

## 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.]*

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## 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 Programs include sections 26.5-5-303(3) and 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 programs 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 Programs 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 program" or "building-based day camp" summer program prior to their kindergarten year. The center must operate for more than one week during the year. The term includes facilities commonly known as "day camps," "summer camps," "summer playground programs," "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 program” 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 program 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, which accepts registrations for finite, not necessarily contiguous sessions. 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 each camp session.

The types of day camps are as follows:

- 1. A “building based day camp” 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 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 program that provides programming for five (5) or more children who are at least seven (7) years of age or who have completed the first grade. 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 program that provides care for five (5) or more children who are at least seven (7) years of age or have completed the first grade. The day camp does not use a permanent building on a regular basis and provides programming in a permanent outdoor or park setting.

## **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)/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. Policies must address or include the each of the following:
  - 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 activities are offered, and holidays when the center is closed.
  - 5. The policy regarding inclement weather.
  - 6. The procedure concerning admission and enrollment of children.

7. An itemized fee schedule.
8. The procedure to ensure the location of children is known 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 guidance, positive instruction, supporting positive behavior, discipline and consequences, including how the center will:
  - a. Cultivate positive child, staff and family relationships;
  - b. Create and maintain a socially and emotionally respectful early learning and care environment;
  - c. Implement teaching strategies supporting positive behavior, pro-social peer interaction, and overall social and emotional competence in young children;
  - 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; and
  - e. Access 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 for handling children's illnesses, accidents, and injuries, including when children will be excluded from care and notification of parents/guardians.
11. The procedures followed when a child is separated from their group and is not under the direct supervision of their assigned staff member.
12. The procedure for transporting children, if applicable, including transportation arrangements and parental permission for excursions and related activities.
13. 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.
14. The procedure on children's safety related to riding in a vehicle, seating, supervision, and emergency procedures on the road.
15. The procedure for releasing children from the center only to persons for whom the center has written authorization.
16. 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.
17. 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.
18. The procedure for storing and administering children's medicines and delegation of medication administration in compliance with section 12-255-131, C.R.S., of the "Nurse and Nurse Aide Practice Act."

19. The procedure concerning children's personal belongings and money.
20. The policy concerning meals and snacks
21. The policy and procedure regarding visitors.
22. 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).
23. 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).
24. The policy for notification when child care service is withdrawn by the program, or when parents or guardians withdraw their child(ren) from the center.
25. The procedure, if applicable, for transitioning children between school or community sponsored activities.
26. The policy on the steps the center will take prior to the suspension, expulsion, or request to parents/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, positive instruction, discipline and consequences, and include documentation of the steps taken to understand and respond to challenging behavior.

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

- A. The center must notify the parents/guardians in writing of significant changes in its services, policies, or procedures so that they can decide whether the center continues to meet the needs of their child(ren).
- B. For security purposes, a daily sign-in/sign-out sheet or other mechanism for parents/guardians must be maintained 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/guardian's signature or other identifier. With a parent/guardian's approval, a child five (5) years of age or older may sign in and out instead of the parent/guardian. Staff must verify attendance periodically throughout the day.
- C. During the hours the center is in operation, 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.
- D. If the center has a permanent site, there must be a telephone at the site.
- E. Emergency telephone numbers must be posted at each permanent site and taken on all field trips and during mobile school-age child care programs. The emergency numbers must include, at a minimum, 911, or a rescue unit if 911 isn't available; the clinic or hospital nearest to the activity location; ambulance service; fire, police, and health departments; and Rocky Mountain Poison Control.
- F. Mobile school-age child care programs must have a way to be contacted while in transit.
- G. The center 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.

- H. 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.
- I. 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 visitor's name and address and the purpose of the visit. At least one piece of photo identification must be inspected for individuals who are strangers to personnel at the center.
- J. With the exception of children who are allowed to sign themselves in and out, the center must release a child only to the adult(s) for whom written authorization has been given and is maintained in the child's record (see rule section 2.525). In an emergency, the child(ren) may also be released to an adult for whom the child's parent or guardian has given verbal authorization. If the staff member who releases the child does not know the adult, photoidentification must be required to assure that the adult is authorized to pick up the child.
- K. The center must have a procedure for dealing with individuals not authorized by the parent/guardian of a child who attempts to have the child released to them (see rule section 2.505(A)(15)).
- L. 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)).

## **PERSONNEL**

### **2.507 GENERAL REQUIREMENTS FOR ALL PERSONNEL**

- A. All personnel and volunteers at the center must demonstrate knowledgeable decision-making, judgment, and concern for the proper care and well-being of children.
- B. All personnel and volunteers must not engage in actions that would endanger the health, safety, or well-being of children.
- C. Each staff member and regular volunteer as defined in rule section 2.510 must complete an annual health history. The health history must be maintained by the center in a secure location.
- D. The duties and responsibilities of each staff position and the lines of authority and responsibility within the center must be in writing. At the time of employment, staff members must be informed of their duties and assigned a supervisor.
- E. 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
- F. Day camp staff must receive a minimum of fifteen (15) hours of pre-camp training, in addition to Department-approved First Aid and Cardiopulmonary Resuscitation (CPR) training. Pre-camp training must include all training activities that staff members participate in as a whole. 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. Policies and procedures must be in writing. Staff will be supervised and additional training may be provided if needed. Day camps must have a system in place to provide staff the essential training information for late hires.
- G. The center must have a staff development plan that includes a minimum of fifteen (15) clock hours of ongoing training each year for all staff. This requirement does not apply to day camps. At least three (3) clock hours per year must be in the focus of social emotional development. The

fifteen (15) clock hours of training does not include recertification in First Aid and CPR. Ongoing training and courses must 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; and
  8. Teaching practices:
    - a. Each one (1) semester hour course with a direct connection to the competency area listed in rule section 2.507(G), taken at a regionally accredited college or university may count as fifteen (15) clock hours of ongoing training.
    - b. Training hours completed can only be counted during the year taken and cannot be carried over.
- H. 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.
- I. All staff members must complete a Department-approved standard precautions training prior to working with children. This training must be renewed annually and may count towards ongoing training requirements.
- J. All staff members must complete a building and physical premises safety training prior to working with children. The training must include:
1. Identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water and vehicular traffic; and
  2. Handling and storage of hazardous materials and the appropriate disposal of biological contaminants.

- K. 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 within (30) calendar days of employment. This training must be renewed annually and may count towards ongoing training requirements.
- L. All staff members and regular volunteers must complete a Department-approved training about child abuse prevention, including common symptoms and signs of child abuse within (30) calendar days of employment. This training must be renewed annually and may count towards ongoing training requirements.
- M. 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.
- 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.

## **2.508 REQUIRED PERSONNEL AND QUALIFICATIONS**

### **A. Program Director**

Each center must have an on-site program director who must be at least twenty-one (21) years of age. The program director must have demonstrated to the hiring authority maturity of judgment, administrative ability, and the skill to appropriately supervise and direct school-age children in an unstructured setting.

- 1. The 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 (1) 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. 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:
    - 1. Complete six (6) semester hours, or nine (9) quarter hours in course work from a regionally accredited college or university; or
    - 2. 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.

2. Satisfactory experience includes experience in the care and supervision of four (4) or more children from the ages of four (4) to eighteen (18) years old, unrelated to the individual, since attaining the age of eighteen (18).
3. The program director is responsible for planning and implementing the program and supervising the staff.

**B. Program Leaders**

Each program leader must be at least eighteen (18) years of age, demonstrate ability to work with children, and must meet the following qualifications:

1. Complete the Department-approved course in injury prevention;
2. 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
3. Must have at least three (3) months (460 hours) of full-time or equivalent part-time satisfactory and verifiable experience with school-age children.

**C. Program Aides**

1. 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.
2. Program aides can be counted as staff in determining child care staff ratios.

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

1. As required by these rules, staff must consult with a current Department-approved Colorado Child Care Health Consultant. To be approved, the Child Care Health Consultant must be one of the following: a licensed registered nurse with knowledge and experience in maternal and child health; a pediatric nurse practitioner; a family nurse practitioner; or a pediatrician. The 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. Consultation must occur as often as the child care health consultant who is delegating medications and/or medical procedures requires.
2. The date and content of each consultation must be recorded and maintained in the center's files.
3. The center must maintain documentation including the child care health consultant's Department of Regulatory Agencies (DORA) proof of active licensure in good standing, by the Colorado Medical Board or State Board of Nursing as a physician or registered nurse, a brief biography highlighting applicable knowledge, experience and approximate dates worked as a school nurse or Child Care health Consultant commenced.
4. Child care health consultants must complete the Department- approved child care health consultant training prior to consulting with the center. The center must obtain and maintain proof of course completion.



5. All Child Care Health Consultants must show evidence they have completed the Colorado Department of Public Health and Environment (CDPHE) immunization course annually.
- E. 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.
- F. At least one staff member with current Department-approved medication administration training and delegation must be on duty at all times.
- G. First Aid and Cardiopulmonary Resuscitation (CPR) Certified Staff
  1. 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 CPR certificate 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 qualified staff member at each location.
  2. In a day camp, all staff members who are eighteen (18) years of age and older must have current Department-approved First Aid and CPR certificates. Uncertified staff members must work with another certified staff member.
  3. 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.

**2.509 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 is at least eighteen (18) years of age and has at least one (1) year (1820 hours) full-time or equivalent part-time verifiable experience working with children; or
  3. Two 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. When four- (4) year-olds are in attendance, there must be at least one program leader providing supervision with each group of twenty-four (24) or fewer children cared for by the center.
- D. The maximum group size for children over the age of five (5) is thirty (30) children. When four (4) year olds are in attendance the maximum group size is twenty-four (24). 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.

- E. Group size for children in care may be exceeded for attendance time, meal and snack time, special occasions and activities. The room capacity must not be exceeded.
- F. There must be one (1) staff member for each fifteen (15) children in attendance. When four (4) year olds are in attendance, there must be at least one staff member for each twelve (12) or fewer children cared for by the center.

<b>Ages of Children</b>	<b>Number of Staff</b>	<b>Maximum Group Size</b>
Mixed age group with 4 year olds	1 staff member to 12 children	24 children
5 years and older	1 staff member to 15 children	30 children

- 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. In a mobile day camp program, an outdoor-based day camp program, or anytime a building based program is away from the facility, the staff ratio given in rule section 2.508 must be maintained, but there must be at least two (2) program leaders at all times with the children.

**2.510 VOLUNTEERS**

- A. If volunteers are used by the center, there must be a clearly established policy in regard to their function, orientation, and supervision.
- B. References must be obtained for volunteers who are counted in the staff to child ratio, consistent with rule sections 2.120 and 2.121 of the General Rules for Child Care Facilities.
- C. Volunteers that work more than fourteen (14) calendar days (112 hours) per calendar year who are used to meet staff to child ratio must be equally qualified as a program director, program leader, or program aide and must have complete staff records as defined in rule section 2.526.
- D. Volunteers unless equally qualified must be directly supervised by a program director or program leader.
- E. Volunteers must be given instruction as to the center's policies and procedures.

**CHILD CARE SERVICES**

**2.511 ADMISSION PROCEDURE**

- A. The center can only accept children of the ages and capacity for which it 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 2.525; and
  - 2. Providing the parent(s)/guardian(s) with a copy of the center's policies and procedures.

## 2.512 HEALTH CARE

### A. Statements of Health Status

1. At the time of enrollment, the parent(s)/guardian(s) must provide for each child entering the center:
  - a. A complete health history for each child, including any communicable diseases; chronic illnesses or injuries; known drug reactions and allergies; current medications; any special diets needed; and the name address and phone number for the child's health care provider and dentist.
  - b. 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 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. Colorado law requires proof of immunization status or exemption be provided prior to or on the first day of admission.
    - (1) 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:
      - (a) Nonmedical Exemption with a signature from an immunizing provider in Colorado, or
      - (b) 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.
2. Guest Child care Facilities as defined in section 26.5-5-303(10), C.R.S., are exempt from obtaining immunization records for students when all of the following conditions are met:
  - a. Students attend for fifteen (15) days or less in a fifteen-consecutive-day period, no more than twice in a calendar year; and

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- b. At least sixty (60) calendar days separate the two sessions within the calendar year; and
      - c. The center notifies parents/guardians that non-immunized children are enrolled on the above short-term basis.
    - 3. The center must inform its child care health consultant (CCHC) prior to the first day of care of the enrollment of a child with special health care needs, if known, so staff receives training, delegation and supervision as indicated by the child's individualized health care plan.
      - a. 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.
  - B. Emergency Procedures
    - 1. Written authorization for emergency medical care must be in the child's file as required in rule section 2.525.
    - 2. When accidents, injuries, or illnesses occur, the program director or responsible adult in charge must notify the child's parent or guardian and, if necessary, seek medical care for the child.
    - 3. A responsible staff member must be directly supervising any ill or injured child.
    - 4. Portable first aid kits must be available to staff at all times, including field trips, and must be located out of reach of children and maintained in a sanitary condition. First aid kits must be checked and restocked on at least a monthly basis.
  - C. Medication
    - 1. Any un-expired routine medication, prescription and non-prescription (over-the-counter) medications must be administered only with a current written order of a health care provider with prescriptive authority and with written parental consent. Home remedies, including homeopathic medications, must never be given to a child.
    - 2. The written order by the health care provider with prescriptive authority must include:
      - a. Child's name;
      - b. Licensed prescribing practitioner 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.
3. Medications must be kept in the original labeled bottle or container. Prescription medications must contain the original pharmacy label.
4. Over-the-counter medication must be kept in the originally labeled container and be labeled with the child's first and last name.
5. In the case medication needs to be given on an ongoing, long-term basis, the authorization and consent forms must be reauthorized on 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.
6. 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 Child Care Health Consultant. Delegation must be from the center's Current 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 training prior to administering medication with the following exceptions:
  - a. Staff determined by the program director, in consultation with the Child Care Health Consultant, to be responsible for providing routine emergency medications covered in the approved medication administration training for the treatment of severe allergies or inhaled medications for the treatment of asthma must receive training and delegation from their 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.
  - b. Staff determined by the director, in consultation with the Child Care Health Consultant, to be responsible for providing medications not covered in the approved medication administration training must 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 Child Care Health Consultant based on instructions from the child's individualized health care plan.
  - c. Staff may be trained and delegated in the administration of a single rescue medication or rescue medical intervention by the center's 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.
7. All medications, except those medications specified in the Department's approved medication administration training as emergency medications, must be kept 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.).

8. Emergency medications must be stored in accordance with the 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. When away from the classroom, staff must carry emergency medications in a bag on their person.
  9. 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:
    - a. Child's name;
    - b. Name of the medication, dosage, and route;
    - c. Time medication is to be given;
    - d. Special instructions;
    - e. Name and initials of the individuals giving the medication; and
    - f. Notation if the medication was not given and the reason.
  10. 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.
  11. The center must have a written policy on the storage and access of inhalers and epinephrine auto injectors for all children in care. This policy must be reviewed by the Child Care Health Consultant.
  12. The center may, with written parental consent and authorization of the prescribing health care provider, permit children 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. The center must have a specific written policy on the storage and access of inhalers and epinephrine for children who are permitted to carry or self-administer these medications. The policy must include a contract with the parent(s)/guardian(s), and child acknowledgement, assigning levels of responsibility of each individual. This contract must accompany orders for the medication from the health care provider, along with confirmation from Child Care Health Consultant that the student has been instructed and is capable of self-administration of the prescribed medications.
  13. All staff members and 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.
- D. Sun Protection
1. The center must obtain the parent/guardian's written authorization and instructions for applying sunscreen or use of another form of parent/guardian approved sun protection. A health care provider's permission is not needed to use sunscreen at the center.
  2. When supplied for an individual child, the sunscreen must be labeled with the child's first and last name.
  3. If sunscreen is provided by the center, parents must be notified in advance, in writing, of the type of sunscreen the center will use.

4. Children may apply sunscreen to themselves under the direct supervision of a staff member.
5. The center must apply sunscreen, have the child apply sunscreen, have the parent or guardian apply sunscreen, or use another form of parent or guardian approved sun protection for children prior to children going outside. Sunscreen must be reapplied as directed by the product label.

**E. Control of Communicable Illness**

1. When children show signs of communicable illness, they must be separated from other children, the parent(s) or guardian(s) must be notified, and the center must consult a medical physician or medical facility as needed regarding treatment.
2. Staff members with a communicable illness must not be permitted to work or have contact with children or other staff members if the illness could be readily transmitted during normal working activities.

**2.513 PERSONAL HYGIENE**

**A. Children with specific toileting needs**

The center must have one (1) or more designated change areas for all children in need of changing. The change area must:

1. Meet a child's individual and developmental needs and be large enough to accommodate the size of the child;
2. Have a place inaccessible to children for storing all change supplies and disinfecting solutions and products; and
3. Have sufficient supplies.

**2.514 FOOD AND NUTRITION**

- A. The center must show evidence that all meals and snacks provided by the center must 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. 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 liquids 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 twice 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 week in advance, dated, and available to parents. 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.

**2.515 GUIDANCE**

- A. Guidance must be appropriate and constructive or educational in nature and may include such measures as diversion, separation of the child from situation, talking with the child about the situation, or praise for appropriate behavior.
- B. Children must not be subjected to physical or emotional harm or humiliation.
- 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. Children must not be denied food or forced to eat as a disciplinary measure.
- E. Separation, when used as guidance, must not exceed five (5) minutes and must be appropriate for the child's age. 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 exercise must not be used as a form of guidance.

**2.516 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 parents/guardians 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 2.509. The driver of the center vehicle is considered a staff member.
  - 4. Children must not be permitted to ride in the front seat of a vehicle unless they are secured in a seat belt that is safe and free from hazard.
  - 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. Transportation arrangements for school-age children must be by agreement between the center and the children's parents/guardians, *i.e.*, whether the children can walk, ride a bicycle or travel in a car. The center must monitor the children to ensure 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.
8. Prior to a field trip or other excursion, the center must obtain information on liability insurance from parents/guardians 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 program 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; and
  - 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.
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., that requires:
  - a. Children who are under eight (8) years of age and who are being transported, shall be properly restrained in a child restraint system, according to the vehicle and child restraint system manufacturer's instructions.
  - b. Children who are at least eight (8) years of age but less than fifteen (15) years of age who are being transported, shall be properly restrained in a safety belt or child restraint system according to the vehicle and child restraint system manufacturer's instructions.
    - (1) 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.
  - c. Two (2) or more children must never be restrained in one (1) seat belt or child restraint system.
3. 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 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 (4) four hours of driver training prior to transporting children. The driver training curriculum may be developed and administered by the center 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.

**PROGRAM ACTIVITIES**

**2.517 ACTIVITY SCHEDULES**

- A. The center must provide parents/guardians with a list of activities it offers.
- B. Parents or guardians 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. Parents/guardians must be notified in advance of all activities that will occur away from the center.
- D. Television viewing, including videos, should not be permitted without the approval of a child's parents/guardians, who must be advised of the center's policy regarding television and video viewing.
- E. A mobile day camp program must establish a daily itinerary and make available a copy to each child's parent or guardian. A copy must also be on file at the program's headquarters. The itinerary should be followed as closely as possible. In case of an emergency or change in the itinerary, the headquarters of the mobile day camp must be notified immediately. Parents/guardians must be instructed to contact the main headquarters to determine the exact location of their child.

**2.518 PHYSICAL ACTIVITY**

- A. Daily physical gross motor activities, with or without equipment or materials, must be provided outdoors, or indoors during inclement weather, for no less than sixty (60) minutes total for programs operating over five (5) hours per day. 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 inclement weather, for no less than thirty (30) minutes total for programs operating from three (3) to five (5) hours per day. 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 programs operating less than three (3) hours per day. Activities do not have to occur all at one time.

**2.519 SCREEN TIME AND MEDIA USE**

- A. All media that children are exposed to must not contain explicit language or topics.
- B. 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.
- C. 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 parents/guardians have received this plan, and agree to the activities described in the plan.
- D. There is no time restriction for children using personal adaptive equipment or assistive technology.

**2.520 EQUIPMENT AND MATERIALS**

- A. 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.
- B. Children at the center must have access to age-appropriate materials and equipment from at least the following categories:
  - 1. Activity supplies;
  - 2. Manipulatives and games;
  - 3. Recreation equipment;
  - 4. Library items; and
  - 5. Science equipment and materials.
- C. Children must wear helmets when riding scooters, bicycling, skateboarding, or rollerblading.

**2.521 FIELD TRIPS**

- A. On a field trip or during a mobile school-age child care program:
  - 1. The center must notify the children's parents /guardians in advance of any field trip. The staff-child ratios found at rule section 2.509 must be maintained at all times;

2. All groups of children must be directly supervised by a qualified program director or program leader at all times;
3. An accurate itinerary of each field trip must remain at the center;
4. The staff must have the following information about each child: parents/guardians contact information; health care provider's name, address, and phone number; and the written authorization from parent(s)/guardian(s) for emergency medical care.
5. 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;
6. A list of all children and staff on a field trip must be kept at the center; and
7. A copy of the emergency disaster plan must accompany staff offsite.

## **BUILDING AND FACILITIES**

### **2.522 FACILITY REQUIREMENTS**

- A. The mobile day camp program and the outdoor-based day camp program may use a public park or playground as a gathering place if the program primarily includes field trips away from the gathering place. Such programs must have a contingency plan for facilities to use during increment weather. The plan must be available to parents/guardians on a daily basis.
- B. If a room(s) inside a building are used for indoor care at least thirty (30) square feet of floor space per child is required. Indoor space is exclusive of kitchen, toilet rooms, office, staff rooms, hallways and stairways, closets, laundry rooms, and furnace rooms.
- C. When a building is being used during the summer months by a center specifically as a gathering place at the beginning and end of the day, the thirty (30) square feet requirement need not apply. The total amount of time during which the number of children present may exceed the thirty (30) square feet requirement must not exceed three (3) hours. This time must be divided evenly between the morning and the evening.
- D. 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. The outdoor play area must be maintained in a safe condition by removing debris, dilapidated structures, and worn and broken play equipment. The center must identify hazardous, high-risk areas. These areas must be monitored to reduce the possibility of injury and accidents;
  4. 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

5. All outdoor climbing equipment over eighteen (18) inches provided by the center must have least six (6) inches resilient surface throughout the use zone.

### **2.523 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.
- 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.

### **2.524 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 is prohibited in rooms occupied by children.
3. Volatile substances, such as gasoline, kerosene, fuel oil, and 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.
4. 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.
5. Closets, attics, basements, cellars, furnace rooms, and exit routes must be kept free from accumulation of extraneous materials.
6. 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.
7. Indoor and outdoor equipment, materials, and furnishings must be sturdy, safe and free of hazards.
8. Equipment, materials, and furnishings, including durable furniture such as tables and chairs, must be stored in a manner that is safe for children.
9. Extension cords cannot be used in place of permanent wiring.
10. 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.

#### **B. Fire Safety**

1. 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.
2. Every building and structure must have at least two (2) approved, alternate means of egress from each floor of the building or to a common hallway leading to the exterior. They must be at different locations.
  3. Every exit must be clearly visible, or the route to reach it must be conspicuously indicated. Each path of escape must be clearly marked.
  4. 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.
  5. If the building in which the center operates has a security lock on outside exit doors, the center must obtain written permission from the local fire department; and there must be a written sign attached to the door instructing staff that the security lock is not to be utilized when children are present and the center is in operation.
  6. Every building and structure must have an automatic or Department-approved manually operated fire alarm system to warn occupants of the existence of fire or to facilitate the orderly conduct of fire exit drills.

## **RECORDS AND REPORTS**

### **2.525 CHILDREN'S RECORDS**

- A. The center must maintain and update annually a record on each child that includes:
  1. The child's full name, age, current address, and date of enrollment;
  2. Names, home and employment addresses and telephone numbers, which may include cell phone numbers, and e-mail of parents/guardians if available;
  3. Any special instructions as to how the parents/guardians can be reached during the hours the child is at the center;
  4. Names and telephone numbers of persons other than parents/guardians who are authorized to take the child from the center;
  5. Names, addresses, and telephone numbers of persons who can assume responsibility for the child in the event of an emergency if parents/guardians cannot be reached immediately;
  6. Name, address, and telephone number of the child's physician, dentist, and hospital of choice;
  7. A complete health history including communicable diseases, chronic illnesses or injuries, immunization history, known drug reactions or allergies, medication records, special diet needs, and health care plans as required in rule section 2.512;

8. A dated written authorization for emergency medical care signed and submitted annually by the parent or guardian. The authorization must be notarized if required by the local health care facility;
9. Written authorization from a parent or guardian for the child to participate in field trips and to participate in program activities, listing all exclusions from authorization;
10. Written authorization from a parent/guardian for the center to transport the child to and from school, whether by walking or driving; and
11. Reports of accident, illness, or injury requiring medical attention occurring during care.

**2.526 STAFF RECORDS**

- A. The center office must maintain a record for each staff member, paid or volunteer, which includes the following:
  1. Name, address, and birth date of the individual;
  2. The date that the staff member was employed by the center;
  3. Name, address, and phone number of the person(s) to be notified in the event of an emergency;
  4. Verification of the staff member's certifications, qualifications, and training requirements;
  5. Copies of written references or notes of phone references, as required by rule section 2.510;
  7. Verification that a criminal record check with the Colorado Bureau of Investigation and federal bureau of investigation is in process, or a copy of the results of the staff member's criminal record check; and
  8. Verification that a review of the Colorado Department of Human Service's automated system for reporting child abuse and neglect has occurred or is in process.
- B. Each staff member's personnel file must contain all required information within thirty (30) working days of the first day of employment.

**2.527 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 time child arrives at and departs from the center;
  2. Current health department child care inspection report issued for the assigned license number within the past two (2) years;
  3. Current fire department inspection report issued within the past two (2) years; and
  4. A list of current staff members, substitutes, and staffing patterns.
- B. Each center must submit a report in writing to the Department using the online injury reporting system of any accident or illness occurring at the center that resulted in medical treatment by a

physician or other health care professional, hospitalization, or death. This report must be made within twenty-four (24) hours after the accident or illness occurred.

- C. A report about a fatality must include:
1. The child's name, birth date, address, and telephone number;
  2. The names of the child's parents or guardians and their address and telephone number if different from those of the child;
  3. Date of the fatality;
  4. Brief description of the incident or illness leading to the fatality;
  5. Names and addresses of witnesses or persons who were with the child at the time of death; and
  6. Name and address of police department or authority to which the report was made.
- D. The center must maintain records of reports of communicable illness made to the Colorado Department of Public Health and Environment or local public health agency.
- E. 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 parents/guardians 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 last seen;
  5. Actions taken to locate the child; and
  6. The name of the staff person supervising the child.

## **2.528 CONFIDENTIALITY AND RETENTION**

- A. The center must maintain complete records of personnel and children as required in rule sections 2.525, 2.526, and 2.527.
- B. 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).
- C. Personnel and children's records must be available, upon request, to authorized personnel of the Department.
- D. If records for organizations having more than one center are kept in a central file, duplicate identifying and emergency information for personnel and children must also be kept on file at the center attended by the child.



- E. The records of children must be maintained by the school-age child care center for at least three (3) years.

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