

**Mont.Admin.R. 37.95.601**

**37.95.601. CHILD CARE CENTERS. LICENSING SERVICES PROVIDED (REPEALED)**

**Mont.Admin.R. 37.95.602**

**37.95.602. DAY CARE CENTERS. PROGRAM REQUIREMENTS**

(1) The program conducted in a day care center shall be written and shall provide experiences which are responsive to the individual child's pattern of chronological, physical, emotional, social and intellectual growth, and well being. Both active and passive learning experiences shall be provided under direct adult supervision.

(2) Each Center will have a director. The director shall have a bachelor's degree in a related field plus one year experience in child day care or child development associate certification (CDA) or three years experience in a licensed or registered day care facility. If the director also acts as a caregiver, or conducts in-service training, the director must meet the qualification of a primary caregiver.

(3) The requirement in (1) shall be deemed to have been satisfied if the licensing representative has been able to observe the daily program in operation, reviews the written daily program, and confirms the program is based upon the criteria below:

(a) the center maintains an ongoing process of parent-staff cooperation in development and modification of program goals;

(b) the center provides a diversity of experiences during the day for each child with opportunity for quiet and active experiences, group and individual activities, the exercise of choice, and experience with different types of equipment, and materials;

(c) the center provides developmentally appropriate opportunities during the day when the child can take responsibility, such as getting ready for snacks or meals, getting out or putting away materials, taking care of the child's own clothing, and assisting in planning activities;

(d) the center provides experiences for children to learn about the world in which they live including opportunities for field trips to places of interest in the community and/or presentations by family and other community people to further expand the exposure and experiences of the children. Care-givers are required to secure a release from parents before children are taken on field trips;

(e) the center provides learning experiences for the children regarding the value of food in relation to growth and development; and

(f) the center provides opportunities for children to develop language skills and to improve readiness for reading and writing by regularly exposing the children to books, drama, poetry, music, and other forms of expression.

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Mont.Admin.R. 37.95.603

37.95.603. CHILD CARE CENTERS, RECORDS (REPEALED)

Mont.Admin.R. 37.95.204 and 37.95.205

Rules 37.95.204 and 37.95.205. RESERVED

Mont.Admin.R. 37.95.606

37.95.606. DAY CARE CENTERS, DISCIPLINE

(1) Care-givers shall use appropriate forms of discipline. Physical punishment, including spanking or other forms of corporal punishment, is strictly prohibited in day care facilities. Discipline shall include positive guidance, redirection and the setting of clear limits that foster the child's ability to become self-disciplined.

(2) Any punishment or discipline which is humiliating, shaming, frightening, or otherwise damaging is strictly prohibited.

(3) Parental or guardian permission does not allow for the use of any punishments listed in (1) or (2) above.

(4) The provider is responsible for ensuring that each care-giver participates in an in-service training session regarding discipline and guidance techniques appropriate for children.

Mont.Admin.R. 37.95.607

37.95.607. CHILD CARE CENTERS, SCHEDULING (REPEALED)

Mont.Admin.R. 37.95.608 and 37.95.609

Rules 37.95.608 and 37.95.609. RESERVED

**Mont.Admin.R. 37.95.610**

**37.95.610. DAY CARE CENTERS, SPACE**

**(1) A day care center must have sufficient indoor and outdoor space for the number and ages of children in care.**

**(2) Calculation of the required minimum 35 square feet of space per child must exclude food preparation areas of the kitchen, bathrooms, toilets, offices, staff rooms, corridors, hallways, closets, lockers, laundry areas, furnace rooms, cabinets, shelving, and other storage spaces.**

**(3) In facilities licensed after June 2, 2006, this requirement shall be deemed to have been satisfied if each**

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designated area for children's activities contains a minimum of 35 square feet of usable floor space per child that will be in the room at any one time, as calculated in (2).

(4) When play and sleep areas for children are in the same room, a minimum of 35 square feet of usable space per child shall be provided except for:

(a) periods when children are using their rest equipment; or

(b) when large group activities, such as educational assemblies, occur.

(5) During sleep periods, the area must be sufficient to provide spacing between the children using sleep equipment.

(6) The equipment and furniture arrangement must permit unobstructed floor area sufficient to allow vigorous play appropriate for each group of children in care, as well as arrangements of any sleeping equipment used which permit easy access to every child and unobstructed exits.

(7) Outdoor play areas at the facility must be surrounded by a fence that is at least four feet high and in good repair without any holes or spaces greater than four inches in diameter. Outdoor areas must be designed so that all parts are always visible to allow for direct supervision by child care staff.

(8) The center may obtain an exception from the department from the requirements of this rule for the following reasons:

(a) limited outdoor space is offset by a greater amount of indoor space, such as a gym, permitting an equivalent activity program;

(b) limited indoor space is offset by sheltered outdoor space where climate permits reliance on outdoor space for activities normally conducted indoors; or

(c) limited outdoor or unfenced space is offset by the availability or use of an adjacent school playground, nearby parks, or other safe outdoor play area.

Mont.Admin.R. 37.95.611

37.95.611. DAY CARE CENTERS, SUPPORT SERVICES SPACE

(1) A day care center must have sufficient space and appropriate furniture and equipment to provide for support functions and to provide for the reasonable comfort and convenience of staff and parents.

(2) This requirement shall be deemed to have been satisfied if the center has appropriate storage and work areas adjacent to the area of use, to accommodate the following functions if these are conducted on the premises:

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- (a) administrative office functions, record storage, meeting arrangements for staff or for parent conference offering privacy of conversation;
- (b) food preparation and serving;
- (c) custodial services;
- (d) laundry;
- (e) rest area for staff relief periods; and
- (f) storage of program materials and manipulative toys to be used and rotated at different times during the year.

**Mont.Admin.R. 37.95.612**

**37.95.612. CHILD CARE CENTERS. TRANSPORTATION (REPEALED)**

**Mont.Admin.R. 37.95.613**

**37.95.613. DAY CARE CENTERS. MATERIALS AND EQUIPMENT**

(1) The amount and variety of materials and equipment available, and their arrangement and use, must be appropriate to the developmental needs of the children in care. This requirement shall be deemed to have been satisfied if the licensing representative has been able to observe the program in operation and approves the selection, arrangement and use of materials and equipment, based on the criteria:

- (a) Centers shall maintain a housekeeping area, table activities (manipulative toys) area, block building area, library or other quiet area, and a creative arts area. Arrangement of these areas shall be such that quiet and active zones are separated and not conflicting;
- (b) The quantity and quality of materials and equipment shall be sufficient to permit multiple use of the same item by several children so excessive competition and long waits are avoided;
- (c) Materials and equipment shall be of sufficient quantity and quality to provide for a variety of experiences and appeal to the individual interests of the children in care;
- (d) Furniture shall be durable, safe, clean, and be child size or appropriately adapted for children's use;
- (e) Storage shelves shall be provided to children at their level.

**(2) Play equipment and materials must include items from each of the following six categories:**

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- (a) dramatic role playing;
- (b) cognitive development;
- (c) visual development;
- (d) auditory development;
- (e) tactile development; and

**(f) large-muscle development.**

(3) High chairs, when used, must have a wide base and a safety strap.

(4) Each child, shall have clean, sanitized and age-appropriate rest equipment. Seasonably appropriate covering, such as sheets or blankets, for a crib, cot, bed, or mat must be provided. Crib mattresses and other rest equipment shall be waterproof and regularly sanitized.

(5) Each facility must have a working telephone.

(6) Telephone numbers of the parents, the hospital, police department, fire department, ambulance, and the Emergency Montana Poison Control Center (1 (800) 222-1222) must be posted by each telephone.

**Mont.Admin.R. 37.95.614 to 37.95.617**

**Rules 37.95.614 to 37.95.617. RESERVED**

**Mont.Admin.R. 37.95.618**

**37.95.618. DAY CARE CENTERS, AFTER SCHOOL CARE (REPEALED)**

**Mont.Admin.R. 37.95.619**

**37.95.619. DAY CARE CENTERS, NIGHT CARE**

**(1) A day care center offering night care must develop plans for program, staff, equipment and space which will provide appropriately for the personal safety and emotional and physical care of children away from their families at night.**

**(2) This requirement shall be deemed to have been met if:**

- (a) special attention is given by the caregiver and the parents to provide for a transition into this type of care

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appropriate to the child's emotional needs;

(b) a selection of toys for quiet activities which can be used with minimal adult supervision is provided for children prior to bedtime;

(c) bathing facilities, comfortable beds or cots, and complete bedding, are provided;

(d) staff are available to assist children during eating and pre-bedtime hours and during the morning period when dressing;

(e) during sleeping hours, staff are awake, in the immediate vicinity, and on the same floor level of sleeping children in order to provide for the needs of children and respond to any emergency; and

**(f) at appropriate times a nutritious dinner and/or breakfast is served to children and a bedtime snack is offered.**

**Mont.Admin.R. 37.95.620**

**37.95.620. DAY CARE CENTERS, STAFFING REQUIREMENTS (REPEALED)**

**Mont.Admin.R. 37.95.621**

**37.95.621. CHILD CARE CENTERS, PARENT INFORMATION (REPEALED)**

**Mont.Admin.R. 37.95.622**

**37.95.622. DAY CARE CENTERS: STAFFING QUALIFICATIONS**

(1) All providers, staff members, and volunteers at a day care center must be:

(a) able to demonstrate they are physically, emotionally, and mentally capable of performing the essential functions of the position with or without reasonable accommodations;

(b) free of communicable disease;

(c) immunized in compliance with ARM 37.95.140; and

(d) able to demonstrate they are of good moral character.

(2) Each Center will have a director. The director shall have a bachelor's degree in a related field plus one year experience in child day care or child development associate certification (CDA) or three years experience in a licensed or registered day care facility. If the director also acts as a caregiver, or conducts in-service training, the director must meet the qualification of a primary caregiver.

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(3) A center director must obtain 15 hours of approved education or training on an annual basis.

(4) A primary care-giver must:

(a) be at least 18 years of age;

(b) have sufficient language skills to communicate with children and adults;

(c) have at least one day of on the job orientation; and

(d) receive a minimum of at least eight hours of documented continuing education annually as provided in ARM 37.95.162; and

(e) have the following training and experience:

(i) two years of experience in an early childhood program such as a day care center, a family or group day care home, headstart, early headstart, or another recognized preschool program; or

(ii) child development associate credential; or

(iii) a bachelor of arts or an associate degree in education or a related field;

(f) hold a current course completion card in infant, child and adult CPR and infant choking response; and

(g) be currently certified in standard first aid.

(5) Course completion as indicated in (4)(f) means direct instruction, which includes the practical and demonstrated applications of CPR methods as taught by instructors from accredited entities.

(6) An aide must be directly supervised by a primary care-giver and shall be at least 16 years of age and must:

(a) have sufficient language skills to communicate with children and adults; and

(b) have at least one day of on-the-job orientation; and

(c) successfully complete a minimum of at least eight hours of verified education or training annually as required in ARM 37.95.162.

**Mont.Admin.R. 37.95.623**

**37.95.623 DAY CARE CENTERS: CHILD-TO-STAFF RATIOS**

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(1) The child-to-staff ratio for a day care center is:

- (a) 4:1 for children zero months through 23 months;
- (b) 8:1 for children two years through three years;
- (c) 10:1 for children four years through five years; and
- (d) 14:1 for six years and over.

(2) When children of different ages are mixed, the ratio for the youngest child in the group must be maintained.

(3) Only the day care center director, primary caregivers, and aides may be counted as staff when determining the staff ratio.

**Mont.Admin.R. 37.95.624 to 37.95.629**

**Rules 37.95.624 to 37.95.629. RESERVED**

**Mont.Admin.R. 37.95.630**

**37.95.630. CHILD CARE CENTERS, SAFETY REQUIREMENTS (REPEALED)**

**Mont.Admin.R. 37.95.631 to 37.95.639**

**Rules 37.95.631 to 37.95.639. RESERVED**

**Mont.Admin.R. 37.95.640**

**37.95.640. DAY CARE CENTERS, LICENSING SERVICES PROVIDED**

(1) The department will provide the following:

- (a) assistance to the applicant to meet licensing requirements;
- (b) referral services concerning child problems;
- (c) consultation to the day care center in providing enrichment experiences for the children, proper environment and nutrition; and



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(d) technical assistance to day care centers for staff training.

(2) The department or its authorized representative shall make periodic unannounced visits to all licensed day care centers to ensure continued compliance with licensing requirements.