

**Rules and Regulations for the Care of Children and
the Operation of Small Family Child Care Homes
Adopted Pursuant to LMC 8.12 Small Family Child Care Homes**

Section 1. Operator

The operator shall assure compliance with all provisions of LMC 8.12 Small Family Child Care Homes and these rules and regulations.

The operator shall provide adequate and appropriate supervision of children at all times. Any designated substitute shall have the same responsibility for providing adequate and appropriate supervision. Ultimate responsibility for supervision shall be with the operator.

Section 2. Reserved

Section 3. Reserved

Section 4. Reserved

Section 5. Reserved

Section 6. Reserved

Section 7. Small Family Child Care Home

7.1. Overall

At least 35 square feet of indoor space shall be available per child.

At least 50 square feet of outdoor play space shall be available per child near the home.

The operator shall keep matches, lighters, medicines, alcohol and all hazardous materials, including cleaning agents, chlorine bleach, antifreeze, pesticides, solvents and poisons inaccessible to children.

All rooms used for child care shall be clean and dry.

All floors, walls, ceilings and furniture shall be clean and in good repair.

The home shall be free of exposed lead-based paint surfaces which are flaking, peeling, or chipping.

At least one operable phone shall be available at which the operator can be reached at all times during care of children. Such phone number(s) shall be provided to the Health Director and to each parent. Emergency phone numbers, including 911 and Poison Control, shall be prominently posted.

Play materials, equipment, and furnishing shall be easily cleanable, kept clean and in good repair, not have sharp edges, and not have rusty or loose parts.

Toys and objects with a diameter of less than one inch or less than one and one-half inches in length shall not be used with children less than three (3) years of age.

The home shall be constructed in such a way as to prevent rodents from entering.

Heating, ventilation, and lighting shall be adequate for the protection of the health of children.

All electrical outlets within the reach of children shall be covered with safety caps, ground fault interrupters, or have safety outlets installed.

Tornado drills will be practiced with the children. The operator shall develop a written tornado safety plan and it shall be available for review upon request. Such plans shall include specific routes of evacuation from all rooms and identification of where shelter will be taken in the case of tornado. All substitutes or employees shall be made aware of the plan.

All garbage and refuse will be collected, stored, and disposed in a manner which will not attract rodents or insects.

The grounds will be kept neat and clean and free from rodents and accident hazards.

Accident hazards, such as flammable materials, deep pools of water, farm and lawn equipment, shall be inaccessible to children. Potential accident hazards, such as broken glass, boards containing nails and other debris shall not be allowed on the premises.

Barnyard animals and/or fowl shall not be allowed in the outdoor play area.

7.2. Bathrooms

Each small family child care home shall have a bathroom which is maintained clean and in good repair, with the following:

- A toilet.
- A sink with hot and cold running water. The temperature of the hot water shall be at least 100 degrees F, but no greater than 120 degrees F.
- Conveniently located soap and paper towels or individual towels and wash cloths for each child.
- A safe, sturdy step stool which can be used to make a standard toilet and sink easily accessible by a child.

7.3. Water Supply

No common drinking container shall be used. Drinking water must be provided by sanitary drinking fountains, or individual or disposable cups.

If the home is not served by water from a regulated community water supply, the well (on-site water supply) shall be in substantial conformance with State and local regulations.

Private wells shall be tested at least annually for contamination by coliform and fecal coliform bacteria and Nitrate-Nitrogen.

Well water will not be approved for use for drinking or preparing food for children in care unless analysis shows the water to be free from contamination with coliform or fecal coliform bacteria and Nitrate-Nitrogen levels are less than 10 mg/L.

Wastewater Treatment System

If the home is not served by a community wastewater treatment system, it shall be in substantial conformance with LMC 24.38 On-site Wastewater Treatment Systems and not pose a significant risk to the health of the children or the public. Open discharge of sewage on the premises shall not be allowed.

7.4. Personal Care Items

Common use of grooming items shall not be allowed.

Individual towels and wash cloths and facilities for their storage shall be provided.

Waterproof storage shall be provided for storing soiled or wet clothing.

7.5 Water Safety

Any swimming pool having a depth of eighteen (18) inches or more shall be in compliance with LMC 8.36 Family Swimming Pools. It shall be completely surrounded by a fence or wall not less than four (4) feet in height. The fence or wall shall be constructed so it does not have openings, holes, or gaps larger than four (4) inches in any dimension, except for doors and gates. All gates or doors shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use.

Above-ground or in-ground pools shall be covered with an approved cover when not in use.

If children are allowed to use a family swimming pool, written permission from parents shall be obtained.

Equipment needed for rescue (e.g. lifesaving ring or reaching pole) shall be readily accessible.

The operator shall accompany and directly supervise the children during swimming and wading activities at all times children are within the area of the pool.

If the depth of the pool is over four (4) feet, the operator or person who has satisfactorily completed an approved life-saving course shall be present and supervising the children at all times the pool is in use.

Wading pools shall be drained daily and inaccessible to children when not in use.

Children under the age of 7 shall be directly supervised at all times whenever the child uses a bath tub.

7.5.A. Prohibited Water Sources

The operator shall not allow children to use natural bodies of water, hot tubs, spas, saunas or livestock tanks.

7.6 Animals

All pets susceptible to rabies shall be properly vaccinated and licensed, if applicable. Proof of current vaccination as documented by a veterinary clinic and proof of license shall be maintained and available.

Animals shall not be allowed in the food preparation area during food preparation times or serving times.

The following animals are not allowed on the premises at any time:

- Animals which have bitten or attacked a person without provocation.
- Dogs which have been declared dangerous or potentially dangerous by the Health Director.
- Unusual animals (all as defined by the Lincoln Municipal Code Chapter 6 Animals).

All animal waste will be immediately removed from children's areas and properly disposed.

Any animal infected with a disease which can be transmitted to humans shall be isolated or removed from the premises as ordered by the Health Director.

7.7 Weapons

Weapons, including firearms, other potentially hazardous weapons, weapon accessories, and ammunition shall be kept in locked storage. Firearms will be stored locked and unloaded. Ammunition will be stored locked and separately from firearms. A person would need to unlock two (2) locks to get to firearms and ammunition.

7.8 Fences

If there are unsafe areas, such as drainage ditches, wells, homes, heavy machinery, railroad tracks, bodies of water, heavy street traffic, or other hazards in or near the outdoor play area, a fence at least four (4) feet high shall be erected to prevent children from accessing such areas.

Section 8. Fire Safety

The home shall be free from fire hazards including: exposed wiring; storage of combustibles near a furnace/water heater or other source of flame; storage of greater than a household quantity of combustibles or highly flammable materials; and blocked exits.

Furnaces, fireplaces, wood-burning stoves, gas water heaters, and other heaters will be inaccessible to children when in use.

The operator shall be able to reach children in any room which can be locked from the inside.

A written fire evacuation plan shall be developed. The plan shall be practiced with children at least six times per year in alternating months. Documentation of drills shall be maintained. All substitutes or employees shall be made aware of the plan.

An adequate number of operating, properly mounted smoke detection devices shall be provided in the home. Smoke detection devices shall be approved by U.L. Underwriters Laboratories.

An adequate number of operating, properly mounted carbon monoxide (CO) detection devices shall be provided in the home. CO devices shall be approved by U.L. Underwriters Laboratories.

Section 9. Child Health

9.1. First Aid Kit

A first aid shall be maintained and shall include: tweezers, a non-mercury containing fever thermometer, soap, band-aids, sterile gauze, tape and scissors. Such supplies shall be stored readily available, but inaccessible to children.

9.2. Medications

9.2.A. Reserved

9.2.B. Reserved

9.2.C. Confidentiality

Information about a child’s medication shall not be disclosed unless such information is needed to protect the health of other children or staff.

9.2.D. Written Permission, Instructions

Medication (prescription or non-prescription) shall be given or applied only with written permission and instructions, signed by a parent. Medication shall be in kept in its original container, stored according to instructions, shall be clearly labeled with the child’s name, and returned to the parent when no longer needed. Medication shall only be given in accordance with these instructions. Such instructions shall include: the medication name, the name of the child it is for, the correct dose, how (route) it is to be given, and when it is to be given. Expired medication shall not be given to children and shall be returned to the parent. Any error in giving medication shall be reported to the parent.

9.2.E. Unusual Circumstances

There must be a written statement from the licensed health care professional who prescribed the medication allowing the provider to give the medication when:

1. Any prescription medication is given or applied as needed (PRN); or
2. By a route other than oral, topical, inhalant, or instillation.

9.2.F. Hand Washing

Hands shall be washed before handling and giving medication. Hands shall be washed if they come into contact with bodily fluids while giving the medication.

9.2.G. Storage

All medications shall be kept in locked storage or stored inaccessible to children.

9.2.H. Record Keeping

A written record of the time and amount of medication given or applied to each child shall be kept.

9.3. Outbreak of Communicable Diseases

Parents shall be notified of any case of a communicable disease on list “A” on the same day on which the operator is informed of or observes the illness. The Lincoln-Lancaster County Health Department shall be notified of any case of a communicable disease on list “B” on the same day on which the operator suspects or is informed of the illness.

Communicable Disease Notification List “A”

- Chickenpox (varicella);
- Conjunctivitis/pink eye (acute bacterial conjunctivitis; adenoviral hemorrhagic conjunctivitis; enteroviral hemorrhagic conjunctivitis);
- Head or body lice (Pediculosis);
- Influenza;
- Pin worm (Enterobiasis);
- Ring worm (tinea, dermatophytosis);
- Scabies (sarcoptic itch, Acariasis).

Communicable Disease Notification List B

- Amebiasis (*Entamoeba histolytica*);
- Camphylobacteriosis (species);
- Diphtheria (*Corynebacterium diphtheriae*);
- Escherichia coli 0157H7 (*E. coli* 0157H7);
- Fifth Disease/human parvovirus infection (*Erythema infectiosum*);
- Giardiasis (*Giardia lamblia*);
- Haemophilus influenzae b (invasive disease only, including meningitis, epiglottitis, bacteremia and cellulitis)
- Hepatitis A (IgM antibody-positive or clinically diagnosed in an outbreak);
- Hepatitis B (surface antigen or IgM core antibody positive);
- Meningitis, all infectious types (bacterial, fungal, viral);
- Measles (rubeola);
- Mumps;
- Pertussis/whooping cough (*Bordetella pertussis*);
- Rubella
- Salmonellosis; including typhoid fever (*Salmonella* species);
- Shigellosis (*Shigella* species);
- Tuberculosis (*Mycobacterium tuberculosis*);
- Unusual clusters or outbreaks of health problems, infectious or other, including suspected food poisoning.

9.4 Ill Children; Parental Notification; Isolation

If a child becomes ill during care, the operator shall notify the parent and arrange for the child to be picked up as soon as possible. If the child appears to be contagious (vomiting, diarrhea, fever, etc.), the operator shall make effort to protect other children from exposure to the child.

9.5 Immunizations

Copies of the immunization record of each child shall be maintained by the operator. All children shall be immunized in accord with Nebraska Department of Health and Human Services requirements and guidance.

Section 10. Food Preparation and Serving

10.1. Food Preparation

The operator shall wash his/her hands thoroughly with soap and water for 20 seconds before preparing or serving food to children in his/her care.

Food preparation, serving, and storage areas, equipment, and utensils shall be maintained clean and in good repair.

Dishes and utensils shall be properly cleaned, rinsed, and air dried.

All perishable foods shall be stored in a covered container in an operating refrigerator with a maximum temperature of 41 degrees F.

Food shall not be thawed at room temperature. Thawing of food shall be done in the refrigerator, under cold running water, in a microwave oven, or as part of the cooking process.

Food shall be protected from contamination.

Deep freezers shall be locked or stored in a locked room.

Home-canned food shall not be served to children.

Only pasteurized grade A milk and milk products shall be served, except that human breast milk may be provided to infants.

Fresh or raw fruits or vegetables shall be washed before serving.

10.2. Meals and Snacks

The operator shall wash his/her hands thoroughly with soap and water for 20 seconds before preparing or serving food to children in his/her care.

Meals and snacks shall be provided as follows based on how long children are in care:

1. 2 ½ to 4 hours - one snack;
2. 4 to 8 hours - one snack and one meal;
3. 8 to 10 hours - two snacks and one meal; and
4. 10 or more hours - two snacks and two meals.

Meals should include servings from each of the following groups of food:

1. cereal, bread, rice, pasta;
2. fruits, vegetables;
3. milk, yogurt, cheese; and
4. meat, poultry, fish, dry beans, eggs, nuts.

Breakfast does not need to include items from 4 above. Snacks should include servings from at least two of these four groups of foods.

Section 11. Daily Activities

11.1. Indoor/Outdoor Play

The operator shall have knowledge of where each child in care is at all times. Children under the age of seven (7) shall be supervised in outdoor play areas at all times.

Enough age-appropriate play materials shall be made available so that, at any one time, each child can play individually.

11.2. Naps and Rest Periods

A regular rest/nap period shall be provided.

Cots, waterbeds, pillows, mats, futons, or cushions shall not be used for infants under 13 months of age. Waterbeds shall not be used for children under 36 months of age.

Clean and comfortable, and easily cleanable, napping and sleeping materials and equipment, such as beds, cribs, cots and mats, shall be provided for each child. The top level of bunk beds will not be used for children under 5 years of age.

11.3. Discipline

The following forms of discipline shall not be allowed:

- 1) spanking, slapping, punching, shaking, striking with any inanimate object, handling roughly, or biting;
- 2) denying food or requiring a child to eat or taste a non-food item or substance; and
- 3) forced napping.

Other forms of discipline not specifically listed that cause significant emotional or physical harm to a child shall not be used.

Children shall not be disciplined or punished for toilet training accidents or for refusing to take medication.

Children shall not be subjected to derogatory remarks about themselves or their family, abusive or profane language, yelling or screaming, or threats of physical punishment.

While children are in care and when parents are not present, the responsibility for discipline lies only with the operator or designated substitute.

The operator shall discuss discipline practices with the parent(s)/guardian(s) before accepting children into care.

11.4. Diapering and Toileting

Diapers shall be changed when needed (dirty or wet).

Individual wash cloths, towels or disposable towelettes shall be used to cleanse children during diapering.

The operator shall wash his/her hands thoroughly with soap and water for 20 seconds after changing the diaper of each child and after helping children toilet.

Soiled diapers shall be properly disposed and/or stored in airtight containers.

Potty chairs shall not be used or stored in eating and playing areas.

Section 12. Infant Care

The emotional and physical needs of infants shall be met consistently and promptly. This includes talking to, playing with, holding and rocking infants, and providing them with the opportunity to explore outside of their cribs and/or playpens. The operator shall immediately investigate the cries of an infant.

Infants shall be fed in accord to a plan agreed upon by the parent(s) and the operator.

Prepared formula shall be labeled with the child's name and stored in the refrigerator. Unused, prepared formula shall be discarded after 48 hours.

Infants under six months of age, and those not yet able to hold their own bottles during bottle feeding, shall be held during feeding. Bottles shall not be propped. Bottles shall be removed from sleeping infants.

Infants who are capable of feeding themselves, but cannot sit in child-sized chairs at child-sized tables, shall be seated in high chairs with three point safety straps.

Only cribs and play pens which are federally approved and not subject to a safety recall (or have been repaired) shall be used for infants. Drop side latches shall securely hold sides in the raised position. Infants shall not be left unattended in cribs with the drop-side lowered.

Pillows, quilts, comforters, sheepskins, pillow-like bumper pads or pillow-like stuffed toys shall not be placed in a crib with an infant.

Crib slats and walls shall not have openings wider than 2 3/8 inches (60 mm) apart. The crib shall have a firm, tight fitting mattress. The crib shall not have missing, cracked or broken slats. The crib shall not have missing, loose, broken or improperly installed screws, brackets or other hardware. The crib shall not have corner posts that extend more than 1/16th of an inch above the crib railing.

The drop sides of cribs and mesh-sided playpens shall be kept up and locked securely in position whenever a child is in the playpen or crib.

The mesh of playpens shall have small weave (less than 1/4 inch openings) and no tears, holes or loose threads.

Cots, waterbeds, pillows, mats, futons, or cushions shall not be used for infants under 13 months of age.

Section 13. Transportation

No person shall transport children in a motor vehicle unless he/she possesses a current and valid driver's license.

The operator shall obtain parent's written permission to transport children.

The seating capacity of the vehicle shall not be exceeded.

All doors shall be locked when the vehicle is in motion.

All children being transported in a vehicle shall be properly restrained in a federally approved, age-appropriate and individual safety restraint. Children shall not be transported in recalled safety restraints that have not been repaired, or damaged or out-of-date safety restraints. Guidance provided by the Nebraska Department of Highway Safety will be followed regarding types of safety restraint devices are used for children of different ages, heights and weights and in what locations of a vehicle the children are located.

Section 14. Overnight Care

Clean cots or beds fitted with a firm, waterproof mattress shall be provided for each child over twelve months of age. The top level of bunk beds shall not be used for children below five years of age.

Infants under 13 months of age shall sleep only on federally approved cribs and/or playpens.

The operator shall be awake and alert to the needs of children until all children are asleep.

The operator shall sleep within hearing distance of the sleeping children or use a monitoring device that transmits noises to the operator's bedroom.

Section 15. Parent and Physician Contact Information

The operator shall maintain records of:

- each child's full legal name and date of birth;
- the home, work and mobile phone numbers of each child's parent(s)/guardian(s);
- The home address of each parent or guardian;
- The name and address of where each parent or guardian works; and
- The name and phone number for each child's physician.