

Rule 4.6. School Age Child Care Program

NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3) to the Division of Family and Children (470 IAC 3-4.6) by P.L.9-1991, SECTION 133, effective July 1, 1992.

470 IAC 3-4.6-1 Purpose

Authority: IC 12-13-5-3; IC 12-17-12-17; IC 12-17-13-9
Affected: IC 12-17-12; IC 20-26-5-4; IC 20-26-5-20

Sec. 1. The purpose of 490 IAC 3 *[this article]* is to implement the school age child care program, authorized by IC 20-5-61 *[IC 20-5-61 was repealed by P.L.9-1991, SECTION 98, effective January 1, 1992.]*, which offers care to children between five (5) and fifteen (15) years of age for the period of time before or after the school day, or both, during periods when school is not in session, and during periods when school is in session for students who are enrolled in a half-day kindergarten program. *(Division of Family Resources; 470 IAC 3-4.6-1; filed Aug 15, 1988, 1:00 p.m.: 12 IR 20; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*
NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-1) to the Division of Family and Children (470 IAC 3-4.6-1) by P.L.9-1991, SECTION 133, effective July 1, 1992.

470 IAC 3-4.6-2 Definitions

Authority: IC 12-13-5-3; IC 12-17-12-17
Affected: IC 12-17-12

Sec. 2. "Board" means the interdepartmental board for the coordination of human service programs.

"Child's legal custodian" means the child's parent or custodian as determined by a court of law.

"Physical or mental incapacity" of the child's legal custodian is based on the receipt of Social Security disability or supplemental security income as the result of a disability, or the status of being an active vocational rehabilitation client, for the purposes of IC 20-5-61-10(a)(2)(C) *[IC 20-5-61 was repealed by P.L.9-1991, SECTION 98, effective January 1, 1992.]*

"Vocational training" means certified or accredited programs when determining whether a family falls within the priorities as set forth at IC 20-5-61-10(a)(2)(A) *[IC 20-5-61 was repealed by P.L.9-1991, SECTION 98, effective January 1, 1992.]* *(Division of Family Resources; 470 IAC 3-4.6-2; filed Aug 15, 1988, 1:00 p.m.: 12 IR 20; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*
NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-2) to the Division of Family and Children (470 IAC 3-4.6-2) by P.L.9-1991, SECTION 133, effective July 1, 1992.

470 IAC 3-4.6-3 Exclusions

Authority: IC 12-13-5-3; IC 12-17-12-17
Affected: IC 12-17-12

Sec. 3. The school age child care program does not include the following:

- (1) The provision of kindergarten certified by the department of education.
- (2) The provision of elementary or secondary education.
- (3) The periods during weekends and summer vacation from school.
- (4) Child care between the hours of 7 p.m. and 6 a.m., Monday through Friday.

(Division of Family Resources; 470 IAC 3-4.6-3; filed Aug 15, 1988, 1:00 p.m.: 12 IR 21; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)
NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-3) to the Division of Family and Children (470 IAC 3-4.6-3) by P.L.9-1991, SECTION 133, effective July 1, 1992.

470 IAC 3-4.6-4 Service provisions

Authority: IC 12-13-5-3; IC 12-17-12-17
 Affected: IC 12-17-12-12; IC 20-26-5-2; IC 20-26-5-4; IC 20-26-5-20; IC 20-33-5-1

- Sec. 4. (a) In order to provide services under IC 12-17-12, an entity must be:
- (1) a public school corporation as defined in IC 20-8.1-1-1 [*IC 20-8.1 was repealed by P.L.1-2005, SECTION 240, effective July 1, 2005. See IC 20-33-5-1.*]; or
 - (2) a not-for-profit organization which:
 - (A) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and
 - (B) has provided extracurricular activities or services to children during the year preceding the date of application for a grant under IC 12-17-12.
 - (b) Preference will be given to those providers who operate school-based programs.
 - (c) Service providers must adopt the following sliding fee schedule:

Percent of Poverty Level	=	Fee to be Paid, Per Family, Per Unit of Service
0 - 100%	=	No fee
101 - 109%	=	\$ 1
110 - 118%	=	\$ 2
119 - 127%	=	\$ 3
128 - 136%	=	\$ 4
137 - 145%	=	\$ 5
146 - 154%	=	\$ 6
155 - 163%	=	\$ 7
164 - 172%	=	\$ 8
173 - 181%	=	\$ 9
182 - 190%	=	\$10

- (d) Children of parents whose incomes exceed one hundred ninety percent (190%) of poverty may also be served in the program. The fee charged for those children may be set by the provider.
- (e) Service providers must serve clients on a priority of need basis under IC 12-17-12-12.
- (f) Service providers may make school age child care available from 6:00 a.m. until 7:00 p.m., Monday through Friday, when school is in session, on school holidays, and school vacation days during the regular school year.
- (g) Under this program, service providers will be reimbursed a specified rate per unit, each unit being defined as the provision of four (4) hours or more of school age child care for one (1) child. One-half (1/2) a unit is defined as up to four (4) hours of school age child care for one (1) child. (*Division of Family Resources; 470 IAC 3-4.6-4; filed Aug 15, 1988, 1:00 p.m.: 12 IR 21; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1087; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-4) to the Division of Family and Children (470 IAC 3-4.6-4) by P.L.9-1991, SECTION 133, effective July 1, 1992.

470 IAC 3-4.6-5 Transportation

Authority: IC 12-13-5-3; IC 12-17-12-17
 Affected: IC 12-17-12

- Sec. 5. Children enrolled in the school age child care program may be transported as a part of the program only:
- (1) from the child's school to the care site; or
 - (2) from the care site to the child's school.

(*Division of Family Resources; 470 IAC 3-4.6-5; filed Aug 15, 1988, 1:00 p.m.: 12 IR 21; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-5) to the Division of Family and Children (470 IAC 3-4.6-5) by P.L.9-1991, SECTION 133, effective July 1, 1992.

470 IAC 3-4.6-6 Standards

Authority: IC 12-13-5-3; IC 12-17-12-17

Affected: IC 20-26-5-4; IC 20-26-5-20

Sec. 6. (a) Providers of school age child care shall meet the standards in this section.

(b) Staffing of the school age child care program shall be as follows:

(1) Health requirements for all staff shall be as follows:

(A) No person shall be permitted to perform any services in the program until the person has furnished the program with a statement from a physician that the person is free of tuberculosis in an infectious state. Each such person is required to have a health examination within three (3) months prior to entering the service of the program. The examination shall include a chest x-ray or Mantoux tuberculin test and may include laboratory tests and immunizations as deemed necessary by the attending physician. If the tuberculin test is positive, the chest x-ray is mandatory.

(B) Annual Mantoux tuberculin testing is mandatory for all persons having direct contact with children.

(C) Volunteers, substitutes, student aides, and any other personnel having direct contact with the children or providing food service are also subject to this subdivision. Records shall be kept for all of these persons.

(2) The director, who shall be at least twenty-one (21) years of age, with at least two (2) years of experience working with children in a children's program, or a two (2) year associate's degree in a child care related field, shall be responsible for the operation of the program at all times.

(3) During any necessary absence of the director, a responsible person shall be designated to be in charge, who shall have sufficient knowledge of emergency procedures and day to day operating procedures as is necessary to carry on the normal operation of the facility.

(4) No program shall operate at any time without a responsible person eighteen (18) years of age or older present on the premises of the program.

(5) Persons having direct contact with children shall be equipped by education, training, skill, or experience to provide for the child's proper training and development as follows:

(A) Each staff member providing direct care to children shall have twelve (12) hours per year of inservice training. Fifty percent (50%) of these hours must be training received from a source other than the facility staff.

(B) All employees providing direct care to children shall have training in basic first aid within three (3) months of employment and at least every three (3) years thereafter.

(C) At all times when children are being cared for, the program must have on duty, or on the premises, at least one (1) staff member who is annually certified in a program on cardiopulmonary resuscitation and airway obstruction.

(6) The program shall provide substitute staff to replace employees on sick leave, vacation, or absent for other reasons. A responsible adult eighteen (18) years of age or older shall always be readily available to substitute for a regularly assigned staff member in charge of a unit of children.

(7) Volunteers, excluding parents, shall meet all the requirements and qualifications of the position to which they are assigned when they are counted in the child-staff ratios.

(8) Alcoholic beverages, weapons, and tobacco products shall not be permitted or used at the facility during the hours of operation in areas used for school age child care.

(c) Minimum staff to child ratios shall be as follows:

(1) The maximum number of children to be supervised by one (1) staff person is fifteen (15) if there are children who are five (5) years of age in the group, and twenty (20) for groups containing only children who are six (6) years of age or older.

(2) All persons who are responsible for and directly engaged in supervising and implementing activities for children shall be counted in determining the child-staff ratios.

(d) Emergency health care shall be as follows:

(1) The service providers shall establish a written plan for the emergency admission of a child who becomes ill or injured and needs emergency care.

(2) An easily accessible telephone and the telephone numbers of the program's consulting physician, parents of the children enrolled in the program, and of the closest emergency facility shall be immediately available.

(3) First aid procedures and emergency evacuation procedures shall be posted in each room occupied by children in this program.

(4) The program shall establish written policies regarding first aid for the care of illness or injuries, including directions for

CHILD WELFARE SERVICES

the care of poisoning, seizures, hemorrhaging, artificial respiration, and choking.

(5) Programs shall provide and use a separate area to isolate from the group any child having or suspected of having a communicable disease or any illness. Toilet and lavatory facilities shall be located within or near the area.

(6) The program shall have available to the staff a health record of each child enrolled in the program, including a record of allergies and chronic health conditions.

(7) Medication, poisons, and other harmful chemicals shall be securely locked in a cabinet or closet.

(8) No service provider shall administer any medication to a child except as permitted by state and local law and pursuant to express written authorization by the child's parent or guardian.

(e) Nutrition requirements shall be as follows:

(1) All programs shall provide meals and snacks that meet the dietary needs of each child as based on the current National Research Council Recommended Daily Dietary Allowances (NRC/RDA) according to each child's age, the length of the child's daily program attendance, and meals served at home.

(2) Children shall be served meals and snacks according to their hours of attendance and the weekly menus shall be posted.

(3) Breakfast shall be offered to children who are in attendance a substantial amount of time before school begins.

(4) Meal and snack assembly shall be done on a sanitized surface which is not located in a rest room.

(5) Drinking water must be readily available to all children.

(f) Physical space requirements shall be as follows:

(1) The indoor play area shall consist of not less than twenty (20) square feet of usable floor space per child enrolled.

(2) The indoor and outdoor premises of the facility shall be clean, comfortable, and safe, as follows:

(A) The facility shall be protected against rodents and insects.

(B) The outdoor space shall:

(i) be fenced;

(ii) have natural barriers; or

(iii) have other protective conditions;

to deter children from getting into unsafe conditions.

(C) There shall be no open drainage ditches, wells, or holes into which children may fall.

(D) Drainage shall be adequate to prevent stagnant pools of water from accumulating.

(E) Garbage and trash shall be stored in covered containers out of reach of the children and removed often enough to avoid creating a health hazard or nuisance.

(F) Open fireplaces shall not be used.

(G) All heating elements, including hot water pipes, shall be insulated or installed in a manner which makes them inaccessible to children.

(H) Furniture, equipment, and toys shall be sturdily constructed, without sharp edges, and present only minimal risks to children.

(I) Lead based paint shall not be used on surfaces accessible to children.

(J) Pets, animals, and fowl shall be maintained in a safe and sanitary manner at all times.

(g) Each school age child care program shall provide program activities that are appropriate to the various age levels of the children to be served and that meet the developmental needs of each child.

(h) When a school age child care program transports children, the program is responsible for the safety of those children. The school age child care program shall do the following:

(1) Require a current operator's license as required by law for each vehicle driver.

(2) Secure written authorization from a parent or guardian to transport the child.

(3) Load and unload at the curb or on the side of the street on which the home, facility, or other destination is located.

(4) Use only vehicles which meet the following requirements:

(A) The vehicle shall be enclosed.

(B) The vehicle shall be provided with locking doors.

(C) The vehicle seats shall be attached to the floor.

(D) The vehicle shall be maintained in good condition and meet safety standards set by the Indiana bureau of motor vehicles.

(Division of Family Resources; 470 IAC 3-4.6-6; filed Aug 15, 1988, 1:00 p.m.: 12 IR 21; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1088; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination

of Human Service Programs (490 IAC 3-1-6) to the Division of Family and Children (470 IAC 3-4.6-6) by P.L.9-1991, SECTION 133, effective July 1, 1992.

470 IAC 3-4.6-7 Eligibility

Authority: IC 12-13-5-3; IC 12-17-12-17

Affected: IC 12-17-12

Sec. 7. (a) Every child between five (5) and fifteen (15) years of age is eligible for school age child care. However, the service providers must do the following:

(1) Follow the standards under section 6 of this rule.

(2) Follow the service priorities which are as follows:

(A) The first priority must be given to children who are referred to a program by the local child protection service agency under IC 31-6-11 [*IC 31-6 was repealed by 268-1995, SECTION 17, effective July 1, 1995.*]. Children in families with the lowest gross monthly income compared to other children in this priority level must be enrolled first.

(B) The second priority must be given to children in kindergarten and grades 1 through 3 and their siblings, if their families need school age child care services because of:

(i) enrollment of a child's legal custodian in vocational training under a degree program;

(ii) employment of a child's legal custodian; or

(iii) physical or mental incapacities of a child's legal custodian.

Children in families with the lowest gross monthly income compared to other children in this priority level must be enrolled first.

(C) The third priority must be given to children in grades 4 through 9, if their families need school age child care services because of:

(i) enrollment of a child's legal custodian in vocational training under a degree program;

(ii) employment of a child's legal custodian; or

(iii) physical or mental incapacities of a child's legal custodian.

Children in families with the lowest gross monthly income compared to other children in this priority level must be enrolled first.

(D) The fourth priority must be given to children in families who do not meet the criteria set forth in clauses (A) through

(C), but who have a gross income below one hundred percent (100%) of poverty.

(3) Follow the sliding fee schedule under section 4 of this rule.

(b) Service providers must obtain a declaration of the following:

(1) Family income.

(2) At least one (1) of the following:

(A) Referral of child by a local child protection service agency.

(B) Employment of child's legal custodian.

(C) Enrollment of child's legal custodian in vocational training under a degree program.

(D) The physical or mental incapacity of the child's legal custodian.

(3) The child's age, who must be between five (5) and fifteen (15) years of age.

(c) The poverty guidelines issued by the federal Office of Management and Budget shall be used to determine the poverty level to be used in the computation of the sliding fee.

(d) The fee required to be paid by each family will be based on gross income received in the thirty (30) day period prior to the date of application.

(e) Family income includes the following:

(1) Money, wages, or salary.

(2) The dollar amount of AFDC grants.

(3) Social Security income, including Social Security disability, supplemental security income, and old age pensions.

(4) Interest, rents, and dividends.

(5) Net income from self-employment.

(6) Pensions and annuities.

(7) Unemployment compensation.

- (8) Worker's compensation.
- (9) Alimony and child support.
- (10) Veteran's pensions.

(Division of Family Resources; 470 IAC 3-4.6-7; filed Aug 15, 1988, 1:00 p.m.: 12 IR 22; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1090; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-7) to the Division of Family and Children (470 IAC 3-4.6-7) by P.L.9-1991, SECTION 133, effective July 1, 1992.

470 IAC 3-4.6-8 Eligibility appeal process

Authority: IC 12-13-5-3; IC 12-17-12-17
Affected: IC 4-21.5-1; IC 12-17-12

Sec. 8. (a) An individual who has been denied services may appeal that action to the board after attempting to resolve the problem with the local service provider.

(b) The request for a hearing must be submitted in writing and signed by the appellant. This request must be received by the board within thirty (30) days of the appellant's notification that services are denied.

(c) The board shall hold the hearing within thirty (30) days after receipt of the request for a hearing.

(d) The hearing shall be conducted in accordance with the Indiana Administrative Adjudication Act, IC 4-21.5-1.

(e) The board shall notify the appellant and the local service provider by certified mail of the appeal decision within ten (10) days after the hearing. *(Division of Family Resources; 470 IAC 3-4.6-8; filed Aug 15, 1988, 1:00 p.m.: 12 IR 23; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-8) to the Division of Family and Children (470 IAC 3-4.6-8) by P.L.9-1991, SECTION 133, effective July 1, 1992.*

470 IAC 3-4.6-9 Applications of service providers

Authority: IC 12-13-5-3; IC 12-17-12-17
Affected: IC 12-17-12

Sec. 9. (a) The interdepartmental board for the coordination of human service programs shall send out proposal packets at least yearly.

(b) All proposals which are completed by potential service providers and returned to the interdepartmental board shall be evaluated using the following criteria:

- (1) cost-effectiveness of the program plan;
- (2) whether the goals and objectives are realistic in relationship to the program design, staff, and budget;
- (3) adherence to the school age child care service definitions;
- (4) adherence to specific requirements of IC 20-5-61 [*IC 20-5-61 was repealed by P.L.9-1991, SECTION 98, effective January 1, 1992.*] and 490 IAC 3 [*this article*];
- (5) administrative capability of the service provider to comply with the terms of the contract;
- (6) the need for the program in the proposed service area as compared to the quantity of providers elsewhere in the state;
- (7) other relevant criteria as deemed necessary by the board.

(Division of Family Resources; 470 IAC 3-4.6-9; filed Aug 15, 1988, 1:00 p.m.: 12 IR 23; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-9) to the Division of Family and Children (470 IAC 3-4.6-9) by P.L.9-1991, SECTION 133, effective July 1, 1992.