

Administrative Rules of Montana Currentness \_Title 37. Public Health and Human Services \_Chapter 95.  
Licensure of Day Care Facilities \_Sub-chapter 11. Drop-In Day Care

Mont.Admin.R. 37.95.1101

37.95.1101 DEFINITIONS

For purposes of ARM 37.95.1105 through 37.95.1180, the following definitions apply:

(1) “Drop-in day care center” or “center” means a day care center which only provides care to children on an irregular, intermittent, and occasional basis and that provides care only when parents are not on the same premises or not immediately available.

(2) “Irregular, intermittent, and occasional basis” means periods of time less than six hours a day and less than four days a week for no more than three consecutive weeks.

Mont.Admin.R. 37.95.1105

37.95.1105 APPLICANT REQUIREMENTS FOR DROP-IN DAY CARE CENTERS

(1) It is permissible for a drop-in day care center to seek licensure by the department.

(2) An applicant for a drop-in day care center license shall:

(a) meet the requirements for day care centers provided in ARM Title 37, chapter 95 with the exception of:

(i) ARM 37.95.106 regarding licensing application as it applies to the number of fire and evacuation drills;

(ii) ARM 37.95.128 regarding health record forms;

(iii) ARM 37.95.140 regarding immunization requirements;

(iv) ARM 37.95.141 as it pertains to immunization documents;

(v) ARM 37.95.602 regarding program requirements;

(vi) ARM 37.95.611 regarding support services space;

(vii) ARM 37.95.613 regarding materials and equipment including play materials and equipment. However, drop-in day care centers shall comply with ARM 37.96.613(3), (4), and (5) pertaining to high chairs, rest equipment, and telephone provisions; and

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(viii) ARM 37.95.619 regarding night care.

(b) meet the requirements of ARM 37.95.106 regarding the submission to the department of:

(i) an annual approved inspection report from the state fire marshal or the fire marshal's designee indicating the fire safety rules have been met; and

(ii) an annual approved inspection report from public health authorities certifying the satisfactory completion of training or a certificate of approval following inspection by local health authorities in accordance with ARM 37.95.205, 37.95.206, 37.95.207, 37.95.210, 37.95.214, 37.95.215, 37.95.225, 37.95.226, and 37.95.227.

(c) submit to and receive prior approval from the department of a written plan of operation for the drop-in day care center as outlined in ARM 37.95.1110; and

(d) operate the drop-in day care center according to the approved plan of operation.

**Mont.Admin.R. 37.95.1110**

**37.95.1110 DROP-IN DAY CARE CENTER PLAN OF OPERATION**

(1) The plan of operation must include:

(a) ages, numbers, and groupings of children to be served;

(b) the proposed method of staffing the drop-in day care center;

(c) the space, materials, equipment, and furnishings to be used at the drop-in day care center;

(d) the hours, days, and months of operation;

(e) the schedule of activity for the children;

(f) a method for ensuring that children are released only to their parents, guardians, or other persons authorized by parents or guardians to pick up children who are properly identified to the drop-in day care center staff;

(g) verification of liability and fire insurance and respective policy expiration dates;

(h) assurances as to how the program intends to comply with the background and protective services check and staff information required by ARM 37.95.106;

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(i) assurances as to how the program intends to comply with the safety requirements required by ARM 37.95.121;

(j) assurances as to how the program intends to comply with the health care requirements of ARM 37.95.139 and health habits of ARM 37.95.184;

(k) assurances as to how the program intends to comply with the storage and administration of medications required by ARM 37.95.182 and the first aid requirements of ARM 37.95.183;

(l) assurances as to how the program intends to comply with the staff records requirements of ARM 37.95.160;

(m) assurances as to how the program intends to comply with the caregiver qualification requirements of ARM 37.95.166, 37.95.173, and 37.95.174; and

(n) methods for employing the discipline requirements of ARM 37.95.606.

**Mont.Admin.R. 37.95.1120**

**37.95.1120 DROP-IN DAY CARE CENTER SPACE REQUIREMENTS**

(1) With the exception of outdoor space, the drop-in day care center shall meet the space requirements as outlined in ARM 37.95.610. However, in the absence of an adequate outdoor play area, the center must set aside a greater amount of indoor space for large muscle development activities. Such areas shall contain appropriate play equipment for large muscle development.

(2) If however, the center does have outdoor space available, the center shall still meet those space requirements as defined in ARM 37.95.610.

(3) If outdoor play space is provided, but is inadequate for the maximum number of children, a schedule shall be provided to show how outdoor play time will be made available to all the children. At no time will there be more children in the outdoor play area than the maximum number allowed computed at 75 square feet per child as defined in ARM 37.95.705.

**Mont.Admin.R. 37.95.1130**

**37.95.1130 EMERGENCY CARDS AND HEALTH HISTORY FORMS**

(1) Drop-in day care center staff shall require the parent or legal guardian of each child to be placed in care at the center to complete and sign an emergency card and health history form before the child is admitted to the center.

(2) If the center allows enrollment of children without medical verification of immunization status, then the center

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must post notification of such in a place that is easily visible to parents and legal guardians.

(3) If the center does not allow enrollment of children without medical verification of immunization status, and the parent or legal guardian does not have verification of the child's immunization status, then the parent or legal guardian shall indicate in writing that to the best of the parent's or legal guardian's knowledge and belief, the child is up to date with the schedule of immunizations for the child's age. This acknowledgement may suffice as verification of immunization status.

(4) Drop-in day care center staff shall ensure that the emergency card and health history form are signed and updated as necessary.

**Mont.Admin.R. 37.95.1140**

**37.95.1140 EMERGENCY SAFETY REQUIREMENTS**

(1) In addition to the requirements imposed by the fire marshal or the fire marshal's designee, and the requirements of ARM 37.95.121, the following criteria for emergency safety must also be met:

(a) the operator shall record that staff members and children practice procedures at least monthly to be used in the event of a fire or other emergency requiring escape from the center;

(b) an operator shall post immediately accessible to each telephone in the center a notice stating the emergency telephone numbers to summon fire, police, and rescue services; and

(c) a prepared emergency evacuation plan which includes:

(i) a diagram of safe routes by which the staff and children may exit each area of the center in the event of a fire or other emergency requiring evacuation of the center; and

(ii) a copy of the plan must be posted in each area in the center.

(2) Telephone numbers of the hospital, police department, fire department, ambulance, and the Emergency Montana Poison Control Center (800) 222-1222 must be posted by each telephone.

**Mont.Admin.R. 37.95.1150**

**37.95.1150 MATERIALS AND EQUIPMENT**

(1) The operator shall make accessible to a child only materials and equipment that are:

(a) developmentally appropriate;

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(b) safe;

(c) in good repair;

(d) cleanable;

(e) nontoxic; and

(f) free from known hazards (such as lead paint, etc.).

(2) The operator shall provide to each group of children a sufficient quantity and variety of materials and equipment for activities according to the numbers and ages of the children in the group.

(3) Materials shall be provided for:

(a) vigorous play;

(b) creative and dramatic play;

(c) socialization;

(d) manipulation, including construction materials; and

(e) individual pursuits.

**Mont.Admin.R. 37.95.1160**

**37.95.1160 FOOD SERVICE**

(1) If the operator furnishes food and beverages for meals and snacks, the food and beverages must meet the child's daily nutritional needs as established by the National Research Council or the USDA Food and Nutrition Service.

(2) Food and beverage must be offered to children according to the following schedule:

(a) if a child is at a drop-in day care center for less than four consecutive hours, the child shall receive at least one snack; and

(b) if a child is at a drop-in day care center for four to six consecutive hours, the child shall receive at least one meal and one snack.

(3) If the center does not provide meals or snacks, then arrangements must be made with the children's parent or legal guardian to provide the food and beverages as indicated in (2).

**Mont.Admin.R. 37.95.1170**

**37.95.1170 STAFFING QUALIFICATIONS**

(1) Each drop-in day care center shall have a director. A director must:

(a) be at least 18 years of age; and

(b) have at least 1,040 hours of paid or unpaid staff supervision experience.

(2) Each drop-in day care center shall have at least one direct care-giving staff who must:

(a) be at least 18 years of age;

(b) have at least two years of satisfactory full-time experience in a related educational, early childhood, or child-care setting; and

(c) be on-site when children are in care.

(3) Other care-giving staff must meet the qualifications outlined in the facilities plan of operation.

**Mont.Admin.R. 37.95.1180**

**37.95.1180 CARE OF INFANTS**

(1) If a drop-in day care center provides care to infants, all requirements contained in ARM Title 37, chapter 95, Sub-Chapter 10 shall be met.