

ARKANSAS REGISTER

Transmittal Sheet

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Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Department of Human Services

Department Division of Child Care and Early Childhood Education

Contact Mac Golden E-mail Mac.E.Golden@dhs.arkansas.gov Phone 501.320.6383

Statutory Authority for Promulgating Rules Arkansas Code §§ 20-78-206 and 20-78-215

Rule Title:

Minimum Licensing Requirements for Child Care Centers, Minimum Licensing Requirements for Out-Of-School-Time Facilities,
Minimum Licensing Requirements for Child Care Family Homes, Minimum Licensing Requirements for Registered Child Care Family Homes

Intended Effective Date

(Check One)

☐ Emergency (ACA 25-15-204)

☐ 10 Days After Filing (ACA 25-15-204)

☒ Other January 1, 2020
(Must be more than 10 days after filing date.)

Legal Notice Published

Final Date for Public Comment

Reviewed by Legislative Council

Adopted by State Agency

Date

10/04/2019

11/03/2019

12/20/2019

12/20/2019

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Thomas Herndon

thomas.herndon@dhs.arkansas.gov

12/20/2019

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Tonya Williams

Signature

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Phone Number

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Director of the Division of Child Care and Early Childhood Education

Title

12/20/2019

Date

MINIMUM LICENSING REQUIREMENTS FOR Child Care Centers



**ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF CHILD CARE AND EARLY CHILDHOOD EDUCATION
CHILD CARE LICENSING UNIT
P. O. BOX 1437, SLOT S150
LITTLE ROCK, ARKANSAS 72203-1437
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101 Related Laws and Requirements

1. The "Child Care Facility Licensing Act" Ark. Code Ann. 20-78-201-220, as amended, is the statutory authority for licensing child care facilities. This act created the Division of Child Care and Early Childhood Education and authorized the Division to establish rules governing the granting, revocation, denial, and suspension of licenses for child care facilities and the operation of child care facilities in this state. The Minimum Licensing Requirements for Child Care Centers are the Division's rules for Child Care Centers.
2. The Child Care Facility Licensing Act designates the Arkansas Department of Human Services, Division of Child Care and Early Childhood Education as the administrative agency responsible for administering the Act in accordance with the Minimum Licensing Requirements for Child Care Centers. The Division is authorized to inspect and investigate any proposed or operating Child Care Centers and any personnel connected with the Center to determine if the facility will be or is being operated in accordance with the Child Care Facility Licensing Act and the Minimum Licensing Requirements for Child Care Centers.
3. The licensing requirements contained in this manual apply to group child care. (Refer to the Minimum Licensing Requirements for Child Care Family Homes for the requirements that apply to child care provided in a Child Care Family Home.)
4. The Child Care Licensing Unit will notify the applicable federal agency at any time they become aware of or are advised of violations of any of the following or similar laws. The owner should be aware of applicable federal laws which may affect the operation of the facility, such as, but not limited to:
 - a. Americans with Disabilities Act (ADA).
 - b. Environmental Protection Agency (EPA) regulations to ensure that any renovation or repair work on a home, child care facility, or school that was constructed prior to 1978 shall be completed by a contractor that is certified by the Environmental Protection Agency (EPA), when the repairs or renovations consist of any or all of the following: the repair or renovation disturbs six (6) or more square feet of the interior, the repair or renovation disturbs twenty (20) feet or more square feet of the exterior, or the repair or renovation involves removing a window.
 - c. Federal civil rights laws state that a facility may not discriminate on the basis of race, color, sex, religion, national origin, physical or mental handicap, or veteran status.
5. **Reporting Requirements** - Owners, operators, staff, therapists, and volunteers are mandated reporters of suspected child maltreatment and are required to call the Child Maltreatment Hotline at 1-800-482-5964, if they have reason to suspect child maltreatment. Additionally, these same individuals are required by Act 530 of 2019, 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 (child care center) that has been communicated to the person in the

course of their professional duties.

6. The Licensee shall maintain Child Care Liability Insurance (Act 778 of 2009), and comply with the following requirements, with the following exception: State institutions, political subdivisions, or other entities entitled to immunity from liability under 21-9-301, are not required to have general liability insurance coverage in order to be licensed. (Act 23 of 2015)
 - a. Prior to the approval of an application, the applicant shall provide verification of the required coverage to the Licensing Specialist and provide subsequent verification when requested. (Facilities licensed prior to the effective date of this revision shall have ninety (90) days to comply with this requirement.)
 - b. The Licensee shall maintain the minimum amount of coverage as follows:

Licensed Capacity of Center	Minimum Child Care Liability Insurance Coverage Required
1-74	\$500,000 per occurrence
75 and up	\$1,000,000 per occurrence

7. Laws relevant to the operation of child care facilities are available upon request.
8. The following standards are the minimum licensing requirements which shall be met by persons or organizations which operate a child care facility. In recommending a license be issued, the Division of Child Care and Early Childhood Education works in coordination with the local and state Health Departments, Fire Departments, City Planning or Zoning Departments, and the Boiler Division of the Department of Labor. Persons considering opening or expanding a child care facility shall immediately contact these individual departments for inspection and information on their separate rules.

A prospective Licensee should request clarification regarding the codes or covenants enforced by these departments as some may prevent the operation of a child care facility at a particular location, may limit the number of children in care, or may impose additional safety requirements.

9. 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.

109 Child Maltreatment Checks

1. The following persons shall be required to have their background reviewed through an Arkansas Child Maltreatment Central Registry Check.

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.

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| a. Each applicant to own or operate a child care facility | At application and every two (2) years thereafter |
| b. Staff members and applicants for employment in a child care facility | Prior to employment and every two (2) years thereafter |
| c. All volunteers, therapists, and student observers, who have routine contact with children | Prior to providing services or participating in center activities and every two (2) years thereafter |
| d. Administrative staff and members of the Board of Directors who have supervisory or disciplinary control over children or who have routine contact with children | At application and when changes occur with administrative staff or Board members, and every two (2) years thereafter |
-
2. If a complaint of child maltreatment is filed against any owner, operator, staff, or other person in a child care center, the Child Care Licensing Specialist shall evaluate the risk to children and determine the suitability of the person(s) to supervise, be left alone with children, have disciplinary control over children, or remain in the center during hours of care until the allegations have been determined true or unsubstantiated. (Pending the evaluation of risk to children by the Child Care Licensing Unit, the person(s) alleged shall not be left alone with children.)
 3. 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 Child Care Licensing Unit. Corrective action measures may vary from relevant training to reassignment or termination. Failure to comply with corrective action plans may constitute grounds for adverse action against the Licensee.
 4. The statewide Child Maltreatment "Hot Line" and the Child Care Licensing Central Office number shall be posted in a conspicuous place in the child care facility. The "Hot Line" number is 1-800-482-5964 and the Licensing Central Office number is (501) 682-8590 or toll free 1-800-445-3316.

110 FBI Criminal Records Check

1. The following persons shall apply to the Identification Bureau of the Arkansas State Police for a nationwide criminal record check, to be conducted by the FBI, which shall include a fingerprint check: (The individual is responsible for the cost of a nationwide check. Each request must be accompanied by a check or money order made out to the Arkansas State Police.)

Fingerprints submitted will be used to check the criminal history records of the FBI.

Individuals with results showing a prohibited offense shall be advised to contact the Licensing Unit for procedures to obtain the results and for procedures to update or make corrections to the record of their individual history.

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|---|---|
| a. Each applicant to own or operate a child care facility | At initial application and every five (5) years thereafter |
| b. Direct care staff or staff with routine contact with children | Prior to employment and every five (5) years thereafter |
| c. Administrative persons who have direct contact with children | Prior to employment and every five (5) years thereafter |
| d. Therapists, volunteers, or other persons who have supervisory control, disciplinary control over children, or are left alone with children | Prior to providing services or participating in center activities and every five (5) years thereafter |

2. Arkansas State Police Criminal Background Check

The following persons shall be required to have their background reviewed through a fingerprint criminal records check (which includes the Arkansas Sexual Offender Registry) conducted by the Arkansas State Police.

A prospective staff member may not begin work until the Arkansas State Police criminal record check result has been returned as satisfactory. 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.

A National Sexual Offender Registry check will also be conducted on prospective employees.

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 sexual offender registry check in any states where they resided during the past five (5) years.

- | | |
|---|--|
| a. Each applicant to own or operate a child care facility | At application and every five (5) years thereafter |
|---|--|

- b. Staff and applicants for employment in a child care facility Prior to employment and every five (5) years thereafter
 - c. Administrative persons who have direct contact with children Prior to employment and every five (5) years thereafter
 - d. Therapists or other persons who have supervisory or disciplinary control over children, or are left alone with children Prior to providing services or participating in center activities and every five (5) years thereafter
3. Criminal records will be returned to the division for review. Any charge or convictions listed in this section (Section 110) that are returned will be considered regardless of whether the record is expunged, pardoned, or otherwise sealed.
4. No person shall be eligible to be a child care facility owner, operator, or employee if that person has pled guilty, or been found guilty, of any of the following offenses by any court in the State of Arkansas, any similar offense by a court in another state, or any similar offense by a federal court. The following offenses are permanently prohibited:

01. Abuse of an endangered or impaired person, if felony	§5-28-103
02. Arson	§5-38-301
03. Capital Murder	§5-10-101
04. Endangering the Welfare of an Incompetent person- 1 st degree	§5-27-201
05. Kidnapping	§5-11-102
06. Murder in the First degree	§5-10-102
07. Murder in the Second degree	§5-10-103
08. Rape	§5-14-103
09. Sexual Assault in the First degree	§5-14-124
10. Sexual Assault in the Second degree	§5-14-125

5. No person shall be eligible to be a child care facility owner, operator, or employee if that person has pled guilty, or been found guilty, of any of the following offenses by any court in the State of Arkansas, any similar offense by a court in another state, or any similar offense by a federal court. The following offenses are prohibited:

01. Criminal Attempt to commit any offenses in MLR Section 110	§5-3-201
02. Criminal Complicity to commit any offenses in MLR Section 110	§5-3-202
03. Criminal Conspiracy to commit any offenses in MLR Section 110	§5-3-401

04. Criminal Solicitation to commit any offenses in MLR Section 110	§5-3-301
05. Assault in the First, Second, or Third degree	§5-13-205 - §5-13-207
06. Assault, Aggravated	§5-13-204
07. Assault, Aggravated on a Family or Household Member	§5-26-306
08. Battery in the First, Second, or Third Degree	§5-13-201 - §5-13-203
09. Breaking or Entering	§5-39-202
10. Burglary	§5-39-201
11. Coercion	§5-13-208
12. Computer Crimes Against Minors	§5-27-601 et. seq.
13. Contributing to the Delinquency of a Juvenile	§5-27-220
14. Contributing to the Delinquency of a Minor	§5-27-209
15. Criminal Impersonation	§5-3-208
16. Criminal Use of a Prohibited Weapon	§5-73-104
17. Death Threats Concerning a School Employee or Students	§5-17-101
18. Domestic Battery in the First, Second, or Third Degree	§5-26-303 - §5-26-305
19. Employing or Consenting to the Use of a Child in a Sexual Performance	§5-27-402
20. Endangering the Welfare of a Minor in the First or Second Degree	§5-27-205 and §5-27-206
21. Endangering the Welfare of an Incompetent Person in the First or Second Degree	§5-27-201 and §5-27-202
22. Engaging Children in Sexually Explicit Conduct for Use in Visual or Print Media	§5-27-303
23. False Imprisonment in the First or Second Degree	§5-11-103 and §5-11-104
24. Felony Abuse of an Endangered or Impaired Person	§5-28-103
25. Felony Interference with a Law Enforcement Officer	§5-54-104
26. Felony Violation of the Uniform Controlled Substance Act	§5-64-101 - §5-64-508 et. seq.
27. Financial Identity Fraud	§5-37-227
28. Forgery	§5-37-201
29. Incest	§5-26-202
30. Interference with Court Ordered Custody	§5-26-502
31. Interference with Visitation	§5-26-501
32. Introduction of Controlled Substance into Body of Another Person	§5-13-210
33. Manslaughter	§5-10-104
34. Negligent Homicide	§5-10-105
35. Obscene Performance at a Live Public Show	§5-68-305
36. Offense of Cruelty to Animals	§5-62-103
37. Offense of Aggravated Cruelty to Dog, Cat, or Horse	§5-62-104
38. Pandering or Possessing Visual or Print Medium Depicting Sexually Explicit Conduct Involving a Child	§5-27-304
39. Patronizing a Prostitute	§5-70-103

40. Permanent Detention or Restraint	§5-11-106
41. Permitting Abuse of a Minor	§5-27-221
42. Producing, Directing, or Promoting a Sexual Performance by a Child	§5-27-403
43. Promoting Obscene Materials	§5-68-303
44. Promoting Obscene Performance	§5-68-304
45. Promoting Prostitution in the First, Second, or Third Degree	§5-70-104 - §5-70-106
46. Prostitution	§5-70-102
47. Public Display of Obscenity	§5-68-205
48. Resisting Arrest	§5-54-103
49. Robbery	§5-12-102
50. Robbery (Aggravated Robbery)	§5-12-103
51. Sexual Offense (any)	§5-14-101 et. seq.
52. Simultaneous Possession of Drugs and Firearms	§5-74-106
53. Soliciting Money or Property from Incompetents	§5-27-229
54. Stalking	§5-71-229
55. Terroristic Act	§5-13-310
56. Terroristic Threatening	§5-13-301
57. Theft by Receiving	§5-36-106
58. Theft of Property	§5-36-103
59. Theft of Services	§5-36-104
60. Transportation of Minors for Prohibited Sexual Conduct	§5-27-305
61. Unlawful Discharge of a Firearm from a Vehicle	§5-74-107
62. Voyeurism	§5-16-102

6. Any person who has pled guilty, nolo contendere, or who has been found guilty of any one (1) of the offenses listed above (Section 110.5), may not work in child care unless:
 - a. The date of the conviction, plea of guilty, or nolo contendere for a misdemeanor offense is at least five (5) years from the date of the request for the criminal history records check and there have been no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the five (5) year period preceding the background check request.
 - b. The date of the conviction, plea of guilty or nolo contendere for a felony offense is at least more than ten (10) years from the date of the request for the criminal history records check and there have been no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the ten (10) year period preceding the background check request.
7. 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. § 20-38-103 (e) (3) (a) Act 990 of 2013
 - a. Theft by receiving § 5-36-106
 - b. Forgery § 5-37-201
 - c. Financial identity fraud § 5-37-227

- d. Resisting arrest § 5-54-103
- e. Criminal impersonation in the second degree § 5-37-208(b)
- f. Interference with visitation § 5-26-501
- g. Interference with court-ordered visitation § 5-26-502
- h. Prostitution § 5-70-102
- i. Patronizing a prostitute § 5-70-203

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

- The individual has completed probation or parole supervision
 - The individual has paid all court ordered fees, fines, and restitution
 - The individual has fully complied with all court orders pertaining to the conviction or plea
8. The waiver will be revoked if, after employment, the individual pleads guilty or nolo contendere or is found guilty of any prohibited offense (including the list above a-i) or has a true or founded report of child maltreatment or adult maltreatment in a central registry.
 9. 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.
 10. If approved, the waiver is not transferable to another licensed facility.
 11. Anyone employed in a licensed center, COE center, Licensed Child Care Family Home, or a Registered Child Care Family Home prior to 9/1/2009 with a clear background check history may remain eligible for employment unless the employee had a conviction, plead guilty, or plead nolo contendere to an offense listed in the above section (Section 110.6) since 9/1/2009.

306 Professional Development

1. All directors, site supervisors, and staff who provide direct care to children shall be registered with the Division of Child Care and Early Childhood Education Professional Development Registry within thirty (30) days of hire and all training shall be registered with the Division of Child Care and Early Childhood Education Professional Development Registry or Department of Education or Department of Higher Education approved.
2. All new staff shall have a probationary period of at least thirty (30) days, but not more than six (6) months, during which they are closely supervised, mentored, and evaluated. Evaluations shall be documented and maintained in the employee file.
3. All new staff members who provide direct care to children shall receive a basic orientation on facility management policies, The Minimum Licensing Requirements, center schedules, and emergency procedures prior to providing care. This shall be documented in the employee file.
4. 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.

1. Introduction (8 clock hours) :

- a. Proper supervision of children
- b. Behavioral guidance practices
- c. Safe sleep practices for infants
- d. Shaken baby syndrome; which includes prevention (Carter's Law, Act 1208)
- e. Appropriately responding to a crying/fussy infant/child
- f. Emergency procedures in the event of severe weather, or fire, including evacuation procedures and routes, and location and use of fire extinguishers.
- g. Mandated reporter training
- h. Administering medication
- i. Caring for children with special needs / care plans
- j. Transportation and car seat safety
- k. Policies regarding release of children to authorized individuals
- l. Prevention and control of infectious diseases
- m. Building and physical premises safety, including the identification of, and protection from, hazards, bodies of water, and vehicular traffic
- n. Nutrition and physical activities
- o. Prevention and response to food sensitivities and allergic reactions
- p. Basic child development
- q. The handling and storage of hazardous materials and the appropriate disposal of biocontaminants

See Division website for a list of courses, that The Division maintains contracts for, which meet the above requirements.

2. All staff shall have fifteen (15) hours of job specific training each year, including child development training, for the ages of children they work with. This shall be training focused on their job responsibilities, such as "Hands on Routine Care" for infants, or "Basics of Assessment" for preschool staff.

See Division website for a list of courses, that the Division maintains contracts for, which meet the above requirements.

5. The Director, Assistant Director/Site Supervisor, and 50% of the facility staff that are on site at any given time shall have a certificate of successful completion of first aid and CPR from an approved organization. If the facility serves infants and toddlers, this training shall include infant/child CPR. (Infant/child CPR may be included in the basic course or in a separate course.)
- a. The curriculum shall conform to current American Heart Association or American Red Cross guidelines.
 - b. The curriculum shall require hands on, skill-based instruction, as well as practical testing. Training and certification that is provided solely online will not be accepted.

- c. The instructor shall be qualified and authorized to teach the curriculum and shall be certified by a nationally recognized organization. (Including but not limited to: Health and Safety Institute; EMS Safety Services, Inc.)

1201 Safety Requirements

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 their floor plan with the local Office of Emergency Management including the following (§ 20-78-228 Act 1159 of 2013):
 - a. A schematic drawing of the facility and property used by the child care facility including the configuration of rooms, spaces, and 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 child care facility
 - d. The licensed capacity and ages of children per room at the facility
 - e. The contact information for at least two (2) emergency contacts for the facility
 - f. An aerial view of the child care facility and property used by the child care facility shall be included with the floor plan if available
2. The facility shall have a written plan detailing the procedures to follow in the event of emergencies (fires, floods, tornadoes, utility disruptions, bomb threats, etc.) (Act 801 of 2009). The plan and procedures are required for emergencies that could cause structural damage to the facility, be identified as a threat by the Arkansas Department of Emergency Management or pose a health or safety hazard to the children and staff. This plan shall include provisions for "sheltering in place" or "lock down", in the event of situations that warrant these measures.
3. The written plan shall include the following information:
 - a. Designated relocation site and evacuation route
 - b. Procedures for notifying parents of relocation
 - c. Procedures for ensuring family reunification
 - d. Procedures to address the needs of individual children, including children with special needs, disabilities, and children with chronic medical conditions
 - e. Procedures and documentation for annual training of staff regarding the plan and possible reassignment of staff duties in an emergency
 - f. Plans to ensure that all staff and volunteers are familiar with the components of the plan
4. The facility shall coordinate with local emergency management officials to plan for emergencies.
5. The facility shall maintain, on site, a current copy of the [Arkansas Comprehensive Emergency Management Plan issued by the Arkansas Division of Emergency Management](#). This plan shall be reviewed by the facility Director

and signed and dated, indicating that they have reviewed the current plan and agree to comply with the provisions of the plan.

6. Written procedures and evacuation diagrams for emergency drills shall be posted in each classroom.
7. Fire and tornado drills shall be practiced as follows:
 - a. Monthly
 - b. Fire and tornado drills shall be practiced on separate days and at different times of the day.
 - c. Everyone in the facility, to include all program types (i.e. infant & toddler, preschool, school age), at the time of the drill shall participate in the drill
 - d. Staff, including volunteers and substitutes, shall be trained in emergency drill procedures
 - e. During all hours when children are in care (evenings, nights, weekends, etc.)
 - f. If applicable, the facility shall provide a crib with evacuation casters or equivalent that will provide one (1) bed for every six (6) infants, twelve (12) months and younger, that may be used for the safe evacuation of the infants.
8. The facility shall maintain a record of emergency drills. This record shall include:
 - a. Date of drill
 - b. Type of drill
 - c. Time of day
 - d. Number of children participating in the drill
 - e. Length of time taken to reach safety
 - f. Notes regarding any items that need improvement
9. The facility shall maintain an evacuation pack that shall be taken on all drills and during actual emergency evacuations. The pack shall be easily accessible in an emergency and all staff shall know the location of the pack. 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 children
 - c. List of all emergency and contact information for staff
 - d. First aid kit (requirement 1101.6) 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
 - m. Emergency survival blanket

10. The facility shall immediately notify the Licensing Unit of any extended utility outages or significant damage to the building or grounds. If phone service is not available, notification shall be as soon as service is restored or available.
11. Child care centers shall maintain a log of all child product recalls and safety notices issued by CPSC or distributed by the Attorney General's Office and shall post or otherwise make these notices available for parents to review on site. The facility director shall certify, on an annual basis, that these notices have been maintained and reviewed and that any identified items have been removed from the facility. Forms for self-certification will be provided by the Licensing Specialist and shall be submitted annually. (Act 1313 of 2001).
12. There shall be no alcoholic beverages in any part of the facility during hours of care.
13. Illegal drugs or paraphernalia shall not be in any part of the facility or on the premises, regardless if children are present or not.
14. All medications and poisonous substances shall be kept in separately locked areas.
15. Rescue medications such as inhalers or EpiPens shall be inaccessible to children (kept in a cabinet with a child proof type safety latch or carried by a staff member).
16. All detergents and cleaning supplies shall be kept out of the reach of children. (This does not include hand soap in children's or staff bathrooms.)
17. Supplies used for children's activities shall be carefully supervised.
18. All bags belonging to children shall be checked on arrival to eliminate possible hazards.
19. Purses and bags belonging to staff shall be stored out of reach of children.
20. Electrical outlets shall be guarded.
21. Balloon use shall be carefully supervised.
22. Staff shall be instructed in the use of fire extinguishers.
23. The facility shall maintain smoke detectors/fire extinguishers as required by the Fire Department. Smoke detectors shall be kept in working order at all times.
24. Chemicals and toxins shall not be stored in the food storage area.

MINIMUM LICENSING REQUIREMENTS FOR Out-of-School Time Facilities



ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF CHILD CARE AND EARLY CHILDHOOD EDUCATION
CHILD CARE LICENSING UNIT
P. O. BOX 1437, SLOT S150
LITTLE ROCK, ARKANSAS 72203-1437
(501) 682-8590



PUB-004 (REV. 01/01/2020)

Out-Of-School Time

101 Related Laws and Requirements

1. The "Child Care Facility Licensing Act" Ark. Code Ann. 20-78-201-220, as amended, is the statutory authority for licensing Out-of-School Time (OST) Programs. This act created the Division of Child Care and Early Childhood Education and authorized the Division to establish rules governing the granting, revocation, denial, and suspension of licenses for OST facilities and the operation of OST facilities in this state. The Minimum Licensing Requirements for Out-of-School Time Facilities are the Division's rules for OST Facilities.
2. The Child Care Facility Licensing Act designates the Arkansas Department of Human Services, Division of Child Care and Early Childhood Education as the administrative agency responsible for administering the Act in accordance with the Minimum Licensing Requirements for Out-of-School Time Facilities. 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 the Child Care Facility Licensing Act and the Minimum Licensing Requirements for Out-of-School Time Facilities.
3. The Child Care Licensing Unit will notify the applicable federal agency at any time they become aware of or are advised of violations of any of the following or similar laws. The owner should be aware of applicable federal laws which may affect the operation of the facility, such as, but not limited to:
 - a. Americans with Disabilities Act (ADA).
 - b. Environmental Protection Agency (EPA) regulations to ensure that any renovation or repair work on a home, child care facility, or school that was constructed prior to 1978 shall be completed by a contractor that is certified by the Environmental Protection Agency (EPA), when the repairs or renovations consist of any or all of the following: the repair or renovation disturbs six (6) or more square feet of the interior, the repair or renovation disturbs twenty (20) feet or more square feet of the exterior, or the repair or renovation involves removing a window.
 - c. Federal civil rights laws state that a facility may not discriminate on the basis of race, color, sex, religion, national origin, physical or mental handicap, or veteran status.
4. The Licensee shall maintain Child Care Liability Insurance (Act 778 of 2009), and comply with the following requirements: State entities, political subdivisions or other entities entitled to immunity from liability under 21-9-301, are not required to have general liability insurance coverage in order to be licensed. (Act 23 of 2015)

- a. Prior to the approval of an application, the applicant shall provide verification of the

required coverage to the Licensing Specialist and provide subsequent verification when requested. (Facilities licensed prior to the effective date of this revision shall have ninety (90) days to comply with this requirement.)

- b. The Licensee shall maintain the minimum amount of coverage as follows:

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

5. Owners, operators, staff, therapists, and volunteers are mandated reporters of suspected child maltreatment and are required to call the Child Maltreatment Hotline at 1-800-482-5964, if they have reason to suspect child maltreatment. Additionally, these same individuals are required by Act 530 of 2019, 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.
6. Laws relevant to the operation of OST Facilities are available upon request.
7. The following standards are the minimum licensing requirements which shall be met by persons or organizations which operate an OST Facility. In recommending a license be issued, the Division of Child Care and Early Childhood Education works in coordination with the local and state Health Departments, Fire Departments, City Planning or Zoning Departments, and the Boiler Division of the Department of Labor. Persons considering opening or expanding an OST Facility shall immediately contact these individual departments for inspection and information on their separate rules.

A prospective Licensee should request clarification regarding the codes or covenants enforced by these departments as some may prevent the operation of an OST Facility at a particular location, may limit the number of participants in care, or may impose additional safety requirements.

8. 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.

109 Child Maltreatment Checks

1. The following persons shall be required to have their background reviewed through an Arkansas Child Maltreatment Central Registry Check.

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) years thereafter |
2. If a complaint of child maltreatment is filed against any owner/operator, staff, or other person in OST Facility, the Child Care Licensing Specialist shall evaluate the risk to participants and determine the suitability of the person(s) 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. (Pending the evaluation of risk to participants by the Child Care Licensing Unit, the person(s) alleged shall not be left alone with participants.)
3. 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 Child Care Licensing Unit. Corrective action measures may vary from relevant training to reassignment or termination. Failure to comply with corrective action plans may constitute grounds for adverse action against the license.
4. The statewide Child Maltreatment Hot Line and the Child Care Licensing Central Office number shall be posted in a conspicuous place in the OST Facility. The Hot Line number is 1-800-482-5964 and the Licensing Central Office number is (501) 682-8590 or toll free 1-800-445-3316.

110 FBI Criminal Records Check

1. The following persons shall apply to the Identification Bureau of the Arkansas State Police for a nationwide criminal record check, to be conducted by the FBI, which shall include a fingerprint check: (The individual is responsible for the cost of a nationwide check. Each request must be accompanied by a check or money order made out to the Arkansas State Police.)

Fingerprints submitted will be used to check the criminal history records of the FBI. Individuals with results showing a prohibited offense shall be advised to contact the Licensing Unit for procedures to obtain the results and for procedures to update or make corrections to the record of their individual history.

a. Each applicant to own or operate an 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

2. Arkansas State Police Criminal Background Check

The following persons shall be required to have their background reviewed through a fingerprint Criminal Records check (which includes the Arkansas Sexual Offender Registry) conducted by the Arkansas State Police.

A prospective staff member may not begin work until the Arkansas State Police criminal record check result has been returned as satisfactory. 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.

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 sexual offender registry check in any states where they resided during the past five (5) years. (A National Sexual Offender Registry check will also be conducted on prospective employees.)

- | | |
|--|--|
| a. Each applicant to own or operate OST Facility | At 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 employment and every five (5) years thereafter |
| d. Therapists or other persons who have supervisory or disciplinary control over participants, or are left alone with participants | Prior to providing services or participating in program activities and every five (5) years thereafter |
3. Criminal records will be returned to the division for review. Any charge/convictions listed in this section (Section 110) that are returned will be considered regardless of whether the record is expunged, pardoned, or otherwise sealed.
4. No person shall be eligible to be an OST Facility owner, operator, or employee if that person has pled guilty, or been found guilty, of any of the following offenses by any court in the State of Arkansas, any similar offense by a court in another state or any similar offense by a federal court. The following offenses are permanently prohibited:

01. Abuse of an endangered or impaired person, if felony	§5-28-103
02. Arson	§5-38-301
03. Capital Murder	§5-10-101
04. Endangering the Welfare of an Incompetent person- 1 st degree	§5-27-201
05. Kidnapping	§5-11-102
06. Murder in the First degree	§5-10-102
07. Murder in the Second degree	§5-10-103
08. Rape	§5-14-103
09. Sexual Assault in the First degree	§5-14-124
10. Sexual Assault in the Second degree	§5-14-125

5. No person shall be eligible to be an OST Facility owner, operator, or employee if that person has pled guilty, or been found guilty, of any of the following offenses by any court in the State of Arkansas, any similar offense by a court in another state or any similar offense by a

federal court. The following offenses are prohibited:

01. Criminal Attempt to commit any offenses in MLR Section 100.110	§5-3-201
02. Criminal Complicity to commit any offenses in MLR Section 100.110	§5-3-202
03. Criminal Conspiracy to commit any offenses in MLR Section 100.110	§5-3-401
04. Criminal Solicitation to commit any offenses in MLR Section 100.110	§5-3-301
05. Assault in the First, Second, or Third degree	§5-13-205 - §5-13-207
06. Assault, Aggravated	§5-13-204
07. Assault, Aggravated on a Family or Household Member	§5-26-306
08. Battery in the First, Second, or Third Degree	§5-13-201 - §5-13-203
09. Breaking or Entering	§5-39-202
10. Burglary	§5-39-201
11. Coercion	§5-13-208
12. Computer Crimes Against Minors	§5-27-601 et. seq.
13. Contributing to the Delinquency of a Juvenile	§5-27-220
14. Contributing to the Delinquency of a Minor	§5-27-209
15. Criminal Impersonation	§5-3-208
16. Criminal Use of a Prohibited Weapon	§5-73-104
17. Death Threats Concerning a School Employee or Students	§5-17-101
18. Domestic Battery in the First, Second, or Third Degree	§5-26-303 - §5-26-305
19. Employing or Consenting to the Use of a Child in a Sexual Performance	§5-27-402
20. Endangering the Welfare of a Minor in the First or Second Degree	§5-27-205 and §5-27-206

21. Endangering the Welfare of an Incompetent Person in the First or Second Degree	§5-27-201 and §5-27-202
22. Engaging Children in Sexually Explicit Conduct for Use in Visual or Print Media	§5-27-303
23. False Imprisonment in the First or Second Degree	§5-11-103 and §5-11-104
24. Felony Abuse of an Endangered or Impaired Person	§5-28-103
25. Felony Interference with a Law Enforcement Officer	§5-54-104
26. Felony Violation of the Uniform Controlled Substance Act	§5-64-101 - §5-64-508 et. seq.
27. Financial Identity Fraud	§5-37-227
28. Forgery	§5-37-201
29. Incest	§5-26-202
30. Interference with Court Ordered Custody	§5-26-502
31. Interference with Visitation	§5-26-501
32. Introduction of Controlled Substance into Body of Another Person	§5-13-210
33. Manslaughter	§5-10-104
34. Negligent Homicide	§5-10-105
35. Obscene Performance at a Live Public Show	§5-68-305
36. Offense of Cruelty to Animals	§5-62-103
37. Offense of Aggravated Cruelty to Dog, Cat, or Horse	§5-62-104
38. Pandering or Possessing Visual or Print Medium Depicting Sexually Explicit Conduct Involving a Child	§5-27-304
39. Patronizing a Prostitute	§5-70-103
40. Permanent Detention or Restraint	§5-11-106
41. Permitting Abuse of a Minor	§5-27-221
42. Producing, Directing, or Promoting a Sexual Performance by a Child	§5-27-403
43. Promoting Obscene Materials	§5-68-303
44. Promoting Obscene Performance	§5-68-304
45. Promoting Prostitution in the First, Second, or Third Degree	§5-70-104 - §5-70-106
46. Prostitution	§5-70-102
47. Public Display of Obscenity	§5-68-205
48. Resisting Arrest	§5-54-103
49. Robbery	§5-12-102
50. Robbery (Aggravated Robbery)	§5-12-103
51. Sexual Offense (any)	§5-14-101 et. seq.
52. Simultaneous Possession of Drugs and Firearms	§5-74-106
53. Soliciting Money or Property from Incompetents	§5-27-229
54. Stalking	§5-71-229
55. Terroristic Act	§5-13-310
56. Terroristic Threatening	§5-13-301
57. Theft by Receiving	§5-36-106
58. Theft of Property	§5-36-103

59. Theft of Services	§5-36-104
60. Transportation of Minors for Prohibited Sexual Conduct	§5-27-305
61. Unlawful Discharge of a Firearm from a Vehicle	§5-74-107
62. Voyeurism	§5-16-102

6. 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. § 20-38-103 (e) (3) (a) Act 990 of 2013

- a. Theft by receiving § 5-36-106
- b. Forgery § 5-37-201
- c. Financial identity fraud § 5-37-227
- d. Resisting arrest § 5-54-103
- e. Criminal impersonation in the second degree § 5-37-208(b)
- f. Interference with visitation § 5-26-501
- g. Interference with court-ordered visitation § 5-26-502
- h. Prostitution § 5-70-102
- i. Patronizing a prostitute § 5-70-203

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

- The individual has completed probation or parole supervision
- The individual has paid all court ordered fees, fines, and restitution
- The individual has fully complied with all court orders pertaining to the conviction or plea

7. The waiver will be revoked if after employment the individual pleads guilty or nolo contendere or is found guilty of any prohibited offense (including the list above a-i) or has a true or founded report of child maltreatment or adult maltreatment in a central registry.

8. 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.

9. If approved, the waiver is not transferable to another licensed facility.

10. Any person who has pled guilty, nolo contendere, or who has been found guilty of any one (1) of the offenses listed as prohibited above (Section 110.5, 0-62) may not work in child care unless:

- a. The date of the conviction, plea of guilty or nolo contendere for a misdemeanor offense is at least five (5) years from the date of the request for the criminal history records check and there have been no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the five (5) year period preceding the background check request.
- b. The date of the conviction, plea of guilty or nolo contendere for a felony offense is at least more than ten (10) years from the date of the request for the criminal history records check and there have been no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the ten (10) year period preceding

the background check request.

11. Anyone employed in a licensed center, COE center, licensed child care family home, or a registered child care family home prior to 9/1/2009 with a clear background check history may remain eligible for employment unless the employee had a conviction, plead guilty, or plead nolo contendere to an offense listed in the above section (Section 110.6) since 9/1/2009.

307 Professional Development

1. All directors, site supervisors, and staff who provide direct care to participants shall be registered with the Division of Child Care and Early Childhood Education Professional Development Registry within thirty (30) days of hire and all training shall be registered with the Division of Child Care and Early Childhood Education Professional Development Registry or Department of Education or Department of Higher Education approved.
2. 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 supervised, mentored, and evaluated. Evaluations shall be documented and maintained in the employee file.
3. All new staff members who provide direct care to children shall receive a basic orientation to facility management policies, center schedules, The Minimum Licensing Standards, and emergency procedures prior to providing care. This shall be documented in the employee file.
4. 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.
 - a. Introduction (8 clock hours) :
 - Proper supervision of participants
 - Behavioral guidance practices
 - Shaken baby syndrome; which includes prevention (Carter's Law, Act 1208)
 - Emergency procedures in the event of severe weather, or fire, including evacuation procedures and routes, and location and use of fire extinguishers.
 - Mandated reporter training
 - Administering medication
 - Caring for participants with special needs / care plans
 - Transportation and car seat safety
 - Policies regarding release of participants to authorized individuals
 - Prevention and control of infectious diseases
 - Building and physical premises safety, including the identification of, and protection from, hazards, bodies of water, and vehicular traffic
 - Nutrition and physical activities
 - Prevention and response to food sensitivities and allergic reactions

- Basic child development
- The handling and storage of hazardous materials and the appropriate disposal of biocontaminants

See Division Website for a list of courses that The Division maintains contracts for which meet the above requirements.

- b. 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. This shall be training focused on their job responsibilities.

See Division Website for a list of courses that The Division maintains contracts for which meet the above requirements.

5. The director, assistant director/site supervisor, and 50% of the facility staff that are on site at any given time shall have a certificate of successful completion of first aid and CPR from an approved organization.
 - a. The curriculum shall conform with current American Heart Association or American Red Cross guidelines.
 - b. The curriculum shall require hands on, skill-based instruction, as well as practical testing. Training and certification that is provided solely online will not be accepted.
 - c. The instructor shall be qualified and authorized to teach the curriculum and shall be certified by a nationally recognized organization. (Including but not limited to: Health and Safety Institute; EMS Safety Services, Inc.)

1201 Safety Requirements

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 their floor plan with the local Office of Emergency Management including the following (§ 20-78-228 Act 1159 of 2013):
 - a. A schematic drawing of the facility and property used by the child care facility including the configuration of rooms, spaces, and 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 child care facility
 - d. The licensed capacity and ages of children per room at the facility
 - e. The contact information for at least two (2) emergency contacts for the facility
 - f. An aerial view of the child care facility and property used by the child care facility shall be included with the floor plan if available
2. The 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.) (Act 801 of 2009). The plan and procedures are required for emergencies that could cause structural damage to the facility, be identified as a threat by the Arkansas Department of Emergency Management or pose a health or safety hazard to the participants and staff.

This plan shall include provisions for “sheltering in place” or “lock down”, in the event of situations that warrant these measures.

3. The written plan shall include the following information:
 - a. Designated relocation site and evacuation route
 - b. Procedures for notifying parents of relocation
 - c. Procedures for ensuring family reunification
 - d. Procedures to address the needs of individual participants, including participants with special needs disabilities and children with chronic medical conditions
 - e. Procedures and documentation for annual training of staff regarding the plan and possible reassignment of staff duties in an emergency
 - f. Plans to ensure that all staff and volunteers are familiar with the components of the plan
4. The facility shall coordinate with local emergency management officials to plan for emergencies.
5. The facility shall maintain, on site, a current copy of the [Arkansas Comprehensive Emergency Management Plan issued by the Arkansas Division of Emergency Management](#). This plan shall be reviewed by the facility Director and signed and dated, indicating that they have reviewed the current plan and agree to comply with the provisions of the plan.
6. Written procedures and evacuation diagrams for emergency drills shall be posted in each program space.
7. Fire and tornado drills shall be practiced as follows:
 - a. Monthly
 - b. Fire and tornado drills shall be practiced on separate days and at different times of the day.
 - c. Everyone in the facility, at the time of the drill shall participate.
 - d. Staff, including volunteers and substitutes, shall be trained in emergency drill procedures.
 - e. Drills shall be conducted during all hours when participants are in care (evenings, nights, weekends, etc.)
8. The facility shall maintain a record of emergency drills. 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
 - f. Notes regarding things that need improved upon
9. The OST Facility shall maintain an evacuation pack that shall be taken on all drills and during actual emergency evacuations. The pack shall be easily accessible in an

emergency and all staff shall know the location of the pack. 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 (requirement 1101.6) 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/pencils
 - j. Whistle
 - k. Disposable cups
 - l. Wet wipes
 - m. Emergency survival blanket
10. The facility shall immediately notify the Licensing Unit of any extended utility outages or significant damage to the building or grounds. If phone service is not available, notification shall be as soon as service is restored or available.
 11. OST Facilities shall maintain a log of all child product recalls and safety notices issued by CPSC or distributed by the Attorney General's Office and shall post or otherwise make these notices available for parents to review on site. The facility director shall certify, on an annual basis, that these notices have been maintained and reviewed and that any identified items have been removed from the facility. Forms for self-certification will be provided by the Licensing Specialist and shall be submitted annually. (Act 1313 of 2001).
 12. There shall be no alcoholic beverages in any part of the facility during hours of care. Illegal drugs/paraphernalia shall not be in any part of the facility or on the premises, regardless if participants are present or not.
 13. All medications and poisonous substances shall be kept in separately locked areas.
 14. Rescue medications such as inhalers or EpiPens shall be inaccessible to children (kept in a cabinet with a child proof type safety latch or carried by a staff member.)
 15. All detergents and cleaning supplies shall be kept out of the reach of participants. (This does not include hand soap in participants' or staff bathrooms.)
 16. Supplies used for participants' activities shall be carefully supervised.
 17. All bags belonging to participants shall be checked on arrival to eliminate possible hazards. Purses and bags belonging to staff shall be stored out of reach of participants.
 18. Balloon use shall be carefully supervised.
 19. Staff shall be instructed in the use of fire extinguishers.

20. The facility shall maintain smoke detectors/fire extinguishers as required by the Fire Department. Smoke detectors shall be kept in working order at all times.

21. Chemicals and toxins shall not be stored in the food storage area.

MINIMUM LICENSING REQUIREMENTS FOR Licensed Child Care Family Homes



**ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF CHILD CARE AND EARLY CHILDHOOD EDUCATION
CHILD CARE LICENSING UNIT
P. O. BOX 1437, SLOT S150
LITTLE ROCK, ARKANSAS 72203-1437
(501) 682-8590**



Licensed Homes

101 Related Laws and Requirements

1. "The Child Care Facility Licensing Act", Act 20-78-210-220, as amended, is the legal authority under which the Division of Child Care and Early Childhood Education prescribes minimum standards for a variety of child care facilities under the Act.
2. The Division of Child Care and Early Childhood Education (referred to hereafter as the Division) under the Department of Human Services is directly responsible for the inspection and evaluation of all Licensed Homes as defined in Section 102 of the Minimum Licensing Requirements for Child Care Family Homes.
3. The Division has the power to establish rules and standards for licensing and operation of child care facilities. This includes all powers with respect to granting, revocation, denial, and suspension of licenses. Decisions regarding special situations shall be made on an individual basis by the Division. Information regarding an appeal process is available upon request.
4. The Division works in coordination with local and state Health Departments, Fire Departments, City Planning or Zoning departments, and the Boiler Division of the Department of Labor. Persons considering opening or expanding a family home shall immediately contact these individual departments for inspections and information on their separate rules.

It is recommended that a prospective Licensee request clarification regarding the codes or covenants enforced by these departments as some may prevent the operation of a Child Care Family Home at a particular location, may limit the number of children in care or may impose additional safety requirements.

5. Owners, operators, staff, therapists, and volunteers are mandated reporters of suspected child maltreatment and are required to call the Child Maltreatment Hotline at 1-800-482-5964, if they have reason to suspect child maltreatment. Additionally, these same individuals are required by Act 530 of 2019, 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 (or licensed home) that has been communicated to the person in the course of their professional duties.
6. It is recommended that the owner be aware of applicable city or county zoning ordinances or codes or neighborhood covenants which may limit the number of children in care or impose additional safety requirements. The Division will share information on the location and status of Licensed Homes or applications for a license with any city or county that requests this information.
7. Child Care Licensing Unit will notify the applicable federal agency at any time they become aware of or are advised of violations of any of the following or similar laws. It is recommended that the owner be aware of applicable federal laws which may affect the

operation of the facility, such as, but not limited to:

- a. Americans with Disabilities Act (ADA).
 - b. Environmental Protection Agency (EPA) regulations to ensure that any renovation or repair work on a home, child care facility, or school that was constructed prior to 1978 shall be completed by a contractor that is certified by the Environmental Protection Agency (EPA), when the repairs or renovations consist of any or all of the following: the repair or renovation disturbs six (6) or more square feet of the interior, the repair or renovation disturbs twenty (20) or more square feet of the exterior, or the repair or renovation involves removing a window.
 - c. Federal civil rights laws state that a facility may not discriminate on the basis of race, color, sex, religion, national origin, physical or mental handicap, or veteran status.
8. The Licensee shall maintain Child Care Liability insurance and comply with the following requirements:
- a. Prior to approval of an application, the applicant shall provide verification of the required coverage to the Licensing Specialist and provide subsequent verification when requested. (Homes licensed prior to the effective date of this revision shall have ninety (90) days to comply with this requirement.)
 - b. Maintain the minimum amount of \$100,000 per occurrence

Laws relevant to the operation of child care facilities are available upon request.

108 Child Maltreatment Record Checks

1. The following persons shall be required to have their background reviewed through an Arkansas Child Maltreatment Central Registry Check.

Prospective owners, household members who are ten (10) years of age or older, and 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 a Licensed Home | at application and every two (2) years thereafter |
| b. All household members who are ten (10) years of age or older | at application; upon residency and every two (2) years thereafter |
| c. Staff members and applicants for employment in a Licensed Home | Prior to employment and every two (2) years thereafter |

- | | |
|--|--|
| d. Volunteers, therapists, and student observers who have access to children in the home | Prior to providing services or being present in the home and every two (2) years thereafter |
| e. Other persons who have supervisory or disciplinary control over children, or have routine contact with children | Prior to providing services or participating in home activities and every two (2) years thereafter |
2. The Division has the authority to review and consider each true (founded) report of child maltreatment received from the Central Registry. The Division shall retain the authority to:
 - a. Deny an application
 - b. Require corrective action
 - c. Take appropriate adverse action against the license
 3. All caregiver(s) are mandated reporters under the Child Maltreatment Act. The caregiver(s) shall call the Child Maltreatment Hot Line number at 1-800-482-5964 when there is a reason to believe that a child has been abused or neglected. (AR Code Annotated 12-12-501 et seq.) These reports of child maltreatment shall include all allegations made to the Licensee by parents, staff members, or the general public. It is recommended that the Licensee call Child Care Licensing for guidance if there is any question about whether the Hot Line should be called regarding any situation where potential child maltreatment is involved.
 4. If a complaint of child maltreatment is filed against any employee or persons in the home, the Child Care Licensing Unit shall evaluate the risk to children and determine the suitability of persons to supervise, be left alone with children, or remain in the home during hours of care until the allegations have been determined true or unsubstantiated.
 5. The Child Care Family Home operator, any employees, or other persons in the home who have had a true report of child maltreatment shall follow the corrective action plan approved by the Child Care Licensing Unit. Corrective action measures may vary from relevant training to reassignment or termination. Failure to comply with corrective action plans can constitute grounds for adverse action against the license.

109 FBI Criminal Record Checks

1. The following persons shall apply to the Identification Bureau of the Arkansas State Police for a nationwide criminal records check, to be conducted by the FBI, which shall include a fingerprint check: (The individual is responsible for the cost of the nationwide check.)

Fingerprints submitted will be used to check the criminal history records of the FBI.

Individuals with results showing a prohibited offense shall be advised to contact the Licensing Unit for procedures to obtain the results and for procedures to update or make corrections to the record of their individual history.

- | | |
|---|---|
| a. Each applicant to own or operate a Licensed Home | At initial application and every five (5) years thereafter |
| b. Each staff member | Prior to employment and every five (5) years thereafter |
| c. Volunteers and therapists who have routine contact with children or who have supervisory or disciplinary control over children | Prior to providing services or participating in home activities and every five (5) years thereafter |
| d. Other persons who have supervisory or disciplinary control over children, or have routine contact with children | Prior to providing services or participating in home activities and every five (5) years thereafter |

2. **Arkansas State Police Criminal Background Check**

The following persons shall be required to have their background reviewed through a fingerprint criminal records check including the Arkansas Sexual Offender Registry, conducted by the Arkansas State Police.

A prospective staff member may not begin work until the Arkansas State Police criminal record check result has been returned as satisfactory. 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.

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 sexual offender registry check in any states where they resided during the past five (5) years. (A National Sexual Offender Registry check will also be conducted on prospective employees.)

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|--|--|
| a. Each applicant to own or operate a Licensed Home | at application and every five (5) years thereafter |
| b. All household members who are eighteen (18) years of age or older | at application; upon residency and every five (5) years thereafter |
| c. Staff members and applicants for employment in a Licensed Home | Prior to employment and every five (5) years thereafter |

d. Volunteers and Therapists who have routine contact with children

Prior to providing services or participating in home activities and every five (5) years thereafter

e. Other persons who have supervisory or disciplinary control over children, or have routine contact with children

Prior to providing services or participating in home activities and every five (5) years thereafter

3. Criminal records will be returned to the division for review. Any charge/convictions listed in this section (Section 110) that are returned will be considered regardless of whether the record is expunged, pardoned, or otherwise sealed.
4. No person shall be eligible to be a child care facility owner, operator, employee, household member, or volunteer who is in the home on a routine/continual basis if that person has pled guilty, or been found guilty, of any of the following offenses by any court in the State of Arkansas, any similar offense by a court in another state, or any similar offense by a federal court. The following offenses are permanently prohibited:

01. Abuse of an endangered or impaired person, if felony	§5-28-103
02. Arson	§5-38-301
03. Capital Murder	§5-10-101
04. Endangering the Welfare of an Incompetent person- 1 st degree	§5-27-201
05. Kidnapping	§5-11-102
06. Murder in the First degree	§5-10-102
07. Murder in the Second degree	§5-10-103
08. Rape	§5-14-103
09. Sexual Assault in the First degree	§5-14-124
10. Sexual Assault in the Second degree	§5-14-125

5. No person shall be eligible to be a child care facility owner, operator, employee, volunteer, or household member, if that person has pled guilty, or been found guilty, of any of the following offenses by any court in the State of Arkansas, any similar offense by a court in another state or any similar offense by a federal court. The following offenses are prohibited:

01. Criminal Attempt to commit any offenses in MLR Section 110	§5-3-201
02. Criminal Complicity to commit any offenses in MLR Section 110	§5-3-202
03. Criminal Conspiracy to commit any offenses in MLR Section 110	§5-3-401
04. Criminal Solicitation to commit any offenses in MLR Section 110	§5-3-301
05. Assault in the First, Second, or Third degree	§5-13-205 - §5-13-207
06. Assault, Aggravated	§5-13-204
07. Assault, Aggravated on a Family or Household Member	§5-26-306
08. Battery in the First, Second, or Third Degree	§5-13-201 - §5-13-203
09. Breaking or Entering	§5-39-202

10. Burglary	§5-39-201
11. Coercion	§5-13-208
12. Computer Crimes Against Minors	§5-27-601 et. seq.
13. Contributing to the Delinquency of a Juvenile	§5-27-220
14. Contributing to the Delinquency of a Minor	§5-27-209
15. Criminal Impersonation	§5-3-208
16. Criminal Use of a Prohibited Weapon	§5-73-104
17. Death Threats Concerning a School Employee or Students	§5-17-101
18. Domestic Battery in the First, Second, or Third Degree	§5-26-303 - §5-26-305
19. Employing or Consenting to the Use of a Child in a Sexual Performance	§5-27-402
20. Endangering the Welfare of a Minor in the First or Second Degree	§5-27-205 and §5-27-206
21. Endangering the Welfare of an Incompetent Person in the First or Second Degree	§5-27-201 and §5-27-202
22. Engaging Children in Sexually Explicit Conduct for Use in Visual or Print Media	§5-27-303
23. False Imprisonment in the First or Second Degree	§5-11-103 and §5-11-104
24. Felony Abuse of an Endangered or Impaired Person	§5-28-103
25. Felony Interference with a Law Enforcement Officer	§5-54-104
26. Felony Violation of the Uniform Controlled Substance Act	§5-64-101 - §5-64-508 et. seq.
27. Financial Identity Fraud	§5-37-227
28. Forgery	§5-37-201
29. Incest	§5-26-202
30. Interference with Court Ordered Custody	§5-26-502
31. Interference with Visitation	§5-26-501
32. Introduction of Controlled Substance into Body of Another Person	§5-13-210
33. Manslaughter	§5-10-104
34. Negligent Homicide	§5-10-105
35. Obscene Performance at a Live Public Show	§5-68-305
36. Offense of Cruelty to Animals	§5-62-103
37. Offense of Aggravated Cruelty to Dog, Cat, or Horse	§5-62-104
38. Pandering or Possessing Visual or Print Medium Depicting Sexually Explicit Conduct Involving a Child	§5-27-304
39. Patronizing a Prostitute	§5-70-103
40. Permanent Detention or Restraint	§5-11-106
41. Permitting Abuse of a Minor	§5-27-221
42. Producing, Directing, or Promoting a Sexual Performance by a Child	§5-27-403
43. Promoting Obscene Materials	§5-68-303
44. Promoting Obscene Performance	§5-68-304
45. Promoting Prostitution in the First, Second, or Third Degree	§5-70-104 - §5-70-106
46. Prostitution	§5-70-102
47. Public Display of Obscenity	§5-68-205

48. Resisting Arrest	§5-54-103
49. Robbery	§5-12-102
50. Robbery (Aggravated Robbery)	§5-12-103
51. Sexual Offense (any)	§5-14-101 et. seq.
52. Simultaneous Possession of Drugs and Firearms	§5-74-106
53. Soliciting Money or Property from Incompetents	§5-27-229
54. Stalking	§5-71-229
55. Terroristic Act	§5-13-310
56. Terroristic Threatening	§5-13-301
57. Theft by Receiving	§5-36-106
58. Theft of Property	§5-36-103
59. Theft of Services	§5-36-104
60. Transportation of Minors for Prohibited Sexual Conduct	§5-27-305
61. Unlawful Discharge of a Firearm from a Vehicle	§5-74-107
62. Voyeurism	§5-16-102

6. 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. (§ 20- 38-103 (e) (3) (A) Act 990 of 2013)
- Theft by receiving § 5-36-106
 - Forgery § 5-37-201
 - Financial identity fraud § 5-37-227
 - Resisting arrest § 5-54-103
 - Criminal impersonation in the second degree § 5-37-208(b)
 - Interference with visitation § 5-26-501
 - Interference with court-ordered visitation § 5-26-502
 - Prostitution § 5-70-102
 - Patronizing a prostitute § 5-70-203

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

- The individual has completed probation or parole supervision
- The individual has paid all court ordered fees, fines, and restitution
- The individual has fully complied with all court orders pertaining to the conviction or plea

7. The waiver will be revoked if after employment the individual pleads guilty or nolo contendere or is found guilty of any prohibited offense (including the list above a-i) or has a true or founded report of child maltreatment or adult maltreatment in a central registry.
8. 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.
9. If approved, the waiver is not transferable to another licensed facility.
10. Any person who has pled guilty, nolo contendere, or who has been found guilty of any

one of the offenses listed above (Section 109.5), may not work in child care unless:

- a. The date of the conviction, plea of guilty or nolo contendere for a misdemeanor offense is at least five (5) years from the date of the request for the criminal history records check and there have been no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the five (5) year period preceding the background check request
 - b. The date of the conviction, plea of guilty, or nolo contendere for a felony offense is at least ten (10) years from the date of the request for the criminal history records check and there have been no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the ten (10) year period preceding the background check request.
11. Anyone employed in a licensed center, COE center, Licensed Child Care Family Home, or a Registered Child Care Family Home prior to 9/1/2009 with a clear background check history may remain eligible for employment unless the employee had a conviction, plead guilty, or plead nolo contendere to an offense listed in the above section (Section 109.5) since 9/1/2009.

303 Caregiver Qualifications and Responsibilities

1. The primary caregiver shall be twenty-one (21) years or older. A secondary caregiver shall be age eighteen (18) or older.
2. Primary caregivers licensed after November 1, 2002, and all secondary caregivers shall have a high school diploma or GED. If a diploma or proof of a GED is not available, a reasonable attempt to obtain a copy shall be documented.
3. The primary caregiver shall not be otherwise employed during the time he or she is responsible for children in the home. Employment at other times shall not affect the quality of care given to the children. When two (2) persons are listed as joint holders of the license and are both primary caregivers, at least one (1) shall be present in the home while children are in care. (Also refer to Rule 102.6).
4. A caregiver shall not use profanity or speak in an abusive manner when children are present. The caregiver shall also cooperate with licensing staff during licensing monitor visits.
5. The caregiver shall have a person who would be able to care for the children in the event of an emergency.
6. All caregivers who work directly with children shall obtain at least fifteen (15) hours of training, including child development training, registered with the Division of Child Care and Early Childhood Education Professional Development Registry, or Department of Education or Department of Higher Education approved training each year in continuing early childhood education.

All caregivers, including volunteers who are counted in the ratios, shall receive the

7. 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.

1. Introduction (8 clock hours):

- a. Proper supervision of children
 - b. Behavioral guidance practices
 - c. Safe sleep practices for infants
 - d. Shaken baby syndrome; which includes prevention (Carter's Law, Act 1208)
 - e. Appropriately responding to a crying/fussy infant/child
 - f. Emergency procedures in the event of severe weather, or fire, including evacuation procedures and routes, and location, and use of fire extinguishers.
 - g. Mandated reporter training
 - h. Administering medication
 - i. Caring for children with special needs / care plans
 - j. Transportation and car seat safety
 - k. Policies regarding release of children to authorized individuals
 - l. Prevention and control of infectious diseases
 - m. Building and physical premises safety, including the identification of, and protection from, hazards, bodies of water, and vehicular traffic
 - n. Nutrition and physical activities
 - o. Prevention and response to food sensitivities and allergic reactions
 - p. Basic child development
 - q. The handling and storage of hazardous materials and the appropriate disposal of biocontaminants
8. At least one (1) caregiver who has a current certificate of successful completion of first aid and CPR from an approved organization shall be on site at all times. If the home serves infants and toddlers, this training shall include infant/child CPR. (Infant/child CPR may be included in the basic course or in a separate course.)
 - a. The curriculum shall conform to current American Heart Association or American Red Cross guidelines.
 - b. The curriculum shall require hands on, skill-based instruction, as well as practical testing. Training and certification that is provided solely online will not be accepted.
 - c. The instructor shall be qualified and authorized to teach the curriculum and shall be certified by a nationally recognized organization. (Including but not limited to: Health and Safety Institute; EMS Safety Services, Inc.)
 9. All caregivers shall be physically and emotionally able to care for children.
 10. Child Care Licensing may require a physician's statement for any caregiver anytime behavioral or physical indicators warrant.
 11. Staff shall not engage in behavior that could be viewed as sexual, dangerous, exploitative, or physically harmful to children. A caregiver shall not use profanity or

Speak in an abusive manner when children are present.

12. No caregiver shall consume or be under the influence of illegal drugs. (A drug test may be required if there is reasonable cause to suspect violation of this requirement and the issue cannot be otherwise resolved.) No caregiver shall consume or be under the influence of alcohol while delivering care. No caregiver shall consume or be under the influence of medications (prescription or non-prescription), which impair his or her ability to provide care.
13. Newly licensed caregivers shall attend Family Child Care Provider Training and BAS (Business Administration Scale) training (or other approved tools that are considered equivalent in the state's QRIS) within the first six (6) months of being licensed.
14. The Licensee shall notify the Licensing Unit within five (5) calendar days of any change in the person(s) designated as secondary caregivers.

15. Volunteer Requirements

1. Volunteers are those individuals who have routine contact with children and assist in the home. If they are left alone with children, considered in the staff/child ratios, or given supervisory/disciplinary control over children, they shall be considered staff and must meet caregiver qualifications and responsibilities. (Section 303)
2. All volunteers in a Registered Child Care Family Home shall be eighteen (18) years of age or older unless the volunteer is under the direct supervision of the licensee and has been approved on an individual basis by the Child Care Licensing Unit.
3. Volunteers who have routine contact with children, shall have on file a maltreatment Central Registry check. An exception shall be given to parents who volunteer on field trips but are not left alone with children. Child Maltreatment Central Registry checks for volunteers under eighteen (18) years of age must include a parent's signature.
4. Individuals who provide health services or program enrichment activities on a limited basis are not considered volunteers. The home shall retain a register of such persons listing name, organization address, telephone number, date, and time in the center. (Note: This section does not apply to therapists or others who have routine contact with children. Therapists who are not left alone with children are required to have child maltreatment background checks. Therapists who are left alone with children at any time are subject to all background checks required for personnel. The therapist is entitled to a copy of the initial background/maltreatment check results and may share a copy with other facilities in which the therapist may be working.)

16. Student Observers

1. Students visiting the home on a regular or periodic basis to observe classroom activities or for other similar purposes shall not be counted in the staff/child ratio, shall not have disciplinary control over children, and shall not be left alone with children. These individuals shall have a child maltreatment background check on file.

2. Students that are conducting practicum, student teaching, or working in the same capacity as an employee or volunteer must meet the criteria in the appropriate section. (Sections 304 and 305)

17. Adults in the Home

1. The caregiver(s) shall provide a clear statement regarding the presence of any other adults eighteen (18) years of age and above who remain in the home during any hours in which care is being given. Such persons shall not present a threat to the safety or welfare of children.
2. The home shall have additional staff when there are persons in the home who require constant or routine care.

1201 Safety Requirements

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 their floor plan with the local Office of Emergency Management including the following (§ 20-78-228 Act 1159 of 2013):

- a. A schematic drawing of the facility and property used by the child care facility including the configuration of rooms, spaces, and 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 child care facility
- d. The licensed capacity and ages of children per room at the facility
- e. The contact information for at least two (2) emergency contacts for the facility
- f. An aerial view of the child care facility and property used by the child care facility shall be included with the floor plan if available

Homes already licensed on the effective date of this rule shall have thirty (30) days to comply.

2. The Child Care Family Home shall have a written plan detailing the procedures to follow in the event of emergencies (fires, floods, tornadoes, utility disruptions, bomb threats, etc.) (Act 801 of 2009). The plan and procedures are required for emergencies that could cause structural damage to the facility, be identified as a threat by the Arkansas Department of Emergency Management, or pose a health or safety hazard to the children and staff. This plan shall include provisions for "sheltering in place" or "lock down", in the event of situations that warrant such measures.
3. The written plan shall include the following information:
 - a. Designated relocation site and evacuation route
 - b. Procedures for notifying parents of relocation
 - c. Procedures for ensuring family reunification

- d. Procedures to address the needs of individual children, including children with special needs, disabilities, and children with chronic medical conditions
 - e. Procedures and documentation for annual training of staff regarding the plan and possible reassignment of staff duties in an emergency
 - f. Plans to ensure that all caregivers and volunteers are familiar with the components of the plan
4. The Child Care Family Home shall coordinate with local emergency management officials to plan for emergencies.
5. The home shall maintain, on site, a current copy of the [Arkansas Comprehensive Emergency Management Plan issued by the Arkansas Division of Emergency Management](#). This plan shall be reviewed by the licensee and signed and dated, indicating that they have reviewed the current plan and agree to comply with the provisions of the plan.
6. Written procedures and evacuation diagrams for emergency drills shall be posted in each room used for childcare.
7. Fire and tornado drills shall be practiced as follows:
- a. Monthly
 - b. Fire and tornado drills shall be practiced on separate days and at different times of the day.
 - c. During all hours when children are in care (evenings, nights, weekends, etc.)
 - d. Everyone in the Home at the time of the drill shall participate in the drill
 - e. Caregivers, including volunteers, shall be trained in safety drill procedures
8. The home shall maintain a record of emergency drills. This record shall include:
- a. Date of drill
 - b. Type of drill
 - c. Time of day
 - d. Number of children participating in the drill
 - e. Length of time taken to reach safety
 - f. Notes regarding things that need improved upon
9. The Child Care Family Home shall maintain an evacuation pack that shall be taken on all drills and during real emergency evacuations. The pack shall be easily accessible in an emergency and all caregivers shall know the location of the pack. 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 children
 - c. List of all emergency and contact information for staff
 - d. First aid kit (requirement 1101.9) 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/pencils
 - j. Whistle
 - k. Disposable cups
 - l. Wet wipes
 - m. Emergency survival blanket
10. The home shall immediately notify the Licensing Unit of any damage to the building or grounds. If phone service is not available, notification shall be as soon as service is restored or available.
11. Licensed Homes shall maintain a log of all child product recall and safety notices issued by CPSC or distributed by the Attorney General's Office and shall post or otherwise make these notices available for parents to review on site. The Licensee shall certify, on an annual basis, that these notices have been maintained and reviewed and that any identified items have been removed from the facility. Forms for self-certification will be provided by the Licensing Specialist and shall be submitted annually. (Act 1313 of 2001)
12. Electrical outlets shall be guarded. Protective caps, if used, shall be large enough to prevent swallowing.
13. Indoor or outdoor cooling units shall have guards or barriers when necessary. All outdoor electrical boxes, gas lines, and exposed electrical cords shall be enclosed.
14. Stairways shall be well lighted and guarded as needed.
15. Dangerous equipment or objects shall be stored away from areas used by the children.
16. All detergents and cleaning supplies shall be kept out of the reach of children. (This does not include hand soap in children's or staff bathrooms.) Supplies used for children's activities shall be carefully supervised.
17. All poisonous substances shall be kept in a locked area.
18. Guns shall be unloaded. Guns, other weapons, and ammunition shall be stored in a locked area in the home.
19. Illegal drugs/paraphernalia shall not be in any part of the home, regardless if children are present or not.
20. Tanks, ponds, swimming pools, open wells, drainage ditches, and sewage drainpipes shall be fenced if located within the play area.
21. Home swimming pools shall not be used by children in care unless permission is obtained from Child Care Licensing through an alternative compliance request. This request must include written approval from the Arkansas Department of Health for the use of the pool by children in care. (Home swimming pools used by children in care are considered semi-

private pools by the Department of Health and approval for these pools require inspection during the construction phase. Obtaining approval for existing pools is usually not possible.)

22. Wading pools shall not be used.

23. Alcoholic beverages shall be kept out of reach of children.

MINIMUM LICENSING REQUIREMENTS FOR Registered Child Care Family Homes



**ARKANSAS DEPARTMENT HUMAN SERVICES
DIVISION OF CHILD CARE AND EARLY CHILDHOOD EDUCATION
CHILD CARE LICENSING UNIT
P. O. BOX 1437, SLOT S150
LITTLE ROCK, ARKANSAS 72203-1437
(501) 682-8590**



101 Responsibilities and Requirements

1. The Division of Child Care and Early Childhood Education (referred to hereafter as the Division) under the Department of Human Services is directly responsible for the inspection and evaluation of all Registered Homes.
2. The Division has the power to establish rules and standards for licensing, registration, and operation of child care facilities. This includes all powers with respect to granting, revocation, denial, and suspension of licenses and registrations. Information regarding the appeal process is available upon request.
3. The Division works in coordination with local and state Health Departments, Fire Departments, City Planning, or Zoning departments and the Boiler Division of the Department of Labor.
4. It is recommended that the owner be aware of any applicable city or county zoning ordinances or codes or neighborhood covenants which may limit the number of children in care or impose additional safety requirements. The Division will share information on the location and status of Registered Homes with any city or county that requests this information.
5. Owners, operators, staff, therapists, and volunteers are mandated reporters of suspected child maltreatment and are required to call the Child Maltreatment Hotline at 1-800-482-5964, if they have reason to suspect child maltreatment. Additionally, these same individuals are required by Act 530 of 2019, 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 (or registered home) that has been communicated to the person in the course of their professional duties.
6. The Child Care Licensing Unit will notify the applicable federal agency at any time they become aware of or are advised of violations of any of the following or similar laws. It is recommended that the owner be aware of applicable federal laws which may affect the operation of the facility, such as, but not limited to:
 - a. Americans with Disabilities Act (ADA).
 - b. Environmental Protection Agency (EPA) regulations to ensure that any renovation or repair work on a home, child care facility, or school that was constructed prior to 1978 shall be completed by a contractor that is certified by the Environmental Protection Agency (EPA), when the repairs or renovations consist of any or all of the following: the repair or renovation disturbs six (6) or more square feet of the interior, the repair or renovation disturbs twenty (20) or more square feet of the exterior, or the repair or renovation involves removing a window.
 - c. Federal civil rights laws state that a facility may not discriminate on the basis of race, color, sex, religion, national origin, physical or mental handicap, or veteran status.
7. The Registrant shall maintain Child Care Liability Insurance and comply with the following requirements:

- a. Prior to approval of an application, the applicant shall provide verification of the required coverage to the Licensing Specialist and provide subsequent verification when requested. (Homes licensed prior to the effective date of this revision shall have ninety (90) days to comply with this requirement.)
- b. Maintain the minimum amount of coverage as follows:

Registered Capacity of Home	Minimum Child Care Liability Coverage Required
1 – 5	\$ 100,000 per occurrence

108 Child Maltreatment Checks

1. The following persons shall be required to have their background reviewed through an Arkansas Child Maltreatment Central Registry Check.

Prospective owners, household members who are ten (10) years of age or older, and 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 | At application and every two (2) years thereafter |
| b. All household members who are at least ten (10) years of age | At application, upon residency, and every two (2) years thereafter |
| c. Staff members and applicants for employment in a Registered Home | Prior to employment and every two (2) years thereafter |
| d. All volunteers and therapists who have access to children in the home | Prior to providing services or being present in the home and every two (2) years thereafter |
| e. Other persons who have routine contact with children | Prior to providing services or participating in home activities and every two (2) years thereafter |
2. The Division has the authority to review and consider each true (founded) report of child maltreatment received from the Central Registry. The Division shall retain the authority to deny the applicant or revoke the registration.
 3. All caregiver(s) are mandated reporters under the Child Maltreatment Act. The caregiver shall notify the Child Maltreatment Hot Line number at 1-800-482-5964 when there is reason to believe that a child has been abused or neglected. (AR Code Annotated 12-12-501 et seq.) These reports of child maltreatment shall include all allegations made to the Registrant by

parents, staff members, or the general public. It is recommended that the Registrant call the Child Care Licensing Specialist for guidance if there is any question about whether the Hot Line should be called regarding any situation where potential child maltreatment is involved.

If a complaint of child maltreatment is filed against any Registrant or persons in the home, the Child Care Licensing Unit shall evaluate the risk to children and determine the suitability of the persons to supervise, be left alone with children, or remain in the home during hours of care until the allegations have been determined true or unsubstantiated.

4. The Registered Child Care Family Home operator and any employees or other persons in the home who have had a true report of child maltreatment shall follow the corrective action plan approved by the Child Care Licensing Unit. Corrective action measures may vary from relevant training to reassignment or termination. Failure to comply with corrective action plans can constitute grounds for adverse action against the registration.

109 FBI Criminal Record Checks

1. The following persons shall apply to the Identification Bureau of the Arkansas State Police for a nationwide criminal records check, to be conducted by the FBI, which shall include a fingerprint check: (The individual is responsible for the cost of the nationwide check.)

Fingerprints submitted will be used to check the criminal history records of the FBI. Individuals with results showing a prohibited offense shall be advised to contact the Licensing Unit for procedures to obtain the results and for procedures to update or make corrections to the record of their individual history.

- | | |
|---|---|
| a. Each applicant to own or operate a Registered Home and all household members age eighteen (18) and up | At initial application and every five (5) years thereafter |
| b. Each staff member | Prior to providing services or participating in home activities and every five (5) years thereafter |
| c. Volunteers or other persons who have supervisory or disciplinary control over children, are left alone with children or have routine contact with children | Prior to providing services or participating in home activities and every five (5) years thereafter |

2. Arkansas State Police Criminal Background Check

The following persons shall be required to have their background reviewed through a fingerprint criminal records check including the Arkansas Sexual Offender Registry, conducted by the Arkansas State Police.

A prospective staff member may not begin work until the Arkansas State Police criminal record check result has been returned as satisfactory. 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.

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 sexual offender registry check in any states where they resided during the past five (5) years. (A National Sexual Offender Registry check will also be conducted on prospective employees.)

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|----|--|---|
| a. | Each applicant | At application and every five (5) years thereafter |
| b. | All household members who are eighteen (18) years of age or older | At application and every five (5) years thereafter |
| c. | Staff and applicants for employment in a Registered Home | Prior to employment and every five (5) years thereafter |
| d. | Volunteers and Therapists who have routine contact with children | Prior to providing services and every five (5) years thereafter |
| e. | Other persons who have supervisory control, disciplinary control over children, or routine contact with children | Prior to providing services or participating in home activities and every five (5) years thereafter |

3. Criminal records will be returned to the division for review. Any charge/convictions listed in this section (Section 110) that are returned will be considered regardless of whether the record is expunged, pardoned, or otherwise sealed.
4. No person shall be eligible to be a child care facility owner, operator, employee, household member, or volunteer who is in the home on a routine/continual basis if that person has pled guilty, or been found guilty, of any of the following offenses by any court in the State of Arkansas, any similar offense by a court in another state, or any similar offense by a federal court. The following offenses are permanently prohibited:

01. Abuse of an endangered or impaired person, if felony	§5-28-103
02. Arson	§5-38-301
03. Capital Murder	§5-10-101
04. Endangering the Welfare of an Incompetent person- 1 st degree	§5-27-201
05. Kidnapping	§5-11-102
06. Murder in the First degree	§5-10-102
07. Murder in the Second degree	§5-10-103
08. Rape	§5-14-103
09. Sexual Assault in the First degree	§5-14-124
10. Sexual Assault in the Second degree	§5-14-125

5. No person shall be eligible to be a child care facility owner, operator, employee, household member, or volunteer, who is in the home on a routine/continual basis, if that person has pled guilty, or been found guilty, of any of the following offenses by any court in the State of Arkansas, any similar offense by a court in another state, or any similar offense by a federal court. The following offenses are prohibited:

01. Criminal Attempt to commit any offenses in MLR Section 110	§5-3-201
02. Criminal Complicity to commit any offenses in MLR Section 110	§5-3-202
03. Criminal Conspiracy to commit any offenses in MLR Section 110	§5-3-401
04. Criminal Solicitation to commit any offenses in MLR Section 110	§5-3-301
05. Assault in the First, Second, or Third degree	§5-13-205 - §5-13-207
06. Assault, Aggravated	§5-13-204
07. Assault, Aggravated on a Family or Household Member	§5-26-306
08. Battery in the First, Second, or Third Degree	§5-13-201 - §5-13-203
09. Breaking or Entering	§5-39-202
10. Burglary	§5-39-201
11. Coercion	§5-13-208
12. Computer Crimes Against Minors	§5-27-601 et. seq.

13. Contributing to the Delinquency of a Juvenile	§5-27-220
14. Contributing to the Delinquency of a Minor	§5-27-209
15. Criminal Impersonation	§5-3-208
16. Criminal Use of a Prohibited Weapon	§5-73-104
17. Death Threats Concerning a School Employee or Students	§5-17-101
18. Domestic Battery in the First, Second, or Third Degree	§5-26-303 - §5-26-305
19. Employing or Consenting to the Use of a Child in a Sexual Performance	§5-27-402
20. Endangering the Welfare of a Minor in the First or Second Degree	§5-27-205 and §5-27-206
21. Endangering the Welfare of an Incompetent Person in the First or Second Degree	§5-27-201 and §5-27-202
22. Engaging Children in Sexually Explicit Conduct for Use in Visual or Print Media	§5-27-303
23. False Imprisonment in the First or Second Degree	§5-11-103 and §5-11-104
24. Felony Abuse of an Endangered or Impaired Person	§5-28-103
25. Felony Interference with a Law Enforcement Officer	§5-54-104
26. Felony Violation of the Uniform Controlled Substance Act	§5-64-101 - §5-64-508 et. seq.
27. Financial Identity Fraud	§5-37-227
28. Forgery	§5-37-201
29. Incest	§5-26-202
30. Interference with Court Ordered Custody	§5-26-502
31. Interference with Visitation	§5-26-501
32. Introduction of Controlled Substance into Body of Another Person	§5-13-210
33. Manslaughter	§5-10-104
34. Negligent Homicide	§5-10-105
35. Obscene Performance at a Live Public Show	§5-68-305
36. Offense of Cruelty to Animals	§5-62-103
37. Offense of Aggravated Cruelty to Dog, Cat, or Horse	§5-62-104
38. Pandering or Possessing Visual or Print Medium Depicting Sexually Explicit Conduct Involving a Child	§5-27-304
39. Patronizing a Prostitute	§5-70-103
40. Permanent Detention or Restraint	§5-11-106
41. Permitting Abuse of a Minor	§5-27-221
42. Producing, Directing, or Promoting a Sexual Performance by a Child	§5-27-403
43. Promoting Obscene Materials	§5-68-303
44. Promoting Obscene Performance	§5-68-304
45. Promoting Prostitution in the First, Second, or Third Degree	§5-70-104 - §5-70-106
46. Prostitution	§5-70-102
47. Public Display of Obscenity	§5-68-205

48. Resisting Arrest	§5-54-103
49. Robbery	§5-12-102
50. Robbery (Aggravated Robbery)	§5-12-103
51. Sexual Offense (any)	§5-14-101 et. seq.
52. Simultaneous Possession of Drugs and Firearms	§5-74-106
53. Soliciting Money or Property from Incompetents	§5-27-229
54. Stalking	§5-71-229
55. Terroristic Act	§5-13-310
56. Terroristic Threatening	§5-13-301
57. Theft by Receiving	§5-36-106
58. Theft of Property	§5-36-103
59. Theft of Services	§5-36-104
60. Transportation of Minors for Prohibited Sexual Conduct	§5-27-305
61. Unlawful Discharge of a Firearm from a Vehicle	§5-74-107
62. Voyeurism	§5-16-102

6. If the Registrant 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. (§ 20-38-103 (e) (3) (A) Act 990 of 2013)

- a. Theft by receiving § 5-36-106
- b. Forgery § 5-37-201
- c. Financial identity fraud § 5-37-227
- d. Resisting arrest § 5-54-103
- e. Criminal impersonation in the second degree § 5-37-208(b)
- f. Interference with visitation § 5-26-501
- g. Interference with court-ordered visitation § 5-26-502
- h. Prostitution § 5-70-102
- i. Patronizing a prostitute § 5-70-203

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

- The individual has completed probation or parole supervision.
- The individual has paid all court ordered fees, fines, and restitution.
- The individual has fully complied with all court orders pertaining to the conviction or plea.

7. The waiver will be revoked if after employment the individual pleads guilty or nolo contendere or is found guilty of any prohibited offense (including the list above a-i) or has a true or founded report of child maltreatment or adult maltreatment in a central registry.

8. 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.

9. If approved, the waiver is not transferable to another licensed facility.

10. Any person who has pled guilty, nolo contendere, or who has been found guilty of

any one (1) of the offenses listed above (Section 109.4), may not work in child care unless:

- a. The date of the conviction, plea of guilty or nolo contendere for a misdemeanor offense is at least five (5) years from the date of the request for the criminal history records check and there have been no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the five (5) year period preceding the background check request.
 - b. The date of the conviction, plea of guilty, or nolo contendere for a felony offense is at least ten (10) years from the date of the request for the criminal history records check and there have been no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the ten (10) year period preceding the background check request.
11. Anyone employed in a licensed center, COE center, Licensed Child Care Family Home, or a Registered Child Care Family Home prior to 9/1/2009 with a clear background check history may remain eligible for employment unless the employee had a conviction, plead guilty, or plead nolo contendere to an offense listed in the above section (Section 109.4) since 9/1/2009.

301 Caregiver Qualifications and Responsibilities

1. The Registered Home primary caregiver shall be eighteen (18) years or older.
2. The primary caregiver and all secondary caregivers shall have a high school diploma or GED. Registered Homes approved prior to this revision are exempt from this requirement.
3. The caregiver shall not be otherwise employed during the time he or she is responsible for children in the home. Employment at other times shall not affect the quality of care given the children.
4. The caregiver shall not use profanity or speak in an abusive manner when children are present. The caregiver shall also cooperate with licensing staff during regular monitor visits.
5. The caregiver shall have a person who would be able to care for the children in the event of an emergency.
6. Newly Registered Home providers shall attend Family Child Care Provider Training within the first six (6) months of being registered.
7. The Registrant shall notify the Licensing Unit within five (5) calendar days of any change in the person(s) designated as secondary caregivers.
8. The caregiver shall obtain at least fifteen (15) hours of training, including child development training registered with the Division of Child Care and Early Childhood Education Professional Development Registry, Department of Education, or Department of Higher Education approved training each year in continuing early childhood education,

which is approved by the Division.

Topics appropriate for continuing early education shall include, but are not limited to the following:

- a. Child growth and development
 - b. Nutrition and food service
 - c. Parent communication and involvement
 - d. Curriculum and curriculum development
 - e. Developmentally appropriate practice and learning environments
 - f. Behavior management
 - g. Emergency care and first aid
 - h. Administration and management of early childhood program
9. All caregivers, 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.

1. Introduction (8 clock hours):

- a. Proper supervision of children
 - b. Behavioral guidance practices
 - c. Safe sleep practices for infants
 - d. Shaken baby syndrome; which includes prevention (Carter's Law, Act 1208)
 - e. Appropriately responding to a crying/fussy infant/child
 - f. Emergency procedures in the event of severe weather, or fire, including evacuation procedures and routes, and location and use of fire extinguishers.
 - g. Mandated reporter training
 - h. Administering medication
 - i. Caring for children with special needs / care plans
 - j. Transportation and car seat safety
 - k. Policies regarding release of children to authorized individuals
 - l. Prevention and control of infectious diseases
 - m. Building and physical premises safety, including the identification of, and protection from, hazards, bodies of water, and vehicular traffic
 - n. Nutrition and physical activities
 - o. Prevention and response to food sensitivities and allergic reactions
 - p. Basic child development
 - q. The handling and storage of hazardous materials and the appropriate disposal of biocontaminants
10. At least one (1) caregiver who has a current certificate of successful completion of first aid and CPR from an approved organization shall be on site at all times. If the home serves infants and toddlers, this training shall include infant/child CPR. (Infant/child CPR may be included in the basic course or in a separate course.)

- a. The curriculum shall conform to current American Heart Association or American Red Cross guidelines.
 - b. The curriculum shall require hands on, skill-based instruction, as well as practical testing. Training and certification that is provided solely online will not be accepted.
 - c. The instructor shall be qualified and authorized to teach the curriculum and shall be certified by a nationally recognized organization. (Including but not limited to: Health and Safety Institute; EMS Safety Services, Inc.)
11. The caregiver shall be physically and emotionally able to care for children.
 12. Child Care Licensing may require a physician's statement for the caregiver anytime behavioral or physical indicators warrant.
 13. The caregiver shall not engage in behavior that could be viewed as sexual or as dangerous, exploitative, or physically harmful to children.
 14. The caregiver shall not consume or be under the influence of illegal drugs. The caregiver shall not consume or be under the influence of alcohol while delivering care. The caregiver shall not consume or be under the influence of medications (prescription or non-prescription), which may impair his or her ability to provide care.
 15. Newly registered caregivers shall attend BAS (Business Administration Scale) training within the first six (6) months of being registered.
 16. At no time shall children be left unsupervised.
 17. Additional staff provisions shall be made for enrollment of children with disabilities who require individual attention.
 18. It is recommended that all staff members who have direct contact with children receive annual Influenza (flu) immunizations.
 19. It is recommended that all staff members who have direct contact with children receive a one- time Tdap (Diphtheria, Tetanus & Pertussis) immunization.
 20. It is recommended that all staff members who have direct contact with children receive the recommended series of immunizations for chicken pox, mumps, measles, and rubella or evidence of immunity.

1201 Safety Requirements

1. Within thirty (30) days of registration and within thirty (30) days of any change or modification of the floor plan the facility shall file a copy of their floor plan with the local Office of Emergency Management including the following § 20-78-228 Act 1159 of 2013:
 - a. A schematic drawing of the facility and property used by the child care facility

including the configuration of rooms, spaces, and 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 child care facility
- d. The licensed capacity and ages of children per room at the facility
- e. The contact information for at least two (2) emergency contacts for the facility
- f. An aerial view of the child care facility and property used by the child care facility shall be included with the floor plan if available

Homes already registered on the effective date of this rule shall have thirty (30) days to comply.

2. The Registered Child Care Family Home shall have a written plan detailing the procedures to follow in the event of emergencies (fires, floods, tornadoes, utility disruptions, bomb threats, etc.) (Act 801 of 2009). The plan and procedures are required for emergencies that could cause structural damage to the facility, be identified as a threat by the Arkansas Department of Emergency Management, or pose a health or safety hazard to the children and staff. This plan shall include provisions for "sheltering in place" or "lock down", in the event of situations that warrant such measures.
3. The written plan shall include the following information:
 - a. Designated relocation site and evacuation route
 - b. Procedures for notifying parents of relocation
 - c. Procedures for ensuring family reunification
 - d. Procedures to address the needs of individual children, including children with special needs, disabilities, and children with chronic medical conditions
 - e. Procedures and documentation for annual training of staff regarding the plan and possible reassignment of staff duties in an emergency
 - f. Plans to ensure that all caregivers and volunteers are familiar with the components of the plan
4. The home shall maintain, on site, a current copy of the [Arkansas Comprehensive Emergency Management Plan issued by the Arkansas Division of Emergency Management](#). This plan shall be reviewed by the licensee and signed and dated, indicating that they have reviewed the current plan and agree to comply with the provisions of the plan.
5. The Registered Child Care Family Home shall coordinate with local emergency management officials to plan for emergencies.
6. Written procedures and evacuation diagrams for emergency drills shall be posted in each room used for childcare.
7. Fire and tornado drills shall be practiced as follows:
 - a. Monthly
 - b. Fire and tornado drills shall be practiced on separate days and at different times of the

- day.
 - c. During all hours when children are in care (evenings, nights, weekends, etc.)
 - d. Everyone in the home at the time of the drill shall participate in the drill.
 - e. Caregivers, including volunteers, shall be trained in safety drill procedures.
8. The Registered Child Care Family Home shall maintain a record of emergency drills. This record shall include:
- a. Date of drill
 - b. Type of drill
 - c. Time of day
 - d. Number of children participating in the drill
 - e. Length of time taken to reach safety
 - f. Notes regarding things that need improved upon
9. The Registered Child Care Family Home shall maintain an evacuation pack that shall be taken on all drills and during real emergency evacuations. The pack shall be easily accessible in an emergency and all caregivers shall know the location of the pack. 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 children
 - c. List of all emergency and contact information for staff
 - d. First aid kit (requirement 1101.8) 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/pencils
 - j. Whistle
 - k. Disposable cups
 - l. Wet wipes
 - m. Emergency survival blanket
10. The Registrant shall immediately notify the Licensing Unit of any damage to the building or grounds. If phone service is not available, notification shall be as soon as service is restored or available.
11. Registered Homes shall maintain a log of all child product recall and safety notices issued by CPSC or distributed by the Attorney General's Office and shall post or otherwise make these notices available for parents to review. The holder of the registration shall certify on an annual basis that these notices have been maintained, reviewed, and that any identified items have been removed from the home. Forms for self-certification will be provided by the Licensing Specialist and shall be submitted annually. (Act 1313 of 2001)
12. Electrical outlets shall be guarded. Protective caps, if used, shall be large enough to prevent swallowing.

13. Indoor or outdoor cooling or heating units shall have guards or barriers when necessary. All outdoor electrical boxes, gas lines, and exposed electrical cords shall be enclosed.
14. Stairways shall be well lighted and guarded as needed.
15. Dangerous equipment or objects shall be stored away from areas used by the children.
16. All detergent and cleaning supplies shall be kept out of the reach of children. (This does not include hand soap in children's or staff bathroom.) Supplies used for children's activities shall be carefully supervised.
17. All poisonous substances shall be kept in a locked area.
17. Guns shall be unloaded. Guns, other weapons, and ammunition shall be stored in a locked area in the home.
18. Illegal drugs/paraphernalia shall not be in any part of the facility or on the premises, regardless if children are present or not.
19. Tanks, ponds, swimming pools, open wells, drainage ditches, and sewage drainpipes shall be fenced if located within the play area.
20. Home swimming pools shall not be used by children in care unless permission is obtained from Child Care Licensing through an alternative compliance request. This request must include written approval from the Arkansas Department of Health for the use of the pool by children in care. (Home swimming pools used by children in care are considered semi-private pools by the Department of Health and approval for these pools requires inspection during the construction phase. Obtaining approval for existing pools is usually not possible.)
21. Wading pools shall not be used by children under two (2) years of age. Water sprinklers are acceptable.
22. Alcoholic beverages shall be kept out of reach of children.