendent of public
8 instruction.

9 3. Two members appointed by the governor.

10 4. Two members appointed by the president of the senate.

11 5. Two members appointed by the speaker of the house of
12 representatives.

13 B. The committee shall:

14 1. Conduct an evaluation of laws that govern this state's child day
15 care programs in order to determine ways to lessen the regulatory burden
16 on providers and to protect the health, safety and well-being of the
17 children in all day care settings and to create a comparable regulatory
18 system that applies to public and private child day care programs.

19 2. Study how to apply comparable day care center square footage
20 requirements and staff to children ratio requirements to public and
21 private day care providers.

22 3. Recommend the agency to be responsible for the administration
23 and enforcement of the comparable regulatory standards applicable to
24 public and private day care programs.

25 4. Conduct public hearings in different locations throughout this
26 state in order to gather information and take public testimony.

27 5. Submit a written report of its findings and recommendations
28 regarding paragraphs 1 and 3 of this subsection to the governor, the
29 president of the senate, the speaker of the house of representatives and
30 the director of the legislative council on or before June 30, 1995.

31 6. Submit a written report of its findings and recommendations
32 regarding paragraph 2 of this subsection to the governor, the president of
33 the senate and the speaker of the house of representatives on or before
34 December 31, 1994.

35 C. Committee members are not eligible for compensation, but public
36 members are eligible for reimbursement of expenses under title 38, chapter
37 4, article 2, Arizona Revised Statutes.

38 D. The department of health services, in coordination with the
39 department of economic security and the department of education, shall
40 staff the committee and provide it with necessary administrative services.

41 Sec. 5. Legislative intent

42 This state has a responsibility to parents and their children to
43 ensure that all day care centers maintain high standards that protect the
44 health, safety and well-being of children in day care facilities. It is
45 the intent of the legislature that this act serve to initiate the
46 development of a single regulatory system for public and private day care
47 programs that is administered by a single agency and that provides

1 standards of care, including provisions for the enforcement of these
2 standards and penalties for noncompliance.

3 Sec. 6. Appropriation

4 The sum of \$39,400 is appropriated from the state general fund in
5 fiscal year 1994-1995 to the department of health services to conduct the
6 evaluation of child care rules prescribed by section 4 of this act.

7 Sec. 7. Delayed repeal

8 Section 4 of this act is repealed from and after December 31, 1995.

9 Sec. 8. Delayed effective date

10 A. Section 36-883.04, Arizona Revised Statutes, as added by section
11 1 of this act, is effective from and after June 30, 1995 or on the receipt
12 of the report required pursuant to section 4, subsection B, paragraph 5 of
13 this act by the director of the legislative council, whichever is sooner.

14 B. Section 36-883.04, Arizona Revised Statutes, as amended by
15 section 2 of this act, and section 36-884, Arizona Revised Statutes, as
16 amended by this act, are effective from and after June 30, 1996.

APPROVED BY THE GOVERNOR JUNE 17, 1994

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 17, 1994

APPENDIX B

**CHILD CARE
STANDARDS
REVIEW
COMMITTEE
(CCSRC)
CHAPTER 5)**

CHILD CARE STANDARDS REVIEW COMMITTEE

PURPOSE: To conduct an evaluation of laws that govern child day care programs to determine ways to lessen the regulatory burden on providers while protecting the health, safety and well-being of children in all day care settings; to create a comparable regulatory system that applies to public and private child day care programs; to study how to apply comparable day care center square-footage requirements and staff-to-children ratio requirements; to recommend the agency to be responsible for the administration and enforcement of the standards; to conduct public hearings in different locations; to submit several reports.

MEMBERS:

1. **Steve Broe, Vice President**
American Child Care Centers #55
10640 N. 32nd Street
Phoenix, Arizona 85028
Telephone: (602) 788-2185
Fax: (602) 788-8972

2. **Barbara Nelson, Director**
4945 Via Entrada
Tucson, Arizona 85718
Telephone: (602) 327-0844
Fax: (602) 299-4312

3. **Craig Barton, Director**
Camelback Desert Schools
9606 E. Kalil Drive
Scottsdale, Arizona 85260
Telephone: (602) 451-3130
Fax: (602) 451-8197

4. **Kevin DeMenna, Partner**
Nelson, Robb, DuVal & DeMenna
3550 N. Central Avenue, Ste. 1200
Phoenix, Arizona 85012-2100
Telephone: (602) 264-4313
Fax: (602) 264-6579

APPOINTED BY:

Speaker of the House of Representatives

Speaker of the House of Representatives

President of the Senate

President of the Senate

5. **Carol Kamin, Executive Director** **Superintendent of Public Instruction**
Children's Action Alliance
4001 N. 3rd Street, Ste. 160
Phoenix, Arizona 85012
Telephone: (602) 266-0707
Fax: (602) 263-8792
6. **Judy Walruff, ACSW, CISW** **Superintendent of Public Instruction**
Program Officer
Flinn Foundation
3300 N. Central Avenue Ste. 2300
Phoenix, Arizona 85012
Telephone: (602) 274-9000
Fax: (602) 274-3194
7. **Brenda Even** **Superintendent of Public Instruction**
School Board Member
Tucson Unified School District
1010 E. 10th Street
Tucson, Arizona 85719
Telephone: (602) 882-2400
Fax: (602) 798-8767
8. **Sue Braga, State Commissioner** **Superintendent of Public Instruction**
of Education
Arizona Congress Parent and
Teacher Association (PTA)
8107 Del Cadena
Scottsdale, Arizona 85258
Telephone: (602) 998-4700
Fax: (602) 991-5118
9. **Michael Bell, Ph.D.** **Superintendent of Public Instruction**
Early Childhood Education Specialist
Arizona Department of Education
1535 W. Jefferson
Phoenix, Arizona 85007
Telephone: (602) 542-7842
Fax: (602) 542-2990

10. **Nedda Shafir** **Superintendent of Public Instruction**
Early Childhood Coordinator
Washington Elementary School District
8610 N. 19th Avenue
Phoenix, Arizona 85021
Telephone: (602) 864-2600
Fax: (602) 864-0916
11. **Chuck Shipley** **Office of The Governor**
Vice President of Public Affairs
Arizona Chamber of Commerce
1221 E. Osborn, Suite 100
Phoenix, Arizona 85015
Telephone: (602) 248-9172
Fax: (602) 265-1262
12. **Barry M. Aarons** **Office of The Governor**
Director of Government Relations
U.S. West
3033 N. 3rd Street, Room 1007
Phoenix, Arizona 85012
Telephone: (602) 235-3588
Fax: (602) 235-4890

**CHILD CARE STANDARDS REVIEW COMMITTEE
ARIZONA DEPARTMENT OF HEALTH SERVICES**

**SUBCOMMITTEE MEMBERS
To Draft Proposed
Staff-to-Children and Square Footage Requirements**

Michael Bell, Ph.D.
Early Childhood Education Specialist
Arizona Department of Education

Steve Broe, Vice President
American Child Care Centers

Kevin DeMenna, Partner
Nelson, Robb, DuVal & DeMenna

Carol Kamin, Executive Director
Children's Action Alliance

Judy Walruff, CCSRC member, also attended this meeting.

APPENDIX C

**ADHS
IMPLEMENTATION
TEAM
MEMBERS**

**ARIZONA DEPARTMENT OF HEALTH SERVICES
OFFICE OF CHILD CARE LICENSURE
IMPLEMENTATION TEAM**

PROGRAM MANAGER:

MARLENE MORGAN

TEAM LEADER:

PAT RIPLEY

DATA ADMINISTRATION UNIT:

LESLEY SCHIRALDI

LICENSING SPECIALISTS:

SUSAN BENSON, CATHERINE MULLIGAN

RULES/POLICY:

MARY HOWARD

ADMINISTRATIVE SECRETARY:

CAMILLE FERRARI

APPENDIX D

**OTHER
AGENCY
REPRESENTATIVES**

**SB 1005
CHILD CARE STANDARDS REVIEW COMMITTEE**

OTHER STATE AGENCY REPRESENTATIVES

ARIZONA DEPARTMENT OF ECONOMIC SECURITY

DES CHILD CARE ADMINISTRATION
FEDERAL PLAN COORDINATOR:

TONY ZABICKI

ARIZONA DEPARTMENT OF EDUCATION

EDUCATION PROGRAM SPECIALIST:

GARY FORTNEY

APPENDIX E

**CCSRC
MEETINGS**

**CHILD CARE STANDARDS REVIEW COMMITTEE
ARIZONA DEPARTMENT OF HEALTH SERVICES**

SCHEDULE OF MEETINGS

DATE	TIME	LOCATION
10/05/94	1:30 p.m. - 4:00 p.m.	DHS Office 1740 W. Adams Phoenix, AZ
10/19/94	2:00 p.m. - 5:00 p.m.	Capitol Building, 8th Floor Conference Room 1700 W. Washington Phoenix, AZ
10/24/94	2:00 p.m. - 4:00 p.m.	Capitol Building, 8th Floor Conference Room 1700 W. Washington Phoenix, AZ
11/2/94	2:00 p.m. - 5:00 p.m.	Capitol Building, 8th Floor Conference Room 1700 W. Washington Phoenix, AZ
12/7/94	2:00 p.m. - 5:00 p.m.	Capitol Building, 8th Floor Conference Room 1700 W. Washington Phoenix, AZ
12/16/94	11:30 a.m. - 3:00 p.m.	Children's Action Alliance 4001 N. Third Street Phoenix, AZ

**AGENDA
CHILD CARE STANDARDS REVIEW COMMITTEE
ARIZONA DEPARTMENT OF HEALTH SERVICES**

**WEDNESDAY, OCTOBER 5, 1994
CONFERENCE ROOM 309
1740 W. ADAMS
Phoenix, Arizona
1:30 - 4:00 p.m.**

PHONE: 255-1272

- | | | |
|-----------|------|------------------------------------------------------------|
| 1:30 p.m. | I. | Welcome and Introductions |
| 1:45 p.m. | II. | Committee Structure and
Appointment of Chairs/Co-Chairs |
| 2:45 p.m. | III. | Overview of Sendate Bill 1005 |
| 3:15 p.m. | IV. | Planning Process and Timeframes |
| 4:00 p.m. | V. | Adjournment |

REVISED

MEETING MINUTES

**CHILD CARE STANDARDS REVIEW COMMITTEE
ARIZONA DEPARTMENT OF HEALTH SERVICES**

WEDNESDAY, OCTOBER 5, 1994

MEMBERS PRESENT: Steve Broe, Barbara Nelson, Craig Barton, Kevin DeMenna, Carol Kamin, Brenda Even, Sue Braga, Michael Bell, Nedda Shafir, Chuck Shipley, Barry M. Aarons

MEMBERS EXCUSED: Judy Walruff

STAFF PRESENT: **Implementation Team for SB 1005:** Marlene Morgan, Pat Ripley, Susan Benson, Catherine Mulligan, Lesley Schiraldi, Mary Howard, Camille Ferrari, Tony Zabicki, Gary Fortney

FACILITATOR: Margaret O'Donnell, PRISM, Inc.

Lynda Rahi, Associate Director for the Department of Health Services, opened the meeting.

I. WELCOME AND INTRODUCTIONS

Ms. Rahi introduced herself and welcomed Committee members, staff and public attendees. Ms. Rahi emphasized the Committee's role, explained staff's role and noted specific time schedules. She then introduced Virginia Blair, Acting Assistant Director, Office of Health and Child Care Licensure. Ms. Blair explained the mission of the office and stated that the Office of Health and Child Care Licensure would be available to assist the Committee with any needs they may have. Marlene Morgan, Program Manager for the Office of Child Care Licensure, was introduced. Ms. Morgan commented on the importance of public comments, explained that the Committee will operate under the guidelines of the Open Meeting Law and public hearing requirements. Ms. Morgan introduced Margaret O'Donnell and the implementation team from the Office of Child Care Licensure. Following Committee self-introductions, Ms. O'Donnell presented overheads explaining the primary purpose of the Committee and Senate Bill 1005. The Committee requested that individual copies of overheads be prepared for members for future meetings.

II. COMMITTEE STRUCTURE AND APPOINTMENT OF CHAIRS AND CO-CHAIRS

Ms. D'Donnell reviewed the agenda and discussed the rule of the Committee and options for electing a Chair and Co-Chair. A handout was disseminated regarding Conflict Management and Resolution. Discussion followed regarding this issue. Ms. O'Donnell also stressed the importance of full participation at Committee meetings and use of a substitute. It was determined that the law does not allow for substitutes. All members agreed that a representative may be present, but will not be able to participate in the voting process.

Members requested that agendas and minutes be sent out in enough time to prepare for future meetings. Mr. Aarons requested that staff prepare a recommended agenda to be disseminated to members before next meeting. It was also requested that review of minutes be the first agenda item and timeframes be eliminated and determination of future Committee meeting dates and times be put on agenda for next meeting. Resource information is to be submitted and centralized with Marlene Morgan. An agenda for each meeting should be prepared by co-chairs and facilitator. All concurred that Wednesday was a good meeting day and that meetings be held in the capitol area. Meetings will last for approximately three hours. The next meeting will be October 19, 1994 from 2:00 p.m. to 5:00 p.m. Times and dates for future meetings will be discussed at a later date depending on the availability of members' time and schedule. Members continued to discuss meeting structure. It was decided that all meetings will be held in compliance with the Open Meeting Law requiring a formal process of decision-making; all legal process will follow the law and rules of order. The Committee preferred that discussion leading toward a decision point be more informed and that the Committee would strive for consensus on issues when possible. All agreed that guest speakers would be permitted at meetings by invitation. Members requested a roster of staff support including ADE and DES. Steve Broe and Sue Braga were nominated and chosen Co-Chairs. This will be a formal agenda item and a vote will take place at the next Committee Meeting.

Members discussed the use of subcommittees. All agreed that subcommittees shall consist of six or fewer members. Mr. Aarons addressed the need for the Parliamentarian to work with the subcommittees. It was agreed that a Parliamentarian would be elected at the next meeting. Committee requested a summary of Rules of Order be sent to Committee members with agenda.

III. OVERVIEW OF SENATE BILL 1005

Senate Bill 1005 was reviewed by members. There was discussion regarding the roles and responsibilities of DHS, ADE and DES. Several possibilities for the lead agency were discussed. It was suggested that the Committee's first focus should be to achieve consensus on standards for square footage and staff-to-children ratios,

deliverables due by December 31. Staff distributed a handout of this information already collected. Questions from members were answered by staff regarding the report. Ms. Nelson requested cost information. DHS will attempt to gather cost information to be added to square footage and staff\child ratios.

The State of Arizona Child Care Study Report prepared by DES was distributed. Members discussed the usefulness of the report. Steve Broe suggested that the Committee look at other states, but try not to move towards national standards because of environmental differences. Members recommended that the current rules and regulations be reviewed to identify which are acceptable and which need to be revised. A brief discussion ensued regarding the standards of public sector vs. private sector. NAEYC standards were discussed. Michael Bell will provide documents from the Department of Education regarding this issue.

IV. PLANNING PROCESS AND TIMEFRAMES

Concern was expressed regarding public input and public hearings prior to the December 31 deadline. It was suggested that the committee focus on the larger issue facing the Committee for the deadline. Public hearing schedules must comply with required public notice lead time. It was recommended that information be gathered at public hearings in the state to get public testimony/input instead of at the end of process, work with existing standards for the first phase.

Suggested approaches:

1. Review private center rules and adapt to public school centers;
2. Start with basic questions about centers to get input using "Regulations follow the Child" philosophy, i.e., uniform regs for all centers;
3. Other options, (part of the charge);
4. NAEYC and NECP accreditation standards;
5. Nedda Shafir expressed concern that public school rules are being viewed as inferior to private section school rules.

V. PUBLIC COMMENTS

Public comments were made by the following individuals:

Healthier Wilmesher, Parks and Recreation

Ms. Wilmesher expressed concern as to how the Committee is going to affect parks and recreation programs. She noted that they do supply after-school programs and want to be on the front line of providing services. Ms. Wilmesher stated that the Department of Parks and Recreation will make every effort to have a representative present at all meetings.

October 5, 1994
Page 4

Child Care Standards Review Committee
Arizona Department of Health Services

Renee Chambers, Madison School District
Representative After School Programs

Ms. Chambers expressed concern that the Committee look at the scope of public schools. She stated the public sector is concerned for the health, safety and well being of children and that their programs should be respected.

VI. ADJOURNMENT

Meeting adjourned at 4:00 p.m.

cf

**CHILD CARE STANDARDS REVIEW COMMITTEE
MEETING**

OCTOBER 5, 1994

PRESENT:

ABSENT:

MEMBERS:

Steve Broe
Barbara Nelson
Craig Barton
Kevin DeMenna
Carol Kamin
Brenda Even
Sue Braga
Michael Bell
Nedda Shafir
Chuck Shipley
Barry M. Aarons

Judy Walruff

IMPLEMENTATION TEAM:

**DEPARTMENT OF HEALTH SERVICES
OFFICE OF CHILD CARE LICENSURE**

Marlene Morgan
Pat Ripley
Susan Benson
Catherine Mulligan
Lesley Schiraldi
Mary Howard
Camille Ferrari

**DEPARTMENT OF ECONOMIC SECURITY
DES CHILD CARE ADMINISTRATION**

Tony Zabicki

DEPARTMENT OF EDUCATION

Gary Fortney

AGENDA

CHILD CARE STANDARDS REVIEW COMMITTEE ARIZONA DEPARTMENT OF HEALTH SERVICES

WEDNESDAY, OCTOBER 19, 1994

CAPITAL BUILDING, 8TH FLOOR CONFERENCE ROOM
1700 WEST WASHINGTON
PHOENIX, ARIZONA
2:00 p.m. - 5:00 p.m.

PHONE: 255-1272

- I. Welcome, review and approval of 10/05/94 meeting minutes
- II. Additional Committee process issues
 - Clarify roles of Co-Chairs and Facilitator
 - Meeting communication guidelines
 - Consensus process
 - Rules of Order summary and procedures
- III. Review of Additional Data Requested From Implementation Team
 - Clarify type of "cost" information needed
 - Highlights of NAEYC, NECPA and other standards
 - Pre-School age information
 - Other data
- IV. Discussion and Clarification of Key Terminology and Issues
 - "Comparable" vs. "Uniform"
 - Exemptions and Inclusions
- V. Square Footage and Staff-to-Children Ratios
 - Presentation by Gary Fortney, ADE, on current private and public school regulations
 - Determine timetable for completing recommendations report by 12/31/94 due date
 - Determine process for getting public input on this topic
- VI. Meeting Evaluation and Agenda for Next Meeting
- VII. Public Comment
- VIII. Adjournment

**AMENDED MEETING MINUTES
CHILD CARE STANDARDS REVIEW COMMITTEE
ARIZONA DEPARTMENT OF HEALTH SERVICES**

WEDNESDAY, OCTOBER 19, 1994

MEMBERS PRESENT: Steve Broe, Barbara Nelson, Craig Barton, Kevin DeMenna, Carol Kamin, Duane Yourko (for Judy Walruff), Brenda Even, Sue Braga, Michael Bell, Nedda Shafir, Chuck Shipley, Barry Aarons

MEMBERS EXCUSED: Judy Walruff

STAFF PRESENT: Implementation Team for SB 1005: Susan Benson, Pat Ripley, Lesley Schiraldi, Mary Howard, Marlene Morgan, Virginia Blair, Tony Zabicki, Gary Fortney, Catherine Mulligan

FACILITATOR: Margaret O'Donnell, PRISM, Inc.

Co-Chair Steve Broe called the meeting to order at 2:05 p.m. and initiated Committee, Staff and Public Attendee introductions.

I. APPROVAL OF MINUTES - 10/5/94

Mr. Aarons stated that he had a problem with the minutes from the October 5 meeting. He stated the minutes were not in the proper format and suggested tabling approval of the October 5 minutes until the November 2 meeting, at which time they could be submitted in public meeting format. Shirley Anderson has the appropriate format for minutes, and can be of assistance in correcting the October 5 minutes. Mr. Aarons suggested utilizing someone who was familiar with state type meetings to take the minutes.

Ms. Even stated that in Item III, Overview of Senate Bill 1005, it was suggested that the DHS be the lead agency. She said we had suggested several different possibilities at that time, but did not believe we came to any conclusion regarding a lead agency. She requested the minutes be changed to reflect this.

Mr. Aarons also stated that the Agenda for today's meeting was incorrectly formatted. The agenda needs to have "Action Items" indicated, before any action can be taken.

Ms. O'Donnell stated that none of the support team were aware of a certain format needed for the agenda or minutes. The procedure used was typical of meetings at DHS. The agenda for today's meeting was developed with the two Co-Chairpersons.

Mr. Aarons made a motion to postpone approval of the October 5 minutes until the November 2 meeting, at which time they will be redrafted in the correct format. The motion carried.

II. ADDITIONAL COMMITTEE PROCESS ISSUES

Ms. O'Donnell reported that a number of points came up while preparing today's agenda. She reviewed the proposed agenda, stating that the bulk of time would be spent on Item V. Square Footage and Staff-to-Children Ratios. She also stated a desire to develop a firm timeline for the Committee to develop the recommendations and report by the 12/31/94 due date.

O'Donnell stated that Steve Broe and Sue Braga will be alternating as Chairpersons for the meetings. The Chairperson will open and close the meetings and call for votes. She will be in support of the chairs, attempting to keep the Committee on track.

O'Donnell, Broe and Braga had compiled Guidelines for Meeting Communication. Group consensus was preferred. Broe stated that he felt too much emphasis on formal structure will inhibit free speech, however it does need to be formal for decision making. O'Donnell said they would like to identify areas the group agreed upon as a starting point for recommendations.

III. ADDITIONAL DATA REQUESTED

O'Donnell stated that there had been a request from the Implementation Team for clarification with regard to "cost" information needed. Ms. Nelson stated that costs in different parts of the country are very different from the West. We need to know the affordability factor. Ms. Kamin stated that cost information depends on what we are talking about. She said we may need to talk about cost after we have completed the square footage and staff-to-child ratios. O'Donnell stated that an issue was raised last time that without the cost information, the reports were not as useful. The Implementation Team then tried to gather cost information, but what kind of cost information was not clear to them. Nelson stated it was a component of affordability.

Mr. Zabicki reported that States determine market rates, and that not all are required to conduct market rate surveys. There is no conformity between state to state on this type of survey. There is no information that will identify this number across the board. It would have to be created, but that might not be possible.

Mr. DeMenna felt that if such cost information was available, the Committee would be adding a third column laid out along side of the current data, including whatever the other states' data is.

IV. DISCUSSION AND CLARIFICATION OF KEY TERMINOLOGY AND ISSUES

By Committee request, Agenda Item IV was skipped in favor of moving to the next topic.

V. SQUARE FOOTAGE AND STAFF-TO-CHILDREN RATIO

Aarons stated that it is the obligation of the Committee to prepare by December 31, 1994, how to apply square footage requirements and staff-to-child ratios. There are three questions involved: 1) Are current ratio requirements a problem; 2) What would be the circumstance of applying those to the public sector; and 3) Gathering the evaluation from the public sector on applying those standards. I would like to hear from public or private sectors regarding any discriminatory problems, and then would like to hear problems of regulations on each sector. Kamin and Aarons expressed their desire not to become bogged down with other information. Aarons stated that he wanted to know about what is happening in our state, before he looked at data from other states.

Nelson stated first we have to decide if we do have a problem. People in the industry seem comfortable now, but by the same token, we have to watch if any change should occur. What we do may make it impossible for the private sector to expand. We could have a tremendous affect. Aarons questioned if it is because the private sector is under certain zoning requirements and the public sector providing comparable care is not under these zoning requirements, there is a competitive disadvantage. Next, would an application of rules private is under, if applied to public, affect them. He would like testimony by private and public sector, and thinks that is more important than data we can gather.

Kamin stated that the Committee's focus is square footage. She asked if a square footage of 25 per child, depending upon age, is a problem. Nelson stated that it did not seem to be a problem for private sector. Kamin asked if it is a problem for the public sector. We need to find that out for Arizona, as well as whether the staff-to-child ratio is a problem.

O'Donnell asked if the Committee should go any further in attempting to collect this data. DeMenna said he didn't feel it was a problem to get any data that has already been gathered and put it into an extra column. This extra information is not as important as our main focus of square footage and staff-to-child ratio, but if the state has the information, we should get it.

Shiplely wanted to know who the private and public sectors were accountable to. Broe suggested looking at the differences between the private and public sectors.

DeMenna stated he believed the private sector was willing to consent the point that the current standards are adequate at this time.

Aarons stated that he was ready to hear anyone who wished to testify on the issues. He suggested suspending the agenda and going directly to public comment.

Presentation on Square Footage and Staff-to-Child Ratios

O'Donnell stated that Gary Fortney of the Department of Education had prepared new information within the last two weeks with regard to square footage and staff-to-child ratios. Mr. Fortney stated that he distributed a survey to all Arizona schools and districts, giving them an opportunity to respond on their situation regarding square footage requirements and staff-to-child ratios. Due to time restrictions, only 22 were received back. Eleven met ADHS and the others exceeded it. There is only about a 10% representation here, but 50% said there was no problem. There are 216 districts with approximately 1,160 schools. All of the respondents met Arizona Health Services Rules and Regulations. (See attached survey)

VII. PUBLIC COMMENT

Anne Book of the Cave Creek School district was introduced. She stated that only one school in the district was used for child care. We have chosen to follow the guidelines of the Health Department. DeMenna questioned Book, stating that the District adheres to the Health Department guidelines, but does not have a license. Book stated that Department of Economic Security visits them as well as the Department of Education. There is not a person from the Department of Health that visits. The parents also oversee the program.

Evelyn Holbrook of the Cave Creek District stated we aim for a ratio of 10 children per child care provider. Nelson questioned why the DHS has jurisdiction. Holbrook stated that they applied their qualifications to obtain their support.

Kamin stated the evidence suggests that the DHS guidelines are being met or exceeded in public schools.

Renee Chambers of the Madison School District was introduced. She referenced Quality Criteria as one of their sources. They provide 35 square feet of usable floor space indoors and 75 square feet of space outdoors per child. Number of instructors varied with age. The ratio is 1 to 12 for 6 to 8 year olds and the same for 9 and up. We use ASQ rules as a tool. We have a team regularly evaluating and overseeing our program. We seek to exceed what is offered by the private sector. Size has not been an issue. Aarons asked if their District would be adverse to applying the standards required for the private sector to their operation. Ms. Chambers said no.

There was discussion between Bell and DeMenna regarding school "programs." Kevin quoted those as being "custodial care outside of normal school hours." The Cave Creek District expressed concern should square footage and staff regulations be applied to other types of programs which were academic and instructional. Kamin felt the Committee needed to be clear on what types of programs their recommendations would effect within the public schools.

Kim Phifer of the Kyrene School District was introduced. She stated that regarding staff-to-child ratios, the district's policy was 1-10 for ages 5 - 7, 1-12 for 7 and up. There is a committee of Board members and parents overseeing. We are in line with the Madison district. The School Board supervises the program. She was asked if they were inspected. Phifer stated that some committee members do come to inspect, and they have not found any lack of compliance. Shipley questioned what the consequences would be if they did find lack of compliance. Phifer stated it would be reported to the School Board and written up with a plan for correction. A person's job could be in jeopardy over a lack of compliance.

Marlene Morgan stated consequences for private sector lack of compliance on an ongoing basis would include suspension, sanctions, civil penalties, revocation of license. Bell asked what the consequences for a first time violation would be. Morgan stated they would be written up and there would be discussion with the inspector of how to come under compliance. This becomes a matter of public record for private centers.

Pat Brandenberger of the Osborne District was introduced. She stated that she has worked in child care in both the private sector and now public. The school district is way above private standards. In private, there is licensing and the health inspector can be alerted. In the schools, if there is anything out of line, the School Board and Superintendent are called immediately. Square footage is not really an issue for schools because of the size of the facilities. We will not cram children into a small space.

Bell stated that there seems to be a structure in place at the public level because of the elected school boards. DeMenna stated that there seems to be a consensus among the public sector that they are regulated by their clients. However, would we want to use the same system for the private sector? Mr. Craig Barton stated that there were approximately 540 regulations for the private sector, rather than approximately 15 for the public. Bell stated that there are numerous regulations which school districts have to operate under that we are not hearing here. There are enormous numbers of regulations for the schools which cannot be discounted for child care within the school. He didn't think we could ever do exactly the same thing in private and public. We are looking at ways to get outside of boxes instead of into them. He felt there could be equity, but not all the same.

Braga affirmed the idea of comparable, but not exact, within the same range. Right now we need to focus on the square footage and staff-to-child ratios. Regulations might be a separate issue for after December 31. Aarons also stated that he wanted to take care of the December 31 square footage and staff-to child requirement first. The other issues may be addressed by June 30.

Duane Yourko stated that the motivation for programs between the public and private sector are different. The schools are service organizations, whereas the private are entrepreneurs who do generate profit, and that is why regulations have been needed to prevent abuse.

Kamin stated she felt there was a general agreement that applying private sector square footage and staff-to-child ratios to the public sector was not a big deal. Who regulates is an issue. Shipley agreed that everyone seemed to feel comfortable with size. Broe said it was important that we agree on some minimum standards.

Ms. Even requested a copy of the letter sent to the School Districts by Mr. Fortney.

The Committee recessed for 15 minutes at 3:45.

Broe called the meeting back to order. O'Donnell stated that she felt there had been productive discussion and the Committee was moving closer to understanding each other. She stated that there had been much discussion and quality of the conversation was important, for which the committee is responsible. With regard to our Guidelines for Meeting Communication, the Committee needs to determine what is working and what is not. Nelson felt the Committee needed to learn how to disagree agreeably, and not be insulting. Shafir request that there not be side conversations, in that everyone might benefit from those discussions. Aarons stated that he resented process orientation. He felt it was a waste of his time and he wanted to get directly back to the issue of square footage and staff-to-child ratios.

Aarons suggested that the Chairs appoint four persons to a subcommittee. Those four people should establish a draft document on the square footage and staff-to children ratios and also delineate what types of programs. They would then be responsible to present this as a draft report we could take public comment on and act upon. Even if the Committee does not agree upon such document, we could at least take public testimony.

DeMenna stated that he was hearing a high degree of consensus and that possibly the Committee could put something on paper now.

there are those of us not familiar with legislative process. If we are going to operate in that manner, then we need to all be made familiar with the process so that we are not belittled. She felt it is critical to move ahead, but that she did not know the rules right now.

Bell supported the subcommittee idea and stated he would like to see something on paper. He stated he is relying on the Chairs for procedure, and would like to see the subcommittee information provided in a timely manner.

Broe stated he liked action, not a subcommittee. He asked what the problem would be with a straw vote. Aarons stated that it is not allowed. We cannot take an unannounced vote. Aarons suggested having the subcommittee draft submitted a week before the next Committee meeting.

Kamin asked if the Committee was mandated to go throughout the State for comment by December 31. Aarons stated that the Committee should break into three committees to go out and get the testimony. Marlene Morgan stated that open meeting law information was provided in the Committee's packet.

DeMenna suggested the following statement for the subcommittee:

"The CCSRC recommends that the existing adult to child ratios and square footage requirements contained in (regulation) be extended to Arizona Public Schools. This recommendation is intended to:

- a. Become effective as provided under Chapter 5, Laws 1994, 9th Special Session; and,
- b. Meet the requirements of Section 4, Subsection A, Paragraph 6 of that chapter.

The recommendation in no way speaks to the issue of enforcement or administration of the adult to child ratios or square footage requirements."

Kamin stated the issue of public school "programs" still needs addressing, but that this statement is a good starting point for a subcommittee. Even added that there might be education laws that need to be referenced as well.

Broe appointed the following subcommittee members:

Michael Bell
Steve Broe
Kevin DeMenna
Carol Kamin

A motion was made and approved to adopt the subcommittee. The subcommittee will meet Monday, October 24 at 2:00 p.m. in this conference room.

Following discussion regarding public hearings on the issue of square footage and staff-to-children ratios, it was recommended that public hearings be properly noticed and scheduled for December 7 in the six DHS Districts commonly utilized for such hearings.

VI. MEETING EVALUATION

O'Donnell requested feedback on the group process.

Positive

DeMenna felt that it had been a positive meeting and moved along well. The environment was good. Broe felt there had been frank discussion of issues and a strong flow of conversation. Shipley commented that we did achieve an outcome of getting one task on the right track, we moved forward.

Negative

Barton felt the Committee tended to get off-track. Kamin felt tension with regard to process. She felt the Committee had good information, could talk to each other, but was feeling crunched by the time frame. Shipley would like to see the facilitator keep the Committee on track with regard to the topic of discussion. Aarons stated the Chairperson is in charge of the meeting, with the facilitator assisting on the discussion of a particular issue.

With regard to the minutes and agenda for the next meeting, Aarons stated that Shirley Anderson agreed to submit samples and that Staff should help put together the agenda, with the Co-Chairs approving and circulating it. He also stated that all meetings of the Committee should be declared public hearings.

VIII. ADJOURNMENT

Broe stated that he enjoyed the meeting and felt it was productive. DeMenna made a motion to adjourn the meeting. The meeting was adjourned at 4:50 p.m.

Respectfully submitted by:

Jayne Brennan
for PRISM, Inc. Consultants

**CHILD CARE STANDARDS REVIEW COMMITTEE
OCTOBER 19, 1994**

NAME	ORGANIZATION	ADDRESS
Irene Jacobs	Children's Action Alliance	4001 N. 3rd St., #160, Phoenix
Jackie Lewis	ACCA, Northern	8808 N. Central, Phoenix 85020
Joy Bauer	ACCA, Northern Chapter	8808 N. Central, Phoenix 85020
Linda Valdez	Arizona Republic	
Shirley Anderson	AZ House of Rep./Health Com.	
Evelyn Holbrook	Cave Creek Unified Sch. Dist.	Box 426, Cave Creek 85331
Anne Baok	Cave Creek School	Box 426, Cave Creek 85331
Shirley Branham	ASU	Box 8374, Phoenix 85066
Gary A. Fortney	ADE - Staff	1535 W. Jefferson, Phoenix 85007
Tony Zabicki	DES - Staff	1789 W. Jefferson, Phoenix 85007
Rene Manning	ADHS	1740 W. Adams, #200, Phx. 85007
Billie Barnes	Roosevelt Head Start	6000 S. 7th St., Phoenix 85040
Lana Horn	Roosevelt Head Start	6000 S. 7th St., Phoenix 85040
Rosalie Lopez	ADHS	1740 W. Adams, Phoenix 85007
Dianne S. Crismon	Greater Phx. Ed. Mgt. Council	4502 N. Central, Phoenix 85012
Renee Chambers	Madison Sch. Dist. #38	5601 N. 16th St., Phoenix 85015
Kim Phifer	Kyrene School District	8700 S. Kyrene, Tempe 85284
Jane Romatzke	City of Tempe (TASEP)	3500 S. Rural, Tempe 85282
Lois Zimmerman	Washington School District	7337 N. 19th Ave., Phoenix 85021
Mirhod Fransbe	House Minority Staff	1700 W. Washington, Phoenix 85013
Kithy Hermes	Creighton School District	2702 E. Flower St., Phoenix 85016
Pat Brandenberger	Osborn School District	1226 W. Osborn St., Phoenix 85013
Lance Johnson	Senate Research Staff	Capitol Complex, Phoenix 85007

**CHILD CARE STANDARDS REVIEW COMMITTEE
OCTOBER 19, 1994**

NAME	ORGANIZATION	ADDRESS
Mark Romens	ACCA	1830 S. Alma School, Mesa 85210
Sue Lefebvre	VSAEYC	6102 N. 14th St., Phoenix 85014
Jane Wernehin	Ironwood Pr. School	14850 N. 39th Ave., Phoenix 85023
Dave Yourko	Representing Judy Walruff	
Craig Barton	Committee Member	
Steve Broe	Committee Member	
Sue Braga	Committee Member	
Nedda Shafir	Committee Member	
Barry M. Aarons	Committee Member	
Michael J. Bell	Committee Member	
Kevin De Menna	Committee Member	
Barbara Nelson	Committee Member	
Chuck Shipley	Committee Member	
Brenda Even	Committee Member	
Yayne Yates	Committee Member	4110 W. Northern, Phoenix
Susan A. Benson	OCCL - Staff	1647 E. Morten Ave., #230, Phoenix 85020
Lesley Schiraldi	OCCL - Staff	1647 E. Morten Ave., #230, Phoenix 85020
Pat Ripley	OCCL - Staff	1647 E. Morten Ave., #230, Phoenix 85020
Catherine Mulligan	OCCL - Staff	1647 E. Morten Ave., #230, Phoenix 85020
Mary Howard	Admin.Services,Assoc.Dir-Staff	1647 E. Morten Ave., #230, Phoenix 85020

**CHILD CARE STANDARDS REVIEW COMMITTEE
OCTOBER 19, 1994**

NAME	ORGANIZATION	ADDRESS
Marlene Morgan	OCCL - Staff	1647 E. Morten Ave., #230, Phoenix 85020
Virginia Blair	ADHS - HCCLS	1647 E. Morten Ave., #220, Phoenix 85020

MEETING MINUTES

CHILD CARE STANDARDS REVIEW SUBCOMMITTEE ARIZONA DEPARTMENT OF HEALTH SERVICES

MONDAY, OCTOBER 24, 1994

MEMBERS PRESENT: Steve Broe, Michael Bell, Kevin DeMenna, Carol Kamin, Judy Walruff

STAFF PRESENT: Marlene Morgan, ADHS, Pat Ripley, ADHS, Camille Ferrari, ADHS

AUDIENCE PRESENT: Rosalie Lopez, ADHS, Don Schmid, ADHS, Mark Romens, ACCA, Barbara Robey, Arizona School Boards Assoc.

* DHS staff began recording minutes at this point.

Carol Kamin questioned whether public school programs should have the same standards as private.

Kevin DeMenna requested input from the Department of Health Services.

Discussion regarding cooperative program for teenage mothers.

Marlene Norgan was requested to give a definition of "Premise."

Marlene sited on the following:

"not on premises of a facility"

A parent, guardian or custodian is not in the building or an annex to the building where child care is being provided. An annex is defined as an area which shares common ground with the building. If an annex is an outdoor area, it must be close enough so that a parent, guardian or custodian is responsible for the care, supervision and guidance of their child, especially in case of an accident or emergency. An area 500 ft. from the building where child care is being provided is presumed to be an "annex" for the purpose of this definition.

Carol Kamin stated that on-premise programs should comply with DHS state child ratios and square footage.

Mark Romens stated he had a problem with 14 and 15 year olds being aids. All agreed that they would have to be 16 years of age or older.

Gary Fortney and Michael Bell discussed the problem with 14 and 15 year olds being counted in the ratios as staff. It was agreed that in the Hero/Strive programs at the high school level only 16 year-olds be counted in the ratios. Teenage parents who are under the age of 16 who were participating in the program may be present with supervision but shall not be counted in the ratios.

A discussion followed regarding the presence of Dads who were not participating in the Hero program. If not taking the course, they will not be counted in ratios regardless of age.

This was agreed by all present.

Child Development and Child Care Education Programs shall be exempt.

Pat Ripley stated that a baby be counted in the child ratio even though the mother is present.

DHS will develop language regarding teenage mothers taking child development classes and if they can be counted in the ratios.

Committee discussed several federal programs that are excluded:

- migrant programs
- special education programs
- bi-lingual
- Indian

It was agreed that federally funded mandated programs that meet or exceed requirement regarding square footage and ratios be exempted. This does not include Chapter I or Head Start Programs.

Gary Fortney stated that special education children federally funded are contracted out to private agencies.

Gary gave the ratios for special ed. children 3-4 years olds 1:6; 1:3 recommended.

There was a discussion regarding federally mandated programs and how they are regulated.

Steve Broe questioned whether or not private programs would ever be mandated.

It was reiterated 14 and 15 year olds will not be counted in Hero/Strive programs and statute will have to be augmented.

Child Care occupation 15 years of age or under does not count. Must be 16 or older.

Staff to implement language and present to the Attorney General's office for approval before submitting to Committee. Exemptions are to be added to the language.

Marlene suggested that Gary Fortney assist DHS staff. Gary advised he will be out of town.

Marlene asked if group homes should be addressed regarding square footage and ratios. Steve Broe stated he was comfortable with Centers only.

Kevin DeMenna requested DHS staff to obtain Attorney General's opinion for the following:

1. premises;
2. compensation;
3. extended day-kindergarten programs.

Committee requested DHS staff to have a draft by the end of the business day Thursday, October 27, 1994. Also requested that the information be faxed to Michael Bell.

Steve Broe requested public comment. None given.

Meeting adjourned 4:00 p.m.

*** Minutes taken by Camille Ferrari, DHS staff.**

CHILD CARE STANDARDS REVIEW SUBCOMMITTEE

October 24, 1994

Called to order by at 2:47 pm

The draft resolution under consideration was already read by the chairman.

Kevin DeMenna suggested that they need to develop a framework. He said that A and B are too specific and that we should stipulate on an inclusionary and exclusionary basis. What programs are subject to regulation and which programs are not intended to be subject to regulation.

Carol Kamin said they need a list of programs. She requested help from the audience. What programs in schools should be subject to regulation?

Michael Bell, Ph.D., Chapter 1 preschool, Evenstart (babysitting components not preschool but educational and during the course of the school day).

Kevin DeMenna referenced paragraph 3 of 883-04 which talks about public school exemptions. He stated there are clear exceptions. He mentioned the private sector interest in such issues as the center on a high school campus for day care.

Carol Kamin suggested that Chapter 1 and at-risk preschool would be required to comply with regulations.

Michael Bell, Ph.D., In reference to public school exemptions he mentioned the section where for children who are not enrolled in 1-12 that portion providing day care is subject to the standards. What is the definition of day care?

Carol Kamin said that daycare was defined in statute in Title 36.

Gary Fortney, Dept. of Education, said that the Attorney General has defined daycare to include compensation.

Mr. Chairman? said that the issue of compensation is tied to daycare.

Gary Fortney said that compensation could be trading.

Michael Bell, Ph.D., said that for special programs and special education programs which are federally funded, you don't want to constrain academic efforts.

Carol Kamin said that a list might include the portion of the schools where the following programs exist: after school daycare, preschool, afterschool, chapter 1, and federal special education programs.

Child Care Standards Review Subcommittee

October 24, 1994

Page 2

Michael Bell, Ph.D., said we need to give latitude to the schools to bring federal programs in-house.

Kevin DeMenna said he wants it to be simple.

Michael Bell, Ph.D., asked about extended day kindergarten.

Gentleman from the audience said that Scottsdale district is required to become licensed.

Kevin DeMenna asked that the committee obtain a copy of the Attorney General opinions.

Carol Kamin asked what is kindergarten and what is daycare? She told a story about Madison school where extended daycare was taught by a teacher but was charging a nominal fee for instruction. A.G. says they need to be licensed?

Kevin DeMenna suggested that one is compensation and the other is property taxes.

Carol Kamin brought up what may also be included here such as Chapter 1, Evenstart, Federal Programs, migrant and indian programs.

Kevin DeMenna suggested that they could prepare a list of all included but that the list would inevitably have an omission.

Michael Bell, Ph.D., said that simplicity is the key.

* Minutes taken by Danielle Malody prior to the arrival of DHS staff.

**CHILD CARE STANDARDS REVIEW SUBCOMMITTEE
OCTOBER 24, 1994**

COMMITTEE MEMBERS:

Steve Broe
Michael J. Bell
Kevin DeMenna
Carol Kamin
Judy Walruff

STAFF MEMBERS:

Marlene Morgan, DHS
Pat Ripley, DHS
Camille Ferrari, DHS
Gary Fortney, ADE

AUDIENCE PRESENT:

Rosalie Lopez, ADHS
Don Schmid, ADHS
Mark Romens, ACCA
Barbara Robey, Arizona School Boards Association

**CHILD CARE STANDARDS REVIEW COMMITTEE
ARIZONA DEPARTMENT OF HEALTH SERVICES**

**Capitol Building, 8th Floor Conference Room
1700 West Washington Street
Phoenix, Arizona 85007
November 2, 1994
2:00 P.M. to 5:00 P.M.**

AGENDA

- | | | |
|-------|-----------------------------------------------------------------------------------------------------------|-------------------|
| I. | Call to Order/Declaration of Quorum | Action |
| II. | Election of Committee Co-Chairs | Action |
| III. | Approval of Minutes | |
| | 1. Meeting of October 5, 1994 | Action |
| | 2. Meeting of October 19, 1994 | Action |
| IV. | Committee Organization/Procedure | |
| | 1. Adoption of Rules of Order | Action |
| | 2. Selection of Parliamentarian | Action |
| | 3. Subcommittee Policy | Action |
| V. | Scope of Committee Mandate under
Senate Bill 1005 | Review |
| VI. | Proposed Standards for Square Footage and
Staff Ratios in Public School-based Child Care
Facilities | |
| | 1. Selection of Working Subcommittee to
Draft Standards for Review | Action |
| | 2. Public Comment Process | Action |
| | a. Meeting Locations/Timetable | |
| | b. Meeting Chairperson Assignments | |
| | c. Public Notices | |
| | d. Agenda for Meetings | |
| | 3. Subcommittee Recommendation on
Proposed Standards | |
| VII. | Next Steps | Discussion/Action |
| VIII. | Other Business | Discussion |
| IX. | Date of Next Meeting(s) | Discussion/Action |
| X. | Call to the Public | Action |
| XI. | Adjournment | Action |

**CHILD CARE STANDARDS REVIEW COMMITTEE
ARIZONA DEPARTMENT OF HEALTH SERVICES**

WEDNESDAY, NOVEMBER 2, 1994

MEMBERS PRESENT: Sue Braga, Judy Walruff, Barbara Nelson, Craig Barton, Nedda Shafir, Kevin DeMenna, Michael J. Bell, Carol Kamin, Steve Broe, Chuck Shipley, Brenda Even, Barry M. Aarons

STAFF PRESENT: Implementation Team for SB 1005: Virginia Blair, Gary Fortney, Mary Howard, Marlene Morgan, Catherine Mulligan, Lynda Rahi, Pat Ripley, Lesley Schiraldi

FACILITATOR: Margaret O'Donnell, PRISM, Inc.

I. CALL TO ORDER / DECLARATION OF QUORUM

The meeting was called to order at 2:09 p.m. by Co-Chair Sue Braga. She stated the Committee had enough members present for a quorum. She also advised that the agenda would be followed in order as written.

II. ELECTION OF COMMITTEE CO-CHAIRS

Nedda Shafir made a motion to approve Sue Braga and Steve Broe as Co-Chairpersons for the Child Care Standards Review Committee. Barry Aarons seconded the motion. All were in favor.

III. APPROVAL OF MINUTES - Oct. 5 & Oct. 19, 1994

Braga stated that the minutes of October 5 had been redrafted to be reflective of the format provided by Shirley Anderson. Aarons moved to dispense with the reading of the minutes for October 5 and October 19 and approve them as distributed. Bell seconded the motion. All were in favor.

Corrections to the minutes of October 19 were noted as follows. Nelson stated that on page 2, Item III, paragraph 2, she felt Tony Zabicki had made the statements reported rather than Mr. Bell. Aarons noted the misspelling of his name. Nelson corrected the statement on page 3, paragraph 2, "What we do may make it difficult for the private sector to expand". She stated that the word "difficult" should be replaced with "impossible". Nelson also noted on page 4, paragraph 2, the abbreviation "DHS" should be replaced with "DES" in the sentence "Nelson questioned why the DHS has jurisdiction."

Broe made a motion to accept the amended minutes. Aarons seconded the motion. The motion was unanimously approved.

IV. COMMITTEE ORGANIZATION / PROCEDURE

Braga stated that the following are housekeeping issues. She said that the Committee needed to accept their rules of order as the Roberts Rules. Shipley moved to continue utilizing the Roberts Rules. Aarons seconded and the motion was unanimously approved.

Braga stated that the Committee needed to select a Parliamentarian. Aarons was suggested as Parliamentarian. Braga asked for those in favor of Aarons as Parliamentarian. All were in favor.

Braga stated that the Committee needed to determine if there would be a policy for the subcommittees, such as a chairman or any following of procedure. Shipley asked if that would not be covered under the Roberts Rules of Order, as well as the fact that the Committee Co-Chairs have the right to select committee members. The Committee agreed with the continued use of the Roberts Rules of Order, and with Shipley's statement regarding selection of committee members. Kamin felt that under most or all circumstances it was important for DHS Staff assist with the subcommittees. Braga stated it was particularly important DHS be at subcommittee meetings for minutes or any other information required.

V. SCOPE OF COMMITTEE MANDATE UNDER SENATE BILL 1005

Braga provided a hand-out noting the Exemptions to Senate Bill 1005.

Shipley asked if there was a roster of public present. Marlene Morgan stated that there is a sign-in sheet at every meeting.

Braga stated that the Committee needed to go over the exemptions to understand that the legislative intent was not to include group homes and other exemptions as you see on the list handed out. She advised that Shirley Anderson clarified that under Senate Bill 1005, this is an interim lay committee to follow the open meeting laws and it is not a legislative committee.

Marlene Morgan stated that there is an exemption that has been left off, #7, which is the Arizona School for the Deaf and Blind. It is in the longer packet, but not in the list which was handed out.

**VI. PROPOSED STANDARDS FOR SQUARE FOOTAGE AND STAFF RATIOS
IN PUBLIC SCHOOL-BASED CHILD CARE FACILITIES**

Braga stated that again there is a housekeeping item here, and she called for a motion to ratify the subcommittee. Bell stated that the Committee did not need to do that. Aarons stated that the Co-Chairs have the authority to appoint the subcommittee.

Braga asked Marlene Morgan to address the issue of the Public Comment Process. Morgan referred to the packet handed out. She stated that she had gotten clarification from the Department and we are not bound by the 30 day public hearing notices. There is a list of dates in the packet which will serve as a timeline, and will allow us to get the information back to the Committee from these public hearings by the December 7 meeting.

Shipleigh asked if Morgan really felt there would be a turn out for the public hearing in Flagstaff on a Friday evening between 5 and 8 p.m. Morgan stated that we are somewhat boxed in with regard to available times. She also stated that she often hears the public request an evening time as being best. She also stated these are tentative dates and the Committee may change them if desired. Nelson stated that based on past history in Tucson, people will be there. Broe felt there would be a turn out because of the high interest in the issue.

Kamin requested that the Committee discuss format for the public hearings. Shipleigh stated that it is his experience that when you have a public hearing, it is to receive input from the public, but not to debate issues. If questions are asked, we do not necessarily have to have the answers at that time, but we should be able to note those questions and get back to the individual. Mostly we will be sitting and listening to what people have to say.

Morgan stated that the question before the Committee is whether they approve of the draft letter and do they want it sent out. We will put notices in the public newspapers, but in addition to that, would you like to have a mailing go out and to whom. There are over 1,500 private providers which we can mail to. Braga stated that the information should probably go to the Superintendents of schools in all the Districts. Shipleigh felt the 1,500 providers should receive the mailing, since this will affect them. Bell stated that he could provide the list of Superintendents, and also suggested that the principals of individual schools also receive any mailing, being the site managers. Morgan stated any mailing labels Bell could provide would help. Barton asked about schools that are not part of the public schools. Morgan stated that she would not have any information on them, and would request direction from the Committee. Walruff asked if there was also a list of teen parent programs, and that they be included as well. Even asked about the Parks & Recreation Districts. Braga felt they might as well be notified, although there was question as to whether

they fell under the exemptions. DeMenna stated that in theory, under Paragraph 6 they are like the school for the deaf and blind, and more or less outside the scope of what we are about. Bell stated that it might be appropriate to contact the 7 non-profit agencies administrative offices (Head Start). The information might go to the site, but not administration. Morgan stated that their mailing list currently goes to the administrative offices.

The Committee agreed upon the following representatives at the public hearings:

<u>LOCATION</u>	<u>MEMBERS</u>
Flagstaff	Bell Braga
Yuma	Broe Walruff (Shipley)
Phoenix	Barton Kamin Shafir
Tucson	Aarons Nelson Shipley

Morgan stated that Staff could be available at the Flagstaff meeting. Yuma was more difficult. The Committee agreed that they would like Staff present at all the public hearings. Morgan wanted to be sure the Committee approved of the proposed letter, agenda and attachments that were to go out in the mailing. She also stated the Committee would need to sign the letter.

Shipley stated that he had a question on Agenda Item #3. Will there be a Staff member present to give the background, or will this be up to the Committee members? Morgan stated that it could be done either way. Kamin requested that if a Committee member is responsible for reporting on background, that a Staff member write down what should be said, so that all Committee members say the same thing. Morgan stated that they will prepare a script.

Walruff asked that Staff set up protocol in terms of how long a person might speak. Aarons stated that a normal standard is a five minute limit. He also suggested the use of sign-in sheets for each person and that they hand that in to the Chair so that the Chair can call people one at a time on a first come, first served basis. Those sign-up sheets should also have the name and address and any affiliation they wish to declare.

Shafir stated that in reading the proposed letter, it was not clear as to why the Committee is getting public input. She felt there needed to be a statement of why the Committee is together and their timeline, with reference to the Senate Bill. This might lend itself to any further hearings.

Morgan stated that due to the time restraints, she needed to know who would have the authority to approve the revised language. The Co-Chairs would have approval. Broe requested that Braga approve the language.

Subcommittee Recommendation on Proposed Standards

Braga stated that Margaret O'Donnell will facilitate this portion of the meeting, soliciting comments or recommendations from the Committee on the proposed standards submitted by the subcommittee.

O'Donnell stated that Committee members received a two-page detailed subcommittee recommendation in their packets. She stated the process to be used for this portion of the meeting will be to go around to each Committee member for questions, clarifications or comments they may have. We will go through one at a time.

Kamin requested to go first as she had revisions to the subcommittee recommendations, based on conversations she has had, which no one has seen as of yet.

Aarons requested that in the future any hand-outs be dated and time stamped for easier referencing during meetings.

Kamin went through the differences between the draft which was mailed to Committee members and the one she handed out at the meeting, in detail.

O'Donnell stated that members now had both the original draft and the revised draft of the recommendations. We will now move through the rest of the Committee members for comment.

Bell pointed out a clarification to Footnote #2. He stated that some program names were incorrect. Native American BIA program should read American Indian Education Programs. Programs for Children with Special Needs should read Special Education.

DeMenna stated that on paragraph 7 of A, where it says "school aged children" on the revised version, for purposes of readability, it should say "until January 1, 1996."

Shafir had no comment.

Barton stated that he was wondering what a 16 year old parent is to the public school. He wondered why this is in consideration of what the Committee is doing. Walruff said this has to do with a lack of clarification as to who is allowed in the center. Therefore, we wanted to make it clear that there are 15 year old parents whose children are in the center. Broe stated that he had heard the concern that teen

mothers who walk into the center might be counted as a child, and this would eliminate that. Broe said they could also be counted as an adult, and this makes it clear that they are neither. Barton asked if they are neither, then what are they? Walruff clarified that if they are 16 or older, they may have duties in the center. They may be counted as a volunteer. If they are under 16, they are considered as simply parents. In the past, they were considered as a child while in the center, and this will help to clarify the situation. Shafir added that there are special needs teenagers in our centers that are counted in the ratios, as they are being cared for in the center. Broe stated that he felt if a teen parent had their child in a private center, they would be treated in the same manner.

Nelson had a question regarding fingerprinting of 16 year olds in the centers. This item was placed on a list for future discussion. Nelson also had a question about federally mandated programs which may be exempted. She wondered if all the programs were listed. Kamin stated that those were all the ones they could come up with. DeMenna stated that if a new Federally mandated program is passed, it would come under these.

Bell stated that the language should possibly be "Federally Mandated Programs" rather than "Federally Mandated Child Care Programs". He said that Federal regulations will supersede anything we do. Title One, Chapter One perhaps would be wise to include and actually list. He stated that Even Start Programs should be included as point of discussion, because they will probably come up at public hearing.

Nelson stated that just because it is a Federal program, does not necessarily mean it is a good program. Federally mandated programs do not always have all the answers. O'Donnell listed Nelson's concerns to be addressed in the future.

Morgan stated that there was a form in the packets for programs to be listed and what their Federal standards are.

Walruff stated she felt the revised draft was clear.

Aarons stated that with the corrections, he was fine.

Even stated that she wanted to be sure she understood school aged children. Kamin asked how DHS defines school aged children. They must be 5 before September 1. Pat Ripley stated that a child is up to age 14.

Shiple stated that it was the charge of the Committee to come up with recommendations on staffing ratios and square footage. He questioned terminology in the revised draft. He felt the use of ratios and standards should be consistent. Aarons suggest using language found on page 3, line 20 of the bill. Shiple stated a problem

with item E1, and felt it should be broken into three separate items, or use and/or. DeMenna suggested an attempt a new wording.

Broe stated that he liked the revised draft provided by Kamin. He wished to restate his concern that when speaking of Federally mandated child care programs, these could be private programs, and that our intent is also that if they meet or exceed square footage and staffing ratios that they are also treated in the same manner as the public school program. O'Donnell asked if the language allowed for this. Broe said he believed it did.

Shafir mentioned that there was a lot of co-mingling of funds in terms of Federal and State programs. Whose regulations would be followed? Is it always the Federal regulations, and who makes that determination. Shafir felt this question would come up at the public hearings. Shafir also wondered what effects the co-mingling of a private facility with a public school program would have. Kamin stated that she thought we were saying that if you get Federal money, you may co-mingle it with State money, but in order to receive that Federal money and operate that program, you need to comply with certain staff-child ratios and square footage. O'Donnell asked what needs to happen to the recommendation to cover this point. DeMenna stated that in effect the decision of the subcommittee recommendations was that if it is Federally mandated, and if it has standards that meet or exceed those in Arizona presently, it's ok. If it doesn't, if it's a Federal option, or if it's a mandate and the standards are less than ours, then it comes under the ratios. O'Donnell stated this item sounded like something to be aware of and be very clear about at the public meetings, possibly in the scripting.

DeMenna commented that he felt the language the Committee is working with closely parallels that of the DHS and he would like to see that continued parity. He stated that he hopes for an ongoing comparably uniform parity. This would be a parallel regulation along side of what is here presently. He stated that he would hate to see that in 5 years down the road, one regulation would be raised or lowered without the other being revised as well.

Kamin stated that the information provided the Committee by DHS tells us clearly that most states far exceed our ratios and our square footage by tremendous amounts. She stated that she realized that our purpose right now is not to deal with this tough issue of ratios, but she stated in looking at this information, she had to swallow hard because it is hard being the bottom 3 - 5 states. Shafir stated that she agreed and that at some point we should address this. She also said that we don't address group size, and she felt that with young children this is critical. O'Donnell asked if this was an item to be added to the Committee's list for future work. DeMenna stated that he was not sure it was an item for future Committee discussion. The scope of what we are about is to lessen the regulatory burden on providers and to

protect the health, safety and well-being of the children in all day care systems. DeMenna stated that at some point that might be relevant. He did not feel it would lessen the burden, but it might come under the health, safety and well-being. O'Donnell stated she would put the item on the list.

Aarons stated someone needed to reread the revised draft to make sure we included all the changes, and make it clear before we vote on it.

The Committee agreed to a recess to allow the subcommittee to meet and redraft the recommendations to reflect the suggested changes.

Shafir restarted the meeting by thanking Marlene Morgan and the DHS Staff for the incredible amounts of work and support they have given the Committee. Shafir stated that she had also asked Morgan about other States' policies as to who is regulated and who is not. She has made copies of this information and it is at the table.

Braga asked if the newly revised draft of the Subcommittee's recommendations is acceptable to take to the public hearings. Shipley made a motion to accept the revised draft dated November 2, 1994 of the Subcommittee Recommendations on square footage requirements and staff-to-child ratios. Aarons seconded. Braga asked for any questions. Bell noted that Footnote #2 still needed amending. The motion was unanimously approved.

Walruff asked if the draft recommendations would be sent out with the proposed mailing. Morgan felt that it should go with the letter.

VII. NEXT STEPS

O'Donnell provided a hand-out relative to "Next Steps" for the Committee, and reviewed those steps as noted. She stated that she will be handling the process of reviewing and summarizing the public comment received at the hearings. She will then provide something easily readable for the Committee to review at its December 7 meeting.

VIII. OTHER BUSINESS

None.

IX. DATE OF NEXT MEETING(S)

Braga stated that the next meeting of the Committee was scheduled for November 16. Broe moved to cancel that meeting due to the public hearing schedule. Even seconded and the motion was unanimously approved. Braga stated that our next meeting will now be December 7 to present the public hearing information. The December 7 meeting will be in this same conference room.

X. CALL TO THE PUBLIC

Diane Smith of the Greater Phoenix Education Council stated her thanks to the Committee for allowing the public to comment, and to the DHS.

A representative from the Washington School District stated concern for outlying areas such as Gila Bend and Kaibab to participate in the public hearing process.

Evelyn Holbrook of the Cave Creek District expressed concern with regard to terminology. She stated that the term "child care" might effect her tutorial programs. She felt a need to know exactly what the terms meant.

Barb Robey of the Arizona School Boards stated she will take the responsibility for sending the agenda packets for the public meetings to members of that Association.

Following the public comments, Even asked if there would be an ability for write-in comments from the public. Morgan stated that this was addressed in the letter, and that comment may be submitted at the meetings or in writing to my office.

XI. ADJOURNMENT

Shiplee made a motion to adjourn the meeting. Kamin seconded and the motion was unanimously accepted. The meeting was adjourned at 4:05 p.m.

Respectfully submitted,

Jayne Brennan, for PRISM, Inc. Consultants

jb

AGENDA

CHILD CARE STANDARDS REVIEW COMMITTEE ARIZONA DEPARTMENT OF HEALTH SERVICES

WEDNESDAY, DECEMBER 7, 1994

CAPITAL BUILDING, 8th FLOOR CONFERENCE ROOM
1700 WEST WASHINGTON
PHOENIX, ARIZONA
2:00 p.m. - 5:00 p.m.

PHONE: 255-1272

- | | | |
|-------|------------------------------------------------------------|------------------------|
| I. | Call to Order/Declaration of Quorum | Action |
| II. | Approval of Minutes | |
| | 1. Amended Minutes for Meeting of October 19, 1994 | Action |
| | 2. Meeting of November 2, 1994 | Action |
| III. | Proposed Staff-to-Children and Square Footage Requirements | |
| | 1. Review Summary of Public Meetings Testimony | Discussion |
| | 2. Review Summary of Written Public Comments | Discussion |
| | 3. Implications for 12/31/94 Recommendation | Discussion |
| | 4. Committee Vote for Adoption of Proposed Standards | Action |
| IV. | Written Report of Findings and Recommendations | |
| | 1. Timetable to meet 12/31/94 Due Date | Action |
| | 2. Preparation of Draft Report | Action |
| | 3. Committee Review and Final Approval | Action |
| V. | Next Phase of Committee Assignment | Discussion |
| | 1. Determine Timetable for Committee Work | Action |
| | 2. Schedule Meetings and Locations | Action |
| VI. | Other Business | Discussion /
Action |
| VII. | Call to the Public | |
| VIII. | Adjournment | Action |

**CHILD CARE STANDARDS REVIEW COMMITTEE
ARIZONA DEPARTMENT OF HEALTH SERVICES**

WEDNESDAY, DECEMBER 7, 1994

MEMBERS PRESENT: Craig Barton, Michael J. Bell, Sue Braga, Steve Broe, Kevin DeMenna, Brenda Even, Carol Kamin, Barbara Nelson, Nedda Shafir, Chuck Shipley, Judy Walruff

MEMBERS EXCUSED: Barry Aarons

STAFF PRESENT-Implementation Team for SB 1005: Susan Benson, Gary Fortney, Mary Howard, Marlene Morgan, Catherine Mulligan, Pat Ripley, Lesley Schiraldi, Tony Zabicki

FACILITATOR: Margaret O'Donnell, PRISM, Inc.

I. CALL TO ORDER / DECLARATION OF QUORUM

Chairperson Steve Broe called the meeting to order at 2:25 p.m. and declared a quorum.

II. APPROVAL OF MINUTES

Bell made a motion to approve the minutes of the 10/19/94 meeting as amended. Nelson seconded and the motion carried.

Shipley moved to approve the minutes of the 11/2/94 meeting. Walruff seconded and the motion was approved.

III. PROPOSED STAFF-TO-CHILDREN AND SQUARE FOOTAGE REQUIREMENTS

1. Review Summary of Public Meetings Testimony

O'Donnell stated that she had provided the Committee a summary of oral public testimony made at the four public hearings, as well as summary of all written statements received at the hearings or mailed in. She also provided the Committee some supporting documentation. She stated that additional supporting material is available at the DHS office.

O'Donnell reviewed the dates and locations of the four public hearings, and stated that she had attached the sign-in sheets from the meetings as well. She said that 31 persons provided oral comments between the four meetings. She stated that the process she used to summarize the information was to review all of the comments and draw from them major themes that came through. She reported that 15 of 31 speakers supported the proposed Staff-to-Children Ratios and Square Footage Requirements.

With regard to item #2 on her summary, O'Donnell stated that she needed to make a clarification. She had stated that 9 of 31 speakers expressed the opinion that the proposed standards are *too liberal*, to be in the best interest of the children. She said it had been suggested that the wording *too liberal* might be changed to better reflect the theme being portrayed. That theme is that the proposed standards are not perceived as being strict enough. O'Donnell said that many of these speakers referred to the standards or guidelines recommended by various organizations such as the National Association for Education of Young Children, American Academy of Pediatrics, National Center for Clinical Infant Programs, and The American Public Health Association. They felt those guidelines might provide better numbers for the Committee to look at while reviewing the standards. It was requested that O'Donnell spell out the names of the agencies in her summary.

Nelson commented that the American Academy of Pediatrics and the American Public Health Association are the same. O'Donnell stated that many people had cited both. Kamin said she thought they should both be cited. Bell stated that their standards are a collaborative effort by both organizations, and are usually referred to as AAP/APHA.

O'Donnell continued that 6 of 31 speakers voiced concern about how teenagers and teen parents are addressed in the staffing ratios. She said this item may need further clarification.

Walruff stated that in Yuma there was concern that young people who had children still needed supervision. This comment was made in an editorial fashion. She said people did not seem to understand that we are treating all parents as parents.

Bell said that in Flagstaff a person commenting wanted the teenagers counted as adults in the ratios. Shipley said that the item was brought up in Tucson as a matter of clarification.

O'Donnell said another theme was that of timely notification and dissemination of information. She mentioned a group entitled the Life Management Educators who did not receive any information until either just before or right after the Yuma meeting.

An additional item for clarification that O'Donnell brought forth from the meeting summaries was inside square footage requirement. Clarification was requested with regard to 35 square feet of activity space for infants. O'Donnell referred to a copy of Article 6, Section 603 passed out by staff. She said the issued centered around recommendation B of the Revised Draft by the Committee. It seemed to be unclear as to whether the 35 square feet included sleeping and activity area, and does this mean just up to one year old, or up to the age of two. Broe stated it usually meant up to 2 years. Shipley stated he felt the terminology needed to be changed to "less than two years old". He also questioned if the 35 square feet for less than two years old included the sleeping arrangements or not. Broe said the appropriate regulations should be attached to the Committee's recommendation for clarification. Susan Benson said that there is already a regulation in place about inclusion.

Shafir felt the age factor might be significant to school districts. Currently, for acceptance into Kindergarten, a child must turn five prior to September 1. This consistency has helped them a lot. She felt the age factor needed to be made very clear.

Marlene Morgan stated that this was not consistent with current regulations which state 12 months or younger or under 18 months and not walking. O'Donnell asked if the Committee's recommendation should then say up to 18 months instead of 1 year old child. Shafir asked about 2 year olds who are not walking. Morgan said they would be special needs and would be looked at individually. Shafir said language regarding this might need to be added.

Shipley made a motion that the language in Paragraph B stated at least 35 square feet for a child "less than two years old". Nelson seconded. Kamin asked staff if that creates a problem. Morgan said no. Bell said to be consistent with Title 15, "on or before their second birthday" should be used.

Nelson said she was trying to consider how this language could effect infant providers. She said that DES will not pay for care until the child is exactly two. On their birthday, funding would be provided. With the "less than 2" language, there is not a floating day. Shipley said he chose "less than 2 years old" meaning any child up to their birthday. Shafir said this would present an issue for schools down the line. Barton said Shipley's wording seemed more specific than "on or before".

Broe took a vote on the motion. Five were in favor, and six opposed. The motion failed.

Kamin made a motion to make the language in Paragraph B "on or before their second birthday", if this would work for the three parties involved, DHS, private and schools. Shafir seconded the motion. Shipley asked if the motion should be delayed to discuss the item with the three parties involved.

Kamin stated that the educators wanted the language in her motion for consistency. She asked Morgan if the language in the motion would present a problem for DHS. Morgan quoted from current regulations which state "a child is a person through the age of 14". She continued that this will not effect us with through or to the age. Bell stated that right now all legislation regarding early childhood has functioned as "on or before".

Zabicki said a child turns the age on their birthday, so they are two on their birthday. If you do it differently, doesn't this make it inconsistent with everything else in the regulations?

Bell stated that his concern is not the floating day, but five year old entry into school. Entry into school does not relate to birthday. One, two or three year olds should not cause too much problem. Kamin said she thought the Committee would end up talking about this in the future as well because of the two separate systems getting closer together in their regulations.

Nelson stated that this was a funding issue because centers will not be paid until that child has that birthday. O'Donnell asked if the wording had a negative impact. Nelson said it could have for one day a year. Kamin interjected that the Committee is only applying this to square footage.

Broe said he did not think the issue would make a great deal of difference. Barton thought this might be two different issues, compensation vs. square footage. Nelson said she did not know how it would effect someone who takes infants and toddlers. Sue Benson said it would make no difference from a licensing specialist's point of view. She also said that with mixed groups, you utilize the square footage appropriate for the youngest child in the group.

Even said that although we are only considering square footage now, it is important to be consistent for the work we will be doing later. Kamin agreed with this.

Broe stated that public school programs are exempt from child care, so he felt there were two different systems being discussed. Morgan offered another definition of school age as "at least five years old by January 1". Shipley said he wanted to be consistent with the wording for the child care field.

Brenda Even amended the motion on the floor to change the language in Paragraph B of the Committee's proposed requirements (Draft dated 11/2/94) to "up to the second birthday." Kamin seconded. The motion was approved 11 to 1.

O'Donnell stated there was one more item of clarification regarding how the proposed standards will apply to year-round school, enrichment programs and family education programs. She asked whether the Committee felt there needed to be any additional language modification for Item E.

Broe said he thought the Committee might need to look at the definition of "child care".

Even mentioned the teen parent issue again, saying that in Tucson the public felt it was not clear enough.

O'Donnell asked if these items could be addressed with attachments without changing the Recommendation. Walruff said she would like to see something other than an amendment.

Bell stated that he felt schools for the most part were meeting or exceeding the proposed recommendations. He expressed concern that special academic enrichment and education advancement programs not be restricted. He would like to see the Committee move ahead cautiously regarding these types of programs. All of the items mentioned in 5b are special academic initiatives. He said we cannot foresee what education will look like in the future. He said as we move forward he was concerned that the Committee could be inhibiting educational advancement. Nelson asked why these minimal standards would impact any program in a negative way. She said everything she has seen says that we are too liberal. She could not see why these new programs could not meet the standards. Bell stated that today that holds true, but he didn't know about tomorrow, and wanted to move cautiously. DeMenna stated that these regulations are not carved in stone. He didn't see anything that is a problem in this area as of yet. Bell reiterated he did not want to see any limit for academic initiative in the state. Broe stated that these are the playing rules for the private sector, who also has many different forms of programs. He didn't see why the rules would not be acceptable for the public programs. Nelson mentioned that concerns such as these for the future are why the regulations are reviewed every two years.

2. Review Summary of Written Public Comments

O'Donnell stated that a total of 150 written comments were submitted by the public. Ninety-one were mailed to DHS and fifty-nine were hand delivered at the four public meetings. She noted the following major themes from the written comments:

1. Two-thirds of the public supported the standards.
2. Four expressed written comments that the standards are too liberal. O'Donnell said this language would be amended regarding *too liberal* as noted with the oral comments.
3. Six did not support the proposed regulation of public school child care in general. O'Donnell said she had attached some samples of the written comments and others were available at DHS.
4. Twenty-one felt the requirements were acceptable, but wanted to extend the exemptions to community education enrichment programs.
5. Sixteen felt further regulation of public school daycare was not necessary. O'Donnell referenced an attached letter #5 and said the letter addressed regulation in general.
6. Five additional letters again related to timely notification, or general unrelated comments.

DeMenna made a motion to approve the adoption of the proposed standards and move to Agenda Item IV. Shafir seconded. Even asked if the motion was to adopt the proposed standards with the changes discussed at this meeting. Broe said yes. The motion was approved.

After a 10 minute break, the Committee reconvened at 3:55 p.m. Chairperson Broe stated that the Committee needed to turn in a report by December 31, and asked O'Donnell for her recommendations on how to proceed.

O'Donnell suggested that, given the approval voted upon today by the Committee, it move forward to drafting the report for 12/31. She said it was her goal to have such a draft report prepared by early next week for the Committee's review. She stated that because of mail delivery problems in the past, it may be necessary to fax the draft to Committee members to get their approval for final form by the end of next week.

Kamin asked what the draft report would consist of. O'Donnell asked the Committee which important questions and information they would like included in the report. Shipley said he viewed the report as being short, beginning with a narrative of the Committee's purpose, the Committee's recommendation including background, with

lengthy appendices containing the oral and written comments. Shipley said it should basically be a chronology of steps the Committee has taken. O'Donnell agreed with this format.

Shafir stated that she thought it would be helpful to have a summary created showing geographic data, and what comments were gathered from what areas. She also mentioned the possibility of a chart showing the differing opinions.

Shipley asked if the Committee needed to meet once more to sign off on the proposed recommendations. He said he believed this was necessary. After discussion and checking of schedules, it was decided that the Committee would meet on Friday, December 16 at 11:30 a.m. at the offices of the Children's Action Alliance, 4001 N. 3rd Street, Suite 160, Phoenix, Arizona.

V. NEXT PHASE OF COMMITTEE ASSIGNMENT

Shipley suggested that the Committee agree on a specific date or dates to meet each month beginning in January in order that these times may be blocked out.

Kamin asked if staff could provide a guideline for what the Committee needs to do and the time line. She also stated that she would like to review the work that has already been done prior to the Committee's work, to ascertain exactly which issues this Committee needs to address and which have already been sufficiently addressed. She asked that staff help the Committee with determining what regulations there might be problems with and which ones would not. Shipley suggested that the first meeting in January be identified as an opportunity for interested parties to give their ideas of what regulations are important. Barton felt the Committee might actually need to go through all the regulations. He said there might need to be a subcommittee to do this work.

Nelson stated that prior to this Committee, the Bill was reviewed two years ago. She said there were things that needed to be changed and were not. She suggested that this might be a place to start. She said she would hate to see two years of work go down the drain. Kamin stated that she would still like to see staff suggest an approach, and she would not like to see two years go down the drain either. Kamin suggested that the Committee build on what has already been accomplished.

Even stated that she thought the educational documents also needed to be summarized so that the Committee could approach both sets of documents. Shafir said she would like to see both the public and private regulations laid out side by side so that problem areas could be determined. Kamin stated that there is a report like

that. O'Donnell said such a report was provided at the beginning, and it could be used as a foundation. Shafir commented that some items may not be in the best interest of children even if they are acceptable to both the public and private sectors, and may therefore need changing.

It was decided that at the December 16th meeting the Committee would give final approval to the Recommendations, and a suggested approach and draft time frame for the next segment of the Committee's Assignment would be prepared by O'Donnell and DHS staff.

VI. OTHER BUSINESS

None.

VII. CALL TO THE PUBLIC

There was no public comment.

VIII. ADJOURNMENT

Shiplely made a motion to adjourn the meeting. Even seconded and the motion was approved. The meeting was adjourned at 4:30 p.m.

Submitted by:

Jayne Brennan, for PRISM, Inc. Consultants

jb

ARIZONA CHILD CARE STANDARDS REVIEW COMMITTEE
ARIZONA DEPARTMENT OF HEALTH SERVICES

PUBLIC MEETING ON PROPOSED
STAFF-TO-CHILDREN RATIO AND SQUARE FOOTAGE REQUIREMENTS
FOR PUBLIC AND PRIVATE CHILD CARE PROGRAMS

December 7, 1994

PUBLIC SIGN - IN SHEET DATA

NAME	ORGANIZATION
Diane Smith Chrisman	Greater Phoenix Educational Management Council
Deborah Voegele	Touchstone Community
Denise Wahlberg	Touchstone Community
Lois Zimmerman	Washington School District
Shirley Anderson	Arizona House of Representatives
Trisha Kaorvis	Arizona House of Representatives
Nancy Kiser	Alhambra School District
Paulette Zurof	Phoenix Elementary School District
Eleanor West	P.U.H.S. District, Child Development Teacher
Pat Brandenberger	Osborne School District, Cactus Club
Anne Book	Cave Creek School District
Barbara Robey	Arizona School Board Association
Irene Jacobs	Children's Action Alliance

AGENDA

CHILD CARE STANDARDS REVIEW COMMITTEE ARIZONA DEPARTMENT OF HEALTH SERVICES

FRIDAY, DECEMBER 16, 1994

CHILDREN'S ACTION ALLIANCE
4001 North 3rd Street
Suite 160
Phoenix, AZ. 85012

11:30 A. M.

PHONE: 255-1272

- | | | |
|------|-------------------------------------------------------------------------------------------------|-------------------|
| I. | Call to Order/Declaration of Quorum | Action |
| II. | Approval of Minutes | |
| | 1. Meeting of December 7, 1994 | Action |
| III. | Report of Findings and Recommendations for
Staff-to-Children and Square Footage Requirements | |
| | 1. Review Final Draft of Report and Appendices | Discussion |
| | 2. Committee Vote to Approve Report | Action |
| | 3. Final Preparation and Distribution of Report | Discussion/Action |
| IV. | Next Phase of Committee Assignment | Discussion |
| | 1. Definition of Committee Mandate for
Next Phase: January-June, 1995 | Discussion |
| | 2. Suggested Approach | Discussion/Action |
| | 3. Committee Activity and Rules Timetable | Discussion/Action |
| | 4. Schedule Meetings and Locations | Action |
| V. | Other Business | Discussion/Action |
| VI. | Call to the Public | |
| VII. | Adjournment | Action |

**CHILD CARE STANDARDS REVIEW COMMITTEE
ARIZONA DEPARTMENT OF HEALTH SERVICES**

FRIDAY, DECEMBER 16, 1994

MEMBERS PRESENT: Craig Barton, Michael J. Bell, Sue Braga, Steve Broe, Carol Kamin, Nedda Shafir, Chuck Shipley, Judy Walruff

MEMBERS EXCUSED: Barry M. Aarons, Kevin DeMenna, Brenda Even, Barbara Nelson

STAFF PRESENT - Implementation Team of SB 1005: Susan Benson, Gary Fortney, Mary Howard, Marlene Morgan, Catherine Mulligan, Pat Ripley, Lesley Schiraldi, Tony Zabicki

FACILITATOR: Margaret O'Donnell, PRISM, Inc.

I. CALL TO ORDER / DECLARATION OF QUORUM

Co-Chairperson Sue Braga called the meeting to order at 11:50 a.m. and declared a quorum.

II. APPROVAL OF MINUTES - December 7, 1994

Braga called for any discussion of the minutes from December 7. Shipley noted on Page 3 of the 12/7 minutes the statement "five were in favor and six opposed", however page 4 stated "the motion was approved 11 to 1, with Shipley in opposition." He asked for consistency with listing members opposed or in favor of motions made by the Committee. O'Donnell stated the minutes would be amended as requested. Shipley made a motion to approved the December 7, 1994 minutes as amended. Broe seconded and the motion was approved.

**III. REPORT FINDINGS AND RECOMMENDATIONS FOR STAFF-TO-CHILDREN
RATIO AND SQUARE FOOTAGE REQUIREMENTS**

1. Review final draft report and appendices

O'Donnell stated that she had received comments back from the Committee regarding the Draft Recommendations for Staff-to-Children Ratio and Square Footage Requirements, and rather than make changes to the actual document, she listed the

comments for discussion by the Committee. She said that after the Committee has a chance to comment today, the Draft could be amended if desired.

O'Donnell stated that the first recommendation was to change the order of items II and III as they appear in the draft. The recommendation was to reverse the order in which these two issues appeared, placing the Committee Recommendations for Public and Private Day Care Centers before the Summary of Public Participation and Issues.

Shiplely made a motion to place the Committee Recommendations for Public and Private Day Care Centers as Item II, and the Summary of Public Participation and Issues as Item III in the Draft Recommendations for Staff-to-Children Ratio and Square Footage Requirements. Walruff seconded and the motion was approved.

O'Donnell said the second suggestion was to include the total number in attendance at the public meetings. She said this is now in the summary of public participation. The total number is 85, with 31 making comments, and there is a distribution by geographic area. Shiplely asked about the written comments, and said that he didn't know why we would need to include the number in attendance. Morgan stated that if the written comments were included, there might be duplication of people who commented in writing and were also in attendance. Walruff said duplication could be an issue, however if people took the time to come, it was important to them. Barton stated he felt only those who made written or oral comments should be recorded.

O'Donnell stated the third suggestion was to change the wording in the footnote on Page 11 from "equivalent" to "comparable", because equivalent could mean exactly the same as. Shiplely made a motion to adopt the proposed change in the footnote of Page 11 to read "comparable" rather than "equivalent". Broe seconded and the motion was approved.

O'Donnell related a concern with regard to Section IV of the Draft, Summary of Anticipated Impact on Public and Private Day Care Centers. She stated that there was concern with Paragraph 3, in that the actual number of public school based child day care centers affected by the requirements has not actually been determined. Bell stated that 366 appears nowhere in the report. Morgan responded that we had to provide testimony about the potential number affected. When we looked at at-risk preschool, before and after care, the low end of child care, added together we got 366. She said the legislatures wanted some ball-park figure, and from a DHS standpoint, it is important that we know a potential impact. Zabicki stated that 366 is part of the DES report, in which programs identified themselves. Bell asked to change the citation or put the whole table in the document. Bell said he didn't think the figure accurately represents the actual number.

Morgan read a portion from the School-Based Child Care Survey. Bell said this report is not good science. He said 366 - 600 is a gigantic range. If you put the table in, it is accurate. Allow the reader to interpret the entire table. Shafir stated that it appears the information is not accurate, and at some point in time we will need to

have the correct data. However, she did not feel it needed to be exact at this stage. She said the number of school districts and public and private will be forthcoming in the next report. Walruff suggested different wording that anticipates a better number based on future research. Shafir said she would not want to have to defend something she did not have accurate information on.

Bell stated that right now there are 672 schools serving K - 3. There are 212 school districts. He said whether these are germane to the issue is the question. Right now we do not have an accurate number of programs that would fall under what we have done so far. Braga asked what language he would recommend that would not be confusing, but show the impact.

Shipleigh stated that if you took a snapshot in time, the best you could reflect accurately is the number of schools that could potentially be impacted. Bell stated that we could come up with numbers for the current year and each school might have impact. Shipleigh stated possible language as, the number is not determinable at this time, but it could potentially impact as many programs as there are schools. If every school got into day care, the extreme case would be approximately 600 schools. He continued that if each school got into every type of program, you could have 1,800. The potential number of public schools that could have programs would range from 1 to how every many schools there are as of a certain date (September 1, 1994). Barton wondered if this would be satisfactory for the legislators.

Broe suggested that the language be changed to the exact number of schools as of a certain date. Shipleigh suggested adding a paragraph that we recognize we need a better number based on data collection from future reports. Broe commented that this will be one of the benefits of licensing, knowing how many children we are serving.

Shafir brought up footnote #2 on Page 11. She said that previously we had put HeadStart in there as a specific program. She said they are licensed and they need to be in there. O'Donnell stated that change would be made.

Shafir also commented that if the Committee sends out a survey it will need to be very specific. She said there are so many different types of programs now. She asked if there should be a subcommittee to work on the creation of a survey. Bell stated that this is part of the charge of the Department.

Fortney stated that there are currently 935 elementary schools and 173 secondary for a total of 1,108. He then stated that the survey was taken in early May, 1993, after House Bill 2068 was passed.

Shafir asked if there was money available for survey development. Morgan did not think there was at this point. O'Donnell said that it made sense to determine what data is needed and then determine an approach.

O'Donnell stated that she would change the third paragraph in Section IV, and change the number in the paragraph above. Shipley also said that the second paragraph should be changed to read "licensed" private day care centers.

Shipley made a motion to adopt #4 as modified with respect to page 12. Bell seconded and all were in favor.

O'Donnell pointed out that on Page 10, Section B, the wording in the third line had been changed to "up to the second birthday". She also mentioned Section E on Page 11 were further clarification issues.

Walruff mentioned item J on the Table of Contents. She asked that the term "Clarification" be changed to "References supporting" Teenage Parent Status.

Walruff made a motion to change the wording in J to "reference". Kamin seconded and the motion was approved.

2. Committee Vote

Shipley made a motion for the adoption and transmittal of the Draft Recommendations for Staff-to-Children Ratio and Square Footage Requirements for Public and Private Child Care Centers as amended. Broe seconded and the motion was approved.

3. Preparation and Final Distribution of Report

O'Donnell stated that she will work with DHS staff to make changes and prepare a master copy of the report. She said they will then make copies and have the report bound in a light-weight cardboard binder cover. Shipley asked if this report would be added to. O'Donnell said it is a stand-alone document.

Shafir asked if the document would be mailed. O'Donnell said it was her understanding that it was to be hand delivered to the appropriate parties.

IV. NEXT PHASE OF COMMITTEE ASSIGNMENT, January - June, 1995

- 1. Definition of Committee Assignment**
- 2. Suggested Approach**
- 3. Committee Activity and Time Table**

O'Donnell provided hand-outs of information from the Committee's first meeting, including a list of Deliverables, which she read. She identified the tasks of determining the agency responsible for enforcement, conducting public hearing on current regulations, and submitting a written report on or before June 30, 1995.

Morgan commented on the Suggested Approach hand-out. She said the blue section of the current report are the ground rules, which the Committee could go through individually, as Option A.

Morgan stated Option B refers to the Child Care Study Report prepared under House Bill 2068. In this report, each rule was categorized as either A, B, C, or D. She explained Group A as regulations which are reasonable; Group B, regulations that are reasonable but require clarification; Group C, regulations that are not reasonable for certain programs or children of certain ages; Group D, regulations for which there are significant barriers to public school compliance.

Shiplely stated he appreciated this information, but wanted to see a timeline first. O'Donnell stated that DHS staff prepared a timeline to lay out activities within the rulemaking process (copy attached).

Kamin asked about expected economic impact. Mary Howard explained that there is a new rulemaking process effective January 1995, which calls for economic statement and impact statement on small businesses, and cost benefit analysis. She said this rulemaking process has been expanded. Shiplely disagreed. Howard said what needs to be submitted has been increased. Kamin stated that it appeared the Committee needed to have something by March 10.

Shiplely asked why we are using draft proposed rules. He said we are not in the rule writing business, we are to write a report. Shiplely stated the Committee is to review the laws that govern the day care process to get a comparable system of rules. He continued, as a result of our actions, the legislature could say we like some of your recommendations, we will enact something to give the agencies authority. Morgan stated that they had a packet ready to go to GRRRC, but she asked that it be stopped until we saw what was done with this Committee. She said she believed the Committee takes precedence.

Shiplely read from SB1005. He said the findings of the Committee's report will probably require legislative action. He said he was not worried about all the people mentioned on the Projected Rulemaking Process and Timeframe handout. He felt the Committee had an audience of 3 people. He said the legislature will have the ball. If the Committee recommends an implementing agency, that will require legislative action. Shiplely felt the Committee needed to have a similar draft report ready by mid-May for public hearings. Such draft should be available for public review, not necessarily be mailed out.

Morgan stated that she felt this work would be classified as rulemaking. Walruff asked if we could get clarification on this. Shiplely felt there was a conflict in the bill between the new and old law.

Kamin stated she felt the Committee needed to be cautious in their job, making sure to get out to the people who will be affected by these changes to ascertain that these decisions make sense.

Braga suggested that the Committee get an opinion based on what legally they need to do. Morgan said possibly Shirley Anderson could help. Shipley felt the Committee's deadline was clear as June 30, 1995. However, what time frame the Committee has to work on and what document the Committee should use to guide them for content is unclear. Kamin said she would like to have Shirley Anderson guide the Committee as to what we need to do by what date.

O'Donnell stated that it appeared a great deal of the Committee's work would need to be done in the first three months, possibly by the end of April.

Morgan returned the discussion to the Suggested Approach handout, with Options A through E (copy attached). Walruff stated that in terms of this process we should narrow it down to D or E. Morgan stated that it might be difficult to do E. Walruff moved that the Committee take up Option D as a course of action. Broe requested that the Department mail all hand-outs from the meeting to the members who were not present. Barton did not have a problem with the motion as long as the Committee reviewed each and every rule in whatever process it decided to use. Walruff stated that the Child Care Study Report (January 1994) did that. She said Item D would reflect the issues raised. Barton stated that the Child Care Study Report was too general for his liking. He felt the Committee would miss some themes and by using the report as a base it would allow the Committee to gloss over some things. He stated that it is quite a task, but the quality of the product would be better.

Shipley stated that suggested approaches A - D all referred to rules and regulations. He said that if he read it correctly, the Committee shall construct a report on the *laws* which regulate child care, and create comparable standards for public and private. Shipley referred to Page 3, lines 14 - 18 of SB1005.

Morgan stated that their laws were only about three pages long, but she felt the intent of SB1005 was to look at the regulations.

Braga stated that the Committee needed clarification. Bell agreed and added that what the Committee is doing is not law, it is just a document. He said we have to review the law.

Shafir asked if there is information available from other states. She wondered what states have possibly received awards for their work in this area. She said the Committee needs to be able to look at the appropriateness of the regulations in general, look at proposed regulations and who can comply with them, and is that the direction we want to be in at all. She stated that we need some good council.

Morgan stated that the Bill slips back and forth between the use of law and regulations. Shipley stated that Section 4 is applicable to the Committee and it specifically says law. He also said that Section A is not the Committee's charge. He stated that the way he read it, it does not become effective until June 30, or until the Committee gets done it does not exist. He said there are other laws out there besides DHS, and that the Committee needs to get an accounting of all the laws from agencies that have authority over child day care, and get an inventory of laws applicable. Kamin felt Shipley was correct, but still felt the intent was to look at the regulations. Morgan agreed.

Broe felt clear that the focus was to look at how DHS regulates and he felt this should be the Committee's focus. He said that proposed regulations go beyond the Committee's scope because they are not practicing rules. He felt the Committee should focus on current regulations. Shipley stated that the fact of life is you cannot change regulations until you change the laws.

Kamin stated that what led up to this law was the fact that for the past few years legislation was introduced to take out the exemptions for public schools so they would be the same as private. She continued that the concern was just imposing the same regulations would not be good. Therefore, two things happened, those laws kept failing, and DES did a study of regulations which made sense and which did not for public schools. Kamin said that looking at the laws will not solve the problem, and that this is an interesting twist. Kamin said it is important for the Committee to determine its mission before it does anything else.

Braga again stated that she wanted clarification. She thought that Kevin DeMenna could provide clarification if he were present. O'Donnell stated that DeMenna had left the meeting of 12/7 early and did not realize a meeting was scheduled for 12/16. He tried to clear his schedule, but could not and sent his regrets.

Kamin suggested the forming of a subcommittee of people who had worked on SB1005 to help the Committee determine what they are to be doing. Shipley stated that he was not involved in the drafting of the law. However, he felt the overall goal was to come up with a single regulatory guideline for both private and public. He said the authority to make regulations comes from law. Law provides the parameters. He said the rulemaking process is where the debate will be. He also commented that there are three different agencies involved in the child care regulations, and this is not good. He said the Committee can do something about that by looking at the laws. He continued that the Committee can get what seem to be reasonable standards from the laws, then that sets the parameters to start the debate on the rulemaking process. The agencies regulating can then develop the rules and go through the rulemaking process. Shipley said the Committee should get the laws that apply to this subject matter and start reviewing them. He said the Committee could bring in the key legislators to let us know what they had in mind.

Braga suggested another meeting to have all these items laid out on the table. Kamin stated that Shirley Anderson was involved in the drafting of the laws and could give the Committee a sense of what the people drafting the law thought. Shipley said it makes sense for them to give us a summary. He suggested that for the next meeting, the appropriate agencies who have the responsibility for the laws, delineate where there are common points and where there are conflicts. Braga confirmed that the Committee would like to have the three agencies meet and prepare something of this nature for the Committee to review. She said the Committee would then develop its timeline. Shipley said the agencies should start looking at what they think should be in there to regulate. He also thought the private sector should be alerted to attend the next meeting.

Fortney stated that there is little that says "child day care" in our laws, but there is a lot about "preschool". He wondered if the Committee would be including preschool or custodial care. Walruff said that to her it includes family day care. Kamin asked if there was any money to get someone in to help the Committee. Shipley said there was \$39,400 to conduct an evaluation of the rules. Kamin said this will take intense research and be complicated to do right.

4. Schedule Meetings and Locations

Two possible meeting dates were suggested. The first being January 6, 2:00 - 4:00 p.m., and the second, January 9, 3:00 p.m. The Committee will confer with absent members and choose a date. Training Room A or B in the Courthouse were suggested as the location.

V. OTHER BUSINESS

Broe noted that his address was incorrect on the final draft, and asked that it be changed.

VI. CALL TO PUBLIC

None.

VII. ADJOURNMENT

Braga made a motion to adjourn the meeting. Shipley seconded. The meeting was adjourned at 2:30 p.m.

Submitted by:

Jayne Brennan, for PRISM, Inc. Consultants
jb

ARIZONA CHILD CARE STANDARDS REVIEW COMMITTEE
ARIZONA DEPARTMENT OF HEALTH SERVICES

S. B. 1005
PUBLIC AND PRIVATE CHILD DAY CARE CENTERS
(A.A.C. TITLE 9, CHAPTER 5, ARTICLES 1 - 6)
PROJECTED RULEMAKING PROCESS AND TIMEFRAME

ACTIVITY

TIMEFRAME

CCSRC/Staff draft proposed rules; consult with Asst. Attorney General during process to ensure draft rules within ADHS authority (30 - 180 days).

9/17/94 - 3/10/95

CCSRC forms task force committee of the regulated community & interested parties to review & comment on draft rules and expected economic impact on providers. (30 days)

3/10/95 - 4/10/95

CCSRC revises draft rules per task force comments. Staff prepares Preamble to the rules including specific required content (30 - 45 days).

5/10/95 - 6/30/95

Preamble and proposed rule submitted to ADHS/Regulatory Review Unit (RRU) for the Director's signature; rule is then sent to Secretary of State for printing, assigning dates for oral proceedings and close of record, printing preamble in register (45 days).

6/30/95 - 8/15/95

Proposed rule, preamble, dates published in Arizona Administrative Register. Oral proceedings commence 30 days later. Record closes 5 - 10 days after last oral proceeding (50 days).

8/15/95 - 9/30/95

CCSRC/staff prepare rule package, considering public comments. Rule package must contain specific required contents (60 - 90 days).

9/30/95 - 12/30/95

- . CCSRC/staff submit rule package to the Associate Director and Assistant Director for review and approval (2-3 days). 12/30/95 - 1/4/96

- . CCSRC/staff send rule package to the RRU for review. RRU may require changes; final package submitted for Director's signature. (Approx. 60 days.) 1/4/96 - 3/4/96

- . Signed rule package sent to the Governor's Regulatory Review Council (GRRC) for review. GRRC will review within 90 days of receipt; may approve or return the entire rule package or parts thereof. If returned, the rule is revised and resubmitted. No Timeframe Specified

- . Rules must be filed with the Secretary of State. DUE ON 3/31/96

- 1. Secretary of State publishes final rule in next register (15-30 days). 4/15/96 - 5-15-96

- 2. Rule becomes effective (90 days). EFFECTIVE ON 7/1/96

CHILD CARE STANDARDS REVIEW COMMITTEE

SUGGESTED APPROACH

January- June, 1995

- OPTION A:** Take current set of regulations and conduct a complete rule review
- OPTION B:** Review the *Child Care Study Report*, January 1994, and use this study's "A-B-C-D's" as a foundation
- OPTION C:** Review the "Proposed" regulations(The 1994 draft of a complete revision of the regulations)
- OPTION D:** Superimpose the *Child Care Study Report*, "A-B-C-D's" (January , 1994) on the "Proposed" regulations (1994 Rev)
- OPTION E:** Side-by-Side Comparison of the Current rules with the "A-B-C-D's" of the *Child Care Study Report* with the "Proposed" regulations (1994 revision)

**ARIZONA CHILD CARE STANDARDS REVIEW COMMITTEE
ARIZONA DEPARTMENT OF HEALTH SERVICES**

FRIDAY, DECEMBER 16, 1994

SIGN IN SHEET DATA

Diane Smith-Crisman
GPEMC
4502 N. Central, Phx. 85012

Irene Jacobs
Children's Action Alliance
4001 N. 3rd St. Phx 85012

APPENDIX F

**CCSRC
PUBLIC
MEETINGS
DOCUMENTATION**

Equal Opportunity Employer / Reasonable Accommodation Employer
Notice of Meetings

Week of: 11/14/94

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>	<u>MEETING</u>	<u>CONTACT</u>
11/14/94	4:00 p.m.- 7:00 p.m.	Yuma Civic Center 1440 Desert Hills Drive Yuma, Arizona	Arizona Child Care Standards Review Committee Notice of Public Meetings to review proposed Staff-to-Children Ratio and Square Footage Requirements for public and private child care programs	Camille Ferrari (602) 255-1272
11/18/94	5:00 p.m.- 8:00 p.m.	Flagstaff City Council Chambers 211 W. Aspen Street Flagstaff, Arizona	Arizona Child Care Standards Review Committee Notice of Public Meetings to review proposed Staff-to-Children Ratio and Square Footage Requirements for public and private child care programs	Camille Ferrari (602) 255-1272
11/21/94	4:00 p.m.- 7:00 p.m.	State Office Building 400 W. Congress Street Tucson, Arizona	Arizona Child Care Standards Review Committee Notice of Public Meetings to review proposed Staff-to-Children Ratio and Square Footage Requirements for public and private child care programs	Camille Ferrari (602) 255-1272
11/22/94	4:00 p.m.- 7:00 p.m.	Capitol Tower Grand Canyon Room 1700 W. Washington St. Phoenix, Arizona	Arizona Child Care Standards Review Committee Notice of Public Meetings to review proposed Staff-to-Children Ratio and Square Footage Requirements for public and private child care programs	Camille Ferrari (602) 255-1272



Office of the Director

1740 W. Adams Street
Phoenix, Arizona 85007
(602)542-1025
(602)542-1062 FAX

FIFE SYMINGTON, GOVERNOR
JACK DILLENBERG, D.D.S., M.P.H., DIRECTOR

NEWS RELEASE

FOR IMMEDIATE RELEASE -- Nov. 10, 1994

Contact: Brad Christensen, Public Information Office (602) 542-1001
Camille Ferrari, ADHS Office of Child Care Licensure (602) 255-1272

HEARINGS SET ON DAY CARE RULES FOR PUBLIC SCHOOLS

The Arizona Child Care Standards Review Committee has scheduled hearings at four locations statewide to gather public testimony on proposed rules governing day care programs offered by the public schools.

As required by Chap. 5 (SB 1005) from the June special session of the Legislature, the proposed rules call for existing staff-to-children and square-footage requirements at private day care centers to also apply to public school day care programs. Exemptions are proposed for 14- and 15-year-olds enrolled in child-care occupational program for academic credit, for parents younger than age 16, and for students enrolled in programs governed by federal regulations that meet or exceed the state day-care requirements.

The hearing sites, dates and times:

Yuma: Nov. 14, 4 p.m.-7 p.m., Yuma Civic Center, 1440 Desert Hills Drive.

Flagstaff: Nov. 18, 5 p.m.-8 p.m., City Council Chambers, 211 W. Aspen St.

Tucson: Nov. 21, 4 p.m.-7 p.m., State Office Building, 400 W. Congress St.

Phoenix: Nov. 22, 4 p.m.-7 p.m., Capitol Tower (Grand Canyon Room), 1700 W. Washington.

Written comments also will be accepted at the meetings or by mail until Nov. 25. They should be mailed to:

Marlene Morgan
ADHS Office of Child Care Licensure
1647 E. Morten, Suite 230
Phoenix, AZ 85020

PROOF OF PUBLICATION

Legal No. 3084
PUBLIC NOTICE
PUBLIC MEETING ON
PROPOSED STATE STANDARDS FOR SQUARE FOOTAGE AND STAFFING REQUIREMENTS FOR DAY CARE CENTERS LOCATED IN PUBLIC SCHOOLS IN ARIZONA

STATE OF ARIZONA, }
County of Coconino } ss.

Amy S. Fehrs being duly sworn, deposes and says:

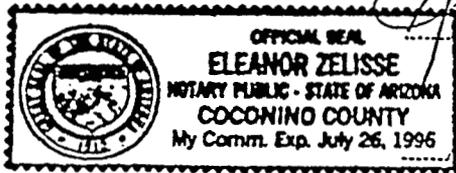
That he is the Legal Clerk of Arizona Daily Sun a newspaper published at Flagstaff, Coconino County, Arizona; that the Public Notice #3084/Public Notice

a copy of which is hereunto attached, was first published in said newspaper in its issue dated the 8 day of November, 1994, and was published in each 1 issue of said newspaper for 5 non-consecutive days the last publication being in the issue dated the 16 day of November, 1994

The Arizona Child Care Standards Review Committee and the Arizona Department of Health Services, Office of Child Care Services, will hold a public meeting on Monday, November 18, 1994 from 5:00 P.M. to 8:00 P.M. at:

Flagstaff City Offices
Council Chambers
211 W. Aspen Street
Flagstaff, AZ

The purpose of the meeting is to obtain public comments and testimony on the proposed standards. The public is invited to attend and/or to submit written comments to Ms. Marlene Morgan, ADHS Office of Child Care Services, 1647 East Morten Avenue, Suite 230, Phoenix, AZ 85020.
PUB: Nov. 13, 16, 17, 1994 3084



Amy S. Fehrs
Subscribed and sworn to before me this 8 day of November, 1994

Eleanor Zelisse
Notary Public

My Commission expires 7/26/96

BILL BEFORE CITY TAX \$110.25
CITY TAX \$0.00

TOTAL AMOUNT DUE: \$116.25

TOTAL AMOUNT DUE UPON RECEIPT
RETURN A COPY OF THIS INVOICE WITH YOUR PAYMENT
PLEASE DISREGARD INVOICE IF ALREADY PAID



Publisher's Affidavit of Publication

-000-

STATE OF ARIZONA
COUNTY OF YUMA

} is.

PUBLIC NOTICE
PUBLIC MEETING ON PROPOSED STATE STANDARDS FOR SQUARE FOOTAGE STAFFING REQUIREMENTS FOR CARE CENTERS LOCATED IN PUBLIC SCHOOLS IN ARIZONA
Arizona Child Care Standards Review Committee and the Arizona Department of Services, Office of Child Care Services, held a public meeting on Monday, November 14, 1994, from 4:00 P.M. to 7:00 P.M. at the Civic Center, 1440 Desert Hills Dr., Phoenix, AZ.
The purpose of the meeting is to obtain comments and testimony on the proposed standards. The public is invited to attend and/or to submit written comments to Arlene Morgan, ADHS Office of Child Care Services, 1647 East Morten Avenue, Phoenix, AZ 85020.
November 6, 9, 11, 13, 1994 #2213

Samuel J. Pepper or Lee Knapp, having been first duly sworn, deposes and says: that The Yuma Daily Sun is a newspaper of general circulation published daily by the Sun Printing Company, in the City of Yuma, County of Yuma, State of Arizona; that he is the publisher or business manager of said paper; that the

PUBLIC NOTICE

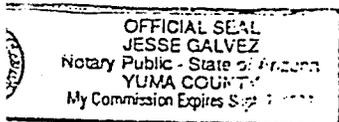
a printed copy of which, as it appeared in said paper, is hereto attached and made a part of this affidavit, was published in The Yuma Daily Sun **FOUR** for _____ issues; that the date of the first publication of said **PUBLIC NOTICE**

was NOVEMBER 6, 1994, and the date of the last publication being NOVEMBER 13, 1994, and that the dates when said **PUBLIC NOTICE**

was printed and published in said paper were NOVEMBER 6, 9, 11, and 13, 1994

Lee Knapp

Subscribed and sworn to before me, by the said Samuel J. Pepper or Lee Knapp
15th day of November, 1994



Jesse Galvez

Notary Public

My commission expires _____

Hearing set on day care rules

People with interest in the rules governing day care programs offered by public schools will want to attend an upcoming hearing.

The hearing has been scheduled by the Arizona Child Care Standards Review Committee.

The meeting's purpose is to gather public testimony on proposed rules governing day care programs offered by the public schools.

The hearing will be from 5 to 8 p.m., Friday, Nov. 18, at the City Council Chambers, 211 W. Aspen St., Flagstaff.

As required by Chapter 5 (SB 1005) from the June special session of the Legislature, the proposed rules call for existing staff-to-children and square-footage requirements at private day care

centers to also apply to public school day-care programs.

Exemptions are proposed for 14- and 15-year-olds enrolled in a child-care occupational program for academic credit and for parents younger than age 16.

Students enrolled in programs governed by federal regulations that meet or exceed the state day-care requirements also will be exempted.

Written comments also will be accepted at the meeting or by mail through Nov. 25.

Mail comments to: Marlene Morgan, Arizona Department of Health Services, Office of Child Care Licensure, 1647 E. Morten, Suite 230, Phoenix, 85020.



*Health and Child Care Review Services
Office of Child Care Licensure*

1647 East Morten Avenue, Suite 230
Phoenix, Arizona 85020
(602) 255-1272
(602) 255-1126 FAX

FIFE SYMINGTON, GOVERNOR
JACK DILLENBERG, D.D.S., M.P.H., DIRECTOR

November 4, 1994

ARIZONA CHILD CARE STANDARDS REVIEW COMMITTEE

**NOTICE OF PUBLIC MEETINGS TO REVIEW
PROPOSED STAFF-TO-CHILDREN RATIO AND
SQUARE FOOTAGE REQUIREMENTS**

Dear Interested Party:

This year the Arizona Legislature, convened in Special Session, passed Senate Bill 1005, which established the Arizona Child Care Standards Review Committee (ACCSRC) and charged the Committee with the task of evaluating and improving child care in the state. Under the law, the first phase of the Committee's task is to propose staff-to-children ratio and square footage requirements for public and private child day care programs. In conjunction with the Arizona Departments of Health, Economic Security and Education, the ACCSRC will hold public meetings in November for the purpose of obtaining public comment, input and testimony on the proposed standards.

The ACCSRC invites parents, teachers, day care providers, school administration personnel and all other interested parties to attend the public meetings and comment on the proposed rules. Written comments will also be accepted at the meetings or they may be submitted by mail until November 25, 1994. Comments should be sent to:

Ms. Marlene Morgan, Program Manager
ADHS Office of Child Care Licensure
1647 East Morten Ave., Suite # 230
Phoenix, AZ 85020

Please see the attached schedule for information on the location and time of the public meeting in your area. If you require further information about the public meetings, please contact Camille Ferrari, Office of Child Care Licensure, at (602) 255-1272.

Thank you very much for your interest and participation.

Handwritten signature of Sue Braga in cursive.

Sue Braga, Co-Chairperson

Handwritten signature of Steve Broe in cursive.

Steve Broe, Co-Chairperson

Attachments

ARIZONA CHILD CARE STANDARDS REVIEW COMMITTEE
ARIZONA DEPARTMENT OF HEALTH SERVICES

PUBLIC MEETINGS* ON PROPOSED
STAFF-TO-CHILDREN RATIO AND SQUARE FOOTAGE REQUIREMENTS
FOR PUBLIC AND PRIVATE CHILD CARE PROGRAMS

AGENDA

- I. Welcome and Introductions
- II. Purpose of Public Meeting
- III. Background of Proposed Staff-To-Children Ratio and Square Footage Requirements for Public Schools and Private Child Care Programs.
- IV. Public Comments on Proposed Standards
- V. Adjournment

* Meeting Schedule

Phoenix: November 22, 1994, 4:00 p.m. - 7:00 p.m.
Capitol Tower, Grand Canyon Rm, 1700 W. Washington St.

Tucson: November 21, 1994, 4:00 p.m. - 7:00 p.m.
State Office Bldg., 400 W. Congress St.

Flagstaff: November 18, 1994, 5:00 p.m. - 8:00 p.m.
City Council Chambers, 211 W. Aspen St.

Yuma: November 14, 1994, 4:00 p.m. - 7:00 p.m.
Yuma Civic Center, 1440 Desert Hills Drive

ARIZONA CHILD CARE STANDARDS REVIEW COMMITTEE

PROPOSED STAFF-TO-CHILDREN RATIO AND
SQUARE FOOTAGE REQUIREMENTS

RECOMMENDATION:

The Child Care Standards Review Committee recommends that the existing day care center requirements for staff-to-children ratio and square footage apply to both public and private day care providers. (Pursuant to Laws 1994, Chapter 5, Section 4, Subsections B.2 and B.6):

- A) Children shall be grouped for supervision according to age and maturity and center personnel shall supervise all children at all times. There shall be at least the following ratios of personnel directly engaged in the care and supervision of children in the center's care:

1. Infants	1:5 or 2:11
2. One-year-old children	1:6 or 2:13
3. Two-year-old children	1:8
4. Three-year-old children	1:13
5. Four-year-old children	1:15
6. Five-year-old children who are not yet school age	1:20
7. School-age children	1:20

- B) At least 25 square feet of interior activity space shall be available for each child included in the center's capacity, except that at least 35 square feet shall be available for each infant and one-year-old child. When one-year-old children are mixed with older children in the same activity area, the requirement of at least 35 square feet of indoor activity space per child shall govern.
- C) At least 75 square feet shall be available for each child occupying the outside play area at any time. To allow all children scheduled access, the outside play area shall contain the minimum of 75 square feet per child for at least 50 percent of the center's capacity.
- D) An outside play area shall not be required if no child attends the center more than four hours per day and at least 50 square feet of indoor activity space is available for each child.

Revised Draft
Staff-to-Children Ratio and
Square Footage Requirements

E) The following are exceptions to A - D:

1. Teenagers present in the center for academic purposes and under adult supervision who are 14 and 15 years of age shall not be counted in the center's staffing ratios as either children or adults if they are enrolled in a curriculum-based child care occupation or child development program¹ for academic credit.
2. Teenage parents under 16 years of age who are present in the center shall not be counted in the staff-to-children ratio requirements as either children or adults.
3. Federally mandated programs that operate under federal regulations that meet or exceed state square footage requirements and staff-to-children ratio requirements.²

This recommendation does not determine the agency responsible for enforcing and administering square footage requirements or staff-to-children ratio requirements for child care provided by public schools.

¹ Item 1 refers to HERO/STRIVE or equivalent programs.

² Item 3 exemption refers to Migrant Programs, American Indian Education Program, Bilingual Programs, Special Education, Even Start, and Title One Programs.

ARIZONA CHILD CARE STANDARDS REVIEW COMMITTEE
ARIZONA DEPARTMENT OF HEALTH SERVICES

*PUBLIC MEETINGS ON PROPOSED
STAFF-TO-CHILDREN RATIO AND
SQUARE FOOTAGE REQUIREMENTS FOR
PUBLIC AND PRIVATE CHILD CARE PROGRAMS*

AGENDA

- I. Welcome and Introductions
- II. Purpose of Public Meeting
- III. Background on Proposed Standards for Staff-to-Children ratios and Square Footage Requirements for Public and Private Child Care Programs
- IV. Public Comments on Proposed Standards
- V. Adjournment

ARIZONA DEPARTMENT OF HEALTH SERVICES AND
CHILD CARE STANDARDS REVIEW COMMITTEE (CCSRC)

PUBLIC COMMENT
NOVEMBER 18, 1994
FLAGSTAFF, ARIZONA

FOLLOW AGENDA ITEMS SET FORTH IN PACKET:

I. WELCOME AND INTRODUCTIONS

Today, is November 18, 1994. This Public Meeting is beginning at just after 5:00 P.M. at the Flagstaff City Council Chambers, 211 W. Aspen St., Flagstaff, Arizona.

MODERATOR SHOULD INTRODUCE ALL PANEL MEMBERS

II. PURPOSE OF THE PUBLIC MEETING

This is a Public Meeting being conducted by the Arizona Department of Health Services and the Child Care Standards Review Committee for the purpose of obtaining public comments regarding the Committee's proposed recommendation for Staff-to-Children Ratio and Square Footage Requirements for Public and Private Child Care Programs.

III. BACKGROUND OF PROPOSED STAFF-TO-CHILDREN RATIO AND SQUARE FOOTAGE REQUIREMENTS FOR PUBLIC SCHOOLS AND PRIVATE CHILD CARE PROGRAMS.

During the Ninth Special Session which concluded on June 17, the Arizona Legislature enacted Senate Bill 1005, Child Care Standards. Subsequently, this measure was signed into law by Governor Fife Symington.

The purpose of this statute is to ensure that all day care centers maintain high standards that protect the health, safety and well-being of children in day care facilities. Further, this measure is intended to initiate the development of a single regulatory system for public and private day care programs that is administered by a single agency and that provides standards of care, including provisions for the enforcement of these standards and penalties for noncompliance.

In addition, the Arizona Child Care Standards Review Committee was established under provisions set forth in Senate Bill 1005. The Committee is comprised of twelve members, including a designee to represent the Superintendent of Public Instruction as well as five members appointed by the Superintendent; two members appointed by the Governor; two members appointed by the President of the Senate and two members appointed by the Speaker of the House of Representatives.

This Committee is responsible for:

- Conducting an evaluation of the laws and regulations that govern child day care programs to determine ways to lessen the regulatory burden on providers while protecting the health, safety and well-being of children in all day care center settings and to create a comparable regulatory system that applies to public and private child care programs.
- Studying how to apply comparable day care center square-footage requirements and staff-to-children ratio requirements.
- Recommending the agency responsible for the administration and enforcement of the standards.
- Conducting public hearings in different locations throughout this state in order to gather information and take public testimony.
- Submitting a report on the Committee's findings and recommendations regarding staff-to-children ratio and square footage and requirements on or before December 31, 1994.
- Submitting a final report on the Committee's findings and recommendations regarding the evaluation of the laws that govern child day care programs and the agency responsible for the administration and enforcement of the comparable regulatory standards for both public and private day care programs. The report is due to the Legislature and Governor on or before June 30, 1995.

The law further stipulates that the Department of Health Services in coordination with the Department of Economic Security and the Department of Education shall provide the Child Care Standards Review Committee with administrative and staff services.

IV. PUBLIC COMMENTS OF PROPOSED STANDARDS

This afternoon/evening we are here to receive public comments on the Arizona Child Care Standards Review Committee's proposed recommendation for staff-to-children ratio and square footage requirements.

At this time, we would request that your comments specifically address the Committee's recommendations as presented on the document dated 11/2/94.

Please limit your comments to five minutes. When you comment, please state your name and the organization you represent. Once all individuals who have indicated a desire to speak on the recommendations have had an opportunity to do so, additional comments may be made or questions answered.

As a reminder, if you have not completed a speaker's slip, please do so now.

AFTER ALL COMMENTS HAVE BEEN MADE:

Thank you all for taking the time from your busy schedules to assist the Committee in this important matter. Your comments will be given full consideration by the committee and a copy of the final recommendations will be made available to you shortly after the December 31 deadline date.

ADJOURNMENT - FINAL COMMENTS:

Is there anyone else who would like to make a statement for the record?

This concludes the Public Comment Period. However, if you would like to submit additional written comments, the deadline date is November 25, 1994. The information regarding the submission of written comments is indicated in the packet you received in the mail or tonight.

Again, thank you.

PLEASE LIMIT COMMENTS TO 5 MINUTES
ARIZONA CHILD CARE STANDARDS REVIEW COMMITTEE

PUBLIC HEARING SPEAKER SLIP

DATE: _____

Name: _____ Title: _____

Address: _____

Representing: _____

- I wish to make an oral statement.
 I have submitted written comments.
 I will submit written comments immediately after speaking.

Other Comments: _____

PLEASE LIMIT COMMENTS TO 5 MINUTES
ARIZONA CHILD CARE STANDARDS REVIEW COMMITTEE

PUBLIC HEARING SPEAKER SLIP

DATE: _____

Name: _____

Address: _____

Representing: _____

- I wish to make an oral statement.
 I have submitted written comments.
 I will submit written comments immediately after speaking.

Other Comments: _____

ARIZONA CHILD CARE STANDARDS REVIEW COMMITTEE
ARIZONA DEPARTMENT OF HEALTH SERVICES

PUBLIC MEETING ON PROPOSED
STAFF-TO-CHILDREN RATIO AND SQUARE FOOTAGE REQUIREMENTS
FOR PUBLIC AND PRIVATE CHILD CARE PROGRAMS

November 14, 1994
Yuma, Arizona

CCSRC Members Present: Steve Broe, Judy Walruff

ADHS Office of Child Care
Licensure - Staff Present: Marlene Morgan, Susan Benson, Catherine Mulligan,
Pat Ripley

Mr. Broe opened the meeting at 4:00 p.m. at the the Yuma Civic Center, 1440 Desert Hills Drive, Yuma, Arizona. He welcomed the public and introduced CCSRC Committee members present. Mr. Broe then explained the purpose of the public meeting, and provided background on the proposed standards for staff-to-children ratios and square footage requirements for public and private child care programs. Mr. Broe then opened the Public Comment portion of the meeting.

PUBLIC COMMENT ON PROPOSED STANDARDS

D. A. Schaffer, Owner, The Children's Center, 1101 Avenue B, Yuma, AZ 85364

- Playground requirements - Agrees with 75 square foot requirement per child on playground, but took issue with requiring 75 square feet per child for at least 50% of the center's capacity. Has no bearing on the realism of playground use. No more than 20 to 30 minutes at one time are utilized in the playground area. If you used an hour out of the 12 hour day, for example we would have 12 different periods on the playground. Therefore you could schedule all five age groups that are normally kept together. The 75 square feet per child for at least 50% of the center's capacity has no bearing on safety. Schaffer said he had operated a center for 14 years without the capacity of having 75 square feet per child for at least 50% of the center's capacity by using the scheduling method, accident free.
- 14 & 15 yrs. of age and under- This issue does not effect me as a child care provider, but I do take issue with it as a private individual. Fourteen to fifteen years of age and under who are parents or on the way to becoming parents

really require, in my opinion, a stronger staff ratio than four, five and three year old children. Kids that are under 16 years of age and already parents, are already in deep, serious trouble, and need a large amount of help. Not to be considered part of the staff ratio for children is really improper in my estimation. I wish someone would take another look at this and realize that this might be part of the big problem that we are having in our whole nation today.

Agency responsible for enforcing square footage requirements - The way I read this, it does exempt public schools from the same inspector. I have been inspected by DHS throughout the operation of my child care facility, and hope that anyone else who runs a facility has the opportunity to be inspected by the same agency. They are more well-equipped to be objective and across the board than any 2 or 3 agencies combined. I think we should have one agency enforcing one set of rules for anyone who cares for children in a preschool or after school environment.

Catherine Roberts, Director, Teenage Parenting Program, Yuma Union High School District, 400 6th Avenue, Yuma, AZ

Ms. Roberts stated that she had teen parents being educated in parenting skills, and also a child care center, and that is how this issue will affect her. She felt that some people might be misunderstanding this item regarding teenagers. The teenagers are in there to learn, and create a greater ratio when they are brought into the centers, using our child care centers as a lab. In my particular program, I do not count students at all, even if they are in the child care center for an hour or more a day through H.E.R.O. or others. I have made the decision that they are on the job, learning, and have not counted them as part of the ratio.

She made a comment regarding the fact that her teen parents are on campus and readily accessible rather than across town.

Broe asked if Ms. Roberts had had a chance to read the documentation, and if she supported the recommendations. She stated that she did. She stated that her ratios were many times less than the requirements. Her infant ratio is about 1 to 4. I feel it creates a safer environment. I believe the guidelines are very liberal.

Walruff asked Ms. Roberts if she had an opinion regarding the playground requirements. Roberts stated that she agreed with them, as their children are not all out on the playground at the same time, making them within the requirements. Roberts stated her only concern for square footage was with the facility as a whole, since we are not counting diaper changing area, kitchen area, we are only counting child activity areas. She stated that's where I feel the pinch.

Mr. Schaffer offered additional comments, clarifying his previous testimony by stating that he was not referring to teenagers in the H.E.R.O. programs, etc. Roberts stated that she did know of some organizations who utilized teens as workers in their centers for part of the day. She still does not consider them as part of her ratio at all. She only considers adults who have met all the requirements.

Mr. Schaffer also asked a question about E.3. on page 2, Federally mandated programs. He felt the statement was unnecessary. Walruff stated that there was a need to clarify which programs the Committee was referring to as needing to come under the recommendations. It is to help people understand that there are other programs within the public schools designed to help younger children, but they are for educational purposes rather than child care purposes. Schaffer recommended that that paragraph be eliminated because it does nothing concrete.

Tina Leal, Director, Child Development Learning Lab, Arizona Western College, P.O. Box 929, Yuma, AZ 85366

- Federal Exceptions - Agrees with the exceptions because she does have several Federal programs and several at-risk programs that do have children that are preschool age. But she did find exception with the child care statement of not serving education. Our preschool programs that are not under the Federal mandate are educational programs. She wished to be on public record that their preschool programs are educational. They are "educare", Educate and Care, which go hand and hand. Ms. Leal also stated that she agreed with Roberts' comments on teenage students. She stated that they are here to help and provide programs within the school system for these young parents. Leal also stated that she worked with Roberts in setting her standards. Leal felt that these programs do follow the guidelines even though they are not mandated to do so. They have their own mandates.

Broe asked if Leal had read the requirements and had any recommendations. Leal stated that she had not had time to fully review the documents. She did want to emphasize that the programs within the public schools are quality programs.

A question was presented as to whether other issues of child care would be reviewed by the CCSRC before June 30. Broe stated that the Committee would be reviewing all of the current child care regulations and drafting recommendations as to how this will be implemented. The law states "we will prescribe reasonable rules and standards regarding the health, safety and well-being of children cared for in any public school day care program comparable to the rules and standards prescribe

pursuant to section 36-883. Broe stated that the Committee would be reviewing all regulations currently enjoyed by private sector and determining how these should be applied to the public sector, if at all.

Judy Watkinson, CDA Coordinator, Arizona Western College, P.O. Box 929, Yuma, AZ

Watkinson stated that she had been a DES licenser in other states. She licensed family day-care centers in Illinois, and was a Headstart Education Coordinator in Delaware, and was involved in licensing centers there. She stated that these are extremely liberal regulations. From both those states, the infant ratio is 1 to 3 in one state and 1 to 4 in the other. Two-year olds is 1 to 5. Generally 1 - 16 is the 3 to 4 ratio, and she was not sure about the 5 year olds. She felt a 1 - 20 ratio is an enormous amount for one person to care for. Watkinson stated that the essence of her comment is that the regulations are extremely liberal. Also, in her recollection of previous experience, at least 35 square feet per child was the norm. Ratios for the very young children is extremely important for safety. She stated that 1 to 5 with infants is almost to the point of being dangerous. She didn't feel anyone could give a child in its first year of life excellent care with that type of ratio. She stated her concern is that it is too liberal. She asked if there were any licensing requirements in Arizona for daycare homes. Broe stated that he would defer that question to Marlene Morgan of the DHS. Morgan stated that the regulation is 1 to 5. At six, there would be another care-giver. Morgan said at the 11th there would be a third care-giver and there could be a maximum of 15 children. Watkinson again felt this was liberal. She stated that she would like to see Arizona reconsider some of these ratios. These ratios reflect baby-sitting, not true care-giving.

Michele Longoria, Program Director, Somerton School Age Project, 1292 S. 5th Ave., #3, Yuma, AZ 85364

Longoria stated that the Somerton School Project is an after school program, and the only one which is licensed.

- Outside Ratio - We have 7 acres because of access to the entire school grounds. No one in the public schools has a problem with the outside square footage.
- Inside Ratio - Most public programs in are in cafeterias which are quite large.

As President of the Yuma County Association for Education of Young Children, she stated that she does have a problem with the ratios, as they are too liberal, especially for infants.

Dr. Lynn Thompson, Director of Federal Programs, Crane Elementary District, 4250 W. 16th Street, Yuma, AZ

Thompson questioned part A regarding children being grouped by age and maturity. Broe stated that this language is found in the current regulations. Thompson asked about family education programs, where the entire family attends the program. What would the ratios be then? Broe was not sure the ratios would apply while a parent or guardian was in the room, but he would defer to a licensing specialist.

Mary Brock, Yuma School District #1, 450 W. 6th Street, Yuma, AZ

Brock stated that there is an after school child care program in Yuma District 1, and she would be speaking with regard to that program. She stated that they looked over the documentation provided, and in general the square footage works fine for them. Our staff ratio is 1 to 15, so the ratios are fine. She stated that they do have intersession child care and enrichment activities during year-round school, and we have differentiated between the two. Our child care staff are not educators and are hired at a different rate, and that is how we differentiate, although some of the activities look exactly the same.

Broe opened the meeting to questions. A request was made for more advance notification of future public meetings, also mentioning School Superintendents as persons to be notified. Broe stated that the mailings for this meeting were conducted through the Department of Education. Marlene Morgan stated that they were given the Superintendents and Principals of the schools, and Barb Robey was to handle the mailings for the School Board Association. Comment was made that the mailing started at too high of a level which did not get down to the people running the programs. Broe stated that if agencies were missed, please contact Gary Fortney. Broe stated that additional public meetings would be held in 1995 regarding all the child care regulations.

A question was raised about year-round school. Students may choose to attend instructional or fun type activities during breaks between regularly scheduled school days. For school aged children the ratio is 1 - 20. Would this apply? Broe stated that one of the distinctions the Committee has decided on is whether or not there is a fee charged for the activity. What you have described may be a candidate for these regulations. However, we have not considered your particular type of program within the Committee as of yet, and am therefore glad you brought it up. Walruff asked if these are usually structured programs. Dr. Thompson stated the situation varied. Broe suggested that she communicate with Gary Fortney or Michael Bell.

A question was asked as to whether the ratios would apply to regular public school. Broe stated that regular public school hours of instruction were exempted.

A comment was made about bringing teenagers, over 16, into the daycare center, for a learning lab, with instruction in how to become a childcare provider. At these times, the square footage requirements might not be met, or would they be applicable. Broe stated that it could be affected. Walruff suggested that the people currently operating this program look over the recommendations and submit their comments. Broe stated that there is an opportunity to submit written comments. He also stated that at the present time, there has not seemed to be much objection to the square footage and staff-to-child ratio from either the public or private sectors, other than the comment that they might be too liberal.

ADJOURNMENT

With no further comments, Broe adjourned the public meeting.

Transcribed by:
Jayne Brennan for PRISM, Inc. Consultants

jb

**ARIZONA CHILD CARE STANDARDS REVIEW COMMITTEE
ARIZONA DEPARTMENT OF HEALTH SERVICES**

**PUBLIC MEETINGS ON PROPOSED
STAFF-TO-CHILDREN RATIO AND SQUARE FOOTAGE REQUIREMENTS
FOR PUBLIC AND PRIVATE CHILD CARE PROGRAMS**

**NOVEMBER 14, 1994
YUMA, ARIZONA**

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Mary Brock
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450 W. 6th Street
Yuma, AZ

Catherine Roberts
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ARIZONA CHILD CARE STANDARDS REVIEW COMMITTEE
ARIZONA DEPARTMENT OF HEALTH SERVICES

PUBLIC MEETING ON PROPOSED
STAFF-TO-CHILDREN RATIO AND SQUARE FOOTAGE REQUIREMENTS
FOR PUBLIC AND PRIVATE CHILD CARE PROGRAMS

November 18, 1994
Flagstaff, Arizona

CCSRC Members Present: Michael Bell, Sue Braga

ADHS Office of Child Care
Licensure - Staff Present: Susan Benson, Catherine Mulligan

Mr. Bell opened the meeting at 5:00 p.m. at the Flagstaff City Council Chambers, 211 W. Aspen Street, Flagstaff, Arizona. He welcomed the public and introduced CCSRC Committee members present. Mr. Bell then explained the purpose of the public meeting, and provided background on the proposed standards for staff-to-children ratios and square footage requirements for public and private child care programs. Mr. Bell then opened the Public Comment portion of the meeting.

PUBLIC COMMENT ON PROPOSED STANDARDS

Gwen Williams, Kayenta Unified School District, 517 Hoshoni Way, Kayenta, AZ

Ms. Williams stated that there is a daycare facility at her school, which is currently licensed. Williams referred to staff-to-child ratios, #2, teenage parents under the age of 16 would not be counted. She wished to question this item and voice a complaint. She stated that they do have parents who are 14 and 15, who are in the center and would like to count them as adults.

Nora Townsend, Flagstaff Unified School District, 3285 E. Sparrow, Flagstaff, AZ 86004

Ms. Townsend stated that she works for the District and is also the Chair for the Grand Canyon Child Care Coalition. She stated that she did not have any problem with either the recommendation for square footage or staff-to-child ratios. She asked what was meant by "school aged children". Bell stated that it meant children ages 5 - 14.

Bell thanked those in attendance for their testimony and participation, particularly in view of the inclement weather. He asked if there were any other questions. He then explained that by December 31, the Committee would make a recommendation to the Governor's office on square footage requirements and staff-to-child ratios. He said that beginning in January 1995, the Committee would be required to address the child care regulations, with their report being due June 30, 1995. He invited those present to compile their thoughts and submit them to the Committee in writing. Those comments will be treated in the same manner as oral comments. He stated that the next Committee meeting would be held on December 7 in Phoenix at the Executive Tower.

A question was asked about notification of the public meeting. Bell explained the process of notification which the ADHS had taken.

ADJOURNMENT

The public present at the meeting departed at 5:45 p.m. CCSRC Committee members departed at 6:20 p.m. Meeting specialists remained until 8:00 p.m., with no further public presence.

Transcribed by:

Jayne Brennan for PRISM, Inc. Consultants

jb

**ARIZONA CHILD CARE STANDARDS REVIEW COMMITTEE
ARIZONA DEPARTMENT OF HEALTH SERVICES**

**PUBLIC MEETINGS ON PROPOSED
STAFF-TO-CHILDREN RATIO AND SQUARE FOOTAGE REQUIREMENTS
FOR PUBLIC AND PRIVATE CHILD CARE PROGRAMS**

**NOVEMBER 18, 1994
FLAGSTAFF, ARIZONA**

SIGN IN SHEET DATA

Barbara Stewart
Flagstaff, Arizona

Nora Townsend
Flagstaff Unified School District
3285 E. Sparrow
Flagstaff, Arizona

Gwen Williams
Kayenta Unified School District
517 Hoshoni Way
Kayenta, Arizona

**ARIZONA CHILD CARE STANDARDS REVIEW COMMITTEE
ARIZONA DEPARTMENT OF HEALTH SERVICES**

**PUBLIC MEETING ON PROPOSED
STAFF-TO-CHILDREN RATIO AND SQUARE FOOTAGE REQUIREMENTS
FOR PUBLIC AND PRIVATE CHILD CARE PROGRAMS**

**November 21, 1994
Tucson, Arizona**

CCSRC Members Present: Brenda Even, Barbara Nelson, Chuck Shipley

ADHS Office of Child Care Licensure - Staff Present: Marlene Morgan, Susan Benson, Catherine Mulligan

Mr. Shipley opened the meeting at 4:00 p.m. at the State Office Building, 400 W. Congress Street, Tucson, Arizona. He welcomed the public and introduced CCSRC Committee members present. Mr. Shipley then explained the purpose of the public meeting, and provided background on the proposed standards for staff-to-children ratios and square footage requirements for public and private child care programs. Mr. Shipley then opened the Public Comment portion of the meeting.

PUBLIC COMMENT ON PROPOSED STANDARDS

Gregory Sabalos, Owner, First Impressions, 5402 E. 7th St., Tucson, AZ

Mr. Sabalos first questioned the statutes by which public daycare can be established. He wondered where in the statutes it allowed for public schools to engage in daycare operations.

Mr. Sabalos mentioned the increase in violence by older children against younger children, and the fact that the public schools intend to mix kindergartners with older children. He wondered if anyone had given this safety issue any consideration.

Mr. Sabalos stated that he had no argument with the square footage or staff-to-child ratios, they are what he is operating with now. However he felt that the safety of the children has not been guaranteed by the public school daycare setting. He felt the schools were making a little money from the operation, and said he wanted to see the

school's feet held to the fire. He wanted the personnel evaluated, fingerprinted, and to make sure that they are all honest citizens. He wants the School District to have to meet the same requirements that private daycare centers are required to meet, and maybe more.

Mr. Sabalos stated that it seemed the School District was embarking on an entrepreneurial effort to edge its way into the daycare business. As a daycare operator, he could not understand how a public building for education purposes, which he pays taxes on, could be competing with him as a private business person. He thought other daycare operators had the same feeling. Legally, he felt that daycare operators had a class action suit pending. He asked that the Committee take this into consideration.

Margaret Hernandez, Supervisor, Sunnyside Infant Center TAPP, 1725 E. Bilby, Tucson, AZ

Ms. Hernandez stated that after reviewing the proposed square footage requirements and staff-to-children ratios, she was pleased to report that they exceed the standards, and have no issue with any implementation of such standards.

She also stated that her program was pleased to see the care taken by the Committee to be especially sensitive to the education component of school based daycare centers that provide infant care and education opportunities for teen parents. We have numerous students that fall into the 14 to 15 age range and having them counted as children would be detrimental to our operation.

She stated that the Sunnyside Center would like to bring forth a concern to be addressed by the Committee at future sessions. That concern is for fingerprinting guidelines currently set forth. All our staff is currently fingerprinted as required by law for school employees, and we feel that this issue is very valid. However, our students over the age of 16 may be counted as staff, if the recommendation discussed today is accepted. Students enrolled in our curriculum based program for academic credits who assist in the center are not fingerprinted. Students are never left alone with the children, a staff member is always present. Fingerprinting for students would be a financial impossibility for our center. She felt there could be some adjustments made to accommodate this special circumstance.

Robin Stirling-Kottabi, Owner/Director, The Sandbox, 2701 N. Swan Road, Tucson, AZ

Ms. Kottabi stated that after reviewing the documentation she did not have any problem with the square footage or staff-to-child ratios as they are what is currently being used.

Ms. Kottabi mentioned dealing with the City of Tucson regarding zoning which made it virtually impossible for existing child care centers to expand their facility or begin a new center on certain types of streets.

She stated that if the rules and regulations which private daycare must abide by are for the safety of the children, then no matter where these children happen to be, there should be the same rules and regulations. It seemed to her a bit hypocritical for a State which licenses private daycare to allow another State agency to have different standards.

Barbara Nelson responded with a point of clarification that the process is addressing licensed child care, but that it is mainly to address these regulations in the public sector. Surveys which the Committee sent out to the public sector had a 10% response, from which it was determined the public sector would not have problems meeting the square footage or staff-to-child ratios. Nelson stated that this process is mainly to bring those in the public schools into the same arena as the private sector.

Kottabi mentioned that it might not work to have the State (DHS) monitor another State agency such as the public schools.

Shiplely asked Kottabi about her statement regarding the impossibility of expanding present daycare facilities. Kottabi stated she was referring to those within residential zoning areas. Shiplely asked who she meant by "they". Kottabi stated the City of Tucson. She explained that should the square footage requirement be increased by the State, some of these centers would be unable to expand to provide more space for the children, and would therefore have to reduce the number of students they could accept.

Mr. Sabalos asked to make additional comments at this time. He stated that with regard to the zoning changes Kottabi mentioned, that was the first thing to change, which has made it impossible to accommodate more children. Then we saw the District edging its way into after school kindergarten care, and he felt they would soon be offering care to preschoolers as "public daycare". He said this is not our way. Shiplely advised Mr. Sabalos that he would probably be more interested in the rest of the Committee's work to begin after the square footage and staff-to-child ratios issue. The next step will be dealing with daycare regulations as a whole, and how

they will apply to the public sector. Brenda Even stated that Mr. Sabalos was addressing an issue of City zoning, which the Committee could do nothing about. This issue would have to be taken up with your City Council.

Roberta Worrell, Teenage Parent Program, TUSD, 102 N. Plumer, Tucson, AZ

Ms. Worrell stated that her program had to sites which served as teaching labs for teens to learn to be better parents. She wished to have two items clarified.

1. With regard to staff-to-child ratios, there seemed to be no mention of exactly how 16 year olds who are students and parents who are at school would be considered. She wondered if they are to be considered staff. She stated that her children range in age from about 13 to 21, and asked for clarification on how they should be considered in the teaching lab.
2. For infants, the document states you need 35 square feet of activity space. Worrell asked if this did or did not include the sleeping space. Shipley stated that we may not have the answer, but we need to take back the concern of exactly what the 35 square feet does include. Worrell stated that in her opinion, the term "activity area" meant 35 square feet of play area, not crib area, and I wanted to be clear on that.

Teresa K. Shaw, A Child's View School, 2854 W. Drexel Rd., Tucson, AZ 85746

Ms. Shaw stated that she is in favor of the exemption being lost by the public school, and felt it should be lost for anyone caring for groups of children. She stated that these are minimum standards that any quality program should have no problem meeting. She stated that the requirements being discussed today are very important. She said most centers meet or exceed the square footage requirements. She mentioned that the staff-to-children ratios have been debated in the past and changed, but the numbers we are at right now are not difficult to live with. Most centers exceed them as well. She stated that we are here to keep the children safe, and that should be the concern in any program.

Ms. Shaw felt that the agency (DHS) which has written the standards should also be the ones to enforce them at the various programs. She said she would like to see the exemption status for every program disappear because she did not feel it was in the best interest of the children. This is where a lot of problems can arise, when people are making up their own rules and there is no one to oversee them. She said this includes the Parks and Recreation Districts.

Nelson asked if Ms. Shaw, being in the county rather than the city, was impacted by the stringent zoning laws that had been mentioned. Ms. Shaw said no, but that in the county, there are no schools allowed in the residential zoning, so in fact, they are even more strict.

Roy Mills, Discovery Learning Centers, 6601 E. Broadway, Tucson, AZ

Mr. Mills said the one point he wanted to emphasize was that when Bruce Babbit organized the task force in 1985-86, his costs were \$45 a week for child care. They are now \$70. The main reason for the increase is new restrictions. He did not feel the people in Tucson could afford much more. He wished things would not get any more restrictive.

Nelson asked if he had a position on the square footage requirements and staff-to-child ratios being proposed. Mr. Mills stated that he was supportive of the requirements being the same for public and private, with one agency as monitor.

Ann Martinez, TAPP - TUSD, 102 N. Plumer, Tucson, AZ

Ms. Martinez stated that she worked for the District in the Teenage Parent Program as the school nurse. She said she didn't feel their program would have any problem meeting the standards. She also mentioned that if their students 16 and up were to be considered caregivers, how would they fingerprint them all. She said the teens desperately need the experience they get in the center and are well supervised. She did agree with the exemption for parents 14 and under. Brenda Even restated the concern raised as over 16, not employed, parents or parents to be, how do you count them.

Linda Arzoumanian, 8230 E. Ridgebrook Dr., Tucson, AZ

Ms. Arzoumanian stated she was representing herself as an early childhood educator and as a member of the childcare establishment. She stated that she was in support of all standards and policies which promote the health and safety of young children, particularly those infant to 5 years old. Whatever standards the State can promote to upgrade what is currently available, she was in support of. She said she would like to speak on the other related issues to come at a future date.

AUDIENCE QUESTIONS

Teresa Shaw wondered if public schools, once they are abiding by the regulations the Committee recommends, can then have the Parks & Recreation Districts, which are still exempt, come into their facility and run an unlicensed program. She stated this is being done at numerous locations now, and is a major concern of hers. She said these programs are often called enrichment programs, and do not have sign-in and sign-out. The children can check themselves in and out. She wondered if the licensing would go with the premises or the program.

Public Meeting, November 21, 1994
Tucson, Arizona

Page 6

ADJOURNMENT

With no further questions from the audience, Shipley adjourned the meeting, but remained on-site until 8:00 p.m., with no additional public presence.

Transcribed by:

Jayne Brennan for PRISM, Inc., Consultants

jb

ARIZONA CHILD CARE STANDARDS REVIEW COMMITTEE
ARIZONA DEPARTMENT OF HEALTH SERVICES

PUBLIC MEETINGS ON PROPOSED
STAFF-TO-CHILDREN RATIO AND SQUARE FOOTAGE REQUIREMENTS
FOR PUBLIC AND PRIVATE CHILD CARE PROGRAMS

NOVEMBER 21, 1994
TUCSON, ARIZONA

SIGN IN SHEET DATA

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Tucson Sign-in Sheet
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ARIZONA CHILD CARE STANDARDS REVIEW COMMITTEE
ARIZONA DEPARTMENT OF HEALTH SERVICES

PUBLIC MEETING ON PROPOSED
STAFF-TO-CHILDREN RATIO AND SQUARE FOOTAGE REQUIREMENTS
FOR PUBLIC AND PRIVATE CHILD CARE PROGRAMS

November 22, 1994
Phoenix, Arizona

CCSRC Members Present: Craig Barton, Carol Kamin, Nedda Shafir

ADHS Office of Child Care
Licensure - Staff Present: Marlene Morgan, Susan Benson, Catherine Mulligan,
Pat Ripley, Lesley Schiraldi

Ms. Shafir opened the meeting at 4:00 p.m. at the Capitol Tower, Grand Canyon Room, 1700 W. Washington Street, Phoenix, Arizona. She welcomed the public and introduced CCSRC Committee members present. Ms. Shafir then explained the purpose of the public meeting, and provided background on the proposed standards for staff-to-children ratios and square footage requirements for public and private child care programs. Ms. Shafir then opened the Public Comment portion of the meeting.

PUBLIC COMMENT ON PROPOSED STANDARDS

Taryn Paccioni, ACCM, Hour by Hour Edu-Care, 13028 N. 33rd Ave., Phoenix, AZ 85029

Ms. Paccioni stated that she had been in the daycare business for over eight years. Recently, since the law was passed in June, the Washington School District opened an after school program, free to parents in that school. There are 60 to 70 children taken in that program, and Ms. Paccioni was unsure of the qualifications for being accepted into the program. She stated that as far as staff to children ratio, it was a little ridiculous. This makes it hard on my programs, and hard to compete. She also stated it makes regulation by the Health Department difficult, which regulates our programs toughly. She felt the DHS should be equally tough on the public school programs.

Lynn Fox-Embrey, Executive Director, Grandma's Cottage Child Care Center, 1544 E. Mitchell Dr., Phoenix, AZ 85014

Ms. Embrey stated her concerns were the same as Ms. Paccioni, being in the child care business. She felt the public sector should be regulated the same as private. She said she did not understand which programs in the public schools are exempt or not exempt. She mentioned a program in the Osborne School District called the Learning Circle, which meets daily after school for about an hour, with 70 - 80 children and 2 - 3 staff members. This is an arts and crafts type program which parents do not pay for. She felt this type of program needed some type of regulation either DHS or DES. She felt everyone needed to be regulated the same, with fair competition between the two. She stated that the proposed regulations did not seem to effect the private operators, but felt they would effect the public school system.

Mary Sue Watson, Director, Children's Campus, 2830 N. 43 Ave., Phoenix, AZ

Ms. Watson stated that she has operated Children's Campus for 12 years. She stated the reason she is in the child care profession is that she cares about children and wants to make a difference with the lives of the children and their families, not to get rich. She stated that they are concerned for the health and safety of the children, and if there are regulations in the private sector to protect the children, then common sense would say that we need regulations for child care programs in the public sectors for this same protection. She stated that there are many fine public programs, but also some questionable ones, just like in the private sector. She felt there needed to be accountability, and supported the proposed standards.

Jerica Leathers, Student Teacher, Mesa Community College, 1833 W. Southern Ave., Mesa, AZ 85202; Representing Evelyn H. Warren Child Development Lab

Ms. Leathers stated that she felt the ratios were awful. She said there was no way children were getting the quality care they need, and no way teachers were feeling that they were valuable when they are all over the place. She mentioned that today staff turn-over is a problem. Children are not feeling the security of having a staff that's there for them. With these types of ratios they cannot feel secure.

Anita Soto, 5336 E. Emelita Ave., Phoenix, AZ

Ms. Soto stated she was representing herself, and was soon to be involved in child care. Her concern was with ratio, and the centers currently operating. She felt many centers were making money rather than providing proper care for children. She thought there should be more regulation in both the private and public sectors.

Robert Weigand, Dept. of Psychology, Arizona State University, Tempe, Arizona
85287-1104

Mr. Weigand stated that he had been working in early childhood education for nearly 20 years. He read his comments as follows:

Paralleling the increase in need for out of home care in our society has been an increase in research on the effects of out of home care on children's development. From more than several dozen studies, consensus has emerged on several points. First, low quality care hinders children's development. Secondly, among the factors identified as determinate of high quality are staff-to-child ratios and group size. Thirdly, there are thresholds for both staff-to-child ratios and group size that are determinants that distinguish between high and low quality care. There are several organizations that have recommended staff-to-child ratios and group size threshold based on the available research on effects of quality care on child development. Among those are the National Center for Clinical Infant Programs, The American Public Health Association, The American Academy of Pediatrics, The National Association for Education of Young Children. I believe that if the State is interested in improving child care, we should be interested in improved quality of child care. Efforts to improve the quality of child care in this State must focus on changing both the existing staff-to-child ratios and group size, establishing limits for group size. I believe that the staff-to-child ratios and group size standards should be consistent with those that professional organizations recommend as best for young children. As such, I think the Committee should recommend the following staff-to-child ratios and group size limits.

Ratios & Group Size Recommendations

Age	Staff-to-Child Ratio	Max. Group Size
Infants	1 to 3	6
1 yr. old	1 to 3	9
2 yr. old	1 to 4	12
3 yr. old	1 to 8	16
4 yr. old	1 to 9	18
5 yr. old	1 to 9	18
6 - 8 yr. old	1 to 10	20
9 - 12 yr. old	1 to 12	24

Mr. Weigand stated that he felt Section E should be amended to include the following: Programs that are accredited by the National Academy of Early Childhood Programs will be governed by the range of staff-to-child ratios and group size limits for 3 to 12 year olds that are included in the accreditation criteria and procedures of the National Academy of Early Childhood Programs.

Mr. Weigand wanted the Committee Representatives to know that he did not think the NAEYC standards should be applied for infants and one year old children, only for children from ages 3 to 12. If the purpose of our licensing procedures are to ensure that children receive out of home care that is helpful rather than harmful, then these standards should be consistent with those standards recommended by the professional organizations representing our best and most current knowledge about children's development and appropriate care. Mr. Weigand's testimony was mailed in.

Zita Johnson, Psychology Department, ASU, Tempe, AZ 85287-1104 - Representing the Tempe Community Council.

Ms. Johnson stated that she was the Coordinator of the Child Study Laboratory at ASU, a program for children ages 15 months to 5 years. She wished to speak as a Representative of the Tempe Community Council. The Council operates three infant and toddler programs in Tempe, which serve the infants and toddlers of teenage high school parents. The Council has concern for the quality of child care that our State is representing, as well as in a program such as we operate. The Council feels strongly that the State address group sizes, because the indicators are that group sizes are very important to the interaction of staff and children, and important to the quality of the developmentally appropriate curriculum which is offered in centers for children. The Council also supports the standards which are set for us by the National Association for the Education of Young Children. Those ratios are: 1 to 4 for infants and toddlers, 1 to 6 for 2 year olds, and 1 to 10 for 3-5 year olds. Those ratios are very different from these being proposed for public and private centers. The Community Council would like to recommend that the Committee address the existing standards, look at the current and best knowledge of what is good for young children, and consider changing them to reflect that.

Barbara Robey, Director of Governmental Relations, Arizona School Boards Association, 3852 N. 29th Ave., Phoenix, AZ

Ms. Robey stated that the Association felt the School Districts are probably one of the most regulated entities in the whole world. She believed that school districts as a whole can live with and support the staff-to-children ratios and square footage requirements that have been proposed by the Committee. She appreciated the

Committee holding the public hearings. She expressed her appreciation for the exceptions in the recommendations for teenagers who are present as part of a curriculum or part of a program, or as teenage parents, not to be included in the ratios. As an organization we are very concerned about teenage pregnancy and how to help these teenage mothers and fathers get back in school and make a place for themselves. She stated that it is not easy, and appreciates the consideration given for these programs.

She said the Association is concerned for families as a whole, and is interested in working with the private day care providers in order to do what is in the best interest of kids.

Rosemary Hooper, 7015 N. 4th Place, Phoenix, AZ

Ms. Hooper wished to speak as a private citizen, who has been involved in child care for over 25 years, in public, private and parochial sectors in Arizona. She wanted to make a point with regard to ratios that parents and providers alike do recognize that adult/child ratio is very significant in the quality of programs. She stated that research does show that ratio is one of the best indicators of the quality of the program, and that is due to the nature of interaction between adults and children. She wanted to urge the Committee to do what is right for the children in Arizona by studying the way that other states have handled this. She stated that it would be exciting if Arizona was a leader in the field. She stated that we have the research and know what we need to do. She requested that the Committee look at the standards for ratio that are set by the American Academy of Pediatrics. She stated that we also needed to be mindful of accessibility and affordability factors, which are very difficult for families. Many families spend up to one quarter of their income on child care. She felt as this process progressed, the Committee would need to look for sources to help with the total cost. She stated that Resource and Referral in Arizona could provide a lot of data to the Committee in terms of how many children in Arizona are currently not being served. She stated it would be a huge task, but asked that the Committee look at not only how we can have adequate ratios, but how we can be able to offer more service than we are currently offering. She said there is plenty of room in the field for all sectors.

Mary Ann Hunter, Maricopa Unified School District, P.O. Box 630, Maricopa, AZ

Ms. Hunter stated that she is the Principal at Maricopa Elementary School. Maricopa Elementary School is not in Maricopa County, but rather Pinal County. She stated that she wished public schools did not have to provide after school day care services. She wished that children could be able to go home after school and have a parent

there, to have healthy activities for them, and that they would be safe. She said that unfortunately in the rural areas, there are not daycare centers and other alternatives for after school care as there are in the bigger cities. She stated that she was speaking for those children. She said we need to have ratios which make it feasible for public schools to be able to help with that kind of service. She stated that she does have an after school program with eight children enrolled, but finds it disheartening when she goes out on the playground at 7 p.m. and there are still children there waiting to be picked up, waiting since 3 p.m. Hunter said that as Ms. Robey of ASBA stated, she supports the ratios as something they can live with, and we can provide for children in a very health kind of context.

Peggy George, Principal, Washington District/Orangewood School, 1126 W. Oregon Avenue, Phoenix, AZ

Dr. George stated that she had a very deep concern for the quality of child care that is available for our children from the role of a principal, grandparent and parent.

She stated that she agreed with Ms. Hunter who stated she wished we did not have to be in this business, and it is so important that these needs of children be met. She said we have plenty of needs to meet during the school day that deal with academics, social and emotional things, let alone before school and after school, however, these needs are not being met. She stated that their program was created when a private program leasing space on their campus came under so much criticism by parents because of inadequate supervision, developmentally inappropriate practices and activities, standards for discipline, medication, health and safety that did not measure up to what we as parents, teachers, and school people demanded and expected. The program was also created because parents could not afford the private program and the transportation costs that often went with them, usually choosing to send the children home with no supervision, or allowing them to hang around the school with no one's supervision for hours. She stated that their program has responded to the needs of the parents with a high quality program serving approximately 150 students a day, and has a long waiting list. She was concerned that the ratios being proposed are too high. She did not feel that the needs of the children could be adequately met at a ratio of 1 to 20.

Dr. George was also concerned with the square footage standards. She stated that she didn't know exactly what the impact would be on her school, but she felt they had a high quality program. She wished to see regulations kept to a minimum, and know that those which are set will guarantee health and safety and quality programs which are developmentally appropriate. Educators would love to see smaller classroom sizes, with more adults helping in the classrooms. She said, let's not

regulate to the point where services are unaffordable and more kids than ever are going home alone. There is an ever increasing need for high quality, affordable care. She asked that standards be developed which increase choices for parents, not eliminate them.

Lois Zimmerman, Director, Orangewood Extended Daycare, 7337 N. 19th Ave., Phoenix, AZ 85021

Ms. Zimmerman stated that it was her understanding that one of the purposes of the Committee was to conduct an evaluation of laws which govern child daycare programs to determine ways to lessen the regulatory burden on providers, while protecting the health, safety and well-being of children in all daycare settings. She said she assumed that perhaps incorrectly child-to-staff ratios are part of the existing laws mentioned. She stated she would personally like to know if the Committee has conducted its evaluation and if so, is there a report available to the public reflecting its findings. She stated that if such an evaluation has not been done, at what point will the Committee conduct such evaluation. If it has not been done, is it possible that the Committee is putting the cart before the horse. If the Committee's proposed staff-to-child requirements are adopted by the Committee, and then your evaluation determines that the existing staff-to-child laws do not protect the health, safety and well-being of children, will you then go back and change your current staff-to-child requirements. The proposed ratio of 1 to 20 for a group of five year olds who are not yet school age causes me a great deal of concern. She did not understand how one adult, no matter how well qualified, employed by private or public, can guarantee the health, safety and well-being of 20 five year old children. In addition, she stated she did not see how one person could meet the physical, social and emotional needs of 20 five year olds. She stated that if such individuals did exist, she would enjoy meeting them.

She stated that the Committee, representing both the private and public sectors, has a very unique opportunity to change the quality of care given our children. She stated that she sincerely felt that lowering the proposed staff-to-child ratio requirements to perhaps 1 to 10 for five year olds, would greatly improve the quality of care which each child deserves. She asked that as parents, if you could honestly say you would enroll your own five year old in any type of program where the staff to child ratio was 1 to 20. What quality of care do you demand for your own child. She felt all children deserved the same. She stated, let's not be satisfied with the minimums any longer in public or private, let's concentrate on the children.

Carol Kamin of the Committee stated that she would like to attempt to respond to some of the questions raised as best as she might be able to. She said, if you look at the law which was passed, SB1005, according to page three, the Committee is supposed to do a number of things. Page 3, B, #2 states, study how to apply comparable day care square footage requirements and staff-to-children ratio requirements to public and private providers. She also said if you look under item 6, it stated, submit a written report of its findings and recommendations regarding paragraph 2 of this Section to the Governor, President of the Senate, and the Speaker of the House on or before December 31, 1994. Kamin stated that this represents the first thing the Committee is supposed to do. The Committee has come out with a recommendation that says let's look at the same staff-to-child ratios that now govern private centers and see if those are the ones the public sector should also comply with, and the same for square footage.

Kamin stated that if you look at item 1, the Committee shall conduct an evaluation of laws which govern the State's child care programs, in order to determine ways to lessen the regulatory burden and to protect the health, safety and well-being of the children . . . that is not due until June of 1995. After this Committee reviews the first piece, beginning in January it will begin to look at all of the regulations that govern child care centers. Kamin stated that she is hoping the Committee can do what has been suggested, and take a really hard look at what the regulations are and how can we work to both lessen the regulatory burden and protect the health, safety and well-being of children. Kamin said that although the Committee has not as of yet reviewed all the requirements, if you compare our requirements with those of other states, we are near the bottom, and the Committee recognizes this. We are dealing with the accessibility and affordability as well. Kamin said she felt the tough part will be in the next few months when we have to balance both of these issues, which will apply to both public and private sectors. She said that the Bill does not say that the same regulations must apply exactly to public and private sectors, but rather the term comparable is used.

After a ten minute break, Shafir noted that the next meeting of the CCSRC Committee would be held on Wednesday, December 7 in the same building, in the sixth floor conference room, from 2 - 5 p.m. The Committee would be reviewing the information obtained at the public hearings. She asked for any more testimony and thanked those who came and shared their time.

Carolyn Zifka, Magic Years of Tempe, 4431 S. Mill Ave., Tempe, AZ

Ms. Zifka stated that she has owned a child care center for approximately eight years, and was previously in home daycare for four years. She felt that a person who runs a child care service cannot be in it without loving the kids because of the stress.

She finds that parents care a great deal about the money and don't really want to pay for quality. She stated that she has concluded that the ratios and the staffing are not the question. Ms. Zifka felt that if more staffing was required, more people would be hired at \$4.25 an hour, which does not create quality. She said the reason schools can excel at this is that they can pay \$9 an hour for their teachers. She said the basis of quality lies with the teacher. She would like to see the CDA program required for all preschool teachers in Arizona. She did not feel that lowering either the staffing or square footage would give quality. She stated that centers who wish to make money do not cheat in the area of staffing, but rather in the food, toys and supplies provided to the child. She said she thought the Committee's emphasis is in the wrong place.

Bill E. Glover, Awakening Seed School, 1130 W. 23rd St., Phoenix, AZ

Mr. Glover wanted to mention that he felt the ratios are not strong enough. The ratios for staff-to-child should be smaller. He also felt that everyone should be governed by the same laws. He felt the DHS should also regulate the public schools.

The meeting was opened for general questions.

ADJOURNMENT

Shafir again thanked the public for their comments, and adjourned the public meeting.

Transcribed by:

Jayne Brennan for PRISM, Inc. Consultants

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STAFF-TO-CHILDREN RATIO AND SQUARE FOOTAGE REQUIREMENTS
FOR PUBLIC AND PRIVATE CHILD CARE PROGRAMS**

**NOVEMBER 22, 1994
PHOENIX, ARIZONA**

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November 22, 1994

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APPENDIX G

**A.R.S. § 36-881
ET SEQ:
CURRENT
STATUTE:
CHILD DAY
CARE
CENTERS**

**ARIZONA DEPARTMENT OF HEALTH SERVICES
OFFICE OF CHILD CARE LICENSURE**

CHAPTER 7.1

CHILD DAY CARE PROGRAMS

ARTICLE 1. DAY CARE CENTERS

Section	
36-881.	Definitions.
36-882.	License; posting; transfer prohibited; fee.
Section	
36-883.	Standards of care; rules; classifications.
36-883.01.	Statement of services.
36-883.02.	Child care personnel; registration; fingerprints; exemptions; definition.
36-883.03	Employer-subsidized day care; immunity from liability.
36-884.	Exemptions.
36-885.	Inspection of day care center.
36-886.	Operation without a license; classification.
36-886.01.	Injunction.
36-887.	Procedure for inspection of records.
36-888.	Denial of license.
36-889.	Revocation and suspension.
36-890.	Conduct of hearings; rules of evidence; record; decisions.
36-891.	Civil penalty; inspection of centers; training program; fund.
36-891.01.	Intermediate sanctions; notification of compliance; hearing.
36-892.	Violation; classification.

**ARTICLE 3. PLACEMENT OF CHILDREN BY DEPARTMENT OF
ECONOMIC SECURITY**

36-895.	Licensing and monitoring of day care centers; financial agreements; definition.
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ARTICLE 1. DAY CARE CENTERS

6-881. Definitions

In this article, unless the context otherwise requires:

1. "Child" means any person through the age of fourteen years.
2. "Day care" means the care, supervision and guidance of a child or children, unaccompanied by parent, guardian or custodian, on a regular basis, for periods of less than twenty-four hours per day, in a place other than the child's or the children's own home or homes.
3. "Day care center" means any facility in which day care is regularly provided for compensation for five or more children not related to the proprietor.
4. "Department" means the department of health services.
5. "Director" means the director of the department of health services.
6. "Person" means individuals, partnerships, corporations, associations, day nurseries, nursery schools, day camps, kindergarten, child care agencies or child care centers which operate a day care center.

36-882. License; posting; transfer prohibited; fee.

- A. A day care center shall not receive any child for care, supervision or training unless the agency is licensed by the department of health services.

B. An application for a license shall be made on a form prescribed by the department and shall include all information required by the department and the names and addresses of the owners and lessees of any agricultural land within one-fourth mile of the day care center.

C. Upon application for a license by a day care center the department shall investigate the physical space, activities and standards of care of the day care center, and if satisfied that it conforms with the standards of care prescribed by the department, and that its equipment, its services and the good character of the applicant are conducive to the welfare of children, a provisional license shall be issued. A provisional license for a period of six months shall be issued to a day care center upon initial licensure. Upon a change of center director, the department may require the regular license to revert to a provisional license for a period not to exceed six months. Upon satisfactory completion of the provisional period, a regular license for the remainder of the licensure period shall be issued. A provisional license for deficiencies may be issued for a period of not to exceed six months to any day care center which is temporarily unable to conform to the established standards of public health and does not threaten the health or safety of children. Such licenses shall state the reason for provisional status.

D. When the department issues an original regular license or an original provisional license to a day care center, it shall notify the owners and lessees of any agricultural land within one-fourth mile of the day care center.

E. An applicant for a day care center license shall be fingerprinted and submit the notarized form required pursuant to section 36-883.02 with his application.

F. The fee for an initial application for licensure is one hundred fifty dollars and is not refundable. The application fee is both for the initial provisional and the first full licensure period. The application fee for renewal of a license is one hundred fifty dollars and is not refundable. An applicant for renewal who fails to submit the application forty-five days before the expiration of the license is subject to a fifty dollar late filing fee. Late filing fees shall be transmitted to the state treasurer for deposit as provided in section 36-891, subsection G.

G. A license is valid for three years from the date of issuance and shall specify the following:

1. The name of the applicant.
2. The name of the center director.
3. The exact address where the day care center will be maintained.
4. The maximum number and age limitations of children that may be cared for at any one time.
5. The classification of services that the day care center is licensed to provide.

H. The licensee shall notify the department in writing within ten days of any change in center director designation.

I. The license is not transferable from person to person and is valid only for the quarters occupied at the time of issuance.

J. The license shall be conspicuously posted in the day care center.

K. The licensee shall conspicuously post a schedule of fees charged for services and the established policy for a refund of fees for services not rendered.

L. Current department inspection reports shall be kept at the day care center and shall be made available to parents on request.

36-883. Standards of care; rules; classifications

A. The director of the department of health services shall prescribe reasonable rules and standards regarding the health, the safety and the well-being of the children to be cared for in any day care center, including, but not limited to:

1. Adequate physical facilities for the care of children such as building construction, fire-protection, sanitation, sleeping facilities, isolation facilities, toilet facilities, heating, ventilation, indoor and outdoor activity areas and, if provided by the day care center, transportation safely to and from the premises.

2. Adequate staffing per number and age groups of children by persons qualified by education or experience to meet their respective responsibilities in the care of children.

3. Activities, toys and equipment to enhance the development of each child.

4. Nutritious and well-balanced food.

5. Encouragement of parental participation.

6. Exclusion from day care centers of individuals whose presence may be detrimental to the welfare of children.

B. Such rules and standards shall be adopted in accordance with title 41, chapter 6 and § 36-115.

C. Until such standards are prescribed, existing standards shall be complied with before issuance of a license.

D. Any rule or standard involving educational activities, physical examination, medical treatment or immunization shall include appropriate exemptions for children whose parents object thereto on the ground that it conflicts with the tenets and practices of a recognized church or religious denomination of which the parent or child is an adherent or member.

E. The department shall conduct a comprehensive review of its rules at least once every two years. Before conducting such review, the department shall consult with agencies and organizations that are knowledgeable about the provision of day care services to children including, but not limited to:

1. The department of economic security.
2. The department of education.
3. The state fire marshal.
4. The league of cities and towns.
5. Citizen groups.
6. The day care advisory board.

F. The department shall designate appropriate classifications and establish corresponding standards pertaining to the type of care offered. Such classifications shall include, but not be limited to:

1. Facilities offering infant care.
2. Facilities offering specific educational programs.
3. Facilities offering evening and nighttime care.

G. Rules for the operation of day care centers shall be stated in such a way as to make clear the purpose such rules serve.

1986

36-883.01. Statement of services

Every day care center shall annually furnish to the department and make available to parents upon request an explicit and up-to-date written statement of services offered.

1976

36-883.02. Child care personnel; registration; fingerprints; exemptions; definition

A. Child care personnel shall register with the department in order to work in a day care center.

B. Except as provided in subsection E of this section, child care personnel shall be fingerprinted and submit the form prescribed in subsection F of this

section to the department within twenty days after the date they begin work for a day care center. Registration is conditioned on the results of the fingerprint check.

C. For the purpose of screening child care personnel, the department of public safety shall provide information from its records relating to convictions for public offenses to the department of health services. Fingerprint checks shall be conducted pursuant to § 41-1750, subsection G.

D. The department shall charge the prospective employer of child care personnel for the costs of fingerprint checks. The employer may charge those costs to its fingerprinted employee.

E. Exempt from the fingerprinting requirements of subsection B of this section are parents, including foster parents and guardians, who are not employees of the day care center and who participate in activities with their children under the supervision of and in the presence of child care personnel.

F. Child care personnel shall certify on forms that are provided by the department and notarized that:

1. They are not awaiting trial on and have never been convicted of or admitted committing any of the following criminal offenses in this state or similar offenses in another state or jurisdiction:

- (a) Sexual abuse of a minor.
- (b) Incest.
- (c) First or second degree murder.
- (d) Kidnapping.
- (e) Arson.
- (f) Sexual assault.
- (g) Sexual exploitation of a minor.
- (h) Contributing to the delinquency of a minor.
- (i) Commercial sexual exploitation of a minor.
- (j) Felony offenses involving distribution of marijuana or dangerous or narcotic drugs.
- (k) Burglary.
- (l) Robbery.
- (m) A dangerous crime against children as defined in § 13-604.01.
- (n) Child abuse.
- (o) Sexual conduct with a minor.
- (p) Molestation of a child.
- (q) Manslaughter.
- (r) Aggravated assault.

2. They are not parents or guardians of a child adjudicated to be a dependent child as defined in § 8-201, paragraph 11.

3. They have not been denied a license to operate a facility for the care of children for cause in this state or another state or had a license or certificate to operate such a facility revoked.

G. Employers of day care center personnel shall make documented, good faith efforts to contact previous employers of day care center personnel to obtain information or recommendations which may be relevant to an individual's fitness for employment in a day care center.

H. The notarized forms and fingerprint checks are confidential.

I. For the purposes of this section, "child care personnel" means any employee or volunteer working at a day care center. 1989

36-883.03. Employer-subsidized day care; immunity from liability

A. An employer that subsidizes child care on a nondiscriminatory basis to its employees through a day care center licensed pursuant to this article or through a person or facility exempt from licensure pursuant to this article but screened pursuant to sec-

tion 41-1964 or section 46-321 is not liable for damages as a result of an act or omission by the day care center, person or facility unless the employer is guilty of gross negligence in recommending the day care center, person or facility or unless the employer is acting as the owner or has an ownership interest in or is an operator of the day care center or facility.

B. For purposes of this section, an employer will be deemed to be subsidizing an employee's child care costs if the employer pays, either directly or indirectly, at least twenty-five per cent of the cost of the child care service rendered to the employee by the day care center, person or facility described in subsection A. 1989

36-884. Exemptions

The provisions of this article shall not apply to the care given to children by or in:

1. The homes of parents or blood relatives.
2. A religious institution conducting a nursery in conjunction with its religious services or conducting parent-supervised occasional drop-in care.
3. A unit of the public school system.
4. A regularly organized private school engaged in an educational program which may be attended in substitution for public school pursuant to section 15-802. If such school provides day care beyond regular public school hours or for children who are not regularly enrolled in kindergarten programs or grades one through twelve, that portion of the school providing such care shall be considered a day care center and subject to the provisions of this article.
5. Any facility that provides training only in specific subjects, including dancing, drama, music, self-defense or religion.
6. Any facility that provides only recreational or instructional activities to school age children who may come to and go from the center at their own volition.
7. Any of the Arizona state schools for the deaf and the blind. 1993

36-885. Inspection of day care center

A. The department or designated local health departments or its agents may at any time visit during hours of operation and inspect day care centers in order to determine whether they are conducted in compliance with law and with rules and regulations under § 36-883.

B. The department shall visit each center as often as necessary to assure continued compliance with law and the rules and regulations adopted pursuant to § 36-883. At least one unannounced visit shall be made annually. 1979

36-886. Operation without a license; classification

A. Whenever it appears that any person is maintaining or operating a day care center without a license, the department shall serve notice thereof upon such person, either by mail, by certified mail with return receipt requested, or by delivery in person. The person affected by the notice shall, within ten days from receipt thereof, cease and desist from such operation or show proof of having a valid license. Such person may, within ten days, request in writing a hearing before the director.

B. Upon application of the department, a magistrate shall issue a warrant to the department authorizing inspection of any care center if there is probable cause to believe that such center is operating without a license.

C. Upon failure of any affected person to comply as prescribed in this section, the department shall notify the county attorney of the county in which the day care center is being operated of the violation of law, with a request that criminal prosecution be commenced against the violator. The department may, in addition, request the attorney general to apply for injunctive relief.

D. Any person who continues to maintain or operate a day care center without a license ten days after receipt of notice from the department is guilty of a class I misdemeanor. 1989

36-886.01. Injunction

When the department has reason to believe that a day care center is operating under conditions that present possibilities of serious harm to children, the department shall notify the county attorney or the attorney general, who shall immediately seek a restraining order and injunction against the day care center. 1976

36-887. Procedure for inspection of records

A. Any person wishing to inspect the content of case records established in relation to day care center licensing shall register with the department by signing his or her name and stating the reasons why the inspection is being sought.

B. The department shall maintain a register of those persons inspecting the content of case records established in relation to day care center licensing.

C. The department shall enter into the day care center's case file, contiguous to the form containing the reported violation, those documents which verify correction of reported violations. 1985

36-888. Denial of license

Whenever the department is authorized by law or regulation to deny a license to an applicant, it shall afford the applicant the right of hearing before denial by serving upon the applicant at least thirty days' notice, by registered mail with return receipt requested, to show cause before the director, upon a date to be fixed in the notice, why the application for a license should not be denied in accordance with the regulations of the department and the provisions of law. The notice shall set forth the facts constituting the reasons for the denial and shall refer to the provisions of the applicable law or regulations indicating that the application or the operation of the day care center is not in conformity therewith. If the applicant does not respond to the written notice, the department shall, at the expiration of the time fixed in the notice, deny the license. If the applicant, within the period fixed in the notice, shall cause his application or the operation of the day care center to conform with the applicable law and regulations, the department may grant the license. 1976

36-839. Revocation and suspension

The department may revoke or suspend the license of any person for a violation of the applicable law or regulations. The department shall afford the affected licensee the right of hearing by serving upon the licensee at least thirty days' notice, by registered mail with return receipt requested, to show cause before the director, upon a date to be fixed in the notice, why the license should not be suspended or revoked in accordance with the regulations of the department and the provisions of law. The notice shall set forth the act or acts constituting the violation and shall refer to the provisions of the applicable law or regulations alleged to be violated. If the licensee does not

respond to the written notice within the period provided in the notice, the department shall revoke or suspend the license. If the licensee, within the period provided by the notice, rectifies the acts constituting the violation, the department may withdraw the notice of suspension or revocation. 1976

36-890. Conduct of hearings; rules of evidence; record; decisions

A. Insofar as practicable, the common law or statutory rules of evidence governing the admission of documentary evidence and the testimony of witnesses shall be followed.

B. A stenographic record or recordings shall be made of all testimony presented at a hearing. Oral testimony shall be under oath, and witnesses will be subject to cross-examination by any party to the proceedings. Documentary evidence will be received by the director and made a part of the record, if pertinent to any issues, or may be entered by stipulation. Objections to evidence will be ruled upon by the director, and a party affected by an adverse ruling may insert in the record, as a tender of proof, a summary verbal or written statement of the excluded evidence.

C. All decisions rendered by the director, pursuant to the applicable law and regulations, shall be in writing and filed of record in the office of the department. Notice of such decisions shall be given to the affected person or licensee, notifying such person by registered mail with return receipt requested. If no appeal is taken by any such person or licensee within the time provided by law, the decision of the director shall be final and conclusive. 1973

36-891. Civil penalty; inspection of centers; training program; fund

A. After a hearing conducted pursuant to title 41, chapter 6, the director may impose a civil penalty on a person who violates this article or rules adopted pursuant to this article in an amount of not to exceed one hundred dollars for each day the violation occurs. A civil penalty shall be imposed only for those days on which the violation has been documented by the department.

B. If a civil penalty imposed pursuant to subsection A of this section is not paid, the attorney general or a county attorney shall file an action to collect the civil penalty in a justice court or the superior court in the county in which the violation occurred.

C. Unless a day care center license is revoked or suspended, the director shall place the license of a day care center subject to a civil penalty pursuant to subsection A of this section on provisional license status for a period of time not to exceed six months in addition to other penalties imposed pursuant to this article.

D. Civil penalties collected pursuant to this article shall be transmitted to the state treasurer for deposit as provided in subsection G of this section.

E. The department shall develop an instrument that documents compliance and noncompliance of day care centers according to the criteria prescribed in its rules governing day care center licensure. Blank copies of the instrument, which shall be in standardized form, shall be made available to the public.

F. The director shall establish a day care center training program to provide training for day care centers and users of day care services, technical assistance materials for day care centers and information to enhance consumer awareness.

G. The day care training fund is established in the state treasury. The department shall administer the

fund. The department shall transmit late filing fees collected pursuant to section 36-882, subsection F and section 36-897.01, subsection D and civil penalties collected pursuant to this section and section 36-897.06 to the state treasurer who shall deposit the first twenty thousand dollars collected in the day care training fund and all monies collected above twenty thousand dollars in the state general fund. On notice from the department the state treasurer shall invest and divest monies in the fund as provided by section 35-313 and monies earned from investment shall be credited to the fund. 1992

36-891.01. Intermediate sanctions; notification of compliance; hearing

A. If the director has reasonable cause to believe that a licensee is violating this article or rules adopted pursuant to this article and that the health or safety of the children is endangered, he may impose, on written notice to the licensee, one or more of the following intermediate sanctions until the licensee complies with this article:

1. Immediate restrictions on new admissions to the center.
2. Termination of specific services that the center may offer.
3. Reduction of the center's capacity.

B. A center sanctioned pursuant to this section shall notify the department in writing when it is in compliance. On receipt of notification the department shall conduct an inspection. If the department determines that the center is in compliance the director shall immediately rescind the sanctions. If the department determines that the center is not in compliance the sanctions remain in effect. The center may then notify the department of compliance not sooner than fourteen days from the date of that inspection. If the department determines on the return inspection that the center is still not in compliance the sanctions remain in effect. Thereafter, a center may notify the department of compliance not sooner than thirty days from the date of the last inspection. A center shall make all notifications of compliance by certified mail. The department shall conduct all inspections required pursuant to this subsection within fourteen days of receipt of notification of compliance. If the department does not conduct an inspection within this time period, the sanctions have no further force or effect.

C. On written request of a person who has been sanctioned pursuant to this section the director or his designee shall conduct a hearing to review the sanctions. A request for a hearing shall be made by certified mail within fifteen days of receipt of notice of the sanctions. The department shall not enforce the sanctions until the time period for requesting an appeal has passed or the department has issued a decision on the appeal.

D. A hearing conducted pursuant to this section shall comply with the requirements of title 41, chapter 6 and with all applicable department rules and procedures. 1989

36-892. Violation; classification

Any person violating the provisions of the applicable law, or regulations, is guilty of a class 2 misdemeanor unless another classification is specifically prescribed in this article. 1982

A. The department of health services shall license day care centers and monitor their operation to ensure that the level of care being provided is adequate. The department of economic security shall not duplicate the monitoring functions of the department of health services and shall accept the decisions of the department of health services concerning compliance.

B. The department of economic security may prepare and enter into financial agreements with day care centers and certified day care homes for the provision of day care services to eligible persons. The financial agreements shall be identical in form for day care centers and certified day care homes.

C. As used in this article, "certified day care home" means any residential facility certified by the department of economic security to provide day care regularly for compensation for four or fewer children not related to the proprietor. 1984

ARTICLE 3. PLACEMENT OF CHILDREN BY DEPARTMENT OF ECONOMIC SECURITY

36-895. Licensing and monitoring of day care centers; financial agreements; definition

APPENDIX H

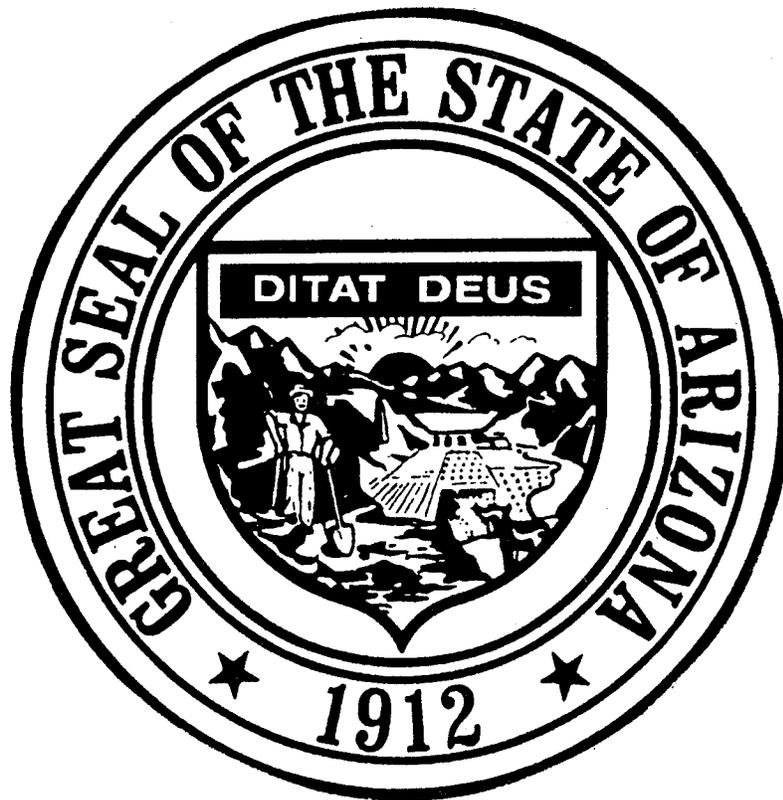
**A.A.C.,
TITLE 9,
CHAPTER 5:
CURRENT RULES:
CHILD DAY
CARE
CENTERS**

ARIZONA DEPARTMENT OF HEALTH SERVICES

OFFICE OF CHILD DAY CARE LICENSURE

CHAPTER 5

CHILD DAY CARE CENTERS



MISSION STATEMENT

"To ensure the health, safety and well being of children in child care centers and day care group homes throughout Arizona by establishing appropriate rules, monitoring for compliance, offering technical assistance and training to caregivers, and providing consumer education."

Department of Health Services – Child Care Facilities

TITLE 9. HEALTH SERVICES

CHAPTER 5. DEPARTMENT OF HEALTH SERVICES
CHILD CARE FACILITIES

Heading of Chapter permanently changed from "Department of Health Services - Day Care Centers" to "Department of Health Services - Child Care Facilities" effective October 4, 1990 (Supp. 90-4).

Heading of Chapter changed by emergency action from "Department of Health Services - Day Care Centers" to "Department of Health Services - Child Care Facilities" effective July 9, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-3).

Chapter 5 consisting of Sections R9-5-101, R9-5-201 through R9-5-211, R9-5-301 through R9-5-308, R9-5-401 through R9-5-404, R9-5-501 through R9-5-222, R9-5-601 through R9-5-614 adopted effective December 12, 1986.

Former Chapter 5 consisting of Sections R9-5-110 through R9-5-113, R9-5-211 through R9-5-218, R9-5-311 through R9-5-313, R9-5-411 through R9-5-425 repealed effective December 12, 1986.

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R9-5-101. Definitions

ARTICLE 2. CENTER LICENSURE

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R9-5-202. License application
R9-5-203. License exemption
R9-5-204. Issuance of license
R9-5-205. Center orientation
R9-5-206. Changes in license status
R9-5-207. Provisional license
R9-5-208. Denial, revocation or suspension of license
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ARTICLE 1. DEFINITIONS

R9-5-101. Definitions

In this Chapter, unless the context otherwise requires:

1. "Abuse" means inflicting physical or mental pain or injury, causing deterioration of another person, or failing to maintain reasonable care and treatment of any dependent person to such an extent that the person's health or emotional well-being is endangered.
2. "Accompanied by a parent, guardian or custodian" means the parent, guardian or custodian must be physically available to supervise and care for the child in the event of an emergency.
3. "Activity area" means the space in, or rooms of, the day care group home used for child care activities.
4. "Annex" means any supplementary structure on contiguous grounds, under the same ownership and intended to be used in conjunction with an existing child care facility.
5. "Applicant" means any individual, partnership or corporation who applies to the Department to operate a day care group home.
6. "Assistant" means any person who aids the provider in the care and supervision of children.
7. "Assistant teacher-caregiver" means a person who assists the teacher-caregiver in planning, developing and conducting the activities of a child or group of children and who may receive on-the-job training and supervision to become a teacher-caregiver.
8. "Center director" means the licensee, or a person designated in writing by the licensee, who is responsible for the daily on-premise supervision, operation and maintenance of the center.
9. "Certificate" means the written authorization issued by the Department to operate a day care group home.
10. "Certified capacity" means the maximum number of children as designated on the certificate that the day care group home may care for at any one time.
11. "Child care facility" or "facility" means a child day care center or a day care group home.
12. "Child Development Associate credential (C.D.A.)" means a credential awarded by the Child Development Associate National Credentialing Program to individuals successfully completing an assessment of their ability to work effectively with children.
13. "Compensation" means any payment of money or other valuable consideration, including goods, services, time or employee/customer benefit, for child day care by any person, business entity or governmental agency.
14. "Corporal punishment" means shaking, spanking, punching, hitting, hitting with instruments, pinching, biting, pushing, slapping, twisting, jerking, kicking, pulling hair, strangling a child or other acts which causes bodily pain and may result in bruises, welts, abrasions, contusions, lacerations, burns, fractures, wounds, cuts, punctures, subdural hemorrhage or hematomas, internal injuries, sprains, dislocation, or other forms of physical damage.
15. "Day Care Act" means the Child Day Care Programs Act, A.R.S. § 36-881, et seq.
16. "Early childhood education degree" means a bachelor or associate degree from an accredited college with a major in child development in kindergarten, primary, preschool or elementary education.
17. "Field trip" means a planned excursion or program activity with a specific destination away from the facility.
18. "Hazard" means any condition that subjects children to physical danger or risk.
19. "Home Economics Related Occupations (H.E.R.O.) program" means a home economics child care related vocational cooperative education program approved by the Arizona Department of Education.
20. "Household member" means a person who does not provide child care but who is present in a day care group home for 30 consecutive days or longer, is listed as a member of the household on official documents, or who resides at the location of the day care group home.
21. "Immediate inspection" means available for review within two hours or less.
22. "Infant" means any child who is 12 months of age or younger, or who is under 18 months of age and not yet walking.
23. "Licensed capacity" means the maximum number of children, as designated on the license, that the facility may care for at any one time.
24. "Licensee" means the person, partnership, corporation or agency licensed by the Department to provide child day care services and having responsibility for the operation and maintenance of the child care facility in accordance with these rules.
25. "Medication" means all prescription and over-the-counter drugs and medicines.
26. "Menu" means a written description of foods to be served at each meal and all snacks prepared at the facility or catered, but excluding individual sack lunches brought from home.
27. "Mobile home" means a manufactured structure designed without a permanent foundation which was manufactured prior to 1976.
28. "Multiple use building" means a structure being used as a child care facility in addition to other activities.
29. "Nap-time" means a designated time during a full child care program when provisions are made for children to rest or sleep.
30. "Night home care" means child care provided between 7:00 p.m. and 6:00 a.m. at a day care group home.
31. "Personnel" means all staff, including full- or part-time employees, and volunteers, who perform services for the child care facility and have direct or indirect contact with children at that facility.
32. "Provider" means an individual who is the certificate holder or an individual designated in writing by the certificate holder or an individual designated in writing by the certificate holder, who is responsible for the daily, on-premises supervision, operation and maintenance of the day care group home.
33. "Qualifying experience" means verifiable experience working directly with a group of children during a specified time period in any licensed child care facility, elementary education program, or in fields of nursing, social work, psychology or other fields related to child growth or development.
34. "Residential facility" means a home in which an individual lives that is designed on a permanent foundation and is not a mobile home manufactured prior to 1976.
35. "Sanitary" means having been treated by a process that provides the appropriate accumulation of heat or concentration of chemicals for the time required to reduce the bacterial count, including pathogens, to a safe level.
36. "School-age children" means children who are at least five years old by January 1 of the current school year and who attend public school or the equivalent.

37. "Special needs children" means children enrolled in the child care facility who, due to any physical, mental, sensory or emotional delay, disability or limiting condition, need increased supervision, modified equipment or modifications to the physical plant.
38. "Staff members" mean the provider or paid personnel who perform services for the child care facility and who have direct or indirect contact with the children.
39. "Supervision" means direct and immediate observation and direction of personnel, a group of children, an activity or function.
40. "Teacher-caregiver" means the person responsible for planning, developing and conducting the activities of a child or group of children and who may supervise assistant teacher-caregivers.
41. "Volunteer" means an individual who supplements the services of paid staff by providing child care services under staff supervision in a child care facility without compensation.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6). Amended by adding a new paragraph (16) and renumbering accordingly effective July 7, 1988 (Supp. 88-3). Amended as an emergency effective July 3, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days; Emergency amendments readopted and amended effective September 28, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Emergency amendments readopted effective December 27, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-4). Emergency expired. Emergency amendments readopted effective April 3, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-2). Emergency expired. Emergency amendments readopted effective July 9, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-3). Emergency amendments permanently adopted with changes effective October 4, 1990 (Supp. 90-4).

ARTICLE 2. CENTER LICENSURE**R9-5-201. Classification of child day care center services**

A child day care center shall be licensed to provide one or more of the following classifications of service:

1. Full day care: care provided to children for more than four hours per day, between the hours of 6:00 a.m. and 6:30 p.m.
2. Part-time care: care provided to children for no more than four hours per day, between the hours of 6:00 a.m. and 6:30 p.m.
3. Evening care: care provided to children between the hours of 6:30 p.m. and 12:00 midnight.
4. Nighttime care: care provided to children between the hours of 12:00 midnight and 6:00 a.m.
5. Infant care: care provided to infants as defined in these rules.
6. One-year-old child care: care provided to one-year-old children as defined in these rules.
7. School-age child care: care provided to school-age children during periods of a day when public, private or parochial schools are not in session.
8. Special children care: care provided to special children as defined in these rules.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-202. License application

- A. A license application shall be submitted on forms provided by the Department, and shall be fully completed, signed and notarized.

- B. The applicant, or the representative authorized by the applicant to apply for licensure, shall be at least 18 years of age.
- C. A separate license application is required for each location when more than one center is owned by the same person, and for each center operated at a single location by different persons.
- D. A separate license application is not required for annexes on the same grounds used by the center.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-203. License exemption

To be exempted from Department licensure as a child day care center, a kindergarten shall not enroll children younger than "school-age children" as defined in R9-5-101, during the current school year.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-204. Issuance of license

- A. In addition to the requirements in A.R.S. § 36-882(F), the license shall specify:
 1. The name of the child day care center; and
 2. The expiration date of the license.
- B. The license form shall include the address and telephone number of the Arizona Department of Health Services, Office of Child Day Care Licensure. The license shall be prominently posted in the center for viewing.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-205. Center orientation

The initial applicant shall complete the Department's orientation for new owners and directors of child day care centers within four months from the submission date of a licensure application.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-206. Changes in license status

- A. The licensee shall notify the Department in writing at least 30 days prior to the effective date of any intended change in the center's name or in service classifications, hours of operation, space utilization or licensed capacity and, if in compliance with applicable statutes and these rules, the Department shall issue an amended license which indicates the change but maintains the same expiration date as the previous license.
 1. The center shall not implement such change until the amended license is issued.
 2. Upon receiving the amended license the center shall surrender the previous license to the Department.
- B. The licensee shall notify the Department in writing at least 30 days prior to the effective date of any change of ownership or location of the center and, if in compliance with applicable statutes and these rules, the Department shall issue a new license.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6). Amended effective July 7, 1988 (Supp. 88-3).

R9-5-207. Provisional license

- A. The Department may issue a provisional license pursuant to A.R.S. § 36-882(C) if a center is found to be not in total compliance with these rules. The center shall submit a written plan to the Department for approval which describes the licensee's plan for correcting deficiencies and the proposed date by which corrective action shall be completed.
- B. In order for the center to satisfactorily complete the provisional period, surveys conducted by the Department must show:

Department of Health Services – Child Care Facilities

1. That all deficiencies cited in previous Department surveys of the center have been corrected; and
2. That the center is in complete compliance with applicable statutes and these rules.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-208. Denial, revocation or suspension of license

- A. A license may be denied, revoked or suspended for any of the following reasons:
1. The Department has determined that the center has used fraud or deceit in applying for or obtaining a license.
 2. The Department has refused to register the applicant or center personnel pursuant to R9-5-210.
 3. The Department has determined that the center has personnel:
 - a. Who are addicted to drugs or alcohol or whose performance is affected by the use of drugs or alcohol; or
 - b. Who have engaged in physical, emotional or sexual abuse; or
 - c. Who use unacceptable disciplinary methods, as defined in R9-5-518(B).
 4. Failure to comply with the provisions of the Day Care Act or these rules.
 5. Significant deficiencies noted in nighttime or weekend care shall result in Department revocation of licensure for these services.
- B. Each license is the property of the State of Arizona and said certificate shall be returned to the Department immediately upon suspension, revocation or termination of the license.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-209. Renewal of license

Each application for license renewal shall be submitted on Department forms at least 60 days prior to the expiration of the current license.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-210. Registration of child day care center personnel

- A. Documentation shall be maintained at the center which verifies center compliance with A.R.S. § 13-3716 and personnel requirements in A.R.S. § 36-883.02.
- B. The Department shall not register any person to work in a child day care center who is awaiting trial on, has been convicted of, or admitted committing any criminal offenses listed in A.R.S. § 36-883.02.
- C. The Department shall refuse to register a person to work in a child day care center who is awaiting trial, has been convicted of, or has admitted committing a felony or misdemeanor if the Department determines there is a reasonable basis to conclude that the potential registrant's presence in the center may have a detrimental effect on the children.
- D. Persons who otherwise meet the personnel qualifications but who have been convicted of driving under the influence of alcohol or drugs within the past three years, shall be issued a limited registration which restricts the person from driving any vehicle used to transport a child to or from the center at any time. Such a person may apply for full registration after a period of three years from the last conviction.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6). Amended subsection (A) effective July 7, 1988 (Supp. 88-3).

R9-5-211. Assessment of civil penalty

The Department may impose a civil penalty pursuant to A.R.S. § 36-891, not to exceed \$50.00 for the first offense and \$100.00 for subsequent offenses for any of the following:

1. Failure to provide required staffing or supervision for children.
2. Releasing a child from the center without authorization.
3. Placing a child in a life threatening situation.
4. Failure to comply with cleaning, sanitation and safety requirements of these rules.
5. Failure to comply with nutritional requirements of these rules.
6. Use of inappropriate disciplinary methods included in R9-5-518(B).
7. Failure to correct deficiencies noted by the Department within established timelines determined by the Department in conjunction with the child day care center.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

ARTICLE 3. CENTER ADMINISTRATION**R9-5-301. Center responsibility**

- A. In addition to requirements of A.R.S. § 36-883.01, the center shall provide parents with a written statement of services upon the child's admission to the center or upon change in services which includes at least the following:
1. Services offered to children;
 2. Hours of operation;
 3. Admission requirements and enrollment procedures;
 4. Policies regarding payment of fees;
 5. Discipline policies;
 6. Provisions for individual needs of special children;
 7. Transportation services;
 8. Procedure for field trips;
 9. Responsibilities and expected involvement of parents in center activities;
 10. Description of routine activities and a description of the educational programs offered;
 11. A statement that liability insurance is carried by the center pursuant to R9-5-302. If liability insurance is not carried by the center, such shall be stated; and
 12. Policy on medications and emergency medical procedures.
- B. All visitors shall be supervised and accompanied by center personnel while touring the center.
- C. Center personnel shall not release a child to anyone other than the custodial parent, guardian or a person designated by written authorization from the custodial parent or guardian except in the case of an emergency when phone authorization by that parent or guardian is provided.
- D. The center shall have procedures to verify phone authorizations initiated by the custodial parent or guardian.
- E. Center personnel shall inform parents about observations of the child's physical and emotional well-being, participation in center activities and programs, or unanticipated changes in the child's personality, behavior or habits.
- F. The center shall notify parents and guardians that they have access to all areas of the center at any time during hours of operation and that they are allowed to interact with their children in the center's programs and activities.
- G. The center shall have a written plan and instructions for center personnel to use in cases of emergency. Each of the center's personnel shall have read and be able to demonstrate that they can implement the plan in emergency situations.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6). Amended effective July 7, 1988 (Supp. 88-3).

R9-5-302. Insurance

- A. Each center shall secure and maintain general liability insurance with minimum limits of \$300,000, including coverage for any vehicle used for transporting children.
- B. In the event that the Director determines that insurance is unavailable or that coverage in the required amounts cannot be obtained by the majority of the licensed child day care centers, the Director may issue an order modifying the requirements of subsection (A) for a period not to exceed one year. Such order may be revised or renewed following review by the Director of the then current insurance availability.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6). Amended Subsection (A) effective July 7, 1988 (Supp. 88-3).

R9-5-303. Fire, safety and sanitation reports

The center shall maintain in one central area within the center, a current copy of fire, safety and sanitation inspection reports, documentation that all requested corrections have been completed and a copy of monthly fire drill reports. These reports shall be made available to the Department for immediate inspection until the license expires.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-304. Personnel records and reports

- A. The center shall maintain a current, individual file for each of the center's full-time and part-time personnel which includes:
1. Individual's name, birthdate, address and phone number;
 2. A record of work experience, education and training including where and when it was obtained;
 3. Name and telephone number of the person, physician or health facility to be notified in case of an emergency;
 4. Evidence of a tuberculin test pursuant to R9-5-401(B).
 5. A written statement, provided by the individual on a Department approved form, testifying to immunity to measles, rubella, diphtheria, tetanus and polio;
 6. Required licenses and certifications;
 7. Verification of compliance with R9-5-210;
 8. Date of employment or volunteer assignment; and
 9. Written performance evaluations.
- B. Personnel files shall be maintained in one central location within the center or, for multi-center organizations, the records may be kept at a central administrative office. If kept at a central administrative office, that office shall be located within the same city or town as the child day care center.
- C. The records shall be available for immediate inspection by the Department for a period of one year following termination of employment or volunteer work.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6). Amended effective July 7, 1988 (Supp. 88-3).

R9-5-305. Records and reports pertaining to children

The center shall maintain in one central location within the center, an individual file for each enrolled child. The file shall be made available for immediate inspection to the Department and contain the following:

1. Child's name, address, sex and date of birth.
2. Names of the child's parents or guardian, home and work addresses and telephone numbers.

3. Name, address and telephone number of additional persons to be notified in the event that the parents or guardian cannot be located.
4. Name and telephone number of the child's primary source of medical care.
5. Authorization and instructions for emergency medical care of the child when parents or guardian cannot be contacted.
6. Written instructions of the parent, guardian, or attending physician for any special dietary needs.
7. A record completed by the parent, guardian, or physician noting the child's susceptibility to illness and special requirements for health and maintenance.
8. Immunization record or exemption affidavit which includes:
 - a. A verifiable record provided by the child's health-care provider, parent or guardian which states that the child has received current, Department recommended, age-appropriate immunizations for Haemophilus Influenza, Type B (Hib), measles, mumps, rubella, diphtheria, pertussis, tetanus and polio. The parent or guardian of an unimmunized or partially immunized child shall verify that the child will receive these immunizations in accordance with the Department recommended schedule and a provide a documented record from the health-care provider of such immunizations, as they are completed; or
 - b. An affidavit signed by the child's health-care provider that the child has a medical condition such that required immunizations would seriously endanger the child's health; or
 - c. An affidavit signed by the child's parent or guardian that the child is being raised in a religion, the teachings of which are in opposition to immunization.
9. Documentation that the center has notified the parent or guardian of each child who is 24 months of age or younger, at least quarterly and in writing, of all immunizations for that child which will become due during the upcoming quarter.
10. Documentation that the center has notified the parent or guardian of each child who is 25 months or older, at least annually and in writing of all immunizations for that child which will become due during the coming year.
11. Documentation that the child's parent or guardian was notified immediately of accidents or injuries to the child which required professional medical attention, and that an accident report was sent to the Department within three working days.
12. Legal documentation of sole legal guardianship, if the custodial parent or guardian requests that the center not allow the non-custodial parent to interact with the child at the center.
13. Written permission allowing phone authorizations for release of the child signed by the parent or legal guardian.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6). Amended effective July 7, 1988 (Supp. 88-3).

R9-5-306. Attendance records

- A. The center shall keep attendance records of staff on duty and enrolled children which indicate the time of arrival and departure of each staff member and each child. The records shall be retained for two years in one central location within the center or, for multi-center organizations, these records may be kept at a central administrative office. If kept at a central

administrative office, that office shall be located within the same city or town as the child day care center. The records shall be available for immediate inspection by the Department.

- B. The center shall maintain a dated class roster in each child care room on a daily basis which lists the names of all children assigned to that room for that day, and maintain the rosters on file for three months.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6). Amended subsection (B) effective July 7, 1988 (Supp. 88-3).

R9-5-307. Records and reports of suspected child abuse

The center shall maintain documentation that all suspected cases of child abuse or neglect were reported to the appropriate authorities immediately upon detection in accordance with A.R.S. § 13-3620, reported to the Department within 24 hours and followed by a written report to appropriate authorities and the Department. Documentation shall be available for immediate review by the Department.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-308. Enrollment, admission and release of children

- A. The child shall be enrolled by the parent or guardian. A plan for the child's care and any special requirements shall be clearly defined in writing upon enrollment.
- B. Information required for the child's file pursuant to R9-5-305 shall be recorded and signed by the parent or guardian when the child is enrolled.
- C. A child shall not be admitted if the admission will cause the center to exceed its licensed capacity.
- D. If children are to be released to persons other than the custodial parent or guardian, authorization for such release shall be obtained when the child is enrolled and updated as changes occur.
- E. Children shall not be allowed to admit or release themselves from a child day care center unless they are of school-age and authorization in writing is provided by the child's parent or guardian. If written authorization is brought to the center by the child, the authorization shall be verified with the parent or guardian upon receipt.
- F. Centers shall require the signature of the parent, guardian, or a person authorized by the parent or guardian, each time the child enters the center or is released from the center. Centers shall require all persons other than the parent or guardian to present picture identification for verification in addition to the signature prior to releasing a child from the center.
- G. No child shall continue enrollment in the child day care center for more than 15 days, after receiving notification of needed immunizations, unless the parent/guardian has provided evidence of age-appropriate immunization or an exemption affidavit.
- H. Children without evidence of immunity or an affidavit exempting immunization on file at the center are subject to exclusion from the center.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6). Amended effective July 7, 1988 (Supp. 88-3).

ARTICLE 4. CENTER PERSONNEL

R9-5-401. General personnel standards

- A. Center personnel shall have the physical and emotional health

necessary to perform the duties and responsibilities required by these rules.

- B. Tuberculin tests shall be required of all center personnel as follows:

1. A tuberculin skin test shall be obtained prior to employment and for volunteers who will be contact with children at the center on a weekly basis. If a prospective employee is known to be tuberculin skin test positive, that individual shall submit verification of current freedom from communicable tuberculosis based on examination by a physician or public health clinic.
2. Personnel who have previously tested positive on skin tests must obtain a chest x-ray and sputum examination at any time they manifest symptoms compatible with tuberculosis.
3. If the center is located in a private home, every member of the household shall be subject to the tuberculosis screening required for personnel.

- C. Personnel shall not be allowed in the center who knowingly have, or present symptoms of, a contagious disease.

- D. Individuals without evidence of immunity on file are subject to exclusion from the center by order of state or local health officials. Individuals who were born before January 1, 1957, shall be considered immune to measles and therefore exempt from the measles immunization.

- E. There shall be at least one staff member with current certification in first aid training from a Department approved program and one staff member with current cardiopulmonary resuscitation certification from a program approved by the American Heart Association on the center premises at all times when the center is open, and on field trips.

- F. The center shall document good faith efforts to obtain three personal and three past employer references for potential center personnel. This documentation shall include at least one written personal reference and one written reference from the most recent employer.

- G. Personnel shall not smoke or use tobacco on the center premises during the hours of operation except in designated areas separated from the children.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-402. Personnel qualifications

- A. The center director shall be at least 21 years of age and appropriately qualified as specified in the Table of Qualification Standards following this rule.

- B. Teacher-caregivers shall be at least 18 years of age and appropriately qualified as specified in the Table of Qualification Standards following this rule.

- C. Assistant teacher-caregivers shall be at least 16 years old and appropriately qualified as specified in the Table of Qualification Standards following this rule.

- D. Center directors and teacher-caregivers hired prior to the adoption of these rules shall have two years from the date of adoption to meet the minimum qualifications required for employment. A teacher-caregiver regularly employed at a center for five or more years prior to the adoption of these rules shall be exempt from the requirements in subsection (B) of this rule.

- E. No one under the age of 16 shall be employed or serve as a volunteer in a child day care center.

- F. Personnel under the age of 18 must be directly supervised at all times.

TABLE OF QUALIFICATION STANDARDS

CHILD DAY CARE CENTER DIRECTOR

Each center director shall meet one of the following sets of minimum academic and qualifying experience.

ACADEMIC COURSE WORK

**CHILD CARE
QUALIFYING EXPERIENCE**

A high school diploma or its equivalent with at least six hours of academic course work or 90 hours of documented workshop experience in early childhood education or child development.

Two Years

A Child Development Associate credential or its equivalent with at least six hours of academic course work or 90 hours of documented workshop experience in early childhood education or child development.

Eighteen months

One year of college with at least six hours of academic course work in early childhood education, child development or closely related field.

Eighteen months

An association degree in early childhood education, child development or closely related field.

Six months

A bachelor's degree in early childhood education, child development or closely related field.

Three months

CHILD DAY CARE CENTER TEACHER-CAREGIVER

Each teacher-caregiver shall meet one of the following sets of minimum academic and qualifying experience.

ACADEMIC COURSE WORK

**CHILD CARE
QUALIFYING EXPERIENCE**

High school diploma or its equivalent.
Child Development Associate credential or equivalent.

Six months

N/A

Associate or bachelor's degree in early childhood education, child development or closely related field.

N/A

CHILD DAY CARE CENTER ASSISTANT TEACHER-CAREGIVER

ACADEMIC COURSE WORK

**CHILD CARE
QUALIFYING EXPERIENCE**

High school diploma or its equivalent and an interest in working with children.

N/A

Enrolled in high school H.E.R.O. program or similar educational program approved by the school governing board.

N/A

Enrolled in high school classes or equivalent and an interest in working with children in summer camps.

N/A

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-403. Personnel responsibilities and duties

A. The center director shall:

1. Be responsible for the supervision of personnel and children.
2. Designate in writing a teacher-caregiver who is at least 21 years old to act in the center director's behalf and have access to all records necessary to the performance of the director's duties during an absence from the center.

3. Provide for continuous supervision, during hours of operation, of all non-center persons who are registered with the Department pursuant to R9-5-210 but are furnishing repair, maintenance, supplemental education or other essential services for compensation in an area of the center where children are present.
4. Provide, or make available, a minimum of 12 hours of in-service training each year for all teacher-caregivers.

assistant teacher-caregivers and other personnel as appropriate, depending upon the needs of the program and the qualifications of staff and volunteers. The training shall include at least the following:

- a. Orientation of all new employees to the center and its policies and procedures;
 - b. On-the-job training for all new personnel who need training in specific areas of job responsibilities;
 - c. Personnel responsibilities in complying with these rules;
 - d. Health and safety procedures including recognition of illness and disease and training in basic disease control techniques;
 - e. Child growth and development;
 - f. Child abuse prevention, detection and reporting;
 - g. Positive guidance and discipline;
 - h. Nutrition and good eating habits;
 - i. Availability of community services;
 - j. Family involvement and communication with families;
 - k. Program planning and development; and
 - l. Creating a classroom environment.
5. Provide, or assign a teacher-caregiver to provide, supervision for each assistant teacher-caregiver.
- B. Center personnel may perform duties other than child care if the duties are not undertaken simultaneously with the supervision of the children in their charge. Personnel with diaper changing responsibilities shall not be assigned food preparation duties.
- C. Center personnel having responsibility for the care of children shall report any case of suspected child abuse or neglect in accordance with R9-5-307.
- D. Center personnel shall not be regularly scheduled to perform child care duties for more than eight hours within any 24-hour period.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6). Amended subsection (A) effective July 7, 1988 (Supp. 88-3).

R9-5-404. Center staffing

- A. Children shall be grouped for supervision according to age and maturity and center personnel shall supervise all children at all times. There shall be at least the following ratios of personnel directly engaged in the care and supervision of children in the center's care:
- | | |
|------------------------------------------------------|-------------|
| 1. Infants | 1:5 or 2:11 |
| 2. One-year-old child | 1:6 or 2:13 |
| 3. Two-year-old children | 1:10 |
| After July 1, 1988 | 1:8 |
| 4. Three-year-old children | 1:15 |
| After January 1, 1989 | 1:13 |
| 5. Four-year-old children | 1:20 |
| After July 1, 1989 | 1:15 |
| 6. Five-year-old children who are not yet school age | 1:25 |
| After January 1, 1990 | 1:20 |
| 7. School-age children | 1:25 |
| After January 1, 1990 | 1:20 |
- B. For center swimming and water activities conducted at a public swimming pool which provides appropriately certified advanced lifesaving staff on the premises, the center shall provide ratios of center personnel to children as defined in subsection (A) of this rule to be present in the pool or observing poolside.
- C. For center swimming and water activities conducted in a private swimming pool, or public swimming pool which does not provide appropriately certified advanced lifesaving staff on the

premises, the center shall provide ratios of center personnel to children as defined in subsection (A) of this rule plus one additional person currently certified in advanced lifesaving and cardiopulmonary resuscitation (CPR) to be present in the pool or observing poolside.

- D. When transporting children who are not yet school-age, the center shall provide ratios of center personnel to children defined in subsection (A) of this rule in addition to the vehicle driver unless four or fewer children are being transported. When transporting school-age children, ratios of center personnel to children defined in subsection (A) of this rule shall be maintained but the vehicle driver may be included in the required ratio.
- E. If otherwise qualified, the center director, office, domestic and maintenance personnel may be included in the count for required personnel/child ratios at times when their sole responsibility is child supervision. This shall be verified by a clearly stated outline of time commitments.
- F. Center personnel under 18 years of age may be included in the required personnel/child ratios if working under the supervision of adult personnel.
- G. In groups of children of mixed ages, the number of personnel required shall be based upon the staffing ratio required for the youngest child in the group.
- H. The center shall have a minimum of two personnel, one of whom shall be a teacher-caregiver on the center's premises at all times whenever six or more children of any age group are present. In a center where five or fewer children are in attendance, at least one of the center's personnel shall be on the premises with at least one of the center's other personnel readily available to relieve or assist in cases of emergency.
- I. No infants shall be mixed with older children for supervision if six or more children are present in the center.
- J. Each center shall have sufficient personnel to prepare and serve food, and maintain the center in a clean and safe manner. Maintenance of the child day care center shall not be dependent upon the work of the children under supervision.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6). Amended effective July 7, 1988 (Supp. 88-3).

ARTICLE 5. CENTER PROGRAM AND EQUIPMENT

R9-5-501. General program standards

- A. The center shall maintain a safe and healthful environment, free from disease and illness.
- B. Within each daily program, teacher-caregivers shall select activities in which children can become individually involved and which meet the children's developmental age and needs for:
1. Indoor/outdoor activities;
 2. Quiet/active activities;
 3. Supervised free choice/teacher-directed activities;
 4. Individual, small group and large group activities;
 5. Small/large muscle development activities; and
 6. Meals and snacks.
- C. Teacher-caregivers shall develop, post and implement activity or lesson plans which provide an opportunity for each child to:
1. Gain a positive self-concept;
 2. Develop and practice social skills;
 3. Think, reason, question, and experiment;
 4. Acquire language skills;
 5. Develop physical coordination skills;
 6. Develop good health, safety, and nutritional habits;
 7. Express creativity;
 8. Learn to respect cultural diversity of staff and children; and

9. Learn self-help skills, and develop a sense of responsibility and independence.
- D. Center personnel shall not at any time endanger the health or safety of the children under their care and shall assure that each child is clean and groomed as necessary after meals and activities.
- E. Daily activity or lesson plans for each group of children at the center shall be maintained in a file at the center and available for review for one year.
- F. Center personnel shall consider the age and needs of the children and the length of time spent in the center when scheduling nap-times. During nap-times:
 1. Television shall not be in operation in designated sleeping rooms; and
 2. Children shall not be allowed to lie in direct contact with the floor.
- G. When scheduling outdoor play time, personnel shall group children by age and developmental needs to avoid conflicts, overcrowding, and undue competition for materials.
- H. Teacher-caregivers shall be knowledgeable of, and able to provide, verbal or written information upon reasonable request about each child's progress in the acquisition of skills, emotional development and new or unusual behavior during daily activities.
- I. Activity restrictions include the following:
 1. Children shall not be allowed in the kitchen or laundry room except as part of a planned program;
 2. Children shall be protected from over-exposure to the sun. Shoes must be immediately available if at a swimming pool which is not surrounded by a cool surface/decking; and
 3. Written permission shall be obtained from the parent or guardian and filed in the child's record before involving any child in a swimming program.
5. Teacher-caregivers shall provide infants with a variety of age-appropriate toys, sights, sounds and textures suitable to their level of development.
 - a. The variety shall include at least the following: toys for stacking, pulling and grasping, soft toys, books, mobiles and unbreakable mirrors.
 - b. The quantity of toys to be provided shall be at least three times as great as the number of infants in attendance.
6. Each infant shall be allowed to maintain his own pattern of sleeping and waking.
7. Teacher-caregivers shall never place a child directly on a waterproof mattress cover.
8. Each child's diaper shall be changed as soon as soiled.
 - a. When changing diapers, the child shall be washed and dried using the child's individual toilet accessories.
 - b. If cloth diapers are used, they shall be emptied but not rinsed in a toilet fixture as soon as possible, placed in individual plastic bags and stored in a covered container out of reach of children.
 - c. Personnel shall wash their hands immediately before and after each diaper change.
9. The teacher-caregiver assigned to infant care shall keep a daily written log of significant information about each infant. The log shall be kept in the infant care room and the information shall be relayed to the children's parents.
10. Infants shall be separated from older children except as defined in R9-5-404(I)

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-503. Supplemental program standards for one- and two-year-old children

In addition to requirements specified in R9-5-501, centers providing care to one- and two-year-old children shall comply with the following:

1. Center personnel shall provide personal attention to, and contact with, each child by holding and talking to the child and taking the child for walks inside the center premises.
2. A one- or two-year-old child who is awake shall not spend more than one hour of consecutive time confined in a crib, highchair, playpen, or other confining equipment.
3. One- and two-year-old children shall have outdoor play time in the area that safely separates them from older children. Developmentally appropriate outdoor play equipment shall be available.
4. Each child shall be allowed to maintain his own pattern of sleep and waking periods. Special provision shall be made so that children who require nap-time have a separate sleeping area which is apart from space used for play.
5. The center shall consult with each child's parent or guardian to develop a mutual plan regarding individual toilet training of the child and shall not force toilet training on any child.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-504. Supplemental program standards for school-age children

In addition to requirements specified in R9-5-501, centers providing care for school-age children shall comply with the following:

1. When school-age children are present, their indoor activity area space shall be separated from space provided for infants and one-year-old children.
2. The center shall provide program activities which offer school-age children an opportunity to meet their individual

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-502. Supplemental program standards for infants

In addition to requirements specified in R9-5-501, centers providing infant care shall comply with the following:

1. The center shall provide a list showing each infant's name and the assigned teacher-caregiver. The list shall be posted in the infant room.
2. The teacher-caregiver shall provide consistent, individualized care to each infant, as evidenced by:
 - a. Responding promptly to the infant's distress signals and need for comfort;
 - b. Playing with and talking to the infant;
 - c. Holding and rocking the infant and conducting the other everyday infant care activities;
 - d. Providing adequate, appropriate, and nutritious foods conducive to the infant's optimum growth and development;
 - e. Establishing a consistent daily routine;
 - f. Providing a variety of age-appropriate activities and learning materials; and
 - g. Allowing the infant a balance of quiet and active periods.
3. Each infant shall have time and space both indoors and outdoors to play and explore in a safe and unobstructed area.
4. An infant who is awake shall not spend more than one hour of consecutive time confined in a crib, playpen, swing, highchair, or other restricting equipment.

developmental, educational, social and privacy needs. Program activities shall include:

- a. Recreation;
 - b. Individual and group participation activities;
 - c. Activities to develop leadership skills and assume responsibility; and
 - d. Relaxation.
3. The program shall allow children to participate in activities on a free choice basis.
 4. The center shall provide outdoor play activities appropriate for school-age children. Developmentally appropriate outdoor play equipment and open spaces for running and games shall also be provided.
 5. The center shall assure that children attending school-age care programs are accompanied by center personnel to and from school, and at bus stops unless requirements of R9-5-308(E) are met.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-505. Field trips

- A. The center shall obtain written permission from the parent or guardian in advance of the child's participation in a field trip. The field trip permission notice shall provide details of the trip including the purpose of the field trip, time of departure and arrival at the center, and the address of the trip destination.
- B. A written trip plan shall remain at the center which includes the following:
 1. List of children and adults on the trip;
 2. Departure and return times;
 3. Vehicle license plate numbers;
 4. Name, address and, when possible, phone number of destination; and
 5. Information about any requirements for children to participate in the planned activity at the trip destination.
- C. Records of emergency information for children participating in the field trip shall be taken on all field trips.
- D. A list of children participating in the field trip shall be taken on the trip and also left at the center. Personnel on the field trip shall compare the list to children at the following times:
 1. Boarding the vehicle at the beginning of the trip;
 2. Each hour at the trip's destination; and
 3. Boarding the vehicle to return to the center.
- E. Sufficient water or appropriate drinks shall be available for the entire trip.
- F. Each child shall have on his person, in plain view, the center's name, address and telephone number. The child's first and last name shall be placed inconspicuously on his person.
- G. If volunteer vehicles are used for field trips, the center shall determine that each volunteer vehicle and driver comply with R9-5-522(1) and (2) before the trip begins.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6). Amended subsection (F) effective July 7, 1988 (Supp. 88-3).

R9-5-506. General equipment standards

- A. Educational materials and equipment:
 1. Educational materials shall be available for all children. Such materials shall stimulate curiosity, offer social experiences, encourage cooperative play and develop physical coordination.
 2. Equipment, toys and materials of a variety in size and design appropriate to the children's developmental needs shall be provided for both indoor and outdoor activities and play.

3. Each center shall have sufficient play materials and equipment so that at any one time, each child for which the center is licensed can be individually involved in the activities outlined in the lesson plan.

4. All equipment, toys and materials shall be washable, maintained in a clean, safe and usable condition, and disinfected as necessary.

B. Sleeping materials and equipment:

1. There shall be a separate cot, floor mat, or crib for each child who needs to nap or rest. Bunk beds are not permitted.
2. Cots and cribs shall be of sound construction, shall be of sufficient size to comfortably accommodate the size and weight of the child, and shall be kept clean and in good repair.
3. Mats shall be covered with waterproof material and used only in rooms where close contact with the floor will not present a draft or dust problem.
4. Rugs, carpets, blankets and towels shall not be used as mats.
5. Each cot or floor mat shall be completely covered with a clean sheet or similar covering which shall be laundered weekly, or more frequently as needed. Coverings shall always be freshly laundered before use by another child.
6. A clean blanket shall be provided for each child.
7. Where a private home is used as a center, beds used by family members shall not be used by a child in attendance at the center.

C. Other equipment:

1. Highchairs shall be equipped with a safety strap and constructed so that the chair will not topple. The Department may waive the safety strap requirement if the design and construction of the chair is such that a safety strap is not needed. The tray or feeding surface shall be smooth, free of cracks, and shall be sanitized prior to each use.
2. When a center is located in a multiple-use building, the center shall use and store cookware and serving tableware separately from all other building cooking supplies and food service equipment.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-507. Supplemental equipment standards for infants

In addition to requirements specified in R9-5-506, centers providing infant care shall comply with the following:

1. A sturdy adult size chair, preferably a rocking chair, shall be provided in the infant room for personnel to use when holding and feeding infants.
2. A crib of sturdy construction with bars spaced no more than 2-3/8 inches apart shall be available for each infant. Stacked cribs are not permitted.
3. Crib mattresses shall be completely and tightly covered with waterproof material. If plastic materials are used, they shall be durable and safe for children.
4. There shall be no restraining devices of any type used in cribs.
5. Each crib shall have clean, individual crib-size bedding, including sheets and a blanket which are in good repair.
6. Each crib and mattress shall be cleaned and bedding changed daily, or more often if necessary, and always upon a change of occupant.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-508. Supplemental equipment standards for one- and two-year-old children

In addition to requirements specified in R9-5-506, centers providing care for one- and two-year-old children shall comply with the following:

1. Age-appropriate materials and equipment shall include:
 - a. Books, including some cloth books;
 - b. Medium size rubber or soft plastic balls;
 - c. Manipulative toys;
 - d. Blocks and block accessories;
 - e. Washable soft toys, stuffed animals and dolls;
 - f. Large muscle equipment; and
 - g. Musical instruments.
2. Toys to be used by one- and two-year-old children, shall be durable, easily cleaned, movable, nontoxic, too large to swallow and have no sharp pieces, edges or points. Toys shall be inspected frequently and regularly to ensure they are not hazardous.
3. If cribs are used they shall comply with the requirements as listed in R9-5-507.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-509. Supplemental equipment standards for three-, four- and five-year-old children

In addition to requirements specified in R9-5-506, centers providing care for three-, four- and five-year-old children shall provide age-appropriate play materials and equipment including:

1. Art supplies;
2. Blocks and block accessories;
3. Books and posters;
4. Dramatic play areas with toys and dress-up clothes;
5. Large muscle equipment;
6. Manipulative toys;
7. Science materials; and
8. Musical instruments.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-510. Supplemental equipment standards for school-age children

In addition to requirements specified in R9-5-506, centers providing care for school-age children shall provide age-appropriate play materials and equipment including:

1. Arts and crafts;
2. Games;
3. Sports equipment;
4. Books;
5. Science materials; and
6. Manipulative toys.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-511. General nutrition standards

- A. The center shall serve foods which meet the following standards:
 1. Age-appropriate nutrition requirements;
 2. Provide a variety of foods served within each food group;
 3. Adhere to current dietary recommendations for sugar, salt and fat intake.
- B. The center shall maintain a one-day supply of perishables and a three-day supply of staples to meet emergency situations.
- C. The center shall be able to verify that quantities of food purchased, prepared, and served meet minimum nutritional requirements. The Federal Child Care Food Program production sheets or standardized recipes, menus, food receipts and purchasing logs, as well as on-site observation shall be used for verification.
- D. Second servings of nutritious foods shall be made available to children over and above the required daily minimums if not contraindicated.
- E. Minimum meal components and serving sizes to meet calorie and nutrient requirements for various ages of children, as established by the National Research Council Recommended Daily Allowances (RDA), shall be as prescribed in the following table:

TABLE OF MEAL PATTERN REQUIREMENTS FOR CHILDREN

Food Component	Ages 1-3	Ages 3-6	Ages 6-15
Breakfast			
1. Milk (fluid)	1/2 cup (4 oz)	3/4 cup (6 oz)	1 cup (8 oz)
2. Vegetables/fruits or Juice (full-strength)	1/4 cup 1/4 cup (2 oz)	1/2 cup 1/2 cup (4 oz)	1/2 cup 1/2 cup (4 oz)
3. Bread or biscuits, Rolls, muffins, etc. or Cold dry cereal or Cooked cereal or grains or Cooked pasta or Noodle products	1/2 slice 1/2 serving 1/4 cup 1/4 cup 1/4 cup	1/2 slice 1/2 serving 1/3 cup 1/4 cup 1/4 cup	1 slice 1 serving 3/4 cup 1/2 cup 1/2 cup
Lunch/Supper			
1. Milk (fluid)	1/2 cup (4 oz)	3/4 cup (6 oz)	1 cup (8 oz)
2. and 3. Vegetable(s) and/or fruits (from two sources) Juice (full-strength)	1/4 cup 1/4 cup (2 oz)	1/2 cup 1/2 cup (4 oz)	3/4 cup 1/2 cup (4 oz)
4. Bread or biscuits, Rolls, muffins, etc. or Cooked pasta or Noodle products or Cooked cereal or grains	1/2 slice 1/2 serving 1/4 cup 1/4 cup	1/2 slice 1/2 serving 1/4 cup 1/4 cup	1 slice 1 serving 1/2 cup 1/2 cup
5. Meat (lean) or Poultry or fish or Eggs or Cooked dry beans, peas Lentils or Peanut butter or Cheese	1 oz 1 oz 1 1/4 cup 2 T 1 oz	1 1/2 oz 1 1/2 oz 1 3/8 cup 3 T 1 1/2 oz	2 oz 2 oz 1 1/2 cup 4 T 2 oz
Snacks			
Select 2 of the following 4 components			
1. Milk (fluid)	1/2 cup (4 oz)	1/2 cup (4 oz)	1 cup (8 oz)
2. Vegetables/fruits or Juice (full-strength) (except with milk)	1/2 cup 1/2 cup (4 oz)	1/2 cup 1/2 cup (4 oz)	3/4 cup 3/4 cup (6 oz)
3. Bread or biscuits, Rolls, muffins, etc. or Cold dry cereal or Cooked cereal or grains or Cooked pasta or Noodle products or	1/2 slice 1/2 serving 1/4 cup 1/4 cup 1/4 cup	1/2 slice 1/2 serving 1/3 cup 1/4 cup 1/4 cup	1 slice 1 serving 3/4 cup 1/2 cup 1/2 cup
4. Meat (lean) or Poultry or fish or Cheese or Eggs or Cooked dry beans, peas Lentils or Peanut butter or Peanuts	1/2 oz 1/2 oz 1/2 oz 1/2 egg 1/8 cup 1 T 1/3 cup	1/2 oz 1/2 oz 1/2 oz 1/2 egg 1/8 cup 1 T 1/3 cup	1 oz 1 oz 1 oz 1 egg 1/4 cup 2 T 2/3 cup

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-512. General food service and food handling standards

- A. Food service and handling shall be conducted pursuant to all applicable state and local statutes, rules and ordinances.
- B. Children and staff shall wash hands with soap and running water before handling or eating food. Washcloth handwashing shall be restricted to infants and children with special needs to reduce the transfer of bacteria.
- C. Children shall not be allowed to eat directly off floor or ground.
- D. Children shall be encouraged but not forced to eat.
- E. Children shall be given necessary assistance in feeding, and taught self-feeding skills and good nutrition habits.
- F. The child's parents or guardian shall be notified when a child consistently refuses to eat or exhibits unusual eating behavior.
- G. Meals provided by the center or individual sack lunches provided by the parents or guardian shall be given to the child at customary meal times.
- H. The center shall not serve the same menu twice in the same day.
- I. Fresh milk may be served directly from the original commercially filled container. Unused portions of individual servings shall not be returned to the original container or stored for future consumption.
- J. Reconstituted dry milk does not meet the fluid milk meal pattern requirement and shall not be substituted for fresh milk.
- K. Foods shall be prepared as close to serving time as possible to protect children and personnel from food-borne illnesses.
- L. Foods shall be prepared in a manner to maintain nutrients, proper temperature, flavor, texture and appearance.
- M. Perishable foods in sack lunches shall be stored at proper temperatures (45o maximum) in a refrigerator until mealtime.
- N. If not provided when a sack lunch is brought from home, the center shall serve milk, or full-strength vegetable or fruit juice to children at scheduled meal times.
- O. Juices served to children for meals and snacks shall be full-strength vegetable or fruit juices from a can, carton or concentrate. Imitation powdered, syrup, or concentrated drinks, aides or punches shall not be used in place of full-strength juices.
- P. Menus shall specify foods to be served and shall be planned at least one week in advance, dated and posted in the center's entrance area on the last working day prior to the menu week.
- Q. Menu substitutions shall be written on the posted menu no later than the morning of the meal service.
- R. When a child requires a modified diet prescribed by the parent, guardian or physician, the center shall inform personnel of the diet restrictions and serve food that complies with the prescribed dietary regimen.
- S. Children shall receive the following meals or snacks when at the center for the time periods specified below:
 1. Two to four hours: one or more snacks, unless the child is at the center during a regular meal time, in which case the child shall be served the appropriate meal outlined in these rules.
 2. Four to eight hours: a meal and one or more snacks.
 3. Nine or more hours: two snacks and one or two appropriate meals.
 4. A snack shall be made available before bedtime.
 5. Breakfast shall be available to children who are scheduled to be in attendance at the center before 8:00 am.
 6. Lunch shall be available to children who are at the center between 11:00 am. and 1:00 pm.
 7. Dinner shall be available to children in centers licensed for evening care who are at the center between 5:00 pm and 7:00 pm.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6). Amended subsection (P) effective July 7, 1988 (Supp. 88-3).

R9-5-513. Supplemental food service and food handling standards for infants

In addition to requirements specified in R9-5-512, centers providing infant care shall comply with the following:

1. Formulas may be provided by the infant's parents or guardian, or by the center. If prepared by the center, formulas shall be prepared and stored in accordance with written instructions provided by the infant's parents, guardian or physician and according to state statutes and state and local rules or ordinances governing the preparation of all foods.
2. Each infant's parents or guardian shall supply written instructions to the center on the types of foods to be fed to the infant which shall be updated regularly as new foods are added or other dietary changes are made. Instructions shall be posted for staff reference.
3. The center shall meet the following requirements for feeding infants:
 - a. Center personnel shall hold and feed infants under six months of age or older children who cannot hold their own bottle.
 - b. Bottles shall never be propped.
 - c. Bottles shall be removed from cribs and beds after the child has fallen asleep.
 - d. Children shall not have bottles while on the floor.
 - e. Each child's bottle shall be individually labeled.
 - f. Bottles, nipples and bottle covers shall be sterilized prior to reuse. Used bottles shall be removed, emptied, and rinsed promptly.
 - g. Cereal shall not be mixed with formula and fed to an infant from a bottle.
4. As soon as infants are of sufficient age, they shall be spoon-fed from individual spoons and containers and shall be encouraged to feed themselves as soon as this desire is exhibited.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-514. Supplemental food service and food handling standards for one-and two-year-old children

In addition to requirements specified in R9-5-512, centers providing care for one- and two-year-old children shall comply with the following:

1. Centers shall meet requirements as specified in R9-5-513 for children who require formula or bottle feeding.
2. The child shall sit in a chair at a table of appropriate size during feeding as soon as the child is able to do so.
3. Foods which can be eaten with the fingers shall be included in the daily menus to encourage children to feed themselves.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-515. Supplemental care standards for special children

In addition to the general program and equipment requirements specified in Article 5 and the general activity space requirements in Article 6, centers providing care for special children shall comply with the following:

1. Centers may enroll special children when the following conditions are met prior to the child's attendance:
 - a. In-service training or consultation is provided to enhance the ability center personnel to meet the individual needs of enrolled special children.
 - b. Appropriate activities are developed and equipment substitutions are available or necessary activity and equipment adaptations are made.

- c. Appropriate physical plant modifications are made to accommodate the individual needs of special children.
 - d. Personnel/child ratios are established which allow each special child to receive specialized services and care required for their needs and which are approved by the Department.
2. At the parent conference, upon enrollment of the child, specialized support needs shall be documented.
 - a. Parents and staff shall jointly determine any special personnel/child ratios, personnel training or consultation, and equipment that will be necessary.
 - b. Personnel shall be familiar with appropriate community resource referral services and refer parents to them, if appropriate.
 - c. When determining the placement of a special child within a group of children, center personnel and the child's parents shall consider the developmental, physical, emotional, and chronological age of the child. Any assessments of the child's individual needs that have been used to determine placement and the rationale for placement shall be documented in the child's file.
 3. Special children shall be integrated into the daily activities of the center whenever possible within the least restrictive environment that meets the individual needs of special children in attendance.
 4. A diaper-changing area shall be provided in centers that regularly care for special children who require diapering.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-516. Supplemental evening and nighttime care standards

- A. In addition to the general program and equipment requirements specified in Article 5 and the general activity space requirements in Article 6, centers providing evening and nighttime care shall comply with the following:
 1. The center shall provide a variety of activities after dinner and before bedtime which meet each child's recreational, rest or sleep needs.
 2. The center shall provide each infant with a crib which meets the requirements of R9-5-507 and each child with a comfortable bed, consisting, at a minimum, of a sturdy cot and clean bedding.
- B. The center shall obtain and follow written instructions from the parent or guardian for the child's bathing, toileting and personal grooming.
- C. If children are bathed at the center, the bathtub shall be sanitized between uses.
- D. Staff members on evening or night duty shall remain awake at all times and shall be in the immediate vicinity of sleeping children.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-517. Pets

The center director shall be responsible for the behavior and cleanliness of pets or animals allowed on the premises.

1. All dogs and cats on the premises shall be immunized against rabies.
2. Pets shall be controlled to assure that proper sanitation of the premises is maintained, and to assure that the animals are not a hazard to children, staff or visitors at the center.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-518. Discipline and guidance

- A. Acceptable discipline and guidance techniques:
 1. Center personnel shall use discipline to teach children acceptable behavior and inner controls, not as punishment or retribution.
 2. Center personnel shall consider the child's age, intellectual development, emotional make-up and past experience when disciplining the child.
 3. Center personnel shall define and maintain consistent, reasonable rules and limits for children and shall model and encourage appropriate behavior.
 4. Center personnel, whenever possible, shall explain to a child why the particular behavior is not allowed, suggest an alternative, and then assist the child to become engaged in activities in an acceptable way.
 5. If a child's behavior may result in self-harm or harm to others, center personnel shall hold the child firmly until the child regains control or composure.
 6. When a child is isolated from other children for unacceptable behavior, the isolation period shall not be longer than three minutes after the child regains control or composure but under no circumstances longer than ten minutes without personnel/child interaction using methods described in this subsection.
- B. Unacceptable discipline and guidance techniques:
 1. Disciplinary methods shall not be detrimental to the health or emotional needs of the child. Personnel shall not humiliate or frighten a child, or use corporal punishment and shall not permit other personnel to do so.
 2. Discipline shall not be associated with eating, napping or toileting.
 3. Medications or mechanical restraints and devices shall not be used to discipline children.
 4. Children shall not be allowed to discipline other children.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-519. Illness and infestation care

- A. Each child shall be observed by center personnel for signs of illness or infestation upon entering a center transport vehicle or the center.
- B. The center shall not accept or allow a child to remain at the center if the child shows symptoms of inflammation, fever, rash, diarrhea, vomiting, pinworms, lice or is suspected of having a contagious or infectious disease or infestation.
- C. If the child develops symptoms of illness or infestation while at the center, personnel shall isolate the child from others and notify the child's parent or guardian immediately to arrange for prompt removal of the child.
- D. The center shall notify parents in writing if their child has been exposed to a contagious disease or infestation immediately upon discovery of exposure. In addition, the center shall notify the local health department of all reportable diseases.
- E. Each center shall provide every parent with written instructions of how to inform the center of a child's absence due to potentially infectious illnesses.
- F. A log of absences due to reportable communicable illness and infestation pursuant to R9-6-114(A) shall be maintained by the center and retained for two years in order to determine consistent patterns of illness or infestation at the center.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6). Amended Subsection (F) effective July 7, 1988 (Supp. 88-3).

R9-5-520. Emergency medical care

- A. The center shall immediately notify the child's parents, guardian or the person specified by the parent to be notified in case of an emergency, in the event of any serious injury to the child that requires medical attention.
- B. A first-aid kit, approved by the Department, shall be kept in the center and accessible to all personnel but out of reach of children. The first-aid kit shall contain at a minimum:
1. Band-aids;
 2. Antiseptic solution;
 3. Sterile bandages;
 4. Scissors;
 5. Medical tape;
 6. Cotton swabs; and
 7. Syrup of Ipecac within expiration limits.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-521. Medications

- A. Centers shall develop a medication policy and notify parents or guardians of the policy.
- B. If medications are administered, the center shall develop procedures which, at a minimum, adhere to the following:
1. The center director, or a staff member designated in writing by the center director, shall be responsible for administration of medication including the storage, recordkeeping, handling and overseeing the child's ingestion of medication. Only one staff member in the center at any given time shall be responsible for administration of medications.
 2. Staff shall not administer medications to a child without specific written authorization from the child's physician, parent or guardian which contains at least the following information:
 - a. The name of the child;
 - b. The name and, if any, the prescription number of the medication to be given;
 - c. Specific instructions for administering the medication including the dosage, the dates and time of day medication is to be given;
 - d. Reason the medication is being given;
 - e. Signature of physician, parent or guardian; and
 - f. Date of authorization.
 3. Injections shall only be dispensed by appropriately licensed persons.
 4. The center shall maintain a record of all medications administered to children by the center staff. The record shall contain the following information:
 - a. The name of the child;
 - b. The name and, if any, the prescription number of the medication;
 - c. The date and time of day the medication is administered; and
 - d. The signature of the designated staff member who administered the medication.
 5. Center staff shall only administer medications that are provided by the parent or guardian in the original, labeled container and labeled with the child's full name.
 6. Medicines which are no longer to be administered shall be returned to the child's parent or guardian immediately.
 7. All prescription and nonprescription medications shall be kept in a locked storage cabinet or container which is located out of the reach of children.
 8. Medications requiring refrigeration shall be kept in a locked, leakproof container in the refrigerator.

9. The center shall not keep stock supplies of any prescription or nonprescription medication for internal use, including aspirin.

- C. Medication records shall be maintained for three years and available for immediate inspection by the Department. Current records shall be kept on the center premises for one year.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6). Amended by adding subsection (C) effective July 7, 1988 (Supp. 88-3).

R9-5-522. Transportation

If the center provides vehicular transportation directly or through a contract, the following requirements shall be met:

1. Vehicle and driver requirements:
 - a. The vehicle shall be maintained in a mechanically safe condition.
 - b. The vehicle driver shall be 18 years of age or older, hold a current Arizona chauffeur's license and a current first aid certificate, or if not paid for services, a valid driver's license.
 - c. Children shall not be transported in vehicles which are not constructed for the purpose of transporting people such as truck beds, campers or any trailered attachment to a motor vehicle.
 - d. All children shall be seated on seats which are securely fastened to the body of the vehicle and which provide sufficient space for the child's body.
 - e. Seat belts or child restraint devices shall be required for all children who are 25 months old or older when they are transported in a vehicle which weighs under 10,000 pounds gross volume weight (GVW). All children 24 months of age or younger shall be transported in Department approved child restraint devices which are anchored to the vehicle.
 - f. No adult or child shall stand or sit on the floor while vehicle is in motion.
 - g. Vehicles used to transport children shall have adequate heating and air conditioning.
 - h. A first aid kit which meets requirements specified in R9-5-520(B), and two large, clean towels or blankets shall be maintained in each vehicle.
 - i. Centers shall maintain on file records of all services and repairs for center owned or leased vehicles for as long as the vehicle is used by the center.
2. Transport insurance requirements:
 - a. The center or its contractor, shall obtain and maintain motor vehicle insurance coverage in accordance with A.R.S. § 28-1102 et seq., Uniform Motor Vehicle Safety Responsibility Act, and R9-5-302.
 - b. Proof of insurance shall be kept in the center and in each insured vehicle.
3. Transport safety requirements:
 - a. A copy of each child's emergency medical care authorization shall be present in the vehicle transporting that child.
 - b. The center shall notify the Department within one working day of any traffic accident involving children being transported by the center and submit a written accident report to the Department within five working days on Department approved report forms.
 - c. Children shall not be allowed to open or close doors of vehicles.
 - d. Headphones or earphones shall not be worn by the driver of a vehicle transporting children.
 - e. The center shall provide a safe vehicle loading and unloading area for children which is located in an area

- away from moving traffic and hazardous obstructions.
- f. When away from the center, the vehicle shall be parked at curbside whenever possible to load and unload children. When not possible, an adult shall find or make a safe path for children to enter or exit the vehicle prior to loading and unloading.
 - g. The vehicle driver shall remove the keys from the vehicle and set the emergency brake before exiting the vehicle.
 - h. Vehicle doors shall remain locked at all times when the vehicle is in motion.
 - i. A child shall not be left unattended in a vehicle.
 - j. An accurate list of all children in transport shall be available in the vehicle.
- B. Swimming pools over two feet deep shall have the following:
 1. A recirculation system, to be run continually during seasonal use, including at least one removable strainer, two pool inlets placed on opposite sides of pool, one drain located at the pool's lowest point and covered by a grating designed to prevent suction of body surfaces.
 2. An automatic disinfectant system.
 3. A vacuum cleaning system.
 4. When chlorination is used, a range of free chlorine, tested by the orthotolidine method, of 0.4 to 1.0 ppm, a pH range of 7.0-8.0, shall be maintained. Dry or liquid chemical sources may be added directly to pool water only when sufficient time exists for adequate dispersal before use. A daily log of chemistry readings and resultant action taken shall be kept at the center and available for inspection.
 5. A shepherd's crook and one-ring buoy with at least 25 feet of 1/2-inch rope attached.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6). Amended paragraph (1), subparagraph (e) effective July 7, 1988 (Supp. 88-3).

ARTICLE 6. CENTER ACTIVITY AREAS AND PHYSICAL PLANT STANDARDS

R9-5-601. Outside play areas

- A. At least 75 square feet shall be available for each child occupying the outside play area at any time. To allow all children scheduled access, the outside play area shall contain the minimum of 75 square feet per child for at least 50% of the center's licensed capacity.
- B. The area shall be contiguous with the center or easily accessible without the need to cross streets or highways.
- C. The outside play area shall be free of hazards and shall be totally fenced with a minimum 4-foot high secure fence.
- D. Gates to the play area shall be kept closed at all times.
- E. The outside play area shall have a nonhazardous play surface. Asphalt, unpadded indoor/outdoor carpeting and astroturf over asphalt shall not be used under swings and play equipment where children may fall. A hard surfaced area may be provided for wheeled play vehicles.
- F. Shaded areas shall be provided to accommodate the children who are occupying the outside play area at any time.
- G. Outside structures and play equipment shall be well maintained and shall be arranged to minimize hazard from conflicting activities.
- H. After school programs which are operated in an elementary or secondary public, private or parochial school, and serve only school-age children shall be required to meet fencing requirements of the school where the program is located. If the outdoor play area fencing does not ensure the safety of children, the requirements of R9-5-601(C) shall be imposed.
- I. Any construction or equipment which constitutes a potential safety hazard shall be adequately fenced off or enclosed.
- J. An outside play area shall not be required if no child attends the center more than four hours per day and at least 50 square feet of indoor activity space is available for each child.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6). Amended effective July 7, 1988 (Supp. 88-3).

R9-5-602. Swimming pools

- A. All pools and equipment shall conform to manufacturer's specifications for installation and operation and shall be maintained and operated in a safe and sanitary manner at all times.

- B. Swimming pools over two feet deep shall have the following:
 1. A recirculation system, to be run continually during seasonal use, including at least one removable strainer, two pool inlets placed on opposite sides of pool, one drain located at the pool's lowest point and covered by a grating designed to prevent suction of body surfaces.
 2. An automatic disinfectant system.
 3. A vacuum cleaning system.
 4. When chlorination is used, a range of free chlorine, tested by the orthotolidine method, of 0.4 to 1.0 ppm, a pH range of 7.0-8.0, shall be maintained. Dry or liquid chemical sources may be added directly to pool water only when sufficient time exists for adequate dispersal before use. A daily log of chemistry readings and resultant action taken shall be kept at the center and available for inspection.
 5. A shepherd's crook and one-ring buoy with at least 25 feet of 1/2-inch rope attached.
- C. Pools two feet deep or less shall meet the requirements of subsection (B) except:
 1. The recirculation system must have at least one pool inlet and a bottom drain is not required.
 2. No vacuum cleaning system is needed.
 3. No ring buoy is needed.
- D. Annual inspection by the Department or the local, county or city health department is required for all pools. An initial inspection of all new pools is required prior to use.
- E. Swimming pools must be enclosed by a separate fence with a minimum height of five feet and a self-closing, self-latching, lockable gate. The gate shall be kept locked whenever the pool is not in use.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-603. General standards for indoor activity areas

- A. For licensing purposes, at least 25 square feet of interior activity space shall be available for each child included in the center's licensed capacity, except that at least 35 square feet shall be available for each infant and one-year-old child. When one-year-old children are mixed with older children in the same activity area, the requirement of at least 35 square feet of indoor activity space per child shall govern.
- B. There shall be a designated room or area which has a cot or mat, sheet and blanket where a child can be separated from other children in the indoor activity space.
- C. The floor space of kitchens, bathrooms, closets, halls, storage areas or rooms, recreation areas, isolation rooms, offices, and rooms designated for staff use as well as wall thickness shall be excluded in computing indoor activity space to determine licensed capacity.
- D. Room space used for storage, teacher-caregiver desks, file cabinets, storage cabinets or closets, or staff handwashing sinks shall not be included as activity space when determining licensed capacity.
- E. The licensed capacity of each child care room or area shall be posted conspicuously in that room.
- F. The indoor activity area used to calculate licensed capacity shall be occupied only by the children's play materials, and equipment or children's furniture.
- G. Rooms in the center used for child care shall be decorated with coverings for windows, mirrors, bulletin boards and age-appropriate pictures or posters at the eye level of occupant children.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-604. Supplemental indoor activity area standards for infants

In addition to the requirements specified in R9-5-603, centers providing care for infants shall comply with the following:

1. The center shall provide care for infants in rooms and outdoor play areas which are separated from older children except when a total of five or fewer children are present in the center. Infant rooms shall not be used as passageways for other children in the center.
2. The center shall provide an unobstructed free play area with non-abrasive carpeting for infants to safely and comfortably sit, crawl and play.
3. The minimum spacing between occupied cribs shall be two feet on any side with bars except the side which is next to the wall.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6). Amended effective July 7, 1988 (Supp. 88-3).

R9-5-605. Diaper-changing area standards

- A. A diaper-changing area shall be provided in each room where diapered infants, one- and two-year-old children are housed.
- B. A diaper-changing area shall be provided for diapered special children of any age but may be located outside the room where the children are housed if approved by the Department.
- C. All diaper-changing areas shall meet the following requirements:
 1. A staff handwashing sink shall be available in each diaper-changing area equipped with soap in a dispenser, running water between 86° F to 110° F and individually dispensed, single-use hand towels.
 2. Diaper changing procedures shall be posted in each diaper-changing area.
 3. The diaper-changing surface shall have a smooth nonporous surface, be kept clear of items not directly related to diaper changing, and shall be cleaned, sanitized and dried between each change of diapers.
 4. No bottles, formulas, food, food utensils or food preparation shall be allowed in the diaper-changing area.
 5. There shall be at least two covered, easily cleaned, waterproof containers in each diaper-changing area, one for storage of soiled diapers and one for storing soiled clothing. Fecally soiled clothing shall be emptied into a toilet fixture, placed in individual plastic bags, and stored in the container provided. The children shall not have access to these containers.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6). Former Section R9-5-605 repealed and a new Section R9-5-605 adopted effective July 7, 1988 (Supp. 88-3).

R9-5-606. Sleeping rooms

- A. There shall be, at a minimum, a corridor which is 24 inches wide between each row of cots or floor mats.
- B. The arrangement of cots or floor mats shall not obstruct access to exit doors and shall provide teacher-caregivers access to each child.
- C. Lofts, galleries, attics or similar places are prohibited as nap or rest areas.
- D. Sleeping rooms shall have adequate light to observe each child.
- E. Television shall not be in operation in a room where children are sleeping.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6). Amended subsection (A) effective July 7, 1988 (Supp. 88-3).

R9-5-607. Food preparation areas

- A. Food preparation and storage areas shall be separated from rooms used by children and shall not be used as a passageway by children to travel from one area to another.
- B. All food preparation and storage facilities shall conform with requirements of A.A.C. R9-8-112 through R9-8-137.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-608. Laundry facilities

- A. Soiled laundry shall be kept in covered containers and separated from clean laundry.
- B. The kitchen or pantry shall not be used for processing, handling or washing laundry.
- C. If laundry is done on center premises, the laundry area shall be separated from rooms used by children and shall not be used as a passageway by children to travel from one area to another.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-609. Storage areas

- A. All centers shall provide designated storage space for:
 1. Indoor and outdoor toys, play equipment and materials, located so that children can freely use and replace items;
 2. Cots and bedding convenient to the nap area, and separate from other storage which would preclude proper sanitation practices; and
 3. Each child's clothing and personal belongings.
- B. All potentially hazardous equipment, materials or chemicals including the following shall be stored in a locked area out of the reach of children and separated from food storage areas:
 1. Flammable materials;
 2. Corrosive materials;
 3. Maintenance and cleaning equipment and supplies;
 4. Insecticides; and
 5. Garden tools and repair equipment.
- C. Attic space shall not be used for the storage of readily combustible materials.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-610. Cleaning and sanitation

- A. All parts of the center premises and all center furnishings, equipment, materials and toys shall be kept clean.
 1. Centers shall be maintained free of insects and vermin.
 2. Insect control shall include, but not be limited to, screening of windows and other direct openings to the outside.
 3. Toilet bowls, lavatory fixtures and floors in bathrooms, playrooms, and kitchens shall be scrubbed daily, or more frequently if necessary, with a cleaning solution and disinfectant.
 4. All plumbing fixtures shall be maintained in proper operating condition.
 5. Toilet areas shall contain, within easy reach of the children, mounted toilet tissue, warm running water, soap and individually dispensed, single-use towels in a mounted dispenser, or air hand dryer.
 6. Toilet doors opening to the outside shall not be left open.
- B. There shall be sufficient water pressure at all times to meet the cleaning needs of the center.
- C. A center licensed for more than 25 children shall have a utility sink which is not located in kitchen or classrooms.
- D. Garbage and organic waste, shall be stored in containers with tight fitting covers.
 1. Garbage containers shall be washed and sanitized after emptying and lined with paper bags or plastic liners.

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2. Garbage shall be removed from the building daily, or more often if necessary, to maintain a clean condition.
- E. The use of common drinking and eating utensils is prohibited.
- F. Drinking fountains shall:
 1. Be kept clean and in working condition;
 2. Not be mounted on sinks with the exception of art sinks used for classroom activities; and
 3. Have regulated pressure and an angle jet with an orifice guard above the rim.
- G. Drinking water shall not be drawn from bathroom or diaper-changing handwashing sinks.
- H. Drinking water shall be accessible to the children on the playground and in indoor activity rooms.
- I. Individual toothbrushes, combs, washcloths or cloth towels used for children shall be kept clean. Each child's toilet articles shall be kept on identified racks or in cubicles and separated from the articles used by other children.
- J. Items of clean clothing shall be available for children younger than school-age to use when necessary.
- K. There shall be covered, waterproof, easily cleaned containers for the storage of soiled clothing. The children shall not have access to the containers.
- L. Permanent floor coverings shall be tight, smooth, washable and free from dampness and odors.
9. Each center building shall have a manually operated fire alarm system when required by, and as specified in, A.A.C. R4-34-1101, the Arizona Fire Code.
10. All stairways to basements shall be separated from the main floor by a full door at the main floor level and have a self-closing device which is kept locked when not in use.
11. All stairways leading to rooms used by children shall be equipped with railings suitable for use by children.
12. All low windows or arcadia doors shall be of safety glass or protected to assure the safety of children.
13. All dry washes, fish ponds, irrigation ditches or bodies of water shall be inaccessible to children except when supervised.
14. Poisonous or hazardous plants and shrubs shall be inaccessible to children.
15. Drugs, other than those prescribed for children or personnel at the center, alcoholic beverages and firearms are prohibited on the center premises during hours of operation.
16. There shall be at least one readily available, operable telephone in the center. Emergency telephone numbers for the local fire department, police department, and ambulance service shall be conspicuously posted near all center telephones.
17. Child day care center buildings, indoor and outdoor play equipment and structures shall be constructed of durable materials for safety, kept in good repair and free from hazards.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6). Correction to subsection (F) as certified effective December 12, 1986; Amended subsection (A) effective July 7, 1988 (Supp. 88-3).

R9-5-611. Fire and safety

Each center shall comply with applicable state and local fire and safety codes and regulations, and the following requirements:

1. Furnace rooms, rooms where hot water tanks are located and attics shall not be used for storage of combustibles.
2. Combustible waste material shall be kept in metal containers with tight fitting covers and shall not be allowed to accumulate in or around the premises.
3. Fire evacuation drills shall be held monthly at various times of the day and written records of each fire evacuation drill shall be kept at the center.
 - a. One of the drills shall be executed at the time of the state or local fire inspection;
 - b. Such drills shall be conducted by the center director or director designee; and
 - c. Written instructions shall be posted which include special staff assignments and general procedures to be followed in case of fire or disasters.
4. Exits shall not be blocked or locked during hours of operation.
5. Exit corridors shall be kept free from obstruction.
6. Portable fire extinguishers shall be installed in the kitchen and throughout the center in compliance with A.A.C. R4-34-1101.
7. Smoke detectors in compliance with A.A.C. R4-34-1101 shall be installed in the following locations:
 - a. Head of each stairway;
 - b. Each sleeping room; and
 - c. All corridors.
8. At least one smoke detector or heat detector in compliance with A.A.C. R4-34-1101 shall be installed in each of the following locations:
 - a. Kitchen;
 - b. Furnace or boiler room;
 - c. Attic;
 - d. Utility rooms; and
 - e. Attached garages.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6). Amended effective July 7, 1988 (Supp. 88-3).

R9-5-612. Physical plant standards for new centers and new construction

- A. The following documents shall be submitted to the Department for review and approval prior to undertaking new construction, additions or alterations to a licensed center, or the conversion of unlicensed buildings or portions thereof to child day care center use:
 1. A short narrative indicating the scope of the project;
 2. Two copies of final drawings and specifications which provide the information necessary to determine compliance with these rules; and
 3. A copy of applicable local building and zoning permits.
- B. Construction shall not begin until written approval is issued by the Department.
- C. New construction and buildings converted for center use after the effective date of this Chapter shall comply with applicable local building codes, fire codes and zoning requirements and with the following Codes and Standards adopted by reference and on file with the Office of the Secretary of State:
 1. A.A.C. R9-1-412(A) Uniform Building Code;
 2. A.A.C. R9-1-412(B) Life Safety Code;
 3. A.A.C. R9-1-412(C) Uniform Mechanical Code;
 4. A.A.C. R9-1-412(D) Uniform Plumbing Code;
 5. A.A.C. R9-1-412(E) National Electric Code;
 6. A.A.C. R9-1-412(G) National Fire Code;
 7. A.A.C. R9-1-412(H) American National Standard specifications for making buildings and facilities accessible to and usable for physically handicapped people; and
 8. A.A.C. R4-34-1101. Arizona State Fire Code.
- D. Where conflicts occur among standards referenced herein, the following shall apply:
 1. Standards specified in the narrative portion of the rules shall govern over the standards adopted by reference.

2. If a conflict occurs among the codes and standards, or between applicable state or local building/fire codes, the more restrictive standard shall govern.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-613. Physical plant standards for existing centers

- A. Existing centers shall have an accurate set of drawings on file with the Department, which reflect current utilization of rooms and spaces within the center.
- B. The provisions for new construction contained in the codes and standards referenced in R9-5-612(C) shall not apply to centers which were licensed when these rules were adopted. However, existing use or occupancy which was legal at the time of the adoption of this rule shall be discontinued if upon a determination by the Director such use is deemed dangerous to the life or safety of children.
- C. Additions to licensed center buildings, conversions of unlicensed buildings of portions thereof for use as centers, and portions of licensed center buildings undergoing alteration other than repair, shall meet the requirements for new center construction in R9-5-612.
- D. Buildings which are located on the premises of a public school and used by students when the school is in session shall be exempt from this Section when applying for a license to provide school-age child care.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-614. General physical plant standards

- A. Center location.
 1. Centers shall not be located in mobile homes.
 2. When a center is located in a multiple-use building, areas to which children have access shall be used only for child care purposes during the center's hours of operation.
 3. When a center is located in a multiple-use building, the entire building must conform to all construction requirements for new centers unless the center has the required fire separation as referenced in A.A.C. R9-1-412(A).
- B. Exits.
 1. Rooms exceeding 1,000 square feet shall have at least two exits.
 2. Infant rooms licensed for more than five infants shall have at least two exits.
 3. Combining of two licensed child-occupied rooms for simplification of exiting shall be permitted provided that the opening between the rooms is a minimum of six feet in unobstructed width.
- C. Exit doors.
 1. Exit doors shall be at least 36 inches in width and 6 feet 8 inches in height.
 2. Centers licensed prior to the adoption of this rule, for a capacity of less than 16 children, may have exit doors of 30 inches minimum width. This exception does not apply where special care children or infants are on the premises.
 3. Where a pair of doors which open together are substituted for the door required in Paragraph 1. above, each leaf shall be a minimum of 2 feet 6 inches in width and at least 6 feet 8 inches in height. Center door mullions are prohibited.
 4. Exit doors shall be swing-type doors which swing toward the path of egress. An exception to this requirement shall be for indoor activity rooms which have a licensed capacity of ten or fewer children.
- D. Exit corridors.
 1. Exit corridors shall be at least 44 inches wide if the building's maximum licensed capacity is less than 26 children, and 72 inches wide if the maximum licensed capacity is 26 children or more.
 2. Required exit doors shall not have dead-end pockets exceeding 20 feet in length.
 3. Exit doors that swing into an exit access corridor shall be recessed to prevent interference with corridor traffic, or shall open 180 degrees to rest against the corridor wall.
 4. Doors in any position shall not reduce the required corridor width by more than one-half of the clear corridor width.
 5. Transoms, louvers, and transfer grills shall be prohibited in required exit corridor walls and doors.
- E. Exit stairways.
 1. Exit stairways shall be 36 inches in clear width if the maximum licensed capacity of the building is less than 50 children and 44 inches in clear width if the maximum licensed capacity is 50 children or more.
 2. Stairway handrails or trim shall not reduce the required exit width by more than 3 1/2 inches.
- F. Heating and cooling.
 1. Rooms used by children shall be maintained at temperatures between 68° F and 82° F.
 2. Ventilation shall not subject children to drafts.
 3. Heating and cooling equipment shall be protected to prevent children from coming into contact with it. Unvented or open-flame space heaters or portable heaters are prohibited and fans must be mounted out of reach of children.
 4. Gas-fired heating devices shall be inspected and serviced as needed but as least annually by a properly qualified person.
 5. Unused gas outlets shall have the valves removed and shall be capped at the wall or floor with a standard pipe cap.
- G. Lighting and electrical.
 1. Center buildings shall be well lighted and free of glare. A minimum of 30-foot candles of illumination shall be maintained in all areas used by children.
 2. Electrical outlets shall be covered for safety or located out of reach of children.
 3. Electrical cords shall not be used in place of permanent wiring.
 4. Electrical wires extending over outdoor play areas shall be securely supported, fully insulated and located at least 12 feet above the play area.
- H. Plumbing.
 1. Toilets and handwashing sinks shall each be provided in the following minimum ratio:
 - a. At least one flush toilet and one handwashing sink for ten or fewer children.
 - b. At least two flush toilets and two handwashing sinks for 11 to 25 children.
 - c. At least one flush toilet and one handwashing sink for each additional 20 children.
 - d. Infants and children who use diapers shall not be included in this calculation.
 2. Toilets and handwashing sinks shall be easily accessible, child-sized or equipped so that children can use them without assistance.
 3. Toilets and handwashing sinks shall work properly and allow for thorough cleaning.
 4. A toilet room shall not open directly to the kitchen.
 5. Toilets shall be ventilated to the outside of the building either by open screened windows or with an exhaust fan and duct system which shall be in operation during all hours in which children are present in the center.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6). Amended subsection(C) effective July 7, 1988 (Supp. 88-3).

APPENDIX I

**ADHS
SUPPORTING
DATA AND
DOCUMENTATION
CONCERNING
ALL STATES**

COMPARISON OF SQUARE FOOTAGE REQUIREMENTS OF ALL STATES AS OF SEPTEMBER 1994

40	35	32	30	25	20	15	Zero	
* Pennsylvania	Alaska * Arkansas California Connecticut Georgia Illinois Iowa * Kansas * Kentucky Louisiana * Maine * Maryland Massachusetts Michigan Minnesota Missouri * Montana * Nebraska Nevada New Hampshire * New Jersey New Mexico * New York N. Dakota * Ohio * Oklahoma Oregon Rhode Island ¹	* S. Carolina S. Dakota Utah * Vermont Washington * W. Virginia Wisconsin Wyoming Washington DC	Alabama	* Colorado Delaware * Tennessee Texas	Arizona * Mississippi N. Carolina ² Virginia	Florida	* Hawaii	* Idaho

¹ Rhode Island requires 35 - 45 square feet.

² North Carolina requires 25 - 35 square feet.

* Denotes states that license Public School-Age Programs.

COMPARISON OF RATIO REQUIREMENTS OF ALL STATES AS OF SEPTEMBER 1994

1:10	1:12	1:13/ 1:14	1:15	1:16	1:18	1:20	1:22	1:25
Connecticut * New York 4-9	* Idaho ¹ * Montana	California * Maine Rhode Island * Vermont	* Colorado * Indiana Iowa * Maryland Massachusetts Minnesota * Nebraska New Hampshire * New Jersey New Mexico * New York 10-12 Oregon * Pennsylvania S. Dakota Washington * W. Virginia Washington D.C.	* Kansas Missouri	* Arkansas N. Dakota * Ohio Wisconsin	Alaska Arizona Florida Georgia * Hawaii Illinois * Kentucky Michigan * Mississippi Nevada * Oklahoma Utah Wyoming	Alabama	Delaware Louisiana N. Carolina * S. Carolina * Tennessee

¹ Idaho uses the Fire Marshall's ratio of 1:12.

* Denotes states that license public school-age programs.

**COMPARISON OF ALL STATES CONCERNING
INFANT AND TODDLER PROGRAMS IN PUBLIC SCHOOLS**

INDOOR SPACE AND RATIO REQUIREMENTS FOR ALL STATES

State	Square Footage	INFANTS		TODDLERS	
		Definition	Ratio	Definition	Ratio
Alabama	50	Square footage when under 2½	1:6	1- and 2-year-olds	1:8
Alaska	35		1:5	1- and 2-year-olds	1:6
Arizona	35	Square footage for infants & 1-yr-olds	1:5	1-year-olds/2-year-olds	1:6/1:8
Arkansas	35		1:6	1- and 2-year-olds	1:9
California	35		1:4		NA
Colorado	50 infants 45 toddlers		1:5	1-year-olds/2-year-olds	1:5/1:7
Connecticut	35		1:4	1- and 2-year-olds	1:4
Delaware	35		1:4	12-24 months/2-3-year-olds	1:7/1:10
Florida	35	Infants to 1 year	1:4	1-2-yr-olds/2-3-year-olds	1:6/1:11
Georgia	35		1:6	Walking 1-year-olds/2-year-olds	1:8/1:10
Hawaii	35		1:3	1-year-olds/2-year-olds	1:4/1:8
Idaho	No		No		No
Illinois	55		1:4	1-year-olds/2-year-olds	1:5/1:8
Indiana	35		1:4	1- and 2-year-olds	1:5
Iowa	35		1:4	2-year-olds	1:6
Kansas	35		1:3	Toddlers/2½-year-olds	1:5/1:10
Kentucky	35		1:5	Toddlers/2-3-year-olds	1:6/1:10
Louisiana	35	0-1-year-olds	1:6	1-2-year-old/2-3-year-old	1:8/1:12
Maine	35		1:4	Toddlers/2½-3-year-olds	1:5/1:8

The information in the shaded areas represent those states that license school-age programs housed in public schools.

The information in the shaded areas represent those states that license school-age programs housed in public schools.

State	Square Footage	INFANTS		TODDLERS	
		Definition	Ratio	Definition	Ratio
Maryland	35		1:3	Young Toddlers/2-year-olds	1:3/1:6
Massachusetts	35	Up to 3 infants/4-7 infants	1:3/2:4-7	Up to 4 Toddlers/5-9 Toddlers	1:4/2:5-9
Michigan	50		1:4	2½-3-year-olds	1:10
Minnesota	35		1:4		1:7
Mississippi	35	0-11 months	1:3-5	1-year-olds/2-year-olds	1:7-9/1:10-12
Missouri	35		1:4		1:8
Montana	35		1:4	1- and 2-year-olds	1:8
Nebraska	35		1:4	1- and 2-year-olds	1:6
Nevada	35	Depends on age of child - "... whenever 1 or more infants or toddlers are being cared for in a child care center, the licensee must have at least one caretaker on duty who is designated to provide that care."			
New Hampshire	35	6 weeks-12 months	1:4	13 mos - 24 mos/25 mos - 35 mos	1:5/1:6
New Jersey	35	0-18 months	1:4	18 months-2½ years	1:7
New Mexico	35		1:6		1:6
New York	35	6 weeks - 1½ years	1:4	1½ - 3 years; varies with group size	1:4 or 1:5
N. Carolina	25	Up to 1 year old	1:5	1-2 year old/2-3 year old	1:6/1:10
N. Dakota	35	Up to 24 months	1:4	2 years	1:5
Ohio	35		1:5	1- and 2-year-olds	1:7
Oklahoma	35	0-9 months	1:4	10-23 months/2 years	1:6/1:8
Oregon	35		1:4	1- and 2-year-olds	1:4
Pennsylvania	40		1:4	Young Toddlers/Older Toddlers	1:5/1:6
Rhode Island	45		1:4	1- and 2-year-olds	1:6
S. Carolina	35		1:7	1-2-year-olds/2-3-year-olds	1:7/1:11
S. Dakota	35		1:5	Toddlers up to 3 years	1:5
Tennessee	30		1:5	Toddlers/2-year-olds	1:7/1:8

State	Square Footage	INFANTS		TODDLERS	
		Definition	Ratio	Definition	Ratio
Texas	30	0-11 months	1:5	12-17 months	1:6
Utah	35		1:4	Toddlers under 2 yrs/2-year-olds	1:4/1:7
Vermont	35		1:4	1- and 2-year-olds	1:5
Virginia	25		1:4	Young Toddlers/2-3-year-olds	1:5/1:10
Washington	50		1:4	1- and 2-year-olds	1:7
West Virginia	35	0-2 years	1:4	2-3-year-olds	1:8
Wisconsin	35		1:4	Toddlers/2-2½ years/2½-3 years	1:4/1:6/1:8
Wyoming	35	0 - 2 years	1:5	2-3-year-olds	1:8
Washington DC	45		1:4	1- and 2-year-olds	1:4

The information in the shaded areas represent those states that license school-age programs housed in public schools.

COMPARISON OF ALL STATES CONCERNING PRESCHOOL-AGE PROGRAMS IN PUBLIC SCHOOLS

INDOOR SPACE REQUIREMENTS, COMMENTS, AND RATIOS

State	Square Footage	Exempt From Licensure?	Comments	PreSchool Program Ratios
Alabama	32	Yes	Ratios are 3-year-olds/4-6-year-olds.	1:12/1:20
Alaska	35	Yes		1:10
Arizona	25	Yes	Licensure required when the program receives federal funding. Ratios are 3-year-olds/4-year-olds.	1:13/1:15
Arkansas	35	No	Licensure required if open more than 5 hours. Ratios are 3-year-olds/4-year-olds.	1:12/1:15
California	35		Exemption not specifically addressed.	1:12
Colorado	30	No	Ratios are 3-year-olds/4-year-olds.	1:10/1:12
Connecticut	35		Exemption not specifically addressed.	1:10
Delaware	35		Exemption not specifically addressed. Ratios are 3-year-olds/4-year-olds.	1:10/1:12
Florida	35	Yes		1:15
Georgia	35	Yes	Ratios are 3-year-olds/4-year-olds.	1:15/1:18
Hawaii	35	Yes	Ratios are 3-year-olds/4-year-olds.	1:12/1:16
Idaho	None	No*	Exemption not specifically addressed.	None
Illinois	35	Yes	Both private and public schools are exempt.	1:10
Indiana	35	No	Ratios are 3-year-olds/4-year-olds.	1:10/1:12
Iowa	35	No	Program operated by an approved public school is regulated by the Iowa Department of Education. Ratios are 3-year-olds/4 year-olds.	1:8/1:12

For comparison purposes, the information in the shaded areas represents those states that license school-age programs housed in public schools.

State	Square Footage	Exempt From Licensure?	Comments	PreSchool Program Ratios
Kansas	35	No	Licensure is required if operating more than 4 hours.	1:10
Kentucky	35		Exemption not specifically addressed. Ratios are 2-3-year-olds/3-4-year-olds.	1:10/1:12
Louisiana	35	No	Ratios are 3-4-year-olds/4-5-year-olds.	1:14/1:16
Maine	35	No	Ratio is for 3-6-year-olds.	1:10
Maryland	35		Exemption not specifically addressed.	1:10
Massachusetts	35	Yes		1:10
Michigan	35	No	Ratio is for 4-5-year-olds.	1:12
Minnesota	35		Exemption not specifically addressed.	1:10
Mississippi	35	Yes*	* Exempt if accredited by the Mississippi State Department of Education. Ratios are 3-year-olds/4-year-olds.	1:12/1:14
Missouri	35	Yes		1:10
Montana	35	No		1:10
Nebraska	35		Exemption not specifically addressed.	1:10
Nevada	35		Exemption not specifically addressed. Staff-to-child ratio varies depending upon the age of the child.	
New Hampshire	35	No		1:12
New Jersey	35		Exemption not specifically addressed. Ratios are 2½-4-year-olds/4-5-year-olds.	1:10/1:15
New Mexico	35		Exemption not specifically addressed.	1:12
New York	35	Yes	Ratios are 3-year-olds/4-year-olds.	1:6/1:7
N. Carolina	25	No	Ratio is for 3-4-year-olds.	1:15
N. Dakota	35		Exemption not specifically addressed. Ratios are 3-year-olds/4-year-olds.	1:7/1:10

For comparison purposes, the information in the shaded areas represents those states that license school-age programs housed in public schools.

State	Square Footage	Exempt From Licensure?	Comments	PreSchool Program Ratios
Ohio	35	No	Some school-operated programs are regulated by Ohio Department of Ed.	1:14
Oklahoma	35	No	Ratios are 3-year-olds/4-year-olds.	1:12/1:15
Oregon	35		Exemption not specifically addressed.	1:10
Pennsylvania	40	No	Some programs are licensed, depending upon the services provided.	1:10
Rhode Island	35		Exemption not specifically addressed. Ratio is for 4-year-olds.	1:10
S. Carolina	35	No	Ratios are 3-4-year-olds/4-5-year-olds.	1:14/1:19
S. Dakota	35		Exemption not specifically addressed.	1:10
Tennessee	30		Exemption not specifically addressed. Ratios are 3-year-olds/4-year-olds.	1:10/1:15
Texas	30	Yes	Ratio is set depending upon age of youngest child in the group.	
Utah	35	No*	* Exempt in certain instances. Ratios are 3-year-olds/4-year-olds.	1:12/1:15
Vermont	35		Exemption not specifically addressed.	1:10
Virginia	25	No	Ratios are 3-year-olds/4-year-olds.	1:10/1:12
Washington	50		Exemption not specifically addressed.	1:10
West Virginia	35	Yes	Ratio is for 3-4-year-olds.	1:10
Wisconsin	35	Yes	Ratio is for 3-4-year-olds.	1:10
Wyoming	35		Exemption not specifically addressed. Ratios are 3-4-year-olds/4-5-year-olds.	1:10/1:15
Washington DC	35		Exemption not specifically addressed.	1:8

For comparison purposes, the information in the shaded areas represents those states that license school-age programs housed in public schools.

PRESCHOOL PROGRAMS HOUSED IN PUBLIC SCHOOLS

Licensed Preschool Head Starts Housed in Public Schools Operated By a School District		Licensed Infant/Toddler Programs Housed In Public Schools Operated By a School District		Licensed Preschools Operated On College Campuses	Licensed Preschool-Age Programs Housed in Public Schools <u>Not</u> Operated By a School District	
Operated By	Number of Programs	Operated By	Number of Programs		Operated By	Number of Programs
Roosevelt School District	7	Phoenix Union High School District	1	<ul style="list-style-type: none"> ○ Phoenix College ○ Arizona Western College ○ Glendale Community College ○ Central Arizona College ○ ASU - Psych Dep't ○ ASU - Child Development Lab ○ ASU - College of Education ○ South Mountain Community College ○ Gateway Community College ○ Mesa Community College ○ Paradise Valley Community College ○ Chandler/Gilbert Community College 	○ Cysis (Sunrise)	4
Murphy School District	4	Queen Creek Unified School District	1		○ Children's World	2
Alhambra School District	6	Kayenta School District	1		○ Play & Learn Schools (PALS)	7
Deer Valley School District	5				○ Catholic Social Services	16
Cartwright School District	3				○ Phoenix Urban League	1
Wilson School District	1				○ Maricopa County Social Svcs	19
					○ Pinal-Gila Community Child Services, Inc.	6
				○ Northern Arizona Council of Governments	6	
				○ Western Arizona Council of Governments	11	
				○ Child-Parent Centers Inc.	7	
				○ Booker T. Washington Child Development Center	1	
				○ Omega Head Start	6	
				○ Golden Gate Community Center	2	
				○ Center for Neurodevelopmental Studies	1	
				○ Southwest Human Development	12	
				○ Happy Hours	2	
				○ Eloy Recreation	1	
				TOTAL:	104	

**LICENSED SCHOOL-AGE PROGRAMS
HOUSED IN PUBLIC SCHOOLS
NOT OPERATED BY A SCHOOL DISTRICT**

Operated By:	Number of Programs
○ YMCA	132
○ YWCA	1
○ Tempe After-School Enrichment Program (TASEP)	18
○ Children's World	10
○ Play and Learn Schools (PALS)	10
○ Touchstone After-School Care (TASC)	10
○ J. Kearney (Extended Day Kindergartens)	13
○ Flowing Wells	5
○ Tanque Verde	2
○ Page School District	1
○ Amphitheater Extension Program (AEP)	11
○ Extended School Program	7
○ Tucson Association of Child Care (TAC)	10
○ Golden Gate	1
○ City of Casa Grande	2
○ City of Coolidge	1
○ City of Eloy	2
○ City of Peoria	12
TOTAL NUMBER OF PROGRAMS	248

**COMPARISON OF ALL STATES CONCERNING
SCHOOL-AGE PROGRAMS IN PUBLIC SCHOOLS
AND
THE AGENCIES THAT REGULATE THEM**

State	Square Footage	License Public Schl-Age?	Agency that Regulates the School-Age Program	Schl-Age Program Ratios
Alabama	32	No		1:22
Alaska	35	No		1:20
Arizona	25	No		1:20
Arkansas	35	Yes	Department of Child and Family Services - Child Care Licensure	1:18
California	35	No*		1:14
Colorado	30	Yes	Department of Human Services	1:15
Connecticut	35	No		1:10
Delaware	30	No		1:25
Florida	20	No		1:20
Georgia	35	No		1:20
Hawaii	15	Yes	Department of Human Services	1:20
Idaho	0	Yes	Department of Health and Welfare	1:12 ¹
Illinois	35	No*		1:20
Indiana	35	Yes	Division of Family and Children	1:15
Iowa	35	No		1:15
Kansas	35	Yes	Department of Health and Environment	1:16

¹ Idaho uses the Fire Marshall's ratio of 1:12.

* Only the preschool-age portion of the program must be licensed.

The information in the shaded areas represent those states that license school-age programs housed in public schools.

State	Square Footage	License Public Schl-Age?	Agency that Regulates the School-Age Program	Schl-Age Program Ratios
Alabama	32	No		1:22
Kentucky	35	Yes	Cabinet for Human Resources, Department for Social Services, Division of Licensing and Regulation	1:20
Louisiana	35	No*		1:25
Maine	35	Yes	Department of Human Services	1:13
Maryland	35	Yes	Department of Human Resources	1:15
Massachusetts	35	No		1:15
Michigan	35	No ²		1:20
Minnesota	35	No		1:15
Mississippi	25	Yes	Department of Health, Division of Child Care	1:20
Missouri	35	No		1:16
Montana	35	Yes	Department of Family Services	1:12
Nebraska	35	Yes	Department of Social Services	1:15
Nevada	35	No*		1:20
New Hampshire	35	No		1:15
New Jersey	35	Yes	Department of Youth and Family Services, Bureau of Licensing	1:15
New Mexico	35	No		1:15
New York	35	Yes	Department of Social Services, Bureau of Early Childhood Services	1:10, 4-9s 1:15, 10-12s
N. Carolina	25-35	No		1:25
N. Dakota	35	No		1:18
Ohio	35	Yes	Department of Human Services, Child Day Care Licensing Section	1:18

² Must be approved if facility is to receive federal funding.

* Only the preschool-age portion of the program must be licensed.

The information in the shaded areas represent those states that license school-age programs housed in public schools.

State	Square Footage	License Public Schl-Age?	Agency that Regulates the School-Age Program	Schl-Age Program Ratios
Alabama	32	No		1:22
Oklahoma	35	Yes ³	Department of Human Services	1:20
Oregon	35	No		1:15
Pennsylvania	0	Yes	Department of Public Welfare, Office of Children, Youth & Families, Bureau of Child Day Care Services	1:15
Rhode Island	35-45	No*		1:13
S. Carolina	35	Yes	Dep't of Social Services, Division of Child Day Care Licensing and Regulatory Services	1:25
S. Dakota	35	No ⁴		1:15
Tennessee	30	Yes	Day Care Center Licensing	1:25
Texas	30	No*		N/A
Utah	35	No		1:20
Vermont	35	Yes	Division of Licensing and Regulation, Children's Day Care Unit	1:13
Virginia	25	No		N/A
Washington	35	No		1:15
West Virginia	35	Yes	Department of Health and Human Resources	1:15
Wisconsin	35	No ⁵		1:18
Wyoming	35	No		1:20
Washington DC	35	No ⁶		1:15

³ Yes, unless there are less than 15 children, in which case the facility is exempt.

⁴ Not required, but may choose to be licensed, in which case center rules apply.

⁵ Exempt, but must meet standards.

⁶ D. C. exempts Before/After School Child Care Programs from licensing when they are operated by the public schools or unless they are publicly funded.

* Only the preschool-age portion of the program must be licensed.

The information in the shaded areas represent those states that license school-age programs housed in public schools.

State	Square Footage	License Public Schl-Age?	Agency that Regulates the School-Age Program	Schl-Age Program Ratios
Alabama	32	No		1:22
NUMBER OF STATES REGULATED BY A SOCIAL SERVICE AGENCY: 18				
NUMBER OF STATES UNDER A REGULATORY OR HEALTH AGENCY: 3				

* Only the preschool-age portion of the program must be licensed.

The information in the shaded areas represent those states that license school-age programs housed in public schools.

COMPARISON OF ALL STATES CONCERNING SCHOOL-AGE PROGRAMS IN PUBLIC SCHOOLS

INDOOR SPACE REQUIREMENTS FOR ALL STATES AND THEIR EXCLUSIONS TO SQUARE FOOTAGE

State	Square Footage	License Public Schl-Age?	Sepa- rate Rules?	LICENSING REQUIREMENTS EXCLUDE:								School- Age Program Ratios	
				Rest- rooms	Kitchen/ Food	Eating Areas/ Lounge	Office	Hall	Laundry Room	Stor- age	Staff Desks		
Alabama	32	No											1:22
Alaska	35	No											1:20
Arizona	25	No											1:20
Arkansas	35	Yes		X	X			X					1:18
California	35	No*											1:14
Colorado	30	Yes	Yes	X	X		X	X	X	X			1:15
Connecticut	35	No											1:10
Delaware	30	No											1:25
Florida	20	No											1:20
Georgia	35	No											1:20
Hawaii	15	Yes		X	X	X	X	X	X	X	X	X	1:20
Idaho	0	Yes		-	-	-	-	-	-	-	-	-	1:12 ¹
Illinois	35	No*											1:20
Indiana	35	Yes		X	X			X					1:15

¹ Idaho uses the Fire Marshall's ratio of 1:12.

* Only the preschool-age portion of the program must be licensed.

The information in the shaded areas represent those states that license school-age programs housed in public schools.

State	Square Footage	License Public Schl-Age?	Sepa-rate Rules?	LICENSING REQUIREMENTS EXCLUDE:							School-Age Program Ratios	
				Rest-rooms	Kitchen/Food	Eating Areas/Lounge	Office	Hall	Laundry Room	Stor-age		Staff Desks
Iowa	35	No										1:15
Kansas	35	Yes		X	X			X				1:16
Kentucky	35	Yes		X	X					X		1:20
Louisiana	35	No*										1:25
Maine	35	Yes		X	X		X	X		X	X	1:13
Maryland	35	Yes		X	X		X	X		X	X	1:15
Massachusetts	35	No										1:15
Michigan	35	No ²	Yes	X	X		X	X		X		1:20
Minnesota	35	No										1:15
Mississippi	25	Yes	Yes									1:20
Missouri	35	No										1:16
Montana	35	Yes	No	X	X		X					1:12
Nebraska	35	Yes	No	X	X		X	X		X	X	1:15
Nevada	35	No*										1:20
New Hampshire	35	No										1:15
New Jersey	35	Yes										1:15
New Mexico	35	No										1:15
New York	35	Yes	Yes	X	X		X	X		X	X	1:10, 4-9s 1:15, 10-12s

² Must be approved if facility is to receive federal funding.

* Only the preschool-age portion of the program must be licensed.

The information in the shaded areas represent those states that license school-age programs housed in public schools.

State	Square Footage	License Public Schl-Age?	Separate Rules?	LICENSING REQUIREMENTS EXCLUDE:								School-Age Program Ratios	
				Rest-rooms	Kitchen/Food	Eating Areas/Lounge	Office	Hall	Laundry Room	Storage	Staff Desks		
N. Carolina	25-35	No											1:25
N. Dakota	35	No											1:18
Ohio	35	Yes	Yes	X	X	X	X	X	X	X	X	X	1:18
Oklahoma	35	Yes ³	Yes	X	X	X	X	X	X	X	X	X	1:20
Oregon	35	No											1:15
Pennsylvania	0	Yes	Yes	X	X		X	X					1:15
Rhode Island	35-45	No*											1:13
S. Carolina	35	Yes		X	X						X		1:25
S. Dakota	35	No ⁴	No	X	X		X	X			X	X	1:15
Tennessee	30	Yes		X	X		X	X	X	X			1:25
Texas	30	No*											N/A
Utah	35	No											1:20
Vermont	35	Yes			X		X	X					1:13
Virginia	25	No											N/A
Washington	35	No											1:15
West Virginia	35	Yes	Yes										1:15
Wisconsin	35	No ⁵		X			X	X	X	X			1:18

³ Yes, unless there are less than 15 children, in which case the facility is exempt.

⁴ Not required, but may choose to be licensed, in which case center rules apply.

⁵ Exempt, but must meet standards.

* Only the preschool-age portion of the program must be licensed.

The information in the shaded areas represent those states that license school-age programs housed in public schools.

State	Square Footage	License Public Schl-Age?	Sepa- rate Rules?	LICENSING REQUIREMENTS EXCLUDE:								School- Age Program Ratios
				Rest- rooms	Kitchen/ Food	Eating Areas/ Lounge	Office	Hall	Laundry Room	Stor- age	Staff Desks	
Wyoming	35	No										1:20
Washington DC	35	No ⁶										1:15

⁶ D. C. exempts Before/After School Child Care Programs from licensing when they are operated by the public schools or unless they are publicly funded.

* Only the preschool-age portion of the program must be licensed.

The information in the shaded areas represent those states that license school-age programs housed in public schools.

**DEPARTMENT OF HEALTH SERVICES
OFFICE OF CHILD CARE LICENSURE**

**Clarifications of Definitions and
Exemptions contained in A.R.S. §36-881 et seq.**

● CLARIFICATION OF DEFINITIONS

A.R.S. §36-881(2) provides that "day care" means the care, supervision and guidance of a child or children, unaccompanied by parent, guardian or custodian, on a regular** basis, for periods of less than twenty-four hours per day, in a place other than the child's or the children's own home or homes.*

*** "unaccompanied by parent, guardian or custodian"**

If the parent, guardian or custodian of a child is *** not on the premises of a facility which is providing care for that child, the child is unaccompanied by parent, guardian or custodian.

***** "not on the premises of a facility"**

A parent, guardian or custodian is not in the building or an annex to the building where child care is being provided. An annex is defined as an area which shares common ground with the building. If an annex is an outdoor area, it must be close enough so that a parent, guardian or custodian is responsible for the care, supervision and guidance of their child, especially in case of an accident or emergency and may not be more than 500 ft. from the building where child care is being provided.

**** "regular"**

If care, supervision and guidance of a child or children is provided steadily or uniformly on a recurring basis at stated, fixed or uniform intervals, then this care, supervision and guidance would qualify as being "on a regular basis". "On a regular basis" applies to the provision of child care not the attendance of a child or children.

A.A.C. R9-5-101(13) provides that compensation means any payment of money or other valuable consideration, including goods, services, time or employee/customer benefit, for child care by any person, business entity or governmental agency.

● CLARIFICATION OF EXEMPTIONS

A.R.S. §36-884. *Exemptions*

The provisions of this article shall not apply to the care given to children by or in:

Alternative prepositions are used because some of the enumerated exemptions are modified by "by" and others are modified by "in". In subsection 1, care provided in the homes of parents or blood relatives is exempt, not care provided by the homes of parents or blood relatives. Subsection 2 exempts care provided by a religious institution conducting a nursery in conjunction with its religious services. The nursery does not necessarily need to be in a religious institution, but must be conducted by a religious institution in conjunction with religious services. Subsection 3 exempts child care provided by a unit of the public school. Personnel employed by a unit of the public school system are regulated by the local school district to ensure that minimum standards addressing the health and safety of children in care are met. Personnel, working in a public school building, and not employed by the public school unit are not regulated.

1. *The homes of parents or blood relatives.*

This subsection provides an exemption for a child or children who are cared for in their parents home or in the home of a blood relative. A.R.S. 36-897.04(A)(1) only exempts care provided to a child or children in their parent's home.

2. *A religious institution conducting a nursery in conjunction with its religious services or conducting parent-supervised occasional drop-in care.*

This subsection exempts a child care nursery operated at the same time a religious service is being conducted. Occasional parent-supervised drop-in care is care which occurs irregularly or infrequently and is supervised by a parent of a child in care.

3. *A unit of the public school system.*

This subsection provides an exemption for programs operated by a unit of the public school. A.R.S. §15-101(14) provides that "school" means a public institution established by a school district or by a county school superintendent where instruction is imparted.

A.R.S. §15-101(15) provides that "school district" means a political subdivision of this state with geographic boundaries organized for the purpose of the administration, support and maintenance of the public schools or an accommodation school.

Clarification of Exemptions
Continued

4. *A regularly organized private school engaged in an educational program which may be attended in substitution of public school pursuant to section 15-802. If such school provides day care beyond regular public school hours or for children who are not regularly enrolled in kindergarten programs or grades one through twelve, that portion of the school providing such care shall be considered a day care center and subject to the provisions of this article.*

This subsection provides an exemption for a private school conducting classes equivalent to the classes provided in public school. Any child care provided beyond a regular school day or for children not regularly enrolled in school shall be licensed.

5. *Any facility that provides training only in specific subjects, including dancing, drama, music, self defense or religion.*

This subsection provides an exemption for a facility that provides training in specific subjects. A.R.S. §15-101(17) provides that "subject" means a division or field of organized knowledge, such as English or mathematics, or a selection from an organized body of knowledge for a course or teaching unit, such as the English novel or elementary algebra. Examples would be a facility:

- ◆ Providing a class during which the children participate in cooking activities provides training in a specific subject.
- ◆ Providing a class during which the children participate in unstructured or unstructured recreation does not provide training in specific subjects.
- ◆ Scheduling specific activities back to back and enrolls children for a series of specific activities as well as social or meal functions is providing care, supervision and guidance to the children present at the facility.

6. *Any facility that provides only recreational or instructional activities to school age children who may come to and go from the center at their own volition.*

The facility provides instructional or recreational activities to school age children. The children may arrive at or leave the facility without the necessity of parental consent.

7. *Any of the Arizona state schools for the deaf and blind.*

APPENDIX J

**REFERENCE
SUPPORTING
TEENAGE
PARENT
STATUS
UNDER THE
RECOMMENDED
STAFF-TO-
CHILDREN RATIO
(A.A.C. TITLE 9,
CHAPTER 5,
ARTICLES 4 AND 6)**

CURRENT STATE STATUTES APPLICABLE TO STAFF-TO-CHILDREN RATIOS AND SQUARE FOOTAGE REQUIREMENTS

ARTICLE 4. CENTER PERSONNEL

Section	
R9-5-402.	Personnel qualifications
R9-5-404.	Center staffing

R9-5-402. Personnel qualifications

- A.** The center director shall be at least 21 years of age and appropriately qualified as specified in the Table of Qualification Standards following this rule.
- B.** Teacher-caregivers shall be at least 18 years of age and appropriately qualified as specified in the Table of Qualification Standards following this rule.
- C.** Assistant teacher-caregivers shall be at least 16 years old and appropriately qualified as specified in the Table of Qualification Standards following this rule.
- D.** Center directors and teacher-caregivers hired prior to the adoption of these rules shall have two years from the date of adoption to meet the minimum qualifications required for employment. A teacher-caregiver regularly employed at a center for five or more years prior to the adoption of these rules shall be exempt from the requirements in subsection (B) of this rule.
- E.** No one under the age of 16 shall be employed or serve as a volunteer in a child day care center.
- F.** Personnel under the age of 18 must be directly supervised at all times.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-404. Center staffing

A. Children shall be grouped for supervision according to age and maturity and center personnel shall supervise all children at all times. There shall be at least the following ratios of personnel directly engaged in the care and supervision of children in the center's care:

- | | | |
|----|---------------------------------------------------|-------------|
| 1. | Infants | 1:5 or 2:11 |
| 2. | One-year-old child | 1:6 or 2:13 |
| 3. | Two-year-old children | 1:10 |
| | After July 1, 1988 | 1:8 |
| 4. | Three-year-old children | 1:15 |
| | After January 1, 1989 | 1:13 |
| 5. | Four-year-old children | 1:20 |
| | After July 1, 1989 | 1:15 |
| 6. | Five-year-old children who are not yet school age | 1:25 |
| | After January 1, 1990 | 1:20 |
| 7. | School-age children | 1:25 |
| | After January 1, 1990 | 1:20 |

B. For center swimming and water activities conducted at a public swimming pool which provides appropriately certified advanced lifesaving staff on the premises, the center shall provide ratios of center personnel to children as defined in subsection (A) of this rule to be present in the pool or observing poolside.

C. For center swimming and water activities conducted in a private swimming pool, or public swimming pool which does not provide appropriately certified advanced lifesaving staff on the premises, the center shall provide ratios of center personnel to children as defined in subsection (A) of this rule plus one additional person currently certified in advanced lifesaving and cardiopulmonary resuscitation (CPR) to be present in the pool or observing poolside.

D. When transporting children who are not yet school-age, the center shall provide ratios of center personnel to children defined in subsection (A) of this rule in addition to the vehicle driver unless four or fewer children are being transported. When transporting school-age children, ratios of center personnel to children defined in subsection (A) of this rule shall be maintained but the vehicle driver may be included in the required ratio.

E. If otherwise qualified, the center director, office, domestic and maintenance personnel may be included in the count for required personnel/child ratios at times when their sole responsibility is child supervision. This shall be verified by a clearly stated outline of time commitments.

F. Center personnel under 18 years of age may be included in the required personnel/child ratios if working under the supervision of adult personnel.

G. In groups of children of mixed ages, the number of personnel required shall be based upon the staffing ratio required for the youngest child in the group.

H. The center shall have a minimum of two personnel, one of whom shall be a teacher-caregiver on the center's premises at all times whenever six or more children of any age group are present. In a center where five or fewer children are in attendance, at least one of the center's personnel shall be on the premises with at least one of the center's other personnel readily available to relieve or assist in cases of emergency.

I. No infants shall be mixed with older children for supervision if six or more children are present in the center.

J. Each center shall have sufficient personnel to prepare and serve food, and maintain the center in a clean and safe manner. Maintenance of the child day care center shall not be dependent upon the work of the children under supervision.

CURRENT STATE STATUTES APPLICABLE TO STAFF-TO-CHILDREN RATIOS AND SQUARE FOOTAGE REQUIREMENTS

ARTICLE 6. CENTER ACTIVITY AREAS AND PHYSICAL PLANT STANDARDS

Section

R9-5-601.	Outside play areas
R9-5-602.	Swimming pools
R9-5-603.	General standards for indoor activity areas
R9-5-604.	Supplemental indoor activity area standards for infants
R9-5-605.	Diaper-changing area standards

R9-5-601. Outside play areas

- A.** At least 75 square feet shall be available for each child occupying the outside play area at any time. To allow all children scheduled access, the outside play area shall contain the minimum of 75 square feet per child for at least 50% of the center's licensed capacity.
- B.** The area shall be contiguous with the center or easily accessible without the need to cross streets or highways.
- C.** The outside play area shall be free of hazards and shall be totally fenced with a minimum 4-foot high secure fence.
- D.** Gates to the play area shall be kept closed at all times.
- E.** The outside play area shall have a nonhazardous play surface. Asphalt, unpadded indoor/outdoor carpeting and astroturf over asphalt shall not be used under swings and play equipment where children may fall. A hard surfaced area may be provided for wheeled play vehicles.
- F.** Shaded areas shall be provided to accommodate the children who are occupying the outside play area at any time.
- G.** Outside structures and play equipment shall be well maintained and shall be arranged to minimize hazard from conflicting activities.
- H.** After school programs which are operated in an elementary or secondary public, private or parochial school, and serve only school-age children shall be required to meet fencing requirements of the school where the program is located. If the outdoor play area fencing does not ensure the safety of children, the requirements of R9-5-601(C) shall be imposed.
- I.** Any construction or equipment which constitutes a potential safety hazard shall be adequately fenced off or enclosed.
- J.** An outside play area shall not be required if no child attends the center more than four hours per day and at least 50 square feet of indoor activity space is available for each child.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6). Amended effective July 7, 1988 (Supp. 88-3).

R9-5-602. Swimming pools

Not applicable to staff-to-children ratio and square footage requirements.

R9-5-603. General standards for indoor activity areas

- A.** For licensing purposes, at least 25 square feet of interior activity space shall be available for each child included in the center's licensed capacity, except that at least 35 square feet shall be available for each infant and one-year-old child. When one-year-old children are mixed with older children in the same activity area, the requirement of at least 35 square feet of indoor activity space per child shall govern.
- B.** There shall be a designated room or area which has a cot or mat, sheet and blanket where a child can be separated from other children in the indoor activity space.
- C.** The floor space of kitchens, bathrooms, closets, halls, storage areas or rooms, recreation areas, isolation rooms, offices, and rooms designated for staff use as well as wall thickness shall be excluded in computing indoor activity space to determine licensed capacity.
- D.** Room space used for storage, teacher-caregiver desks, file cabinets, storage cabinets or closets, or staff handwashing sinks shall not be included as activity space when determining licensed capacity.
- E.** The licensed capacity of each child care room or area shall be posted conspicuously in that room.
- F.** The indoor activity area used to calculate licensed capacity shall be occupied only by the children's play materials, and equipment or children's furniture.
- G.** Rooms in the center used for child care shall be decorated with coverings for windows, mirrors, bulletin boards and age-appropriate pictures or posters at the eye level of occupant children.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6).

R9-5-604. Supplemental indoor activity area standards for infants

In addition to the requirements specified in R9-5-603, centers providing care for infants shall comply with the following:

1. The center shall provide care for infants in rooms and outdoor play areas which are separated from older children except when a total of five or fewer children are present in the center. Infant rooms shall not be used as passageways for other children in the center.
2. The center shall provide an unobstructed free play area with non-abrasive carpeting for infants to safely and comfortably sit, crawl and play.
3. The minimum spacing between occupied cribs shall be two feet on any side with bars except the side which is next to the wall.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6). Amended effective July 7, 1988 (Supp. 88-3).

R9-5-605. Diaper-changing area standards

- A.** A diaper-changing area shall be provided in each room where diapered infants, one- and two-year-old children are housed.
- B.** A diaper-changing area shall be provided for diapered special children of any age but may be located outside the room where the children are housed if approved by the Department.
- C.** All diaper-changing areas shall meet the following requirements:
 - 1. A staff handwashing sink shall be available in each diaper-changing area equipped with soap in a dispenser, running water between 86° F to 110° F and individually dispensed, single-use hand towels.
 - 2. Diaper changing procedures shall be posted in each diaper-changing area.
 - 3. The diaper-changing surface shall have a smooth nonporous surface, be kept clear of items not directly related to diaper changing, and shall be cleaned, sanitized and dried between each change of diapers.
 - 4. No bottles, formulas, food, food utensils or food preparation shall be allowed in the diaper-changing area.
 - 5. There shall be at least two covered, easily cleaned, waterproof containers in each diaper-changing area, one for storage of soiled diapers and one for storing soiled clothing. Fecally soiled clothing shall be emptied into a toilet fixture, placed in individual plastic bags, and stored in the container provided. The children shall not have access to these containers.

Historical Note

Adopted effective December 12, 1986 (Supp. 86-6). Former Section R9-5-605 repealed and a new Section R9-5-605 adopted effective July 7, 1988 (Supp. 88-3).

APPENDIX K

**ARIZONA
DEPARTMENT OF
EDUCATION
SURVEY OF
SCHOOL-OPERATED
CHILD CARE
GUIDELINES
(1994)**

SCHOOL-OPERATED CHILD CARE GUIDELINES

<u>SCHOOL DISTRICT</u>	<u>NAME OF SCHOOL/S IF STATED</u>	<u>STAFF TO CHILD RATIO</u>	<u>SQUARE FOOTAGE</u>	<u>ISSUES</u>
CATALINA FOOTHILLS SCHOOL DISTRICT	CANYON VIEW MANZANITA SUNRISE DRIVE VENTANA VISTA	SCHOOL-AGE - 1:15	NOT STATED	
CAVE CREEK UNIFIED SCHOOL DISTRICT	NOT STATED	3/4 YEAR OLDS - 1:8 WITH MAXIMUM CLASS SIZE OF 16 4/5 YEAR OLDS - 1:10 WITH MAXIMUM CLASS SIZE OF 20 SCHOOL-AGE - 1:10 WITH MAXIMUM CLASS OF 40	25 SQUARE FEET PER CHILD (FOLLOWS ADHS RULES)	- USE OF TEEN VOLUNTEERS UNDER THE AGE OF 16 -PHYSICAL PLANT REGULATIONS
COLORADO RIVER UNION HIGH SCHOOL #2	RIVER VALLEY HIGH SCHOOL MOHAVE HIGH SCHOOL	FOLLOWS ADHS GUIDELINES		-ISSUE OF 14 AND 15 YEAR OLDS SERVING AS VOLUNTEER AIDS -FINGERPRINT REGISTRATION OF YOUTH UNDER THE AGE OF 18

EAST VALLEY
INSTITUTE OF
TECHNOLOGY

FOLLOWS ALL 25 SQUARE
ADHS FEET PER
GUIDELINES CHILD
FOR STAFF TO
CHILD RATIOS

-FINGERPRINT REGISTRATION OF
STUDENTS UNDER THE AGE OF 18
-UTILIZATION OF 15 YEAR OLDS IN
THE PROGRAM WHO ARE ASSIGNED TO
WORK IN THE PROGRAM

FLAGSTAFF UNIFIED
SCHOOL DISTRICT

	(SCHOOL-AGE)	(SQ FT)
SECHRIST	2:35	40/CHILD
MARSHALL	2:25	58/CHILD
KINSEY	2:11	131/CHILD
KNOES	3:29	50/CHILD
CROMER	2:19	76/CHILD
DEMIGUEL	4:43	21/CHILD
SOUTH BEAVER	5:1	180/CHILD
KILLIP	2:13	69/CHILD
WEITZEL	2:20	45/CHILD
CHRISTENSEN	2:10	90/CHILD
THOMAS	2:18	50/CHILD

GANADO UNIFIED
SCHOOL DISTRICT #20

FOLLOWS THE CAPACITY
CHILD DAY MAY BE
CARE CODE SPECIFIED
PASSED BY BY THE
THE NAVAJO NAVAJO
NATION DIVISION OF
COUNCIL ENVIRONMENT
0-12 MONTHS- AL HEALTH
1:5;
12 MONTHS TO
3 YEARS-
1:10;
3-6 YEARS-
1:12;
6-18 YEARS-
1:20

ISAAC SCHOOL DISTRICT	ISAAC PRESCHOOL	UTILIZE THE NAEYC GUIDELINES FOR STAFF TO CHILD RATIOS	UTILIZE THE NAEYC GUIDELINES FOR SQUARE FOOTAGE
MESA UNIFIED SCHOOL DISTRICT	REPRESENTS 66 SCHOOLS	UTILIZE THE FOLLOWING DOCUMENTS FOR STAFF TO CHILD RATIOS NATIONAL ACADEMY OF EARLY CHILDHOOD GUIDELINES; ADE GUIDELINES; ADHS CHILD CARE RULES	
OSBORN SCHOOL DISTRICT	LONGVIEW SOLANO ENCANTO CLARENDON	FOLLOWS ADHS RULES	
PAGE UNIFIED SCHOOL DISTRICT		FOLLOWS ADHS RULES - IS LICENSED BY ADHS	
PARADISE VALLEY UNIFIED SCHOOL	COPPER CANYON SONORAN SKY	NO WRITTEN GUIDELINES; UNWRITTEN - 1:15	

TEMPE UNION HIGH SCHOOL DISTRICT	CORONA DEL SOL CHILD DEVELOPMENT CLASS	FOLLOW ADHS RULES	FOLLOW ADHS RULES	-ISSUE OF 14 AND 15 YEAR OLDS SERVING AS VOLUNTEER AIDS -FINGERPRINT REGISTRATION OF YOUTH UNDER THE AGE OF 18
SUNNYSIDE UNIFIED SCHOOL DISTRICT	SUNNYSIDE HIGH SCHOOL	FOLLOW ADHS RULES	FOLLOW ADHS RULES	-USE OF VOLUNTEER AIDS WHO ARE 14 AND 15 -FINGERPRINT REGISTRATION OF YOUTH WHO ARE UNDER 18
VAIL SCHOOL DISTRICT	OLD VAIL SCHOOL	FOLLOW ADHS RULES		
WASHINGTON ELEMENTARY SCHOOL DISTRICT	17 PRESCHOOL LOCATIONS 18 EXTENDED DAY PROGRAMS	FOLLOW THE NAEYC GUIDELINES FOR STAFF TO CHILD RATIOS		
YUMA UNION HIGH SCHOOL	YUMA UNION HIGH SCHOOL	0-12 MONTHS - 1:4 12-24 MONTHS - 1:5		

ADE EARLY CHILDHOOD COMPREHENSIVE GUIDELINES FOR FOUR-YEAR OLD CHILDREN - STAFF TO CHILD RATIO OF 1:10 WITH MAXIMUM GROUP SIZE OF 20

AMERICAN ACADEMY OF PEDIATRICS RECOMMENDATIONS FOR STAFF TO CHILD RATIO AND GROUP SIZE

0-12 MONTHS - 1:3;	MAXIMUM - 6
13-24 MONTHS - 1:3;	MAXIMUM - 6
25-30 MONTHS - 1:4;	MAXIMUM - 8
31-35 MONTHS - 1:5;	MAXIMUM - 10
36-48 MONTHS - 1:7;	MAXIMUM - 14
4-5 YEARS OF AGE - 1:8;	MAXIMUM - 16
6-8 YEARS OF AGE - 1:10;	MAXIMUM - 20
9-12 YEARS OF AGE - 1:12;	MAXIMUM - 24

AMERICAN ACADEMY OF PEDIATRICS RECOMMENDATIONS FOR INDOOR SPACE - 35 SQUARE FEET PER CHILD; 75 SQUARE FEET FOR EACH CHILD USING THE PLAYGROUND AT ANY ONE TIME; 33 SQUARE FEET OF SPACE FOR INFANTS (0-17 MONTHS); AND 50 SQUARE FEET OF OUTDOOR SPACE FOR AGES 18-24 MONTHS.