

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF EXEMPT RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 3. DEPARTMENT OF HEALTH SERVICES CHILD CARE GROUP HOMES

Editor's Note: The following Notice of Exempt Rulemaking is exempt from Laws 2010, Ch. 287, § 18. (See the text of § 18 on page 1619.)

[R10-114]

PREAMBLE

1. Sections Affected

Table 1
R9-3-203
R9-3-203
R9-3-207

Rulemaking Action

Amend
Repeal
New Section
New Section

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statutes: A.R.S. § 36-136(F)
Implementing statute: A.R.S. § 36-897.01
Statutes or session laws authorizing the exemption: Laws 2010, Ch. 248, § 5

3. The effective date of the rules:

July 29, 2010

4. A list of all previous notices appearing in the *Register* addressing the exempt rule:

Not applicable

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Lourdes Ochoa, State Licensing Manager

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Notices of Exempt Rulemaking

- 6. An explanation of the rule, including the agency's reasons for the rule, including the statutory citation to the exemption from regular rulemaking procedures:**
Laws 2010, Ch. 248, § 2 eliminated the expiration of a child care group home certification. The purpose of this rule-making is to amend the rules related to a child care group home certificate consistent with current statutory authority for child care group homes certified under A.R.S. Title 36, Chapter 7.1, Article 4. Laws 2010, Ch. 248, § 5, provides an exemption from the requirements in A.R.S. Title 41, Chapter 6, for this rulemaking.
- 7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
None
- 8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
- 9. The summary of the economic, small business, and consumer impact:**
Not applicable
- 10. A description of the changes between the proposed rules, including supplemental notices, and final rules, (if applicable):**
Not applicable
- 11. A summary of the comments made regarding the rule and the agency response to them:**
Not applicable
- 12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**
Not applicable
- 13. Incorporations by reference and their location in the rules:**
None
- 14. Was this rule previously made as an emergency rule? If so, please indicate the Register citation:**
No
- 15. The full text of the rules follows:**

TITLE 9. HEALTH SERVICES

**CHAPTER 3. DEPARTMENT OF HEALTH SERVICES
CHILD CARE GROUP HOMES**

ARTICLE 1. GENERAL

Section
Table 1. Time-frames (in days)

ARTICLE 2. CERTIFICATION

Section
R9-3-203. Certificate Renewal Certification Fees
R9-3-207. Invalid Certificate

ARTICLE 1. GENERAL

Table 1. Time-frames (in days)

Type of Approval	Statutory Authority	Overall Time-Frame	Administrative Completeness Review Time-Frame	Substantive Review Time-Frame
Initial Certificate under R9-3-201	A.R.S. § 36-897.01	150	30	120
Certificate Renewal under R9-3-203	A.R.S. § 36-897.01	150	30	120
Approval of Change Affecting Certificate under R9-3-204(B)	A.R.S. §§ 36-897.01; <u>and</u> 36-897.02	75	30	45

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ARTICLE 2. CERTIFICATION

R9-3-203. ~~Certificate Renewal Certification Fees~~

- ~~A. At least 45 days before the expiration of a current certificate, an applicant for renewal of a certificate shall submit to the Department an application completed using a Department provided form and including:~~
- ~~1. The applicant's name;~~
 - ~~2. The child care group home's certificate number;~~
 - ~~3. The child care group home's name, if applicable;~~
 - ~~4. The child care group home's street address, mailing address, and telephone number;~~
 - ~~5. The applicant's type of business organization, if applicable;~~
 - ~~6. If there have been any changes in the controlling person information submitted under R9-3-201(B)(7), a list of the changes;~~
 - ~~7. If there have been any changes to the organizational information submitted under R9-3-201(B)(8), a list of the changes and a copy of each new organizational document and each organizational document changed since the document was provided under R9-3-201(B)(8);~~
 - ~~8. A renewal certificate application fee of \$1,000, in the form of a certified check, business check, or money order made payable to the Arizona Department of Health Services; and~~
 - ~~9. The notarized signature of the applicant affirming:~~
 - ~~a. That the individual signing on behalf of the applicant is an individual designated under R9-3-103 and has the authority to sign on behalf of the applicant;~~
 - ~~b. That no controlling person has been denied a certificate to operate a child care group home or a license to operate a child care facility for the care of children in this state or another state, unless the denial was based on the controlling person's failure to complete the certification or licensing process according to a required time frame;~~
 - ~~c. That no controlling person has had a certificate to operate a child care group home or a license to operate a child care facility revoked or suspended in this state or another state for reasons that relate to endangerment of the health and safety of children;~~
 - ~~d. Whether the applicant agrees to allow the Department to submit to the applicant supplemental requests for additional information if the Department determines during the substantive review time frame that the applicant has not provided sufficient information to determine substantial compliance with A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter;~~
 - ~~e. That the applicant has read and will comply with A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter;~~
 - ~~f. That the applicant has sufficient financial resources to comply with A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter; and~~
 - ~~g. That the information provided in the application, including the information in the documents attached to the application form, is accurate and complete.~~
- ~~B. An applicant that submits the items required by subsection (A) later than 45 days before the expiration of the current certificate shall submit to the Department the a late filing fee required by A.R.S. § 36-897.01 of \$100 in the form of a certified check, business check, or money order made payable to the Arizona Department of Health Services.~~
- ~~C. If an applicant submits to the Department the items required by subsection (A) and, if applicable, the fee required by in subsection (B) before the expiration date of the current certificate, the current certificate does not expire until the date specified in A.R.S. § 41-1092.11(A).~~
- A. Except as provided in subsection (B), the certification fee for a certificate holder is \$1,000.
- B. If a certificate holder participates in a Department-approved program, the Department may discount the certification fee, based on available funding.
- C. A certificate holder shall submit to the Department, every three years and no more than 60 days before the anniversary date of the child care group home's certificate:
1. A form provided by the Department that contains:
 - a. The certificate holder's name;
 - b. The child care group home's name, if applicable, and certificate number; and
 - c. Whether the certificate holder intends to submit the applicable fee:
 - i. With the form, or
 - ii. According to the payment plan in subsection (C)(2)(b); and
 2. Either:
 - a. The applicable fee in subsection (A) or (B), or
 - b. One-half of the applicable fee in subsection (A) or (B) with the form and the remainder of the applicable fee due no later than 120 days after the anniversary date of the child care group home's certificate.

R9-3-207. Invalid Certificate

If a certificate holder does not submit the certificate fee as required in R9-3-203(C)(2), the certificate to operate a child care group home is no longer valid, and the child care group home is operating without a certificate.

NOTICE OF EXEMPT RULEMAKING

TITLE 9. HEALTH SERVICES

**CHAPTER 5. DEPARTMENT OF HEALTH SERVICES
CHILD CARE FACILITIES**

Editor's Note: The following Notice of Exempt Rulemaking is exempt from Laws 2010, Ch. 287, § 18. (See the text of § 18 on page 1619.)

[R10-115]

PREAMBLE

<u>1. Sections Affected</u>	<u>Rulemaking Action</u>
R9-5-101	Amend
R9-5-102	Amend
R9-5-201	Amend
R9-5-202	Amend
Table 1	Renumber
Table 2.1	Renumber
Table 2.1	Amend
R9-5-203	Amend
R9-5-204	Amend
R9-5-205	Repeal
R9-5-205	New Section
R9-5-206	Renumber
R9-5-206	Amend
R9-5-207	Repeal
R9-5-207	New Section
R9-5-208	Renumber
R9-5-208	Amend
R9-5-209	Renumber
R9-5-209	Amend
R9-5-210	Renumber
R9-5-210	Amend
R9-5-301	Amend
R9-5-302	Amend
R9-5-303	Amend
R9-5-304	Amend
R9-5-305	Amend
R9-5-306	Amend
R9-5-307	Amend
R9-5-308	Amend
R9-5-309	Amend
R9-5-310	Amend
R9-5-401	Amend
R9-5-402	Amend
R9-5-403	Amend
R9-5-404	Amend
R9-5-501	Amend
R9-5-502	Amend
R9-5-503	Amend
R9-5-504	Amend
R9-5-505	Amend
R9-5-506	Amend
R9-5-507	Amend
R9-5-508	Amend
Table 5.1	New Table
R9-5-509	Amend
R9-5-510	Amend
R9-5-511	Amend
R9-5-512	Amend
R9-5-513	Amend
R9-5-514	Amend

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R9-5-515	Amend
R9-5-516	Amend
R9-5-517	Amend
R9-5-518	Amend
Table 1	Repeal
R9-5-601	Repeal
R9-5-601	Renumber
R9-5-601	Amend
R9-5-602	Renumber
R9-5-602	Amend
R9-5-603	Renumber
R9-5-603	Amend
R9-5-604	Renumber
R9-5-604	Amend
R9-5-605	Renumber
R9-5-605	Amend
R9-5-606	Renumber
R9-5-607	Repeal

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statutes: A.R.S. § 36-136(F)

Implementing statute: A.R.S. §§ 36-882, 36-883, 36-883.01, 36-883.02, 36-883.04, 36-888, 36-889, 36-891, and 36-891.01

Statutes or session laws authorizing the exemption: Laws 2010, Ch. 248, § 5

3. The effective date of the rules:

September 30, 2010

4. A list of all previous notices appearing in the Register addressing the exempt rule:

Not applicable

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

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6. An explanation of the rule, including the agency's reasons for the rule, including the statutory citation to the exemption from regular rulemaking procedures:

Laws 2010, Ch. 248, § 3, requires the Department to adopt rules to streamline the regulation of child care facilities on or before October 1, 2010. The purpose of this rulemaking is to streamline the rules by eliminating obsolete, inefficient, or ineffective requirements and by amending and updating the remaining licensing requirements consistent with current statutory authority, industry standards, and Department policies for child care facilities licensed under A.R.S. Title 36, Chapter 7.1, Article 1. Laws 2010, Ch. 248, § 5, provides an exemption from the requirements in A.R.S. Title 41, Chapter 6, for this rulemaking.

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7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:
None
8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:
Not applicable
9. The summary of the economic, small business, and consumer impact:
Not applicable
10. A description of the changes between the proposed rules, including supplemental notices, and final rules, (if applicable):
Not applicable
11. A summary of the comments made regarding the rule and the agency response to them:
Not applicable
12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable
13. Incorporations by reference and their location in the rules:
None
14. Was this rule previously made as an emergency rule? If so, please indicate the Register citation:
No
15. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 5. DEPARTMENT OF HEALTH SERVICES
CHILD CARE FACILITIES

ARTICLE 1. GENERAL

- Section
- R9-5-101. Definitions
- R9-5-102. Individuals to Act for Applicant or Licensee Regarding Document, Fingerprinting, and ~~Department-Provided~~ Department-provided Training Requirements

ARTICLE 2. FACILITY LICENSURE

- Section
- R9-5-201. Application for a License
- R9-5-202. Time-frames
- ~~Table 4. 2.1.~~ Time-frames (in days)
- R9-5-203. Fingerprinting Requirements
- R9-5-204. Child Care Service Classifications
- R9-5-205. ~~License Renewal~~ Submission of Licensure Fees
- ~~R9-5-210.~~ R9-5-206. Licensure Fees
- ~~R9-5-207.~~ Change in Director
- R9-5-207. Invalid License
- ~~R9-5-206.~~ R9-5-208. Changes Affecting a License
- ~~R9-5-208.~~ R9-5-209. Inspections; Investigations
- ~~R9-5-210.~~ Fees
- ~~R9-5-209.~~ R9-5-210. Denial, Revocation, or Suspension of License

ARTICLE 3. FACILITY ADMINISTRATION

- Section
- R9-5-301. General Licensee Responsibilities
- R9-5-302. Statement of Child Care Services
- R9-5-303. Posting of Notices

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- R9-5-304. Enrollment of Children
- R9-5-305. Child Immunization Requirements
- R9-5-306. Admission and Release of Children; Attendance Records
- R9-5-307. Suspected or Alleged Child Abuse or Neglect
- R9-5-308. Insurance Requirements
- R9-5-309. Sanitation, Gas, and Fire Inspections
- R9-5-310. Pesticides

ARTICLE 4. FACILITY STAFF

Section

- R9-5-401. Staff Qualifications
- R9-5-402. Staff Records and Reports
- R9-5-403. Training Requirements
- R9-5-404. Staff-to-Children Ratios

ARTICLE 5. FACILITY PROGRAM AND EQUIPMENT

Section

- R9-5-501. General Child Care Program, ~~and~~ Equipment, ~~and~~ Health and Safety Standards
- R9-5-502. Supplemental Standards for Infants
- R9-5-503. Standards for Diaper Changing
- R9-5-504. Supplemental Standards for 1-year-old and 2-year-old Children
- R9-5-505. Supplemental Standards for 3-year-old, 4-year-old, and 5-year-old Children
- R9-5-506. Supplemental Standards for School-age Children
- R9-5-507. Supplemental Standards for Children with Special Needs
- R9-5-508. General Nutrition Standards
- Table 5.1 Meal Pattern Requirements for Children
- R9-5-509. General Food Service and Food Handling Standards
- R9-5-510. Discipline and Guidance
- R9-5-511. Sleeping ~~Materials and Equipment~~ and Napping
- R9-5-512. Cleaning and Sanitation
- R9-5-513. Pets and Animals
- R9-5-514. Accident and Emergency Procedures
- R9-5-515. Illness and Infestation
- R9-5-516. Medications
- R9-5-517. Transportation
- R9-5-518. Field Trips
- Table 1. ~~Meal Pattern Requirements for Children~~ Repealed

ARTICLE 6. PHYSICAL PLANT OF A FACILITY

Section

- ~~R9-5-601.~~ ~~General Physical Plant Standards~~
- ~~R9-5-602.~~ ~~R9-5-601.~~ Supplemental General Physical Plant Standards
- ~~R9-5-603.~~ ~~R9-5-602.~~ Facility Square Footage Requirements
- ~~R9-5-604.~~ ~~R9-5-603.~~ Outdoor Activity Areas
- ~~R9-5-605.~~ ~~R9-5-604.~~ Swimming Pools
- ~~R9-5-606.~~ ~~R9-5-605.~~ Fire and Safety
- R9-5-606. Renumbered
- ~~R9-5-607.~~ ~~Required Physical Plant Documents~~ Repealed

ARTICLE 1. GENERAL

R9-5-101. Definitions

~~In this Chapter, unless otherwise specified~~ In addition to the definitions in A.R.S. § 36-881, the following definitions apply in this Chapter unless otherwise specified:

1. "Abuse" has the same meaning as in A.R.S. § 8-201.
2. "Accident" means an unexpected occurrence that:
 - a. Causes injury to ~~a~~ an enrolled child,
 - b. Requires attention from a staff member, and
 - c. May or may not be an emergency.
3. "Accommodation school" has the same meaning as in A.R.S. § 15-101.

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4. "Accredited" means approved by the:
 - a. New England Association of Schools and Colleges,
 - b. Middle States Association of Colleges and ~~Secondary~~ Schools,
 - c. North Central Association of Colleges and Schools,
 - d. Northwest ~~Association of Schools and Colleges~~ Commission on Colleges and Universities,
 - e. Southern Association of Colleges and Schools, or
 - f. Western Association of Schools and Colleges.
5. "Activity" means an action planned by a licensee and performed by a an enrolled child while supervised by a staff member.
6. "Activity area" means a specific indoor or outdoor space or room of a licensed facility that is designated by a licensee for use by an enrolled children child for activities an activity.
7. "Adaptive device" means equipment used to augment an individual's use of the individual's arms, legs, sight, hearing, or other physical part or function.
8. "Administrative completeness review time-frame" has the same meaning as in A.R.S. § 41-1072.
- ~~8-9.~~ "Adult" means an individual who is at least 18 years of age.
- ~~9-10.~~ "Age-appropriate" means consistent with a child's age and age-related stage of physical growth and mental development.
- ~~10-11.~~ "Agency" means any board, commission, department, office, or other administrative unit of the federal government, the state, or a political subdivision of the state.
- ~~11-12.~~ "Applicant" means ~~an individual or business organization~~ a person or governmental agency requesting one of the following:
 - a. ~~An initial~~ A license, or
 - b. Approval of a change affecting a license under ~~R9-5-206~~ R9-5-208.
- ~~12-13.~~ "Application" means the documents that an applicant is required to submit to the Department for licensure or approval of a request for a change affecting a license.
- ~~13-14.~~ "Assistant teacher-caregiver" means a staff member who, ~~for compensation,~~ aids a teacher-caregiver in planning, developing, or conducting child care activities.
- ~~14-15.~~ "Association ~~or cooperative~~" means a group of individuals other than a corporation, limited liability company, partnership, joint venture, or public school who ~~have~~ has established a governing board and bylaws to operate a facility.
- ~~15-16.~~ "Beverage" means a liquid for drinking, including water.
- ~~16-17.~~ "Business organization" ~~means an entity such as an unincorporated association, a corporation, a limited liability company, a partnership, or a governmental entity~~ has the same meaning as "entity" in A.R.S. § 10-140.
- ~~17-18.~~ "Calendar week" means a seven-day period beginning on Sunday at 12:00 a.m. and ending on Saturday at 11:59 p.m.
- ~~18-19.~~ "C.C.P." means Certified Childcare Professional, a credential awarded by the National Child Care Association ~~to an individual who has successfully completed a test of ability to work effectively with children.~~
- ~~19-20.~~ "C.D.A." means Child Development Associate, a credential awarded by the ~~Child Development Associate National Credentialing Program to an individual who has successfully completed a test of ability to work effectively with children~~ Council for Professional Recognition.
- ~~20-21.~~ "Change in ownership" means a transfer of controlling legal or controlling equitable interest and authority in a facility resulting from a sale or merger of a facility.
- ~~21-22.~~ "Charter school" has the same meaning as in A.R.S. § 15-101.
- ~~22.~~ "Child" ~~means the same as in A.R.S. § 36-881.~~
- ~~23.~~ "Child care" ~~has the same meaning as in A.R.S. § 36-881.~~
- ~~24-23.~~ "Child care experience" means an individual's documented work with children in:
 - a. A child care facility or a child care group home that ~~is~~ was licensed, certified, or approved by a state in the United States or by one of the Uniformed Services of the United States;
 - b. A public school, a charter school, a private school, or an accommodation school;
 - c. A public or private educational institution authorized under the laws of another state where instruction was provided for any grade or combination of grades between pre-kindergarten and grade 12; or
 - d. One of the following professional fields:
 - i. Nursing,
 - ii. Social work,
 - iii. Psychology,
 - iv. Child development, or
 - v. ~~A closely-related~~ closely-related field.
- ~~25-24.~~ "Child care services" means the range of activities and programs provided by a licensee to a an enrolled child, including personal care, supervision, education, guidance, and transportation.
- ~~26-25.~~ "Child Protective Services" means the Child Protective Services Program of the Arizona Department of Economic

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Security.

~~27-26.~~ “Child with special needs” means:

- a. A child with a health care provider’s diagnosis and record of a physical or mental condition that substantially limits the child in providing self-care or performing ~~age-appropriate~~ manual tasks or any other major life function such as walking, seeing, hearing, speaking, breathing, or learning;
- b. A child with a “developmental disability” as defined in A.R.S. § 36-551; or
- c. A “child with a disability” as defined in A.R.S. § 15-761.

~~28-27.~~ “Clean” means to remove dirt or debris by methods such as washing with soap and water, vacuuming, wiping, dusting, or sweeping.

~~29-28.~~ “~~Closely-related~~ Closely-related field” means any educational instruction or occupational experience pertaining to the growth, development, physical or mental care, or education of children.

~~30-29.~~ “Communicable disease” has the same meaning as in A.A.C. R9-6-101.

~~31-30.~~ “Compensation” means money or other consideration, including goods, services, vouchers, time, government or public expenditures, government or public funding, or another benefit, that is received as payment.

~~32.~~ “Controlling person” means a person who:

- a. ~~Through ownership has the power to vote at least 10% of the outstanding voting securities.~~
- b. ~~If the applicant or licensee is a partnership, is the general partner or a limited partner who holds at least 10% of the voting rights of the partnership.~~
- e. ~~If the applicant or licensee is a corporation, an association or a limited liability company, is the president, the chief executive officer, the incorporator, an agent, or any person who owns or controls at least 10% of the voting securities.~~
- d. ~~Holds a beneficial interest in 10% or more of the liabilities of the applicant or the licensee.~~

~~33-31.~~ “Corporal punishment” means any physical action used to discipline a child that inflicts pain to the body of ~~a~~ the child, or that may result in physical injury to ~~a~~ the child.

~~34.~~ “C.P.C.” means ~~Certified Professional in Childcare, a credential awarded by the National Early Care and Education Association to an individual who has successfully completed a test of ability to work effectively with children.~~

~~35-32.~~ “CPR” means cardiopulmonary resuscitation.

~~36-33.~~ “Credit hour” means an academic unit earned at an accredited college or university:

- a. ~~by~~ By attending a one-hour class session each calendar week during a semester or equivalent shorter course term, or
- b. ~~completing~~ Completing equivalent practical work ~~as part of a~~ for a course ~~as determined by the accredited college or university.~~

~~37-34.~~ “Days” means calendar days, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.

~~38.~~ “Designated agent” means an individual who is:

- a. ~~A controlling person;~~
- b. ~~A United States citizen or legal resident alien;~~
- e. ~~A resident of Arizona; and~~
- d. ~~Authorized by an applicant or licensee to receive communications, including service of process, from the Department and to file and sign documents for the applicant or licensee.~~

~~35.~~ “Designated agent” means an individual who meets the requirements in A.R.S. § 36-889(D).

~~39-36.~~ “~~Developmentally appropriate~~ Developmentally-appropriate” means consistent with a child’s physical, emotional, social, cultural, and cognitive development, based on the child’s age and family background and the child’s personality, learning style, and pattern and timing of growth.

~~40-37.~~ “Discipline” means ~~to correct a child’s behavior that does not meet generally accepted levels of social behavior~~ the on-going process of helping a child develop self-control and assume responsibility for the child’s own actions.

~~38.~~ “Documentation” means information in written, photographic, electronic, or other permanent form.

~~39.~~ “Electronic signature” has the same meaning as in A.R.S. § 41-132(E).

~~41-40.~~ “Emergency” means a potentially life-threatening occurrence involving ~~a~~ an enrolled child or staff member that requires an immediate response or medical treatment.

~~42-41.~~ “Endanger” means to expose an individual to a situation where physical injury or mental injury to the individual may occur.

~~43-42.~~ “Enrolled” means placed by a parent and accepted by a licensee for child care services.

~~44-43.~~ “Evening and nighttime care” means child care services provided between the hours of 8:00 p.m. and 5:00 a.m.

~~45-44.~~ “Facility” ~~means~~ has the same meaning as “child care facility” ~~as defined in A.R.S. § 36-881.~~

~~46-45.~~ “Facility director” means an individual ~~meeting the qualifications in R9-5-401(4)~~ who is designated by a licensee as the individual responsible for the daily onsite operation of a facility.

~~47-46.~~ “Facility premises” means property that is:

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- a. Designated on an application for a license by the applicant; and
 - b. Licensed for child care services by the Department under A.R.S. Title 36, Chapter 7.1, Article 1, and ~~these rules~~ this Chapter.
47. “Fall zone” means the surface under and around a piece of equipment onto which a child falling from or exiting from the equipment would be expected to land.
48. “Field trip” means an activity planned by a staff member for an enrolled child:
- a. ~~Preschool children off facility premises~~ At a location or area that is not licensed for child care services by the Department, or
 - b. ~~School-age children off facility premises or school campus~~ At a child care facility in which the child is not enrolled.
49. “Final construction drawings” means facility plans that include the architectural, structural, mechanical, electrical, fire protection, plumbing, and technical specifications of the physical plant and the facility premises and that have been approved by local government for the construction, alteration, or addition or modification of a facility.
50. “Food” means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.
51. “Food preparation” means processing food for human consumption by cooking or assembling the food, but does not include distributing prepackaged food or whole fruits or vegetables.
52. “Full-day care” means child care services provided for six or more hours per day between the hours of 5:00 a.m. and 8:00 p.m.
53. “Governmental agency” has the same meaning as in A.R.S. § 44-7002.
- ~~53-54.~~ “Guidance” means the ongoing direction, counseling, teaching, or modeling of generally accepted social behavior through which a child learns to develop and maintain the self-control, self-reliance, and self-esteem necessary to assume responsibilities, make daily living decisions, and live according to generally accepted social behavior.
- ~~54-55.~~ “Hazard” means a source of endangerment.
- ~~55-56.~~ “Health care provider” means a physician; physician assistant; ~~nurse; or registered nurse practitioner; state board licensed, registered, or certified psychologist; or state board licensed, registered, or certified occupational, physical, or respiratory therapist.~~
- ~~56-57.~~ “High school equivalency diploma” means:
- a. A document issued by the Arizona Department of Education under A.R.S. § 15-702 to an individual who passes a general educational development test or meets the requirements of A.R.S. § 15-702(B);
 - b. A document issued by another state to an individual who passes a general educational development test or meets the requirements of a state statute equivalent to A.R.S. § 15-702(B); or
 - c. A document issued by another country to an individual who has completed that country’s equivalent of a 12th grade education, as determined by the Department based upon information obtained from American or foreign consulates or embassies or other governmental ~~entities~~ agencies.
- ~~57-58.~~ “Hours of operation” means the specific time during a day for which a licensee is licensed to provide child care services.
- ~~58-59.~~ “Illness” means physical manifestation or signs of sickness, such as pain, vomiting, rash, fever, discharge, or diarrhea.
60. “Immediate” means without restriction, delay, or hesitation.
61. “Inaccessible” means:
- a. Out of an enrolled child’s reach, or
 - b. Locked.
- ~~59-62.~~ “Infant” means:
- a. A child 12 months of age or younger, or
 - b. A child 18 months of age or younger who is not yet walking.
- ~~60-63.~~ “Infant care” means child care services provided to an infant.
- ~~61-64.~~ “Infestation” means the presence of lice, pinworms, scabies, or other parasites.
- ~~62-65.~~ “Inspection” means:
- a. Onsite examination of a facility by the Department to determine compliance with A.R.S. Title 36, Chapter 7.1, Article 1, and ~~these rules~~ this Chapter;
 - b. Onsite review of facility documents, records, or reports by the Department; or
 - c. Onsite examination of a facility by a local governmental ~~entity~~ agency.
- ~~63-66.~~ “Lesson plan” means a written description of the activities scheduled in each activity area for a day.
- ~~64-67.~~ “License” means the written authorization issued by the Department to operate a facility in Arizona.
- ~~65-68.~~ “Licensed applicator” has the same meaning as in A.R.S. § 32-2301.
- ~~66-69.~~ “Licensed capacity” means the maximum number of enrolled children for whom a licensee is authorized by the Department to provide child care services in a facility or a part of a facility at any given time.
- ~~67-70.~~ “Licensee” means a person, ~~as defined by A.R.S. § 36-881,~~ or governmental agency to whom the Department has

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issued a license to operate a facility in Arizona.

~~68-71.~~ "Local" means under the jurisdiction of a city or county in Arizona.

~~69-72.~~ "Mat" means a foam pad that has a waterproof cover and is of sufficient size and thickness to accommodate the height, width, and weight of a reclining child's body.

~~70-73.~~ "Material safety data sheet" means the information provided by a manufacturer describing chemical qualities, hazards, safety precautions, and emergency procedures to be followed in case of a spill, fire, or other emergency.

~~71-74.~~ "Medication" means a substance prescribed by a physician, physician assistant, or registered nurse practitioner or available without a prescription for the treatment or prevention of illness or infestation.

~~72-75.~~ "Menu" means:

- a. A written description of the food that a facility provides and serves as a meal or snack, or
- b. The combination of food that a facility provides and serves as a meal or snack.

~~73.~~ "Modification" means an alteration or addition to the physical plant of a licensed facility that may require a permit issued by local government.

~~74-76.~~ "Motor vehicle" has the same meaning as in A.R.S. § 28-101.

~~75-77.~~ "N.A.C." means the National Administrator Credential, a credential issued by the National Child Care Association to an individual who has successfully completed a test of ability to work effectively with children as a director of a child care facility.

~~78.~~ "Name" means, for an individual, the individual's first name and the individual's last name.

~~76-79.~~ "Naptime" means any time during hours of operation, other than evening and nighttime hours, that is designated by a licensee for the rest or sleep of enrolled children.

~~77-80.~~ "Neglect" has the same meaning as in A.R.S. § 8-201.

~~78.~~ "Nurse" means an individual who is:

- a. Licensed under A.R.S. Title 32, Chapter 15 as a practical nurse or as a registered, graduate, or professional nurse; or
- b. Licensed as a practical nurse or a registered nurse under the law of another state.

~~79-81.~~ "One-year-old 1-year-old" means a child who is not an infant and at least 12 months of age but not yet ~~two~~ 2 years of age.

~~80.~~ "One-year-old child care" means child care services provided to a one-year-old.

~~82.~~ "Outbreak" has the same meaning as in A.A.C. R9-6-101.

~~83.~~ "Overall time-frame" has the same meaning as in A.R.S. § 41-1072.

~~81-84.~~ "Parent" means:

- a. A natural or adoptive mother or father,
- b. A legal guardian appointed by a court of competent jurisdiction, or
- c. A "custodian" as defined in A.R.S. § 8-201.

~~82-85.~~ "Part-day care" means child care services provided for fewer than six hours per day between the hours of 5:00 a.m. and 8:00 p.m.

~~83-86.~~ "Perishable food" means food that becomes unfit for human consumption if not stored to prevent spoilage.

~~84.~~ "Person" means:

- a. In Articles 2 through 6, the same as in A.R.S. § 36-881; and
- b. In Articles 7 through 10, an individual or a business organization.

~~85.~~ "Personal reference" means an adult who is familiar with a director's or staff member's character due to observations made as a friend or acquaintance.

~~86-87.~~ "Pesticide" has the same meaning as in A.R.S. § 32-2301.

~~87-88.~~ "Pesticide label" means the written, printed, or graphic matter approved by the United States Environmental Protection Agency on, or attached to, a pesticide container.

~~89.~~ "Physical injury" means temporary or permanent damage or impairment to a child's body.

~~88-90.~~ "Physical plant" means a building that houses a facility, or the licensed areas within a building that houses a facility, including the architectural, structural, mechanical, electrical, plumbing, and fire protection elements of the building.

~~89-91.~~ "Physician" means an individual licensed as a doctor of:

- a. Allopathic medicine under A.R.S. Title 32, Chapter 13;
- b. Naturopathic medicine under A.R.S. Title 32, Chapter 14;
- c. Osteopathic medicine under A.R.S. Title 32, Chapter 17;
- d. Homeopathic medicine under A.R.S. Title 32, Chapter 29; or
- e. Allopathic, naturopathic, osteopathic, or homeopathic medicine under the law of another state.

~~90-92.~~ "Physician assistant" means:

- a. An individual who is licensed under A.R.S. Title 32, Chapter 25; or
- b. An individual who is licensed as a physician assistant under the law of another state.

~~91.~~ "Preparing food" means processing food for human consumption by cooking or assembling the food, but does not

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- ~~include distributing prepackaged food or whole fruits or vegetables.~~
- ~~92-93.~~ “Private pool” has the same meaning as “private residential swimming pool” in ~~R9-8-801~~ A.A.C. R18-5-201.
- ~~93-94.~~ “Private school” has the same meaning as in A.R.S. § 15-101.
- ~~94.~~ “Professional reference” means an adult who is familiar with a director’s or staff member’s work abilities ~~due to observations made as a supervisor or leader in a business, school, church, or other organizational setting.~~
95. “Program” means a variety of activities organized and conducted by a staff member.
- ~~96.~~ “Public pool” has the same meaning as “public swimming pool” in ~~R9-8-801~~ A.A.C. R18-5-201.
- ~~97.~~ “Public school” means a government-operated educational institution established for the purpose of offering instruction to pupils in programs for preschool children, kindergarten programs, or any combination of grades one through ~~12~~ has the same meaning as “school” in A.R.S. § 15-101.
98. “Registered nurse practitioner” means:
- ~~a. An individual who:~~
 - ~~i. Is licensed as a registered, graduate, or professional nurse under A.R.S. Title 32, Chapter 15;~~
 - ~~ii. Is certified by the Arizona State Board of Nursing through its rules for extended nursing practice; and~~
 - ~~iii. Has completed a nurse practitioner education program approved or recognized by the Arizona State Board of Nursing; or~~
 - ~~b. An individual who is licensed as a registered nurse practitioner under the law of another state.~~
 - a. An individual who is licensed and certified as a “registered nurse practitioner” under A.R.S. § 32-1601, or
 - b. An individual who is licensed or certified as a registered nurse practitioner under the law of another state.
99. “Regular basis” means at recurring, fixed, or uniform intervals.
- ~~100.~~ “Resident” means:
- ~~a. In reference to residency in a child care facility, an individual who does not work in the child care facility, but who uses the child care facility as the individual’s principal place of habitation for 30 days or more during the calendar year; and~~
 - ~~b. In reference to residency in Arizona, the same as in A.R.S. § 43-104.~~
100. “Responsible party” means an individual or a group of individuals who:
- a. Is assigned by a public school, charter school, or governmental agency; and
 - b. Has general oversight of the child care facility.
101. “Sanitize” means to use heat, chemical agents, or germicidal solutions to disinfect and reduce pathogen counts, including bacteria, viruses, mold, and fungi.
102. “School-age child” means a child who:
- a. Meets one of the following:
 - i. Is ~~five~~ 5 years old on or before January 1 of the current school year, or
 - ii. Is ~~five~~ 5 years old on or before January 1 of the most recent school year; and
 - b. Meets one of the following:
 - i. Attends kindergarten or a higher level program in a public, charter, accommodation, or private school during the current school year;
 - ii. Attended kindergarten or a higher level program in a public, charter, accommodation, or private school during the most recent school year;
 - iii. Is home-schooled at a kindergarten or higher level during the current school year; or
 - iv. Was home-schooled at a kindergarten or higher level during the most recent school year.
103. “School-age child care” means child care services provided to a school-age child.
104. “School campus” means the contiguous grounds of a public, charter, accommodation, or private school, including the buildings, structures, and outdoor areas available for use by children attending the school.
105. “School governing board” has the same meaning as “governing board” in A.R.S. § 15-101.
106. “Screen time” means the use of electronic media to watch television or to watch a video, a DVD, or a movie at the facility or at another location or the use of electronic media or a computer for game-playing, entertainment, communication, or educational purposes.
- ~~106-107.~~ “Semi-public pool” has the same meaning as “semipublic swimming pool” in ~~R9-8-801~~ A.A.C. R18-5-201.
- ~~107-108.~~ “Service classification” means one of the following:
- a. Full-day care;₂
 - b. Part-day care;₂
 - c. Evening and nighttime care;₂
 - d. Infant care;₂
 - e. ~~One-year-old~~ 1-year-old child care;₂ ~~or~~
 - f. 2-year-old child care;
 - g. 3-year-old, 4-year-old, and 5-year-old child care;
 - f.h. School-age child care;₂ ~~or~~
 - i. Weekend care.

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- ~~109.~~ “Signatory” means an individual who is authorized by a school district governing board, school district superintendent, or governmental agency to sign a document on behalf of the school district governing board, school district superintendent, or governmental agency.
- ~~108-110.~~ “Signed” means affixed with an individual’s signature or with a symbol representing an individual’s signature if the individual is unable to write the individual’s name.
111. “Sippy cup” means a lidded drinking container that is designed to be leak proof or leak-resistant and from which a child drinks through a spout or straw.
- ~~109-112.~~ “Space utilization” means the designated use of an area within a facility for specific child care services or activities.
- ~~110-113.~~ “Staff” or “staff member” or “child care personnel” means an individual who works in a facility, regardless of whether compensation is received by the individual means the same as “child care personnel” as defined in A.R.S. § 36-883.02.
- ~~111.~~ “STRIVE” means Family, Career, and Community Leaders of America, formerly known as Students Together Rising in Vocational Education, a career and technical student organization authorized by the Arizona Department of Education.
- ~~112-114.~~ “Student-aide” means an individual less than 16 years of age who is enrolled participating in an educational, curriculum-based course of study; vocational education; or occupational development program and who, without being compensated by a licensee, is present at a facility to receive instruction from and supervision by child care personnel staff in the provision of child care services.
- ~~113.~~ “Substantial compliance” means that the nature or number of violations revealed by any type of inspection or investigation of an applicant for licensure or a licensed child care facility does not pose a direct risk to the life, health, or safety of children.
115. “Substantive review time-frame” has the same meaning as in A.R.S. § 41-1072.
- ~~114-116.~~ “Supervision” means:
- a. The physical presence of a facility director or staff member who has responsibility for and is within sight and sound of an enrolled child For an enrolled child, knowledge of and accountability for the actions and whereabouts of the enrolled child, including the ability to see or hear the enrolled child at all times, to interact with the enrolled child, and to provide guidance to the enrolled child; or
 - b. The physical presence of a facility director or teacher-caregiver who is providing direction to and is within sight and sound of a staff member or student aide For an individual other than an enrolled child, knowledge of and accountability for the actions and whereabouts of the individual, including the ability to see and hear the individual when the individual is in the presence of an enrolled child and the ability to intervene in the individual’s actions to prevent harm to enrolled children.
- ~~115-117.~~ “Swimming pool” has the same meaning as in R9-8-801 A.A.C. R18-5-201.
- ~~116-118.~~ “Teacher-caregiver” means a staff member responsible for developing, planning, and conducting child care activities.
119. “Teacher-caregiver-aide” means a staff member who provides child care services under the supervision of a teacher-caregiver.
- ~~117-120.~~ “Training” means child care-related conferences, seminars, lectures, workshops, classes, courses, or instruction required by the Department of a licensee or staff member.
- ~~118-121.~~ “Volunteer” means a staff member who works in a facility without compensation, provides child care services that are the responsibility of a licensee.

R9-5-102. Individuals to Act for Applicant or Licensee Regarding Document, Fingerprinting, and ~~Department-Provided~~ Department-provided Training Requirements

When an applicant or licensee is required by this Chapter to provide information on or sign documents, possess a fingerprint clearance card, or complete Department-provided training, the following shall satisfy the requirement on behalf of the applicant or licensee:

1. If the applicant or licensee is an individual, the individual;
- ~~2. If the applicant or licensee is a corporation, an officer of the corporation;~~
- ~~3. If the applicant or licensee is a partnership, two of the partners;~~
- ~~4. If the applicant or licensee is a limited liability company, a manager or, if the limited liability company does not have a manager, a member of the limited liability company;~~
- ~~5. If the applicant or licensee is an association or cooperative, two members of the governing board of the association or cooperative;~~
- ~~6. If the applicant or licensee is a joint venture, two of the individuals signing the joint venture agreement;~~
2. If the applicant or licensee is a business organization, a designated agent who meets the requirements in A.R.S. § 36-889(D);
- ~~7-3.~~ If the applicant or licensee is a public school, an individual designated in writing as signatory for the public school by the school district governing board or school district superintendent;

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- ~~8-4.~~ If the applicant or licensee is a charter school, the person approved to operate the charter school by the school district governing board, the Arizona State Board of Education, or the Arizona State Board for Charter Schools; and
- ~~9-5.~~ If the applicant or licensee is a governmental agency, the individual in the senior leadership position with the agency or an individual designated in writing as signatory by that individual; and,
- ~~10.~~ If the applicant or licensee is a business organization type other than those described in subsections (2) through (9), two individuals who are members of the business organization.

ARTICLE 2. FACILITY LICENSURE

R9-5-201. Application for a License

- A. An applicant for a license shall:
 - 1. Be at least ~~18~~ 21 years of age;
 - 2. If an individual, be a U.S. citizen or legal resident alien and a resident of Arizona;
 - 3. If a corporation, association, or limited liability company, be a domestic entity or a foreign entity qualified to do business in Arizona;
 - 4. If a partnership, have at least one partner who is a U.S. citizen or legal resident alien and a resident of Arizona;
 - 5. Submit to the Department an application ~~that includes packet containing:~~
 - a. ~~A notarized application form signed by the applicant stating~~ An application on a form provided by the Department that contains:
 - i. The applicant's name;
 - ii. The applicant's date of birth;
 - ~~iii.~~ The facility's name, street address, city, state, zip code, mailing address, and telephone number;
 - iii. ~~The applicant's type of business organization;~~
 - iv. ~~The name and business or residential address of each controlling person~~ The requested service classifications;
 - v. ~~That no controlling person has been denied a certificate to operate a child care group home or a license to operate a child care facility for the care of children in this state or another state;~~
 - vi. ~~That no controlling person has had a certificate to operate a child care group home or a license to operate a child care facility revoked in this state or another state for reasons that relate to endangerment of the health and safety of children;~~
 - ~~vii.~~ v. Whether the applicant agrees to allow the Department to submit supplemental requests for information; and
 - ~~viii.~~ vi. A statement that ~~That the applicant has read and will comply with A.R.S. Title 36, Chapter 7.1, Article 1 and this Chapter these rules and declares that the information provided in the application is accurate and complete;~~
 - vii. A statement that the information provided in the application packet is accurate and complete; and
 - viii. The applicant's signature and date the applicant signed the application;
 - b. ~~If the applicant is a business organization, an Attachment to Application including the following organizational information about the applicant:~~
 - i. ~~The address of the business organization;~~
 - ii. ~~The name, title, and address of each officer and board member or trustee; and~~
 - iii. ~~A copy of the business organization's articles of incorporation, articles of organization, or partnership or joint venture documents, if applicable;~~
 - b. A copy of the applicant's:
 - i. U.S. passport;
 - ii. Birth certificate;
 - iii. Naturalization documents, or
 - iv. Documentation of legal resident alien status;
 - c. A copy of the applicant's valid class one or class two fingerprint clearance card issued according to A.R.S. § 41-1758.03 A.R.S. Title 41, Chapter 12, Article 3.1;
 - d. A Criminal History Affidavit Class I or Class II completed by the applicant and including the information copy of the form required by in A.R.S. § 36-883.02 36-883.02(C);
 - e. A certificate issued by the Department showing that the applicant has completed at least four hours of Department-provided training that included the Department's role in licensing and regulating child care facilities under A.R.S. Title 36, Chapter 7.1, Article 1, and these rules this Chapter;
 - f. ~~If the applicant is an individual, a copy of one of the following for the applicant:~~
 - i. ~~A U.S. passport;~~
 - ii. ~~A birth certificate;~~
 - iv. ~~Naturalization documents, or~~
 - v. ~~Documentation of legal resident alien status;~~
 - g. ~~If the applicant is a corporation or a limited liability company, a certificate of good standing issued to the appli-~~

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- ent by the Arizona Corporation Commission and dated within six months before the date of application;
- h. If the applicant is a partnership or an association, a copy of one of the following for one partner or association member of the applicant:
 - i. A U.S. passport;
 - ii. A birth certificate;
 - iii. Naturalization documents, or
 - iv. Documentation of legal resident alien status;
 - i. The following information about the applicant's designated agent:
 - i. Name;
 - ii. Residential and business addresses;
 - iii. Residential and business telephone numbers; and
 - iv. Residential and business fax numbers, if any;
 - j. A copy of one of the following for the applicant's designated agent:
 - i. A U.S. passport;
 - ii. A birth certificate;
 - iii. Naturalization documents, or
 - iv. Documentation of legal resident alien status;
 - k. The documents required by R9-5-607;
 - l. An Applicant, Staff, and Resident Report Form, including the applicant's name and address; a statement that the information on the form is accurate and complete; the dated signature of the applicant; and the following information about the applicant, each staff member, and each resident:
 - i. Name;
 - ii. Social security number or identification number issued by the U.S. Immigration and Naturalization Service;
 - iii. Birth date;
 - iv. Hire date, if applicable;
 - v. Job title, if a staff member, or relationship to the applicant or director, if a resident;
 - vi. Date of high school diploma or high school equivalency diploma, if applicable; and
 - vii. Information demonstrating each individual's compliance with A.R.S. § 36-883.02;
 - m. An Agricultural Land Notification Form, including:
 - i. The facility's name and address;
 - ii. Whether the facility is located within one-fourth mile of agricultural land; and
 - iii. If the facility is located within one-fourth mile of agricultural land, the names and addresses of the owners or lessees of all agricultural land located within one-fourth mile of the facility;
 - n. If the facility is located within one-fourth mile of agricultural land, and a child care facility has not previously been licensed at the same location, a copy of an agreement complying with A.R.S. § 36-882(D) for each parcel of agricultural land affected;
 - o. A Director Qualifications Form completed by the individual that the applicant intends to have serve as facility director, including:
 - i. The name of the individual;
 - ii. The facility's name, address, and telephone number;
 - iii. A statement that the individual is at least 21 years of age, will accept the primary responsibility for the daily administration and operation of the facility, and possesses the minimum qualifications required by R9-5-401;
 - iv. An indication of the individual's credentials or academic experience complying with R9-5-401;
 - v. A list of the individual's qualifying child care experience, including beginning and ending dates; positions held; each facility's name, address, and telephone number; a description of the experience at each facility; and the number of hours per week worked at each facility;
 - vi. A copy of the individual's diploma or transcript from each high school, college, university, or other educational facility attended by the individual, showing the name and location of the educational facility; the course of study pursued at the educational facility; the date of any diploma or degree attained at the educational facility; and the number of credit hours completed or the diploma or degree attained at the educational facility;
 - vii. A copy of the certificate of attendance from each child care workshop attended by the individual;
 - viii. A statement that the individual has provided the licensee with the names, addresses, and telephone numbers of two professional references and two personal references and with at least one written professional reference and one written personal reference;
 - ix. A statement that the information in the Director Qualifications Form is accurate and complete; and
 - x. The signature of the individual; and
 - p. The applicable fee in R9-5-210.

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- f. Except as provided in subsection (A)(5)(i), a site plan of the facility drawn to scale showing:
 - i. The drawing scale;
 - ii. The boundary dimensions of the property upon which the facility's physical plant is located;
 - iii. If more than one building is used for the facility, the location and perimeter dimensions of each building;
 - iv. The location of each driveway on the property;
 - v. The location and boundary dimensions of each parking lot on the property;
 - vi. The location and perimeter dimensions of each outdoor activity area;
 - vii. The location, type, and height of each fence and gate; and
 - viii. If applicable, the location of any swimming pool on the property;
- g. Except as provided in subsection (A)(5)(i), a floor plan of each building to be used for child care services drawn to scale showing:
 - i. The drawing scale;
 - ii. The length and width dimensions for each indoor activity area;
 - iii. The requested licensed capacity and applicable service classification for each indoor activity area;
 - iv. The location of each diaper changing area;
 - v. The location of each hand washing, utility, and three-compartment sink, toilet, urinal, and drinking fountain;
and
 - vi. The location and type of fire alarm system;
- h. Except as provided in subsection (A)(5)(i):
 - i. A copy of a certificate of occupancy issued for the facility by the local jurisdiction;
 - ii. Documentation from the local jurisdiction that the facility was approved for occupancy; or
 - iii. If the documents in subsections (A)(5)(h)(i) and (ii) are not available, the seal of an architect registered as prescribed in A.R.S. § 32-121 on the site plan required in subsection (A)(5)(f) and the floor plan required in subsection (A)(5)(g) verifying compliance with local building and fire codes, local zoning requirements, and this Chapter;
- i. For an applicant providing child care services to 3-year-old, 4-year-old, 5-year-old, or school-age children in a facility located in a public school, a set of final construction drawings or a school map showing:
 - i. The location of each school building;
 - ii. The location and dimensions of each outdoor activity area to be used by enrolled children;
 - iii. The length and width dimensions for each indoor activity area;
 - iv. The requested licensed capacity and applicable service classification for each indoor activity area; and
 - v. The location of each hand-washing sink, toilet, urinal, and drinking fountain to be used by enrolled children;
- j. If the facility is located within one-fourth of a mile of agricultural land:
 - i. The names and addresses of the owners or lessees of each parcel of agricultural land located within one-fourth mile of the facility, and
 - ii. A copy of an agreement complying with A.R.S. § 36-882 for each parcel of agricultural land;
- k. The applicable fee in R9-5-206;
- l. If the applicant is a business organization, a form provided by the Department that contains:
 - i. The name, street address, city, state, and zip code of the business organization;
 - ii. The type of business organization;
 - iii. The name, date of birth, title, street address, city, state, and zip code of each controlling person;
 - iv. A copy of the business organization's articles of incorporation, articles of organization, partnership documents, or joint venture documents, if applicable;
 - v. Documentation of good standing issued by the Arizona Corporation Commission and dated no earlier than three months before the date of the application; and
 - vi. A statement signed by the applicant stating:
 - (1) That each controlling person has not been denied a certificate or license to operate a child care group home or child care facility in this state or another state, and
 - (2) That each controlling person has not had a certificate or license to operate a child care group home or child care facility revoked in this state or another state for endangering the health and safety of children;
- m. If the applicant is a public school, a form provided by the Department that contains:
 - i. The name of the school district;
 - ii. The name, title, street address, city, state, and zip code of each responsible party, if the responsible party is an individual, or each individual in the group, if the responsible party is a group of individuals;
 - iii. A statement signed by the applicant stating:
 - (1) That each individual in subsection (A)(5)(m)(ii) has not been denied a certificate or license to operate a child care group home or child care facility in this state or another state, and
 - (2) That each individual in subsection (A)(5)(m)(ii) has not had a certificate or license to operate a child care group home or child care facility revoked in this state or another state for endangering the health

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and safety of children; and

- iv. A letter from the school district governing board or school district superintendent designating a signatory, if applicable;
- n. If the applicant is a charter school, a form provided by the Department that contains:
 - i. The name, title, street address, city, state, and zip code of each responsible party, if the responsible party is an individual, or each individual in the group, if the responsible party is a group of individuals;
 - ii. A statement signed by the applicant stating:
 - (1) That each individual in subsection (A)(5)(n)(i) has not been denied a certificate or license to operate a child care group home or child care facility in this state or another state, and
 - (2) That each individual in subsection (A)(5)(n)(i) has not had a certificate or license to operate a child care group home or child care facility revoked in this state or another state for endangering the health and safety of children; and
 - iii. A letter from the school district governing board in which the charter school is located, the Arizona State Board of Education, or the Arizona State Board for Charter Schools, approving the applicant to operate the charter school; and
- o. If the applicant is a governmental agency, a form provided by the Department that contains:
 - i. The name, title, street address, city, state, and zip code of each responsible party, if the responsible party is an individual, or each individual in the group, if the responsible party is a group of individuals;
 - ii. A statement signed by the applicant stating:
 - (1) That each individual in subsection (A)(5)(o)(i) has not been denied a certificate or license to operate a child care group home or child care facility in this state or another state, and
 - (2) That each individual in subsection (A)(5)(o)(i) has not had a certificate or license to operate a child care group home or child care facility revoked in this state or another state for endangering the health and safety of children; and
 - iii. A letter from the individual in the senior leadership position with the agency designating a signatory.
- B. The Department requires a separate license and a separate application for:
 - 1. Each facility owned by the same person at a different location, and
 - 2. Each facility owned by a different person at the same location.
- C. The Department does not require a separate application and license for a structure that is:
 - 1. Located so that the structure and the facility:
 - a. Share the same street address, or
 - b. Can be enclosed by a single unbroken boundary line that does not encompass property owned or leased by another;
 - 2. Under the same ownership as the facility; and
 - 3. Intended to be used as a part of the facility.

R9-5-202. Time-frames

- A. The overall time-frame ~~described in A.R.S. § 41-1072~~ for each type of approval granted by the Department under this Article is listed in Table ~~† 2.1~~. The applicant and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame. An extension of the substantive review time-frame and the overall time-frame may not exceed 25% of the overall time-frame.
- B. The administrative completeness review time-frame ~~described in A.R.S. § 41-1072~~ for each type of approval granted by the Department under this Article is listed in Table ~~† 2.1~~ and begins on the date that the Department receives an application packet.
 - 1. An application packet for a license is not complete until the date, provided to the Department with the application packet or by written notice, that the child care facility is ready for an onsite licensing inspection.
 - †2. The Department shall send a notice of administrative completeness or deficiencies to the applicant within the administrative completeness review time-frame.
 - a. A notice of deficiencies shall list each deficiency and the items needed to complete the application packet.
 - b. The administrative completeness review time-frame and the overall time-frame are suspended from the date that the notice of deficiencies is issued until the date that the Department receives all of the missing items from the applicant.
 - c. If an applicant for ~~an initial~~ a license, ~~a license renewal~~, or an approval of a change affecting a license fails to submit to the Department all of the items listed in the notice of deficiencies within 180 days after the date that the Department sent the notice of deficiencies, the Department shall consider the application or request for approval withdrawn.
 - 2-3. If the Department issues a license or other approval to the applicant during the administrative completeness review time-frame, the Department shall not issue a separate written notice of administrative completeness.
- C. The substantive review time-frame ~~described in A.R.S. § 41-1072~~ for each type of approval granted by the Department under this Article is listed in Table ~~† 2.1~~ and begins on the date of the notice of administrative completeness.

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1. As part of the substantive review for ~~an initial a~~ license application ~~or a license renewal application~~, the Department shall conduct an inspection that may require more than one visit to the facility.
2. As part of the substantive review for a request for approval of a change affecting a license that requires a change in the use of physical space at the facility, the Department shall conduct an evaluation of the request to determine compliance with applicable rules and statutes that may include an onsite inspection ~~that may require more than one visit to the facility.~~
3. The Department shall send a license, ~~or~~ a written notice of approval, or denial of a license or other request for approval to an applicant within the substantive review time-frame.
4. During the substantive review time-frame, the Department may make one comprehensive written request for additional information, unless the Department and the applicant have agreed in writing to allow the Department to submit supplemental requests for information.
 - a. If the Department determines that an applicant or a facility is not in substantial compliance with A.R.S. Title 36, Chapter 7.1, Article 1 and ~~these rules this Chapter~~, the Department shall send a comprehensive written request for additional information that includes a written statement of deficiencies stating each statute and rule upon which noncompliance is based.
 - b. An applicant shall submit to the Department all of the information requested in the comprehensive written request for additional information and ~~written~~ documentation of the corrections required in the statement of deficiencies, if applicable:
 - i. ~~Within~~ within 120 days after the date of the comprehensive written request for additional information, ~~if applying for an initial a license or for approval of a change affecting a license; or~~
 - ii. ~~Within 10 days after the date of the comprehensive written request for additional information, if applying for a license renewal.~~
 - c. The substantive review time-frame and the overall time-frame are suspended from the date that the Department issues a comprehensive written request for additional information or a supplemental request for information until the date that the Department receives all of the information requested, including documentation of corrections required in a statement of deficiencies, if applicable.
 - d. If an applicant fails to submit to the Department all of the information requested in a comprehensive written request for additional information or a supplemental request for information, including documentation of corrections required in a statement of deficiencies, if applicable, within the time prescribed in subsection (C)(4)(b), the Department shall deny the application.
5. The Department shall issue a license or other approval if the Department determines that the applicant and facility are in substantial compliance with A.R.S. Title 36, Chapter 7.1, Article 1 and ~~these rules this Chapter~~, and the applicant submits documentation of corrections that is acceptable to the Department for any deficiencies.
6. If the Department determines that a license or other approval is to be denied, the Department shall send to the applicant a written notice of denial complying with A.R.S. § 36-888 and stating the reasons for denial and all other information required by A.R.S. §§ 36-888 and 41-1076.

Table 4-2.1. Time-frames (in days)

Type of Approval	Statutory Authority	Overall Time-Frame	Administrative Completeness Review Time-Frame	Substantive Review Time-Frame
Initial License under R9-5-201	A.R.S. § 36-882	120	30	90
License Renewal under R9-5-205	A.R.S. § 36-882	150	30	120
Approval of Change Affecting License under R9-5-206 <u>R9-5-208</u>	A.R.S. §§ 36-882; <u>and</u> 36-883	75	30	45

R9-5-203. Fingerprinting Requirements

- A. ~~A~~ Except as provided in A.R.S. § 41-1758.03, a licensee shall ensure that each staff member and each adult resident at a facility:
 1. Possesses a valid ~~class one or class two~~ fingerprint clearance card issued under A.R.S. ~~§ 41-1758.03~~ Title 41, Chapter 12, Article 3.1; or
 2. Submits to the licensee, within seven working days of the staff member's starting date of employment or volunteer service after becoming a staff member or adult resident, a copy of a the fingerprint clearance card application ~~showing that the application that the staff member was submitted to the fingerprint division of the Department of Public Safety under A.R.S. § 41-1758.02.~~
- B. A licensee shall ensure that each staff member submits to the licensee a copy of the staff member's valid fingerprint clearance card:
 1. Except as provided in subsection (A)(2), before the staff member's starting date of employment or volunteer service, and

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2. Each time the fingerprint clearance card is issued or renewed.
- ~~B.C.~~ If a staff member ~~or adult resident~~ possesses a ~~class one or class two~~ fingerprint clearance card that was issued before the staff member ~~or adult resident~~ became a staff member ~~or adult resident~~ at the facility, the licensee shall:
- ~~1. contact~~ Contact the Department of Public Safety within seven working days after the individual becomes a staff member ~~or adult resident~~ to determine whether the ~~class one or class two~~ fingerprint clearance card is valid; and
 - ~~2. The licensee shall make a record of~~ Document this determination, including the name of the staff member ~~or adult resident~~, the date of the contact with the Department of Public Safety, and whether the ~~class one or class two~~ fingerprint clearance card is valid.
- ~~C.D.~~ A licensee shall not allow an individual to be a staff member ~~or adult resident~~ if the individual has been denied a ~~class two~~ fingerprint clearance card under A.R.S. Title 41, Chapter 12, Article 3.1 and has not received an interim approval under A.R.S. § ~~41-619.55(H)~~ 41-619.55.
- ~~D.E.~~ A licensee shall not allow an individual to be a staff member ~~or adult resident~~ if the individual receives an interim approval under A.R.S. § ~~41-619.55(H)~~ 41-619.55 but is then denied a good cause exception under A.R.S. § 41-619.55 and a ~~class two~~ fingerprint clearance card under A.R.S. Title 41, Chapter 12, Article 3.1.
- ~~E.F.~~ A licensee shall ensure that each staff member ~~and adult resident~~ completes, signs, dates, and submits to the licensee ~~an original of the form required in A.R.S. § 36-883.02(C).~~ A form completed while a staff member or adult resident was a staff member or adult resident at another facility does not satisfy this subsection. before the staff member's starting date of employment or volunteer service.
- ~~F.~~ A licensee shall ~~maintain documentation of compliance with this Section in each staff member's or adult resident's file throughout the time the individual is a staff member or adult resident and for 12 months after the individual ceases to be a staff member or adult resident.~~

R9-5-204. Child Care Service Classifications

- A. The Department licenses child care facilities using the following service classifications:
1. Full-day care;_;
 2. Part-day care;_;
 3. Evening and nighttime care;_;
 4. Infant care;_;
 5. ~~One-year-old~~ 1-year-old child care;_; and
 6. 2-year-old child care;
 7. 3-year-old, 4-year-old, and 5-year-old child care;
 - ~~6.8.~~ School-age child care; and
 9. Weekend care.
- B. The Department shall designate on a facility's license each service classification that the facility is licensed to provide.
- C. A licensee shall not provide child care services in a service classification for which the licensee is not licensed.

R9-5-205. License Renewal Submission of Licensure Fees

- ~~A.~~ At least 45 days before the expiration date of a current license, an applicant for renewal of a license shall submit to the Department an application including:
- ~~1. A notarized application form signed by the applicant that includes:~~
 - ~~a. The applicant's name;~~
 - ~~b. The facility's name, street address, mailing address, and telephone number;~~
 - ~~e. The applicant's type of business organization; and~~
 - ~~d. A statement that the applicant has read and will comply with these rules and declares that the information provided in the application is accurate and complete; and~~
 - ~~2. An Attachment to Application including any changes to the information previously submitted as prescribed in R9-5-201(A)(5); and~~
 - ~~3. The applicable fee in R9-5-210.~~
- ~~B.~~ A licensee that submits the items required by subsection (A) later than 45 days before the expiration date of the current license shall pay to the Department a late filing fee as follows:
- ~~1. For a child care facility with a licensed capacity of 5 to 10 children, \$100;~~
 - ~~2. For a child care facility with a licensed capacity of 11 to 59 children, \$400; or~~
 - ~~3. For a child care facility with a licensed capacity of 60 or more children, \$780.~~
- ~~C.~~ If an applicant submits the items required by subsection (A) and the fee required by subsection (B), if applicable, before the expiration date of the current license, the current license does not expire until the date specified in A.R.S. § ~~41-1092.11(A).~~

A licensee shall submit to the Department, every three years and no more than 60 days before the anniversary date of the facility's license:

1. A form provided by the Department that contains:
 - a. The licensee's name.

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- b. The facility's name and license number, and
- c. Whether the licensee intends to submit the applicable fee:
 - i. With the form, or
 - ii. According to the payment plan in subsection (2)(b), and
- 2. Either:
 - a. The applicable fee in R9-5-206, or
 - b. One-half of the applicable fee in R9-5-206 with the form and the remainder of the applicable fee due no later than 120 days after the anniversary date of the facility's license.

R9-5-210. R9-5-206. Licensure Fees

An applicant submitting an initial application or a renewal application for a child care facility shall submit to the Department a fee as follows:

- 1. For a child care facility with a licensed capacity of 5 to 10 children, \$1,000;
- 2. For a child care facility with a licensed capacity of 11 to 59 children, \$4,000; or
- 3. For a child care facility with a licensed capacity of 60 or more children, \$7,800.

A. Except as provided in subsection (B), the fees for an applicant submitting an application or a licensee submitting licensure fees are:

- 1. For a child care facility with a licensed capacity of five to 10 children, \$1,000;
- 2. For a child care facility with a licensed capacity of 11 to 59 children, \$4,000; and
- 3. For a child care facility with a licensed capacity of 60 or more children, \$7,800.

B. If an applicant or licensee participates in a Department-approved program, the Department may discount the fee, based on available funding.

R9-5-207. Change in Director

A. Except as provided in subsection (B), within 10 days before changing a facility director, a licensee shall send the Department written notice of the change.

B. If a licensee is not aware of a change in facility director 10 days before the effective date of the change, the licensee shall send the Department written notice within 48 hours after becoming aware of the change.

C. The written notice shall include a Director Qualifications Form completed as required by R9-5-201(A)(5)(e).

R9-5-207. Invalid License

If a licensee does not submit the licensure fee as required in R9-5-205(2), the facility license is no longer valid and the facility is operating without a license.

R9-5-206. R9-5-208. Changes Affecting a License

A. At least 30 days before the date of a change in a facility's name, a licensee shall send the Department written notice of the name change. ~~Within 30 days after the date of receipt of the notice, and~~ the Department shall issue an amended license that incorporates the name change but retains the ~~expiration anniversary~~ anniversary date of the current license.

B. At least 30 days before the date of an intended change in a facility's service classification, space utilization, or licensed capacity, a licensee shall submit a written request for approval of the intended change to the Department. ~~The written request shall include that includes:~~

- 1. The licensee's name;
- 2. The facility's name, street address, city, state, zip code, mailing address, and telephone number;
- 3. The name, telephone number, and fax number of a point of contact for the request;
- 4. The facility's license number;
- 5. The type of change intended:
 - a. Service classification,
 - b. Space utilization, or
 - c. Licensed capacity;
- 6. A narrative description of the intended change; and
- 7. The following additional information, as applicable:
 - a. If the intended change affects ~~an individual rooms~~ activity area, the following information about each affected ~~room activity area, as applicable:~~
 - i. ~~Room name or number~~ Identification of the activity area,
 - ii. Current and intended ~~Square square~~ square footage,
 - iii. Current and intended ~~Operating operating~~ operating hours,
 - iv. ~~Ages of the children to receive care in the room~~ Current and intended service classification,
 - v. ~~Maximum number of children to receive care in the room~~ Current and intended licensed capacity, and
 - vi. Whether the ~~room activity area~~ has or will have a diaper changing area;
 - b. If the intended change is to increase licensed capacity, the square footage of the outdoor activity area; and
 - c. If the intended change includes ~~a modification~~ an alteration or addition to the physical plant of ~~to~~ a licensed facil-

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ity, the following, as applicable:

- i. If the facility is not located in a public school or if providing child care services to infants, 1-year-old children, or 2-year-old children in a facility located in a public school, a set of final construction drawings, in compliance with R9-5-607(B) the information required in R9-5-201(A)(5)(f) and (A)(5)(g) showing the intended change; or
- ii. ~~If the facility is located in a public school and provides child care for children younger than school age children, a set of final construction drawings or a school map, in compliance with R9-5-607(C);~~
- iii-ii. If the facility is located in a public school and provides child care only for 3-year-old, 4-year-old, or 5-year-old, or school-age children, two sets a set of final construction drawings or two school maps a school map, in compliance with R9-5-607(D); and including the information required in R9-5-201(5)(i) showing the intended change.
- iv. ~~If the facility is a factory built building, the documents required by R9-5-607(E).~~

- C. The Department shall review a request submitted under subsection (B) according to R9-5-202. If the facility will be intended change is in substantial compliance with A.R.S. Title 36, Chapter 7.1, Article 1 and this Chapter these rules with the intended change, the Department shall send the licensee an amended license that incorporates the change but retains the expiration anniversary date of the current license.
- D. A licensee shall not implement any change described under subsection (B) until the Department issues an approval or amended license.
- E. At least 30 days before the date of a change in ~~the~~ ownership of a facility, a licensee shall send the Department written notice of the change. A new owner shall obtain a new license as prescribed in R9-5-201 before the new owner begins operating the facility.
- F. A licensee changing a facility's location shall apply for a new license as prescribed in R9-5-201.
- G. Within 30 days after ~~the election of a new officer to the business organization, the election of a new director to the board of directors for the business organization,~~ or a change in a controlling person, a licensee shall send the Department written notice of the change. The written notice shall include that includes:
 1. The name of the licensee;
 2. A description of the change made;
 3. ~~The following information about~~ name, title, street address, city, state, and zip code of each controlling person;
 - a. ~~Name, and~~
 - b. ~~Business or residential address;~~
 4. A statement that ~~no~~ each controlling person has not been denied a certificate to operate a child care group home or a license to operate a child care facility for the care of children in this state or another state;
 5. A statement that ~~no~~ each controlling person has not had a certificate to operate a child care group home or a license to operate a child care facility revoked in this state or another state for reasons that relate to endangerment of the health and safety of children;
 6. A statement that the information provided in the written notice is accurate and complete; and
 7. The ~~notarized~~ signature of the licensee.
- H. ~~Within 30 days after changing its designated agent, a licensee shall send the Department written notice of the change, to include:~~
 1. ~~The name of the new designated agent;~~
 2. ~~The residential and business addresses of the new designated agent; and~~
 3. ~~A copy of one of the following for the new designated agent:~~
 - a. ~~A U.S. passport;~~
 - b. ~~A birth certificate;~~
 - e. ~~Naturalization documents, or~~
 - d. ~~Documentation of legal resident alien status.~~
- H. If the change in subsection (G) is a change in a controlling person who is a designated agent, a licensee shall include a copy of one of the following for the designated agent:
 1. A U.S. passport.
 2. A birth certificate.
 3. Naturalization documents, or
 4. Documentation of legal resident alien status.
- I. Within 30 days after changing a responsible party, a licensee shall send the Department written notice of the change that includes:
 1. The name of the licensee;
 2. A description of the change made;
 3. The name, title, street address, city, state, and zip code of each responsible party, if the responsible party is an individual, or each individual in the group, if the responsible party is a group of individuals; and
 4. A statement signed by the licensee stating:

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- a. That each individual in subsection (I)(3) has not been denied a certificate or license to operate a child care group home or child care facility in this state or another state, and
- b. That each individual in subsection (I)(3) has not had a certificate or license to operate a child care group home or child care facility revoked in this state or another state for endangering the health and safety of children.

~~R9-5-208, R9-5-209, R9-5-210, Inspections; Investigations~~

- A. ~~The Department shall inspect each facility before issuing an initial license or a renewal license and as often as necessary to determine compliance with A.R.S. Title 36, Chapter 7.1, Article 1 and these rules. A licensee shall allow the Department immediate access to all areas of the facility affecting the health, safety, or welfare of an enrolled child or to which an enrolled child has access during hours of operation.~~
- B. ~~If the Department receives written or verbal information alleging a violation of A.R.S. Title 36, Chapter 7.1, Article 1 or these rules, the Department shall conduct an investigation. A licensee shall permit the Department to interview staff members, residents, and enrolled children each staff member or enrolled child as part of an investigation.~~

~~R9-5-210. Fees~~

~~An applicant submitting an initial application or a renewal application for a child care facility shall submit to the Department a fee as follows:~~

- ~~1. For a child care facility with a licensed capacity of 5 to 10 children, \$1,000;~~
- ~~2. For a child care facility with a licensed capacity of 11 to 59 children, \$4,000; or~~
- ~~3. For a child care facility with a licensed capacity of 60 or more children, \$7,800.~~

~~R9-5-209, R9-5-210, Denial, Revocation, or Suspension of License~~

- A. The Department may deny, revoke, or suspend a license to operate a facility if an applicant or licensee:
 1. Provides false or misleading information to the Department;
 2. Has been denied a certificate or license to operate a child care group home or ~~a certificate or license to operate a child care facility~~ in any state, unless the denial was based on the applicant's failure to complete the certification or licensing process according to a required time-frame;
 3. Has had a certificate or license to operate a child care group home or ~~a certificate or license to operate a child care facility~~ revoked or suspended in any state;
 4. Has been denied a fingerprint clearance card or has had a fingerprint clearance card revoked under A.R.S. Title 41, Chapter 12, Article 3.1;
 5. Fails to substantially comply with any provision in A.R.S. Title 36, Chapter 7.1, Article 1 or ~~these rules~~ this Chapter; or
 6. Substantially complies with A.R.S. Title 36, Chapter 7.1, Article 1 and ~~these rules~~ this Chapter, but refuses to carry out a plan acceptable to the Department to eliminate any deficiencies.
- B. In determining whether to deny, suspend, or revoke a license, the Department shall consider the threat to the health and safety of children in a facility based on such factors as:
 1. Repeated violations of statutes or rules,
 2. A pattern of non-compliance,
 3. The type of violation,
 4. The severity of each violation, and
 5. The number of violations.

ARTICLE 3. FACILITY ADMINISTRATION

R9-5-301. General Licensee Responsibilities

- A. A licensee shall:
 1. ~~designate~~ Designate a facility director who acts on behalf of the licensee and is responsible for the daily ~~on-site~~ onsite operation of a facility;
 2. Submit the name of the designated facility director in writing to the Department before a license is issued;
 3. Except as provided in subsection (A)(4), within 10 days before changing a facility director, submit written notice of the change including the new designated facility director's name and starting date;
 4. If the licensee is not aware of a change in the facility director 10 days before the effective date of the change, submit written notice of the change to the Department including the new designated facility director's name and starting date within 72 hours after becoming aware of the change.
- B. A licensee shall ensure that a facility director:
 1. ~~A facility director designates~~ Designates, in writing, an individual who meets the requirements of R9-5-401(2) to act on behalf of the facility director when the facility director is not present in the facility;
 2. ~~The individual designated in subsection (B)(1):~~
 - a. ~~Has access to all records necessary for performance of the facility director's duties,~~
 - b. ~~Is 21 years of age or older, and~~
 - e. ~~Provides documentation of any of the following:~~

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- i. ~~High school or high school equivalency diploma and six credit hours or more in early childhood, child development, or closely related field from an accredited college or university, or 30 actual hours of instruction, provided in conferences, seminars, lectures, or workshops in the areas of early childhood, child development, or closely related field, and 12 months or more of child care experience;~~
 - ii. ~~N.A.C., C.D.A., C.C.P., or C.P.C. credential and at least 12 months of child care experience;~~
 - iii. ~~A minimum of 24 credit hours from an accredited college or university, including at least six credit hours of course work in the areas of early childhood, child development, or closely related field, and 12 months of child care experience;~~
 - iv. ~~Associate degree from an accredited college or university in the areas of early childhood, child development, or closely related field, and six months of child care experience; or~~
 - v. ~~Bachelor degree from an accredited college or university in the areas of early childhood, child development, or closely related field, and 3 months of child care experience.~~
- ~~3.2. A facility director supervises~~ Supervises or assigns a teacher-caregiver to supervise each staff member ~~that who~~ who does not meet the qualifications of ~~R9-5-401(2) R9-5-401(3) and each student aide;~~ and
- ~~4.3. A facility director prepares~~ Prepares a dated attendance record for each day and ensures that each staff member ~~records documents on the attendance record the time of each arrival and departure of the staff member;~~ and
- ~~4. Maintains on the facility premises, the dated attendance record required in subsection (B)(3) for 12 months after the date on the attendance record.~~
- C. A licensee shall develop and implement written facility policies and procedures required for the daily ~~on-site~~ onsite operation of the facility as prescribed in A.R.S. § 36-881 et seq. Title 36, Chapter 7.1, Article 1 and these rules this Chapter.
- ~~D.~~ A licensee shall notify a parent of the following:
- ~~1. That the parent:~~
 - a. ~~Has access to all areas of a facility where child care services are provided during hours of operation, and~~
 - b. ~~Is permitted to participate in any child care activity that the parent's child is participating in; and~~
 - ~~2. Of the procedures for notifying a parent at least 48 hours before a pesticide is applied on a facility's premises.~~
- ~~E.D.~~ A licensee shall ensure that the following individuals are allowed immediate access to facility premises during hours of operation:
- 1. A parent of an enrolled child or an individual designated in writing by the parent of an enrolled child; or
 - 2. A representative of:
 - a. The Department,
 - b. ~~The Local~~ local health department,
 - c. Child Protective Services, or
 - d. ~~The Local~~ local fire department or State Fire Marshal.
- ~~F.E.~~ A licensee shall, with the exception of individuals listed in subsection ~~(E)~~ (D)(2), ensure that a staff member ~~accompany and monitor~~ supervises any individual that is not a staff member who is on facility premises ~~to provide repair, maintenance, supplemental education, or other services where enrolled children are present.~~
- ~~G.~~ A licensee shall ensure that each staff member and individual who is a resident at the facility submits one of the following documents provided by a health care provider as evidence of current freedom from pulmonary tuberculosis:
- ~~1. A report of a negative Mantoux skin test administered to a resident at the facility or to a staff member no later than 12 hours after the starting date of employment; or~~
 - ~~2. A physician's written statement that the staff member or the individual who is a resident in the facility is currently free from tuberculosis.~~
- ~~F.~~ A licensee shall ensure that a staff member submits, on or before the starting date of employment or volunteer services, one of the following as evidence of freedom from infectious active tuberculosis:
- 1. Documentation of a negative Mantoux skin test or other tuberculosis screening test recommended by the U.S. Centers for Disease Control and Prevention, administered within 12 months before the starting date of employment or volunteer service, that includes the date and the type of tuberculosis screening test; or
 - 2. If the staff member has had a positive Mantoux skin test or other tuberculosis screening test, a written statement that the staff member is free from infectious active tuberculosis that is signed and dated by a health care provider within six months before the starting date of employment or volunteer service.
- ~~H.~~ If an enrolled child has an accident, injury, or emergency that requires medical treatment by a health care provider while attending a facility, the licensee shall ensure that a staff member:
- ~~1. Notifies the child's parent immediately after the accident, injury, or emergency;~~
 - ~~2. Documents the date, time, and location of the child's accident, injury, or emergency, the method used to notify the parent, and the time the parent was notified; and~~
 - ~~3. Maintains documentation of the accident, injury, or emergency on facility premises in a file that is separate from the current Emergency, Information, and Immunization card for 24 months from the date of the child's disenrollment.~~
- ~~I.G.~~ A licensee shall ensure that ~~at least one~~ a staff member who has current training in first aid and ~~at least one staff member who has current training in CPR, as required by R9-5-403(E), is present;~~

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1. ~~at~~ At all times during hours of operation on facility premises,
 2. ~~on~~ On field trips, or while and
 3. While transporting enrolled children in a the facility's motor vehicle or a vehicle designated by the licensee to transport enrolled children. ~~This requirement may be met by a single staff member who has current training in both first aid and CPR.~~
- ~~J.H.~~ A licensee shall prohibit the use or possession of the following items when an enrolled child is on facility premises, during hours of operation, or in any motor vehicle ~~when used by the licensee for transportation of~~ transporting an enrolled ~~children~~ child:
1. Any beverage containing alcohol;
 2. A controlled substance as listed in A.R.S. Title 36, Chapter 27, Article 2, except where used as a prescription medication in the manner prescribed;
 3. A dangerous drug as defined in A.R.S. § 13-3401, except where used as a prescription medication in the manner prescribed;
 4. A prescription medication as defined in A.R.S. § 32-1901, except where used in the manner prescribed; or
 5. A firearm as defined in A.R.S. § 13-105.
- ~~K.L.~~ At least once a month, and at different times of the day, a licensee shall ensure that an unannounced fire and emergency evacuation drill is conducted ~~that includes and~~ each staff member ~~and child at the facility~~ and enrolled child at the facility participates in the fire and emergency evacuation drill.
1. If child care services for a child with special needs are provided at a facility, the licensee shall provide for the enrolled child's participation in each fire and emergency evacuation drill ~~in accordance with~~ according to the enrolled child's individualized plan as specified in R9-5-507(A)(1).
 2. A licensee shall ~~keep a written record of~~ document each fire and emergency evacuation drill and maintain the documentation on facility premises for 12 months ~~from~~ after the date of the fire and emergency evacuation drill.
- ~~L.~~ A licensee shall ensure that a written performance evaluation of each staff member is conducted every 12 months ~~from the date of employment~~.
- ~~J.~~ Every September, a licensee shall provide to parents of enrolled children information related to recommendations for influenza vaccinations for children.
- ~~K.~~ A licensee shall not allow a staff member who lacks proof of immunity against a disease listed in A.A.C. R9-6-702(A) to be present in the facility between the start and end of an outbreak of the disease at the facility.
- ~~L.~~ A licensee shall ensure that the Department is notified orally or in writing within 24 hours after an enrolled child's death at the child care facility during hours of operation.

R9-5-302. Statement of Child Care Services

- A. A licensee shall prepare a written statement ~~regarding~~ of child care services provided by the licensee that includes the following:
1. A description of the facility's child care services classifications in ~~R9-5-205~~ R9-5-204;
 2. Hours of operation;
 3. The facility's street address, city, state, zip code, mailing address, and telephone number;
 - ~~3-4.~~ Child enrollment and disenrollment procedures;
 - ~~4-5.~~ Charges, fees, and payment requirements for child care services;
 - ~~5-6.~~ Child admission and release requirements;
 - ~~6-7.~~ Discipline Age-appropriate discipline guidelines and methods;
 - ~~7-8.~~ Transportation procedures;
 - ~~8-9.~~ Field trip requirements and procedures;
 - ~~9-10.~~ Responsibilities and participation of parents in facility activities;
 - ~~10-11.~~ A general description of ~~all~~ activities and programs;
 - ~~11-12.~~ A description of the Liability liability insurance required by R9-5-308 that is carried by the licensee and a statement that documentation of the liability insurance coverage is available for review on the facility premises;
 - ~~12-13.~~ Medication administration procedures;
 - ~~13-14.~~ Emergency medical Accident and emergency procedures;
 - ~~14-15.~~ A notice stating inspection reports are available onsite, upon request, and
 - ~~15-16.~~ A provision stating that the facility is regulated by the Arizona Department of Health Services including the Department's local street address, city, state, zip code, and local telephone number;
 17. The procedures for notifying a parent at least 48 hours before a pesticide is applied on a facility's premises; and
 18. A statement that a parent has access to the areas on facility premises where the parent's enrolled child is receiving child care services.
- B. A licensee shall provide a copy of the written statement of child care services:
1. To the Department:
 - a. At the time the licensee's Before the facility receives ~~an initial~~ a license, and
 - b. Every 12 months ~~from~~ after the date of the ~~initial~~ license as required by A.R.S. § 36-883.01; and

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- e. ~~When a change occurs in the child care services provided by the licensee; and~~
- 2. To a parent when:
 - a. ~~A parent's child is enrolled;~~
 - b. ~~A the parent requests a copy of the written statement of child care services; or~~
 - e. ~~There is a change in the child care services provided by the licensee.~~

R9-5-303. Posting of Notices

- A. A licensee shall ~~designate a wall area or notice board inside the facility's entrance; post~~ in a place that can be conspicuously viewed by individuals entering or leaving the facility or activity area; for the posting of the:
 - 1. Facility's Current license;
 - 2. Name of the facility director;
 - 3. Name of the individual designated to act on behalf of the facility director when the facility director is not present in the facility, as prescribed by R9-5-301(B)(1);
 - 4. Schedule of child care services fees and policy for ~~the refund of refunding~~ fees as prescribed by A.R.S. § ~~36-882(K)~~ 36-882(O);
 - 5. Breakfast, lunch, dinner, and snack menus for each calendar week at the beginning of the calendar week;
 - 6. Notice of the presence of any communicable disease or infestation listed in 9 A.A.C. 6, Article 2, Table 2, from the date of discovery through the incubation period of the communicable disease or infestation;
 - 7. Notice of ~~denial, revocation, or suspension~~ the Department's intent to deny, revoke, or suspend as prescribed by A.R.S. § 36-888 at the expiration of time in the notice for the licensee to respond;
 - 8. Notice of an intermediate sanction imposed as prescribed by A.R.S. § 36-891.01 within 10 days after the licensee received notice of the intermediate sanction;
 - 9. Notice of a legal injunction imposed as prescribed by A.R.S. § 36-886.01 when the licensee receives the legal injunction; and
 - 10. Notice of the availability of facility inspection reports for public viewing at the facility premises.
- B. A licensee shall ensure that the licensed capacity of each indoor activity area ~~or room~~ is posted in that activity area.
- C. Except as prescribed in A.R.S. § 36-898(C), ~~A~~ a licensee shall post a notification of pesticide application in each activity area and in each entrance of a facility, at least 48 hours before a pesticide is applied on the facility's premises, containing:
 - 1. The date and time of the pesticide application, and
 - 2. A statement that written pesticide information is available from the licensee upon request.
- ~~D. A licensee is exempt from the provisions in subsection (C), as prescribed by A.R.S. § 36-898(C).~~

R9-5-304. Enrollment of Children

- A. A licensee shall require that a child be enrolled by the child's parent or an individual authorized in writing by the parent.
- B. ~~At the time of enrollment~~ Except as required in A.R.S. § 36-3009, before an enrolled child receives child care services, a licensee shall require ~~a~~ the enrolled child's parent to complete ~~an~~ a Department-provided Emergency, Information, and Immunization Record card that is signed by ~~a~~ the enrolled child's parent containing:
 - 1. The child's name, home address, city, state, zip code, home telephone number, sex, and date of birth;
 - 2. The date of the child's enrollment;
 - 3. ~~The names, home and business addresses, and telephone numbers of the child's parents~~ name, home address, city, state, zip code, and contact telephone number of each parent of the child;
 - 4. ~~The names, addresses, and telephone numbers of individuals~~ name and contact telephone number of at least two individuals authorized by ~~a~~ the child's parent to collect ~~a~~ the child from the facility in case of emergency, or if the child's parent cannot be located contacted;
 - ~~5. The names of individuals not permitted by a parent to remove the child from a facility;~~
 - ~~6-5. The names, addresses, and telephone numbers of a~~ name and contact telephone number of the child's physician or health care provider and hospital;
 - ~~7-6. The written authorization and parent instructions for emergency medical care of the parent's enrolled child when the parent cannot be contacted at the time of the emergency;~~
 - 7. The name of the individual to be contacted in case of injury or sudden illness of the child;
 - 8. The written instructions of a child's parent or health care provider for nutritional and dietary needs of ~~a~~ the child including, if applicable, the request in R9-5-509(C)(9); and
 - 9. A written record completed by ~~a~~ the child's parent or health care provider noting ~~a~~ the child's susceptibility to illness, physical conditions of which ~~child care personnel~~ a staff member should be aware, and any individual requirements for health maintenance; ~~and~~
 - ~~10. A child's immunization record or a notation of exemption affidavit, required by R9-5-305(A).~~
- C. A licensee shall maintain a current Emergency, Information, and Immunization Record card for each enrolled child on facility premises in a place that provides ~~child care personnel~~ a staff member ready access to the card in event of an emergency at, or evacuation of, the facility.
- D. When ~~a~~ an enrolled child is disenrolled from a facility, the licensee shall:

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1. Enter the date of disenrollment on the child's Emergency, Information, and Immunization Record card; and
2. Maintain the records in subsection (D)(1) for 12 months ~~from~~ after the date of disenrollment on facility premises in a place separate from the current Emergency, Information, and Immunization Record cards. If a licensee is a school governing board, a charter school, or a person operating multiple child care facilities, the licensee may maintain disenrollment records in a single central administrative office located in the same city, town, or school attendance area as the facility.

R9-5-305. Child Immunization Requirements

- A.** A licensee shall not permit an enrolled child to attend a facility until the facility receives: ~~either a child's written immunization record or an exemption affidavit.~~
1. ~~A child's~~ An immunization record for the enrolled child provided by a parent shall contain with the information required by A.A.C. R9-6-703 in 9 A.A.C. 6, Article 7, provided by a health care provider, stating documenting that the enrolled child has received all current, age-appropriate immunizations required by the Department under A.A.C. R9-6-701(A) and (B) 9 A.A.C. 6, Article 7:-
 - a. Provided by a health care provider, or
 - b. Generated from the Arizona State Immunization Information System, which is the Department's child immunization reporting system established in A.R.S. § 36-135; or
 2. An exemption affidavit ~~for the enrolled child provided by a~~ the enrolled child's parent shall consist of that contains:
 - a. A statement, signed by ~~a the enrolled child's~~ the enrolled child's health care provider, that the immunizations required by ~~the Department as prescribed in A.A.C. R9-6-701(A) and (B) 9 A.A.C. 6, Article 7~~ would endanger ~~a the enrolled child's~~ the enrolled child's health or medical condition; or
 - b. A statement, signed by ~~a the enrolled child's~~ the enrolled child's parent, that the enrolled child is being raised in a religion whose teachings are in opposition to immunization.
- B.** A licensee shall attach an enrolled child's written immunization record or exemption affidavit, required in subsection (A), to the enrolled child's Emergency, Information, and Immunization Record card, required in R9-5-304(B).
- ~~**B.C.** A licensee shall ensure that a staff member updates a an enrolled child's written immunization record ~~on the child's Emergency, Information, and Immunization Record card~~ required in subsection (A)(1)(a) each time a the enrolled child's parent provides the licensee with a written statement from ~~a the enrolled child's~~ the enrolled child's health care provider that the enrolled child has received an age-appropriate immunization required by ~~R9-6-701(A) and (B) 9 A.A.C. 6, Article 7.~~~~
- ~~**C.D.** If ~~a~~ an enrolled child's immunization record indicates that ~~a the enrolled child~~ the enrolled child has not received an age-appropriate immunization required by ~~A.A.C. R9-6-701(A) and (B) 9 A.A.C. 6, Article 7,~~ a licensee shall ensure that a staff member:~~
1. ~~Notifies a the enrolled child's parent in writing that the enrolled child may attend the facility for not more than 15 days from after the date of the notification unless the enrolled child's parent provides the facility with written evidence of the required immunization or an exemption affidavit as prescribed by subsection (A)(2); complies with the immunization requirements in 9 A.A.C. 6, Article 7; and~~
 2. ~~Documents in on the enrolled child's immunization record~~ Emergency, Information, and Immunization Record card the date on which ~~a the enrolled child's~~ the enrolled child's parent is notified of an immunization required by the Department.
- ~~**D.** If a licensee is notified by a parent, staff member, or health care provider, that a child or staff member has a communicable disease, the licensee shall ensure that child care personnel do not permit a child who lacks written evidence of immunity to the communicable disease to be present in the facility until:~~
1. ~~A parent provides written evidence of the child's immunity to the disease; or~~
 2. ~~A local health department notifies the licensee that the child may return to the facility.~~
- E.** A licensee shall not allow an enrolled child who lacks proof of immunity against a disease listed in A.A.C. R9-6-702(A) to attend the child care facility between the start and end of an outbreak of the disease at the facility.
- F.** If a parent of an enrolled child, excluded from a child care facility because of the lack of documented immunity to a disease during an outbreak of the disease at the child care facility, submits any of the documents in A.A.C. R9-6-704 as proof of the enrolled child's immunity to the disease, a licensee shall allow the enrolled child to attend the child care facility during the outbreak of the disease.

R9-5-306. Admission and Release of Children; Attendance Records

- A.** A licensee shall maintain a ~~written or electronically logged and dated~~ attendance form containing ~~a~~ an enrolled child's name with the time of each admission and release of the enrolled child.
1. ~~A~~ Except as provided in subsection (A)(2), a licensee shall ensure that the attendance form is signed with at least a first initial of an individual's first name and the individual's last name and last name by each enrolled child's parent or individual designated in writing or by telephone by a the enrolled child's parent, each time the enrolled child is admitted or released.
 2. An electronic fingerprint verification or an electronic signature may be used in place of a signature of a the enrolled child's parent or designated individual to verify identity before admitting or releasing a admit or release the enrolled child.
 3. If an electronic signature is used to admit or release the enrolled child, the licensee shall adopt policies and proce-

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dures to ensure that the individual whose signature the electronic or digital method of identification represents is accountable for the use of the electronic or digital method;

~~2-4. Before releasing a child to an individual other than a parent, a licensee shall require each individual collecting a child to present picture identification. A licensee shall develop, document, and implement policies and procedures to ensure that the identity of an individual is known to the staff member or is verified with picture identification before releasing an enrolled child to the individual.~~

~~3-5. A licensee shall not release a the enrolled child to an individual other than a the enrolled child's parent or other individual designated in writing by a the enrolled child's parent except when the enrolled child's parent is unable to collect the enrolled child and authorizes the licensee by telephone to release the enrolled child to an individual not so designated.~~

~~a. The licensee shall verify the telephone authorization using a means of verification that has been agreed upon between the licensee and the enrolled child's parent at the time of enrollment.~~

~~b. The licensee shall document the means of verification in subsection (A)(5)(a) on the enrolled child's Emergency, Information, and Immunization Record card.~~

~~4-6. A licensee shall not permit the self-admission or self-release of an enrolled child unless the enrolled child is of school age and the licensee has obtained and verified written permission from the enrolled child's parent.~~

~~5-7. A licensee shall maintain the attendance form on facility premises for 12 months from after the date of attendance.~~

~~B. A licensee shall ensure that a staff member prepares and maintains a roster each day for each child under the staff member's supervision that:~~

~~1. Is dated;~~

~~2. Lists the first and last name of each child physically present, and~~

~~3. Is maintained on facility premises for three months from the date of attendance.~~

~~B. A licensee shall:~~

~~1. Develop, document, and implement policies and procedures to ensure that a staff member maintains daily documentation of the presence of an enrolled child in an activity area that includes a method to account for any temporary absences of the enrolled child from the activity area; and~~

~~2. Maintain the documentation of the presence of enrolled children in an activity area required in subsection (B)(1) on facility premises for 12 months after the date of the documentation.~~

R9-5-307. Suspected or Alleged Child Abuse or Neglect

A licensee ~~shall ensure that the licensee or a staff member shall document and report documents and reports~~ all suspected or alleged cases of child abuse or neglect.

1. ~~A The licensee or staff member shall report the suspected or alleged child abuse or neglect to Child Protective Services or to a local law enforcement agency as prescribed in A.R.S. § 13-3620. The licensee or staff member shall notify the Department of the suspected or alleged child abuse or neglect by any means available within 24 hours of the required report. The licensee or staff member shall also send written documentation to the Department, Child Protective Services, and any local law enforcement agency previously notified within three days of the initial report, and maintain written documentation of a child abuse or neglect report on facility premises for 12 months from after the date of a report.~~

2. ~~A The licensee or staff member shall report the suspected or alleged child abuse by a staff member to the Department and to a local law enforcement agency as prescribed in A.R.S. § 13-3620. A licensee or staff member shall also send written documentation to the Department and to any law enforcement agency previously notified within three days of the initial report, and maintain written documentation of a child abuse report on facility premises for 12 months from after the date of a report.~~

R9-5-308. Insurance Requirements

A. A licensee shall secure and maintain the following minimum insurance coverage:

1. General facility liability insurance of at least \$300,000; and

2. Motor vehicle insurance coverage, required by ~~R9-5-517(A)(2)~~ A.R.S. § Title 28, Chapter 9, Article 4, for each motor vehicle used provided by a licensee to transport enrolled children.

~~B. A licensee shall maintain documentation of the insurance coverage required in subsection (A) on facility premises.~~

~~B-C. A licensee shall provide a copy of each certificate documentation of insurance to the Department before issuance of a license and at any time that the licensee's insurance coverage expires, is canceled, or changes.~~

R9-5-309. Sanitation, Gas, and Fire Inspections

A. A licensee An applicant shall obtain the following ~~health and safety~~ inspections of a facility, ~~according to the following schedules~~, and make any repairs or corrections stated on an inspection report before a license is issued by the Department:

~~1. Sanitation inspections, conducted a minimum of every 12 months by a local health department;~~

~~2-1. Gas inspections, conducted a minimum of every 12 months by a plumber holding a plumbing business license issued by a local government. If there are gas pipes that run from a gas meter to an appliance or location on the facility premises, a gas inspection by a licensed plumber or individual authorized by the local jurisdiction that verifies there are~~

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no gas leaks in the gas pipes that run from the gas meter to any appliance or location on facility premises; and
~~3-2. Fire inspections, conducted a minimum of every 36 months by a local fire department or the State Fire Marshal. A fire inspection by a local fire department.~~

B. If there are gas pipes that run from a gas meter to an appliance or location on the facility premises, a licensee shall ensure that a licensed plumber or individual authorized by the local jurisdiction conducts a gas inspection that verifies there are no gas leaks in the gas pipes that run from the gas meter to any appliance or location on facility premises at least once every 12 months after the issue date of the license.

~~**B-C.** A licensee shall maintain current reports of sanitation, gas, and fire inspections and documentation of any repairs or corrections on facility premises;~~

~~1. A current fire inspection report including documentation of any repairs or corrections required by the fire inspection report; and~~

~~2. If there are gas pipes that run from a gas meter to an appliance or location on the facility premises, a current gas inspection report including documentation of any repairs or corrections required by the gas inspection report.~~

R9-5-310. Pesticides

A. A licensee shall make written pesticide information available to a parent, upon a parent's request, at least 48 hours before a pesticide application occurs on a facility's facility premises, containing:

1. The brand name, concentration, rate of application, and any use restrictions required by the label of the herbicide or specific pesticide;
2. The date and time of the pesticide application;
3. The pesticide label and the material safety data sheet; and
4. The name and telephone number of the pesticide business licensee and the name of the licensed applicator.

B. A licensee is exempt from the provisions in subsection (A), as prescribed by A.R.S. § 36-898(C).

ARTICLE 4. FACILITY STAFF

R9-5-401. Staff Qualifications

~~A licensee shall ensure that child care personnel meet the following qualifications for employment or volunteer service at a facility:~~

- ~~1. A facility director is 21 years of age or older and provides the licensee with written documentation of one of the following:
 - a. High school or high school equivalency diploma and six credit hours or more in early childhood, child development, or closely related field in an accredited college or university, or 60 actual hours of instruction, provided in conferences, seminars, lectures, or workshops in the areas of early childhood, child development, or closely related field, and 24 months or more of child care experience;
 - b. N.A.C., C.D.A., C.C.P., or C.P.C. credential and at least 18 months of child care experience;
 - c. A minimum of 24 credit hours from an accredited college or university, including at least six credit hours of course work in the areas of early childhood, child development, or closely related field, and 18 months of child care experience;
 - d. Associate degree from an accredited college or university in the areas of early childhood, child development, or closely related field, and six months of child care experience; or
 - e. Bachelor degree from an accredited college or university in the areas of early childhood, child development, or closely related field, and three months of child care experience.~~
- ~~2. A teacher-caregiver is 18 years of age or older and provides the licensee with written documentation of one of the following:
 - a. High school or high school equivalency diploma and six months of child care experience;
 - b. N.A.C., C.D.A., C.C.P., or C.P.C. credential; or
 - c. Associate or bachelor degree from an accredited college or university in the areas of early childhood, child development, or closely related field.~~
- ~~3. An assistant teacher-caregiver is 16 years of age or older and provides the licensee with written documentation of one of the following:
 - a. Current and continuous enrollment in high school or a high school equivalency class;
 - b. High school or high school equivalency diploma;
 - c. Enrollment with a STRIVE program, or
 - d. Enrollment in vocational rehabilitation as defined in A.R.S. § 23-501(8).~~
- ~~4. A student aide provides the licensee with written documentation of enrollment in:
 - a. A high school STRIVE program;
 - b. An educational, curriculum-based course in child development, parenting, or guidance counseling; or
 - c. A vocational education or occupational development program.~~
- ~~5. A volunteer is 16 years of age or older.~~

~~A licensee shall ensure that staff members meet the following qualifications for employment or volunteer service at a facility:~~

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1. A facility director is 21 years of age or older and provides the licensee with documentation of one of the following:
 - a. At least 24 months of child care experience, a high school or high school equivalency diploma, and
 - i. Six credit hours or more in early childhood, child development, or a closely-related field from an accredited college or university; or
 - ii. At least 60 actual hours of instruction, provided in conferences, seminars, lectures, or workshops in early childhood, child development, or a closely-related field, and an additional 12 hours of instruction, provided in conferences, seminars, lectures, or workshops in the area of program administration, planning, development, or management;
 - b. At least 18 months of child care experience; and
 - i. An N.A.C., C.D.A., or C.C.P. credential; or
 - ii. At least 24 credit hours from an accredited college or university, including at least six credit hours in early childhood, child development, or a closely-related field;
 - c. At least six months of child care experience and an associate degree from an accredited college or university in early childhood, child development, or a closely-related field; or
 - d. At least three months of child care experience and a bachelor's degree from an accredited college or university in early childhood, child development, or a closely-related field;
2. A facility director's designee is 21 years of age or older and provides the licensee with documentation of one of the following:
 - a. At least 12 months of child care experience, a high school or high school equivalency diploma; and
 - i. Three credit hours or more in early childhood, child development, or a closely-related field from an accredited college or university; or
 - ii. At least 30 actual hours of instruction, provided in conferences, seminars, lectures, or workshops in early childhood, child development, or a closely-related field;
 - b. At least 12 months of child care experience; and
 - i. An N.A.C., C.D.A., or C.C.P. credential; or
 - ii. At least 24 credit hours from an accredited college or university, including at least six credit hours in early childhood, child development, or a closely-related field;
 - c. At least six months of child care experience and an associate degree from an accredited college or university in early childhood, child development, or a closely-related field; or
 - d. At least three months of child care experience and a bachelor's degree from an accredited college or university in early childhood, child development, or a closely-related field;
3. A teacher-caregiver is 18 years of age or older and provides the licensee with documentation of one of the following:
 - a. Six months of child care experience; and
 - i. A high school diploma or high school equivalency diploma; or
 - ii. At least 12 credit hours from an accredited college or university, including at least six credit hours in early childhood, child development, or a closely-related field;
 - b. Associate or bachelor's degree from an accredited college or university in early childhood, child development, or a closely-related field; or
 - c. N.A.C., C.D.A., or C.C.P. credential;
4. An assistant teacher-caregiver is 16 years of age or older and provides the licensee with documentation of one of the following:
 - a. Current and continuous enrollment in high school or a high school equivalency class;
 - b. High school or high school equivalency diploma;
 - c. Enrollment in vocational rehabilitation, as defined in A.R.S. § 23-501;
 - d. Employment as a teacher-caregiver aide for 12 months; or
 - e. Service as a volunteer in a child care facility for 12 months;
5. A teacher-caregiver aide is 16 years of age or older;
6. A student-aide provides the licensee with documentation of participation in:
 - a. An educational, curriculum-based course in child development, parenting, or guidance counseling; or
 - b. A vocational education or occupational development program; and
7. A volunteer is 15 years of age or older.

R9-5-402. Staff Records and Reports

- A. A licensee shall maintain a file for each staff member containing:
 1. The staff member's name, date of birth, home address, and telephone number;
 2. Documents required by R9-5-401;
 3. Name and telephone number of an individual or health care provider to be notified in case of emergency;
 4. Documents required by R9-5-301(F);
 5. The staff member's written statement attesting to current immunity against measles, rubella, diphtheria, and tetanus;
 6. A copy of any current license or certification required by A.R.S. § 36-881 et seq. or these rules;

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- ~~7. Written documentation from the Department verifying registration compliance with the Department according to A.R.S. § 36-883.02;~~
 - ~~8. Written documentation of training provided by a licensee as required by R9-5-403;~~
 - ~~9. The staff member's starting dates of employment or volunteer service;~~
 - ~~10. The staff member's ending dates of employment or volunteer service, if applicable;~~
 - ~~11. All written performance evaluations of the staff member conducted by the licensee as required by R9-5-301(K); and~~
 - ~~12. At least two personal and two professional references, including at least one written personal reference and at least one written professional reference from a previous employer, and documentation of the licensee's good faith effort to contact each reference.~~
 2. The staff member's starting date of employment or volunteer service;
 3. The staff member's ending date of employment or volunteer service, if applicable;
 4. The name, telephone number, and mailing address of an individual to be notified in case of an emergency;
 5. The staff member's written statement attesting to current immunity against measles, rubella, diphtheria, mumps, and pertussis;
 6. The form required in A.R.S. § 36-883.02(C);
 7. Documents required by R9-5-203(A)(2) or R9-5-203(B);
 8. Documents required by R9-5-301;
 9. Documents required by R9-5-401, if applicable;
 10. Documentation of training provided by a licensee as required by R9-5-403, if applicable;
 11. A copy of any current license or certification required by A.R.S. Title 36, Chapter 7.1, Article 1, or this Chapter; and
 12. Documentation of the requirements in A.R.S. § 36-883.02(D).
- B. A licensee shall ensure that, ~~for a staff member who is currently working at the facility, the~~ a staff member's information, required by:
- ~~1. subsections Subsections (A)(1) through (12) (11) is maintained in a single location on facility premises. If a licensee is a school governing board, a charter school, or a person operating multiple child care facilities, the licensee shall maintain the information required by subsections (A)(1) through (10) on facility premises, but may maintain the information required by subsections (A)(11) and (12) in a single, central administrative office located in the same city, town, or school attendance area as the facility, and~~
 2. Subsection (A)(12) is maintained and provided to the Department within two hours of the Department's request.
- C. A licensee shall ensure ~~the records and reports required by this rule are maintained throughout a staff member's period of employment or volunteer service and for 12 months from a staff member's last date of employment or volunteer service. that, for an individual who is not currently working at the facility, the information required in subsections (A)(1) through (12) is:~~
1. Maintained for 12 months after the date the individual last worked at the facility, and
 2. Provided to the Department within two hours of the Department's request.

R9-5-403. Training Requirements

- A. ~~A licensee shall provide, and each staff member who provides child care services to children, shall complete within~~ Within 10 days of the starting date of employment or volunteer service, ~~a licensee shall provide, and each staff member who provides child care services shall complete,~~ training for new staff members that includes all of the following:
1. Facility philosophy and goals;
 2. Names, ~~and ages, and needs of and developmental expectations for enrolled children to be assigned to a staff member for whom the staff member will provide child care services;~~
 3. Health needs, nutritional requirements, any known allergies, and information about adaptive devices of enrolled children for whom a the staff member will provide child care services;
 4. Lesson plans;
 5. Child guidance and methods of discipline;
 6. Hand washing techniques;
 7. Diapering techniques and toileting, if assigned to diaper changing duties;
 8. Food preparation, service, sanitation, and storage, if assigned to food preparation;
 9. ~~Infant formula preparation, if assigned to formula preparation~~ If a staff member is assigned to feeding infants, the preparation, handling, and storage of infant formula and breast milk;
 10. Recognition of signs of illness and infestation;
 11. Child abuse or neglect detection, prevention, and reporting;
 12. Accident and emergency procedures;
 13. Staff responsibilities as required by A.R.S. § 36-881 et seq. Title 36, Chapter 7.1, Article 1 and these rules this Chapter;
 14. Sun safety policies and procedures; ~~and~~
 15. Safety ~~on~~ in outdoor activity areas;
 16. Transportation procedures, if applicable; and

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17. Field trip procedures, if applicable.
- B.** A licensee shall ensure that, every 12 months from the starting date of employment or volunteer service, the staff member completes 12 or more actual hours of training in one or more of the following areas:
1. Accident and emergency procedures, including CPR and first aid for infants and children;
 2. Recognition of signs of illness and infestation;
 3. Child growth and development;
 4. Child abuse or neglect detection, reporting, and prevention;
 5. Child guidance and methods of discipline;
 6. Nutrition and developmentally appropriate eating habits;
 7. Availability of community services and resources, including those available to children with special needs;
 8. Parent involvement and communication with parents;
 9. Program administration, planning, and development;
 10. Environment of child care activity areas;
 11. Sun safety policies and procedures; and
 12. Safety on outdoor activity areas.
- B.** A licensee shall ensure that:
1. Each staff member who provides child care services completes 18 or more actual hours of training every 12 months after the effective date of this Chapter or the staff member's starting date of employment or volunteer service in at least two topics listed in this subsection:
 - a. Child growth and development, including:
 - i. Infant growth and development, which may include sudden infant death syndrome prevention;
 - ii. Developmental psychology;
 - iii. Language development;
 - iv. Observation and child assessment;
 - v. Developmentally-appropriate activities;
 - vi. Child guidance and methods of discipline which may include training on the appropriate techniques to prevent a child from harm or to prevent the child from harming others; and
 - vii. Developmentally-appropriate activity areas;
 - b. Health and safety issues, including:
 - i. Accident and emergency procedures, including CPR and first aid for infants and children;
 - ii. Recognition of signs of illness and infestation;
 - iii. Nutrition and developmentally-appropriate eating habits;
 - iv. Child abuse detection, reporting, and prevention;
 - v. Safety of indoor and outdoor activity areas; and
 - vi. Sun safety policies and procedures;
 - c. Program administration, planning, development, or management; and
 - d. Availability of community services and resources, including those available to children with special needs; and
 2. As part of the required 18 hours of training in subsection (B)(1):
 - a. A staff member who has less than 12 months of child care experience before the staff member's starting date, completes at least 12 hours in one or more of the topics in subsection (B)(1)(a) in the staff member's first 12 months at the facility;
 - b. A staff member who has 12 months or more of child care experience, completes at least six hours in one or more of the topics in subsection (B)(1)(a) every 12 months after the staff member's starting date;
 - c. A staff member who provides child care services to an infant completes at least six hours in subsection (B)(1)(a)(i) every 12 months after the staff member's starting date; and
 - d. A facility director completes at least six hours in subsection (B)(1)(c) every 12 months after the facility director's starting date.
- C.** A licensee shall ensure that documentation of a staff member's completion of training required by subsection (A) is signed by the facility director and dated.
- D.** A licensee shall ensure that a staff member submits to the licensee documentation of training received as required by subsection (B) to the licensee as the training is completed.
- E.** A licensee shall ensure that a staff member required by ~~R9-5-301(H)~~ R9-5-301(G) meets all of the following:
1. The staff member obtains first aid training specific to infants and children;
 2. The staff member obtains CPR training specific to infants and children, which includes a demonstration of the staff member's ability to perform CPR;
 3. The staff member maintains current training in first aid and CPR; and
 4. The staff member provides the licensee with a copy of the front and back of the current card issued by the agency or instructor as proof of completion of the requirements of this subsection.

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R9-5-404. Staff-to-Children Ratios

A. A licensee shall ensure that at least the following staff-to-children ratios are maintained at all times when providing child care services to enrolled children:

<i>Age Group</i>	<i>Staff: Children</i>
Infants	1:5 or 2:11
1-year-old children	1:6 or 2:13
2-year-old children	1:8
3-year-old children	1:13
4-year-old children	1:15
5-year-old children not school-age	1:20
School-age children	1:20

- B. A licensee shall:
- ~~1. Ensure that an enrolled child is placed in an age appropriate or developmentally appropriate group;~~
 - ~~2.1. Determine and maintain the required staff-to-children ratio for each group of enrolled children based on the age of the youngest child in the group;~~
 - ~~3.2. Allow a volunteer qualified as a director, teacher-caregiver, or a assistant-teacher caregiver to be counted as staff in staff-to-children ratios; and~~
 - ~~4.3. Not allow a student-aide or an individual qualified as a teacher-caregiver-aide to be counted as staff in staff-to-children ratios.~~
- C. A licensee shall ensure that:
- ~~1. At least two staff members are on facility premises when When there are six or more enrolled children of any age group are present in a facility; the following individuals are present in the facility:

 - ~~a. A facility director or a director's designee who meets the requirements in R9-5-401 for a director's designee, and~~
 - ~~b. One additional staff member;~~~~
 - ~~2. At least one staff member who meets the qualifications of a teacher-caregiver is present when an enrolled child is in a facility;~~
 - ~~3.2. When five or fewer enrolled children are present in a facility, and one staff member the facility director or director's designee who meets the requirements in R9-5-401 is present in a the facility, and an additional staff member is available by telephone or other equally expeditious means and able to reach the facility within 15 minutes after notification; and~~
 - ~~4.3. When six or more enrolled children are present in a facility, an infant is not placed for supervision with children who are not infants a child who is not an infant.~~
- D. ~~A licensee may allow a staff member to perform duties other than child care if the duties are not undertaken simultaneously with the supervision of children in the staff member's charge A licensee shall ensure that a staff member assigned to provide child care services to enrolled children does not perform duties that may affect the staff member's ability to provide child care services to the enrolled children.~~
- E. In addition to maintaining the required staff-to-children ratios, a licensee shall ensure that:
- ~~1. staff Staff members are present on facility premises to perform facility administration, food preparation, food service, and maintenance responsibilities; and~~
 - ~~2. Facility maintenance shall does not be dependent depend on the work of enrolled children.~~
- ~~F. When six or more enrolled children are participating in a field trip, a licensee shall ensure that a teacher-caregiver and at least one additional staff member are present on the field trip.~~
- ~~G.F. If a licensee conducts swimming activities at a swimming pool, the licensee shall ensure that there is a lifeguard on the premises who has current lifeguard certification that includes a demonstration of the lifeguard's ability to perform CPR. If the lifeguard is a staff member, the staff member cannot be counted in the that has a lifeguard on the premises who has current lifesaving certification from the American Red Cross, the licensee shall maintain staff-to-children ratios required by subsection (A).~~
- ~~H. If a licensee conducts swimming activities at a swimming pool that does not have a lifeguard on the premises who has current lifesaving certification from the American Red Cross, the licensee shall maintain staff-to-children ratios stated in subsection (A) and have at least one additional staff member present who:~~
- ~~1. Has current lifesaving certification from the American Red Cross; and~~
 - ~~2. Is in the pool or observing pool side while enrolled children are at the pool.~~

ARTICLE 5. FACILITY PROGRAM AND EQUIPMENT

R9-5-501. General Child Care Program, ~~and~~ Equipment, and Health and Safety Standards

A. A licensee shall ensure that:

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1. ~~The In addition to complying with the requirements in this Chapter, the health, safety, or welfare of an enrolled child is not endangered placed at risk of harm;~~
2. All designated exits, corridors, and passageways that provide escape from the building are unobstructed and unlocked during hours of operation;
3. Combustible material such as paper, boxes, or rags is not permitted to accumulate inside or outside the facility premises;
- 4.2. ~~Drinking~~ Except for an enrolled school-age child, drinking water is provided sufficient for the needs of and accessible to each enrolled child in both indoor and outdoor activity areas;
3. ~~For an enrolled school-age child, if drinking water is not accessible in an indoor or outdoor activity area, drinking water sufficient to meet the individual needs of each enrolled school-aged child is available;~~
4. ~~An enrolled child is placed in an age-appropriate or developmentally-appropriate group;~~
5. ~~Activity Indoor activity~~ areas used by enrolled children are decorated with age-appropriate articles such as mirrors, bulletin boards, pictures, and posters;
6. Age-appropriate toys, materials, and equipment are provided to enable each enrolled child to participate in an activity;
 - a. ~~Toys, materials, and equipment are maintained in a clean condition.~~
7. Storage space is provided in the facility for indoor and outdoor toys, materials, and equipment in areas accessible to enrolled children;
- 7.8. Clean clothing is available to a an enrolled child when a the enrolled child needs a change of clothing;
- 8.9. If a staff member places a an enrolled child in a high feeding chair when feeding a the enrolled child:
 - a. ~~The high chair is equipped with a safety strap;~~
 - b.a. ~~The high feeding chair is constructed to prevent toppling;~~
 - e.b. ~~The tray or feeding surface of the high feeding chair is smooth and free of cracks; and~~
 - d.c. ~~The staff member:
 - i. ~~Fastens the safety strap while a child is in the high chair; and~~
 - ii. ~~Sanitizes the tray or feeding surface before each child's use;~~
 - i. ~~Cleans the feeding chair before and after each enrolled child's use;~~
 - ii. ~~Sanitizes the tray or feeding surface before and after each enrolled child's use; and~~
 - iii. ~~If the feeding chair was manufactured with a safety strap, fastens the feeding chair's safety strap while the enrolled child is in the feeding chair;~~~~
9. The facility conforms to the standards prescribed in R9-5-511 and the following for a child who will be present at the facility during evening and nighttime hours:
 - a. ~~Permit a mat only when used on top of a cot;~~
 - b. ~~Before bathing a child at a facility, obtain written consent and bathing instructions from a parent and follow the instructions while bathing the child;~~
 - e. ~~Require that a staff member clean and sanitize a bathtub or shower stall after bathing each child;~~
 - d. ~~Require that a staff member remain awake while supervising a sleeping child; and~~
 - e. ~~Prohibit operation of a television set in a room where a child is sleeping.~~
10. The facility conforms to the standards prescribed in R9-5-511 and the following for naptime:
 - a. ~~A child is not permitted to lie in direct contact with the floor while napping;~~
 - b. ~~A television set is not operated in a room in which a child is napping;~~
 - e. ~~Naptime accommodations are available for an enrolled school age child if requested by the child or a parent;~~
 - d. ~~Light is provided in naptime areas for observing a sleeping child; and~~
 - e. ~~An attic or loft is not used for naptime;~~
- 11.10. ~~An~~ At least one indoor activity area in the facility is equipped with at least one cot or mat, a sheet, and a blanket, where a an enrolled child can be separated rest quietly away from other enrolled children for quiet time;
12. ~~Written permission is obtained from a child's parent before allowing the child to participate in a swimming activity;~~
- 13.11. Outdoor activities are scheduled to allow not less than 75 square feet for each enrolled child occupying the facility's outdoor activity area or indoor activity area substituted for outdoor activity area at any time;
- 14.12. ~~The facility's buildings, premises, and indoor and outdoor play equipment are maintained in good repair and free from hazards~~ The facility premises, including the buildings, are maintained free from hazards;
13. Toys and play equipment, required in this Article, are maintained:
 - a. Free from hazards, and
 - b. In a condition that allows the toy or play equipment to be used for the original purpose of the toy or play equipment;
15. ~~The facility conforms to the following heating and cooling standards:~~
 - a.14. Temperatures are maintained between 68° F and 82° F in each room used by enrolled children;
 - b. ~~Heating and cooling equipment is inaccessible to children;~~
 - e. ~~Fans are mounted and inaccessible to children;~~

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- d. ~~An unvented or open flame space heater or portable heater is not used on the facility premises; and~~
- e. ~~A gas valve on an unused gas outlet is removed and capped where it emerges from the wall or floor;~~
- 16. ~~The facility conforms to the following lighting and electrical standards:~~
- a. ~~15. Except when a an enrolled child is napping or sleeping, each room used by an enrolled children child is maintained at a minimum of 30 foot candles of illumination;~~
- 16. ~~When an enrolled child is napping or sleeping in a room, the room is maintained at a minimum of 5 foot candles of illumination:~~
- b. ~~Each unused electrical outlet is covered with a safety plug cover or insert;~~
- e. ~~Crockpots and hot plates are used only in a kitchen and are inaccessible to children; and~~
- d. ~~Electrical extension cords are not used;~~
- 17. ~~The facility conforms to the following toilet room standards:~~
- a. ~~Plumbing fixtures are maintained in a clean and working condition;~~
- b. ~~Chipped or cracked sinks and toilets are replaced or repaired;~~
- e. ~~Toilet rooms are ventilated to the outside of the building, either by a screened window open to the outside air or by an exhaust fan and duct system that is operated when the toilet room is in use;~~
- d. ~~A toilet room with a door that opens to the exterior of a building is equipped with a self-closing device that keeps the door closed except when an individual is entering or exiting; and~~
- e. ~~A toilet room door does not exit into a kitchen;~~
- 18. ~~Storage space is provided in the facility for cots, mats, sheets, and blankets accessible to an area used for naptime or sleeping and separate from food service and preparation, toilet rooms, and laundry rooms;~~
- 19. ~~17. Each enrolled child's toothbrush, comb, washcloth, cloth towel, and clothing is maintained in a clean condition and stored in an identified space separate from those of other enrolled children;~~
- 18. ~~Each enrolled child's pacifier is labeled with an identifier that is specific to the enrolled child and maintained in a clean condition;~~
- 20. ~~All materials and chemicals labeled as a toxic or flammable substance are stored in an area inaccessible to children that is locked with a key or combination lock and is separate from food storage areas;~~
- 21. ~~All substances that may be a hazard to a child and have a child warning label are inaccessible to children and stored separately from food storage areas; and~~
- 22. ~~Garden tools, lawn mowers, ladders, and other facility equipment presenting a hazard to children are stored in an area inaccessible to children.~~
- 19. ~~Except as provided in subsection (A)(20), the following are stored separate from food storage areas and are inaccessible to an enrolled child:~~
- a. ~~All materials and chemicals labeled as a toxic or flammable substance;~~
- b. ~~All substances that have a child warning label and may be a hazard to a child; and~~
- c. ~~Lawn mowers, ladders, toilet brushes, plungers, and other facility equipment that may be a hazard to a child;~~
- 20. ~~Hand sanitizers:~~
- a. ~~When being stored, are stored separate from food storage areas and are inaccessible to enrolled children; and~~
- b. ~~When being provided for use, are accessible to enrolled children; and~~
- 21. ~~Except when used as part of an activity, the following are stored in an area inaccessible to an enrolled child:~~
- a. ~~Garden tools, such as a rake, trowel, and shovel; and~~
- b. ~~Cleaning equipment and supplies, such as a mop and mop bucket.~~
- B.** ~~A toy or piece of play equipment, which is free from hazards and in a condition that does not allow the toy or play equipment to be used for the toy or play equipment's original purpose, may be in an activity area but is not counted as one of the toys or play equipment required in this Article.~~
- B.C.** A licensee shall ensure that a staff member:
 - 1. ~~Supervises enrolled children each enrolled child at all times;~~
 - 2. ~~Reports any suspected or alleged child abuse or neglect according to procedures prescribed in R9-5-307;~~
 - 3. ~~2. Does not smoke or use tobacco:~~
 - a. ~~~~on~~ On facility premises, except in designated areas separated from the children; or~~
 - b. ~~On a field trip or when transporting an enrolled child;~~
 - 3. ~~Except for an enrolled child who can change the enrolled child's own clothing, changes an enrolled child's clothing when wet or soiled;~~
 - 4. ~~Cleans each enrolled child before and after each meal and changes a child's clothing when wet or soiled;~~
 - 5. ~~4. Except as provided in subsection (D), Prepares prepares and posts in each indoor activity area, a current schedule of children's age-appropriate activities, including the times the following are provided:~~
 - a. ~~Meals and snacks;~~
 - b. ~~Naps;~~
 - c. ~~Indoor ~~and outdoor~~ activities;~~
 - d. ~~Outdoor or large muscle development activities;~~

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- ~~d-e.~~ Quiet and active activities;
- ~~e-f.~~ Teacher-directed activities;
- ~~f-g.~~ Self-directed activities;
- ~~g-h.~~ Activities for individuals, groups of five or fewer children, and groups of six or more children; and
- ~~h-i.~~ Activities that develop small ~~and large~~ muscles;

- ~~6-5.~~ Except as provided in subsection (D), Prepares prepares and posts a dated lesson plan in each indoor activity area for each calendar week, which is maintained on facility premises for 12 months after the lesson plan date and provides opportunities for each child to:
- a. Gain a positive self-concept;
 - b. Develop and practice social skills;
 - c. Think, reason, question, and experiment;
 - d. Acquire language skills;
 - e. Develop physical coordination skills;
 - f. Participate in structured large muscle physical activity;
 - ~~f-g.~~ Develop habits that meet health, safety, and nutritional needs;
 - ~~g-h.~~ Express creativity;
 - ~~h-i.~~ Learn to respect cultural diversity of children and staff;
 - ~~i-j.~~ Learn self-help skills; and
 - ~~j-k.~~ Develop a sense of responsibility and independence;
6. If an activity in the lesson plan required in subsection (C)(5) includes screen time, include in the lesson plan the duration of the screen time in minutes;
7. Except as provided in subsection (C)(8), implements the schedule in subsection (C)(4) and lesson plan in subsection (C)(5);
8. If the schedule in subsection (C)(4) or lesson plan in subsection (C)(5) is not implemented, writes on the schedule or the lesson plan the activity that is implemented;
- ~~7-9.~~ Does the following when a parent permits or asks a staff member to ~~use external~~ apply personal products ~~for a on an~~ on an enrolled child, such as petroleum jelly, diaper rash ointments, sun screen or sun block preparations, toothpaste, and baby diapering preparations:
- a. Obtains the enrolled child's personal products from the enrolled child's parent or, if the licensee provides the personal products for use by the enrolled child, obtains written approval for use of the products from the enrolled child's parent;
 - b. Labels the personal products with the enrolled child's ~~first and last~~ name; and
 - c. Keeps the personal products inaccessible to enrolled children;
- ~~8-10.~~ Places a child's wet or soiled laundry in a plastic bag labeled with the child's name, stores the laundry in a container covered with a tight fitting lid, and sends the wet or soiled laundry home when the facility releases the child to the child's parent; In an indoor activity area that does not have a diaper changing area:
- a. Stores an enrolled child's wet or soiled clothing in a sealed plastic bag labeled with the enrolled child's name; and
 - b. Sends an enrolled child's wet or soiled clothing home with the enrolled child when the facility releases the enrolled child to the enrolled child's parent; and
- ~~9-11.~~ Monitors a an enrolled child for overheating or overexposure to the sun. If a the enrolled child exhibits signs of overheating or overexposure to the sun, a staff member who has the first aid training required by R9-5-403(E) shall evaluate and treat the enrolled child.
- D.** A licensee is not required to have a schedule required in subsection (C)(4) or a lesson plan required in subsection (C)(5) for an indoor activity area that is approved and used:
- 1. By enrolled children only for:
 - a. Snacks or meals, or
 - b. A specific activity;
 - 2. To provide child care services to infants; or
 - 3. As a substitute for an outdoor activity area.

R9-5-502. Supplemental Standards for Infants

- A.** In addition to complying with all child care standards, a A licensee providing child care services for infants shall:
- 1. Separate infants from children older than 12 months of age. Within 24 months from the effective date of these rules, a facility shall provide a wall-enclosed room that provides exits required by R9-5-602(A) to separate infants from children older than 12 months of age;
 - 1. Provide a wall-enclosed room for infants that provides exits required by R9-5-601(1);
 - 2. Post a list in each infant room stating each infant's name and assigned staff member;
 - 3-2. Provide age-appropriate active and quiet activities for each infant;
 - 4-3. Provide age-appropriate indoor and outdoor activities for each infant;

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- ~~5-4.~~ Permit an infant to maintain ~~an established~~ the infant's pattern of sleeping and waking;
 5. Develop, document, and implement policies and procedures that provide an opportunity for a non-crawling infant to spend time each day on the infant's stomach while the infant is awake;
 6. Provide an outdoor activity area or an indoor activity area for large muscle development substituted for an outdoor activity area that is ~~scheduled for use~~ used by infants when enrolled children older than infants are not present;
 7. Provide space, materials, and equipment in an infant room that includes the following:
 - a. An area with nonabrasive ~~carpeting~~ flooring for sitting, crawling, and playing;
 - b. Toys, materials, and equipment, that are too large for a child to swallow and free from sharp edges and points, in a quantity sufficient to meet the needs of the infants in attendance that include:
 - i. Toys to enhance physical development such as toys for stacking, pulling, and grasping;
 - ii. Soft toys;
 - iii. Books;
 - iv. ~~Mobiles;~~ Toys to enhance visual development such as crib mobiles and activity mats with an object or objects suspended above the infant's head; and
 - v. Unbreakable mirrors; and
 - vi. ~~Outdoor play equipment; and~~
 - c. At least one adult-size chair for ~~staff members' use when holding or feeding an infant~~ use by a:
 - i. Staff member when holding or feeding an infant, or
 - ii. Nursing mother when breastfeeding her infant;
 8. Provide a crib for each infant that:
 - a. Has bars or openings spaced no more than ~~2-3/8~~ 2 3/8 inches apart and a crib mattress measured to fit not more than 1/2 inch from the crib side;
 - b. Has a commercially waterproofed mattress; and
 - c. Is furnished with clean, sanitized, crib-size bedding, including a fitted sheet and top sheet or a blanket;
 9. Prohibit the use of stacked cribs; ~~and~~
 - ~~10.~~ Arrange the cribs to maintain a minimum spacing between cribs that is not less than two feet on any crib side that has bars or other openings, except when:
 - a. A crib side with bars is next to a wall; or
 - b. A crib end does not have bars and the cribs are placed end to end.
 - ~~10.~~ Ensure that an occupied crib with a crib side that does not have a non-porous barrier is placed at least 2 feet from another occupied crib side that does not have a non-porous barrier; and
 - ~~11.~~ Label each food container received from the parent with the infant's name.
- B.** A licensee providing child care services for infants shall not:
1. Allow an infant room to be used as a passageway to another area of the facility;
 2. Permit an infant who is awake to remain for more than 30 consecutive minutes in a crib, ~~playpen,~~ swing, high feeding chair, infant seat, or other any equipment that confines movement; ~~or~~
 3. Permit ~~a child~~ an infant to use a walker, ~~except a child with special needs for whom a walker is prescribed by a health care provider; or~~
 4. Allow screen time in an infant room.
- C.** A licensee shall ensure that:
1. A staff member ~~assigned to infants~~ providing child care services in an infant room:
 - a. Plays and talks with each infant;
 - b. Holds and rocks each infant;
 - c. Responds immediately to each infant's distress signals;
 - d. Keeps a dated, daily, ~~written record~~ documentation of each infant's activities, food consumption, and diaper changes, and maintains infant including:
 - i. A description of any activities the infant participated in.
 - ii. The infant's food consumption, and
 - iii. Diaper changes;
 - e. Maintains the record documentation in subsection (C)(1)(d) on facility premises for three 12 months from after the record date on the documentation. ~~A staff member shall provide;~~
 - f. Provides a copy of this record the documentation in subsection (C)(1)(d) to the infant's parent upon request;
 - e.g. ~~Removes soft pillows and toys from~~ Does not allow bumper pads, pillows, comforters, sheepskins, stuffed toys, or other soft products in a crib when an infant is sleeping in the crib;
 - f.h. Cleans and sanitizes each crib and mattress used by an infant when soiled;
 - ~~g.i.~~ Changes each crib sheet and blanket before use by another child infant, when soiled, or at least once every 24 hours; and
 - h.j. Cleans and sanitizes all sheets and blankets before use by another child infant;
 - k. Places an infant to sleep on the infant's back, unless the infant's parent submits written instructions from the

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- infant's health care provider that states otherwise:
- l. Obtains written, current, and dated dietary instructions from a parent or health care provider regarding the method of feeding and types of foods to be prepared or fed to an infant at the facility;
 - m. Posts the current written dietary instructions in the infant room and the kitchen and maintains the instructions on facility premises for 12 months after the date of the instructions; and
 - n. Follows the current written dietary instructions of a parent when feeding the infant;
2. A staff member ~~assigned to an infant~~ providing child care services in an infant room does not:
- a. Place an infant directly on a waterproof mattress cover; or
 - b. ~~Restrain an infant in a crib or other restrictive equipment; or~~
 - e. ~~Place an infant in a crib or other equipment that confines movement for disciplinary reasons.~~
 - b. Place an infant to sleep using a positioning device that restricts movement, unless the infant's health care provider has instructed otherwise in writing;
3. ~~Before feeding an infant, a staff member:~~
- a. ~~Obtains dated, written instructions from a parent or health care provider regarding the method of feeding and types of foods to be prepared or fed to an infant at the facility;~~
 - b. ~~Updates the written instructions as foods or methods are added or changed;~~
 - e. ~~Posts the current written instructions in the kitchen and infant room and maintains the instructions on facility premises for three months from the date of the instructions; and~~
 - d. ~~Follows the current written instructions of a parent when feeding the infant.~~
- 4.3. When preparing, using, or caring for an infant's feeding bottles, a staff member:
- a. Labels each bottle received from the parent with the ~~child's first and last~~ infant's name;
 - b. Ensures that a bottle is not:
 - i. Heated in a microwave oven; ~~;~~
 - ii. Propped for an infant feeding; ~~;~~ or
 - iii. Permitted in an infant's crib unless the written instructions required by subsection ~~(C)(3)~~ (C)(1)(l) state otherwise;
 - c. Empties and rinses bottles previously used by an infant; and
 - d. Cleans and sanitizes ~~using heat only,~~ a bottle, bottle cover, and nipple before reuse; and
- 5.4. When feeding an infant, a staff member:
- a. Provides an infant with food for growth and development that includes:
 - i. Formula provided by ~~a~~ the infant's parent or the licensee or breast milk provided by the infant's parent, that is prepared and stored in a sanitary manner at the facility, following written instructions required by subsection ~~(C)(3)~~ (C)(1)(l); and
 - ii. Cereal as requested by the infant's parent or health care provider. ~~A staff member shall not mix cereal with formula and feed it to an infant from a bottle or infant feeder unless the written instructions required by subsection (C)(3) state otherwise; and;~~
 - b. If the staff member prepares an infant's formula, prepares the infant's formula in a sanitary manner;
 - c. Stores formula and breast milk in a sanitary manner at the facility;
 - d. Does not mix cereal with formula and feed it to an infant from a bottle or infant feeder unless the written instructions required by subsection (C)(1)(l) state otherwise;
 - ~~iii.e. Solid foods as requested by a parent. A~~ Except for finger food, feeds ~~staff member shall feed~~ solid food to an infant by spoon from an individual container; ~~;~~
 - f. ~~A~~ Uses a separate container and spoon ~~shall be used~~ for each infant;
 - ~~b.g.~~ Holds and feeds an infant under 6 months of age and an infant older than 6 months of age who cannot hold a bottle for feeding; and
 - e.h. If an infant is no longer being held for feeding, seats the infant in a high feeding chair or at a table with a chair that allows the ~~child~~ infant to reach the food while sitting.

R9-5-503. Standards for Diaper Changing

- A. A licensee shall ~~provide a~~ ensure that each diaper changing area ~~in each activity area as required in R9-5-602(C) R9-5-601(4) that consists of~~ contains:
1. A nonabsorbent, sanitizable diaper changing surface that is:
 - a. Seamless and smooth; and
 - b. Kept clear of items not required for diaper changing;
 2. A hand-washing sink next to the diaper changing surface for staff use when changing diapers and for washing ~~a~~ an enrolled child during or after diapering, that provides:
 - a. Running water between 86° F and 110° F,
 - b. ~~Antibacterial soap~~ Soap from a dispenser, and
 - c. Single-use paper hand towels from a dispenser; and
 3. At least ~~two~~ one waterproof, sanitizable ~~containers~~ container with a waterproof ~~liners~~ liner and a tight fitting ~~lids~~ lid

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~~Separate containers shall be used for soiled diapers; and soiled clothing. A licensee shall ensure that:~~

- a. ~~The containers are inaccessible to children;~~
- b. ~~A staff member:~~
 - i. ~~Empties clothing soiled with feces into a flush toilet without rinsing;~~
 - ii. ~~Places clothing soiled by feces or urine in a plastic bag labeled with a child's name, stores the clothing in a container used for this purpose, and sends the clothing home with the child's parent; and~~
 - iii. ~~Removes disposable diapers and disposable training pants from a diaper changing area as needed or at least twice every 24 hours to a waste receptacle outside the facility building.~~

4. At least one waterproof, sanitizable container with a waterproof liner and a tight fitting lid for soiled clothing.

B. A licensee shall ensure that a staff member does not:

- 1. Permit a bottle, formula, food, eating utensil, or food preparation in a diaper changing area;
- 2. Draw water for human consumption from a diaper changing area sink; or
- 3. ~~If Except as provided in subsection (C), if~~ responsible for food preparation, change diapers until food preparation duties have been completed for the day.

C. A staff member who provides child care services to an infant:

- 1. May throughout the time the staff member provides child care services to the infant:
 - a. Change the infant's diaper, and
 - b. Prepare the infant's formula or cereal; and
- 2. Is prohibited from other food preparation after changing the infant's diaper.

~~C.D.~~ A licensee shall ensure that a written diaper changing procedure is posted and implemented in each diaper changing area.

E. A licensee shall ensure that ~~The~~ the written diaper changing procedure in subsection (D) states that a an enrolled child's diaper ~~shall be~~ is changed as soon as it is soiled, and that a staff member, when diapering, ~~shall:~~

- 1. ~~Use~~ Uses a separate wash cloth and towel only once for each enrolled child;
- 2. ~~Wash~~ Washes and ~~dry~~ dries a the enrolled child using the enrolled child's individual personal products labeled with the enrolled child's ~~first and last~~ name;
- 3. ~~Use~~ Uses single-use ~~disposable latex non-porous~~ gloves;
- 4. ~~Wash~~ Washes ~~his or her~~ the staff member's own hands with ~~antibacterial~~ soap and running water between 86° F and 110° F before and after each diaper change;
- 5. ~~Wash~~ Washes each enrolled child's hands with ~~antibacterial~~ soap and running water between 86° F and 110° F after each diaper change;
- 6. ~~Clean, sanitize~~ Cleans, sanitizes, and ~~dry~~ dries the diaper changing surface following each diaper change; and
- 7. ~~Use~~ Uses single-use paper towels from a dispenser to dry the diaper changing surface or the hands of a the enrolled child or staff member.

~~D.E.~~ A licensee shall ensure that ~~a staff member~~ in an activity area with a diaper changing area:

- 1. The containers required in subsections (A)(3) and (4) are inaccessible, and
- 2. A staff member:
 - 1-a. ~~Keeps a dated log for each day in each diaper changing area, listing~~ Documents each diaper change each time the child's diaper has been changed; and:
 - i. For an infant, in the infant's dated, daily, documentation required in R9-5-502(C)(1)(d); or
 - ii. For an enrolled child who is not an infant, in a dated diaper changing log.
 - 2-b. ~~Maintains the diaper changing log on facility premises for three 12 months from~~ after the date of the diaper changing log;
 - c. Empties clothing soiled with feces into a flush toilet without rinsing;
 - d. Places an enrolled child's clothing soiled by feces or urine in a plastic bag labeled with the enrolled child's name, stores the clothing in a container used for this purpose, and sends the clothing home with the enrolled child's parent; and
 - e. Removes disposable diapers and disposable training pants from a diaper changing area as needed or at least twice every 24 hours to a waste receptacle outside the facility building.

R9-5-504. Supplemental Standards for 1-year-old and 2-year-old Children

~~In addition to complying with all child care standards, a~~ A licensee providing child care services for 1-year-old and 2-year-old children shall:

- 1. Ensure that a staff member does not permit a 1-year-old or 2-year-old enrolled child who is awake to spend more than 30 minutes of consecutive time in a crib, ~~high feeding~~ chair, ~~playpen,~~ or other place of confinement;
- 2. Consult with each enrolled child's parent to develop a ~~mutual~~ plan for individual toilet training of the enrolled child and ensure that a staff member does not force toilet training on any enrolled child;
- 3. Ensure that each activity area has a supply of age-appropriate toys, materials, and equipment that are too large for a child to swallow and free from sharp edges and points, in a quantity sufficient to meet the needs of the enrolled children in attendance- including:
 - a. ~~Toys, materials, and equipment include:~~ Art supplies,

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- ~~i.b.~~ Books, ~~including cloth books;~~
- ~~ii.c.~~ Rubber or soft plastic balls;
- ~~iii.d.~~ Puzzles and toys to enhance manipulative skills;
- ~~iv.e.~~ Blocks;
- ~~v.f.~~ Washable soft toys, ~~stuffed animals,~~ and dolls;
- ~~vi.g.~~ Musical instruments; and
- ~~vii.h.~~ Indoor and outdoor equipment to enhance large muscle development;
- b. Toys, materials, and equipment are:
 - i. Too large for a child to swallow; and
 - ii. Free of sharp edges and points;
- 4. Prohibit screen time in an activity area where child care services are provided to a 1-year-old child; and
- 4.5. Ensure that:
 - a. If finger food is served, the food is of a size and texture that does not present a choking hazard;
 - b. A staff member serves food to a an enrolled child in a high feeding chair or at a table with a chair that allows the enrolled child to reach the food while sitting; ~~and~~
 - c. If a child is fed with a bottle, a staff member complies with the requirements ~~set forth in R9-5-502(C)(4). R9-5-502(C)(3); and~~
 - d. If a parent brings a sippy cup for the parent's enrolled child, the sippy cup is labeled with the enrolled child's name.

R9-5-505. Supplemental Standards for 3-year-old, 4-year-old, and 5-year-old Children

~~In addition to complying with all child care standards, a A licensee providing child care services for 3-year-old, 4-year-old, and 5-year-old children shall provide a supply of age-appropriate toys, materials, and equipment accessible to enrolled children in each activity area in a quantity sufficient to meet the needs of the enrolled children in attendance. ~~Toys, materials, and equipment shall include including:~~~~

- 1. Art supplies,
- 2. Blocks,
- 3. Books and posters,
- 4. Toys and dress-up clothes,
- 5. Indoor and outdoor equipment to enhance large muscle development,
- 6. Puzzles and toys to enhance manipulative and categorization skills,
- 7. Science materials, and
- 8. Musical instruments.

R9-5-506. Supplemental Standards for School-age Children

~~A. In addition to complying with all child care standards, a A licensee providing child care services for school-age children shall:~~

- ~~1. Unless a child has permission from a parent for self release from a facility as prescribed in R9-5-306(A)(4), require that a staff member accompany and supervise a child in a school-age program while en route to and from:
 - a. The school attended by the child; or
 - b. The bus stop used by the child. A staff member shall remain with the child at the bus stop until the child boards the bus; and~~
- ~~2.1. Require Ensure that a staff member to supervise supervises a an enrolled school-age child while en route to and from a bathroom and ~~allow~~ allows the enrolled child privacy while in the bathroom;~~
- ~~2. If Ensure that if a an enrolled child remains in the bathroom for more than three minutes, the supervising staff member shall ~~check~~ checks on the enrolled child to ensure the child's safety;~~

~~B. A licensee shall separate an indoor activity area for school-age children from an indoor activity area provided for infants or 1-year-old children.~~

~~C. A licensee shall provide~~

- ~~3. Provide age-appropriate toys, materials, and equipment accessible to enrolled children in each activity area in a quantity sufficient to meet the needs of the enrolled children in attendance including:
 - ~~1.a.~~ Arts and crafts,
 - ~~2.b.~~ Games,
 - ~~3.c.~~ Puzzles and toys to enhance manipulative skills,
 - ~~4.d.~~ Books,
 - ~~5.e.~~ Science materials,
 - ~~6.f.~~ Sports equipment, and
 - ~~7.g.~~ Outdoor play equipment; and~~

~~D. A licensee shall provide~~

- ~~4. Provide enrolled school-age children with a quiet study area.~~

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R9-5-507. Supplemental Standards for Children with Special Needs

- A. ~~In addition to complying with all child care standards, a~~ A licensee providing child care services for a child with special needs shall:
1. ~~Upon enrollment of a child with special needs~~ Except as provided in subsection (A)(2), before a child with special needs receives child care services, obtain from the enrolled child's parent a copy of an existing individualized plan for the enrolled child that can be reviewed, adopted, and ~~followed~~ implemented by the licensee when providing child care services to the enrolled child. ~~An individualized plan shall include~~ that includes the following as needed for the enrolled child:
 - a. Medication schedule;
 - b. Nutrition and feeding instructions;
 - c. Qualifications required of a staff member who feeds the enrolled child;
 - d. Medical equipment or adaptive devices;
 - e. Medical emergency instructions;
 - f. Toileting and personal hygiene instructions;
 - g. Specific child care services to be provided to the enrolled child at the facility;
 - h. Information from health care providers, including the frequency and length of any prescribed medical treatment or therapy;
 - i. Training required of a staff member to care for the enrolled child's special needs; and
 - j. Participation in fire and emergency evacuation drills;
 2. If ~~a~~ an enrolled child with special needs does not have an existing individualized plan, obtain from the enrolled child's parent written instructions for providing services to the enrolled child until a written individualized plan ~~containing the information~~ required in subsection (A)(1) is developed by a team consisting of staff members, the enrolled child's parent, and health care providers. ~~An individualized plan shall be~~ that is completed within 30 days ~~of~~ after the enrolled child's ~~enrollment~~ initial date of receiving child care services;
 3. Maintain ~~a~~ an enrolled child's current individualized plan on facility premises and if the current individualized plan was developed according to subsection (A)(2), provide a copy to the enrolled child's parent; and
 4. Ensure the individualized plan is updated at least every 12 months ~~from~~ after the date of the initial plan or as changes occur.
- B. If ~~a~~ an enrolled child with special needs who is 18 months of age or older and does not walk is placed in an infant group, a licensee may move the enrolled child ~~to a 1-year-old group~~ after ~~a~~ the enrolled child's parent and the licensee determine that the proposed move is ~~developmentally appropriate~~ developmentally-appropriate.
- C. ~~A licensee shall ensure that a staff member does not prepare formula for tube feeding a child. All formula for tube feeding shall be commercially prepackaged in a ready to use state or brought by a parent to the facility in an unbreakable container. The feeding and clearing of a child's feeding apparatus shall be performed by a staff member instructed by a parent or individual designated by a parent. A licensee shall ensure that:~~
1. ~~When tube feeding an enrolled child, a staff member only uses:~~
 - a. Commercially prepackaged formula in a ready-to-use state.
 - b. Formula prepared by the enrolled child's parent and brought to the facility in an unbreakable container, or
 - c. Breast milk brought to the facility in an unbreakable container; and
 2. ~~Only a staff member instructed by an enrolled child's parent or individual designated by the enrolled child's parent:~~
 - a. Feeds the enrolled child using the enrolled child's tube-feeding apparatus, and
 - b. Cleans the enrolled child's tube-feeding apparatus.
- D. A licensee shall provide ~~a~~ an enrolled child with special needs with:
1. ~~Developmentally appropriate~~ Developmentally-appropriate toys, materials, and equipment; and
 2. Assistance from staff members to enable the enrolled child to participate in the activities of the facility.
- E. In addition to complying with the transportation requirements in R9-5-517, a licensee transporting ~~a~~ an enrolled child with special needs in a wheelchair in a facility's motor vehicle shall ensure that:
1. The enrolled child's wheelchair is manufactured to be secured in a motor vehicle;
 2. The enrolled child's wheelchair is secured in the motor vehicle using a minimum of four anchorages attached to the motor vehicle floor, and four securement devices, such as straps or webbing that have buckles and fasteners, that attach the wheelchair to the anchorages;
 - 2-3. The enrolled child is secured in the wheelchair by means of a wheelchair restraint that is a combination of pelvic and upper body belts intended to secure a passenger in a wheelchair; and
 - 3-4. The enrolled child's wheelchair is placed in a position in the motor vehicle that does not prevent access to the enrolled child in the wheelchair or passage to the front and rear in the motor vehicle.
- F. A licensee providing child care services for ~~a~~ an enrolled child who uses a wheelchair or is not able to walk shall locate the enrolled child on the ground floor of the facility.

R9-5-508. General Nutrition Standards

- A. A licensee shall ~~make the following meals available:~~

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1. ~~Breakfast~~ Make breakfast available to an enrolled child who is present at a facility before 8:00 a.m.,
 2. ~~Lunch~~ Serve lunch to an enrolled child who is present at a facility between 11:00 a.m. ~~and through~~ 1:00 p.m., and
 3. ~~Dinner~~ Serve dinner to an enrolled child who is present ~~between from~~ 5:00 p.m. ~~and through~~ 7:00 p.m. and who will remain at the facility after 7:00 p.m.
- B.** A licensee shall serve the following meals or snacks to an enrolled child present at a facility for the following periods of time:
1. If an enrolled child is present two to four hours, one or more snacks;
 2. If an enrolled child is present during any of the meal times stated in subsection (A), a meal that meets the meal pattern requirements in subsection (C);
 - 2-3. If an enrolled child is present four to eight hours, one or more snacks and a meal;
 - 3-4. If an enrolled child is present nine or more hours, two snacks and one or more meals; and
 - 4-5. Before bedtime, one snack.
- C.** If a licensee provides food, a licensee shall prepare and serve food according to the meal pattern requirements found in Table 5.1, "Table of Meal Pattern Requirements for Children."
- D.** If a an enrolled child's parent provides food for the parent's enrolled child, the licensee shall provide milk or juice to the enrolled child if not provided by the parent.
- E.** If a licensee plans and serves meals, the ~~meals shall~~ licensee shall ensure that the meals:
1. Meet the age-appropriate nutritional requirements of a an enrolled child; and
 2. For each calendar week, provide a variety of foods within each food group from the meal pattern requirements.
- F.** ~~A~~ If a licensee provides food, the licensee shall maintain on the facility premises at least a one day's day supply of food needed to serve provide the meals and snacks as required by subsection subsections (B) and (C) to each enrolled child attending the facility;
- G.** In addition to the required daily servings of food stated in subsection (C), a licensee:
1. ~~shall~~ Shall make second servings of food available to each enrolled child at meals and at snack time;
 2. May substitute a food that is equivalent to a specific food component if second servings of the specific food component are not available, and
 3. Shall ensure that a food substitution in subsection (G)(2) is written on the posted weekly menu by the end of the meal or snack service.

Table 5.1 Meal Pattern Requirements for Children

<u>TABLE OF MEAL PATTERN REQUIREMENTS FOR CHILDREN</u>			
<u>Food Components</u>	<u>Ages 1 through 2 years</u>	<u>Ages 3 through 5 years</u>	<u>Ages 6 and Older</u>
<u>Breakfast:</u>			
1. <u>Milk, fluid</u>	<u>1/2 cup</u>	<u>3/4 cup</u>	<u>1 cup</u>
2. <u>Vegetable, fruit, or full-strength juice</u>	<u>1/4 cup</u>	<u>1/2 cup</u>	<u>1/2 cup</u>
3. <u>Bread and bread alternates (whole grain or enriched):</u>			
<u>Bread</u>	<u>1/2 slice</u>	<u>1/2 slice</u>	<u>1 slice</u>
<u>or cornbread, rolls, muffins, or biscuits</u>	<u>1/2 serving</u>	<u>1/2 serving</u>	<u>1 serving</u>
<u>or cold dry cereal (volume or weight, whichever is less)</u>	<u>1/4 cup</u>	<u>1/3 cup</u>	<u>3/4 cup</u>
<u>or cooked cereal, pasta, noodle products, or cereal grains</u>	<u>1/4 cup</u>	<u>1/4 cup</u>	<u>1/2 cup</u>
<u>Lunch or Supper:</u>			
1. <u>Milk, fluid</u>	<u>1/2 cup</u>	<u>3/4 cup</u>	<u>1 cup</u>
2. <u>Vegetable and/or fruit (2 or more kinds)</u>	<u>1/4 cup total</u>	<u>1/2 cup total</u>	<u>3/4 cup total</u>
3. <u>Bread and bread alternates (whole grain or enriched):</u>			
<u>Bread</u>	<u>1/2 slice</u>	<u>1/2 slice</u>	<u>1 slice</u>
<u>or cornbread, rolls, muffins, or biscuits</u>	<u>1/2 serving</u>	<u>1/2 serving</u>	<u>1 serving</u>
<u>or cold dry cereal (volume or weight, whichever is less)</u>	<u>1/4 cup</u>	<u>1/3 cup</u>	<u>3/4 cup</u>
<u>or cooked cereal, pasta, noodle products, or cereal grains</u>	<u>1/4 cup</u>	<u>1/4 cup</u>	<u>1/2 cup</u>
4. <u>Meat or meat alternates:</u>			
<u>Lean meat, fish, or poultry (edible portion as served)</u>	<u>1 oz.</u>	<u>1 1/2 oz.</u>	<u>2 oz.</u>

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<u>or cheese</u>	<u>1 oz.</u>	<u>1 1/2 oz.</u>	<u>2 oz.</u>
<u>or egg</u>	<u>1/2 egg</u>	<u>3/4 egg</u>	<u>1 egg</u>
<u>or cooked dry beans or peas*</u>	<u>1/4 cup</u>	<u>3/8 cup</u>	<u>1/2 cup</u>
<u>or peanut butter, soy nut butter, or other nut or seed butters</u>	<u>2 tbsp**</u>	<u>3 tbsp**</u>	<u>4 tbsp**</u>
<u>or peanuts, soy nuts, tree nuts, or seeds</u>	<u>1/2 oz.**</u>	<u>3/4 oz.**</u>	<u>1 oz.**</u>
<u>or an equivalent quantity of any combination of the above meat/meat alternates</u>			
<u>or yogurt</u>	<u>4 oz.</u>	<u>6 oz.</u>	<u>8 oz.</u>
Snack: (select 2 of these 4 components)***			
1. <u>Milk, fluid</u>	<u>1/2 cup</u>	<u>1/2 cup</u>	<u>1 cup</u>
2. <u>Vegetable, fruit, or full-strength juice</u>	<u>1/2 cup</u>	<u>1/2 cup</u>	<u>3/4 cup</u>
3. <u>Bread and bread alternates (whole grain or enriched):</u>			
<u>Bread</u>	<u>1/2 slice</u>	<u>1/2 slice</u>	<u>1 slice</u>
<u>or cornbread, rolls, muffins, or biscuits</u>	<u>1/2 serving</u>	<u>1/2 serving</u>	<u>1 serving</u>
<u>or cold dry cereal (volume or weight, whichever is less)</u>	<u>1/4 cup</u>	<u>1/3 cup</u>	<u>3/4 cup</u>
<u>or cooked cereal, pasta, noodle products, or cereal grains</u>	<u>1/4 cup</u>	<u>1/4 cup</u>	<u>1/2 cup</u>
4. <u>Meat or meat alternates:</u>			
<u>Lean meat, fish, or poultry (edible portion as served)</u>	<u>1/2 oz.</u>	<u>1/2 oz.</u>	<u>1 oz.</u>
<u>or cheese</u>	<u>1/2 oz.</u>	<u>1/2 oz.</u>	<u>1 oz.</u>
<u>or egg</u>	<u>1/2 egg</u>	<u>1/2 egg</u>	<u>1/2 egg</u>
<u>or cooked dry beans or peas*</u>	<u>1/8 cup</u>	<u>1/8 cup</u>	<u>1/4 cup</u>
<u>or peanut butter, soy nut butter, or other nut or seed butters</u>	<u>1 tbsp</u>	<u>1 tbsp</u>	<u>2 tbsp</u>
<u>or peanuts, soy nuts, tree nuts, or seeds</u>	<u>1/2 oz.</u>	<u>1/2 oz.</u>	<u>1 oz.</u>
<u>or an equivalent quantity of any combination of the above meat/meat alternates</u>			
<u>or yogurt</u>	<u>2 oz.</u>	<u>2 oz.</u>	<u>4 oz.</u>
* In the same meal service, dried beans or dried peas may be used as a meat alternate or as a vegetable; however, such use does not satisfy the requirement for both components.			
** At lunch and supper, no more than 50% of the requirement shall be met with nuts, seeds, or nut butters. Nuts, seeds, or nut butters shall be combined with another meat or meat alternative to fulfill the requirement. Two tablespoons of nut butter or one ounce of nuts or seeds equals one ounce of meat.			
*** Juice may not be served when milk is served as the only other component.			

R9-5-509. General Food Service and Food Handling Standards

- A.** A licensee that prepares ~~or serves~~ food ~~to~~ for enrolled children on facility premises shall ~~comply, if required with~~ comply, if required with by 9 A.A.C. 8, Article 1, and the local ordinances ~~and requirements~~ of the local health department where the facility is located, obtain a food establishment permit issued under 9 A.A.C. 8, Article 1, and:
1. Provide the Department with a copy of the facility's food establishment permit before the Department issues a license to the facility.
 2. Maintain the facility's current food establishment permit on the facility's premises, and
 3. Provide a copy of the facility's current food establishment permit to the Department upon request.
- B.** If a licensee contracts with a food establishment to prepare and deliver food to the facility, the licensee shall obtain and provide the Department with a copy of the food establishment's permit, issued under 9 A.A.C. 8, Article 1, at the following times:
1. Before the Department issues a license to the facility,
 2. Upon contracting with the food establishment, and
 3. Every 12 months after the date the contract is entered into while the contract is in effect.
- B.C.** A licensee shall ensure that:
1. Enrolled children, except infants and children with special needs ~~children~~ who cannot wash their own hands, wash their hands with soap and running water before and after handling or eating food;
 2. A staff member:
 - a. Washes ~~with a washcloth~~ the hands of an infant or a child with special needs ~~child~~ who cannot wash the child's own hands before and after the infant or child with special needs ~~child~~ handles or eats food, ~~and using:~~

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- i. A washcloth.
 - ii. A single-use paper towel, or
 - iii. Soap and running water; and
 - b. If using a washcloth, Uses uses each washcloth on only one child and only one time before it is laundered or discarded;
 3. An enrolled child is not permitted to eat food directly off the floor, carpet, or ground or with utensils placed directly on the floor, carpet, or ground;
 4. A staff member encourages, but never forces, enrolled children to eat food;
 5. A staff member assists each enrolled child who needs assistance with eating;
 6. A staff member teaches self-feeding skills and habits of good nutrition to each enrolled child as necessary;
 7. Lunch and dinner are family-style meals as demonstrated by at least one of the following:
 - a. Food is served from a serving container on the table where enrolled children are seated;
 - b. Enrolled children serve themselves, independently or with the help of a staff member, from a serving container on the table where enrolled children are seated;
 - c. Enrolled children pass a serving container from individual to individual;
 - d. In a facility where lunch or dinner is provided by the facility, a staff member sits at the table and eats the lunch or dinner with enrolled children; or
 - e. In a facility where each enrolled child brings the enrolled child's own lunch or dinner, a staff member sits at the table with the enrolled children and eats the staff member's own lunch or dinner;
 - ~~7-8.~~ Fresh milk is served directly from the original, commercially filled container, to a container used for meal service or a cup, and unused portions of individual servings are not returned to the original container;
 9. Milk served to an enrolled child older than 2 years of age is fat-free or 1% lowfat milk unless the enrolled child's parent requests otherwise;
 - ~~8-10.~~ Reconstituted dry milk is not served to meet the fluid milk requirement;
 - ~~9-11.~~ Juice served to children for a meal or snack is full-strength 100% vegetable or 100% fruit juice from an original, commercially filled container or reconstituted from a concentrate according to manufacturer instructions;
 12. Fruit juice served to an enrolled child is limited to the following amounts:
 - a. For an enrolled child younger than 6 years of age, four ounces per day; or
 - b. For an enrolled child 6 years of age or older, six ounces per day;
 13. A beverage sweetened with any kind of sugar product is not provided by the facility;
 - ~~10-14.~~ Each staff member is informed of a modified diet prescribed for an enrolled child by the child's parent or health care provider, and the modified diet is posted in the kitchen and in the child's activity area;
 - ~~11-15.~~ The food served to an enrolled child is consistent with a modified diet prescribed for the child by the child's parent or health care provider;
 - ~~12-16.~~ An enrolled child is not permitted in the kitchen during food preparation or food service except as part of an activity;
 - ~~13-17.~~ Enrolled children do An enrolled child does not use the kitchen or a food storage area as a passageway; ~~and~~
 - ~~14-18.~~ A ~~director or~~ staff member:
 - a. Prepares a weekly menu at least one week in advance,
 - b. Includes on the menu the specific foods to be served on each day,
 - c. Dates each menu,
 - d. Posts each menu at least one day before the first meal on the menu will be served, and
 - e. Writes food substitutions on a posted menu no later than the morning of the day of meal service;
 19. Non-single-use utensils and equipment used in preparing, eating, or drinking food are:
 - a. After each use:
 - i. Washed in an automatic dishwasher and air dried or heat dried; or
 - ii. Washed in hot soapy water, rinsed in clean water, sanitized, and air dried or heat dried; and
 - b. Stored in a clean area protected from contamination;
 20. Single-use utensils and equipment are disposed of after being used;
 21. Perishable foods are covered and stored in a refrigerator at a temperature of 41° F or below;
 22. A refrigerator at the child care facility maintains a temperature of 41° F or below, as shown by a thermometer kept in the refrigerator at all times;
 23. A freezer at the child care facility maintains a temperature of 0° F or below, as shown by a thermometer kept in the freezer at all times; and
 24. Foods are prepared as close as possible to serving time and, if prepared in advance, are either:
 - a. Cold held at a temperature of 45° F or below or hot held at a temperature of 130° F or above until served, or
 - b. Cold held at a temperature of 45° F or below and then reheated to a temperature of at least 165° F before being served.

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R9-5-510. Discipline and Guidance

- A. A licensee shall ensure that a staff member:
1. Defines and maintains consistent, and reasonable ~~rules~~, guidelines and limitations for ~~a~~ an enrolled child's behavior; ~~and~~
 2. ~~teaches~~ Teaches, models, and encourages orderly conduct, personal control, and age-appropriate behavior;
 - ~~2-3.~~ Explains to ~~a~~ an enrolled child why a particular behavior is not allowed, suggests an alternative, and assists the enrolled child to become engaged in an alternative activity; and
 - ~~3-4.~~ After determining that ~~a~~ an enrolled child's behavior may result in harm to self or others, holds the enrolled child until the enrolled child regains control or composure.
- B. A licensee shall ensure that a staff member does not use or permit:
1. A method of discipline that could cause harm to the health, safety, or welfare of ~~a~~ an enrolled child;
 2. Corporal punishment;
 3. Abusive language;
 - ~~3-4.~~ Discipline associated with:
 - a. Eating, napping, sleeping, or toileting;
 - b. Medication; or
 - c. Mechanical restraint; or
 - ~~4-5.~~ Discipline administered to any enrolled child by another enrolled child.
- C. A licensee may allow a staff member to separate ~~a~~ an enrolled child from other enrolled children for unacceptable age-appropriate behavior.
1. The separation period shall be for no longer than three minutes after the enrolled child has regained control or composure.
 2. A staff member shall not allow ~~a~~ an enrolled child to be separated for longer than 10 minutes without the staff member interacting with the enrolled child.

R9-5-511. ~~Sleeping Materials and Equipment and Napping~~

- A. A licensee shall provide each enrolled child who naps or sleeps at the facility with a separate cot; or mat; or a crib that meets the requirements of R9-5-502(A)(8) and ensure that:
1. A cot, mat, or crib used by ~~a~~ the enrolled child accommodates the enrolled child's height and weight;
 2. A staff member covers each cot, crib mattress, or mat with a clean sheet that is laundered when soiled, or at least once every seven days and before use by a different enrolled child;
 3. A clean blanket or sheet is available for each enrolled child;
 4. A rug, carpet, blanket, or towel is not used as a mat; and
 5. Each cot, mat, or crib is maintained in a clean and repaired condition.
- B. A licensee shall not use bunk beds or waterbed mattresses.
- C. A licensee shall provide an unobstructed passageway at least 18 inches wide between each row of cots; or mats to allow a staff member access to each enrolled child.
- ~~D. A licensee shall ensure that cribs, cots, and mats do not obstruct access to designated exits.~~
- ~~D. A licensee shall ensure that if an enrolled child is present at the facility during evening and nighttime hours, the licensee:~~
1. Permits the enrolled child to use a mat only when used on top of a cot;
 2. Before bathing the enrolled child at the facility, obtains written consent and bathing instructions from the enrolled child's parent and follows the instructions when bathing the enrolled child;
 3. Requires that a staff member cleans and sanitizes a bathtub or shower stall after bathing each enrolled child;
 4. Requires that a staff member remains awake while supervising the sleeping enrolled child; and
 5. Prohibits the operation of a television set in a room where the enrolled child is sleeping.
- ~~E. A licensee shall ensure that if an enrolled child is present at the facility during naptime, the licensee:~~
1. Does not permit the enrolled child to lie in direct contact with the floor while napping.
 2. Prohibits the operation of a television set in a room where the enrolled child is napping.
 3. Ensures naptime accommodations are available for the enrolled school-age child if requested by the enrolled child or the enrolled child's parent.
 4. Requires that a staff member remain awake while supervising the enrolled sleeping child, and
 5. Prohibits the enrolled child from napping in an attic or a loft during naptime.
- ~~E. A licensee shall ensure that storage space is provided in the facility for cots, mats, sheets, and blankets, that is:~~
1. Accessible to an area used for naptime or sleeping; and
 2. Separate from food service and preparation areas, toilet rooms, and laundry rooms.

R9-5-512. Cleaning and Sanitation

- A. A licensee shall maintain facility premises free of insects and vermin.
- B. A licensee shall maintain facility premises and furnishings:
1. ~~in~~ In a clean condition, and

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- ~~2.~~ Free Free from odor.
- ~~1-C.~~ Floor A licensee shall ensure that floor coverings, such as carpeting, tile, linoleum, or wood shall be are clean, washable, and free from cracks, chips, gaps, rips, dampness, or odors:
 1. Clean, and
 2. Free from:
 - a. Dampness,
 - b. Odors, and
 - c. Hazards.
- ~~2-D.~~ A licensee shall ensure that toilet bowls, lavatory fixtures, and floors in toilet rooms and kitchens are cleaned and sanitized as often as necessary to maintain them in a clean and sanitized condition or at least once every 24 hours.
- ~~C-E.~~ If laundry belonging to a facility is done on facility premises, a licensee shall:
 1. Not use a kitchen or food storage area for sorting, handling, washing, or drying laundry;
 2. Locate the laundry equipment in an area that is separate from licensed activity areas and inaccessible to enrolled children;
 3. Not permit a an enrolled child to be in a laundry room or use a laundry area as a passageway for enrolled children; and
 4. Ensure that laundry soiled by vomitus, urine, feces, blood, or other body fluid is stored, cleaned, and sanitized separately from other laundry.
- ~~D-E.~~ A licensee shall ensure that:
 1. Each toilet room in a facility contains, within easy reach of enrolled children:
 - a. Mounted toilet tissue; and
 - b. Except as provided in subsection (G):
 - ~~b-i.~~ A sink with running water;
 - ~~e-ii.~~ Antibacterial soap Soap contained in a dispenser; and
 - ~~d-iii.~~ Disposable, single-use paper towels in a mounted dispenser, or a mechanical air hand dryer;
 2. Staff members wash their hands with antibacterial soap and running water after toileting;
 3. A An enrolled child's hands are washed with antibacterial soap and running water after toileting;
 4. Food Except for a cup or receptacle used only for water, food waste is stored in a covered container with a tight fitting lid.
 - ~~a-~~ The and the container is clean and lined with a plastic bag;
 - ~~b-5.~~ Food waste and other refuse is removed from the facility building at least once every 24 hours or more often as necessary to maintain a clean condition and avoid odors; and
 - ~~5-6.~~ A staff member or an enrolled child does not draw water for human consumption from a toilet room hand-washing sink;
 7. Toys, materials, and equipment are maintained in a clean condition;
 8. Plumbing fixtures are maintained in a clean and working condition; and
 9. Chipped or cracked sinks and toilets are replaced or repaired.
- G. A licensee may have a sink with running water, soap contained in a dispenser, and single-use paper towels in a mounted dispenser or a mechanical air hand dryer located directly outside a toilet room if an enrolled child exiting the toilet room can access the sink, soap, and paper towels or air hand dryer without having to cross space that is used for any activity.

R9-5-513. Pets and Animals

- A. A licensee shall maintain written documentation of current immunization against rabies for each ferret, dog, or cat owned by a licensee or staff member that is present on facility premises.
- B. A licensee shall ensure that ~~child care personnel~~ a staff member:
 1. ~~Keep~~ Keeps all pet and animal habitats clean;
 2. ~~Prohibit~~ Prohibits reptiles, such as turtles, iguanas, snakes, and lizards, in the facility;
 3. ~~Prohibit~~ Prohibits birds in food preparation and eating areas;
 4. ~~Control pets and animals to maintain the cleanliness of the facility and prevent the~~ Keeps pets and animals clean;
 5. Prohibits pets and animals from endangering a an enrolled child, staff member, or other individual on ~~the~~ facility premises; and
 - ~~5-6.~~ Keeps Keeps birds and animals such as horses, sheep, cattle, and poultry in an enclosure that is not accessible to an enrolled children child except as part of an activity.

R9-5-514. Accident and Emergency Procedures

- A. A licensee shall maintain a first aid kit accessible to staff members but inaccessible to children. The kit shall contain A licensee shall ensure that there is a first aid kit on facility premises that contains first aid supplies in a quantity sufficient to meet the needs of the enrolled children ~~and include~~ including the following:
 1. Adhesive band aids of assorted sizes, Sterile bandages including:
 - a. Adhesive bandages of assorted sizes,

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- b. Sterile gauze pads, and
- c. Sterile gauze rolls;
- 2. Antiseptic solution or sealed antiseptic wipes;
- 3. Sterile bandages;
- 4. Sterile gauze pads;
- ~~5-3.~~ A pair of scissors;
- ~~6-4.~~ Adhesive tape;
- ~~7-5.~~ Disposable latex Single-use, non-porous gloves; and
- ~~8-6.~~ Reclosable plastic bags of at least one-gallon size.
- B.** A licensee shall prepare a written accident, evacuation, and emergency plan and maintain the plan on facility premises in a location accessible to staff members and update the plan every 12 months from the date of initial preparation or when any information changes. The plan shall contain:
 - 1. The location of the first aid kit;
 - 2. The names of staff members who have the first aid training required by R9-5-403(E);
 - 3. The names of staff members who have the CPR training required by R9-5-403(E);
 - 4. The directions for verbal notification of a parent by telephone or other equally expeditious means within 30 minutes of an accident or emergency, and directions for written notification to the parent within 24 hours; and
 - 5. The facility's street address and the emergency telephone numbers for the local fire department, police department, ambulance service, and poison control center.
- B.** A licensee shall ensure that the first aid kit required in subsection (A) is accessible to staff members but inaccessible to enrolled children.
- C.** A licensee shall:
 - 1. Prepare and date a written fire and emergency plan that contains:
 - a. The location of the first aid kit;
 - b. The names of staff members who have the first aid training required by R9-5-403(E);
 - c. The names of staff members who have the CPR training required by R9-5-403(E);
 - d. The directions for:
 - i. Initiating verbal notification of an enrolled child's parent by telephone or other equally expeditious means within 30 minutes of a fire or emergency, and
 - ii. Providing written notification to the enrolled child's parent within 24 hours, and
 - e. The facility's street address and the emergency telephone numbers for the local fire department, police department, ambulance service, and poison control center.
 - 2. Maintain the plan required in subsection (C)(1) in a location on facility premises that has an operable telephone service or two-way voice communication system that connects the facility with an individual who has direct access to an in-and-out operable telephone service.
 - 3. Post the plan required in subsection (C)(1) in any indoor activity area that does not have an operable telephone service or two-way voice communication system that connects the indoor activity area with an individual who has direct access to an in-and-out operable telephone services, and
 - 4. Update the plan in subsection (C)(1) every 12 months after the date of initial preparation of the plan or when any information changes.
- ~~C.D.~~ A licensee shall post, near an activity area or a room's designated exit, a building evacuation plan that details the designated exits from the activity area or room and the facility.
- ~~D.E.~~ A licensee shall maintain and use a communication system that ~~consists of~~ contains:
 - 1. A direct-access, in-and-out, operating telephone service ~~on~~ at the facility; or
 - 2. A two-way voice communication system that connects the facility with an individual who has direct access to an in-and-out, operating telephone service.
- E.** A licensee shall post the accident, evacuation, and emergency plan required in subsection (B) in any facility activity area that does not have an operable telephone service or two-way voice communication system.
- F.** If while attending a facility an enrolled child has an accident, injury, or emergency that, based on an evaluation by a staff member, requires medical treatment by a health care provider, a licensee shall ensure that a staff member:
 - 1. Notifies the enrolled child's parent immediately after the accident, injury, or emergency;
 - 2. Documents:
 - a. A description of the accident, injury, or emergency, including the date, time, and location of the accident, injury, or emergency;
 - b. The method used to notify the enrolled child's parent; and
 - c. The time the enrolled child's parent was notified; and
 - 3. Maintains documentation required in subsection (F)(2) on facility premises for 12 months after the date of the child's disenrollment.
- G.** If an enrolled child's parent informs a staff member at the facility that the enrolled child's parent obtained medical treat-

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ment from a health care provider for an accident, injury, or emergency the enrolled child had while attending the facility, a licensee shall ensure that a staff member:

1. Documents any information about the enrolled child's accident, injury, or emergency received from the enrolled child's parent; and
2. Maintains documentation required in subsection (G)(1) on facility premises for 12 months after the date of the child's disenrollment.

R9-5-515. Illness and Infestation

- A.** A licensee shall not permit ~~a~~ an enrolled child to remain at the facility if a staff member determines that ~~a~~ the enrolled child shows signs of illness or infestation.
- B.** If ~~a~~ an enrolled child exhibits signs of illness or infestation at a facility, a licensee shall ensure that a staff member:
1. Immediately separates the enrolled child from other enrolled children,
 2. Immediately notifies the enrolled child's parent by telephone or other expeditious means to arrange for the enrolled child's removal from the facility, and
 - ~~Keeps a written record~~ Maintains documentation of the notification on facility premises for ~~three~~ 12 months ~~from~~ after the date of the notification.
- C.** A licensee shall ensure that a staff member who has signs of illness or infestation is excluded from a facility.
- D.** A facility director shall not permit a staff member to return to a facility until free from signs of illness or infestation; or until the staff member provides documentation by a health care provider that the individual may return to ~~a~~ the facility.
- ~~D.E.~~ E. If a staff member or enrolled child contracts a communicable disease or infestation ~~as stated~~ listed in ~~A.A.C. R9-6-202(C)~~ 9 A.A.C. 6, Article 2, Table 2, a licensee shall ensure that, within 24 hours of notice of the communicable disease or infestation, written notice is provided to each staff member, parent, and the local health department.
- E.** A licensee shall ensure that:
1. A dated, written notice of the communicable disease or infestation is prepared and posted in the facility's entrance as required by R9-5-303;
 - ~~A written record~~ Documentation of the notification is maintained on facility premises for 12 months from the date of the notification; and
 - ~~A written record~~ Documentation of the absences of staff members and enrolled children due to a communicable disease or infestation ~~stated~~ listed in ~~A.A.C. R9-6-202(C)~~ 9 A.A.C. 6, Article 2, Table 2, is prepared and maintained on facility premises for 12 months from the first date of absence.

R9-5-516. Medications

- A.** A licensee shall ensure that a written statement is prepared and maintained on facility premises that specifies:
- ~~whether~~ Whether prescription or nonprescription medications are administered to enrolled children; and
 - If prescription or nonprescription medications are administered, the requirements in subsection (B) for administering the prescription or nonprescription medications.
- B.** If prescription or nonprescription medications are administered, ~~the written statement shall contain provisions explaining a licensee shall ensure~~ that:
1. A facility director, or a staff member designated in writing by the facility director, is responsible for the administration of all medications in the facility, including storing, supervising an enrolled child's ingestion of a medication, and recording documenting all medications administered to an enrolled child;
 2. A facility director shall ensure ensures that only one staff member in the facility at any given time is responsible for the administration of medications;
 - ~~2.3.~~ 3. A facility director, or a staff member designated in writing by the facility director, ~~shall does not permit the administration of a~~ administer a medication to an enrolled child unless the facility receives written authorization signed by the enrolled child's parent or health care provider that includes the:
 - ~~First and last name~~ Name of the enrolled child;
 - ~~Name~~ Type of the medication;
 - Prescription number, if any;
 - Instructions for administration specifying the:
 - Dosage and route of administration;
 - If indicated, starting and ending dates of the dosage period; and
 - Times and frequency of administration;
 - Reason for the medication; and
 - Date of authorization; and
 - ~~3.4.~~ 4. A staff member ~~shall~~:
 - ~~Administer~~ Administers a prescription medication provided by a parent only from a container dispensed by a pharmacy;
 - ~~Administer~~ Administers a nonprescription medication provided by a parent for an enrolled child only from a container prepackaged and labeled for use by the manufacturer and labeled with the enrolled child's name; ~~and~~

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- c. ~~Not~~ Does not administer any medication that has been transferred from one container to another; and
- d. Does not administer a nonprescription medication to an enrolled child inconsistent with the instructions on the nonprescription medication's label, unless the facility receives written authorization from the enrolled child's health care provider.

~~B.C.~~ A licensee shall allow an enrolled child to receive an injection only after obtaining a written authorization from a ~~physician~~ health care provider.

~~D.~~ A licensee shall maintain the ~~physician's health care provider's~~ written injection authorization required in subsection (C) on facility premises for 12 months ~~from~~ after the date of the written authorization.

~~C.E.~~ A health care provider An individual authorized by state law to give injections may give an injection to an enrolled child. In an emergency, an individual may give an injection to an enrolled child according to A.R.S. §§ 32-1421(A)(1) and 32-1631(2).

~~D.F.~~ A licensee shall maintain ~~a written record~~ documentation of all medications administered to an enrolled child.

- 1. ~~The record~~ Documentation shall contain:
 - a. The ~~first and last~~ name of the enrolled child;
 - b. The name and amount of medication administered and the prescription number, if any;
 - c. The date and time the medication was administered; and
 - d. The signature of the staff member who administered the medication to the enrolled child; and
- 2. A licensee shall maintain the ~~record~~ documentation on facility premises for 12 months ~~from~~ after the date the medication is administered.

~~E.G.~~ A licensee shall return all unused prescription and nonprescription medications to a parent when the medication prescription date has expired or the medication is no longer being administered to the enrolled child or dispose of the medication if unable to locate the enrolled child's parent after the child's disenrollment.

~~F.H.~~ Except as provided in subsection (J), a licensee shall ensure that prescription and nonprescription medications are stored as follows:

- 1. An enrolled child's medication is kept in a locked, ~~leakproof~~ leak-proof storage cabinet or container that is used only for storing enrolled children's medications and is located out of reach of children;
- 2. Medication for a staff member is kept in a locked, ~~leakproof~~ leak-proof storage cabinet or container that is separate from the storage container for enrolled children's medications and is located out of reach of children; and
- 3. Medications requiring refrigeration are kept in a locked, ~~leakproof~~ leak-proof container in a refrigerator.

~~G.I.~~ A licensee shall ensure that a facility does not stock a supply of medications for administration to enrolled children, including:

- 1. Any prescription medication; or
- 2. A nonprescription medication such as aspirin, acetaminophen, ibuprofen, or cough syrup.

~~J.~~ A staff member's or enrolled child's prescription medication necessary to treat life-threatening symptoms:

- 1. May be kept in the activity area where the staff member or enrolled child is present; and
- 2. Except when the prescription medication is administered to treat life-threatening symptoms, is inaccessible to an enrolled child.

R9-5-517. Transportation

A. A licensee who transports an enrolled child in a motor vehicle that the licensee owns, or acquires for use by contract, shall:

- 1. Obtain dated, written permission from the enrolled child's parent before the licensee transports the enrolled child;
- 2. Maintain written permission required in subsection (A)(1) on facility premises for 12 months after the date on the written permission;
- ~~1-3.~~ Ensure that the motor vehicle is registered by the Arizona Department of Transportation as required by ~~A.R.S. § 28-2051 et seq.~~ A.R.S. Title 28, Chapter 7;
- ~~2-4.~~ Maintain ~~Ensure that the motor vehicle has current insurance coverage, as required by A.R.S. § 28-4131 et seq. and maintain~~ documentation of the current motor vehicle insurance coverage on the facility premises and inside the motor vehicle;
- ~~3-5.~~ Contact the Department no later than 24 hours after a motor vehicle accident that occurs while transporting an enrolled child;
- ~~4-6.~~ Submit a written report to the Department within seven days after a motor vehicle accident that occurs while transporting an enrolled child;
- ~~5-7.~~ Not permit an enrolled child to be transported in a truck bed, camper, or trailer attached to a motor vehicle;
- ~~6-8.~~ Use a child passenger restraint system, as required by A.R.S. § 28-907, for each enrolled child who is younger than 5 years old;
- ~~7-9.~~ Use ~~Except as provided in subsection (E), use~~ an adjustable lap belt or an integrated lap and shoulder belt for each enrolled child who is ~~five~~ 5 years old or older;
- ~~8-10.~~ Ensure that a ~~the~~ motor vehicle has:
 - a. A working mechanical heating system capable of maintaining a temperature throughout the motor vehicle of at

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least 60° F when outside air temperatures are below 60° F;

- b. ~~A~~ Except as provided in subsection (E), a working air-conditioning system capable of maintaining a temperature throughout the motor vehicle at or below 86° F when outside air temperatures are above 86° F;
- c. ~~A~~ Except as provided in subsection (F), a first aid kit that meets the requirements of R9-5-514(A);
- d. Two large, clean towels or blankets; and
- e. Sufficient drinking water available to meet the needs of each enrolled child in the motor vehicle and sufficient cups or other drinking receptacles so that each ~~individual in the motor vehicle~~ enrolled child can drink from a different cup or receptacle;

~~9-11.~~ Ensure that the motor vehicle is:

- a. ~~maintained~~ Maintained in a clean condition;
- b. In a mechanically safe condition, and
- c. Free from hazards; and

~~10.~~ ~~Ensure that the motor vehicle is maintained in a mechanically safe condition; and~~

~~11-12.~~ Maintain the service and repair records of the motor vehicle as follows:

- a. A person operating a single child care facility shall maintain the service and repair records for at least 12 months after the date of an inspection or repair in a single location on facility premises;
- b. A public or private school that uses a school bus, as defined in A.R.S. § 28-101, shall maintain the service and repair records for the school bus as provided in A.A.C. R17-9-108(F); and
- c. A school governing board, charter school, or person operating multiple child care facilities shall maintain the service and repair records for any motor vehicle other than a school bus for at least 12 months after the date of an inspection or repair in a single administrative office located in the same city, town, or school attendance area as the facility.

B. A licensee shall ensure that an individual who drives a motor vehicle used to transport an enrolled child:

- 1. Is 18 years of age or older;
- 2. Holds a valid driver's license issued by the Arizona Department of Motor Vehicles as prescribed by ~~A.R.S. § 28-3151 et seq.~~ A.R.S. Title 28, Chapter 8;
- 3. Carries ~~in the motor vehicle~~ a list stating the name of each enrolled child being transported and a copy of each enrolled child's Emergency, Information, and Immunization Record card including the attached immunization record or exemption affidavit, in the motor vehicle;
- 4. Requires that each door be locked before the motor vehicle is set in motion and keeps the doors locked while the motor vehicle is in motion;
- ~~5.~~ Does not permit an enrolled child to be seated in front of a motor vehicle's air bag;
- ~~5-6.~~ Requires that each enrolled child remain seated and entirely inside the motor vehicle while the motor vehicle is in motion;
- ~~6-7.~~ Requires ~~Except as provided in subsection (E), requires~~ that each enrolled child be secured in a seat belt before the motor vehicle is set in motion and while the motor vehicle is in motion;
- ~~7-8.~~ Does not permit an enrolled child ~~in the motor vehicle~~ to open or close a door or window in the motor vehicle;
- ~~8-9.~~ Sets the emergency parking brake and removes the ignition keys from the motor vehicle before exiting the motor vehicle;
- ~~9-10.~~ Ensures that each enrolled child is loaded into or unloaded from the motor vehicle away from moving traffic at curbside or in a driveway, parking lot, or other location designated for this purpose; and
- ~~10-11.~~ Does not use audio headphones or a telephone while the motor vehicle is in motion.

C. When transporting an enrolled school-age child in a motor vehicle, a licensee shall ensure that the staff-to-children ratios required in R9-5-404(A) are met. A motor vehicle driver may be counted in the staff-to-children ratio, when transporting an enrolled school-age child in a motor vehicle, if the motor vehicle driver meets the qualifications of a teacher-caregiver.

D. When transporting an enrolled child who is not school-age in a motor vehicle, a licensee shall ensure that the staff-to-children ratios required in R9-5-404(A) are met. A motor vehicle driver may be counted in the staff-to-children ratio, when transporting an enrolled child who is not school-age in a motor vehicle, only if four or fewer enrolled children are being transported and the motor vehicle driver meets the qualifications of a teacher-caregiver.

E. A licensee who is transporting an enrolled child in a commercial vehicle, as defined in A.R.S. § 28-1301, is exempt from the provisions in subsections ~~(A)(7)~~ (A)(9), ~~(A)(8)(b)~~ (A)(10)(b), and ~~(B)(6)~~ (B)(7).

F. A licensee who is transporting an enrolled child in a school bus, as defined in A.R.S. § 28-101, is exempt from the provision in subsection ~~(A)(8)(e)~~ (A)(10)(c) and shall comply with A.A.C. R17-9-110.

R9-5-518. Field Trips

A. A licensee providing a field trip for ~~a~~ an enrolled child shall:

- 1. Obtain written permission from a parent before ~~a~~ the enrolled child participates in a field trip. ~~A field trip permission slip shall include~~ including:
 - a. The date and ~~purpose~~ description of the field trip;
 - b. The times of departure from and return to the facility; and

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- c. The name, street address, and telephone number, if any, of the field trip destination;
 - 2. Prepare a written field trip plan ~~that is maintained on facility premises and includes the following including:~~
 - a. The name of each participating enrolled child, staff member, and other individuals on the field trip;
 - b. The times of departure from and return to the facility;
 - c. ~~The~~ If applicable, license plate number of any motor vehicle used on the field trip; and
 - d. The name, street address, and telephone number, if any, of the field trip destination; and
 - 3. Maintain the ~~field trip~~ written permission forms ~~in subsection (A)(1) and~~ written field trip plan ~~in subsection (A)(2)~~ on facility premises for ~~three 12~~ months ~~from after~~ the date of a the field trip.
- B.** A licensee shall ensure that a staff member taking enrolled children on a field trip carries the following on the field trip:
- 1. A copy of the Emergency, Information, and Immunization Record card including the attached immunization record or exemption affidavit, of each enrolled child participating in the field trip;
 - 2. A copy of the written field trip plan required in subsection (A)(2);
 - ~~2-3.~~ A list stating the name of each participating enrolled child; ~~A staff member shall ensure that each child on the list is present at all times and place a checkmark next to the name of each child present at the following times: and~~
 - a. ~~At the beginning of the field trip or when boarding the motor vehicle;~~
 - b. ~~Upon arrival and each hour while at the field trip destination;~~
 - e. ~~When preparing to leave the field trip destination or when boarding the motor vehicle to return to the facility, and~~
 - d. ~~When reentering the facility at the conclusion of the field trip and~~
 - ~~3-4.~~ Water in an amount sufficient for each Sufficient water to meet the needs of each enrolled child participating child during in the field trip.
- C.** A staff member shall verify the presence of each enrolled child and place a checkmark next to the enrolled child's name on the list required in subsection (B)(3) for each enrolled child who is present at the following times:
- 1. At the beginning of the field trip or when boarding the motor vehicle.
 - 2. Upon arrival and each hour while at the field trip destination.
 - 3. When preparing to leave the field trip destination or when boarding the motor vehicle to return to the facility, and
 - 4. When reentering the facility at the conclusion of the field trip.
- ~~C.~~D.** A licensee shall ensure that each enrolled child participating in a field trip is wearing in plain view a written identification stating the facility's name, address, and telephone number.
- E.** A licensee shall also ensure that each enrolled child is wearing out of view a written identification stating the enrolled child's ~~first and last names~~ name.
- ~~D.~~E.** If a licensee uses a motor vehicle volunteered by a parent or other individual for a field trip, a licensee shall determine before the field trip begins that the motor vehicle is in compliance with ~~R9-5-517(A)(1) and (2)~~ R9-5-517(A)(3) and (4) and that the motor vehicle driver is in compliance with R9-5-517(B)(1) and (2).
- G.** When six or more enrolled children are participating in a field trip, a licensee shall ensure that a teacher-caregiver and at least one additional staff member are present on the field trip.

Table 1. Meal Pattern Requirements for Children Repealed

TABLE OF MEAL PATTERN REQUIREMENTS FOR CHILDREN			
Food Components	Ages 1 through 2-years	Ages 3 through 5-years	Ages 6 and -Older
Breakfast: 1. Milk, fluid 2. Vegetable, fruit, or full-strength juice 3. Bread and bread alternates (whole grain or enriched); Bread or cornbread, rolls, muffins, or biscuits or cold dry cereal (volume or weight, whichever is less) or cooked cereal, pasta, noodle products, or cereal grains	1/2 cup 1/4 cup 1/2 slice 1/2 serving 1/4 cup or 1/3 oz. 1/4 cup	3/4 cup 1/2 cup 1/2 slice 1/2 serving 1/3 cup or 1/2 oz. 1/4 cup	1 cup 1/2 cup 1 slice 1 serving 3/4 cup or 1 oz. 1/2 cup
Lunch or Supper: 1. Milk, fluid 2. Vegetable and/or fruit (2 or more kinds) 3. Bread and bread alternates (whole grain or enriched); Bread or cornbread, rolls, muffins, or biscuits or cooked cereal, pasta, noodle products, or cereal grains	1/2 cup 1/4 cup total 1/2 slice 1/2 serving 1/4 cup	3/4 cup 1/2 cup total 1/2 slice 1/2 serving 1/4 cup	1 cup 3/4 cup total 1 slice 1 serving 1/2 cup

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<p>4. Meat or meat alternates: Lean meat, fish, or poultry (edible portion as served) or cheese or egg or cooked dry beans or peas* or peanut butter, soy nut butter or other nut or seed butters or peanuts, soy nuts, tree nuts, or seeds or an equivalent quantity of any combination of the above meat/ meat alternates</p>	<p>1 oz. 1 oz. 1 egg 1/4 cup 1 tbsp** 1/2 oz.**</p>	<p>1 1/2 oz. 1 1/2 oz. 1 egg 3/8 cup 1 1/2 tbsp** 3/4 oz.**</p>	<p>2 oz. 2 oz. 1 egg 1/2 cup 2 tbsp** 1 oz.**</p>
<p>Snack: (select 2 of these 4 components)*** 1. Milk, fluid 2. Vegetable, fruit, or full-strength juice 3. Bread and bread alternates (whole grain or enriched): Bread or cornbread, rolls, muffins, or biscuits or cold dry cereal (volume or weight, whichever is less) or cooked cereal, pasta, noodle products, or cereal grains 4. Meat or meat alternates: Lean meat, fish, or poultry (edible portion as served) or cheese or egg or yogurt or cooked dry beans or peas* or peanut butter, soy nut butter or other nut or seed butters or peanuts, soy nuts, tree nuts, or seeds or an equivalent quantity of any combination of the above meat/ meat alternates</p>	<p>1/2 cup 1/2 cup 1/2 slice 1/2 serving 1/3 cup or 1/2 oz. 1/4 cup 1/2 oz. 1/2 oz. 1/2 egg or 1/4 e 1/8 cup 1 tbsp 1/2 oz.</p>	<p>1/2 cup 1/2 cup 1/2 slice 1/2 serving 1/3 cup or 1/2 oz. 1/4 cup 1/2 oz. 1/2 oz. 1/2 egg or 1/4 e 1/8 cup 1 tbsp 1/2 oz.</p>	<p>1 cup 3/4 cup 1 slice 1 serving 3/4 cup or 1 oz. 1/2 cup 1 oz. 1 oz. 1 egg or 1/2 e 1/4 cup 2 tbsp 1 oz.</p>
<p>* In the same meal service, dried beans, or dried peas may be used as a meat alternate or as a vegetable; however, such use does not satisfy the requirement for both components. ** At lunch and supper, no more than 50% of the requirement shall be met with nuts, seeds, or nut butters. Nuts, seeds, or nut butters shall be combined with another meat/meat alternative to fulfill the requirement. Two tablespoons of nut butter or 1 ounce of nuts or seeds equals 1 ounce of meat. *** Juice may not be served when milk is served as the only other component.</p>			

ARTICLE 6. PHYSICAL PLANT OF A FACILITY

R9-5-601. General Physical Plant Standards

- A.** A facility licensed or a licensed facility modified after the effective date of these rules shall conform to the following:
1. Local building and fire codes;
 2. Local zoning requirements; and
 3. The requirements of A.R.S. § 36-881 et seq. and these rules.
- B.** A facility licensed before the effective date of these rules shall meet the requirements of the local building and fire codes in existence on the date of licensing and any locally required amendments to the building and fire codes.
- C.** A facility shall not be located in a manufactured home as defined in A.R.S. § 41-2142(24) or a mobile home as defined in A.R.S. § 41-2142(26).

R9-5-602, R9-5-601. Supplemental General Physical Plant Standards

In addition to complying with the general physical plant standards, a A licensee shall comply with the following supplemental physical plant requirements:

- A.1. When a facility is licensed to care for more than five infants in an infant room as described in R9-5-502(A)(1), each infant room ~~shall have~~ has two or more designated exits from the room;
- B.2. ~~Excluding~~ Not including infants and children who use diapers ~~from ratio calculations~~, toilets; and hand-washing sinks ~~accessible are available to enrolled children shall be provided~~ in a facility as follows:
 - 1-a. At least one flush toilet and one hand-washing sink for 10 or fewer children,
 - 2-b. At least two flush toilets and two hand-washing sinks for 11 to 25 children, and
 - 3-c. At least one flush toilet and one hand-washing sink for each additional 20 children;
3. A hand-washing sink required in R9-5-503(A)(2) or subsection (2) provides running water with a drain connected to a sanitary sewer as defined in A.R.S. § 45-101;
- C.4. ~~A licensee Except as provided in subsections (5) and (6), when providing child care services for infants or children who require diapering, shall provide a diaper changing area that meets the requirements in R9-5-503 is available in each infant room or indoor activity area used by an infant or a child an enrolled infant or child who wears diapers or disposable training pants;~~
5. ~~An applicant or licensee requiring If requesting a diaper changing area outside an infant room or indoor activity area to allow privacy for diapering a an enrolled child with special needs, may submit a written request for an approval;~~

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and:

- ~~1-a.~~ For an initial a license application, submit physical plant documents required by ~~R9-5-607~~ R9-5-201(A)(5)(g) that designate the location of the proposed diaper changing area. ~~The Department shall review the proposed diaper changing area and provide written notice according to the procedures in R9-5-202;~~
- ~~2-b.~~ For a licensed facility, submit a drawing of the proposed diaper changing area to the Department before installing the diaper changing area. Within 30 days ~~from~~ after the date of the receipt of the request, the Department shall send written notice to the licensee of approval or disapproval. If the proposed diaper changing area:
 - ~~a-i.~~ Complies with ~~A.R.S. § 36-881 et seq.~~ A.R.S. Title 36, Chapter 7.1, Article 1 and ~~these rules this Chapter~~ and provides privacy for the enrolled child with special needs, the Department shall approve the proposed diaper changing area; or
 - ~~b-ii.~~ Does not comply with ~~A.R.S. § 36-881 et seq.~~ A.R.S. Title 36, Chapter 7.1, Article 1 or ~~these rules this Chapter~~ or provide privacy for the enrolled child with special needs, the Department shall provide the licensee with the requirements necessary for the Department to approve the requested change; and
- ~~3-c.~~ A licensee shall ~~not~~ Not use a diaper changing area located outside of an activity area until the Department approves the use of the diaper changing area;
- 6. A diaper changing area is not required in an activity area that is:
 - a. Only used by enrolled children for snacks or meals,
 - b. Used for a specific activity by enrolled children who are 2 years of age or older, or
 - c. An indoor activity area that is being substituted for an outdoor activity area under R9-5-602(D); and
- ~~D-7.~~ A licensee shall ensure that a glass mirror, window, or other glass surface that is located within 36 inches of the floor is made of safety glass that has been manufactured, fabricated, or treated to prevent the glass from shattering or flying when struck or broken, or is shielded by a barrier to prevent impact by or physical injury to a an enrolled child.

~~R9-5-603, R9-5-602, Facility Square Footage Requirements~~

- A. A licensee shall ensure that the facility meets the following square footage requirements for indoor activity areas based on the child care services classifications of ~~child care services~~:
 - 1. At least 35 square feet of indoor activity space for each infant and 1-year-old child;
 - 2. At least 25 square feet of indoor activity space for each child who is not an infant or 1-year-old child; and
 - 3. When 1-year-old children are grouped together with children older than 1-year-old children in the same activity area, at least 35 square feet of indoor activity space for each child.
- B. When computing indoor activity space for subsections (A)(1) through (3) to determine licensed capacity, the floor space occupied by the following shall be excluded:
 - 1. The interior walls;
 - 2. A kitchen, bathroom, closet, hallway, stair, entryway, office, a room designated for isolating a an enrolled child from other children, storage rooms, and a room designated for the sole use of child care ~~personnel~~ staff; and
 - 3. Room space occupied by teacher-caregiver desks, file cabinets, storage cabinets, and hand-washing sinks for staff use.
- ~~C.~~ A licensee shall ~~provide at least 75 square feet of outdoor activity area for each child occupying the outdoor activity area at any time. To allow scheduled access to an outdoor activity area for each attending child, a licensee shall provide at least 75 square feet of outdoor activity area per child for at least 50% of the facility's licensed capacity.~~
 - ~~1. An applicant or licensee may request an exemption from this requirement if:~~
 - ~~a. No enrolled child attends the facility for more than four hours per day;~~
 - ~~b. The applicant or licensee provides at least 50 square feet of indoor activity area for each child based on the facility's licensed capacity; and~~
 - ~~e. The applicant or licensee submits a written request for exemption in the narrative portion of the information form.~~
 - ~~2. An applicant or licensee may request a substitution of indoor activity area for outdoor activity area if:~~
 - ~~a. The applicant or licensee can provide at least 50% of the outdoor activity area required by this subsection;~~
 - ~~b. The indoor activity area being substituted for outdoor activity area is in addition to the indoor activity area required in subsection (A); and~~
 - ~~e. The applicant or licensee submits a written request to substitute indoor activity area for outdoor activity area in the narrative portion of the information form and identifies on the floor plan the specific location of the indoor activity area being substituted for outdoor activity area.~~
- C. To provide activities that develop large muscles and an opportunity to participate in structured large muscle physical activities, a licensee shall:
 - 1. Provide at least 75 square feet of outdoor activity area per child for at least 50% of the facility's licensed capacity, or
 - 2. Comply with one of the following:
 - a. If no enrolled child attends the facility for more than four hours per day, provide at least 50 square feet of indoor activity area for each child, based on the facility's licensed capacity;
 - b. If no enrolled child attends the facility for more than six hours per day, provide at least 75 square feet of indoor

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activity area per child for at least 50% of the facility's licensed capacity in addition to the indoor activity area required in subsection (A); or

c. Provide at least 37.5 square feet of outdoor activity area and 37.5 square feet of indoor activity area per child for at least 50% of the facility's licensed capacity in addition to the indoor activity area required in subsection (A).

D. A licensee substituting indoor activity area for outdoor activity area shall:

1. Designate, on the site plan and the floor plan submitted with the license application or request for approval of an intended change, the indoor activity area that is being substituted for an outdoor activity area; and
2. In the indoor activity area substituted for outdoor activity area, install and maintain a mat or pad designed to provide impact protection in the fall zone of indoor swings and climbing equipment.

E. An indoor activity area that is substituted for an outdoor activity area is not assigned a licensed capacity.

3-F. The Department shall review and approve or deny the request for exemption or substitution.

a-1. For a request that is part of ~~an initial~~ a license application, the Department shall review the proposed exemption or substitution and provide written notice according to the procedures in R9-5-202.

b-2. For a licensed facility, within 30 days ~~from~~ after the date of the receipt of the request, the Department shall review the proposed exemption or substitution and provide written notice of the review to the licensee. If the proposed exemption or substitution:

i-a. Complies with ~~A.R.S. § 36-881 et seq.~~ A.R.S. Title 36, Chapter 7.1, Article 1 and ~~these rules~~ this Chapter, the Department shall approve the proposed exemption or substitution; or

ii-b. Does not comply with ~~A.R.S. § 36-881 et seq.~~ A.R.S. Title 36, Chapter 7.1, Article 1 or ~~these rules~~ this Chapter, the Department shall provide the licensee with the requirements necessary to approve the requested exemption or substitution.

e-3. A licensee shall provide at least 75 square feet of outdoor activity area per child for 50% of the facility's ~~license~~ licensed capacity, until the Department approves the exemption or substitution.

4. ~~A licensee shall provide at least 75 square feet of indoor activity area that is substituted for outdoor activity area for each child occupying the activity area.~~

~~R9-5-604.~~ R9-5-603. Outdoor Activity Areas

A. A licensee shall provide an outdoor activity area on facility premises.

1-A. ~~A~~ Except as provided in subsection (B), a licensee shall not permit a an enrolled child to cross a driveway or parking lot to access an outdoor activity area on the facility premises or a school campus unless the licensee obtains written approval from the Department.

2-B. If a licensee requests approval from the Department for enrolled children to cross a driveway or parking lot to access an outdoor activity area, the Department shall inspect the facility premises or school campus to determine whether the health, safety, or welfare of enrolled children would be endangered. The Department shall notify the licensee of approval or disapproval within 30 days of receipt of the request. If disapproved, the Department shall provide the licensee with the requirements necessary to approve the proposed crossing.

B-C. ~~Except as provided in subsection (C)~~ (D), a licensee shall ensure that an outdoor activity area:

1. Is enclosed by a fence:
 - a. A minimum of 4 feet high;₂
 - b. Secured to the ground;₂ and
 - c. With either vertical or horizontal open spaces on ~~a~~ the fence or gate that do not exceed 4.0 inches;
2. Is maintained free ~~of~~ from hazards, such as exposed concrete footings and broken toys; and
3. Has gates that are kept closed while ~~a~~ an enrolled child is in the outdoor activity area.

C-D. A licensee shall ensure that a playground used only for enrolled school age children at a facility operating at a public ~~or~~ private school meets the fencing requirements of the public ~~or~~ private school. If the Department determines by inspection that a facility fence ~~on~~ at a public ~~or~~ private school does not ensure the health, safety, or welfare of enrolled children, the licensee shall meet the fencing requirements of subsection ~~(B)~~ (C).

D-E. A licensee shall ensure that the following is provided and maintained ~~under~~ within the fall zones of swings and climbing equipment in an outdoor activity area:

1. A shock-absorbing ~~rubber~~ unitary surfacing material manufactured for such use in outdoor activity areas; or
2. A minimum depth of 6 inches of a nonhazardous, resilient material such as fine loose sand or wood chips.

E-F. A licensee shall ensure that hard surfacing material such as asphalt or concrete is not installed or used under swings or climbing equipment unless used as a base for a rubber surfacing.

G. A licensee shall ensure that a swing or climbing equipment is not located in the fall zone of another swing or climbing equipment.

F-H. A licensee shall provide a shaded area for each enrolled child occupying an outdoor activity area at any time of day.

~~R9-5-605.~~ R9-5-604. Swimming Pools

A. If a licensee uses a public or semi-public swimming pool for ~~enrolled children~~ an enrolled child, the swimming pool shall meet the requirements of the swimming pool ordinance enacted by local government. If no ordinance has been adopted,

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the swimming pool shall meet the requirements in A.A.C. ~~R9-8-811~~ R9-8-801 through ~~R9-8-852~~ R9-8-813.

- B.** A licensee that uses a private pool for ~~enrolled children~~ an enrolled child shall ensure that the swimming pool and its equipment meet the following requirements:
1. If a licensee uses a private pool that is a minimum of 2 feet in depth for enrolled children, the swimming pool shall meet the requirements of the swimming pool ordinance enacted by local government and, at a minimum, be equipped with the following:
 - a. A recirculation system consisting of piping, pumps, filters, and water conditioning and disinfecting equipment that conforms to the swimming pool manufacturer's specifications for installation and operation, and is adequate to clarify and disinfect the pool water continuously;
 - b. Two swimming pool inlets located on opposite sides of the swimming pool to produce uniform circulation of water and maintain uniform chlorine residual throughout the entire swimming pool without the existence of dead spots;
 - c. A drain located at the swimming pool's lowest point and covered by a grating that cannot be removed by bathers;
 - d. A swimming pool water vacuum system in operating condition;
 - e. A removable strainer to prevent hair, lint, or other objects from reaching the pump and filter;
 - f. An automatic mechanical water disinfectant system in use and in operating condition. The disinfecting agents shall maintain the swimming pool water as follows:
 - i. A free chlorine level between 1.0 and ~~5.0~~ 3.0 parts per million as tested by the diethyl-p-phenylene diamine method or ~~4.0~~ 1.0 parts per million when tested by the orthotolidine method;
 - ii. A pH level between 7.0 and 8.0 as tested by the diethyl-p-phenylene diamine method or the orthotolidine method; or
 - iii. A bromine level between 2.0 and 4.0 parts per million as tested by the diethyl-p-phenylene diamine method;
 - g. A shepherd's crook; and
 - h. A ring buoy attached to a 1/2 inch diameter rope at least 25 feet in length;
 2. If a licensee uses a private pool that is less than 2 feet in depth for enrolled children, the swimming pool shall meet the requirements of subsection (B)(1) except that:
 - a. The swimming pool shall have a minimum of one swimming pool inlet;
 - b. The swimming pool is not required to have a bottom drain;
 - c. A pool water vacuum cleaning system is not required; and
 - d. A ring buoy with attached rope is not required; and
 3. A portable pool that does not meet the requirements of subsection (B)(1) or (2) is prohibited;
 4. ~~A licensee may add liquid or dissolved dry chemical disinfectants directly to a pool only for shock purposes.~~
 5. ~~A licensee shall maintain a dated, written, daily swimming pool log at the swimming pool site that records the free chlorine, pH ranges and bromine readings, including any actions taken by the licensee to restore the swimming pool chemical ranges required by subsection (B)(1)(f) when out-of-range readings occur. A licensee shall maintain a current swimming pool log on facility premises while the swimming pool for three months from the date of use.~~
 4. On each day an enrolled child uses the swimming pool, a licensee shall test the water in the swimming pool at least once every day to verify that the swimming pool water meets the swimming pool water chemical ranges in subsection (B)(1)(f);
 5. A licensee shall create a written swimming pool log and:
 - a. Document the results of tests required in subsection (B)(4) in the written swimming pool log;
 - b. Have the written swimming pool log at the swimming pool site while enrolled children are using the swimming pool; and
 - c. Maintain the written swimming pool log on facility premises for three months after the last date the swimming pool water was tested and documented; and
 6. If the swimming pool water does not meet the swimming pool water chemical ranges in subsection (B)(1)(f), the licensee shall:
 - a. Add liquid or dissolved dry chemicals to the swimming pool water;
 - b. Document any actions taken by the licensee to restore the swimming pool water chemical ranges in the written swimming pool log required in subsection (B)(5)(a), and
 - c. Not allow enrolled children to use the swimming pool until tests of the swimming pool water verify that the swimming pool water meets the swimming pool water chemical ranges in subsection (B)(1)(f).
- C.** ~~A licensee that uses a public, semi-public, or private pool for enrolled children shall use only a swimming pool that is enclosed by a wall, fence, or barrier that meets the requirements of a swimming pool barrier ordinance adopted by the local government where the facility is located. If no ordinance has been adopted, the swimming pool shall be enclosed by a wall, fence, or other barrier that meets the requirements of A.R.S. § 36-1681. A licensee shall ensure that a public, semi-public, or private pool used by an enrolled child is enclosed by a wall, fence, or barrier that complies with:~~
1. The requirements of a swimming pool barrier ordinance adopted by the local government where the swimming pool is located; or

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2. If the local government where the swimming pool is located has not adopted a swimming pool barrier ordinance, the requirements in A.R.S. § 36-1681.
- D. A licensee that uses any semi-public or private swimming pool for enrolled children shall ensure that the swimming pool has been inspected by the Department or a city or county health department before it is used by enrolled children.
 1. If a licensee operates or uses a swimming pool that is inspected by a city or county health department, the licensee shall provide the Department with a current written report of the swimming pool inspection.
 2. A licensee shall maintain the current swimming pool inspection reports of a swimming pool used by enrolled children on the facility premises.
- E. A licensee shall ensure that written permission is:
 1. Obtained from an enrolled child's parent before allowing the enrolled child to participate in a swimming activity, and
 2. Maintained on facility premises for 12 months after the date the enrolled child participated in the swimming activity.

~~R9-5-606.~~ **R9-5-605. Fire and Safety**

- A. A licensee shall install and maintain a portable, pressurized fire extinguisher that meet meets, at a minimum, a 2A-10-BC rating of the Underwriters Laboratories as described in Publication 10 of the National Fire Code, incorporated by reference in A.A.C. R9-1-412. The fire extinguishers shall be installed and maintained in a facility's kitchen and any other locations as location required by Standard 10-1 of the Uniform Fire Code International Fire Code, incorporated by reference in A.A.C. R9-1-412.
- B. A licensee shall ensure that:
 1. All designated exits, corridors, and passageways that provide escape from the building are unobstructed and unlocked during hours of operation;
 2. Combustible material, such as paper, boxes, or rags, is not permitted to accumulate inside or outside the facility premises;
 3. An unvented or open-flame space heater or portable heater is not used on the facility premises;
 4. A gas valve on an unused gas outlet is removed and capped where it emerges from the wall or floor;
 5. Electrical extension cords are not used;
 6. Except for a room used only for an enrolled school-age child, each unused electrical outlet is covered with a safety plug cover or insert;
 7. Slow cookers and hot plates are used only in a kitchen and are inaccessible to an enrolled child;
 8. Heating and cooling equipment is inaccessible to an enrolled child;
 9. Fans are mounted and inaccessible to an enrolled child;
 10. Toilet rooms are ventilated to the outside of the building, either by a screened window open to the outside air or by an exhaust fan and duct system that is operated when the toilet room is in use;
 11. A toilet room with a door that opens to the exterior of a building is equipped with a self-closing device that keeps the door closed except when an individual is entering or exiting;
 12. A toilet room door does not open into a kitchen;
 13. A smoke detector is installed in each indoor activity area and kitchen;
 14. Each smoke detector required in subsection (B)(13) is:
 - a. Maintained in an operable condition;
 - b. Either battery operated or, if hard wired into the electrical system of the child care facility, has a back-up battery; and
 - c. Tested monthly;
 15. If the local fire jurisdiction requires a sprinkler system, the sprinkler system is:
 - a. Installed;
 - b. Operable;
 - c. Tested quarterly, and
 - d. Serviced at least once every 12 months;
 16. The fire extinguisher required in subsection (A):
 - a. Is serviced at least once every 12 months, and
 - b. Has a tag attached to the fire extinguisher that specifies the date of the last servicing and the identification of the person who serviced the fire extinguisher; and
 17. The testing required in subsections (B)(14) and (15) and servicing required in subsection (B)(16) is documented and the documentation is:
 - a. Maintained by the licensee, and
 - b. Available for at least 12 months after the date of the testing or servicing.

R9-5-606. Renumbered

R9-5-607. Required Physical Plant Documents Repealed

- A. When applying for a license or making a modification to an existing licensed facility, an applicant shall submit to the Department an information form signed by the applicant or licensee containing:

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1. The name of applicant;
 2. The name, address, and telephone number of facility;
 3. The name, address, and telephone number of individual to be contacted if additional information is needed by the Department;
 4. The classifications of child care services being requested;
 5. The action being requested by the applicant;
 6. A brief narrative description of the facility or proposed modification, including the location and assigned age groups of each room in which activities are or will be conducted; and
 7. The date the form is submitted to the Department.
- B.** In addition to the information required by subsection (A), an applicant providing child care services in a facility not located in a public school shall submit to the Department one set of final construction drawings including:
1. A site plan drawn to scale showing:
 - a. The drawing scale;
 - b. The boundary dimensions of the property upon which the physical plant is located;
 - c. If more than one building is used for the facility, location, and perimeter dimensions of each building;
 - d. The location of each driveway on the property;
 - e. The location and boundary dimensions of each parking lot on the property;
 - f. The location and perimeter dimensions of each outdoor activity area;
 - g. The location, type and height of each fence and gate; and
 - h. If applicable, the location of swimming pool.
 2. A floor plan drawn to scale showing:
 - a. The drawing scale;
 - b. The length and width dimensions of each activity area used for child care services;
 - c. The width of each doorway;
 - d. The direction of each door's swing;
 - e. The location of each plumbing fixture, including each hand washing, utility, and three-compartment sink, toilet, urinal, and drinking fountain; and
 - f. The location and type of fire alarm system.
 3. A cross section of the physical plant of the facility showing:
 - a. Type of construction; and
 - b. Materials used in construction.
 4. If the physical plant of a facility is larger than 3,000 square feet and is occupied by more than 20 enrolled children and staff members, the seals of an architect, structural engineer, mechanical engineer, and electrical engineer registered as prescribed in A.R.S. § 32-101 et seq. verifying compliance with local building and fire codes, local zoning requirements, and the requirements of these rules.
 5. If the physical plant of a facility is less than 3,000 square feet and is occupied by less than 20 enrolled children and staff members, a copy of all building or zoning permits or certificate of occupancy issued by the local government to the facility.
- C.** In addition to the information required by subsection (A)(1), an applicant, providing child care services for children up to school age at a public school, shall submit to the Department one set of final construction drawings or one school map including:
1. A site plan drawn to scale showing:
 - a. The location of each building on the school campus;
 - b. The location of each activity area to be used for child care services;
 - c. The location and perimeter dimensions of each outdoor activity area to be used by enrolled children; and
 - d. The location, type, and height of the fence surrounding the outdoor activity area.
 2. A floor plan drawn to scale showing:
 - a. The drawing scale;
 - b. The length and width dimensions of each activity area used for child care services;
 - c. The width of each doorway;
 - d. The direction of each door's swing;
 - e. The location of each hand washing sink, toilet, urinal, diaper changing area, and drinking fountain to be used by enrolled children; and
 - f. The location and type of fire alarm system.
- D.** In addition to the information required by subsection (A)(1), an applicant providing child care services only for school-age children in a facility located in a public school, shall submit to the Department a site plan as shown on two sets of final construction drawings or two school maps of the school campus showing:
1. The location of each school building and outdoor activity area;
 2. The location, perimeter dimensions, and age groups of each activity area used by enrolled children;

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3. ~~The location of each hand washing sink, toilet, urinal, diaper changing area, and drinking fountain to be used by enrolled children; and~~
 4. ~~The location and dimensions of each outdoor activity area to be used by enrolled children.~~
- E.** ~~In addition to submitting the information required by subsection (A)(1), an applicant providing child care services in a facility that is located in a factory built building as defined in A.R.S. § 41-2142(14) shall also meet the requirements in subsections (B), (C), and (D) for the type of facility providing child care and submit:~~
1. ~~An installation permit issued by the Arizona Office of Manufactured Housing;~~
 2. ~~One set of final construction drawings that includes the stamp of the Arizona Office of Manufactured Housing; or~~
 3. ~~A foundation and tie down plan for the factory built building that is prepared and stamped by an engineer registered as prescribed in A.R.S. § 32-101 et seq.~~