

## **DEPARTMENT OF EARLY CHILDHOOD**

### **Division of Early Learning, Licensing, and Administration**

## **CHILD CARE FACILITY LICENSING RULES AND REGULATIONS**

### **8 CCR 1402-1**

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

---

## **2.100 GENERAL RULES FOR CHILD CARE FACILITIES**

### **2.101 AUTHORITY**

These rules and regulations are adopted pursuant to the rulemaking authority provided in section 26.5-1-105(1), C.R.S., and are intended to be consistent with the requirements of the State Administrative Procedures Act, section 24-4-101, *et seq.* (the "APA"), C.R.S., the Anna Jo Garcia Haynes Early Childhood Act, section 26.5-1-101, *et seq.* (the "Early Childhood Act"), C.R.S., the Child Care Licensing Act, section 26.5-5-301, *et seq.*, C.R.S.; and the Child Care Development and Block Grant Act of 2014, 42 U.S.C. sec. 9858e, and section 26.5-4-110(3), C.R.S.

### **2.102 SCOPE AND PURPOSE**

These rules and regulations shall govern the processes and procedures to become a licensed child care facility, and the health and safety requirements of licensed child care facilities in Colorado. These rules will address the License Types, Application Process, Fees, Civil Penalties, Appeals And Waivers, Background Checks, Reporting requirements, Posting requirements, Confidentiality, Civil Rights, Fire, Health Inspection and Zoning Codes, and Emergency and Disaster Preparedness.

### **2.103 APPLICABILITY**

The provisions of these rules and regulations shall be applicable to Family Child Care Homes 2.300, Child Care Facilities 2.200, School Age Child Care 2.500, Substitute Placement Agencies 2.800, Neighborhood Youth Organizations 2.700, and Children's Resident Camps 2.400, licensed and regulated by the Colorado Department of Early Childhood.

### **2.104 DEFINITIONS**

- A. "Affiliate of a licensee" means any person or entity that owns more than five (5) percent of the ownership interest in the business operated by the licensee or the applicant for a license; or, any person who is directly responsible for the care and welfare of children served; or, any executive, officer, member of the governing board, or employee of a licensee; or, a relative of a licensee, which relative provides care to children at the licensee's facility or is otherwise involved in the management or operations of the licensee's facility.
- B. "Annually" means the time frame from the initial date of hire, training, licensing, or certification, and the following twelve months.
- C. "Calendar year" means the time frame from January 1 to December 31.
- D. "Child abuse," and "child neglect" mean the same as in the definition of "child abuse or neglect" set forth in section 19-1-103(1), C.R.S., unless otherwise indicated.

- E. "Child Care Center" has the same meaning as set forth in section 26.5-5-303(3), C.R.S.
- F. "Children's Resident Camp" has the same meaning as set forth in section 26.5-5-303(5), C.R.S.
- G. "Consumer Product Safety Commission", as referred to in rules Regulating Child Care Facilities, means the National Commission that establishes standards for the safety of children's equipment and furnishings and for playground safety. All facilities licensed under the Child Care Licensing Act are subject to the Consumer Product Safety Act, 15 U.S.C. §§ 2051–2090, and its implementing regulations, 16 C.F.R. Parts 1101, 1102, 1105, 1107, 1109, 1110, 1112, 1115, 1116, 1117, 1120, 1130, 1145, 1199, 1200, 1203, 1207, 1213 through 1263, 1272, 1307, 1308, 1309, 1310, 1501, 1510, 1511, 1512, and 1513 (2022), herein incorporated by reference. No later editions or amendments are incorporated. These regulations are available at no cost at <https://www.ecfr.gov/current/title-16/chapter-II>. These regulations are also available for public inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash St., Bldg. C, Denver, CO 80246, during regular business hours.
- H. "Convicted" means a conviction by a jury or by a court and shall also include a deferred judgment and sentence agreement, a deferred prosecution agreement, a deferred adjudication agreement, an adjudication, and a plea of guilty or nolo contendere.
- I. "Critical incident" is a serious incident or concern, or potential incident or concern, that poses a danger to a child or children at the facility or of a staff member at the facility.
- J. "Department" means the Colorado Department of Early Childhood.
- K. "Employee" or "applicant for employment," for the purpose of the child abuse or neglect records check required in rule section 2.120, is defined as: an individual (other than an individual who is related to all children for whom child care services are provided):
  - 1. Who is employed by a licensed or qualified exempt child care provider for compensation, including contract employees or self-employed individuals;
  - 2. Whose activities involve the care or supervision of children for a licensed or qualified exempt child care provider or unsupervised access to children who are cared for or supervised by a licensed or qualified exempt child care provider; or
  - 3. Any individual residing in a licensed or qualified exempt family child care home who is age 18 or older.
- L. "Facility" is any business or operation established for the purpose of providing child care services that are required to be licensed pursuant to the Child Care Licensing Act, section 26.5-5-301 *et seq.*, C.R.S.
- M. "Family Child Care Home," has the same meaning as set forth in section 26.5-5-303(7), C.R.S.
- N. "Final Agency Decision" means the same as a final agency action or order in compliance with the State Administrative Procedure Act, section 24-4-106(2), C.R.S., that determines the rights and obligations of the parties and represents the conclusion of the agency's decision-making process.
- O. "Guest Child Care Facility" means the same as set forth in 26.5-5-303 (10) C.R.S.
- P. "Governing Body" means the individual, partnership, corporation, or association in which the ultimate authority and legal responsibility is vested for the administration and operation of a child care facility.

- Q. "Health Department" is the Colorado Department of Public Health and Environment (CDPHE) or the local county department of health.
- R. "Licensee" means the entity or individual to which a license is issued and that has the legal capacity to enter into an agreement or contract, assume obligations, incur and pay debts, sue and be sued in its own right, and be held responsible for its actions. A licensee may be a governing body.
- S. "Licensing Specialist" is the authorized representative of the Department who inspects and audits child care facilities to ensure compliance with licensing requirements and to investigate possible violations of those requirements.
- T. "Negative licensing action" or "adverse action," has the same meaning as set forth in section 26.5-5-303(16), C.R.S.,
- U. "Neighborhood Youth Organization," means the same as set forth in section 26.5-5-303(17), C.R.S.
- V. "Relative" means the same as set forth in section 26.5-5-303(24), C.R.S.
- W. "Trails" means the Colorado Department of Human Services (CDHS) confidential information system which maintains abuse and neglect referrals, investigations, and the investigation outcomes.

## **APPLICATION PROCESS, LICENSE TYPES, AND LICENSING PROVISIONS**

### **2.105 ORIGINAL APPLICATION**

- A. A completed original application accompanied by the appropriate fee must be submitted to the Department a minimum of sixty (60) days prior to the proposed opening date for the facility.
- B. A licensing evaluation will occur only after the Department has received the complete application and appropriate fee.

### **2.106 CHANGES REQUIRING A NEW APPLICATION**

- A. A license is deemed surrendered and a new application is required in any of the following circumstances:
  - 1. Change of licensee, owner, or governing body;
  - 2. Change in classification of facility or service offered; or
  - 3. Change in location of the facility.

### **2.107 PERMANENT LICENSE**

- A. A permanent license is granted when the Department is satisfied that the facility or agency is in compliance with the appropriate Department rules and the Child Care Licensing Act. The permanent license remains in effect until surrendered or revoked.
- B. Once a permanent license has been issued, the licensee must annually submit to the Department a declaration of compliance with the applicable licensing rules and notice of continuing operation on the form prescribed by the Department, along with the appropriate annual fee as set forth in rule section 2.111.

- C. Failure to submit the annual Continuation Notice and fee will constitute a consistent failure to maintain Department standards and may result in fines or the revocation of the license.

**2.108 PROVISIONAL LICENSE**

- A. A provisional license or certificate may be issued only for the initial six (6) month licensing period.
- B. This license permits the facility to operate while it is temporarily unable to conform to all rules upon proof by the applicant that attempts are being made to comply with the rules.
- C. If an applicant holds a valid provisional license at the time of application for a permanent license, the provisional license will remain in effect until the application is acted on by the Department.

**2.109 PROBATIONARY LICENSE**

- A. The Department may make the license of any facility a probationary license as provided in section 26.5-5-317(2), C.R.S. Making a license probationary is a negative licensing action as defined in section 26.5-5-303(16)(a), C.R.S.
- B. If the applicant holds a valid probationary license and submits the renewal application and appropriate fee for a permanent license, the current license will remain in effect until the renewal application is acted on by the Department.

**2.110 MULTIPLE LICENSES**

- A. If a licensee wishes to assume child care responsibility in more than one classification of care, separate applications, fees, and licensing evaluations are required for each classification. A family child care home may only be licensed as one type of classification at any one location address.
- B. If a licensee wishes to operate more than one facility of the same classification but at different locations, separate applications, fees, and licensing evaluations are required for each location.
- C. Operating multiple licenses of the same classification at a single location by the same licensee or governing body is prohibited.

**2.111 FEES**

- A. The appropriate application fee, must be submitted to the Department with the application for a child care, agency or neighborhood youth organization license at least sixty (60) calendar days prior to the anticipated opening date of the facility or the expiration date of the provisional or probationary license.
- B. The appropriate annual continuation fee, must be submitted to the Department annually, at least sixty (60) calendar days prior to the anniversary date of the license, along with a completed continuation declaration.
- C. Following is a schedule of original and annual continuation fees for all types of child care facilities and agencies:

| <b>FAMILY CHILD CARE HOMES (1-6 CHILDREN)</b> |   |
|---|---|
|   | <b><u>JULY 1, 2020, and beyond*</u></b> |
| Original Application                          | \$65.00                                 |
| Continuation                                  | \$65.00                                 |
| (*One year from licensed anniversary date)    |   |

| <b>LARGE FAMILY CHILD CARE HOMES (7-12 CHILDREN)</b> |   |
|--|---|
|  | <b><u>JULY 1, 2020, and beyond*</u></b> |
| Original Application                                 | \$100.00                                |
| Continuation   | \$100.00                                |
| (*One year from licensed anniversary date)           |   |

| <b>EXPERIENCED FAMILY CHILD CARE PROVIDER (UP TO 9 CHILDREN)</b> |   |
|--|---|
|  | <b><u>JULY 1, 2020, and beyond*</u></b> |
| Original Application   | \$100.00                                |
| Continuation   | \$100.00                                |
| (*One year from licensed anniversary date)                       |   |

| <b>SMALL CHILD CARE CENTERS, PRESCHOOLS, SCHOOL-AGE CHILD CARE, CHILDREN'S RESIDENT CAMPS AND NEIGHBORHOOD YOUTH ORGANIZATIONS (5-15 CHILDREN)</b> |   |
|--|---|
|  | <b><u>JULY 1, 2020, and beyond*</u></b> |
| Original Application   | \$200.00                                |
| Continuation   | \$200.00                                |
| (*One year from licensed anniversary date)   |   |

| <b>LARGE CHILD CARE CENTERS, PRESCHOOLS, SCHOOL-AGE CHILD CARE, CHILDREN'S RESIDENT CAMPS AND NEIGHBORHOOD YOUTH ORGANIZATIONS (16-30 CHILDREN)</b> |   |
|---|---|
| Facilities in this category will pay a base fee + a per child in capacity fee not to exceed \$1,800   |   |
|   | <b><u>JULY 1, 2020, and beyond*</u></b> |
| Original Application  | Base \$175.00+ \$3.00 Per Child         |
| Continuation  | Base \$175.00+ \$3.00 Per Child         |
| (*One year from licensed anniversary date)  |   |

| <b>LARGE CHILD CARE CENTERS, PRESCHOOLS, SCHOOL-AGE CHILD CARE, CHILDREN'S RESIDENT CAMPS AND NEIGHBORHOOD YOUTH ORGANIZATIONS (31 OR MORE CHILDREN)</b> |                                  |
|--|----------------------------------|
| Facilities in this category will pay a base fee + a per child in capacity fee not to exceed \$1,800  |                                  |
|  | <b>JULY 1, 2020, and beyond*</b> |
| <b>Original Application</b>  | Base \$300.00 + \$3.00 Per Child |
| <b>Continuation</b>  | Base \$300.00 + \$3.00 Per Child |
| (*One year from licensed anniversary date)   |                                  |
| <b>Changes Made to All License Types</b>   |                                  |
|  | <b>July 1, 2020, and beyond</b>  |
| <b>Changes to Licensed Capacity</b>  | \$97.00                          |
| <b>Changes to Physical Premises</b>  | \$97.00                          |
| <b>Duplicate Licenses</b>  | \$40.00                          |

- D. The appropriate fee must be submitted for each appeal request submitted within each calendar year. There will be no charge for waiver requests or emergency appeals.

| <b>LESS THAN 24-HOUR APPEAL AND FEES (PER CALENDAR YEAR)</b> |         |
|--|---------|
| Initial appeal request                                       | Free    |
| Second appeal request  | \$10.00 |
| Three or more requests                                       | \$25.00 |
| Emergency Appeals  | Free    |

- E. Any eligible child care facility providing less than 24-hour care that holds a Colorado Shines level 3-5 and an average annual enrollment of at least fifty (50) percent of total children enrolled receiving assistance from the Colorado Child Care Assistance Program (CCCAP) or enroll on average at least fifty (50) percent of the county's total CCCAP population may receive a discounted continuation fee of up to fifty (50) percent of their respective license type. The Colorado Shines rating and CCCAP enrollment must be verified by the Department.

## 2.112 LICENSING EXEMPTIONS

- A. A license must be obtained before care begins unless such care is exempt as set forth below.
- B. A license is not required for:
1. A special school or class in religious instruction. Religious instruction is defined as instruction in religion as a subject of general education, or instruction in the principles of a particular religious faith. Faith or spiritually-based programs which offer religious instruction combined with early childhood education, child care or child development activities as a part of the daily routine must obtain a child care license.

2. A special school or class operated for a single skill-building purpose. Single skill building includes activities or instruction in one subject area. A single skill program includes the development of an individual skill which does not include naptime periods or overnight care, or any other time children are not engaged in that specific activity. Any time activities other than the identified single skill are provided, the program is no longer considered a single skill program and must obtain the appropriate license. Meals and snacks may be incorporated into the single skill request.
3. A child care center operated in connection with a church, shopping center, or business where children are cared for during short periods of time, not to exceed three hours in any twenty-four (24) hour period of time, while parents or persons in charge of such children, or employees of the church, shopping center, or business whose children are being cared for at such location are attending church services at such location, shopping, patronizing or working on the premises of the business. This facility must be operated on the premises of the church, business, or shopping center. Only children of parents or guardians who are attending a church activity; patronizing the business or shopping center or working at the church, shopping center or business can be cared for in the center.
4. Occasional care of children with or without compensation, which means the offering of child care infrequently and irregularly that has no apparent pattern.
5. A family care home that provides less than 24-hour care. Care must only be provided using one (1) of the options below at any one time:
  - a. Care of children who are directly related to the caregiver by blood, marriage or adoption. The relationship between the caregiver and child includes biological child(ren), step-child(ren), grandchild(ren), niece, nephew, sibling, or first cousin and provide care for children who are siblings from the same family household which is unrelated to the provider; or
  - b. Care of up to four (4) children, related or unrelated to the caregiver. No more than two (2) children under the age of two years may be cared for at any one time.
6. A child care facility that is approved, certified, or licensed by any other department or agency, or by a federal government department or agency, which has standards for operation of the facility and inspects or monitors the facility.
7. The medical care of children in nursing homes.
8. Guest child care facility as defined in section 26.5-5-303(10), C.R.S.
9. Neighborhood Youth Organizations as defined in section 26.5-5-303(17), C.R.S.
10. Public services short-term child care facility as defined in section 26.5-5-303(22), C.R.S.

#### **2.113 CIVIL PENALTIES AND INJUNCTIONS**

- A. Violation of any provision of the Child Care Licensing Act or intentional false statements or reports made to the Department or to any agency lawfully delegated by the Department to make an investigation or inspection may result in fines assessed of not more than \$250 a day the first day, \$500 for the second day, and \$1,000 a day for the third and subsequent days, to a maximum of \$10,000:

1. A civil penalty will be assessed by the Department only in conformity with the provisions and procedures specified in Article 4 of Title 24,, C.R.S. No civil penalty will be assessed without a hearing conducted pursuant to the Child Care Licensing Act and Article 4 of Title 24,, C.R.S., before an Administrative Law Judge acting on behalf of the Department.
  2. Prior to receipt of a cease and desist order from the Department or from any agency delegated by the Department to make an investigation or inspection under the provision of the Child Care Licensing Act, any unlicensed child care facility may be fined up to \$250 a day for the first day, \$500 for the second day, and \$1,000 a day for the third and subsequent days, to a maximum of \$10,000 for each violation of the Child Care Licensing Act or for any statutory grounds as listed in section 26.5-5-317(2) C.R.S.
  3. For providing child care for which a license is required after receipt of a cease and desist order, an unlicensed facility shall be fined up to \$500, a sentence of up to 10 days in jail, or both.
  4. Assessment of any civil penalty under this rule section will not preclude the Department from initiating injunctive proceedings pursuant to section 26.5-5-320, C.R.S.
  5. A licensed child care facility may be fined up to \$250 a day for the first day, \$500 for the second day, and \$1,000 a day for the third and subsequent days, to a maximum of \$10,000 for each violation of the Child Care Licensing Act or for any statutory grounds as listed at section 26.5-5-317(2), C.R.S.
  6. Assessment of any civil penalty does not preclude the Department from also taking action to deny, suspend, revoke, make probationary, or refuse to renew that license.
  7. Any person intentionally making a false statement or report to the Department or to any agency delegated by the Department to make an investigation or inspection under the provisions of the Child Care Licensing Act may be fined up to \$250 a day for the first day, \$500 for the second day, \$1,000 a day for the third and subsequent days to a maximum of \$10,000.
  8. Civil penalties assessed by the Department must be made payable to the Colorado Department of Early Childhood.
- B. In addition to civil penalties that may be assessed under rule section 2.113(A), when an individual operates a facility after a license has been denied, suspended, revoked, or not renewed, or before an original license has been issued, injunctive proceedings may be initiated to enjoin the individual from operating a child care facility without a license.
- C. Within ten (10) working days after receipt of a notice of final agency action with regard to a negative licensing action or the imposition of a fine, or when the Department identifies and documents in a report of inspection serious violations of any of the standards that could impact the health, safety or welfare of a child cared for at the facility, , each, facility, must provide the Department with the names and mailing addresses of the parents or legal guardians of each child cared for at the facility, so that the Department can notify the parents or legal guardians of the negative licensing action taken or the serious violation impacting the health, safety or welfare of a child. The facility will be responsible for paying a fine to the Department that is equal to the direct and indirect costs associated with the mailing of the notice.



## **APPEALS AND WAIVERS**

### **2.114 OVERVIEW OF APPEALS AND WAIVERS**

The Department is authorized to hear and decide three kinds of appeal or waiver requests by applicants or licensees: hardship appeals in this rule set, also referred to as hardship waivers, stringency appeals, and materials waiver requests, according to the procedures set forth in this rule section.

### **2.115 HARDSHIP WAIVERS**

- A. Any applicant or licensee who has applied for or been issued a license to operate a child care facility has a right to appeal, pursuant to section 26.5-5-314(5), C.R.S., any rule or standard which, in their opinion, poses an undue hardship on the person, facility, or community.
  - 1. Undue hardship is a situation where compliance with the rule creates a substantial, unnecessary burden on the applicant or licensee's business operation or the families or community it serves, which reasonable means cannot remedy. An undue hardship does not include the normal cost of operating the business.
  - 2. Emergency hardship appeals are requests by applicants or licensees to excuse noncompliance with a specific child care licensing rule due to urgent, significant, and unexpected situations outside the applicant's or licensee's control. Specific situations that may be considered "emergencies" under this paragraph include, but are not limited to:
    - a) Natural disasters;
    - b) Infectious disease outbreaks;
    - c) Mold outbreaks; or
    - d) Acts of nature or an accident resulting in structural damage to the child care facility.
- B. Such appeal must be submitted to the Department in writing within sixty (60) calendar days from the date on which the rule, standard, or emergency situation allegedly created the hardship. The applicant or licensee or their designated representative must send an appeal on the state-prescribed form to the appropriate division. Each rule appealed requires an individual appeal and applicable fee. If the appeal is an emergency hardship appeal, the applicant or licensee must mark it as such on the state-prescribed form.
- C. When submitting an appeal, the applicant or licensee must consider the impact on the health, safety, and wellbeing of any children in care and include a proposed alternate compliance plan.
- D. The Department must consider the impact of an appeal on the health, safety, and wellbeing of the children in care, which must take priority over any undue hardship alleged, when determining whether an appeal should be granted.
- E. If the Department grants an appeal for undue hardship, it will issue the applicant or licensee an official decision notification letter temporarily excusing the applicant or licensee from compliance with the appealed rule or standard and accepting the alternate compliance plan.

**2.116 STRINGENCY APPEALS**

- A. Any applicant or licensee who has applied for or been issued a license to operate a child care facility has a right to appeal, pursuant to section 26.5-5-314(5), C.R.S., any violation of a child care licensing rule cited in a report of inspection, on the basis that the rule has been too stringently applied by a representative of the Department. "Stringency," as used in this rule section 2.116, means the child care licensing representative applied rules too strictly, improperly, or unfairly. Disputes over the factual accuracy of a cited violation are not reviewable under this provision and must be resolved with the licensing representative's supervisor.
- B. Such appeal must be submitted to the Department in writing within sixty (60) calendar days from the date of the report of inspection at issue. The applicant or licensee or their designated representative must send an appeal on the state-prescribed form to the appropriate division. Each rule citation requires an individual appeal and applicable fee.
- C. When submitting an appeal, the applicant or licensee must provide all evidence that it believes shows the rule was applied too stringently.
- D. The Department must consider the impact of an appeal on the health, safety, and wellbeing of the children in care.
- E. If the Department finds a licensing rule was too stringently applied in the appealed citation, it will issue the applicant or licensee a new report of inspection with that citation removed, which shall for all purposes supersede the original report of inspection.

**2.117 MATERIALS WAIVER REQUESTS**

- A. A child care center that is applied for or has been issued a license may request a waiver, pursuant to section 26.5-5-313, C.R.S., to use certain hazardous materials in its program or curriculum that would otherwise violate child care licensing rules.
- B. The child care center must submit a materials waiver request in writing on the state-prescribed form to the appropriate division. Each rule for which waiver is requested requires an individual request and applicable fee. If the request also seeks to remove a citation on a report of inspection involving the materials, it must be submitted within sixty (60) calendar days from the date of the report of inspection; otherwise, it may be submitted at any time.
- C. A child care center requesting a materials waiver must adopt a safety policy, included with the waiver request, that provides that:
  - 1. Early childhood teachers are trained in the use of the specific material(s) in a way that provides reasonable, developmental and age-appropriate safety provisions for children;
  - 2. Current training certificates are provided for each staff/classroom where the materials waiver is being sought. Training must be completed through nationally recognized programs related to the curriculum or philosophy, or through other Department-approved training, curriculum, or program validation; and,
  - 3. Parents are notified in writing regarding the use of the hazardous materials in the child care center. The notice must include all of the potential safety risks associated with the materials. The child care center must obtain signed parental consent forms acknowledging awareness of the risks in using the materials in the child care center prior to implementing use of the identified materials and prior to any newly enrolled children attending the center after the waiver is implemented.

- D. The Department must consider the impact of a materials waiver request on the health, safety, and wellbeing of the children in care.
- E. If the Department grants a materials waiver request, it will issue the child care center an official decision notification letter allowing the use of the requested materials according to the provided safety policy. The applicant or licensee must post the decision letter next to the child care license until the letter's expiration date. If there is no expiration date, the decision letter expires three (3) years from the date of the letter. If programs want to continue the waiver after the expiration date of three (3) years they must submit a new waiver request. The approved waiver must be in place before using materials that pose a risk to children.

## **2.118 ADMINISTRATIVE REVIEW AND APPEAL PANEL PROCEDURES**

- A. The applicant or licensee must comply with all child care licensing rules and standards, including the rule(s) subject to an appeal or materials waiver request, until the applicant or licensee has received a written decision granting the appeal or waiver.
- B. The Department will receive, review, and schedule all appeals and materials waiver requests for review by the appeals review panel constituted under section 26.5-5-314(5), C.R.S.
  - 1. For hardship appeals, the Department may propose that the appeals review panel grant one or more appeals as part of a consent agenda, which the appeals review panel may approve with a single vote; except if any panel member objects to the consent agenda, the appeals on such agenda must be decided individually. The appeals review panel may not deny appeals by consent agenda.
  - 2. For emergency hardship appeals, the Department may administratively grant the appeal if it meets the definition of an emergency situation and the proposed alternate compliance plan adequately protects the health, safety, and wellbeing of children in care. If the Department does not administratively grant the emergency hardship appeal, it must schedule the appeal for review by the appeals review panel.
  - 3. For materials waiver requests, the Department will administratively grant or deny the waiver request within sixty (60) days after receipt of the request. If it denies a waiver, the Department must provide notice in its decision of the child care center's right to appeal the denial within forty-five (45) days and the center's right to meet with Department personnel as part of that appeal.
  - 4. If a child care center appeals the denial of a materials waiver request within forty-five (45) days of the denial, the Department will schedule the appeal for review by the appeals review panel within forty-five (45) days of the appeal. The entire appeal process must not last longer than one hundred (100) days from the date of the notice of denial.
- C. The appeals review panel will adopt a written decision recommending that the Department grant, deny, or grant with modifications an appeal or materials waiver request. The Department must send an official decision letter, including the written decision of the appeals review panel, to the applicant or licensee, within ten (10) days from the date of the appeals review panel meeting.
  - 1. For hardship appeals and materials waiver requests, the official decision letter must be posted next to the child care license until its expiration date. If there is no expiration date, the letter expires three (3) years from its date.

2. If the Department approves a hardship appeal or materials waiver request and the applicant or licensee wishes to make changes to the alternate compliance plan or safety policy submitted with the original appeal or request, the applicant or licensee must submit a new hardship appeal or materials waiver request.
3. If, after the Department approves a hardship appeal or materials waiver request, the applicant or licensee violates the terms and conditions described in the approved alternate compliance plan, approved safety policy, or official decision letter, the Department's approval will immediately be rescinded and considered null and void. For purposes of this provision, any injuries, accidents, or founded complaints or investigations related to the appealed or waived licensing rule constitute a violation.

**D. Hearing requests**

1. For hardship or stringency appeals, if an applicant or licensee is aggrieved by the decision of the Department, the applicant or licensee may request an administrative hearing pursuant to section 24-4-105, C.R.S. Written requests for an administrative hearing must be received in writing within thirty (30) calendar days from the date the applicant or licensee received the Department's decision. In all such administrative hearings, the applicant or licensee will bear the burden of proof by a preponderance of the evidence.
2. For appeals from denials of materials waiver requests, the Department's decision is a final agency decision subject to judicial review pursuant to section 24-4-106, C.R.S.

**CIVIL RIGHTS**

**2.119 CIVIL RIGHTS**

All facilities licensed under the Child Care Licensing Act are subject to the following federal laws and regulations: the non-discrimination provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. section 2000d *et seq.* (2022), and its implementing regulation, 45 C.F.R. Part 80 (2022); Title VII of the Civil Rights Act of 1964, 42 U.S.C. section 2000e *et seq.* (2022), and its implementing regulation, 29 C.F.R. Part 1606 (2022); the Age Discrimination Act of 1975, 42 U.S.C. sections 6101-6017 (2022) and its implementing regulation, 45 C.F.R. Part 91 (2022); Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. section 794 (2022), and its implementing regulation, 45 C.F.R. Part 84 (2022), all of which are hereby incorporated by reference. No later editions or amendments are incorporated. These regulations are available for public inspection and copying at the Colorado Department of Early Childhood at 710 S. Ash St., Bldg. C, Denver, CO 80246, during regular business hours. These regulations are also available at no cost at <http://www.ecfr.gov>.

All facilities licensed under the Child Care Licensing Act are also subject to Titles I through V of the Americans with Disabilities Act, 42 U.S.C. section 12101 *et seq.* (2022), and its implementing regulation, 29 C.F.R. Part 1630 (2022), which is hereby incorporated by reference. No later editions or amendments are incorporated. These regulations are available for public inspection and copying at The Colorado Department of Early Childhood at 710 S. Ash St., Bldg. C, Denver, CO 80246, during regular business hours. These regulations are also available at no cost at <http://www.ecfr.gov>.

Decisions related to the enrollment or dismissal of a child with a disability or chronic condition must be in compliance with the Americans with Disabilities Act. The facility must provide reasonable accommodations for the child with a disability who has special needs.

A lack of independent ambulation or the need for assistance in feeding, toileting, or dressing or in other areas of self-care cannot be used as sole criteria for enrollment or placement or denial of enrollment. Efforts must be made to accommodate the child's needs and to integrate the child with their peers who do not have disabilities.

## **BACKGROUND CHECKS**

### **2.120 CHILD ABUSE OR NEGLECT FOR BACKGROUND AND EMPLOYMENT INQUIRIES**

- A. An operator of a licensed facility, guest child care facility as defined in section 26.5-5-303(10), C.R.S., or an exempt family child care home provider must submit a request to determine if an operator, applicant for employment or current employee has been found responsible for a confirmed report of child abuse or neglect in the Department's automated system (Trails).
- B. A child abuse or neglect records check is not necessary regarding out-of-state employees of a children's resident camp or school-age child care center for a camp or center that is in operation for fewer than ninety (90) calendar days; out-of-state employees operating under this exemption must be supervised at all times by a staff member who has successfully completed all background checks.
- C. The Trails child abuse or neglect records request must be made on the state-prescribed form, accompanied by the required fee within the following required time frames:
  - 1. Child care centers (less than 24-hour care), school-age child care facilities, family child care homes, and qualified exempt providers must meet the following:
    - a. For all individuals whose activities involve the care or supervision of children or who have unsupervised access to children, requests must be submitted and successfully completed prior to caring for children or allowing unsupervised access to children.
      - 1) Individuals who have obtained a successfully completed CBI or FBI record check may care for children, for no longer than ninety (90) calendar days, while waiting for all other required background checks to be completed. The individual must be supervised at all times by an individual who has successfully completed all required background checks.
    - b. For each adult eighteen (18) years of age or older, residing in a licensed family child care home or a qualified exempt provider home, requests must be submitted at time of application.
    - c. For each adult eighteen (18) years of age or older, who begin residing in the home after care begins, requests must be submitted within five (5) calendar days of when he or she begins residing in the home, and these adults must not be allowed unsupervised access to children in care until all background checks have been successfully completed.
  - 2. All other requests except those specified in rule section 2.120(C)(1) must be submitted within ten (10) calendar days of the first day of employment for each employee or facility.
- D. The Trails child abuse and neglect records request must be made within ten (10) calendar days of the first day of employment for each employee or facility on the state-prescribed form, accompanied by the required fee.

- E. The Trails child abuse and neglect records request must be accompanied by the individual's written authorization to obtain such information from the State automated system, if applicable.
- F. The Department will inform the requesting party in writing of whether the individual has been confirmed to be a person responsible for an incident of child abuse or neglect.
  - 1. If the result of the inquiry is that the individual has been confirmed as responsible for an incident of child abuse or neglect, the Department must provide the requesting party with information regarding the date of the reported incident, the type of abuse or neglect with the severity level, and the county department that confirmed the report.
  - 2. If the result of the inquiry is that the individual has not been confirmed to be responsible for an incident of child abuse or neglect, the Department must notify the requesting party of this fact.
- G. The information provided by the Department must serve only as the basis for further investigation. The director or operator may inform an applicant or employee that the report from the Department's automated system was a factor in the director or operator's decision with regard to the applicant or employee's employment.
- H. Any person who willfully permits or who encourages the release of data or information related to child abuse or neglect contained in the Department's automated system to persons not permitted access to such information commits a Class 1 misdemeanor and may be punished as provided in section 18-1.3-501(1), C.R.S.
- I. Every five (5) years, all child abuse and neglect inquiry background checks must be renewed by resubmitting an inquiry form and current fee to the Department for processing. An updated clearance letter or verification of the submission of the inquiry form must be obtained before five (5) years from the date reflected on the current clearance letter.
- J. The results of the abuse and neglect inquiry must be maintained at the center, facility, or agency and must be available for review upon request by a Licensing Specialist.

## **2.121 CRIMINAL RECORD CHECK**

- A. Criminal records checks are required under the following circumstances:
  - 1. In order to obtain any Colorado Bureau of Investigation (CBI) and/or Federal Bureau of Investigation (FBI) fingerprint criminal history records, each applicant listed below must have their fingerprints taken and processed at a vendor approved by CBI. Approved vendors may be located using the CBI website at [Colorado.gov/cbi](http://Colorado.gov/cbi). Payment of the fee for the criminal record check is the responsibility of the individual being checked, identified as follows:
    - a. Each applicant for an original license for a center, facility, or agency and any adult eighteen (18) years of age or older who resides in the licensed center, facility or agency.
    - b. Each exempt family child care home provider who provides care for a child and each individual who provides care for a child who is related to the individual (referred collectively in this rule section as a "qualified provider"), if the child's care is funded in whole or in part with money received on the child's behalf from the publicly funded Colorado Child Care Assistance Program; and, any adult eighteen (18) years of age or older who resides with a qualified provider where the care is provided.

2. Each applicant for an original license for a Neighborhood Youth Organization must comply with the criminal background check requirements found at section 26.5-5-308, C.R.S.
  - a. The applicant must ascertain whether the person being investigated has been convicted of felony child abuse as defined in section 18-6-401, C.R.S., or a felony offense involving unlawful sexual behavior as defined in section 16-22-102(9), C.R.S. The Neighborhood Youth Organization must not hire a person as an employee or approve a person as a volunteer after confirmation of such a criminal history.
- B. Only in the case of a children's resident camp or school-age child care center, out-of-state persons employed in a temporary capacity for less than ninety (90) days are not required to be fingerprinted to obtain a criminal record check. Each person exempted from fingerprinting and being checked with the Department's automated system must sign a statement which affirmatively states that she/he has not been convicted of any charge of child abuse or neglect, unlawful sexual offense, or any felony. Out-of-state employees operating under this exemption must be supervised at all times by a staff member who has successfully completed all background checks.
  1. Prospective employers of such exempted persons must conduct reference checks of the prospective employees in order to verify previous work history and must conduct personal interviews with each such prospective employee.
- C. At the time the annual declaration of compliance (see rule section 2.107(B) is submitted to the Department, except as required per this rule section 2.121(C), a criminal record check is required only for adults living at the licensed facility who have not previously obtained one. Because the Colorado Bureau of Investigation (CBI) provides the Department with ongoing notification of arrests, owners, applicants, licensees, and persons who live in the licensed facility who have previously obtained a criminal record check, they are not required to obtain additional criminal record checks.
  1. Any resident of the family child care home or qualified exempt provider home turning eighteen (18) years of age shall complete the fingerprint process at an approved vendor fourteen (14) calendar days prior to their 18th birthday.
  2. The fingerprint process shall be completed at an approved vendor within five (5) calendar days of when any new resident, eighteen (18) years of age or older, begins residing in a family child care home or qualified exempt provider home. Adults must not be allowed unsupervised access to children in care until all background checks have been successfully completed.
- D. Each owner and employee sixteen (16) years of age or older of a facility or agency shall complete the fingerprint process at an approved vendor. Payment of the fee for the criminal record check is the responsibility of the individual being checked or the facility or agency. The results of the criminal record check, the CBI and/or Federal Bureau of Investigation (FBI) response letters, must be maintained at the home, center, facility, or agency and must be available for review upon request by a Licensing Specialist.
  1. When an individual leaves employment, the facility must submit to the Department a completed Notification of Name Removal form to request the removal of the individual's name from their facility license number in the CBI database.

2. Except as required per rule section 2.121(D)(3), any adult volunteer, working as a staff member to meet the required staff-child ratio or staff qualifications, who works fourteen (14) days (112 hours) or more in a calendar year shall complete the fingerprint process at an approved vendor. The results of the criminal record check must be maintained at the facility or agency and must be available for inspection by a Licensing Specialist. An employee operating as a volunteer to meet required staff-child ratio that does not have a completed background check on file must be supervised at all times by a qualified staff member who has successfully completed all background checks.
3. Criminal background check requests for volunteers, whose activities involve the care and supervision of children; or who have unsupervised access to children, must be submitted and successfully completed prior to caring for children or allowing the individual unsupervised access to children in child care centers (less than 24-hour care), school-age child care facilities, family child care homes, and qualified exempt provider homes.
4. Requests for a criminal record check, other than those required per this rule section 2.121(D)(4) must be completed at an approved vendor within five (5) working days of the day that the individual begins to work at the facility or agency.
  - a. Criminal background check requests must be successfully completed prior to an individual caring for children or allowing the individual unsupervised access to children in child care centers (less than 24-hour care), school-age child care facilities, family child care homes, and qualified exempt provider homes.
  - b. A National Sex Offender Registry check request must be submitted and successfully completed prior to an individual caring for children or allowing the individual unsupervised access to children in child care centers (less than 24-hour care), school-age child care facilities, family child care homes, and qualified exempt provider homes.
5. Every five (5) years, requests for FBI criminal record checks must be renewed by completing the fingerprint process at an approved vendor. An updated clearance letter or verification of the submission of the request must be obtained prior to five (5) years from the date reflected on the current clearance letter.
6. Facilities and agencies that hire individuals who have been convicted of any felony, except those listed in rule section 2.121(D)(7) below, unlawful sexual behavior, or any misdemeanor, the underlying factual basis of which has been found by the court on record to include an act of domestic violence must inform the Department of that hiring within fifteen (15) calendar days of receiving knowledge of the conviction.
7. A child care facility shall not employ or certify an individual who has been convicted of:
  - a. Child abuse, as defined in section 18-6-401, C.R.S.
  - b. A crime of violence, as defined in section 18-1.3-406(2), C.R.S.
  - c. An offense involving unlawful sexual behavior, as defined in section 16-22-102(9), C.R.S.
  - d. A felony, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in section 18-6-800.3, C.R.S.



- e. A felony involving physical assault, battery, or a drug-related offense within the five years preceding the date of application for a license or certificate.
  - f. A pattern of felony or misdemeanor convictions within the ten (10) years immediately preceding submission of the application. "Pattern of felony or misdemeanor" shall include consideration of sections 26.5-5-317 and 26.5-5-309(4), C.R.S., regarding suspension, revocation and denial of a license, and shall be defined as:
    - 1) Three (3) or more convictions of third (3rd) degree assault as described in section 18-3-204, C.R.S., and/or any misdemeanor, the underlying factual basis of which has been found by any court on the record to include an act of domestic violence as defined in section 18-6-800.3, C.R.S.;
    - 2) Five (5) misdemeanor convictions of any type, with at least two (2) convictions of third (3rd) degree assault as described in section 18-3-204, C.R.S., and/or any misdemeanor, the underlying factual basis of which has been found by any court on the record to include an act of domestic violence as defined in section 18-6-800.3, C.R.S.; or
    - 3) Seven (7) misdemeanor convictions of any type.
  - g. Any offense in any other state, the elements of which are substantially similar to the elements listed in this rule section 2.121(D)(7).
- E. Payment of the fee for the FBI check is the responsibility of the individual who is obtaining the check or the facility or agency.
- F. The Department may deny, revoke, suspend, change to probationary or fine a child care facility if the applicant(s), an affiliate of the applicant, or any person living with or employed by the applicant has been found to violate any of the provisions set forth in section 26.5-5-317(2), C.R.S.
- G. The Department may deny an application for a child care facility license if the applicant is a relative affiliate of a licensee, as described in section 26.5-5-303(1.5)(d), C.R.S., of a child care facility, which is the subject of a previous negative licensing action or is the subject of a pending investigation by the Department that may result in a negative licensing action.
- H. For all CBI fingerprint-based criminal history record information checks required in this rule section 2.121, including those confirming a criminal history as well as those confirming no criminal history, the Department will conduct a comparison search on the State Judicial Department's court case management system and the sex offender registry of the Colorado Department of Public Safety. The court case management search must be based on name, date of birth, and address, in addition to any other available criminal history data that the Department deems appropriate, is used to determine the type of crime(s) for which a person was arrested or convicted and the disposition thereof. The sex offender registry search is used to determine whether the address of a licensee or prospective licensee is listed as belonging to a registered sex offender.

**I. Portability of Background Checks**

1. Where two or more individually licensed facilities are wholly owned, operated, and controlled by a common ownership group or school district, a fingerprint-based criminal history records check and a check of the records and reports of child abuse or neglect maintained by the Colorado Department of Human Services, completed for one of the licensed facilities of the common ownership group or school district pursuant to this rule section for whom a criminal records check is required under section 26.5-5-316, C.R.S., may satisfy the records check requirement for any other licensed facility under the same common ownership group or school district. A new fingerprint-based criminal history records check or new check of the records and reports of child abuse or neglect maintained by the Colorado Department of Human Services is not required of such an individual if the common ownership group or school district maintains a central records management system for employees of all its licensed facilities; takes action as required pursuant to section 26.5-5-309, C.R.S., when informed of the results of a fingerprint-based criminal history record check or check of the records and reports of child abuse or neglect maintained by the Colorado Department of Human Services that requires action pursuant to the Child Care Licensing Act; and informs the Department whenever an additional licensed facility comes under or is no longer under its ownership or control.
2. When a licensee is inspected pursuant to the Child Care Licensing Act and records regarding Colorado Bureau of Investigation (CBI) and/or Federal Bureau of Investigation (FBI) fingerprint-based criminal background checks, as well as records and reports of child abuse and neglect maintained by the Department, and the comparison search on the State Judicial Department's court case management system are held at a central records management system, the licensee must be afforded fourteen (14) calendar days to provide to the Department documentation necessary to verify that employees at the licensed facility have the required records related to fingerprint-based criminal background checks.

**J. State-based background checks**

1. The following background check requests must be submitted and successfully completed for each state an individual has resided in, in the past five years, prior to an individual caring for children or allowing the individual unsupervised access to children in child care centers (less than 24-hour care), school-age child care facilities, family child care homes, and qualified exempt provider homes:
  - a. State criminal history check
  - b. State sex offender registry check
  - c. State abuse and neglect registry check

**ADMINISTRATION**

**2.122 FIRE INSPECTIONS, HEALTH INSPECTIONS, AND ZONING CODES**

- A. Prior to the original license being issued, following the renovation of the facility that would affect the licensing of the facility and at least every two (2) years thereafter, all child care facilities except family child care homes and Neighborhood Youth Organizations must be inspected and obtain an approving inspection report from the local department of health or the Colorado Department of Public Health and Environment (CDPHE) and from the local fire department. These reports must be maintained at the facility and be available for review upon request by a Licensing Specialist.

- B. Prior to the original license being issued, all child care facilities, must submit to the Department written approval from the local zoning department approving operation of the facility. The approval must include the address of the child care facility and the ages and number of children to be served. The facility must also submit written zoning department approval to the Department any time there is a change to the license, including moving the facility to another location, increasing the capacity, or adding different ages of children.
- C. All child care facilities must operate in compliance with local planning and zoning requirements of the municipality, city and county, or county where the facility is located.

#### **2.123 GOVERNING BODY**

- A. The governing body must be identified by its legal name on the original application and annual continuation notice. The names and addresses of individuals who hold primary financial control and officers of the governing body must be fully disclosed to the Department.
- B. The governing body must demonstrate to the Department, upon request, that there is sufficient financial support to operate and maintain the facility in accordance with all general licensing rules defined in rule section 2.104, the rules regulating the specific type of facility, and the goals and objectives of the facility.

#### **2.124 REPORTS**

- A. Reporting for family child care homes, child care center, preschools, school-age child care, children's resident camps and Neighborhood Youth Organizations.
  - 1. Within twenty-four (24) hours, excluding weekends and holidays, of the occurrence of a critical incident at the facility or within twenty-four (24) hours of a child's return to the facility the licensee must report in writing to the Colorado Department of Early Childhood, Division of Early Learning, Licensing, and Administration the following critical incidents involving a child in the care of the facility or a staff member on duty:
    - a. Any fatality including the death of a child, staff member or volunteer as a result of an accident, suicide, assault, Sudden Unexpected Infant Death or any natural cause while at the facility, or while on authorized or unauthorized leave from the facility. This report must be completed in the online injury system within twenty-four (24) hours of an incident. If a provider is unable to access the online system, you must use the paper form, and submit the form to the Department within twenty-four (24) hours of the incident.
    - b. An injury to a child that requires medical attention by a health care professional or admission to a hospital, whether or not treatment was given. This report must be completed in the online injury system within 24 hours of an incident. If a provider is unable to access the online system, you must use the paper form, and submit the form to the Department within twenty-four (24) hours of the incident.

- c. A child or staff member with a reportable disease, as defined by the Colorado Department of Public Health and Environment at 6 CCR 1009-1, Appendix A (June 14, 2023), which is hereby incorporated by reference. No later editions or amendments are incorporated. These regulations are available for public inspection and copying at the Colorado Department of Early Childhood at 710 S. Ash St., Bldg. C, Denver, CO 80246, during regular business hours. These regulations are also available at no cost from the Colorado Department of Public Health and Environment at 4300 Cherry Creek Drive South, Denver, Colorado 80246 or at <https://www.coloradosos.gov/CCR/Welcome.do>. This report must be completed in the online injury system within twenty-four (24) hours of an incident. If a provider is unable to access the online system, you must use the paper form, and submit the form to the Department within twenty-four (24) hours of the incident.
  - d. Any allegation of physical, sexual, or emotional abuse or neglect to a child that results in a mandatory report to law enforcement or a county department of human or social services agency, or the child abuse reporting hotline as described in section 19-3-304, C.R.S.
  - e. Any fire that is responded to by a local fire department.
  - f. Any major threat to the security of a facility including, but not limited to, a threat to kidnap a child, riots, bomb threats, hostage situations, use of a weapon, drive by shootings, active shooter situations, lock downs, or lock out situations.
  - g. A drug or alcohol related incident involving a staff member or a child that requires outside medical or emergency response.
  - h. An assault which results in a report to law enforcement, as defined by sections 18-3-201 through 18-3-204, C.R.S., by a child upon a child; a child upon a staff member, volunteer or other adult; a staff member, volunteer, or other adult upon a child, other staff member or other adult.
  - i. A suicide attempt by a child at the facility which requires emergency intervention.
  - j. Felony theft or destruction of property by a child at the facility for which law enforcement is notified.
  - k. Any police or sheriff contact with the facility.
  - l. Any damage to the facility as a result of severe weather, fire, flood, mold or other natural disaster, or damage to the facility by any means that prevents the facility from normal operation.
2. Reports Made to the Department within Ten (10) Working Days.
- a. Any legal action against a facility, agency, owner, operator, or governing body that relates to or may impact the care or placement of children.
  - b. Change of director of facility or agency; and
  - c. Closure of the facility or agency.
3. Changes to a License Requiring Written Notification to the Department and Prior Department Approval.

- a. Proposed change in the number or age of children for whom the facility is licensed that differs from that authorized by the license.
- b. Changes in the physical facility or use of rooms for child care at a facility.
- c. Change of name of the facility or agency.
- d. Change of residents in the facility, not to include those residents placed in the facility by a county department.

## **2.125 REPORTING OF LICENSING COMPLAINTS**

- A. Child care facilities must provide written information to parents or legal guardians at the time of admission and staff members at the time of employment on how to file a complaint concerning suspected licensing violations. For family child care homes, child care centers, preschools, school age child care, children's resident camps, and neighborhood youth organizations, the information must include the complete name, mailing address, and telephone number of the Colorado Department of Early Childhood.

## **2.126 REPORTING AND INVESTIGATING CHILD ABUSE**

- A. A child care facility must require each staff member of the facility to read and sign a statement clearly defining child abuse and neglect pursuant to state law and outlining the staff member's personal responsibility to report all incidents of child abuse or neglect according to state law.
- B. Pursuant to section 19-3-304, C.R.S., any caregiver or staff member in a child care facility who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions that would reasonably result in abuse or neglect shall immediately upon receiving such information report or cause a report to be made of such fact to the county department of human or social services, the local law enforcement agency, or through the child abuse hotline reporting system as set forth in section 26-5-111, C.R.S.
- C. At the time of admission the facility must give the child's parent or guardian information that explains how to report suspected child abuse or child neglect.
- D. Investigation of Child Abuse
  - 1. Staff members of the county department of human or social services or a law enforcement agency that investigates an allegation of child abuse must be given the right to interview staff and children in care, and to obtain names, addresses, and telephone numbers of parents or legal guardians of children enrolled at the child care facility.
  - 2. An agency or facility must not interfere or refuse to cooperate with a child protection investigation.
  - 3. An agency or facility must not interview staff or children regarding the specific allegation(s) of child abuse or child neglect until the county department of human or social services and/or local law enforcement agency has had the opportunity to interview all appropriate individuals and completed their investigation.

4. Any report made to the law enforcement authorities or a county department of human or social services of an allegation of abuse of any child at the child care facility will result in the temporary suspension or reassignment of duties of the alleged perpetrator to remove the risk of harm to the child/children if there is reasonable cause to believe that the life or health of the victim or other children at the facility is in imminent danger due to continued contact between the alleged perpetrator and the child/children at the facility. Such suspension or reassignment of duties will remain in effect pending the outcome of the investigation by the appropriate authorities.

## **2.127 POSTING LICENSING INFORMATION**

- A. At all times during the operating hours of the facility, the facility/agency must post the current child care license in a prominent and conspicuous location easily observable by those entering the child care facility.
- B. At all times during the operating hours of a family child care home, child care center, school-age child care center, or children's resident camp, the facility must post its most recent licensing inspection report or a notice as to where the report may be reviewed at the facility by the parent or legal guardian of a child or their designee.
- C. At all times during the operating hours of a family child care home, child care center, preschool, school-age child care center, children's resident camp and Neighborhood Youth Organization, the facility must post in a prominent and conspicuous location information regarding the procedures for filing a complaint with the Colorado Department of Early Childhood, including the telephone number and mailing address.
- D. All facilities, except family child care homes must post in every room of the child care facility, excluding bedrooms and living areas, the license capacity of the room and the staff-to-child ratio required by regulation to be maintained for the age of children cared for in the room.

## **RECORDS**

### **2.128 CONFIDENTIALITY OF RECORDS**

- A. The records concerning the licensing of facilities and agencies are open to the public except as provided below.
- B. Anyone wishing to review a record must make a written request to the Department.
- C. The following documents are confidential and not available for review:
  1. Information identifying children or their families;
  2. Scholastic records, health reports, social or psychological reports. These are available only to the person to whom the records pertain or his or her legal guardian;
  3. Personal references requested by the State Department; and
  4. Reports and records received from other agencies, including police and child protection investigation reports.

### **2.129 MAINTENANCE AND CONFIDENTIALITY OF CHILD RECORDS**

- A. Each licensed child care facility shall maintain records as required by the Department pertaining to the admission, progress, health, and discharge of children in care at the facility.

1. These records shall be made available to the state department upon request.
2. These records shall be maintained and stored in a confidential format.
3. All information regarding children and their families shall be kept confidential.

#### **2.130 ACCESSIBILITY OF RECORDS**

- A. During hours of operation, a facility must allow access to parents and guardians having legal custody of a child in care to those areas of the facility that are licensed for child care.
- B. During the hours of operation, the facility's most recent licensing, fire department, and health department inspection reports must be accessible to parents and legal guardians of children in care or their designee and to parents and legal guardians considering placing their children in care at the facility.
- C. A facility does not violate this rule section when it restricts access by a parent, guardian or their designee to a child during an emergency as instructed by local authorities.

#### **2.131 PERJURY**

- A. Application Forms for Employment with a Child Care Provider
  1. Every application used in the State of Colorado for employment with a child care provider or facility, must include the following notice to the applicant: "Any applicant who knowingly or willfully makes a false statement of any material fact or thing in the application is guilty of perjury in the second degree as defined in section 18-8-503, C.R.S., and upon conviction thereof, shall be punished accordingly."

### **GENERAL HEALTH RULES**

#### **2.132 SMOKING AND TOBACCO PRODUCTS**

Pursuant to sections 26.5-5-314(2)(e), 25-14-103.5, and 18-13-121, C.R.S., tobacco and nicotine products are prohibited by law from use in and around licensed child care facilities.

- A. Smoking and tobacco product use is prohibited at all times while transporting children on field trips and excursions.
- B. Smoking and tobacco product use is not prohibited in family child care homes during non-business hours.

### **EMERGENCY AND DISASTER PREPAREDNESS FOR CHILD CARE CENTERS, FAMILY CHILD CARE HOMES, SCHOOL-AGE PROGRAMS, AND CHILDREN'S RESIDENT CAMP**

#### **2.133 STAFF TRAINING**

- A. Prior to caring for children, all staff must complete a Department-approved training in emergency and disaster preparedness: Evacuation, Shelter in Place, Lockdown, and Active Shooter on Premises Plans for Children in Care. For seasonal children's resident camp programs, operating no more than 90 days per calendar year, at least one on site director must be trained in the Department approved training.
- B. Each staff member of the facility must be trained in fire safety and the use of available fire extinguishers and fire alarms.

**2.134 EVACUATION, SHELTER IN PLACE, LOCKDOWN, AND ACTIVE SHOOTER ON PREMISES PLANS FOR CHILDREN IN CARE**

- A. All child care providers must have a written plan for: evacuating and safely moving children to an alternate site; lockdown; shelter in place; and an active shooter on premises. The plan must include provisions for multiple types of hazards, such as floods, fires, tornadoes, and active shooter situations. The plan must be updated as changes occur and reviewed annually. All employees of a child care provider must also be annually trained on the provider's written plan prior to caring for children, and retrained as changes occur.
1. "Lockdown drill" means a drill in which the occupants of a building are restricted to the interior of the building and the building is secured.
  2. "Shelter-in-place drill" means a drill in which the occupants of a building seek shelter in the building from an external threat.
  3. "Active shooter on premises drill" means a drill to address an individual actively engaged in killing or attempting to kill people in a confined space or other populated area.

**2.135 REUNITING FAMILIES AFTER AN EMERGENCY OR DISASTER.**

- A. All child care providers must have a written plan for emergency notification of parents and reunification of families following an emergency or disaster.

**2.136 CHILDREN WITH DISABILITIES AND THOSE WITH ACCESS AND FUNCTIONAL NEEDS**

- A. All child care providers must have a written plan that accounts for children with disabilities as defined in 42 U.S.C. Section 12102 and those with access and functional needs as defined in the State Emergency Operations Plan (2019) (SEOP). The State Emergency Operations Plan (SEOP) is hereby incorporated by reference. No later editions or amendments are incorporated. The State Emergency Operations Plan (SEOP) is available for public inspection and copying at the Colorado Department of Early Childhood at 710 S. Ash St., Bldg. C, Denver, CO 80246 during regular business hours. The State Emergency Operations Plan (SEOP) is also available for no cost from the Colorado Division of Homeland Security & Emergency Management at <https://www.colorado.gov/pacific/dhsem/state-eop>. The plan must include a specific requirement indicating how all children with special needs will be included in the emergency plan.

**2.137 CONTINUITY OF OPERATIONS AFTER A DISASTER.**

- A. All child care providers must have a written plan for continuity of operations in the aftermath of an emergency or disaster. Components of the plan must include:
1. Responsibility for essential staffing needs and predetermined roles during and after the emergency or disaster;
  2. Procedure for backing up or retrieving staff and children's files; and
  3. Procedure for protecting confidential and financial records.
- B. During an emergency or other significant, unexpected event, a child care facility may request an emergency waiver to move to a temporary location or exceed capacity, on a temporary basis, to accept children and families from affected areas.



**2.138 FIRE, NATURAL DISASTER, AND EMERGENCY DRILLS.**

- A. Emergency drills, lockdown and active shooter on premises drills must be held at least quarterly but often enough so that all occupants are familiar with the drill procedure and their conduct during a drill is a matter of established routine. Fire drills must be held monthly and be consistent with local fire department procedures. Tornado drills must be held monthly from March to October. A record of all emergency drills held over the past twelve (12) months must be maintained by the facility or center, including date and time of drill, number of adults and children participating, and the amount of time taken to evacuate.
- B. Drills must be held at unexpected times and under varying conditions to simulate the conditions of an actual fire or other emergency event.
- C. Drills must emphasize orderly evacuation under proper discipline rather than speed. No running should be permitted.
- D. Drills must include suitable procedures for ensuring that all persons in the building, or all persons subject to the drill, participate.
- E. Fire alarm equipment must be used regularly in the conduct of fire exit drills. Hand bells or other alarm emanating devices may be used in lieu of fire alarm equipment if use of fire alarm equipment is not feasible including, but not limited to, facilities operating in buildings where multiple unrelated tenants share a common fire alarm system.
- F. If appropriate to the location of the facility, forest fire, and/or flood drills must be held often enough that all occupants are familiar with the drill procedure and their conduct during a drill is a matter of established routine. A record of drills held over the past twelve (12) months must be maintained by the facility.
- G. For children's resident camps and school-age day camps, at least one fire drill must be held within twenty-four (24) hours of the commencement of each camp session. The dates of the fire drills must be recorded in the camp office.
- H. There must be a carbon monoxide detector installed in the area of the child care facility as recommended by the manufacturer and in the area where children sleep.

**2.200 RULES REGULATING CHILD CARE CENTERS THAT PROVIDE LESS THAN 24-HOUR CARE**

**2.201 AUTHORITY**

These rules and regulations are adopted pursuant to the rulemaking authority provided in section 26.5-1-105(1), C.R.S., and are intended to be consistent with the requirements of the State Administrative Procedures Act, sections 24-4-101 through 24-4-204 (the "APA"), C.R.S., the Anna Jo Garcia Haynes Early Childhood Act, sections 26.5-1-101 through 26.5-1-103 (the "Early Childhood Act"), C.R.S., the Child Care Licensing Act, sections 26.5-5-301 through 26.5-5-329, C.R.S.; and the Child Care Development and Block Grant Act of 2014, and 42 U.S.C. sec. 9858e,.

The specific rulemaking authorities granted for child care centers include sections 26.5-5-303(3), 26.5-5-313, and 26.5-5-314(1) and (2), C.R.S.

## **2.202 SCOPE AND PURPOSE**

The Colorado Department of Early Childhood, Division of Early Learning, Licensing, and Administration is responsible for the administration of health and safety rules and requirements for licensed child care facilities caring for five (5) or more children with or without compensation. These rules and regulations shall govern the processes and procedures to become a licensed child care center program in Colorado. All child care centers must comply with the "General Rules for Child Care Facilities" in rule section 2.100; "Rules Regulating Child Care Centers that Provide Less than 24-hour Care" in rule section 2.200; and "Rules Regulating Special Activities" in rule section 2.600.

Drop-in, part day, mobile preschool, teen parent, and child care programs and preschools operated by public school districts must be in compliance with all rules found in this rule section. Additional rules or substitutions to rules can be found under rule sections 2.239, 2.240, 2.241, 2.242, and 2.243.

## **2.203 APPLICABILITY**

The provisions of these rules and regulations shall be applicable to licensed child care centers caring for five (5) or more children with or without compensation.

### **A. HARDSHIP WAIVERS**

Any applicant or licensee who has applied for or been issued a license to operate a childcare facility has a right to appeal, pursuant to section 26.5-5-314(5), C.R.S., any rule or standard which, in their opinion, poses an undue hardship on the person, facility, or community. An "undue hardship" is defined as a situation where compliance with the rule creates a substantial, unnecessary burden on the applicant or licensee's business operation or the families or community it serves, which reasonable means cannot remedy. An undue hardship does not include the normal cost of operating the business.

## **2.204 DEFINITIONS**

- A. Child care centers that provide less than 24-hour care (referred to as "centers") provide comprehensive care for children when the parents or guardians are employed or otherwise unavailable to care for the children. Child care centers may operate twenty-four (24) hours a day, but the children are cared for at the center fewer than twenty-four (24) hours a day.
- B. Child care centers that provide less than 24-hour programs of care include the following types of facilities:
  - 1. A "large child care center" provides care for sixteen (16) or more children between the ages six (6) weeks and eighteen (18) years.
  - 2. A "small child care center" provides care for up to fifteen (15) children between the ages of two (2) and eighteen (18) years.
  - 3. An "infant program" provides care for children between the ages of six (6) weeks and eighteen (18) months.
  - 4. A "toddler program" provides care for children between the ages of twelve (12) months (when walking independently or with a health care provider's statement indicating developmental appropriateness of placement in a toddler program) and thirty-six (36) months.
  - 5. A "preschool" is a child care program for five (5) or more children between the ages of two and one-half (2 1/2) and seven (7) years.

6. A “mobile part-day preschool program” is a program with a mobile classroom that uses no permanent building on a regular basis, for children three (3) to seven (7) years of age, with no more than (8) eight children at any given time. Each class session must not exceed five (5) hours.
  7. A “kindergarten program” provides a program for children the year before they enter the first grade. Only private kindergarten programs not regulated by the Colorado Department of Education are required to be licensed.
  8. A “full day program” enrolls children for five (5) or more hours per day.
  9. A “part-day program” enrolls children for a maximum of up to five (5) hours per day. Individual children shall not attend more than one (1), five (5) hour sessions per day.
  10. A “drop-in child care center” provides occasional care for forty (40) or fewer children between the ages of twelve (12) months and thirteen (13) years of age for short periods of time not to exceed six (6) hours in any 24-hour period of time or fifteen (15) hours in any seven (7) day period of time.
  11. A “teen parent program” provides care for children fourteen (14) days old to thirty-six (36) months and is operated by an accredited public school system on school premises. Infants between seven (7) and thirteen (13) days old may be accepted for care with written approval from a health care provider.
- C. “Staff” and all references to staff or staff positions include paid staff, equally qualified volunteers, and substitutes under rule sections 2.212-2.217.

## **2.205 ADMINISTRATION**

Child care centers shall adhere to the requirements of this rule section and the “Administration” sections in rule sections 2.122-2.127, of the “General Rules for Child Care Facilities.”

- A. The governing body must appoint a director who will be responsible to the governing body and who will be delegated the authority and responsibility for the operation of the center according to its defined purpose and policies.
- B. The governing body must formulate the purpose and policies to be followed by the center. It must have a regular planned review of such purpose and policies to determine that the center is in compliance with licensing rules.
- C. The governing body is responsible for providing necessary facilities, adequate financing, qualified personnel, services, and program functions for the safety and well-being of children in accordance with these rules.
- D. Any center having a director assigned to a classroom must have qualified and adequate staff, allowing the director or qualified staff the ability to attend to the duties of a director as they arise.
- E. The director of the center is responsible for administering the center in accordance with licensing rules. The director must plan and supervise the child development program, plan for or participate in selection of staff, plan for orientation and staff development, supervise and coordinate staff activities, evaluate staff performance, and participate in the program activities.
- F. Licensed child care centers enrolling children five (5) years of age or younger are required to participate in Colorado Shines, the state quality rating and improvement system.

## **POLICIES AND PROCEDURES**

### **2.206 STATEMENT OF POLICIES AND PROCEDURES**

- A. At the time of enrollment, and upon amendments to policies and procedures, the center must give the parent(s)/guardian(s) the center's policies and procedures and provide the opportunity to ask questions. Written copies must be available either electronically or in hard copy. The center must obtain a signed document stating that the parent(s)/guardian(s) have received the policies and procedures, and by signing the policies and procedures document, the parent(s)/guardian(s) agree to follow, accept the conditions of, and give authorization and approval for the activities described in the policies and procedures.
- B. The written policies and procedures must be developed, implemented, and followed, and must include at a minimum the following information:
  - 1. The center's purpose and its philosophy on child care;
  - 2. The ages of children accepted;
  - 3. The hours the center is open, specific hours during which special programs are offered, and holidays when the center is closed;
  - 4. The procedure regarding inclement and excessively hot weather;
  - 5. The procedure concerning admission and registration of children including whether non-immunized or under immunized children are enrolled in the program;
  - 6. An itemized fee schedule;
  - 7. The procedure for identifying where children are at all times including times of transition;
  - 8. The center's procedure on positive guidance, behavior expectations, positive instruction, supporting positive behaviors, as well as strategies and techniques for supporting children with challenging behaviors, including how the center will:
    - a. Promote responsive and positive child, staff, and family relationships and interactions;
    - b. Create and maintain a program-wide culture that promotes children's mental health, social, and emotional well-being;
    - c. Implement teaching strategies supporting positive behavior, pro-social peer interaction, and overall social and emotional competence in young children; and,
    - d. Provide individualized social and emotional intervention supports for children who need them, including methods for understanding child behavior; and developing, adopting, and implementing a team-based positive behavior support plan with the intent to reduce challenging behavior and prevent suspensions and expulsions.
  - 9. How decisions are made and what steps are taken prior to the suspension, expulsion, or request to parents or guardians to withdraw a child from care due to concerns about the child's behavioral issues. These procedures must be consistent with the center's policy on guidance and positive instruction, and include documentation of the steps taken to understand and respond to challenging behavior including:

- a. Identify and consult with an early childhood mental health consultant, as defined in section 26.5-3-701, C.R.S., or other specialist as needed.
10. The procedure, including notification of parent(s)/guardian(s), for handling children's illnesses, accidents, and injuries;
11. The procedures for emergencies and disaster preparedness such as but not limited to lost children, tornadoes, fires, shelter in place, lockdown, active shooter on premises, reunification with families after emergency or disaster, and evacuating children with disabilities as specified in rule section 2.136, of the "General Rules for Child Care Facilities";
12. The procedure for transporting children, if applicable, including transportation arrangements and parental permission for excursions and related activities;
13. The procedure for governing field trips, television and video viewing, and special activities, including staff responsibility for the supervision of children;
14. Media and internet usage policy outlining screen and media use related to their curriculum. The media plan must have information on ongoing communication with children about online safe practices for children over the age of five (5);
15. The procedure on children's safety related to riding in a vehicle, seating, supervision, and emergency procedures on the road;
16. The procedure for releasing children from the center only to persons for whom the center has written authorization and the procedure for picking-up the child during an emergency;
17. The procedures followed when a child is picked up from the center after the center is closed or not picked up at all, and to ensure that all children are picked up before the staff leave for the day;
18. The procedure for caring for children who arrive late to the center and their class/group is away from the center on a field trip or excursion;
19. The procedure for storing and administering children's medication and delegation of medication administration in compliance with sections 12-255-101 through 12-255-136, C.R.S., of the "Nurse and Nurse Aide Practice Act";
20. The procedure concerning children's personal belongings and money;
21. The provision of meals and snacks;
22. The procedure for diapering, toilet training, and toileting;
23. The procedure for allowing visitors to the center;
24. The procedure for conducting parent and staff conferences to partner with the parents(s)/guardian(s) to discuss the child's progress, social, emotional, and physical needs;
25. The procedure for filing a complaint about child care, including the name, address and telephone number of the Colorado Department of Early Childhood (see rule section 2.125 of the General Rules for Child Care Facilities);

- 26. The procedure for reporting of child abuse, including the name of the county department of social/ human services and phone number of where a child abuse report should be made (see rule section 2.126, of the General Rules for Child Care Facilities);
  - 27. The procedure of the protection of infants from secondhand and thirdhand smoke;
  - 28. The procedure for establishing safe sleep environments for infants including how staff will supervise and physically check on infants who are sleeping;
  - 29. The procedure for dressing children appropriately for the weather; and
  - 30. Notification when child care service is withdrawn and when parent(s)/guardian(s) withdraw their children from the center.
- C. Policies and procedures must be reviewed annually. Any changes must be incorporated and must be communicated to the parent(s)/guardian(s).

**2.207 COMMUNICATION, EMERGENCY, AND SECURITY PROCEDURES**

- A. For security purposes, a sign-in/sign-out sheet or other mechanism for parents/guardians, or staff if children are being transported, must be maintained daily by the center. It must include, for each child in care, the date, the child's name, the time when the child arrived at and left the center, and the parent /guardian or staff member's signature or other unique identifier. For children who are transported, parent(s)/guardian(s) must verify the accuracy of the sign-in/sign-out sheet at least weekly.
- B. The center must have a working telephone with the number available to the public. Emergency telephone numbers of the following must be posted near the telephone: a 911 notice, where 911 is available, or rescue unit if 911 isn't available; a hospital or emergency medical clinic; the local fire, police, and health departments; and Rocky Mountain Poison Control. The telephone must be available to staff at all times that the center is in operation.
- C. The center must be able to provide emergency transportation to a health care facility at all times.
- D. The director of the center, or the director's delegated substitute, must have a means for determining at all times who is present at the center.
- E. A written policy regarding visitors to the center must be posted and a record maintained daily by the center that includes at a minimum the date, time, visitor's name, and the purpose of the visit. At least one (1) piece of identification must be inspected for individuals who are unknown to personnel at the center.
- F. The center must release the child only to an individual over the age of sixteen (16) for whom written authorization has been given by the parent(s)/guardian(s) and is maintained in the child's record (see rule section 2.208). In an emergency, the child may also be released to an individual for whom the child's parent/guardian has given verbal authorization. If the staff member who releases the child does not know the individual, identification must be required to assure that the individual is authorized to pick up the child.
- G. The center must have a procedure for dealing with individuals not authorized by the parent or guardian of a child who attempts to have the child released to them.
- H. The center must have a written procedure for closing the center at the end of the day to ensure that all children are picked up.

## **RECORDS AND REPORTS**

### **2.208 ADMINISTRATIVE RECORDS AND REPORTS**

- A. The following records must be on file at the center:
1. Records of enrollment, daily attendance for each child, and daily record of the time the child arrives at and departs from the center;
  2. A list of current staff members, substitutes, and staffing patterns;
  3. Copies of menus; and
  4. A record of visitors to the center.
- B. The center must submit to the Department as soon as possible, but not longer than twenty-four (24) hours, a written report about any child who has been separated from the group outside of the supervision of their assigned staff member or for whom the local authorities have been contacted. Such report must indicate:
1. The name, birth date, address, and telephone number of the child;
  2. The names of the parent(s)/guardian(s) and their address and telephone number if different from those of the child;
  3. The date when the child was lost;
  4. The location, time, and circumstances when the child was separated from the group outside of their assigned staff member;
  5. All actions taken to locate the child, including whether local authorities were notified; and
  6. The name of the staff person supervising the child.
- C. All programs must register their operational status information in the Department's provider status portal every calendar year between April and October.
1. All programs must update their information any time their operational status changes during a declared state emergency.
- D. All prospective and current staff members in the following roles must register with the Colorado Shines Professional Development Information System:
1. Large Center Director;
  2. Large Center Assistant Director;
  3. Small Center Director;
  4. Early Childhood Teacher;
  5. Infant Program Supervisor;
  6. Infant Early Childhood Teacher;

7. Toddler Early Childhood Teacher;
8. Kindergarten Teacher;
9. Assistant Early Childhood Teacher; and
10. Staff Aide.

**2.209 CHILDREN'S RECORDS**

- A. An admission record must be completed for each child prior to or at the time of the child's admission. This record must be updated annually and when changes occur. The admission record must include:
1. The child's full name, birth date, current address, and date of enrollment;
  2. Parent(s)/guardian(s) names; home and e-mail addresses; telephone numbers, including home, work, and cell numbers; employer name and work address; and, any special instructions as to how the parent(s)/guardian(s) may be reached during the hours that the child is in care at the center;
  3. Names, addresses, and telephone numbers of persons authorized to pick up the child from the center;
  4. Names, addresses, and telephone numbers of persons who can assume responsibility for the child in the event of an emergency if the parent(s)/guardian(s) cannot be reached immediately;
  5. Name, address, and telephone numbers of the child's health care provider, dentist, and if applicable, their hospital of choice;
  6. A health history, including any health care plans, which indicates communicable diseases and chronic illnesses or injuries the individual has had, any known drug reactions and allergies, medications being taken, any necessary health procedures or special diets, and immunization record;
  7. A dated, written authorization for emergency medical care signed and updated annually by the parent(s)/guardian(s). The authorization must be notarized if required by the local hospital, clinic, or emergency health care facility;
  8. Written authorization, obtained in advance of the event from a parent/guardian, for a child to participate in field trips or special activities, whether scheduled or unscheduled, whether walking or riding in an approved vehicle; and
  9. Written authorization from a parent/guardian for media release.
- B. The center must maintain and update annually and upon changes, a record on each child that includes:
1. A written record of any accident, illness, or injury requiring medical attention occurring during care must be retained in each child's record, with a copy provided to the parent(s)/guardian(s).
  2. Observations of the child's development to document the child's progress and challenges to be discussed at parent conferences;



3. A record of parent conferences, including dates of conferences, and names of center staff and parent(s)/guardian(s) involved; and
4. A copy of the child's health statement completed by a health care provider.

#### **2.210 STAFF RECORDS**

- A. A record must be maintained, either written or electronic, for each staff member that includes the following:
  1. Name, address, telephone number, and birth date of the individual;
  2. Verification of qualifications and training;
  3. Immunization record or statement, and health history;
  4. Dates of employment and employment history;
  5. Names, addresses, and telephone numbers of persons to be notified in the event of an emergency; and,
  6. All information from background checks as required in the "General Rules for Child Care Facilities" rule sections 2.120 and 2.121.

#### **2.211 CONFIDENTIALITY AND RETENTION**

- A. The confidentiality of all staff and children's records must be maintained. See rule section 2.128, of the "General Rules for Child Care Facilities."
- B. Staff and children's records must be available, upon request, to authorized personnel of the Department.
- C. If records for organizations having more than one (1) center are kept in a central file, duplicate identifying and emergency information for both staff and children must also be kept on file at the center attended by the child and where the staff member is assigned.
- D. The records of children and staff must be maintained by the center for at least three (3) years after the last date of attendance or employment with the program.
- E. The health and mental health consultation records must be maintained by the center for at least three (3) years from the date of consultation.
- F. Records of enrollment, daily attendance for each child and daily records of the time the child arrives at and departs from the center for the past twelve (12) months must be on file at the center. The previous two (2) years must be on file at either the center or a central location or storage.
- G. Posting of any personal information or photos of children on social media or advertisement without written parental consent is prohibited.

**STAFF**

**2.212 GENERAL REQUIREMENTS FOR ALL STAFF**

- A. All staff at the center must demonstrate knowledgeable decision-making, judgment, and concern for the proper care and well-being of children.
- B. Staff must not consume or be under the influence of any substance that impairs their ability to care for children.
- C. Illegal drugs and drug paraphernalia, must never be present on the premises of the center.
- D. Staff must not use marijuana and marijuana infused products, tobacco products of any kind, or alcohol in the presence of children. To prevent exposure to secondhand smoke, child care centers must prohibit the use of tobacco and marijuana products on all center property, both indoors and outdoors. All marijuana and marijuana infused products, vaping and tobacco products, and alcohol must be kept inaccessible to children at all times.
- E. When caring for children, staff must refrain from the personal use of electronics including, but not limited to, cell phones and portable electronic devices.
- F. Staff members must be current for all immunizations required by their employer .
- G. All staff members must submit to the center a medical statement, signed and dated by a physician or other health care provider, verifying that they are in good mental, physical, and emotional health appropriate for the position for which they have been hired. This statement must be dated no more than six (6) months prior to employment or within thirty (30) calendar days after the first date of employment. Subsequent self-reported health histories must be submitted annually.
- H. The duties and responsibilities of each staff position and the lines of authority and responsibility within the center must be in writing.
- I. At the time of employment, staff members must be informed of their duties and assigned a supervisor.
- J. Prior to working with children, each staff member must read and be instructed about all policies and procedures of the center. Staff members must sign a statement indicating that they have read and understand the center's policies and procedures.
- K. Within thirty (30) calendar days of employment at the center, each staff member must read and be instructed about all licensing rules governing child care centers. Staff members must sign a statement indicating that they have read and understand the licensing rules.
- L. If volunteers are used by the center, there must be a clearly established policy regarding their function, orientation, and supervision. Also see rule section 2.216.
- M. Within thirty (30) calendar days of the last day of employment, staff members must be provided a letter verifying their experience at the center. The letter must contain the center's address, phone number, and license number; the employee's start date and end date; and the total number of hours worked with children. Hours worked with infants and toddlers must be documented separately from hours worked with other age groups. The letter must be signed by a director, owner, or human resources agent of the center or governing body.

- N. Prior to working with children, each staff member must read and be trained on the center's policies and procedures for the administration of medications. Staff members must sign a statement indicating that they have read and have been trained on the center's administration of medications policies and procedures.

**2.213 TRAINING**

- A. All staff must complete a pre-service building and physical premises safety training prior to working with children. The training must include identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, vehicular traffic handling and storage of hazardous materials and the appropriate disposal of biological contaminants.
1. This training is developed and facilitated by the program for staff to identify program specific environmental hazards. Staff must be retrained if there are changes to the building and physical premises.
- B. All staff must complete a Department-approved standard precautions training prior to working with children. This training must be renewed annually and will be counted towards ongoing professional development.
- C. Staff working with infants less than twelve (12) months old must complete a Department-approved safe sleep training prior to working with infants less than twelve (12) months old. This training must be renewed annually and will be counted towards ongoing professional development.
- D. Staff working with children less than three (3) years of age must complete a Department-approved prevention of shaken baby/abusive head trauma training prior to working with children less than three (3) years of age. This training must be renewed every two (2) years and will be counted towards ongoing professional development.
- E. For every thirty (30) or fewer children in attendance, there must be at least one (1) staff member on duty who holds a current Department-approved first aid and safety certificate, including cardiopulmonary resuscitation (CPR) for all ages of children, and is responsible for administering First Aid and CPR to children. Such individuals must be with the children at all times when the center is in operation. If children are at different locations, there must be a First Aid and CPR qualified staff member at each location.
- F. Within thirty (30) calendar days of employment, all employees caring for children, not required by rule to be certified in First Aid and CPR, must complete the Department-approved Introduction to First Aid and CPR module. The module must be renewed every two (2) years.
- G. Within thirty (30) calendar days of employment, all employees and regular volunteers must be trained using a Department-approved training about child abuse prevention, which includes common symptoms and signs of child abuse, how to report, where to report, and when to report suspected or known child abuse or neglect. This training must be renewed annually.
- H. Within ninety (90) calendar days of employment, all staff required to register with the Colorado Shines Professional Development Information System (listed in rule section 2.208(D)) must complete the Department-approved training course: Introduction to the Early Intervention and Preschool Special Education Programs. This course is required once and will be counted towards ongoing professional development.

- I. Within ninety (90) calendar days of employment, all staff required to register with the Colorado Shines Professional Development Information System (listed in rule section 2.208(D)) must complete the Department-approved Recognizing the Impact of Bias on Early Childhood Professionals training or other Department-approved training on implicit bias. This course is required once and will be counted towards ongoing professional development.
- J. Within ninety (90) calendar days of employment, all directors and assistant directors must complete the Department-approved training: Working with an Early Childhood Mental Health Consultant. This course is required once and will be counted towards ongoing professional development.
- K. Within ninety (90) calendar days of employment, all directors and assistant directors must complete the Department-approved training: Introduction to Child Care Health Consultation. This course is required once and will be counted towards ongoing professional development.
- L. All staff must have at least one (1) hour of child development training within ninety (90) days of employment. This training must include the major domains (cognitive, social, emotional, physical development and approaches to learning). This training is required once and will count toward ongoing training requirements if taken after the date of hire.
- M. All staff who work with children must complete a minimum of fifteen (15) clock hours of ongoing professional development each year, beginning with the start date of the employee. At least three (3) clock hours per year must be in the focus of social-emotional development.
  - 1. Ongoing professional development courses must demonstrate a direct connection to one (1) or more of the following competency areas:
    - a. Child growth and development, and learning
    - b. Child observation and assessment;
    - c. Family and community partnerships;
    - d. Social-emotional health and development promotion;
    - e. Health, safety and nutrition;
    - f. Professional practice; or
    - g. Teaching practices.
  - 2. Each one (1) semester credit hour course with a direct connection to the competency area listed in rule section 2.213(M), taken at an accredited college or university shall count as fifteen (15) clock hours of ongoing professional development.
  - 3. Training hours completed can only be counted during the year taken and cannot be carried over.
  - 4. To be counted for ongoing professional development, the training certificate must have documentation that includes:
    - a. The title of the training;
    - b. The competency domain or from a nationally approved vendor list;

- c. The date and clock hours of the training;
    - d. The name or signature of the trainer, or other approved method of verifying the identity of trainer or entity;
    - e. Expiration of training, if applicable; and
    - f. Connection to social emotional focus, if applicable.
  - 5. The trainer must have documentation of the qualifications for each topic of training conducted, which must be available for review by the Department.
- N. Within thirty (30) calendar days of employment and annually, all staff responsible for the collection, review, and maintenance of the child immunizations records must complete the Colorado Department of Public Health and Environment immunization course.

**2.214 DIRECTOR QUALIFICATIONS - LARGE CHILD CARE CENTER**

- A. Large center directors must have a current director qualifications letter issued by the Department or a current early childhood professional credential level III or higher in version 3.0 as determined by the Department prior to working as the director of a large center.
- B. The educational requirements for the director of a large center must be met by satisfactory completion of one (1) of the following. (All course hours are given in semester credit hours, but equivalent quarter credit hours are acceptable.) Official college transcripts must be submitted to the Department for evaluation of qualifications.
  - 1. A Bachelor's, Master's, or Doctorate degree from an accredited college or university in one (1) of the following:
    - a. Child Development;
    - b. Child Psychology;
    - c. Early Childhood Education;
    - d. Early Childhood Special Education;
    - e. Educational Leadership and Administration;
    - f. Elementary Education;
    - g. Family and Human Development;
    - h. Family Studies;
    - i. Special Education; or
  - 2. Completion of all of the following three (3) semester credit hour courses from an accredited college or university in each of the following subject or content areas:
    - a. Introduction to Early Childhood Professions;
    - b. Introduction to Early Childhood Techniques;

- c. Guidance Strategies for Young Children or has been issued the Colorado Pyramid Model Training certificate of completion;
    - d. Health, Nutrition, and Safety;
    - e. Administration of Early Childhood Care and Education Programs;
    - f. Administration: Human Relations for Early Childhood Professions or Introduction to Business;
    - g. Curriculum Development: Methods and Techniques;
    - h. Child Growth and Development;
    - i. The Exceptional Child; and
    - j. Infant/Toddler Theory and Practice or have been issued the Expanding Quality Infant/Toddler Training certificate of completion; or
  - 3. Completion of a course of training approved by the Department that includes course content listed at rule section 2.214(B)(1), and experience listed at rule section 2.214(C).
- C. The experience requirements for the director of a large center must include direct work with young children within an early care and education setting and is based on the completion of the following amount of verified work experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual:
- 1. Persons with a Bachelor's, Master's, or Doctorate degree with a major emphasis as listed in rule section 2.214(B)(1), or individuals with an early childhood professional credential level III version 3.0 as determined by the Department; no additional experience is required.
  - 2. Persons with an Associate's degree in early childhood education or child development must have three (3) months (455 hours) of verified experience.
  - 3. Persons with a Bachelor's degree and have completed the thirty (30) semester credit hours specified in rule section 2.214(B)(2), must have three (3) months (455 hours) of verified experience.
  - 4. Persons who have no degree but have completed the thirty (30) semester credit hours specified in rule section 2.214(B)(2), must have six (6) months (910 hours) of verified experience.
  - 5. Additional requirements for verified experience include:
    - a. Verified experience acquired in a school-age child care center may count for up to half of the required experience for director qualifications. The other half of the required experience must be working directly with children in a child development program; and,
    - b. For family child care home experience to be considered, the applicant must be, or have been, the licensee in the state of Colorado.

**D. Renewal of Large Center Director Qualifications Letter**

1. All individuals who were previously qualified as a large center director by the Department, who have not completed the required courses in each of the following subject or content areas, must take one (1) course every two (2) years from an accredited college or university, with all courses completed by February 1, 2022, or be in compliance with a current transitory director qualification letter. Official transcripts listing completion of one (1) or more of the five (5) courses shall be submitted to the Department within thirty (30) calendar days of completing each course until all five (5) courses have been completed in:
  - a. Guidance Strategies for Young Children or has been issued a Colorado Pyramid Model Training certificate of completion;
  - b. Health, Nutrition and Safety or Child Nutrition;
  - c. The Exceptional Child;
  - d. Infant/Toddler Theory and Practice or have been issued the Expanding Quality in Infant and Toddler Care Training certificate of completion; and
  - e. Administration: Human Relations for Early Childhood Professions or Introduction to Business.
2. Except for individuals holding an early childhood professional credential level III version 3.0 as determined by the Department, directors meeting all large center director requirements in rule section 2.214(B), in centers operating more than six (6) hours a day must complete a three (3) semester credit hour course from an accredited college or university every five (5) years in a subject related to the operation of a center and must be able to demonstrate the relationship of the course taken to the operation of the center.
3. The renewal application and the official transcripts must be submitted to the Department. The renewed director letter shall expire five (5) years from approval of the renewal application.
4. Director letters must be renewed prior to the expiration date or the letter becomes invalid and the individual no longer qualifies as a director of a large center.

**E. Revocation of Large Center Director Letter**

1. Persons may be denied an original or renewal of a director letter; a director letter may be revoked if substantial evidence has been found that the applicant or director is responsible for one or more of the following at any child care facility, including, but not limited to:
  - a. Committing fraud;
  - b. Responsible for egregious or repetitive grounds for negative licensing actions;
  - c. Providing false information;
  - d. Providing false transcripts for self or staff; or
  - e. Providing false letters of experience for self or staff.

2. Persons who have had a director Letter revoked or denied for the reasons listed in rule section 2.214(E)(1), may submit a new application for consideration after a period of two (2) years from the date of denial or revocation.
3. A person issued a new director letter after a denial or revocation shall receive a provisional letter for no less than nine (9) months. After the provisional period has been completed, a new application may be submitted for consideration of a five (5) year time limited letter.
4. Persons whose director letter has been denied or revoked for the reasons listed in rule section 2.214(E)(1), may file an appeal in the same manner as a request for waiver, as specified in rule sections 2.114 through 2.118 of the "General Rules for Child Care Facilities."

**F. Assistant Director Requirements**

1. An assistant director working under the supervision of a director must be at least eighteen (18) years of age, have at least nine (9) months (1,365 hours) of experience as an early childhood teacher, and must meet one (1) of the following qualifications:
  - a. A Bachelor's, Master's, or Doctorate degree from an accredited college or university; or,
  - b. Completion of at least half of the required coursework for director qualifications in rule section 2.214(B)(2), including the following two (2) administration courses:
    - (1) Administration of Early Childhood Care and Education Programs; and
    - (2) Administration: Human Relations for Early Childhood Professions, or Introduction to Business.

- G. All course grades used for the large center director or assistant director requirements must be a "C" or better.

**2.215 DIRECTOR QUALIFICATIONS - SMALL CHILD CARE CENTER**

- A. The director or substitute director of a small center must either: meet large center director qualifications or meet at least one (1) of the following qualifications:
1. Possess a current teaching license issued by the Colorado Department of Education with an endorsement in the area of elementary education, early childhood education, early childhood special education, early childhood special education specialist; or principal licensure;
  2. Possess a current early childhood professional credential level II or higher in version 3.0 as determined by the Department;
  3. Current certification as a child development associate (CDA) credential in: center-based, preschool; center-based, infant-toddler; or family child care; or other Department-approved credential;



4. Two (2) years and nine (9) months (5,005 hours) of satisfactory experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual, and at least two (2) three (3)-semester credit hour courses from an accredited college or university in early childhood education, and one (1) of the courses must be either:
  - a. Introduction to Early Childhood; or
  - b. Early Childhood Guidance Strategies for Children or has been issued Colorado Pyramid Model Training certificate of completion; or
5. Nine (9) months (1,365 hours) of satisfactory experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual, and an Associate's degree from an accredited college or university, with at least two (2) three (3)-semester credit hour courses in early childhood education, and one (1) of the courses must be either:
  - a. Introduction to Early Childhood Professions; or
  - b. Early Childhood Guidance Strategies for children or has been issued a Colorado Pyramid Model Training certificate of completion.
6. Three (3) months (455 hours) of satisfactory experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual; and an Associate's degree in child development or early childhood education from an accredited college or university, with at least two (2) three (3)-semester credit hour courses in either:
  - a. Introduction to Early Childhood Professions or possesses a Child Development Associate (CDA) credential in: Center-Based, Preschool; Center-Based, Infant-Toddler; or Family Child Care; or
  - b. Early Childhood Guidance Strategies for Children or has been issued a Colorado Pyramid Model Training certificate of completion.
- B. Satisfactory experience includes all options listed at rule section 2.214(C).
- C. All course grades used for the small child care center director requirements must be a "C" or better.
- D. Substitute Director Requirements
  1. In the absence of the director of a small center, an individual who meets director qualifications for a small center or a large center must substitute for the director.

## **2.216 QUALIFICATIONS FOR TEACHERS, SUBSTITUTES, STAFF AIDES, AND VOLUNTEERS**

- A. Early Childhood Teacher
  1. An early childhood teacher, assigned responsibility for a single group of children and working under the supervision of a director, must be at least eighteen (18) years of age and meet at least one (1) of the following qualifications:
    - a. A Bachelor's, Master's, or Doctorate degree from an accredited college or university with a major area of study in one (1) of the following areas:

- (1) Child Development;
  - (2) Child Psychology;
  - (3) Early Childhood Education;
  - (4) Early Childhood Special Education;
  - (5) Educational Leadership and Administration;
  - (6) Elementary Education;
  - (7) Family and Human Development;
  - (8) Family Studies; or
  - (9) Special Education;
- b. A Bachelor's, Master's, or Doctorate degree from an accredited college or university with a major area of study in any area other than those listed at rule section 2.216(A)(1)(a), a, and an additional two (2) three (3)-semester credit hour courses in early child education, with one (1) course as the following:
- (1) Introduction to Early Childhood Professions; or
  - (2) Early Childhood Guidance Strategies for Children or has been issued a Colorado Pyramid Model Training certificate of completion;
- c. An Associate's degree (60 semester credit hours) from an accredited college or university in early childhood education or child development, which must include at least two (2), three (3)-semester credit hour courses in either:
- (1) Introduction to Early Childhood Professions; or
  - (2) Early Childhood Guidance Strategies for Children or has been issued a Colorado Pyramid Model Training certificate of completion;
- d. A current professional teaching license issued by the Colorado Department of Education with an endorsement in the area of elementary education, early childhood education, early childhood special education, or early childhood special education specialist;
- e. A current early childhood professional credential level II or higher in version 3.0 as determined by the Department;
- f. A current certification as a child development associate (CDA) in: center-based, preschool; center-based, infant-toddler; or family child care; or other Department-approved credential;
- g. Completion of a course of training approved by the Department and published on the Department's approval list; and nine (9) months (1,365 hours) of verified experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual;

- 
- 43

- (4) An adult who is currently certified as a child development associate (CDA) in: center-based, preschool; center-based, infant-toddler; or family child care; and has completed the infant/toddler theory and practice or has been issued the expanding quality in infant and toddler care training certificate of completion;
- (5) An adult who holds a current early childhood professional credential level II or higher in version 3.0, as determined by the Department, has a minimum of nine (9) months (1,365 hours) of verifiable experience in the care and supervision of infants and/or toddlers, and:
  - (a) Has completed one (1) three (3) semester credit hour course in infant/toddler development; or
  - (b) Has completed the Department-approved expanding quality in infant and toddler care training course.
- (6) An adult who:
  - (a) Is at least nineteen (19) years of age;
  - (b) Is qualified as an early childhood teacher (rule section 2.216(A));
  - (c) Has a minimum of nine (9) months (1,365 hours) of verifiable experience in the group care of infants or toddlers; and
  - (d) Has completed at least two (2) three (3)-semester credit hour courses from an accredited college or university on the development and care of infants and toddlers in a group setting, one (1) of which must be:
    - (i) Infant/Toddler Development; or
    - (ii) The Department-approved expanding quality in infant and toddler care training course.
- (7) An adult who:
  - (a) Is at least nineteen (19) years of age;
  - (b) Is qualified as an early childhood teacher (rule section 2.216(A));
  - (c) Has a minimum of one (1) year and nine (9) months (3,185 hours) of verifiable experience in the group care and supervision of infants or toddlers; and
  - (d) Will complete, within the first six (6) months of employment, two (2) three (3)-semester credit hour courses from an accredited college or university, one (1) of which must be:
    - (i) Infant/Toddler development; or
    - (ii) The Department-approved expanding quality in infant and toddler care training course.

- b. An infant program early childhood teacher must meet the following requirements:
  - (1) Meet the qualifications for an early childhood teacher found at rule section 2.216(A), or be qualified as an infant program supervisor; and
  - (2) Has a minimum three (3) months (455 hours) of verifiable experience in the care and supervision of children under three (3) years of age.
- c. Prior to being assigned a group of children, the infant program early childhood teacher must complete eight (8) hours of orientation in the infant program under the supervision of the infant program supervisor. The orientation may include, but not limited to, the following topics:
  - (1) Toys and equipment, appropriate activities for infants and toddlers, appropriate sleep positions for infants and toddlers, and the safe and appropriate diaper change technique.
- d. The infant program staff aide must be at least eighteen (18) years of age, must have completed eight (8) hours of orientation as listed above at the infant program, and must work under the direct supervision of an infant early childhood teacher.
- e. There must be at least one (1) staff member on duty in each infant room at all times who holds a current Department-approved first aid and safety certificate that includes cardiopulmonary resuscitation (CPR) for all ages of children.

**2. Required Staff and Supervision**

(See chart in rule section 2.217(A))

- a. In the infant program, there must be a qualified infant program supervisor present sixty percent (60%) of the hours of operation of the infant program who is responsible for the care of the infants. An individual qualified as an infant early childhood teacher must be responsible during the remaining time.
- b. The infant program supervisor or an infant early childhood teacher must be assigned to each group of ten (10) or fewer infants in attendance. An infant program staff aide may be assigned to assist the infant program supervisor or the infant early childhood teacher when six (6) through ten (10) infants are in care in the group to maintain the staff ratio of one (1) adult for each five (5) infants.
- c. There must be assigned at least one (1) infant program supervisor in the infant program for each twenty (20) or fewer infants in attendance.

**C. Toddler Program Staff**

**1. Staff Requirements**

- a. The toddler early childhood teacher, a staff member assigned responsibility for a single group and working under the supervision of the director, must meet at least one (1) of the following qualifications:
- b. A Registered Nurse, licensed to practice in Colorado, with a minimum of three (3) months (455 hours) of verifiable experience in the care and supervision of children less than three (3) years of age who are not related to the individual;

- c. A Licensed Practical Nurse, licensed to practice in Colorado, with at least nine (9) months (1,365 hours) of verifiable experience in the care and supervision of children less than three (3) years of age who are not related to the individual;
  - d. An adult who holds a certificate in infant and toddler care from an accredited college or university with completion of at least thirty (30) semester credit hours or equivalent in such courses as child growth and development, nutrition, and care practices with children birth to three (3) years of age;
  - e. An adult who is certified as a child development associate (CDA) in: center-based, preschool; center-based, infant-toddler; or family child care; or is certified as a child care professional (CCP); or holds another Department-approved certificate;
  - f. An adult who meets the education and experience requirements for an early childhood teacher of a large center (rule section 2.216(A)); or
  - g. A current early childhood professional credential level II or higher in version 3.0 as determined by the Department.
- 2. Staff aides must be at least sixteen (16) years of age, must work directly under the supervision of the director or a toddler early childhood teacher, and must have completed eight (8) hours of orientation at the toddler program.
  - 3. For every fifteen (15) or fewer toddlers, there must be at least one (1) staff member in the toddler program at all times who has a current Department-approved first aid and safety certificate that includes (CPR) for all ages of children.

**D. Kindergarten Teacher**

A kindergarten teacher, assigned responsibility for a single group of children during times specified in rule section 2.217, must meet one (1) of the following qualifications:

- 1. Each teacher of a kindergarten class must have the same qualifications as a director for a large center (see rule section 2.214); or must possess a current professional teaching license issued by the Colorado Department of Education in elementary education; or
- 2. A current early childhood professional credential level III or higher in version 3.0 as determined by the Department.

**E. Assistant Early Childhood Teacher**

An assistant early childhood teacher, assigned responsibility for a single group of children during times specified in rule section 2.217, must meet one (1) of the following qualifications:

- 1. Completion of one (1) of the early childhood education courses in rule section 2.214(B)(2), with a course grade of "C" or better; and a minimum of nine (9) months (1,365 hours) of verified experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual. Assistant early childhood teachers must be enrolled in and attending the second (2nd) early childhood education course, which will be used as the basis for their qualification for the position of early childhood teacher; or
- 2. Completion of two (2) of the early childhood education courses referenced in rule section 2.216(A)(1)(b), with a course grade of "C" or better and no experience; or,

3. A current early childhood professional credential level I or higher in version 3.0 as determined by the Department.

**F. Substitute Staff**

1. Equally qualified staff must be available to substitute for regularly assigned staff who are sick, on vacation, or otherwise unable to be on duty.
2. For short term unscheduled early childhood teacher vacancies up to ten (10) business days per calendar year, an assistant early childhood teacher can substitute for the early childhood teacher. The date and times of substitution must be recorded and available for review at all times.

**G. Staff Aide**

1. Staff aides must be at least sixteen (16) years of age and must work directly under the supervision of the director or an early childhood teacher.
2. Infant staff aides must be at least eighteen (18) years of age.
3. Staff aides, without supervision from an early childhood teacher or director, may supervise no more than two (2) preschool age children while assisting the children with diapering or toileting.

**H. Volunteers**

1. Volunteers who are used to meet staff to child ratio must be equally qualified as an early childhood teacher, assistant early childhood teacher, or staff aide. Equally qualified volunteers must have complete staff records as required in rule section 2.210 and complete training requirements as required in rule section 2.213.
2. Volunteers who are not required to be equally qualified or successfully complete background checks must be supervised and given instruction as to the center's policies and procedures.
3. Volunteers between the ages of twelve (12) and sixteen (16) must have a written purpose developed by the center for volunteering and may not volunteer for more than two (2) hours per day.

**2.217 REQUIRED STAFF AND SUPERVISION**

**A. Staff-Child Ratios**

1. For the purposes of this rule subsection (A), in determining staff-child ratios, only staff members and/or volunteers qualified under rule section 2.216(A), who work directly with children are counted.
2. For full day programs, during times of low attendance and/or during the first and last hour of the day, when only eight (8) or fewer children are present in the facility, there must be at least one (1) early childhood teacher or assistant early childhood teacher working with the children and a second staff member must be on site and immediately available. There must be no more than two (2) children less than the age of two (2) present. When nine (9) or more children are in attendance, at least two (2) staff members must be on duty.

3. The director of the center must be present at the center at least sixty percent (60%) of any day that the center is open.
  - a. Centers licensed under the same governing body that provide care for preschool-age children only at multiple locations are not required to have a large center director qualified staff member assigned to each program. to qualify, centers must have an organizational structure that includes employees of the center that provide at least ten (10) administrative support elements from the following:
    - (1) Colorado Preschool Program Coordinator;
    - (2) Parent Educational Specialist;
    - (3) Principal or Executive Director;
    - (4) Health Coordinator;
    - (5) Nurse;
    - (6) Health Technician;
    - (7) Food Service Director;
    - (8) A Registered Dietitian or an individual with a Master's level or higher education in Nutrition;
    - (9) Fire/Health/Safety Inspector;
    - (10) Mental Health Team;
    - (11) Speech Language Pathologist;
    - (12) Occupational/Physical Therapist;
    - (13) School Psychologist;
    - (14) Family Outreach Worker;
    - (15) Human Resource Specialist; or
    - (16) Transportation Manager.
  - b. The program must obtain a director who meets large center director qualifications if substantial evidence has been found leading to an adverse licensing action for any of the following:
    - (1) Lack of supervision;
    - (2) Operating out of the approved staff member to child ratio; or
    - (3) Operating without sufficient qualified staff.
4. If the director of a large center cannot be present sixty percent (60%) of any day, an assistant director must be on site acting in the capacity of the director.



5. When there is a director vacancy or absence, an assistant director may substitute for the director for a maximum of up to twelve (12) weeks per calendar year. The assistant director must be on site at least sixty percent (60%) of any day the center is open. For vacancies exceeding twelve (12) weeks, an individual meeting director qualification must be on site acting as director until a new director is appointed. The dates must be documented and kept on file for review.
6. An assistant director must consult with a qualified director on administering the center in accordance with early childhood principles and practices and licensing rules.
7. There must be assigned at least one (1) qualified early childhood teacher supervising each group of children unless otherwise specified in rules. A director may be the assigned teacher for one (1) group of children.
8. Full day programs may have assistant early childhood teachers supervise preschool-age and older children during the following periods of operation:
  - a. Opening hours: an assistant early childhood teacher may be alone with children for the first two (2) hours of a center's daily operating hours;
  - b. Nap time: an assistant early childhood teacher may be alone with children for up to one (1) hour during nap time;
  - c. Closing hours: an assistant early childhood teacher may be alone with children for up to the two (2) hours prior to the closing time of a center's daily operations;
  - d. Taking children to the restroom or diapering; and
  - e. When substituting for an early childhood teacher in compliance with rule section 2.216(F)(2).
9. At least one (1) staff member with the current Department-approved medication administration training and delegation must be on duty at all times.
10. At nap time, the child to staff ratio may be doubled for children two and one half (2 ½) years of age and older in preschool classrooms when the following conditions have been met:
  - a. At least half of the children are sleeping;
  - b. Another staff member is onsite in the center and immediately available;
  - c. Maximum group size and room capacity are not exceeded; and
  - d. Staff member supervising children is qualified as an early childhood teacher or assistant early childhood teacher.
11. Formal kindergarten class sessions must have one (1) staff member for each twenty-five (25) or fewer children in attendance. At other parts of the day when children are in attendance, the ratio must be one (1) staff member to each fifteen (15) or fewer children.
12. Children of the director or of staff members who attend the center and other children on the premises for supervision and care must be counted against the licensed capacity in the appropriate age groups.

13. In determining staff-child ratios, children who are in attendance for only part of the day are counted only while at the center.
14. Staff-Child Ratios

| <b>AGES OF CHILDREN</b>                | <b>NUMBER OF STAFF</b>        |
|--|-------------------------------|
| 6 weeks to 18 months (infants)         | 1 staff member to 5 infants   |
| 12 months to 36 months                 | 1 staff member to 5 toddlers  |
| 24 months to 36 months                 | 1 staff member to 7 toddlers  |
| 2-1/2 years to 3 years                 | 1 staff member to 8 children  |
| 3 years to 4 years                     | 1 staff member to 10 children |
| 4 years to 5 years                     | 1 staff member to 12 children |
| 5 years and older                      | 1 staff member to 15 children |
| Mixed age group 2-1/2 years to 6 years | 1 staff member to 10 children |

- a. In other preschool age combinations, the staff ratio for the youngest child must be utilized if more than twenty percent (20%) of the group is composed of younger children. This does not apply to infants and toddlers. The ratio for toddler groups is based on the youngest child in the group.
15. Maximum Group Size for Children

| <b>AGES OF CHILDREN</b>                 | <b>MAXIMUM GROUP SIZE</b> |
|---|---------------------------|
| 6 weeks to 18 months                    | 10 infants                |
| 12 months to 36 months                  | 10 toddlers               |
| 24 months to 36 months                  | 14 toddlers               |
| 2-1/2 years to 3 years                  | 16 children               |
| 3 years to 4 years                      | 20 children               |
| 4 years to 5 years                      | 24 children               |
| 5 years and older                       | 30 children               |
| Mixed age group 2-1/2 to 6 years of age | 20 children               |

- a. In other preschool age combinations, the maximum group size for the youngest child must be utilized if more than twenty percent (20%) of the group is composed of younger children. This does not apply to infants and toddlers. The group size for toddler groups is based on the youngest child in the group.
- b. Preschool age and school-age groups of children must be separated into developmentally appropriate activities. Groups are not required to be separated from each other by permanent or portable dividers or walls.
- c. Group size for children in preschool and school-age classrooms may be exceeded for circle time, meal and snack time, special occasions, and activities.
- d. The licensed room capacity must not be exceeded at any time.
- e. Toddler-age groups of children must be separated from each other by permanent or portable dividers or other methods as approved by the Department.
- f. When combining age groups, not including individual child transitions, children must be cared for in the room licensed for the youngest child in care, including the outdoor play area.

16. Emergency Situations

A. In the case of an emergency situation, including but not limited to illness, death, accident, law enforcement action, road closure, hazardous weather, emergency bodily function, child elopement, or providing emergency attention or care to a child, the child care center may operate under the following guidelines:

- (1) The facility may temporarily use a staff member, who has successfully completed criminal background check requirements, to supervise children for no more than two (2) hours until a qualified staff member is secured. The dates and times must be recorded and made available for review at all times.
- (2) A large child care center or a child care center that operates on the property of a school district, district charter school, or institute charter school, may permit a staff member, who has successfully completed criminal background check requirements but is not a qualified caregiver, to supervise children for an amount of time that is reasonably necessary to address an emergency circumstance.
- (3) During any emergency situation, the facility must be in compliance with the staff-to-child ratio.

B. Service/Housekeeping Personnel

1. Service personnel must be available for housekeeping and food preparation as needed for adequate operation and maintenance of the center.
2. Assignment of housekeeping and maintenance duties to child care staff must not interfere with their supervisory responsibilities and child care duties.

C. Child Care Health Consultant

1. Center staff must have a monthly consultation with a current Department-approved child care health consultant who must meet one (1) of the following qualifications:
  - a. A licensed registered nurse with knowledge and experience in maternal and child health;
  - b. A pediatric nurse practitioner;
  - c. A family nurse practitioner; or
  - d. A physician with knowledge and experience in pediatrics or maternal and child health.
2. The monthly consultation must be specific to the needs of the facility and include some of the following topics: training, delegation and supervision of medication administration and special health procedures, health care plans, hygiene, disease prevention, equipment safety, nutrition, interaction between children and adult caregivers, and child growth and development.
3. The monthly consultation must be conducted on-site at least quarterly or more frequently as required by the child care health consultant. Teleconsultations are allowed for the remaining months.

4. The date and content of each consultation must be recorded and maintained in the center's files for three (3) years.
5. For the Department-approved child care health consultant, the center must maintain documentation from the Colorado Medical Board or Colorado State Board of Nursing that the physician's or registered nurse's licensure is active and in good standing.
6. For the Department-approved child care health consultant, the center must maintain documentation of a brief biography highlighting applicable knowledge, experience, and approximate dates worked as a school nurse or child care health consultant.
7. All Department-approved child care health consultants must complete the Department-approved child care health consultant introductory training course within six (6) months of hire. Child care health consultants must complete Department-approved ongoing professional development training every three (3) years. The center must obtain and maintain proof of training completion.
8. All Department-approved child care health consultants must complete the Department-approved Colorado Department of Public Health and Environment immunization course annually. The center must obtain and maintain proof of course completion.
9. All Department-approved child care health consultants must complete the Department-approved training about child abuse prevention, which includes common symptoms and signs of child abuse or neglect. This training must be completed within thirty (30) days of hire and renewed every three (3) years.

## **ADMISSION PROCEDURE**

### **2.218 ADMISSION**

- A. The center must accept and care only for children of the ages for which it has been licensed. At no time shall the number of children in attendance exceed the number for which the center has been licensed.
- B. Admission procedures must be completed prior to the child's attendance at the center and must include:
  1. A pre-admission interview with the child's parent(s)/guardian(s) to determine whether the services offered by the center will meet the needs of the child and the parent(s)/guardian(s);
  2. Completion of the registration information required for inclusion in the child's record as required in rule section 2.209; and
  3. If applicable, a Department-approved health care plan authorized by the child's health care provider and parent(s)/guardian(s) defining the interventions needed to care for a child who has an identified health or developmental condition or concern including, but not limited to seizures, asthma, diabetes, severe allergies, heart or respiratory conditions, and physical disabilities. Any applicable medications, supplies, and/or medical equipment must be available to the staff prior to the child's first day of care. The staff working with a child with a health care plan must be informed, trained, and delegated responsibility for carrying out the health care plan by the Department-approved child care health consultant; supervision of the plan and interventions must be documented.

**C. Children with Special Needs**

1. The admission of children who have special health care needs, disabilities, or developmental delays which includes children with social emotional and behavioral needs must be in alignment with the training and ability of staff and in compliance with the Americans with Disabilities Act. Services offered must show that a reasonable effort is made to accommodate the child's needs and to integrate the child with other children. (See rule section 2.119 of the General Rules Regulating Child Care Facilities)
2. The center must inform its Department-approved child care health consultant prior to the first day of care of the enrollment of a child with special health care needs, if known, so staff receive training, delegation and supervision by the Department-approved child care health consultant as indicated by the child's individualized health care plan.
3. For a child with special health care needs requiring intervention and/or medication, the center must obtain written instructions for providing services from the child's parent(s)/guardian(s), and the health care provider. If an existing individualized health care plan is provided for the child, it must be reviewed and followed by the center staff when caring for the child. If the child does not have an existing individualized health care plan, the individualized health care plan must be obtained by the child's first day of care.
4. For an enrolled child with a newly identified special health care need, the center must obtain written instructions for providing services from the child's parent(s)/guardian(s) and the health care provider. If the child with special health care needs does not have an existing individualized health care plan, the individualized health care plan and all associated medication(s) and/or equipment must be provided within thirty (30) calendar days of the child's identified need.
5. The individual health care plan must be updated at least every twelve (12) months from the date of the initial plan and as changes occur. The plan must include all information needed to care for the child, must be signed by the health care provider, parent(s)/guardian(s) and must include, but not be limited to, the following:
  - a. Medication and dosing schedule;
  - b. Nutrition and feeding instructions;
  - c. Medical equipment or adaptive devices, including instructions;
  - d. Medical emergency instructions;
  - e. Toileting and personal hygiene instructions;
  - f. Behavioral interventions; and
  - g. Medical procedure/intervention orders.

D. If the parent(s)/guardian(s) agree(s) that the center should care for a child in the infant program who is eighteen (18) months or older, the center must have on file a written statement from a health care provider confirming that care for the child is appropriate in the infant program.

E. If the parent(s)/guardian(s) agree(s) that the center should care for a child in the toddler program who is twelve (12) months old but not walking independently, or is over thirty-six (36) months old, the center must have on file a written statement from a health care provider confirming that care for the child is appropriate in the toddler program.

## **HEALTH CARE**

### **2.219 STATEMENTS OF HEALTH STATUS**

- A. The center has the right to refuse to admit a child if a statement from a health care provider or documentation of immunization status, or exemption, is not submitted.
- B. At the time of admission, the parent(s)/guardian(s) must provide for each child entering the center:
  - 1. Documentation of school-required immunization status or certificate of medical or nonmedical exemption, is required by the Colorado Board of Health. Up-to-date school-required immunizations must be documented as specified on the Colorado Department of Public Health and Environment certificate of immunization or on an “approved alternate” Certificate of Immunization, defined in Colorado Department of Public Health and Environment rules located in 6 CCR 1009-2 rule section VI(A), (May 15, 2023), no later editions or amendments are incorporated. These regulations are available from the Colorado Department of Public Health and Environment at no cost at <https://www.coloradosos.gov/CCR/Welcome.do>. These regulations are also available for public inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash St., Bldg. C, Denver, CO 80246, during regular business hours. Colorado law requires proof of immunization status or exemption be provided prior to or on the first day of admission.
    - a. If the parent or legal guardian of a child wants a nonmedical exemption from the immunization requirement based on a religious belief whose teachings are opposed to immunizations or a personal belief that is opposed to immunizations, the child’s parent, or legal guardian must:
      - (1) Submit the certificate of nonmedical exemption with a signature from an immunizing provider in Colorado; or
      - (2) Submit the Colorado Department of Public Health and Environment Certificate of Nonmedical Exemption (May 2023) received upon the completion of Colorado Department of Public Health and Environment Online Immunization Education Module (Aug. 2021). The Certificate of Nonmedical Exemption and Education Module are herein incorporated by reference, no later editions or amendments are incorporated. The Certificate and Education Module are available at no cost from the Colorado Department of Public Health and Environment at <https://cdphe.colorado.gov/vaccine-exemptions>. The Certificate is available for public copying and inspection at the Colorado Department of Early Childhood, 720 S. Ash St., Bldg. C, Denver, CO 80246, during normal business hours..
  - 2. Within thirty (30) calendar days of admission, and within thirty (30) calendar days following the expiration date of a previous health statement, the parent(s)/guardian(s) of each child must submit a statement of the child’s current health status or written verification of a scheduled appointment with a health care provider. The statement of the child’s current health status must be signed and dated by a health care provider who has seen the child within the last twelve (12) months, or within the last six (6) months for children less than two and one-half (2½) years of age. The statement must include when the next visit is required by the health care provider. All health statements must be kept at the center.

3. Statements of health status of children less than two (2) years of age must be updated as required in writing by the health care provider, or in accordance with the American Academy of Pediatrics Recommendations for Preventive Pediatric Health Care schedule at [https://downloads.aap.org/AAP/PDF/periodicity\\_schedule.pdf](https://downloads.aap.org/AAP/PDF/periodicity_schedule.pdf), (4th ed. American Academy of Pediatrics; (2017) herein incorporated by reference. No later editions or amendments are incorporated. These recommendations are available at no cost from <https://www.aap.org/>. These recommendations are also available for public inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash St., Bldg. C, Denver, CO 80246, during regular business hours. .
4. Health statements for children over two (2) years of age to seven (7) years of age must be updated in accordance with the American Academy of Pediatrics Recommendations for Preventive Pediatric Health Care schedule for routine well child exams.
5. For children seven (7) years of age and older or who have completed the first (1st) grade, subsequent statements of health status must be obtained every three (3) years.

**2.220 MEDICATION**

- A. Any unexpired routine medication, prescription or non-prescription (over the counter), must be administered only with a current written order of a health care provider with prescriptive authority and with written parental consent. Home remedies, homeopathic medication, vitamins, and supplements must not be administered to children in child care.
- B. The written order by the person with prescriptive authority shall include:
  1. Child's name;
  2. Licensed prescribing practitioner name, telephone number, and signature;
  3. Date authorized;
  4. Name of medication and dosage;
  5. Time of day medication is to be given;
  6. Route of medication;
  7. Length of time the medication is to be given;
  8. Reason for medication (unless this information needs to remain confidential);
  9. Side effects or reactions to watch for; and
  10. Special instructions.
- C. Medications must be kept in the original labeled bottle or container. Prescription medications must contain the original pharmacy label.
- D. Over-the-counter medication must be kept in the originally labeled container and be labeled with the child's first and last name.

- E. In the case medication needs to be given on an ongoing, long-term basis, the authorization and consent forms must be reauthorized on an at least annual basis. Any changes in the original medication authorization require a new written order by the prescribing practitioner and a change in the prescription label.
- F. Staff designated by the director to give medications must complete the Department-approved medication administration training and have current annual delegation or more often as determined by the Department-approved child care health consultant. Delegation must be from the center's current Department-approved child care health consultant who must observe and document the competency of each staff member involved in medication administration. All staff administering medication must have current cardiopulmonary resuscitation (CPR) and first aid training prior to administering medication with the following exceptions:
  - 1. Staff determined by the director, in consultation with the Department-approved child care health consultant, to be responsible for providing emergency medications must complete the Department-approved medication administration training: severe allergy or asthma. After completing the training, staff must receive delegation from their Department-approved child care health consultant for those medications only. Staff must then provide those medications to children based on the instructions from the child's individualized health care plan.
  - 2. Staff determined by the director, in consultation with the Department-approved child care health consultant, to be responsible for providing medications not covered in the approved medication administration training shall also be permitted to administer medications and/or medical treatments such as emergency seizure medication, insulin, or oxygen with individualized training and delegation from the Department-approved child care health consultant based on instructions from the child's individualized health care plan.
  - 3. Staff may be trained and delegated in the administration of a single rescue medication or rescue medical intervention by the center's Department-approved child care health consultant. Such training and delegation shall qualify the staff member to provide a rescue medication or treatment for a specific child based on instructions from the child's individualized health care plan.
- G. All medications, except those medications specified in the Department-approved medication administration training as emergency medications, must be locked and inaccessible to children, but available to staff trained in administering medication. Controlled medications must be counted and safely secured, and specific policies regarding their handling require special attention in the center's policies. Access to these medications must be limited.
  - 1. Emergency medications are not required to be locked but must be stored in an area inaccessible to children, and easily accessible and identifiable to staff. Emergency medications must be stored in accordance with the Department-approved child care health consultant's recommendation.
  - 2. When away from the classroom, staff assigned to supervise the child must carry the emergency medication.
- H. The center must have a written policy on the storage and access of inhalers and epinephrine carried by school-age children. The policy must include a written contract with the parent(s)/guardian(s) and child acknowledgement assigning levels of responsibility of each individual. This contract includes orders for the medication from a health care provider, along with confirmation from the health care provider and the Department-approved child care health consultant that the student has been instructed and is capable of self-administration of the prescribed medications.



- I. Children are not allowed to bring medications to child care unless accompanied by a responsible adult.
- J. If a medication is out of date or left over, the parent(s)/guardian(s) is responsible for picking up the medication. If the parent(s)/guardian(s) do not respond, the center must dispose of the medications as required by the Colorado Department of Public Health and Environment.
- K. Topical preparations such as petroleum jelly, diaper rash ointments, sunscreen, insect repellent, and other ointments may be administered to children with written authorization from the parent(s)/guardian(s). These preparations may not be applied to open wounds or broken skin unless there is a written order by the prescribing health care provider.
- L. A written medication log must be kept for each child. This log is part of the child's records. The log must contain the following:
  - 1. Child's name and birthdate;
  - 2. name of the medication, dosage, and route;
  - 3. time medication is to be given by written medication authorization;
  - 4. time medication is administered to child;
  - 5. Special instructions;
  - 6. Name and initials of the individuals giving the medication; and
  - 7. Notation if the medication was not given and the reason.

## **2.221 SUN PROTECTION**

- A. The center must obtain written authorization and instructions from the parent(s)/guardian(s) for the application of sunscreen or the use of another form of parent(s)/guardian(s) approved sun protection with a full-spectrum ultraviolet A/ ultraviolet B (UVA/UVB) rating of sun protection factor (SPF) thirty (30) or greater to their children's exposed skin prior to outside play year-round. a doctor's permission is not needed to use sunscreen at the center.
- B. The center must apply sunscreen, have the parent(s)/guardian(s) apply sunscreen, or use another form of parent/guardian approved sun protection for children prior to children going outside. Sunscreen must be reapplied as directed by the product label.
  - 1. When the parent(s)/guardian(s) applies sunscreen, the center must have a mechanism for documenting application times to ensure sunscreen is reapplied as directed by the product label. If documentation of application time is not available, the center must ensure that sunscreen is applied thirty (30) minutes before going outdoors. If the child will be outside for more than one (1) hour, sunscreen must be reapplied every two (2) hours.
- C. When supplied for an individual child, the sunscreen must be labeled with the child's first and last name.
- D. If sunscreen is provided by the center, parent(s)/guardian(s) must be notified in advance, in writing, of the type of sunscreen the center will use.
- E. Children over four (4) years of age may apply sunscreen to themselves under the direct supervision of a staff member.

- F. Infants under six (6) months must be kept out of direct sunlight while outdoors.

## **CHILD CARE SERVICES**

### **2.222 PERSONAL HYGIENE**

#### **A. Diapering**

1. All diaper change areas must:
  - a. Be a minimum of thirty-six (36) by eighteen (18) inches in size and large enough to accommodate the size of the child;
  - b. Have a place inaccessible to children for storing all diaper change supplies and disinfecting solutions and products;
  - c. Have a sufficient supply of diapers at all times; and
  - d. Be located and arranged to provide privacy for older children in need of diaper changing.
2. Children being diapered must be within arm's reach of the staff member and actively supervised throughout the diapering process.
3. One (1) diaper change area is required in every infant and toddler classroom.
4. One (1) designated diaper change area is required for every twenty-four (24) preschool age children.

#### **B. Toileting**

1. There must be no attempt to toilet train children until they are able to communicate or otherwise indicate need, help manage their own clothing, and be able to access toileting facilities.
2. For each child who is learning to use a toilet, the child's individual developmental abilities and needs must be accommodated as stated in the written policies and procedures for the center.

### **2.223 PHYSICAL CARE AND SUPERVISION**

#### **A. General**

1. All children must be under the direct supervision at all times of a qualified adult who has been assigned the responsibility to supervise.
2. The time a child arrives and leaves the center each day must be recorded. Staff members must complete written attendance verification periodically throughout the day, including during transitions.
3. Staff must be awake, alert, and actively supervising all children.
4. Staff must directly supervise children and maintain staff to child ratio during special activities that occur with an outside vendor or provider and where the vendor uses their expert staff to facilitate the activity.

5. The staff must ensure that children are dressed appropriately for the weather before going outside.

**B. Infant and Toddler Programs**

1. Outside of mealtimes, children who are awake must not be confined for more than fifteen (15) minutes at a time to cribs, playpens, swings, highchairs, infant seats, or other equipment that confines movement. Children must have the opportunity for freedom of gross motor movement.
2. Throughout the day, each child must have frequent, individual, personal contact, and attention from an adult, such as being held, rocked, taken on walks inside and outside the center, talked to, read to, and sung to.
3. Staff must investigate whenever children cry, scream, or appear to withdraw and must try to verbally or physically soothe the child. When putting infants to sleep, staff may allow for a period of no longer than ten (10) minutes without verbally or physically soothing the child to enable the infant to try to self soothe and fall asleep.
4. Children must be allowed to form and observe their own pattern of sleep and waking periods. Special provision must be made so that children requiring a morning nap time have a separate area for their nap apart from space used for play.
  - a. Children must be allowed to leave their sleeping area immediately upon waking.

**C. Safe Sleep Environments for Infants**

1. Each infant up to eighteen (18) months of age and enrolled in the infant program must be provided with an individual crib, futon approved for infants, or other approved sleep/rest equipment meeting Consumer Product Safety Commission (CPSC) standards published by the Consumer Product Safety Commission (CPSC) at 16 CFR section 1218.2 (April 23, 2015); 16 CFR section 1219.2 (October 28, 2019); 16 CFR section 1220.2 (June 3, 2023); 16 CFR section 1221.2 (January 20, 2020); 16 CFR section 1222.2 (August 5, 2023); 16 C.F.R. section 1236.2 (June 23, 2022); and 16 C.F.R 1241.2 (February 15, 2022) herein incorporated by reference. No later editions or amendments are incorporated. These regulations are available at no cost from the CPSC at <https://www.ecfr.gov>. These regulations are also available for public inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash St., Bldg. C, Denver, CO 80246, during regular business hours. Individual cribs or futons must provide each infant with sufficient space for the infant's length, size, and movement.
2. In the infant room, soft bedding or materials that could pose a suffocation hazard are not permitted in cribs, futons approved for infants, or other approved sleep/rest equipment. Soft bedding means, but is not limited to, any soft sleep surface like bumper pads, pillows, blankets, quilts, comforters, sleep positioning devices, sheepskins, blankets, flat sheets, cloth diaper bibs, plush toys, pacifiers with stuffed animals attached, and stuffed animals.
  - a. Mattresses for cribs and futons must have a properly fitted, clean sheet.
3. Approved sleeping equipment must be firm and mattresses must fit snugly ensuring no more than two fingers are able to be inserted between the mattress and the side of the approved sleeping equipment.

4. Toys, including mobiles and other types of play equipment that are designed to be attached to any part of sleeping equipment, must be kept away from sleeping infants and out of sleep environments, including hanging toys. Blankets and other items must not be hung from or draped over the sides or any part of sleeping equipment.
5. All sleep/rest equipment must be safe, sturdy, and free from hazards including, but not limited to broken or loose slats, torn mattress, chipping paint or loose screws.
6. Drop side and stacking cribs are prohibited.
7. Bassinets and playpens are prohibited in child care centers.
8. Other sleep equipment not manufactured for commercial use is prohibited.
9. An infant must be placed on their back for sleeping.
10. Alternative sleep positions for infants must only be allowed with a health care plan completed and signed by the child's physician.
11. Swaddling of infants must only be allowed with a health care plan completed and signed by the child's health care provider.
12. Each infant up to twelve (12) months of age who uses a pacifier must have the pacifier offered when being put down to sleep unless the parent(s)/guardian(s) direct(s) otherwise.
13. Infant sound monitors must be used in separate sleeping rooms for infants unless qualified staff remain in the room with sleeping infants at all times. When monitors are used, the following conditions must be met:
  - a. The sound monitoring equipment is able to pick up the sounds of all sleeping infants;
  - b. The receiver of the sound monitoring equipment is actively monitored by staff at all times;
  - c. All sleeping infants must be physically observed at least every ten (10) minutes by a staff member;
  - d. Sound monitoring equipment must be regularly checked to ensure it is working correctly; and
  - e. The monitor must be out of reach of children.
14. Separate sleep rooms are prohibited in new construction, change of governing body, and change of capacity in child care centers.
15. Infants who fall asleep in a piece of equipment not approved for sleep must immediately be moved to their approved sleep area and placed on their back to sleep.
16. Cribs must be used for sleeping, not extended play nor confinement.
17. If music is played in the infant sleep area, the music must not be played at a loud volume that would prevent infants from being heard by staff. Music equipment must not be placed under a crib or within three (3) feet of the sleeping infant.

18. Supervised tummy time must be offered to infants one (1) month of age or older at least four (4) times per day for full day programs for short periods (3-5 minutes) and increase the amount of time as the infant shows they enjoy the activity. If the infant falls asleep during tummy time, immediately place him/her on their back in approved sleeping equipment.
19. When staff place infants in approved sleeping equipment for sleep, they must check to ensure that the temperature in the room is comfortable for a lightly clothed adult, check the infants to ensure that they are comfortably clothed (not overheated or sweaty), and that bibs, necklaces, and garments with ties or hoods are removed.
  - a. Clothing sacks or other clothing designed for sleep must be worn in lieu of blankets if needed for additional warmth. Clothing must not restrict the movement of the child's arms or legs.
20. Infants must not be placed to sleep in the same crib or futon as another infant or child at the same time.

**D. Rest Time and Equipment**

1. Children must not be forced to sleep.
2. In rooms used for napping, the lighting must be dim at nap time to promote an atmosphere conducive to sleep but must be bright enough for supervision of children.
3. When the room provided for rest is used for other program activities, the cots, pads, and linens must be stored in an area that is not included in the required square footage assigned for play space.
4. In the toddler room, a crib, sleeping cot, or two (2) inch mat must be provided for each child, and there must be a minimum of two (2) feet between each crib or cot. Aisles between cots or cribs must be kept free of all obstructions while cribs are occupied. No child less than the age of two (2) years should use a cot for sleeping without written permission of the parent or guardian.
  - a. Individual cribs must provide each toddler with sufficient space for the toddler's length, size, and movement, and must meet federal Consumer Product Safety Commission standards, as incorporated in rule section 2.223(C). Each crib must be fitted with a firm, comfortable mattress. If individual cribs are used, they must be separated by a sturdy divider from the area used for activities.
  - b. Sleeping cots and mats must be of firm construction and in good repair.
  - c. A fitted sheet and a blanket, or suitable covering, must be provided for each child to be used only by that child.
5. If preschool-age children are in care for longer than five (5) hours, the center must provide at least a thirty (30) minute rest period meeting the following:
  - a. A firm cot or two (2) inch mat with a sheet and blanket, or other suitable covering, must be provided for each child;
    - (1) Cots or pads must be spaced at least two (2) feet apart on all sides during rest time. Children must have a safe area in which to rest that is easily supervised, out of the path of traffic, and free of hazards.

- b. Quiet activities must be available for children who do not sleep during the thirty (30) minute period. Older children requiring a rest time must be given one;
- c. Children who do not sleep after thirty (30) minutes must be allowed to move to another area and be provided with quiet toys and equipment to play with such as puzzles or books; and
- d. Children who fall asleep must be allowed to leave their napping area within ten (10) minutes of waking.

## **2.224 FOOD AND NUTRITION**

### **A. Meals and Snacks provided by the center**

- 1. All meals and snacks provided by the center must meet current United States Department of Agriculture (USDA), Child and Adult Care Food Program (CACFP) meal pattern guidance and requirements published by the USDA Food Nutrition Service at <https://www.cacfp.org/meal-pattern-guidance/> (April 2016) and 7 C.F.R. sections 210.10 and 226.20 (July 1, 2022), herein incorporated by reference. No later editions or amendments are incorporated. These regulations are available at no cost from the USDA Food Nutrition Service at <https://www.ecfr.gov>. These regulations are also available for public inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash St., Bldg. C, Denver, CO 80246, during regular business hours. and be offered at suitable intervals not more than three (3) hours apart. Children who are at the center for more than four (4) hours, day or evening, must be offered a meal. Arrangements must be made for feeding children who are in care before 6 a.m. or after 6 p.m.
- 2. If 100% fruit juice, which is not a sugar sweetened beverage, is offered as part of meals and/or snacks, it must be limited to no more than two (2) times per week.
- 3. Centers must not provide sugar sweetened beverages to children. These are beverages that have been sweetened with various forms of sugars that add calories and include, but are not limited to: soda, fruitades, fruit drinks, flavored milks, and sports and energy drinks.
- 4. The size of servings must be suitable for the child's age and sufficient time must be allowed so that meals are unhurried.
- 5. Foods offered shall be age appropriate and not pose a choking hazard.
- 6. In centers that do not regularly provide a meal, if a child brings a meal from home that does not appear to meet current USDA Child and Adult Care Food Program meal pattern requirements, the center must have foods available to offer as a supplement to that meal.
- 7. Staff members must sit with the children and encourage them to try a variety of food served. During meals, children should be encouraged to engage in conversation and to express their independence.
- 8. Children must not be given foods that are contrary to the religious beliefs of their families or that are known to cause an allergic reaction or a health hazard.
- 9. Food and beverages are not to be used as a reward.
- 10. Meal menus must be planned at least one week in advance, dated, and posted in a place visible to parents. After use, menus must be filed and retained for three (3) months.

11. A table, counter, or shelf, separate from the diaper changing area, must be available for preparing infants' and toddlers' food.

**B. Feeding the Infant**

1. An individualized diet and feeding schedule must be provided according to a written plan submitted by the parent or by the child's physician with the knowledge and consent of the parent. A change of diet and schedule must be noted on each child's daily activity schedule and posted in an area clearly visible to the staff.
2. All infants less than six (6) months of age must be held for bottle feeding. Bottles must not be propped. Older infants must not be allowed to hold their own bottles when lying flat. Bottles must not be allowed in a crib with the infant.
3. Older infants must be provided with suitable solid foods that encourage freedom in self-feeding and must be fed in safe chairs such as highchairs or baby-feeding tables.
4. When the infant program provides food other than breast milk or formula, food must be varied and include food from cereal, vegetable, fruit, and protein sources. When the center does not provide solid food, it must supply any additional foods and/or monitor the infant's total nutritional intake.
5. A staff member may not mix cereal with breast milk or formula and feed it to an infant from a bottle or infant feeder unless there are written instructions from the child's health care provider.
6. In infant nurseries, an adequate number of highchairs, or other suitable pieces of equipment that meet federal Consumer Product Safety Commission standards published by the Consumer Product Safety Commission (CPSC) at 16 CFR sections 1112 and 1321 (June 19, 2019), herein incorporated by reference. No later editions or amendments are incorporated. These regulations are available at no cost from the CPSC at <https://www.ecfr.gov>. These regulations are also available for public inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash St., Bldg. C, Denver, CO 80246, during regular business hours; must be provided for infant feeding.
7. Children who are actively eating may be in a highchair or other approved feeding equipment for longer than fifteen (15) minutes. Children must be moved once feeding is complete.

**C. Feeding the Toddler**

1. Staff members must either feed toddlers or supervise them when they are eating, and children must be encouraged to try a variety of food served.
2. Toddlers must be sitting when eating or drinking.
3. Children who are actively eating may be in a highchair or other approved feeding equipment for longer than fifteen (15) minutes. Children must be moved away from the feeding location once feeding is complete.

**2.225 GUIDANCE**

- A. Guidance used at the center must be appropriate to the development of the child and is used as an opportunity to teach children social-emotional skills, such as self-regulation, problem-solving, and empathy for others.

- B. Children must not be subjected to physical or emotional harm, humiliation, or threats.
- C. The director must not use, or permit a staff person or child to use, corporal punishment as defined in section 22-1-140, C.R.S.
- D. Guidance must not be associated with food, rest, or toileting. No child should be punished for toileting accidents. Food must not be denied to or forced upon a child as a disciplinary measure.
- E. Physical activity and outdoor time must not be withheld as a disciplinary measure.
- F. Separation, when used for guidance, must not exceed five (5) minutes and must be appropriate for the child's development. The child must be in a safe, lighted, well-ventilated area and be within sight and hearing of an adult. The child must not be isolated in a locked, closed room, or closet.
- G. Verbal abuse and derogatory remarks about the child are not permitted.
- H. Any form of restraint is not permitted.
- I. Physical redirection may be used to keep a child from immediate imminent danger. The child must be immediately released once removed from imminent danger.

## **2.226 ACTIVITIES**

- A. Activity Schedules
  - 1. The center must carry out a planned program suitable to the needs of the children. This program must be described in writing and be available for review when requested by the Department or by parents or guardians of children in care.
  - 2. Daily physical gross motor activities, with or without equipment or materials, must be provided outdoors, or indoors during inclement weather, to children toddler age and older for no less than sixty (60) minutes total for full day programs. Activities do not have to occur all at once.
    - a. Programs who qualify for an outdoor space hardship per rule section 2.232(B), must provide daily physical gross motor activities indoors or outdoors.
  - 3. Children's access to outdoor space must be provided daily, except during inclement weather.
  - 4. Infants must be provided access to outdoor play at least three (3) times per week, weather permitting.
  - 5. If the center takes children on routine short excursions, such activities and locations must be posted at the center.
  - 6. Portable first aid kits must be available to staff at all times, including field trips and short excursions, and must be checked and restocked on at least a monthly basis.
  - 7. If a child participates in activities away from the facility, the center must obtain the parent or guardian's written permission for the child to participate in the activity at a specific location and day. Staff ratios found at rule section 2.217, must be maintained.



**B. Screen Time and Media Use**

1. Screen time, which includes, television, recorded media, computer, tablet, cell phones, video games, and other media devices, is prohibited for children less than two (2) years of age.
2. Screen time is prohibited during snack or meal times.
3. All media that children are exposed to must not contain explicit language or topics.
4. For children two (2) to five (5) years of age, screen time must be limited to no more than thirty (30) minutes per day.
5. For children two (2) years of age and older, screen time may only exceed sixty (60) minutes for a special occasion and must not occur more than once every two (2) weeks.
6. All children must be provided with a developmentally appropriate alternative activity once the child(ren) loses interest in the media activity.
7. There is no time restriction for children using personal adaptive equipment or assistive technology or participating in mandatory school activities.

**C. Field Trips**

1. The center must notify the children's parents or guardians in advance of any field trip. The staff-child ratio found at rule section 2.217, must be maintained at all times.
2. All groups of children must be actively supervised by a qualified early childhood teacher at all times.
3. Children must be actively supervised at all times.
4. An accurate itinerary must remain at the center.
5. When taking children on a field trip, staff must have the following information about each child: name, address, and phone number of the child's physician or other appropriate health care professional and the written authorization from the parent or guardian for emergency medical care.
6. If children attending the field trip require routine medications be administered during the field trip or have special health needs, a staff member with current medication administration training and delegation must attend on the field trip.
7. A list of all children and staff on a field trip must be kept at the center.

**2.227 TRANSPORTATION**

**A. Transportation Provided by the Center**

1. The center is responsible for any children it transports.
2. The center must obtain written permission from the parent(s)/guardian(s) for any transportation of their child(ren) while in care.

3. The number of staff members who accompany children when being transported in the vehicle must meet the child care staff ratio found at rule section 2.217. The driver of the vehicle is considered a staff member.
4. Children must not be permitted to ride in the front seat of a vehicle and must remain seated while the vehicle is in motion. All children must be secured in a child restraint system that is appropriate for the age and development of that child that meets the requirements of the Colorado child passenger safety laws at sections 42-4-236 and 42-4-237, C.R.S.
5. Children must be loaded and unloaded out of the path of moving vehicles.
6. Children must not be permitted to stand or sit on the floor of a moving vehicle, and their arms, legs, and heads must remain inside the vehicle at all times.
7. Children must not be left unattended in the vehicle.
8. Transportation arrangements for school-age children must be by agreement between the center and the children's parents, *i.e.*, whether the child can walk, ride a bicycle, or travel in a car. The center must monitor the children to be sure they arrive at the center when expected and follow up on their whereabouts if they are late. Written permission from parents or guardians for their children to attend community functions after school hours must include agreements regarding transportation.
9. Prior to a field trip or other excursion, the center must obtain information on liability insurance from parents and staff who transport children in their own cars and verify that all drivers have valid driver's licenses.
10. Attendance must be verified as children enter and exit the vehicle to ensure all children are accounted for.

**B. Requirements for Vehicles**

1. Any vehicle used for the transportation of children to and from the center or during center activities must meet the following requirements:
  - a. The vehicle must be enclosed and have working door locks;
  - b. The seats of the vehicle must be constructed and installed according to the vehicle manufacturer's specifications;
  - c. The vehicle must be kept in satisfactory condition to ensure the safety of occupants;
  - d. Seating must be comfortable with a seat of at least ten (10) inches wide for each child;
  - e. The provider must not transport more children than any vehicle is able to safely accommodate when child restraint systems and seat belts are properly installed in the vehicle. Two (2) or more children must never be restrained in one (1) seat belt or child restraint system; and

- f. Modifications to vehicles including, but not limited to, the addition of seats and seat belts must be completed by the manufacturer or an authorized representative of the manufacturer. Documentation of such modifications must be available for review by the Department.
  - 2. Any child transported must be properly restrained in a child restraint system that meets the requirements of the Colorado child passenger safety laws at sections 42-4-236 and 42-4-237, C.R.S.
  - 3. Children who meet the requirements to be restrained in a safety belt must be instructed and monitored to keep the seat belt properly fastened and adjusted.
  - 4. Two or more children must never be restrained in one (1) seat belt or child restraint system.
  - 5. In vehicles with a manufacturer's established capacity of sixteen (16) or more passengers, seat belts for passengers are not required.
- C. Requirements for Drivers of Vehicles
- 1. All drivers of vehicles transporting children must operate the vehicle in a safe and appropriate manner.
  - 2. All drivers of vehicles owned or leased by the center in which children are transported must have a current Department-approved first aid and safety certificate that includes cardiopulmonary resuscitation (CPR) for all ages of children.
  - 3. In each vehicle used to transport children, drivers must have access to a First Aid kit.
  - 4. The driver must ensure that all doors are secured at all times when the vehicle is moving.
  - 5. The driver must make a good faith effort to ensure that each child is properly belted throughout the trip.
  - 6. The driver must not eat, smoke, or use a cellular device while driving.
  - 7. The required staff to child ratio must be maintained at all times.
  - 8. All drivers must be at least twenty (20) years of age.
  - 9. Drivers must complete a minimum of four (4) hours of Department-approved driver training. The Department's approval will be based on the review of a training curriculum that includes at a minimum: behind the wheel training; participant transport attendance procedures including taking attendance at the destination; managing behavioral issues; loading and unloading procedures; daily vehicle inspection procedure; proper tire inflation; emergency equipment and how to use it; accident procedures; passenger illness procedures; procedures for backing up; and vehicle evacuation.
- D. Transporting Infants and Toddlers
- 1. Children must be properly restrained in a child restraint system that meets the requirements of the Colorado child passenger safety laws at sections 42-4-236 and 42-4-237, C.R.S., applicable Federal Motor Vehicle Safety Standards pursuant to Colorado law.

2. There must be at least one (1) adult, in addition to the driver, for each five (5) or fewer infants/toddlers being transported. Each adult must have a current Department-approved First Aid and Safety certificate that includes CPR for all ages of children.
3. An adult must accompany each child to and from the vehicle.
4. Infants and toddlers must not be transported in the front seat of a vehicle.

## **2.228 OVERNIGHT CARE**

- A. All of the provisions required in rule section 2.200 of these rules for child care centers apply to centers offering overnight care of children which includes care that extends beyond midnight. In addition, centers must observe the following provisions:
1. A nutritious evening meal must be made available to children. If provided by the center, the meal must meet current USDA Child and Adult Care Food Program meal pattern requirements, as incorporated in rule section 2.224.
  2. Quiet activities must immediately precede the children's bedtime.
  3. Children's faces and hands must be washed, children's teeth must be brushed according to the child's age, and children must be changed into comfortable clothing for sleeping.
  4. Each child must be provided with a comfortable separate bed, crib, or cot suitable for the child's age or a two (2) inch sleeping mat or mattress. Each child must also be provided with sheets and a clean, washable covering. If mats or mattresses are used, the room temperature at floor level must be sixty-eight (68) to seventy-two (72) degrees. Pads and mattresses must be fitted with a clean, washable, removable covering. Permission of parents/guardians must be obtained for each child who uses a sleeping mat or mattress placed on the floor.
  5. Staff must be awake, alert, and actively supervising all children.
  6. The staff-child ratio for sleeping children is one (1) adult to every six (6) or fewer children in attendance. Once one (1) child is awake, the staff-child ratio as defined in rule section 2.217, must be maintained.

## **CHILD CARE EQUIPMENT AND MATERIALS**

### **2.229 GENERAL REQUIREMENTS**

- A. Durable furniture such as tables and chairs must be child-sized or appropriately adapted for children's use.
- B. Window blind cords must be secured out of children's reach to prevent strangulation.
- C. Items labeled "keep out of reach of children" must be inaccessible to children.
- D. Staples must be inaccessible to children less than three (3) years of age.
- E. Thumb tacks must not be used in areas accessible to children less than three (3) years of age.
- F. Glitter must not be used with children under three (3) years of age.
- G. Loose plastic bags must be stored in areas inaccessible to children.

- H. Sharp tools and instruments must be stored in areas inaccessible to children.
- I. For every five (5) infants for which the center is licensed, there must be at least one (1) piece of sturdy mobile equipment that is easily accessible to safely and effectively evacuate infants.
- J. If using a crib is not designed for emergency evacuation, the crib must be reinforced with a kit manufactured for this purpose.
- K. Evacuation equipment must not block exit routes. Nothing may be stored in or under any evacuation equipment.

Evacuation equipment must:

- 1. Be located in the room or immediately outside the interior classroom door;
  - 2. Be labeled for easy identification;
  - 3. Be ready for use; and
  - 4. Fit through doorways.
- L. Toys, toy parts, furnishings, equipment, and any materials accessible to children under than three (3) years of age must not be a choke hazard or able to be inhaled. Any area of the facility accessible to children less than three (3) years of age must be free of any choke or inhalation hazards.
- M. Toys, toy parts, furnishings, equipment, and materials made of brittle, easily breakable plastic or glass are not permitted for children less than five (5) years of age.
- N. The infant program must have an adult rocking chair.
- O. In the infant program, some play equipment from the following list must be provided: rubber washable toys, rattles, blocks, balls, and music player.
- P. Some sand or equivalent dry material or water play should be offered to children eighteen (18) months of age or older, indoors or outdoors, at least monthly and year-round.
- Q. At least three (3) examples of materials must be available to the children that are developmentally appropriate, culturally sensitive, and represent diversity in ethnicity, race, gender, age, and abilities. Variety must exist in toys, books, and pictures.
- R. The center must have enough play materials and equipment so that at any one time each child for which the center is licensed for can be individually involved. Separate play rooms or separate interest centers must be provided for each category of equipment required for the program. A variety of material and equipment from the following categories must be available:
  - 1. Art;
  - 2. Blocks and accessories;
  - 3. Books and pictures;
  - 4. Dramatic play;
  - 5. Gross motor;

- 6. Manipulatives;
  - 7. Music; and
  - 8. Science and math.
- S. In the toddler program, some play materials and equipment easily accessible to children must be provided from each of the following categories:
- 1. Books and pictures;
  - 2. Dramatic play;
  - 3. Gross motor;
  - 4. Manipulatives; and
  - 5. Music.
- T. If the center serves school-age children, it must have some age-appropriate materials and equipment from each of the following categories:
- 1. Arts and crafts;
  - 2. Games;
  - 3. Sports;
  - 4. Science and math; and
  - 5. Literature.
- U. An appropriate supply of play materials must be readily accessible to children and must be arranged in an orderly manner so that children can select, remove, and replace the play materials either independently or with minimum assistance.

**2.230 INDOOR/OUTDOOR EQUIPMENT, MATERIALS, AND SURFACES**

- A. A variety of play equipment and materials appropriate for children's age, size, developmental needs, and activities must be provided for both indoor and outdoor structured and free play.
- 1. Programs who qualify for an outdoor space hardship per rule section 2.232(B)(1) are not required to provide equipment and materials for outdoor play.
- B. Indoor and outdoor equipment, materials, and furnishings must be sturdy, safe, and free of hazards.
- C. All other indoor or outdoor playground facilities, with permanently installed or portable climbing equipment, without an annually certified playground inspection must meet the following requirements:
- 1. Resilient Surfacing
    - a. All climbing equipment eighteen (18) inches or higher must have resilient surfacing of at least six (6) inches in the use zone surrounding the equipment.

- b. Department-approved resilient surfacing includes loose fill materials such as wood chips, wood mulch, engineered wood fiber, pea gravel, synthetic pea gravel, shredded rubber tires, and sand. Solid unitary materials include poured in place surfacing, approved rubber mats, playground tiles, and Astroturf with built in resilient pad.
  - c. Loose fill resilient surface must be raked regularly to retain its resiliency and to retain a depth of at least six (6) inches.
  - d. Any newly installed solid unitary materials used for resilient materials must have written documentation from manufacturer stating the material meet current federal safety standards. The documentation must be available for review at all times.
- 2. Maximum Height of Equipment
  - a. The maximum height for toddler climbing equipment cannot exceed thirty-two (32) inches.
  - b. The maximum height for preschool and school-age climbing equipment must not exceed six (6) feet in height with six (6) inches of Department-approved resilient surfacing.
- 3. Use Zone
  - a. Toddler climbing equipment must have a three (3) foot use zone surrounding the equipment. Toddler slides require a six (6) foot use zone extending out from the base of the slide.
  - b. The use zone for swings used by toddlers is determined by measuring the distance from the top of the swing to the bottom of the bucket seat. This measured distance must extend from both the front and the back of the swing.
  - c. Preschool and school-age climbing equipment must have a six (6) foot use zone surrounding the equipment. For slides exceeding six (6) feet in height, the use zone from the base of the slide must be as long as the slide height.
  - d. The use zone for swings used by children preschool age and older is determined by measuring the distance from the top of the swing to the ground. This measured distance must extend from both the front and the back of the swing.
- 4. Moving equipment must be located toward the edge or corner of a play area or be designed in such a way as to discourage children from running into the path of the moving equipment.
- 5. Metal equipment must be placed in the shade.
- 6. All pieces of playground equipment must be designed to guard against entrapment and strangulation. Any openings in gross motor equipment above ground must be smaller than three and one half (3 ½) inches or greater than nine (9) inches to prevent entrapment.
- 7. Swings must have seats made of a flexible material and all "S" hooks must be secured.

8. All outdoor play areas used for children's activities must be checked daily and kept safe and free from hazardous materials or debris by removal of debris, dilapidated structures, and broken or worn play equipment. The staff must identify hazardous, high-risk areas; those areas must be made inaccessible to children to reduce the possibility of injuries and accidents.
- D. For purposes of a playground facility inspection, the Department shall accept as satisfactory proof of valid certification of the playground facility, certification, or a copy of certification, from an individual who is licensed or certified to perform playground safety inspections through the National Recreation and Park Association, or other nationally recognized playground facility safety organization. The Department shall not require a duplicate inspection if there is a satisfactory inspection report.
  1. All playground facilities who hold a certified playground safety inspection must maintain resilient surfacing in compliance with the certification.
- E. Children must wear helmets when riding scooters, bicycling, skateboarding, or rollerblading. The helmet must be removed after the activity. Motorized riding toys are not permitted.
- F. Trampolines and inflatable bouncers are prohibited.

## **2.231 INDOOR LEARNING ENVIRONMENT**

### **A. Indoor Space Requirements**

1. There must be open, indoor play space of at least thirty (30) square feet of floor space per child, including space for movable furniture and equipment. For space to be counted in the square footage calculation, the space must be accessible and used by children.
2. Indoor play areas must be uncluttered, safe, and allow for freedom of movement.
3. Adequate storage space must be provided for indoor and outdoor equipment and supplies.
4. Number of Children Allowed in One (1) Room

| <b>AGE OF CHILDREN</b> | <b>MAXIMUM NUMBER OF CHILDREN IN A ROOM</b> |
|------------------------|---|
| 6 weeks to 18 months   | 10 infants                                  |
| 12 months to 18 months | 10 infants                                  |
| 12 months to 36 months | 20 toddlers                                 |
| 18 months to 24 months | 20 toddlers                                 |
| 24 months to 36 months | 28 toddlers                                 |
| 30 months to 36 months | 28 toddlers                                 |



5. Square Footage Requirement per Child

| AGE OF CHILD                       | SEPARATE FREE PLAY AREA | SEPARATE SLEEP AREA   | COMBINED SLEEP AND PLAY AREA |
|------------------------------------|-------------------------|---|------------------------------|
| 6 weeks to 18 months (infants)     | 35 square feet          | Adequate space to accommodate size of cribs and needs of infant and staff | 50 square feet               |
| 12 months to 36 months (toddlers)  | 30 square feet          | 30 square feet  | 45 square feet               |
| 2-1/2 years to 5 years (preschool) | N/A                     | N/A   | 30 square feet               |
| 5 years and over (school-age)      | N/A                     | N/A   | 30 square feet               |

6. In the infant program, the minimum indoor space per infant for sleep and activities is fifty (50) square feet.

- a. In a combination sleep/activity rooms, the sleep area must be separated by a sturdy divider from the area used for activities, and cribs must be arranged so that all infants and cribs are easily accessible to staff members.

**2.232 OUTDOOR LEARNING ENVIRONMENT**

A. Outdoor Space Requirements

1. Readily accessible gross motor play space and access to outdoor space must be provided.
2. The outdoor learning environment for preschool age and older must provide a minimum of seventy-five (75) square feet of space per child for a group of children using the total play area at any one time. the total play area must accommodate at least thirty-three percent (33%) of the licensed capacity for children preschool age and older or a minimum of 1,500 square feet, whichever is greater.
  - a. Programs who qualify for an outdoor space hardship per rule section 2.232(B)(1), must meet the minimum outdoor learning environment square footage requirements indoors or through a combination of indoor and outdoor space.
3. The play area must be fenced or have natural barriers, such as hedges or stationary walls at least four (4) feet high, to restrict children from unsafe areas.
  - a. Centers licensed to provide care for preschool-age children only may use the centers perimeter fencing if they maintain a ratio of one (1) staff member to eight (8) children.
4. The play area must be designed so that it is easily supervised.
5. A minimum of one hundred fifty (150) square feet of shaded area in the fenced play area must be provided to guard children against the hazards of excessive sun and heat. Shaded areas must be provided year-round.
6. In the infant program, the outdoor play area must be a minimum of four hundred (400) square feet.

7. In the infant program, the outdoor area can be used by other age groups at the center, but it must not be used by any other group of children while infants are using it.
8. The total outdoor play area for toddler age groups must be a minimum of seven hundred fifty (750) square feet if licensed for ten (10) toddlers and one thousand fifty (1,050) square feet if licensed for fourteen (14) or more toddlers, or seventy-five (75) square feet per child for the largest group size for which the program is licensed.
9. In the toddler program, the outdoor play area can be shared by infants, but infants and toddlers must not be allowed to use the play area at the same time.

**B. Outdoor Space Hardship**

1. If an outdoor play space is not directly attached to the facility or accessible via secure access, or the child care facility cannot meet outdoor space requirements due to a hardship based on the location of the facility, the facility must develop a site-specific plan, which will be submitted to the Department for review and approval, that includes the following:
  - a. Identification of an accessible (appropriate for the age group of children served) alternate outdoor space including a description and approximate square footage of the space;
  - b. A diagram outlining how children will safely travel to and from this location;
  - c. A plan for supervision, including any special staffing requirements, to safely access and utilize the alternate outdoor space that includes:
    - (1) Attendance tracking upon arrival to the outdoor space and return to the facility;
    - (2) Children's toileting and diapering needs;
    - (3) Children's routine and emergency medical needs including the use of first aid kits and accessibility of emergency contact information when not on site at the child care facility;
    - (4) Plans for alternate activities if the outdoor space is unavailable; and
    - (5) If play equipment or climbing structures are present in the outdoor space, a plan for assessing safety of equipment and supervising age-appropriate play.
  - d. An emergency evacuation plan including the location of a secondary site for reunification with parents in the case of an emergency while at the offsite location and plans for accessing shelter in the case of emergency; and,
  - e. A policy that notifies the parent(s)/guardian(s) of the alternate outdoor space.
2. If the outdoor space becomes unusable or the program cannot maintain what was approved in the plan, the program must submit a new plan to the Department within ten (10) calendar days of a change in the usability of such outdoor space.
3. Child care facilities licensed prior to December 1, 2021, may not reduce or eliminate existing licensed outdoor space to qualify for the outdoor space hardship.

## **BUILDINGS AND FACILITIES**

### **2.233 BUILDING SITE**

#### **A. General**

1. Centers can be located in a private residence only when that portion of the residence to which children have access is used exclusively for the care of children during the hours the center is in operation or is separate from the living quarters of the family.
2. No other business can operate in the rooms used by the center during the hours of child care.
3. Rooms licensed for specific ages of children cannot be used for other ages of children without the prior written approval of the licensing authority.
4. Prior to licensure, if the infant or toddler program is located on a floor above or below the main floor of egress leading directly outside, the child care facility must develop and submit an alternate location plan for approval by the Department that includes following:
  - a. Fire department and building department approval per the locally adopted fire and building codes;
  - b. An emergency evacuation plan with identified primary and secondary areas of refuge;
  - c. Any special equipment necessary to operate in and evacuate safely from the alternate location; and
  - d. Any special staffing and training requirements to ensure the ability to safely evacuate the alternate location.

#### **B. Infant Programs**

If the infant program is in the same building as a facility caring for children of other ages, the infant program must be physically separated in different rooms by walls no less than eight (8) feet and full doors.

#### **C. Toddler Program**

1. If the toddler program is in the same building as a facility caring for children of other ages, the toddler program must be physically separated in different rooms by walls no less than eight (8) feet and full doors.
2. If the toddler program is combined with a large child care center or an infant program, toddler facilities, both indoor and outdoor, must be completely separate from facilities for other age groups, except as allowed by rule sections 2.232(A)(6) and (8). If the facility wishes to provide opportunities for a toddler to have occasional contact with siblings, plans must be approved by the Department licensing representative.

### **2.234 BUILDING PLANS AND CONSTRUCTION**

- #### **A.**
- The center must comply with applicable state and local building and fire codes.

- B. Prior to construction, architectural plans for new buildings or for remodeling of existing buildings must be submitted for review and approval by the Department, the local fire department, and the local building department as to appropriateness, adequacy, and suitability for child care functions.

#### **2.235 TOILET FACILITIES**

- A. Toilet facilities for the staff and other adults must be in separate restrooms or be separated by a partition from children's facilities, except in centers licensed for thirty (30) or fewer children and in centers with programs of four (4) hours or less.
  - 1. In toilet facilities where the adult and children's facilities are separated by a partition, adults and children must not use the facilities at the same time.
  - 2. After January 1, 2022, staff and children toilet facilities must be separate in new construction.
- B. Toilet facilities for children must be separate from rooms used for other purposes and must be located on the same floor as the inside play area.
- C. A minimum of one (1) sink and one (1) flush toilet must be provided for each fifteen (15) or fewer children.
- D. The same toilet facilities must not be used simultaneously by school-age children of all genders, and toilets for school-age children must be separated by partitions to provide privacy.
  - 1. School-age children must be allowed the use of toilet facilities that correspond with their gender identity.
- E. Toilet facilities must be provided for children two (2) years of age and older.
- F. Toilet facilities for toddlers must be located within their classroom.

#### **2.236 OFFICE FACILITIES**

- A. Office space separate from areas used by children must be provided for staff to perform administrative duties.
  - 1. If the office space is accessible to children, it must be free of hazards.
- B. The office must have sufficient space for maintenance and safe storage of children's and staff records and the center's business records.

### **SAFETY REQUIREMENTS**

#### **2.237 GENERAL REQUIREMENTS**

- A. Firearms as defined in section 18-1-901(3)(h), C.R.S., are prohibited on the premises, both indoor and outdoor, and in any vehicle in which children are transported.
- B. Buildings must be kept in good repair and maintained in a safe condition.
- C. Major cleaning is prohibited in rooms occupied by children.
- D. Volatile substances such as gasoline, kerosene, fuel oil, oil-based paints, firearms, explosives, and other hazardous items must not be stored in any area of the building used for child care.

- E. Combustibles such as cleaning rags, mops, and cleaning compounds must be stored in well-ventilated areas, separated from flammable materials, and stored in areas inaccessible to children.
- F. All heating units, gas or electric, must be installed and maintained per the manufacturer's specifications with safety devices to prevent fire, explosions, and other hazards. No open-flame gas or oil stoves, unscreened fireplaces, hot plates, or unvented heaters can be used for heating purposes. All heating elements, including hot water pipes, must be insulated or installed in such a way that children cannot come in contact with them.
- G. Combustible materials must not be stored in hallways, stairways, boiler rooms, mechanical rooms, or electrical equipment rooms.
- H. In rooms used by children, all electrical outlets that are accessible to children must have protective covers, or safety outlets must be installed.
- I. Permanently located battery-powered lights must be provided in locations readily accessible to staff in the event of electric power failure. Batteries must be checked regularly.
- J. Closets, attics, basements, cellars, and furnace rooms must be kept free from accumulation of extraneous materials such as furnishings, newspapers, and magazines.
- K. Kitchens, including all hazardous items, must be inaccessible to children at all times.

## **2.238 FIRE SAFETY**

Centers must comply with the locally adopted fire code, including but not limited to the following:

- A. Every building and structure must have the minimum required number of exits to permit the prompt escape of occupants in case of fire or other emergency. Additional safeguards must be provided for life safety in case any single safeguard is ineffective due to some human or mechanical failure.
- B. Every building or structure must be constructed, arranged, equipped, maintained, and operated as to avoid undue danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time reasonably necessary for escape from the building or structure in case of fire or other emergency.
- C. In every building or structure, exits must be arranged and maintained so as to provide free and unobstructed egress from all parts of the building or structure at all times when it is occupied. No lock or fastening to prevent free escape from the inside of any building can be installed. Only panic hardware or single-action hardware is permitted on a door or on a pair of doors. All door hardware must be within the reach of children.
- D. No children younger than school age can be cared for in areas above or below the main floor of exit unless in compliance with all Codes and Standards as adopted by the local jurisdiction and approved by the local fire department, or except as provided in the location exception in rule section 2.233(A)(4).
- E. One (1) exit from each room must be directly to the exterior of the building or to a common hallway leading to the exterior. The exit path must not go through an intervening room such as a bathroom, another classroom, storage room, or kitchen.
- F. All stairways, interior and exterior, that are used by children must be provided with handrails within reach of the children.

- G. Regardless of the number of staff and children, exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. Dead bolts may be installed on the main exit door, but the lock cannot be used during business hours, and there must a sign indicating that "this door must remain unlocked during business hours."
- H. Every exit must be clearly visible, or the route to reach it must be conspicuously indicated. Each path of escape must be clearly marked.
- I. Fire alarm and fire sprinklers must be provided in accordance with the locally adopted fire code. If a fire alarm system is installed, it must be used to warn occupants of the existence of fire or to facilitate the orderly conduct of fire exit drills.

**DROP-IN, PART DAY, MOBILE PART-DAY PRESCHOOL, TEEN PARENT PROGRAMS, AND CHILD CARE PROGRAMS AND PRESCHOOLS OPERATED BY PUBLIC SCHOOL DISTRICTS**

**2.239 DROP-IN PROGRAMS**

- A. Director Requirements
  - 1. The director or assistant director of an extended hour drop-in child care center operating at least six (6) calendar days per week must be present at the center or involved in director activities at least fifty percent (50%) of the hours of operation of any day the center is in operation.
    - a. If the director is not on site at the center for a portion of any day that center is in operation, the director must be available by phone.
    - b. The director must be present in the center at least thirty (30) hours each week.
  - 2. Whenever the director of a drop-in child care center cannot be present fifty percent (50%) of any day the center is in operation, an assistant director that meets one (1) of the following qualifications must be present:
    - a. At least one (1) year of experience as a qualified early childhood teacher at the drop-in child care center;
    - b. Eighteen (18) months of experience as a qualified early childhood teacher with children less than twelve (12) years of age and at least six (6) months experience at the drop-in child care center;
    - c. A Bachelor's, Master's, or Doctorate degree from an accredited college or university in one (1) of the human services fields below:
      - (1) Child Development;
      - (2) Child Psychology;
      - (3) Early Childhood Education;
      - (4) Early Childhood Special Education;
      - (5) Educational Leadership and Administration;
      - (6) Elementary Education;

- (7) Family and Human Development;
- (8) Family Studies;
- (9) Special Education; or

d. Qualification as an early childhood teacher and completion of at least half of the required coursework for director qualifications, including one (1) of the following administration classes:

- (1) Administration Of Early Childhood Care and Education Programs; or
- (2) Administration Human Relations for Early Childhood Professions or Introduction to Business.

**B. Staff to Child Ratios**

- 1. Drop-in child care centers may follow a ratio of one (1) adult for every eight (8) children for children in a mixed age group of two (2) years of age to twelve (12) years.
- 2. One (1) to two (2) children, one (1) year of age to two (2) years of age, may join the preschool age group of children for short periods of time for structured activities.

**C. Health Care**

- 1. For children attending a drop-in center, the parent(s)/guardian(s) of each child must submit a statement of the child's current health status or written verification of a scheduled appointment with a health care provider within thirty (30) calendar days or by the second visit, whichever is longer. The statement of the child's current health status must be signed and dated by a health care provider who has seen the child within the last twelve (12) months, or within the last six (6) months for children less than two and one-half (2 ½) years of age. Subsequent statements are not required if there have been no health changes in the child and the parent(s)/guardian(s) attest in writing to the health status of the child on an annual basis. Children attending drop-in child care with special medical needs must have the statement from a health care provider as indicated in rule section 2.219(B).

**D. Rest Time Equipment**

- 1. Drop-in child care centers must provide mats or cots for at least fifty percent (50%) of the licensed capacity of the center.

**E. Play-Equipment and Materials**

- 1. Drop-in child care centers must provide indoor gross motor equipment, including, but not limited to, an indoor climbing structure, an open area for indoor, and must provide gross activities at least two (2) times during each six (6) hour period of time.

**F. Building Site- Toddler Program**

- 1. A toddler program located in a drop-in child care center licensed for five (5) or fewer toddlers may be separated from the rest of the center by a five (5) foot wall.
- 2. Drop-in child care centers must provide a minimum of one (1) sink and one (1) toilet for each twenty (20) or fewer children.

3. Toilet facilities are not required to be located in the toddler classroom for drop-in child care centers licensed for ten (10) or fewer toddlers.

## **2.240 PART-DAY PROGRAMS**

### **A. Safe Sleep Environment**

1. Supervised tummy time must be offered to infants one (1) month of age or older at least two (2) times per day for part day programs for short periods (3-5 minutes) and increase the amount of time as the infant shows they enjoy the activity. If the infant falls asleep during tummy time, immediately place him/her on their back in approved sleeping equipment.

### **B. Gross Motor Activities**

1. Daily gross motor activities, with or without equipment or materials, must be provided outdoors, or indoors during inclement weather. Activities do not have to occur all at once.
  - a. Programs who qualify for an outdoor space hardship per rule section 2.232(B)(1), must provide daily physical gross motor activities indoors or outdoors.
2. Daily physical gross motor activities must be provided for children toddler age and older based on the program's hours of operation:
  - a. For programs operating up to three (3) hours per day, fifteen (15) minutes of gross motor activities is required.
  - b. For programs operating between three (3) and five (5) hours per day, thirty (30) minutes of gross motor activities is required.

## **2.241 MOBILE PART-DAY PRESCHOOL PROGRAMS**

### **A. Policies**

1. Written schedules must be provided to parent(s)/guardian(s) and the Department. Any changes to location must be provided to parent(s)/guardian(s) and the Department in advance.
2. The program must have an emergency evacuation plan and location.
  - a. The program must develop a plan for transporting children, specific to each mobile unit, in the case of an emergency. The plan must be approved by the Department prior to caring for children.

### **B. Staff Qualifications**

1. There must be a large child care center qualified director available during operating hours. A director can oversee multiple mobile preschool programs under the same governing body.
2. Each mobile preschool program must have a qualified early childhood teacher on site.

### **C. Supervision**

Children must be directly supervised when entering and exiting the mobile preschool.



**D. Child Care Equipment and Materials**

1. A variety of developmentally appropriate materials, equipment, and learning activities from the following categories must be available so that for any one time at least half of the children for which the program is licensed can be individually involved:
  - a. Art;
  - b. Blocks and accessories;
  - c. Books and pictures;
  - d. Imaginative play;
  - e. Manipulatives;
  - f. Music; and
  - g. Science and math.

**E. Facility Requirements**

1. The mobile unit must be parked and appropriately secured prior to children arriving for care.
2. The use of handwashing sinks and toilets not located within the facility must be approved by the Colorado Department of Public Health and Environment.
3. If the mobile preschool is approved by the Colorado Department of Public Health and Environment to use a toilet located outside of the facility, there must be one (1) additional staff member, who is an assistant early childhood teacher or an early childhood teacher, to properly supervise and accompany the children to the toilet facilities.
4. If the Colorado Department of Public Health and Environment approves the use of a public restroom, the restroom must not be shared with the public during the hours the preschool is in operation.
5. There must be a minimum of fifteen (15) square feet per child in the mobile classroom.
6. The mobile preschool must be capable of maintaining a draft-free temperature of a minimum of sixty-eight (68) degrees Fahrenheit.
7. The program must have safely accessible access to an outdoor area for daily planned activities, during inclement weather, an indoor space must be available for gross motor activities.
  - a. Programs who qualify for an outdoor space hardship per rule section 2.232(B)(1), must provide daily physical gross motor activities indoors.

**F. Safety**

1. Space heaters must have screens, a safety overheat protection, a safety trip-over switch, and be inaccessible to children.
2. The mobile preschool must have two (2) means of emergency egress.

**2.242 TEEN PARENT PROGRAMS OPERATED BY A PUBLIC SCHOOL DISTRICT**

- A. Infant programs affiliated with teen parent programs that are operated by accredited public school systems and on school premises may substitute the following age requirements for those at rule section 2.204(B)(3):
1. The minimum age of infants in care is seven (7) days.
  2. Infants between the ages of seven (7) and thirteen (13) days may be accepted for care only with written approval from a health care provider and if there are no medical complications for the infant and/or teen mother.
  3. Infants fourteen (14) days of age and over may be accepted for care if there are no medical complications for the infant and/or teen mother.
  4. The maximum age of infants in care may be extended only in those situations where no teen parent toddler program exists. In this circumstance, an infant may remain in the infant program until the end of the school semester in which the infant becomes eighteen (18) months old.
- B. Infant and toddler programs affiliated with teen parent programs that are operated by accredited public school systems on school premises may substitute the following staff requirements for those at rule sections 2.216(B) and (C):
1. The director must be present in the infant program classroom or adjacent teen parent classroom at least sixty percent (60%) of any day the center is open.
  2. If the director cannot be present sixty percent (60%) of any day, an individual who meets assistant director qualifications must substitute for the director.
  3. Infant staff aides must be at least fifteen (15) years of age and may be parents-to-be, parents of enrolled infants, or students enrolled in a child care related course with the sponsoring school system.
  4. Substitutes for infant program staff must be from the sponsoring school system's list of approved substitute staff members. Substitutes who do not meet minimum staff qualifications can work no more than ten (10) consecutive business days per assignment. The dates and times must be recorded and made available for review at all times.
  5. Substitutes for infant program staff must hold a current Department-approved first aid and safety certificate that includes cardiopulmonary resuscitation (CPR) for all ages of children.
- C. Rest Time Equipment
- Bassinets and playpens are allowed for use in a teen parent program when the teen parent(s) remain(s) on site.

**2.243 CHILD CARE PROGRAMS AND PRESCHOOLS OPERATED BY A PUBLIC SCHOOL DISTRICT**

- A. The administration of medical marijuana must comply with policies listed in sections 12-255-120 and 12-255-127, C.R.S.
- B. Director Requirements

1. Preschool age classrooms that are operated by public school districts are not required to have a large center director qualified staff member assigned to each program when they have an organizational structure that includes at least ten (10) administrative support elements from the following:
  - a. Colorado Preschool Program Coordinator;
  - b. Parent Educational Specialist;
  - c. Principal;
  - d. Health Coordinator;
  - e. Nurse;
  - f. Health Technician;
  - g. Food Service Director;
  - h. A Registered Dietitian or an individual with a Master's level or higher education in Nutrition;
  - i. Fire/Health/Safety Inspector;
  - j. Mental Health Team;
  - k. Speech Language Pathologist;
  - l. Occupational/Physical Therapist;
  - m. School Psychologist;
  - n. Family Outreach Worker;
  - o. Human Resource Specialist; or
  - p. Transportation Manager.
2. The program must obtain a director who meets large center director qualifications if substantial evidence has been found leading to an adverse licensing action for any of the following:
  - a. Lack of supervision;
  - b. Operating out of the approved staff member to child ratio; or
  - c. Operating without sufficient qualified staff.
3. Programs who have their director privileges revoked may submit a request for consideration after a period of two (2) years from successful completion of the adverse licensing action.

**C. Substitutes**

1. Substitutes for directors of part-day public school preschools may be from the sponsoring school system's list of approved substitutes. Substitutes who do not meet director qualifications must consult with a qualified director on administering the center in accordance with early childhood principles and practices and licensing rules.
2. In licensed programs operated by public school districts, substitutes may be from the sponsoring school system's list of approved substitutes. Substitutes who do not meet qualifications for the position that they are substituting for can be used up to ten (10) calendar days per year. The dates and times must be recorded and made available for review at all times.

**D. Outdoor Space Requirements**

1. Licensed preschool programs operated by public school districts who do not meet fencing or barrier requirements in rule section 2.232(A)(3), may use the school's perimeter fencing if they maintain a ratio of one (1) staff member to eight (8) children.

**2.300 RULES REGULATING FAMILY CHILD CARE HOMES**

**2.301 AUTHORITY**

These rules and regulations are adopted pursuant to the rulemaking authority provided in sections 26.5-1-105(1), 26.5-3-702(1)(d), and 26.5-5-314(1), C.R.S., and are intended to be consistent with the requirements of the State Administrative Procedures Act, sections 24-4-101 through 24-4-204 (the "APA"), C.R.S., the Anna Jo Garcia Haynes Early Childhood Act, Title 26.5 of the C.R.S. (the "Early Childhood Act"), the Child Care Licensing Act, sections 26.5-5-301 through 26.5-5-329, C.R.S.; and the Child Care Development and Block Grant Act of 2014, 42 U.S.C. sec. 9858e

**2.302 SCOPE AND PURPOSE**

The Colorado Department of Early Childhood, Division of Early Learning, Licensing, and Administration is responsible for the administration of health and safety rules and requirements for licensed child care facilities. These rules outline the requirements for family child care homes operating less than twenty-four (24) hours, and govern the health and safety requirements for licensed family child care home providers in Colorado. All primary providers must comply with the "General Rules for Child Care Facilities" in rule section 2.100, "Rules Regulating Family Child Care Homes" in this rule section 2.300, and the "Rules Regulating Special Activities" in rule section 2.600.

**2.303 APPLICABILITY**

The provisions of these rules and regulations shall be applicable to facilities for child care operated with or without compensation or educational purposes in a place of residence of a family or person, for the purpose of providing less than twenty-four (24) hour care for children under the age of eighteen (18) years who are not related to the head of such home.

**2.304 DEFINITIONS**

**A. Definitions for family child care homes**

1. "AAP" means the American Academy of Pediatrics.

2. "ASTM" means the American Society for Testing and Materials. ASTM is an organization that coordinates the development of voluntary industry standards that supplement mandatory standards such as information to the public on Standard Consumer Safety Specification on Toy Safety (ASTM F-963) and other voluntary standards that cover specific children's products.
3. "Accessible" means children being able to obtain equipment and materials without adult aid, may be age/development specific.
4. "Approved sleeping equipment" means equipment that is appropriate for the age of the child, is intended for sleep or rest, and allows the child freedom of movement in a safe and sanitary manner.
5. "Applicant 2" means an individual that resides in the family child care home and provides care regularly, in a recurring pattern. An Applicant 2 must have the same required training as the Primary Provider as specified in these "Rules Regulating Family Child Care Homes." Applicant 2 is legally liable for the business.
6. "Available" means materials or equipment that is not immediately accessible to children, but which may be introduced with adult aid.
7. "Blocked telephone" means a telephone that will not accept telephone calls when caller ID says "unavailable." This does not include telephones that require the caller to enter a ten digit telephone number from the telephone that is being called from or require the provider to have their name listed in a telephone directory.
8. "Child Care Health Consultant (CCHC)" means a medical professional who assists the program in meeting and exceeding basic health and safety standards. A child care health consultant must meet one of the following qualifications: a Licensed Registered Nurse with knowledge and experience in maternal and child health; a Pediatric Nurse Practitioner; a Family Nurse Practitioner; or, a Physician with knowledge and experience in pediatrics or maternal and child health.
9. "Choking hazard" means an item that presents the possibility of restriction or elimination of airflow into the lungs.
10. "CPR training" means cardiopulmonary resuscitation for adult, infant, and child.
11. "Clean" means to be free of visible dirt and debris or to remove dirt and debris by vacuuming or scrubbing and washing with soap and water.
12. "Complaint severity level" means the level of seriousness (zero to five) the Department assigns to a complaint reported against a family child care home based on the severity of the allegation(s). The severity level assigned determines the timeframe in which the allegation(s) must be investigated by the licensing specialist.
13. "Compromise" means to expose to possible loss or danger.
14. "Culturally sensitive" means to encourage, share and explore the differences and similarities of heritage, culture, language, race, and its effect on learning, values, and behavior.
15. "Corrective or controlling speech" means using speech to direct or influence authority over a child(ren) by the use of directive speech to change a behavior.

16. "Danger" means exposure to harm or injury.
17. "Decorative pond" means a small- or medium-sized artificially confined body of water. The pond can be decorated with large and small rocks, water lilies, pond plants, tadpole, fish, and have features such as lights, waterfalls and fast moving water.
18. "Department" means the Colorado Department of Early Childhood.
19. "Derogatory" means to belittle, diminish, and express criticism or a low opinion of.
20. "Developmentally appropriate" means to provide an environment where learning experiences are meaningful, relevant, and are based upon a child's individually identified strengths and weaknesses, interests, cultural background, family history and structure.
21. "Director" means an individual that has been evaluated and received a written letter that verifies that he/she meets the Colorado State Director qualification requirements for a large child care center.
22. "Discipline" means to punish in order to bring a child's behavior under control.
23. "Disinfect" means to eliminate most or all pathogenic microorganisms, with the exception of bacterial spores by using effective bactericidal heat or concentration of chemicals which are registered with the U.S. Environmental Protection Agency. This is generally accomplished in a child care setting by the use of liquid chemical solutions such as a mixture of household bleach and water.
24. "Early Childhood Mental Health Consultant" (ECMHC) means the same as "mental health consultant" in section 26.5-3-701(1), C.R.S.
25. "Early Childhood Mental Health Consultation services" means the provision of services that promote social and emotional development in children and transform children's challenging behaviors. This includes capacity building for providers and family members; directly observing and interacting with children and the care giving environment; and designing and modeling interventions that involve changes in the behaviors of family members and caregivers. It also includes collaboration with providers, employees, volunteers, and family members and caregivers who intervene directly with children in group care, early education and/or home settings.
26. "EQIT" means the Department approved Expanding Quality in Infant Toddler (EQIT) Care Course.
27. "Emergency" means a sudden, urgent, usually unexpected occurrence or occasion requiring immediate action or a personal or family situation that is critical in nature, which requires the provider to take immediate action and leave the home to handle the emergency.
28. "Emergency Substitute" means an individual that is responsible for supervising children in the event of an emergency.
29. "Equally qualified provider" means an employee that has the same required trainings and qualifications as the primary provider as specified in these "Rules Regulating Family Child Care Homes."
30. "Extreme weather" means weather conditions that require unusual or immediate action to reduce exposure to harm or injury.

31. "Family Child Care Home" (FCCH) has the same meaning as set forth in section 26.5-5-303(7), C.R.S.
32. "Field trip" is a trip by children away from the family child care home. These field trips range from a few minutes during the day to a full day periodically throughout the year. Field trips are not intended to replace the regular indoor learning environment.
33. "Fire drill" means a drill in which the occupants of a building evacuate from the interior to the exterior of the building. Varying exits are used to know multiple ways out of a building in an emergency.
34. "First Aid training" means training in which a person reacts to injuries and performs simple emergency medical care procedures before emergency medical professionals are available as necessary.
35. "Flexibility" means the provider has the ready capability to adapt to new, different, or changing requirements of parent(s) or guardian(s) for child care.
36. "Frequently" means many times at short intervals.
37. "Guidance" means a way of teaching that empowers children to make decisions that are ethical, intelligent, and socially responsible.
38. "Guidance approach" means the use of guidance, distinct from discipline, to reduce the need for and resolve the occurrence of mistaken behavior in ways that are non-punitive.
39. "Harsh treatment" means treatment that is ungentle and unpleasant in action or effect, such as treatment that is unpleasantly severe, stern, or cruel.
40. "Health Care Plan" means the document contains written instructions about a specific health condition including when and how specific interventions are to be carried out in a school or child care setting. This document should be signed by the child's health care provider and parent. Health Care Plans can be collaboratively created by a Department-approved child care health consultant, the child's parents, health care provider and primary care provider. Health Care Plans are necessary for the care of children with chronic health care conditions such as asthma, seizure disorder, diabetes, or severe allergy. Health Care Plans may also guide the care of children with acute conditions that may need short-term special management in the group care setting such as a child returning to care with a cast, or after a surgical intervention.
41. "Health care provider " means a Licensed Physician, Physician's Assistant, and Nurse Practitioner registered or licensed with the Colorado Department of Regulatory Agencies' Division of Professions and Occupations.
42. "Home remedy" means a non-medical treatment to attempt to cure or treat an ailment with common household items or foods.
43. "If applicable" means if the rule should be applied depending on the circumstances of the situation.
44. "Immediately" means without delay or hesitation, without any interval of time.
45. "Inaccessible" means a child cannot reach, touch, or obtain the item.

- 46. "Infestation" means the presence of unwanted pests such as insects, rodents, bats, birds, or parasites at levels considered to pose either an economic or health threat.
- 47. "Interactive learning" means a method of learning through hands on activities that help a child gain knowledge and skills by connecting with information and experiences provided by the provider.
- 48. "Intoxicated" means that a person is under the influence of drugs or alcohol to the point that his/her actions and/or behavior presents an immediate danger to themselves or others.
- 49. "Language development materials" means materials that focus on the development of listening and speaking skills, and contains experiences which familiarize children with pre-reading and pre-writing activities.
- 50. "Lead poisoning" means poisoning by a toxic metal that is found in and around homes, in lead-based paint, chipping paint, or lead dust from deteriorated paint. Lead may cause a range of health effects, from behavior problems and learning disabilities, to seizures and death.
- 51. "Lockdown drill" means a drill in which the occupants of a building are restricted to the interior of the building and the building is secured.
- 52. "Lost child" means a child that has been separated from the group outside of the supervision of the provider or assigned staff member or for whom the local authorities have been contacted.
- 53. "Mental Health Practitioner" means a mental health professional who offers services for the purpose of improving an individual's mental health or to treat mental illness.
- 54. "Nationally recognized" means to be known in the majority of businesses or residential areas of the United States and that may meet local or national accreditation standards.
- 55. "Negative licensing action" or "adverse action," has the same meaning as set forth in section 26.5-5-303(16), C.R.S.,
- 56. "Offered" means materials, equipment or activities, including meals which are presented as options but are not required or forced upon children.
- 57. "Operational status information" means if the family child care home is open, closed, or temporarily closed.
- 58. "Organic materials" means materials relating to, or derived from, living organisms.
- 59. "Pattern" means repeating an activity such as a sleep or meal routine at regular intervals.
- 60. "Periodically" means from time to time; a special event; or activity that occurs irregularly without an established pattern.
- 61. "Permanent climbing equipment" means climbing equipment installed that is stable, cannot be overturned or displaced, and cannot be moved or relocated to another area without assistance.
- 62. "Physical restraint" means the use of bodily, physical force to involuntarily limit an individual's freedom of movement; except that physical restraint does not include the holding of a child by one adult for the purposes of calming or comforting the child.



- 63. "Place of residence" means the place or abode where a person actually lives and provides child care.
- 64. "Potential threat" means the possible exposure to harm or injury.
- 65. "Prescriptive authority" means the legal right of a medical person to prescribe medications under Colorado law.
- 66. "Protective equipment" means the use of protective head equipment to protect a child riding on a scooter, bicycle, balance bike, skateboard, or rollerblades.
- 67. "Promptly" means without delay: very quickly or immediately.
- 68. "Primary provider" means the person that resides in the home and provides direct care, supervision and education to child(ren) in care at least sixty percent (60%) of the daily hours of operation of the family child care home.
- 69. "Psittacine birds" means all birds commonly known as parrots, cockatoos, cockatiels, macaws, parakeets, lovebirds, lories or lorikeets, and other birds of the order Psittaciformes. These birds may also be called or referred to as hookbills because the upper beak is turned downward.
- 70. "Punished" means to impose a penalty on a person. The causes for punishment may be for a behavioral fault, offense, or violation.
- 71. "Qualified Substitute" means a substitute provider that has all required trainings and qualifications as specified in these "Rules Regulating Family Child Care Homes."
- 72. "Regionally accredited" means colleges and universities which earn regional accreditation status by meeting acceptable levels of quality and performance. The accrediting bodies for higher education are Middle States Association of Colleges and Schools, Northwest Association of Colleges and Schools, North Central Association of College and Schools, New England Association of Colleges and Schools, Southern Association of Colleges and Schools, and Western Association of Colleges and Schools.
- 73. "Regular basis" means occurring with normal frequency or routine schedule.
- 74. "Relative" means any of the following relationships by blood, marriage, or adoption: parent, grandparent, son, daughter, grandson, granddaughter, brother, sister, stepparent, stepbrother, stepsister, stepson, stepdaughter, uncle, aunt, niece, nephew, or cousin.
- 75. "Reside" means to be in a residence, to dwell permanently or continuously, or to occupy a place as one's legal domicile.
- 76. "Resilient surfacing" means a Department-approved material that is used beneath climbing equipment and is designed to protect a child who falls from the highest designated play surface on a piece of equipment to the resilient surfacing below. Department-approved resilient surfacing includes loose fill materials such as wood chips, wood mulch, engineered wood fiber, pea gravel, synthetic pea gravel, shredded rubber tires, and sand. Solid unitary materials include poured in place surfacing, approved rubber mats, playground tiles, and artificial turf with built in resilient pad.
- 77. "Restraint" means any method or device used to involuntarily limit freedom of movement including, but not limited to, , physical restraint, mechanical devices, or chemicals.

- 78. "Reverse evacuation drill" means a drill in which persons seek shelter and safety inside a building when said persons are outside the building and are faced with a threat, such as an armed individual, extreme weather, or a dangerous animal.
- 79. "Routine medications" means any prescribed oral, topical, or inhaled medication, or unit dose epinephrine, that is administered pursuant to section 26.5-5-325, C.R.S.
- 80. "Safe" means free of hazards posing danger of injury including, but not limited to, "keep out of reach" items, protrusions, broken items, areas of entrapment, strangulation or choking hazards, insufficient cushioning, poisonous chemicals, etc.
- 81. "Sanitary" means clean and not dangerous for your health, or protecting health by removing dirt and waste, especially human waste; the removal of dirt, and infection, so that places are clean and healthy for people to live in.
- 82. "Sanitized" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals, registered with the U.S. Environmental Protection Agency, for sufficient time to reduce the bacterial count, including pathogens, to a safe level.
- 83. "Satisfactory experience" means the adequate practical knowledge, skill or practice necessary.
- 84. "Serious" means an injury or illness of an urgent nature needing immediate emergency attention.
- 85. "Serving" means an amount of food or beverage that is appropriate to meet a child's nutritional and developmental needs.
- 86. "Severeweather drill" means a drill in which occupants of a building seek shelter appropriate to the severe weather threat, such as a blizzard, electrical storm, flood or tornado.
- 87. "Shelter-in-place drill" means a drill in which the occupants of a building seek shelter in the building from an external threat.
- 88. "Social-emotional development" means the development of self-awareness and self-regulation as reflected in the desire and growing ability to connect with others and the ability to experience, express and regulate a full range of emotions, to pay attention, make transitions from one activity to another, and cooperate in the context of relationships with others.
- 89. Soft bedding means, but is not limited to; any soft sleep surface like bumper pads, pillows, blankets, quilts, comforters, sleep positioning devices, sheepskins, blankets, flat sheets, cloth diapers, bibs, plush toys, pacifiers with stuffed animals attached, and stuffed animals..
- 90. "Special need" means a child may have mild learning disabilities or profound developmental disabilities of mental functioning and/or bodily movement; food allergies or terminal illness; developmental delays that catch up quickly or remain entrenched; occasional panic attacks or serious psychiatric problems.

91. "Staff aide" means an individual who assists the provider or equally qualified substitute in the care of children at a family child care home. A staff aide must never be allowed to supervise a child(ren) alone. The primary provider, applicant 2, equally qualified provider, or qualified substitute provider must always be present at all times when the staff aide is providing care for a child(ren).
92. "Staff Member" means a paid or unpaid individual, staff aide, and or substitute that care for or assists with the care of children.
93. "Standard precautions" means safe work practices to prevent exposure to blood and bodily fluids.
94. "Substitute" means a paid, volunteer or contract individual responsible for caring for the children in the capacity of the employee, staff aide, or staff member. The primary provider, applicant 2, equally qualified provider, or qualified substitute must always be present at all times when a substitute is providing care for children.
95. "Under the influence" means a person that has injected, inhaled, ingested, or otherwise taken any substance that impairs their ability to care for children.
96. "USDA" means the United States Department of Agriculture.
97. "Use zone" formerly known as "fall zone" is the area under and around equipment used for gross motor activities that a child either falling from or exiting the equipment is expected to land.
98. "Varying" means to be at different times or different days; to give variety to activities; to bear no resemblance to a prior activity.
99. "Verbal abuse" means abusive behavior involving the use of language that is demeaning and is intended to insult, manipulate, ridicule, or offend. Harmful acts and the use of harsh or coarse language often characterize it.
100. "Volunteer" means a person who performs a service willingly and without pay. The provider, applicant 2, equally qualified provider, or qualified substitute must always be present at all times when a volunteer is providing care for children.
101. "Written medication order" means a document for a specific medication for a specific child signed by the child's health care provider. This must be a person with prescriptive authority. The order must include the child's name, medication, dose, time, route, and for how long the medicine is to be given. Orders for children over two (2) years of age can only be valid for a period of up to one year, but may only be for a very brief duration of time as well. Children over two (2) may need written medication orders more frequently since the dosage of the medication will change with the child's weight. Written orders may also include information on the reason the medication is being given, potential side effects and any special instructions for administration.

## **TYPES OF FAMILY CHILD CARE HOMES**

### **2.305 REQUIREMENTS**

- A. All family child care home licenses, except infant/toddler, are issued with an age range for children from birth to eighteen (18) years of age. Each individual provider will determine the age range of children that they will enroll in the provider's child care home. The providers own birth, adopted, step or foster children ten (10) years of age and older do not count in the provider's license capacity.
1. The capacity for a family child care home (generally referred to within these rules as "the home") is determined by the amount of indoor and outdoor space designated for child care, as well as the below factors.
  2. Licensed family child care homes enrolling children five (5) years of age or younger are required to participate in Colorado Shines, the state quality rating and improvement system.

### **2.306 A REGULAR FAMILY CHILD CARE HOME**

- A. A regular family child care home (FCCH) license allows a provider to care for up to six (6) children from birth to eighteen (18) years of age with no more than two (2) children under eighteen (18) months of age.
1. Care also may be provided for no more than two (2) additional school-age children attending kindergarten through twelfth (12) grade.
  2. Residents of the home under ten (10) years of age who are on the premises and all children on the premises for supervision are counted against the approved capacity, except where specifically indicated otherwise.

### **2.307 A THREE (3) UNDER EIGHTEEN (18) MONTHS FAMILY CHILD CARE HOME**

- A. A three (3) under eighteen (18) months family child care home license is a type of license that allows a provider to care for up to six (6) children from birth to eighteen (18) years of age with no more than three (3) children under eighteen (18) months of age, with no more than two (2) of the three (3) children under twelve (12) months; the capacity includes the provider's own children under ten (10) years of age. This license type may be approved with the following conditions:
1. The licensee has held a permanent license to operate a family child care home for at least two (2) years in Colorado immediately prior to the issuance of the license that would authorize the care of three (3) children under eighteen (18) month of age.
  2. The licensee has completed the Department approved Expanding Quality in Infant/Toddler care course of training or three semester credit hours from a regionally accredited college or university in infant/toddler theory.
  3. In the past two (2) years, the licensee has had no founded complaints with a severity level of one (1) or two (2).
  4. In the past two (2) years, the licensee has had no adverse action taken against their license.
  5. The care of additional children of school age is not authorized.

6. Licensees issued a three (3) children under eighteen (18) months of age license are approved for both the three (3) under eighteen (18) months and the regular license capacities and may switch between the two (2) capacities without notifying the Department as long as they are in compliance with all licensing rules.

## **2.308 INFANT/TODDLER FAMILY CHILD CARE HOME**

- A. An infant/toddler family child care home license allows a provider to care for children who are between birth and three (3) years old. This license type may be approved with the following conditions:
  1. If there is one (1) provider, there may be a maximum of four (4) children, with no more than two (2) of the four (4) children under twelve (12) months of age, including the provider's own children. The provider's own children, under the age of ten (10), count in the capacity of four (4).
    - a. For an infant/toddler home with one (1) provider, that provider must be at least twenty-one (21) years of age:
      - 1) If previously licensed to operate a family child care home, there must have been no:
        - a) Founded complaints with a severity level of one (1) or two (2) in the past two (2) years; and
        - b) Adverse action taken against their license in the past two (2) years.
  2. If there are two (2) equally qualified providers, as specified in rule sections 2.308(A)(2) and 2.308(A)(3), caring for children at all times when children are present, there may be a maximum of eight (8) children between birth and three (3) years old, and no more than four (4) of those children can be between birth and one (1) year old, including both providers' own children under the age of ten (10) years old.
    - a. For an infant/toddler home with two (2) providers, one (1) provider must be at least twenty-one (21) years of age, and the second equally qualified provider must be at least eighteen (18) years of age:
      - 1) If previously licensed to operate a family child care home, there must have been no:
        - a) Founded complaints with a severity level of one (1) or two (2) in the past two (2) years; and
        - b) Adverse action taken against their license in the past two (2) years.
  3. The primary providers at an infant toddler family child care home must meet one (1) of the following criteria:
    - a. Must have completed the Department approved Expanding Quality in Infant/Toddler care course or three (3) semester hours from a regionally accredited college or university in infant/toddler theory prior to licensing:

- 1) A minimum of one (1) year (1820 hours) of full time experience in a licensed program caring for children who are younger than three (3) years old.
- b. Must have completed the Department approved Expanding Quality in Infant/Toddler care course or three semester credit hours from a regionally accredited college or university in infant/toddler theory prior to licensing:
  - 1) A current Early Childhood Professional credential level 3 or higher in version 3.0as determined by the Department based on its Early Childhood Professional Credential 3.0 Worksheet, found at <https://drive.google.com/file/d/10FQQw4q0G01W9Ssczs0o1Kkit2HhkbFV/view>, or a current director qualifications letter issued by the Department.
4. A family child care home that has also been licensed as a regular and three (3) under eighteen (18) months family child care home in the past, and is approved for an infant/toddler license, has the flexibility to provide care on any given day for the ages and capacities of a regular or three (3) under eighteen (18) month license without written approval of the Department, as long as the provider is in compliance with all applicable rules at all times.

#### **2.309 LARGE FAMILY CHILD CARE HOME**

- A. A large family child care home license allows a provider to care for up to twelve (12) children from birth to eighteen (18) years of age; the capacity includes the provider's own children under ten (10) years of age. Care may be provided to no more than two (2) children under eighteen(18) months of age. This license may be approved with the following conditions:
  1. The licensee must be at least eighteen (18) years of age, and the primary provider for the large family child care home.
  2. If previously licensed to operate a family child care home, there must have been no:
    - a. Founded complaints with a severity level of one (1) or two (2) in the past two (2) years; and
    - b. Adverse action taken against their license in the past two (2) years.
  3. The primary provider at a large child care home must meet one (1) of the following criteria:
    - a. A minimum of twenty-one (21) months of documented satisfactory experience in the group care of children under the age of six (6) years or as a licensed family child care home in Colorado. Equal experience operating as an approved military child care home is accepted.
    - b. A minimum of sixty (60) credit hours of college education from a regionally accredited college or university, with at least one (1) college course in early childhood education, plus one (1) year of documented satisfactory experience in the group care of children as:
      - 1) A licensed family child care home in Colorado;
      - 2) A military licensed family child care home;

- 3) A Colorado certified family foster home; or
    - 4) A staff member in a licensed child care center.
  - c. Current certification as a child development associate (CDA).
  - d. Completion of the Department approved Expanding Quality in Infant/Toddler care course or three (3) semester credit hours from a regionally accredited college or university in infant/toddler theory prior to licensing:
    - 1) A minimum of one (1) year (1,820 hours) of experience as a licensed child care provider holding a permanent license in Colorado immediately before becoming a licensee of a large child care home; or
    - 2) A minimum of one (1) year (1,820 hours) of full-time experience in a licensed program. The group care must have been with children who are under the age of six (6) years.
  - e. A current early childhood professional credential level III (3) or higher as determined by the Department using version 3.0 of its worksheet found at <https://drive.google.com/file/d/10FQQw4q0G01W9Ssczs0o1Kkit2HhkbFV/view>; or individuals who have a current director qualifications letter issued by the Department.
  - f. A current director qualifications letter issued by the Department.
4. When more than eight (8) children are present, a second staff member that is qualified as an applicant 2, equally qualified provider, qualified substitute, staff member, or staff aide is required.
- a. Staff aides must be at least sixteen (16) years of age and must work directly under the supervision of the primary provider in charge and responsible for the care of the children. If left alone with children, the staff aide must meet the same age and training requirements listed in rule sections 2.311, 2.312, and 2.313 as the primary provider, applicant 2, an equally qualified provider, or qualified substitute

## **2.310 AN EXPERIENCED FAMILYCHILD CARE PROVIDER**

- A. An experienced family child care provider license allows a provider to care for no more than nine (9) children of different age combinations depending upon which option the home is operating under; the capacity includes the provider's own children under ten (10) years of age.
- 1. The experienced family child care provider must:
    - a. Have been a licensed family child care home in Colorado for at least the last five (5) consecutive years; have equal experience operating as a licensed military family child care home is acceptable; or 9,100 hours of documented experience working in a Colorado licensed child care facility in the role as a director or as a Department certified early childhood teacher based on the qualifications found at <https://cdec.colorado.gov/professional-certifications>;
    - b. Have completed the Department approved Expanding Quality in Infant/Toddler care course, or three (3) semester credit hours from a regionally accredited college or university in infant/toddler theory;

- c. Have completed seventy-five (75) clock hours of training within the preceding five (5) years, or have a current early childhood professional credential level III (3) or higher as determined by the Department using version 3.0 of its worksheet found at <https://drive.google.com/file/d/10FQQw4q0G01W9Ssczs0o1Kkit2HhkbFV/view>; or individuals who have a current director qualifications letter issued by the Department. The seventy-five (75) clock hours of training does not include pre-licensing training, standard precautions, First Aid and CPR, or Medication Administration training;
  - d. Have had no founded complaints with a severity level of one (1) or two (2) in the preceding past two (2) years; and
  - e. Have had no adverse action taken against the provider's license in the past two (2) years.
- 2. Applying for the Experienced Family Child Care Provider License

At least sixty (60) calendar days prior to the proposed date of operation as an experienced provider, the applicant must submit to the Department a completed and signed experienced provider application form, which:

  - a. Affirms compliance with all the rules for licensed family child care homes and experienced providers; and
  - b. Affirms the provider understands that the license will be submitted for adverse action if capacities are exceeded at any time.
- 3. ECCP Options Table

The following chart describes the various options available to the experienced family child care home. Providers may change options without notifying the Department, as long as the home is in compliance with one option at any one time and all applicable licensing rules.



**Experienced Family Child Care Provider License**

| <b>Ages/Options</b>  | <b>Option 1</b> |                                | <b>Option 2</b> |                                | <b>Option 3</b> |                                | <b>Option 4</b>                               |   | <b>Option 5</b>                               |  |
|--|-----------------|--------------------------------|-----------------|--------------------------------|-----------------|--------------------------------|---|---|---|--|
| Children Birth Through 18 Years  | 7               | No more than 2 under 18 months | 8               | No more than 2 under 18 months | 5               | No more than 2 under 18 months | 6   | No more than 3 can be under 18 months** | 4   |  |
|  | +               |                                | +               |                                | +               |                                | +   |   | +   |  |
| Additional School-Age Children (during non-school times)                               | 2               |                                | 1               |                                | 4               |                                | 3   |   | 0   |  |
|  | =               |                                | =               |                                | =               |                                | =   |   | =   |  |
| <b>Maximum Capacity of Children at Any Given Time</b>                                  | <b>9</b>        |                                | <b>9</b>        |                                | <b>9</b>        |                                | <b>9</b>                                      |   | <b>4</b>                                      |  |
| <b>Infants under 12 months</b><br><br>**No more than 2 children can be under 12 months | N/A             |                                | N/A             |                                | N/A             |                                | **<br>Only two can be under 12 months of age. |   | **<br>Only two can be under 12 months of age. |  |

All options include provider's own children under ten (10) years of age.

**PERSONNEL AND RESIDENTS OF THE HOME**

**2.311 REQUIREMENTS FOR PERSONNEL AND RESIDENTS OF THE HOME**

- A. General requirements for providers, applicant 2, equally qualified providers, qualified substitutes, staff members, volunteers, and residents of the home.
1. Primary providers and applicant 2 must physically reside at the family child care home and must provide the child care.
  2. The primary provider must have a plan for an emergency, personal or family situation that requires the provider to leave the family child care home immediately.
  3. A qualified substitute can substitute for the primary care provider for a period up to twelve (12) weeks or (480 hours) per calendar year.

4. The parent(s) or guardian(s) must be notified each time a substitute is used to provide supervision of children in the absence of the primary provider, applicant 2, or equally qualified provider.
5. Primary providers, applicant 2, equally qualified providers, and qualified substitutes must be at least eighteen (18) years of age.
6. Staff aides and volunteers must be at least sixteen (16) years of age, and work under the direct supervision of a primary provider, applicant 2, equally qualified provider, or qualified substitute at all times.
7. Primary providers, applicant 2, equally qualified providers, qualified substitutes, staff members, and volunteers must demonstrate an interest in and knowledge of children and a concern for their proper care and well-being.
8. Primary provider's or an applicant 2's own children, or children they have legal custody and control over must not have been placed in foster care or residential care primary provider or an applicant 2 must not have had their parental rights modified by court order because the primary provider or an applicant 2 was abusive, neglectful, or a danger to the health, safety, or well-being of those children.
9. Primary providers, applicant 2, equally qualified providers, qualified substitutes, all staff members, and volunteers must not be under the influence of any substance that impairs their ability to care for children.
10. The primary provider is responsible for ensuring that applicant 2, equally qualified providers, qualified substitutes, all staff members, and volunteers are familiar with the children in care, the "General Rules for Child Care Facilities," "Rules Regulating Family Child Care Homes," "Rules Regulating Special Activities," the home's policies, the location of children's files, and emergency numbers.
11. The primary provider must plan for the selection, orientation, training and/or staff development of all equally qualified providers, qualified substitutes, staff members, and volunteers.
12. The primary provider must plan for the supervision, care, and activities of children.
13. Prior to license approval, the primary provider, applicant 2, and all persons residing in the home must obtain a medical statement signed and dated by a licensed physician or other health care provider.
  - a. All equally qualified providers, qualified substitutes, and staff members must obtain a medical statement signed and dated by a licensed physician or other health care provider within thirty (30) days of employment.
14. Subsequent health evaluations for the primary provider, applicant 2, and children residing in the home who are less than ten (10) years of age must be obtained every two (2) years or as required in a written plan signed by a licensed physician or other health care provider. A new family member and/or a new resident of the home must obtain a health evaluation form signed and dated by a licensed physician or other health care provider within thirty (30) days from the date the individual began living in the home.
  - a. All equally qualified providers, qualified substitutes, and all staff members must obtain a subsequent health evaluation every two (2) years or as required in a written plan signed by a licensed physician or other health care provider.

15. If, in the opinion of a physician or mental health practitioner, a physical, medical (including side effects of medication), emotional, or psychological condition exists at any time that may jeopardize the health of children or adversely affect the ability of a provider to care for children, an equally qualified substitute provider must be employed, or child care services must cease until the physician or mental health practitioner states in writing that the health risk has been eliminated.
16. The primary provider, applicant 2, the equally qualified providers, qualified substitutes, and all staff members must be familiar with the names, ages, and any special needs or health concerns of the children.
17. The primary provider, applicant 2, the equally qualified provider, qualified substitutes, and all staff members must be familiar with the location of children's enrollment records as listed in rule section 2.320.
18. Primary provider, applicant 2, equally qualified providers, qualified substitutes, and all staff must register with the Colorado Shines Professional Development Information System.
19. Prior to working with children, all equally qualified providers, qualified substitutes, and all staff members must read and be trained on the policies and procedures for the administration of medications and sign a statement indicating that they have read and have been trained on the center's administration of medications policies and procedures.

## **2.312 TRAINING**

- A. Every required training in this rule section 2.312 must be documented and available for review by the Department.
- B. Prior to issuance of the license or providing care to children, the primary provider, applicant 2, and equally qualified provider, must complete a Department approved fifteen (15) clock hour pre-licensing course of training.
  1. The following individuals are exempt from pre-licensing training:
    - a. Individuals who have a current director qualifications letter issued by the Department; or
    - b. Individuals with a Bachelor's, Master's, or Doctorate degree from an accredited college or university with a major area of study in Elementary Education or Early Childhood Education.
- C. Prior to working with children, the primary provider, applicant 2, equally qualified providers, qualified substitutes, and all staff members must complete a Department-approved training in standard precautions that meets current occupational safety and health administration (OSHA) requirements prior to working with children. This training must be renewed annually.
- D. Prior to working with children, the primary provider, applicant 2, equally qualified provider, and qualified substitutes must complete the a Department-approved First Aid and CPR training, for all ages of children from infant to twenty-one (21) years of age;
  1. Prior to working with children all staff members caring for children not required by rule to be certified in First Aid and CPR must complete the Department-approved basic First Aid and CPR module. This module must be renewed every two (2) years.

- E. Prior to working with children, the primary provider, applicant 2, equally qualified provider, and qualified substitutes must complete a Department approved course of training for medication administration. This course must be completed every three (3) years and can be applied towards ongoing annual training hours in the year that it is completed;
- F. Prior to working with children, the primary provider, applicant 2, the equally qualified provider, qualified substitutes, and all staff members must complete a building and physical premises training. The training must include identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, vehicular traffic, handling and storage of hazardous materials, and the appropriate storage of biological contaminants.:
  - 1. This training is developed and facilitated by the primary provider for applicant 2, equally qualified providers, qualified substitutes, and all staff members to identify specific environmental hazards at the family child care home. Applicant 2, equally qualified providers, qualified substitutes, and all staff members must be retrained if there are changes to the building and physical premises.
- G. Prior to working with children, if working with children less than three (3) years of age, the primary provider, applicant 2, the equally qualified provider, qualified substitutes, and all staff members must complete a Department approved prevention of shaken baby/abusive head trauma. This training must be renewed every two (2) years and can be applied towards ongoing annual training hours in the year that it is completed.
- H. Prior to working with children the primary provider, applicant 2, the equally qualified provider, qualified substitutes, and all staff members must complete a Department approved training about child abuse prevention, including common symptoms and signs of child abuse how to report, where to report, and when to report suspected or known child abuse or neglect within thirty (30) calendar days of employment. This training must be renewed annually.
- I. Prior to working with infants, the primary provider, applicant 2, the equally qualified provider, qualified substitutes, and all staff members must complete a Department-approved safe sleep training. This training must be renewed annually.
- J. Within thirty (30) calendar days of caring for children the primary provider and all individuals responsible for the collection, review, and maintenance of the child immunization records must complete the Colorado Department of Public Health and Environment (CDPHE) immunization course. This training must be renewed annually.
- K. Within thirty (30) calendar days of caring for children the primary provider, applicant 2, the equally qualified provider, qualified substitutes, and all staff must complete a Department-approved training regarding playground safety for homes. This course is required once and will be counted towards ongoing training requirements;
- L. Within thirty (30) calendar days of caring for children, the primary provider must ensure that equally qualified providers, qualified substitutes, and all staff members must read and be trained on "Rules Regulating Family Child Care Homes," the "General Rules for Child Care Facilities," and the "Rules Regulating Special Activities," if applicable.
- M. Within ninety (90) calendar days of caring for children the primary provider, applicant 2, the equally qualified provider, qualified substitutes, and all staff must complete a Department-approved introduction to the early intervention and preschool special education programs. This course is required once and will be counted towards ongoing training requirements;

- N. Within ninety (90) calendar days of caring for children the primary provider, applicant 2, the equally qualified provider, qualified substitutes, and all staff must complete a Department-approved training for recognizing the impact of bias on early childhood professionals. This course is required once and will be counted towards ongoing training requirements;
- O. Within ninety (90) calendar days of caring for children all qualified substitutes, and staff members must have at least one (1) hour of child development training. This training must include the major domains (cognitive, social, emotional, physical development and approaches to learning). This course is required once and will be counted towards ongoing training requirements if taken after the date of hire.
- P. Within ninety (90) calendar days of caring for children the primary provider, applicant 2, the equally qualified provider, qualified substitutes, and all staff must complete a Department-approved training regarding "Injury Prevention for Homes." This course is required once and will count towards ongoing training requirements.
- Q. Within ninety (90) calendar days of caring for children the primary provider, applicant 2, and the equally qualified provider must complete the Department-approved training "Working with an Early Childhood Mental Health Consultant." This course is required once and will be counted toward ongoing professional development.
- R. The primary provider, applicant 2, equally qualified provider, qualified substitutes, and all staff members shall:
  - 1. Complete a minimum of fifteen (15) clock hours of ongoing professional development each year. At least three (3) of the fifteen (15) clock hours must be in social emotional development.
    - a. Ongoing training and courses shall demonstrate a direct connection to one or more of the following competency areas:
      - 1) Child growth and development and learning courses that align with the competency domains of child growth and development;
      - 2) Child observation and assessment;
      - 3) Family and community partnership;
      - 4) Social-emotional health and development promotion;
      - 5) Health, safety, and nutrition;
      - 6) Professional practice; and
      - 7) Teaching practices.
  - 2. Each one (1) semester hour course with a direct connection to the competency area listed in rule section 2.312(Q)(1)(a), taken at a regionally accredited college or university shall count as fifteen (15) clock hours of ongoing training.
  - 3. Training hours completed can only be counted during the year taken and cannot be carried over.
  - 4. The fifteen (15) clock hours of training do not include recertification in First Aid and CPR.

5. To be counted for ongoing training, a provider must receive for each training, a training certificate that includes:
  - a. The title of the training;
  - b. The competency domain or from a nationally approved vendor list;
  - c. The date and clock hours of the training;
  - d. The name and signature of the trainer or another approved method of verifying the name and qualifications of the trainer;
  - e. Expiration of training, if applicable; and
  - f. Connection to social-emotional focus, if applicable.
6. The trainer must have documentation of their qualifications for each topic of training conducted, which must be available for review by representatives of the Department.

**2.313 RECORDS FOR EQUALLY QUALIFIED PROVIDERS, QUALIFIED SUBSTITUTES, AND ALL STAFF MEMBERS**

- A. Prior to working with children, unless otherwise specified in rules, personnel files for equally qualified providers, qualified substitutes, and all staff members must be available for review by the Department and must include:
  1. The name, address, telephone number, and birth date of the individual, and emergency contact information, including names, addresses, and telephone numbers;
  2. A health evaluation signed and dated by a licensed physician or other health provider as defined in rule section 2.304;
  3. A record of the dates and hours of employment, volunteering, or functioning as a substitute, including the first date and the final date;
  4. Within (30) calendar days of caring for children a signed statement indicating that the individual has been trained, understands, and has had the opportunity to ask questions regarding the "Rules Regulating Family Child Care Homes," the "General Rules for Child Care Facilities," and the "Rules Regulating Special Activities," if applicable. ;
  5. A signed statement verifying that the individual has read and understands the provider's policies and procedures;
  6. Personnel records for qualified substitutes, and all staff members, must also include official written verification of education, work experience, and previous employment, as applicable for the position;
  7. Verification of training as required in rule section 2.312; and
  8. All information and documentation from background checks as required rule sections 2.120 and 2.121 of the "General Rules For Child Care Facilities."

**2.314 REQUIREMENTS FOR EMERGENCY SUBSTITUTES FOR THE PRIMARY PROVIDER**

- A. Emergency substitutes must be at least eighteen (18) years old and capable of providing care and supervision of children, and handling emergencies in the absence of the provider.
- B. Emergency substitutes must:
  - 1. Be given the names and ages of the children, and any special needs or health concerns;
  - 2. Immediately call each parent(s) or guardian(s) to notify them that the provider has been called away from the family child care home for an emergency situation; and
  - 3. If the substitute does not meet the same age and training requirements as listed in rule sections 2.311, 2.312, and 2.313 as the primary provider, applicant 2, equally qualified provider, or qualified substitute, they shall notify parent(s) or guardian(s) immediately to pick up their children.

**2.315 REQUIREMENTS FOR VOLUNTEERS**

- A. Volunteers cannot be used to meet the applicable staff to child ratio.
- B. Volunteers must be directly supervised by the primary provider applicant 2, an equally qualified provider, or equally qualified substitute, with no unsupervised access to children, and have clearly established written duties.
- C. Prior to assisting with the care of children, volunteers must be made familiar with these "Rules Regulating Family Child Care Homes," the "General Rules for Child Care Facilities," the "Rules Regulating Special Activities," if applicable, and the provider's written policies and procedures.
- D. Personnel files for volunteers must include:
  - 1. The name, address, telephone number, and birth date of the individual, and emergency contact information, including names, addresses, and telephone numbers; and
  - 2. A record of dates and hours of volunteering, including the first date and final date.

**POLICIES AND PROCEDURES**

**2.316 STATEMENT OF POLICIES**

- A. At the time of enrollment and upon any amendments to policies and procedures, the provider must give the parent(s) or guardian(s) a written statement of the family child care home's policies and procedures, and provide the opportunity to ask questions. Written copies must be available either electronically or in hard copy. The provider must obtain a signed document stating that the parent(s)/guardian(s) have received the policies and procedures. By signing the policies and procedures document, the parent(s)/guardian(s) agree to follow, accept the conditions of, and give authorization and approval for the activities described in the policies and procedures.
- B. The written policies and procedures must be developed, implemented, and followed, by the primary provider, applicant 2, equally qualified providers, qualified substitutes, and all staff members including all amendments, and must include at a minimum the following information:
  - 1. Admission and registration procedures;

2. Authorization of parents or other designees to pick up children, including the policy for how the provider will respond to individuals not authorized by parent(s)/guardian(s) to pick up a child and if a parent arrives under the influence of a controlled substance;
3. An itemized fee schedule or individual fee agreement. This must include expectations regarding when fees may be reimbursed if a child does not attend the family child care home ; when a child is requested to leave the family child care home ; and for field trips;
4. Procedure, including fees, when a child arrives or departs at times other than during the agreed upon hours of care;
5. Parent and provider responsibilities for special activities or programs outside of the family child care home , such as inclusion and/or exclusion of children and the payment of additional fees;
6. Hours of operation or individual hours agreement to include regularly closed days and applicable special operating hours; policy on closure due to provider illness or family emergency and unscheduled closures;
7. Procedure for managing a situation where children remain after the scheduled closure of the facility and the parent, guardian or other emergency contacts cannot be reached. This may include notification of the local county department of social services or police, if necessary;
8. Services offered for children with special needs in compliance with the Americans with Disabilities Act;
9. Acceptance and notification of enrolled non-immunized or under-immunized children, including any children living in the licensed family child care home;
10. Substitute care, and the clarification of responsibility for obtaining back-up care;
11. How and by whom children are supplied with appropriate clothing and equipment necessary to participate in indoor and outdoor activities, including activities that require protective equipment;
12. Storage, loss, damage, or theft of provider's or child's personal belongings;
13. Field Trips and Excursions
  - a. Scheduled field trips and excursions away from the family child care home require advanced notice by written or electronic methods, which must include: locations, estimated times of attendance, and a phone number to contact the family child care home provider during the trip; and written permission from the parent(s) or guardian(s) for each scheduled trip or excursion.
  - b. Unscheduled field trips or excursions away from the family child care home require notification upon departure to the parent(s) or guardian(s) via written or electronic methods, which must include: locations, estimated times of attendance, and a phone number to contact the family child care home provider during the trip.



- c. Routine field trips and excursions, such as daily transportation provided by the family child care home to and/or from care, require annual authorization by written or electronic methods, which must include departure and arrival times to and from the family child care home; and pick up and drop off times and locations.
- 14. Transportation availability, vehicle restraint requirements, and seating capacities;
- 15. Developmentally appropriate media use including, but not limited to, television shows, video, music, tablets, smartphones, and software used at the family child care home, and time limits for all media use;
- 16. Meals, snacks, and parental notification of menus, and how children with food allergies or special diets are accommodated;
- 17. Policy on transitioning a child from breast feeding to a bottle and/or cup, or from a bottle to a cup;
- 18. Behavior guidance and discipline appropriate to the age and development of the child, including positive instruction and supporting positive behavior. Policies shall include how the provider will:
  - a. Promote warm and responsive positive child, provider, staff (if applicable) and family relationships;
  - b. Create and maintain a socially and emotionally respectful early learning and care environment;
  - c. Implement strategies supporting positive behavior, pro-social peer interaction, and overall social and emotional competence in young children; and
  - d. Provide individualized social emotional intervention supports for children who need them, including methods for understanding child behavior, and developing, adopting and implementing a team-based positive behavior support plan with the intent to reduce challenging behavior and prevent suspensions and expulsions;
- 19. How disciplinary decisions are made and what steps are taken prior to the suspension, expulsion or request to parents or guardians to withdraw a child from care due to concerns about the child's behavioral issues. These procedures must be consistent with the policy as stated in rule section 2.316(A)(18), and include documentation of the steps taken to understand and respond to the child's challenging behavior;
  - a. Identify and consult with an early childhood mental health consultant or other specialists as needed.
- 20. Rest time and equipment;
- 21. Safe sleep environments for infants in compliance with rule section 2.329(H);
- 22. Diapering and toileting, including, but not limited to, process, communication, time frames, supplies, and primary provider's philosophy and approaches;
- 23. Daily outside play time including during periods of inclement or hot weather;

24. Use of and how often sunscreen is applied, including authorization for use of sunscreen, and how infants or children are protected from sun exposure without the use of sunscreen;
25. Protection of children from exposure to second hand smoke;
26. Notification of parent(s) or guardian(s) for handling children's illnesses, accidents, injuries, or other emergencies;
27. Specific circumstances and symptoms for not admitting ill children, and conditions for re-admittance;
28. Storing, administering, recording and disposing children's medicines in compliance with the Department-approved medication administration course;
29. Adverse weather precautions to include temperature extremes, inclement weather expectations and procedures, and fee expectations if the home is closed during inclement weather and how parent(s) or guardian(s) are notified of weather closures;
30. The procedures for emergencies and disaster preparedness such as but not limited to, tornadoes, fires, shelter in place, lockdown, active shooter on premises, reunification with families after emergency or disaster, and evacuating children with disabilities in compliance with the rule sections 2.126, 2.127, 2.128, 2.129, 2.130, and 2.131 of the "General Rules for Child Care Facilities";
31. The procedures, including how parents are notified, for any child who has been separated from the group outside of the supervision of their assigned staff member or for whom the local authorities have been contacted;
32. The procedure for reporting child abuse, including the name of the county department of social/human services and phone number of where a child abuse report should be made (see rule section 2.122 of the General Rules for Child Care Facilities);
33. The procedure for filing a complaint about family childcare home, including the name, address, and telephone number of the Department (see rule section 2.121 of the General Rules for Child Care Facilities);
34. Where a parent may obtain the official copy of these "Rules Regulating Family Child Care Homes," including the location on the Colorado Secretary of State's website;
35. Regularly identifying on a routine basis recalled toys, equipment, furnishings, and food; developing a plan to remove the recalled items from the family child care home; and
36. The policy on interacting with chickens, reptiles, or amphibians, including notification to parents or guardians on the risks associated with children under the age of five (5) having access to these animals. The policy must include notification of the national recommendations from the Centers for Disease Control, the American Academy of Pediatrics found in *Caring for Our Children*, and the Colorado Department of Public Health and Environment that chickens, reptiles, or amphibians be inaccessible to children under the age of five (5) and are not suitable for school or child care settings with children under the age of five (5). The policy must notify parents or guardians that chickens, reptiles, and amphibians are recommended to be inaccessible to children under the age of five (5) due to a higher risk of infection and increased disease severity.

**2.317 COMMUNICATION, EMERGENCY AND SECURITY PROCEDURES**

- A. The family child care home must have a working unblocked telephone that has the capacity to receive all incoming and reverse 911 calls, and record voicemails during child care hours.
1. The telephone must be on the premises in the general area of the primary provider.
  2. The telephone number must be made available to each parent and the Department.
  3. The following emergency telephone numbers must be posted in a prominent and conspicuous location easily observable to those caring for children:
    - a. 911 or the alternate emergency number for local fire or police;
    - b. Name and phone number of at least one (1) designated emergency substitute for the provider;
    - c. Name and physical address of the family child care home;
    - d. Nearest hospital or emergency medical clinic;
    - e. Local health department;
    - f. Rocky Mountain Poison Center number at 1-800-222-1222; and
    - g. Location of children's emergency numbers.
  4. The telephone and alternative emergency telephone numbers for parent(s) or guardian(s) and other authorized emergency contacts of each child in care must be accessible in one (1) designated place.
  5. If 911 is not available, the provider must have a plan for accessing emergency transportation at all times.
  6. The primary provider, applicant 2, equally qualified provider, or qualified substitute must promptly notify the child's parent(s) or guardian(s) when, injuries, or illnesses, not requiring medical attention, occur while in care.
- B. Emergency procedures
1. The provider must have a written fire safety and evacuation plan that is reviewed at least annually. This plan must include:
    - a. Primary and secondary emergency escape routes;
    - b. The procedure for assisting persons unable to escape unassisted;
    - c. How to account for all persons that have evacuated;
    - d. A primary and alternate means of notifying emergency responders of a fire or other emergency;
    - e. An outside meeting location; and
    - f. The location of fire extinguishers.

2. The primary provider must have a written emergency plan for severe weather, lockdown, shelter-in-place situations, and active shooter situations that is reviewed at least annually. The plan must include the items listed in the rule sections 2.126, 2.127, 2.128, 2.129, 2.130, and 2.131 of the “General Rules for Child Care Facilities” as well as these additional requirements:
  - a. The procedures that will be followed;
  - b. How the family child care home will function during the emergency;
  - c. Prompt notification of parent(s) or guardian(s);
  - d. When local authorities will be notified; and
  - e. How emergency transportation will be provided.
- C. Release of Children
  1. The provider must release the child only to the person(s) sixteen (16) years of age or older to whom the parent or guardian has given written authorization. If the provider who releases the child does not know the person, picture identification must be required to assure that the person is authorized to pick-up the child. Written authorization must be maintained in the child’s record. In an emergency situation, the child may be released to a person twelve (12) years of age or older for whom the child’s parent(s) or guardian(s) has given verbal authorization.
- D. Sign In/Out Procedure
  1. The provider must maintain a daily sign in/out method containing the date; the child’s name; the time that the child arrived at and left the family child care home; and the parent, guardian, or authorized person’s signature. A full signature or other unique identifier is required by the parent(s) or guardian(s) every time the child arrives at or leaves the family child care home. The provider may sign in or out children who arrive directly from school or an activity as needed on a daily basis. The provider must use their full signature or other unique identifier. The parent(s) or guardian(s) must provide a signature on a weekly basis to verify the record.
- E. Visitors
  1. All non-resident visitors to the family child care home during child care hours, including friends of the provider’s own children, must be documented on the sign in/out log, including the name, date, arrival, and departure times.

## **2.318 ADMINISTRATIVE RECORDS AND REPORTS**

- A. The primary provider must register their operational status information in the Department’s provider status portal every calendar year in the months of April and October.
  1. The primary provider must update their information any time their operational status changes during a declared state emergency.
- B. As soon as possible, but not later than twenty-four (24) hours after the event, the primary provider must submit to the Department a written report about any child who has been separated from the group outside of the supervision of the provider or staff member, or for whom the local authorities have been contacted. Such report must indicate:

1. The name, birth date, address, and telephone number of the child;
  2. The names of the parent(s) or guardian(s) and their address and telephone number if different from those of the child;
  3. The date when the child was separated from the group outside of the supervision of the provider or staff member;
  4. The location, time, and circumstances when the child was separated from the group;
  5. All actions taken to locate the child, including whether local authorities were notified; and
  5. The name of the provider and/or person supervising the child at the time the child was separated from the group.
- C. The following emergency records must be kept and maintained at the family child care home for twelve (12) months:
1. Dates of annual review of emergency plans per rule section 2.317(B);
  2. A record of all emergency drills held over the past twelve (12) months as required in rule section 2.313 of the "General Rules for Child Care Facilities;" and
  3. Dates of monthly smoke alarm testing.
- D. The following records must be kept and maintained in the files at the family child care home for three (3) years after the family child care home closes its license or stops providing care under its license; a child leaves the care of the family child care home or a staff member or volunteer terminates employment or volunteerism at the family child care home:
1. A daily attendance sign in/sign out sheet for each child, including the time the child arrives at and departs from the family child care home;
  2. Children's records per rule section 2.320;
  3. A list of current staff members, qualified substitutes, and volunteers work schedules;
  4. Primary providers, applicant 2, equally qualified providers, staff members, qualified substitutes, and volunteers records per rule sections 2.311, 2.312, 2.313, 2.314, and 2.315; and
  5. A record of visitors and volunteers in the family child care home during scheduled business hours.
- E. Confidentiality and Retention
1. Information and records concerning the primary provider, applicant 2, equally qualified providers, qualified substitutes, all staff members, volunteers, children and their families must be kept confidential(see rule sections 2.123 and 2.124 of the "General Rules for Child Care Facilities"). All required records must be stored in a secure location.
  2. Records for the primary provider, applicant 2, equally qualified providers, qualified substitutes, all staff members, volunteers, and children and their families must be available, upon request, to authorized representatives of the Department.

## **ADMISSION**

### **2.319 ADMISSION PROCEDURE**

- A. An admission process must be completed prior to the child's attendance at the family child care home and must include:
1. A pre-admission interview, by telephone or in person, with the child's parent(s) or guardian(s) to determine whether the services offered by the family child care home will meet the needs of the child and the parent(s) or guardian(s);
  2. The provider must obtain a signed document stating that the parent(s) or guardian(s) have received the policies and procedures, and by signing the policies and procedures document, the parent(s) or guardian(s) agree to follow, accept the conditions of, and give authorization and approval for the activities described in the policies and procedures;
  3. An itemized fee schedule;
  4. Completion of the registration information and authorizations required for inclusion in the child's record.

### **2.320 CHILDREN'S RECORDS**

- A. An admission record must be completed for each child prior to or at the time of the child's admission and updated annually or when any changes occur, unless otherwise specified in these rules. The admission record must include:
1. The child's full name, date of birth, current address, and date of enrollment;
  2. Parent(s) and guardian(s) home and e-mail addresses; telephone numbers, including home, work, and cell numbers ; employer name and work address; and any special instructions as to how the parent(s) or guardian(s) may be reached during the hours that the child is in care at the family child care home;
  3. Names, addresses, and telephone numbers of persons aged sixteen (16) years and older who are authorized to pick up the child from the family child care home;
  4. Names, addresses, and telephone numbers of persons who can assume responsibility for the child in the event of an emergency if the parent(s) or guardian(s) cannot be reached immediately;
  5. Names, addresses, and telephone numbers of the child's health care provider, dentist, and hospital of choice, if applicable;
  6. Health admission information, including health care plans, chronic medical conditions, allergies, and immunization history, shall be provided to the family child care provider prior to the first day the child attends the family child care home;
  7. A dated, written authorization for emergency medical care signed and updated annually by the parent(s) or guardian(s). The authorization must be notarized if required by the local hospital, clinic, or emergency health care facility;
  8. A written record of any reportable accident, illness, or injury as defined in rule section 2.124 of the "General Rules for Child Care Facilities" occurring during care must be retained in each child's record, with a copy provided to the parent or guardian;

9. Written authorization for field trips and excursions can occur on a daily, weekly, monthly, or seasonal basis.
    - a. Scheduled field trips and excursions away from the family child care home require advanced notice by written or electronic methods, which must include: locations, estimated times of attendance, and a phone number to contact the family child care home provider during the trip; and written permission from the parent(s) or guardian(s) for each scheduled trip or excursion.
    - b. Unscheduled field trips or excursions away from the family child care home require notification upon departure to the parent(s) or guardian(s) via written or electronic methods, which must include: locations, estimated times of attendance, and a phone number to contact the family child care home provider during the trip.
    - c. Routine field trips and excursions, such as daily transportation provided by the family child care home to and/or from care, require annual authorization by written or electronic methods, which must include departure and arrival times to and from the family child care home; and pick up and drop off times and locations.;
  10. Written authorization for media use is required if the media use is not included in the written policies and procedures statement; including, but not limited to, television and video viewing, music, tablet and/or smart phone usage, video games, and computer use. The authorization must include approved time limits. The authorization form only needs to be on file if media use is not addressed in the home policies and procedures statement; and
  11. Written authorization for special activities as defined in rule section 2.600 of the "Rules Regulating Special Activities."
- B. All forms contained in the admission record must be current and accessible to providers, qualified substitutes, staff members, and representatives of the Department.
- C. The complete file for each child in care must be kept confidential and retained by the primary provider for at least three (3) years after the child leaves the family child care home. It must be available without restriction to the Department and to child protective services, police, and the child's parent(s) or guardian(s).

## **2.321 HEALTH CARE**

- A. Statements of Health Status and Immunization
1. The provider has the right to refuse to admit a child if a statement from a health care provider is not submitted.
  2. At the time of admission, the parent or guardian must provide the following information to the provider for each child entering the family child care home:
    - a. Health information, including any known allergies, medication being taken and possible side effects, special dietary requirements, and chronic health conditions;

- b. If applicable, a Department-approved health care plan authorized by the child's health care provider and parent(s) and/or guardian(s), defining the interventions needed to care for a child who has an identified health condition or developmental concerns, including, but not limited to: seizures, asthma, diabetes, severe allergies, heart or respiratory conditions, and physical disabilities. Any applicable medications, supplies, and or medical equipment must be available to the primary provider, applicant 2, equally qualified providers, qualified substitutes, and any staff members prior to the child's first day of care. The primary provider, applicant 2, equally qualified providers, qualified substitutes, and any staff members working with a child with a health care plan must be informed, trained, and delegated responsibility for carrying out the health care plan by the Department-approved child care health consultant; supervision of the plan and interventions must be documented.
- c. Documentation of school-required immunization status or medical or nonmedical exemption, is required by the Colorado Board of Health.. Up-to-date, school-required immunizations must be documented as specified on the Colorado Department of Public Health and Environment (CDPHE) certificate of immunization or on an "approved alternate" certificate of immunization as described in CDPHE regulations at 6 CCR 1009-2:VI(A), (May 15, 2023), no later editions or amendments are incorporated. These regulations are available from the Colorado Department of Public Health and Environment at no cost at [www.sos.state.co.us/CCR](http://www.sos.state.co.us/CCR). These regulations are also available for public inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash St., Denver, CO 80246, during regular business hours.. Colorado law requires that proof of immunization be provided prior to the first day of admission.
  - 1) If the parent(s) or guardian(s) of a child wants a nonmedical exemption from the immunization requirement based on a religious belief whose teachings are opposed to immunizations or a personal belief that is opposed to immunizations, the child's parent(s) or guardian(s) must submit the CDPHE Certificate of Nonmedical Exemption (May 2023) with a signature from an immunizing provider in Colorado, or
  - 2) Submit the Colorado Department of Public Health and Environment Certificate of Nonmedical Exemption (May 2023) received upon the completion of Colorado Department of Public Health and Environment Online Immunization Education Module (Aug. 2021). The Certificate of Nonmedical Exemption and Education Module are herein incorporated by reference, no later editions or amendments are incorporated. The Certificate and Education Module are available at no cost from the Colorado Department of Public Health and Environment at <https://cdphe.colorado.gov/vaccine-exemptions>. The Certificate is available for public copying and inspection at the Colorado Department of Early Childhood, 720 S. Ash St., Denver, CO 80246, during normal business hours.
  - 3) The primary provider has the right to refuse to admit any child if a completed certificate of nonmedical exemption is not submitted.



3. Within thirty (30) days after admission, and within thirty (30) days following the expiration date, the parent(s) or guardian(s) of each child must submit a statement of the child's current health status or written verification of a scheduled appointment with a healthcare provider. The statement of the child's current health status must be signed and dated by a health care provider who has seen the child within the last twelve (12) months, or within the last six (6) months for children under two and one-half (2-1/2 ) years of age. The statement must include when the next visit is required by the health care provider. All health statements must be kept at the licensed family child care home.
4. Statements of health status of children less than two (2) years of age must be updated as required in writing by the health care provider, or in accordance with the American Academy of Pediatrics Recommendations for Preventive Pediatric Health Care recommended schedule at [https://downloads.aap.org/AAP/PDF/periodicity\\_schedule.pdf](https://downloads.aap.org/AAP/PDF/periodicity_schedule.pdf) (4th ed. American Academy of Pediatrics, 2017) herein incorporated by reference. No later editions or amendments are incorporated. These recommendations are available at no cost from <https://www.aap.org/>. These recommendations are also available for public inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash St., Denver, CO 80246, during regular business hours..
5. Health statements for children over two (2) years to seven (7) years of age must be updated in accordance with the American Academy of Pediatrics Recommendations for Preventive Pediatric HealthCare or as required in writing by health care provider.
6. For children seven (7) years of age and older, health statements must be updated every three (3) years as long as the children are in care.

**B. Medication**

1. Children are not allowed to bring medications to the family child care home unless accompanied by a responsible adult.
2. Any routine unexpired medication, prescription or non-prescription (over-the-counter), may be administered to a child by a primary provider, applicant 2, or staff member with the Department-approved medication administration training. Medication can be administered only with a current written order of a health care provider with prescriptive authority, and written parental consent. Home remedies, homeopathics, vitamins, and supplements must not be administered to children while in care at the family child care home.
  - a. If the routine medication involves the administration of unit dose epinephrine, the administration must be accompanied by a written individual health care plan by the prescribing health care provider that identifies the factors for determining the need for the administration of the medication, and is limited to emergency situations only.
  - b. If the routine medication involves the administration of a inhaled medication, the administration must be accompanied by a written health care plan by the prescribing health care provider that identifies the factors for determining the need for the administration of the medication.

- c. If applicable, the primary provider must have a written policy on the storage and access of inhalers and epinephrine carried by school-age children (five (5) years to eighteen (18) years). The policy must include a written contract with the parent(s) or guardian(s) and child acknowledgement assigning levels of responsibility of each individual. This contract includes orders for the medication from their health care provider, along with confirmation from the health care provider that the student has been instructed and is capable of self-administration of the prescribed medications.
- 3. The written order by the health care provider with prescriptive authority must include:
  - a. Child's name and birthdate;
  - b. Licensed prescribing health care provider's name, telephone number, and signature;
  - c. Date authorized;
  - d. Name of medication and dosage;
  - e. Time of day medication is to be given;
  - f. Route of medication;
  - g. Length of time the medication is to be given;
  - h. Reason for medication (unless this information needs to remain confidential);
  - i. Side effects or reactions to watch for; and
  - j. Special instructions.
- 4. Medications must be kept in the original labeled bottle or container. Prescription medications must contain the original pharmacy label.
- 5. Over-the-counter medications must be labeled with the child's first and last name.
- 6. In the case where medication needs to be given on an ongoing, long-term basis, the authorization and consent forms must be reauthorized on an at least annual basis. Any changes in the original medication authorization require a new written order by the prescribing health care provider and a change in the prescription label.
- 7. The provider, applicant 2, equally qualified providers, qualified substitutes, and any staff responsible for administering medications must have current Department-approved medication administration training; current Department-approved CPR certification; current Department-approved first aid certification; and the Department-approved standard precautions training prior to administering medication.
  - a. All providers who administer medication must have daily face-to-face communication with parent(s) or guardian(s) of children needing medication and must be currently trained through the Department-approved medication administration course and must administer medication in compliance with the concepts taught in the course.

8. All medications in the family child care home, except those medications specified in the Department-approved medication administration training as emergency medications, must be locked and inaccessible to children, but available to the primary provider, applicant 2, equally qualified provider, qualified substitute, or staff members trained in administering medication.
  - a. If refrigeration of medication is required, it must be stored in a locked, leak- proof container in a designated area of the refrigerator separated from food.
  - b. The primary provider must have specific policies regarding controlled medications. Controlled medications must be counted, locked, and access to these medications must be limited.
  - c. All personal medications, vitamins, and supplements of the primary provider, applicant 2, staff members, or any residents of the home must be locked and inaccessible to children.
  - d. When away from the family child care home, the primary provider, applicant 2, equally qualified provider, qualified substitute, or staff members trained in administering medication carry emergency medications.
9. If a medication is expired or left over, parent(s) and or guardian(s) are responsible for picking up the medication. If the parent(s) and or guardian(s) do not respond, the medication shall be disposed of in accordance with 6 CCR 1007-2, Part 1, Regulations Pertaining to Solid Waste Sites and Facilities (Sept. 30, 2023) and 6 CCR 1007-3, Parts 99 (June 30, 2018), 100 (July 15, 2020) and 260-165 (July 15, 2023), 266 (June 30, 2014), 267 (Apr. 14, 2021), and 268 (July 15, 2023), and as required by the Colorado Department of Public Health and Environment (CDPHE) <https://cdphe.colorado.gov/colorado-medication-take-back-program> (2023), herein incorporated by reference. No later editions or amendments are incorporated. These regulations are available at no cost from CDPHE at <https://www.sos.state.co.us/CCR>. The recommendations are available at no cost from CDPHE at <https://cdphe.colorado.gov/hm/prep-med-waste-disposal> and <https://cdphe.colorado.gov/colorado-medication-take-back-program>. These regulations and recommendations are also available for public inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash St., Denver, CO 80246, during regular business hours.
10. A written medication log must be kept for each child. This log is a part of the child's record. The log must contain the following:
  - a. Child's name and birthdate;
  - b. Time medication is supposed to be given according to the written medication authorization;
  - c. Name of the medication, dosage, and route;
  - d. Time medication is actually administered to the child;
  - e. Special instructions;
  - f. Name or initials of the individual giving the medication; and
  - g. Notation if the medication was not given, and the reason.

11. Topical preparations such as diaper rash ointments, sunscreen, insect repellants, sprays, and other ointments may be administered to children with written parent and/or guardian authorization. These preparations may not be applied to open wounds or broken skin unless there is a written order from a prescribing health care provider.

**C. Children With Special Needs**

1. The admission of children who have special health care needs, disabilities, or developmental delays which includes children with social emotional and behavioral needs must be in alignment with the training and ability of the primary provider, applicant 2, equally qualified provider, qualified substitute, or staff member, in compliance with the Americans With Disabilities Act. Services offered must show that a reasonable effort is made to accommodate the child's needs and to integrate the child with other children. (see rule section 2.119 in the General Rules for Child Care Facilities)
2. The primary provider must secure the services of a registered nurse, physician or Department-approved child care health consultant (CCHC) prior to the first day of care of the enrollment of a child with special health care needs that require delegation beyond routine medications, so the primary provider, applicant 2, equally qualified provider, qualified substitute, and or staff members can receive training, delegation, and supervision by the registered nurse, physician, or Department-approved CCHC as indicated by the child's individualized health care plan.
3. For a child with special health care needs requiring intervention and or medication, the primary provider must obtain written instructions for providing services from the child's parent or guardian, and the child's health care provider. If an existing individualized health care plan is provided for the child, it must be reviewed and followed by the primary provider, applicant 2, equally qualified provider, qualified substitute, and or staff members when caring for the child. If the child does not have an existing individualized health care plan, the individualized health care plan must be obtained by the child's first day of care.
4. For an enrolled child with a newly identified special health care need, the primary provider must obtain written instructions for providing services from the child's parent(s) or guardian(s) and the health care provider. If the child with special health care needs does not have an existing individualized health care plan, the individualized health care plan must be completed within thirty (30) calendar days of the child's identified need. For a life-threatening health care need, the health care plan and any associated medication(s) must be available prior to the child's re-admittance to the family child care home.
5. The individual health care plan must be updated at least every twelve (12) months from the date of the initial plan and as changes occur. The plan must include all information needed to care for the child, and must be signed by the health care provider and the parent(s) or guardian(s). The plan must include if applicable, but not limited to, the following:
  - a. Medication and dosing schedule;
  - b. Nutrition and feeding instructions;
  - c. Medical equipment or adaptive devices, including instructions;
  - d. Medical emergency instructions;
  - e. Toileting and personal hygiene instructions;

- f. Behavioral interventions; and
- g. Medical procedure/intervention orders.

**D. Sun Protection**

1. The primary provider must obtain written authorization and instructions from the parent(s) or guardian(s) for the application of sunscreen to their children's sun exposed skin prior to outdoor play, year-round. The authorization must include instructions for the application of full-spectrum UVA/UVB rating sunscreen with an SPF of thirty (30) or greater; or the use of alternative forms of sun protection approved by the parent(s) or guardian(s), which may include but is not limited to: hats, long sleeves, umbrellas, and tents.
2. The primary provider, applicant 2, equally qualified provider, qualified substitutes, or staff members must apply sunscreen, have the parent(s) and/or guardian(s) apply sunscreen, or use an alternative form of sun protection for children approved by the parent(s) or guardian(s), prior to children going outside. Sunscreen must be reapplied as directed by the product label.
3. When supplied for an individual child, the sunscreen must be labeled with the child's first and last name.
4. If sunscreen is provided by the primary provider, parent(s) and or guardian(s) must be notified in advance, in writing, of the type of sunscreen the primary provider will use.
5. Children over four (4) years of age may apply sunscreen to themselves under the direct supervision of the primary provider, applicant 2, equally qualified provider, qualified substitute, or staff member.
6. Sunscreen must not be applied to infants under six (6) months of age. Infants under six (6) months must be kept out of direct sunlight while outdoors.

**CHILD CARE SERVICES**

**2.322 EMERGENCY MEDICAL CARE**

- A. In the event of injury or illness, the affected child must be separated from the other children in the room or area where child care is being provided and made as comfortable as possible. First aid care must be provided as required. If additional care, medical attention, or removal from the family child care home is indicated, the child's parent(s) or guardian(s) must be contacted by telephone, if possible, and medical assistance obtained without undue delay.
- B. A first aid kit must be maintained and stored in an area inaccessible to children. Supplies must include band aids, adhesive tape, cold pack, gauze pads, rolled gauze, plastic bags, disposable gloves, compression bandages, scissors, masks, and a mechanism for cleaning hands in a remote location.
  1. Portable first aid kits must be available to staff members at all times, including field trips and short excursions, and must be checked and restocked on at least a monthly basis.
  2. Expired first aid supplies and equipment must be discarded and replaced.

**2.323 CONTROL OF COMMUNICABLE ILLNESS**

- A. When a child in care, resident of the family child care home, primary provider, equally qualified provider, or any staff member has been diagnosed with a reportable communicable illness, or when an outbreak of illness occurs, the provider must immediately report the diagnosis to the local county department of health or the Colorado Department of Public Health and Environment. The complete list of reportable communicable illnesses can be found in 6 CCR 1009-1 (Apr. 19, 2023), rules and regulations pertaining to Epidemic and Communicable Disease Control, herein incorporated by reference. No later editions or amendments are incorporated. These regulations are available at no cost from the Colorado Department of Public Health and Environment at <http://sos.state.co.us/ccr>. These regulations are also available for public inspection and copying at the Department at 710 S. Ash St., Denver, CO 80246, during normal business hours.
- B. Any residents of the family child care home, primary provider, applicant 2, equally qualified providers, qualified substitutes, staff members, and children in care diagnosed with a reportable communicable illness must be excluded from contact with children in care at the family child care home for a period of time determined by the diagnosed individual's health care provider or by the local health department.
- C. One room or area in the family child care home, within sight or sound of the primary provider, applicant 2, equally qualified provider, or qualified substitute, that contains a bed, cot, or sofa must be available for a child in the event of an illness or injury where a child can be separated from other children and comfortably cared for. A crib or playpen with a pad must be provided for children under twelve (12) months of age. A clean, washable sheet and blanket must be provided for each child over (12) months, and must be cleaned and changed after each use by a sick or injured child.
- D. Primary providers, applicant 2, equally qualified providers, qualified substitutes, and staff members must be in good health and free from communicable diseases while caring for children, preparing food, or employed in any capacity where there is a likelihood of transmitting disease to others in the family child care home.
- E. Residents of the family child care home with symptoms of illness must be kept separate from the primary provider, applicant 2, equally qualified providers, qualified substitutes, staff members, and children in care.

**2.324 PERSONAL HYGIENE, HAND WASHING AND BATHING, DIAPERING AND TOILETING, AND CLEANING TOYS**

- A. Hand Washing and Bathing
  - 1. Primary providers, applicant 2, equally qualified providers, qualified substitutes, staff members, and children must wash their hands using the following procedures:
    - a. Moisten hands with warm running water;
    - b. Apply soap;
    - c. Rub hands vigorously until a soapy lather appears;
    - d. Continue washing for at least twenty (20) seconds outside of the water, rubbing areas between fingers, around nail beds, under fingernails, under jewelry and the backs of hands;
    - e. Rinse hands under warm running water until they are free of soap and dirt; and

- f. Dry hands with a disposable towel, a clean cloth towel laundered after use, or a mechanical drying device.
- 2. Primary providers, applicant 2, equally qualified providers, qualified substitutes, staff members, and children toddler-aged and older must wash their hands at the following times:
  - a. Upon arrival for the day;
  - b. Before and after:
    - 1) Preparing food or beverages;
    - 2) Eating, handling food, or feeding a child;
    - 3) Giving medication, applying a medical ointment or cream, or administering first aid; and
    - 4) Setup or use of sensory materials.
  - c. After:
    - 1) Using the toilet or assisting a child with toileting;
    - 2) Diapering each child;
    - 3) Handling body fluids;
    - 4) Handling animals or cleaning up animal waste;
    - 5) Coming in from outdoors;
    - 6) Cleaning or handling garbage; and
    - 7) At any other time the hands become soiled.
- 3. Infants must have their hands washed with:
  - a. Soap and running water;
  - b. A clean cloth that contains soap and is laundered after each use; or
  - c. The use of soap and warm water solution dispensed from a clean spray bottle, followed by a rinse before drying with a clean cloth or disposable towel.
- 4. Infants hands must be washed:
  - a. Before and after meals and snacks; and
  - b. After:
    - 1) Having their diaper changed;
    - 2) Coming in from outdoors; and

- 3) Whenever their hands become soiled.
  5. Hand washing areas should promote self-help skills to include, but not be limited to, sturdy and age-appropriate step stools, soap, and single-use or disposable towels accessible to children.
  6. Hand washing areas shall be routinely disinfected when visibly dirty and after any use of the area for tasks other than hand washing including immediately after the sink is used to clean tanks, feeders, water containers and any equipment used by pets or animals.
  7. Hand sanitizers and wipes are not acceptable alternatives to hand washing except on outings where running water may be unavailable. Alcohol based hand sanitizers shall not be used for children under three (3) years of age.
  8. When a child is bathing, the bath water must be between ninety (90) and one hundred and twenty (120) degrees. Children under five (5) years of age must not be left unattended while being bathed. For children over five (5) years of age, primary providers or staff members must periodically check on the child and be able to hear children at all times while bathing.
  9. If towels are used for bathing or recreational activities, each child must have an assigned towel that is used consistently, doesn't touch other towels, and is laundered weekly or more often if needed.
  10. Children's towels and drinking cups must not be shared.
- B. Diapering and Toileting
1. The family child care home must comply with the following for toileting needs:
    - a. Toilets must be flushed between uses; and
    - b. Non-flushing toilets and toilet inserts must be disinfected after each use.
  2. The family child care home must have a designated diaper change area for all children in need of diaper changing. The diaper change area must:
    - a. Have a smooth, durable, nonabsorbent, and easily cleanable surface;
    - b. Be large enough to accommodate the size of the child being changed;
    - c. Be located to the closest handwashing sink that is not used for food preparation;
  3. The following procedure must be followed each time a diaper is changed:
    - a. Diapers must be checked for wetness or feces at least every two (2) hours, or whenever the child indicates discomfort or exhibits behavior that suggests a soiled or wet diaper. Soiled or wet diapers and clothing must be changed promptly and be replaced with clean diapers and clothing whenever necessary;
    - b. Children being diapered must be within arm's reach of the provider or staff member and actively supervised throughout the diapering process;
    - c. All supplies needed for diaper changing must be placed at the diaper changing area before the child is brought to the changing area;



- d. The child must be placed on a clean, disinfected, dry changing table or mat;
- e. Primary providers, applicant 2, equally qualified providers, qualified substitutes, and staff members must use single use disposable gloves;
- f. Use closest hand washing sink to the diaper changing area that is not used for food preparation;
- g. Children's hands must be washed with soap and water after diapering;
- h. Primary providers, applicant 2, equally qualified providers, qualified substitutes, and staff members must clean and disinfect the diaper changing area after each diaper change;
- i. Primary providers, applicant 2, equally qualified providers, qualified substitutes, and staff members must vigorously clean all parts of their hands with soap and warm running water and dry their hands with single-use or disposable towels after diapering each child;
- j. During child care hours, clothing soiled by bodily fluids must be placed in a leak proof container. The container must be stored inaccessible to children and sent home on a daily basis;
- k. Parent(s) or provider(s) must provide extra clothing; and
- l. For each child who is learning to use a toilet, the primary provider must accommodate the child's individual developmental abilities and needs, and as contained in the provider's written policies and procedures;

**C. Cleaning Toys**

- 1. Toys that are not mouthed or otherwise contaminated by body fluids must be cleaned and sanitized at least once a week and whenever visibly soiled.
- 2. Toys that are placed in children's mouths or are otherwise contaminated by body fluids must be cleaned and sanitized prior to use by another child.
- 3. Toys that are contaminated by feces, urine, vomit, blood, or other bodily fluids must be cleaned and disinfected.
- 4. Toys, tables, or any item that could be placed in children's mouths must be rinsed after disinfection.

**FOOD AND NUTRITION**

**2.325 MEALS AND SNACKS PROVIDED BY THE PROVIDER**

- A. All meals and snacks provided by the primary provider, applicant 2, equally qualified providers, qualified substitutes, and staff members must meet current United States Department of Agriculture (USDA) Child and Adult Care Food Program (CACFP) meal pattern guidance and requirements published by the USDA Food Nutrition Service at <https://www.cacfp.org/meal-pattern-guidance/> (April 2016) and 7 C.F.R. sections 210.10 and 226.20 (July 1, 2022), herein incorporated by reference. No later editions or amendments are incorporated. These regulations are available at no cost from the USDA Food Nutrition Service at <https://www.ecfr.gov>. These regulations are also available for public inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash St., Denver, CO 80246, during regular business hours. Children who are at the family child care home for more than four (4) hours, day or evening, must be offered a meal. Arrangements must be made for feeding children who are in care before 6 a.m. or after 6 p.m.
- B. Primary provider(s) and parent(s) must have ongoing communication regarding special diet and feeding needs of the child(ren).
- C. All parents must have access to menus and must be notified of meals being served.
  - 1. All substitutions must be compliant with dietary restrictions and or food allergies.
  - 2. All substitutions must be documented.
- D. Food must be offered to the child from the child's individual dish and utensil(s). If uneaten portion(s) from the child's plate are saved, they must be refrigerated and stored safely and must be served, eaten, or discarded within four (4) hours of being prepared. Uneaten portions from one child must not be given to another child; and children must not share dishes and/or utensil(s).
- E. Dishes, cookware, high chair trays and utensils must be washed, sanitized, and stored in a safe and sanitary manner. When used, disposable dishes and utensils must be disposed of after use. Food preparation and service areas including, but not limited to, sinks, faucets, counters, and tables must be sanitized.
- F. All milk and juice offered to children must be pasteurized.
- G. Children are encouraged, but must not be forced, to eat food or drink fluids.
- H. Foods offered shall be age appropriate and not pose a choking hazard.
- I. If 100% fruit juice, which is not a sugar sweetened beverage, is offered as part of meals and/or snacks, it must be limited to no more than two (2) times per week.
- J. Primary providers, applicant 2, equally qualified providers, qualified substitutes, and staff members must not provide sugar sweetened beverages to children. These are beverages that have been sweetened with various forms of sugars that add calories and include, but are not limited to: soda, fruitades, fruit drinks, flavored milks, and sports and energy drinks.
- K. Water must be offered and available at all times and cannot be a substitute for milk during meals.
- L. The size of servings must be suitable for the child's age and sufficient time must be allowed so that meals are unhurried'

- M. If the primary provider does not regularly provide a meal and a child brings a meal from home that does not appear to meet current USDA Child and Adult Care Food Program meal pattern requirements, the primary provider must have foods available to offer as a supplement to that meal.
- N. During meals, children should be encouraged to engage in conversation and to express their independence.
- O. Children must not be given foods that are contrary to the religious or cultural beliefs of their families or that are known to cause an allergic reaction or a health hazard.
- P. Food and beverages are not to be used as a reward.
- Q. Family child care providers must not serve grain-based desserts to children more than two servings per week. These desserts include but are not limited to: cookies, donuts, cereal bars, cake, and brownies.
- R. All children must be sitting when eating.
- S. Children under the age of eighteen (18) months must be sitting or standing stationary while drinking.
- T. Primary providers, applicant 2, equally qualified providers, qualified substitutes, or staff members must either feed children under three (3) years of age or supervise them when they are eating.
- U. Children who are actively eating may be in a highchair or other approved feeding equipment for longer than fifteen (15) minutes. Children must be moved away from the feeding location once feeding is complete. Older children must be allowed to leave the feeding location once they are finished eating.

## **2.326 FEEDING INFANTS**

- A. An individualized diet and feeding schedule must be provided in a written plan submitted by the parent(s) or guardians(s), or by the child's physician with the knowledge and consent of the parent. Any change of diet and schedule must be communicated to the primary provider prior to implementing a new diet or schedule.
- B. Bottles of milk, formula, or breast milk must never be warmed or thawed in a microwave oven. Infant formula and breast milk cannot be reused. If a child does not finish the bottle of formula or breast milk within one (1) hour, the contents must be thrown out.
- C. If the infant is breast fed, the provider must not offer formula, water, or other liquids without discussing substitutions or supplementation with the infant's parent(s) or guardian(s).
- D. The primary provider must make an area in the home available for a breast feeding mother to breast feed her infant while visiting the home during business hours.
- E. All infants less than six (6) months of age must be held for bottle feedings and should be held so they can see the face of the primary provider, applicant 2, equally qualified provider, qualified substitute, or staff member if it is appropriate for the child. Bottles must not be propped.
- F. Infants over six (6) months of age must not be allowed to hold their own bottles when lying flat.
- G. Bottles must not be allowed in sleep equipment with the infant.

- H. There must be a sufficient supply of bottles provided for the entire day; or if bottles are to be reused, they must be washed, rinsed, and sanitized after each use.
- I. Primary providers, applicant 2, equally qualified providers, qualified substitutes, or staff members may not mix cereal with breast milk or formula and feed it to an infant from a bottle or infant feeder unless there are written instructions from the child's health care provider.
- J. Commercially prepared formula must be mixed in accordance with the directions of the manufacturer or written instructions from the child's health care provider.
- K. Each bottle must be marked with the child's name when there is more than one (1) child in care that drinks from a bottle.
- L. At a minimum, meals and snacks provided for infants under the age of one (1) year must contain the foods listed in the United States Department of Agriculture's (USDA) child and adult care food program meal pattern for infants, found in "Feeding Infants in the Child and Adult Care Food Program guide (July 2021), herein incorporated by reference. This guide is available for no cost from the USDA at [https://fns-prod.azureedge.us/sites/default/files/resource-files/FI\\_FullGuide\\_2021.pdf](https://fns-prod.azureedge.us/sites/default/files/resource-files/FI_FullGuide_2021.pdf). The guide is also available for inspection and copying from the Department at 710 S. Ash St., Denver, CO 80246, during regular business hours.
- M. Foods must be appropriate for infants' developmental stages as determined by instructions obtained from the infant's parent(s), guardian(s), or health care provider.
- N. New foods must not be introduced to children under twelve (12) months of age without parent(s) or guardian(s) permission.
- O. Infants who are eating solid foods must be provided with suitable solid foods that encourage freedom in self-feeding and must be fed in safe chairs such as highchairs.
- P. When the primary provider, applicant 2, equally qualified provider, qualified substitute, or staff member provides food other than breast milk or formula, food must be varied and include food from cereal, vegetable, fruit, and protein sources. When the parent(s) or guardian(s) provide solid food, the provider must supply any additional foods as needed and/or monitor the infant's total nutritional intake.
- Q. Children who are actively eating may be in a highchair or other approved feeding equipment for longer than fifteen (15) minutes. Children must be moved once feeding is complete.
- R. Honey and products containing honey must never be served to infants under twelve (12) months of age.

## **CARE OF CHILDREN**

### **2.327 SUPERVISION**

- A. The primary provider, applicant 2, equally qualified providers, and/or qualified substitutes must supervise all children by sight and or sound and know the location and the activity of all children, both indoors and outdoors, at all times while they are in care.
- B. All children in care, including the primary provider's, or applicant 2's own children under the age of ten (10), must only be cared for in areas licensed by the Department for child care use.

- C. The primary provider's and applicant 2's own children who are age ten (10) years of age up to sixteen (16) years if age and older may each have one (1) friend over during child care hours if the following conditions are met:
  - 1. The visiting children are not present for supervision;
  - 2. The visiting children can immediately be sent home if needed;
  - 3. The visiting children must be age ten (10) years to sixteen (16); and
  - 4. Visiting children must neither compromise nor participate in the care or supervision of children.
- D. The primary provider's and applicant 2's own children sixteen (16) years of age and older may have more than one (1) friend over during child care hours if the following conditions are met:
  - 1. The visiting children must be over the age of sixteen (16) years of age;
  - 2. The visiting children are not present for supervision;
  - 3. The visiting children can immediately be sent home if needed;
  - 4. Visiting children must neither compromise nor participate in the supervision or care of children;
  - 5. Visiting children over the age of sixteen (16) years of age cannot have unsupervised access to children in care.
- E. The primary provider and applicant 2 may have other children over periodically if the following conditions have been met:
  - 1. The visiting children are under the active supervision of their parent(s) or guardian(s) or their own child care providers; and
  - 2. The square footage requirements for the family child care home accommodates all children present.

## **2.328 PHYSICAL CARE**

- A. Children must be provided a developmentally appropriate environment.
- B. The primary provider, applicant 2, equally qualified provider, qualified substitute, and all staff members must provide for children's appropriate care and well-being, taking into consideration the individual needs of each child.
- C. Throughout the day, each child must have frequent, individual personal contact and attention from the primary provider, applicant 2, equally qualified provider, qualified substitute, and staff members, such as being held, rocked, taken on walks inside and outside the family child care home, talked to, read to, and sung to.
- D. Infants must be held frequently while in care.
- E. The primary provider, applicant 2, equally qualified provider, qualified substitute, and staff members must pick-up children appropriately around their upper chest and under their arms, and based on the developmental needs of the child.

- F. Children leaving the family child care home for school or other activities must be dressed appropriately to protect the health and safety of children for the weather.
- G. The primary provider, applicant 2, equally qualified provider, qualified substitute, and staff members must respond promptly to the needs of a child, including, but not limited to: crying, toileting, hunger, and thirst.
- H. The primary provider, applicant 2, equally qualified provider, qualified substitute, and staff members must investigate whenever children cry and must try to verbally or physically soothe the child.
- I. The primary provider, applicant 2, equally qualified provider, qualified substitute, and staff members must develop/provide an environment that minimizes the risk to children from hurting themselves or each other.
- J. Greetings/Departures
  - 1. Children should be greeted individually and pleasantly upon arrival and departure.
  - 2. Parent(s) or guardian(s) shall be allowed access to their children and all licensed areas at all times.
  - 3. When necessary, upon arrival and departure, the parent(s) or guardian(s) and primary provider, applicant 2, equally qualified provider, or qualified substitute must share information related to the child's health, safety, and overall well-being.
- K. The primary provider, applicant 2, equally qualified provider, qualified substitute, and all staff members, must not use any substance that impairs their ability to care for children, or be under the influence of any controlled substance or consume any alcoholic beverage during the operating hours of the family child care home.
- L. The primary provider, applicant 2, equally qualified providers, qualified substitutes, all staff members, visitors, volunteers, and residents of the primary provider and applicant 2's home who are under the influence of any controlled substances or alcohol are not permitted to work with children or be in the area used for child care during business hours.
- M. Illegal drugs or paraphernalia must never be present on the premises of the family child care home.

## **2.329 SLEEP AND WAKING TIME**

- A. Children must be allowed to form and observe their own pattern of sleep and waking periods. Provision must be made so that children requiring a nap time have a separate area for their nap away from other children currently playing.
- B. Children who are awake must not be confined for more than fifteen (15) minutes at a time to cribs, high chairs (unless they are eating), swings, playpens, or other equipment that inhibit freedom of movement. Confinement must never be used as a form of discipline. Children must have an opportunity each day for freedom of gross motor movement.
- C. Each preschool-age child remaining in the family child care home for longer than five (5) hours must be provided a rest period. A rest period and rest equipment must also be provided for older children who require a rest time.

- D. Rest or sleep periods must be scheduled appropriately for the age and development of the child(ren) and not forced. Children who do not sleep after thirty (30) minutes must be provided with developmentally appropriate alternative activities. Toddlers who fall asleep must immediately be moved to CPSC compliant sleeping equipment, incorporated by reference in rule section 2.329(H)(1), unless being held by the primary provider, applicant 2, equally qualified provider, qualified substitute, or staff member while being transported, or on a field trip.
- E. Toddlers, preschoolers, and older children, as necessary, must have a suitable mat at least two inches thick, cot, bed, or sofa, with a clean washable sheet and blanket or other suitable covering that has been laundered between uses by different children.
- F. During rest/nap time the primary provider, applicant 2, equally qualified provider, qualified substitute, and all staff members must remain alert and supervise all children by sight or sound.
- G. The atmosphere should be calm and conducive to rest or sleep. The lighting must be dim at nap time but must be bright enough for supervision of children.
- H. Safe Sleep Environments for Infants
  - 1. Each infant up to twelve (12) months of age must be provided with an individual crib or futon approved for infants or other approved sleep/rest equipment meeting Consumer Product Safety Commission (CPSC) standards published by the Consumer Product Safety Commission (CPSC) at 16 CFR section 1218.2 (April 23, 2015); 16 CFR section 1219.2 (October 28, 2019); 16 CFR section 1220.2 (June 3, 2023); 16 CFR section 1221.2 (January 20, 2020); 16 CFR section 1222.2 (August 5, 2023); 16 C.F.R. section 1236.2 (June 23, 2022), and 16 C.F.R 1241.2 (February 15, 2022) herein incorporated by reference. No later editions or amendments are incorporated. These regulations are available at no cost from the CPSC at <https://www.ecfr.gov>. These regulations are also available for public inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash St., Denver, CO 80246, during regular business hours. Approved sleep equipment must provide each infant with sufficient space for the infant's length, size, and movement.
    - a. Other sleep equipment not manufactured for commercial use is prohibited.
  - 2. Soft bedding or materials that could pose a suffocation hazard are not permitted in cribs, futons approved for infants, or other sleep/rest equipment that meets the CPSC standards incorporated by referenced in rule 2.329(A).

Soft bedding means, but is not limited to; any soft sleep surface like bumper pads, pillows, blankets, quilts, comforters, sleep positioning devices, sheepskins, blankets, flat sheets, cloth diapers, bibs, plush toys, pacifiers with stuffed animals attached, and stuffed animals.

    - a. Mattresses for cribs and futons must have a properly fitted, clean sheet.
  - 3. Infants must be placed on their back for sleeping. Infants who by their own ability roll onto their stomach do not need to be returned to their back.
  - 4. Alternative sleep positions for infants must only be allowed with a health care plan completed and signed by the child's physician.
  - 5. Swaddling of infants must only be allowed with a health care plan completed and signed by the child's physician.

6. Each infant up to twelve (12) months of age who uses a pacifier must have the pacifier offered when being put down to sleep, unless the parent directs otherwise.
7. All sleep/rest equipment must be safe, sturdy, and free from hazards including, but not limited to: broken or loose slats, torn mattress, chipping paint, and loose screws.
8. Approved sleeping mattresses meeting Consumer Product Safety Commission (CPSC) standards incorporated by referenced in rule section 2.329(A). must be firm and must fit snugly ensuring no more than two adult fingers are able to be inserted between the mattress and the side of the CPSC compliant sleeping equipment, incorporated by reference in rule section 2.329(A).
9. Toys, including mobiles and other types of play equipment that are designed to be attached to any part of sleeping equipment must be kept away from sleeping infants and out of sleep environments, including hanging toys. Blankets and other items must not be hung from or draped over the sides or any part of sleeping equipment.
10. Drop side and stacking cribs are prohibited.
11. Infant sound monitors must be used when infants are sleeping in a separate room out of the direct supervision of the primary caregiver. When in use, infant sound monitors must meet the following conditions:
  - a. The sound monitoring equipment must be able to pick up the sounds of all sleeping infants;
  - b. The receiver of the sound monitoring equipment must be actively monitored by the primary provider or staff member at all times;
  - c. All sleeping infants must be physically observed at least every ten (10) minutes by the primary provider or a staff member;
  - d. Sound monitoring equipment must be regularly checked to ensure it is working correctly; and
  - e. The monitor must be out of reach of children.
12. Infants who fall asleep in a piece of equipment not approved for sleep must immediately be moved to their approved sleep equipment meeting Consumer Product Safety Commission (CPSC) standards, incorporated by reference in rule section 2.329(A), and placed on their back to sleep unless being held by the provider, while being transported, or on a field trip.
13. Cribs must be used for sleeping, not extended play or confinement.
14. If music is played in the infant sleep area, the music must not be played at a loud volume that would prevent infants from being heard by the primary provider, applicant 2, equally qualified provider, or staff member provider. Music equipment must not be placed under a crib or within three (3) feet of the sleeping infant.



15. Supervised tummy time must be offered to infants one (1) month of age or older at least four (4) times per day, for full-day family child care homes. The tummy time must be for short periods of three-five (3-5) minutes, increasing the amount of time as the infant shows they enjoy the activity. If the infant falls asleep during tummy time, immediately place the infant on their back in CPSC compliant sleeping equipment, incorporated by reference in rule section 2.329(A).
16. When the primary provider, applicant 2, equally qualified provider, or staff member places infants in approved sleeping equipment for sleep, they must check to ensure that the temperature in the room is comfortable for a lightly clothed adult, check the infants to ensure that they are comfortably clothed (not overheated or sweaty), and that bibs, necklaces, and garments with ties or hoods are removed.
  - a. Clothing sacks or other clothing designed for sleep must be worn in lieu of blankets if needed for additional warmth. Sleep sacks or clothing that swaddles the infant, restricts movement of the child's arms or legs, that are too big for the infant, weighted, or not used in the manner the manufacturer intends are prohibited.
17. Infants must not sleep in the same crib or futon as another infant. A child must never sleep with an adult in a bed, on a couch, or in any other setting or manner.

#### **2.330 OVERNIGHT CARE**

- A. Regular overnight care (care past midnight) of children is permitted only when approved by the Department.
- B. All children in care must be provided with a comfortable cot, crib, bed, or couch suitable for the child's age, a bottom and a top sheet, and a suitable warm covering. At least forty (40) square feet of floor space must be available for each bed. Beds arranged in parallel must be at least two (2) feet apart.
- C. Sheets must be changed weekly, between use by different persons, and more frequently if needed. The family child care home provider must not knowingly allow a child to sleep in a wet bed.
- D. Children's faces and hands must be washed, teeth brushed, and children must change into comfortable clothing for sleeping. Extra sleepwear must be available.
- E. The primary provider, applicant 2, equally qualified providers, or qualified substitute must sleep on the same level of the home where children under eight (8) years of age are sleeping.
- F. Written permission must be obtained from parent(s) or guardian(s) approving where the child sleeps, whether the child shares a room with another individual, and the child's sleep equipment.
- G. Screen time, which includes television, recorded media, computer, tablet, cell phones, video games, and other media devices, must be turned off at least one (1) hour before bedtime.

#### **GUIDANCE, LEARNING ACTIVITIES, MATERIALS AND MEDIA USE**

##### **2.331 GUIDANCE**

- A. At the time of admission, the primary provider must discuss with the parent(s) or guardian(s) the family child care home's guidance expectations and consequences of a child's behavior.

- B. Guidance used at the family child care home must be developmentally appropriate to the age of the child and is used as an opportunity to teach children social-emotional skills, such as self-regulation, problem-solving, and empathy for others.
- C. Children must not be subjected to physical or emotional harm or humiliation. The primary provider must not use, or permit anyone else to use, corporal punishment as defined in section 22-1-140, C.R.S.
- D. Physical, mechanical, and chemical restraint shall never be used.
- E. Children must not be punished for not resting or sleeping, toileting accidents, failure to eat all or part of meals or snacks, or failure to complete an activity. Food or drink must not be denied or forced upon children as a disciplinary measure.
- F. Meals and snacks can be temporarily postponed or provided individually, but deprivation of meals, snacks, and beverages must not be used as punishment.
- G. Separation, when used as guidance, must be brief and appropriate for the child's age and circumstances. The child must be in a safe, lighted, well-ventilated room within the hearing and vision of the primary provider, applicant 2, or staff members. Children must never be isolated in a locked room, or closet area.
- H. Verbal or emotional abuse and derogatory remarks about any child or any child's family and home environment is prohibited.
- I. The primary provider, applicant 2, equally qualified provider, or qualified substitutes are responsible for and shall supervise all guidance used within the family child care home. The primary, applicant 2, equally qualified provide, or qualified substitutes must not allow one child to punish another child.
- J. A child must not be punished for the actions of a parent(s) or guardian(s). This includes, but is not limited to, failure to pay fees, failure to provide appropriate clothing, failure to provide materials for an activity, or any conflict between the provider and the parent(s) or guardian(s).
- K. Physical redirection may be used to keep a child from immediate imminent danger. The child must be immediately released once removed from imminent danger.

#### **2.332 LEARNING ACTIVITIES**

- A. The primary providers, applicant 2, equally qualified providers, qualified substitutes, and staff members must talk and interact with children throughout the day. Corrective or controlling speech must be limited.
- B. Children must be encouraged to relate, interact, and/or communicate with each other and adults using developmentally appropriate behavior.
- C. Primary providers, applicant 2, equally qualified providers, qualified substitutes, and staff members ) must respond to children's attempts to communicate, in a positive culturally sensitive manner and make an effort to create two-way conversation.
- D. Each child in care must be provided with an opportunity for both group and individual play.
- E. Primary providers, applicant 2, equally qualified providers, qualified substitutes, and staff members must encourage individual expression and adult directed projects must be kept to a minimum, allowing children's work to be varied and individual.

- F. Children must not be forced to participate in activities; alternate developmentally appropriate activities must always be available.
- G. Activities must be available to children that are culturally sensitive and represent diversity in ethnicity, race, gender, age, and abilities.
- H. Children must not be restricted to specific gender roles.
- I. Family child care home provider-initiated language activity must be offered daily, such as reading, storytelling, flannel boards, or puppetry.
- J. The primary provider(s) shall-initiate at least one (1) interactive musical activity weekly, such as singing, dancing, playing instruments, marching, listening to tapes or recordings, radios, and musical videos.

**2.333 MATERIALS**

- A. A selection of at least five (5) books must be available for the group of infants/toddlers in care.
- B. A selection of at least ten (10) books must be available for all children over two (2) years of age in care and must be organized and accessible to children most of the day. If children over five (5) years of age are in care, books relevant to the age of the child must be included within the ten (10) books.
- C. At least three (3) materials must be available to the children that are developmentally appropriate, culturally sensitive, and represent diversity in ethnicity, race, gender, age, and abilities. Variety must exist in toys, books, and pictures.
- D. At least five (5) types of developmentally appropriate language materials must be available, such as toy telephones, puppets, story boards, dolls, and pictures.
- E. At least five (5) types of age-appropriate fine motor materials must be available for use daily which should include at least some of the following: crayons, paper, scissors, non-chokable small building toys, developmentally appropriate multi-size stringing beads, pegs, sewing cards, and puzzles.
- F. Age-appropriate blocks and accessories must be accessible for free play daily allowing at least two (2) children to play independently, yet simultaneously.
- G. At least five (5) types of developmentally appropriate nature or science related games, materials, or activities must be available, such as: natural object collections, plants, gardens, pets, magnets, magnifying glasses, and/or science props.
- H. At least five (5) types of developmentally appropriate math or number materials must be available: counting objects, balance scales, rulers, number puzzles, magnetic numbers, and dominoes.
- I. At least five (5) types of art materials must be available, such as: crayons, pencils, markers, paints, play dough, scissors, and glue. Some art materials must be readily available each day.
- J. Glitter must not be used with children under three (3) years of age.
- K. At least five (5) types of dramatic play materials shall be accessible for free play daily such as: backpacks, purses, hats, dress up clothing, housekeeping toys, dolls and accessories, toy telephones, play houses, toy animals, cars and trucks, costumes, and safe jewelry.

- L. Outdoor physical free play materials must consist of at least five (5) age appropriate toys and equipment in good repair, such as: push toys, riding toys, tossing toys, climbing equipment, balance boards, swings, slides, balls, toss games, and sports equipment. These must be provided daily except in extreme weather.
- M. Materials provided in large family child care home must double the requirements for the regular home as listed above when nine (9) or more children are present.
- N. Some sand or equivalent dry material or water play offered to children eighteen (18) months of age or older, indoors or outdoors, at least monthly and year round. If used, food or organic material must be discarded each week.
- O. Daily physical gross motor activities, with or without equipment or materials, must be provided outdoors or indoors to children for no less than sixty (60) minutes total for full-day family child care homes. Activities do not have to occur all at once.

#### **2.334 SCREEN TIME AND MEDIA USE**

- A. There must not be intentional screen time, which includes television, recorded media, computer, tablet, cell phones, video games, and other media devices for children under twenty-four (24) months of age. Children under twenty-four (24) months must be redirected from an area where screen time is displayed and provided with alternate activities.
- B. Screen time is prohibited during snack or meal times.
- C. All media that children are exposed to must be developmentally appropriate and must not contain explicit language or topics. Activities must not contain violence, profanity, nudity, or sexual content, and must have a rating appropriate for the age of children in care.
- D. For children two (2) to five (5) years of age, screen time must be limited to no more than sixty (60) minutes per day.
- E. For children two (2) years of age and older, screen time may only exceed sixty (60) minutes for a special occasion and must not occur more than once every two (2) weeks.
- F. All children must be provided with a developmentally appropriate alternative activity once they lose interest in the media activity.
- G. There is no time restriction for children using personal adaptive equipment or assistive technology, or participating in mandatory school activities.

#### **FACILITY REQUIREMENTS AND TRANSPORTATION**

##### **2.335 GENERAL REQUIREMENTS**

- A. The entire premises are subject to inspection for licensing and safety purposes including, but not limited to, the entire residence and where care is to be provided, the grounds surrounding the residence, the basement, the attic, the storage shed, garage or carport, and any vehicles used for transportation of children in care.
- B. Any other business activities that might be hazardous to the health, safety, or well-being of children, or that interferes with the supervision of children, cannot be operated or conducted on the premises of the family child care home during child care business hours.

- C. Mobile homes used as family child care homes must be secured, attached, skirted, properly installed and stabilized, and have at least two (2) exits.
- D. The premises of the family child care home must be kept safe and free from hazards to health at all times.
- E. All weapons on the premises of the licensed family child care home must be unloaded, locked, and inaccessible to children. This includes, but is not limited to, firearms, air rifles, bb guns, paintball guns, bows, hunting knives, swords, hunting sling shots, and martial arts weapons.
  - 1. Weapons, ammunition, and arrows must be locked and stored separately. Trigger locks are acceptable.
  - 2. Antique and other guns used for decoration must be unloaded, inoperable, and have the firing pin removed, if applicable.
  - 3. Weapons must not be transported in any vehicle in which children are riding unless the weapons are made inoperable and inaccessible.
  - 4. Equally qualified providers, qualified substitute, staff members and volunteers are prohibited from carrying firearms as defined in section 18-1-901(3)(h), C.R.S., on the premises, both indoor and outdoor, and in any vehicle in which children are transported.
  - 5. The primary provider, applicant 2, equally qualified provider, qualified substitute, and staff members must know the location of any weapons in the family child care home.
- F. All garbage and other wastes must be stored in a manner that is inaccessible to children and disposed of in a manner that does not constitute a health hazard or nuisance.
- G. Fire hazards such as defective electrical or gas appliances and electric cords, dangerous or defective heating or cooking equipment, or exposed wiring, must be repaired by a qualified repair and/or service company or removed from the family child care home.
- H. All stairways must be free from hazards, and open-sided portions that are located more than thirty (30) inches above the floor or grade below must be equipped with banisters or handrails within reach of children. The slats on all railings must be no wider than four (4) inches apart or modified to prevent entrapment.
- I. Stairways of more than four (4) steps, in indoor and licensed outdoor areas, that are accessible to children must have gates that prevent access from the area being used when children under two (2) years old are present. The gate may be taken down as long as the family child care home primary provider, applicant 2, equally qualified provider, qualified substitute, or staff member is providing direct supervision of the child who is learning climbing skills on the stairs.
- J. Because of the risk of serious physical injury to a child, providers, employees, substitutes, volunteers, and visitors must never step over a gate while holding a child or lift a child over a gate.
- K. Drinking water obtained from a source other than a regulated public water system must be tested annually for total coliform, e. Coli bacteria, and nitrate, at a minimum. The results must be in compliance with rule section 11.45 of the "Colorado Primary Drinking Water Regulations" located in 5 CCR 1002-11. Results must be maintained and available for review.

The Colorado Primary Drinking Water Regulations (January 14, 2023), are herein incorporated by reference. No later editions or amendments are incorporated. These rules are available at no cost from the Colorado Department of Public Health And Environment, 4300 Cherry Creek Drive South Denver, CO 80246; or at [www.sos.state.co.us](http://www.sos.state.co.us). These rules are also available for inspection and copying at the Department, 710 S. Ash Street, Bldg. C, Denver, Colorado 80246, during regular business hours.

- L. The following types of animals and their enclosures must be inaccessible to children in care at all times: psittacine/hooks beak birds, ferrets, primates, and any poisonous animals.
- M. Any animal(s) and fish that are dangerous, and/or pose a potential threat to a child's safety or health must be confined in a place away from the child care area and inaccessible to children.
- N. Any animals in the family child care home must be vaccinated as required by state law and local ordinance, and proof of vaccination must be available for review by the licensing specialist.
- O. Children over thirty-six (36) months of age having direct physical contact with poultry, reptiles, and amphibians must be under the direct supervision of the primary provider, equally qualified provider, applicant 2, or the qualified substitute.
- P. Primary providers, applicant 2, equally qualified providers, and all staff must wash their hands with water and soap after: touching or handling poultry, reptiles, and amphibians; feeding or handling their food; after handling animal feces or supplies (for example, cages, terrariums, aquariums, water bowls, and toys); and after cleaning the animal's habitat.
- Q. Children must wash their hands with water and soap after: touching or handling poultry, reptiles, and amphibians and feeding or handling their food. Children are prohibited from handling animal feces or cleaning the animal's habitat.
- R. When around animals, the primary providers, applicant 2, equally qualified providers, all staff, and children must wash hands after removing dirty clothes or shoes, before eating and drinking, and before preparing food or drinks.
- S. Primary providers, applicant 2, equally qualified providers, and all staff must always supervise handwashing for children.
- T. Primary providers, applicant 2, equally qualified providers, all staff, and children must use hand sanitizer if running water and soap are not available. If only hand sanitizer is used, hands must be washed with soap and water as soon as possible.
- U. Primary providers, applicant 2, equally qualified providers, and all staff must clean and disinfect all indoor surface areas where poultry, reptiles and amphibians have been that are accessible to children.
- V. Chickens, reptiles, or amphibians must not be allowed to roam freely through a home or outdoor play area. Primary providers, applicant 2, equally qualified providers, and all staff must always supervise chickens, reptiles or amphibians when outside of their habitat to prevent accidents and contamination.
- W. Children must not be permitted to mistreat animals.
- X. All adult exercise equipment must be inaccessible to children.
- Y. Indoor and outdoor equipment, materials, and furnishings must be sturdy, safe, and free of hazards.

**2.336 INDOOR REQUIREMENTS**

**A. General Indoor Requirements**

1. There must be open, uncluttered, and safe indoor play space of at least thirty-five (35) square feet of floor space per child, including space for moveable furniture and equipment exclusive of:
  - a. Hallways;
  - b. Bathrooms;
  - c. Stairways;
  - d. Closets;
  - e. Laundry rooms;
  - f. Furnace rooms; and
  - g. Space occupied by permanent built-in cabinets and permanent storage shelves.
2. All floors must have an easily cleanable finish including, but not limited to: carpets, tile, wood, or concrete.
3. Interior walls must be free of holes and constructed of solid material with a smooth finish that can be easily cleaned. Painted finishes shall be maintained free from peeling, chipping or otherwise deteriorating paint.
4. The family child care home must be equipped with adequate light, heat, ventilation, and plumbing for safe and comfortable occupancy. The heating unit must be capable of maintaining a draft-free temperature of a minimum of sixty-eight (68) degrees Fahrenheit at floor level in all rooms used for child care.
5. All rooms must be kept in a clean and sanitary condition and be free of any evidence of pest or rodent infestation.

**B. Indoor Equipment, Materials and Furnishings**

1. Toys, toy parts, furnishings, equipment, and any materials accessible to children under three (3) years of age must not be a choke hazard or able to be inhaled.
2. An adequate number of high chairs and other child size suitable equipment that meet Federal Consumer Product Safety Commission standards published by the Consumer Product Safety Commission (CPSC) at 16 CFR § 1112 and 1321 (June 19, 2019), herein incorporated by reference. No later editions or amendments are incorporated. These regulations are available at no cost from the CPSC at <https://www.ecfr.gov>. These regulations are also available for public inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash St., Denver, CO 80246, during regular business hours; must be provided when feeding each child under two (2) years of age.
3. Children's use of walkers with wheels is prohibited unless specifically provided for a child's special needs as ordered in the child's health care plan.
4. Furnishings for relaxation and comfort must include, but not be limited to:

- a. Soft play areas, which may include rugs, carpets, mats, and cushions; and
- b. Clean and soft toys.

**C. Indoor Safety**

1. All hazardous items and materials must be inaccessible to children including, but not limited to, office supplies, matches, plastic bags, cleaning and laundry materials, perfumes, curling irons, adult sharp scissors and knives, cosmetics, shaving lotions, hair products, poisonous plants, and all items labeled by manufacturer as "keep out of reach of children."
2. In rooms accessible to children, all electrical outlets and power strips must have protective covers, or safety outlets must be installed; all exposed light bulbs accessible to children in areas where children can play must have protective covers. Electrical cords must be in good condition and must not pose strangulation, falling, or tripping hazards.
  - a. Extension cords must not be used in place of permanent wiring and must be used in accordance with the manufacturer's specifications.
  - b. Extension cords must be plugged directly into a wall outlet.
  - c. Space heaters must be plugged directly into a wall outlet.
3. Window blind cords and coverings must be secured out of children's reach or otherwise made safe to prevent strangulation.
4. During child care hours, fans that pose a safety hazard to children ( fans that can be pulled onto the child, and those where the child can stick fingers in the blades) must be inaccessible to children.
5. Exterior doors may be locked, and interior doors must be designed to prevent children from becoming trapped. No locks or fastening devices can be used that would prevent emergency evacuation. No more than one (1) lock can be used on an exit door during business hours.
6. Any level where child care occurs must have at least two (2) means of escape. A basement exit may include a window large enough for the primary provider, applicant 2, equally qualified provider, qualified substitute, staff members, volunteers, visitors, and children to individually exit.
7. For windows used as a second exit where the window sill height is over thirty (30) inches, there must be permanent access to the window. Permanent access can include a ladder bolted to the wall or furniture permanently attached to the wall or steps.
  - a. For window wells over forty-four (44) inches, there must be an attached escape ladder designed specifically for the purpose of evacuation of children from the window well to the ground level.
  - b. For family child care homes licensed after March 1, 2024, the emergency escape opening must be a minimum of 5.7 square feet with a minimum width of twenty (20) inches and a minimum height of twenty-four (24) inches.



8. All unvented gas or electric heating units, must be installed and maintained with safety devices to prevent fire, explosions, and other hazards. Open-flame gas or oil stoves, unscreened fireplaces, hot plates, and unvented heaters must not be used.
9. All heating units must be used and maintained in accordance with the manufacturer's specifications. Space heaters must have a heating element that does not exceed 212 degrees Fahrenheit and be equipped with a tip-over safety switch.
10. Any cooking stoves with controls within reach of a child shall have a safety guard.
11. Flammable or combustible items must be stored in a locked area remote from the kitchen, and at least three (3) feet from the furnace, hot water heater or any other heating device. These items include, but are not limited to, paints, fuels, insecticides, and other hazardous chemicals.
12. Furnaces and hot water heaters must be maintained in accordance with the manufacturer specifications and inaccessible to children.
13. All family child care homes must have smoke alarms installed in every bedroom licensed for care, in the immediate vicinity outside every bedroom, in every area used as a sleeping room, and at least one on each floor of the house.
  - a. Smoke alarms must not be older than the manufacturer directs.
  - b. For family child care homes licensed after March 1, 2024, smoke alarms must be interconnected so that when one (1) alarm is activated all are activated.
14. There must be a carbon monoxide detector in working condition installed in the area of the family child care home as recommended by the manufacturer and in the hallway outside the licensed bedrooms or area where children sleep.
15. The family child care home must contain at least one (1) fire extinguisher in working condition with the minimum weight of five (5) pounds, and minimum rating of 2A-10-BC as listed on the fire extinguisher label. The fire extinguisher must be easily accessible or the identifying sign where the fire extinguisher is located must be highly visible.
  - a. Fire extinguishers must be replaced at least every six (6) years.

## **2.337 OUTDOOR REQUIREMENTS**

### **A General Outdoor Requirements**

1. At least seventy-five (75) square feet of useable outdoor play space must be available for each child in care.
2. The outdoor play space must be enclosed with at least a forty-two inch (42) fence with slats no more than four (4) inches apart, or a natural barrier. If a natural barrier is used, it must begin no higher than three and one-half inches (3-1/2) from the ground. If the family Child Care home does not have a fenced play space, the provider may apply for an outdoor hardship waiver.
3. All parts of the play area must be visible and easily supervised.
4. Shade must be available.

5. Decks that are more than twelve (12) inches high must have or be modified to have a protective railing or other barrier with slats no wider than four (4) inches apart.
  - a. For decks installed at ground level with more than a twelve inch (12) gap between flooring and ground, the gap must be inaccessible to children.
6. Tiered yards that have drop offs of more than twelve inches (12) must have a protective railing or other barrier.
7. All outdoor areas where children may pass or play must be kept free of animal contamination. All animal wastes must be promptly removed and inaccessible to children.
8. Window wells accessible to children must have covers that are in good condition and will protect children from falling into the window well. Window well covers must not prevent exiting from a basement window designated as the second exit.
9. Swimming pools, permanent wading pools, and above ground pools located on the property of the family child care home must be enclosed with a five foot (5') fence and a locked gate.
  - a. With written permission of the parent(s) or guardian(s), children in care may be permitted to use the permanent pool in the presence of an adult who holds a current Red Cross basic lifeguarding certificate or equivalent, and is actively responsible for lifeguarding protection.
10. Water used by children in play areas, including wading pools, must be drained and equipment must be cleaned and disinfected at the end of each day.
11. All hot tubs must have bolted and securely locked covers. All children in care are prohibited from using hot tubs.
12. Decorative ponds in the designated play area must have childproofing grates to prevent risk of drowning when there is no fence.
13. The use of any trampoline by children in care is prohibited. If there is a trampoline on the property of the family child care home, it must be stored in a way that makes it inaccessible to children.
14. Tree houses must be inaccessible to children in care.
15. Walkways must be cleared of snow and ice to provide safe entry and exit from the family child care home.
16. If a sand box designated for play is used it must be covered when not in use.
17. Outdoor space hardship
  - a. If an outdoor play space is not directly attached to the family child care home or accessible via secure access, or the family child care home cannot meet outdoor space requirements due to a hardship based on the location of the family child care home, the family child care home must develop a site-specific plan, which will be submitted to the Department for review and approval, that includes the following:

- 1) Identification of an accessible (appropriate for the age group of children served) alternate outdoor space including a description and approximate square footage of the space;
  - 2) A diagram outlining how children will safely travel to and from this location;
  - 3) A plan for supervision, including any special staffing requirements, to safely access and utilize the alternate outdoor space that includes:
    - a) Attendance tracking upon arrival to the outdoor space and return to the family child care home;
    - b) Children's toileting and diapering needs;
    - c) Children's routine and emergency medical needs including the use of first aid kits and accessibility of emergency contact information when not on site at the family child care home;
    - d) Plans for alternate activities if the outdoor space is unavailable; and
    - e) If play equipment or climbing structures are present in the outdoor space, a plan for assessing safety of equipment and supervising age-appropriate play;
  - 4) An emergency evacuation plan including the location of a secondary site for reunification with parents in the case of an emergency while at the offsite location and plans for accessing shelter in the case of emergency; and
  - 5) A policy that notifies the parent(s) or guardian(s) of the alternate outdoor space.
- b. If the outdoor space becomes unusable or the family child care home cannot maintain what was approved in the plan, the primary provider must submit a new plan to the Department within ten (10) calendar days of a change in the usability of such outdoor space.
  - c. Family child care homes licensed prior to March 1, 2024, may not reduce or eliminate existing licensed outdoor space to qualify for the outdoor space hardship.

**B. Outdoor Equipment, Materials and Surfaces**

1. Resilient Surfacing as defined in rule section 2.304(77) Requirements:
  - a. All climbing equipment, sliding equipment, or equipment with attached platforms, eighteen (18) inches or higher must have resilient surfacing of at least six (6) inches in the use zone, see rule section 2.337(B)(3), surrounding the equipment.

- b. Department-approved resilient surfacing includes loose fill materials such as wood chips, wood mulch, engineered wood fiber, pea gravel, synthetic pea gravel, shredded rubber tires, and sand. Solid unitary materials include poured in place surfacing, approved rubber mats, playground tiles, and artificial turf with built in resilient pad.
    - c. Loose fill resilient surface must be raked regularly to retain its resiliency and to retain a depth of at least six (6) inches.
      - 1) Any newly installed solid unitary materials used for resilient materials must have written documentation from the manufacturer stating the material meets current federal requirements.
  - 2. Maximum height of equipment
    - a. The maximum height of toddler climbing equipment, sliding equipment, or equipment with attached platforms cannot exceed thirty-two (32) inches.
    - b. The maximum height for preschool and school-age climbing equipment, sliding equipment, or equipment with attached platforms must not exceed six (6) feet in height with six (6) inches of department-approved resilient surfacing as listed in rule section 2.337(B)(1).
  - 3. Use zone
    - a. Toddler climbing equipment, sliding equipment, or equipment with attached platforms must have a three (3) foot use zone surrounding the equipment. Toddler slides require a six (6) foot use zone extending out from the base of the slide.
    - b. Preschool and school-age climbing equipment, sliding equipment, or equipment with attached platforms must have a six (6) foot use zone surrounding the equipment.
    - c. Moving equipment must be located toward the edge or corner of a play area or be designed in such a way as to discourage children from running into the path of the moving equipment.
  - 4. Metal equipment must be placed in the shade.
  - 5. All play equipment must be designed to guard against entrapment and strangulation. Swing sets and other outdoor play equipment must be correctly assembled, well maintained, and securely stabilized or anchored.
  - 6. All swings for children three (3) years of age and older must have seats made of flexible material.
- C. Outdoor Activities
  - 1. The family child care home must include outdoor play for all ages each day except when the severity of weather, including temperature extremes, makes it a health hazard, or when a child must remain indoors as indicated in writing by a health care provider or in a health care plan.
  - 2. Developmentally appropriate supervision must be provided during outdoor play.

3. Children playing in an unfenced area or any other outdoor play area outside of the approved fenced play area must be under direct supervision at all times.
4. Children must wear protective equipment when riding a scooter, bicycle, balance bike, skateboard, or rollerblades.
5. Motorized riding toys are not permitted.

**D. Outdoor Safety**

1. Children must be directly and actively supervised near standing water including, but not limited to, fountains, buckets, wading pools, and animal troughs.
2. All outdoor play areas shall frequently be surveyed and must be kept safe and free from hazardous materials or debris that could cause harm to children.
3. Outdoor play space, including areas under decks must be free from safety hazards including, but not limited to, lawn mowers, tools, propane, gasoline, building scraps, and scrap metal.
4. Gas grills with propane tanks must be inaccessible or have a safety on/off knob.
5. Gates used for emergency evacuation must remain unlocked during child care hours.

**2.338 TRANSPORTATION**

- A. The driver of a vehicle used to transport children must follow required state laws, including possession of a current valid Colorado driver's license, current automobile insurance, and meet the requirements of Colorado child passenger safety laws at sections 42-4-236 and 42-4-237, C.R.S.
- B. At least one (1) adult in the vehicle transporting children must have current Department-approved first aid certificate and Department-approved CPR certificate for all ages of children. A first aid kit must be available in the vehicle.
- C. Any child transported must be properly restrained in a child restraint system that meets the requirements of the Colorado child passenger safety laws in sections 42-4-236 and 42-4-237, C.R.S.
- D. When any vehicle is used by the family child care home to transport children in care, the following requirements must be met:
  1. Two (2) or more children must never be restrained in one (1) seat belt or child restraint system;
  2. It is the responsibility of the driver transporting children to ensure that children are provided with, and that they properly use, a child restraint system or safety belt system;
  3. Children who meet the requirements to be restrained in a safety belt must be instructed and monitored to keep the seat belt properly fastened and adjusted;
  4. Children, who are appropriately placed in a safety belt system according to state law, must be properly secured by the safety belt system. The shoulder belt must never be placed behind the back or under the arm. The lap belt must be secured low and tight across the upper thighs;

5. Children under thirteen (13) years of age must never be transported in the front seat of a vehicle;
  6. Children must never be left alone in a vehicle;
  7. Children must be loaded and unloaded safely and out of the path of moving vehicles;
  8. The total number of passengers being transported shall never exceed the vehicle manufacturer's specifications;
  9. The provider cannot transport more children than any vehicle can safely accommodate with child restraint systems and seat belts that are properly installed in the vehicle;
  10. The seats of the vehicle must be constructed and installed according to the manufacturer's specifications;
  11. Modifications to vehicles including, but not limited to, the addition of seats and seat belts must be completed by the manufacturer or an authorized representative of the manufacturer. Documentation of such modifications must be available for review by the Department;
  12. The vehicle must be enclosed and have door locks in proper working order;
  13. The vehicle must be kept in satisfactory condition to assure the safety of occupants. Vehicle tires, brakes, and lights must meet safety standards set by the Colorado Department of Revenue, Motor Vehicle Division (section 42-4-236, C.R.S.); and
  14. At a large family child care home, there must be at least one (1) adult supervisor, in addition to the driver, when nine (9) to twelve (12) children are being transported in the vehicle.
- E. The primary provider must obtain written permission from the parent or guardian for transportation of the child.
- F. If the family child care home provides transportation to and from care, the primary provider, applicant 2, equally qualified provider, qualified substitute, or staff member must supervise the child between the vehicle and the child's home or another home authorized by the child's parent(s) or guardian(s) until the child is safely in the care of another adult.
- G. If the family child care home provides transportation to and or from care, children remaining at the family child care home must be supervised by the primary provider, applicant 2, an equally qualified provider, qualified substitute, or staff member.
- H. Agreement must be made annually between the provider and parents or guardians on transportation arrangements for school age children (e.g. walking, riding a bicycle, bus, or traveling in a vehicle) to and from the family child care home. It is the provider's responsibility to ensure the child arrives to the destination at agreed upon time.

## **2.400 RULES REGULATING CHILDREN'S RESIDENT CAMPS**

### **2.401 AUTHORITY**

These rules and regulations are adopted pursuant to the rulemaking authority provided in section 26.5-1-105(1), C.R.S., and are intended to be consistent with the requirements of the State Administrative Procedures Act, sections 24-4-101 through 24-4-204 (the "APA"), C.R.S., the Anna Jo Garcia Haynes Early Childhood Act, sections 26.5-1-101 through 26.5-6-103, (the "Early Childhood Act"), C.R.S., and the Child Care Licensing Act, sections 26.5-5-301 through 26.5-5-329, C.R.S.

The specific rulemaking authorities granted for the Resident camps include sections 26.5-5-303(5) and 26.5-5-314, C.R.S.

### **2.402 SCOPE AND PURPOSE**

The Colorado Department of Early Childhood, Division of Early Learning, Licensing, and Administration is responsible for the administration of health and safety rules and requirements for licensed child care facilities. These rules and regulations shall govern the processes and procedures to become a licensed Resident Camp, and the health and safety requirements of Resident Camps in Colorado. In addition to the "General Rules for Child Care Facilities" in rule section 2.100, Children's Resident Camps shall follow the rules specified in this rule section 2.400, and the "Rules Regulating Special Activities" in rule section 2.600.

### **2.403 APPLICABILITY**

The provisions of these rules and regulations shall be applicable to a licensed Resident Camp operating for three (3) or more consecutive twenty-four-hour days during one (1) or more seasons of the year for the care of five (5) or more children and to seasonal outdoor adventure day camp programs operating for at least six (6) hours a day, on a seasonal basis.

### **2.404 DEFINITIONS**

The definitions in this section apply to 2.400 Rules Regulating Children's Resident Camps only.

- A. A "children's resident camp" or "resident camp" has the same meaning as set forth in section 26.5-5-303(5), C.R.S.
- B. "Adverse Weather" means weather that poses a significant health risk and includes wind chill factor below -15°F (-26°C) and heat index at or above 94°F (32°C), as identified by the by the National Weather Service (NWS). When temperatures are above 90°F, programs must monitor children for signs of overheating and ensure children have access to shade and water at all times.
- C. "Air Quality Index Advisory Unhealthy for Sensitive Groups" means an Air Quality Index value of 101 to 150. People with asthma, children, and older adults are the groups most at risk as defined and explained by the Environmental Protection Agency (EPA) at [https://www.airnow.gov/sites/default/files/2018-04/aqi\\_brochure\\_02\\_14\\_0.pdf](https://www.airnow.gov/sites/default/files/2018-04/aqi_brochure_02_14_0.pdf) (Feb. 2024), herein incorporated by reference. No later editions or amendments are incorporated. These resources are available at no cost from the Environmental Protection Agency (EPA) at <https://www.airnow.gov/aqi/aqi-basics/>. These resources are also available for public inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash St., Denver, CO 80246, during regular business hours.
- D. "Camper" means a child or youth attending the resident camp.
- E. "Department" means the Colorado Department of Early Childhood.

- F. "Egress" means a continuous and unobstructed way of travel from any point in a building or structure to a public way.
- G. "Health Care Provider" means a Licensed Physician, Physician Assistant, or Nurse Practitioner; this is typically the camper's medical home or primary care provider.
- H. "Health Care Worker" means an individual who is at the resident camp twenty-four (24) hours per day and responsible for monitoring the overall health of the campers as defined in regulation section 2.411(F)(2).
- I. "Outdoor camp activities" means any activity that is typically associated with residential camp program offerings. 'Outdoor camp activities' includes any activity that is defined as a "special activity" in the "Rules Regulating Special Activities" 8 CCR 1402-1 rule sections 2.600. 'Outdoor camp activities' does not include any activity conducted off-site of the residential camp facility facilitated by an outside vendor, nor does it include unstructured spontaneous activities engaged in while in the course of utilizing the facility for lodging or meals.
- J. "Regular Volunteer" means anyone working in the resident camp over fourteen (14) calendar days.
- K. "Restraint" means any method or device used to involuntarily limit freedom of movement including, but not limited to, physical restraint, mechanical devices, or chemicals.
- L. "Seasonal outdoor adventure day camp program" means a type of children's resident camp that operates for at least six (6) hours a day, on a seasonal basis, primarily during the summer and winter months, for a number of days specific to the approved registration of seasonal outdoor adventure day camp participants. Seasonal outdoor adventure day camp programs serve children who are five (5) years of age or older.
- M. "Solos" or "survival experiences" means a planned activity whereby an individual, who has been trained for the experience, spends an allotted period (most often six (6) to twenty-four (24) hours) in a designated location in the natural world, alone and separate from peers and leaders, to build confidence, reflect and appreciate nature. Individuals will have gear appropriate to the location, weather, and length of time on the solo or survival experience.
- N. "Staff" and all references to staff or staff positions include paid staff, and equally qualified volunteers, under this rule section.
- O. "Travel-trip camp" means a camp in which there is no permanent camp site, and children move from one site to another. The travel-trip camp either originates in Colorado or moves into and/or through Colorado from another state and operates for three (3) or more consecutive twenty-four (24) hour days during one (1) or more seasons of the year for the care of five (5) or more children who are at least ten (10) years old or have completed the fourth (4th) grade. The program shall have as its purpose a group learning experience offering educational and recreational activities utilizing an outdoor environment.



**2.405 GOVERNING BODY**

- A. The governing body as defined in rule section 2.104(P) of the General Rules for Child Care Facilities must be identified by its legal name. The names and addresses of individuals who hold primary financial control and officers of the governing body must be disclosed fully to the Department. The governing body is responsible for providing necessary facilities, adequate financing, qualified personnel, services, and program functions for the safety and well-being of children in care in accordance with these rules. When changes to the governing body as described in section 26.5-5-311(2)(b)(I)(C) or (D), C.R.S., occur, the new governing body must immediately submit an original application and pay the required fee.
- B. When the facility is let, leased, or rented, including pursuant to rule section 2.405(C), the governing body must report the following in writing at the request of the Department: name of the group letting, leasing, or renting the facility, number and ages of children in care, length of time for use of the facility, and the purpose of the resident camp.
- C. If the governing body lets, leases, or rents the licensed facility to any individual, group, or entity for the sole purpose of (i) providing sleeping accommodations, or (ii) providing sleeping accommodations and meals, and the lessee does not utilize the facility to conduct any children's resident camp programming during the day, the governing body is not required to notify the Department or ensure the lessee meets licensing standards. The individual, group, or entity is prohibited from participating in outdoor camp activities provided at the facility or operated by the governing body and must leave the licensed facility area immediately if they engage in any outdoor camp activities.
- D. Any individual, group, or entity that lets, leases, or rents the facility for outdoor camp activities and programming is responsible for licensure and compliance with any Department requirements related directly to licensure. However, said individual, group, or entity that lets, leases, or rents the facility, may enter into an agreement which assigns responsibility to the owner or operator of the facility being let, leased, or rented for maintenance of the facility and with ensuring the facility otherwise complies with other Department rules or requirements, including but not limited to, the requirements found under 8 CCR 1402-1 rule sections 2.408, and 2.423 through 2.427 regarding insurances; campsites; permanent and semi-permanent shelters and sleeping facilities; toilet and bathing facilities; general building safety; and fire safety provisions.

**POLICIES AND PROCEDURES**

**2.406 STATEMENT OF POLICIES AND PROCEDURES**

- A. Prior to the first (1st) day of the camp session, and upon any amendments to its policies and procedures, the children's resident camp must make facilities policies and procedures available to the parent(s) and/or guardian(s) of campers and provide the opportunity to ask questions. Written copies must be available either electronically or in hard copy. The camp must obtain a signed document stating that the parent(s)/guardian(s) have received the policies and procedures, and by signing the policies and procedures document, the parent(s)/guardian(s) agree to follow, accept the conditions of, and give authorization and approval for the activities described in the policies and procedures.
- B. The written policies and procedures must be developed, implemented, and followed, and must include at a minimum the following information:
  - 1. The services and activities offered;
  - 2. The ages of campers accepted;

3. The procedure, including notification of parent(s)/guardian(s), for handling camper's illnesses, accidents, and injuries;
5. The procedure regarding adverse weather;
6. An itemized fee schedule;
7. The procedure for identifying which activities and trips campers will participate in; including procedures for communication during the activities and trips;
8. The meals and snacks offered, how parents can access menus, and how campers with food allergies or special diets are accommodated;
9. The services offered for special needs campers in compliance with the Americans with Disabilities Act (as incorporated by reference in rule section 2.119, of the General Rules for Child Care Facilities);
10. The camp's procedure on positive guidance and strategies and techniques for supporting campers with challenging behaviors;
11. How decisions are made and what steps are taken prior to the request for parents or guardians to remove a camper from care due to concerns about the camper's behavioral issues;
12. The procedures followed, including notification of parent(s) or guardian(s), when a camper is separated from their group and their location is unknown, and for whom the local authorities have been contacted;
13. The procedure for transporting campers, if applicable, including: camper's safety related to riding in a vehicle; seating; supervision; emergency procedures on the road; transportation arrangements; and parental permission for excursions and related activities;
14. The procedure for releasing campers from the children's resident camp only to persons for whom the resident camp has written authorization, and the procedure for picking-up the campers during an emergency;
15. The procedure for storing and administering camper's medications and delegation of medication administration in compliance with section 12-255-131, C.R.S., of the "Nurse and Nurse Aide Practice Act";
16. The policy on the storage and access of inhalers and epinephrine auto injectors in compliance with sections 22-1-119.5 and 22-2-135, C.R.S.;
17. The procedure concerning the storage of camper's personal belongings and money;
18. The procedure for filing a complaint about the children's resident camp including the name, address and telephone number of the Colorado Department of Early Childhood (see rule section 2.125 of the General Rules for Child Care Facilities);
19. The procedure for reporting child abuse and/or neglect, including the name of the county department of social/ human services and phone number of where a child abuse report should be made (see rule section 2.126 of the General Rules for Child Care Facilities);

20. The procedures for emergencies such, and disaster preparedness including but not limited to lost campers, tornadoes, fires, shelter in place, lockdown, active shooter on premises, reunification with families after emergency or disaster, evacuating children with disabilities as specified in rule sections 2.133 through 2.138 of the General Rules for Child Care Facilities;
21. The policy and procedure regarding visitors to the resident camp;
22. Television, movies, videos, music, personal electronic devices, and internet usage policy outlining screen time and media use. The media plan must have information on ongoing communication with campers about online safe practices for campers;
23. The policy regarding sleeping arrangements for campers that complies with rule section 2.425; and
24. The policy regarding solos or survival experiences if offered. This policy must include how campers are monitored during solo experiences.

**2.407 COMMUNICATION, EMERGENCY, AND SECURITY PROCEDURES**

- A. The following emergency telephone numbers must be posted at each permanent site easily observable to those caring for campers, and must be taken on trips away from the camp:
  1. 911, or a local rescue unit if 911 is not available in the area;
  2. The clinic, hospital, or emergency medical clinic nearest to the activity location;
  3. Ambulance service covering the activity location;
  4. Fire, police, and health departments nearest to the activity location; and
  5. Rocky Mountain Poison Control.
- B. The resident camp must have a written plan to access emergency transportation to a health care facility at all times.
- C. A written policy regarding visitors to the resident camp must be posted and a record maintained by the resident camp that includes, at a minimum; the date and time of the visit, the visitor's name, and the purpose of the visit. At least one piece of identification must be inspected for individuals who are unknown to personnel at the camp.
- D. The camp must have a procedure for handling individuals not authorized by the parent/guardian of a camper who attempts to have the camper released to them.

**2.408 ADMINISTRATIVE RECORDS AND REPORTS**

- A. Every facility must carry public liability insurance. The applicant or licensee must submit the amount of the insurance and the name and the address of the insurance agency providing the insurance to the resident camp. The camp resident must maintain information about the insurance at the campsite for the Department to review.
- B. Every facility must notify the closest health care facility of the dates of the resident camp sessions and the location of the resident camp. Written verification of notification of resident camp sessions with the closest health care facility must be available for the Department to review.

- C. The resident camp must maintain at the campsite a medical record keeping system, listing the name of the camper; the illness or injury; the prescribed treatment; the date the treatment was administered; and the name of the person administering care. This record keeping system must be available to the Department.
- D. The resident camp must submit to the Department as soon as possible, but not longer than twenty-four (24) hours, a written report about any camper who has been separated from the group and their location is unknown, and for whom the local authorities have been contacted. Such report must indicate:
  - 1. The name, age, and address of the camper;
  - 2. The name of parents/guardians and their address, if different from that of the camper;
  - 3. The date location, time, and circumstances when the camper was separated from the group;
  - 4. The name of the person supervising the camper at the time the camper was separated from the group; and
  - 5. All actions taken to locate the camper, including time when local authorities were notified.

#### **2.409 SECURITY PRACTICES**

- A. The resident camp must establish a written security procedure and must train staff members and campers regarding this procedure.
- B. The resident camp must report to the local law enforcement office the dates of the camp sessions and the location of the camp.
- C. When a camper is dismissed from camp or when the camp session is over, the camper must be returned to the parents/guardians or an adult authorized by the parents/guardians. If the individual is unknown to the staff, staff must inspect at least one piece of identification.

#### **STAFF**

##### **2.410 GENERAL REQUIREMENTS FOR ALL STAFF**

- A. All staff and volunteers at the resident camp must demonstrate knowledgeable decision-making, judgment, and concern for the proper care and well-being of campers.
- B. Staff and volunteers must not consume or be under the influence of any substance that impairs their ability to care for campers.
- C. Illegal drugs and drug paraphernalia must never be present on the premises of the resident camp.
- D. Staff and volunteers must not use cannabis and cannabis infused products, vaping or tobacco products of any kind, or alcohol in the presence of campers. To prevent exposure to secondhand smoke, children's resident camps must prohibit the use of vaping, tobacco, and cannabis infused products on all camp property, both indoors and outdoors. All cannabis and cannabis infused products, vaping and tobacco products, and alcohol must be kept inaccessible to campers at all times.

- E. When caring for campers, staff and regular volunteers must refrain from the personal use of electronics including, but not limited to, cell phones and portable electronic devices.
  - 1. When caring for campers the use of electronic devices is permitted for educational and administrative purposes.
- F. All paid employees at the camp less than sixteen (16) years of age must be employed in compliance with Colorado labor laws.
- G. There must be a letter of agreement with each regular volunteer or staff member which includes the person's specific responsibilities, job description, and days or hours of employment.
- H. There must be at least three (3) references for each staff member and regular volunteers of the camp attesting to the individual's character and suitability to work with children. The written references must be in the personnel file or there must be a record in the personnel file that three (3) references have been obtained.
- I. Prior to working with campers, each staff member and regular volunteer as defined in rule section 2.404 must complete an annual self-reported health history. The health history must be maintained in a secured location at the resident camp.
- J. Prior to working with campers, each staff member and volunteer must read and be instructed on the policies and procedures of the resident camp. Staff members and volunteers must sign a statement, hard copy or electronic, indicating that they have read and understand the camp's policies and procedures.
- K. Prior to working with campers each staff member and volunteer must sign a statement indicating that the individual has read and understands the rules applicable to their position in "Rules Regulating Children's Resident Camps," the "General Rules for Child Care Facilities," and the "Rules Regulating Special Activities," if applicable.
- L. If volunteers are used by the resident camp, there must be a clearly established policy regarding their function, orientation, and supervision.

#### **2.411 TRAINING**

- A. Prior to working with campers all staff members and regular volunteers must complete a Department-approved standard precautions training. This training must be renewed annually.
- B. Prior to working with campers all staff members and regular volunteers must complete a Department-approved training about child abuse prevention, including common symptoms and signs of child abuse, how to report, where to report, and when to report suspected or known child abuse or neglect. This training must be renewed annually.
- C. For every thirty (30) or fewer campers in attendance, there must be at least one (1) staff member with each group of campers who holds current Department-approved First Aid and CPR certification for all ages of children.
  - 1. At any resident camp more than thirty (30) minutes away from emergency medical services by vehicle, in clear weather, the following staff must be present:
    - a. One (1) staff member with current Wilderness First Aid Training, Department-approved CPR training, and medication administration training and who has been delegated by a physician or registered nurse to administer medication;

2. At any resident camp less than thirty (30) minutes from emergency medical services by vehicle, in clear weather, there must be:
  - a. At least one (1) camp counselor with each group of children qualified with Department-approved First Aid and CPR training; and
- D. If a child requires medication while away from the resident camp, there must be at least one (1) staff member present with the group with current Department-approved medication administration training who has been delegated by a physician or registered nurse to administer medication.
  1. The resident camp must not exclude children with health conditions requiring medications from participating in these activities.
- E. Prior to working with campers, all staff members and regular volunteers must complete a building and physical premises safety training. The training must include identification of and protection from hazards that can cause bodily injury such as dangerous wildlife; electrical hazards; bodies of water; vehicular traffic; handling and storage of hazardous materials; and the appropriate disposal of biological contaminants.
  1. This training must be developed and facilitated by the children's resident camp for all staff and regular volunteers to identify specific environmental hazards at the resident camp. All staff members and regular volunteers must be retrained if there are changes to the building and physical premises.

#### **2.412 REQUIRED STAFF QUALIFICATIONS**

- A. Camp Director
  1. Each camp must have an onsite camp director. The camp director is responsible for operating the camp in accordance with licensing rules, planning and implementing the program, as well as the supervision of staff and regular volunteers.
  2. The camp director must be at least twenty-one (21) years of age and must have completed one of the following qualifications:
    - a. Twelve (12) months (1820 hours) of verified leadership experience in an administrative or supervisory position, with groups of children five (5) years of age or older, since the age of eighteen (18) years.
    - b. Six (6) months (910 hours) of verified leadership experience in an administrative or supervisory position, with groups of children five (5) years of age or older, since the age of eighteen (18) years and a Bachelor's, Master's, or Doctorate degree from an accredited college or university with a major area of study in one (1) of the following areas:
      - (1) Outdoor Education; or
      - (2) Recreation
    - c. Camp Director Certification from a nationally recognized organization and must have six (6) months (910 hours) of verified leadership experience in an administrative or supervisory position, with groups of children five (5) years of age or older, since the age of eighteen (18) years.

**B. Camp Counselor**

1. All camp counselors must be at least eighteen (18) years of age, or seventeen (17) years of age and graduated high school or completion of GED and demonstrate the ability to work with campers.

**C. Assistant Camp Counselor**

1. Each assistant camp counselor must be at least sixteen (16) years of age and demonstrate the ability to work with campers.
2. Each assistant camp counselor can count toward the staff-to-camper ratio found in rule section 2.413(E) but must work directly under the supervision of a camp director or camp counselor and must never be left unsupervised with campers.

**D. Counselor-in-Training**

1. Each counselor-in-training must be at least fourteen (14) years of age or be in the summer before entering the ninth (9th) grade.
2. Each counselor-in-training must work directly under the supervision of a camp director or camp counselor and must never be left unsupervised with campers.
3. Counselors-in-training must not be counted as staff members in the staff-to-child ratio for supervision of campers found at rule section 2.413(E).

**E. Volunteers**

1. If volunteers are used by the resident camp, there must be a clearly established policy in regard to their function, orientation, and supervision.
2. Volunteers who are used to meet staff to child ratio found at rule section 2.413(E) must be equally qualified as a camp director, camp counselor, or assistant camp counselor.
3. Equally qualified volunteers must have complete staff records as required in rule section 2.422; complete training requirements as required in rule section 2.411; and have completed the required background checks as listed in rule sections 2.120(C)(1)(a) and 2.121(D)(2)-(3) of the General Rules.
4. Volunteers who are not required to be equally qualified or successfully complete background checks must be given instruction as to the camp policies and procedures and must have a written purpose developed by the camp for volunteering.
5. Unless equally qualified, volunteers must work directly under the supervision of the camp director or camp counselor and must never be left unsupervised with children.
6. Volunteers who are not required to be equally qualified and who work fourteen (14) days (112 hours) or more in a calendar year, must have complete background checks as listed in rule sections 2.120(C)(1)(a) and 2.121(D)(2)-(3) of the General Rules.

**F. Health Care Worker**

1. There must be an identified headquarters of the health care worker at the campsite.

- a. The camp health headquarters must be under the supervision of a health care worker.
  - 2. When the camp is in session and campers are on property there must be at least one (1) health care worker at the camp twenty-four (24) hours per day who is actively licensed by the Colorado Medical Board or State Board of Nursing and works within their statutory scope of practice, including the ability to work independently or with required oversight. The health care worker is responsible for monitoring the overall health of the campers. The Health care worker must meet one (1) of the following qualifications:
    - a. A licensed physician;
    - b. A registered nurse;
    - c. A licensed practical nurse;
      - (1) A licensed practical nurse may serve as the health care worker when oversight is provided by a registered nurse and an attestation signed by the supervising registered nurse stating the licensed practical nurse is working within their scope of practice.
    - d. A licensed physician assistant; or
      - (1) A licensed physician assistant may serve as the health care worker when supervision is provided by a physician and an attestation signed by the supervising physician stating the physician assistant is working within their scope of practice.
    - e. A certified nurse aide;
      - (1) A certified nurse aid may serve as the health care worker when oversight is provided by a registered nurse or a physician and an attestation signed by the supervising registered nurse or physician stating the certified nurse aid is working within their scope of practice.
  - 3. All health care workers must hold a current Department-approved standard precautions training and First Aid and CPR Certification.
  - 4. If the resident camp health care worker is not a licensed physician or registered nurse, they must complete Department-approved medication administration training part 1 & 2, and receive delegation pursuant to sections 12-240-107(3)(n) and 12-255-131, C.R.S., which are part of the Colorado Medical Practice Act and the Nurse and Nurse Aide Practice Act to administer medications and perform designated health procedures. The delegating physician or registered nurse must be aware of the specific medical needs of campers; be available for consultation while the camp is in session; and accept responsibility for monitoring the therapeutic effects of medications administered at camp.
- G. There must be specialized staff members who are responsible for specific portions of the camp program. Requirements for those specialized staff members are found among the requirements for the specialized activity areas in the "Rules Regulating Special Activities," in rule section 2.600.



**CHILD CARE SERVICES**

**2.413 SUPERVISION**

- A. Children under the age of six (6) years who live at or are visiting a resident camp must be directly supervised by a caregiver, who is not included in the staff to camper ratio found at rule section 2.413(E), at all times when the children are involved in camp activities. Staff members whose own children are under six (6) years of age cannot supervise campers or lead special activities when they are supervising their own children.
- B. The resident camp must have an accurate system where staff members who are responsible for the supervision of campers must know where each camper is at all times.
- C. At no time may a camper be left without qualified supervision.
- D. Sleeping quarters of the camp counselors must be within sight or hearing distance of the sleeping quarters of the campers whom they supervise.
  - 1. Campers may only sleep alone for solos or survival experiences. Staff must regularly monitor campers and always be within hearing distance of an audible mechanism that campers use to alert staff for immediate response. The resident camp must have a written program and policies for solos or survival experiences and must include how campers are monitored during solo experiences.
- E. In a children's resident camp, the following camp counselor to camper ratios must be maintained at all times:

| <u>Age of Campers</u>  | <u>Overnight Campers</u> | <u>Number of Camp Counselors</u> |
|------------------------|--------------------------|----------------------------------|
| 5 through 7 yrs. Old   | 6                        | 1                                |
| 8 through 10 yrs. Old  | 8                        | 1                                |
| 11 through 13 yrs. Old | 10                       | 1                                |
| 14 yrs. And older      | 12                       | 1                                |

**2.414 GUIDANCE**

- A. Guidance must be appropriate to the development of the camper and used as an opportunity to teach campers social-emotional skills, such as self-regulation, problem-solving, and empathy for others.
- B. Campers must not be subjected to physical harm, humiliation, or threats.
- C. The camp director must not use, or permit a staff member to use corporal punishment as defined in section 22-1-140, C.R.S.
- D. Guidance must not be associated with food, rest, or toileting. Campers should never be punished for toileting accidents. Food must not be denied or forced upon a camper as a disciplinary measure.
- E. Separation, when used as guidance, must not exceed five (5) minutes and must be appropriate for the camper's age. The camper must be in a safe, lighted, well-ventilated area and be within sight and hearing of a camp director, camp counselor, or a health care worker. The camper must not be isolated in a locked or closed area.

- F. Verbal abuse and derogatory remarks about a camper are not permitted.
- G. Authority for guidance must not be delegated to other campers, and the resident camp must not sanction one camper punishing another camper.
- H. Physical activity and outdoor time must not be withheld as a disciplinary measure.
- I. Exercise must not be used as a disciplinary measure.
- J. Any form of restraint is not permitted.
- K. Physical redirection may be used to keep a camper from imminent danger. The camper must be immediately released once removed from imminent danger.

#### **2.415 FOOD AND NUTRITION**

- A. The camp must show evidence that all meals and snacks provided by the camp meet the current United States Department of Agriculture (USDA), Child and Adult Care Food Program (CACFP) meal pattern guidance and requirements published by the USDA Food Nutrition Service at <https://www.cacfp.org/meal-pattern-guidance/> (April 2016) and 7 C.F.R. sections 210.10 and 226.20 (July 1, 2022), herein incorporated by reference. No later editions or amendments are incorporated. These regulations are available at no cost from the USDA Food Nutrition Service at <https://www.ecfr.gov>. These regulations are also available for public inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash St., Denver, CO 80246, during regular business hours.
  - 1. Any exception to the CACFP requirements must be provided in writing by a parent or guardian, or by written medical direction.
- B. Menus must be planned at least one (1) week in advance and must be dated as to the week in use. The current week's menu must be posted in the food preparation area. Food substitutions must be noted on the menus in writing. After use, the menus must be kept on file for the period of the camp season.
- C. Children must not be given foods that are contrary to the identified religious or cultural beliefs of their families, or that are known to cause an allergic reaction or a health hazard (see rule section 2.417(A)).

#### **2.416 TRANSPORTATION**

- A. Transportation provided by the resident camp must meet the following requirements:
  - 1. The resident camp is responsible for any camper it transports;
  - 2. The resident camp must obtain written permission from parents or guardians for any transportation of their camper during camp hours;
  - 3. The number of staff members who accompany campers when being transported in the vehicle must meet the child care staff ratio found in rule section 2.413(E). The driver of the vehicle is considered a staff member;
  - 4. Campers must be loaded and unloaded out of the path of moving vehicles;

5. Campers must remain seated while the vehicle is in motion. Campers must not be permitted to stand or sit on the floor of a moving vehicle, and their arms, legs, and heads must remain inside the vehicle at all times;
6. Campers must not be left unattended in the vehicle; and
7. For trips away from the resident camp, a list of individuals on each trip must be readily available in the vehicle(s) and at the camp office.

**B. Requirements for vehicles**

1. Any vehicle used for the transportation of campers to and from the resident camp or during camp activities must meet all of the following requirements:
  - a. The vehicle must be enclosed and have door locks.
  - b. The seats of the vehicle must be constructed and installed according to the vehicle manufacturer's specifications.
  - c. The vehicle must be kept in satisfactory condition to assure the safety of occupants.
  - d. Modifications to vehicles including, but not limited to, the addition of seats and seat belts must be completed by the manufacturer or an authorized representative of the manufacturer. Documentation of such modifications must be available for review by the Department.
  - e. The resident camp must not transport more campers than any vehicle is able to safely accommodate with the properly installed child restraint systems and seat belts.
  - f. Seating must be comfortable with a seat of at least ten (10) inches wide for each camper.
  - g. Vehicles must be loaded only within the passenger seating limit established by the vehicle manufacturer.
  - h. Each vehicle must have a first aid kit.
  - i. There must be one (1) staff member in the vehicle with a current Department-approved CPR and first aid certification.
2. Any child transported by the resident camp must be properly restrained in a child restraint system that meets the requirements of Colorado child passenger safety laws at sections 42-4-236 and 42-4-237, C.R.S.
3. Campers who meet the requirements to be restrained in a safety belt must be instructed and monitored to keep the seat belt properly fastened and adjusted.
4. Two (2) or more children must never be restrained in one (1) seat belt or child restraint system.
5. In vehicles with a manufacturer's established capacity of sixteen (16) or more passengers, seat belts for passengers are not required.

- C. Requirements for drivers of vehicles transporting campers
1. All drivers of vehicles transporting campers must operate the vehicle in a safe and appropriate manner.
  2. The camp must verify that all drivers meet minimum requirements, including:
    - a. Driving records that have been reviewed within the last four (4) months for seasonally hired drivers or within the last twelve (12) months for year-round drivers to determine driver suitability;
    - b. Drivers have the appropriate license for the vehicles to be driven;
    - c. All drivers must be at least twenty (20) years of age;
    - d. Drivers must complete a minimum of three (3) hours of driver training and a minimum of one (1) hour of behind the wheel training prior to transporting campers. The driver training curriculum may be developed and administered by the resident camp and must include at a minimum: participant transport attendance procedures, including taking attendance at the destination and when reloading for return to the resident camp; managing behavioral issues; loading and unloading procedures; daily vehicle inspection procedure; proper tire inflation; emergency equipment and how to use it; accident procedures; passenger illness procedures; procedures for backing up; and, if buses are used, evacuation procedures;
      - (1) A driver training certificate must be maintained in the driver's staff file.
  3. The driver must ensure that all doors are secured at all times when the vehicle is moving;
  4. The driver must make a good faith effort to ensure that each camper is properly belted throughout the trip; and
  5. The driver must not eat, smoke, vape or use a cellular or other mobile device while driving.

## **HEALTH CARE**

### **2.417 HEALTH STATUS**

- A. At least ten (10) calendar days prior to admission, each camper must provide a health history which indicates any special health care needs; any individualized health care plans; chronic illnesses or injuries; any known drug reactions; allergies; all medications required to be taken while attending camp sessions; any necessary health procedures; and special diets.
- B. The camp must inform its health care worker prior to the first day of care of the enrollment of a camper with special health care needs, if known, to ensure staff receives training, delegation and supervision as indicated by the camper's individualized health care plan.
- C. Each camper must submit a current physical. The physical must be signed and dated by a health care provider who has seen the camper within the last twenty-four (24) months and includes any physical or mental health conditions which would limit the camper's activity, and any special care the child will need.

- D. Schools, including children's resident camps, are required to comply with the immunization requirements as stated in 6 CCR 1009-2 (May 15, 2023), hereby incorporated by reference, no later editions or amendments are incorporated. These regulations are available from the Colorado Department of Public Health and Environment at no cost at <https://www.coloradosos.gov/CCR/Welcome.do>. These regulations are also available for public inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash St., Denver, CO 80246, during regular business hours. Documentation of school-required immunization status or Certificate of Medical or Nonmedical Exemption, is required by the Colorado Board of Health. Up-to-date school-required immunizations must be documented as specified on the Colorado Department of Public Health and Environment (CDPHE) Certificate of Immunization or on an "approved alternate" Certificate of Immunization as described in 6 CCR 1009-2(VI)(A), incorporated by reference above. Colorado law requires proof of immunization status or exemption be provided prior to or on the first day of admission to the school or resident camp.
1. If the parent or legal guardian of a child wishes to claim a nonmedical exemption from school immunization requirements due to a religious belief whose teachings are opposed to immunizations, or a personal belief that is opposed to immunizations, the camper's parent or legal guardian must:
- a. Submit the Certificate of Nonmedical Exemption with a signature from an immunizing provider in Colorado, or
  - b. Submit the Certificate of Nonmedical Exemption received upon the completion of CDPHE's Online Immunization Education Module. The Certificate of Nonmedical Exemption and Education Module are herein incorporated by reference, no later editions or amendments are incorporated. The Certificate and Education Module are available at no cost from the Colorado Department of Public Health and Environment at <https://cdphe.colorado.gov/vaccine-exemptions>. The Certificate is available for public copying and inspection at the Colorado Department of Early Childhood, 720 S. Ash St., Denver, CO 80246, during normal business hours.
- E. Upon arrival each camper, except for children enrolled in a seasonal adventure day camp, must be observed, by camp staff trained by the health care worker, to identify and address any noticeable evidence of any illness, communicable disease, or signs of abuse.
- F. Upon arrival the camp health care worker must meet with campers, except for campers enrolled in a seasonal adventure day camp, who have medications, health procedures, special diet restrictions, known severe allergies, chronic health conditions, or any known physical or mental health care needs, to verify all required medications and plans are in place.
- G. If a camper requires medical attention away from the camp site, the camper's parents/guardians must be notified, and necessary medical care must be sought from a health care provider or medical facility. Written authorization for emergency medical care must be in the child's file pursuant to rule section 2.421(A)(7).

## **2.418 MEDICATION**

- A. Any un-expired routine medication, prescription and non-prescription (over-the-counter), must be administered only with: 1) a current (unexpired) written order of a health care provider with prescriptive authority; and 2) written parental consent.

- B. Home remedies and homeopathic medications, must not be administered at camp without written parental consent, authorization of the prescribing practitioner, and delegation as required in rule section 2.418(E).
- C. The written order by the health care provider with prescriptive authority must include:
  - 1. Child's name and Birthdate;
  - 2. Licensed prescribing practitioner name, telephone number, and signature;
  - 3. Date authorized;
  - 4. Name of medication and dosage;
  - 5. Time of day medication is to be given;
  - 6. Route of medication;
  - 7. Length of time the medication is to be given;
  - 8. Reason for medication (unless this information needs to remain confidential);
  - 9. Side effects or reactions to watch for; and
  - 10. Special instructions.
- D. Medications must be kept in the original labeled bottle or container. Prescription medications must contain the original pharmacy label and must match the written medication authorization and health care plans.
- E. Over-the-counter medication must be kept in the originally labeled container and be labeled with the child's first and last name.
- F. Camp staff designated to give medications must complete the Department-approved Medication Administration training and have current delegation pursuant to sections 12-240-107(3)(n) and 12-255-131, C.R.S., which are part of the Colorado Medical Practice Act and the Nurse and Nurse Aide Practice Act. Delegators must observe and document the competency of each staff member involved in medication administration. All staff administering medication must have current Department-approved Cardiopulmonary Resuscitation (CPR), first aid training prior to administering medication with the following exceptions:
  - 1. Camp staff designated to provide routine emergency medications must complete the approved Medication Administration training: Severe Allergy or Asthma. After completing the training, staff must receive delegation pursuant to sections 12-240-107(3)(n) and 12-255-131, C.R.S., which are part of the Colorado Medical Practice Act and the Nurse and Nurse Aide Practice Act. Delegators must have oversight for those medications only. Staff may then provide those medications to children based on the instructions from the child's individualized health care plan.

2. Camp staff designated to provide medications not covered in the approved medication administration training must complete the training required by the physician or registered nurse. After completing the training, staff must receive delegation pursuant to sections 12-240-107(3)(n) and 12-255-131, C.R.S., which are part of the Colorado Medical Practice Act and the Nurse and Nurse Aide Practice Act. Delegators must have oversight for those medications only. Staff may then provide those medications to children based on the instructions from the child's individualized health care plan.
  3. Camp staff may be trained and delegated in the administration of a single rescue medication or rescue medical intervention by a physician or registered nurse. Such training and delegation pursuant to sections 12-240-107(3)(n) and 12-255-131, C.R.S., which are part of the Colorado Medical Practice Act and the Nurse and Nurse Aide Practice Act. Delegators must qualify the staff member to provide rescue medication or treatment for a specific child based on instructions from the child's individualized health care plan.
- G. All medications, except those medications specified in the Department's approved medication administration training as emergency medications, must be locked and in an area inaccessible to children, but available to staff trained in administering medication. Controlled medications must be counted and safely secured, and specific policies regarding their handling require special attention in the camps policies. Access to these medications must be limited (see section 12-22-318, C.R.S.).
1. On excursions away from the camp, medication must be under the control of an adult and must be stored inaccessible to campers.
  2. Emergency medications must be stored in accordance with the registered nurse's or physician's recommendations. Emergency medications are not required to be stored in a locked area. Emergency medications may be stored in an area easily accessible and identifiable to staff but must be out of reach of campers.
  3. Staff must carry the emergency medications if medication is not easily accessible.
- H. The resident camp must have a written policy on the storage and access of inhalers and epinephrine carried by campers. The policy must include a written contract with the parent(s)/guardian(s) and child acknowledgement assigning levels of responsibility of each individual. This contract includes orders for the medication from a health care provider, along with confirmation from the health care provider and the registered nurse or physician that the camper has been instructed and is capable of self-administration of the prescribed medications.
1. All staff members and registered nurses and physicians must be aware of which children have asthma and severe allergies, and which of those may administer their own inhaler or auto injectors.
- I. Campers are not allowed to bring medications to camp unless accompanied by a responsible adult.
- J. If a medication is out of date or left over, the medication must be returned to the parent(s)/guardian(s) or disposed of as required by the Colorado Department of Public Health and Environment, 6 CCR 1010-7 rule section 7.10.4(B) (Jan. 14, 2016), herein incorporated by reference, no later editions or amendments incorporated. These regulations are available from the Colorado Department of Public Health and Environment at no cost at <https://www.coloradosos.gov/CCR/Welcome.do>. These regulations are also available for public inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash St., Denver, CO 80246, during regular business hours..

- K. Topical preparations such as petroleum jelly, ointments, sunscreen, and insect repellent may be administered to campers with written authorization from their parent(s) or guardian(s). These preparations may not be applied to open wounds or broken skin unless there is a written order by the camper's prescribing health care provider.
- L. A written medication log must be kept for each camper. This log is part of the camper's records. The log must contain the following:
  - 1. Camper's name and birthdate;
  - 2. Name of the medication, dosage, and route;
  - 3. Time medication is to be given;
  - 4. Special instructions;
  - 5. Name and initials of the individuals giving the medication; and
  - 6. Notation if the medication was not given and the reason.
- M. When the resident camp has an on-site registered nurse or physician, and campers are on excursions away from the resident camp, the registered nurse or physician is responsible for determining a safe process for the administration of routine and emergency medications. This process should include:
  - 1. The transfer of medications and associated documents from their usual storage place to portable storage for the trip.
  - 2. Labeling which includes camper's name, medication, route, dosage, and time the medication should be administered as indicated on the original medication container.
  - 3. Secure and temperature appropriate storage during the trip.
  - 4. Hand hygiene during the trip.
  - 5. Appropriate documentation practices during the trip.
  - 6. The return of medication and associated documents from portable storage for the field trip to their usual on-site storage.
- N. If the resident camp does not have an on-site registered nurse or physician, medications on trips must be in original labeled pharmacy containers.
- O. A record of any medications administered must be maintained in a medication administration record pursuant to rule section 2.418(K).
- P. Standing orders for over-the-counter medications must be updated annually and are only allowed with parental permission and when administered by a physician or registered nurse.



**2.419 SUN PROTECTION**

- A. The resident camp must obtain written authorization and instructions from the parent(s)/guardian(s) for the application of sunscreen to their campers exposed skin or the use of another form of parent or guardian-approved sun protection with a full-spectrum UVA/UVB rating of SPF thirty (30) or greater prior to outside play year-round. A health care provider's permission is not needed to use sunscreen at the camp.
- B. The resident camp must apply sunscreen, have campers apply sunscreen, or use another form of parent or guardian-approved sun protection for campers prior to campers going outside. Sunscreen must be reapplied as directed by the product label.
- C. When supplied for an individual camper, the sunscreen must be labeled with the camper's first and last name. The camper may carry their individual sunscreen.
- D. If sunscreen is provided by the resident camp, parent(s) or guardian(s) must be notified in advance, in writing, of the type of sunscreen the resident camp will use.

**RECORDS AND REPORTS**

**2.420 RECORD RETENTION**

- A. The following records must be on file at the resident camp:
  - 1. Records of enrollment for the past twelve (12) months must be on file at the resident camp, either in paper or electronic form. The previous two (2) years must be on file at either the resident camp, a central location, or storage.
  - 2. A record of visitors to the camp for the past twelve (12) months must be on file at the resident camp, either in paper or electronic form. The previous two (2) years must be on file at either the resident camp, a central location, or storage.
- B. The camper's file must be maintained by the resident camp for at least three (3) years after the camper's last day of attendance at the resident camp and must be available without restriction to the Department.
- C. Staff and volunteer records must be maintained by the resident camp for at least three (3) years after the last day of employment at the resident camp and must be available without restriction to the Department.
- D. The resident camp must submit to the Department as soon as possible, but not longer than twenty-four (24) hours, a written report about any camper who has been separated from the group outside of the supervision of their assigned staff member and for whom the local authorities have been contacted. Such report must indicate:
  - 1. The name, birth date, address, and telephone number of the camper;
  - 2. The names of the parent(s)/guardian(s) and their address and telephone number if different from those of the camper;
  - 3. The date when the camper was separated from the group outside of their assigned staff member;
  - 4. The location, time, and circumstances when the camper was separated from the group outside of their assigned staff member;

5. All actions taken to locate the camper, including when local authorities were notified; and
6. The name of the staff person supervising the camper.

**2.421 CAMPERS' RECORDS**

- A. An admission record must be completed for each camper prior to or at the time of the campers admission. The admission record must include:
  1. The camper's name, birth date, and current address.
  2. Parent(s)/guardian(s) names; home and e-mail addresses; telephone numbers, including home, work, and cell numbers; employer name and work address; and any special instructions as to how the parent(s)/guardian(s) may be reached during the hours that the camper is at the resident camp.
  3. Names, addresses, and telephone numbers of persons who can assume responsibility for the camper in the event of an emergency if parent(s) or guardian(s) cannot be reached immediately.
  4. Names, addresses, and telephone numbers of persons other than parents/guardians who are authorized to pick up the camper from the resident camp.
  5. Dates of the resident camp session which the camper will attend.
  6. Name, address, and telephone number of the camper's health care provider.
  7. An annual written authorization for emergency medical care signed and dated by the parent(s) or guardian(s).
  8. An annual written authorization signed and dated by the parent(s) or guardian(s) for the camper authorizing participation or exclusion for all activities, special trips, or excursions.
  9. A written authorization from parent(s) or guardian(s) for media release.
- B. If applicable the following information must be maintained in the camper's file:
  1. A written record of any incident occurring during care when the camper has been separated from the group outside of the supervision of their assigned staff member and for whom the local authorities have been contacted (see rule section 2.406(B)(12)).
  2. If a camper requires medical attention away from the resident camp site, the camper's parents/guardians must be notified and necessary medical care must be sought from a health care provider or medical facility. The resident camp must maintain written records of reports in either paper or electronic form.

**2.422 STAFF AND VOLUNTEER RECORDS**

- A. A paper or electronic record must be maintained at the campsite for each staff member and equally qualified volunteer. The staff and equally qualified volunteer records must include the following:
  1. Name, address, telephone number, email, and birth date of the individual.

2. Documentation of training, education, certification, and experience for the responsibilities assigned at the camp.
  3. Documentation of a health history as required in rule section 2.410(I).
  4. Name, address, and telephone number of any person(s) to be notified in the event of an emergency.
  5. Documentation of the written references or note of phone references pursuant to rule section 2.410(H).
  6. Copy of the letter of agreement pursuant to rule section 2.410(C).
  7. Dates of employment and employment history.
  8. Unless medically contraindicated, staff members must be current for all immunizations required by their employer.
- B. A hard copy or electronic record must be maintained at the campsite for each volunteer, that must include the following:
1. Name, address, telephone number, email, and birth date of the individual.
  2. Name, address, and telephone number of any person(s) to be notified in the event of an emergency.
  3. Dates of volunteering.

## **BUILDING AND FACILITIES**

### **2.423 TOILET AND BATHING FACILITIES**

- A. In a resident camp there must be a minimum of (1) toilet for every twenty (20) or fewer campers for which the resident camp is licensed.
- B. Campers must be allowed the use of gender-segregated toilet facilities that are consistent with their gender identity with toilets separated by partitions to provide privacy or private toilet facilities.
- C. Hand washing facilities must be available throughout the resident camp and in the shower or bathing areas. There must be one (1) sink for every twenty (20) or fewer campers for which the resident camp is licensed.
1. If a resident camp has any of the following, it must provide hand washing facilities located adjacent to where the camp serves meals:
    - a. Any new construction completed after April 1, 2018;
    - b. A change of governing body; or
    - c. Extensive remodeling the camp, the resident camp.
- D. Showers or bathtubs must be located within buildings used for sleeping, such as cabins or dormitories, or in a centrally located shower or bathing structure.

1. There must be at least one (1) shower per every twenty (20) or fewer campers for which the resident camp is licensed.
2. Campers must be allowed the use of gender-segregated showers that are consistent with their gender identity with showers or bathtubs separated by partitions to provide privacy or private showering or bathtub facilities.

**2.424 CAMPSITES**

- A. The resident camp must conform to fire prevention and protection requirements of local fire departments in the locality of the camp.
- B. The resident camp must identify hazards and high-risk areas accessible to campers and prevent unauthorized access to these hazards and high-risk areas. These areas must be monitored to reduce the possibility of injury and accidents.
- D. Each resident camp must have a telephone or means of communication to contact emergency services.
- E. Emergency telephone numbers must be posted at each permanent site and taken on all trips away from the resident camp. The emergency numbers must include at a minimum, 911, or a rescue unit if 911 is not available, the telephone numbers for the camp health care worker, a hospital or emergency medical clinic nearest to the resident camp or activity location, police, the national or state forest service office (as appropriate), the local fire department, and Rocky Mountain Poison control center.
- F. First Aid supplies must be located near food service operations, program areas, maintenance areas, and in the headquarters of the health care worker.
- G. A playground located at a children's resident camp must meet the following requirements:
  1. Equipment must not exceed six (6) feet in height for any surface area intended for camper's play unless equipped with a protective barrier to prevent children from falling.
  2. Equipment must be in good repair, of solid and safe construction, free of rough edges, and protruding bolts.
  3. Equipment must be securely anchored by suitable footing.
  4. Swings must have seats made of a flexible material and all "S" hooks must be secured.
  5. Moving equipment must be located toward the edge or corner of a play area or be designed in such a way as to discourage children from running into the path of the moving equipment.
  6. Metal equipment must be placed in the shade or a shade structure must be provided.
  7. All pieces of playground equipment must be designed to guard against entrapment and strangulation.
  8. Playground surfaces must be checked prior to use for the presence of dangerous or other foreign materials.
  9. Resilient Surfacing.

- a. All climbing equipment eighteen (18) inches or higher must have Department-approved resilient surfacing of at least six (6) inches in the use zone surrounding the equipment.
  - b. Department-approved resilient surfacing includes loose fill materials such as wood chips, wood mulch, engineered wood fiber, pea gravel, synthetic pea gravel, shredded rubber tires, and sand. Solid unitary materials include poured in place surfacing, approved rubber mats, playground tiles, and AstroTurf with built in resilient pad.
  - c. Loose fill resilient surface must be raked regularly to retain its resiliency and to retain a depth of at least six (6) inches.
  - d. Any newly installed solid unitary materials used for resilient materials must have written documentation from the manufacturer stating the material meets current federal safety standards. The documentation must be available for Department review at all times.
- 10. Use Zone.
  - a. Climbing equipment must have a six (6) foot use zone surrounding the equipment. For slides exceeding six (6) feet in height, the use zone from the base of the slide must be as long as the slide height.
  - b. The use zone for swings used by campers is determined by measuring the distance from the top of the swing to the ground. This measured distance must extend from both the front and the back of the swing.
- 11. All outdoor play areas used for resident campers' activities must be checked prior to use and kept safe and free from hazardous materials or debris by removal of debris, dilapidated structures, and broken or worn play equipment. The staff must identify hazardous, high-risk areas; those areas must be made inaccessible to campers to reduce the possibility of injuries and accidents.
- H. If the resident camp is located on or uses any public land including but not limited to city, county, state, or national lands a land use agreement must be made with the appropriate office or agency. The director of the resident camp must familiarize the staff and campers with rules and ethics governing the use of such property and must be responsible for compliance.
- I. A resident camp with door structures where the program uses any source of coal, wood, charcoal, oil, kerosene, propane, natural gas or any other product that can produce carbon monoxide indoors must install an operational carbon monoxide detector in working condition. The carbon monoxide detector must be installed as recommended by the manufacturer. Carbon monoxide detectors must be tested at least annually with documentation made available to the Department upon request. Carbon monoxide detectors that are only battery-powered must meet the following requirements:
  - 1. The carbon monoxide detector must be tested monthly to ensure they are operational;
  - 2. Batteries of the carbon monoxide detector must be changed at least yearly or as required by the manufacture instructions; and
  - 3. The carbon monoxide detector must be replaced according to the manufacture instructions.

**2.425 PERMANENT AND SEMI-PERMANENT SHELTERS AND SLEEPING FACILITIES**

- A. All structures and buildings used by campers must be kept in good repair and maintained in a safe condition.
- B. At least one-half of the floor area in each living unit, excluding tents, must have a minimum ceiling height of seven (7) feet.
- C. Fabric structures must be constructed of a fire- and flame-retardant material.
- D. Each camper must be provided with their own mat, pad, bed, or cot.
- E. The aisles between rows of cots, beds, or bunks must be kept clear for exiting purposes. There must be at least two (2) feet of clear space separating sides of cots, beds or bunks.
- F. If bunk beds are in use, no bunks may contain more than two (2) tiers of beds. There must be at least twenty-seven (27) inches of clear space separating the tiers of beds and thirty-six (36) inches of clear space between the top tier and the ceiling. Electric lights which are within reach of the top bunk must be protected.
- G. Each permanent sleeping unit, building, or tent must have at least thirty (30) square feet of floor space per person, camper, or counselor for single-tier beds and twenty (20) square feet of floor space per person, camper, or counselor for two-tier bunks.
- H. In tent structures which have a platform floor, beds or bunks must be arranged in such a fashion that no camper who might fall from a bed or bunk could fall through the sides of the tent to the ground below.
- I. Campers must sleep in the same room or tent with individuals whose gender identity is consistent with their gender identity.
- J. In gender-segregated facilities where undressing in the presence of others occurs, resident camps shall make reasonable accommodations to allow access to areas for undressing consistent with an individual's gender identity.
- K. Cabins or lodging for individuals living on the resident camp property and staffing cabins or lodging areas must be off limits to campers.

**2.426 GENERAL BUILDING SAFETY**

- A. Every building, structure, tent, cabin, and resident camp premise must be kept in good repair and maintained in a safe condition.
- B. All construction and electrical installations must be safe and free from hazards.
- C. In permanent structures, exit signs must be posted at every required exit doorway and wherever otherwise required to clearly indicate the directions of egress.
- D. A building with occupancy of more than twelve (12) persons must have at least two (2) independent means of egress separated by no less than fifty (50) percent of the largest dimension of the building from each other.

1. In an existing building, such as a cabin occupied by more than twelve (12) but less than twenty (20) persons, a window may be utilized as an acceptable second exit. The window must be openable and the distance from the window to the ground must not be more than four (4) feet.
  2. Each exit door must be hung to swing in the direction of exit travel. Exiting through a food preparation area is not permitted.
- E. If buildings with second stories are used by campers, there must be two (2) independent means of egress separated by no less than fifty (50) percent of the building from each other per floor.
- F. The resident camp must provide the Department with proof that each fire escape from any upper level of a building is installed in accordance with local fire protection requirements.
- G. Every building and or structure must be constructed, arranged, equipped, maintained, and operated so as to avoid undue danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time reasonably necessary for escape from the building or structure in case of fire or other emergency.
- H. Exit doors must be equipped only with panic or single-action hardware. Regardless of the number of staff and campers, exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. Dead bolts may be installed on the main exit door, but the lock cannot be used during business hours, and there must a sign indicating that "this door must remain unlocked during business hours."
- I. There must be at least fifteen (15) square feet per occupant in any room having an occupant load of more than fifty (50) persons where fixed seats are not installed and the room is used for classroom, assembly, or similar purposes. The maximum occupancy must be posted in a conspicuous place near the main exit from the room.
- J. Furnaces, fireplaces, heaters, or wood-burning stoves must meet the following requirements:
1. All heating units must be maintained in accordance with the manufacture's specifications with safety devices to prevent fire, explosions, and other hazards. No open-flame gas or oil stoves, unscreened fireplaces, hot plates, or unvented heaters can be used for heating purposes. All heating elements, including hot water pipes, must be insulated or installed in such a way that camper's cannot come in contact with them.
  2. A heater or wood-burning stove must be located and/or protected in such a manner as to prevent injuries to occupants of the building.
  3. Wood-burning stoves must be regularly cleaned of ashes. Ashes must be immediately removed from the building and properly stored.
  4. Space around furnaces, heaters, and wood-burning stoves must not be used for storage.
- K. All weapons on the premises of the resident camp must be unloaded, locked, and inaccessible to campers when not in use. This includes, but is not limited to, firearms, air rifles, bb guns, paintball guns, bows, hunting knives, swords, hunting sling shots, and martial arts weapons.
1. Weapons and ammunition, must be locked and stored separately. Trigger locks on weapons are acceptable.
  2. Antique firearms and other firearms used for decoration must be unloaded, inoperable, and have the firing pin removed, if applicable.

3. Firearms, as defined in section 18-1-901(3)(h), C.R.S., are prohibited in any vehicle in which campers are transported.
4. All weapons must be used in accordance with Rules Regulating Special Activities” 8 CCR 1402-1, rule sections 2.611 through 2.614.
- L. Power tools, explosives and special equipment involving unusual risk must be stored in a locked place inaccessible to campers, and must always be within the possession or direct supervision of authorized personnel when in use.
- M. Volatile substances such as gasoline, kerosene, fuel oil, and oil- based paints, firearms, explosives, and other hazardous items must not be stored in any area of the building used for campers unless approved by the local fire department.
- N. Substances which may be toxic to a camper, must be stored in a locked cabinet or enclosure located in an area not accessible to campers.
- O. Glass doors, walls, or panels must be clearly marked to ensure visibility. Safety glass must be installed when required.
- P. All stairways, interior and exterior, that are used by campers must have handrails within reach of the campers.
  1. Stairways of a height of more than thirty (30) inches must be equipped with handrails on each side of the stairway. A stairway which is larger than eighty-eight (88) inches wide must have an intermediate handrail equal distance between the two handrails on each side of the stairway.
  2. All stairways must be free from hazards, and open-sided portions that are located more than thirty (30) inches above the floor or grade below must be equipped with banisters or handrails within reach of campers. The slats on all railings must be no wider than four (4) inches apart or modified to prevent entrapment.
- Q. For windows used as a second exit where the windowsill height is over thirty (30) inches, there must be permanent access to the window. Permanent access can include a ladder bolted to the wall or furniture permanently attached to the wall or steps.
- R. Window wells accessible to campers must have covers that are in good condition and will protect campers from falling into the window well. Window well covers must not prevent exiting from a basement window designated as the second exit.
  1. For window wells used as a second exit where the window well height is over forty-four (44) inches, there must be an attached escape ladder designed specifically for the purpose of evacuation of campers and staff from the window well to the ground level.
- S. All areas accessible to children must be maintained in a safe condition by removal of debris, dilapidated structures, broken or worn equipment, or dangerous items.
- T. Transportation must be available at all times in case of medical emergency according to the written emergency medical evacuation plan of the resident camp.



**2.427 FIRE SAFETY REQUIREMENTS**

- A. The resident camp must have a fire extinguisher in working condition with the minimum weight of five (5) pounds, and minimum rating of 2A-10-BC as listed on the fire extinguisher label in the following areas:
  - 1. The resident camp kitchen.
  - 2. On each floor of each building and/or structure on the resident camp grounds.
  - 3. In tent areas, within seventy-five (75) feet of each tent or other plan approved by the applicable fire department.
- B. The fire extinguisher must be easily accessible and the identifying sign where the fire extinguisher is located must be highly visible.
- C. Fire extinguishers must be replaced at least every six (6) years.
- D. In each resident camp there must be a/an alarm(s) that sounds a separate and distinctly recognizable tone from all other signaling devices used by the resident camp. The alarm(s) must be audible throughout the occupied resident camp premises. The alarm device, once activated, must continue to sound automatically. The alarm(s) must be used to warn occupants of the existence of fire or to facilitate the orderly conduct of emergency drills.
  - 1. Each separate building used for sleeping campers and each multistory building must be protected by a smoke alarm on each floor of the building.
- E. Campfires
  - 1. Campfires must be used in compliance with local county, state, and federal regulations.
  - 2. Areas used for campfires must be cleared and must be away from overhanging branches.
  - 3. Campfires must never be left unattended and must be thoroughly extinguished. Extinguishing equipment must be immediately accessible to the campfire area.
  - 4. Campfires and open flames of any type are prohibited within ten (10) feet of any tent or fabric structure.

**TRAVEL-TRIP CAMPS AND SEASONAL OUTDOOR ADVENTURE DAY CAMPS**

**2.428 TRAVEL-TRIP CAMP**

- A. The minimum age for campers with a travel-trip camp is ten (10) years of age.
- B. Adequate shelters such as a tent must be available for each camper. The shelter occupancy must be in compliance with manufacturers' recommendations.
- C. Staff Qualifications:
  - 1. Staff to child ratios provided in rule section 2.413(E) must be maintained.

2. A travel-trip camp must have a designated health care worker meeting the qualifications as listed in rule section 2.412(F) on the first day of arrival to review medications, health care forms, and delegate staff prior to the trips.
  - a. The health care worker must be available for communication with the travel-trip camp staff at all times the travel-trip camp is in operation.
3. There must be at least two (2) staff members at all times with the campers meeting the following qualifications.
  - a. There must be at least one (1) camp counselor that is at least twenty-one (21) years old and meet qualifications as defined in rule section 2.412(B); and
  - b. There must be at least one camp counselor who holds a current Wilderness First Responder Training, Department-approved CPR, and Department-approved medication administration training and delegation.
- D. There must be a day-to-day itinerary prepared prior to departure.
  1. The Itinerary must include a list of all participants.
  2. Sources of emergency care and methods of communication with such facilities as hospitals, police, and forest service must be identified for each travel-trip campsite on the itinerary.
  3. The travel-trip camp director must have access to a copy of the itinerary.
  4. The itinerary must be followed as closely as possible.
  5. The travel-trip camp director must be notified of an itinerary change as soon as possible.
  6. The itinerary must be available to the Department, campers' parent(s) or guardian(s), and local police.
- E. A travel-trip camp is not required to have a written agreement, but it must have a list of all medical facilities in areas where the travel-trip camp will be traveling.
- F. Travel-trip camps must submit plans for approval by the Colorado Department of Public Health and Environment (CDPHE), thirty (30) days prior to the date the camp trip begins. The travel-trip camp must maintain written evidence of CDPHE's approval.
- G. An agreement or permit must be obtained from any city, county, state, or national public lands office if such land is to be used by the travel-trip camp. The travel-trip camp director must familiarize the staff and campers with the rules governing the use of such property.
  1. Should the travel-trip camp pass onto private land, an agreement must be made with the land owner or the land owner's legal designee prior to access.
- H. Sources of emergency care and methods of communication, including satellite phone service, with such facilities as hospitals, police, and forest service must be identified for each campsite on the itinerary.
- I. In case of an emergency the travel-trip camp must have emergency plans for all locations.

1. Plans must be available for the Department to review.
  2. Plans must be available to campers' parent(s) or guardian(s).
  3. All staff must be trained in emergency plans for all trip locations prior to commencing the trip.
- J. Fire department approval is not required for travel-trip camps.
- K. In travel-trip camps, all menus must be planned prior to leaving and any changes during the trip must be noted in writing. Menus must be maintained on file with documentation available for review by the Department.
- L. A copy of the statement which has been signed by the camper's parent(s) or guardian(s) indicating that the camp staff may obtain emergency medical care must be readily available to the staff accompanying the campers.

**2.429 SEASONAL OUTDOOR ADVENTURE DAY CAMPS**

- A. The minimum age for campers at a seasonal outdoor adventure day camp is five (5) years-old.
- B. The program operates for at least six (6) hours a day and can offer no more than two (2) overnight stays per camp session.
- C. Facility Requirements
1. The seasonal outdoor adventure day camp may use as a gathering place a public park or playground if the program primarily includes field trips away from the gathering place. Such programs must have a contingency plan for facilities to use during adverse weather and Air Quality Index Advisory Unhealthy for Sensitive Groups. The plan must be available to parents/guardians on a daily basis.
  2. Seasonal outdoor adventure day camp programs must have a way to be contacted while in transit.
  3. Written schedules must be provided to parent(s)/guardian(s) and the Department. Any changes to location must be provided to parent(s)/guardian(s) and the Department prior to the change in location.
  4. The program must develop a plan for transporting children, for each site where programming takes place, in the case of an emergency. The plan must be approved by the Department prior to caring for children.
  5. In case of a change in the planned itinerary, the headquarters of the seasonal outdoor adventure day camp must be notified immediately. Parents/guardians must be instructed to contact the main headquarters to determine the exact location of their child.
  6. In case of an emergency the seasonal outdoor adventure day camp must have emergency plans for all program locations.
    - a. Plans must be available for the Department to review.
    - b. Plans must be available for parent(s) or guardian(s).

- c. All staff must be trained in emergency plans for all program locations prior to field trips.
- D. For trips away from the meeting location there must be an itinerary prepared prior to departure.
  - 1. The Itinerary must include a list of all participants.
  - 2. Sources of emergency care and methods of communication with such facilities as hospitals, police, and forest service must be identified for each program on the itinerary.
  - 3. The program director must have access to a copy of the itinerary.
  - 4. The itinerary must be followed as closely as possible.
  - 5. The program director must be notified of an itinerary change as soon as possible.
  - 6. The itinerary must be available to the Department, parents, and local police.
- E. Staff Qualifications
  - 1. In a seasonal outdoor adventure day camp, the ratio of camp counselor to campers must be maintained at all times as follows:

| <u>Age of Campers</u>                | <u>Seasonal Outdoor<br/>Adventure Day Campers</u> | <u>Number of Camp<br/>Counselors</u> |
|--------------------------------------|---|--------------------------------------|
| 5 and 6-year-olds                    | 7   | 1                                    |
| 7 and older                          | 10  | 1                                    |
| Mixed age group 5 years<br>and older | 7   | 1                                    |

- 2. There must be at least two (2) staff members accompanying each trip away from the meeting location, and one (1) staff member must meet the qualifications as defined in rule section 2.412(B).
  - 3. There must always be one camp counselor who holds a current Department-approved First Aid and CPR certification, with the group.
  - 4. If a child requires medication while away from the seasonal outdoor adventure day camp, there must be at least one (1) staff member present with the group with Department-approved medication administration training and current delegation. The seasonal outdoor adventure day camp must not exclude children with health conditions requiring medications from participating.
- F. Each seasonal outdoor adventure day camp must meet one of the following requirements:
  - 1. Consult with a health care worker meeting the requirements as defined in rule section 2.412(F); or
  - 2. Consult with a Department-approved Child Care Health Consultant (CCHC) who meets the following requirements:
    - a. Department-approved CCHCs must have knowledge and experience in maternal and child health and must meet one (1) of the following qualifications:

- (1) A licensed registered nurse;
- (2) A licensed pediatric nurse practitioner;
- (3) A licensed family nurse practitioner; or
- (4) A licensed physician.

b. All Department-approved CCHCs must meet one (1) of the following requirements and have documentation available for review:

- (1) New CCHCs or CCHCs who do not have documentation of CCHC 101 completion must complete a Provisional CCHC Qualification in the Department's Professional Development Information System (PDIS) before consulting. The Provisional CCHC Qualification is valid for six (6) months.
  - (a) Within six (6) months of completion of the Provisional CCHC Qualification all Department-approved CCHCs must complete the Full CCHC Qualification in the PDIS.
- (2) Department-approved CCHCs who have documentation of a completed CCHC 101 course, prior to January 1, 2023, must complete a Full CCHC Qualification in the PDIS.
- (3) CCHCs must maintain their CCHC qualification in the PDIS by updating and completing required training every two (2) years.
- (4) All CCHCs must show evidence they have completed the Child Care and Preschool Immunization Course in the PDIS. This training is required annually.

c. The CCHC must consult with the seasonal outdoor adventure day camp and consultation must be specific to the needs of the day camp and include some of the following topics: training; delegation and supervision of medication administration and special health procedures; health care; hygiene; disease prevention; equipment safety; interaction between children and adult caregivers; and normal growth and development.

- (1) Consultation must occur as often as the CCHC who is delegating medications and/or medical procedures requires.
- (2) The date and content of each consultation must be recorded and maintained in the seasonal outdoor adventure day camp's files.

**G. Campers' records**

- 1. At the time of enrollment, the parent(s) or guardian(s) must provide for each camper entering the seasonal outdoor adventure day camp:
  - a. A self-reported health history, including any health care plans, which indicates communicable diseases; chronic illnesses or injuries the individual has had; any known drug reactions and allergies, medications being taken; any necessary health procedures or special diets; and the name, address, and phone number for the camper's health care provider and dentist.

## **2.500 RULES REGULATING SCHOOL-AGE CHILD CARE CENTERS**

### **2.501 AUTHORITY**

These rules and regulations are adopted pursuant to the rulemaking authority provided in section 26.5-1-105(1), C.R.S., and are intended to be consistent with the requirements of the State Administrative Procedures Act, sections 24-4-101 through 24-4-204 (the "APA"), C.R.S.; the Anna Jo Garcia Haynes Early Childhood Act, sections 26.5-1-101 through 26.5-6-103 (the "Early Childhood Act"), C.R.S.; the Child Care Licensing Act, sections 26.5-5-301 through 26.5-5-329, C.R.S.; and the Child Care Development and Block Grant Act of 2014, 42 U.S.C. sec. 9858e.

The specific rulemaking authorities granted for the School-Age Child Care Centers include section 26.5-5-314, C.R.S.

### **2.502 SCOPE AND PURPOSE**

The Colorado Department of Early Childhood, Division of Early Learning, Licensing, and Administration is responsible for the administration of health and safety rules and requirements for licensed child care facilities. These rules and regulations shall govern the health and safety requirements of licensed school-age child care centers in Colorado. All school-age child care centers must comply with the "General Rules for Child Care Facilities" in rule section 2.100, "Rules Regulating School-Age Child Care Centers" in rule section 2.500, and the "Rules Regulating Special Activities" in rule section 2.600.

### **2.503 APPLICABILITY**

The provisions of these rules and regulations shall be applicable to licensed school-age child care centers caring for five (5) or more children with or without compensation for such care and with or without stated educational purposes.

### **2.504 DEFINITIONS**

- A. A "school-age child care center" (hereafter referred to as the "center") is a child care center that provides care for whole or part of the day for the care of five (5) or more children who are between five (5) and eighteen (18) years of age. Children four (4) years of age, who will turn five (5) on or before October 15th of the current calendar year may attend the center as part of a "building-based school-age child care center" or "building-based day camp" summer program. The center must operate for more than one week during the year. The term includes facilities commonly known as "day camps," "summer camps," "before and after school programs," and "extended day programs." This includes centers operating with or without compensation for such care, and with or without stated educational purposes.
- B. A "building-based school-age child care center" is a child care program that provides care for five (5) or more children who are between five (5) and eighteen (18) years of age. The center is located in a building that is regularly used for the care of children.
- C. A "day camp" is a school-age child care center which operates at least four (4) hours a day primarily during one season of the year, and during school vacation periods for children between five (5) and eighteen (18) years of age. Programs may operate daily between 6:00 a.m. and 10:00 p.m. Day camp programs may offer no more than two (2) overnight stays per camp session.

The types of day camps are as follows:

1. A “building based day camp” is a child care center that provides care for five (5) or more children who are between five (5) and eighteen (18) years of age. The day camp is located in a building which, along with the outdoor surroundings, is regularly used by the program.
  2. A “mobile day camp” is a child care center that provides programming for five (5) or more children who are at least six (6) years of age. Children move from one site to another by means of transportation provided by the governing body of the program. The program uses no permanent building on a regular basis. Mobile day camp programs may operate in multiple sites, in a single county, under one license.
  3. An “outdoor-based day camp” is a child care center that provides care for five (5) or more children who are at least six (6) years of age. The day camp does not use a permanent building on a regular basis and provides programming in a permanent outdoor or park setting.
- D. “Adverse Weather” means weather that poses a significant health risk that includes wind chill factor below -15°F (-26°C) and heat index at or above 94°F (32°C), as identified by the by the National Weather Service (NWS). When temperatures are above 90°F, school-age child care centers must monitor children for signs of overheating and ensure children have access to shade and water at all times.
- E. “Air Quality Index Advisory Unhealthy for Sensitive Groups” means an Air Quality Index value of 101 to 150. People with asthma, children, and older adults are the groups most at risk as defined and explained by the Environmental Protection Agency (EPA) at [https://www.airnow.gov/sites/default/files/2018-04/aqi\\_brochure\\_02\\_14\\_0.pdf](https://www.airnow.gov/sites/default/files/2018-04/aqi_brochure_02_14_0.pdf) (Feb. 2024), herein incorporated by reference. No later editions or amendments are incorporated. These resources are available at no cost from the Environmental Protection Agency (EPA) at <https://www.airnow.gov/aqi/aqi-basics/>. These resources are also available for public inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash St., Denver, CO 80246, during regular business hours.
- F. “Health care provider” means a Licensed Physician, Physician Assistant, and Nurse Practitioner registered or licensed by the Colorado Medical Board or the State Board of Nursing.
- G. The “Department” means the Colorado Department of Early Childhood.
- H. “Staff” and all references to staff or staff positions include paid staff, equally qualified volunteers, and substitutes.

## **POLICIES AND PROCEDURES**

### **2.505 STATEMENT OF POLICIES AND PROCEDURES**

- A. At the time of enrollment, and upon amendments to policies and procedures, the center must give the parent(s) or guardian(s) the center’s policies and procedures and provide the opportunity to ask questions. Written copies must be available either electronically or in hard copy. The center must obtain a signed document stating that the parent(s) or guardian(s) have received the policies and procedures, and by signing the policies and procedures document, the parent(s) or guardian(s) agree to follow, accept the conditions of, and give authorization and approval for the activities described in the policies and procedures.
- B. Policies and procedures must be reviewed annually. Any changes must be incorporated and must be communicated to the parent(s) or guardian(s).

- C. The written policies and procedures must be developed, implemented, and followed, and must include at a minimum the following information:
1. The center's purpose and its philosophy on child care.
  2. The ages of children accepted.
  3. Services offered for special needs children in compliance with the Americans with Disabilities Act (see rule section 2.119 of the General Rules for Child Care Facilities).
  4. The hours and dates when the center is in operation, specific hours during which special programs are offered, and holidays when the center is closed.
  5. The policy regarding adverse weather, and Air Quality Index Advisory Unhealthy for Sensitive Groups as defined in rule 2.504.E..
  6. The procedure concerning admission and registration of children including whether non-immunized or under immunized children are enrolled in the school-age child care center.
  7. An itemized fee schedule.
  8. The procedure for identifying where children are at all times, how children are accounted for throughout the day, and that children are supervised at all times by their assigned staff member.
  9. The procedure on positive guidance, behavior expectations, positive instruction, supporting positive behaviors, as well as the strategies and techniques for supporting children with challenging behaviors, including how the center will:
    - a. Promote responsive and positive child, staff and family relationships and interactions;
    - b. Create and maintain a program-wide culture that promotes children's mental health, social, and emotional well-being;
    - c. Implement teaching strategies supporting positive behavior, pro-social peer interaction, and overall social and emotional competence in young children; and
    - d. Provide individualized social and emotional intervention supports for children who need them, including methods for understanding child behavior; and developing, adopting and implementing a team-based positive behavior support plan with the intent to reduce challenging behavior and prevent suspensions and expulsions.
  10. How decisions are made and what steps are taken prior to the suspension, expulsion, or request to parent(s) or guardian(s) to withdraw a child from care due to concerns about the child's behavioral issues. These procedures must be consistent with the center's policy on guidance and positive instruction, and include documentation of the steps taken to understand and respond to challenging behaviors including:
    - a. Accessing an early childhood mental health consultant, as defined in section 26.5-3-701, C.R.S., or other specialists as needed.
  11. The procedure, including notification of parent(s) or guardian(s), for handling children's illnesses, accidents, and injuries, including when children will be excluded from care and notification of parent(s) or guardian(s)



12. The procedures including notification of parent(s) or guardian(s) when a child is separated from their group and is not under the direct supervision of their assigned staff member or for whom the local authorities have been contacted.
13. The procedure for transporting children, if applicable, including children's safety related to riding in a vehicle; seating, supervision, and emergency procedures on the road; transportation arrangements; and parental permission for excursions and related activities.
14. The written policy and procedure governing field trips, television and video viewing, and special activities, including the staff's role for the supervision of children.
15. Media and internet usage policy outlining screen and media use related to their curriculum. The media plan must have information on ongoing communication with children about online safe practices for children over the age of four (4).
16. The procedure for releasing children from the center only to persons for whom the center has written authorization and the procedure for picking-up the child during an emergency.
17. The procedures followed when a child is picked up from the center after the closing hours of the center or not picked up at all, and the procedure to ensure that all children are picked up before the staff leave for the day.
18. The procedure for caring for children who arrive late to the center and their class/group is away from the center on a field trip or excursion.
19. The procedure for storing and administering children's medications and delegation of medication administration in compliance with section 12-255-131, C.R.S., of the "Nurse and Nurse Aide Practice Act."
20. The procedure concerning children's personal belongings and money.
21. The policy concerning meals and snacks
22. The policy and procedure regarding visitors.
23. The procedure for filing a complaint about child care including the name, address, and telephone number of the Colorado Department of Early Childhood (see rule section 2.125 of the General Rules for Child Care Facilities).
24. The procedure for reporting child abuse and/or neglect, including the name of the county department of social/ human services and phone number of where a child abuse report should be made (see section 2.126 of the General Rules for Child Care Facilities).
25. The policy for notification when child care service is withdrawn by the program, or when parent(s) or guardian(s) withdraw their child(ren) from the center.
26. The procedure, if applicable, for transitioning children between school or community sponsored activities.
27. The procedures for emergencies and disaster preparedness such as but not limited to lost children, tornadoes, fires, shelter in place, lockdown, active shooter on premises, reunification with families after emergency or disaster, and evacuating children with disabilities as specified in rule sections 2.133 through 2.138 of the General Rules for Child Care Facilities.

**2.506 COMMUNICATION, EMERGENCY, AND SECURITY PROCEDURES**

- A. For security purposes, a sign-in/sign-out sheet or other mechanism for parent(s) or guardian(s) must be maintained daily by the center. The sign-in/sign-out mechanism must include, for each child in care, the date, the child's name, the time when the child arrived and left the center, and the parent(s) or guardian(s) signature or other unique identifier.
  - 1. Staff must verify attendance before and after every group transition from one physical space to another. Written or electronic documentation of attendance verification must be maintained for at least twelve (12) months.
  - 2. With a parent(s) or guardian(s) approval, a child five (5) years of age or older may sign in and out instead of the parent(s) or guardian(s).
- B. The center must provide an office and/or monitored telephone number known to the public and available to parents/guardians in order to provide immediate access to the center. The telephone must be available to staff at all times the center is in operation.
- C. Emergency telephone numbers must be posted at each permanent site and taken on all field trips and during mobile school-age child care centers. The emergency numbers must include, at a minimum, 911, or a rescue unit if 911 isn't available; a hospital or emergency medical clinic nearest to the activity location; fire, police, and health departments; and Rocky Mountain Poison Control.
- D. The center must be able to provide emergency transportation to a health care facility at all times.
- E. The director of the center or the director's delegated substitute must have a means for determining who is present at the center at all times.
- F. A written policy regarding visitors to the center must be posted and a record maintained daily by the center that includes, at a minimum, the date, time, the visitor's name and the purpose of the visit. At least one piece of photo identification must be inspected for individuals who are unknown to personnel at the center.
- G. The center must release a child only to an individual for whom written authorization has been given by the parent(s) or guardian(s) and is maintained in the child's record (see rule section 2.525).
  - 1. In an emergency, the child(ren) may also be released to an individual for whom the child's parent(s) or guardian(s) has given verbal authorization..
- H. The center must have a procedure for dealing with individuals not authorized by the parent(s) or guardian(s) of a child who attempts to have the child released to them (see rule section 2.505(A)(15)).
- I. The center must have a written procedure for closing the center at the end of the day to ensure that all children are picked up (see rule section 2.505(A)(16)).

**STAFF**

**2.507 GENERAL REQUIREMENTS FOR ALL STAFF**

- A. All staff and volunteers at the center must demonstrate knowledgeable decision-making, judgment, and concern for the proper care and well-being of children.

- B. All staff and volunteers must not consume or be under the influence of any substance that impairs their ability to care for children.
- C. Illegal drugs and drug paraphernalia, must never be present on the premises of the center.
- D. Staff must not use cannabis and cannabis infused products, vaping or tobacco products of any kind, or alcohol in the presence of children. To prevent exposure to secondhand smoke, child care centers must prohibit the use of vaping, tobacco, and cannabis and cannabis infused products on all center property, both indoors and outdoors. All cannabis and cannabis infused products, vaping and tobacco products, and alcohol must be kept inaccessible to children at all times.
- E. When caring for children, staff must refrain from the personal use of electronics including, but not limited to, cell phones and portable electronic devices.
  - 1. When caring for children use of electronic devices is permitted for educational and administrative purposes.
- F. Unless medically contraindicated, staff members must be current for all immunizations required by their employer.
- G. Each staff member and regular volunteer as defined in rule section 2.509 must complete an annual self-reported health history. The health history must be maintained by the center in a secure location.
- H. The duties and responsibilities of each staff position and the lines of authority and responsibility within the center must be in writing.
- I. Prior to working with children, the staff member must read and be instructed on all of the policies and procedures of the center outlined in rule section 2.505. Staff members must sign a statement indicating that they have read and understand the center's policies and procedures.
- J. Prior to working with children, each staff member must read and be trained on the center's policies and procedures for the administration of medications. Staff members must sign a statement indicating that they have read and have been trained on the center's administration of medications policies and procedures.
- K. Within thirty (30) calendar days of caring for children a signed statement indicating that the individual has been trained, understands, and has had the opportunity to ask questions regarding the "Rules Regulating School-Age Child Care," the "General Rules for Child Care Facilities," and the "Rules Regulating Special Activities," if applicable.
- L. If volunteers are used by the center, there must be a clearly established policy regarding their function, orientation, and supervision.
- M. Within thirty (30) calendar days of the last day of employment, staff members must be provided with a letter verifying their experience at the center. The letter must contain the center's address, phone number, and license number; the employee's start date and end date; and the total number of hours worked with children. The letter must be signed by a director, owner, or human resources agent of the center or governing body.

**2.508 TRAINING**

- A. Prior to working with children all staff members must complete a Department-approved standard precautions training. This training must be renewed annually and may count towards ongoing training requirements.
- B. Prior to working with children all staff members must complete a building and physical premises safety training. The training must include: Identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water and vehicular traffic; and Handling and storage of hazardous materials and the appropriate disposal of biological contaminants.
  - 1. This training is developed and facilitated by the school-age child care center for staff to identify program specific environmental hazards. Staff must be retrained if there are changes to the building and physical premises.
- C. Within thirty (30) calendar days of employment all staff member responsible for the collection, review and maintenance of the child immunizations records must show evidence they have completed the Colorado Department of Public Health and Environment (CDPHE) immunization course. This training must be renewed annually and may count towards ongoing training requirements.
- D. Within (30) calendar days of employment all staff members and regular volunteers must complete a Department-approved training about child abuse prevention, which includes common symptoms and signs of child abuse how to report, where to report, and when to report suspected or know child abuse or neglect. This training must be renewed annually and may count towards ongoing training requirements.
- E. Within ninety (90) calendar days of employment all staff must have at least one (1) hour of child development training . This training must include the major domains (cognitive, social, emotional, physical development and approaches to learning). This training is required once (1 time) and will count toward ongoing training requirements if taken after the date of hire.
- F. For every thirty (30) or fewer children in attendance, there must be at least one (1) staff member who holds current Department-approved First Aid and Safety certification including CPR for all ages of children. Such individuals must be with the children at all times when the center is in operation. If children are at different locations, there must be a First Aid and CPR certified staff member at each location.
  - 1. Within thirty (30) calendar days of employment all employees caring for children, not required by rule to be certified in First Aid and CPR, must complete a Department-approved basic First Aid and CPR module within thirty (30) calendar days of employment and the module must be renewed every two (2) years.
- G. Within ninety (90) calendar days of employment all staff must complete the Department-approved course in injury prevention for school-age children. This training is required once (1 time) and will count toward ongoing training requirements.
- H. Within ninety (90) calendar days of employment all staff must complete the Department-approved course in playground safety for School-Aged Child Care Centers. This training is required once (1 time) and will count toward ongoing training requirements.
  - 1. This requirement does not apply to school-age child care centers that do not regularly use a playground.

- I. Within ninety (90) calendar days of employment, all program directors must complete the Department-approved training: Working with an Early Childhood Mental Health Consultant. This course is required once (1 time) and will be counted towards ongoing training requirements.
- J. Within ninety (90) calendar days of employment, all program directors must complete the Department-approved training: Introduction to Child Care Health Consultation. This course is required once (1 time) and will be counted towards ongoing training requirements.
- K. All staff in building-based school-age child care centers who work with children must complete a minimum of fifteen (15) clock hours of ongoing professional development each year, beginning with the start date of the employee. At least three (3) clock hours per year must be in the focus of social emotional development.
  - 1. Ongoing training and courses must demonstrate a direct connection to one (1) or more of the following competency areas:
    - a. Child growth and development,;
    - b. Child observation and assessment;
    - c. Family and community partnership;
    - d. Social-emotional health and development promotion;
    - e. Health, safety and nutrition;
    - f. Professional practice; and
    - g. Teaching practices.
  - 2. Each one (1) semester hour course with a direct connection to the competency area listed in rule section 2.508(K), taken at a regionally accredited college or university may count as fifteen (15) clock hours of ongoing training.
  - 3. Training hours completed can only be counted during the year taken and cannot be carried over.
  - 4. To be counted for ongoing training, the training certificate must have documentation that includes:
    - a. The title of the training;
    - b. The competency domain;
    - c. The date and clock hours of the training;
    - d. The name or signature, or other approved method of verifying the identity of trainer or entity;
    - e. Expiration of training if applicable; and
    - f. Connection to social emotional focus if applicable.

**2.509 REQUIRED STAFF QUALIFICATIONS**

**A. Program Director**

1. Each school-age child care center must have an on-site director. The director is responsible for operating the center in accordance with licensing rules, planning, and implementing the school-age child care center as well as the supervision of staff.
2. The program director must be at least twenty-one (21) years of age, and must have completed at least one (1) of the following qualifications:
  - a. A Bachelor's, Master's, or Doctorate degree from an accredited college or university with a major area of study in one (1) of the following areas:
    - (1) Child Development
    - (2) Psychology
    - (3) Early Childhood Education
    - (4) Early Childhood Special Education
    - (5) Elementary Education
    - (6) Elementary Special Education
    - (7) Family and Human Development
    - (8) Family Studies
    - (9) Special Education
    - (10) Outdoor Education
    - (11) Recreation
    - (12) Human Services
  - b. An associate's degree or sixty (60) semester credit hours from an accredited college or university and three (3) months (455 hours) of experience in the care and supervision of four (4) or more children over the ages of four (4) years who are not related to the individual; or
  - c. Twenty-one (21) months (3,185 hours)) of, experience in the care and supervision of four (4) or more children over the ages of four (4) years who are not related to the individual and one of the following qualifications:
    - (1) Completion of six (6) semester hours, from a regionally accredited college or university; or
    - (2) Completion of forty (40) clock hours of training in course work applicable to school-age children within the first nine months in the director position. The 40 clock hours of training cannot include any of the required trainings as listed in rule section 2.508; or,

- d. A current early childhood professional credential level II (2) or higher in version 3.0 as determined by the Department based on its Early Childhood Professional Credential 3.0 Worksheet, found at [https://www.coloradoshinespdis.com/s/about-the-ecpc?language=en\\_US](https://www.coloradoshinespdis.com/s/about-the-ecpc?language=en_US).

**B. Program Leaders**

- 1. Each program leader must be at least eighteen (18) years of age, demonstrate ability to work with children, and must have completed at least one (1) of the following qualifications:
  - a. Must have at least three (3) months (455 hours) of verified experience in the care and supervision of four (4) or more children over the ages of four (4) who are not related to the individual; or.
  - b. A current early childhood professional credential level I one (1) or higher in version 3.0 as determined by the Department based on its Early Childhood Professional Credential 3.0 Worksheet, found at [https://www.coloradoshinespdis.com/s/about-the-ecpc?language=en\\_US](https://www.coloradoshinespdis.com/s/about-the-ecpc?language=en_US).

**C. Program Aides**

- 1. Program aides must be at least sixteen (16) years of age.
- 2. Program aides must work directly under the supervision of the program director or program leaders and must never be left alone with children unless otherwise specified in the rule.

**D. Substitute Staff**

- 1. Equally qualified staff must be available to substitute for regularly assigned staff who are sick, on vacation, or otherwise unable to be on duty.
- 2. For short term unscheduled program director vacancies up to ten (10) business days per calendar year, a qualified program leader can substitute for the program director. The date and times of substitution must be available for review at all times.

**E. Volunteers**

- 1. If volunteers are used by the center, there must be a clearly established policy in regard to their function, orientation, and supervision.
- 2. Volunteers who are used to meet staff to child ratio must be equally qualified as a program director, program leader, or program aide.
- 3. Equally qualified volunteers must have complete staff records as required in rule section 2.531 and complete the training requirements required in rule section 2.508.
- 4. Volunteers who are not required to be equally qualified or successfully complete background checks must be given instruction as to the center's policies and procedures, and must have a written purpose developed by the center for volunteering.
- 5. Volunteers unless equally qualified must work directly under the supervision of the program director or a program leader and must never be left unsupervised with children.

**F. Emergency Staffing Situations**

1. In the case of an emergency situation, including but not limited to illness, death, accident, law enforcement action, road closure, hazardous weather, emergency bodily function, child elopement, or providing emergency attention or care to a child, the child care center may operate under the following guidelines:
  - a. The facility may temporarily use a staff member, who has successfully completed criminal background check requirements, to supervise children for no more than two (2) hours until a qualified staff member is secured. The dates and times must be recorded and made available for review at all times.
  - b. A school-age child care centers that operate on the property of a school district, district charter school, or institute charter school, may permit a staff member, who has successfully completed criminal background check requirements but is not a qualified caregiver, to supervise children for an amount of time that is reasonably necessary to address an emergency circumstance.
  - c. During any emergency situation, the facility must be in compliance with the staff-to-child ratio as stated in rule section 2.510.

**G. Department-approved Child Care Health Consultant**

1. Center staff must consult with a current Department-approved Colorado Child Care Health Consultant who must have knowledge and experience in maternal and child health and must meet one (1) of the following qualifications:
  - a. A licensed registered nurse;
  - b. A pediatric nurse practitioner;
  - c. A family nurse practitioner; or
  - d. A physician.
2. All Department-approved Child Care Health Consultants must meet one of the following qualifications and have documentation available for review:
  - a. New consultants Or Child care health consultants who do not have documentation of CCHC 101 completion must complete a Provisional CCHC Qualification in the Professional Development Information System (PDIS) before consulting. The Provisional CCHC Qualification is valid for six (6) months.
    - (1) Within six (6) months of completion of the Provisional CCHC Qualification all Department-approved Child Care Health Consultants must complete the Full CCHC Qualification in the Professional Development Information System (PDIS).
  - b. Department-approved Child Care Health consultants who have documentation of a completed CCHC 101 course, prior to January 1, 2023, must complete a Full CCHC Qualification in the Professional Development Information System (PDIS).
  - c. Child Care Health Consultants must maintain their CCHC qualification in the Professional Development Information System (PDIS) by updating and completing required training every two (2) years .



- d. All Child Care Health Consultants must show evidence they have completed the Colorado Department of Public Health and Environment (CDPHE) immunization course annually.
  - 3. The Child Care Health Consultant must consult with the facility and consultation must be specific to the needs of the center and include some of the following topics: training; delegation and supervision of medication administration and special health procedures; health care; hygiene; disease prevention; equipment safety; interaction between children and adult caregivers; and normal growth and development.
    - a. Consultation must occur as often as the Child Care Health Consultant who is delegating medications and/or medical procedures requires.
    - b. The date and content of each consultation must be recorded and maintained in the center's files.
- H. At least one (1) staff member with current Department-approved medication administration training and delegation must be on duty at all times.
- I. Employment of maintenance staff, including kitchen service, grounds, and housekeeping employees less than sixteen (16) years of age, must be in compliance with Colorado labor laws.

#### **2.510 REQUIRED STAFF SUPERVISION**

- A. A program director must be present at the center at least sixty percent (60%) of any day the center is in operation. An individual who meets one of the following requirements must be present for the remaining forty percent (40%) of the day:
  - 1. A qualified program leader who is at least twenty-one (21) years of age;
  - 2. A qualified program leader who has at least one (1) year (1820 hours) full-time or equivalent part-time verifiable experience working with children; or
  - 3. Two (2) qualified program leaders who are at least nineteen (19) years of age.
- B. If the program director cannot be present sixty percent (60%) of any day the center is in operation, an individual who meets program director qualifications must substitute for the director.
- C. There must be at least one (1) program leader providing supervision with each group of thirty (30) or fewer children cared for by the center. unless otherwise specified in rule. The program director may be the assigned staff for one (1) group of children.
- D. The maximum group size for children is thirty (30) children.
  - 1. When the center has the capacity to care for multiple groups of children, they must be separated into developmentally- and age-appropriate activities. Groups are not required to be separated from each other by permanent or portable dividers or walls.
  - 2. Group size for children in care may be exceeded for attendance time, meal and snack time, special occasions, and activities.
  - 3. The room capacity must not be exceeded.
- E. There must be one (1) staff member for each fifteen (15) children in attendance.

- F. While four (4) year olds are in attendance, if there are any violations for: lack of supervision, operating out of approved staff to child ratios, or operating without sufficient qualified staff, the school-age child care center must maintain a 1:12 staff to child ratio with a max group size of twenty-four (24) children any time four (4) year olds are present.
  - 1. After a one (1) year period from initial violation if there are no subsequent violations for: lack of supervision, operating out of approved staff to child ratios, or operating without sufficient qualified staff, the school-age child care center can operate with the staff to child ratios as listed in rule section 2.510.
- G. At any time when nine (9) or more children are in care at the center, there must be at least one (1) program leader actively supervising children and another responsible person at least sixteen (16) years of age on the premises. When eight (8) or fewer children are present, there must be at least one (1) program leader on duty and a second staff member on call who is immediately available in an emergency.
- H. At all times, school-age child care personnel must be directly supervising the children.
- I. Program aides, without supervision from a program director or program leader, may supervise no more than four (4) children when taking the children to the restroom, filling up water bottles, or obtaining water bottles or a coat from inside.

## **ADMISSION PROCEDURE**

### **2.511 ADMISSION**

- A. The center can only accept and care for children of the ages and capacity for which it has been licensed. At no time shall the number of children in attendance exceed the number for which the center has been licensed.
- B. Admission procedures must be completed prior to the child's first day in care at the center and must include:
  - 1. Completion of the registration information for inclusion in the child's record, as required in rule section 2.530; and
  - 2. Providing the parent(s) or guardian(s) with a copy of the center's most recent policies and procedures.
  - 3. If applicable, a Department-approved health care plan authorized by the child's health care provider and parent(s) or guardian(s) defining the interventions needed to care for a child who has an identified health or developmental condition or concern including, but not limited to seizures, asthma, diabetes, severe allergies, heart or respiratory conditions, and physical disabilities.
    - a. Any applicable medications, supplies, and/or medical equipment must be available to the staff prior to the child's first (1st) day of care.
    - b. The staff working with a child with a health care plan must be informed, trained, and delegated responsibility for carrying out the health care plan by the Department-approved Child Care Health Consultant; supervision of the plan and interventions must be documented.
- C. Children with Special Needs

1. The admission of children who have special health care needs, disabilities, or developmental delays which includes children with social, emotional, and behavioral needs must be in alignment with the training and ability of staff and in compliance with the Americans with Disabilities Act. Services offered must show that a reasonable effort is made to accommodate the child's needs and to integrate the child with other children. (see rule section 2.119 of the General Rules for Child Care Facilities)
2. The center must inform its Department-approved Child Care Health Consultant prior to the first (1st) day of care of the enrollment of a child with special health care needs, if known, so staff receive training, delegation and supervision by the Department-approved Child Care Health Consultant as indicated by the child's individualized health care plan.
3. For a child with special health care needs requiring intervention and/or medication, the center must obtain written instructions for providing services from the child's parent(s) or guardian(s), and the health care provider. If an existing individualized health care plan is provided for the child, it must be reviewed and followed by the center staff when caring for the child. If the child does not have an existing individualized health care plan, the individualized health care plan must be obtained by the child's first (1<sup>st</sup>) day of care.
4. For an enrolled child with a newly identified special health care need, the center must obtain written instructions for providing services from the child's parent(s) or guardian(s) and the health care provider. If the child with special health care needs does not have an existing individualized health care plan, the individualized health care plan and all associated medication(s) and/or equipment must be provided within thirty (30) calendar days of the child's identified need.
5. The individual health care plan must be updated at least every twelve (12) months from the date of the initial plan, and as changes occur. The plan must include all information needed to care for the child, must be signed by the health care provider and parent(s) or guardian(s), and must include, but not be limited to, the following:
  - a. Medication and dosing schedule;
  - b. Nutrition and feeding instructions;
  - c. Medical equipment or adaptive devices, including instructions;
  - d. Medical emergency instructions;
  - e. Toileting and personal hygiene instructions;
  - f. Behavioral interventions; and
  - g. Medical procedure/ intervention.

## **HEALTH CARE**

### **2.512 STATEMENTS OF HEALTH STATUS**

- A. The center has the right to refuse to admit a child if a statement of health history, documentation of immunization status, or exemption, is not submitted.
- B. At the time of enrollment, the parent(s) or guardian(s) must provide for each child entering the center:

1. A self-reported health history, including any health care plans, which indicate any communicable diseases; chronic illnesses or injuries the individual has had; any known drug reactions and allergies; medications currently being taken; any necessary health procedures or special diets; and the name address and phone number for the child's health care provider and dentist.
  2. Schools are required to comply with the immunization requirements as stated in 6 CCR 1009-2. Documentation of school-required immunization status or Certificate of Medical or Nonmedical Exemption, is required by the Colorado Board of Health. Up-to-date school-required immunizations must be documented as specified on the Colorado Department of Public Health and Environment (CDPHE) Certificate of Immunization or on an "approved alternate" Certificate of Immunization. Colorado law requires proof of immunization status or exemption be provided prior to or on the first (1st) day of admission. Colorado Department of Public Health and Environment regulation at 6 CCR 1009-2:VI(A), (May 15, 2023), no later editions or amendments are incorporated. These regulations are available from the Colorado Department of Public Health and Environment at no cost at <https://www.coloradosos.gov/CCR/Welcome.do>. These regulations are also available for public inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash St., Denver, CO 80246, during regular business hours..
    - a. If the parent(s) or guardian(s) of a child wants a nonmedical exemption from the immunization requirement based on a religious belief whose teachings are opposed to immunizations or a personal belief that is opposed to immunizations, the child's parent(s) or guardian(s) must:
      - (1) Submit the certificate of Nonmedical Exemption with a signature from an immunizing provider in Colorado, or
      - (2) Submit the Certificate of Nonmedical Exemption received upon the completion of CDPHE's Online Immunization Education Module. The Certificate of Nonmedical Exemption and Education Module are herein incorporated by reference, no later editions or amendments are incorporated. The Certificate and Education Module are available at no cost from the Colorado Department of Public Health and Environment at <https://cdphe.colorado.gov/vaccine-exemptions>. The Certificate is available for public copying and inspection at the Colorado Department of Early Childhood, 720 S. Ash St., Denver, CO 80246, during normal business hours.
  3. If the center is located at an elementary school and all the children attend that school, the immunization records may be maintained at the school office but must be accessible to center staff members and licensing specialists during the hours the center is open.
- C. Guest Child Care Facilities as defined in section 26.5-5-303(10), C.R.S., are exempt from obtaining immunization records for children when all of the following conditions are met:
1. Students attend for fifteen (15) days or less in a fifteen (15)-consecutive-day period, no more than twice in a calendar year; and
  2. At least sixty (60) calendar days separate the two sessions within the calendar year; and
  3. The center notifies parent(s) or guardian(s) that non-immunized children are enrolled on the above short-term basis.

**D. Emergency Procedures**

1. When accidents, injuries, or illnesses occur, the program director or responsible adult in charge must notify the child's parent(s) or guardian(s) and, if necessary, seek medical care for the child.
2. A responsible staff member must be directly supervising any ill or injured child.

**2.513 MEDICATION**

- A. Any un-expired routine medication, prescription and non-prescription (over-the-counter), must be administered only with a current written order of a health care provider with prescriptive authority and with written parent(s) or guardian(s) consent. Home remedies, including homeopathic medications, vitamins, and supplements must not be administered to children in childcare .
- B. The written order by the health care provider with prescriptive authority must include:
1. Child's name and birthdate;
  2. Licensed prescribing practitioner name, telephone number, and signature;
  3. Date authorized;
  4. Name of medication and dosage;
  5. Time of day medication is to be given;
  6. Route of medication;
  7. Length of time the medication is to be given;
  8. Reason for medication (unless this information needs to remain confidential);
  9. Side effects or reactions to watch for; and
  10. Special instructions.
- C. Medications must be kept in the original labeled bottle or container. Prescription medications must contain the original pharmacy label.
- D. Over-the-counter medication must be kept in the originally labeled container and be labeled with the child's first and last name.
- E. In the case medication needs to be given on an ongoing, long-term basis, the authorization and consent forms must be reauthorized on at least an annual basis. Any changes in the original medication authorization require a new written order by the prescribing practitioner and a change in the prescription label.
- F. Staff designated by the program director to give medications must complete the Department-approved medication administration training and have current annual delegation or more often as determined by the Department-approved Child Care Health Consultant. Delegation must be from the center's current Department-approved Child Care Health Consultant who must observe and document the competency of each staff member involved in medication administration. All staff administering medication must have current Department-approved Cardiopulmonary

Resuscitation (CPR), first aid certification prior to administering medication with the following exceptions:

1. Staff determined by the program director, in consultation with the Department-approved Child Care Health Consultant, to be responsible for providing routine emergency medications covered in the approved Medication Administration training: Severe Allergy or Asthma. After completing the training, staff must receive delegation from their Department-approved Child Care Health Consultant for those medications only. Staff may then provide those medications to children based on the instructions from the child's individualized health care plan.
  2. Staff determined by the program director, in consultation with the Department-approved Child Care Health Consultant, to be responsible for providing medications not covered in the approved medication administration training must complete training required by the Department-approved Child Care Health Consultant. After completing the training, staff must receive delegation from their Department-approved Child Care Health Consultant. Staff may administer medications and/or medical treatments such as emergency seizure medication, insulin, or oxygen based on instructions from the child's individualized health care plan.
  3. Staff may be trained and delegated in the administration of a single rescue medication or rescue medical intervention by the center's Department-approved Child Care Health Consultant. Such training and delegation must qualify the staff member to provide a rescue medication or treatment for a specific child based on instructions from the child's individualized health care plan.
- G. All medications, except those medications specified in the Department's approved medication administration training as emergency medications, must be locked and in an area inaccessible to children, but available to staff trained in administering medication. If refrigeration is required, the medication must be stored in either a separate refrigerator or a leak proof container in a designated area of a food storage refrigerator, separate from food and inaccessible to children. Controlled medications must be counted and safely secured, and specific policies regarding their handling require special attention in the centers policies. Access to these medications must be limited (see sections 27-80-210 and 12-280-134(3), C.R.S.).
1. Emergency medications must be stored in accordance with the Department-approved Child Care Health Consultant's recommendation. Emergency medications are not required to be stored in a locked area. Emergency medications may be stored in an area easily accessible and identifiable to staff but out of reach of children.
  2. When away from the classroom, staff must carry emergency medications.
- H. The center may, with written parent(s) or guardian(s) consent and authorization of the prescribing health care provider, permit children as defined in 26.5-5-314(4), C.R.S., who have asthma to carry their own inhalers or children who are at risk of anaphylaxis to carry their own epinephrine, and use them as directed.
1. The center must have a specific written policy on the storage and access of inhalers and epinephrine carried by school-age children. The policy must include a written contract with the parent(s) or guardian(s) and child acknowledgement assigning levels of responsibility of each individual. This contract includes orders for the medication from a health care provider, along with confirmation from the health care provider and the Department-approved Child Care Health Consultant that the student has been instructed in and is capable of self-administering the prescribed medications.

2. All staff members and Department-approved Child Care Health Consultants must be aware of which children have asthma and severe allergies, and which of those may administer their own inhaler or auto injectors.
- I. Children are not allowed to bring medications to the center unless accompanied by a responsible adult.
- J. If a medication is expired or left over, the parent(s) or guardian(s) are responsible for picking up the medication. If the parent(s) or guardian(s) do not respond, the center must dispose of the medications in accordance with 6 CCR 1007-2, Part 1, Regulations Pertaining to Solid Waste Sites and Facilities (March 30, 2024) and 6 CCR 1007-3, Parts 99 (June 30, 2018), 100 (July 15, 2020) and 260-265 (July 15, 2023), 266 (June 30, 2014), 267 (March 30, 2024), and 268 (July 15, 2023), and as required by the Colorado Department of Public Health and Environment (CDPHE) <https://cdphe.colorado.gov/colorado-medication-take-back-program> (2023), herein incorporated by reference. No later editions or amendments are incorporated. These regulations are available at no cost from CDPHE at <https://www.sos.state.co.us/CCR>. The recommendations are available at no cost from CDPHE at <https://cdphe.colorado.gov/hm/prep-med-waste-disposal> and <https://cdphe.colorado.gov/colorado-medication-take-back-program>. These regulations and recommendations are also available for public inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash St., Denver, CO 80246, during regular business hours..
- K. Topical preparations such as petroleum jelly and bug sprays may be administered to children with written parental authorization. These preparations may not be applied to open wounds or broken skin unless there is a written order by the prescribing practitioner.
- L. A written medication log must be kept for each child. This log is part of the child's records. The log must contain the following:
  1. Child's name and birthdate;
  2. Name of the medication, dosage, and route;
  3. Time medication was administered;
  4. Special instructions;
  5. Name and initials of the individuals giving the medication; and
  6. Notation if the medication was not given and the reason.

#### **2.514 SUN PROTECTION**

- A. The center must obtain written authorization and instructions from the parent(s) or guardian(s) for the application of sunscreen or the use of another form of parent(s) or guardian(s) approved sun protection with a full-spectrum UVA/UVB rating of SPF thirty (30) or greater to their children's exposed skin prior to outside play year-round. A health care provider's permission is not needed to use sunscreen at the center..
- B. The center must apply sunscreen, have the parent(s) or guardian(s) apply sunscreen, or use another form of parent(s) or guardian(s) approved sun protection for children prior to children going outside. Sunscreen must be reapplied as directed by the product label.
- C. When supplied for an individual child, the sunscreen must be labeled with the child's first and last name. The child may carry their individual sunscreen when away from the classroom.

- D. If sunscreen is provided by the center, parent(s) or guardian(s) must be notified in advance, in writing, of the type of sunscreen the center will use.
- E. Children may apply sunscreen to themselves under the direct supervision of a staff member.

## **CHILD CARE SERVICES**

### **2.515 FOOD AND NUTRITION**

- A. The center must show evidence that all meals and snacks provided by the center meet current United States Department of Agriculture (USDA) Child and Adult Care Food Program meal pattern guidance and requirements published by the USDA Food Nutrition Service at <https://www.cacfp.org/meal-pattern-guidance/> (April 2016) and 7 C.F.R. sections 210.10 and 226.20 (July 1, 2022), herein incorporated by reference. No later editions or amendments are incorporated. These regulations are available at no cost from the USDA Food Nutrition Service at <https://www.ecfr.gov>. These regulations are also available for public inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash St., Denver, CO 80246, during regular business hours.
  - 1. Children who are at the center for more than four (4) hours, day or evening, must be offered a meal.
- B. Centers must not provide sugar sweetened beverages to children. These are beverages that have been sweetened with various forms of sugars that add calories and include, but are not limited to: soda, fruitades, fruit drinks, flavored milks, and sports and energy drinks.
- C. If 100% fruit juice, which is not a sugar sweetened beverage, is offered as part of meals and/or snacks, it must be limited to no more than two (2) times per week.
- D. In centers that do not regularly provide a meal, if a child brings a meal from home that does not appear to meet current USDA Child and Adult Care Food Program meal pattern requirements, the center must have foods available to offer as a supplement to that meal.
- E. Meal menus must be planned at least one (1) week in advance, dated, and available to parent(s) or guardian(s). After use, menus must be filed and retained for three (3) months. Records must be available for periodic review and evaluation.
- F. The size of servings must be suitable for the child's age and appetite, and sufficient time must be allowed so that meals are unhurried.
- G. Children must not be given foods that are contrary to the religious or cultural beliefs of their families or that are known to cause an allergic reaction or a health hazard.

### **2.516 GUIDANCE**

- A. Guidance must be appropriate to the development of the child and used as an opportunity to teach children social-emotional skills, such as self-regulation, problem-solving, and empathy for others..
- B. Children must not be subjected to physical or emotional harm, humiliation, or threats.
- C. The director must not use, or permit a staff member or child to use, corporal punishment as defined in section 22-1-140, C.R.S.



- D. Guidance must not be associated with food, rest, or toileting. Children should never be punished for toileting accidents. Food must not be denied or forced upon a child as a disciplinary measure.
- E. Separation, when used as guidance, must not exceed five (5) minutes and must be appropriate for the child's development. The child must be in a safe, lighted, well-ventilated area and be within sight and hearing of an adult. The child must not be isolated in a locked or closed area.
- F. Verbal abuse and derogatory remarks about the child are not permitted.
- G. Authority for guidance must not be delegated to other children, and the center must not sanction one child punishing another child.
- H. Physical activity and outdoor time must not be withheld as a disciplinary measure..
- I. Exercise must not be used as a disciplinary measure.
- J. Any form of restraint is not permitted.
- K. Physical redirection may be used to keep a child from imminent danger. The child must be immediately released once removed from imminent danger.

**2.517 TRANSPORTATION**

- A. Transportation provided by the center
  - 1. The center is responsible for any children it transports.
  - 2. The center must obtain written permission from parent(s) or guardian(s) for any transportation of their child during child care hours.
  - 3. The number of staff members who accompany children when being transported in the vehicle must meet the child care staff ratio found at rule section 2.510. The driver of the center vehicle is considered a staff member.
  - 4. All children must be secured in a child restraint system that is appropriate for the age and development of that child. The child restraint must conform to all applicable Colorado child passenger safety laws at section 42-4-236 and 42-4-237, C.R.S.
  - 5. Children must be loaded and unloaded out of the path of moving vehicles.
  - 6. Children must remain seated while the vehicle is in motion. Children must not be permitted to stand or sit on the floor of a moving vehicle, and their arms, legs, and heads must remain inside the vehicle at all times.
  - 7. Written agreement must be made between the center and parent(s) or guardian(s) on transportation arrangements for school-age children (e.g walking, riding a bicycle, bus, or traveling in a vehicle) to and from the center. It is the center's responsibility to ensure the child arrives at the destination at the agreed upon time..
  - 8. Prior to a field trip or other excursion, the center must obtain information on liability insurance from parent(s) or guardian(s) and staff who transport children in their own cars and verify that all drivers have valid driver's licenses.
- B. Requirements for Vehicles

1. Any vehicle the center uses for transporting children to and from the center or during school-age child care center activities must meet the following requirements:
  - a. The vehicle must be enclosed and have door locks;
  - b. The seats of the vehicle must be constructed and installed according to the vehicle manufacturer's specifications;
  - c. The vehicle must be kept in satisfactory condition to assure the safety of occupants;
  - d. Modifications to vehicles including, but not limited to, the addition of seats and seat belts must be completed by the manufacturer or an authorized representative of the manufacturer. Documentation of such modifications must be available for review by the Department; and
  - e. The provider must not transport more children than any vehicle is able to safely accommodate when child restraint systems and seat belts are properly installed in the vehicle.
2. Any child transported by the center must be properly restrained in a child restraint system that meets the requirements of Colorado child passenger safety laws at sections 42-4-236 and 42-4-237, C.R.S.
3. Children who meet the requirements to be restrained in a safety belt must be instructed and monitored to keep the seat belt properly fastened and adjusted.
4. Two (2) or more children must never be restrained in one (1) safety belt or child restraint system.
5. In vehicles with a manufacturer's established capacity of sixteen (16) or more passengers, seat belts for passengers are not required.

**C. Requirements for Drivers of Vehicles**

1. All drivers of vehicles transporting children must operate the vehicle in a safe and appropriate manner.
2. All drivers of vehicles owned or leased by the center in which children are transported must have a current Department-approved First Aid and safety certificate that includes Cardiopulmonary Resuscitation (CPR) for all ages of children.
3. In each vehicle used to transport children, drivers must have access to a First Aid kit.
4. The driver must ensure that all doors are secured at all times when the vehicle is moving.
5. The driver must make a good faith effort to ensure that each child is properly belted throughout the trip.
6. The driver must not eat, smoke, vape, or use a cellular or other mobile device while driving.
7. The required staff to child ratio must be maintained at all times.
8. All drivers must be at least twenty (20) years of age.

9. Drivers must complete a minimum of (3) three hours of driver training and a minimum of one (1) hour of behind the wheel training prior to transporting children. The driver training curriculum may be developed and administered by the center and must include at a minimum: participant transport attendance procedures, including taking attendance at the destination; managing behavioral issues; loading and unloading procedures; daily vehicle inspection procedures; proper tire inflation; emergency equipment and how to use it; accident procedures; passenger illness procedures; procedures for backing up; and vehicle evacuation. After completing the curriculum, centers must provide a certificate of completion to their drivers.
  - a. Documentation of driver training must be maintained in the employee file.

## **PROGRAM ACTIVITIES**

### **2.518 ACTIVITY**

- A. The center must provide parent(s) or guardian(s) with a list of activities it offers.
- B. Parent(s) or guardian(s) must be given the opportunity to indicate to the staff of the center if they do not want their child to participate in an activity.
- C. Parent(s) or guardian(s) must be notified in advance of all activities that will occur away from the center. If a child participates in activities away from the center, the center must obtain the parent(s) or guardian(s) written permission for the child to participate in the activity at a specific location and day. Staff ratios found at rule section 2.510, must be maintained during any activities away from the center.
- D. If the center takes children on routine short excursions, such activities and locations must be posted at the center.
- E. Portable first aid kits must be available to staff at all times, including field trips and short excursions, and must be checked and restocked on at least a monthly basis.

### **2.519 SCREEN TIME AND MEDIA USE**

- A. Television viewing, including videos, should not be permitted without the approval of a child's parent(s) or guardian(s), who must be advised of the center's policy regarding television and video viewing.
- B. All media that children are exposed to must be developmentally appropriate and must not contain explicit language or topics.
- C. All television, recorded media, computer, tablet, cell phones, video games and other media devices are prohibited during snack or meal times except during a planned special occasion.
- D. The center must develop a media and internet usage plan outlining screen time and media use related to their curriculum. The media plan must have information on ongoing communication with children about safe online practices. The center must obtain a signed document stating that the parent(s) or guardian(s) have received this plan, and agree to the activities described in the plan.
- E. All children must be provided with a developmentally appropriate alternative activity once the child(ren) loses interest in the media activity.
- F. There is no time restriction for children using personal adaptive equipment, assistive technology, or participating in mandatory school activities.

**2.520 FIELD TRIPS**

- A. The center must notify the children's parent(s) or guardian(s) in advance of any field trip. The staff-child ratios found at rule section 2.510 must be maintained at all times.
- B. All groups of children must be directly supervised by a qualified program director or program leader at all times.
- C. An accurate itinerary of each field trip must remain at the center.
- D. The staff must have the following information about each child: parent(s) or guardian(s) contact information; health care provider's name, address, and phone number; and the written authorization from parent(s) or guardian(s) for emergency medical care.
- E. If children attending the field trip require medications to be administered during the field trip or have special health needs, a staff member with current medication administration training and delegation must attend the field trip.
- F. A list of all children and staff on a field trip must be kept at the center.
- G. A copy of the emergency disaster plan must accompany staff offsite.

**2.521 PHYSICAL ACTIVITY**

- A. Daily physical gross motor activities, with or without equipment or materials, must be provided outdoors, or indoors during adverse weather, and air quality index advisory Unhealthy for Sensitive Groups for no less than sixty (60) minutes total for school-age child care centers operating over five (5) hours per day. Physical gross motor activities do not have to occur all at one time.
- B. Daily physical gross motor activities, with or without equipment or materials, must be provided outdoors or indoors during adverse weather, and air quality index advisory Unhealthy for Sensitive Groups for no less than thirty (30) minutes total for school-age child care centers operating from three (3) to five (5) hours per day. Physical gross motor activities do not have to occur all at one time.
- C. Daily physical gross motor activities, with or without equipment or materials, must be provided outdoors or indoors during inclement weather, for no less than fifteen (15) minutes total for school-age child care centers operating less than three (3) hours per day. Physical gross motor activities do not have to occur all at one time.

**CHILD CARE EQUIPMENT AND MATERIALS**

**2.522 GENERAL REQUIREMENTS**

- A. Buildings must be kept in good repair and maintained in a safe condition.
- B. Items labeled "keep out of reach of children" must be inaccessible to children.
- C. Indoor and outdoor equipment, materials, and furnishings must be sturdy, safe and free of hazards.
- D. Equipment, materials, and furnishings, including durable furniture such as tables and chairs, must be stored in a manner that is safe for children.

- E. Corridors, halls, stairs, and porches must be adequately lighted. Operable battery-powered lights must be provided in locations readily accessible to staff in the event of electric power failure. Batteries must be checked regularly.

**2.523 EQUIPMENT AND MATERIALS**

- A. The center must have enough play materials and equipment so that at any one (1) time the average number of children attending the school-age child care center can be individually involved. Children at the center must have access to age-appropriate materials and equipment from at least the following categories:
  - 1. Arts and Crafts;
  - 2. Manipulatives and games;
  - 3. Gross motor equipment;
  - 4. Literature; and
  - 5. Science and Math equipment and materials.
- B. An appropriate supply of play materials must be readily accessible to children and must be arranged in an orderly manner so that children can select, remove, and replace the play materials either independently or with minimal assistance.
- C. In a building based school-age child care center, rest time and rest equipment must be provided for school-age children who require a rest time.

**2.524 INDOOR AND OUTDOOR EQUIPMENT, MATERIALS, AND SURFACES**

- A. The building based school-age child care center must provide access to an outdoor play area. The outdoor play area may be a city park or public school ground. The play area must meet the following requirements:
  - 1. The center must provide a total outside play area of at least seventy-five (75) square feet per child for a minimum of one-third of the licensed capacity of the center or a minimum of 1500 square feet, whichever is greater;
  - 2. Access to a shaded area, sheltered area, or inside building area must be provided at all times to guard children against the hazards of excessive sun and heat;
  - 3. Outdoor play areas provided by the center must not have equipment that exceeds six (6) feet in height for any surface area intended for children's play unless equipped with a protective barrier to prevent children from falling; and
  - 4. Resilient Surfacing
    - a. All outdoor climbing equipment over eighteen (18) inches must have least six (6) inches resilient surface throughout the use zone.
    - b. Department-approved resilient surfacing includes loose fill materials such as wood chips, wood mulch, engineered wood fiber, pea gravel, synthetic pea gravel, shredded rubber tires, and sand. Solid unitary materials include poured in place surfacing, approved rubber mats, playground tiles, and AstroTurf with built in resilient pad.

- c. Loose fill resilient surface must be raked regularly to retain its resiliency and to retain a depth of at least six (6) inches.
  - d. Any newly installed solid unitary materials used for resilient materials must have written documentation from the manufacturer stating the material meets current federal safety standards. The documentation must be available for review at all times.
- 5. Use Zone
  - a. Climbing equipment must have a six (6) foot use zone surrounding the equipment. For slides exceeding six (6) feet in height, the use zone from the base of the slide must be as long as the slide height.
  - b. The use zone for swings used by school-age children is determined by measuring the distance from the top of the swing to the ground. This measured distance must extend from both the front and the back of the swing.
- 6. Moving equipment must be located toward the edge or corner of a play area or be designed in such a way as to discourage children from running into the path of the moving equipment.
- 7. Metal equipment must be placed in the shade.
- 8. Swings must have seats made of a flexible material and all "S" hooks must be secured.
- 9. All outdoor play areas used for children's activities must be checked prior to use and kept safe and free from hazardous materials or debris by removal of debris, dilapidated structures, and broken or worn play equipment. The staff must identify hazardous, high-risk areas; those areas must be made inaccessible to children to reduce the possibility of injuries and accidents.
- 10. For purposes of a playground facility inspection, the Department shall accept as satisfactory proof of valid certification of the playground facility, certification, or a copy of certification within the last twelve (12) months, from an individual who is licensed or certified to perform playground safety inspections through the National Recreation and Park Association, or other nationally recognized playground facility safety organization. The Department shall not require a duplicate inspection if there is a satisfactory inspection report.
  - a. All playground facilities who hold a certified playground safety inspection must maintain resilient surfacing in compliance with the certification.
- 11. The play area must be designed so that it is easily supervised.
- 12. Children must wear helmets when riding scooters, bicycling, skateboarding, or rollerblading. The helmet must be removed after the activity.
- 13. All pieces of playground equipment must be designed to guard against entrapment and strangulation.
- 14. The playground area must be in good repair, of solid and safe construction, free of rough edges, protruding bolts.

15. Playground surfaces must be checked prior to use for the presence of dangerous or other foreign materials.
16. Motorized riding toys are not permitted.
17. Trampolines and inflatable bouncers are prohibited.

#### **2.525 INDOOR LEARNING ENVIRONMENT**

- A. There must be open, indoor play space of at least thirty (30) square feet of floor space per child, including space for movable furniture and equipment. For space to be counted in the square footage calculation, the space must be accessible and used by children. Indoor space is exclusive of kitchen, toilet rooms, office, staff rooms, hallways and stairways, closets, laundry rooms, and furnace rooms.
- B. Indoor play areas must be uncluttered, safe, and allow for freedom of movement.
- C. Adequate storage space must be provided for indoor and outdoor equipment and supplies.

### **BUILDING AND FACILITIES**

#### **2.526 TOILET FACILITIES**

- A. Children must be allowed the use of gender-segregated toilet facilities that are consistent with their gender identity, with toilets separated by partitions to provide privacy or private toilet facilities.
- B. There must be a minimum of one (1) toilet per thirty (30) or fewer children for which the center is licensed. Hand-washing facilities must be available at the ratio of one (1) sink per thirty (30) or fewer children. After April 1, 2018, all new construction must have a minimum of one (1) toilet and one (1) hand washing sink per every fifteen (15) or fewer children for which the center is licensed.
- C. Children with specific toileting needs
  1. The center must have one (1) or more designated change areas for all children in need of changing. The change area must:
    - a. Meet a child's individual and developmental needs and be large enough to accommodate the size of the child;
    - b. Have a place inaccessible to children for storing all change supplies and disinfecting solutions and products;
    - c. Have sufficient supplies; and
    - d. Be located and arranged to provide privacy in need of diaper changing and toileting assistance.

#### **2.527 GENERAL SAFETY REQUIREMENTS**

- A. Firearms as defined in section 18-1-901(3)(h), C.R.S., are prohibited on the premises, both indoor and outdoor, and in any vehicle in which children are transported.
- B. Major cleaning is prohibited in rooms occupied by children.

- C. Volatile substances, such as gasoline, kerosene, fuel oil, oil-based paints, firearms, explosives, and other hazardous items, must be stored away from the area used for child care and be inaccessible to children.
- D. Combustibles, such as cleaning rags, mops, and cleaning compounds, must be stored in well-ventilated areas separated from flammable materials and stored in areas inaccessible to children.
- E. Combustible materials must not be stored in hallways, stairways, boiler rooms, mechanical rooms, or electrical equipment rooms.
- F. All heating units, gas or electric, must be installed and maintained with safety devices to prevent fire, explosions, and other hazards. No open-flame gas or oil stoves, unscreened fireplaces, hot plates, or unvented heaters can be used for heating purposes. All heating elements, including hot water pipes, must be insulated or installed in such a way that children cannot come in contact with them. Nothing flammable or combustible can be stored within three (3) feet of a hot water heater or furnace.
- G. Closets, attics, basements, cellars, furnace rooms, and exit routes must be kept free from accumulation of extraneous materials such as furnishings, newspapers, and magazines.
- H. Extension cords cannot be used in place of permanent wiring.
- I. No other business can operate in the rooms used by the center during the hours of child care.

## **2.528 FIRE AND OTHER SAFETY REQUIREMENTS**

Centers must comply with the locally adopted fire code, including but not limited to the following:

- A. Every area used for child care must have at least two (2) exits to permit the prompt escape of occupants in case of fire or other emergency.
- B. Every building and structure must be constructed, arranged, equipped, maintained, and operated so as to avoid undue danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time reasonably necessary for escape from the building or structure in case of fire or other emergency.
- C. In every building or structure, exits must be arranged and maintained so as to provide free and unobstructed egress from all parts of the building or structure at all times when it is occupied. Locks or fastening devices to prevent free escape from the inside of any building must not be installed. Only panic hardware or single-action hardware is permitted on a door or on a pair of doors. All door hardware must be within the reach of children.
- D. One (1) exit from each room must be directly to the exterior of the building or to a common hallway leading to the exterior. The exit path must not go through an intervening room such as a bathroom, another classroom, storage room, or kitchen.
- E. All stairways, interior and exterior, that are used by children must be provided with handrails within reach of the children.
- F. Regardless of the number of staff and children, exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. Dead bolts may be installed on the main exit door, but the lock cannot be used during business hours, and there must a sign indicating that "this door must remain unlocked during business hours."



- G. Every exit must be clearly visible, or the route to reach it must be conspicuously indicated. Each path of escape must be clearly marked.
- H. Fire alarm and fire sprinklers must be provided in accordance with the locally adopted fire code. If a fire alarm system is installed, it must be used to warn occupants of the existence of fire or to facilitate the orderly conduct of fire exit drills.

## **RECORDS AND REPORTS**

### **2.529 ADMINISTRATIVE RECORDS AND REPORTS**

- A. The following records must be on file at the center:
  - 1. Records of enrollment, daily attendance for each child, and daily record of the time each child arrives at and departs from the center for the past twelve (12) months must be on file at the center either in written or electronic form. The previous two (2) years must be on file at either the center, a central location, or storage.
  - 2. A list of current staff members, substitutes, and staffing patterns for the past twelve (12) months must be on file at the center either in written or electronic form. The previous two (2) years must be on file at either the center, a central location, or storage.
  - 3. A record of visitors to the center for the past twelve (12) months must be on file at the center either in written or electronic form. The previous two (2) years must be on file at either the center, a central location, or storage.
- B. The center must submit to the Department as soon as possible, but not longer than twenty-four (24) hours, a written report about any child who has been separated from the group outside of the supervision of their assigned staff member or for whom the local authorities have been contacted. Such report must indicate:
  - 1. The name, birth date, address, and telephone number of the child;
  - 2. The names of the parent(s) or guardian(s) and their address and telephone number if different from those of the child;
  - 3. The date when the child was separated from the group outside of the supervision of their assigned staff member;
  - 4. The location, time, and circumstances when the child was separated from the group outside of the supervision of their assigned staff member;
  - 5. Actions taken to locate the child including whether local authorities were notified; and
  - 6. The name of the staff person supervising the child.
- C. All school-age child care centers must register their operational status information in the Department's provider status portal every calendar year between April and October.
  - 1. All school-age child care centers must update their information any time their operational status changes during a declared state emergency.

**2.530 CHILDREN'S RECORDS**

- A. An admission record must be completed for each child prior to or at the time of the child's admission. This record must be updated annually and when changes occur. The admission record must include:
1. The child's full name, birth date, current address, and date of enrollment;
  2. Parent(s) or guardian(s) names; home and e-mail addresses; telephone numbers, including home, work, and cell numbers; employer name and work address; and any special instructions as to how the parent(s) or guardian(s) can be reached during the hours the child is at the center;
  3. Names, addresses, and telephone numbers of persons other than parents/guardians who are authorized to pick up the child from the center;
  4. Names, addresses, and telephone numbers of persons who can assume responsibility for the child in the event of an emergency if parent(s) or guardian(s) cannot be reached immediately;
  5. Name, address, and telephone number of the child's physician, dentist, and hospital of choice if applicable;
  6. A health history including any health care plans, which indicates communicable diseases, and chronic illnesses or injuries the individual has had, immunization record or exemption status, any known drug reactions or allergies, medications being taken, and any necessary health procedures or special diet needs;
  7. An annual written authorization for emergency medical care signed and dated submitted by the parent(s) or guardian(s). The authorization must be notarized if required by the local hospital, clinic, or emergency health care facility;
  8. Written authorization obtained in advance of the event from a parent(s) or guardian(s) for the child to participate in field trips or special activities, listing all exclusions;
  9. Written authorization from a parent/guardian for the center to transport the child to and from school, whether walking or riding in an approved vehicle;
  10. A written record of any serious accident, illness, or injury occurring during care with a copy provided to the parent(s) or guardian(s);
  11. Written authorization from parent(s) or guardian(s) for media release; and
  12. A written record of any incident occurring during care when the child has been separated from the group outside of the supervision of their assigned staff member or for whom the local authorities have been contacted (see rule section 2.505(C)(12)).

**2.531 STAFF RECORDS**

- A. A written or electronic record must be maintained by the center for each staff member, and volunteer, that includes the following:
1. Name, address, telephone number, email, and birth date of the individual;
  2. Dates of employment and employment history ;

3. Name, address, and telephone number of the person(s) to be notified in the event of an emergency;
  4. Documentation of qualifications and training;
  5. All information from background checks as required in the General rules for Child Care Facilities at rule sections 2.120 and 2.121; and
  6. Within thirty (30) calendar days of employment a signed statement indicating that the individual has been trained, understands, and has had the opportunity to ask questions regarding the "Rules Regulating School-Age Child Care," the "General Rules for Child Care Facilities," and the "Rules Regulating Special Activities," if applicable.
- B. Each staff member's personnel file must contain all required information within thirty (30) working days of the first day of employment.

#### **2.532 CONFIDENTIALITY AND RETENTION**

- A. The confidentiality of all personnel and children's records must be maintained (see rule sections 2.128 through 2.130 of the General Rules for Child Care Facilities).
- B. Staff and children's records must be available, upon request, to authorized representatives of the Department.
- C. If records for organizations having more than one (1) center are kept in a central file, duplicate identifying and emergency information for both staff and children must also be kept on file at the center attended by the child and where the staff member is assigned.
- D. The records of children and staff must be maintained by the school-age child care center for at least three (3) years after the last date of attendance or employment with the school-age child care center.
- E. The health and mental health consultation records must be maintained by the center for at least three (3) years from the date of consultation.
- F. Posting of any personal information or photos of children on social media or advertisement without written parental consent is prohibited.

#### **SCHOOL-AGE CHILD CARE CENTERS OPERATED BY PUBLIC SCHOOL DISTRICTS; DAY CAMPS; MOBILE CAMPS; OUTDOOR CAMPS; AND OVERNIGHT TRIPS**

##### **2.533 SCHOOL-AGE CHILD CARE CENTERS OPERATED BY A PUBLIC SCHOOL DISTRICT**

- A. The administration of medical marijuana must comply with policies listed in sections 2-30-116, 12-255-120, and 12-255-127, C.R.S.
- B. Substitutes
1. In licensed school-age child care centers operated by public school districts, substitutes may be from the sponsoring school system's list of approved substitutes. Substitutes who do not meet qualifications for the position that they are substituting for can be used up to ten (10) calendar days per year. The dates and times must be recorded and made available for review at all times.

## **DAY CAMPS**

### **2.534 BUILDING BASED DAY CAMPS**

#### **A. Staff Qualifications**

1. All building based day camp staff must receive a minimum of fifteen (15) hours of pre-camp training. Pre-camp training must include all training activities that staff members participate in as a whole. Training must include, but not be limited to, familiarizing staff with the camp mission, site emergency policy and procedures, how to supervise and facilitate activities with campers, and health care policies and procedures. Policies and procedures must be in writing. Day camps must have a system in place to provide staff the essential training information for late hires.

### **2.535 MOBILE DAY CAMP**

#### **A. The minimum age of children is six (6) years old.**

#### **B. Facility Requirements**

1. The mobile day camp school-age child care centers may use a public park or playground as a gathering place if the mobile day camp primarily includes field trips away from the gathering place. Such school-age child care centers must have a contingency plan for facilities to use during adverse weather and Air Quality Index Advisory Unhealthy for Sensitive Groups. The plan must be available to parent(s) or guardian(s) on a daily basis.
2. If using the same building or designated area on a regular basis as a gathering place, time spent in the building cannot exceed two (2) total hours which is divided evenly between the morning drop off one (1) hour and evening pick up one (1) hour.
3. If the mobile day camp is using the same building or designated area on a regular basis for more than one (1) hour a day not to exceed a total of three and a half (3 ½ ) hours per day:
  - a. The building-based capacity must meet the thirty (30) square feet per child requirement.
  - b. The building-based capacity must meet the one (1) for every fifteen (15) children toilet requirements.
  - c. A variety of developmentally appropriate materials, equipment, and learning activities from the following categories must be available so that for any one (1) or all of the children in attendance can be individually involved:
    1. Arts and Crafts supplies;
    2. Manipulatives and Games;
    3. Gross motor equipment;
    4. Literature; and
    5. Science and math equipment and materials.
4. Mobile day camps must have a way to be contacted while in transit.

5. The mobile day camp must provide written schedules to parent(s) or guardian(s) and the Department. Any changes to location must be provided to parent(s) or guardian(s) and the Department prior to the change in location.
6. The mobile day camp must have an emergency evacuation plan and location.
7. The mobile day camp must develop a plan for transporting children, specific to each mobile day camp, in the case of an emergency. The plan must be approved by the Department prior to caring for children.
8. In case of a change in the planned itinerary, the headquarters of the mobile day camp must be notified immediately. parent(s) or guardian(s) must be instructed to contact the main headquarters to determine the exact location of their child.
9. In case of an emergency the mobile day camp must have emergency plans for all field trip locations.
  - a. Plans must be available for the Department to review.
  - b. Plans must be available for parent(s) or guardian(s)
  - c. All staff must be trained in emergency plans for all field trip locations prior to field trips.

**C. Staff Qualifications**

1. All staff must receive a minimum of fifteen (15) hours of pre-camp training. Pre-camp training must include all training activities that staff members participate in. Training must include, but not be limited to, familiarizing staff with the camp mission, site emergency policy and procedures, how to supervise and facilitate activities with campers, and health care policies and procedures. Mobile day camps must have a system in place to provide staff the essential training information for late hires.
2. There must be one (1) staff member for each ten (10) children in attendance if any six (6) year olds are present. There must be (1) staff member for each (15) children in attendance when all children are seven (7) years or older.
3. The mobile day camp must meet one (1) of the following:
  - a. There must be at least one (1) program director and one (1) program leader at all times with each group of children.
  - b. There must be at least two (2) program leaders at all times with each group of children.
  - c. If the mobile day camp is less than fifteen (15) minutes away from the base camp the camp may have one (1) program leader and one staff aide who is at least (18) years of age and has a current department approved CPR and First Aid certification with each group of children.

**D. Equipment and Materials**

1. If children are not actively engaged in a scheduled activity, children at the mobile day camp must have access to age-appropriate materials and equipment from at least the following categories:
  - a. Arts and Crafts;
  - b. Manipulatives and Games; and
  - c. Literature

**2.536 OUTDOOR DAY CAMP**

- A. The minimum age of children is six (6) years old.
- B. Facility Requirements
  1. The outdoor day camp school-age child care centers may use a public park or playground as a gathering place if the outdoor day camp primarily includes field trips away from the gathering place. Such school-age child care centers must have a contingency plan/plans for facilities to use during adverse weather and air quality index advisory Unhealthy for Sensitive Groups. The plan must be available to parent(s) or guardian(s) on a daily basis.
  2. Written schedules must be provided to parent(s) or guardian(s)) and the Department. Any changes to location must be provided to parent(s) or guardian(s) and the Department in advance.
  3. The outdoor day camp must have emergency evacuation plans and location.
  4. The outdoor day camp must develop a plan for transporting children, in the case of an emergency. The plan must be approved by the Department prior to caring for children.
  5. In case a change in the planned itinerary, the headquarters of the outdoor day camp must be notified immediately. Parent(s) or guardian(s) must be instructed to contact the main headquarters to determine the exact location of their child.
  6. In case of an emergency, the outdoor day camp must have emergency plans for all field trip locations.
    - a. Plans must be available for the Department to review.
    - b. Plans must be available for parent(s) or guardian(s).
    - c. All staff must be trained in emergency plans for all field trip locations prior to field trips.
- C. Staff Qualifications
  1. All staff must receive a minimum of fifteen (15) hours of pre-camp training. Pre-camp training must include all training activities that staff members participate in. Training should include, but not be limited to, familiarizing staff with the camp mission, site emergency policy and procedures, how to supervise and facilitate activities with campers, and health care policies and procedures. Outdoor day camps must have a system in place to provide staff the essential training information for late hires.

2. There must be one (1) staff member for each ten (10) children in attendance if any six (6) year olds are present. There must be (1) staff member for each (15) children in attendance when all children are over the age of seven (7).
  3. The outdoor day camp must meet one of the following:
    - a. There must be at least one (1) program director and one (1) program leader at all times with each group of children.
    - b. There must be at least two (2) program leaders at all times with each group of children.
    - c. If the outdoor day camp is less than fifteen (15) minutes away from the base camp the camp may have one (1) program leader and one staff aide who is at least (18) years of age and has a current department approved CPR and First Aid certification with each group of children.
- D. Equipment and Materials
1. A variety of developmentally appropriate materials, equipment, and learning activities from the following categories must be available so that for any one (1) time at least half (1/2) of the children for which the outdoor day camp is licensed can be individually involved:
    - a. Arts and Crafts supplies;
    - b. Manipulatives and Games;
    - c. Gross motor equipment;
    - d. Literature; and
    - e. Science and math equipment and materials.

**2.537 DAY CAMPS PROVIDING OVERNIGHT**

- A. The minimum age of children is six (6) years old.
- B. Day camp school-age childcare centers may offer no more than two (2) overnight stays per camp session.
- C. Programs must supply the dates and locations of all overnight stays to the Department prior to the camp season.
- D. Supervision:
  1. At no time may a child be left without qualified supervision. Sleeping quarters of the counselors must be within sight or hearing distance of the sleeping quarters of the children whom they supervise.
  2. Ratio of one (1) program director or program leader per number of children must be maintained at all times as follows:

| <b>Age of Children</b> | <b><u>Number of Children</u></b> | <b><u>Number of Staff Members</u></b> |
|------------------------|----------------------------------|---------------------------------------|
| 6 yrs.- 7 years. Old   | 6                                | 1                                     |
| 8 through 10 yrs. Old  | 8                                | 1                                     |
| 11 through 13 yrs. Old | 10                               | 1                                     |
| 14 yrs. and older      | 12                               | 1                                     |

3. There must be at least one (1) staff member who is Director qualified present for the overnight stay.
4. If the overnight stay is away from the day camp location, there must be a day-to-day itinerary prepared prior to departure. The day camp headquarters must keep a copy of the itinerary. The itinerary must be followed as closely as possible. Day camp headquarters must be notified of an itinerary change as soon as possible.
5. Sources of emergency care and methods of communication with such facilities as hospitals, police, and forest service must be identified for each campsite on the itinerary.
6. Transportation must be available at all times in cases of medical emergency according to the written emergency medical evacuation plan of the day camp.
7. Overnight location cannot be more than thirty (30) minutes away from emergency medical services by vehicle.

**F. Sleeping facilities**

1. All structures used by children must be kept in good repair at all times.
2. At least one-half of the floor area in each living unit, excluding tents, must have a minimum ceiling height of seven (7) feet. No portion of a room having a ceiling height of less than five (5) feet will be considered as usable floor space.
3. If fabric structures (tents) are used they must be constructed of a fire- and flame-retardant material.
4. Each child must be provided with their own mat, pad, bed, or cot.
5. The aisles between rows of cots, beds, or bunks must be kept clear for exiting purposes. There must be at least two (2) feet of clear space separating sides of cots, beds, or bunks.
6. If bunk beds are in use, no bunks may contain more than two tiers of beds. There must be at least twenty-seven (27) inches of clear space separating the tiers of beds and thirty-six (36) inches of clear space between the top tier and the ceiling. Electric lights which are within reach of the top bunk must be protected.
7. Each permanent sleeping unit, building, or tent must have at least thirty (30) square feet of floor space per person, child, or staff member for single-tier beds and twenty (20) square feet per person, child, or staff member for two (2) tier bunks.



8. In tent structures which have a platform floor, beds or bunks must be arranged in such a fashion that no child who might fall from a bed or bunk could fall through the sides of the tent to the ground below.
9. Campers must sleep in the same room or tent with individuals that are consistent with their gender identity.

## **2.600 RULES REGULATING SPECIAL ACTIVITIES**

### **2.601 AUTHORITY**

These rules and regulations are adopted pursuant to the rulemaking authority provided in section 26.5-1-105(1), C.R.S., and are intended to be consistent with the requirements of the State Administrative Procedures Act, sections 24-4-101 through 24-4-204 (the "APA"), C.R.S., the Anna Jo Garcia Haynes Early Childhood Act, sections 26.5-1-101 through 26.5-6-103 (the "Early Childhood Act"), C.R.S., the Child Care Licensing Act, sections 26.5-5-301 through 26.5-5-329, C.R.S.; and the Child Care Development and Block Grant Act of 2014, 42 U.S.C. sec. 9858e.

The specific rulemaking authorities granted for Special Activities include section 26.5-5-314, C.R.S.

### **2.602 SCOPE AND PURPOSE**

These rules and regulations shall govern the processes and procedures to become a licensed child care facility, and the health and safety requirements of licensed child care facilities in Colorado. These rules and regulations shall govern the health and safety requirements for special activities including Swimming, shoreline and wading activities, watercraft on flatwater, watercrafts on class I or class II moving water, white water rafting on class III and above, archery, riflery, ax-throwing, use of knives, horseback riding, rock climbing and climbing walls, single and or multi pitch climbing, high and or low ropes challenge courses, hiking, backpacking and camping, biking on public roads or mountain trails.

### **2.603 APPLICABILITY**

The provisions of these rules and regulations shall be applicable to licensed child care providers participating in special activities, which include licensed School Age Child Care, Child Care Centers, Family Child Care Homes, and Children's Resident Camps.

### **2.604 DEFINITIONS**

- A. "Action" means the functional mechanism that loads, fires, and ejects ammunition from a firearm.
- B. "Auto Belay" means an automatic electro-mechanical or mechanical climbing belay system. It replaces the need for a human belayer as the auto-belay automatically retracts the climbing rope, taking up the slack as you climb. A qualified individual must monitor the auto-belay system and attached climber.
- C. "Ax" means an ax or hatchet tool that consists of a heavy edged head attached to a handle.
- D. "Backstop or bullet stop" means a device, raised mound of earth, or suitable natural feature behind the targets, which is designed to safely capture fired bullets and constructed of material that prevents projectile ricochet.
- E. "Biking" means bicycling on a non-motorized bicycle.

- F. "Bouldering" is a form of free climbing that is performed on small rock formations or artificial rock walls without the use of ropes or harnesses. Bouldering under six (6) feet in height must follow all Playground Safety Regulations as listed in rule sections 2.230(C) of the rules regulating Child Care Centers, 2.337(B) of the rules regulating Family Child Care Homes, 2.424(G) of the rules regulating Children's Resident Camps, and 2.524(A) of the rules regulating School-Age Child Care Centers.
- 1. Or the program must submit a written plan for Department approval as stated in this rule section 2.605(D). Bouldering over six (6) feet in height must follow all regulations as listed in rule section 2.618, or the program must submit a written plan for Department approval as stated in this rule section 2.605(D).
- G. "Class I moving water" means fast-moving water with small waves and riffles.
- H. "Class II moving water" means water that has medium-sized waves and some minor rocks or other obstacles. The water moves fast enough to create whitecaps that are one to three (1–3) feet high.
- I. "Firing distance" means the distance between the firing line and the target line.
- J. "Firing line" means a line parallel to the targets, from behind which firearms are discharged.
- K. "Firing point" means specific locations from which individual participants engage their targets.
- L. "Flat Water" means calm, level, or a slow-flowing water channel.
- M. "Hiking" means walking outdoors on a trail, or off trail, for recreational purposes may entail various, uphill, or downhill or rough terrains and may require more equipment preparedness and ability.
- N. "Nocking an arrow" means to fit (an arrow) against the bowstring.
- O. "Target line" means a line parallel to the firing line along which targets are placed.
- P. "Top rope climbing" means a style of climbing where the rope runs from the climber's harness up to an anchor system at the top of the route and back down to the belayer on the ground. This creates a continuous loop that protects the climber in case of a fall.
- Q. "Watercraft" means non-motorized vessels including sailboat(s), paddleboat(s), paddleboard(s), canoe(s), kayak(s), rowboat(s), float tube(s), and rafts.

## **2.605 GENERAL PROVISIONS**

- A. All activities must operate under the applicable federal, state, and local laws, codes, and regulations. Programs must obtain all required permits and licenses in the location where the activities are taking place. Documentation of permits and licenses must be available for the Department to review.
- B. There shall be written policies and procedures that reflects the purpose of the program, including a list of activities. The policies and procedures must be provided to parents or guardians.
- C. Parents must be given the opportunity to indicate to a program whether they do not want their child to participate in a special activity.

- D. If the program participates in special activities other than those for which rules are found in this rule section, the program must submit a written plan to the Department for review prior to participating in the activity. The plan must include at least, the following:
1. The qualifications of the instructor as applicable to the activity;
  2. The qualifications, of any other staff members or activity leaders participating in the activity;
  3. The number of necessary staff members and supervision of children participating in the activity;
  4. The number of children allowed to participate in the activity;
  5. The staff-to-child ratios and group size of children participating in the activity;
  6. Conditions under which a child may participate in the activity, such as age or skill level of the child;
  7. Any special equipment necessary, how the equipment will be stored, maintained, inspected, and replaced as needed.
  8. Access to medical treatment;
  9. Development of an emergency plan;
  10. Age and developmentally appropriate safety considerations; and
  11. Geographic location of where the activity will take place.
- E. Paint ball activities where children shoot paint balls at other children are prohibited.
- F. The instructor for each special activity must be at least eighteen (18) years of age (unless otherwise defined in this rule section and is responsible for overseeing the special activity, as well as setting standards for the selection and training of activity leaders and staff.
1. The qualified instructor of each special activity must:
    - a. Provide annual training and orientation for all staff participating in the activity in the operating, safety, emergency, and supervision procedures of the activity.
      1. Documentation of training must include the following:
        - (a) Title of training.
        - (b) Date and clock hours of training.
        - (c) The name or signature of the trainer, or other approved method of verifying the identity of trainer or entity.
    - b. Assign duties to activity leaders and staff members.
    - c. Assure that all necessary equipment is complete, in good repair, and safe to use.

- d. Assure that environmental hazards are not severe enough to cause danger to children.
- G. Safety plans and rules shall be reviewed with participants at the beginning of each activity.
- H. All staff must be familiar with safety plans and rules for each activity they will be supervising.
- I. First Aid supplies shall be available at each special activity. The contents of each kit shall be adequate for the number of children and appropriate for the type of activity.
- J. The staff to child ratio for each type of program must be followed according to rules for that license type unless the ratio is different for the specified activity, in which case the activity staff to child ratio should apply. See rule sections 2.500 regulating School-Age Care Centers, 2.200 regulating Child Care Centers, 2.400 regulating Children's Resident Camps, and 2.300 regulating Family Child Care Homes.
- K. There must be a staff member with current Department-approved First Aid and CPR training at each activity location.
  - 1. If any activity is more than thirty (30) minutes from emergency medical services, at least one (1) staff member with the group must hold a current Wilderness First aid Training certification.
- L. If a child requires medication while away from the program, there must be at least one (1) staff member present with the group with current Department-approved medication administration training who has been delegated by a registered nurse or physician to administer medications. The program must not exclude children with health conditions requiring medications from participating in these activities.
  - 1. For family child care homes participating in special activities rule section 2.321(C)(2) regarding medication administration and mediation delegation apply.
- M. No child shall be forced to participate in any activity.
- N. If children are participating in multiple activities, rules regulating the specific special activity apply.
- O. The program must have a plan to address emergency situations while participating in the activity.
- P. A qualified staff member must be present supervising observers at the activity site and maintaining the ratios as defined at the specific ruleset the program is licensed as.
- Q. For all water activities, the program must have life-saving equipment that is readily accessible during water activities if a pool or body of water is six (6) feet or more in any direction and two (2) feet or more in depth. Life-saving equipment may include a ring buoy and rope, a rescue tube, a throwing line, and a shepherd's hook or reach pole that will not conduct electricity.
- R. Targets in archery, riflery, or ax throwing cannot be of the silhouette type or depict human form.

## **WATER ACTIVITIES**

### **2.606 SWIMMING**

If Family Child Care Homes, Child Care Centers, School-Age Child Care Centers, Children's Resident Camps, or Neighborhood Youth Organizations offer swimming activities, the following rules must be complied with:

- A. Qualifications:
  - 1. The swimming instructor must meet the following qualifications:
    - a. Hold a current Red Cross lifeguard training certificate or equivalent training certificate from a nationally recognized organization.
    - b. Ten (10) hours of documented experience indicating knowledge and skill in lifeguarding.
    - c. If the childcare program is offering swimming instruction, the swimming instructor must hold a current Red Cross water safety instructor certificate or equivalent certificate from a nationally recognized organization.
  - 2. Swimming activity leaders must be at least eighteen (18) years of age and meet the following qualifications:
    - a. Hold a current Red Cross lifeguard training certificate or equivalent certificate from a nationally recognized organization; and,
    - b. Must be trained as outlined in rule section 2.605(F)(1) by a swimming instructor.
- B. At any time the swimming area is open, there must be an individual with a current Red Cross lifeguard training certificate or equivalent training certificate from a nationally recognized organization present at the swimming area for each thirty (30) children in the water.
- C. The staff-to-child ratio while swimming must be one to ten (1:10).
  - 1. The swimming instructor or activity leaders do not count in the staff-to-child ratio for supervision of children.
- D. The swimming area must be off limits when the swimming instructor or swimming activity leaders are not present.
- E. If the program uses a pool for which they are not responsible, the program must provide a qualified lifeguard if the pool does not provide one.
- F. Swimming area rules and emergency procedures must be posted in a visible location at the swimming area.
- G. The swimming pool or swimming area shall meet the standards of the Colorado Department of Public Health and Environment (CDPHE), as defined in 5 CCR 1003-5 (December 15, 2020), herein incorporated by reference. No later editions or amendments are incorporated. These regulations are available from the Colorado Department of Public Health and Environment at no cost at <https://www.coloradosos.gov/CCR/GenerateRulePdf.do?ruleVersionId=9173&fileName=5%20CCR%201003-5>. These recommendations are also available for public inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash St., Denver, CO 80246, during regular business hours.
- H. If children are permitted to swim in a lake or pond, swimming areas must be clearly designated.
- I. Before children are permitted to swim in deep water, swimming skills must be tested by properly trained swimming activity leaders.

- J. There shall be a system known to children and staff for counting and supervising the children when children are in the water.
- K. The following equipment must be available for use at the pool side or the lake shore in which swimming is permitted:
  - 1. A rescue tube;
  - 2. Reach pole; and
  - 3. Backboard.

## **2.607 SHORELINE AND WADING ACTIVITIES**

If Family Child Care Homes, Child Care Centers, School-Age Child Care Centers, Children's Resident Camps, or Neighborhood Youth Organizations offer shoreline and wading activities, the following rules must be complied with:

- A. If a program has shoreline activities such as wading, fishing, ecology or nature studies, the program must have written policies and procedures on shoreline activities which include staff qualifications safety requirements, and staff-to-child ratios.
- B. Prior to participating in shoreline activities staff members must read and be instructed on the policies and procedures.
- C. The staff-to-child ratio while participating in shoreline activities must be at least one to ten (1:10).
- D. If children are permitted to wade in water that is more than twenty-four (24) inches deep, a certified lifeguard must be present and on duty.
- E. Before children are permitted to wade in water that is more than twenty-four (24) inches deep, swimming skills must be evaluated by properly trained swimming activity leaders. See rule section 2.606(A)(2). If determined by swimming staff, children must be wearing a United States Coast Guard approved personal flotation device sized appropriately to the activity and weight of the individual.

## **2.608 WATERCRAFT ON FLATWATER**

If Children's Resident Camps, School-Age Child Care Centers, or Neighborhood Youth Organizations offer watercraft on flatwater activities, the following regulations must be complied with:

- A. Qualifications:
  - 1. The watercraft instructor must meet one (1) of the following qualifications
    - a. Hold a current instructor certification from the American Canoe Association or another nationally recognized organization;
    - b. Hold a current Red Cross lifeguard training certificate or equivalent training certificate from a nationally recognized organization;
    - c. Hold a current American red cross basic water rescue certificate; or
    - d. Eight (8) hours of documented experience indicating knowledge and skill in watercraft instruction and rescue skills specific to the watercraft activities to be

conducted and have documented experience of engaging in the activity within the past two (2) years.

2. Watercraft activity leaders must be at least eighteen (18) years of age and meet the following qualifications:
  - a. Four (4) hours of documented experience indicating knowledge and skill in watercraft instruction specific to the watercraft activities to be conducted and have documented experience of engaging in the activity within the past two (2) years; and
  - b. Must be trained as outlined in rule section 2.605(F)(1) by a Watercraft Instructor.
3. Watercraft Staff must be at least sixteen (16) years of age and meet the following qualifications:
  - a. Two (2) hours of documented experience indicating knowledge and skill specific to the watercraft activities taking place; and
  - b. Must be trained as outlined in rule section 2.605(F)(1) by a Watercraft Instructor.

**B. Supervision**

1. Watercraft instructor or watercraft activity leader must be present for all watercraft activities.
  - a. A watercraft instructor must be on site and available to all watercraft activity leaders while watercraft activities are taking place.
2. A certified lifeguard must be present and on duty during all watercraft on flatwater activities; or
  - a. A watercraft instructor with current Department-approved First Aid and CPR certification must be present and on duty during all watercraft on flatwater activities.
3. The ratio while participating in watercraft on flatwater activities must be at least one to eight (1:8).
4. There shall be a minimum of two (2) staff members at the shoreline and/or on the water at all times when children are on the water. Staff must be positioned in locations where they are able to provide effective surveillance, and in close enough proximity to respond to participants within thirty (30) seconds to respond and execute rescue in an incident or emergency.
5. Before children are permitted to participate in watercraft activities, water safety skills must be evaluated by a watercraft instructor or properly trained watercraft activity leaders.
6. There must be one (1) watercraft instructor, activity leader, or staff member in any watercraft other than a kayak or paddleboard with children under seven (7) years old.

- C.** All staff and children on the water must be wearing a United States Coast Guard approved personal flotation device sized appropriate to the activity and weight of the individual.

- D. At no time shall the occupancy of the watercraft exceed the capacity established for the watercraft by the manufacturer.
- E. The watercraft must have on board a sound-producing device for signaling. Such a device may be operated by mouth, hand, or power and it must be able to be heard by persons on the water that indicates the need for participants and staff to return to the shore.
- F. Watercrafts shall not enter a swimming area when swimmers are in the water.

## **2.609 WATERCRAFT ON CLASS I OR II MOVING WATER**

If Children's Resident Camps, School-Age Child Care Centers, or Neighborhood Youth Organizations offer watercraft on class I or II moving water activities, the following regulations must be complied with:

- A. Qualifications:
  - 1. Watercraft Instructor on Class I or II moving water must meet the following qualifications:
    - a. Must be familiar with rescue techniques with watercrafts on moving water, and meet one of the following qualifications:
      - 1. Hold a current Swiftwater rescue certification from a nationally recognized organization; or
      - 2. Hold a current American Red Cross basic water rescue certificate, hold a current Department-approved First Aid and CPR certification, and eight (8) hours of documented experience indicating knowledge and skill in watercraft instruction and rescue on class I or II moving water specific to the watercraft activities to be conducted and have documented experience of engaging in the activity within the past two (2) years; or
      - 3. Hold a current Red Cross lifeguard training certificate or equivalent training certificate from a nationally recognized organization and eight (8) hours of documented experience indicating knowledge and skill in watercraft instruction and rescue on class I or II moving water specific to the watercraft activities to be conducted and have documented experience of engaging in the activity within the past two (2) years.
  - 2. Watercraft activity leaders on class I or II moving water must be at least eighteen (18) years of age and meet the following qualifications:
    - a. Four (4) hours of documented experience indicating knowledge and skill in in watercraft instruction and rescue on class I or II moving specific to the watercraft activities to be conducted and have documented experience of engaging in the activity within the past two (2) years; and
    - b. Must be trained as outlined in rule section 2.605(F)(1) by a Watercraft Instructor on Class I or II moving water.
  - 3. Watercraft Staff must be at least sixteen (16) years of age and the following qualifications:
    - a. Two (2) hours of documented experience indicating knowledge and skill specific to the watercraft activities taking place.



- b. Must be trained as outlined in rule section 2.605(F)(1) by a Watercraft Instructor on Class I or II moving water.
- B. Supervision
  - 1. A watercraft instructor on class I or II moving water must always present during all watercraft activities.
  - 2. The ratio while participating in watercraft on class I or class II moving water activities must be at least one to eight (1:8).
  - 3. There must always be a minimum of two (2) staff members at the shoreline and/or on the water when children are on the water. Staff must be positioned in locations where they are able to provide effective surveillance, and in close enough proximity to respond to participants within thirty (30) seconds to execute rescue in an incident/emergency.
    - a. Before children are permitted to participate in watercraft activities, water safety skills must be tested by properly trained watercraft staff members.
    - b. There must be one watercraft instructor, activity leader or staff member in any watercraft other than a kayak or paddleboard with children under seven (7) years old.
- C. The watercraft instructor must train children and watercraft activity leaders and staff on rescue techniques on moving water.
- D. The program must have written policies and procedures on evaluating the safety of the river. Supervising staff must be trained on the policies and procedures.
- E. All staff and children on the water must be wearing a United States Coast Guard approved personal flotation device sized appropriate for the activity and to the weight of the individual.
- F. Float tubes are prohibited on class I or II moving water.

**2.610 WHITE WATER RAFTING ON CLASS III AND IV RIVERS (CLASSES OF RIVERS ARE THOSE AS DEFINED BY THE INTERNATIONAL SCALE OF RIVER DIFFICULTY)**

- A. If the program operates white water rafting or kayaking, the program must have an active River Outfitter license as defined in section 33-32-102(6), C.R.S., from the Colorado Department of Natural Resources, Parks and Wildlife Commission.
- B. If a program provides a white-water rafting experience by purchase from a river outfitter, the license of the river outfitter must be active.

**ARCHERY, RIFLERY, AX-THROWING, AND USE OF KNIVES**

**2.611 ARCHERY**

If Children's Resident Camps, School-Age Child Care Centers, or Neighborhood Youth Organizations offer archery activities, the following regulations must be complied with:

- A. Qualifications
  - 1. Archery Instructor must meet one (1) of the following qualifications:

- a. Hold a current USA Archery Basic Archery Instructor level one (1) certification, a certification from a Nationally recognized organization; or
    - b. Six (6) hours of documented experience indicating knowledge and skill in archery instruction specific to the archery activities taking place and have documented experience of engaging in the activity within the past two (2) years.
  2. Archery activity leaders must be at least eighteen (18) years of age must meet the following qualifications:
    - a. Be trained as outlined in rule section 2.605(F)(1) from an archery instructor;
    - b. Have three (3) hours of documented experience indicating knowledge and skill in archery specific to the archery activities taking place; and
    - c. Have documented experience of engaging in the activity within the past two (2) years.
  3. Archery staff must be at least sixteen (16) years of age and meet the following qualifications:
    - a. One and half (1.5) hours of documented experience indicating knowledge and skill in archery specific to the archery activities taking place; and
    - b. Must be trained as outlined in rule section 2.605(F)(1) by an archery instructor.
- B. Supervision/ Ratios:
  1. An archery instructor or archery activity leader must be present at all times when children are present at the archery range or field.
    - a. An archery instructor must be on site and available to all archery activity leaders while archery activities are taking place.
  2. For every eight (8) active archers there must be at least one (1) archery instructor or archery activity leader present.
  3. A qualified staff member must be present supervising observers and maintaining the ratios as defined at the specific ruleset the program is licensed as.
- C. The archery range must be free from hazards and well-marked. There shall be a clear path to the target. Traffic, trail, or other camp activities must not be placed in the direction of the flight of the arrows.
- D. Equipment must be maintained in a safe condition. Bows and arrows must be inspected for fractures, splinters, or cracks before each use. Damaged bows and arrows must not be utilized.
- E. Equipment must be stored in a locked area when not in use. Bows and arrows shall be used only in the specified archery areas.
- F. All archers must use the same firing line. Arrows shall be issued only at the firing line by the archery instructor or archery activity leaders.
- G. Arrows shall be nocked to bow string after archers are on the firing line and after the signal to shoot has been given.

- H. Before arrows are released, archers shall have a definite target.
- I. Movement must be controlled by an archery instructor or archery activity leader. All participants must stay behind the firing line until the signal to retrieve arrows is given. All arrows shall be retrieved at the same time.
- K. Documentation of rules and procedures must be available for review at the archery range.
- L. If the program has field archery, written procedures must be posted to provide safety to the archers and include a procedure for check-in and out of archers and all equipment.
- M. Archery tag is prohibited.

## **2.612 RIFLERY**

If Children's Resident Camps, School-Age Child Care Centers, or Neighborhood Youth Organizations offer riflery activities, the following regulations must be complied with:

- A. Qualifications
  - 1. Range instructor must be at least twenty-one (21) years of age and must meet one (1) of the following qualifications:
    - a. Hold a current National Rifle Association instructor's certification; or
    - b. Sixteen (16) hours of documented experience indicating knowledge and skill in riflery instruction specific to the riflery activities taking place and have documented experience of engaging in the activity within the past two (2) years.
  - 2. Range activity leader must be at least eighteen (18) years of age and must be trained as outlined in rule section 2.605(F)(1) by a riflery instructor and meet one (1) of the following qualifications:
    - a. Hold a current National Rifle Association (NRA) Range Safety Officer certification;
    - b. Have documentation of a current Hunter Safety Instructor Certification; or
    - c. Eight (8) hours of documented experience indicating knowledge and skill in riflery specific to the riflery activities taking place and have documented experience of engaging in the activity within the past two (2) years.
  - 3. Range staff must be at least eighteen (18) years of age and meet the following qualifications:
    - a. Four (4) hours of documented experience indicating knowledge and skill in riflery specific to the riflery activities taking; and
    - b. Must be trained as outlined in rule section 2.605(F)(1) by a riflery instructor.
- B. Supervision:
  - 1. For every six (6) active participants there must be one (1) range instructor or range activity leader present.

2. The following individuals must always be present at the firing line while participants are present:
  - a. A range instructor is to directly supervise all live fire on the range.
    - (1) If more than one (1) range is active a range instructor must be on site and available to all range activity leaders while rifle activities are taking place.
- C. The rifle range must be free from all hazards, away from other activities and traffic of any type; be well marked with danger signs or flags; and all blind approaches must be fenced or blocked off.
  1. The range must have a clearly visible sign, or range warning flag system, indicating the operating status of the range (e.g. "CAUTION RANGE IN USE"/ "RANGE CLOSED")".
- D. Firearms and ammunition must be locked and stored separately.
- E. The range must be constructed with an appropriately designed bullet-stop so that all bullets will be stopped behind the targets. The bullet-stop must be free of trees, rocks, boulders, or other objects which may cause a bullet to ricochet from or overshoot the bullet-stop.
- F. There must be a well-defined firing line with firing points/ lanes that assist participants in locating their correct target, ensure participants do not interfere with each other during firing; and allow the range instructor or range activity leader to supervise shooters, clear firearm malfunctions, or to otherwise assist shooters as needed.
  1. The firing line surface must provide shooters with firm footing. If the firing line is elevated, it must be constructed to provide safe movement of participants on and off the elevated area.
- G. Targets must be placed as close to the backstop as practical to elevate off the ground to prevent bullet ricochet off the range floor. Targets shall be constructed of paper, cardboard, wood, or plastic. Steel or glass targets are not permitted.
  1. Target holders must be constructed of low ricochet materials such as wood or plastic.
- H. Only the following types of guns shall be permitted:
  1. .22 caliber rimfire, single-shot, bolt-action rifles having no trigger modification other than the factory setting.
  2. Pneumatic spring-type and CO2 air guns may be either .22 caliber or .177 (Ball Bearing (BB) size).
- I. All participants must always wear protective eye equipment.
- J. All participants must wear appropriate hearing protection when using .22 caliber rimfire, single-shot, bolt-action rifles. All observers and anyone within the range area must wear appropriate hearing protection when .22 caliber rimfire, single-shot, bolt-action rifles are in use.
- K. The range instructor or the range activity leader must maintain or supervise the proper condition of the firearms, inspect firearms before and after usage, and clean firearms, as necessary. Firearms that do not function properly must be repaired and tested before usage.

- L. Instruction on the use of firearms must be reviewed with all participants prior to participating in the activity.
- M. Range rules and emergency procedures must be posted at the range.
- N. The range instructor or range activity leader must distribute cartridges at the firing line only. No more than five (5) cartridges at a time should be distributed to a participant.
- O. Firing must only be permitted at the firing line.
  - 1. Observers must remain a minimum of fifteen (15) feet behind the firing line at all times. If not firing or training, observers must not be in the firing line area.
- P. Any firearm that is not on the firing line ready to fire must have the magazine or cartridge feeding device removed and the chamber unloaded with the action open.
- Q. All firearms must be unloaded immediately upon the command "cease firing" regardless of when this command is given. Firearm actions must remain open until further commands are given.
- R. Prior to anyone going downrange, or towards the target area, all firearms must have the magazine or cartridge feeding device removed, the chamber unloaded with the action open, the muzzle of the firearm pointed at a safe direction, and movement must be controlled by the range instructor and the range activity leader. A range instructor or range activity leader must remain at the firing line with all firearms.
- S. All spent or unspent cartridges must be returned to the range instructor or range activity leader.

### **2.613 AX-THROWING**

If Children's Resident Camps, School-Age Child Care Centers, or Neighborhood Youth Organizations offer Ax-throwing activities, the following regulations must be complied with:

- A. Qualifications
  - 1. The ax-throwing instructor must meet the following qualifications:
    - a. Six (6) hours of documented experience indicating knowledge and skill training or in ax-throwing instruction specific to the ax-throwing activities taking place and have documented experience of engaging in the activity within the past two (2) years.
  - 2. Ax-throwing activity leaders must be at least eighteen (18) years of age and meet the following:
    - a. Three (3) hours of documented experience indicating knowledge and skill in ax-throwing specific to the ax-throwing activities taking place and have documented experience of engaging in the activity within the past two (2) years; and
    - b. Must be trained as outlined in rule section 2.605(F)(1) by an ax-throwing instructor.
  - 3. Ax-throwing staff must be at least sixteen (16) years of age and meet the following:
    - a. One and half (1.5) hours of documented experience indicating knowledge and skill in ax-throwing specific to the ax-throwing activities taking place; and

- b. Must be trained as outlined in rule section 2.605(F)(1) by an ax-throwing instructor.
- B. Supervision/ Ratios:
  - 1. An ax-throwing instructor or ax-throwing activity leader must be present at all times when children are present at the Ax-Throwing range.
    - a. An ax-throwing instructor must be on site and available to all ax-throwing activity leaders while ax-throwing activities are taking place.
  - 2. For every eight (8) throwers there must be at least one ax-throwing instructor or one ax-throwing activity leader present.
- C. The ax-throwing course must be free from hazards and well-marked. There shall be a clear, unobstructed path to the target. Traffic, trail, or other camp activities must not be placed in the direction of the path of the axes.
- D. The ax-throwing course must have a waiting line and a throwing line that are at least five (5) feet from each other.
- E. Equipment must be maintained in a safe condition. Prior to each use axes must be inspected for fractures, splinters, or cracks in the handle. The head of the ax must be secure to the handle with no movement. Damaged axes must not be utilized.
- F. Equipment must be stored in a locked area when not in use. Axes shall be used only in the specified ax-throwing areas.
- G. All ax throwers shall use the same throwing line. Axes shall be issued only at the throwing line.
- H. Axes shall not be thrown until after the signal to throw has been given.
- I. Before an ax is released, throwers must have a definite target. Targets must be appropriate for ax throwing.
- J. Movement must be controlled by an ax-throwing instructor or ax-throwing activity leader. All persons must stay behind the throwing line until the signal to retrieve axes is given. All axes shall be retrieved at the same time and placed in a designated area.
- K. Ax-throwing participants must wear closed-toed shoes. Instructors or activity leaders will need to check participants for any clothing that could obstruct a participant's throwing movement or vision including but not limited to scarves, hoods, or loose-fitting clothing.
- L. Instruction on the use of axes, proper throwing techniques must be reviewed with all participants prior to participating in the activity.
- M. The ax must never be thrown backwards or from the side.
- N. Documentation of rules and procedures must be available for review.

#### **2.614 USE OF KNIFES**

If Children's Resident Camps, School-Age Child Care Centers, or Neighborhood Youth Organizations offer knife use activities, the following regulations must be complied with:

- A. Qualifications
  - 1. All staff participating must be trained in the usage of knives and in the facilities, policies and procedures and have a current Department-approved first aid and CPR training certification.
  - 2. All staff participating must be trained as outlined in rule section 2.605(F)(1) from a supervisor.
- B. Supervision
  - 1. Program must develop supervision plans and supervision must be appropriate to the activities and ages of participants. Plans must be available for review by the Department.
- C. The program must have policies and procedures regarding the developmentally appropriate practice for the use of knives. The policies and procedures must include the following;
  - 1. Knife safety;
  - 2. Size of blades;
  - 3. Types of knives used;
  - 4. Appropriate supervision and staff to child ratios while using knives; and
  - 5. Storage of knives.
- D. Knife usage policies and emergency procedures must be reviewed with all participants prior to participating in the activity.
  - 1. Documentation of rules and procedures must be available for review.

## **HORSEBACK RIDING**

### **2.615 HORSEBACK RIDING ACTIVITIES**

If Children's Resident Camps, School-Age Child Care Centers, or Neighborhood Youth Organizations offer horseback riding activities the following rules must be complied with:

- A. Qualifications:
  - 1. The horseback riding Instructor must meet one (1) of the following qualifications:
    - a. A current certificate from a nationally recognized organization or riding school; or
    - b. Twenty (20) hours of documented experience indicating knowledge and skill in horseback riding instruction specific to the horseback riding activities taking place and have documented experience of engaging in the activity within the past two (2) years.
  - 2. Horseback riding activity leader must be at least eighteen (18) years of age and meet the following qualifications:

- a. Ten (10) hours of documented experience indicating knowledge and skill in horseback riding instruction specific to the horseback riding activities taking place and have documented experience of engaging in the activity within the past two (2) years; and
    - b. Must be trained as outlined in rule section 2.605(F)(1) by a horseback riding instructor.
  - 3. Horseback riding staff must be at least sixteen (16) years of age and meet the following qualifications:
    - a. Five (5) hours of documented experience indicating knowledge and skill in horseback riding specific to the horseback riding activities taking place; and
    - b. Must be trained as outlined in rule section 2.605(F)(1) by a horseback riding instructor.
- B. Supervision
  - 1. There must be one (1) horseback riding instructor or horseback riding activity leader present for every ten (10) or fewer children participating in the riding program.
    - a. A horseback riding instructor must be on site and available to all horseback riding activity leaders and staff.
  - 2. Trail Ride:
    - a. There must be an individual with current Department-approved CPR and First Aid certification present for each trail ride.
    - b. There must be at least two (2) staff present for each trail ride meeting the following qualifications:
      - 1. A riding instructor or riding activity leader; and
      - 2. A riding staff member.
    - c. Staff must have a communications plan during all trail rides.
- C. No participant is allowed in the barn area and riding area unless the horseback riding instructor or a Riding activity leader is present.
- D. The riding instructor or riding activity leader must determine the child's riding experience and level of skill and must take these into account in assigning which horse each child should ride and determining the type of riding activity in which each child should engage.
- E. The emergency procedures must be posted in the barn, stable, ring, or commonly used areas and include information required in section 13-21-119, C.R.S.
- F. The riding supervisor or riding instructor must review all riding rules with participants prior to participating in any riding activities.
- G. Children and staff shall be appropriately dressed for riding, which must include closed toed shoes or boots and long pants.



- H. The riding supervisor or riding instructor must evaluate the footgear of each child and make the stirrups safe for each child's shoe or boot.
- I. All children and staff must wear properly fitted helmets designed for equestrian use according to ASTM F1163-15 standards while riding as defined and explained by ASTM international at <https://www.play.org/f1163-15.html> (February 2023), herein incorporated by reference. No later editions or amendments are incorporated. These resources are available at no cost from ASTM International at ASTM.org. These resources are also available for public inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash St., Denver, CO 80246, during regular business hours.
  - 1. Helmets must be replaced according to the manufacturer's recommendations or at least every five (5) years.
- J. The horseback riding equipment shall be in good condition, properly sized and adjusted for each rider. All equipment must be used and maintained according to the manufacture recommendations.
- K. Any hazardous items and materials including but not limited to tools and medications must be inaccessible to children.
- L. The horse barn or stable, ring, and commonly used trail(s) shall be in good repair and free of dangerous obstructions.
- M. Horses shall be cared for with evidence of an adequate feeding schedule, fresh water must be readily available and procedures in place to care for sick horses.
- N. Horses must not be permitted in the other designated activity areas.

## **CLIMBING**

### **2.616 ROCK CLIMBING AND CLIMBING WALLS**

If Children's Resident Camps, School-Age Child Care Centers, or Neighborhood Youth Organizations offer basic/top roped climbing, which includes such topics as the care and use of basic equipment, knots, and belaying, verbal signals, and or techniques of rappelling, the following rules must be complied with:

- A. Qualifications:
  - 1. Climbing instructor must meet one (1) of the following qualifications:
    - a. Have a current top-roped climbing instructor certification; or
    - b. Sixteen (16) hours of documented experience indicating knowledge and skill in knots, anchors, safety zones, verbal signals, belaying, rappelling, and safe tie-ins, and climbing instruction specific to the rock-climbing activities taking place, and have documented experience of engaging in the activity within the past two (2) years.
    - c. If an auto-belay device is used:
      - (1) The instructor must have four (4) hours of documented experience indicating knowledge and skill in use and operation of the auto belay device, knots, safety zones, verbal signals, belaying, rappelling, and safe tie-ins, specific to the climbing activities taking place, and have

documented experience of engaging in the activity within the past two (2) years.

2. Climbing activity leaders must be at least (18) years of age, have documentation of a skills verification, must be trained as outlined in rule section 2.605(F)(1) by a climbing instructor and meet one (1) of the following qualifications:
  - a. Must have verified knowledge of technical climbing by completion of a course or climbing school; or
  - b. Eight (8) hours of documented experience from a climbing supervisor indicating knowledge and skill in knots, safety zones, verbal signals, belaying, rappelling, and safe tie-ins, and climbing instruction specific to the rock-climbing activities taking place and have documented experience of engaging in the activity within the past two (2) years.
  - c. If an auto-belay device is used:
    - (1) The activity leader must have at least two (2) hours of documented experience indicating knowledge and skill in use and operation of the auto belay device, knots, safety zones, verbal signals, belaying, rappelling, and safe tie-ins, specific to the climbing activities taking place, and have documented experience of engaging in the activity within the past two (2) years.
3. Climbing staff must be at least sixteen (16) years of age and meet the following qualifications:
  - a. Four (4) hours of documented experience indicating knowledge and skill in knots, anchors, safety zones, verbal signals, belaying, rappelling, and safe tie-ins, specific to the rock-climbing activities taking place, and have documented experience of engaging in the activity within the past two (2) years.
  - b. If an auto-belay device is used:
    - (1) The climbing staff must have at least one (1) hour of documented experience indicating knowledge and skill in use and operation of the auto belay device, knots, safety zones, verbal signals, belaying, rappelling, and safe tie-ins, specific to the climbing activities taking place, and have documented experience of engaging in the activity within the past two (2) years.

**B. Supervision:**

1. At least two (2) rock-climbing staff must be present at the climbing site at all times. At least one of the staff must be a rock-climbing instructor or activity leader.
  - a. A rock-climbing instructor must be on site and available to all rock-climbing activity leaders and climbing staff while rock climbing activities are taking place.
2. For every eight (8) active climbers there must be at least one (1) rock climbing instructor or rock-climbing activity leader present.
3. A qualified staff member must be present supervising observers maintaining the ratios as defined at the specific ruleset the program is licensed as.

- C. The climbing instructor shall approve guidelines for the proper maintenance of all climbing equipment used. Equipment shall be checked by the instructor or activity leader immediately prior to use.
- D. All rock-climbing equipment shall be maintained and replaced according to the manufacture recommendations and be visually and physically inspected before each climb.
- E. Climbers in a natural outdoor environment must wear helmets specifically designed for the activity at all times when in designated helmet zones.
  - 1. When an auto belay device is used, a helmet should not be worn.
- F. The program shall not permit an unsupervised climb.
- G. The climbing supervisor or climbing activity leader must have knowledge of where the climb will occur and must give approval prior to the activity taking place.
- H. Each rock climber must be visually supervised.
- I. All climbers and rappellers shall be belayed in a manner consistent with current industry standards.
- J. Belayers must be instructed in proper procedures, and directly supervised until their skills have been verified by a climbing instructor.

**2.617 SINGLE AND/OR MULTI-PITCH CLIMBING (DOES NOT INCLUDE TOP-ROPED CLIMBING)**

If Children's Resident Camps, School-Age Child Care Centers, or Neighborhood Youth Organizations offer single or multi-pitch climbing, the following rules must be complied with:

- A. Qualifications:
  - 1. Single or multi-pitch climbing instructors must meet the one (1) of following qualifications:
    - a. An American Mountain Guides Association (AMGA) multi-pitch instructor course and have passed the AMGA Single Pitch Instructor assessment; or
    - b. Sixteen (16) hours of documented experience indicating knowledge and skill in knots, anchors, safety zones, verbal signals, belaying, rappelling, and safe tie-ins, and climbing instruction specific to the rock-climbing activities taking place; and
      - (1) Documentation that the individual has led or shared lead on ten (10) single or multi-pitch rock routes within the last two (2) years.
  - 2. Single or multi-pitch climbing activity leaders must be at least eighteen (18) years of age and have knowledge of rescue techniques, documentation of a skills verification, must be trained as outlined in rule section 2.605(F)(1) by a climbing instructor and meet one (1) of the following qualifications:
    - a. Have a current AMGA single pitch instructor certification; or

- b. Eight (8) hours of documented experience indicating knowledge and skill in knots, anchors, safety zones, verbal signals, belaying, rappelling, and safe tie-ins, and climbing instruction specific to the rock-climbing activities taking place and have documented experience of engaging in the activity within the past two (2) years.
  - 3. Climbing staff must be at least sixteen (16) years of age and meet the following qualifications:
    - a. Four (4) hours of documented experience indicating knowledge and skill in knots, anchors, safety zones, verbal signals, belaying, rappelling, and safe tie-ins, specific to the rock-climbing activities taking place, and have documented experience of engaging in the activity within the past two (2) years; and
    - b. Must be trained as outlined in rule section 2.605(F)(1) by a single or multipitch climbing instructor.
- B. Supervision:
  - 1. At least two (2) staff must be present at the climbing site at all times one of the two (2) staff must be a single or multi pitch climbing instructor or activity leader.
    - a. A single or multi pitch rock-climbing instructor must be on site and available to all rock-climbing activity leaders while rock climbing activities are taking place.
  - 2. For every three (3) climbers there must be at least one rock climbing instructor or rock-climbing activity leader present.
- C. No climbing instructor shall take participants on a climb the climbing instructor has not completed previously.
- D. The multi-pitch climbing instructor must assess the ability of all children participating as to the difficulty of the climb.
- E. The single or multi-pitch climbing instructor must have knowledge of where the climb will occur and must give approval prior to the activity taking place.
- F. No child will be the rope leader unless their skills have been verified by a climbing instructor.

## **2.618 HIGH AND/OR LOW ROPES CHALLENGE COURSES AND ZIPLINES**

If Children's Resident Camps, School-Age Child Care Centers, or Neighborhood Youth Organizations offer high and/or low ropes challenge courses, a climbing wall as part of a ropes course, or ziplines the following rules must be complied with:

- A. Qualifications:
  - 1. Challenge course instructor must meet one (1) of the following qualifications:
    - a. Hold a current certification specific to that activity or challenge course "system" from a recognized organization or certifying body. If the certificate does not have an "expiration date," the certificate must have been completed within the past two (2) years; and the supervisor must have documented experience of engaging in the activity within the past two (2) years;

- b. If the course involves high ropes the challenge course instructor must have sixteen (16) hours of documented experience indicating knowledge and skill in challenge course instruction related to the challenge course activities taking place and have documented experience of engaging in the activity within the past two (2) years; or
    - c. If the course involves only low ropes the challenge course instructor must have eight (8) hours documented experience indicating knowledge and skill in challenge course instruction related to the challenge course activities taking place and have documented experience of engaging in the activity within the past two (2) years.
  - 2. The challenge course activity leader must be at least eighteen (18) years of age, must have documentation of skills verification, and must be trained as outlined in rule section 2.605(F)(1) from an individual that is qualified as a challenge course instructor and must meet the following qualifications:
    - a. If the course involves high ropes the challenge course activity leader must have ten (10) hours of documented experience indicating knowledge and skill in challenge course instruction specific to the challenge course activities taking place, and have documented experience of engaging in the activity within the past two (2) years; and
    - b. If the course involves only low ropes the challenge course activity leader must have five (5) hours of documented experience indicating knowledge and skill in challenge course instruction to the challenge course activities taking place and have documented experience of engaging in the activity within the past two (2) years.
  - 3. Challenge course staff must be at least sixteen (16) years of age and must be trained as outlined in rule section 2.605(F)(1) from an individual that is qualified as a challenge course instructor and meet one (1) of the following qualifications:
    - a. If the course involves high ropes the challenge course staff must have five (5) hours of documented experience indicating knowledge and skill in challenge course instruction specific to the challenge course activities taking place; or
    - b. If the course involves only low ropes, the challenge course staff must have three (3) hours of documented experience indicating knowledge and skill in challenge course instruction specific to the challenge course activities taking place.
- B. Supervision:
  - 1. At least two (2) staff must be present at the course site at all times. One (1) of the two (2) staff members must be a challenge course activity leader.
    - a. A challenge course instructor must be on site and available to all challenge course activity leaders while challenge course activities are taking place.
    - b. For every eight (8) participants there must be at least one challenge course instructor or challenge course activity leader present.
- C. Ropes course elements must have written evidence of annual inspection for integrity of all hardware, materials, and equipment by an individual qualified through a nationally recognized organization such as: Association of Challenge Course Technology (ACCT).

- D. Ropes courses must be use as designed and inspected regularly by the rope supervisor or the rope instructor.
- E. All equipment and elements of a rope course must be safety checked prior to each use and have written records of regular inspection and maintenance of all equipment and elements utilized. Equipment must be maintained and replaced per manufactures' recommendations.
- F. Children must wear safety equipment appropriate for the activity.
- G. Children must wear properly fitted helmets when using the high ropes course.
- H. At all times, there must be a rope supervisor or rope instructor on the ropes course with children.
- I. Ropes courses must be off limits to children when a rope supervisor or rope instructor is not present and access to ropes course must be controlled
- J. The program must have written safety procedures for use of the ropes course(s). Staff must be trained in the safety procedures.

## **HIKING, BACKPACKING, AND CAMPING**

### **2.619 HIKING**

If School-Age Child Care Centers, Children's Resident Camps, or Neighborhood Youth Organizations offer hiking activities, the following rules must be complied with:

- A. Qualifications
  - 1. Hiking instructor must meet the following qualifications:
    - a. Hold a current Department-approved First Aid certification; and
    - b. Six (6) hours of documented experience indicating knowledge and skill in the symptoms and correct treatment procedures for hypothermia and dehydration and hiking instruction specific to the hiking activities taking place and have documented experience of engaging in the activity within the past two (2) years.
  - 2. Hiking activity leaders must be at least eighteen (18) years of age and meet the following qualifications:
    - a. Three (3) hours of experience specific to the hiking activities taking place;
    - b. Hold a current Department-approved First Aid certification; and
    - c. Must be trained as outlined in rule section 2.605(F)(1) by a hiking instructor.
  - 3. Hiking staff must be at least sixteen (16) years of age and meet the following qualifications:
    - a. Must be trained as outlined in rule section 2.605(F)(1) by a hiking instructor; and
    - b. One and a half (1.5) hours of documented experience indicating knowledge and skill in hiking specific to the hiking activities taking place.
- B. Supervision & Ratios

1. Staff must continually observe and monitor participants on the trail including monitoring of symptoms including but not limited to sunburn, dehydration, fatigue, hypothermia, and heat related illness.
  2. At least two (2) hiking activity leaders must accompany a group in hikes. Hiking groups may divide up as long as hikers are always with one activity leader and activity leaders are in visual, verbal or electronic (radio or wireless communication) contact with each other.
- C. In selecting the area for hiking, the hiking instructor must consider the hiker's age, physical condition, and experience, as well as the season, weather trends during the trip, methods of evacuation, and communication.
- D. The program must have written safety procedures for hiking, including the written policies and procedures for evacuating a child that becomes sick or injured on a hike. Hiking activity leaders and children must be trained on the safety procedures and policies.
- E. Before participation, children must be instructed on:
1. The fundamental safety procedures to follow on the trail;
  2. Procedures to follow if separated from the group;
  3. Proper health and sanitation procedures on the trail;
  4. Rules and regulations of the governing land where the hiking occurs;
  5. Potential high-risk areas;
  6. Environmental hazard; and
  7. Procedures when encountering animals.
- F. Each hiker shall be equipped with protective clothing against natural elements such as rain, snow, wind, cold, sun, and insects.
- G. An itinerary of the hiking trip and a list of all participants on the hike must be kept at the program.
- H. If any off-trail hiking occurs during the trip, staff must have experience in traveling off trail including back country navigation.

## **2.620 BACKPACKING AND CAMPING**

If Children's Resident Camps, School-Age Child Care Centers, or Neighborhood Youth Organizations offer backpacking or camping trips where the basic needs for operation, such as places of dwelling, water supply systems, and permanent toilet and or cooking facilities are not usually provided, the overnight requirements for each type of program must be followed according to rules for that license type in addition to the following requirements:

- A. Qualifications
1. Backpacking/camping instructor must meet the following qualifications:
    - a. Hold a current Department-approved First Aid and CPR certification; and

- b. Eight (8) hours of documented experience indicating knowledge and skill in the symptoms and correct treatment procedures for hypothermia and dehydration and backpacking and camping instruction specific to the backpacking and camping activities taking place and have documented experience of engaging in the activity within the past two (2) years.
  - 2. Backpacking/Camping activity leaders must be at least eighteen (18) years of age and meet the following qualifications:
    - a. Hold a current Department-approved First Aid certification;
    - b. Must be trained as outlined in rule section 2.605(F)(1) by a backpacking/camping instructor; and
    - c. Four (4) hours of experience specific to the backpacking/camping activities taking place.
  - 3. Backpacking/Camping staff must be at least sixteen (16) years of age and meet the following qualifications:
    - a. Two (2) hours of experience specific to the backpacking/camping activities taking place; and
    - b. Must be trained as outlined in rule section 2.605(F)(1) by a backpacking/camping instructor.
- B. Supervision and Ratios
  - 1. Staff must continually observe and monitor participants on the trip including monitoring of symptoms including but not limited to: sunburn, dehydration, fatigue, hypothermia, and heat related illness.
  - 2. Appropriate staff-to-child ratios must be maintained, but there must be at least two (2) staff members accompanying each trip. One (1) staff member must be at least eighteen (18) years of age, unless otherwise defined in an applicable rule.
    - a. If the program license type allows the trip to exceed two (2) nights, there must be one (1) backpacking/camping instructor who is at least twenty-one (21) years of age.
  - 3. At no time may a child be left without qualified supervision. Sleeping quarters of the staff must be within sight or hearing distance of the sleeping quarters of the children whom they supervise.
  - 4. Children must sleep in the same room or tent with individuals that are consistent with their gender identity.
  - 5. In gender-segregated facilities where undressing in the presence of others occurs, camps shall make reasonable accommodations to allow access consistent with an individual's gender identity.
- C. The backpacking /camping instructor shall consider the hiker's age, physical condition, and experience, as well as the season, weather trends during the trip, methods of evacuation and communication, and availability of water when selecting the area for backpacking or camping.



- D. The program must have written safety procedures for backpacking or camping, including the written policies and procedures for evacuating a child that becomes sick or injured. Staff and children must be trained in the safety policies and procedures.
- E. Before participation, children shall have a safety orientation and be instructed on the applicable precautions, such as:
  - 1. The fundamental safety procedures to follow on the trip;
  - 2. Procedures for a hiker if separated from the group;
  - 3. Proper health procedures, including the need for drinking fluids and eating appropriate foods;
  - 4. Sanitation procedures;
  - 5. Rules and regulations of the governing land where the camping or backpacking occurs;
  - 6. Potential high-risk areas which may be found on the trip;
  - 7. Environmental hazards; and
  - 8. Procedures when encountering animals.
- F. Children shall be oriented to minimum impact guidelines and techniques.
- G. Each child shall be equipped with protective clothing and equipment against anticipated natural elements such as rain, snow, wind, cold, sun, and insects.
- H. Adequate shelters such as a tent must be available for each child. The shelter occupancy must be in compliance with the manufacturers' recommendations.
  - 1. All structures used by children must be kept in good repair at all times.
  - 2. If fabric structures are used, they must be constructed of fire and flame-retardant material.
- I. Each child must be provided with their own mat, pad, bed, sleeping bag, or cot.
- J. The program must have emergency plans for all locations.
  - 1. Plans must be available for the Department to review.
  - 2. Plans must be available for parents or guardians.
  - 3. All staff must be trained in emergency plans for all trip locations prior to trips.
- K. There must be a day-to-day itinerary prepared prior to departure.
  - 1. The Itinerary must include a list of all participants.
  - 2. Sources of emergency care and methods of communication with such facilities as hospitals, police, and forest service must be identified for each campsite on the itinerary.
  - 3. The program director must have access to a copy of the itinerary.

4. The itinerary must be followed as closely as possible.
  5. The program director must be notified of an itinerary change as soon as possible.
  6. The itinerary must be available to the Department, parents, and local police.
- L. Programs must have a contingency plan/plan for facilities to use during adverse weather and air quality index advisory Unhealthy for Sensitive Groups explained by the Environmental Protection Agency (EPA) at [https://www.airnow.gov/sites/default/files/2018-04/aqi\\_brochure\\_02\\_14\\_0.pdf](https://www.airnow.gov/sites/default/files/2018-04/aqi_brochure_02_14_0.pdf) (Feb. 2024), herein incorporated by reference. No later editions or amendments are incorporated. These resources are available at no cost from the Environmental Protection Agency (EPA) at <https://www.airnow.gov/aqi/aqi-basics/>. These resources are also available for public inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash St., Denver, CO 80246, during regular business hours. The plan must be available to parents/guardians.
- M. A copy of the current statement which has been signed and dated by the parent or guardian indicating that the camp staff may obtain emergency medical care must be readily available to the staff accompanying the participants.
- N. If any off-trail backpacking or camping occurs during the trip, staff must have experience in traveling off trail including back country navigation.

## **BIKING**

### **2.621 BIKING ON PUBLIC ROADS OR MOUNTAIN TRAILS**

If Children's Resident Camps, School-Age Child Care Centers, or Neighborhood Youth Organizations offer bicycling trips, the following rules must be complied with:

- A. Staff Qualifications
1. The biking instructor must meet the following qualifications:
    - a. Hold a current Department-approved First Aid certification; and
    - b. Six (6) hours of documented experience indicating knowledge and skill in biking specific to the biking activities taking place, and must be familiar with state laws about bicycling; be knowledgeable about the type of bicycling terrain where the bicycle trips will occur; know how to make simple bicycle repairs; how to properly fit a bike and select necessary equipment; and have documented experience of engaging in the activity within the past two (2) years.
  2. Biking activity leaders must be at least eighteen (18) years of age and meet the following qualifications:
    - a. Hold a current Department-approved First Aid certification; and
    - b. Biking activity leaders must be trained as outlined in rule section 2.605(F)(1) by a biking instructor; and
    - c. Three (3) hours of experience specific to the biking activities taking place.
  3. Biking Staff must be at least sixteen (16) years of age and meet the following qualifications:

- a. Must be trained as outlined in rule section 2.605(F)(1) by a biking instructor; and
  - b. One and a half (1.5) hours of experience specific to the biking activities taking place.
- B. Supervision and Ratios
  - 1. For every eight (8) bikers there must be at least one (1) biking instructor or biking activity leader present.
  - 2. At least two (2) biking staff must accompany a group while biking. One (1) must be a biking activity leader.
  - 3. Biking groups may divide up as long as bikers are always with one (1) activity leader and activity leaders are in visual, verbal or electronic (radio or wireless communication) contact with each other.
- C. The program must have written safety procedures of bike trips, including the written policies for evacuating a child that becomes sick or injured on a bike trip. Staff and children must be trained on the safety procedures and policies.
- D. Each rider shall wear head protection specifically designed for the type of biking activity according to ASTM F1447-18 standards while riding as defined and explained by ASTM international at <https://www.astm.org/f1447-18.html> (June 25, 2018), herein incorporated by reference. No later editions or amendments are incorporated. These resources are available at no cost from ASTM International at ASTM.org. These resources are also available for public inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash St., Denver, CO 80246, during regular business hours.
- E. The bicycle shall be equipped with brakes in working condition. Bicycles must be properly maintained, inspected prior to each bicycling trip, and adjusted to the size of the child riding the bicycle.
- F. Equipment must be maintained and replaced per manufacturers' recommendations.
- G. If the program allows children to use their own bicycles the biking staff or supervisor must inspect the bike to verify that the bicycle is appropriate for the activity, in good condition, properly maintained, and adjusted to the size of the child riding the bicycle prior to participating.
- H. An appropriate bicycle repair kit must be taken on each trip.
- I. The biking supervisor or staff must instruct children as to emergency procedures, safe riding practices, and road and trail etiquette.
- J. The biking supervisor or staff shall evaluate each child as to their physical capability to participate in the planned bicycling trip, keeping in mind the trip length, terrain, altitude of the trip, and weather conditions.
- K. An itinerary of the biking trip and a list of all participants on the biking trip must be kept at the program.

## **2.700 RULES REGULATING NEIGHBORHOOD YOUTH ORGANIZATIONS**

### **2.701 AUTHORITY**

These rules and regulations are adopted pursuant to the rulemaking authority provided in section 26.5-1-105(1), C.R.S., and are intended to be consistent with the requirements of the State Administrative Procedure Act, section 24-4-101, C.R.S., et seq. (the "APA"), the Anna Jo Garcia Haynes Early Childhood Act, section 26.5-1-101, C.R.S., et seq. (the "Early Childhood Act"), and the Child Care Licensing Act, section 26.5-5-301, C.R.S., et seq.

The specific rulemaking authorities granted for Neighborhood Youth Organizations include section 26.5-5-308(2), C.R.S.

### **2.702 SCOPE AND PURPOSE**

The Colorado Department of Early Childhood, Division of Early Learning, Licensing, and Administration is responsible for the administration of health and safety rules and requirements for licensed child care facilities. These rules outline the requirements for Neighborhood Youth Organizations. These rules shall govern the health and safety requirements for licensed Neighborhood Youth Organizations. All Neighborhood Youth Organizations must comply with the "Rules Regulating Neighborhood Youth Organizations" in rule section 2.700; "General Rules Regulating Child Care Facilities" in rule section 2.100; and "Rules Regulating Special Activities" in rule section 2.600.

### **2.703 APPLICABILITY**

The provisions of these rules and regulations shall be applicable to nonprofit organizations that provide programs and services to children, youth, and families through comprehensive wraparound supports to ensure positive growth and development during childhood and adolescence, and is designed to serve youth as young as five (5) years of age who are enrolled in kindergarten and as old as eighteen (18) years of age.

### **2.704 DEFINITIONS**

- A. "Employee" means a paid employee of a Neighborhood Youth Organization who is eighteen (18) years of age or older.
- B. "Neighborhood Youth Organization" means a nonprofit organization that provides programs and services, as described in section 26.5-5-308, C.R.S., to children, youth, and families through comprehensive wraparound supports to ensure positive growth and development during childhood and adolescence, and is designed to serve youth as young as five (5) years of age who are enrolled in kindergarten and as old as eighteen (18) years of age.
  - 1. These activities must occur primarily in a facility leased by, granted access or use to, or owned by the Neighborhood Youth Organization. The activities must occur in an environment in which youth have written parent or guardian consent to become a youth member of the Neighborhood Youth Organization, and to participate in the programs and services of the Neighborhood Youth Organization.
  - 2. A Neighborhood Youth Organization does not include faith-based centers, organizations or programs operated by state or city parks or special districts, or departments or facilities that are currently licensed as child care centers as defined in rule section 2.203(B) of the "Rules Regulating Child Care Centers."
- C. "Nonprofit Organization" means an organization that is exempt from taxation pursuant to section 501(c)(3) of the Federal "Internal Revenue Code of 1986", 26 U.S.C. sec. 501, as amended.

- D. "Volunteer" means a person who volunteers assistance to a Neighborhood Youth Organization and who is eighteen (18) years of age or older.
- E. "Youth member" means a youth who is five years of age and enrolled in kindergarten or who is older than five years of age and up to eighteen years of age whose parent or legal guardian has provided written consent for the youth to participate in the activities of a neighborhood youth organization..
- F. A "Youth Employee" is a paid staff member of a Neighborhood Youth Organization who is between the ages of fourteen (14) and seventeen (17) years, and does not have unsupervised contact with youth.

## **POLICIES AND PROCEDURES**

### **2.705 STATEMENT OF POLICIES AND PROCEDURES**

- A. Each Neighborhood Youth Organization is required to have a written mission statement. This statement must be kept on file, updated periodically, and made known to employees and parent(s)/guardian(s), and must be available during licensing inspections.
- B. The Neighborhood Youth Organization shall post its policies and procedures in plain view, and must make a written copy available to parents and guardians, which must include the following:
  - 1. The address of the licensed Neighborhood Youth Organization, general hours of operation, and policy regarding closure of the Neighborhood Youth Organization;
  - 2. The Neighborhood Youth Organization's mission statement;
  - 3. The ages of youth members accepted;
  - 4. The enrollment procedure for a youth member that at a minimum includes: the youth member's name, date of birth, parent/guardian contact information, emergency contact information, and written authorization to attend;
  - 5. The procedures for:
    - a. Arrival and departure from the Neighborhood Youth Organization;
    - b. Notification of parents and guardians, for handling emergencies;
    - c. Youth member's personal belongings and money;
    - d. Filing a complaint against the Neighborhood Youth Organization; and,
    - e. Background checks and other criminal history checks of employees and volunteers;
  - 6. The policies on:
    - a. Guidance;
    - b. Visitors;
    - c. Meals and snacks; and

- d. The reporting of child abuse (see rule section 2.122 of the “General Rules for Child Care Facilities”);
- 7. If services are offered for special needs youth members that the Neighborhood Youth Organization operates in compliance with rule section 2.115 of the “General Rules Regulating child Care Facilities;”
- 8. An itemized fee schedule; and
- 9. The role of the governing board.
- C. The fee for obtaining a Neighborhood Youth Organization license can be found in rule section 2.111 of the “General Rules Regulating Child Care Facilities.”

**2.706 COMMUNICATION, EMERGENCY AND SECURITY PROCEDURES**

- A. During the hours the Neighborhood Youth Organization is in operation, the Neighborhood Youth Organization must provide an office and/or monitored telephone number known to the public and available to parent(s)/guardian(s) in order to provide immediate access to the Neighborhood Youth Organization.
- B. The Neighborhood Youth Organization must have a working telephone with the number available to the public.
- C. The Neighborhood Youth Organization must have an established means of communication between employees and the program office when youth members are being transported or are away from the permanent site on a field trip.
- D. Emergency telephone numbers must be posted at each permanent site and taken on all field trips and during mobile Neighborhood Youth Organization programs. The emergency numbers shall include, at a minimum, emergency 911, or rescue unit telephone number if 911 is not available. Phone numbers are also required for the clinic or hospital nearest to the activity location; ambulance service; local fire, police, and health departments; and, Rocky Mountain Poison Control.
- E. The Neighborhood Youth Organization must have a written emergency procedure for the reporting of communicable illnesses to the local health department pursuant to regulations of the Colorado Department of Public Health and Environment. The complete list of reportable communicable illnesses can be found in 6 CCR 1009-1 (Apr. 19, 2023), rules and regulations pertaining to Epidemic and Communicable Disease Control, herein incorporated by reference. No later editions or amendments are incorporated. These regulations are available at no cost from the Colorado Department of Public Health and Environment at <http://sos.state.co.us/ccr>. These regulations are also available for public inspection and copying at the Department at 710 S. Ash St., Bldg. C., Denver, CO 80246, during normal business hours .
- F. The Neighborhood Youth Organization must be able to provide emergency transportation to a health care facility at all times either via program vehicle or the emergency medical services system.
- G. The director of the Neighborhood Youth Organization or the director's delegated substitute must have a means for determining at all times who is present at the Neighborhood Youth Organization.

- H. A written policy regarding visitors to the Neighborhood Youth Organization must be posted and a record maintained daily by the Neighborhood Youth Organization that includes, at a minimum, the visitor's name, phone number, and purpose of the visit.
- I. Each Neighborhood Youth Organization must have a written plan for action in case of emergencies, including, but not limited to: floods, tornadoes, severe weather, injuries, and how youth will be evacuated to a safe area. This plan must be on file at the Neighborhood Youth Organization. Neighborhood Youth Organization employees must have received training from the Neighborhood Youth Organization regarding the implementation of the plan prior to assuming supervisory responsibility for youth. Written verification of the training shall be in the employees personnel file.

## **RECORDS**

### **2.707 ADMINISTRATIVE RECORDS AND REPORTS**

- A. Each Neighborhood Youth Organization must develop a system of gathering, recording, and responding to complaints.
- B. The following records must be on file at the Neighborhood Youth Organization:
  - 1. Records of enrollment, daily attendance for each youth, and daily record of time each youth member arrives at and departs from the Neighborhood Youth Organization.
  - 2. Current Colorado Department of Public Health and Environment or local health department inspection report within the past twenty-four (24) months.
  - 3. Current local fire department inspection report issued within the past twenty-four (24) months.
  - 4. A list of current employees and volunteers either available on site or on file at a central location.
  - 5. A record of all emergency drills held over the past twelve (12) months, including date and time of drill, number of adults and youth members participating, and the amount of time taken to evacuate.
  - 6. Records of reports of communicable illness made to the Colorado Department of Public Health and Environment or local public health agency.
  - 7. A record of visitors to the Neighborhood Youth Organization
- C. The Neighborhood Youth Organization shall submit to the Department as soon as possible but not later than twenty-four (24) hours after the critical incident a written report about any critical incident. Such report shall indicate:
  - 1. The youth member's name, birth date, address, and telephone number;.
  - 2. The names of all involved and witnesses to the incident, the youth member's parents or guardians, and their address and telephone number(s) if different from those of the youth member;.
  - 3. Date of the incident;.
  - 4. Brief description of the incident; and

5. Documentation of action taken and/or the name and address of the police department or authority if a report was made.

## **2.708 CONFIDENTIALITY AND RECORD RETENTION**

- A. The Neighborhood Youth Organization shall maintain complete records of youth members and employees as required in rule sections 2.208 and 2.209 of the "Rules Regulating Child Care Centers that Provide Less than 24-hour Care."
- B. The confidentiality of all employee and youth member's records shall be maintained, pursuant to rule section 2.124 of the "General Rules for Child Care Facilities."
- C. Employee and youth member's records must be available, upon request, to authorized personnel of the Department.
- D. If records for an organization with more than one Neighborhood Youth Organization are kept in a central file, duplicate identifying and emergency information for both employees and youth members must also be kept on file at the Neighborhood Youth Organization attended by the youth members and where the employee is assigned.
- E. The records of youth members and employees must be maintained by the Neighborhood Youth Organization for at least three (3) years.
- F. Neighborhood Youth Organizations must cooperate with all state and local investigations regarding incidents, including but not limited to, licensing violations, child abuse, and incidents affecting the health, safety, and welfare of youth members.

## **NEIGHBORHOOD YOUTH ORGANIZATION SERVICES**

### **2.715 ADMISSION PROCEDURE**

- A. Prior to attendance, the parent(s) or guardian(s) must provide signed authorization for the youth member to participate in the programs and services of the Neighborhood Youth Organization.
- B. The Neighborhood Youth Organization can only accept youth members of the ages for which it has been licensed. At no time shall the number of youth members in attendance exceed the number for which the Neighborhood Youth Organization has been licensed.
- C. Admission procedures must be completed prior to the youth member's attendance at the Neighborhood Youth Organization, and must include completion of the registration information for inclusion in the youth member's record, as required in rule section 2.708.

### **2.716 GUIDANCE AND DISCIPLINE**

- A. Corporal punishment as defined in section 22-1-140, C.R.S. (2023), is not allowed.
- B. Separation, when used as guidance or discipline, must be brief and appropriate for the youth member's age and circumstances. The youth member must be in a safe, lighted, well-ventilated area and be within hearing and vision of an employee. The youth member must not be isolated in a locked room, bathroom, closet, or pantry.
- C. Verbal abuse or derogatory remarks about the youth member is not permitted.
- D. Authority to provide discipline must not be delegated to other youth members or youth employees.



- E. Youth members must not be denied food or water as a form of guidance or discipline.

**2.709 YOUTH RECORDS**

- A. The Neighborhood Youth Organization site or Neighborhood Youth Organization's central headquarters must maintain and update annually a record for each youth member that includes:
1. The youth member's full name, age, current address, date of birth, and enrollment date.
  2. Names, addresses, telephone numbers, and e-mail addresses of parents or guardians.
  3. Any special instructions as to how the parents or guardians can be reached during the hours the youth member is at the Neighborhood Youth Organization.
  4. Names, addresses, and telephone numbers of persons who can assume responsibility for the youth member in the event of an emergency if parents or guardians cannot be reached immediately.
  5. A dated, written authorization by a parent or guardian for:
    - a. The youth members to attend and be a member of the Neighborhood Youth Organization and to arrive and depart without parental or guardian supervision.
    - b. Emergency medical care signed and submitted annually by the parent or guardian.
    - c. Signed authorization for the Neighborhood Youth Organization to provide transportation to and from the Neighborhood Youth Organization.
    - d. Signed authorization for the youth member to participate in field trips.
  6. Reports of critical incidents including, but not limited to, serious injuries and accidents occurring during care that result in medical attention, admission to the hospital, or death of a youth member.
  7. The parent(s) or guardian(s) must provide a self-reported, complete health history for the youth member, including communicable diseases, chronic illnesses or injuries, immunization history, known drug reactions or allergies, medication records, special dietary needs, and health care plans.

**2.710 EMPLOYEE RECORDS**

- A. The Neighborhood Youth Organization must maintain a record for each adult employee, paid or volunteer, that includes the following:
1. Name, address, and birth date of the individual.
  2. The date that the employee began employment with the Neighborhood Youth Organization.
  3. Name, address, daytime telephone number, and e-mail address of the person(s) to be notified in the event of an emergency.
  4. Record and verification of the employee's training, education, and experience.

5. Copies of First-Aid and Cardiopulmonary Resuscitation (CPR) certification or other certification confirming the qualifications for the responsibilities assumed at the Neighborhood Youth Organization, which may include copies of driver's licenses, college transcripts, and diplomas.
  6. Training completion certificates.
  7. Trails child abuse and neglect records request and a criminal record check request for all employees must be completed the results must be on file at the Neighborhood Youth Organization or the Neighborhood Youth Organization's headquarters pursuant to rule sections 2.120 and 2.121 of the "General Rules for Child Care Facilities."
- B. Each employee's personnel file must contain all required information within thirty (30) calendar days of the first day of employment.

## **PERSONNEL**

### **2.711 GENERAL REQUIREMENTS FOR ALL PERSONNEL**

- A. All employees and volunteers of the Neighborhood Youth Organization must demonstrate an interest in and knowledge of youth development and concern for youth members' well-being.
- B. All employees and volunteers must not engage in conduct that would endanger the health, safety, or well-being of youth members.
- C. All employees and volunteers must not consume or be under the influence of any substance that impairs their ability to care for youth members at the Neighborhood Youth Organization.

### **2.712 PERSONNEL POLICIES**

- A. The duties and responsibilities of each employees position and the lines of authority and responsibility within the Neighborhood Youth Organization must be in writing.
- B. At the time of employment, employees must be informed of their duties and assigned a supervisor.
- C. Prior to working with youth members, each employee must read and be instructed about the policies and procedures of the Neighborhood Youth Organization, including those relating to proper supervision of youth members and reporting of child abuse. Employees must sign a statement indicating that they have read and understand the Neighborhood Youth Organization's policies and procedures.

### **2.713 TRAINING**

- A. All employees must complete a pre-service building and physical premises safety training prior to working with youth members. This training must include identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, vehicular traffic, handling and storage of hazardous materials, and the appropriate disposal of bio contaminants.
  1. The training is developed and facilitated by the Neighborhood Youth Organization for employees to identify program-specific environmental hazards. Employees must be retrained if there are changes to the building and physical premises.
- B. All employees must complete the Department-approved standard precautions training prior to working unsupervised with children. This training must be renewed annually.

- C. For every thirty (30) or fewer youth members in attendance, there must be at least one (1) employee on duty who holds a current Department-approved first aid and safety certificate (including Cardiopulmonary Resuscitation (CPR) for all ages of youth) and is responsible for administering first aid and CPR to youth members. Such individuals must be with the youth members at all times when the Neighborhood Youth Organization is in operation. If youth members are at different locations, there must be a first aid and CPR qualified employee at each location.
- D. Within thirty (30) calendar days of employment, all employees caring for youth members who are not required by rule to be certified in first aid and CPR, must complete the Department-approved introduction to first aid and CPR module. The module must be renewed every two (2) years.
- E. Within thirty (30) calendar days of employment, all employees and regular volunteers must be trained using a Department-approved training about child abuse prevention, which includes common symptoms and signs of child abuse, how to report, where to report, and when to report suspected or known child abuse or neglect. This training must be renewed annually.

#### **2.714 VOLUNTEERS AND VISITORS**

- A. There must be a clearly established policy for volunteers regarding their function, orientation, training, and supervision.
- B. Volunteers must have qualifications suitable to the tasks assigned and be appropriately trained for the position.
- C. Individuals who volunteer less than five (5) days per month must be directly supervised by a program director or program leader and cannot be left alone with youth members.
- D. Individuals who volunteer more than five (5) days per month must have the same background checks as employees, pursuant to rule sections 2.120 and 2.121 of the "General Rules Regulating Child Care Facilities," and do not need to be directly supervised with youth members.
- E. Visitors must always be supervised by an employee.

#### **NEIGHBORHOOD YOUTH ORGANIZATION SERVICES**

##### **2.715 ADMISSION PROCEDURE**

- A. Prior to attendance, the parent(s)' or legal guardian(s) must provide signed authorization for the youth member to participate in the programs and services of the Neighborhood Youth Organization arrive or depart without parental or legal guardian supervision shall be obtained.
- B. The Neighborhood Youth Organization can only accept youth members of the ages for which it has been licensed. At no time shall the number of youth members in attendance exceed the number for which the Neighborhood Youth Organization has been licensed certified by the fire department.
- C. Admission and membership procedures must be completed prior to the youth member's attendance at the Neighborhood Youth Organization, and must include completion of the registration information for inclusion in the youth member's record, as required in rule section 2.709.

**2.716 GUIDANCE AND DISCIPLINE**

- A. Corporal or other harsh punishment as defined in section 22-1-140(2)(a), C.R.S. (2023), including, but not limited to, pinching, shaking, spanking, punching, biting, kicking, rough handling, hair pulling, or any humiliating or frightening method of guidance shall is not be allowed.
- B. Separation, or time-out, when used as guidance or discipline, must be brief and appropriate for the youth member's age and circumstances. The youth member must be in a safe, lighted, well-ventilated area and be within hearing and vision of a staff member. The youth member must not be isolated in a locked room, bathroom, closet, or pantry.
- C. Verbal abuse or derogatory remarks about the youth member are not permitted.
- D. Authority to provide guidance and/or discipline must not be delegated to other youth members or youth employees.
- E. Youth members must not be denied food or water as a form of guidance or discipline.

**PROGRAM ACTIVITIES**

**2.717 FIELD TRIPS**

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

**2.718 TRANSPORTATION**

- A. Transportation provided by the Neighborhood Youth Organization
  - 1. The Neighborhood Youth Organization is responsible for any youth members it transports.

2. The Neighborhood Youth Organization must obtain written permission from parents or guardians for any transportation of their youth member.
3. Youth members must not be permitted to ride in the front seat of a vehicle.
4. Youth members must be loaded and unloaded out of the path of moving vehicles.
5. Youth members must remain seated while the vehicle is in motion. Youth members must not be permitted to stand or sit on the floor of a moving vehicle and their arms, legs, and heads shall remain inside the vehicle at all times.
6. Prior to a field trip or other excursion, the Neighborhood Youth Organization shall obtain information on liability insurance from parent(s)/guardian(s) and employees who transport youth members in their own cars and verify that all drivers have valid driver's licenses.
7. Attendance must be verified as youth members enter and exit the vehicle to ensure all youth members are accounted for.

**B. Requirements for Vehicles**

1. Any vehicle used for transporting youth members to and from the Neighborhood Youth Organization or during program activities shall meet the following requirements:
  - a. The vehicle must be enclosed and have working door locks.
  - b. The seats of the vehicle must be constructed and installed according to the vehicle manufacturer's specifications.
  - c. The vehicle must be kept in satisfactory condition to assure the safety of occupants.
  - d. The Neighborhood Youth Organization must not transport more youth members than any vehicle is able to safely accommodate when child restraint systems and seat belts are properly installed in the vehicle; and
  - e. Modifications to vehicles including, but not limited to, the addition of seats and seat belts must be completed by the manufacturer or an authorized representative of the manufacturer. Documentation of such modifications must be available for review by the Department.
2. Any child transported must be properly restrained in a child restraint system that meets the requirements of the Colorado child passenger safety law laws at sections 42-4-236 and 42-4-237, C.R.S.:
3. Children who meet the requirements to be restrained in a safety belt must be instructed and monitored to keep the seat belt properly fastened and adjusted.
4. Two (2) or more youth members must never be restrained in one (1) seat belt or child restraint system.
5. In vehicles with a manufacturer's established capacity of sixteen (16) or more passengers, seat belts for passengers are not required, but shall be used if provided.
6. There must be a First-Aid kit in all vehicles.

**C. Requirements for Drivers of Vehicles**

1. All drivers of vehicles transporting youth members must operate the vehicle in a safe and appropriate manner.
2. All drivers of vehicles owned or leased by the Neighborhood Youth Organization in which youth members are transported must have a current Department-approved First Aid and safety certificate that includes Cardiopulmonary Resuscitation (CPR) for all ages of youth.
3. The driver must ensure that a complete First-Aid Kit is in the vehicle.
4. The driver must ensure that all doors are secured at all times when the vehicle is moving.
5. The driver must make a good-faith effort to ensure that each youth member is properly belted throughout the trip.
6. The driver must not eat or use a cellular or other mobile device while driving.
7. All drivers must be at least twenty (20) years of age.
8. Drivers must complete a minimum of four (4) hours of driver training prior to transporting youth members. The driver training curriculum may be developed and administered by the Neighborhood Youth Organization and must include at a minimum: behind the wheel training; participant transport attendance procedures, including taking attendance at the destination; managing behavioral issues; loading and unloading procedures; daily vehicle inspection procedures; proper tire inflation; emergency equipment and how to use it; accident procedures; passenger illness procedures; procedures for backing up; and vehicle evacuation.
  - a. Documentation of driver training must be available for review.

**BUILDING AND FACILITIES**

**2.719 FACILITY REQUIREMENTS**

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

**2.720 FIRE AND OTHER SAFETY REQUIREMENTS**

**A. General Requirements**

1. Buildings must be kept in good repair and maintained in a safe condition.
2. Major cleaning involving the use of household or industrial cleaners is prohibited in rooms presently occupied by youth members.
3. Volatile substances such as gasoline, kerosene, fuel oil, oil-based paints, and other hazardous items must be stored away from the area used for youth members and be inaccessible to youth members.
4. Employees and volunteers are prohibited from carrying firearms and explosives on the licensed premises, both indoor and outdoor, and in any vehicle in which youth members are transported.

5. Combustibles such as cleaning rags, mops, and cleaning compounds must be stored in well-ventilated areas separated from flammable materials and stored in areas inaccessible to youth members.
  6. Closets, attic, basement, cellar, furnace room, and exit routes must be kept free from accumulation of extraneous materials that could cause or fuel a fire or hinder an escape or evacuation.
  7. All heating units, whether gas or electric, must be installed and maintained with safety devices to prevent fire, explosions, and other hazards. No open-flame gas or oil stoves, unscreened fireplaces, hot plates, or unvented heaters may be used for heating purposes. All heating elements, including hot water pipes, must be insulated or installed in such a way that youth members cannot come into contact with them. Nothing flammable or combustible may be stored within three (3) feet of a hot water heater or furnace.
  8. Indoor and outdoor equipment, materials, and furnishings must be sturdy, safe and free of hazards.
  9. Equipment, materials, and furnishings, including durable furniture such as tables and chairs, must be stored in a manner that is safe for youth members.
  10. Extension cords cannot be used in place of permanent wiring.
  11. Corridors, halls, stairs, and porches must be adequately lighted. Operable battery-powered or solar lights must be provided in locations readily accessible to employees in the event of electric power failure.
- B. Emergency and Disaster Preparedness
1. Fire exit drills must be held often enough that all occupants are familiar with the drill procedure and their conduct during a drill is a matter of established routine. Fire drills must be consistent with local fire department procedures.
  2. Drills must be held at unexpected times and under varying conditions to simulate the unusual conditions of an actual fire.
  3. Drills must emphasize orderly evacuation under proper discipline rather than speed. No running or horseplay should be permitted.
  4. Drills must include suitable procedures for ensuring that all persons in the building or all persons subject to the drill participate.
  5. Fire alarm equipment must be used regularly in the conduct of fire exit drills.
  6. Tornado and emergency evacuation and lock down drills must be held often enough that all occupants are familiar with the drill procedure and their conduct during a drill is a matter of established routine.
  7. A record of all emergency drills held over the past twelve (12) months must be maintained at the Neighborhood Youth Organization site, pursuant to rule section 2.705.

## **2.800 RULES REGULATING SUBSTITUTE PLACEMENT AGENCIES**

### **2.801 AUTHORITY**

These rules and regulations are adopted pursuant to the rulemaking authority provided in section 26.5-1-105(1), C.R.S., and are intended to be consistent with the requirements of the State Administrative Procedures Act, sections 24-4-101 through 24-4-204 (the “APA”), C.R.S., the Anna Jo Garcia Haynes Early Childhood Act, sections 26.5-1-101 through 26.5-1-103 (the “Early Childhood Act”), C.R.S., the Child Care Licensing Act, sections 26.5-5-301 through 26.5-5-329,, C.R.S.; and the Child Care Development and Block Grant Act of 2014, and 42 U.S.C. sec. 9858e.

The specific rulemaking authorities granted for substitute placement agencies include sections 26.5-1-105(1), 26.5-5-306, and 26.5-5-314(1) and (2), C.R.S.

### **2.802 SCOPE AND PURPOSE**

The Colorado Department of Early Childhood, Division of Early Learning, Licensing, and Administration is responsible for the administration of health and safety rules and requirements for licensed child care facilities. These rules and regulations shall govern the processes and procedures to become a licensed substitute placement agency in Colorado. These rules also address the operations of Substitute Placement Agencies that place a substitute child care provider into a licensed child care facility for the purpose of providing substitute child care. All substitute placement agencies must comply with the “General Rules for Child Care Facilities” in rule section 2.100; and these “Rules Regulating Substitute Placement Agencies,” rule section 2.800.

### **2.803 APPLICABILITY**

The provisions of these rules and regulations shall be applicable to licensed substitute placement agencies (agencies) that place or that facilitates or arrange placement of short-term or long-term substitute child care providers in licensed child care facilities.

### **2.804 DEFINITIONS**

- A. “Arrange for placement” means to act as an intermediary by assisting a child care facility in the placement of a substitute child care provider.
- B. “Background checks” means a set of required records that are obtained and analyzed to determine whether the history of a prospective substitute child care employee meets legal and safety criteria when considering the placement of the individual in a less than twenty-four (24) hour child care facility.
- C. “Child care center” has the same meaning as set forth in section 26.5-5-303(3)
- D. “Employee,” for purposes of this section, means any individual who is employed by or contracted through the agency.
- E. “Emergency child care center substitute” means a substitute who works in place of a regular staff member in a child care facility who is unable to work their normally scheduled work hours due to an unexpected event such as an absence of a staff member or personal emergency event. The purpose of the emergency substitute is to provide coverage for a staff member for no more than three (3) calendar days.



- F. "Emergency family child care home substitute" means a substitute who works in place of a family child care home provider who is unable to work their normally scheduled work hours due to an unexpected event such as an illness or personal emergency event. The purpose of the emergency substitute is to provide coverage for a family child care home provider until parents are able to pick up the children in care.
- G. "Equally qualified" means that the employee or substitute provider has the same required training and qualifications as the primary provider as specified in the rules regulating family child care homes; rules regulating child care centers or rules regulating school age child care.
- H. "Family child care home" means a child care facility located within a residence of a primary provider.
- I. "Licensing" means the process by which the Colorado Department of Early Childhood approves a facility or agency for the purpose of conducting business as a child care facility.
- J. "Long term child care center substitute" means a substitute who works in place of a regular staff member who is unable to work their normally scheduled work hours due to a planned or unplanned event that requires the regular staff member be on leave for more than two (2) calendar weeks.
- K. "Long term family child care home substitute" means a substitute who works in place of a regular family child care home provider who is unable to work their normally scheduled work hours due to a planned or unplanned event that requires the regular family child care home provider to be on leave for more than two (2) calendar weeks.
- L. "Negative licensing action" has the same meaning as set forth in section 26.5-5-303(16)(a), C.R.S..
- M. "Short term child care center substitute" means a substitute who works in place of a regular staff member who is unable to work their normally scheduled work hours due to a planned or unplanned event that requires the regular staff member be on leave for more than three (3) days and less than two (2) calendar weeks.
- N. "Short term family child care home substitute" means a substitute who works in place of a regular family child care home who is unable to work their normally scheduled work hours due to a planned or unplanned event that requires the regular family child care home to be on leave for more than three (3) days and less than two (2) calendar weeks.
- O. "Substitute child care provider," as defined in section 26.5-5-303(27), C.R.S., means a person who provides temporary care for a child or children in a licensed child care facility, including a child care center and a family child care home.
- P. "Substitute placement agency," (Agency) has the same meaning as set forth in section 26.5-5-303(28), C.R.S.,.
- Q. "Substitute placement," means to coordinate, arrange, and approve the process of an adult substitute child care provider entering an unrelated family child care home or child care facility to provide substitute child care services on an emergency, temporary/short term or long-term assignment. Substitutes may be employees or contract employees of the agency.

## **2.805 GOVERNING BODY**

The governing body must be identified by its legal name. The names and addresses of individuals who hold primary financial control and officers of the governing body must be disclosed fully to the Colorado Department of Early Childhood. The governing body is responsible for providing adequate financing, qualified personnel, services, and program functions for the safety and well-being of children in accordance with these rules. When changes of governing body occur, the new governing body must immediately submit an original application and pay the required fee before a new license can be issued.

- A. A substitute placement agency, herein also referred to as the “the Agency” may not be operated without a license, as required by law, to be issued by the Department in conformity with all rules and regulations.
- B. The substitute placement agency must:
  - 1. Maintain the written purpose and policies for the general operation and management of the agency, including the placement of substitutes. When such purpose and policies are reviewed and revised, the Department must be advised of such changes. The purpose and policies at a minimum must include:
    - a. The types of child care facilities in which substitutes will be placed, including the ages of children served at the child care facility where substitutes will be placed and the geographic area(s) the agency expects to serve;
    - b. The responsibilities for child care facilities utilizing the substitute placement agency;
    - c. Itemized fee schedule, including client set up fees, if applicable;
    - d. Refund policy;
    - e. Cancellation policy;
    - f. Mileage/travel policy;
    - g. Minimum scheduled time policy;
    - h. Services and types of substitutes available to the community; and
    - i. The responsibilities of the agency and the child care facility for reporting suspected child abuse or neglect.
  - 2. The substitute placement agency must obtain a fully executed and signed contract with the child care facility prior to placing substitutes in the child care facility.
  - 3. The substitute placement agency must develop and implement personnel policies including, but not limited to:
    - a. Job descriptions for Substitute child care providers;
    - b. Qualifications for the position in accordance with current licensing standards;
    - c. The duties and responsibilities of substitutes;
    - d. The responsibilities of the substitute within a child care facility;

- e. The proper supervision of children;
  - f. Proper guidance techniques;
  - g. Proper name to face attendance and transitions;
  - h. The identification and symptoms of suspected child abuse or neglect; and
  - i. The reporting of suspected child abuse, including the statewide child abuse reporting hotline.
- 4. Substitutes must be informed of their duties at the time of employment or acceptance of a contract with the agency, and before being placed in a child care facility.
  - 5. Inform the Department, in writing, of:
    - a. A change in the executive director or the main contact of the agency within ten (10) calendar days.
    - b. The hours of operation the agency office is open and available for inspection of agency records.
  - 6. Notify the Department, in writing, within twenty-four (24) hours, anytime a substitute is the subject of a child protection investigation arising out of actions or events that occurred while placed at a child care facility; a substitute was the staff member in charge of a classroom and a child received an injury requiring emergency medical treatment; a substitute is responsible for a safe sleep violation or a substitute has been terminated as a result of their actions while placed at a child care facility.
  - 7. Document and report within twenty-four (24) hours, in writing, to the Colorado Department of Early Childhood when the substitute from the agency is the staff member responsible for the child(ren) in a child care facility and the child receives an injury resulting in medical care or treatment, any accident or illness occurring at a child care facility that resulted in medical care or treatment by a health care provider, hospitalization, or death.
  - 8. Carry public liability insurance. The applicant or licensee must submit the amount of the insurance and the name and the address of the insurance agency providing the insurance to the agency. Documentation of current liability insurance must be on file and available for review at all times at the agency.
  - 9. Complete the licensing renewal requirements by:
    - a. Submitting the license continuation notice and fee prior to the annual due date of the continuation notice;
    - b. Paying the prescribed application or continuation fee pursuant to rule section 2.111 of the General Rules for Child Care Facilities;
    - c. Cooperating with on-site monitoring inspections and investigations to assess the agency's compliance with the rules for substitute placement agencies.

**PERSONNEL**

**2.806 GENERAL REQUIREMENTS FOR ALL SUBSTITUTES**

- A. There must be a dated letter of agreement with each substitute which includes the specific job responsibilities/job description. The letter of agreement must be executed upon hire by both the agency and the substitute. Prior to being placed at a child care facility, substitutes must sign a statement indicating that they have read and understand the agency policies and procedures. All substitutes must be notified of changes to policies and procedures.
- B. All substitutes must be eighteen (18) years or older and qualified for the position which they will be providing substitute care.
- C. All substitutes must be registered in the professional development information system.
- D. All substitutes must have completed all the pre-service training courses listed in rule section 2.807(A)(4), prior to being placed at a child care facility.
- E. All substitutes must complete the Department-approved playground safety training prior to working with children and annually.
- F. All substitutes must complete the Department-approved injury prevention training prior to working with children and annually.
- G. The personnel file of each substitute must contain clearance or arrest report from the Colorado Bureau of Investigation resulting from the staff member's criminal record check in accordance with rule section 2.121 of the General Rules for Child Care Facilities.
- H. The personnel file of each substitute must contain the results of the Department's automated child abuse and neglect system. In accordance with rule section 2.120 of the General Rules for Child Care Facilities.
- I. Substitutes must be current for all immunizations routinely recommended for adults by their health care provider.
- J. All staff must have at least one (1) hour of child development training within ninety (90) days of employment. This training must include the major domains (cognitive, social, emotional, physical development and approaches to learning). This training is required once, and will count toward ongoing training requirements if taken after the date of hire.

**2.807 PERSONNEL POLICIES, ORIENTATION AND STAFF DEVELOPMENT**

- A. A written statement of personnel policy shall be provided to each substitute or qualified applicant. This statement shall, at a minimum, contain the following information:
  - 1. A job description which outlines the duties, responsibilities, qualifications; and educational requirements for the position.
  - 2. A procedure for tracking the placement hours, including the name of the facility, the license number, facility address and ages of children where the substitute is placed.

3. Prior to working with children, each substitute must read and be instructed about the policies and procedures of the Agency, including those related to proper supervision of children, identification and symptoms of suspected child abuse or neglect, the reporting of suspected child abuse. Substitutes must sign a statement indicating that they have read and understand the Agency's policies and procedures.
4. A written pre-service training plan for each substitute. Each substitute must complete the following training before being placed in a child care facility:
  - a. Each substitute working with infants less than twelve (12) months old must complete a Department-approved safe sleep training prior to working with infants less than twelve (12) months old. This training must be renewed annually and may be counted towards ongoing training requirements.
  - b. Each substitute working with children less than three (3) years of age must complete a Department-approved prevention of shaken baby/abusive head trauma training prior to working with children less than three (3) years of age. This training must be renewed annually and counts towards ongoing training requirements.
  - c. Each substitute must complete a Department-approved standard precautions training that meets current occupational safety and health administration (OSHA) requirements prior to working with children. This training must be renewed annually and counts towards ongoing training requirements.
  - d. Prior to working with children and annually each substitute must be trained using Department-approved training about child abuse prevention, including common symptoms and signs of child abuse.
  - e. Prior to working with children and annually each substitute must be trained using a Department-approved training on how to report, where to report and when to report suspected or known child abuse or neglect.
  - f. The agency must ensure that each substitute is familiar with the licensing rules governing the specific child care license type in which the substitute will be placed within thirty (30) calendar days of employment at the substitute placement agency.
  - g. The Agency must ensure that each substitute is familiar with the rules and regulations governing the health and sanitation of child care facilities in the state of Colorado if placed in a facility that these rules apply within thirty (30) calendar days of employment at the substitute placement agency.
  - h. Each substitute must have current Department-approved First Aid and Cardiopulmonary Resuscitation (CPR) certification before working in a classroom alone.
  - i. Each substitute must complete a minimum of fifteen (15) clock hours of training each year beginning with the start date of the employee. At least three (3) clock hours per year must be in the focus of social emotional development.
  - j. Ongoing training and courses shall demonstrate a direct connection to one or more of the following competency areas:

- 1) Child growth and development, and learning or courses that align with the competency domains of child growth and development;
  - 2) Child observation and assessment;
  - 3) Family and community partnership;
  - 4) Guidance;
  - 5) Health, safety and nutrition;
  - 6) Professional development and leadership;
  - 7) Program planning and development; or
  - 8) Teaching practices
- k. Each one (1) semester credit hour course with a direct connection to the competency area listed in rule section 2.807(A)(4)(j), taken at a regionally accredited college or university shall count as fifteen (15) clock hours of ongoing training.
- l. Training hours completed can only be counted during the year taken and cannot be carried over.
- m. To be counted for ongoing training, the training certificate must have documentation that includes:
  - 1) The title of the training;
  - 2) The competency domain;
  - 3) The date and clock hours of the training;
  - 4) The name or signature, or other approved method of verifying the identity of trainer or entity;
  - 5) Expiration of training if applicable; and
  - 6) Connection to social emotional focus if applicable.
5. The substitute must have a complete file maintained at the substitute placement agency and have a portable file available for review at all times to both licensing and the child care facility where the substitute is providing substitute care. Documentation of qualifications for the position includes:
  - a. Certificate verifying all pre-service training, including name, phone number, and license number of agency;
  - b. Department issued director letter; or
  - c. Department issued early childhood teacher letter; or
  - d. Official college transcript and letters of experience; or

- e. Credential 2.0 level 3 or higher; and
  - f. First aid and CPR certificates; and
  - g. Complete background check; and
  - h. Emergency contact name, address and phone number.
- 6. Substitutes must not consume or be under the influence of any substance that impairs their ability to care for children while caring for children.
  - 7. Illegal drugs, drug paraphernalia, marijuana and marijuana infused products, and alcohol must never be present on the premises of the facility.
  - 8. Substitutes must maintain the confidentiality of the children, families and the child care facility where the substitute is placed.
  - 9. Substitutes are responsible for documenting experience hours with the specific ages of children cared for, while providing substitute child care for the purpose of employment verification with the agency.
  - 10. Substitutes must not take personal photos of children, or make reference to any personal information of children, families or other child care facilities, including staff, on social media, email, text messages or other means of communication, written or verbal.
  - 11. When caring for children, substitutes must refrain from personal use of electronics including, but not limited to, cell phones and portable electronic devices.
  - 12. Substitutes must sign in and out of every facility each time they work at a child care facility.

**2.808 CHILD CARE CENTER SUBSTITUTE QUALIFICATIONS**

- A. Must meet requirements found in rule sections 2.806 and 2.807; and
- B. Must meet the current minimum education and experience requirements for the position in which the substitute is providing child care.
- C. Large child care center director: the educational requirements for the director or substitute director of a large center must be met by satisfactory completion of one of the following. Official college transcripts must be submitted to the Department for evaluation of qualifications.
  - 1. A Bachelor degree in Early Childhood Education from a regionally accredited Colorado college or university.
  - 2. A current Early Childhood Professional Credential Level IV version 2.0 as determined by the Colorado Department of Education.
  - 3. A Master's Degree with a major emphasis in Child Development, Early Childhood Education, Early Childhood Special Education.
  - 4. Completion of all of the following three (3) semester hour courses from a regionally accredited college or university, at either a two year, four year or graduate level, in each of the following subject or content areas:

- a. Introduction To Early Childhood Professions;
  - b. Introduction To Early Childhood Lab Techniques;
  - c. Early Childhood Guidance Strategies For Children;
  - d. Early Childhood Health, Nutrition, And Safety;
  - e. Administration Of Early Childhood Care And Education Programs;
  - f. Administration: Human Relations For Early Childhood Professions or Introduction To Business; Early Childhood Curriculum Development;
  - g. Early Childhood Growth and Development;
  - h. The Exceptional Child; and
  - i. Infant/Toddler Theory and Practice; or the Department approved Expanding Quality Infant/Toddler training;
5. Completion of a course of training approved by the Department that includes course content listed at rule section 2.807(A)(4), and documented experience.
6. Department approved alternative pathway or credential.
7. The experience requirements for the director of a large center must be met by completion of the following amount of work experience in a child development program, which includes working with a group of children in such programs as a preschool, child care center, kindergarten, or Head Start program:
- a. Persons with Bachelor's or Master's degree with a major emphasis in Child Development, Early Childhood Education, Early Childhood Special Education, or an Early Childhood Professional Credential Level IV version 2.0 as determined by the Colorado Department of Education; no additional experience is required.
  - b. Persons with a 2-year college degree in Early Childhood Education must have twelve (12) months (1,820 hours) of verified experience working directly with children in a child development program.
  - c. Persons with a Bachelor's degree and completion of courses specified in rule section 2.214(B)(1) of the Rules Regulating Child Care Centers, and must have twelve (12) months (1,820 hours) of verified experience working directly with children in a child development program.
  - d. Persons who have no degree but have completed the thirty (30) semester hours specified in rule section 2.214(B)(2) in the Rules Regulating Child Care Centers, must have twenty-four (24) months (3,640 hours) of verified experience working directly with children in a child development program.
  - e. Verified experience acquired in a licensed Colorado Family Child Care Home or School-Age Child Care Center may count for up to half of the required experience for director qualifications. To have Colorado Family Child Care Home experience considered, the applicant must be or have been the licensee. The other half of the required experience must be working directly with children in a child development program;



- f. Experience with five (5) year olds must be verified as follows:
  - i. If experience caring for five (5) year old children occurs in a child care center classroom, the hours worked shall be counted as preschool experience; or
  - ii. If experience caring for five (5) year old children occurs in an elementary school program, the hours worked shall be counted as school-age experience.
- D. The small center director qualifications must be met by satisfactory completion of:
  - 1. A current professional teaching license issued by the Colorado Department of Education with an endorsement in the area of Early Childhood Education or Early Childhood Special Education;
  - 2. A current Early Childhood Professional Credential Level III version 2.0 as determined by the Colorado Department of Education;
  - 3. Three (3) years' satisfactory experience in the group care of children less than six (6) years of age (5,460 hours) and at least two (2) 3-semester hours from a regionally accredited college or university, at either a two-year, four-year, or graduate level, in each of the following subject or content areas in early childhood education; one of the courses must be either Introduction to Early Childhood Education or Guidance Strategies;
  - 4. Two (2) years' college education (sixty semester hours) at a regionally accredited college or university, at either a two-year, four-year, or graduate level, in each of the following subject or content areas with at least two (2) 3-semester-hour courses in early childhood education; one (1) of which must be either Introduction to Early Childhood Education or Guidance Strategies; and one (1) year (1,820 hours) of satisfactory experience in the group care of children less than six (6) years of age;
  - 5. Current certification as a Child Development Associate (CDA) or other Department approved credential;
  - 6. A two (2) year college degree in Child Development Or Early Childhood Education from a regionally accredited college or university, at either a two-year, four year or graduate level, in each of the following subject or content areas that must include at least one (1) 3- semester hour course in either Introduction to Early Childhood Education or Guidance Strategies and six (6) months (910 hours) satisfactory experience in the group care of children less than six (6) years of age; and
  - 7. Department approved alternative pathway or credential.
- E. The Early Childhood Teacher qualification must be met by satisfactory completion of:
  - 1. A Bachelor's degree from a regionally accredited college or university with a major area of study in one of the following areas:
    - a. Early Childhood Education;
    - b. Elementary Education;
    - c. Special Education;

- d. Family And Child Development; or
  - e. Child Psychology.
2. A Bachelor's degree from a regionally accredited college or university with a major area of study in any area other than those listed in rule section 2.808(C)(4), and additional two (2) three-semester hour early childhood education college courses with one course being either Introduction to Early Childhood Education or Guidance Strategies:
- a. Current Early Childhood Professional Credential Level III version 2.0 as determined by the Colorado Department of Education;
  - b. A 2-year college degree, sixty (60) semester hours, in early childhood education from a regionally accredited college or university, which must include at least two (2) three-semester hour courses, one of which must be either Introduction to Early Childhood Education or Guidance Strategies; and at least six (6) months (910 hours) of satisfactory experience;
  - c. Completion of twelve (12) semester hours from a regionally accredited college or university, at either a two-year, four-year, or graduate level, in each of the following subject or content areas in early childhood education and one of the three (3) semester hour courses must be either Introduction to Early Childhood Education or Guidance Strategies, plus nine (9) months (1,395 hours) of verified experience in the care and supervision of four (4) or more children less than six (6) years of age who are not related to the individual;
  - d. Completion of a vocational or occupational education sequence in Child Growth and Development plus twelve (12) months (1,820 hours) of verified experience in the care and supervision of four (4) or more children less than six (6) years of age who are not related to the individual;
  - e. Current certification as a Child Development Associate (CDA) or other Department-approved credential;
  - f. Completion of a course of training approved by the Department that includes training and work experience with children in a child growth and development program plus twelve (12) months (1,820 hours) of verified experience in the care and supervision of four (4) or more children less than six (6) years of age who are not related to the individual;
  - g. Twenty-four (24) months (3,640 hours) of verified experience in the care and supervision of four (4) or more children less than six (6) years of age who are not related to the individual. Satisfactory experience includes being a licensee of a Colorado family child care home; a teacher's aide or teacher in a child care center, preschool, or elementary school, plus either:
    - (1) A current Colorado level I credential; or
    - (2) Two (2) three-semester hour Early Childhood Education college courses from a regionally accredited college or university, at either a two-year, four-year, or graduate level, in each of the following subject or content areas with one course being either Introduction to Early Childhood Education or Guidance Strategies.
  - j. Department approved alternative pathway or credential.

3. All college course grades toward Early Childhood Teacher qualifications must be “C” or better.
- F. The assistant early childhood teacher qualification must be met by satisfactory completion of:
1. Completion of one of the Early Childhood Education courses listed in rule section 2.216(A)(1) of the Rules Regulating Child Care Centers, with a course grade of “C” or better and twelve (12) months (1,820 hours) verified experience in the care and supervision of four (4) or more children less than six (6) years of age, who are not related to the individual. Satisfactory experience includes being a licensee of a Family Child Care Home; a teacher’s aide in a center, preschool or elementary school. Assistant Early Childhood Teachers must be enrolled in and attending the second (2nd) Early Childhood Education class which will be used as the basis for their qualification for the position of Early Childhood Teacher;
  2. Persons having completed two (2) of the Early Childhood Education classes referenced in rule section 2.216(A)(1) of the Rules Regulating Child Care Centers, with a course grade of “C” or better and no experience; or
  3. A current Early Childhood Professional Credential level I version 1.0 or 2.0 as determined by the Colorado Department of Education.
- G. The Staff Aide qualification must be met by satisfactory completion of:
1. Staff Aides must be at least sixteen (16) years of age and must work directly under the supervision of the Director or an Early Childhood Teacher.
  2. Infant Staff Aides must be at least eighteen (18) years of age.
  3. Staff Aides, without supervision from an Early Childhood Teacher or Director, may supervise no more than two (2) preschool age children while assisting the children with diapering or toileting.
- H. The Kindergarten teacher qualifications must be met by satisfactory completion of:
1. Each teacher of a kindergarten class must have the same qualifications as a director for a large center (see rule section 2.216(D) of the Rules Regulating Child Care Centers), be state certified or licensed as an elementary teacher by the Colorado Department of Education, or have a four (4) year degree from a regionally accredited college or university in Elementary or Early Childhood Education.
  2. A current Early Childhood Professional credential level iii version 2.0 as determined by the Colorado Department of Education.
- I. The Infant Program Supervisor qualifications must be met by satisfactory completion of:
1. A Registered Nurse, with an active license from the Colorado State Board of Nurings, with a minimum of six (6) months of experience in the care of infants.
  2. A Licensed Practical Nurse, with an active license from the Colorado State Board of Nursing, with twelve (12) months of experience in the care of infants.
  3. An adult who holds a certificate in Infant and Toddler Care from a regionally accredited college or university with completion of a minimum of thirty (30) semester hours in the development and care of infants and toddlers in a group setting.

4. An adult who is currently certified as a Child Development Associate (CDA) and has completed the Department approved Expanding Quality in Infant and Toddler Development Course of training.
5. An adult who:
  - a. Holds a current Early Childhood Professional credential level III version 2.0, as determined by the Colorado Department of Education;
  - b. Has completed one three-semester-hour class in infant/toddler development; or
  - c. Has completed the Department-approved "Expanding Quality in Infant and Toddler Development" and holds twelve months of verifiable full-day experience working with infants and/or toddlers.
6. An adult who:
  - a. Is at least nineteen (19) years of age,
  - b. Is qualified as an Early Childhood Teacher,
  - c. Has a minimum of twelve (12) months of verifiable full-day experience in the group care of infants or toddlers; and
  - d. Has completed at least two (2) three (3)-semester hour college courses from a regionally accredited college or university on the development and care of infants and toddlers in a group setting, one (1) of which must be infant/toddler development or the Department approved Expanding Quality in Infant and Toddler Development course of training.
7. The Infant Program Early Childhood Teacher qualifications must be met by satisfactory completion of:
  - a. Eight (8) hours of orientation in the infant program from the Infant Program Supervisor including, but not limited to, the following topics: toys and equipment, appropriate activities for infants and toddlers, appropriate sleep positions for infants and toddlers, the safe and appropriate diaper change technique;
  - b. At least six (6) months of experience in the care of infants or toddlers; and
  - c. Meet qualifications for an Early Childhood Teacher found in rule section 2.216(A) of the Rules Regulating Child Care Centers, or be qualified as an infant program supervisor.
8. The Infant Program Staff Aide must be at least eighteen (18) years of age, must have completed eight (8) hours of orientation as listed above, at the infant program and must work under the direct supervision of an Infant Early Childhood Teacher.
9. Substitutes for infant program staff must hold a current Department-approved first aid and safety certificate that includes Cardiopulmonary Resuscitation (CPR) for all ages of children.
10. The toddler program Early Childhood Teacher qualifications must be met by satisfactory completion of:

- a. A Registered Nurse, with an active license from the Colorado State Board of Nursing, with a minimum of six (6) months of experience in the care of infants and/or toddlers;
  - b. An adult who holds a certificate in Infant and Toddler Care from a regionally accredited college or university with completion of at least thirty (30) semester hours or equivalent in such courses as Child Growth and Development, Nutrition, and Care Practices with children birth to three (3) years of age;
  - c. An adult who is certified as a Child Development Associate (CDA) or certified Child Care Professional (CCP) or holds another Department-approved certificate;
  - d. A Licensed Practical Nurse with at least twelve (12) months of verifiable experience in the care of children less than three (3) years of age;
  - e. An adult who meets the education and experience requirements for Early Childhood Teacher of a large center pursuant to rule section 2.216(A) of the Rules Regulating Child Care Centers); or
  - f. A current Early Childhood Professional Credential level II version 1.0 or level III version 2.0 as determined by the Colorado Department of Education.
- J. The Toddler Program Staff Aide must be at least sixteen (16) years of age, must work directly under the supervision of the director or a toddler Early Childhood Teacher, and must have completed eight (8) hours of orientation at the toddler program.
  - 1. Substitutes for toddler program staff must hold a current Department-approved first aid and safety certificate that includes CPR for all ages of children.
  - 2. Substitutes placed in an infant and toddler program affiliated with a teen parent programs that are operated by accredited public-school systems on school premises must meet the following staff requirements by:
    - a. Director qualifications may be met by a certified teacher with a major in Home Economics Education or a vocationally credentialed teacher in Consumer and Homemaking or Early Childhood Occupations. The Director must complete at least three (3) semester hours in administration of a child care center.
    - b. The Director must be present in the infant program classroom or adjacent teen parent classroom at least sixty percent (60%) of any day the center is open.
    - c. If the Director cannot be present sixty percent (60%) of any day, an individual who meets director qualifications must substitute for the Director.
    - d. Infant Staff Aides must be at least fifteen (15) years of age and may be parents-to-be, parents of enrolled infants, or students enrolled in a child care related course with the sponsoring school system.
    - e. Substitutes for infant program staff must be from the sponsoring school system's list of approved substitute staff members. Substitutes who do not meet minimum staff qualifications can work no more than ten (10) consecutive business days per assignment.
    - f. Substitutes for infant program staff must hold a current Department-approved first aid and safety certificate that includes CPR for all ages of children.

**2.809 FAMILY CHILD CARE HOME SUBSTITUTE QUALIFICATIONS**

- A. When in a Regular Family Child Care Home, the substitute must:
1. Must meet requirements found in rule sections 2.806 and 2.807;
  2. Be familiar with the Rules Regulating Family Child Care Homes;
  3. Be familiar with the home and provider's policies and procedures;
  4. Know the names, ages and any special needs or health concerns of the children; and
  5. Know the location of emergency information.
- B. When in an Infant/Toddler Family Child Care Homes, the substitute must:
1. Must meet requirements found in rule section 2.806 and 2.807;
  2. Be familiar with the Rules Regulating Family Child Care Homes;
  3. Be familiar with the home and provider's policies and procedures;
  4. Know the names, ages and any special needs or health concerns of the children;
  5. Know the location of emergency information; and
  6. Must have completed one (1) year of supervised experience caring for children who are younger than three (3) years old. The experience may have been obtained as:
    - a. A Colorado licensed Family Child Care Home;
    - b. A military licensed child care home;
    - c. A provider, in a family foster home certified for children younger than three (3) years of age; or
    - d. An employee in a licensed child care center in an infant and/or toddler program.
- C. The substitute for the large family child care home must be qualified by:
1. Must meet requirements found in rule sections 2.806 and 2.807;
  2. A minimum of two (2) years of documented satisfactory experience in the group care of children under the age of six (6) years or as a licensed home provider in Colorado. Equal experience operating as an approved military child care home is accepted;
  3. A minimum of two (2) years of college education from a regionally accredited college or university, with at least one (1) college course in Early Childhood Education, plus one (1) year of documented satisfactory experience in the group care of children as:
    - a. A licensed home provider in Colorado;
    - b. A military licensed child care home;
    - c. A Colorado certified family foster home; or

- d. A staff member in a licensed child care center.
- 4. Current certification as a Child Development Associate (CDA);
- 5. Completion prior to licensing of the Department approved Expanding Quality Infant/Toddler course; and
  - a. A minimum of two (2) years of experience as a licensed child care provider holding a permanent license in Colorado immediately before becoming a licensee of a large child care home; or
  - b. A minimum of two (2) years of full-time experience in a licensed program. The group care shall have been with children who are under the age of six (6) years.
- 6. Substitutes working in place as the Large Family Child Care Home Staff Aides must be at least sixteen (16) years of age and must work directly under the supervision of the primary provider or a substitute who is equally qualified as a Large Family Child Care Home provider. If left alone with children, the staff aide substitute or assistant provider substitute must meet all same age and training requirements as the provider.

#### **2.810 SCHOOL AGE CHILD CARE SUBSTITUTE QUALIFICATIONS**

**A. Substitute for School Age Child Care:**

- 1. Must meet requirements found in rule sections 2.806 and 2.807;

**B. Substitute Program Director**

- 1. Must meet requirements of rule sections 2.806 and 2.807;
- 2. The Program Director substitute must be at least twenty-one (21) years of age. The substitute program director must have demonstrated to the Agency, prior to placement at a school age child care center, maturity of judgment, administrative ability and the skill to appropriately supervise and direct school-age children in an unstructured setting.
- 3. The Substitute Program Director must have verifiable education or training in work with school-age children in such areas as Recreation, Education, Scouting or 4-H; and the program director must have completed at least one of the following qualifications:
  - a. A four (4) year college degree with a major such as Recreation, Outdoor Education, Education with a Specialty in Art, Elementary or Early Childhood Education, or a subject in the Human Service Field;
  - b. Two years of college training and six (6) months (910 hours) of satisfactory and verifiable full-time or equivalent part-time, paid or volunteer, experience, since attaining the age of eighteen (18), in the care and supervision of four (4) or more children; or
  - c. Is qualified as a Large Child Care Center Director.
- 4. Three years (5,460 hours) of satisfactory and verifiable full-time or equivalent part-time, paid or volunteer, experience and one of the following qualifications:
  - a. Complete six semester hours, or nine quarter hours in course work from a regionally accredited college or university;

- b. Forty (40) clock hours of training in course work applicable to school-age children and the Department-approved courses in Injury Prevention, and Playground Safety for School-Aged Child Care Centers within the first nine (9) months of employment; or
    - c. Satisfactory experience includes experience in the care and supervision of four or more children from the ages of four (4)-eighteen (18) years old, unrelated to the individual, since attaining the age of eighteen (18).
- C. Substitute Program Leaders for School Age Child Care Centers
  - 1. Must meet requirements found in rule sections 2.806 and 2.807;
  - 2. Each Substitute Program Leader must be at least eighteen (18) years of age, demonstrate ability to work with children, and must meet the following qualifications:
    - a. Complete the Department-approved course in Injury Prevention;
    - b. Complete the Department-approved course in Playground Safety for School-Aged Child Care Centers. This requirement does not apply to day camps that do not regularly use a playground; and
    - c. Must have at least three (3) months (460 hours) of full-time or equivalent part-time satisfactory and verifiable experience with school-age children.
- D. Substitute Program Aides for School Age Child Care Centers
  - 1. Must meet requirements found in rule sections 2.806 and 2.807;
  - 2. Substitute Program Aides must be at least sixteen (16) years of age. Program Aides must work directly under the supervision of the Program Director or Program Leaders and must never be left alone with children.
  - 3. Substitute Program Aides can be counted as staff in determining child care staff ratios.

## **RECORDS**

### **2.811 STAFF RECORDS**

- A. The center office must maintain a record for each staff member that includes the following:
  - 1. Documentation for any substitute employed by the agency to determine if the individual has ever been convicted of a disqualifying crime as found in rule section 2.121 of the General Rules for Child Care Facilities. The personnel file of each substitute of the center must contain clearance or arrest report from the Colorado Bureau of Investigation;
  - 2. Documentation for any substitute employed by the Agency to determine if the individual has a confirmed report for child abuse or neglect reported to the Department's Automated System as found in rule section 2.120 of the General Rules for Child Care Facilities. The personnel file of each substitute must contain the results of the Department's Automated System.
  - 3. Substitutes must be current for all immunizations routinely recommended for adults by their health care provider.



4. Prior to being placed in a child care facility, substitutes must submit to the Agency a medical statement, signed and dated by a licensed medical health care provider, verifying that they are in good mental, physical, and emotional health appropriate for the position for which they have been hired. This statement must be dated no more than six (6) months prior to employment or within thirty (30) calendar days after the date of employment. This statement must indicate when subsequent medical statements are required. Subsequent medical statements must be submitted as required in writing by a medical health care provider.
  5. If, in the opinion of a Physician or Mental Health Professional, an employee's examination or test results indicate a physical, emotional, or mental condition that could be hazardous to a child, other staff, or self, or that would prevent satisfactory performance of duties must not be assigned or returned to a position until the condition is cleared to the satisfaction of the examining medical health care provider.
  6. Name, address, phone number and birthdate of the individual;
  7. Verification of education, work experience, employment, training, and completion of first aid and Cardiopulmonary Resuscitation (CPR) courses;
  8. Date of employment;
  9. Record of placements including dates, number of hours worked, name, address and license number of the child care facility where the substitute was placed.
  10. Names, addresses, and telephone numbers of persons to be notified in the event of an emergency.
  11. Substitute records must be available, upon request, to authorized personnel of the Department or Department representatives.
  12. The records of the substitute must be maintained by the substitute placement agency for at least three (3) years. The current files must be maintained at the Agency, the previous two (2) years may be stored at either the Agency or a central location. If requested, the records must be provided to the Department or Department representative.
- B. The personnel file for each substitute must contain all required information before the substitute can be placed at a child care facility.

## **2.812 ADMINISTRATIVE RECORDS AND REPORTS**

- A. The following records must be on file at the Agency:
1. A list of current substitutes, and substitute placements;
  2. Reports from contracted child care facilities where any incident reports occur;
  3. Contracts with both substitutes and child care facilities; and
  4. Within thirty (30) calendar days of the last day of employment, staff members must be provided a letter verifying their experience at the Agency. The letter must contain the Agency's address, phone number and license number, the employee's start and end date and the total number of hours worked with children. Hours worked with infants and toddlers must be documented separately from hours worked with other age groups. The letter must be signed by a director, owner or human resources agent of the Agency.

## **HEALTH AND SAFETY**

### **2.813 CONTROL OF COMMUNICABLE ILLNESSES**

- A. When a substitute has worked in a child care facility where there has been an increase in or outbreak of communicable illness among staff, or children the substitute must immediately notify the Agency. Individuals' confidentiality must be maintained.
- B. The substitute placement agency must have a written agreement with the child care facility which requires the child care facility to:
  - a. Notify the Agency of an increase of illness or outbreak at the time the placement will occur.
  - b. Notify the Agency of any substitute exposed to a communicable illness at a child care facility, and, the Agency must be notified within twenty-four (24) hours.
- C. When the substitute placement agency has been notified that a substitute has been in a placement where the individual has been exposed to a communicable illness, the Agency and the substitute must consult with and comply with all Health Department requirements before being placed at another facility.

Rule sections 2.100-2.138 eff. December 30, 2023.

Rule sections 2.200-2.243 eff. December 30, 2023.

Rule sections 2.400-2.425 eff. December 30, 2023.

Rule sections 2.500-2.528 eff. December 30, 2023.

Rule sections 2.600-2.618 eff. December 30, 2023.

Rule sections 2.800-2.813 eff. December 30, 2023.

---

### **Editor's Notes**

#### **History**

Entire rule new rule re-adopted from 12 CCR 2509-8 eff. 12/15/2023.

Rules 2.700-2.720 eff. 02/14/2024.

Rules 2.300-2.338 eff. 03/16/2024.

Rules 2.111 C, 2.500-2.537 eff. 08/30/2024.

Rules 2.227 B, 2.338 C, 2.417 B, 2.517 B, 2.718 B emer. rules eff. 01/01/2025.

Rules 2.227 B, 2.338 C, 2.400, 2.517 B, 2.600, 2.718 B eff. 02/14/2025.