

**NOTICE OF PROPOSED EXPEDITED RULEMAKING**  
**TITLE 9. HEALTH SERVICES**  
**CHAPTER 5. DEPARTMENT OF HEALTH SERVICES**  
**CHILD CARE FACILITIES**

**PREAMBLE**

- | <b><u>1.</u></b> | <b><u>Article, Part, or Section Affected (as applicable)</u></b>   | <b><u>Rulemaking Action</u></b> |
|------------------|--|---------------------------------|
|                  | R9-5-101.  | Amend                           |
|                  | R9-5-201.  | Amend                           |
|                  | R9-5-202.  | Amend                           |
|                  | Table 2.1  | Amend                           |
|                  | R9-5-203.  | Amend                           |
|                  | R9-5-205.  | Amend                           |
|                  | R9-5-208.  | Amend                           |
|                  | R9-5-301.  | Amend                           |
|                  | R9-5-303.  | Amend                           |
|                  | R9-5-305.  | Amend                           |
|                  | R9-5-307.  | Amend                           |
|                  | R9-5-310.  | Amend                           |
|                  | R9-5-402.  | Amend                           |
|                  | R9-5-403.  | Amend                           |
|                  | R9-5-501.  | Amend                           |
|                  | R9-5-507.  | Amend                           |
|                  | Table 5.1  | Amend                           |
|                  | R9-5-517.  | Amend                           |
|                  | R9-5-601.  | Amend                           |
|                  | R9-5-602.  | Amend                           |
|                  | R9-5-603.  | Amend                           |
| <b><u>2.</u></b> | <b><u>Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):</u></b>           |                                 |
|                  | Authorizing statutes: A.R.S. §§ 36-132(A) and 36-136(G)  |                                 |
|                  | Implementing statutes: A.R.S. §§ 36-883 through 36-894.01  |                                 |
| <b><u>3.</u></b> | <b><u>Citations to all related notices published in the <i>Register</i> as specified in R1-1-409(A) that pertain to the record of the proposed expedited rule:</u></b> |                                 |

**4. The agency's contact person who can answer questions about the rulemaking:**

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**5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, under A.R.S § 41- 1027, to include an explanation about the rulemaking:**

The five-year-review report (Report) for 9 A.A.C. 5 was approved by the Governor's Regulatory Review Council on March 6, 2018. The Report identified that the rules are mostly consistent, but could be more clear and understandable if the citations in the following definitions were updated: A.R.S. § 41-132(E) in definition "electronic signature" to A.R.S. § 41-351(9); A.R.S. § 32-2301, deleted by Laws 2013, Ch. 125, in definition "licensed applicator" to A.A.C. R3-8-201(C); and A.R.S. § 32-2301 in definition "pesticide" to A.R.S. § 3-3601. The Report also stated that the Arizona Department of Health Services (Department) plans to amend the rules as identified. The changes identified will not increase the cost of regulatory compliance, increase a fee, or reduce procedural rights of a regulated person. Amending the rules as identified in the Report meets the criteria for expedited rulemaking and implements a course of action proposed in a five-year-review report. This rulemaking achieves the purpose prescribed in A.R.S. § 41-1027(A)(7) to implement a course of action proposed in a five-year-review report. The Department believes amending these rules will eliminate confusion and reduce regulatory burden.

**6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

The Department did not review or rely on any study for this rulemaking.

**7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state.**

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

Under A.R.S. § 41-1055(D)(2), the Department is not required to provide an economic, small business, and consumer impact statement.

**9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:**

Not applicable

**10. Where, when, and how persons may provide written comments on the proposed expedited rule:**

Close of record: September 20, 2018 at 4:00 p.m.

A person may submit written comments on the proposed expedited rules no later than the close of record to either of the individuals listed in item 4.

**11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

There are no other matters prescribed by statutes applicable specifically to the Department or this specific rulemaking.

**a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**

The rule does not require a permit.

**b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**

There are no federal rules applicable to the subject of the rule.

**c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**

No such analysis was submitted.

**12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**

None

**13. The full text of the rules follows:**

**TITLE 9. HEALTH SERVICES**  
**CHAPTER 5. DEPARTMENT OF HEALTH SERVICES**  
**CHILD CARE FACILITIES**

**ARTICLE 1. GENERAL**

*Section*

R9-5-101. Definitions

**ARTICLE 2. FACILITY LICENSURE**

*Section*

R9-5-201. Application for a License

R9-5-202. Time-frames

Table 2.1 Time-frames (in calendar days)

R9-5-203. Fingerprinting and Central Registry ~~Background-Check~~ Requirements

R9-5-205. Submission of Licensure Fees

R9-5-208. Changes Affecting a License

**ARTICLE 3. FACILITY ADMINISTRATION**

*Section*

R9-5-301. General Licensee Responsibilities

R9-5-303. Posting of Notices

R9-5-305. Child Immunization Requirements

R9-5-307. Suspected or Alleged Child Abuse or Neglect

R9-5-310. Pesticides

**ARTICLE 4. FACILITY STAFF**

*Section*

R9-5-402. Staff Records and Reports

R9-5-403. Training Requirements

**ARTICLE 5. FACILITY PROGRAM AND EQUIPMENT**

*Section*

R9-5-501. General Child Care Program, Equipment, and Health and Safety Standards

R9-5-507. Supplemental Standards for Children with Special Needs

Table 5.1 Meal Pattern Requirements for Children  
R9-5-517. Transportation

## **ARTICLE 6. PHYSICAL PLANT OF A FACILITY**

### *Section*

R9-5-601. General Physical Plant Standards  
R9-5-602. Facility Square footage Requirements  
R9-5-603. Outdoor Activity Areas

## ARTICLE 1. GENERAL

### R9-5-101. Definitions

In addition to the definitions in A.R.S. § 36-881, the following definitions apply in this Chapter unless otherwise specified:

1. “Abuse” has the same meaning as in A.R.S. § 8-201.
2. “Accident” means an unexpected occurrence that:
  - a. Causes injury to an enrolled child,
  - b. Requires attention from a staff member, and
  - c. May or may not be an emergency.
3. “Accommodation school” has the same meaning as in A.R.S. § 15-101.
4. “Accredited” means approved by the:
  - a. New England ~~Association of Schools and Colleges~~ Commission of Institution of Higher Education,
  - b. Middle States ~~Association of Colleges and Schools~~ Commission of Higher Education,
  - c. North Central ~~Association of Colleges and Schools~~ the Higher Learning Commission,
  - d. Northwest Commission on Colleges and Universities,
  - e. ~~Southern Association of Colleges and Schools~~ Commission on Colleges, or
  - f. Western Association of Schools and Colleges.
5. “Activity” means an action planned by a licensee and performed by an enrolled child while supervised by a staff member.
6. “Activity area” means a specific indoor or outdoor space or room of a licensed facility that is designated by a licensee for use by an enrolled child for an activity.
7. “Adaptive device” means equipment used to augment an individual’s use of the individual’s arms, legs, sight, hearing, or other physical part or function.
8. “Administrative completeness review time-frame” has the same meaning as in A.R.S. § 41-1072.
9. “Adult” means an individual who is at least 18 years of age.
10. “Age-appropriate” means consistent with a child’s age and age-related stage of physical growth and mental development.
11. “Agency” means any board, commission, department, office, or other administrative unit of the federal government, the state, or a political subdivision of the state.

12. “Applicant” means a person or governmental agency requesting one of the following:
  - a. A license, or
  - b. Approval of a change affecting a license under R9-5-208.
13. “Application” means the documents that an applicant is required to submit to the Department for licensure or approval of a request for a change affecting a license.
14. “Assistant teacher-caregiver” means a staff member who aids a teacher-caregiver in planning, developing, or conducting child care activities.
15. “Association” means a group of individuals other than a corporation, limited liability company, partnership, joint venture, or public school who has established a governing board and bylaws to operate a facility.
16. “Beverage” means a liquid for drinking, including water.
17. “Business organization” has the same meaning as “entity” in A.R.S. § 10-140.
18. “Calendar day” means each day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.
- ~~18.~~19. “Calendar week” means a seven-day period beginning on Sunday at 12:00 a.m. and ending on Saturday at 11:59 p.m.
- ~~19.~~20. “C.C.P.” means Certified Childcare Professional, a credential awarded by the ~~National Child Care Association~~ National Early Childhood Program Accreditation.
- ~~20.~~21. “C.D.A.” means Child Development Associate, a credential awarded by the Council for Professional Recognition.
- ~~21.~~22. “Change in ownership” means a transfer of controlling legal or controlling equitable interest and authority in a facility resulting from a sale or merger of a facility.
- ~~22.~~23. “Charter school” has the same meaning as in A.R.S. § 15-101.
- ~~23.~~24. “Child care experience” means an individual’s documented work with children in:
  - a. A child care facility or a child care group home that was licensed, certified, or approved by a state in the United States or by one of the Uniformed Services of the United States;
  - b. A public school, a charter school, a private school, or an accommodation school;
  - c. A public or private educational institution authorized under the laws of another state where instruction was provided for any grade or combination of grades between pre-kindergarten and grade 12; or
  - d. One of the following professional fields:

- i. Nursing,
  - ii. Social work,
  - iii. Psychology,
  - iv. Child development, or
  - v. A closely-related field.
- ~~24,25.~~ “Child care services” means the range of activities and programs provided by a licensee to an enrolled child, including personal care, supervision, education, guidance, and transportation.
25. ~~“Child Protective Services” means the Child Protective Services Program of the Arizona Department of Economic Security.~~
26. “Child with special needs” means:
- a. A child with a health care provider’s diagnosis and record of a physical or mental condition that substantially limits the child in providing self-care or performing manual tasks or any other major life function such as walking, seeing, hearing, speaking, breathing, or learning;
  - b. A child with a “developmental disability” as defined in A.R.S. § 36-551; or
  - c. A “child with a disability” as defined in A.R.S. § 15-761.
27. “Clean” means to remove dirt or debris by methods such as washing with soap and water, vacuuming, wiping, dusting, or sweeping.
28. “Closely-related field” means any educational instruction or occupational experience pertaining to the growth, development, physical or mental care, or education of children.
29. “Communicable disease” has the same meaning as in A.A.C. R9-6-101.
30. “Compensation” means money or other consideration, including goods, services, vouchers, time, government or public expenditures, government or public funding, or another benefit, that is received as payment.
31. “Corporal punishment” means any physical action used to discipline a child that inflicts pain to the body of the child, or that may result in physical injury to the child.
32. “CPR” means cardiopulmonary resuscitation.
33. “Credit hour” means an academic unit earned at an accredited college or university:
- a. By attending a one-hour class session each calendar week during a semester or equivalent shorter course term, or
  - b. Completing practical work for a course as determined by the accredited college or university.

- ~~34.~~ ~~“Days” means calendar days, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.~~
- ~~35.~~34. “Designated agent” means an individual who meets the requirements in A.R.S. § 36-889(D).
- ~~36.~~35. “Developmentally-appropriate” means consistent with a child’s physical, emotional, social, cultural, and cognitive development, based on the child’s age and family background and the child’s personality, learning style, and pattern and timing of growth.
- ~~37.~~36. “Discipline” means the on-going process of helping a child develop self-control and assume responsibility for the child’s own actions.
- ~~38.~~37. “Documentation” means information in written, photographic, electronic, or other permanent form.
- ~~39.~~38. “Electronic signature” has the same meaning as in ~~A.R.S. § 41-132(E)~~ A.R.S. § 41-351(9).
- ~~40.~~39. “Emergency” means a potentially life-threatening occurrence involving an enrolled child or staff member that requires an immediate response or medical treatment.
- ~~41.~~40. “Endanger” means to expose an individual to a situation where physical injury or mental injury to the individual may occur.
- ~~42.~~41. “Enrolled” means placed by a parent and accepted by a licensee for child care services.
- ~~43.~~42. “Evening and nighttime care” means child care services provided between the hours of 8:00 p.m. and 5:00 a.m.
- ~~44.~~43. “Facility” has the same meaning as “child care facility” in A.R.S. § 36-881.
- ~~45.~~44. “Facility director” means an individual who is designated by a licensee as the individual responsible for the daily onsite operation of a facility.
- ~~46.~~45. “Facility premises” means property that is:
- a. Designated on an application for a license by the applicant; and
  - b. Licensed for child care services by the Department under A.R.S. Title 36, Chapter 7.1, Article 1, and this Chapter.
- ~~47.~~46. “Fall zone” means the surface under and around a piece of equipment onto which a child falling from or exiting from the equipment would be expected to land.
- ~~48.~~47. “Field trip” means an activity planned by a staff member for an enrolled child:
- a. At a location or area that is not licensed for child care services by the Department, or

- b. At a child care facility in which the child is not enrolled.
- ~~49~~48. “Final construction drawings” means facility plans that include the architectural, structural, mechanical, electrical, fire protection, plumbing, and technical specifications of the physical plant and the facility premises and that have been approved by local government for the construction, alteration, or addition of a facility.
- ~~50~~49. “Food” means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.
- ~~51~~50. “Food preparation” means processing food for human consumption by cooking or assembling the food, but does not include distributing prepackaged food or whole fruits or vegetables.
- ~~52~~51. “Full-day care” means child care services provided for six or more hours per day between the hours of 5:00 a.m. and 8:00 p.m.
- ~~53~~52. “Governmental agency” has the same meaning as in A.R.S. § 44-7002.
- ~~54~~53. “Guidance” means the ongoing direction, counseling, teaching, or modeling of generally accepted social behavior through which a child learns to develop and maintain the self-control, self-reliance, and self-esteem necessary to assume responsibilities, make daily living decisions, and live according to generally accepted social behavior.
- ~~55~~54. “Hazard” means a source of endangerment.
- ~~56~~55. “Health care provider” means a physician, physician assistant, or registered nurse practitioner.
- ~~57~~56. “High school equivalency diploma” means:
- a. A document issued by the ~~Arizona Department of Education~~ State Board of Education under A.R.S. § 15-702 to an individual who passes a general educational development test or meets the requirements of A.R.S. § 15-702(B);
  - b. A document issued by another state to an individual who passes a general educational development test or meets the requirements of a state statute equivalent to A.R.S. § 15-702(B); or
  - c. A document issued by another country to an individual who has completed that country’s equivalent of a 12th grade education, as determined by the Department based upon information obtained from American or foreign consulates or embassies or other governmental agencies.
- ~~58~~57. “Hours of operation” means the specific time during a day for which a licensee is licensed to provide child care services.

- ~~59-58.~~ “Illness” means physical manifestation or signs of sickness, such as pain, vomiting, rash, fever, discharge, or diarrhea.
- ~~60-59.~~ “Immediate” or “immediately” means without restriction, delay, or hesitation.
- ~~61-60.~~ “Inaccessible” means:
- a. Out of an enrolled child’s reach, or
  - b. Locked.
- ~~62-61.~~ “Infant” means:
- a. A child 12 months of age or younger, or
  - b. A child 18 months of age or younger who is not yet walking.
- ~~63-62.~~ “Infant care” means child care services provided to an infant.
- ~~64-63.~~ “Infestation” means the presence of lice, pinworms, scabies, or other parasites.
- ~~65-64.~~ “Inspection” means:
- a. ~~Onsite examination~~ Examination of a facility by the Department to determine compliance with A.R.S. Title 36, Chapter 7.1, Article 1, and this Chapter;
  - b. ~~Onsite review~~ Review of facility documents, records, or reports by the Department; or
  - c. ~~Onsite examination~~ Examination of a facility by a local governmental agency.
- ~~66-65.~~ “Lesson plan” means a written description of the activities scheduled in each activity area for a day.
- ~~67-66.~~ “License” means the written authorization issued by the Department to operate a facility in Arizona.
- ~~68-67.~~ “Licensed applicator” ~~has the same meaning as in A.R.S. § 32-2301~~ who complies with A.A.C. R3-8-201(C).
- ~~69-68.~~ “Licensed capacity” means the maximum number of enrolled children for whom a licensee is authorized by the Department to provide child care services in a facility or a part of a facility at any given time.
- ~~70-69.~~ “Licensee” means a person or governmental agency to whom the Department has issued a license to operate a facility in Arizona.
- ~~71-70.~~ “Local” means under the jurisdiction of a city or county in Arizona.
- ~~72-71.~~ “Mat” means a foam pad that has a waterproof cover and is of sufficient size and thickness to accommodate the height, width, and weight of a reclining child’s body.
- ~~73.~~ ~~“Material safety data sheet” means the information provided by a manufacturer describing chemical qualities, hazards, safety precautions, and emergency procedures to be followed in case of a spill, fire, or other emergency.~~

- ~~74~~72. “Medication” means a substance prescribed by a physician, physician assistant, or registered nurse practitioner or available without a prescription for the treatment or prevention of illness or infestation.
- ~~75~~73. “Menu” means:
- a. A written description of the food that a facility provides and serves as a meal or snack, or
  - b. The combination of food that a facility provides and serves as a meal or snack.
- ~~76~~74. “Motor vehicle” has the same meaning as in A.R.S. § 28-101.
- ~~77~~75. “N.A.C.” means the National Administrator Credential, a credential issued by the ~~National Child Care Association~~ National Institute of Child Care Management.
- ~~78~~76. “Name” means, for an individual, the individual’s first name and the individual’s last name.
- ~~79~~77. “Naptime” means any time during hours of operation, other than evening and nighttime hours, that is designated by a licensee for the rest or sleep of enrolled children.
- ~~80~~78. “Neglect” has the same meaning as in A.R.S. § 8-201.
- ~~81~~79. “One-year-old” means a child who is not an infant and at least 12 months of age but not yet two years of age.
- ~~82~~80. “Outbreak” has the same meaning as in A.A.C. R9-6-101.
- ~~83~~81. “Overall time-frame” has the same meaning as in A.R.S. § 41-1072.
- ~~84~~82. “Parent” means:
- a. A natural or adoptive mother or father,
  - b. A legal guardian appointed by a court of competent jurisdiction, or
  - c. A “custodian” as defined in A.R.S. § 8-201.
- ~~85~~83. “Part-day care” means child care services provided for fewer than six hours per day between the hours of 5:00 a.m. and 8:00 p.m.
- ~~86~~84. “Perishable food” means food that becomes unfit for human consumption if not stored to prevent spoilage.
- ~~87~~85. “Pesticide” has the same meaning as in ~~A.R.S. § 32-2304~~ A.R.S. § 32-3601.
- ~~88~~86. “Pesticide label” means the written, printed, or graphic matter approved by the United States Environmental Protection Agency on, or attached to, a pesticide container.
- ~~89~~87. “Physical injury” means temporary or permanent damage or impairment to a child’s body.

- ~~90-88.~~ “Physical plant” means a building that houses a facility, or the licensed areas within a building that houses a facility, including the architectural, structural, mechanical, electrical, plumbing, and fire protection elements of the building.
- ~~91-89.~~ “Physician” means an individual licensed as a doctor of:
- a. Allopathic medicine under A.R.S. Title 32, Chapter 13;
  - b. Naturopathic medicine under A.R.S. Title 32, Chapter 14;
  - c. Osteopathic medicine under A.R.S. Title 32, Chapter 17;
  - d. Homeopathic medicine under A.R.S. Title 32, Chapter 29; or
  - e. Allopathic, naturopathic, osteopathic, or homeopathic medicine under the law of another state.
- ~~92-90.~~ “Physician assistant” means:
- a. An individual who is licensed under A.R.S. Title 32, Chapter 25; or
  - b. An individual who is licensed as a physician assistant under the law of another state.
- ~~93-91.~~ “Private pool” has the same meaning as “private residential swimming pool” in A.A.C. R18-5-201.
- ~~94-92.~~ “Private school” has the same meaning as in A.R.S. § 15-101.
- ~~95-93.~~ “Program” means a variety of activities organized and conducted by a staff member.
- ~~96-94.~~ “Public pool” has the same meaning as “public swimming pool” in A.A.C. R18-5-201.
- ~~97-95.~~ “Public school” has the same meaning as “school” in A.R.S. § 15-101.
- ~~98-96.~~ “Registered nurse practitioner” means:
- a. An individual who is licensed and certified as a “registered nurse practitioner” under A.R.S. § 32-1601, or
  - b. An individual who is licensed or certified as a registered nurse practitioner under the law of another state.
- ~~99-97.~~ “Regular basis” means at recurring, fixed, or uniform intervals.
- ~~100-98.~~ “Responsible party” means an individual or a group of individuals who:
- a. Is assigned by a public school, charter school, or governmental agency; and
  - b. Has general oversight of the child care facility.
- ~~101-99.~~ “Sanitize” means to use heat, chemical agents, or germicidal solutions to disinfect and reduce pathogen counts, including bacteria, viruses, mold, and fungi.
- ~~102-100.~~ “School-age child” means a child who:
- a. Meets one of the following:
    - i. Is five years old on or before January 1 of the current school year, or

- ii. Is five years old on or before January 1 of the most recent school year; and
- b. Meets one of the following:
  - i. Attends kindergarten or a higher level program in a public, charter, accommodation, or private school during the current school year;
  - ii. Attended kindergarten or a higher level program in a public, charter, accommodation, or private school during the most recent school year;
  - iii. Is home-schooled at a kindergarten or higher level during the current school year; or
  - iv. Was home-schooled at a kindergarten or higher level during the most recent school year.

~~403.101.~~ “School-age child care” means child care services provided to a school-age child.

~~404.102.~~ “School campus” means the contiguous grounds of a public, charter, accommodation, or private school, including the buildings, structures, and outdoor areas available for use by children attending the school.

~~405.103.~~ “School governing board” has the same meaning as “governing board” in A.R.S. § 15-101.

~~406.104.~~ “Screen time” means the use of electronic media to watch television or to watch a video, a DVD, or a movie at the facility or at another location or the use of electronic media or a computer for game-playing, entertainment, communication, or educational purposes.

~~407.105.~~ “Semi-public pool” has the same meaning as “semipublic swimming pool” in A.A.C. R18-5-201.

~~408.106.~~ “Service classification” means one of the following:

- a. Full-day care;
- b. Part-day care;
- c. Evening and nighttime care;
- d. Infant care;
- e. One-year-old child care;
- f. Two-year-old child care;
- g. Three-year-old, four-year-old, and five-year-old child care;
- h. School-age child care; or
- i. Weekend care.

- ~~409~~107. “Signatory” means an individual who is authorized by a school district governing board, school district superintendent, or governmental agency to sign a document on behalf of the school district governing board, school district superintendent, or governmental agency.
- ~~440~~108. “Signed” means affixed with an individual’s signature or with a symbol representing an individual’s signature if the individual is unable to write the individual’s name.
- ~~441~~109. “Sippy cup” means a lidded drinking container that is designed to be leak proof or leak-resistant and from which a child drinks through a spout or straw.
- ~~442~~110. “Space utilization” means the designated use of an area within a facility for specific child care services or activities.
- ~~443~~111. “Staff” or “staff member” means the same as “child care personnel” as defined in A.R.S. § 36-883.02.
- ~~444~~112. “Student-aide” means an individual less than 16 years of age who is participating in an educational, curriculum-based course of study; vocational education; or occupational development program and who, without being compensated by a licensee, is present at a facility to receive instruction from and supervision by staff in the provision of child care services.
- ~~445~~113. “Substantive review time-frame” has the same meaning as in A.R.S. § 41-1072.
- ~~446~~114. “Supervision” means:
- a. For an enrolled child, knowledge of and accountability for the actions and whereabouts of the enrolled child, including the ability to see or hear the enrolled child at all times, to interact with the enrolled child, and to provide guidance to the enrolled child; or
  - b. For an individual other than an enrolled child, knowledge of and accountability for the actions and whereabouts of the individual, including the ability to see and hear the individual when the individual is in the presence of an enrolled child and the ability to intervene in the individual’s actions to prevent harm to enrolled children.
- ~~447~~115. “Swimming pool” has the same meaning as in A.A.C. R18-5-201.
- ~~448~~116. “Teacher-caregiver” means a staff member responsible for developing, planning, and conducting child care activities.
- ~~449~~117. “Teacher-caregiver-aide” means a staff member who provides child care services under the supervision of a teacher-caregiver.

~~120.118.~~ “Training” means child care-related conferences, seminars, lectures, workshops, classes, courses, or instruction.

~~121.119.~~ “Volunteer” means a staff member who, without compensation, provides child care services that are the responsibility of a licensee.

120. “Working day” means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a state holiday, federal holiday, or a statewide furlough day.

## ARTICLE 2. FACILITY LICENSURE

### R9-5-201. Application for a License

- A. An applicant for a license shall:
1. Be at least 21 years of age;
  2. If an individual, be a U.S. citizen or legal resident alien and a resident of Arizona;
  3. If a corporation, association, or limited liability company, be a domestic entity or a foreign entity qualified to do business in Arizona;
  4. If a partnership, have at least one partner who is a U.S. citizen or legal resident alien and a resident of Arizona;
  5. Submit to the Department an application packet containing:
    - a. An application on a form provided by the Department that contains:
      - i. The applicant's name;
      - ii. The applicant's date of birth;
      - iii. The facility's name, street address, city, state, zip code, mailing address, and telephone number;
      - iv. The requested service classifications;
      - v. Whether the applicant agrees to allow the Department to submit supplemental requests for information;
      - vi. A statement that the applicant has read and will comply with A.R.S. Title 36, Chapter 7.1, Article 1 and this Chapter;
      - vii. A statement that the information provided in the application packet is accurate and complete; and
      - viii. The applicant's signature and date the applicant signed the application;
    - b. A copy of the applicant's:
      - i. U.S. passport,
      - ii. Birth certificate,
      - iii. Naturalization documents, or
      - iv. Documentation of legal resident alien status;
    - c. A copy of the applicant's valid fingerprint clearance card issued according to A.R.S. Title 41, Chapter 12, Article 3.1;
    - d. A copy of the form required in A.R.S. § 36-883.02(C);
    - e. A certificate issued by the Department showing that the applicant has completed at least four hours of Department-provided training that included the

Department's role in licensing and regulating child care facilities under A.R.S. Title 36, Chapter 7.1, Article 1, and this Chapter;

- f. Except as provided in subsection (A)(5)(i), a site plan of the facility drawn to scale showing:
  - i. The drawing scale;
  - ii. The boundary dimensions of the property upon which the facility's physical plant is located;
  - iii. If more than one building is used for the facility, the location and perimeter dimensions of each building;
  - iv. The location of each driveway on the property;
  - v. The location and boundary dimensions of each parking lot on the property;
  - vi. The location and perimeter dimensions of each outdoor activity area;
  - vii. The location, type, and height of each fence and gate; and
  - viii. If applicable, the location of any swimming pool on the property;
- g. Except as provided in subsection (A)(5)(i), a floor plan of each building to be used for child care services drawn to scale showing:
  - i. The drawing scale;
  - ii. The length and width dimensions for each indoor activity area;
  - iii. The requested licensed capacity and applicable service classification for each indoor activity area;
  - iv. The location of each diaper changing area;
  - v. The location of each hand washing, utility, and three-compartment sink, toilet, urinal, and drinking fountain; and
  - vi. The location and type of fire alarm system;
- h. Except as provided in subsection (A)(5)(i):
  - i. A copy of a certificate of occupancy issued for the facility by the local jurisdiction;
  - ii. Documentation from the local jurisdiction that the facility was approved for occupancy; or
  - iii. If the documents in subsections (A)(5)(h)(i) and (ii) are not available, the seal of an architect registered as prescribed in A.R.S. § 32-121 on the site plan required in subsection (A)(5)(f) and the floor plan required in

- subsection (A)(5)(g) verifying compliance with current local building and fire codes, local zoning requirements, and this Chapter;
- i. For an applicant providing child care services to three-year-old, four-year-old, five-year-old, or school-age children in a facility located in a public school, a set of final construction drawings or a school map showing:
    - i. The location of each school building;
    - ii. The location and dimensions of each outdoor activity area to be used by enrolled children;
    - iii. The length and width dimensions for each indoor activity area;
    - iv. The requested licensed capacity and applicable service classification for each indoor activity area; and
    - v. The location of each hand-washing sink, toilet, urinal, and drinking fountain to be used by enrolled children;
  - j. If the facility is located within one-fourth of a mile of agricultural land:
    - i. The names and addresses of the owners or lessees of each parcel of agricultural land located within one-fourth mile of the facility, and
    - ii. A copy of an agreement complying with A.R.S. § 36-882 for each parcel of agricultural land;
  - k. The applicable fee in R9-5-206;
  - l. If the applicant is a business organization, a form provided by the Department that contains:
    - i. The name, street address, city, state, and zip code of the business organization;
    - ii. The type of business organization;
    - iii. The name, date of birth, title, street address, city, state, and zip code of each controlling person;
    - iv. A copy of the business organization's articles of incorporation, articles of organization, partnership documents, or joint venture documents, if applicable;
    - v. Documentation of good standing issued by the Arizona Corporation Commission and dated no earlier than three months before the date of the application; and
    - vi. A statement signed by the applicant stating:

- (1) That each controlling person has not been denied a certificate or license to operate a child care group home or child care facility in this state or another state, and
  - (2) That each controlling person has not had a certificate or license to operate a child care group home or child care facility revoked in this state or another state for endangering the health and safety of children;
- m. If the applicant is a public school, a form provided by the Department that contains:
  - i. The name of the school district;
  - ii. The name, title, street address, city, state, and zip code of each responsible party, if the responsible party is an individual, or each individual in the group, if the responsible party is a group of individuals;
  - iii. A statement signed by the applicant stating:
    - (1) That each individual in subsection (A)(5)(m)(ii) has not been denied a certificate or license to operate a child care group home or child care facility in this state or another state, and
    - (2) That each individual in subsection (A)(5)(m)(ii) has not had a certificate or license to operate a child care group home or child care facility revoked in this state or another state for endangering the health and safety of children; and
  - iv. A letter from the school district governing board or school district superintendent designating a signatory, if applicable;
- n. If the applicant is a charter school, a form provided by the Department that contains:
  - i. The name, title, street address, city, state, and zip code of each responsible party, if the responsible party is an individual, or each individual in the group, if the responsible party is a group of individuals;
  - ii. A statement signed by the applicant stating:
    - (1) That each individual in subsection (A)(5)(n)(i) has not been denied a certificate or license to operate a child care group home or child care facility in this state or another state, and
    - (2) That each individual in subsection (A)(5)(n)(i) has not had a certificate or license to operate a child care group home or child

care facility revoked in this state or another state for endangering the health and safety of children; and

iii. A letter from the school district governing board in which the charter school is located, the Arizona State Board of Education, or the Arizona State Board for Charter Schools, approving the applicant to operate the charter school; and

o. If the applicant is a governmental agency, a form provided by the Department that contains:

i. The name, title, street address, city, state, and zip code of each responsible party, if the responsible party is an individual, or each individual in the group, if the responsible party is a group of individuals;

ii. A statement signed by the applicant stating:

(1) That each individual in subsection (A)(5)(o)(i) has not been denied a certificate or license to operate a child care group home or child care facility in this state or another state, and

(2) That each individual in subsection (A)(5)(o)(i) has not had a certificate or license to operate a child care group home or child care facility revoked in this state or another state for endangering the health and safety of children; and

iii. A letter from the individual in the senior leadership position with the agency designating a signatory.

**B.** The Department requires a separate license and a separate application for:

1. Each facility owned by the same person at a different location, and
2. Each facility owned by a different person at the same location.

**C.** The Department does not require a separate application and license for a structure that is:

1. Located so that the structure and the facility:
  - a. Share the same street address, or
  - b. Can be enclosed by a single unbroken boundary line that does not encompass property owned or leased by another,
2. Under the same ownership as the facility, and
3. Intended to be used as a part of the facility.

**R9-5-202. Time-frames**

**A.** The overall time-frame for each type of approval granted by the Department under this Article is listed in Table 2.1. The applicant and the Department may agree in writing to extend the

substantive review time-frame and the overall time-frame. An extension of the substantive review time-frame and the overall time-frame may not exceed 25% of the overall time-frame.

- B.** The administrative completeness review time-frame for each type of approval granted by the Department under this Article is listed in Table 2.1 and begins on the date that the Department receives an application packet.
1. An application packet for a license is not complete until the date, provided to the Department with the application packet or by written notice, that the child care facility is ready for an onsite licensing inspection.
  2. The Department shall send a notice of administrative completeness or deficiencies to the applicant within the administrative completeness review time-frame.
    - a. A notice of deficiencies shall list each deficiency and the items needed to complete the application packet.
    - b. The administrative completeness review time-frame and the overall time-frame are suspended from the date that the notice of deficiencies is issued until the date that the Department receives all of the missing items from the applicant.
    - c. If an applicant for a license or an approval of a change affecting a license fails to submit to the Department all of the items listed in the notice of deficiencies within 180 calendar days after the date that the Department sent the notice of deficiencies, the Department shall consider the application or request for approval withdrawn.
  3. If the Department issues a license or other approval to the applicant during the administrative completeness review time-frame, the Department shall not issue a separate written notice of administrative completeness.
- C.** The substantive review time-frame for each type of approval granted by the Department under this Article is listed in Table 2.1 and begins on the date of the notice of administrative completeness.
1. As part of the substantive review for a license application, the Department shall conduct an inspection that may require more than one visit to the facility.
  2. As part of the substantive review for a request for approval of a change affecting a license that requires a change in the use of physical space at the facility, the Department shall conduct an evaluation of the request to determine compliance with applicable rules and statutes that may include an onsite inspection.
  3. The Department shall send a license, a written notice of approval, or denial of a license or other request for approval to an applicant within the substantive review time-frame.

4. During the substantive review time-frame, the Department may make one comprehensive written request for additional information, unless the Department and the applicant have agreed in writing to allow the Department to submit supplemental requests for information.
  - a. If the Department determines that an applicant or a facility is not in substantial compliance with A.R.S. Title 36, Chapter 7.1, Article 1 and this Chapter, the Department shall send a comprehensive written request for additional information that includes a written statement of deficiencies stating each statute and rule upon which noncompliance is based.
  - b. An applicant shall submit to the Department all of the information requested in the comprehensive written request for additional information and documentation of the corrections required in the statement of deficiencies, if applicable within 120 calendar days after the date of the comprehensive written request for additional information.
  - c. The substantive review time-frame and the overall time-frame are suspended from the date that the Department issues a comprehensive written request for additional information or a supplemental request for information until the date that the Department receives all of the information requested, including documentation of corrections required in a statement of deficiencies, if applicable.
  - d. If an applicant fails to submit to the Department all of the information requested in a comprehensive written request for additional information or a supplemental request for information, including documentation of corrections required in a statement of deficiencies, if applicable, within the time prescribed in subsection (C)(4)(b), the Department shall deny the application.
5. The Department shall issue a license or other approval if the Department determines that the applicant and facility are in substantial compliance with A.R.S. Title 36, Chapter 7.1, Article 1 and this Chapter, and the applicant submits documentation of corrections that is acceptable to the Department for any deficiencies.
6. If the Department determines that a license or other approval is to be denied, the Department shall send to the applicant a written notice of denial complying with A.R.S. § 36-888 and stating the reasons for denial and all other information required by A.R.S. §§ 36-888 and 41-1076.

**Table 2.1. Time-frames (in calendar days)**

Type of Approval	Statutory Authority	Overall Time-Frame	Administrative Completeness Review Time-Frame	Substantive Review Time-Frame
License under R9-5-201	A.R.S. § 36-882	120	30	90
Approval of Change Affecting License under R9-5-208	A.R.S. §§ 36-882 and 36-883	75	30	45

**R9-5-203. Fingerprinting and Central Registry ~~Background Check~~ Requirements**

- A.** A licensee shall ensure that a staff member completes, signs, dates, and submits to the licensee, before the staff member’s starting date of employment or volunteer service:
  - 1. The form required in A.R.S. § 36-883.02(C); and
  - 2. If required by A.R.S. § 8-804, the form in A.R.S. § 8-804(I).
- B.** Except as provided in A.R.S. § 41-1758.03, a licensee shall ensure that each staff member submits to the licensee a copy of:
  - 1. The staff member’s valid fingerprint clearance card issued under A.R.S. Title 41, Chapter 12, Article 3.1; or
  - 2. The fingerprint clearance card application that the staff member submitted to the Department of Public Safety under A.R.S. § 41-1758.02 within seven working days after the staff member’s starting date of employment or volunteer service.
- C.** A licensee shall ensure that each staff member submits to the licensee a copy of the staff member’s valid fingerprint clearance card each time the fingerprint clearance card is issued or renewed.
- D.** If a staff member possesses a fingerprint clearance card that was issued before the staff member became a staff member at the facility, a licensee shall:
  - 1. Contact the Department of Public Safety within seven working days after the individual becomes a staff member to determine whether the fingerprint clearance card is valid; and
  - 2. Document this determination, including the name of the staff member, the date of contact with the Department of Public Safety, and whether the fingerprint clearance card is valid.
- E.** If required by A.R.S. § 8-804, before an individual’s starting date of employment or volunteer service, a licensee shall comply with the submission requirements in A.R.S. § 8-804(C) for the individual.
- F.** A licensee shall not allow an individual to be a staff member if the individual:

1. Has been denied a fingerprint clearance card under A.R.S. Title 41, Chapter 12, Article 3.1 and has not received an interim approval under A.R.S. § 41-619.55;
2. Receives an interim approval under A.R.S. § 41-619.55 but is subsequently denied a good cause exception under A.R.S. § 41-619.55 and a fingerprint clearance card under A.R.S. Title 41, Chapter 12, Article 3.1;
3. Is a parent or guardian of a child adjudicated to be a dependent child as defined in A.R.S. § 8-201;
4. Has been denied or had revoked a certificate to operate a child care group home or a license to operate a child care facility for care of children in this state or another state;
5. Has been denied or had revoked a certification to work in a child care facility or a child care group home in this state or another state;
6. If applicable, has stated on the form required in A.R.S. § 8-804(I) that the individual is currently under investigation for an allegation of abuse or neglect or has a substantiated allegation of abuse or neglect and has not subsequently received a central registry exception according to A.R.S. § 41-619.57; or
7. If applicable, is disqualified from employment or volunteer service as a staff member according to A.R.S. § 8-804 and has not subsequently received a central registry exception according to A.R.S. § 41-619.57.

**R9-5-205. Submission of Licensure Fees**

A licensee shall submit to the Department, every three years and no more than 60 calendar days before the anniversary date of the facility's license:

1. A form provided by the Department that contains:
  - a. The licensee's name,
  - b. The facility's name and license number, and
  - c. Whether the licensee intends to submit the applicable fee:
    - i. With the form, or
    - ii. According to the payment plan in subsection (2)(b), and
2. Either:
  - a. The applicable fee in R9-5-206, or
  - b. One-half of the applicable fee in R9-5-206 with the form and the remainder of the applicable fee due no later than 120 calendar days after the anniversary date of the facility's license.

**R9-5-208. Changes Affecting a License**

- A. At least 30 calendar days before the date of a change in a facility's name, a licensee shall send the

Department written notice of the name change and the Department shall issue an amended license that incorporates the name change but retains the anniversary date of the current license.

**B.** At least 30 calendar days before the date of an intended change in a facility's service classification, space utilization, or licensed capacity, a licensee shall submit a written request for approval of the intended change to the Department that includes:

1. The licensee's name;
2. The facility's name, street address, city, state, zip code, mailing address, and telephone number;
3. The name, telephone number, and fax number of a point of contact for the request;
4. The facility's license number;
5. The type of change intended:
  - a. Service classification,
  - b. Space utilization, or
  - c. Licensed capacity;
6. A narrative description of the intended change; and
7. The following additional information, as applicable:
  - a. If the intended change affects an activity area, the following information about each affected activity area, as applicable:
    - i. Identification of the activity area,
    - ii. Current and intended square footage,
    - iii. Current and intended operating hours,
    - iv. Current and intended service classification,
    - v. Current and intended licensed capacity, and
    - vi. Whether the activity area has or will have a diaper changing area;
  - b. If the intended change is to increase licensed capacity, the square footage of the outdoor activity area; and
  - c. If the intended change includes an alteration or addition to the physical plant of a licensed facility, the following, as applicable:
    - i. If the facility is not located in a public school or if providing child care services to infants, one-year-old children, or two-year-old children in a facility located in a public school, the information required in R9-5-201(A)(5)(f) and (g) showing the intended change; or
    - ii. If the facility is located in a public school and provides child care only for three-year-old, four-year-old, or five-year-old, or school-age children,

a set of final construction drawings or a school map, including the information required in R9-5-201(5)(i) showing the intended change.

- C. If the intended change in subsection (B) includes an increase in the licensed capacity, a licensee shall submit the fee for an increase in licensed capacity in R9-5-206(C) with the written request for approval.
- D. If requesting a diaper changing area outside an infant room or indoor activity area to allow privacy for diapering an enrolled child with special needs, submit a written request for an approval; and
  - a. For a license application, submit physical plant documents required by R9-5-201(A)(5)(g) that designate the location of the proposed diaper changing area;
  - b. For a licensed facility, submit a drawing of the proposed diaper changing area to the Department before installing the diaper changing area. Within 30 calendar days after the date of the receipt of the request, the Department shall send written notice to the licensee of approval or disapproval. If the proposed diaper changing area:
    - i. Complies with A.R.S. Title 36, Chapter 7.1, Article 1 and this Chapter and provides privacy for the enrolled child with special needs, the Department shall approve the proposed diaper changing area; or
    - ii. Does not comply with A.R.S. Title 36, Chapter 7.1, Article 1 or this Chapter or provide privacy for the enrolled child with special needs, the Department shall provide the licensee with the requirements necessary for the Department to approve the requested change; and
  - c. Not use a diaper changing area located outside of an activity area until the Department approves the use of the diaper changing area;
- D. The Department shall review a request submitted under subsection (B) according to R9-5-202. If the intended change is in compliance with A.R.S. Title 36, Chapter 7.1, Article 1 and this Chapter and any applicable fee is submitted, the Department shall send the licensee written approval of the requested change or an amended license that incorporates the change but retains the anniversary date of the current license.
- E. A licensee shall not implement any change described under subsection (B) until the Department issues an approval or amended license.
- F. At least 30 days before the date of a change in ownership of a facility, a licensee shall send the Department written notice of the change. A new owner shall obtain a new license as prescribed in R9-5-201 before the new owner begins operating the facility.
- G. A licensee changing a facility's location shall apply for a new license as prescribed in R9-5-201.

- H.** Within 30 calendar days after a change in a controlling person, a licensee shall send the Department written notice of the change that includes:
1. The name of the licensee;
  2. A description of the change made;
  3. The name, title, street address, city, state, and zip code of each controlling person;
  4. A statement that each controlling person has not been denied a certificate to operate a child care group home or a license to operate a child care facility for the care of children in this state or another state;
  5. A statement that each controlling person has not had a certificate to operate a child care group home or a license to operate a child care facility revoked in this state or another state for reasons that relate to endangerment of the health and safety of children;
  6. A statement that the information provided in the written notice is accurate and complete; and
  7. The signature of the licensee.
- I.** If the change in subsection (H) is a change in a controlling person who is a designated agent, a licensee shall include a copy of one of the following for the designated agent:
1. A U.S. passport,
  2. A birth certificate,
  3. Naturalization documents, or
  4. Documentation of legal resident alien status.
- J.** Within 30 calendar days after changing a responsible party, a licensee shall send the Department written notice of the change that includes:
1. The name of the licensee;
  2. A description of the change made;
  3. The name, title, street address, city, state, and zip code of each responsible party, if the responsible party is an individual, or each individual in the group, if the responsible party is a group of individuals; and
  4. A statement signed by the licensee stating:
    - a. That each individual in subsection (J)(3) has not been denied a certificate or license to operate a child care group home or child care facility in this state or another state, and
    - b. That each individual in subsection (J)(3) has not had a certificate or license to operate a child care group home or child care facility revoked in this state or another state for endangering the health and safety of children.

### ARTICLE 3. FACILITY ADMINISTRATION

#### R9-5-301. General Licensee Responsibilities

- A.** A licensee shall:
1. Designate a facility director who acts on behalf of the licensee and is responsible for the daily onsite operation of a facility;
  2. Submit the name of the designated facility director in writing to the Department before a license is issued;
  3. Except as provided in subsection (A)(4), within 10 calendar days before changing a facility director, submit written notice of the change including the new designated facility director's name and starting date;
  4. If the licensee is not aware of a change in the facility director 10 calendar days before the effective date of the change, submit written notice of the change to the Department including the new designated facility director's name and starting date within 72 hours after becoming aware of the change.
- B.** A licensee shall ensure that a facility director:
1. Designates, in writing, an individual who meets the requirements of R9-5-401(2) to act on behalf of the facility director when the facility director is not present in the facility;
  2. Supervises or assigns a teacher-caregiver to supervise each staff member who does not meet the qualifications of R9-5-401(3);
  3. Prepares a dated attendance record for each day and ensures that each staff member documents on the attendance record the time of each arrival and departure of the staff member; and
  4. Maintains on the facility premises, the dated attendance record required in subsection (B)(3) for 12 months after the date on the attendance record.
- C.** A licensee shall develop and implement written facility policies and procedures required for the daily onsite operation of the facility as prescribed in A.R.S. Title 36, Chapter 7.1, Article 1 and this Chapter.
- D.** A licensee shall ensure that the following individuals are allowed immediate access to facility premises during hours of operation:
1. A parent of an enrolled child or an individual designated in writing by the parent of an enrolled child; or
  2. A representative of:
    - a. The Department,

- b. The local health department,
  - c. ~~Child Protective Services~~ Arizona Department of Child Safety, or
  - d. The local fire department or State Fire Marshal.
- E.** A licensee shall, with the exception of individuals listed in subsection (D)(2), ensure that a staff member supervises any individual that is not a staff member who is on facility premises where enrolled children are present.
- F.** A licensee shall ensure that a staff member submits, on or before the starting date of employment or volunteer services, one of the following as evidence of freedom from infectious active tuberculosis:
- 1. Documentation of a negative Mantoux skin test or other tuberculosis screening test recommended by the U.S. Centers for Disease Control and Prevention, administered within 12 months before the starting date of employment or volunteer service, that includes the date and the type of tuberculosis screening test; or
  - 2. If the staff member has had a positive Mantoux skin test or other tuberculosis screening test, a written statement that the staff member is free from infectious active tuberculosis that is signed and dated by a health care provider within six months before the starting date of employment or volunteer service.
- G.** A licensee shall ensure that a staff member, who has current training in first aid and CPR, as required by R9-5-403 (E), is present:
- 1. At all times during hours of operation on facility premises,
  - 2. On field trips, and
  - 3. While transporting enrolled children in the facility's motor vehicle or a vehicle designated by the licensee to transport enrolled children.
- H.** A licensee shall prohibit the use or possession of the following items when an enrolled child is on facility premises, during hours of operation, or in any motor vehicle used for transporting an enrolled child:
- 1. Any beverage containing alcohol;
  - 2. A controlled substance as listed in A.R.S. Title 36, Chapter 27, Article 2, except where used as a prescription medication in the manner prescribed;
  - 3. A dangerous drug as defined in A.R.S. § 13-3401, except where used as a prescription medication in the manner prescribed;
  - 4. A prescription medication as defined in A.R.S. § 32-1901, except where used in the manner prescribed; or
  - 5. A firearm as defined in A.R.S. § 13-105.

- I. At least once a month, and at different times of the day, a licensee shall ensure that an unannounced fire and emergency evacuation drill is conducted and each staff member and enrolled child at the facility participates in the fire and emergency evacuation drill.
  - 1. If child care services for a child with special needs are provided at a facility, the licensee shall provide for the enrolled child's participation in each fire and emergency evacuation drill according to the enrolled child's individualized plan as specified in R9-5-507(A)(1).
  - 2. A licensee shall document each fire and emergency evacuation drill and maintain the documentation on facility premises for 12 months after the date of the fire and emergency evacuation drill.
- J. Every September, a licensee shall provide to parents of enrolled children information related to recommendations for influenza vaccinations for children.
- K. A licensee shall not allow a staff member who lacks proof of immunity against a disease listed in A.A.C. R9-6-702(A) to be present in the facility between the start and end of an outbreak of the disease at the facility.
- L. A licensee shall ensure that the Department is notified orally or in writing within 24 hours after an enrolled child's death at the child care facility during hours of operation.

**R9-5-303. Posting of Notices**

- A. A licensee shall post in a place that can be conspicuously viewed by individuals entering or leaving the facility or activity area the:
  - 1. Facility's license;
  - 2. Name of the facility director;
  - 3. Name of the individual designated to act on behalf of the facility director when the facility director is not present in the facility, as prescribed by R9-5-301(B)(1);
  - 4. Schedule of child care services fees and policy for refunding fees as prescribed by ~~A.R.S. § 36-882(O)~~ A.R.S. § 36-882(P);
  - 5. Breakfast, lunch, dinner, and snack menus for each calendar week at the beginning of the calendar week;
  - 6. Notice of the presence of any communicable disease or infestation listed in 9 A.A.C. 6, Article 2, Table 2, from the date of discovery through the incubation period of the communicable disease or infestation;
  - 7. Notice of the Department's intent to deny, revoke, or suspend as prescribed by A.R.S. § 36-888 at the expiration of time in the notice for the licensee to respond;
  - 8. Notice of an intermediate sanction imposed as prescribed by A.R.S. § 36-891.01 within 10 calendar days after the licensee received notice of the intermediate sanction;

9. Notice of a legal injunction imposed as prescribed by A.R.S. § 36-886.01 when the licensee receives the legal injunction; and
  10. Notice of the availability of facility inspection reports for public viewing at the facility premises.
- B.** A licensee shall ensure that the licensed capacity of each indoor activity area is posted in that activity area.
- C.** Except as prescribed in A.R.S. § 36-898(C), a licensee shall post a notification of pesticide application in each activity area and in each entrance of a facility, at least 48 hours before a pesticide is applied on the facility's premises, containing:
1. The date and time of the pesticide application, and
  2. A statement that written pesticide information is available from the licensee upon request.

**R9-5-305. Child Immunization Requirements**

- A.** A licensee shall not permit an enrolled child to attend a facility until the facility receives:
1. An immunization record for the enrolled child with the information required in 9 A.A.C. 6, Article 7, documenting that the enrolled child has received all current, age-appropriate immunizations required under 9 A.A.C. 6, Article 7:
    - a. Provided by a health care provider, or
    - b. Generated from the Arizona State Immunization Information System, which is the Department's child immunization reporting system established in A.R.S. § 36-135; or
  2. An exemption affidavit for the enrolled child provided by the enrolled child's parent that contains:
    - a. A statement, signed by the enrolled child's health care provider, that the immunizations required by 9 A.A.C. 6, Article 7 would endanger the enrolled child's health or medical condition; or
    - b. A statement, signed by the enrolled child's parent, that the enrolled child is being raised in a religion whose teachings are in opposition to immunization.
- B.** A licensee shall attach an enrolled child's written immunization record or exemption affidavit, required in subsection (A), to the enrolled child's Emergency, Information, and Immunization Record card, required in R9-5-304(B).
- C.** A licensee shall ensure that a staff member updates an enrolled child's written immunization record required in subsection (A)(1)(a) each time the enrolled child's parent provides the licensee with a written statement from the enrolled child's health care provider that the enrolled child has received an age-appropriate immunization required by 9 A.A.C. 6, Article 7.

- D.** If an enrolled child's immunization record indicates that the enrolled child has not received an age-appropriate immunization required by 9 A.A.C. 6, Article 7, a licensee shall ensure that a staff member:
1. Notifies the enrolled child's parent in writing that the enrolled child may attend the facility for not more than 15 calendar days after the date of the notification unless the enrolled child's parent complies with the immunization requirements in 9 A.A.C. 6, Article 7; and
  2. Documents on the enrolled child's Emergency, Information, and Immunization Record card the date on which the enrolled child's parent is notified of an immunization required by the Department.
- E.** A licensee shall not allow an enrolled child who lacks proof of immunity against a disease listed in A.A.C. R9-6-702(A) to attend the child care facility between the start and end of an outbreak of the disease at the facility.
- F.** If a parent of an enrolled child, excluded from a child care facility because of the lack of documented immunity to a disease during an outbreak of the disease at the child care facility, submits any of the documents in A.A.C. R9-6-704 as proof of the enrolled child's immunity to the disease, a licensee shall allow the enrolled child to attend the child care facility during the outbreak of the disease.

**R9-5-307. Suspected or Alleged Child Abuse or Neglect**

A licensee shall ensure that the licensee or a staff member documents and reports all suspected or alleged cases of child abuse or neglect.

1. The licensee or staff member shall report the suspected or alleged child abuse or neglect to ~~Child Protective Services~~ the Arizona Department of Child Safety or to a local law enforcement agency as prescribed in A.R.S. § 13-3620. The licensee or staff member shall also send documentation to ~~Child Protective Services~~ the Arizona Department of Child Safety and any local law enforcement agency previously notified within three calendar days of the initial report, and maintain documentation of a child abuse or neglect report on facility premises for 12 months after the date of a report.
2. The licensee or staff member shall report the suspected or alleged child abuse by a staff member to the Department and to a local law enforcement agency as prescribed in A.R.S. § 13-3620. A licensee or staff member shall also send documentation to the Department and to any law enforcement agency previously notified within three calendar days of the initial report, and maintain documentation of a child abuse report on facility premises for 12 months after the date of a report.

**R9-5-310. Pesticides**

- A.** A licensee shall make written pesticide information available to a parent, upon a parent's request, at least 48 hours before a pesticide application occurs on facility premises, containing:
1. The brand, concentration, rate of application, and any use restrictions required by the label of the herbicide or specific pesticide;
  2. The date and time of the pesticide application;
  3. The pesticide label ~~and the material safety data sheet~~; and
  4. The name and telephone number of the pesticide business licensee and the name of the licensed applicator providing pesticide services.
- B.** A licensee is exempt from the provisions in subsection (A), as prescribed by A.R.S. § 36-898(C).

## **ARTICLE 4. FACILITY STAFF**

### **R9-5-402. Staff Records and Reports**

- A.** A licensee shall maintain a file for each staff member containing:
1. The staff member's name, date of birth, home address, and telephone number;
  2. The staff member's starting date of employment or volunteer service;
  3. The staff member's ending date of employment or volunteer service, if applicable;
  4. The ~~name, telephone number, and mailing address~~ name and telephone number of an individual to be notified in case of an emergency;
  5. The staff member's written statement attesting to current immunity against measles, rubella, diphtheria, mumps, and pertussis;
  6. The form required in A.R.S. § 36-883.02(C);
  7. Documents required by R9-5-203(A)(2) or (B);
  8. Documents required by R9-5-301;
  9. Documents required by R9-5-401, if applicable;
  10. If applicable:
    - a. The form required in A.R.S. § 8-804(I),
    - b. Documentation of the submission required in A.R.S. § 8-804 and the information received as a result of the submission, and
    - c. Documentation of training provided by a licensee as required by R9-5-403;
  11. A copy of any current license or certification required by A.R.S. Title 36, Chapter 7.1, Article 1, or this Chapter; and
  12. Documentation of the requirements in A.R.S. § 36-883.02(D).
- B.** A licensee shall ensure that, for a staff member who is currently working at the facility, the staff member's information required by:
1. Subsections (A)(1) through (11) is maintained in a single location on facility premises, and
  2. Subsection (A)(12) is maintained and provided to the Department within two hours of the Department's request.
- C.** A licensee shall ensure that, for an individual who is not currently working at the facility, the information required in subsections (A)(1) through (12) is:
1. Maintained for 12 months after the date the individual last worked at the facility, and
  2. Provided to the Department within two hours of the Department's request.

### **R9-5-403. Training Requirements**

**A.** Within 10 calendar days of the starting date of employment or volunteer service, a licensee shall provide, and each staff member who provides child care services shall complete, training for new staff members that includes all of the following:

1. Facility philosophy and goals;
2. Names and ages of and developmental expectations for enrolled children for whom the staff member will provide child care services;
3. Health needs, nutritional requirements, any known allergies, and information about adaptive devices of enrolled children for whom the staff member will provide child care services;
4. Lesson plans;
5. Child guidance and methods of discipline;
6. Hand washing techniques;
7. Diapering techniques and toileting, if assigned to diaper changing duties;
8. Food preparation, service, sanitation, and storage, if assigned to food preparation;
9. If a staff member is assigned to feeding infants, the preparation, handling, and storage of infant formula and breast milk;
10. Recognition of signs of illness and infestation;
11. Child abuse or neglect detection, prevention, and reporting;
12. Accident and emergency procedures;
13. Staff responsibilities as required by A.R.S. Title 36, Chapter 7.1, Article 1 and this Chapter;
14. Sun safety policies and procedures;
15. Safety in outdoor activity areas;
16. Transportation procedures, if applicable; and
17. Field trip procedures, if applicable.

**B.** A licensee shall ensure that:

1. Each staff member who provides child care services completes 18 or more actual hours of training every 12 months after the effective date of this Chapter or the staff member's starting date of employment or volunteer service in at least two topics listed in this subsection:
  - a. Child growth and development, including:
    - i. Infant growth and development, which may include sudden infant death syndrome prevention;
    - ii. Developmental psychology;

- iii. Language development;
  - iv. Observation and child assessment;
  - v. Developmentally-appropriate activities;
  - vi. Child guidance and methods of discipline which may include training on the appropriate techniques to prevent a child from harm or to prevent the child from harming others; and
  - vii. Developmentally-appropriate activity areas;
- b. Health and safety issues, including:
    - i. Accident and emergency procedures, including CPR and first aid for infants and children;
    - ii. Recognition of signs of illness and infestation;
    - iii. Nutrition and developmentally-appropriate eating habits;
    - iv. Child abuse detection, reporting, and prevention;
    - v. Safety of indoor and outdoor activity areas; and
    - vi. Sun safety policies and procedures;
  - c. Program administration, planning, development, or management; and
  - d. Availability of community services and resources, including those available to children with special needs; and
2. As part of the required 18 hours of training in subsection (B)(1):
- a. A staff member who has less than 12 months of child care experience before the staff member's starting date, completes at least 12 hours in one or more of the topics in subsection (B)(1)(a) in the staff member's first 12 months at the facility;
  - b. A staff member who has 12 months or more of child care experience, completes at least six hours in one or more of the topics in subsection (B)(1)(a) every 12 months after the staff member's starting date;
  - c. A staff member who provides child care services to an infant completes at least six hours in subsection (B)(1)(a)(i) every 12 months after the staff member's starting date; and
  - d. A facility director completes at least six hours in subsection (B)(1)(c) every 12 months after the facility director's starting date.
- C.** A licensee shall ensure that documentation of a staff member's completion of training required by subsection (A) is signed by the facility director and dated.
- D.** A licensee shall ensure that a staff member submits to the licensee documentation of training received as required by subsection (B) to the licensee as the training is completed.

- E.** A licensee shall ensure that a staff member required by R9-5-301(G) meets all of the following:
1. The staff member obtains first aid training specific to infants and children;
  2. The staff member obtains CPR training specific to infants and children, which includes a demonstration of the staff member's ability to perform CPR;
  3. The staff member maintains current training in first aid and CPR; and
  4. The staff member provides the licensee with a copy of the front and back of the current card ~~issued by the agency or instructor~~ issued to the staff member upon completing first aid and CPR training as proof of completion of the requirements of this subsection.

## **ARTICLE 5. FACILITY PROGRAM AND EQUIPMENT**

### **R9-5-501. General Child Care Program, Equipment, and Health and Safety Standards**

**A.** A licensee shall ensure that:

1. In addition to complying with the requirements in this Chapter, the health, safety, or welfare of an enrolled child is not placed at risk of harm;
2. Except for an enrolled school-age child, drinking water is provided sufficient for the needs of and accessible to each enrolled child in both indoor and outdoor activity areas;
3. For an enrolled school-age child, if drinking water is not accessible in an indoor or outdoor activity area, drinking water sufficient to meet the individual needs of each enrolled school-aged child is available;
4. An enrolled child is placed in an age-appropriate or developmentally-appropriate group;
5. Indoor activity areas used by enrolled children are decorated with age-appropriate articles such as mirrors, bulletin boards, pictures, and posters;
6. Age-appropriate toys, materials, and equipment are provided to enable each enrolled child to participate in an activity;
7. Storage space is provided in the facility for indoor and outdoor toys, materials, and equipment in areas accessible to enrolled children;
8. Clean clothing is available to an enrolled child when the enrolled child needs a change of clothing;
9. If a staff member places an enrolled child in a feeding chair when feeding the enrolled child:
  - a. The feeding chair is constructed to prevent toppling;
  - b. The tray or feeding surface of the feeding chair is smooth and free of cracks; and
  - c. The staff member:
    - i. Cleans the feeding chair before and after each enrolled child's use;
    - ii. Sanitizes the tray or feeding surface before and after each enrolled child's use; and
    - iii. If the feeding chair was manufactured with a safety strap, fastens the feeding chair's safety strap while the enrolled child is in the feeding chair;
10. At least one indoor activity area in the facility is equipped with at least one cot or mat, a sheet, and a blanket, where an enrolled child can rest quietly away from other enrolled children;

11. Outdoor activities are scheduled to allow not less than 75 square feet for each enrolled child occupying the facility's outdoor activity area or indoor activity area substituted for outdoor activity area at any time;
12. The facility premises, including the buildings, are maintained free from hazards;
13. Toys and play equipment, required in this Article, are maintained:
  - a. Free from hazards, and
  - b. In a condition that allows the toy or play equipment to be used for the original purpose of the toy or play equipment;
14. Temperatures are maintained between 68° F and 82° F in each room used by enrolled children;
15. Except when an enrolled child is napping or sleeping, each room used by an enrolled child is maintained at a minimum of 30 foot candles of illumination;
16. When an enrolled child is napping or sleeping in a room, the room is maintained at a minimum of 5 foot candles of illumination;
17. Each enrolled child's toothbrush, comb, washcloth, cloth towel, and clothing is maintained in a clean condition and stored in an identified space separate from those of other enrolled children;
18. Each enrolled child's pacifier is labeled with an identifier that is specific to the enrolled child and maintained in a clean condition;
19. Except as provided in subsection (A)(20), the following are stored separate from food storage areas and are inaccessible to an enrolled child:
  - a. All materials and chemicals labeled as a toxic or flammable substance;
  - b. All substances that have a child warning label and may be a hazard to a child; and
  - c. Lawn mowers, ladders, toilet brushes, plungers, and other facility equipment that may be a hazard to a child;
20. Hand sanitizers:
  - a. When being stored, are stored separate from food storage areas and are inaccessible to enrolled children; and
  - b. When being provided for use, are accessible to enrolled children; and
21. Except when used as part of an activity, the following are stored in an area inaccessible to an enrolled child:
  - a. Garden tools, such as a rake, trowel, and shovel; and
  - b. Cleaning equipment and supplies, such as a mop and mop bucket.

- B.** A toy or piece of play equipment, which is free from hazards and in a condition that does not allow the toy or play equipment to be used for the toy or play equipment's original purpose, may be in an activity area but is not counted as one of the toys or play equipment required in this Article.
- C.** A licensee shall ensure that a staff member:
1. Supervises each enrolled child at all times;
  2. Does not smoke or use tobacco:
    - a. On facility premises, except in designated areas separated from the children; or
    - b. On a field trip or when transporting an enrolled child;
  3. Except for an enrolled child who can change the enrolled child's own clothing, changes an enrolled child's clothing when wet or soiled;
  4. Except as provided in subsection (D), prepares and posts in each indoor activity area, a current schedule of children's age-appropriate activities, including the times the following are provided:
    - a. Meals and snacks;
    - b. Naps;
    - c. Indoor activities;
    - d. Outdoor or large muscle development activities;
    - e. Quiet and active activities;
    - f. Teacher-directed activities;
    - g. Self-directed activities;
    - h. Activities for individuals, groups of five or fewer children, and groups of six or more children; and
    - i. Activities that develop small muscles;
  5. Except as provided in subsection (D), prepares and posts a dated lesson plan in each indoor activity area for each calendar week, which is maintained on facility premises for 12 months after the lesson plan date and provides opportunities for each child to:
    - a. Gain a positive self-concept;
    - b. Develop and practice social skills;
    - c. Think, reason, question, and experiment;
    - d. Acquire language skills;
    - e. Develop physical coordination skills;
    - f. Participate in structured large muscle physical activity;
    - g. Develop habits that meet health, safety, and nutritional needs;

- h. Express creativity;
  - i. Learn to respect cultural diversity of children and staff;
  - j. Learn self-help skills; and
  - k. Develop a sense of responsibility and independence;
6. If an activity in the lesson plan required in subsection (C)(5) includes screen time, include in the lesson plan the duration of the screen time in minutes;
  7. Except as provided in subsection (C)(8), implements the schedule in subsection (C)(4) and lesson plan in subsection (C)(5);
  8. If the schedule in subsection (C)(4) or lesson plan in subsection (C)(5) is not implemented, writes on the schedule or the lesson plan the activity that is implemented;
  9. Does the following when a parent permits or asks a staff member to apply personal products on an enrolled child, such as petroleum jelly, diaper rash ointments, sun screen or sun block preparations, toothpaste, and baby diapering preparations:
    - a. Obtains the enrolled child's personal products from the enrolled child's parent or, if the licensee provides the personal products for use by the enrolled child, obtains written approval for use of the products from the enrolled child's parent;
    - b. Labels the personal products with the enrolled child's name; and
    - c. Keeps the personal products inaccessible to enrolled children;
  10. When a parent permits, allows an enrolled school-age child to possess and use a topical sunscreen product without a note or prescription from a licensed health care professional.
  - ~~10-11.~~ In an indoor activity area that does not have a diaper changing area:
    - a. Stores an enrolled child's wet or soiled clothing in a sealed plastic bag labeled with the enrolled child's name; and
    - b. Sends an enrolled child's wet or soiled clothing home with the enrolled child when the facility releases the enrolled child to the enrolled child's parent; and
  - ~~11-12.~~ Monitors an enrolled child for overheating or overexposure to the sun. If the enrolled child exhibits signs of overheating or overexposure to the sun, a staff member who has the first aid training required by R9-5-403(E) shall evaluate and treat the enrolled child.
- D.** A licensee is not required to have a schedule required in subsection (C)(4) or a lesson plan required in subsection (C)(5) for an indoor activity area that is approved and used:
1. By enrolled children only for:
    - a. Snacks or meals, or
    - b. A specific activity,
  2. To provide child care services to infants, or

3. As a substitute for an outdoor activity area.

**R9-5-507. Supplemental Standards for Children with Special Needs**

- A.** A licensee providing child care services for a child with special needs shall:
1. Except as provided in subsection (A)(2), before a child with special needs receives child care services, obtain from the enrolled child's parent a copy of an existing individualized plan for the enrolled child that can be reviewed, adopted, and implemented by the licensee when providing child care services to the enrolled child that includes the following as needed for the enrolled child:
    - a. Medication schedule;
    - b. Nutrition and feeding instructions;
    - c. Qualifications required of a staff member who feeds the enrolled child;
    - d. Medical equipment or adaptive devices;
    - e. Medical emergency instructions;
    - f. Toileting and personal hygiene instructions;
    - g. Specific child care services to be provided to the enrolled child at the facility;
    - h. Information from health care providers, including the frequency and length of any prescribed medical treatment or therapy;
    - i. Training required of a staff member to care for the enrolled child's special needs; and
    - j. Participation in fire and emergency evacuation drills;
  2. If an enrolled child with special needs does not have an existing individualized plan, obtain from the enrolled child's parent written instructions for providing services to the enrolled child until a written individualized plan required in subsection (A)(1) is developed by a team consisting of staff members, the enrolled child's parent, and health care providers that is completed within 30 calendar days after the enrolled child's initial date of receiving child care services;
  3. Maintain an enrolled child's current individualized plan on facility premises and if the current individualized plan was developed according to subsection (A)(2), provide a copy to the enrolled child's parent; and
  4. Ensure the individualized plan is updated at least every 12 months after the date of the initial plan or as changes occur.
- B.** If an enrolled child with special needs who is 18 months of age or older and does not walk is placed in an infant group, a licensee may move the enrolled child after the enrolled child's parent and licensee determine that the proposed move is developmentally-appropriate.

- C.** A licensee shall ensure that:
1. When tube feeding an enrolled child, a staff member only uses:
    - a. Commercially prepackaged formula in a ready-to-use state,
    - b. Formula prepared by the enrolled child's parent and brought to the facility in an unbreakable container, or
    - c. Breast milk brought to the facility in an unbreakable container; and
  2. Only a staff member instructed by an enrolled child's parent or individual designated by the enrolled child's parent:
    - a. Feeds the enrolled child using the enrolled child's tube-feeding apparatus, and
    - b. Cleans the enrolled child's tube-feeding apparatus.
- D.** A licensee shall provide an enrolled child with special needs with:
1. Developmentally-appropriate toys, materials, and equipment; and
  2. Assistance from staff members to enable the enrolled child to participate in the activities of the facility.
- E.** In addition to complying with the transportation requirements in R9-5-517, a licensee transporting an enrolled child with special needs in a wheelchair in a facility's motor vehicle shall ensure that:
1. The enrolled child's wheelchair is manufactured to be secured in a motor vehicle;
  2. The enrolled child's wheelchair is secured in the motor vehicle using a minimum of four anchorages attached to the motor vehicle floor, and four securement devices, such as straps or webbing that have buckles and fasteners, that attach the wheelchair to the anchorages;
  3. The enrolled child is secured in the wheelchair by means of a wheelchair restraint that is a combination of pelvic and upper body belts intended to secure a passenger in a wheelchair; and
  4. The enrolled child's wheelchair is placed in a position in the motor vehicle that does not prevent access to the enrolled child in the wheelchair or passage to the front and rear in the motor vehicle.
- F.** A licensee providing child care services for an enrolled child who uses a wheelchair or is not able to walk shall locate the enrolled child on the ground floor of the facility.
- G.** If a child care facility requires a separate diaper changing area to allow privacy while providing diapering to an enrolled child with special needs, the licensee shall submit a written request for approval of the intended change to the Department according to R9-5-208 prior to adding a diaper changing area.

**Table 5.1 Meal Pattern Requirements for Children**

TABLE OF MEAL PATTERN REQUIREMENTS FOR CHILDREN			
Food Components	Ages 1 through 2 years	Ages 3 through 5 years	Ages 6 and Older
<b>Breakfast:</b>			
1. Milk, fluid	1/2 cup	3/4 cup	1 cup
2. Vegetable, fruit, or <del>full-strength juice</del> <u>both</u>	1/4 cup	1/2 cup	1/2 cup
3. <del>Bread and bread alternates (whole grain or enriched);</del>			
<del>Bread</del>	<del>1/2 slice</del>	<del>1/2 slice</del>	<del>1 slice</del>
<del>or cornbread, rolls, muffins, or biscuits</del>	<del>1/2 serving</del>	<del>1/2 serving</del>	<del>1 serving</del>
<del>or cold dry cereal (volume or weight, whichever is less)</del>	<del>1/4 cup</del>	<del>1/3 cup</del>	<del>3/4 cup</del>
<del>or cooked cereal, pasta, noodle products, or cereal grains</del>	<del>1/4 cup</del>	<del>1/4 cup</del>	<del>1/2 cup</del>
<u>Grains</u>	<u>1/2 oz eq<sup>1</sup></u>	<u>1/2 oz eq<sup>1</sup></u>	<u>1 oz eq<sup>1</sup></u>
<b>Lunch or Supper:</b>			
1. Milk, fluid	1/2 cup	3/4 cup	1 cup
2. <del>Vegetable and/or fruit (2 or more kinds)</del>	<del>1/4 cup total</del>	<del>1/2 cup total</del>	<del>3/4 cup total</del>
<u>Vegetables</u>	<u>1/8 cup</u>	<u>1/4 cup</u>	<u>1/2 cup</u>
<u>Fruits</u>	<u>1/8 cup</u>	<u>1/4 cup</u>	<u>1/4 cup</u>
3. <del>Bread and bread alternates (whole grain or enriched);</del>			
<del>Bread</del>	<del>1/2 slice</del>	<del>1/2 slice</del>	<del>1 slice</del>
<del>or cornbread, rolls, muffins, or biscuits</del>	<del>1/2 serving</del>	<del>1/2 serving</del>	<del>1 serving</del>
<del>or cold dry cereal (volume or weight, whichever is less)</del>	<del>1/4 cup</del>	<del>1/3 cup</del>	<del>3/4 cup</del>
<del>or cooked cereal, pasta, noodle products, or cereal grains</del>	<del>1/4 cup</del>	<del>1/4 cup</del>	<del>1/2 cup</del>
<u>Grains</u>	<u>1/2 oz eq<sup>1</sup></u>	<u>1/2 oz eq<sup>1</sup></u>	<u>1 oz eq<sup>1</sup></u>
4. <del>Meat or meat alternates:</del>	<del>1 oz.</del>	<del>1 1/2 oz.</del>	<del>2 oz.</del>
<del>Lean meat, fish, or poultry (edible portion as served)</del>	<del>1 oz.</del>	<del>1 1/2 oz.</del>	<del>2 oz.</del>
<del>or cheese</del>	<del>1 oz.</del>	<del>1 1/2 oz.</del>	<del>2 oz.</del>
<del>or egg</del>	<del>1/2 egg</del>	<del>3/4 egg</del>	<del>1 egg</del>
<del>or cooked dry beans or peas*</del>	<del>1/4 cup</del>	<del>3/8 cup</del>	<del>1/2 cup</del>
<del>or peanut butter, soy nut butter, or other nut or seed butters</del>	<del>2 tbsp**</del>	<del>3 tbsp**</del>	<del>4 tbsp**</del>
<del>or peanuts, soy nuts, tree nuts, or seeds</del>	<del>1/2 oz.**</del>	<del>3/4 oz.**</del>	<del>1 oz.**</del>
<del>or an equivalent quantity of any combination of the above meat/meat alternates</del>			
<del>or yogurt</del>	<del>4 oz.</del>	<del>6 oz.</del>	<del>8 oz.</del>

Snack: (select 2 of these 4 components)***			
1. Milk, fluid	1/2 cup	1/2 cup	1 cup
2. <del>Vegetable, fruit, or full-strength juice</del>	<del>1/2 cup</del>	<del>1/2 cup</del>	<del>3/4 cup</del>
<u>Vegetables</u>	<u>1/2 cup</u>	<u>1/2 cup</u>	<u>3/4 cup</u>
<u>Fruits</u>	<u>1/2 cup</u>	<u>1/2 cup</u>	<u>3/4 cup</u>
3. <del>Bread and bread alternates (whole grain or enriched):</del>			
<del>Bread</del>	<del>1/2 slice</del>	<del>1/2 slice</del>	<del>1 slice</del>
<del>or cornbread, rolls, muffins, or biscuits</del>	<del>1/2 serving</del>	<del>1/2 serving</del>	<del>1 serving</del>
<del>or cold dry cereal (volume or weight, whichever is less)</del>	<del>1/4 cup</del>	<del>1/3 cup</del>	<del>3/4 cup</del>
<del>or cooked cereal, pasta, noodle products, or cereal grains</del>	<del>1/4 cup</del>	<del>1/4 cup</del>	<del>1/2 cup</del>
<u>Grains</u>	<u>1/2 oz</u>	<u>1/2 oz</u>	<u>1 oz</u>
4. <del>Meat or meat alternates:</del>	<del>1/2 oz.</del>	<del>1/2 oz.</del>	<del>1 oz.</del>
<del>Lean meat, fish, or poultry (edible portion as served)</del>	<del>1/2 oz.</del>	<del>1/2 oz.</del>	<del>1 oz.</del>
<del>or cheese</del>	<del>1/2 oz.</del>	<del>1/2 oz.</del>	<del>1 oz.</del>
<del>or egg</del>	<del>1/2 egg</del>	<del>1/2 egg</del>	<del>1/2 egg</del>
<del>or cooked dry beans or peas*</del>	<del>1/8 cup</del>	<del>1/8 cup</del>	<del>1/4 cup</del>
<del>or peanut butter, soy nut butter, or other nut or seed butters</del>	<del>1 tbsp</del>	<del>1 tbsp</del>	<del>2 tbsp</del>
<del>or peanuts, soy nuts, tree nuts, or seeds</del>	<del>1/2 oz.</del>	<del>1/2 oz.</del>	<del>1 oz.</del>
<del>or an equivalent quantity of any combination of the above meat/meat alternates</del>			
<del>or yogurt</del>	<del>2 oz.</del>	<del>2 oz.</del>	<del>4 oz.</del>

<sup>1</sup> Meat and meat alternates may be used to substitute the entire grains component a maximum of three times per week. Oz eq = ounce equivalents

\* In the same meal service, dried beans or dried peas may be used as a meat alternate or as a vegetable; however, such use does not satisfy the requirement for both components.

\*\* At lunch and supper, no more than 50% of the requirement shall be met with nuts, seeds, or nut butters. Nuts, seeds, or nut butters shall be combined with another meat or meat alternative to fulfill the requirement. Two tablespoons of nut butter or one ounce of nuts or seeds equals one ounce of meat.

\*\*\* Juice may not be served when milk is served as the only other component.

### R9-5-517. Transportation

A. A licensee who transports an enrolled child in a motor vehicle that the licensee owns, or acquires for use by contract, shall:

1. Obtain dated, written permission from the enrolled child's parent before the licensee transports the enrolled child;

2. Maintain written permission required in subsection (A)(1) on facility premises for 12 months after the date on the written permission;
3. Ensure that the motor vehicle is registered by the Arizona Department of Transportation as required by A.R.S. Title 28, Chapter 7;
4. Maintain documentation of current motor vehicle insurance coverage inside the motor vehicle;
5. Contact the Department no later than 24 hours after a motor vehicle accident that occurs while transporting an enrolled child;
6. Submit a written report to the Department within seven calendar days after a motor vehicle accident that occurs while transporting an enrolled child;
7. Not permit an enrolled child to be transported in a truck bed, camper, or trailer attached to a motor vehicle;
8. Use a child passenger restraint system, as required by A.R.S. § 28-907, for each enrolled child who ~~is younger than five years old~~; is:
  - a. Under eight years of age, and
  - b. Not more than four feet nine inches tall.
- ~~9.~~ ~~Except as provided in subsection (E), use an adjustable lap belt or an integrated lap and shoulder belt for each enrolled child who is five years old or older;~~
- ~~10.9.~~ Ensure that the motor vehicle has:
  - a. A working mechanical heating system capable of maintaining a temperature throughout the motor vehicle of at least 60° F when outside air temperatures are below 60° F;
  - b. Except as provided in subsection (E), a working air-conditioning system capable of maintaining a temperature throughout the motor vehicle at or below 86° F when outside air temperatures are above 86° F;
  - c. Except as provided in subsection (F), a first aid kit that meets the requirements of R9-5-514(A);
  - d. Two large, clean towels or blankets; and
  - e. Sufficient drinking water available to meet the needs of each enrolled child in the motor vehicle and sufficient cups or other drinking receptacles so that each enrolled child can drink from a different cup or receptacle;
- ~~11.10.~~ Ensure that the motor vehicle is:
  - a. Maintained in a clean condition,
  - b. In a mechanically safe condition, and

c. Free from hazards; and

~~12-11.~~ Maintain the service and repair records of the motor vehicle as follows:

a. A person operating a single child care facility shall maintain the service and repair records for at least 12 months after the date of an inspection or repair in a single location on facility premises;

b. A public or private school that uses a school bus, as defined in A.R.S. § 28-101, shall maintain the service and repair records for the school bus as provided in A.A.C. R17-9-108(F); and

c. A school governing board, charter school, or person operating multiple child care facilities shall maintain the service and repair records for any motor vehicle other than a school bus for at least 12 months after the date of an inspection or repair in a single administrative office located in the same city, town, or school attendance area as the facility.

**B.** A licensee shall ensure that an individual who drives a motor vehicle used to transport an enrolled child:

1. Is 18 years of age or older;
2. Holds a valid driver's license issued by the Arizona Department of Motor Vehicles as prescribed by A.R.S. Title 28, Chapter 8;
3. Carries a list stating the name of each enrolled child being transported and a copy of each enrolled child's Emergency, Information, and Immunization Record card including the attached immunization record or exemption affidavit, in the motor vehicle;
4. Requires that each door be locked before the motor vehicle is set in motion and keeps the doors locked while the motor vehicle is in motion;
5. Does not permit an enrolled child to be seated in front of a motor vehicle's air bag;
6. Requires that each enrolled child remain seated and entirely inside the motor vehicle while the motor vehicle is in motion;
7. Except as provided in subsection (E), requires that each enrolled child be secured in a seat belt before the motor vehicle is set in motion and while the motor vehicle is in motion;
8. Does not permit an enrolled child to open or close a door or window in the motor vehicle;
9. Sets the emergency parking brake and removes the ignition keys from the motor vehicle before exiting the motor vehicle;

10. Ensures that each enrolled child is loaded into or unloaded from the motor vehicle away from moving traffic at curbside or in a driveway, parking lot, or other location designated for this purpose; and
  11. Does not use audio headphones or a telephone while the motor vehicle is in motion.
- C.** When transporting an enrolled school-age child in a motor vehicle, a licensee shall ensure that the staff-to-children ratios required in R9-5-404(A) are met. A motor vehicle driver may be counted in the staff-to-children ratio, when transporting an enrolled school-age child in a motor vehicle, if the motor vehicle driver meets the qualifications of a teacher-caregiver.
- D.** When transporting an enrolled child who is not school-age in a motor vehicle, a licensee shall ensure that the staff-to-children ratios required in R9-5-404(A) are met. A motor vehicle driver may be counted in the staff-to-children ratio, when transporting an enrolled child who is not school-age in a motor vehicle, only if four or fewer enrolled children are being transported and the motor vehicle driver meets the qualifications of a teacher-caregiver.
- E.** A licensee who is transporting an enrolled child in a commercial vehicle, as defined in A.R.S. § 28-1301, is exempt from the provisions in subsections (A)(9), (A)(10)(b), and (B)(7).
- F.** A licensee who is transporting an enrolled child in a school bus, as defined in A.R.S. § 28-101, is exempt from the provision in subsection (A)(10)(c) and shall comply with A.A.C. R17-9-110.

## ARTICLE 6. PHYSICAL PLANT OF A FACILITY

### R9-5-601. General Physical Plant Standards

A licensee shall comply with the following physical plant requirements:

1. When a facility is licensed to care for more than five infants in an infant room as described in R9-5-502(A)(1), each infant room has two or more designated exits from the room;
2. Not including infants and children who use diapers, toilets and hand-washing sinks are available to enrolled children in a facility as follows:
  - a. At least one flush toilet and one hand-washing sink for 10 or fewer children,
  - b. At least two flush toilets and two hand-washing sinks for 11 to 25 children, and
  - c. At least one flush toilet and one hand-washing sink for each additional 20 children;
3. A hand-washing sink required in R9-5-503(A)(2) or subsection (2) provides running water with a drain connected to a sanitary sewer as defined in A.R.S. § 45-101;
4. Except as provided in ~~subsections (5) and (6)~~ subsection (5), when providing child care services for infants or children who require diapering, a diaper changing area that meets the requirements in R9-5-503 is available in each infant room or indoor activity area used by an enrolled infant or child who wears diapers or disposable training pants;
5. ~~If requesting a diaper changing area outside an infant room or indoor activity area to allow privacy for diapering an enrolled child with special needs, submit a written request for an approval; and~~
  - a. ~~For a license application, submit physical plant documents required by R9-5-201(A)(5)(g) that designate the location of the proposed diaper changing area;~~
  - b. ~~For a licensed facility, submit a drawing of the proposed diaper changing area to the Department before installing the diaper changing area. Within 30 calendar days after the date of the receipt of the request, the Department shall send written notice to the licensee of approval or disapproval. If the proposed diaper changing area:~~
    - i. ~~Complies with A.R.S. Title 36, Chapter 7.1, Article 1 and this Chapter and provides privacy for the enrolled child with special needs, the Department shall approve the proposed diaper changing area; or~~
    - ii. ~~Does not comply with A.R.S. Title 36, Chapter 7.1, Article 1 or this Chapter or provide privacy for the enrolled child with special needs, the~~

~~Department shall provide the licensee with the requirements necessary for the Department to approve the requested change; and~~

- ~~e. Not use a diaper changing area located outside of an activity area until the Department approves the use of the diaper changing area;~~

~~6.5.~~ A diaper changing area is not required in an activity area that is:

- a. Only used by enrolled children for snacks or meals,
- b. Used for a specific activity by enrolled children who are two years of age or older, or
- c. An indoor activity area that is being substituted for an outdoor activity area under R9-5-602(D); and

~~7.6.~~ A glass mirror, window, or other glass surface that is located within 36 inches of the floor is made of safety glass that has been manufactured, fabricated, or treated to prevent the glass from shattering or flying when struck or broken, or is shielded by a barrier to prevent impact by or physical injury to an enrolled child.

#### **R9-5-602. Facility Square Footage Requirements**

- A.** A licensee shall ensure that the facility meets the following square footage requirements for indoor activity areas based on the child care services classifications:
  - 1. At least 35 square feet of indoor activity space for each infant and 1-year-old child;
  - 2. At least 25 square feet of indoor activity space for each child who is not an infant or 1-year-old child; and
  - 3. When 1-year-old children are grouped together with children older than 1-year-old children in the same activity area, at least 35 square feet of indoor activity space for each child.
- B.** When computing indoor activity space for subsections (A)(1) through (3) to determine licensed capacity, the floor space occupied by the following shall be excluded:
  - 1. The interior walls;
  - 2. A kitchen, bathroom, closet, hallway, stair, entryway, office, a room designated for isolating an enrolled child from other children, storage rooms, and a room designated for the sole use of child care staff; and
  - 3. Room space occupied by teacher-caregiver desks, file cabinets, storage cabinets, and hand washing sinks for staff use.
- C.** To provide activities that develop large muscles and an opportunity to participate in structured large muscle physical activities, a licensee shall:

1. Provide at least 75 square feet of outdoor activity area per child for at least 50% of the facility's licensed capacity, or
  2. Comply with one of the following:
    - a. If no enrolled child attends the facility for more than four hours per day, provide at least 50 square feet of indoor activity area for each child, based on the facility's licensed capacity;
    - b. If no enrolled child attends the facility for more than six hours per day, provide at least 75 square feet of indoor activity area per child for at least 50% of the facility's licensed capacity in addition to the indoor activity area required in subsection (A); or
    - c. Provide at least 37.5 square feet of outdoor activity area and 37.5 square feet of indoor activity area per child for at least 50% of the facility's licensed capacity in addition to the indoor activity area required in subsection (A).
- D.** A licensee substituting indoor activity area for outdoor activity area shall:
1. Designate, on the site plan and the floor plan submitted with the license application or request for approval of an intended change, the indoor activity area that is being substituted for an outdoor activity area; and
  2. In the indoor activity area substituted for outdoor activity area, install and maintain a mat or pad designed to provide impact protection in the fall zone of indoor swings and climbing equipment.
- E.** An indoor activity area that is substituted for an outdoor activity area is not assigned a licensed capacity.
- F.** The Department shall review and approve or deny the request for exemption or substitution.
1. For a request that is part of a license application, the Department shall review the proposed exemption or substitution and provide written notice according to the procedures in R9-5-202.
  2. For a licensed facility, within 30 calendar days after the date of the receipt of the request, the Department shall review the proposed exemption or substitution and provide written notice of the review to the licensee. If the proposed exemption or substitution:
    - a. Complies with A.R.S. Title 36, Chapter 7.1, Article 1 and this Chapter, the Department shall approve the proposed exemption or substitution; or
    - b. Does not comply with A.R.S. Title 36, Chapter 7.1, Article 1 or this Chapter, the Department shall provide the licensee with the requirements necessary to approve the requested exemption or substitution.

3. A licensee shall provide at least 75 square feet of outdoor activity area per child for 50% of the facility's licensed capacity, until the Department approves the exemption or substitution.

**R9-5-603. Outdoor Activity Areas**

- A.** Except as provided in subsection (B), a licensee shall not permit an enrolled child to cross a driveway or parking lot to access an outdoor activity area on the facility premises or a school campus unless the licensee obtains written approval from the Department.
- B.** If a licensee requests approval from the Department for enrolled children to cross a driveway or parking lot to access an outdoor activity area, the Department shall inspect the facility premises or school campus to determine whether the health, safety, or welfare of enrolled children would be endangered. The Department shall notify the licensee of approval or disapproval within 30 calendar days of receipt of the request. If disapproved, the Department shall provide the licensee with the requirements necessary to approve the proposed crossing.
- C.** Except as provided in subsection (D), a licensee shall ensure that an outdoor activity area:
  1. Is enclosed by a fence:
    - a. A minimum of 4 feet high,
    - b. Secured to the ground, and
    - c. With either vertical or horizontal open spaces on the fence or gate that do not exceed 4.0 inches;
  2. Is maintained free from hazards, such as exposed concrete footings and broken toys; and
  3. Has gates that are kept closed while an enrolled child is in the outdoor activity area.
- D.** A licensee shall ensure that a playground used only for enrolled school age children at a facility operating at a public school meets the fencing requirements of the public school. If the Department determines by inspection that a facility fence at a public school does not ensure the health, safety, or welfare of enrolled children, the licensee shall meet the fencing requirements of subsection (C).
- E.** A licensee shall ensure that the following is provided and maintained within the fall zones of swings and climbing equipment in an outdoor activity area:
  1. A shock-absorbing unitary surfacing material manufactured for such use in outdoor activity areas; or
  2. A minimum depth of 6 inches of a nonhazardous, resilient material such as fine loose sand or wood chips.
- F.** A licensee shall ensure that hard surfacing material such as asphalt or concrete is not installed or used under swings or climbing equipment unless used as a base for a rubber surfacing.

- G.** A licensee shall ensure that a swing or climbing equipment is not located in the fall zone of another swing or climbing equipment.
- H.** A licensee shall provide a shaded area for each enrolled child occupying an outdoor activity area at any time of day.