

Title 20. Public Health and Welfare

Chapter XLV. Office of Early Childhood, Department of Education

Subchapter B. Licensing

Part 1027. Minimum Licensing Requirements for Out-of-School Time Facilities

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"(REV. 12/01/2020)"

Subpart 1. Out-of-School Time Licensing

20 CAR § 1027-101. Definitions.

As used in this part:

(1) "Act" means the Childcare Facility Licensing Act, Arkansas Code § 20-78-201 et seq.;

(2)(A) "Assistive electronic device" means any electronic device that is used and needed by a child or youth with a disability.

(B) Such a device might be used:

(i) For communication;

(ii) For environmental manipulation;

(iii) To keep a schedule or checklist of activities; or

(iv) For other specific and generalized therapeutic activities that promote independence.

(C) The device may be used at all times or at the discretion of the user but has a functional application for the user;

(3) "Child Care Licensing Unit" means the unit within the Office of Early Childhood that inspects and investigates any proposed or operating childcare center and any personnel connected with the center to determine if the facility will be or is being operated in accordance with the:

(A) Childcare Facility Licensing Act, Arkansas Code § 20-78-201 et seq.;

and

(B) Minimum Licensing Requirements for Childcare Centers, 20 CAR pt.

1025;

(4)(A) "Childcare center" means any childcare facility conducted under public or private auspices on a profit or nonprofit basis providing direct care and protection for children.

(B) Any facility that is open more than five (5) hours during any twenty-four-hour period or more than a total of ten (10) hours during a seven-day period:

(i) Is considered a childcare center; and

(ii) Shall be subject to the provisions of the Childcare Facility

Licensing Act, Arkansas Code § 20-78-201 et seq.

(C) Those facilities meeting the above definitions but operating no more than three (3) weeks per calendar year are not required to comply with the licensing requirements, i.e., summer Bible schools and camps.

(D) For purposes of determining the need for a license, all care provided at the site of a licensed program is considered a part of the licensed program and therefore subject to licensing requirements.

(E) This includes:

(i) Separate buildings located on the same property; or

(ii) Any other property under the same ownership.

(F) However, Mother's Day Out and other part-time programs serving children not participating in the licensed program are exempt as long as they operate no more than:

(i) Five (5) hours per day; or

(ii) Ten (10) hours per week.

(G) A public or private school that operates a kindergarten (K5) in conjunction with grades one (1) and above, or for grades one (1) and above only and provides short-term custodial care, not to exceed twenty (20) hours weekly, prior to or

following classes for those students, is not required to comply with licensing requirements for the short-term custodial care provided;

(5) "Child Maltreatment Central Registry check" means a check of the Child Maltreatment Central Registry for any record of founded child abuse and neglect or maltreatment;

(6)(A) "Criminal Federal Bureau of Investigation check" means a nationwide criminal record check conducted by the Federal Bureau of Investigation that:

- (i) Conforms to the applicable federal standards; and
- (ii) Includes the taking of fingerprints.

(B) Application for a nationwide criminal check shall be made to the Identification Bureau of the Division of Arkansas State Police;

(7) "Criminal record check" means a statewide criminal record check conducted by the Identification Bureau of the Division of Arkansas State Police;

(8) "Department" means the Department of Human Services;

(9) "Division" means the Division of Child Care and Early Childhood Education;

(10)(A) "Employee" or "staff" means all full-time or part-time employees or any person or persons who perform services under the direction and control of the out-of-school time (OST) facility, regardless of whether they are paid or not.

(B) This includes any person or persons who:

- (i) Have supervisory or disciplinary control over participants;
- (ii) Are at any point left alone with participants; or
- (iii) Are counted in staff-to-participant ratios;

(11) "Evening and night care" means participant care provided between 7:00 p.m. and 6:00 a.m.;

(12) "Kindergarten" means a school-based program offered for children five (5) years of age (K5) during the school year prior to their entry into the first grade;

(13)(A) "Medical home" means the doctor whom you and your child see for routine medical care.

(B) This is your primary care physician;

(14) "Operator" means any person or entity exercising any measure of supervision or control over an OST facility;

(15)(A)(i) "Out-of-school time program" means a childcare and school-age or youth development program caring for children who are in kindergarten (K-five (5) years of age) and above.

(ii) OST care includes:

(a) Before-school and after-school care;

(b) Extended care during the school holiday;

(c) Summer day camps; and

(d) Youth development programs.

(iii) OST programs that operate with children arriving and leaving voluntarily for scheduled classes, activities, practice, games, and meetings:

(a) Are defined as recreational programs; and

(b) Do not fall under the definition of requiring licensure as an OST program.

(B)(i) For purposes of determining the need for a license, all care provided at the site of a licensed OST program is considered a part of the licensed program and therefore subject to licensing requirements.

(ii) This includes separate buildings located on the same property or any other property under the same ownership.

(iii) Part-time programs serving participants not participating in the licensed OST program are exempt as long as they operate no more than five (5) hours per day or ten (10) hours per week.

(C) A public or private school that operates a kindergarten (K5) in conjunction with grades one (1) and above or for grades one (1) and above only and provides short-term custodial care, not to exceed twenty (20) hours weekly, prior to or following classes for those students, is not required to comply with licensing requirements for the short-term custodial care provided;

(16) "Owner" means any person who assumes the legal responsibility for operation of an OST facility;

(17) "Part-time care" means care:

(A) Provided no longer than four (4) hours per day; or

(B) Not to exceed a maximum of twenty (20) hours per week;

(18)(A) "Participant" means a child who is enrolled in kindergarten or a higher grade.

(B) If the OST program provides care to children over thirteen (13) years of age, the program must meet all regulatory standards in regard to such children just as if the children were under thirteen (13) years of age.

(C) Children may receive care through the conclusion of high school;

(19) "Personnel" means the facility:

(A) Owner or operator;

(B) Staff; or

(C) Volunteer;

(20) "Program" means all activities that comprise the participant's day at the center;

(21)(A) "Screen time" means the amount of time that a participant uses or is engaged with electronic media.

(B) Electronic media includes but is not limited to television, videos, digital versatile discs (DVDs), computers, portable electronic devices, etc.;

(22)(A) "Sick care" means a separate service providing care for participants who are too sick to attend the OST program as stated in 20 CAR § 1027-1001 et seq. but who do not exhibit any of the excludable diseases as defined in 20 CAR § 1027-1501 et seq.

(B) The primary objective of this service is to ensure that participants in care receive the required attention necessary for moderately ill participants;

(23)(A) "Staff" or "employee" means all full-time or part-time employees and staff or any person or persons who perform services under the direction and control of the OST facility, regardless of whether they are paid or not.

(B) This includes any person or persons who:

(i) Have supervisory or disciplinary control over participants;

- (ii) Are at any point left alone with participants; or
- (iii) Are counted in staff-to-participant ratios;

(24)(A) "Substantial compliance" means compliance with all essential standards necessary to protect the health, safety, and welfare of the participants attending the OST program.

(B) Essential standards include but are not limited to those relating to issues involving:

- (i) Fire;
- (ii) Health;
- (iii) Safety;
- (iv) Nutrition;
- (v) Discipline;
- (vi) Staff-to-participant ratio; and
- (vii) Space;

(25)(A) "Swimming pool" means any pool of water in excess of twelve inches (12") deep.

(B) This does not include natural pools of water such as:

- (i) Lakes;
- (ii) Ponds; and
- (iii) Rivers; and

(26) "Volunteer" means a person who provides services to an OST program, but:

- (A) Has no supervisory or disciplinary control over participants;
- (B) Is not left alone with participants; and
- (C) Is not counted in staff-to-participant ratios.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-102. Related laws and requirements.

(a)(1) The Childcare Facility Licensing Act, Arkansas Code §§ 20-78-201 – 20-78-220, is the statutory authority for licensing out-of-school time (OST) programs.

(2) This act:

(A) Created the Division of Child Care and Early Childhood Education; and

(B) Authorized the division to establish rules governing the:

(i) Granting, revocation, denial, and suspension of licenses for OST facilities; and

(ii) Operation of OST facilities in this state.

(3) This part is the division's rules for OST facilities.

(b)(1) The Childcare Facility Licensing Act designates the division as the administrative agency responsible for administering the Childcare Facility Licensing Act in accordance with this part.

(2) The division is authorized to inspect and investigate any proposed or operating OST facilities and any personnel connected with the OST facilities to determine if the facility will be or is being operated in accordance with:

(A) The Childcare Facility Licensing Act; and

(B) This part.

(c)(1) The Child Care Licensing Unit will notify the applicable federal agency at any time it becomes aware of or is advised of violations of any of the following or similar laws.

(2) The owner should be aware of applicable federal laws that may affect the operation of the facility, such as, but not limited to:

(A) The Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq.;

(B) Environmental Protection Agency regulations to ensure that any renovation or repair work on a home, childcare facility, or school that was constructed prior to 1978 shall be completed by a contractor that is certified by the Environmental Protection Agency when the repairs or renovations consist of any or all of the following:

(i) The repair or renovation disturbs six square feet (6 sq. ft.) or more of the interior;

(ii) The repair or renovation disturbs twenty square feet (20 sq. ft.) or more of the exterior; or

(iii) The repair or renovation involves removing a window; and

(C) Federal civil rights laws state that a facility may not discriminate on the basis of:

(i) Race;

(ii) Color;

(iii) Sex;

(iv) Religion;

(v) National origin;

(vi) Physical or mental handicap; or

(vii) Veteran status.

(d)(1)(A) The licensee shall maintain childcare liability insurance, Acts 2009, No. 778, and comply with the following requirements.

(B) State entities, political subdivisions, or other entities entitled to immunity from liability under Arkansas Code § 21-9-301 are not required to have general liability insurance coverage in order to be licensed.

(2) Prior to the approval of an application, the applicant shall provide verification of the required coverage to the childcare licensing specialist and provide subsequent verification when requested.

(3) The licensee shall maintain the minimum amount of coverage as follows:

Licensed Capacity of OST Facility	Minimum Childcare Liability Insurance Coverage Required
1-74	\$500,000 per occurrence
75 and up	\$1,000,000 per occurrence

(e)(1) Owners, operators, staff, therapists, and volunteers are:

(A) Mandated reporters of suspected child maltreatment; and

(B) Required to call the Child Abuse Hotline at 1-800-482-5964 if they have reason to suspect child maltreatment.

(2) Additionally, these same individuals are required by Acts 2019, No. 530, to notify law enforcement if they have a good faith belief that there is a serious and imminent threat to the health or safety of a student, employee, or the public based on a threat made by an individual regarding violence in or targeted at a school (facility) that has been communicated to the person in the course of their professional duties.

(f) Laws relevant to the operation of OST facilities are available upon request.

(g)(1) The following standards are the minimum licensing requirements that shall be met by persons or organizations that operate an OST facility.

(2) In recommending a license be issued, the Office of Early Childhood works in coordination with the:

(A) Local and state:

(i) Health departments;

(ii) Fire departments; and

(iii) City planning or zoning departments; and

(B) Boiler Inspection Division.

(3) Persons considering opening or expanding an OST facility shall immediately contact these individual departments for inspection and information on their separate rules.

(4) A prospective licensee should request clarification regarding the codes or covenants enforced by these departments as some may:

(A) Prevent the operation of an OST facility at a particular location;

(B) Limit the number of participants in care; or

(C) Impose additional safety requirements.

(h) The licensing unit shall share information on the location and status of new applicants applying for a license and on facilities holding a license when a city or county requests the information.

Authority. Arkansas Code § 20-78-206.

Codification Notes. Acts 2023, No. 237 transferred the administration of early childhood care and education from the Division of Child Care and Early Childhood Education to the Office of Early Childhood of the Department of Education.

This section, as promulgated prior to codification into the Code of Arkansas Rules of 2024, contained the following at the end of subdivision (d)(1)(B) of this section: "(Act 23 of 2015)".

20 CAR § 1027-103. General requirements.

(a)(1) The out-of-school time (OST) facilities shall maintain compliance with the licensing requirements at all times.

(2) To be in substantial compliance, the OST facility shall meet all essential standards necessary to protect the health, safety, and welfare of the participants attending the OST facility.

(3) Essential standards include but are not limited to those relating to issues involving:

- (A) Fire;
- (B) Health;
- (C) Safety;
- (D) Nutrition;
- (E) Discipline;
- (F) Staff-to-participant ratio; and
- (G) Space.

(4) Failure to comply with any of the licensing requirements for OST facilities may result in any of the following adverse actions:

- (A) Denial of an application for a license or for church-exempt status;
- (B) Revocation or suspension of a license or church-exempt status; or
- (C) Issuance of a provisional license or provisional church-exempt status.

(b) The following factors may be considered when determining the appropriate adverse action:

- (1) Severity of the deficiency cited;
- (2) Number of violations cited;
- (3) Frequency of violations cited;
- (4) Past history of compliance; and
- (5) Willingness/ability to correct violations.

(c)(1) Each OST facility shall be reviewed by the Child Care Licensing Unit to determine whether the facility is in compliance with this part.

(2) Childcare licensing staff shall have access to OST facilities for the purpose of conducting:

- (A) Inspections;
- (B) Reviews; and
- (C) Complaint investigations.

(3) Clarification.

(A) In addition to rooms used for care, childcare licensing staff must also be given access to all other rooms or spaces not used for care.

(B) Any rooms or areas that are not accessible to participants in care:

- (i) Will only be viewed briefly for major health and safety issues; and
- (ii) Will not be routinely monitored for general licensing compliance.

(C) This is to help ensure that there are no dangers such as fire hazards that could impact the safety of the entire structure.

(d) Denial of access to the facility or to interview participants may result in any of the adverse actions described above.

(e)(1) Any facility that has not provided care to participants for a period of one (1) year shall be closed unless a written request is made by the licensee stating why closure should not take place.

(2) If the licensee requests that the license remain open, license fees and required annual inspections shall be kept current.

(f)(1) Falsification of any document and submission of false information to the Office of Early Childhood may constitute grounds for revocation of the license.

(2) Falsification means the submission of untrue information, whether by statement or omission.

(g) Any individual and related parties on the Department of Human Services Exclusion List pursuant to Participant Exclusion, 25 CAR pt. 30, shall not be eligible to be an owner, member of the board of directors, director, assistant director, or person in charge of any licensed childcare facility.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-104. Licensing procedures.

(a) Application.

(1) An application shall be obtained from the Child Care Licensing Unit.

(2) The completed application packet shall be submitted to the licensing unit for review and approval.

(3) A completed application packet shall consist of:

(A) A signed application form with a designated person who assumes legal responsibility for operation of the out-of-school time (OST) facility;

(B) Name of proposed director and their qualifications;

(C) Names, addresses, and telephone numbers of the board of directors, if applicable;

(D) Clear written guidelines of responsibility for the board of directors, if applicable;

(E) Building and facility diagram;

(F) Description of the services that will be provided to the participants;

(G) Verification that criminal record checks and Child Maltreatment Central Registry checks have been initiated on all owners, operators, and staff members of the OST facility;

(H) Boiler inspection, or verification that inspection has been scheduled;

(I) Fire department approval;

(J) Health department approval;

(K) Zoning approval;

(L)(i) Verification of childcare liability insurance.

(ii) If childcare liability insurance cannot be obtained before application, it must be obtained with proof provided to the licensing unit before care of participants can be provided; and

(M)(i) A reasonable plan with a proposed budget for the financial support of the program covering costs of:

(a) Staffing;

(b) Building, including rent or mortgage and repairs;

(c) Utilities;

(d) Equipment;

(e) Safety; and

(f) Nutrition.

(ii) This is a one-time-only requirement that applies to new applicants for a license.

(b) **Time for processing.** The childcare licensing specialist has sixty (60) days to submit a recommendation to the Office of Early Childhood.

(c)(1) A preapproval consultation meeting shall be required for all applicants for a license prior to the approval of the application.

(2) This meeting shall be offered to the applicant prior to application or within thirty (30) days of the receipt of the application.

(d) **License.**

(1) The licensing unit shall conduct a licensing study of each OST facility to determine eligibility for a license.

(2) The facility shall be approved by the licensing unit before a license may be issued by the office.

(3) A license for an OST facility shall specify:

(A) The name and address of the facility;

(B) The owner and operator of the OST facility;

(C) The number of participants authorized for care at the OST facility;

- (D) The expiration of any provisional licenses; and
- (E) The type of care the OST facility will be providing.

(e) License — Nontransferable.

(1) A license for an OST facility or approval for a church-operated exempt status shall apply only to the address and location stated on the license or approval issued.

(2) It shall not be transferable from:

- (A) One (1) holder of the license or approval to another; or
- (B) One (1) place to another.

(3) If the location of an OST facility is changed, or the operator of the OST facility is changed, then the license or approval for that OST facility shall be automatically closed on such a change.

(4) The OST facility shall notify the licensing unit of a change of location or ownership.

(f) Compliance.

(1) On-site inspections of OST facilities are conducted by the licensing unit on a routine basis to determine a facility's continued compliance with the standards.

(2) The caregivers shall cooperate with licensing staff during licensing visits and investigations.

(3) Violations of rules are documented in writing by use of the licensing compliance record.

(4) Documentation shall include:

- (A) Reference to the specific rule violated;
- (B) A factual description of:
 - (i) The nature of the violation; and
 - (ii) How the OST facility failed to comply; and
- (C) A date of expected corrections.

(g)(1) If video recordings are made by the facility and maintained for viewing as part of a continuous monitoring system, they shall be made available to licensing staff as needed upon request.

(2) This does not include video recordings of special events, etc.

(h) The licensing unit shall have the authority to make both scheduled and unscheduled visits to:

(1) Conduct inspections and reviews to determine compliance with the licensing requirements;

(2) Investigate complaints involving possible violations of licensing requirements; and

(3) Offer consultation and technical assistance.

(i) The childcare licensing specialist may increase unscheduled monitor visits where numerous or severe violations of standards are cited.

(j)(1) If a violation is of imminent threat to the health, safety, and welfare of the participants attending the OST program, corrective action or compliance shall be obtained within twenty-four (24) hours in order to ensure the health, safety, and welfare of the participants in care.

(2) If an OST facility violates an administrative standard or standard that does not directly threaten the immediate health, safety, or welfare of the participants in care, these violations shall be corrected within a reasonable time as mutually agreed upon by the licensing unit and the OST facility.

(3) Once a violation has been corrected, the correction will be documented on the licensing compliance record and a copy provided to the OST facility.

(k) **New provisional license.**

(1) The childcare licensing specialist shall recommend a new provisional license when:

(A) The facility is newly opened; or

(B) A facility has been acquired by new owners whose compliance history has not been determined.

(2) A new provisional license shall not exceed twelve (12) months in length.

(3) At the end of the provisional license, the office may in its discretion:

(A) Issue a regular license;

(B) Revoke the license;

- (C) Suspend the license; or
- (D) Issue a successive provisional license.

(l) **Regular license.** The childcare licensing specialist will recommend a regular license when:

- (1) The facility has demonstrated substantial compliance; or
- (2) An existing licensee with a regular license relocates their facility and their past demonstrates a substantial level of compliance.

(m) **Probationary provisional license.**

(1) The licensing unit may issue a probationary provisional license when the OST facility is not maintaining substantial compliance due to deficiencies that are so numerous, frequent, or severe as to potentially jeopardize the health, safety, and welfare of participants.

(2) The facility and licensing unit shall have a corrective action plan in place addressing the issues.

(3) Based on the level of compliance during the period of the probationary provisional license, the licensing unit may:

- (A) Issue a regular license;
- (B) Suspend the license; or
- (C) Revoke the license.

(n) **Suspension of license.**

(1) The office may suspend a license when the licensing unit determines that the facility has serious areas of noncompliance, but the facility would be able to resume normal operation when the harmful conditions are eliminated.

(2) If granted, the suspension order remains in effect until the order expires or until the office determines that the problems necessitating the suspension order have been resolved.

(3) The suspension of a license may not exceed twelve (12) months.

(4) If the office finds that the terms of the suspension order have been met prior to the expiration of the suspension period, the office retains the discretion to reinstate the license.

(5) If the terms of the order have not been met, the office may revoke the license.

(o) **Revocation of license.** The office may revoke a license when any of the following situations occur:

(1) The facility fails to maintain substantial compliance with licensing requirements;

(2) The facility fails or refuses to correct cited deficiencies in a timely manner;

or

(3) The facility fails to ensure the health, safety, and welfare of participants in care.

(p)(1) The revocation of a license nullifies and cancels the license.

(2) At the time of a final determination of revocation of the license by the office, the office shall specify in the revocation letter the terms of the revocation.

(3) The licensee shall not be eligible to reapply for a license for a minimum of one (1) year or longer if specified in the revocation order.

(4)(A) Related parties shall not be eligible to apply for a license for the same specified period.

(B)(i) "Related parties" means:

(a) Immediate family members;

(b) Members of the board of directors; and

(c) Persons or entities associated or affiliated with, or that share common ownership, control, or common board members, or that have control of or are controlled by the licensee.

(ii) An "immediate family member" means:

(a) A spouse;

(b) Step-relationships;

(c) In-law relationships;

(d) A child;

(e) A natural or adoptive parent;

(f) A sibling;

- (g)* A grandparent;
- (h)* A grandchild; or
- (i)* A son-in-law or daughter-in-law.

(C) Applicants who are denied a license or registration due to this requirement may appeal the denial to the Childcare Facility Review Panel.

(5) Facilities wishing to be relicensed must submit a new application for licensure for review and approval by the office.

(6) Approval must be obtained and a new license issued before the facility provides care to a licensable number of participants.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-105. License fee.

(a)(1) Each facility shall submit an annual license fee as long as the facility is in compliance with this part.

(2) A facility license fee is determined by combining the maximum license capacity of all licenses located within the same premises:

(A) Facilities serving up to seventeen (17) participants, fifteen dollars (\$15.00) per year;

(B) Facilities serving seventeen (17) to ninety-nine (99) participants, fifty dollars (\$50.00) per year; or

(C) Facilities serving one hundred (100) or more participants, one hundred dollars (\$100) per year.

(b) Upon review and determination of a licensing recommendation by the childcare licensing specialist, the childcare licensing specialist shall issue a Notice of License Fee Due to the facility.

(c) The Office of Early Childhood shall not issue a license unless the required license fee has been paid.

(d) A copy of the license fee notice shall be submitted, licensure recommendation.

(e) The fee schedule shall apply to all out-of-school time facility recommendations for licensure as follows:

(1)(A) New provisional license.

(B) Provisional license for new operation to be issued for a period of twelve (12) months.

(C) A one-year license fee shall be paid prior to the issuance of a provisional license;

(2)(A) New regular license or conversion from provisional to regular status.

(B) A license fee shall be paid prior to the issuance of a new license; and

(3)(A) Conversion to provisional status.

(B) No license fee is due for licenses converted to provisional status during the term of a regular license.

(f)(1) A second notice of license fee due will be sent to facilities failing to submit the required license fee (Notice of License Fee Past Due).

(2) This notice will be sent twenty (20) days after the initial notice of fee due.

(3) Failure to submit a license fee within twenty (20) days of receipt of the past due notice will result in action to suspend the license until such time as the fee is paid.

(g)(1) Refunds of license fees paid are made only when the office does not approve issuance of a license.

(2) There shall be no refunds of license fees paid for:

(A) Voluntary closure of a facility; or

(B) Office action to revoke or suspend a license.

(h)(1) All license fees paid to the office shall be deposited in a special childcare provider's fund.

(2) This fund shall be used to meet the cost of conducting statewide criminal record checks, with the remaining money used for training or materials to be loaned to childcare providers.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-106. Appeal of licensing actions.

(a) A licensee or applicant for license may request an appeal of any of the following licensing actions:

- (1) Adverse licensing actions:
 - (A) Revocation or suspension of a license;
 - (B) Conversion to a provisional license; or
 - (C) Denial of an application for a license;
- (2) Founded licensing complaints;
- (3) Denials of alternative compliance requests; or
- (4) Cited noncompliance with the published standards.

(b)(1) An appeal may be initiated on any of the above actions by requesting an appeal in writing to the childcare licensing specialist or licensing supervisory staff.

(2) Requests to appeal adverse licensing actions must be mailed within ten (10) calendar days of the receipt of the notice of the adverse action.

(3) Requests to appeal licensing actions, other than adverse, must be mailed within twenty (20) calendar days from receipt of the notification of the action.

(4) The request to appeal shall include a statement of the:

- (A) Action or actions taken by the Office of Early Childhood; and
- (B) Reason or reasons the licensee or applicant for license disagrees with that action.

(5) The request to appeal will be reviewed by the licensing supervisor and the licensing administrator.

(6) If the appeal is not resolved to the satisfaction of the licensee or applicant for license, the matter will be referred to the Childcare Appeal Review Panel for hearing.

(7) This appeal process also applies to church-operated exempt facilities.

(8) Additional information regarding the appeal procedures and the Childcare Appeal Review Panel is available on request.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-107. Alternative compliance.

(a) The Office of Early Childhood may grant alternative compliance with this part if the office determines that the alternative form of compliance:

- (1) Offers equal protection of health, safety, and welfare to participants; and
- (2) Meets the basic intent of the requirements for which the program is making the request.

(b) The office shall consider all requests for alternative compliance with the licensing requirements except those requirements that are enforced by:

- (1) The Department of Health, local fire marshal, or State Fire Marshal's office; and
- (2) Applicable city ordinances including zoning.

(c) To request alternative compliance, the following procedure shall be initiated by the person responsible for the operation of the facility:

- (1) The applicant or licensee shall submit the request for alternative compliance in writing; and
- (2) The request shall include:
 - (A) The specific standards for which alternative compliance is sought;
 - (B) An explanation of how the alternative form of compliance is equal to or exceeds the stated requirements;
 - (C) Full justification and description of:
 - (i) What the alternative compliance method will be; and
 - (ii) The method by which the facility will carry out this plan to continue to provide for the health, safety, and welfare of participants as intended by the requirements; and
 - (D) The applicant and licensee shall provide clear and supportive evidence and, upon request of the office, an expert's opinion on the effect of the request on the health, safety, and welfare of the participants.

(d)(1) A separate written request shall be submitted for each requirement for which alternative compliance is sought.

(2) The approved alternative compliance is effective for the duration of the license unless a shorter time frame is specified.

(e)(1) The granting of alternative compliance for a requirement shall in no way constitute a precedent.

(2) If an alternate means of complying with the requirement is granted by the office and the facility fails to satisfactorily implement this alternate means, the original requirement for which alternative compliance was sought shall become immediately enforceable.

(f) The office shall have the right to obtain an expert opinion to corroborate expert opinions provided by the applicant or licensee.

(g) The office shall have the right to deny requests for alternative compliance when it finds that such requests do not:

- (1) Adequately protect the health, safety, and welfare of participants; and
- (2) Meet the intent of the requirements.

(h) All requests for alternative compliance shall be answered in writing by the office.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-108. Church-operated exemption.

(a) Please note that all rules included in this part also apply to church-operated exempt out-of-school time (OST) facilities.

(b)(1) Acts 1983, No. 245, defines:

(A) Those facilities that may apply for an exemption from obtaining of license to operate a childcare facility; and

(B) The process through which such exemption may be granted.

(2) The facility must be:

(A) Operated by a church or group of churches; and

(B) Exempt from the state income tax levied by Acts 1929, No. 118, as amended.

(3) The person or persons in charge of such a facility shall submit a written request to the Office of Early Childhood for such exemption along with the following:

(A) Verification of tax ID ownership by the church;

(B) Verification that the facility is operated by a church or group of churches;

(C) Verification that the facility has been inspected annually and meets the applicable fire safety and health standards; and

(D) Certification from the facility that it is in substantial compliance with published standards that similar nonexempt OST facilities are required to meet.

(c) The office shall:

(1) Review each request for a church-operated exemption; and

(2) Reply in writing within sixty (60) days from receipt of such request.

(d) The facility shall be visited by office staff to verify the facility's substantial compliance with the published standards prior to the consideration and review by the office.

(e) The office shall:

(1) Consider each request for exemption; and

(2) Review the office staff's written report in determining a facility's substantial compliance with published standards.

(f) If a facility claims and states the belief that a particular standard is of a religious nature, the office shall consider and make a determination on the statements that shall then be a final action subject to review under the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

(g) Written notification of an exemption shall be made to the facility stating:

(1) The maximum number of participants allowable;

(2) The dates of exemption; and

(3) Any other conditions by which an exemption is granted.

(h) Office staff shall have the authority to visit any church-operated exempt facility to review, advise, and verify the maintenance of substantial compliance at the direction of the office.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-109. Licensing investigations.

Childcare licensing staff shall investigate all complaints involving the possible violation of licensing requirements.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-110. Child Maltreatment Central Registry checks.

(a)(1) The following persons shall be required to have their background reviewed through a Child Maltreatment Central Registry check.

(2) Prospective employees who have not lived in the State of Arkansas during the preceding five (5) years will be subject to current federal guidelines regarding conducting a child maltreatment background check in any states where they resided during the past five (5) years.

- | | |
|--|---|
| (A) Each applicant to own or operate an OST facility | At application and every two (2) years thereafter |
| (B) Staff members and applicants for employment in OST facility | Prior to employment and every two (2) years thereafter |
| (C) All volunteers who have routine contact with participants | Prior to providing services or participating in center activities and every (2) years thereafter |
| (D) Administrative staff or members of board of directors who have supervisory or disciplinary control over participants or who have routine contact with participants | At application and when changes occur with administrative staff or board members and every two (2) years thereafter |

(E) Therapists or other persons who have routine contact with participants Prior to providing services or participating in program activities and every two (2) (b)(1) If a com

plaint of child maltreatment is filed against any owner or operator, staff, or other person in out-of-school time (OST) facility, the childcare licensing specialist shall:

(A) Evaluate the risk to participants; and

(B) Determine the suitability of the person or persons to supervise, be left alone with participants, have disciplinary control over participants, or remain in the program during hours of care until the allegations have been determined true or unsubstantiated.

(2) Pending the evaluation of risk to participants by the Child Care Licensing Unit, the person or persons alleged shall not be left alone with participants.

(c)(1) If corrective action is appropriate, the facility shall require all staff members who have had a founded report of child maltreatment to follow the corrective action plan specified by the licensing unit.

(2) Corrective action measures may vary from relevant training to reassignment or termination.

(3) Failure to comply with corrective action plans may constitute grounds for adverse action against the license.

(d)(1) The statewide Child Abuse Hotline and the Child Care Licensing Unit Central Office number shall be posted in a conspicuous place in the OST facility.

(2) The Child Abuse Hotline number is 1-800-482-5964 and the Child Care Licensing Unit Central Office number is 501-682-8590 or toll-free 1-800-445-3316.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-111. Federal Bureau of Identification criminal records check.

(a)(1) The following persons shall apply to the Identification Bureau of the Division of Arkansas State Police for a nationwide criminal record check, to be conducted by the Federal Bureau of Investigation, which shall include a fingerprint check.

(A) The individual is responsible for the cost of a nationwide check.

(B) Each request must be accompanied by a check or money order made out to the division.

(2)(A) Fingerprints submitted will be used to check the criminal history records of the Federal Bureau of Investigation.

(B) Individuals with results showing a prohibited offense shall be advised to contact the Child Care Licensing Unit for procedures to:

(i) Obtain the results; and

(ii) Update or make corrections to the record of their individual

history.

(3) Criminal records check.

(A) Each applicant to own or operate an out-of-school time (OST) facility At initial application and every five (5) years thereafter

(B) Direct care staff or staff with routine contact with participants Prior to employment and every five (5) years thereafter

(C) Administrative persons who have direct contact with participants Prior to employment and every five (5) years thereafter

- | | |
|--|---|
| (D) Therapists, volunteers, or other persons who have supervisory control, disciplinary control over participants, or are left alone with participants | Prior to providing services or participating in center program activities and every five (5) years thereafter |
|--|---|

(b) Division of Arkansas State Police criminal background check.

(1) The following persons shall be required to have their backgrounds reviewed through a fingerprint criminal records check, which includes the Arkansas Sex Offender Registry, conducted by the division.

(2)(A) A prospective staff member may not begin work until the division’s criminal record check result has been returned as satisfactory.

(B) Following receipt of the satisfactory result, this individual must be supervised at all times, pending completion of all of the required background check components, by a staff member who has successfully completed all required background checks.

(3)(A) Prospective employees who have not lived in the State of Arkansas during the preceding five (5) years will be subject to current federal guidelines regarding conducting a criminal background check and sex offender registry check in any states where they resided during the past five (5) years.

(B) A National Sex Offender Registry check will also be conducted on prospective employees.

(4) Criminal records check.

- | | |
|--|--|
| (A) Each applicant to own or operate out-of-school time (OST) facility | At initial application and every five (5) years thereafter |
| (B) Staff and applicants for employment in an OST Facility | Prior to employment and every five (5) years thereafter |

- (C) Administrative persons who have direct contact with participants Prior to providing services or participating in home activities and every five (5) years thereafter
- (D) Therapists or other persons who have supervisory or disciplinary control over children, or are left alone with Prior to providing services or participating in home activities and every five (5) years thereafter

(c)(1) Criminal records will be returned to the division for review.

(2) Any charge or convictions listed in this section that are returned will be considered regardless of whether the record is:

- (A) Expunged;
- (B) Pardoned; or
- (C) Otherwise sealed.

(d)(1) No person shall be eligible to be an OST facility owner, operator, or employee if that person has pleaded guilty, or been found guilty, of:

- (A) Any of the following offenses by any court in the State of Arkansas;
- (B) Any similar offense by a court in another state; or
- (C) Any similar offense by a federal court.

(2) The following offenses are permanently prohibited:

Abuse of an endangered or impaired person, if felony;	§ 5-28-103;
Arson;	§ 5-38-301;
Capital murder;	§ 5-10-101;
Endangering the welfare of an incompetent person in the first degree;	§ 5-27-201;
Kidnapping;	§ 5-11-102;
Murder in the first degree;	§ 5-10-102;
Murder in the second degree;	§ 5-10-103;
Rape;	§ 5-14-103;
Sexual assault in the first degree; and	§ 5-14-124; and
Sexual assault in the second degree.	§ 5-14-125.

(e)(1) No person shall be eligible to be an OST facility owner, operator, or employee if that person has pleaded guilty, or been found guilty, of:

- (A) Any of the following offenses by any court in the State of Arkansas;
- (B) Any similar offense by a court in another state; or
- (C) Any similar offense by a federal court.

(2) The following offenses are prohibited:

Criminal attempt to commit any offenses;	§ 5-3-201;
Criminal complicity to commit any offenses;	§ 5-3-202;
Criminal conspiracy to commit any offenses;	§ 5-3-401;
Criminal solicitation to commit any offenses;	§ 5-3-301;
Assault in the first, second, or third degree;	§§ 5-13-205 to 5-13-207;
Aggravated assault;	§ 5-13-204;
Aggravated assault on a family or household member;	§ 5-26-306;
Battery in the first, second, or third degree;	§§ 5-13-201 to 5-13-203;
Breaking or entering;	§ 5-39-202;
Burglary;	§ 5-39-201;
Coercion;	§ 5-13-208;
Computer crimes against minors;	§ 5-27-601 et seq.;
Contributing to the delinquency of a juvenile;	§ 5-27-220;
Contributing to the delinquency of a minor;	§ 5-27-209;
Criminal impersonation;	§ 5-37-208;
Criminal use of a prohibited weapon;	§ 5-73-104;
Communicating a death threat concerning a school employee or students;	§ 5-17-101;
Domestic battering in the first, second, or third degree;	§§ 5-26-303 to 5-26-305;
Employing or consenting to the use of a child in a sexual performance;	§ 5-27-402;
Endangering the welfare of a minor in the first or second degree;	§§ 5-27-205 to 5-27-206;

Endangering the welfare of an incompetent person in the first or second degree;	§§ 5-27-201 to 5-27-202;
Engaging children in sexually explicit conduct for use in visual or print medium;	§ 5-27-303;
False imprisonment in the first or second degree;	§§ 5-11-103 to 5-11-104;
Felony abuse of an endangered or impaired person;	§ 5-28-103;
Felony interference with a law enforcement officer;	§ 5-54-104;
Felony violation of the Uniform Controlled Substances Act;	§ 5-64-101 et seq.;
Financial identity fraud;	§ 5-37-227;
Forgery;	§ 5-37-201;
Incest;	§ 5-26-202;
Interference with court-ordered custody;	§ 5-26-502;
Interference with visitation;	§ 5-26-501;
Introduction of controlled substance into body of another	§ 5-13-210;
Manslaughter;	§ 5-10-104;
Negligent homicide;	§ 5-10-105;
Obscene performance at a live public show;	§ 5-68-305;
Offense of cruelty to animals;	§ 5-62-103;
Offense of aggravated cruelty to dog, cat, or horse;	§ 5-62-104;
Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child;	§ 5-27-304;
Sexual solicitation;	§ 5-70-103;
Permanent detention or restraint;	§ 5-11-106;
Permitting abuse of a minor;	§ 5-27-221;
Producing, directing, or promoting a sexual performance by a child;	§ 5-27-403;
Promoting obscene materials;	§ 5-68-303;
Promoting obscene performance;	§ 5-68-304;
Promoting prostitution in the first, second, or third degree;	§§ 5-70-104 to 5-70-106;
Prostitution;	§ 5-70-102;
Public display of obscenity;	§ 5-68-205;
Resisting arrest;	§ 5-54-103;
Robbery;	§ 5-12-102;
Aggravated robbery;	§ 5-12-103;

Sexual offenses;	§ 5-14-101 et seq.;
Simultaneous possession of drugs and firearms;	§ 5-74-106;
Soliciting money or property from incompetents;	§ 5-27-229;
Stalking;	§ 5-71-229;
Terroristic act;	§ 5-13-310;
Terroristic threatening;	§ 5-13-301;
Theft by receiving;	§ 5-36-106;
Theft of property;	§ 5-36-103;
Theft of services;	§ 5-36-104;
Transportation of minors for prohibited sexual conduct;	§ 5-27-305;
Unlawful discharge of a firearm from a vehicle; and	§ 5-74-107; and
Voyeurism.	§ 5-16-102.

(f)(1) If the licensee wishes to employ an individual with a conviction or plea of guilty or nolo contendere for the following nonviolent offenses, they shall submit a written request for a waiver prior to employment:

- (A) Theft by receiving, Arkansas Code § 5-36-106;
- (B) Forgery, Arkansas Code § 5-37-201;
- (C) Financial identity fraud, Arkansas Code § 5-37-227;
- (D) Resisting arrest, Arkansas Code § 5-54-103;
- (E) Criminal impersonation in the second degree, Arkansas Code § 5-37-208(b);
- (F) Interference with visitation, Arkansas Code § 5-26-501;
- (G) Interference with court-ordered custody, Arkansas Code § 5-26-502;
- (H) Prostitution, Arkansas Code § 5-70-102; or
- (I) Sexual solicitation, Arkansas Code § 5-70-103.

(2) The waiver may be approved if all the following conditions are met:

- (A) The individual has completed probation or parole supervision;
- (B) The individual has paid all court-ordered:
 - (i) Fees;
 - (ii) Fines; and
 - (iii) Restitution; and

(C) The individual has fully complied with all court orders pertaining to the conviction or plea.

(g) The waiver will be revoked if after employment the individual:

(1) Pleads guilty or nolo contendere or is found guilty of any prohibited offense, including the list in subdivision (f)(1) of this section; or

(2) Has a true or founded report of child maltreatment or adult maltreatment in a central registry.

(h) The request for waiver and certification of approval shall be kept in the individual's file for the term of employment and three (3) years after termination of employment.

(i) If approved, the waiver is not transferable to another licensed facility.

(j)(1) Any person who has pleaded guilty or nolo contendere or who has been found guilty of any one (1) of the offenses listed as prohibited above (subdivision (e)(2) of this section) may not work in child care unless:

(A) The date of the conviction or plea of guilty or nolo contendere for a misdemeanor offense:

(i) Is at least five (5) years from the date of the request for the criminal history records check; and

(ii) There have been no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the five-year period preceding the background check request; or

(B) The date of the conviction or plea of guilty or nolo contendere for a felony offense:

(i) Is at least more than ten (10) years from the date of the request for the criminal history records check; and

(ii) There have been no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the ten-year period preceding the background check request.

(2) Anyone employed in a licensed center, church-operated exempt center, licensed childcare family home, or a registered childcare family home prior to September 1, 2009, with a clear background check history may remain eligible for employment unless the employee had a conviction, pleaded guilty, or pleaded nolo

contendere to an offense listed in subsection (f) of this section since September 1, 2009.

Authority. Arkansas Code § 20-78-206.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules contained the following at the end of subdivision (f)(1) of this section: "§ 20-38-103(e)(3)(a) Act 990 of 2013".

Subpart 2. Organization and Administration

20 CAR § 1027-201. Administrative procedures.

(a)(1) The owner or board of directors shall:

(A) Be responsible for operating the facility; and

(B) Have final responsibility to ensure that the facility meets licensing requirements.

(2) Names, addresses, and telephone numbers of board members shall be provided to the childcare licensing specialist.

(b)(1) The facility shall provide a written procedure for reporting suspected child maltreatment.

(2) This procedure shall be followed and a call made to the Child Abuse Hotline whenever there is a suspicion of child maltreatment (1-800-482-5964).

(3) These reports of child maltreatment shall include all allegations made to the licensee by:

(A) Parents;

(B) Staff members; or

(C) The general public.

(4) The licensee should call the Child Care Licensing Unit for guidance if there is any question about whether the Child Abuse Hotline should be called regarding any situation where potential child maltreatment is involved.

(c)(1) The facility shall provide a written procedure for reporting suspected licensing violations.

(2) Serious licensing violations shall be reported to the Child Care Licensing Unit.

(3) These include, but are not limited to:

(A) Violations relating to:

- (i) Transportation;
- (ii) Inappropriate behavior guidance;
- (iii) Inadequate supervision; and
- (iv) Staff-to-participant ratio violations; or

(B) Any other violation that could imminently affect the health and safety of participants.

(d)(1) Parents shall be informed in writing upon enrollment of their child that participants may be subject to interviews by licensing staff, child maltreatment investigators, or law enforcement officials for the purpose of determining licensing compliance or for investigative purposes.

(2) Participant interviews do not require parental notice or consent.

Authority. Arkansas Code § 20-78-206.

Subpart 3. Personnel

20 CAR § 1027-301. Staff-to-participant ratio.

(a) A licensee shall not have more participants in care at any one (1) time than the maximum specified on the license.

(b) The following staff-to-participant ratios shall be maintained.

Ages of Participants	Number of Staff	Number of Children
Kindergarten and above	1	18

(c)(1) All participants shall be adequately supervised at all times.

(2) Though participants are generally required to be within the sight or hearing of staff, out-of-school time (OST) participants second grade and above may be provided opportunities to take part in short-term activities not within the sight and hearing of OST staff.

(3) Such short-term activities include but are not limited to going to a restroom, transitioning to other activities, returning to a classroom within a school building, etc.

(4) In order to minimize the risks associated with such short-term activities, the following provisions must be adhered to:

(A)(i) The appropriateness of the degree of direct staff supervision required shall be based on an individual participant's ability to handle such responsibility.

(ii) Only participants able to handle such responsibility shall be provided it;

(B) Participants shall be accompanied at a minimum by another participant when engaging in short-term activities, as defined above;

(C) Systems of monitoring (ex., use of two-way communication devices) shall be in place; and

(D)(i) Staff shall contact the participant at least every ten (10) minutes.

(ii) If the participant is anticipated being gone longer than ten (10) minutes, prior to releasing the participant, staff should contact the responsible adult (ex., teacher) who will provide supervision during this extended time to ensure that adequate supervision provisions are in place.

(d) Division of Developmental Disabilities Services staff-to-participant ratios shall be maintained in all facilities that are licensed or certified by both the Child Care Licensing Unit and the division.

(e) Additional staff provisions shall be made for enrollment of participants with disabilities or participants who require individual attention.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-302. Maximum group size.

(a) Maximum group size limitations do not apply during:

- (1) Meal times;
- (2) Rest times;
- (3) Transitions;
- (4) Outdoor time periods;
- (5) Field trips; or
- (6) The length of a special occasion, including but not limited to celebrations or visits from guest speakers.

(b)(1) Group size shall be limited to two (2) times the number of children allowed with one (1) staff member.

(2) This does not apply to periodic or special group activities.

(3) Existing structures licensed prior to November 1, 2002, are exempt from this requirement.

(4) However, any expansions, additions, or any newly licensed structures effective November 1, 2002, shall be in compliance.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-303. Director.

(a) There shall be a director or site supervisor who shall be responsible for:

- (1) Administering, planning, managing, and controlling the daily activities of the out-of-school time (OST) facility;
- (2) Ensuring that the facility meets licensing requirements;
- (3) Ensuring the health and safety of participants; and
- (4) Providing prudent supervision of all staff and volunteers.

(b) Directors shall be age twenty-one (21) or older and provide documentation of one (1) of the following educational levels:

(1)(A) Bachelor's degree or higher degree in early childhood, elementary education, child or youth development, or a related field from a regionally accredited college or university.

(B) Determination of related field shall be made by the Office of Early Childhood;

(2) Bachelor's degree in a nonrelated field from a regionally accredited college or university plus one (1) of the following:

(A) Four (4) years of experience in early childhood education or elementary education;

(B) Child development associate credential or out-of-school time credential; or

(C) Nine (9) college hours of credit in child/youth development;

(3) Associate degree in early childhood, child or youth development, or a related field, plus six (6) years of experience in early childhood education or elementary education; and

(4) Eight (8) years of experience in early childhood or elementary education and completion of one (1) of the following, within two (2) years of employment:

(A) Out-of-school time credential;

(B) Child Development Associate credential;

(C) Director's credential or the equivalent; or

(D) Technical certificate in early childhood education.

(c) A director or assistant director and site supervisor, who meets director qualifications, must be present at each licensed site a minimum of fifty percent (50%) of the center's primary operational day on a routine basis.

(d)(1) When the director and assistant director/site supervisor are away from the center, there shall be a person in charge who shall have the ability and authority to carry out daily operations.

(2) The person in charge shall be age twenty-one (21) or older.

(e)(1) All new directors and assistant directors/site supervisors shall attend new director's orientation, Program Administration Scale or Youth Program Quality

Assessment (YPQA) form B, and Environment Rating Scale training or introduction to YPQA within six (6) months of employment.

(2) Programs operating seasonally (ninety (90) days or less within a calendar year) must, at a minimum, have directors and site directors attend OST Director's Essentials within the first thirty (30) days.

(3) This is an orientation class sponsored by the office.

(4) Proof of attendance shall be maintained in the director's file.

(f)(1) The director and assistant director/site supervisor shall obtain fifteen (15) clock hours in early childhood education or child/youth development each year.

(2) Training shall be:

(A) Registered with the office's professional development registry; or

(B) Department of Education-approved or Division of Higher Education-approved.

(3) Documentation of training shall be maintained and available for review.

(g) Topics appropriate for continuing early childhood education or child and youth development shall include but are not limited to the following:

(1) Child growth and development;

(2) Nutrition and food service;

(3) Family communication and involvement;

(4) Curriculum development and implementation;

(5) Developmentally appropriate practice and learning environments;

(6) Behavior guidance and positive interaction;

(7) Emergency care and first aid;

(8) OST program planning, management, and leadership of early childhood and OST programs;

(9) Building partnerships with schools and the larger community; and

(10) Creating a culturally competent OST program.

(h) The licensee shall notify the Child Care Licensing Unit of any change in the person named as director, assistant director, or site supervisor within five (5) calendar days.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-304. Staff requirements.

(a) A person shall be considered a staff member if they have disciplinary or supervisory control over participants, are left alone with participants at any time, or are counted in staff-to-participant ratio, regardless of whether they are paid by the facility or not.

(b)(1) Staff members in an out-of-school time (OST) facility shall be age eighteen (18) years or older.

(2) Exceptions may be allowed for individuals sixteen (16) or seventeen (17) years of age to work in an OST facility if they meet all of the following criteria:

- (A) The individual shall not have disciplinary control over participants;
- (B) The individual shall not be left alone with participants at any time;
- (C) The individual shall be under the direct supervision of an adult (eighteen (18) years of age or older) staff member at all times;
- (D) The individual shall meet all other requirements; and
- (E) The individual shall:
 - (i) Be a high school graduate;
 - (ii) Have a General Education Diploma (GED); or
 - (iii) Be enrolled in a high school or GED curriculum.

(c) All staff members who work directly with participants shall:

- (1) Have a high school diploma or GED; or
- (2) Be enrolled in a high school or GED curriculum and complete the curriculum within one (1) year of hire.

(d)(1) All staff members who work directly with participants shall obtain at least fifteen (15) hours of training registered with the Office of Early Childhood professional development registry or Department of Education-approved or Division of Higher Education-approved training each year in continuing early childhood education or child and youth development.

(2) This training shall be appropriate for working with school-age children and youth.

(e) All staff members caring for participants shall be able to perform necessary job functions.

(f)(1) Staff shall not engage in behavior that could be viewed as sexual, dangerous, exploitative, or physically harmful to participants.

(2) A caregiver shall not use profanity or speak in an abusive manner when participants are present.

(g)(1) No caregiver shall consume or be under the influence of illegal drugs.

(2) A drug test may be required if there is reasonable cause to suspect violation of this requirement and the issue cannot otherwise be resolved.

(3) No caregiver shall consume or be under the influence of alcohol while delivering care.

(4) No caregiver shall consume or be under the influence of medications, prescription or nonprescription, that impair their ability to provide care.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-305. Volunteer requirements.

(a)(1) Volunteers are those individuals who:

(A) Have routine contact with participants; and

(B) Assist staff in the facility.

(2) If they are left alone with participants considered in the staff-to-participant ratios or given supervisory and disciplinary control over participants, they shall be considered staff and must meet the requirements for personnel (20 CAR § 1027-301 et seq.) and staff requirements (20 CAR § 1027-303).

(b) All volunteers in an out-of-school time facility shall be eighteen (18) years or older unless the volunteer:

(1) Is under the direct supervision of the director or site supervisor; and

(2) Has been approved on an individual basis by the Child Care Licensing Unit.

(c)(1) Volunteers who have routine contact with children shall have on file a Child Maltreatment Central Registry check.

(2) An exception shall be given to parents who volunteer to assist on field trips but are not left alone with participants.

(3) Child Maltreatment Central Registry checks for volunteers under age eighteen (18) must include a parent's signature.

(d) Volunteers who are left alone with children must have an orientation regarding program policies and practices that are related to the scope of the services they will be providing at the facility.

(e)(1) Individuals who provide health services or program enrichment activities on a limited basis are not considered volunteers.

(2) The facility shall retain a register of such persons listing:

- (A) Name;
- (B) Organization;
- (C) Address;
- (D) Telephone number; and
- (E) Date and time in the center.

(3) **Note.**

(A) This section does not apply to therapists or others who have routine contact with participants.

(B) Therapists who are not left alone with participants are required to have Child Maltreatment Central Registry checks.

(C) Therapists who are left alone with participants at any time are subject to all background checks required for personnel.

(D) The therapist:

(i) Is entitled to a copy of the initial background and Child Maltreatment Central Registry check results; and

(ii) May share a copy with other facilities the therapist may be working in.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-306. Student observers.

(a)(1) Students visiting the out-of-school time facility on a regular or periodic basis to observe program activities, or for similar purposes, shall not:

- (A) Be counted in the staff-to-participant ratio;
- (B) Have disciplinary control over participants; and
- (C) Be left alone with participants.

(2) These individuals shall have a Child Maltreatment Central Registry check on file.

(b) Students who are conducting practicum, student teaching, or working in the same capacity as a staff member or volunteer must meet the criteria in the appropriate section (20 CAR §§ 1027-304 – 1027-305).

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-307. Professional development.

(a) All directors, site supervisors, and staff who provide direct care to participants shall be registered with the Office of Early Childhood professional development registry within thirty (30) days of hire and all training shall be:

- (1) Registered with the office's professional development registry; or
- (2) Department of Education-approved or Division of Higher Education-approved.

(b)(1) All new staff shall have a probationary period of at least thirty (30) days, but no more than six (6) months, during which they are closely:

- (A) Supervised;
- (B) Mentored; and
- (C) Evaluated.

(2) Evaluations shall be documented and maintained in the employee file.

(c)(1) All new staff members who provide direct care to children shall receive a basic orientation to facility management policies, center schedules, this part, and emergency procedures prior to providing care.

(2) This shall be documented in the employee file.

(d)(1) All new staff, including volunteers who are counted in the ratios, shall receive the following orientation within three (3) months of employment, and every three (3) years thereafter, and shall not be left alone with children until this is completed.

(2)(A) Introduction (eight (8) clock hours):

(i) Proper supervision of participants;
(ii) Behavioral guidance practices;
(iii) Shaken baby syndrome, which includes prevention (Carter's Law, Acts 2013, No. 1208);

(iv) Emergency procedures in the event of severe weather, or fire, including:

(a) Evacuation procedures and routes; and

(b) Location and use of fire extinguishers;

(v) Mandated reporter training;

(vi) Administering medication;

(vii) Caring for participants with special needs or care plans;

(viii) Transportation and car seat safety;

(ix) Policies regarding release of participants to authorized individuals;

(x) Prevention and control of infectious diseases;

(xi) Building and physical premises safety, including the identification of and protection from:

(a) Hazards;

(b) Bodies of water; and

(c) Vehicular traffic;

(xii) Nutrition and physical activities;

(xiii) Prevention and response to food sensitivities and allergic reactions;

(xiv) Basic child development; and

(xv) The handling and storage of hazardous materials and the appropriate disposal of biocontaminants.

(B) See the office website for a list of courses the office maintains contracts for which meet the above requirements.

(3)(A) All staff shall have fifteen (15) hours of job-specific training each calendar year, including child development training, for the ages of participants they work with.

(B) This shall be training focused on their job responsibilities.

(C) See the office website for a list of courses the office maintains contracts for which meet the above requirements.

(e)(1) The director, assistant director, or site supervisor, and fifty percent (50%) of the facility staff who are on-site at any given time shall have a certificate of successful completion of first aid and cardiopulmonary resuscitation from an approved organization.

(2) The curriculum shall conform with current American Heart Association or American Red Cross guidelines.

(3)(A) The curriculum shall require hands-on, skill-based instruction as well as practical testing.

(B) Training and certification that is provided solely online will not be accepted.

(4)(A) The instructor shall be:

(i) Qualified and authorized to teach the curriculum; and

(ii) Certified by a nationally recognized organization.

(B) Including but not limited to:

(i) Health and Safety Institute; and

(ii) EMS Safety Services, Inc.

Authority. Arkansas Code § 20-78-206.

Codification Notes. Carter's Law, Acts 2013, No. 1208, is codified at Arkansas Code § 20-9-1401 et seq.

"EMS" means Emergency Medical Services.

Subpart 4. Program

20 CAR § 1027-401. Program requirements.

(a) The out-of-school time (OST) program shall:

(1) Develop a written weekly routine listing developmentally appropriate activities for participants; and

(2) Provide a copy of the routine of weekly activities to parents when they enroll the participants.

(b) Each OST program shall be equipped with supplies, resources, and equipment to:

(1) Take care of the needs of the total group; and

(2) Provide each participant with a variety of activities during program operations.

(c)(1) The OST program shall post a daily schedule in each program space that reflects activities that promote physical, social, emotional, cognitive language and literacy, and cultural.

(2) Activities shall:

(A)(i) Organize the environment so that participants may participate in activities individually and in small groups, so that the development of each participant is supported.

(ii) The program shall be flexible and shall provide some opportunities for a participant to choose how to spend their time;

(B) Provide a variety of activities suitable to the ages and interests of the participants;

(C) Be age-level and skill-level appropriate;

(D) Offer project-based, experiential activities that promote creativity and youth self-expression;

(E) Offer short-term and long-term projects;

(F) Offer opportunities for alternating periods of indoor and outdoor activities, weather permitting;

(G) Offer alternating periods of active and quiet activities;

(H) Offer a balance of large-muscle and small-muscle activities; and

(I) Offer more than one (1) option for an activity including individual, small-group, or large-group activities.

(d) The OST program shall offer activities that target life skill development that:

(1) Encourage development of critical thinking skills; and

(2) Offer a progression of skill levels within activities.

(e) The OST program shall offer activities that integrate opportunities throughout the program for the participants to develop personal responsibility, self-direction, and leadership by providing opportunities to:

(1) Work on self-directed projects;

(2) Make content choices;

(3) Plan and conduct activities;

(4) Offer opportunities for leadership roles throughout the program;

(5) Support participant leadership through the policies and engagement strategies of the program;

(6) Form special clubs and groups within the program; and

(7) Plan and participate in community service.

(f) The OST program shall provide activities that provide recognition of achievement and participation that:

(1) Promote diversity in cultures, religion, ethnicities, abilities, etc.;

(2) Are representative of the varying ages, cultures, and abilities of the participants; and

(3) Are adaptable for different levels of ability.

(g) School-age participants who leave the OST program to participate in other activities shall have written permission from the parents naming the:

(1) Activity;

(2) Date;

(3) Time of leaving and returning; and

(4) Method of transportation.

(h)(1) Each facility is required to provide at least four (4) Office of Early Childhood-approved opportunities to increase parental and family involvement.

(2)(A) Examples of approved activities are listed below.

(B) See Better Beginnings website for resources,
www.arbetterbeginnings.com.

(3) Parents are allowed to:

(A) Observe;

(B) Eat meals or snacks with a participant; or

(C) Volunteer in the program.

(4) Conferences are held at least once a year and at other times as needed to discuss participant's:

(A) Progress;

(B) Accomplishments; and

(C) Difficulties.

(5) A parent resource area is available with books, pamphlets, or articles on parenting and child and youth development.

(6)(A) Parent meetings are held with guest speakers or special events.

(B) For example, open house or participant's programs.

(7) Parents are informed of the facilities' programs and activities through a parent's bulletin board or regular newsletter.

(8) Parents participate in program and policy development through:

- (A) Board involvement;
- (B) Planning meetings; or
- (C) Questionnaires.

(i) There shall be sufficient lighting to provide adequate supervision of the participants.

(j)(1) Parents shall not be denied access to their child and youth at any time during hours of operation.

(2) Clarification.

(A) The intent of this rule is to ensure that the parent or parents or guardian or guardians are able to have contact with their child during hours of care.

(B) It is not intended to be a determining factor in child custody and visitation matters, nor should it be used to circumvent court-ordered custody and visitation rights or schedules.

(C) Facilities should encourage parents to resolve custody and visitation issues outside of the care environment.

(D) Parents should be informed that continuing problems could result in the dismissal of their child.

(k) Staff shall not release a participant to anyone who is not immediately recognized as the participant's parent or as someone on the authorized pickup list unless:

- (1) The individual can provide an official picture identification (ID); and
- (2) The person in charge can match the ID to the individual named on the participant's data sheet.

(l)(1) Verification of permission for persons not on the authorized list shall be obtained by the person in charge by calling the parent at a number listed in the participant's record.

(2) The person in charge shall view an official picture ID of the individual to verify identity.

(m) Photos or video recordings shall not be made of any participant without prior written permission from the parent or guardian.

(n) Photos or video recordings of participants shall not be placed on social media or other websites without prior written parental permission.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-402. Outdoor time.

(a)(1) For full-time programs, there shall be a total of at least one (1) hour of outdoor activity time per day in suitable weather.

(2) For programs operating part-day schedules, five (5) hours per day or less, a minimum of thirty (30) minutes of outdoor activity shall be provided in suitable weather.

(3) Such time shall be under the supervision of an adult to encourage physical activity and the promotion of gross motor skills.

(b) When making a determination of whether participants should have outdoor time, staff shall consider the following environmental factors:

(1) When the heat index is forecast to be ninety degrees (90°) or above, it is recommended that:

(A) Outdoor time be scheduled during early morning hours; or

(B) The length of time spent outdoors should be reduced to avoid heat stress;

(2) When outdoor time occurs during the hotter part of the day, it is recommended that participants:

(A) Have a shaded area;

(B) Have an ample supply of water; and

(C) Should be monitored closely for signs of heat stress; and

(3) When outdoor time occurs during the winter months and when temperatures are extremely cold, it is recommended that the time scheduled for outdoor time be reduced or suspended depending on the temperature and other weather conditions.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-403. Screen time.

(a)(1) An out-of-school time (OST) program shall ensure that its weekly schedule is constructed in a way that no more than twenty-five percent (25%) of the program's total weekly program hours of operation allow participants to engage or use electronic media solely for recreational purposes.

(2) Participants who require use of electronic devices for communication or navigational purposes shall be exempt.

(b) If television programming, videos, digital versatile discs , or computer programs are built into an OST program as an activity option, the content:

(1) Shall be age-appropriate and nonviolent; and

(2) Should have educational value.

(c) Television and software rating systems shall be used to determine appropriate use.

(d) Participants:

(1) Shall not be required to participate in recreational screen time activities;
and

(2) Shall be offered other choices.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-404. Field trips.

(a)(1) The safety and welfare of participants during field trips is in the hands of the staff on the trip.

(2) The following shall be met:

(A) Safety risks, field trip rules, and behavior expectations shall be discussed with participants prior to field trip departure;

(B) Accountability of children is tightly controlled and frequent head counts shall be conducted while on the trip, including loading and unloading upon arrival and departure and during periods of transition;

(C) Regardless of which mode of transportation is used, all vehicles shall be kept in proper operating conditions at all times; and

(D)(i) Ratios shall be adjusted to a one to nine (1:9) ratio:

(a) Depending on the risk associated with the field trip activity;

or

(b) To maintain proper supervision of all participants in attendance on the field trip.

(ii) Risky activities include but are not limited to rock and mountain climbing, horseback riding, canoeing, etc.

(b)(1) Written permission from parents shall be on file for each field trip.

(2) If the facility has a scheduled, routine activity planned to the same location, a single permission form may be used for each program year.

(3) The written permission shall include:

(A) Name and description of activity;

(B) Date and time of leaving and returning; and

(C) Method of transportation to the facility.

Authority. Arkansas Code § 20-78-206.

Subpart 5. Behavior Guidance

20 CAR § 1027-501. Behavior guidance requirements.

(a) Behavior guidance shall be:

(1) Individualized and consistent for each participant;

(2) Appropriate to the participant's level of understanding; and

(3) Directed toward teaching the participant acceptable behavior and self-control.

(b) Physical punishment shall not be administered to participants.

(c)(1) The out-of-school time (OST) program shall offer a nurturing, respectful, supportive, and responsive environment that supports frequent interactions between the participants and staff.

(2) Staff shall:

(A) Support participants in developing an understanding of self and others by assisting the participants in sharing:

- (i) Ideas;
- (ii) Experiences; and
- (iii) Feelings;

(B) Provide participants age-appropriate opportunities for growth and development of their social and communication skills;

(C) Assist the participants in solving problems;

(D) Foster creativity and independence in routine activities that shall include tolerance for mistakes;

(E) Treat and model equality of all participants regardless of:

- (i) Race;
- (ii) Religion;
- (iii) Culture;
- (iv) Gender; and
- (v) Ability;

(F) Offer verbal encouragement to the participants during the course of an activity;

(G) Use respectful voice tone and positive guidance practices; and

(H) Promote teamwork among participants.

(d) For behavior guidance practices used by the OST program, the program shall:

(1) Discuss the behavior guidance practices of the OST program with the parents of each participant at the time of enrollment;

(2) Provide a copy of the behavior guidance practices in writing to the parents;

(3) Have each parent verify in writing their receipt of a copy of the behavior guidance practices; and

(4) Maintain the signed verification in the participant's record.

(e) The OST program shall guide the behavior of the participants based on an understanding of the participant's individual needs and stages of development by:

(1) Supporting the participant's developmentally appropriate:

(A) Social behavior;

(B) Self-control; and

(C) Respect for the rights of others;

(2) Ensuring that the behavior management and discipline practices are:

(A) Fair;

(B) Reasonable;

(C) Consistent; and

(D) Related to the participant's behavior;

(3) Ensuring that staff are responsible for implementing the behavior management and discipline practices of the OST program; and

(4) Ensuring that staff do not administer discipline that is:

(A) Cruel;

(B) Unusual;

(C) Hazardous;

(D) Frightening; or

(E) Humiliating.

(f) Acceptable behavior guidance techniques include:

(1) Look for appropriate behavior and reinforce the participant with praise and encouragement when they are behaving well;

(2) Remind the participant on a daily basis of the rules by using clear positive statements regarding how they are expected to behave rather than what they are not supposed to do;

(3) Attempt to ignore minor inappropriate behavior and concentrate on what the participant is doing properly;

(4) Use brief supervised separation from the group only when the participant does not respond to a verbal command that instructs the participant as to how he or she is supposed to behave;

(5) When a misbehaving participant begins to behave appropriately, encourage and praise small steps rather than waiting until the participant has behaved appropriately for a long period of time; and

(6) Attend to the participants who are behaving appropriately, and other participants will follow their example in order to obtain your attention.

(g)(1) The following activities or threats of such activities are unacceptable as behavior guidance measures and shall not be used for participants.

(2) These include, but are not limited to the following:

(A) Using physical punishment such as:

(i) Biting or biting back;

(ii) Jerking;

(iii) Swatting;

(iv) Pulling hair;

(v) Twisting arms;

(vi) Shaking;

(vii) Spanking;

(viii) Slapping;

(ix) Hitting;

(x) Striking;

(xi) Kicking; or

(xii) Exercising other means of inflicting physical or emotional pain or causing bodily harm;

(B) Using a physical restraint method that may cause injury to the participant;

(C) Using a mechanical restraint, locked time-out room, or closet;

(D) Washing mouth with soap;

(E) Taping or obstructing a participant's mouth;

(F) Placing unpleasant or painful-tasting substances in mouth, on lips, etc.;

(G) Profane or abusive language;

(H) Isolation without supervision;

(I) Placing participant in a dark area;

(J)(i) Yelling.

(ii) This does not include a raised voice level to gain a child's attention to protect the participant from risk of harm;

(K)(i) Forcing physical activity, such as running laps, doing pushups, etc.

(ii) This does not include planned group physical education activities that are not punitive in nature;

(L) Associating punishment with:

(i) Rest;

(ii) Toilet training; or

(iii) Illness;

(M)(i) Denying food (lunch or snacks) as punishment or punishing participants for not eating.

(ii) Participants shall not be forced or bribed to eat;

(N) Shaming, humiliating, frightening, or physically or mentally harming participants or labeling participants; and

(O) Covering the faces of participants with blankets or similar items.

Authority. Arkansas Code § 20-78-206.

Subpart 6. Records

20 CAR § 1027-601. Record requirements.

(a)(1) All staff, participant, and facility records shall be kept and made available to the Child Care Licensing Unit on request.

(2) The records shall be maintained for three (3) years unless otherwise indicated.

(b)(1) Licensing Compliance Form (DCC-521) shall be available at the facility for three (3) years.

(2) The facility shall advise parents in writing that the compliance forms are available for review upon request.

(c) The facility shall maintain daily attendance records on all participants as follows:

(1)(A) Participants shall be signed in and out daily by a:

- (i) Parent;
- (ii) Guardian; or
- (iii) Designee.

(B) Electronic sign-in and sign-out systems will satisfy this requirement;

and

(2) The record shall include the date and time of arrival and departure.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-602. Facility records.

Facility records shall be maintained on-site and include:

- (1) Attendance records on all participants;
- (2) Transportation rosters, if applicable, maintained for one (1) year;
- (3) Verification of current vehicle registration, if applicable;
- (4) Verification of required commercial vehicle insurance coverage, if applicable;
- (5) Verification of required childcare liability insurance;
- (6) Verification of current pet vaccinations, if applicable;
- (7) Verification of annual fire department approval;
- (8) Verification of annual Department of Health approval;
- (9) Verification of zoning approval, maintained as part of permanent record;

(10) Verification of annual approval by the Boiler Inspection Division of the Division of Labor;

(11) Arkansas Manufactured Home Commission approval for double-wide manufactured homes, if applicable, maintained as part of permanent record;

(12) Record of emergency drills;

(13) Plans and procedures of emergency preparedness;

(14) Procedures for reporting allegations of child maltreatment;

(15) Procedures for reporting suspected licensing violations;

(16) Licensing compliance forms;

(17) Log of product recall and safety notices from the Consumer Product Safety Commission or Attorney General's office;

(18) Articles of incorporation, if applicable, maintained as part of permanent record; and

(19) Current list of names, addresses, and phone numbers of the board of directors, if applicable.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-603. Staff records.

Staff records may be maintained off-site, unless otherwise noted, and shall contain the following:

(1) Name, date of birth, address, and telephone number;

(2)(A) Education, training, and experience, including a copy of the General Education Diploma or high school diploma.

(B) If these documents are no longer available, proof of reasonable effort to obtain the documentation is acceptable.

(C) **Clarification.** Training hours will be counted:

(i) On a calendar-year basis; or

(ii) By the facility's operating schedule if it does not operate year-round;

- (3) Employment-related information for previous six (6) years, with written documentation of verification of employment and reference checks;
- (4) Attendance record, listing days and hours worked;
- (5) Date of employment and date of separation;
- (6) Documented training or continuing education, i.e., orientation, in-service training, and workshop documentation, that shall include:
 - (A) Title of workshop;
 - (B) Presenter;
 - (C) Hours of training; and
 - (D) Date;
- (7) Initiation of criminal record checks and Child Maltreatment Central Registry checks and the results obtained when received;
- (8)(A) Verification of completion of the required transportation training and a readable, current copy of the driver's license for all staff who transport participants.
 - (B) Copy must be on-site;
- (9)(A) Verification of first aid and cardiopulmonary resuscitation for applicable staff.
 - (B) Copy must be on-site; and
- (10) Documentation of new employee evaluations.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-604. Participants' records.

- (a) The out-of-school time program shall maintain a record for each participant in care that shall be on-site.
- (b) Records for participants no longer enrolled may be maintained off-site.
- (c) Participants' records shall contain the following information:
 - (1) Application form that includes participant's:
 - (A) Name;
 - (B) Date of birth;

- (C) Address;
- (D) Name of parent or guardian;
- (E) Telephone numbers, home and business;
- (F) Work hours of parents or guardians; and
- (G) Date of enrollment in facility;

(2) The name, address, and telephone number (home and business) of a responsible person to contact in an emergency if the parent or guardian cannot be located promptly;

(3) Name, address, and telephone of participant's physician or emergency care facility;

(4)(A) Written permission of parent or guardian authorizing emergency medical care and transportation of participant for emergency treatment.

(B) This authorization shall accompany participants anytime they are transported;

(5) Name or names of persons authorized to pick up participant;

(6) Permission slips signed by parent or guardian authorizing the participant to be taken on specific field trips;

(7) Pertinent medical history on the participant;

(8)(A) A record of all accidents, incidents, or injuries indicating the:

(i) Location;

(ii) Time of day; and

(iii) Area or piece of equipment where the incident occurred.

(B) A copy of this shall be given to the parent on the day of occurrence;

(9) Any legal or medical documentation that has been given to the facility by the parent or legal guardian regarding the care of the participant;

(10) Written permission for the facility to photograph or videotape their child, if applicable;

(11) Written permission for the facility to place photos and video recordings of their child on social media websites, if applicable; and

(12) An authorized record of up-to-date immunizations or documentation of a religious, medical, or philosophical exemption from the Department of Health.

Authority. Arkansas Code § 20-78-206.

Subpart 7. Nutrition

20 CAR § 1027-701. Nutrition requirements.

(a) The out-of-school time program shall ensure that during all-day program operations, a lunch and a midmorning and midafternoon snack are served to each participant.

(b)(1)(A) Breakfast, lunch, snacks, and evening meals shall each meet current United States Department of Agriculture guidelines, including portion size.

(B) See Appendix B.

(2) Menus for all food service shall be posted.

(3) If sack lunches are utilized, the facility shall ensure that they also meet these requirements by supplementing the lunches if necessary.

(4) Milk shall be served to each participant during the day.

(5) Exceptions may be made for participants who suffer allergies to milk.

(6) The facility shall obtain written instructions for allergy substitutions.

(c) Breakfast may be served to all participants rather than a morning snack provided there are no more than three (3) hours between the beginning of breakfast and the beginning of lunch.

(d) All food service surfaces shall be kept sanitary.

(e) Food shall be served on individual plates, bowls, or other dishes that can be sanitized or discarded.

(f) Food and drinks that are not available to the participants shall not be consumed by staff in the participants' presence.

(g)(1) All food brought in from outside sources shall:

(A) Come from Department of Health-approved kitchens and be transported per Department of Health requirements; or

(B) Be in an individual, commercially prepacked container.

(2) This does not include individual sack lunches brought from home.

(h) All refrigerators used for food storage shall be maintained at a temperature of forty-one degrees (41°) or below, and all freezers used for food storage shall be maintained at a temperature of zero degrees (0°) or below.

(i) Vending machines are acceptable provided they are not the only source of snacks or beverages.

(j) Staff shall provide supper to participants during the evening meal hours.

(k) Staff shall provide snacks to participants in attendance for more than two-and-a-half (2 1/2) hours prior to bedtime.

Authority. Arkansas Code § 20-78-206.

Subpart 8. Buildings

20 CAR § 1027-801. Building requirements.

(a)(1) Out-of-school time (OST) facilities shall comply with the minimum requirements of the currently adopted Arkansas Fire Prevention Code, 12 CAR pt. 15, as administered by the local fire department or by the State Fire Marshal, who has final authority.

(2) Written verification of annual approval shall be maintained on file.

(3) Note that the state and local fire codes may not allow the use of basements or floors above ground level by participants first grade and younger unless there is a ground-level exit.

(b)(1) Department of Health requirements shall be met.

(2) Written verification of annual approval shall be maintained on file.

(c)(1) Boiler Inspection Division requirements shall be met.

(2) All water heaters and any other boilers in licensed OST facility settings shall be inspected on an annual basis and upon installation.

(3) Verification that initial inspection has been scheduled and annual approval shall be maintained on file.

(4) Inspection, or proof of attempt to set up initial inspection, shall be completed within six (6) months of licensure.

(5)(A) Scheduling and completion of annual inspections will be the responsibility of the Division of Labor.

(B) However, the facility is responsible for cooperating and keeping documentation of such inspection on file for review.

(d)(1) All space used by the OST program shall be kept clean and free of hazardous or potentially hazardous objects.

(2) These objects include but are not limited to:

(A) Poisonous substances;

(B) Firearms;

(C) Explosives;

(D) Broken toys and equipment; or

(E) Other objects that could be harmful or dangerous, if they are determined to be accessible to participants.

(e)(1) Twenty-five square feet (25 sq. ft.) per participant of usable floor space shall be required for indoor activities.

(2) This does not include:

(A) Bathrooms;

(B) Kitchen; and

(C) Hallways.

(3) Usable space in the OST program shall include areas in the program used for storage of programmatic materials that are accessible to participants.

(4) This does not include closets or storage space for equipment that is not in use.

(f) If a facility utilizes the out-of-doors as its major program component for school-age participants, covered pavilions and other roofed structures shall provide twenty-five square feet (25 sq. ft.) per participant.

(g) Separate space shall be:

(1) Provided for the isolation of participants who become ill; and

(2) Located in an area that can be supervised at all times by a staff member.

(h)(1) All parts of the OST facility used by the participants shall be:

(A) Well-heated;

(B) Air conditioned;

(C) Lighted;

(D) Ventilated; and

(E) Maintained at a comfortable temperature.

(2) Glass doors shall be clearly marked.

(3) When windows and doors are used for ventilation, they shall be screened and shall not present a safety hazard.

(i)(1) Floor furnaces, gas heaters, electric heaters, hot radiators, water heaters, air conditioners, and electric fans:

(A) Shall have guards; and

(B) Shall not present a safety hazard.

(2) Portable fuel-fired heaters shall not be used.

(j) It is recommended that if natural gas or propane is used, the facility's heating and ventilation systems shall be inspected and cleaned, if necessary, before each heating season by a qualified heating, ventilation, and air conditioning technician.

(k) Carbon monoxide detectors shall be placed in facilities according to manufacturer's recommendations if one (1) of the following situations applies:

(1) Facilities using wood, propane, natural gas, or any other product as a heat source that can produce carbon monoxide indoors or in an attached garage; or

(2) Any situations where carbon monoxide detectors are required by state or local law.

(l)(1) Floors, ceilings, and walls shall be in good repair and kept clean.

(2) Paints used at the facility shall be lead-free.

(m)(1) An OST facility shall have an operable telephone on-site all hours participants are in care.

(2) The licensee shall provide the phone number to the Child Care Licensing Unit and to the parents.

(3) This phone may be a cell phone if the phone:

(A) Stays operable;

(B) Stays at the facility during all hours of care; and

(C) Is the phone number provided to the licensing unit and the parents.

(n) The following structures shall not be used as OST facilities:

(1) Manufactured homes constructed prior to June 1976;

(2) Manufactured homes constructed with metal roofs and outside walls;

(3) Single-wide manufactured homes; and

(4) Portable storage-type buildings.

(o)(1) Double-wide manufactured homes may be considered provided they are tied down in accordance with the manufacturer's tie-down specifications manual.

(2) Any new applicant for an OST facility that requests the use of a manufactured home shall obtain an inspection at the applicant's expense from the Arkansas Manufactured Home Commission.

(p) Manufactured homes currently licensed as childcare facilities shall be tied down as recommended by the commission.

(q)(1) Portable classroom buildings are not considered manufactured homes but do require fire department approval.

(2) Portable classroom buildings installed after November 1, 2002, shall have fire department approval prior to purchase and installation.

Authority. Arkansas Code § 20-78-206.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules contained the following at the end of subdivision (c)(5)(B) of this section: "(AR Code § 20-23-101 et seq.)".

Subpart 9. Playgrounds and Outdoor Learning Environment

20 CAR § 1027-901. Playground requirements.

(a) To provide the safest possible playground environment, you are encouraged to meet Consumer Product Safety Commission guidelines listed in the Public Playground Safety Handbook.

(b) However, the following are minimum requirements and shall be met.

(c) Please note that these requirements do not mandate the use of any playground equipment that would require use zones and protective surfacing.

(d)(1) Numerous options for suitable playground environments are available and acceptable.

(2) Examples of such activities are:

(A) Sand boxes;

(B) Activity walls at ground level;

(C) Art easels;

(D) Balls and games;

(E) Play houses;

(F) Nature walks; and

(G) Use of the approved natural environment for outdoor learning.

(e) The use of public playgrounds and other play environments away from the facility is not recommended as these environments may not meet acceptable safety standards.

(f) If these playgrounds are used, staff should provide close supervision and not allow children to use any equipment that appears unsafe, e.g. broken equipment, sharp objects, strangulation hazards, etc.

(g) Using playgrounds and other play environments away from the facility is considered a field trip and all field trip requirements shall be followed.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-902. Layout and design.

- (a)(1) A diagram of the playground shall be submitted, clearly identifying:
- (A) The perimeter of the playground with measurements; and
 - (B) Each piece of equipment used by the children enrolled at the licensed facility.
- (2) This documentation shall be in the form of a:
- (A) Satellite photo from an internet site such as Google Maps; or
 - (B) Diagram if a satellite photo is not available.
- (b) Any changes in the playground area boundaries or equipment requested must be submitted in writing and approved prior to use.
- (c) All equipment and protective surfacing shall be installed and maintained according to manufacturer's guidelines.
- (d) The play area and outdoor learning area shall:
- (1) Be fenced or otherwise enclosed; and
 - (2) Provide at least seventy-five square feet (75 sq. ft.) per child present on the playground at any time.
- (e) There shall be an outside exit from the play area.
- (f) The area shall be well-drained.
- (g) There shall be equipment and activities appropriate for the age and number of participants enrolled in the facility.
- (h) Separate play areas or time schedules shall be provided if infants and toddlers share playgrounds with older participants.
- (i) All outdoor areas used by participants shall be properly maintained.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-903. General hazards.

(a) The area shall be free of hazards or potentially hazardous objects.

(b) Equipment that has been determined by the Office of Early Childhood to be unsafe for the participants in the licensed facility to use shall be:

(1) Removed from the play area; or

(2) Enclosed by a fence or other suitable barrier so the participants will not have access to it.

(c)(1) All newly purchased playground equipment designed for participants to play or climb on such as slides, swings, composite structures, etc., shall be commercially manufactured and certified to meet ASTM International or Consumer Product Safety Commission standards for public playgrounds.

(2) Equipment in place prior to January 1, 2014, may continue to be used provided it meets all other licensing requirements.

(d) Equipment that is designed to be anchored shall be properly anchored so that the anchoring devices are below ground level.

(e) Sand for playing shall be kept safe and clean.

(f) Paint on equipment shall be lead-free.

(g) All fasteners, including S-hooks, shall be securely tightened or closed.

(h) There shall be no sharp:

(1) Points;

(2) Corners;

(3) Edges; or

(4) Splinters.

(i)(1) Equipment shall not have protrusion hazards.

(2) A protrusion is a projection that, when tested, is found to be a hazard having the potential to cause bodily injury to a user who impacts it.

(j)(1) Equipment shall not have entanglement hazards.

(2) An entanglement is a condition in which the user's clothes or something around the user's neck becomes caught or entwined on a component of playground equipment.

(k)(1) Trampolines shall not be used.

(2) Therapeutic use of trampolines is acceptable if supervised by the therapist on a one-on-one basis.

(l)(1) Ball pits shall not be used.

(2) Ball pits are large areas or pits filled with balls intended for children to jump in and play.

(3) Therapeutic use of ball pits is acceptable if supervised by the therapist on a one-on-one basis.

(m)(1) Wading pools shall not be used.

(2) This does not prohibit the use of sprinklers and water play.

(n)(1) To prevent entrapment, there shall be no opening or openings between any interior opposing surfaces between three and five-tenths inches and nine inches (3 1/2" – 9"). (Openings in equipment that might allow a child's body to pass through, but not their head.)

(2) Ground-bounded openings are exempt.

(o) Providers and caregivers shall be aware of and remove when possible any hazardous items children may wear on play equipment such as:

(1) Helmets;

(2) Drawstrings; and

(3) Other accessories around the neck that may cause a strangulation or entanglement hazard.

(p)(1) All participants shall wear properly fitted and approved helmets:

(A) While riding on bicycles; and

(B) When using:

(i) Roller skates;

(ii) Skateboards;

(iii) Rollerblades; and

(iv) Scooters.

(2) Helmets shall be removed as soon as participants stop riding this equipment.

(3) Helmets shall meet Consumer Product Safety Commission standards.

(q) All soccer goals shall be commercially manufactured, installed, and anchored according to manufacturer's guidelines.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-904. Balance beams.

Balance beams:

- (1) Shall not be higher than twelve inches (12"); and
- (2) Shall have use zones with protective surfacing.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-905. Slides.

(a) Slides shall not have any spaces or gaps between the platform and the slide surface.

(b) Slides shall have a transition platform of at least fourteen inches (14") deep for school-age participants.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-906. Swings.

(a) The following swings shall not be used for any ages:

- (1) Multioccupancy swings designed to hold more than one (1) participant, except tire swings;
- (2) Heavy molded swings such as animal figure swings;
- (3) Free-swinging rope (Tarzan ropes);

- (4) Swinging exercise rings;
- (5) Trapeze bars; and
- (6)(A) Swings attached to a composite structure.

(B) "Composite structure" is defined by the Consumer Product Safety Commission as "two (2) or more play structures attached or functionally linked, to create one (1) integral unit that provides more than one (1) play activity".

- (b) There shall be no wood or metal swing seats.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-907. Climbing equipment.

(a) Flexible grid climbing devices, such as rope or chain ladders, climbing ropes, etc., shall be securely anchored at both ends.

(b) Sliding poles shall have no protruding welds or seams along the sliding surface and the pole shall not change directions.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-908. Merry-go-rounds.

(a) The only merry-go-rounds allowed are portable merry-go-rounds not designed to be anchored.

(b) Merry-go-rounds shall have handgrips or other secure means of holding on.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-909. Seesaws.

(a) Seesaws without spring centering devices shall have shock-absorbing materials, such as partial tires:

- (1) Embedded in the ground underneath the seats; or
- (2) Secured to the underside of the seats.

(b) Hand holds:

- (1) Shall be provided for both hands at each seating position; and
- (2) Shall not turn when grasped.

(c) Hand holds shall not protrude beyond the sides of the seat on seesaws.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-910. Protective surfacing.

(a)(1) There shall be use zones and protective surfacing under and around all equipment that is over eighteen inches (18”) in height at the highest accessible point.

(2) “Highest accessible point” means the highest surface on the piece of equipment where participants will sit or stand when the equipment is used as intended.

(3) Use zones shall extend a minimum of six feet (6’) in all directions, unless otherwise specified, from the perimeter of the equipment.

(4) Playground equipment that is between eighteen inches and twenty-four inches (18” – 24”) at the highest accessible point and that was installed prior to the enforcement date of this revision is allowable without protective surfacing, as long as it meets all other requirements.

(b) Swings require use zones and protective surfacing regardless of height.

(c) Use zone protective surfacing depths shall be as follows:

Minimum compressed loose-fill protective surfacing depths

Inches	Loose-Fill Material	Protects to Fall Height of:
6*	Shredded/recycled rubber	10 feet
9	Sand	4 feet
9	Pea Gravel	5 feet
9	Wood mulch (non-CCA)	7 feet
9	Wood chips	10 feet

*Shredded or recycled rubber loose-fill protective surfacing does not compress in the same manner as other loose-fill materials. However, it is recommended that care be taken to maintain a constant depth as displacement may still occur.

(d)(1) Shock-absorbent material such as sand, pea gravel, wood chips, wood mulch, shredded tires, etc., shall be used in use zone areas under and around playground equipment that requires a use zone.

(2)(A) When purchasing gravel, care should be taken prior to purchase to ensure that the gravel is actually pea gravel that is smooth and rounded, and not crushed rock or gravel with sharp edges.

(B) Crushed rock and sharp gravel will not be approved.

(3) Pea gravel used for use zones shall not be over one-half inch (1/2") in diameter; and

(4) Different types of protective surfacing materials shall not be combined within the same use zone area.

(e) Hard surface materials, such as asphalt and concrete, shall not be used as base surfaces in the use zones except under commercial matting or other systems and products designed to be installed over hard surfaces as directed by the manufacturer.

(f) **Slides.**

(1) The use zone for slides measuring six feet (6') or more, measured from the slide platform to the ground, shall extend eight feet (8') from the exit end of the slide.

(2) Use zones for slides measuring under six feet (6') from the platform to the ground shall extend six feet (6') from the exit end of the slide.

(g) **Single-axis swings.**

(1) The use zone for single-axis swings or standard swings, except toddler swings, shall extend to the front and to the rear of the swing a minimum distance of two (2) times the height of the pivot point, where the chain attaches to the frame, above the playing surface.

(2) The use zone for toddler swings shall extend to the front and rear of the swing a minimum of two (2) times the distance from the pivot point to the swing seat.

(3) Use zones shall also extend six feet (6') to the sides of the swing set.

(h) **Multi-axis swings.**

(1) The use zone for multi-axis swings, such as tire swings or others with three (3) or more suspending chains, shall extend in all directions a minimum of six feet (6'), plus the height of the suspending rod or chain.

(2) The use zone from the end of the structure must also extend a minimum of six feet (6') in all directions.

(i) Use zones shall be free of obstacles onto which participants may fall.

Authority. Arkansas Code § 20-78-206.

Subpart 10. Furniture and Equipment

20 CAR § 1027-1001. Furniture and equipment requirements.

(a) All manufacturer guidelines shall be followed for furniture and equipment that is used by or around participants.

(b) All equipment shall be:

(1) Sturdy;

(2) Clean; and

(3) Safe.

(c) Paint on toys, equipment, and other materials shall be lead-free.

(d) Chairs and tables shall be size-appropriate for participants.

(e) The out-of-school time program shall provide individualized space for storing personal belongings.

(f) There shall be storage space for extra materials and other equipment when not in use.

(g)(1) Outdoor equipment that requires use zones and protective surfacing shall require the same use zones and protective surfacing if used inside the facility.

(2) This does not apply to equipment specifically designed for indoor use only.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-1002. Sleeping equipment.

(a) There shall be a labeled individual cot or mat, bottom sheet, and adequate cover for each participant in care during rest time.

(b) The use of mats shall be acceptable if they are:

- (1) At least two inches (2") thick;
- (2) Washable;
- (3) Waterproof; and
- (4) Size-appropriate for participants.

(c) All sleeping equipment shall be kept at least one foot (1') apart to prevent cross-contamination and ease of access in an emergency.

(d)(1) Sheets and covers shall be washed at least once a week.

(2) Once a sheet, cover, and blankets have been used by a participant, they shall not be used by another participant until they have been washed.

Authority. Arkansas Code § 20-78-206.

Subpart 11. Health

20 CAR § 1027-1101. General health requirements.

(a) No participant or staff shall be admitted who has a contagious or infectious disease.

(b)(1) The parent or legal guardian shall be notified as soon as possible when a participant has any symptom that requires exclusion from the facility.

(2) The participant shall be separated from other participants and closely monitored until the parent arrives to pick the participant up.

(c) The caregiver should determine if the illness:

- (1) Prevents the participant from participating comfortably in activities;
- (2) Results in a greater need for care than the childcare staff can provide without compromising the health and safety of the other participants; or
- (3) Poses a risk of spread of harmful diseases to others.

(d) The caregiver shall temporarily exclude the participant from care if the participant has:

(1) A sudden change in behavior, such as:

- (A) Lethargy or lack of responsiveness;
- (B) Unexplained irritability or persistent crying;
- (C) Difficult breathing; or
- (D) A quickly spreading rash;

(2) Fever over one hundred one degrees (101°) oral or one hundred degrees (100°) axillary, or equivalent method, in a participant who also has:

- (A) Pain;
- (B) Behavior changes; or
- (C) Other symptoms of illness;

(3)(A) "Diarrhea" means watery and runny stools, if frequency:

(i) Exceeds two (2) or more stools above normal for that participant;

and

(ii) Is not related to a change in diet or medication.

(B) Exclusion from the out-of-school time (OST) program is required if

diarrhea:

(i) Cannot be contained in the diaper; or

(ii) Is causing soiled clothing in toilet-trained participants;

(4) Blood or mucus in stools, unless caused by hard stools;

(5) Vomiting illness (two (2) or more episodes of vomiting in the previous twenty-four (24) hours);

(6) Abdominal pain that lasts more than two (2) hours;

(7) Mouth sores with drooling;

(8) Rash with fever or behavior change;

(9)(A) Conjunctivitis or pinkeye, with white, yellow, or green eye discharge and red (bloodshot) eyes.

(B) Exclude only if:

(i) Participant has fever;

- (ii) Participant has eye pain;
- (iii) Participant has redness or swelling of the skin around the eyes;

or

- (iv) More than one (1) participant in the program has symptoms;
 - (10) Pediculosis (head lice), until after the first treatment;
 - (11) Active tuberculosis, until a healthcare provider or health official states that the participant is on appropriate therapy and can attend the OST program;
 - (12) Impetigo, until treatment has been started;
 - (13) Strep throat, until twenty-four (24) hours after antibiotic treatment has been started;
 - (14) Chicken pox, until all lesions have crusted, usually six (6) days after the rash appears;
 - (15) Rubella, until six (6) days after onset of rash;
 - (16) Pertussis (whooping cough), until five (5) days of antibiotic treatment;
 - (17) Mumps, until five (5) days after onset of gland swelling;
 - (18) Measles, until four (4) days after onset of rash; and
 - (19) Hepatitis A, until:
 - (A) One (1) week after onset of illness; or
 - (B) As directed by the Department of Health.
- (e)(1) Any participant who is injured shall have immediate attention.
- (2) Parents shall be notified of all injuries.
 - (3) Injuries that require the attention of medical personnel shall be reported to the parent immediately and to the Child Care Licensing Unit within one (1) business day.
- (f) Parents or guardians of all participants shall be notified of contagious illness as soon as possible.
- (g) If the policy of an OST program authorizes staff to administer prescription medications, staff shall do so only as directed by the participant's physician.
- (h)(1) Medication shall be given to participants only with signed parental permission that includes:

- (A) Date;
- (B) Type;
- (C) Drug name;
- (D) Time;
- (E) Dosage;
- (F) Length of time to give medication; and
- (G) What the medication is being given for.

(2) It shall:

- (A) Be in the original container with a child resistant cap;
- (B) Not have an expired date; and
- (C) Be labeled with the participant's name.

(3)(A) Aspirin substitutes, such as ibuprofen and acetaminophen, may be provided by the facility if parental permission has been granted.

(B) These medications shall be in the original container.

(4) Staff shall not dispense medications in dosages that exceed the recommendations stated on the medication bottle.

(i)(1) Participants with special healthcare needs (ex. asthma, seizures, diabetes, etc.) who require scheduled daily medications or medications to be given on an emergent basis (Benadryl, EpiPen, rescue asthma medication, etc.) shall have a care plan.

(2) Care plans shall have clearly stated parameters, directions, and symptoms for giving the medications.

(3) Care plans shall be updated as needed, but at least yearly.

(j) The facility shall share information with families regarding medical homes for participants.

(k) The staff person who administers the medication shall:

- (1) Initial the permission slip; and
- (2) Record the date, time, and dosage of the medication administered.

(l) Medication shall be returned to the parent or disposed of properly when:

- (1) A participant withdraws from the program; or

(2) The medication is out of date.

(m) Medicine shall be stored at the proper temperature, separately from food at all times.

(n)(1) A first-aid supply shall be kept out of reach of the participant.

(2) A first-aid kit containing medications shall be locked.

(3) This kit shall include the following:

(A) Adhesive Band-Aids, various sizes;

(B) Sterile gauze squares;

(C) Adhesive tape;

(D) Roll of gauze bandages;

(E) Antiseptic;

(F) Thermometer;

(G) Scissors;

(H) Disposable gloves; and

(I) Tweezers.

(o) Medicine shall be:

(1) Kept out of the reach of the participants when dispensing; and

(2) Stored in a locked area at all other times.

(p)(1) Facilities shall comply with the Arkansas Clean Indoor Air Act of 2006, Arkansas Code § 20-27-1801 et seq.

(2) Smoking in an OST program is prohibited at all times.

(3) This includes:

(A)(i) All areas of the facility, regardless of whether participants are in care.

(ii) Includes time periods such as nights, weekends, holidays, etc.

(iii) Also includes office areas or other areas of the facility that share the same ventilation systems;

(B) Outdoor play area or areas;

(C) Other outdoor areas when participants are present; and

(D) In any vehicle used to transport participants, whether participants are present in the vehicle or not.

(q) The facility shall follow any health or medical care plans or medical documentation as provided by the participant's:

- (1) Physician;
- (2) Parent; or
- (3) Guardian.

(r)(1) Universal precautions shall be used when handling items contaminated by blood.

(2) These items shall be disposed of separately and by using rubber gloves that shall be properly disposed of after each use.

(3) **Note.** Hands must be washed even after gloves are used.

(4) It is recommended that universal precautions be used when handling and disposing of materials containing bodily secretions such as wet or soiled diapers, fecal matter, etc.

(s)(1) Garbage shall be kept in closed containers.

(2) Garbage and trash shall be removed from the:

- (A) Program daily; and
- (B) Grounds at least once a week.

(t) The facility shall be free of:

- (1) Insects;
- (2) Rodents; and
- (3) Pests.

(u)(1) There shall be no pets or animals allowed that present a health and safety threat.

(2) Certification from a licensed veterinarian shall be maintained on-site verifying that dogs and cats have a current vaccination against rabies.

(v)(1) The communicable diseases listed in Appendix A, whether suspected in a participant or an adult, shall be reported within twenty-four (24) hours to either the:

- (A) Local county health unit; or

(B) Toll-free reporting system (800-482-8888).

(2) Immediate notification is recommended for the following:

- (A) Hepatitis;
- (B) Rash illness, including measles and rubella;
- (C) Whooping cough (pertussis);
- (D) Meningitis;
- (E) Mumps;
- (F) Tuberculosis;
- (G) Salmonellas, including typhoid; and
- (H) E. coli.

(w) Reporting data should include:

(1) The reporter's:

- (A) Name;
- (B) Location; and
- (C) Phone number;

(2) The name of the disease reported and the date of onset;

(3)(A) The patient's:

- (i) Name;
- (ii) Address;
- (iii) Phone number;
- (iv) Age;
- (v) Sex; and
- (vi) Race.

(B) Please spell the patient's name;

(4) The attending physician's:

- (A) Name;
- (B) Location; and
- (C) Phone number;

(5)(A) Any pertinent clinical and laboratory information used in the diagnosis.

(B) Please give the laboratory name; and

(6) Any treatment information, if known.

(x) It is recommended that all staff members who have direct contact with participants receive annual influenza (flu) immunizations.

(y) It is recommended that all staff members who have direct contact with participants receive a one-time Tdap (diphtheria, tetanus, and pertussis) immunization.

(z) It is recommended that all staff members who have direct contact with participants receive the recommended series of immunizations for chicken pox, mumps, measles, and rubella or have evidence of immunity.

(aa)(1) Participants shall be protected from overexposure to the sun.

(2) Sunscreen shall be used if needed and as directed by the parent.

(3) OST participants may apply sunscreen to themselves with supervision.

(4) A blanket permission may be obtained annually.

(bb) It is recommended that the facility have:

(1) An automated external defibrillator on-site; and

(2) A staff member or members on-site who are trained in the proper use of this device.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-1102. Hand washing.

(a) Individual towels, paper towels, or forced air dryers shall be within the reach of participants.

(b) A liquid soap shall be accessible in the hand washing area and used by caregivers and participants.

(c) Running water shall be available in all lavatories.

(d) All staff and participants shall wash their hands with soap and water at the following times:

(1) Before meals and snacks;

(2) Before preparing meals;

(3) After toileting;

- (4) After each diaper change, if applicable;
- (5) After contact with bodily fluids;
- (6) After outdoor time;
- (7) After coming in contact with animals; and
- (8) Other times as needed.

(e) Alternative methods of hand washing shall be provided if running water is not available.

(f) The use of hand sanitizer shall not be a replacement for soap and running water.

(g) A washcloth or towel shall not be used more than one (1) time before laundering.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-1103. Drinking facilities.

- (a) The water supply shall be approved by the Department of Health.
- (b) Drinking water shall be provided to the participants.
- (c) Drinking water shall not be obtained from the hot water supply.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-1104. Toilet facilities.

(a) There shall be one (1) toilet and one (1) sink available for each group of thirty (30) participants.

(b) Separate toilet facilities for boys and girls shall be provided.

(c) Clean clothes shall be available for participants who might soil themselves.

(d) Each out-of-school time program licensed or approved for more than thirty (30) participants shall have a separate restroom for staff.

(e) Toilet tissue shall be located within reach of the participants when toileting.

(f) Staff shall assist participants in toilet routines and hygiene practices as needed.

(g) Toileting equipment shall be safe and sanitary.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-1105. Diaper changing.

(a) When participants require diapering, there shall be a safe diaper changing area that meets the following criteria:

(1) Impervious (nonabsorbent) smooth surfaces that do not trap soil and are easily disinfected; and

(2) There shall be a changing pad capable of being sanitized used as a cushion between the child and the changing surface.

(b) Participants shall always be attended during diapering.

(c)(1) Soiled or wet diapers shall be removed and replaced with clean and dry diapers.

(2) The caregiver shall ensure that participants are properly cleaned and dried.

(d)(1) Soiled cloth diapers or clothing shall not be rinsed.

(2) If a participant's own diapers are used, they shall be sanitarily bagged to be taken home daily.

(e) Diaper covers or plastic pants shall be handled in the same manner as cloth diapers.

(f)(1) All diapering preparations shall be placed out of the reach of participants.

(2) The use of all diapering preparations shall be agreed upon by the caregiver and parent.

Authority. Arkansas Code § 20-78-206.

Subpart 12. Safety

20 CAR § 1027-1201. Safety requirements.

(a)(1) Within thirty (30) days of licensure and within thirty (30) days of any change or modification of the floor plan, the facility shall file a copy of its floor plan with the local office of emergency management including the following (Arkansas Code § 20-78-228):

(A) A schematic drawing of the facility and property used by the childcare facility, including the configuration of:

- (i) Rooms;
- (ii) Spaces; and
- (iii) Other physical features of the building;

(B) The location or locations where children enrolled in child care spend time regularly;

(C) The escape routes approved by the local fire department for the childcare facility;

(D) The licensed capacity and ages of children per room at the facility;
and

(E) The contact information for at least two (2) emergency contacts for the facility.

(2) An aerial view of the childcare facility and property used by the childcare facility shall be included with the floor plan if available.

(b)(1) The out-of-school time (OST) facility shall have a written plan detailing the procedures to follow in the event of emergencies (fires, floods, tornadoes, utility disruptions, bomb threats, etc.).

(2) The plan and procedures are required for emergencies that could:

- (A) Cause structural damage to the facility;
- (B) Be identified as a threat by the Division of Emergency Management;

or

(C) Pose a health or safety hazard to the participants and staff.

(3) This plan shall include provisions for sheltering in place or lockdown in the event of situations that warrant these measures.

(c) The written plan shall include the following information:

- (1) Designated relocation site and evacuation route;
- (2) Procedures for notifying parents of relocation;
- (3) Procedures for ensuring family reunification;
- (4) Procedures to address the needs of individual participants, including:
 - (A) Participants with special needs and disabilities; and
 - (B) Children with chronic medical conditions;
- (5) Procedures and documentation for annual training of staff regarding the plan and possible reassignment of staff duties in an emergency; and
- (6) Plans to ensure that all staff and volunteers are familiar with the components of the plan.

(d) The facility shall coordinate with local emergency management officials to plan for emergencies.

(e)(1) The facility shall maintain, on-site, a current copy of the Arkansas Comprehensive Emergency Management Plan issued by the division.

(2) This plan shall be reviewed by the facility director and signed and dated, indicating that they:

- (A) Have reviewed the current plan; and
- (B) Agree to comply with the provisions of the plan.

(f) Written procedures and evacuation diagrams for emergency drills shall be posted in each program space.

(g)(1) Fire and tornado drills shall be practiced as follows:

- (A) Monthly;
- (B) On separate days and at different times of the day; and
- (C) Everyone in the facility at the time of the drill shall participate;

(2) Staff, including volunteers and substitutes, shall be trained in emergency drill procedures.

(3) Drills shall be conducted during all hours when participants are in care (evenings, nights, weekends, etc.).

(h)(1) The facility shall maintain a record of emergency drills.

(2) This record shall include:

- (A) Date of drill;
- (B) Type of drill;
- (C) Time of day;
- (D) Number of participants participating in the drill;
- (E) Length of time taken to reach safety; and
- (F) Notes regarding things that need to be improved upon.

(i)(1) The OST facility shall maintain an evacuation pack that shall be taken on all drills and during actual emergency evacuations.

(2) The pack shall be easily accessible in an emergency and all staff shall know the location of the pack.

(3) The evacuation pack shall include but is not limited to the following:

- (A) List of emergency numbers;
- (B) List of all emergency and contact information for participants;
- (C) List of all emergency and contact information for staff;
- (D) First-aid kit (20 CAR § 1027-1101(f)) with extra gloves;
- (E) Kleenex;
- (F) Battery-powered flashlight and extra batteries;
- (G) Battery-powered radio and extra batteries;
- (H) Hand sanitizer;
- (I) Notepad and pens or pencils;
- (J) Whistle;
- (K) Disposable cups;
- (L) Wet wipes; and
- (M) Emergency survival blanket.

(j)(1) The facility shall immediately notify the Child Care Licensing Unit of any extended utility outages or significant damage to the building or grounds.

(2) If phone service is not available, notification shall be as soon as service is restored or available.

(k)(1) OST facilities shall:

- (A) Maintain a log of all child product recalls and safety notices:

(i) Issued by the Consumer Product Safety Commission; or

(ii) Distributed by the Attorney General's office; and

(B) Post or otherwise make these notices available for parents to review on-site.

(2) The facility director shall certify, on an annual basis, that:

(A) These notices have been maintained and reviewed; and

(B) Any identified items have been removed from the facility.

(3) Forms for self-certification:

(A) Will be provided by the childcare licensing specialist; and

(B) Shall be submitted annually.

(l)(1) There shall be no alcoholic beverages in any part of the facility during hours of care.

(2) Illegal drugs or paraphernalia shall not be in any part of the facility or on the premises, regardless of whether participants are present or not.

(m) All medications and poisonous substances shall be kept in separately locked areas.

(n) Rescue medications such as inhalers or EpiPens shall be inaccessible to children, kept in a cabinet with a childproof-type safety latch or carried by a staff member.

(o)(1) All detergents and cleaning supplies shall be kept out of the reach of participants.

(2) This does not include hand soap in participants' or staff bathrooms.

(p) Supplies used for participants' activities shall be carefully supervised.

(q)(1) All bags belonging to participants shall be checked on arrival to eliminate possible hazards.

(2) Purses and bags belonging to staff shall be stored out of reach of participants.

(r) Balloon use shall be carefully supervised.

(s) Staff shall be instructed in the use of fire extinguishers.

(t)(1) The facility shall maintain smoke detectors and fire extinguishers as required by the fire department.

(2) Smoke detectors shall be kept in working order at all times.

(u) Chemicals and toxins shall not be stored in the food storage area.

Authority. Arkansas Code § 20-78-206.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules contained the following at the end of subdivision (b)(1) of this section: "(Act 801 of 2009)".

This section contained the following at the end of subdivision (k)(3)(B) of this section: "(Act 1313 of 2001)".

20 CAR § 1027-1202. Swimming pools.

(a) Swimming pools and natural pools of water may be used for water play if the following requirements are met:

(1) Department of Health approval where applicable;

(2) Written parental permission; and

(3) One (1) person present at all times who has current certification in:

(A) American Red Cross Life Saving;

(B) Young Men's Christian Association aquatic instruction; or

(C) Other industry-recognized certification entity.

(b) Adult supervision of the children shall be provided at all times, with grouping based on a one to eight (1:8) staff-to-participant ratio unless participants are participating in an authorized swimming instruction program.

(c) Lifeguards, swimming instructors, or any other swimming pool staff may be counted in the ratio when:

(1) The out-of-school time (OST) facilities' participants are the only occupants of the pool; and

(2) These persons have completed criminal and Child Maltreatment Central Registry checks and have a current health card.

(d)(1) Swimming pools located within the play area of the OST facility shall be enclosed.

(2) The enclosure shall consist of a locked gate and a fence that is at least four feet (4') high.

Authority. Arkansas Code § 20-78-206.

Subpart 13. Transportation

20 CAR § 1027-1301. Transportation requirements.

(a)(1) The requirements in this section apply to all transportation provided by the licensee, including transportation provided by any person on behalf of the licensee, regardless of whether the person is employed by the licensee.

(2) Periodic transportation, such as a parent requesting that their child be picked up at school due to the parent's work schedule or other conflicts, is also covered by these requirements, whether a fee is charged for this service or not.

(b) When participants are transported, emergency contact information shall be maintained on the vehicle at all times.

(c)(1) Staff transporting participants shall meet the following requirements:

(A) Be at least twenty-one (21) years old or the minimum age required by the licensee's commercial auto insurance;

(B) Hold a current valid driver's license or commercial driver's license as required by state law, and a readable copy shall be maintained in the staff's record; and

(C)(i) Successfully completed the training course in driver safety that is offered or approved by the Office of Early Childhood prior to transporting participants.

(ii) Verification of the completed course in driver safety, when available, shall be maintained on-site in the staff's record.

(2) At least one (1) adult on the vehicle shall be certified in cardiopulmonary resuscitation and first aid.

(d) The vehicle or vehicles used for the transportation of participants shall be in compliance with Arkansas state laws on transportation of participants.

(e) Vehicles shall be licensed and maintained in proper working condition including air conditioning and heating systems.

(f)(1) Commercial insurance coverage shall be maintained for any vehicle used for transportation by the facility.

(2) Verification of commercial insurance coverage shall be provided to the childcare licensing specialist prior to transportation of participants.

(3) Required coverage amounts to be maintained are:

(A) Minimum coverage of one hundred thousand dollars (\$100,000) combined single limit;

(B) Minimum coverage of one hundred thousand dollars (\$100,000) for both uninsured motorist and underinsured motorist; and

(C) Minimum coverage of five thousand dollars (\$5,000) personal injury protection for each passenger, based on the number of passengers the vehicle is manufactured to transport.

(4) **Exception.** State institutions, political subdivisions, or other entities entitled to immunity from liability under Arkansas Code § 21-9-301 are not required to meet this requirement in order to be licensed.

(g)(1) During routine transporting of participants to and from an out-of-school time program, a ratio of one to eighteen (1:18) does not need to be maintained as long as there is one (1) additional adult present in the vehicle besides the driver.

(2) When transporting participants for nonroutine purposes (ex. field trip) a ratio of one to eighteen (1:18) needs to be maintained at all times.

(3) The driver may be counted in staff-to-participant ratio.

(h)(1) Any participant who is less than six (6) years old or weighs less than sixty pounds (60 lbs.) shall be restrained in a child passenger safety seat.

(2) Any participant who is at least six (6) years or weighs at least sixty pounds (60 lbs.) must be restrained by a safety belt.

(3)(A) Conventional school buses are exempt from this requirement except for the transportation of infants and toddlers.

(B) See #1302.2.

(4) Child passenger safety seats shall be used in accordance with manufacturer's guidelines.

(i) There shall be a seating space and an individual, appropriate restraint system provided for each participant transported.

(j)(1) Rosters listing the date, the names, and ages or dates of birth of all participants being transported as well as the name of the driver and any other staff member on the vehicle shall be maintained.

(2) These rosters shall be used to check participants on and off the vehicle when they are picked up and dropped off at home, school, etc. and when they arrive at and leave the facility.

(3) Transportation rosters shall be kept by the facility and available for review for one (1) year.

(k)(1) To ensure that no participants are left on the vehicle, the driver or a staff member must walk through the vehicle and physically inspect each seat before leaving the vehicle.

(2) The driver or the staff member who conducted the walkthrough inspection must sign the transportation roster to verify that all participants have exited the vehicle.

(l)(1) To ensure that participants have safely arrived in the appropriate program space, the transportation roster shall be reviewed by the director or designee and compared with attendance records.

(2) The director or designee shall sign off on the transportation roster to verify that all participants have safely transitioned from the vehicle to the program.

(m)(1) Any vehicles designed or used to transport more than seven (7) passengers and one (1) driver must have approved child safety alarm devices installed.

(2) These devices must be properly maintained in working order at all times.

(3) Vehicles in service at licensed facilities prior to July 1, 2005, shall have the alarm installed by a qualified technician or mechanic no later than December 31, 2005.

(4) On or after July 1, 2005, all vehicles at newly licensed facilities and newly acquired vehicles at existing facilities shall have a child safety alarm installed before placing the vehicle in service.

(n)(1) The Child Care Licensing Unit shall maintain a list of approved alarm systems.

(2) Clarification.

(A)(i) The alarm system shall be installed so that the driver must walk to the very back of the vehicle to reach the switch that deactivates the alarm.

(ii) Alarm switches installed in locations that do not require the driver to walk to the back of the vehicle and view all seating areas will not be acceptable.

(B) The alarm system may be installed by any certified technician or mechanic employed by a recognized electronics or automotive business in accordance with the device's manufacturer's recommendations.

(C) The time delay from activation of the alarm until the alarm sounds shall be no longer than one (1) minute.

(D)(i)(a) Any of the following three (3) options are acceptable to meet the intent of Acts 2005, No. 1979, when participants are being delivered at the facility.

(b) Other options must be approved by the licensing unit.

(ii) Options.

(a)(1) Unload all of the participants, walk through the vehicle to ensure that no participants remain on board, and deactivate the alarm.

(2) This option will only work if you are able to unload all participants in less than one (1) minute.

(b)(1) Upon arrival, have one (1) staff member immediately walk through the vehicle to deactivate the alarm system.

(2) That staff member will remain near the alarm switch at the back of the vehicle until all participants have been unloaded to ensure that no participant is left on board.

(3) This option will require at least two (2) staff members:

(A) One (1) to supervise the participants; and

(B) One (1) to remain inside the vehicle.

(c)(1) Upon arrival, deactivate the alarm and unload the participants.

(2) Immediately after unloading, start the vehicle and move it to a different location for final parking.

(3) This will reactivate the alarm and require a final walkthrough.

Authority. Arkansas Code § 20-78-206.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules contained the following at the end of subdivision (f)(4) of this section: "(Act 23 of 2015)".

This section contained the following at the end of subdivision (h)(2) of this section: "(Act 470 of 2001)".

Subpart 14. Special Needs

20 CAR § 1027-1401. Participants with disabilities.

(a)(1) Participants with disabilities should be included in the same general activities as their same-age peers.

(2) Certain accommodations for their disability and some modifications to activities may be necessary.

(3) These accommodations should be:

(A) Determined on an individual basis; and

(B) Related to the specific needs of the individual.

(4) Out-of-school time providers are encouraged to make available additional staff training in the area of (OST) awareness.

(5) Such training may encompass the use of:

(A) People-first language;

(B) General communication strategies; and

(C) Disability etiquette.

(6) In general, it is desirable to treat an individual with a disability in the same way one would treat an individual of the same age but without a disability.

(b)(1) Additional information from the parent and caregiver of a child with a disability may be necessary.

(2) Questions that cover usual routines, special instructions for care and interaction, the child's interests, and things or situations to avoid are important, as is determining what kinds of things will motivate the child.

(3) If there are individualized requirements for rest, nutrition, hydration, etc., these should be noted.

(4) Emergency contact information, with backup contacts, may be essential.

(c) Consideration should be given to special needs related to medical as well as developmental, social and emotional, and mental health and behavioral concerns.

(d) While the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., is specific to educational needs, consideration should also include cooperation with 504 and medical plans to best meet the needs of the individual child.

Authority. Arkansas Code § 20-78-206.

Subpart 15. Program-Specific Variations

20 CAR § 1027-1501. Generally.

(a) Program-specific variations are numbered according to the section with which they vary.

(b) Unless a variance is listed in this subpart, all basic requirements apply.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-1502. Day camp.

(a) Program requirements, 20 CAR § 1027-401.

(1) If hazardous items (ex. archery equipment) are used during activities offered, such equipment must be used under close supervision and must be safely stored.

(2) If specialized activities take place, such as but not limited to horseback riding, water activities, rock climbing, and other adventure-based activities, supervision of such activities must be provided by qualified staff who have received the proper training in the activity's:

- (A) Guidelines;
- (B) Safety rules; and
- (C) Emergency procedures.

(b) Participants' records, 20 CAR § 1027-603.

(1) Permission for specialized summer activities shall be maintained.

(2) Emergency information and medical permission sheet shall be maintained at day camp site.

(c) Nutrition requirements, 20 CAR § 1027-701. Milk is not required to be served in day camp settings.

(d) Playgrounds and outdoor learning environment, 20 CAR § 1027-902.

(1) Outdoor day camps need to have a shelter or permanent building for protection from inclement weather.

(2) An outdoor day camp shall perform daily visual inspections of the outdoor space and facilities prior to the arrival of participants to ensure all buildings, structures, and activity areas are in good repair and free of hazards.

(e) Drinking facilities, 20 CAR § 1027-1104.

(1) Water that is transported to the camp sites for drinking purposes shall be in enclosed containers.

(2) Fresh water shall be provided each day.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-1503. Evening and night care variations.

(a) **Definition.** "Night care" means any care provided after midnight.

(b) **Staff-to-participant ratio, 20 CAR § 1027-301.** Staff members shall:

- (1) Be awake at all times; and
- (2) Have participants in view at all times.

(c) **Program requirements, 20 CAR § 1027-401.** Evening quiet time activity shall be provided to each participant arriving before bedtime.

(d) **Nutrition requirements, 20 CAR § 1027-701.**

(1) Participants who are in care overnight shall be provided with a breakfast prior to leaving for school or other activities.

(2) Snacks meeting the current United States Department of Agriculture guidelines shall be provided to participants in attendance for more than two-and-one-half (2 1/2) hours prior to bedtime.

(e) **Sleeping arrangements, 20 CAR § 1027-1002.**

(1) Bedtime schedules shall be established for participants in consultation with the participant's parent or parents.

(2) Storage space for clothing and personal belongings shall be provided within easy reach of the participant.

(3)(A) Individual beds or cots equipped with comfortable mattresses, sheets, pillows, pillowcases, and blankets shall be provided for participants in all-night care.

(B) Bed linens shall be changed:

- (i) At least once a week; or
- (ii) Daily when wet or soiled.

(4) Mats may be used for participants in evening care.

(5) The upper level of double deck beds shall be allowed for participants ten (10) years or older if a bed rail and safety ladder are provided.

(6) Participants shall have clean and comfortable sleeping garments for their individual use.

(f) Toilet facilities, 20 CAR § 1027-1105.

(1)(A) There shall be age-appropriate bathing facilities available for all participants, including a bathtub or shower available.

(B) Bathtubs and showers shall be equipped to prevent slipping.

(2) Bathrooms shall be located near the sleeping areas.

(3) No participant under six (6) years of age shall be left alone or with another participant while in the bathtub or shower.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-1504. Part-time program variations.

Nutrition requirements, 20 CAR § 1027-701. Facilities in operation for more than three (3) hours per day shall provide a snack that meets current United States Department of Agriculture guidelines.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1027-1505. Sick care components.

(a) Staff-to-participant ratio, 20 CAR § 1027-301.

(1) The following ratios shall be maintained at all times:

(A) Out-of-school time participant, one to five (1:5); and

(B) Maximum group size ten (10).

(2) Staff shall be separated in the same manner participants are separated to prevent cross-infection.

(b) Director, 20 CAR § 1027-302.

(1)(A) If the component is part of an out-of-school time facility, the program director shall be accountable to the facility director.

(B) If the component is an entity unto itself, the program director may also be the facility director.

(2) The program director shall have completed the following training:

- (A) Communicable disease control;
- (B) Recognition and care of usual childhood illness;
- (C) Cardiopulmonary resuscitation certification; and
- (D) First aid certification.

(c) Program requirements, 20 CAR § 1027-401.

(1) Participants shall be provided with quiet activities according to their ages and abilities.

(2) Caregivers shall:

- (A) Administer medicine according to prescribed instructions;
- (B) Take temperature frequently or as needed;
- (C) Monitor any changes in condition;
- (D) Record necessary medical or physiological data or changes; and
- (E) Notify parents immediately if their child's condition changes

significantly for the worse, especially if the condition meets one (1) of the excludable diseases or symptoms.

(3) The participant shall be removed immediately from sick care when his or her condition meets one (1) of the excludable diseases or symptoms.

(4) Participants may be returned to the regular out-of-school time program when:

- (A) A doctor's statement has been obtained; or
- (B) The participant is free of symptoms for twenty-four (24) hours.

(d) Participants' records, 20 CAR § 1027-603.

(1) The record shall contain information on the specific condition or illness placing the participant in sick care.

(2) The record shall contain any recommendations for needed medical treatment and program or environment modifications that the participant needs.

(e) Building requirements, 20 CAR § 1027-801.

(1) If located in the same facility as an out-of-school time program, sick care shall be separate with a separate entrance and separate ventilation system.

(2)(A) Participants with respiratory illnesses shall be cared for in a separate space from participants with gastrointestinal illness.

(B) Any participant with an undiagnosed condition shall be separated from other participants to prevent cross-infection.

(C) A separate area can be defined by curtains, partitions, etc., if airborne transmission is not likely.

(3) A hand washing sink shall be available in each room.

(4) To prevent cross-contamination, a designated toilet shall be available to each sick care room.

(5) The facility shall be self-contained, i.e., food, water, bedding, toileting (no potty chairs), etc.

(f) Furniture and equipment requirements, 20 CAR § 1027-1001.

(1) No furniture, fixtures, equipment, and supplies designated for use in the sick care component shall be used or shared by well participants.

(2)(A) All laundry shall be washed each day.

(B) The items shall be placed in a plastic bag and labeled "contaminated" so necessary precautions can be taken.

(3) All toys and equipment shall be disinfected after every use.

(g) General health requirements, 20 CAR § 1027-1101.

(1)(A) Tables of communicable diseases and symptoms that exclude children from sick care.

(B) Asterisk denotes reportable diseases.

(2) Communicable diseases.

RESPIRATORY ILLNESS	GASTROINTESTINAL ILLNESS	CONTACT
Chicken pox	Giardia lamblia*	Impetigo
German measles	Hepatitis A*	Lice

Hemophilus influenzae	Salmonella*	Scabies
Measles*	Shigella*	
Meningococcus*		
Mumps*		
Strep throat		
Tuberculosis*		
Whooping cough*		

(3) Symptoms that exclude participants from sick care.

(A) A symptom is a condition that indicates an illness that may not be identifiable by one (1) of the above listed names but presents a situation where the participant:

- (i) Shall not be admitted to or remain in sick care; and
- (ii) Should be seen by the family physician.

(B) Diarrhea:

- (i) Accompanied by evidence of dehydration for excessive fluid loss;
- (ii) Accompanied by history of poor fluid intake or marked lethargy;
- (iii) With blood or mucus in the stool unless at least one (1) stool culture shows the absence of Salmonella, Shigella, Campylobacter, or E. coli; and
- (iv) That exceeds five (5) bowel movements in an eight-hour period or is continued over three (3) or four (4) days unless the participant is under the supervision of a physician with written documentation.

(C) Vomiting for over a six-hour period.

(D) Difficult or rapid breathing.

(E)(i) Severe coughing.

(ii) Episodes of coughing that may lead to:

- (a) Gagging;
- (b) Vomiting; or
- (c) Difficulty breathing.

(F) Mucus (phlegm) that is foul-smelling, yellow, or green, and the participant has a fever over one hundred two degrees (102°).

(G) Asthmatics with severe upper respiratory infections:

(i) Who have not been seen by a physician; or

(ii) Whose distress is not controlled by medication.

(H) Sore throat and fever greater than one hundred three degrees (103°) or confirmed strep throat until treated with antibiotics for over twenty-four (24) hours.

(I) Skin conditions that have not been diagnosed as noncontiguous by a physician, including but not limited to:

(i) Yellow (jaundiced) eyes or skin;

(ii) Child in contagious stages of:

(a) Chicken pox;

(b) Measles;

(c) Mumps; or

(d) Rubella;

(iii) Untreated impetigo;

(iv) Untreated scabies or head lice; and

(v) Blood-red rashes and skin conditions with spontaneous bruising.

(J) Participants who are in the contagious states of:

(i) Pertussis;

(ii) Diphtheria; or

(iii) Tuberculosis.

(K) Pink or red eye or eyes that may be swollen with white or yellow discharge until on antibiotics for over twenty-four (24) hours.

(L) Abdominal pain that is intermittent or persistent.

(M) Fever over one hundred two degrees (102°) for greater than twenty-four (24) hours, or any fever over one hundred three degrees (103°) unless the participant:

(i) Has been evaluated and treated by a physician; and

(ii) Does not have other exclusion criteria.

Authority. Arkansas Code § 20-78-206.

Appendix A. List of Reportable Diseases

Link:

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/108/20CARpt.1027AppendixA.pdf>

Appendix B. Child Care Meal Pattern

Link:

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/109/20CARpt.1027AppendixB.pdf>

Appendix C. Adult Care Meal Pattern

Link:

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/110/20CARpt.1027AppendixC.pdf>

Appendix D. Disaster and Emergency Preparedness

Link:

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/111/20CARpt.1027AppendixD.pdf>