

LOUISIANA

BECAUSE

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CARE

CHILD DAY CARE CENTER

CLASS B

MINIMUM STANDARDS

LOUISIANA ADMINISTRATIVE CODE

TITLE 67 CHAPTER 73 SECTIONS 7355-7385

These regulations are effective October 1, 2000.

MIMINUM STANDARDS FOR LICENSURE
OF CLASS B CHILD DAY CARE CENTERS

§7355 AUTHORITY

- A. The Louisiana Advisory Council on Child Care and Early Education
1. The Louisiana Advisory Council on Child Care and Early Education is hereby created in accordance with R.S. 46:1414, as amended by Acts 2009, No. 194, to provide input and guidance to the Department of Social Services on matters pertaining to rules, regulations and standards for licensure of Class A and Class B day care centers as defined in R.S. 46:1403(A)(4).
 2. The Council shall be composed of 12 voting members appointed by the Secretary of the Department of Social Services and 9 non-voting ex-officio members. The membership shall consist of:
 - a. one parent of a child currently enrolled in a licensed child care facility;
 - b. three owners or directors of licensed child care facilities in Louisiana, and one faith-based child care provider;
 - c. two professionals and/or faculty of child development and/or early childhood education programs at community technical colleges or universities located in Louisiana.
 - d. one representative from each of the following advocacy organizations: the Louisiana Head Start Association, the Louisiana Partnership for Children and Families, the Louisiana Association for the Education of Young Children, the Child Care Association of Louisiana, and the Louisiana Early Childhood Association of Louisiana; and
 - e. nine non-voting ex-officio members consisting of one representative of each of the following offices or agencies: the Department of Education Pre-Kindergarten Program, the Department of Education Child and Adult Care Food Program, Louisiana Office of State Fire Marshal, the Department of Health and Hospitals Office of Sanitarian Services, the Louisiana Workforce Commission, the Louisiana State Police Bureau of Criminal Identification; and three representatives from the Department of Social Services.
 3. Members will be appointed to serve an initial two-year term on the Council and may be eligible to be reappointed to serve an additional two-year term.
 4. A member shall be automatically removed from the advisory council if he/she has two or more unexcused absences during any 12-month period. An absence is excused for purposes of this Section when the cause is one which a reasonably-prudent person would deem

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to take precedence over fulfillment over a solemn public duty; or, if the absence is known in advance to be probable, if the member notifies the chairperson of his/her expected absence not less than 24 hours in advance of the scheduled meeting.

5. A quorum shall consist of a simple majority of the active voting members.
 6. Whenever a vacancy occurs in any Council seat, whether by death, resignation, or automatic removal, such vacant seat shall no longer be counted as an active voting member in determining a quorum until a successor has been appointed by the secretary to fill the unexpired term.
 7. Officers of the council shall include a chair, vice-chair and secretary.
 8. All meetings shall be conducted in accordance with the state's Open Meetings law. Procedural matters shall be conducted in accordance with the latest edition of Robert's Rules of Order.
 9. Members shall serve without compensation or reimbursement.
- B. Penalties. The penalty for the operation of a center without a valid license is a fine of not less than \$75 and not more than \$250 for each day of operation without a license.
- C. Injunctions. If any child care facility operates without a valid license issued by the department, the department may file suit in the district court in the parish in which the facility is located for injunctive relief. This injunctive order may include a temporary restraining order to restrain the institution, society, agency, corporation, person or persons, or any other group operating the child care facility from continuing the violation.
- D. Inspections. It shall be the duty of the Department of Social Services, through its duly authorized agents, to inspect at regular intervals not to exceed one year or as deemed necessary by the department and without previous notice all child care facilities and child-placing agencies subject to the provisions of R.S. 46:1401 et seq. The facility shall be open to inspection at all times during working hours or when children are in care by the parents or legal guardians of children in care and by all authorized inspection personnel.
- E. Waivers. The Secretary of the Department of Social Services, in specific instances, may waive compliance with a minimum standard if it is determined that the economic impact is sufficiently great to make compliance impractical. These standards may be waived only if the health and well being of the staff and/or the children are not placed in danger.

F. Conditions for Owners, Operators, Employees and Volunteers

Any owner, operator, current or prospective employee, or volunteer of a child care facility requesting licensure by the department and/or a child care facility licensed by the Department of Social Services is prohibited from working in a child care facility if the individual discloses, or as the result of information known or received by the Department of Social Services, that individual's name is recorded on the State Central Registry (SCR) as a perpetrator for a justified (valid) finding of abuse or neglect of a child, unless there is a finding by the Risk Evaluation Panel or a ruling by the Division of Administrative Law that the individual does not pose a risk to children.

1. An individual owning, operating, employed by or volunteering in a child care facility prior to January 1, 2010, licensed by the department shall be required to complete a state central registry disclosure form on or before February 1, 2010. This information shall be reported at the time of application, annually, at any time upon the request of the department, and within three working days of any such individual receiving notice of a justified (valid) determination of child abuse or neglect.
 - a. The owner, operator, current employee, and current employee/volunteer of the licensed child care facility shall complete, sign and date the state central registry disclosure form. The current employee/volunteer shall submit the disclosure form to the owner or operator of the facility. The owner or operator shall also be required to provide documentation of his or her state central registry disclosure form.
 - b. Any current employee/volunteer hired before January 1, 2010, who discloses that their name is recorded on the state central registry with a justified (valid) finding of abuse or neglect, or through reasonable suspicion, or as the result of information known or received by the Department of Social Services will have 10 calendar days to request a risk assessment evaluation in accordance with Louisiana Administrative Code 67:I.305 or shall be terminated immediately. As a condition of continued employment, the employee/volunteer shall be directly supervised by another paid employee of the facility, who has not disclosed that their name appears with a justified (valid) finding on the state central registry (SCR). Under no circumstances may the staff person with the justified finding be left alone and unsupervised with the children pending the disposition of the Risk Evaluation Panel that

they do not pose a risk to children. When these conditions are met, the employee/volunteer may be counted in child staff ratio. If the Risk Evaluation Panel finds the individual does pose a risk to children and the individual chooses not to appeal the finding, the employee/volunteer shall be terminated immediately. If the Risk Evaluation Panel finds the individual does pose a risk to children and the individual appeals the finding within the required timeframe, the employee/volunteer shall continue to have direct supervision at all times by another paid employee of the facility who has not disclosed that they have a justified finding on the state central registry until a ruling by the Division of Administrative Law that they do not pose a risk to children. Supervision may end effective with such a ruling from the Division of Administrative Law. If the Division of Administrative Law upholds the Risk Evaluation Panel finding that they do pose a risk to children, they shall be terminated immediately.

2. After January 1, 2010, any prospective owner, operator, or prospective employee/volunteer of the child care facility requesting/licensure by the department and/or the child care licensed by the department shall be required to complete a state central registry disclosure form. This information shall be reported at the time of application, annually, at any time upon the request of the department, and within three working days of any such individual receiving notice of a justified (valid) determination of child abuse or neglect.
 - a. The prospective employee/volunteer of a child care facility requesting licensure by the complete, sign and date the state central registry disclosure form. The prospective employee/volunteer shall submit the disclosure form to the owner or operator of the facility. The owner or operator shall also be required to provide documentation of his or her state central registry disclosure form.
 - b. If a prospective operator, employee/volunteer discloses that his or her name is currently recorded as a perpetrator on the state central registry, the child care facility representative/prospective employer shall inform the applicant they will not be considered for employment or volunteer duties at the time due to the state central registry disclosure and the child care facility representative/prospective employer will provide the prospective employee/volunteer with the request for a risk panel evaluation form.

3. State central registry disclosure forms, documentation of any disposition of the Risk Evaluation Panel and, when applicable, the Division of Administrative Law ruling shall be maintained in accordance with current department licensing requirements and be available for review by Child Care Licensing and Regulatory personnel during the facility's hours of operation. They shall be kept on file a minimum of one year from termination of the employee or volunteer from the center.
4. Any information received or knowledge acquired that a current or prospective owner, operator, volunteer, employee or prospective employee or volunteer has falsified a state central registry disclosure form stating that they are not currently recorded as a perpetrator with a justified (valid) determination of abuse or neglect shall be reported in writing to a Child Care Licensing manager at the Department of Social Services, Office of Family Support, Child Care Licensing and Regulatory Section as soon as possible, but no later than the close of business on the next working day.
5. Any state central registry disclosure form, Risk Evaluation Panel finding and Division of Administrative Law ruling that is maintained in a child care facility licensing file shall be confidential and subject to the confidentiality provisions of R.S. 46:56(F) pertaining to the investigations of abuse and neglect.
6. Violations of any of the provisions of this section shall result in licensing enforcement actions up to and including revocation of the license to operate.

§7357 DEFINITIONS

The following are definitions of terms used in these minimum standards:

AFFILIATE -

- (a) With respect to a partnership, each partner thereof;
- (b) With respect to a corporation, each officer, director and stockholder thereof;
- (c) With respect to a natural person, that person and any individual related by blood, marriage, or adoption within the third degree of kinship to that person; any partnership, together with any or all its partners, in which that person is a partner; and any corporation in which that person an officer, director or stockholder, or holds, directly or indirectly, a controlling interest;
- (d) With respect to any of the above, any mandatory, agent, or representative or any other person, natural or juridical acting at the direction of or on behalf of the licensee or applicant; or,

(e) Director of any such.

BUREAU - Bureau of Licensing of the Louisiana Department of Social Services.

CHILD DAY CARE CENTER - is defined as any place or facility operated by any institution, society, agency, corporation, person or persons, or any other group for the purpose of providing care, supervision, and guidance of seven or more children, not including those related to the caregiver, unaccompanied by parent or guardian, on a regular basis for at least twelve and one-half hours in a continuous seven-day week. Related or relative is defined as the natural or adopted child or grandchild of the caregiver or a child in the legal custody of the caregiver.

CHILD CARE STAFF - all full or part-time paid or non-paid staff who perform routine services for the child care center and have direct or indirect contact with children at the center. Center staff includes the director, child care staff, and any other employees of the center such as the cook, housekeeper, driver, substitutes, and foster grandparents excluding extra-curricular personnel.

CLASS A LICENSE - issued to centers that meet Class A minimum standards.

CLASS B LICENSE - issued to centers that meet Class B minimum standards.

CORPORAL PUNISHMENT - shall be defined as and limited to a spanking.

DEPARTMENT - the Department of Social Services.

DIRECTOR - an individual employed by the owner of the center or by a board of a church or other organization to be responsible for the operation of the child care center.

DISCIPLINE POLICY - a policy that is to be made available to each parent/guardian and outlines the discipline (corporal or noncorporal punishment) plan to be administered by the center.

DISQUALIFICATION PERIOD - the prescriptive period during which the Department shall not accept an application from a provider. Any unlicensed operation during the disqualification period shall interrupt running of prescription until the Department has verified that the unlicensed operation has ceased.

EFFECTIVE DATE - of a revocation, denial, or non-renewal of a license shall be the last day for applying to appeal the action, if the action is not appealed.

EMPLOYEE - all full or part-time paid center staff who perform services for the child care center and have direct or indirect contact with children at the center.

FACILITY - any place, program, facility or agency operated or required by law to operate under a license, including facilities owned or operated by any governmental, profit, nonprofit, private, or church agency.

HEREDITARY RELATIONSHIP - is defined as the natural or adopted child or grandchild of the caregiver or a child in the legal custody of the caregiver.

INCIDENT REPORT - a record book that staff can record injuries in that a child may have arrived at school with. Each entry should be recorded, signed by the person making the report, and signed by a witness to the injury and report.

LICENSE - any license issued by the Department to operate any child care facility or child-placing agency as defined in La. R.S. 46:1403.

MASTER CARD, CHILD'S - an information form that gives identifying and pertinent information on each child.

MEDICATION PERMISSION SLIP - an authorization form which gives the child care center parents' permission (and dosage instructions) regarding administering medication to their child.

MONTESSORI SCHOOL - a school that has a BESE Board Certification to be a Montessori School classification.

OWNER - the individual or organization that owns the center, but who may employ a person to be a full-time director responsible for the operation of the center or who may retain the responsibility as director.

PERSONNEL HEALTH RECORD - gives medical information of employees indicating a current check of communicable diseases.

PROVIDER - all owners or operators of a facility, including the director of such facility. If the owner is a corporate entity the owners are the officers, directors, and shareholders of the facility.

REASONABLE SUSPICION - Child Care Licensing and Regulatory personnel has or acquires information containing specific and articulable facts indicating that an owner, operator, current or potential employee or volunteer has been investigated and determined to be the perpetrator of abuse or neglect against a minor in an investigation with a justified (valid) finding currently recorded on the state central registry.

SHALL OR MUST - mandatory.

SPANKING - a striking by the director's open hand on the clothed buttocks of a child older than 24 months of age as punishment.

STATE CENTRAL REGISTRY - repository that identifies any individual reported to have a justified (valid) finding of abuse or neglect of a child or children by the Office of Community Services.

SUBSTITUTE EMPLOYEE - an individual hired to take the place of any staff member.

TEMPORARY EMPLOYEE - an individual who, on an occasional basis, works under the supervision of a regular staff member.

VOLUNTEER - full or part-time non-paid child care staff who performs services for the child care center and have direct or indirect contact with children at the center.

§7359 PROCEDURES

A. INITIAL APPLICATION

1. Anyone applying for a license after the effective date of these standards shall meet all of the requirements herein.
2. **Before beginning operation, it is mandatory to obtain licenses from the Department of Social Services, Bureau of Licensing. To do so, the following steps should be followed:**
 - a. **Prior to purchasing, leasing, etc. carefully check all local zoning and building ordinances in the area where you are planning to locate. Standards from the Office of Public Health, Sanitation Services; Office of the State Fire Marshal, Code Enforcement and Building Safety; And City Fire Department (if applicable) should be obtained.**
 - b. After securing a building, obtain an application form issued by:

Department of Social Services
Bureau of Licensing
P. O. Box 3078
Baton Rouge, La. 70821-3078
Phone: (225) 922-0015
Fax: (225) 922-0014

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- c. The completed application shall indicate Class "B" license. Anyone applying for State or Federal funding shall apply for a Class "A" license. Licensure fees are required to be paid by all centers. A Class "B" may not be changed to a Class "A" license if revocation procedures are pending. (However, child care facilities or agencies licensed as a Class B facility and owned or operated by a church or religious organization are exempt from annual license fees.)
- d. After the center's location has been established, complete and return the application form. It is necessary to contact the following offices prior to building or renovating a center:
 - i. Office of Public Health, Sanitation Services;
 - ii. Office of the State Fire Marshal, Code Enforcement and Building Safety;
 - iii. Office of City Fire Department (if applicable);
 - iv. Zoning Department (if applicable);
 - v. City or Parish Building Permit Office.
- e. After the application has been received by the Bureau of Licensing, the Bureau will request the Office of State Marshal, Office of City Fire Department (if applicable), Office of Public Health and any known required local agencies to make an inspection of the location, as per their standards. However, it is the applicant's responsibility to obtain these inspections and approvals. A Licensing Specialist will visit the center to conduct a licensing survey.
- f. A license will be issued on an initial application when the following items have been met and written verification is received by the Bureau of Licensing:
 - i. fire approval (state and city, if applicable);
 - ii. health approval;

- iii. zoning (if applicable);
 - iv. full licensure fee paid (if applicable);
 - v. three positive references on the Director;
 - vi. licensure survey verifying substantial compliance.
 - vii. documentation of a satisfactory criminal record clearance for all staff.
 - viii. documentation of completed State Central Registry Disclosure forms noting no justified (valid) finding of abuse and/or neglect for all staff.
3. When a center changes location, it is considered a new operation and a new application and fee for licensure shall be submitted. All items listed above shall be resubmitted, except references if the Director remains the same.
4. When a center changes ownership, a new application and fee shall be submitted. All approvals listed above shall be current. Documentation is required from the previous owner assuring change of ownership, i.e., letter from previous owner, copy of Bill of Sale or a lease agreement. Documentation of a satisfactory criminal record clearance for all staff not employed by previous owner; and documentation of completed State Central Registry Disclosure forms noting no justified (valid) finding of abuse and/or neglect for all staff not employed by previous owner shall also be required.
5. All new construction or renovation of a center requires approval from agencies listed above and the Bureau of Licensing.
6. The Bureau is authorized to determine the period during which the license shall be effective. A license is valid for the period for which it is issued unless it is revoked due to center's failure to maintain compliance with minimum standards.
7. A license is not transferable to another person or location.
8. If a Director or member of his immediate family has had a previous license revoked, refused, or denied, upon re-application, the applicant shall provide

written evidence that the reason for such revocation, refusal or denial no longer exists. A licensing survey will then be conducted to verify that the reasons for revocation, refusal, or denial have been corrected and the Director and/or center is in substantial compliance with all minimum standards.

9. A license shall apply only to the location stated on the application and such license, once issued, shall not be transferable from one person to another or from one location to another. If the location or ownership of the facility is changed, the license shall be automatically revoked. A new application form shall be completed prior to all changes of ownership or location.

B. FEES

1. An initial application fee of \$25 shall be submitted with all initial applications, including all church owned and operated centers. This fee will be applied toward the total licensure fee, which is due prior to licensure of center. This fee is to be paid by all initial and change of location providers. The full licensure fee shall be paid on all Changes of Ownership. All fees shall be paid by certified check or money order only and are nonrefundable.
2. Annual licensure fees are required prior to issuance or renewal of the license. (However, child care facilities or agencies licensed as a Class B facility and owned or operated by a church or religious organization are exempt from license fees.) License fee schedules (based on capacity) are listed below:

License Fee Schedules	
Capacity	Fee
15 or fewer	\$25
16-50	\$100
51-100	\$175
101 or more	\$250

3. Other Licensure Fees:
 - a. Twenty-five dollar replacement fee for any center replacing a license when changes to the license are requested by the Director, i.e., changes in capacity, name change, age range change. (There is no processing charge when the request coincides with regular renewal of license.)

- b. Five dollar processing fee for issuing a duplicate license with no changes.

C. EXEMPTIONS

The only exemption to licensure is private or public day schools serving children in grades one and above or pre-kindergartens and kindergartens. Also exempt are state certified Montessori schools and camps, as well as all care given without charge.

D. LICENSING CHANGES

Bureau of Licensing shall be notified before changes are made which might have an effect upon the license (for example, a change in age range of children to be served or a change in space of facility).

E. RELICENSING

The relicensing survey is similar to the original licensing survey.

1. Renewal applications will be mailed to centers approximately 60 days prior to the expiration for execution. The application shall indicate any changes the center needs to make (example: hours of operation, ages of children, etc.).
2. Relicensing surveys will be made by the Department of Social Services, Bureau of Licensing, Office of the State Fire Marshal, the Office of Public Health and others as the City Fire Marshal, Zoning (if applicable). Approvals of each must be received by the Department of Social Services, Bureau of Licensing before a new license will be issued. The director will review with the licensing specialist the findings and will be furnished a copy for any necessary action. It is the responsibility of the center owner/director to obtain the approvals before the current license's expiration date.
3. The Department of Social Services and the Office of the State Fire Marshal must approve any proposed structural changes, ratio adjustments, and variance of space used before changes are made which may affect the center's license.

F. DENIAL, REVOCATION OR NONRENEWAL OF LICENSE

An application for a license may be denied, or a license may be revoked, or renewal thereof denied, for any of the following reasons:

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1. violation of any provision of R. S. 46:1401 et seq. or failure to meet any of the minimum standards, rules, regulations or orders of the Department of Social Services promulgated thereunder;
2. cruelty or indifference to the welfare of the children;
3. conviction of a felony or any offense of a violent or sexual nature or an offense involving a juvenile victim, as shown by a certified copy of the record of the Court of conviction, of the applicant;
 - a. or, if the applicant is a firm or corporation, any of its board members or officers;
 - b. or of the person designated to manage or supervise the center;
4. history of noncompliance;
5. disapproval from any agency whose approval is required for licensure;
6. nonpayment of licensure fee and/or failure to submit application for renewal prior to the expiration of the current license;
7. any validated instance of cruel, severe, or unusual punishment, physical or sexual abuse and/or neglect if the owner is responsible or if the employee who is responsible remains in the employment of the center;
8. the center is closed with no plans for reopening and no means of verifying compliance with minimum standards for licensure;
9. any proven act of fraud such as falsifying or altering document(s) required for licensure;
10. center refuses to allow the Bureau to perform mandated duties, i.e., denying entrance to the center, lack of cooperation for completion of duties, etc.
11. failure to provide documentation of completed State Central Registry Disclosure forms noting no justified (valid) finding of abuse and/or neglect for all staff and the owner(s).

G. APPEAL PROCEDURE

If the license is denied, refused or revoked, the Bureau shall notify the day care center of the reasons for denial, refusal or revocation.

1. A provider may appeal the revocation or non-renewal of a license by submitting a written request to appeal the decision along with a copy of the notice within fifteen days of receipt of the notice of revocation or non-renewal. A prospective provider may appeal the denial of an initial application by submitting a written request to appeal the decision within thirty days of receipt of the notice of denial of application. A request for appeal shall include the specific reasons the provider believes the decision to be erroneous and/or the specific reasons the decision is believed to be incorrect, and mailed to: Department of Social Services, Bureau of Appeals, P. O. Box 2944, Baton Rouge, LA 70821-9118.
2. The Appeal's Bureau shall hold a hearing after receipt of such a request.
3. Within 90 days after the date the appeal is filed, the Appeal's Bureau shall advise the appellant by registered letter of the decision, either affirming or reversing the original decision. If the license is refused or revoked, the center shall immediately terminate operation.

H. ADVERTISING

Any Class B facility which advertises the fact that it is licensed under Louisiana law shall clearly indicate in its advertising that it holds a Class "B" license. In printed materials, Class "B" shall be printed in the same size type as the words "licensed" or "license". In broadcast advertising, a facility shall not advertise the fact that it is licensed without indicating in the same advertisement that the kind of license held is a Class "B" license.

I. DISQUALIFICATION FROM APPLICATION

1. Definitions as used in this Section:

Affiliate -

- (a) With respect to a partnership, each partner thereof;
- (b) With respect to a corporation, each officer, director and stockholder thereof;

- (c) With respect to a natural person, that person and any individual related by blood, marriage, or adoption within the third degree of kinship to that person; any partnership, together with any or all its partners, in which that person is a partner; and any corporation in which that person an officer, director or stockholder, or holds, directly or indirectly, a controlling interest;
- (d) With respect to any of the above, any mandatory, agent, or representative or any other person, natural or juridical acting at the direction of or on behalf of the licensee or applicant; or,
- (e) Director of any such.

Department - the Department of Social Services.

Disqualification period - the prescriptive period during which the Department shall not accept an application from a provider. Any unlicensed operation during the disqualification period shall interrupt running of prescription until the Department has verified that the unlicensed operation has ceased.

Effective date - of a revocation, denial, or non-renewal of a license shall be the last day for applying to appeal the action, if the action is not appealed.

Facility - any place, program, facility or agency operated or required by law to operate under a license, including facilities owned or operated by any governmental, profit, nonprofit, private, or church agency.

License - any license issued by the Department to operate any child care facility or child-placing agency as defined in La. R.S. 46:1403; any license issued by the Department to operate any adult residential care facility as defined in La. R.S. 40:2153; or any license issued by the Department to operate any transitional youth residence as defined in La. R.S. 46:1453.

Provider - all owners or operators of a facility, including the director of such facility. If the owner is a corporate entity the owners are the officers, directors, and shareholders of the facility.

Unlicensed operation - operation of any child care facility or child-placing agency, adult residential care facility, or transitional youth residence, at any location, without a valid, current license issued by the Department.

2. Disqualification of facility and provider

- a. If a facility's license is revoked or not renewed due to failure to comply with state statutes and licensing rules, the department

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shall not accept a subsequent application from the provider for that facility or any new facility for a minimum period of two (2) years after the effective date of revocation or non-renewal or a minimum period of two (2) years after all appeal rights have been exhausted, whichever is later (the disqualification period). Any subsequent application for a license shall be reviewed by the Secretary or her designee prior to a decision being made to grant a license. The Department reserves the right to determine, at its sole discretion, whether to issue any subsequent license.

- b. Any voluntary surrender of a license by a facility facing the possibility of adverse action against its license (revocation or non-renewal) shall be deemed to be a revocation for purposes of this rule, and shall trigger the same disqualification period as if the license had actually been revoked.
- c. In addition, if the applicant has had a substantial history of non-compliance, including but not limited to revocation of a previous license, operation without a license, or denial of one or more previous applications for licensure, the department may refuse to accept a subsequent application from that applicant for a minimum period of two (2) years after the effective date of denial.
- d. The disqualification period provided in this Section shall include any affiliate of the provider.

§7361 GENERAL REQUIREMENTS

- A. The Director shall be responsible for ensuring that the minimum licensing requirements are met.
- B. A current child day care license shall be on display, except for church affiliated centers (R. S. 46:1412.C) that choose to keep the license on file and available upon request.
- C. A center shall maintain in force at all times current commercial liability insurance for the operation of a center and vehicle (if transportation is provided) to insure medical coverage for children in the event of accident or injury. Documentation shall consist of the insurance policy or current binder that includes the name of the insurance company, policy number, period of coverage and explanation of the coverage.

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- D. Current written report from the Office of State Fire Marshal.
- E. Current written report from the Office of Public Health.
- F. Current written report from City Fire (if applicable).
- G. Certificate of Occupancy (zoning) (if applicable).
- H. Incident log for staff to record any injuries that a child may have upon arrival to the child care center.
- I. Each person living in a private residence, part of which is used as a child care facility, shall meet the same medical requirements as employed personnel.
- J. Each child living in a private residence, part of which is a child care facility shall meet the same medical requirements as the children enrolled in the center.
- K. Licensing Surveys; Notice Requirements. In accordance with Act 351 of the 2009 Regular Legislative Session, providers shall prominently post information advising parents or guardians that findings from licensing surveys are available online which includes the current web address, and that findings from licensing surveys are also available upon written request to the Department of Social Services.
- L. Influenza Notice to Parents. In accordance with Act 343 of the 2009 Regular Legislative Session, providers shall make available to each child's parent or legal guardian information relative to the risks associated with influenza and the availability, effectiveness, known contraindications and possible side effects of the influenza immunization. This information shall include the causes and symptoms of influenza, the means by which influenza is spread, the places a parent or legal guardian may obtain additional information and where a child may be immunized against influenza. The information shall be updated annually if new information on the disease is available. The information shall be provided annually to each licensed facility by the Department of Social Services and shall be made available to parents or legal guardians prior to November 1 of each year.

§7363 TRANSPORTATION

A center that provides transportation of children assumes additional responsibility and liability for the safety of the children.

A. TRANSPORTATION PLAN

1. If transportation is provided, even on an irregular basis, the center shall have a written statement identifying the type of transportation provided, i.e., to and from home, to and from school, to and from swimming or dancing lessons, field trips, etc.
2. If transportation to/from home and/or school is provided the center shall have a written plan that states the following:
 - a. geographical areas served;
 - b. time schedule of the services; and
 - c. fee, if any, for transportation services. §7363

B. TRANSPORTATION FURNISHED BY THE CENTER

1. When transportation is provided, the director shall insure that:
 - a. transportation arrangements conform to state laws;

NOTE: For additional information regarding state laws, contact the Office of Public Safety.
 - b. at least two staff, one of whom may be the driver, shall be in each vehicle unless the vehicle has a communication device and child/staff ratio is met in the vehicle;
 - c. at least one staff in each vehicle shall be currently certified in CPR;
 - d. children are under the direct supervision of staff at all times. The driver or attendant shall not leave the children unattended in the vehicle at any time while transporting children;
 - e. each child shall board the vehicle from the curbside of the street and/or shall be safely escorted across the street;
 - f. each child is delivered to a responsible person authorized in writing by the parent;

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- g. a designated staff person shall be present when the child is delivered to the center;
 - h. good order shall be maintained on the vehicle;
 - i. the driver shall check the vehicle at the completion of each trip to ensure that no child is left on the vehicle and all children were picked up and dropped off at the correct locations;
 - j. the vehicle shall be maintained in good repair; and
 - k. **the use of tobacco in any form,** use of alcohol and possession of illegal substances or unauthorized potentially toxic substances, firearms, pellet or BB guns (loaded or unloaded) **in any vehicle while transporting children is prohibited.**
2. Children shall not be transported in the back of a pickup truck.
 3. All drivers and vehicles shall be covered by liability insurance as required by law.
 4. The driver shall hold a valid appropriate Louisiana driver's license.
 5. Each driver or attendant shall be provided with a current master transportation list including each child's name, pick up and drop off locations and authorized persons to whom child may be released.
 6. The center shall maintain a daily transportation attendance record.
 7. The vehicle shall have evidence of a current safety inspection.
 8. There shall be first aid supplies in the vehicle, i.e. Band-Aids, peroxide, etc.
 9. There shall be information in each vehicle identifying the center's name, telephone number and address for emergency situations.
 10. A fire extinguisher shall be stored in the vehicle.

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C. FIELD TRIPS

Whether transportation for field trips is provided by the center, parents, or an outside source, there shall be signed parental authorization for each child to leave the center and to be transported in the vehicle.

D. TRANSPORTATION BY CONTRACT

When the center contracts with an outside source for transportation, there shall be an agreement on file signed and dated by the Director and a representative of the transportation agency stating that all rules for transportation shall be followed as stated in the law and the regulations. The center shall select a transportation agency with a good reputation and reliable drivers.

§7365 CENTER STAFF

A. All center staff includes the director, teachers, child care staff, and any other employees of the center such as the cook, housekeeper, and chauffeur.

B. All center staff must be at least 18 years of age or older. However, the center may employ a person 16 or 17 years old that works under the direct supervision of a qualified adult staff person.

C. PERSONNEL RECORDS

1. EMPLOYMENT APPLICATION - There shall be an employment application for each regularly employed and substitute member of the staff. This application shall include the actual date of hire, all pertinent personal information, past work experience, educational background.

2. REFERENCES - Center staff shall be known in the community to be of good reputation as verified by at least three non-related reference checks. There shall be on file in the center three letters of reference or documentation that at least three reference were contacted by the director/provider prior to employment.

3. I-9 FORM - A completed I-9 form (U.S. Immigration and Naturalization Service Employment Eligibility Form) required after November 1986.

4. CRIMINAL RECORDS CHECK - A criminal records check shall be requested by the director/provider prior to the employment of any staff person. Documentation of

a criminal records check and fingerprinting application as required by R.S.15: 587.1 after September 1, 1987.

- a. Criminal Record clearance is not transferable from one employer to another.
- b. No felon shall be employed in a Class B facility, unless approved in writing by a district judge of the parish and the local district attorney. This statement shall be kept on file at all times by the child care facility and shall be produced upon request to any law enforcement officer.

5. HEALTH REQUIREMENTS

- a. All center staff shall be required to obtain three months before or within 30 days after beginning work and at least every three years thereafter a written statement from a physician certifying that the individual is in good health and is physically able to care for the children, and is free from infectious and contagious diseases.
- b. At the time of employment, the individual shall have no evidence of active tuberculosis. Tuberculin test result dated within one year prior to offer of employment is acceptable. Staff shall be retested on time schedule as mandated by the Office of Public Health. For additional requirements, refer to Chapter II of State Sanitary Code.
- c. The director or any center staff shall not remain at work if he/she has any sign of a contagious disease.
- d. Substitute workers, temporary employees, or volunteers shall meet the same medical requirements as regularly employed personnel. Refer to substitute and temporary employees as defined.

6. JOB DESCRIPTIONS - a personnel job description shall be kept on file detailing the employee's responsibilities.

7. PERSONNEL RECORDS - personnel records shall be kept on file for a minimum of one year after the employee leaves. Health records may be returned to the staff member upon request.

D. PERSONNEL TRAINING

1. The provider/director shall plan and implement procedures relating to new staff development. This shall include the following:
 - a. provisions for a one-day orientation to center policies and practices;
 - b. health and safety procedures; and
 - c. four days of supervised working with children.
2. Documentation of orientation shall consist of a statement in the employee's record signed by the employee and director attesting to having received such orientation.
3. Providers/Directors shall conduct, at a minimum, one staff training session or meeting each quarter. The training session/meeting should include such matters as program planning, sharing new materials, and discussing center policy. Documentation of the training sessions/meetings including date and staff signatures shall be kept on file in the center.
4. Books, magazines, periodicals, pamphlets and journals relating to child care shall be available to staff. Documentation shall consist of observing that these materials are accessible in the facility to the staff.
5. CPR training for infant and child is required of one-half of the current staff on the premises. Documentation will be a copy of the certification card on file at the center.
 - a. This training may satisfy the requirement for a staff quarterly training session (§7365.D.3).
 - b. Certification will qualify for four "clock hour" training credit toward a new Director's requirements. (§7369.A.2.a-h)
6. If a center cares for children eight years and up, at least one staff shall be required to have Adult CPR when those children are present. Documentation will be a copy of the certification card on file at the center.
7. All staff shall have three continuing education hours annually through attendance at child care workshops or conferences i.e. LAECA, LAPACC, NAEYC, etc., or

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local physician, dentist, public library, PBS, universities and extension services etc. This is in addition to the three hours required for Health and Safety. These hours will be recognized by the Bureau without prior approval. The hours shall be documented and kept on file. This documentation shall include number of hours, topic, trainer, staff name, date and signature of the Director and/or the trainer.

8. All personnel are to be trained in emergency and evacuation procedures appropriate for the area in which the center is located. Documentation of training shall be kept on file at the child care center.

§7367 CHILDRENS RECORDS

- A. The center shall have on file and available at all times the following records for each child in care:
 1. master card - general information regarding child to include medical history;
 2. immunization record;
 3. written parental/guardian authorization for release of child to a third party; and
 4. written parental/guardian authorization for the center to administer and/or secure emergency medical treatment.
- B. For licensing purposes, children's records shall be kept on file a minimum of one year from the date of discharge from the center.

§7369 PERSONNEL

- A. DIRECTOR QUALIFICATIONS
 1. must be at least twenty-one (21) years of age.
 2. must have documentation of at least one of the following:
 - a. bachelor's degree from a regionally accredited college or university with at least six credit hours of child development or early childhood

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- education and one year of supervised child care experience in a licensed center or comparable setting;
- b. a Child Development Associate Credential which includes practicum and one year experience in a licensed center;
 - c. an Associate of Arts degree in child development or a closely related area and one (1) year of supervised child care experience in a licensed center or a comparable setting;
 - d. one year of experience as a director or staff in a licensed child care center plus 12 credit hours in child care, child development or early childhood education. Fifteen "clock hours" may be substituted for each three credit hours;
 - e. a diploma from a vocational child care training program approved by the Board of Regents or equivalent plus one year of supervised child care experience in a licensed child care center or comparable setting;
 - f. a National Administrator Credential as awarded by the National Child Care Association, and one year experience in a licensed child care center, or comparable setting;
 - g. a certificate of completion from the International Correspondence School and one year experience in a licensed child care center or comparable setting;
 - h. a certificate of completion from the Professional Career Development Institute and one year of experience in a licensed child care center or comparable setting.
3. A comparable setting must be approved by the Bureau.
 4. Licenses issued after September 30, 2000 must meet one of the requirements (7369.A.2.a-h). All directors employed prior to June 20, 1990 will be exempt from meeting director qualifications. These directors, however, are encouraged to work toward one of these requirements.

§7369.B.

B. REQUIRED CENTER STAFF

1. If the number of children exceeds 42 the director shall be a full-time administrator. When the director is not on the premises, there must be an individual designated as responsible for the operation of the center.
2. If the center does not exceed 42 children as their enrollment, there must be an individual designated as responsible for the operation of the center.
3. If the director is responsible for more than one center, there must be an individual designated as responsible for the operation of each center.
4. There shall be provisions for substitute help if the director or any regular employee is absent from the center.

§7371 REQUIRED CHILD/STAFF RATIOS

A. REQUIRED RATIOS FOR TEN OR LESS CHILDREN:

Below are the required child/ staff ratios for centers serving ten or fewer children (including the operator's and/ or staff's own children):

CHILDREN	STAFF
10 (if no more than two children are under age two)	1
10 (if three or more children are under age two)	2

B. REQUIRED RATIOS FOR ELEVEN OR MORE CHILDREN:

CHILDREN	STAFF
6 (Non-walkers and toddlers under 12 months)	1
8 (Toddlers, 12 months to 23 months)	1
12 (Two-Year-Olds, 24 months to 36 months)	1
14 (Three-Year-Olds, 36 months to 48 months)	1
16 (Four-Year-Olds, 48 months to 5 years old)	1
20 (Five to 6 year olds)	1
25 School Age (Six-year-olds and up)	1

1. MIXED AGES

When the center serves children of mixed ages, excluding children under two years, an average of the staff ratio may be applied.

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2. STAFF INVOLVED IN RATIO

Only those staff members directly involved in child care and supervision shall be considered in assessing child/staff ratio.

C. OTHER REQUIRED STAFF

1. When the number of children in the center exceeds ten, there must be an individual immediately available in case of an emergency.
2. If day and night care is offered, there must be separate staff.
3. At naptime, appropriate staffing shall be present within the center to satisfy required child/staff ratio.

§7373 PHYSICAL PLANT AND EQUIPMENT

A. INDOOR/OUTDOOR SPACE REQUIRED

The center shall be used exclusively by the children and center staff during operating hours. Area licensed for use as a child care center shall not be dually licensed.

1. INDOOR SPACE

- a. There shall be a minimum of indoor space of at least 35 square feet per child. The space shall not include toilet facilities, hallways, lofts, storage or food preparation areas, or offices. Any room counted as play space shall be available for play during play hours. If rooms are used exclusively for dining or sleeping, they cannot be included in the licensed capacity.
- b. There shall be provisions for temporarily isolating a child having or suspected of having a communicable disease so he/she can be removed from the other children. Movable partitions are permissible so that the space may be used for play when not needed for isolating an ill child.

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- c. An area, i.e. bathroom, partitioned area, etc., shall be maintained for the purpose of providing privacy for diapering, dressing and other personal care procedures for children beyond the usual diapering age.

2. OUTDOOR PLAY SPACE

- a. There shall be outdoor play space with direct exit from the center into the outdoor play yard.
- b. The outdoor space shall provide a minimum of 75 square feet for each child in the outdoor play space at any one time. The minimum outdoor play space shall be available for at least one-half of the licensed capacity.
- c. The outdoor play space shall be enclosed with a fence or other barrier in such a manner as to protect the children from traffic hazards, to prevent the children from leaving the premises without proper supervision, and to prevent contact with animals or unauthorized persons.
- d. Crawlspace and mechanical, electrical, or other hazardous equipment shall be made inaccessible to children.
- e. Areas where there are open cisterns, wells, ditches, fishponds and swimming pools or other bodies of water shall be made inaccessible to children by fencing.

3. A soft surface shall be provided under climbing apparatus with a potential fall of four feet or more to the ground. Soft surface examples are pea gravel, sand, wood chips, sawdust, or mats.

B. FURNISHINGS AND EQUIPMENT

1. There shall be a working telephone at the center.
2. Appropriate emergency numbers shall be posted, such as fire department, police department, and medical facility.
3. Play equipment of sufficient quantity and variety for indoor and outdoor use shall be provided which is appropriate to the needs of the children as follows:

- a. equipment which encourages active physical play (for example, climbing apparatus, swings, wheel-toys); and
 - b. equipment which encourages quiet play or activity (for example, sand, clay, crayons, paints, story and picture books, dolls, puzzles, and music).
4. The equipment shall be maintained in good repair.
 5. The center shall make provisions for storage space within easy reach of the children for the storage of play materials in appropriate play areas. Toy chests with attached lids are prohibited.
 6. There shall be individual spaces for each child's clothing and personal belongings.
 7. Chairs of a suitable size and table space shall be available for each child two years or older.
 8. Individual and appropriate sleeping arrangements must be provided for each child.
 - a. State and local health requirements regarding sleeping arrangements must be met.
 - b. Each child shall provide or be provided with a mat, cot or bed age appropriate. Playpens shall not be substituted for a baby bed/crib.
 - c. While in use, each mat, cot or bed shall be placed 18 inches apart and shall be arranged in a head to toe configuration. Each one shall be labeled for individual use.
 9. Smoking shall not be allowed on the child care premises.

C. FIRE SAFETY

Fire drills shall be conducted at least once per month. These shall be conducted at various times of the day and shall be documented as follows:

1. date and time of day;
2. number of children;
3. lapse time of drill;

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4. problems and solutions if any; and
5. staff signatures.

D. SAFETY REGULATIONS

1. Drugs, poisons, harmful chemicals, all products labeled "Keep out of the reach of children", equipment and tools shall be locked away from the children. Whether a cabinet or an entire room, the storage area must be locked.
2. Refrigerated medications shall be in a secure container to prevent access by children and avoid contamination of food.
3. Secure railings shall be provided for:
 - a. flights of more than three steps;
 - b. porches more than three feet from the ground.
4. Gates shall be provided at the head or foot of each flight of stairs to which children have access.
5. Accordion gates are prohibited.
6. First Aid Supplies shall be available at the day care center. (Suggestions for first aid supplies may be obtained from the Red Cross.)
7. The center and yard must be clean and free from hazards.

§7375 ADMISSION OF CHILDREN

- A. Admission of children shall include an interview with the parent or guardian to:
 1. secure necessary information about the child; and
 2. provide a Parents' Handbook about the center's programs, policies, fees and a basic daily center schedule.
- B. Parents or guardians must be provided with a written description of the center's discipline policy.
- C. Discrimination by child daycare centers on the basis of race, color, creed, sex, national origin, handicapping condition or ancestry is prohibited. A policy shall include this written statement.

§7377 CARE OF CHILDREN

A. NUTRITION

1. If the Center prepares any meals, well-balanced and nourishing meals shall be made available to children in care.
 - a. Children in care for more than four hours shall be provided meals using the four basic food groups (bread, fruits and vegetables, dairy products, protein products) that provide approximately one-third to one-half of the current Recommended Dietary Allowances of the National Research Council. (See Appendix A)
 - b. Additional servings of nutritious food over and above the required daily minimum shall be made available to children as needed if not contradicted by special diets.
 - c. To ensure well-balanced and nourishing meals, the specified patterns for meals (See Appendix A) shall be referenced.
2. Milk shall be served to the children at least once a day.
3. Children in full-time care shall have two snacks and one meal daily.
4. Weekly menus for meals and snacks shall be posted if the center prepares the food. Substitutions shall be posted on or near the menu.
5. It is permissible for children to bring their own food to the center.
6. Bottled formula for infants must be labeled.
7. If the parent provides the daily meal, parents should be encouraged to prepare meals which are well balanced and nutritious but with the understanding that what the parent provides is acceptable.
8. Infants are to be fed and supervised individually.
 - a. Infants shall be held while feeding.
 - b. A bottle shall not be propped at any time.
 - c. Parents shall supply the center with a schedule of feeding times for their infant.

9. Drinking water shall be readily available to the children in single service cups or cups that can be sanitized.
 - a. Drinking fountains are permissible.
 - b. Children shall be offered water at intervals at a minimum of two and one-half hours and after each outdoor activity.
10. Children's food shall be served on individual plates, napkins, paper towels or in cups as appropriate.

B. HEALTH SERVICE TO THE CHILD

1. No drugs of any type, including aspirin, shall be given by the center personnel unless authorized in writing by the parent. Authorization shall include the name of the child and medication, date(s) to be given, time to be given, dosage, and signature of parent.
 - a. Documentation shall be maintained verifying that medication was given according to parent's authorization, including the date, time and signature of the staff member who gave the medication.
 - b. All medication shall remain in the original container.
2. If symptoms of contagious or infectious diseases develop while the child is in care, he/she shall be in supervised isolation away from the other children until a parent or designated person has been contacted and the child has been picked up from the center.
3. Any child who has had a 100°F oral temperature or 101°F rectal temperature reading the last 12 hours is suspect.
4. Children with the following illnesses or symptoms shall be excluded from the center based on potential contagiousness (communicability) of the disease. Periods may be extended beyond this depending upon individual conditions.

ILLNESS/SYMPTOM

EXCLUDE UNTIL

Meningococcal disease
(Neisseria meningitis)

Well with proof of
noncarriage*.

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Hib disease (hemophilus)	Well with proof of noncarriage*.
Diarrhea (two or more loose stools or over and above what is normal for that child).	Diarrhea resolved or is controlled (Contained in diaper or toilet).
Fever of unknown origin (100°F oral or 101°F rectal or higher) some behavioral signs of illness.	Fever resolved or cleared or by child's physician or health department.
Chicken pox	Skin lesions (blisters) scabbed over completely.
Hepatitis A	One week after illness started and fever gone.
Aids (or HIV infection)	Until child's health, neurologic development, behavior, and immune status is deemed appropriate on a case-by-case basis) by qualified persons**, including the child's physician, chosen by the child's parent or guardian and the Director.
Undiagnosed generalized rash	Well or cleared by the child's physician.
Any child with a sudden onset of vomiting, irritability, or excessive sleepiness.	Evaluated and cleared by child's physician.

* Proof of noncarriage. Either by completion of appropriate drug regimen of Rifampin or by a negative throat culture obtained after completion of treatment for meningitis.

** These persons include the child's physician and other qualified individuals such as the Director, a representative of the state's Office of Public health, and a child development specialist and should be able to evaluate whether the child will receive optimal care in the specific program being considered and whether HIV-infected child poses a potential threat to others.

5. With most other illnesses, children have either already exposed others before becoming obviously ill (i.e. colds), or are not contagious one day after beginning treatment (i.e., strep throat, conjunctivitis, impetigo, ringworm, parasites, head lice, and scabies.)

§7377.B

6. The parent or designated person shall be notified and incident documented if:
 - a. child develops symptoms of illness; or
 - b. suffers a serious accident in child care.
7. All head injuries shall be reported to parents immediately.
8. An accident report including incidents shall be maintained detailing accident/incident of child and the action taken by the staff/director.

C. DAILY PROGRAM

1. There shall be a schedule of the day's plan of activities posted in each classroom or center providing for flexibility and changes, as deemed necessary.
2. The program of activities shall be adhered to with reasonable closeness but shall accommodate and have due regard for individual differences among the children.
3. The program shall provide time and materials for both vigorous and quiet activity for the children to share or to be alone, indoor and outdoor play and rest. Regular time should be allowed for routines such as washing, lunch, rest, snack and putting away toys. Activity and quiet periods should be alternated so as to guard against over stimulation of the child.
4. Children shall have a rest period of at least one hour.
5. While awake, infants and toddlers shall not remain in a crib, a baby bed, or a playpen for more than 30 minutes continuously.

§7379 CARE FOR CHILDREN DURING NIGHTTIME HOURS

- A. The Minimum Standards for child care centers also apply to centers which provide care after 9:00 p.m. with the inclusion of the following standards as set forth in this section.
 1. Any child care center caring for children at night must follow the same requirements for personnel standards as previously stated.

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2. A minimum of one adult shall be present at all times during nighttime care.

B. In addition, the following standards shall apply:

1. The adult in charge must remain awake all night and directly supervise the children at all times.

2. Meals must be served to children who are in the center at the ordinary meal times.

3. Each child shall have separate sleeping accommodations. These accommodations shall include age appropriate crib, cot with a mat or mattress or bed.

4. Evening quiet time such as story time, games, and reading shall be provided to each child arriving before bedtime.

5. No physical restraints shall be used to confine children to bed.

§7381 DISCIPLINE

A. Each center shall establish a written policy in regard to methods of discipline stating what methods of discipline will and will not occur. This statement must be made available to parents/guardians and licensing personnel.

B. If corporal punishment is used, the following guidelines are applicable and shall be included in the written discipline policy.

1. Permission for corporal punishment must be in writing from the parents. Documentation of details of the incident/infracton and punishment administered is required. A copy of the documentation must be kept on file at the child care center and a copy given to the parents.

2. Parents must be notified by phone before corporal punishment is administered. Documentation of the phone contact must be kept on file.

3. Written permission for corporal punishment of a child shall not be a preadmission requirement for children to be enrolled in a child care program.

4. Corporal punishment will not be used on children 24 months and younger.

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5. Any implement other than the open hand shall not be considered as corporal punishment but mistreatment of the child.
 6. Corporal punishment shall only be administered by the Director in the form of and not more than three spanks of the open hand on the clothed buttocks of a child older than 24 months of age. A second adult must be present during the administration of the spanking and the spanking must be documented and signed by both adults present.
- C. Cruel, severe, unusual, or unnecessary punishment shall not be inflicted on children.
 - D. Derogatory remarks shall not be made in the presence of the children about family members of the children in care or about the children themselves.
 - E. No child or group of children shall be allowed to discipline another child.
 - F. When a child is removed from the group for disciplinary reasons, he shall never be out of sight of a staff member.
 - G. No child shall be deprived of meals or any part of meals for disciplinary reasons.

§7383 ABUSE AND NEGLECT

Any suspected abuse and/or neglect of a child in a child care center must be reported in accordance with Louisiana Revised Statutes 14:403. This statement shall be visibly posted in the center with the local child protection phone number.

§7385 SUPERVISION

- A. Children shall be supervised at all times. All children shall never be left alone in any room or outdoors at any time without a staff present.
- B. While on duty with a group of children, child care staff members shall devote their entire time,
 1. in supervision of the children and
 2. in participating with them in their activities.
- C. Individuals who do not serve a purpose related to the care of children and/or hinder supervision of the children shall not be present in the center.

- D. At naptime, children may be grouped together with one worker supervising the children sleeping while other workers rotate various duties and lunchtime. All children sleeping must be in the sight of the naptime worker. However, appropriate staffing must be present within the center to satisfy state required child/staff ratios.

APPENDIX A

CHILD CARE FOOD PROGRAM of the United States Department of Agriculture

The Child Care Food Program of the United States Department of Agriculture is administered locally by state and regional agencies. Interested parties shall apply through the appropriate administering agency in their area. For further information and appropriate referral contact: Child Care and Summer Programs Division, Food and Nutrition Service, United State Department of Agriculture, 3101 Park Center Drive, Room 416, Alexandria, VA 22302, or your State Office.

- A. Each meal served shall contain, as a minimum, the indicated food components:
1. **A BREAKFAST shall contain:**
 - a. **A serving of fluid milk as a beverage or on cereal, or used in part for each purpose;**
 - b. **A serving of vegetable(s) or fruit(s) or full strength vegetable or fruit juice, or an equivalent quantity of any combination of these foods;**
 - c. **A serving of whole-grain or enriched bread; or an equivalent serving of cornbread, biscuits, rolls, muffins, etc., made with whole-grain or enriched meal or flour; or a serving of whole-grain or enriched or fortified cereal; or a serving of cooked whole-grain or enriched pasta or noodle products such as macaroni; or cereal grains such as rice, bulgur, or corn grits; or an equivalent quantity of any combination of these foods.**
 2. **Both LUNCH and SUPPER shall contain:**
 - a. **A serving of fluid milk as a beverage;**
 - b. **A serving of lean meat, poultry or fish; or cheese; or an egg; or cooked dry beans or peas; or peanut butter; or an equivalent quantity of any combination of these foods. These foods shall be served in a main dish, or in a main dish and one other menu item, to meet this requirement. Cooked dry beans or dry peas may be used as the meat alternate or as part of the vegetable/fruit component but not as both food components in the same meal;**

Nuts and seeds and their butters listed in program guidance are nutritionally comparable to meat or other meat alternates based on available nutritional data. Acorns, chestnuts, and coconuts shall **not be used as meat alternates due to their low protein content. Nut or seed meals or flours may be used as an ingredient in a bread/bread alternate, but shall **not** be used as a meat alternate. As noted nuts or seeds may be used to meet no more than one-half of the meat/meat alternate requirements. Therefore, nuts or seeds shall be combined with another meat/meat alternate to fulfill the requirement;**
 - c. **A serving of two or more vegetables or fruits, or a combination of both. Full strength vegetable or fruit juice may be counted to meet not more that one-half of this requirement;**

- d. A serving of whole-grain or enriched bread; or an equivalent serving of cornbread, biscuits, rolls, muffins, etc., made with whole-grain or enriched meal or flour; or a serving of whole-grain or enriched pasta or noodle products such as macaroni; or cereal grains such as rice, bulgur, or corn grits; or an equivalent quantity of any combination of these foods.
3. Supplemental food (SNACKS) shall be served between other meal types and contain two of the following four components:
 - a. A serving of fluid milk as a beverage, or on cereal, or used in part for each purpose;
 - b. A serving of meat or meat alternate. Nuts and seeds and their butters listed in program guidance are nutritionally comparable to meat or other meat alternates based on available nutritional data. Acorns, chestnuts, and coconuts are excluded and shall **not** be used as meat alternates due to their low protein content. Nut or seed meals or flours shall **not** be used as a meat alternate;
 - c. A serving of vegetable(s) or fruit(s) or full strength vegetable or fruit juice, or an equivalent quantity of any combination of these foods. Juice may not be served when milk is served as the only other component;
 - d. A serving of whole-grain or enriched bread; or an equivalent serving of cornbread, biscuits, rolls, muffins, etc., made with whole-grain or enriched meal or flour; or a serving of cooked whole-grain or enriched pasta or noodle products such as macaroni; or cereal grains such as rice, bulgur, or corn grits; or an equivalent quantity of any combination of these foods.

B. INFANT meal pattern:

Foods within the infant meal pattern shall be of texture and consistency appropriate for the particular age group being served. The total amount of food authorized in the meal patterns set forth below shall be provided to the infant but may be served during a span of time consistent with the infant's eating habits, on a gradual basis with the intent of ensuring their nutritional well-being and in accordance with parent's desires. The infant meal shall contain, as a minimum, each of the following components in the amounts indicated for the appropriate age group.

1. Birth through 3 months:
 - a. Breakfast -- 4-6 fluid ounces of iron-fortified infant formula;
 - b. Lunch or Supper -- 4-6 fluid ounces of iron-fortified infant formula;
 - c. Supplemental food -- 4-6 fluid ounces of iron-fortified infant formula.

2. 4 through 7 months:
 - a. Breakfast -- 4-8 fluid ounces of iron-fortified infant formula and 0-3 tablespoons of iron-fortified dry infant cereal (optional);
 - b. Lunch or Supper -- 4-8 fluid ounces of iron-fortified infant formula; and, 0-3 tablespoons of iron-fortified dry infant cereal (optional); and 0-3 of fruit or vegetable of appropriate consistency or a combination of both (optional);
 - c. Supplementary food -- 4-6 fluid ounces of iron-fortified infant formula.
3. 8 months through 11 months:
 - a. Breakfast -- 6-8 fluid ounces of iron-fortified infant formula, or 6-8 fluid ounces of whole fluid milk; 2-4 tablespoons of iron fortified dry infant cereal; and, 1-4 tablespoons of fruit or vegetable of appropriate consistency or a combination of both;
 - b. Lunch or Supper -- 6-8 fluid ounces of iron-fortified infant formula, or 6-8 fluid ounces whole fluid milk; 2-4 tablespoons of iron-fortified dry infant cereal and/or 1-4 tablespoons of meat, fish, poultry, egg yolk, or cooked dry beans or peas, or ½-2 ounces (weight) of cheese or 1-4 ounces (weight/volume) or cottage cheese of appropriate consistency; and 1-4 tablespoons of fruit or vegetable of appropriate consistency or a combination of both; and,
 - c. Supplementary food -- 2-4 fluid ounces of iron-fortified infant formula, whole fluid milk or full strength fruit juice, 0-½ slice of crusty bread (optional) or 0-2 cracker type products (optional) made from whole-grain or enriched meal or flour that are suitable for an infant for use as a finger food.

C. Meal patterns for CHILDREN age 1 through 12:

When children over age one participate, the total amount of food authorized in the meal patterns set forth on page 28 shall be provided:

THE MINIMUM AMOUNT OF FOOD COMPONENTS TO BE SERVED AS BREAKFAST ARE:

	FOOD COMPONENTS	Age 1 and 2	Age 3 up to 5	Age 6 up to 12
MILK	Milk, Fluid	½ cup	¾ cup	1 cup
VEGETABLES AND FRUIT	Vegetable(s) and/or fruit(s), or	¼ cup	½ cup	½ cup
	Full strength vegetable or fruit juice or an equivalent quantity of any combination of vegetable(s), fruit(s) and juice.	¼ cup	½ cup	½ cup
BREAD AND BREAD ALTERNATES ¹	Bread, or	½ slice	½ slice	1 slice
	Cornbread, biscuits, rolls, muffins, etc., or	½ serving	½ serving	1 serving
	Cold dry cereal, or	¼ cup or ½ ounce	⅓ cup or ½ ounce	¾ cup or 1 ounce
	Cooked cereal, or	¼ cup	¼ cup	½ cup
	Cooked pasta or noodle products, or	¼ cup	¼ cup	½ cup
	Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternates	¼ cup	¼ cup	½ cup

¹: Bread, pasta or noodle products, and cereal grains shall be whole grain or enriched, cornbread, biscuits, rolls, muffins, etc., shall be made with whole grain or enriched meal or flour.

THE MINIMUM AMOUNT OF FOOD COMPONENTS TO BE SERVED AS LUNCH OR SUPPER ARE:

	FOOD COMPONENTS	Age 1 up to 2	Age 3 up to 5	Age 6 up to 12
MILK	Milk, Fluid	½ cup	¾ cup	1 cup
VEGETABLES AND FRUIT ¹	Vegetable(s) and/or fruit(s)	¼ cup total	½ cup total	¾ cup total
BREAD AND BREAD ALTERNATES ²	Bread	½ slice	½ slice	1 slice
	Cornbread, biscuits, rolls, muffins, etc., or	½ serving	½ serving	1 serving
	Cooked pasta or noodle product, or	¼ cup	¼ cup	½ cup
	Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternates.	¼ cup	¼ cup	½ cup
MEAT AND MEAT ALTERNATES ³	Lean meat or poultry or fish, or	1 ounce	1½ ounces	2 ounces
	Cheese, or	1 ounce	1½ ounces	2 ounces
	Eggs, or	1 egg	1 egg	1 egg
	Cooked dry beans or peas, or	¼ cup	⅓ cup	½ cup
	Peanut butter or soynut butter or other nut or seed butters, or	2 tbsp.	3 tbsp.	4 tbsp.
	Peanuts or nuts and/or seeds, or	½ ounce = 50%	¾ ounce = 50%	1 ounce = 50%
	An equivalent quantity of any combination of the above meat/meat alternate.			

¹: **Serve 2 or more kinds of vegetable(s) and/or fruit(s). Full-strength vegetable or fruit juice may be counted to meet not more than ½ of this requirement.**

²: **Bread, pasta or noodle products, and cereal grains shall be whole grain or enriched, cornbread, biscuits, rolls, muffins, etc., shall be made with whole grain or enriched meal or flour.**

³: **This portion can meet only ½ of the total serving of the meat/meat alternate requirements for lunch or supper. Nuts or seeds shall be combined with another meat/meat alternate to fulfill the requirement. For determining combinations, 1 ounce of nuts or seeds are equal to 1 ounce of cooked lean meat, poultry, or fish.**

CAUTION- Children under 6 are at the highest risk of choking. USDA recommends that any nuts and/or seeds be served to them in a prepared food and be ground or finely chopped.

THE MINIMUM AMOUNT OF FOOD COMPONENTS TO BE SERVED AS SUPPLEMENTAL SNACK FOOD: (Select two of the following four but juice shall not be served with milk only)

	FOOD COMPONENTS	Age 1 and 2	Age 3 up to 5	Age 6 up To 12
MILK	Milk, Fluid	½ cup	½ cup	1 cup
VEGETABLES AND FRUIT	Vegetable(s) and/or fruit(s) (two or more), or	½ cup	½ cup	¾ cup
	Full strength vegetable or fruit juice or an equivalent quantity of any combination of vegetable(s), fruit(s) and juice.	½ cup	½ cup	¾ cup
BREAD AND BREAD ALTERNATES ¹	Bread, or	½ slice	½ slice	1 slice
	Cornbread, biscuits, rolls, muffins, etc., or	½ serving	½ serving	1 serving
	Cold dry cereal, or	¼ cup or ½ ounce	⅓ cup or ½ ounce	¾ cup or 1 ounce
	Cooked cereal, or	¼ cup	¼ cup	½ cup
	Cooked pasta or noodle product, or	¼ cup	¼ cup	½ cup
	Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternates.	¼ cup	¼ cup	½ cup
MEAT AND MEAT ALTERNATES ²	Lean meat or poultry or fish, or	½ ounce	½ ounce	1 ounce
	Cheese, or	½ ounce	½ ounce	1 ounce
	Eggs, or	½ egg	½ egg	1 egg
	Cooked dry beans or peas, or	⅓ cup	⅓ cup	¼ cup
	Peanut butter or soynut butter or other nut or seed butters, or	1 tbsp.	1 tbsp.	2 tbsp.
	Peanuts, nuts, and/or seeds, or	½ ounce	½ ounce	1 ounce
	Yogurt, plain, or sweetened and flavored, or	2 ounces or ¼ cup	2 ounces or ¼ cup	4 ounces or ½ cup
	An equivalent quantity of any combination of meat/meat alternate.			

^{1:} Bread, pasta or noodle products, and cereal grains shall be whole grain or enriched, cornbread, biscuits, rolls, muffins, etc., shall be made with whole grain or enriched meal or flour.

^{2:} Yogurt may be used as a meat/meat alternate in the **SNACK ONLY**.