

SUBCHAPTER 2. LICENSING PROCEDURES

Cross References

See N.J.A.C. 10:122E-2.7, Disagreements regarding removal of foster children.

10:122-2.1 Application for a license

(a) No person shall operate a center without first securing a license from the Bureau. Any person who operates a center that does not have a valid license, or who uses fraud or misrepresentation in obtaining a license or who advertises or provides any service not authorized by a valid license, or who violates any other provision of the laws specified in N.J.A.C. 10:122-1.1(a), is guilty of a crime of the fourth degree, pursuant to N.J.S.A. 30:5B-13.

(b) A person applying for an initial license or renewal license to operate a center shall submit a completed application form to the Bureau at least 45 days prior to the anticipated opening of the center or to the expiration of its existing regular license.

(c) An applicant for an initial or renewal license shall submit, with the completed application form, the specified licensing fee listed in the chart below, in the form of a check or money order made payable to the "Treasurer, State of New Jersey."

LICENSING FEES FOR CENTERS

| <u>Center's Licensed Capacity</u> | <u>Three Year Fee</u> |
|-----------------------------------|-----------------------|
| 6-15 | \$110.00 |
| 16-30 | \$140.00 |
| 31-60 | \$165.00 |
| 61-100 | \$195.00 |
| 101-180 | \$220.00 |
| 181 and up | \$250.00 |

(d) In lieu of the fees specified in (c) above, an applicant for an initial or renewal license who operates a Head Start Center, pursuant to 42 U.S.C. §§ 9381 et seq., or a school-age child care program that does not charge a fee or require other compensation or services from parents, shall submit with the completed application form a \$110.00 licensing fee, in the form of a check or money order made payable to the "Treasurer, State of New Jersey."

(e) If the application is denied, or the center does not open, the Bureau will refund the licensing fee to the applicant.

(f) The licensing fee will not be refunded once the Bureau issues the center a license.

Amended by R.1996 d.556, effective December 2, 1996 (operative January 1, 1997).
See: 28 N.J.R. 3700(a), 28 N.J.R. 5073(a).

10:122-2.2 Issuance of a license

(a) The Bureau shall issue a regular license to a center that has achieved full compliance with all applicable provisions of this manual.

(b) If the Bureau determines that a center is in substantial compliance with, but does not meet all, applicable provisions of this manual, and provided that there is no serious or imminent hazard to the health, safety, well-being and development of the children, the Bureau shall issue a temporary license to the center and indicate in writing the steps the center must take to secure a regular license.

(c) A temporary license may be issued for a period not to exceed six months. The Bureau may issue as many temporary licenses as it deems necessary. However, a center shall not operate pursuant to temporary licenses for more than 18 months.

(d) Each licensing period, which may include the issuance of one or more temporary licenses and/or one regular license, shall be three years.

1. In determining the expiration date of the first regular license, the Bureau shall compute the three-year licensing period from the date of issuance of the first temporary or regular license.

2. In determining the expiration date of a renewal regular license, the Bureau shall compute the three-year licensing period from the date on which the center's previous regular license expired.

(e) The license shall be posted in a prominent location within the center.

(f) A center shall not make claims contrary to its license, either in advertising or in any written or verbal announcement or presentation.

(g) A facility or program caring for children shall not claim in advertising, or in any written or verbal announcement or presentation, to be a licensed center unless it has secured a license from the Bureau.

(h) A center shall not claim that it is licensed by any State department or agency other than the New Jersey Department of Human Services, or that it is accredited by any State department.

10:122-2.3 Location of a center

(a) The license shall be issued to a specific center sponsor at a specific location and shall not be transferable.

(b) When two or more buildings are, or will be, utilized to accommodate centers operated by the same sponsor, the sponsor shall apply to the Bureau for either:

1. A separate license for each center in each building;
- or

2. A single license covering all the buildings that comprise a single center, provided that:

- i. The buildings are on the same or contiguous properties;
- ii. The programs have the same director; and
- iii. The Bureau determines that issuance of a single license would not be detrimental to the health, safety, well-being, and development of the children served.

(c) A center shall not be located near or adjacent to areas determined by the Bureau to be hazardous to the physical health and safety of the children.

(d) The requirements for co-location of a center within a multi-use building are as follows:

- 1. The sponsor of a center that is, or seeks to be, co-located in a multi-use building shall indicate on its application the nature of the co-location.
- 2. Prior to approving the site, the Bureau shall determine that the multi-use site does not pose a serious risk to the health, safety or well-being of the children.
- 3. The Bureau may require the center to:
 - i. Operate in a separate room, floor and/or section of the building;
 - ii. Have or use a separate entrance and/or toilet facility; and/or
 - iii. Meet any other physical plant, staffing, program or other operational requirements that are deemed necessary to protect the children from serious risk of harm stemming from the co-location.
- 4. The sponsor of a center that has been approved to be located in a multi-use building shall notify the Bureau of any change in use by other occupants of the building, as specified in N.J.A.C. 10:122-3.2(a).

10:122-2.4 Denying, suspending, revoking or refusing to renew a license or a Certificate of Life/Safety Approval

(a) The Bureau may deny an application or suspend, revoke or refuse to renew a license or a Certificate of Life/Safety Approval for good cause, including the following, as applicable:

- 1. Failure or refusal to comply with all applicable provisions of the laws specified in N.J.A.C. 10:122-1.1(a) and of this manual;
- 2. Violation of the terms and conditions of a license or a Certificate of Life/Safety Approval;
- 3. Use of fraud or misrepresentation in obtaining a license or a Certificate of Life/Safety Approval or in the subsequent operation of the center;

4. Refusal to furnish the Division with files, reports or records, as required by this manual;

5. Refusal to permit an authorized representative of the Division to gain admission to the center and/or to conduct an inspection or investigation during the center's operating hours;

6. Any activity, policy or staff conduct that adversely affects or presents a serious hazard to the education, health, safety, well-being or development of a child attending a center, or that otherwise demonstrates unfitness by a sponsor or staff member(s) to operate a center;

7. Failure to provide developmental activities that meet the physical, social, emotional and cognitive needs of the children served;

8. Failure by the sponsor to secure and maintain on file conviction disclosures, as specified in N.J.A.C. 10:122-4.1, or Child Abuse Record Information (CARI) background checks, as specified in N.J.A.C. 10:122-4.9;

9. A determination by the Division's Institutional Abuse Investigation Unit that children in the center are at risk of harm;

10. Refusal by the sponsor to consent to a Child Abuse Record Information background check for himself or herself, or to terminate the employment of a staff member who refuses to consent to a Child Abuse Record Information background check;

11. Refusal by the sponsor to terminate the employment of a staff member when a Child Abuse Record Information background check reveals that an incident of child abuse or neglect has been substantiated against the staff member;

12. A Child Abuse Record Information background check that reveals that an incident of child abuse or neglect has been substantiated against the sponsor; or

13. Failure to comply with the provisions of P.L. 1998, c.35, which prohibit smoking in child care centers, as specified in N.J.A.C. 10:122-7.7(d).

(b) The Bureau shall provide written notice to the sponsor if it intends to deny an application or suspend, revoke or refuse to renew a license or a Certificate of Life/Safety Approval. The notice shall specify the Bureau's reasons for such action.

(c) If the Bureau suspends a center's license or Certificate of Life/Safety Approval to prevent the imminent risk of harm to children served by the center, the Bureau may reinstate the suspended license or Certificate of Life/Safety Approval upon the center's compliance with all applicable provisions of this manual.

(d) If the Bureau denies an application or revokes or refuses to renew a center's license or Certificate of Life/Safety Approval, as specified in (a) above, the center shall be prohibited from reapplying for a license or a Certificate of Life/Safety Approval for one year from the date of the denial, revocation or refusal to renew. After the one-year period has elapsed, the center may submit to the Bureau a new application for a license or a Certificate of Life/Safety Approval.

(e) Each license and each Certificate of Life/Safety Approval issued by the Bureau to a center is the property of the State of New Jersey. If the Bureau suspends or revokes a license or a Certificate of Life/Safety Approval, the center shall return the license or Certificate of Life/Safety Approval to the Bureau immediately.

Amended by R.1995 d.87, effective February 6, 1995.

See: 26 N.J.R. 4139(a), 27 N.J.R. 499(c).

Amended by R.1998 d.502, effective October 5, 1998.

See: 30 N.J.R. 1264(a), 30 N.J.R. 3688(a).

In (a), rewrote 8, and added 10 through 13.

10:122-2.5 Administrative hearings

(a) Before the Bureau's decision to deny an application or suspend, refuse to renew or revoke a center's license or Certificate of Life/Safety Approval becomes effective, the Bureau shall afford the center an opportunity to request an administrative hearing, pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) As long as the Division determines that the children are not at risk and no serious or imminent hazards exist, the Bureau may permit a center that has requested an administrative hearing, as specified in (a) above, to continue to operate until a final decision is rendered as a result of the hearing.

Amended by R.1995 d.87, effective February 6, 1995.

See: 26 N.J.R. 4139(a), 27 N.J.R. 499(c).

10:122-2.6 Complaints

(a) Whenever the Bureau receives a report questioning the licensing status of a program or center or alleging that a licensed center is violating provisions of this manual, the Bureau shall ensure that the allegation is promptly investigated to determine whether the complaint is substantiated.

(b) After the report of the investigation has been completed, the Bureau shall notify the sponsor in writing of the results of the investigation, pursuant to the State Public Records Law, N.J.S.A. 47:1A-1 et seq., except for any information not permitted to be disclosed pursuant to the State Child Abuse and Neglect Law, N.J.S.A. 9:6-8.10a.

(c) Whenever the Division, through its Bureau of Licensing, Institutional Abuse Investigation Unit or District Offices, conducts complaint investigations, the center shall cooperate with all Division investigators.

10:122-2.7 Public access to the Bureau's licensing records

Licensing files maintained by the Bureau are public records and shall be readily accessible for examination by any person, under the direction and supervision of the Bureau, except when public access to records is restricted, in accordance with the State Public Records Law or other applicable statutes.

10:122-2.8 Procedures for securing a Certificate of Life/Safety Approval

(a) A center that is eligible for a Certificate of Life/Safety Approval, as specified in N.J.A.C. 10:122-1.1(c), may apply for and secure such a certificate from the Bureau by complying with all provisions of N.J.A.C. 10:122-2.1 through 2.8, except for 10:122-2.1(c) and (e); and with all provisions of N.J.A.C. 10:122-4.9; 10:122-5.1 through 5.5; and 10:122-7.5, 7.7 and 7.10.

(b) The applicant shall submit to the Bureau a \$110.00 fee in the form of a check or money order made payable to the "Treasurer, State of New Jersey," along with the completed application for a Certificate of Life/Safety Approval.

(c) When an applicant is the sponsor of a licensed child care center and seeks to operate a seasonal or short-term program, as specified in N.J.A.C. 10:122-1.1(c)1, at the same site, the applicant shall submit an application for a Certificate of Life/Safety Approval with no additional fee required. The sponsor shall receive a Certificate of Life/Safety Approval in addition to a license.

(d) The Bureau shall review the application form and accompanying materials and conduct an on-site inspection of the center to determine whether it meets all applicable provisions of this manual as specified in (a) above. If the center is found to be in full compliance, the Bureau shall issue a Regular Certificate of Life/Safety Approval to the center. If the center is found to be in substantial compliance, and provided that there is no serious or imminent hazard to the health, safety, well-being and development of the children, the Bureau shall issue a Temporary Certificate of Life/Safety Approval.

Amended by R.1996 d.556, effective December 2, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3700(a), 28 N.J.R. 5073(a).

Amended by R.1998 d.502, effective October 5, 1998.

See: 30 N.J.R. 1264(a), 30 N.J.R. 3688(a).

In (a), changed N.J.A.C. references.

SUBCHAPTER 3. CENTER ADMINISTRATION

10:122-3.1 Administrative responsibility

(a) The sponsor shall be legally responsible and held accountable by the Bureau for the overall operation of the

center and for ensuring the center's compliance with all applicable provisions of this manual.

(b) When the sponsor is an entity owned or operated by two or more individuals, the sponsor shall designate one of those individuals to represent the interests and act on behalf of the sponsor.

Case Notes

Parent's provocative, profane, and abusive behavior towards teachers and staff warranted termination of children from after care program. D.C. v. Seec, Inc., 95 N.J.A.R.2d (DYF) 9.

10:122-3.2 Reporting requirements

(a) The center shall notify the Bureau verbally of any of the following changes or events by the next working day after the center learns of their occurrence:

1. Injury or illness that results in the admittance to a hospital or death of a child, as specified in N.J.A.C. 10:122-7.10(b);

2. Change in use by other occupants of a multi-use building in which the center is located, as specified in N.J.A.C. 10:122-2.3(d);

3. Permanent closing of the center;

4. Damage to the premises of the center caused by fire, accident or the elements;

5. Proposed use of emergency space, including relocation or use of rooms not approved by local municipal officials or by the Bureau, as specified in N.J.A.C. 10:122-5.2(p); and

6. Any conviction(s) or guilty plea(s) of the sponsor, director or any staff member, as specified in N.J.A.C. 10:122-4.1(b)3, (c)2 and (d)2.

(b) The center shall notify the Bureau verbally, within three working days, of any change(s) to the licensing information previously submitted to the Bureau on the completed application form, including, but not limited to, changes in location. The center shall notify the Bureau in writing within 30 calendar days of any such change(s).

Amended by R.1998 d.502, effective October 5, 1998.
See: 30 N.J.R. 1264(a), 30 N.J.R. 3688(a).

In (a), deleted a former 2, recodified former 3 through 7 as 2 through 6, and changed N.J.A.C. references in 5 and 6.

10:122-3.3 Center records

(a) Requirements for access to center records are as follows:

1. The center's records shall be open for inspection by authorized representatives of the Bureau.

2. The center's records shall be open for inspection by authorized representatives of the Division's Institutional Abuse Investigation Unit (IAIU) and, provided that they may only secure information about children under the Division's supervision, Division caseworkers.

(b) Requirements for maintenance of center records are as follows:

1. Children's records shall be maintained on file for one year after the child is no longer enrolled at the center.

i. Records for children currently enrolled at the center shall be maintained on file at the center, unless otherwise specified in this manual.

ii. Records for children no longer enrolled at the center shall be maintained on file either at the center or at a central administrative office.

2. Staff records shall be maintained on file for one year after the staff member is no longer working at the center.

i. Records for staff members currently working at the center shall be maintained on file at the center, unless otherwise specified in this manual.

ii. Records for staff members no longer working at the center shall be maintained on file either at the center or at a central administrative office.

3. All other records shall be maintained on file at the center for one year after the record is made or received, unless otherwise specified in this manual.

Amended by R.1998 d.502, effective October 5, 1998.
See: 30 N.J.R. 1264(a), 30 N.J.R. 3688(a).

Rewrote the section.

10:122-3.4 Comprehensive general liability insurance

The sponsor shall secure comprehensive general liability insurance coverage for the center and shall maintain on file a copy of the insurance policy or documentation of current insurance coverage.

Amended by R.1998 d.502, effective October 5, 1998.
See: 30 N.J.R. 1264(a), 30 N.J.R. 3688(a).

Added a reference to documentation of current insurance coverage.

10:122-3.5 Telephone requirements

(a) The center shall have:

1. Its own telephone; or

2. Access to a telephone located in the same building. Under this option a person shall be available to receive incoming calls to the center, transmit telephone messages to center personnel immediately and make outgoing calls for the center, as necessary.

iv. An additional adult has agreed to be available and immediately accessible in an emergency.

3. A minimum of one staff member, who shall be at least 18 years of age, shall escort up to 12 children on any walk including walks to and from their school and the center.

4. Only staff members who are at least 16 years of age shall be counted for the staff/child ratio.

Amended by R.1998 d.502, effective October 5, 1998.

See: 30 N.J.R. 1264(a), 30 N.J.R. 3688(a).

Rewrote (a); in (c), inserted ratio for children four years of age, and substituted a ratio for children five years of age for a ratio for children four up to six years of age; and in (f)1, substituted "when six or more children are present" for "at all times".

10:122-4.4 Grouping of children

(a) For early childhood programs, the following shall apply for children below 2½ years of age:

1. A particular staff member shall be assigned as the primary caregiver to each specific group of children, in accordance with applicable staff/child ratios, as specified in N.J.A.C. 10:122-4.3;

2. A group shall consist of four infants or seven toddlers to whom a primary caregiver has been assigned;

3. The primary caregiver shall ensure that the needs of each child in the group are met, including:

i. Feeding the child and following each infant's individual feeding schedule, as specified in N.J.A.C. 10:122-6.3(b);

ii. Diapering the child, if applicable, as specified in N.J.A.C. 10:122-7.8(d);

iii. Assisting the child in toilet training, if applicable, in keeping with the center's toilet training policy, as specified in N.J.A.C. 10:122-7.7(e)3; and

iv. Recording any unusual incidents involving the child and ensuring that the child's parents are informed of them, as specified in N.J.A.C. 10:122-4.8(c).

4. If more than 20 children occupy an individual room or a specific area within a large room, areas for every 20 or fewer children shall be defined by visible barriers, partitions or any other room dividers or separations having a height above the eye level of the children who will use those areas.

(b) For early childhood programs, the following shall apply for children 2½ years of age and older:

1. A group shall consist of the number of children:

i. Occupying an individual room or occupying a specific area within a large room. The area shall be defined by a visible barrier, partition or any other room divider or separation having a height above the eye level of the children who will use that area; or

ii. Engaged together in a particular activity at any given time, regardless of whether the room or area within a large room is divided or partitioned.

2. Each group shall be limited to a maximum of 20 children except during meals, naptime, outdoor activities, specially scheduled events (for example, parties, community speakers, films, etc.), and daily information sharing sessions (for example, "circle time"), which shall not exceed 15 minutes in duration.

(c) For school-age child care programs, the following shall apply:

1. A group shall consist of the number of children:

i. Occupying an individual room or occupying a specific area within a large room. The area shall be defined by a visible barrier, partition or any other room divider or separation having a height above the eye level of the children who will use that area; or

ii. Engaged together in a particular activity at any given time, regardless of whether the room or area within a large room is divided or partitioned.

2. Each group shall be limited to a maximum of 30 children except during meals, outdoor activities and specially scheduled events.

New Rule, R.1998 d.502, effective October 5, 1998.

See: 30 N.J.R. 1264(a), 30 N.J.R. 3688(a).

Former N.J.A.C. 10:122-4.4, Staff responsibilities, recodified to N.J.A.C. 10:122-4.5.

10:122-4.5 Staff responsibilities

(a) The sponsor shall:

1. Be responsible for hiring or appointing a director; and

2. Ensure that the director operates the center in compliance with all applicable provisions of this manual.

(b) The director shall be responsible for ensuring:

1. That the center complies with all applicable provisions of this manual;

2. The supervision of all staff members, including:

i. Daily unannounced visits by the director or his or her designee, on a random daily time schedule, to each group of children; and

ii. For centers with an audio or visual monitoring system, as specified in N.J.A.C. 10:122-5.5(c)1i, observation of such a system, on a random daily time schedule, by the director or his or her designee;

3. The development and implementation of policies and procedures for the day-to-day operation of the center, including:

i. Maintenance of staff attendance records indicating daily hours worked; and

ii. Maintenance of children's daily attendance records, including the daily time of arrival and departure.

4. The orientation of staff members to the operation of the center, including physical layout, job descriptions, and daily policies and procedures;

5. Staff orientation and development, as specified in N.J.A.C. 10:122-4.7;

6. The development and maintenance on file of administrative, staff and children's records; and

7. The establishment and maintenance of a staff member substitute system.

(c) When the director is absent from the center for any length of time, he or she shall designate a responsible person to assume and carry out all responsibilities of the director, as specified in (b) above.

(d) When the director or any head teacher or required group teacher or required program supervisor is away from the center for six or more weeks, the sponsor or director shall hire and/or designate a staff member(s) who possesses the applicable staff qualifications for the position, as specified in N.J.A.C. 10:122-4.6, to assume the applicable responsibilities of the position, as specified in this section.

(e) The director or his or her designee(s) shall be on the premises at all times when the center is operating.

(f) For early childhood programs, the following shall apply:

1. The head teacher(s) shall:

i. Ensure the development and implementation of the center's child development and activities program for children below six years of age;

ii. Ensure the appropriateness of program activities according to both the age and developmental level of the child, as specified in N.J.A.C. 10:122-6.1(a); and

iii. Be scheduled to work for at least 75 percent of the center's daily operating hours, or at least six hours a day, whichever is less.

2. The group teacher(s) shall:

i. Be responsible for supervising a specific group(s) of children;

ii. Assist the head teacher in implementing the center's child development and activities program;

iii. Assist the head teacher in ensuring that the program activities are appropriate to both the age and developmental level of the children served, as specified in N.J.A.C. 10:122-6.1(a); and

iv. When used in lieu of a head teacher for centers having a capacity of up to 30 children, as specified in N.J.A.C. 10:122-4.2(b)1, fulfill the responsibilities for head teacher, as specified in (f) above.

3. For centers using a consulting head teacher, the following shall apply:

i. The consulting head teacher shall make two on-site visits to the center per month, to conduct staff development, observe the center's program, and ensure that the provisions specified in (f)1i and ii above are met.

ii. The center shall maintain on file a written record of the date, purpose and nature of each visit by the consulting head teacher.

(g) For school-age child care programs, the following shall apply:

1. The program supervisor shall:

i. Ensure the development and implementation of the center's child development and activities program for school-age children;

ii. Ensure the appropriateness of program activities according to the age and developmental level of the child, as specified in N.J.A.C. 10:122-6.1(a); and

iii. Be scheduled to work for at least 75 percent of the school-age child care program's daily operating hours. The program supervisor shall spend time at both the before-school and after-school programs, if the center provides both programs.

Recodified from N.J.A.C. 10:122-4.4 and amended by R.1998 d.502, effective October 5, 1998.

See: 30 N.J.R. 1264(a), 30 N.J.R. 3688(a).

In (b)2ii and (d), changed N.J.A.C. references; and in (b), and substituted a reference to staff orientation and development for a reference to training of staff members in 5. Former N.J.A.C. 10:122-4.5, Staff qualifications, recodified to N.J.A.C. 10:122-4.6.

10:122-4.6 Staff qualifications

(a) The center shall maintain on file a Staff Records Checklist designated by the Bureau, as specified in N.J.A.C. 10:122-4.1(b), indicating that the center has obtained documentation of the applicable staff education and experience, as specified in (b) through (d) below.

(b) The director shall meet the following qualification requirements:

1. For early childhood programs licensed to serve more than 30 children, the director shall meet the qualification requirements specified in one of the six options set forth in the chart below for education and experience:

| Option A | Educational Credentials Master's Degree in: | and | Experience Requirements |
|-------------|--|-----|-------------------------|
|-------------|--|-----|-------------------------|

OPTIONS FOR MEETING THE DIRECTOR QUALIFICATIONS

| Option | Educational Credentials | and | Experience Requirements |
|--------|--|-----|--|
| | —early childhood education; or —child development/psychology; or —business administration; or —any other field related to young children or business. | | (N/A) |
| B | Bachelor's Degree | | One year of managerial or supervisory experience in a child care program, educational institution, business, or program or agency related to children. |
| C | Child Development Associate (CDA) or Group Teacher Approval | | Two years of managerial or supervisory experience in a child care program, educational institution, business, or program or agency related to children. |
| D | Six college credits in: —early childhood education; or —child development | | Three years of managerial or supervisory experience in a child care program, educational institution, business, or program or agency related to children. |
| E | Six college credits in business administration/management | | Three years of managerial or supervisory experience in a child care program, educational institution or business, of which one year shall be in a field related to children. |
| F | High School Diploma or General Education Development (GED) Diploma | | Four years of managerial or supervisory experience in a child care program, educational institution or business, of which two years shall be in a field related to children. |

2. For early childhood programs licensed to serve 30 or fewer children, and for school-age child care programs regardless of capacity, the director shall meet the following qualification requirements:

i. One of the six options specified in the chart in (b)1 above; or

ii. A high school diploma or GED diploma and:

(1) Two years of managerial or supervisory experience in business and/or recreation fields; or

(2) Two years of experience in a group program for children.

(c) For early childhood programs, the following shall apply:

1. For all centers, the head teacher or consulting head teacher shall meet the qualification requirements specified in one of the six options set forth in the chart below for education and experience:

OPTIONS FOR MEETING THE HEAD TEACHER QUALIFICATIONS

| Option | Educational Credentials | and | College Credits and Experience |
|--------|--|-----|--|
| A | Master's Degree in Education | | Six credits and one year of experience |
| B | Master's Degree in any field other than Education | | Nine credits and one year of experience |
| C | Bachelor's Degree in Education, Psychology, Health Care, Nursing, or any other field related to Child Growth and Development; or Teaching Certification from Department of Education in Elementary Education, Nursery School or Teacher of the Handicapped | | Six credits and two years of experience |
| D | Bachelor's Degree in any field other than those listed in Option C | | Nine credits and three years of experience |
| OR | | | |
| E | Teaching Certification from Department of Education in a field other than those listed in Option C | | Six credits and four years of experience Nine credits and three years of experience |
| OR | | | |
| F | Montessori Diploma approved by the American Montessori Society; or Pre-Primary Credential approved by American Montessori International; or any other Montessori education equivalent to a Bachelor's Degree | | Six credits and four years of experience Two years of experience |

i. The credits specified in the chart above shall be college credits in early childhood education and/or child development. These credits may be part of the bachelor's or master's degree or constitute additional credits beyond the degree(s).

ii. For conditional approval, the center shall maintain on file documentation of enrollment in courses leading to the credits specified in the chart above. This conditional approval shall be valid for a maximum of

nine months, at which time the center shall obtain and maintain on file a transcript indicating completion of these credits.

iii. The years of experience specified in the chart above shall be full time experience in a group program for children under six years of age. This experience may include supervised practice teaching and/or student teaching.

2. For recreation-type centers sponsored by a county or municipal government recreation and/or park department or agency, the head teacher or consulting head teacher shall have:

i. One of the options specified in the chart in (c)1 above; or

ii. Certification as a Recreation Administrator or a Recreation Supervisor from the New Jersey Department of Community Affairs, Board of Recreation Examiners (BRE) and two years of recreation experience; or

iii. Certification as a Recreation Professional from the National Recreation and Park Association (NRPA) and two years of recreation experience.

3. The group teacher shall meet the following requirements for experience and education:

i. One year of teaching experience in a group program for children under six years of age, which may include supervised practice teaching and/or student teaching; and

ii. One of the options set forth in the chart below for educational credentials:

OPTIONS FOR MEETING THE GROUP TEACHER EDUCATIONAL QUALIFICATIONS

| Option | Educational Credentials |
|--------|--|
| A | Associate's Degree in Early Childhood Education or Child Development |
| B | Six college credits in Early Childhood Education or Child Development |
| AND | |
| | Nine college credits in Education, Psychology, Health Care, Nursing, or any other field related to child growth or development |
| C | Child Development Associate (CDA) Credential |
| D | Certified Child Care Professional (CCP) Certificate |

4. For recreation-type centers sponsored by a county or municipal government recreation and/or park department or agency, the group teacher may substitute:

i. One year of recreation experience for the experience specified in 3i above; and

ii. Certification as a Recreation Technician from the NRPA for the educational credentials specified in 3ii above.

5. For conditional approval, the group teacher shall meet the qualification requirements specified in one of the options set forth in the chart below. The center shall obtain and maintain on file documentation that the staff member has acquired the remaining college credits in the areas specified in Option B in 3ii above within the time period specified below:

OPTIONS FOR MEETING THE GROUP TEACHER CONDITIONAL APPROVAL QUALIFICATIONS

| Option | College Credits Earned | Experience Completed | Remaining Credits | Time Limit to Obtain Remaining Credits |
|--------|--|---|-------------------|--|
| A | 12 college credits in Early Childhood Education, Child Development, Education, Psychology, Health care, Nursing, or any other field related to child growth or development | One year of teaching experience in a group program for children under six years of age | 3 credits | Nine months |
| B | Six college credits in Early Childhood Education or Child Development | Three years of teaching experience in a group program for children under six years of age | 9 credits | Two years |

(d) For school-age child care programs, the following shall apply:

1. The program supervisor shall meet the qualification requirements specified in one of the applicable options set forth in the chart below for education, training and experience, based on the center's licensed capacity:

REQUIREMENTS FOR PROGRAM SUPERVISOR QUALIFICATIONS

| Requirement | Licensed Capacity | Educational Credentials | and | Training and Experience |
|-------------|-------------------|---|-------------------------|-------------------------|
| A | 6-15 | High School Diploma or General Education Development (GED) Diploma | 6 hours (in child care) | 2 years |
| B | 16-30 | High School Diploma or General Education Development (GED) Diploma | 6 hours (in child care) | 3 years |
| | | -OR- | | |
| | | Certificate as a Recreation Technician from the National Recreation and Park Association (NRPA) | 6 hours (in child care) | 1 year |
| | | -OR- | | |
| | | Child Development Associate (CDA) Certificate; Group Teacher Approval; or 15 college credits in child development, education, recreation, psychology, health care, nursing or any other field related to child growth and development | 6 hours (in child care) | 1 year |

| Requirement | Licensed Capacity | Educational Credentials | and | Training and Experience |
|-------------|-------------------|---|-----|---------------------------------------|
| | | 15 college credits in areas not related to children | | 6 hours (in child care) 2 years |
| C | 31 or more | High School Diploma or General Education Development (GED) Diploma | | 6 hours (in child care) and 4 years |
| | | -OR- | | 3 hours (in child program management) |
| | | Certificate as a Recreation Technician from the National Recreation and Park Association (NRPA) | | 6 hours (in child care) and 2 years |
| | | -OR- | | 3 hours (in child program management) |
| | | Child Development Associate (CDA) Certificate; Group Teacher Approval; or 15 college credits in child development, education, recreation, psychology, health care, nursing or any other field related to child growth and development | | 6 hours (in child care) and 2 years |
| | | -OR- | | 3 hours (in child program management) |
| | | 15 college credits in areas not related to children | | 6 hours (in child care) and 3 years |
| | | -OR- | | 3 hours (in child program management) |
| | | Associate's Degree in any field | | 6 hours (in child care) and 2 years |
| | | -OR- | | 3 hours (in child program management) |
| | | Bachelor's Degree in a child related field; or Bureau of Licensing Head Teacher Approval | | 3 hours 1 year |
| | | -OR- | | (in child program management) |
| | | Certificate as a Recreation Administrator, Recreation Supervisor or Recreation Professional | | 3 hours 1 year |
| | | -OR- | | (in child program management) |
| | | Bachelor's Degree in an unrelated field | | 6 hours (in child care) and 1 year |
| | | | | 3 hours (in child program management) |

2. The training specified in the chart above shall:

- i. Be clock hours of training;
- ii. Be completed within nine months of Bureau of Licensing approval as program supervisor;
- iii. Be in areas related to the ages of the children in care; and
- iv. Meet the requirements specified in (d)3 and 4 below.

3. Child care training shall include at least two of the following:

- i. Child growth and development;
- ii. Positive guidance and discipline;
- iii. Nutrition and good eating habits;
- iv. Family involvement and communication with families;
- v. Program planning and development;
- vi. Creating a classroom environment;

vii. Health and safety procedures, including recognition of illness and disease and training in basic infection control techniques;

viii. Physical education or recreational activities for children; and

ix. Understanding New Jersey's child care licensing regulations.

4. Program management training shall include at least two of the following:

- i. Program activity planning and development;
- ii. Family involvement and communication with families;
- iii. Availability of community services;
- iv. Personnel responsibilities and procedures; and
- v. Understanding New Jersey's child care licensing regulations.

5. The experience specified in the chart above shall be obtained in a group program for school-age children.

Amended by R.1995 d.87, effective February 6, 1995.

See: 26 N.J.R. 4139(a), 27 N.J.R. 499(c).

Administrative correction.

See: 27 N.J.R. 2690(a).

Recodified from N.J.A.C. 10:122-4.5 and amended by R.1998 d.502, effective October 5, 1998.

See: 30 N.J.R. 1264(a), 30 N.J.R. 3688(a).

Rewrote the section. Former N.J.A.C. 10:122-4.6, Grouping of children, repealed.

10:122-4.7 Staff orientation and development

(a) The director shall ensure that all newly hired staff members receive orientation in the following within six months of beginning work at the center:

1. Supervising and tracking all children, as specified in N.J.A.C. 10:122-4.3(a);
2. Understanding center operations, policies and procedures, as specified in N.J.A.C. 10:122-4.5(b)3;
3. Implementing group size limits and primary caregiver responsibilities, as applicable, as specified in N.J.A.C. 10:122-4.4;
4. Recognizing and reporting child abuse and/or neglect, as specified in N.J.A.C. 10:122-4.8;
5. Evacuating the center and using the fire alarms, as specified in N.J.A.C. 10:122-5.2(k)1;
6. Implementing the center's release policy, as specified in N.J.A.C. 10:122-6.5;
7. Implementing the center's statement of policy on the disciplining of children, as specified in N.J.A.C. 10:122-6.6; and
8. Implementing health practices, as specified in N.J.A.C. 10:122-7.1 through 7.11.

(b) The director shall ensure that all staff members who work at the center for at least 20 percent of the center's weekly operating hours complete eight hours of continuing staff development each year. Each staff member shall complete staff development each year in all three of the following core areas:

1. Child growth and development, including but not limited to:
 - i. Understanding the stages of child development;
 - ii. Planning for and providing age appropriate activities;
 - iii. Creating a classroom environment; and
 - iv. Other Bureau-approved areas;
2. Positive guidance and discipline, including but not limited to:
 - i. Using positive methods of guidance and discipline;
 - ii. Promoting positive staff/child interactions;

iii. Promoting family involvement and communication with families;

iv. Recognizing, reporting and preventing child abuse and neglect; and

v. Other Bureau-approved areas; and

3. Health and safety procedures, including but not limited to:

i. Understanding New Jersey's child care center licensing regulations;

ii. Understanding the nutritional needs of children;

iii. Implementing infection control techniques;

iv. Recognizing and responding to symptoms of illness and disease;

v. Recognizing and responding to accidents and emergencies; and

vi. Other Bureau-approved areas.

(c) For newly hired staff members, the orientation specified in (a) above may be included in the required eight hours of staff development specified in (b) above.

(d) In addition to the child care staff development specified in (b) above, the director, head teacher, and program supervisor shall each complete four hours of staff development each year in one or more of the following areas:

1. Curriculum planning and development;
2. Availability of community services;
3. Personnel responsibilities and procedures; and
4. Other Bureau-approved areas.

(e) The staff development specified in (a), (b) and (d) above shall:

1. Be clock hours of staff development;
2. Be related to the ages of the children served at the center;
3. Be provided either by the center or by another source such as a college or university, community or professional organization, professional consultant or State agency; and
4. Be presented by persons with relevant expertise. The staff development may include materials approved by the center, such as printed materials, television broadcasts, or audio-visual materials.

(f) The center shall maintain on file documentation of the date, time, topic, presenter, and attendance for all staff development completed by center staff members.

1. For staff development provided by the center, the center shall maintain on file documentation or a copy of all staff development materials used.

2. For staff development provided by another source, the center shall maintain on file documentation of the name of the person or organization that provided the staff development.

3. The center shall record each staff member's completion of staff development on the Staff Records Checklist, as specified in N.J.A.C. 10:122-4.1(b).

Amended by R.1998 d.502, effective October 5, 1998.

See: 30 N.J.R. 1264(a), 30 N.J.R. 3688(a).

Rewrote the section.

10:122-4.8 Special requirements to prevent child abuse and neglect

(a) The sponsor, director or any staff member shall verbally notify the Division's Office of Child Abuse Control or District Office immediately whenever there is reasonable cause to believe that a child has been subjected to abuse and/or neglect by a staff member(s), or any other adult, pursuant to the Child Abuse and Neglect Law (see N.J.S.A. 9:6-8.9, 8.10, 8.13 and 8.14).

(b) For centers serving children under the Division's supervision, the sponsor, director or any staff member shall report any suspected abuse or neglect of the child by his or her parent(s) or other family members to the Division caseworker assigned to the family.

(c) In addition to the reporting requirements specified in (a) above, the sponsor, director or any staff member shall advise the parent(s) of the occurrence of any unusual incident(s) that occurred at the center and that might indicate possible abuse and/or neglect involving the child. Such notification shall be made on the same day on which the incident occurred. Such incidents may include, but are not limited to, unusual sexual activity; violent or destructive behavior; withdrawal or passivity; or significant change(s) in the child's personality, behavior or habits. The center shall maintain on file a record of such incidents and documentation that parents have been informed of them.

(d) The Division, during the course of investigating an allegation of child abuse and/or neglect, may determine that corrective action is necessary to protect the children whenever:

1. The sponsor, director or staff member has been found by the Division's Institutional Abuse Investigation Unit (IAIU) to pose a risk of harm to children; and/or

2. The sponsor, director or staff member has committed an act of child abuse and/or neglect, as substantiated by the IAIU; and/or

3. The sponsor, director or staff member has been convicted of such acts.

(e) Whenever the Division makes a determination that corrective action is necessary to protect the children, the sponsor shall carry out the Division's recommendation for corrective action. Such corrective action may include, but not be limited to:

1. Removal or suspension of the affected sponsor, director or staff member(s) from the center or reassignment to other duties that do not involve contact with the children; or

2. When the sponsor, director or staff member resides at the facility where the center is located, removal of the affected employee from the premises for a period of time extending from one hour prior to the arrival of the children until one hour after the children have left.

(f) Such suspension, removal or reassignment, as specified in (e)1 and 2 above, shall remain in effect until the results of the Division's investigation have been determined, and a final decision in the matter has been rendered by the Bureau.

(g) If an allegation of child abuse and/or neglect is substantiated against a staff member, the sponsor shall immediately terminate the staff member's employment at the center. If an allegation of child abuse and/or neglect is substantiated against the sponsor, the Division will revoke or refuse to renew the license or Certificate of Life/Safety Approval, as applicable.

Amended by R.1995 d.87, effective February 6, 1995.

See: 26 N.J.R. 4139(a), 27 N.J.R. 499(c).

Amended by R.1998 d.502, effective October 5, 1998.

See: 30 N.J.R. 1264(a), 30 N.J.R. 3688(a).

Rewrote (g).

10:122-4.9 Child Abuse Record Information background check procedures

(a) As a condition of securing a new or renewal license or Certificate of Life/Safety Approval, the sponsor shall provide for himself or herself, and shall obtain from all staff members who are or will be working at the center for at least 20 percent of the center's weekly operating hours, written consent for the Division to conduct a Child Abuse Record Information (CARI) background check to determine whether an incident of child abuse and/or neglect has been substantiated against any such person.

1. The sponsor and each staff member shall complete a signed consent form provided by the Division that indicates the identifying information necessary to conduct a CARI background check, including the person's name, address, date of birth, sex, race, and Social Security number. Pursuant to the Federal Privacy Act of 1974 (P.L. 93-579), the Division will advise each such person that the disclosure of his or her Social Security number is voluntary, and that the Social Security number will only be used for the purpose of conducting a CARI background check.

2. If a staff member refuses to consent to a CARI background check, the sponsor shall immediately terminate the staff member's employment at the center.

3. If the sponsor refuses to consent to a CARI background check, the Division shall deny the application or suspend, revoke or refuse to renew the License or Certificate of Life/Safety Approval, as applicable. The sponsor may appeal the denial, suspension, revocation or refusal to renew to the Division, as specified in N.J.A.C. 10:122-2.5.

(b) When the center applies for a new or renewal license or Certificate of Life/Safety Approval, the sponsor shall submit to the Division the completed CARI consent forms for all staff members who are or will be working at the center for at least 20 percent of the center's weekly operating hours.

1. Within two weeks after a new staff member begins working at the center, the sponsor shall submit to the Division a completed CARI consent form for the new staff member.

2. Until the results of the CARI background check for a new staff member have been received from the Division, the center shall ensure that a current staff member is present whenever the new staff member is caring for children at the center.

(c) When the sponsor submits the CARI consent forms to the Division, the sponsor shall enclose payment of \$10.00 for each CARI background check, in the form of a check or money order from the center made payable to "Treasurer, State of New Jersey." The center may use its own discretion in offering to pay or reimburse the staff member for the cost of the CARI background check.

(d) Upon receipt of the completed CARI consent forms and payment from the center, the Division will conduct a search of its records for substantiated incidents of child abuse and/or neglect. The Division will consider incidents of child abuse and/or neglect that were substantiated on or after June 29, 1995, to ensure that the perpetrator has had an opportunity to appeal a substantiated finding of child abuse and/or neglect; except that the Division may consider substantiated incidents prior to that date if the Division, in its judgment, determines that the perpetrator poses a risk of harm to children in a child care center.

(e) Within 45 working days of receipt of the completed CARI consent forms and payment from the center, the Division will inform the sponsor in writing as to whether a substantiated incident of child abuse and/or neglect by the sponsor or a staff member has been found. If such an incident has been found, the Division will inform the sponsor in writing of the name of the perpetrator.

(f) If the CARI background check does not reveal any substantiated incident of child abuse and/or neglect by the sponsor or a staff member, the Division may issue or renew the regular license or Certificate of Life/Safety Approval, provided that all other applicable requirements of this chapter have been met.

(g) If the CARI background check reveals that an incident of child abuse and/or neglect has been substantiated against a staff member, the sponsor shall immediately terminate the staff member's employment at the center.

1. The sponsor shall notify the staff member in writing that the termination of employment is based on a substantiated incident of child abuse and/or neglect.

2. If the incident was substantiated prior to June 29, 1995, the sponsor shall notify the staff member in writing that the staff member may appeal the termination of employment to the Division.

(h) If the CARI background check reveals that an incident of child abuse and/or neglect has been substantiated against the sponsor, the Division will deny the application or revoke or refuse to renew the license or Certificate of Life/Safety Approval, as applicable. The sponsor may appeal the denial, revocation or non-renewal to the Division, as specified in N.J.A.C. 10:122-2.5.

(i) In keeping with the confidentiality provisions of the State Child Abuse and Neglect Law, N.J.S.A. 9:6-8.10a, the sponsor and all staff members shall keep all completed CARI consent forms and related correspondence confidential.

1. The center shall maintain the results of the CARI background checks and related correspondence on file in a confidential manner.

2. When a substantiated incident of child abuse and/or neglect by the sponsor or a staff member has been found by the Division, the sponsor and the staff member shall not disclose to any other person the identity of the perpetrator or any other information concerning the incident.

New Rule, R.1998 d.502, effective October 5, 1998.
See: 30 N.J.R. 1264(a), 30 N.J.R. 3688(a).

SUBCHAPTER 5. PHYSICAL FACILITY REQUIREMENTS

10:122-5.1 State, county and municipal government physical facility requirements

(a) A person seeking a license or a Certificate of Life/Safety Approval to operate a center shall comply with all applicable provisions of the New Jersey Uniform Construction Code, as specified in N.J.A.C. 5:23 and hereinafter referred to as the NJUCC.

1. For newly constructed buildings, for existing buildings whose construction code use group classification would change from that which it had been, or for existing buildings that require major alteration or renovation, the center shall obtain a Certificate of Occupancy (CO) issued by the municipality in which it is located, reflecting the center's compliance with the provisions of the NJUCC, and submit a copy of the CO to the Bureau, for one of the following use group classifications:

i. E (Educational) for buildings accommodating children $2\frac{1}{2}$ years of age and/or older and having a total occupancy of six or more children. Centers in the E use group may also serve no more than five children below $2\frac{1}{2}$ years of age, as specified in N.J.A.C. 5:23 as interpreted by the Department of Community Affairs, Division of Codes and Standards, in a Formal Technical Opinion (FTO-9) dated March 1, 1995;

ii. I-2 (Institutional) for buildings accommodating six or more children less than $2\frac{1}{2}$ years of age; or

iii. A-3 or A-4 (Assembly) or one of the use group classifications specified in (a)1i or ii above for buildings accommodating school-age child care programs only.

2. Plan reviews for centers to be located in newly constructed buildings shall be submitted as follows:

i. In addition to submitting preliminary and final architectural drawings to the local construction official, a sponsor that plans to construct a new or renovate an existing building for use as a center shall submit preliminary and/or final architectural drawings to the Bureau for review and approval prior to beginning construction.

ii. The sponsor shall submit to the Bureau revised final architectural drawings containing all Bureau-required items listed in the plan review, if any, and secure final approval from the Bureau prior to beginning construction.

3. For buildings constructed after the adoption of the NJUCC (1977), whose construction code use group classification is already E, I-2, A-3, or A-4, and that have not had major alterations or renovations since receipt of the CO, the center shall obtain the CO issued by the municipality in which it is located at the time the building was originally constructed or approved for use in the NJUCC's E, I-2, A-3, or A-4 use group classification. The center shall submit a copy of the building's CO to the Bureau.

4. For existing buildings whose use prior to the adoption of the NJUCC (before 1977) was and continues to be for a center and that have not had major alterations or renovations, the center shall obtain a Certificate of Continued Occupancy (CCO) issued by the municipality in which it is located, reflecting the building's compliance with provisions of the municipality's construction code requirements that were in effect at the time it was originally constructed or converted for use as a center. The

center shall submit a copy of the building's CCO to the Bureau.

5. The center shall be permitted to obtain a valid fire safety inspection certificate issued by the municipality in which it is located, based on a fire inspection conducted within the preceding 12 months, and submit a copy of the certificate to the Bureau in lieu of a CO or CCO, if the center:

i. Operates a school-age child care program located in a building constructed prior to January, 1977; or

ii. Serves only children $2\frac{1}{2}$ years of age or older and is located in a public school building that is used as a public school.

6. The center shall obtain a new CO issued by the local municipality in which the center is located, and submit a copy to the Bureau, reflecting the building's compliance with provisions of the applicable NJUCC use group classification, whenever the center:

i. Changes the building's use group classification to one other than the one prescribed on its original CO;

ii. Makes a major alteration or renovation, as defined by the NJUCC, of the building or premises in which the center is located;

iii. Increases the floor area or the number of stories to the building or premises in which the center is located; or

iv. Relocates to another site.

7. Whenever a municipality grants to a center a written variation(s) from any of the requirements of the NJUCC, the Bureau may accept such variation(s) as meeting the applicable requirement(s) of this manual.

i. If the Bureau does not accept the variation, the non-acceptance shall be based on the best interests of the children in the center, and shall include consideration for their health and safety. The non-acceptance shall be based on the requirements of this manual only, and shall not preclude the municipality from continuing to grant the variation.

ii. If the center disagrees with the Bureau, the center may seek a hearing in accordance with N.J.A.C. 10:122-2.5(a) and the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1, as implemented by the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) An applicant seeking a license or a Certificate of Life/Safety Approval to operate a center shall comply with all applicable provisions of the New Jersey Uniform Fire Code, as specified in N.J.A.C. 5:18, 5:18A and 5:18B and hereinafter referred to as the NJUFC. The center shall obtain the building's fire safety inspection certificate issued by the municipality in which it is located, based on a fire inspection conducted within the preceding 12 months, re-

flecting the center's compliance with all applicable provisions of the NJUFC. The center shall maintain on file the building's fire safety inspection certificate.

(c) If the center prepares meals, the center shall obtain a satisfactory Sanitary Inspection Certificate, as specified in N.J.A.C. 8:24, indicating that the kitchen is in compliance with the applicable requirements of the State Sanitary Code. The center shall maintain on file the Sanitary Inspection Certificate.

(d) An applicant seeking the renewal of a license or of a Certificate of Life/Safety Approval to continue operating a center shall obtain and maintain on file a fire safety inspection certificate for the building based on a fire inspection conducted within the preceding 12 months. If the center prepares meals, the applicant seeking renewal shall obtain and maintain on file a satisfactory Sanitary Inspection Certificate, as specified in N.J.A.C. 8:24, indicating that the kitchen is in compliance with the applicable requirements of the State Sanitary Code, based on a sanitary inspection conducted within the preceding 12 months.

(e) A center that qualifies for a Certificate of Life/Safety Approval shall meet the provisions of N.J.A.C. 10:122-2 and 5.

(f) A center that plans to locate or is already located in a hospital or other health care facility, as defined in the Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq., shall obtain a letter from the Department of Health and Senior Services indicating that Department's approval. The center shall submit a copy of the approval letter to the Bureau.

Amended by R.1998 d.502, effective October 5, 1998.

See: 30 N.J.R. 1264(a), 30 N.J.R. 3688(a).

In (a), rewrote 1i, deleted references to B (Business) use group classifications in 3, and rewrote 5; and rewrote (c) and (d).

10:122-5.2 Physical plant requirements for all centers

(a) Indoor maintenance and sanitation requirements are as follows:

1. The center shall be free of moisture resulting from water leaks or seepage.
2. Floors, carpeting, walls, window coverings, ceilings, and other surfaces shall be kept clean and in good repair.
3. Stairways shall be free of tripping hazards, such as toys, boxes, loose steps, uneven treads, torn carpeting, raised strips, or uneven risers.
4. Carpeting shall be securely fastened to the floor.
5. Garbage receptacles shall be:
 - i. Made of durable, leakproof and nonabsorbent materials;
 - ii. Covered in a secure manner;

iii. Emptied to the outdoor garbage receptacle when filled; and

iv. Maintained in a sanitary manner.

6. Food waste receptacles shall be lined and maintained in clean and sanitary condition.

7. The center shall be free of rodent or insect infestation and shall take immediate action to remove any infestation that may occur. The center shall maintain on file a record documenting the use of extermination services.

8. Toilets, wash basins, kitchen sinks, and other plumbing shall be maintained in good operating and sanitary condition.

9. All corrosive agents, insecticides, bleaches, detergents, polishes, any products under pressure in an aerosol spray can, and any toxic substance shall be stored in a locked cabinet or in an enclosure located in an area not accessible to the children.

10. All windows and other glass surfaces that are not made of safety glass and that are located within 36 inches above the floor shall have protective guards.

11. Ventilation outlets shall be clean and free from obstructions, and filters shall be replaced when saturated.

12. Walls shall be painted or otherwise covered whenever there is evidence of:

- i. Excessive peeling or chipped paint; or
- ii. Heavily soiled conditions.

13. All shelving shall be secured and not overloaded.

14. The center shall test for the presence of radon gas at least once every five years and shall post the test results in a prominent location in the center, as specified in N.J.S.A. 30:5B-5.2.

(b) Outdoor maintenance and sanitation requirements are as follows:

1. The building, land, walkways, and outdoor play area shall be free from hazards to the health, safety or well-being of the children.
2. The outdoor play area shall be graded or provided with drains to dispose of surface water.
3. The building structure shall be maintained to prevent:
 - i. Water from entering;
 - ii. Excessive drafts or heat loss; and
 - iii. Infestation from rodents and insects.
4. The railings of balconies, landings, porches, or steps shall be maintained in safe condition.
5. Garbage receptacles shall be:

- i. Made of durable, leakproof and nonabsorbent materials;
- ii. Covered in a secure manner and located in an outdoor area; and
- iii. Maintained in a sanitary manner.

6. Centers that provide outdoor space shall maintain in proper condition all fencing or other natural or man-made barriers or enclosures.

7. All outdoor play equipment shall be appropriate for the body size and abilities of the children who use it.

8. All outdoor play equipment shall meet the standards of a recognized safety organization (such as the Juvenile Products Manufacturers Association, the American Society for Testing and Materials, or the United States Consumer Product Safety Commission).

9. All outdoor play equipment shall be surrounded by a resilient surface that meets the standards of a recognized safety organization (such as the Juvenile Products Manufacturers Association, the American Society for Testing and Materials, or the United States Consumer Product Safety Commission), and that extends at least four feet beyond the fall zone of the equipment.

i. Centers that began operating before the effective date of this manual shall ensure that a Bureau-approved resilient surface is installed within three years from the effective date of this manual.

ii. Centers that began operating on or after the effective date of this manual shall ensure that a Bureau-approved resilient surface is installed before children use the outdoor play equipment.

iii. Centers that take children to a community park or playground shall ensure that a Bureau-approved resilient surface has been installed before children use the outdoor play equipment at the park or playground.

(c) Lighting requirements are as follows:

1. All fluorescent tubes and incandescent light bulbs shall have protective covers or shields.

2. During program activities, at least 20 foot-candles of natural or artificial light shall be provided in all rooms used by the children. This illumination shall be measured three feet above the floor at the farthest point from the light source.

3. Parking areas, pedestrian walkways, or other exterior portions of the premises subject to use by center occupants at night shall be illuminated to provide safe entrance to and egress from the center.

(d) Heating requirements are as follows:

1. A minimum temperature of 68 degrees Fahrenheit shall be maintained in all rooms used by the children.

2. Steam and hot water pipes, radiators, and electrical space heaters shall be protected by screens, guards, insulation or any other suitable, non-combustible protective device.

3. The center shall not use portable liquid fuel-burning or wood-burning heating appliances.

(e) All floor and window fans that are accessible to the children shall have a grille, screen, mesh or other protective covering.

(f) Toilet facility requirements are as follows:

1. A supply of soap, toilet paper, and individual hand towels or disposable paper towels shall be provided.

2. Mirrors, dispensers, and other equipment shall be fastened securely.

3. Platforms shall be available as appropriate for use by the children when adult size toilets, and/or sinks, and/or urinals are used by the children.

(g) A center utilizing a kitchen facility and/or food preparation area shall ensure that the cooking equipment and kitchen facility are kept in clean and sanitary condition and are operated in compliance with applicable provisions of the State Sanitary Code, as specified in N.J.A.C. 8:24.

(h) Lead paint precautions are as follows:

1. The center shall be free from lead paint hazards.

2. Whenever the presence of a lead paint hazard is determined by a New Jersey Certified Lead Inspector/Risk Assessor, the hazard shall be controlled or abated in accordance with remediation procedures established by a lead abatement contractor who is certified pursuant to N.J.A.C. 5:17 and 5:23.

(i) Asbestos precautions are as follows:

1. Coatings containing asbestos shall not be sprayed on any interior or exterior surfaces of a building used as a center, or on any equipment used therein, in accordance with rules of the State Department of Environmental Protection, as specified in N.J.A.C. 7:27-17.2 and with applicable provisions of the Asbestos Hazard Abatement Subcode of the NJUCC, as specified in N.J.A.C. 5:23-8.

2. If the New Jersey Department of Health and Senior Services determines the presence of sprayed-on asbestos-containing materials, and concludes that corrective action must be taken to minimize exposure potential, the sponsor shall follow the recommendation of that Department for enclosure, removal or other appropriate action to remove the threat or risk of asbestos contamination, as specified in N.J.A.C. 5:23-8.

(j) Wading and swimming pool requirements are as follows:

1. Pools that are at least 24 inches in depth shall be defined as swimming pools and subject to the requirements specified in (j)3 below. Pools that are less than 24 inches in depth shall be defined as wading pools.

2. For wading pools that do not have water filtration systems, the center shall change the water after each use by a group of children.

3. The center shall ensure that any swimming pool or natural bathing place used by the children complies with applicable provisions of the Public Recreational Bathing Rules, as specified in N.J.A.C. 8:26, and with applicable provisions of the Building Subcode and Barrier-free Subcode of the NJUCC, as specified in N.J.A.C. 5:23.

4. The center shall ensure that the children using swimming pools or natural bathing facilities are supervised in accordance with applicable provisions of the New Jersey Youth Camp Safety Act rules, as specified in N.J.A.C. 8:25.

5. If a child defecates in the swimming pool, all solid wastes shall be removed and the pool shall be super-chlorinated and not used until the chlorine level returns to levels identified as acceptable in the Public Recreational Bathing Rules, N.J.A.C. 8:26.

(k) Emergency evacuation instruction requirements are as follows:

1. The center shall prepare written emergency evacuation instructions delineating:

i. The location of the first aid kit and any additional first aid supplies;

ii. The name, address and telephone number of the physician retained by the center or of the health facility to be used in emergencies;

iii. The procedure for obtaining emergency transportation;

iv. The hospital and/or clinic to which injured or ill children will be taken;

v. The telephone numbers of the local police and fire departments and ambulance service;

vi. The location of written authorization from parent(s) for emergency medical care for each child;

vii. A diagram showing how the center is to be evacuated in case of emergency; and

viii. The location of fire alarms and fire extinguishers.

2. The emergency evacuation instructions shall be posted in a prominent location on every floor within the center.

(l) Supplemental evacuation requirements are as follows:

1. Cribs, beds, playpens, and cots used for rest or sleep shall be arranged so as to provide access to a three-foot-wide aisle that leads to an unobstructed exit.

2. To assure the safe and timely evacuation of the children from the center during a fire or other emergency, centers required to secure a Certificate of Life/Safety Approval shall meet the minimum staff/child ratio requirements, as specified in N.J.A.C. 10:122-4.3(c).

(m) Fire prevention requirements are as follows:

1. The center shall conduct fire drills at least once a month, as specified in the NJUFC.

2. The center shall ensure that all children present are evacuated from the building during each fire drill.

3. The center shall maintain on file a record of each fire drill, as specified in the NJUFC, which record shall include:

i. The date and time of day of the drill;

ii. The weather condition at the time of evacuation;

iii. The number of participating children and staff members; and

iv. The total amount of time taken to evacuate the center.

4. All fire extinguishers shall be visually inspected once a month, and serviced and tagged at least once a year and recharged, if necessary, as specified in the NJUFC.

(n) First aid requirements are as follows:

1. A staff member who has current certified basic knowledge of first aid principles and cardiopulmonary resuscitation (CPR), as defined by a recognized health organization (such as the American Red Cross), shall be in the center at all times when enrolled children are present.

2. The following equipment shall be placed in a location that is convenient and accessible to staff members:

i. A standard first aid kit, which is fully re-stocked within 24 hours of use; and

ii. The American Red Cross First Aid Manual or its equivalent.

(o) Play equipment, materials, and furniture for indoor and outdoor use shall be of sturdy and safe construction, non-toxic and free of hazards.

(p) Space and room requirements are as follows:

1. All space and rooms within the center to be used by children shall be inspected and approved by the Bureau prior to their use. In making its determination, the Bureau shall consider whether the space is too far removed, remote or isolated from other areas of the center to be used by children.

i. For those rooms or areas that are too far removed, remote or isolated from other centrally located rooms or areas of the center, the Bureau may require the use of additional staff members, above those required for staff/child ratios, before granting approval.

ii. Rooms or areas of the center that are not Bureau-approved for use by children shall be made inaccessible to children.

2. At no time shall a center allow more children in attendance than the number specified on its license or Certificate of Life/Safety Approval.

3. Indoor space requirements for play rooms and/or sleep rooms are as follows:

i. There shall be a minimum of 30 square feet of usable activity indoor floor space for each child in centers that:

(1) Began operating prior to July 1, 1989; or

(2) Began operating on or after July 1, 1989 and serve fewer than 16 children.

ii. There shall be a minimum of 35 square feet of usable activity indoor floor space for each child in centers that began operating on or after July 1, 1989 and serve 16 or more children.

iii. The minimum square footage of usable activity indoor floor space shall be determined by excluding the space used in or by hallways, toilet facilities, offices, storage rooms, staff rooms, furnace rooms, kitchen areas, lockers, closets, and other stationary equipment or areas that children do not use for sleep or play.

iv. Centers serving sick children shall comply with the variation provisions on determining net indoor floor space per child, as specified in N.J.A.C. 10:122-8.4(a).

v. The center shall identify all rooms of the center that have been approved by the Bureau. This identification shall consist of numbers, letters, names or any other means of identification and shall be located either inside or directly outside each room.

4. Separate room or area requirements for children who become ill are as follows:

i. There shall be a room, section of a room, or a separate area in the center to which children who are exhibiting those illnesses, symptoms of illness, and diseases specified in N.J.A.C. 10:122-7.1(c) shall be taken and where they shall be cared for until they can return

home, be suitably cared for elsewhere, or be diagnosed as posing no health risk to themselves or others.

ii. The separate room, section or area shall be furnished with sleeping equipment and sheets, blankets or other coverings.

iii. Centers serving only sick children shall comply with the variation provision for separating ill children, as specified in N.J.A.C. 10:122-8.4(b) and (c).

(q) The center shall take any steps required by the Bureau to correct conditions in the building or center that may endanger the health, safety and well-being of the children served.

Amended by R.1995 d.87, effective February 6, 1995.

See: 26 N.J.R. 4139(a), 27 N.J.R. 499(c).

Amended by R.1998 d.502, effective October 5, 1998.

See: 30 N.J.R. 1264(a), 30 N.J.R. 3688(a).

In (a), added 14; in (b), added 7 through 9; rewrote (h); in (l), rewrote 1; in (n), rewrote 1; deleted a former (o); recodified former (p) through (r) as (o) through (q); recodified former (s) as N.J.A.C. 10:122-5.3; and recodified former (t) as N.J.A.C. 10:122-5.4.

10:122-5.3 Additional physical plant requirements for early childhood programs

(a) For early childhood programs, the following shall apply:

1. All electrical outlets that are accessible to the children shall have protective covers.

2. All lally columns in areas used by the children shall have protective padding placed around them from the floor to a height of at least 48 inches.

3. Crawl spaces, attic spaces, and all doors and windows used for natural ventilation shall be provided with insect screening.

4. A supply of hot tap water not exceeding 110 degrees Fahrenheit and cold running water shall be provided.

5. Toilet facility requirements are as follows:

i. For centers that began operating or changed their use group on or after September 21, 1987, the center shall have one toilet and one sink for every 15 children, as specified in the Plumbing Subcode of the NJUCC.

ii. For centers in operation prior to September 21, 1987 that serve children ages 18 months to six years, the minimum number of toilets and sinks required in the center shall be determined in accordance with the following table:

| Number of Children | Number of Toilets | Number of Sinks |
|--------------------|-------------------|-----------------|
| 6-15 | 1 | 1 |
| 16-35 | 2 | 2 |
| 36-60 | 3 | 3 |
| 61-80 | 4 | 4 |
| 81-100 | 5 | 5 |
| 101-125 | 6 | 6 |
| 126-150 | 7 | 7 |

| Number of Children | Number of Toilets | Number of Sinks |
|--------------------|-------------------|-----------------|
| 151-175 | 8 | 8 |
| 176-200 | 9 | 9 |
| 201-225 | 10 | 10 |
| 226-250 | 11 | 11 |
| 251-275 | 12 | 12 |
| 276-300 | 13 | 13 |
| 301-325 | 14 | 14 |
| 326-350 | 15 | 15 |
| 351-375 | 16 | 16 |
| 376-400 | 17 | 17 |
| 401-425 | 18 | 18 |
| 426-450 | 19 | 19 |

iii. For centers specified in ii above, urinals may be counted in determining the number of toilets the center shall have, provided that:

(1) At least two toilets are available at the center; and

(2) Two urinals are counted as one toilet towards determining the maximum occupancy of the center.

iv. For centers in operation prior to September 21, 1987 that serve children below 18 months of age:

(1) In centers serving 15 or fewer children, there shall be at least one toilet and one sink.

(2) In centers serving more than 15 children, there shall be at least two toilets and two sinks.

v. For centers in operation prior to September 21, 1987 that serve a mix of children ranging from birth through five years of age, the center shall either:

(1) Meet the toilet and sink requirements specified in ii and iii above, based on the total number of children being served at the center, provided that all toilets and sinks are utilized by children of all ages; or

(2) Determine the number of children above and below 18 months of age and meet the toilet and sink requirements for the number of children being served in each age category, as specified in ii through iv above.

vi. Toilet facilities and sinks shall be located no more than one floor above or below the floor level(s) used by the children in centers that:

(1) Began operating prior to July 1, 1989; or

(2) Began operating on or after July 1, 1989 and serve fewer than 16 children.

vii. At least one toilet facility and sink shall be located on each floor level(s) used by children in centers that began operating on or after July 1, 1989 and serve 16 or more children.

6. Kitchen facility requirements are as follows:

i. The kitchen facility and/or food preparation area shall be separated from other areas of the center by a door, gate, screen or other barrier to prevent accidental access by children.

ii. The kitchen may be used for children's program cooking activities only when it is not being used for preparation of meals for consumption by enrolled children.

7. Outdoor space requirements for children over the age of 10 months are as follows:

i. For children in attendance for three or more consecutive hours, the center shall provide a minimum of 150 square feet of net outdoor space. When more than five children are using such a space at one time, there shall be 30 square feet of net outdoor space for each additional child in addition to the required minimum of 150 square feet.

ii. The outdoor area shall be adjacent to, within close proximity or in the same neighborhood of the center and available for use by the children.

iii. Outdoor areas located near or adjacent to hazardous areas determined by the Bureau to be unsafe (including, but not limited to, streets, roads, driveways, parking lots, railroad tracks, swimming pools, rivers, streams, steep grades, cliffs, open pits, high voltage boosters or propane gas tanks) shall be fenced or otherwise protected by a natural or man-made barrier or enclosure.

iv. If the center can demonstrate to the satisfaction of the Bureau that it cannot meet the outdoor space requirement, the center shall provide, in addition to space for play rooms, a minimum of 150 square feet of net indoor floor space. When more than five children are using such space at one time, there shall be 30 square feet of net indoor floor space for each additional child in addition to the minimum of 150 square feet. The indoor floor space may be either on the site of the center or at another nearby indoor facility, such as a gymnasium, exercise room or other recreational facility.

v. Centers serving only sick children shall comply with the variation provisions for outdoor space, as specified in N.J.A.C. 10:122-8.4(f)1.

8. All balconies, rooftops, verandas and/or all floor levels used by children that are above the first floor and subject the children to an open drop or atrium shall be protected by barriers consisting of safety glass, plexiglass or any other materials approved by the Bureau. Such barriers shall extend at least five feet above the floor level.

Recodified from N.J.A.C. 10:122-5.2(s) and amended by R.1998 d.502, effective October 5, 1998.
See: 30 N.J.R. 1264(a), 30 N.J.R. 3688(a).

Made internal citation changes throughout. Former N.J.A.C. 10:122-5.3, Special physical facility and monitoring requirements to prevent child abuse and/or neglect, recodified to N.J.A.C. 10:122-5.5.

10:122-5.4 Additional physical plant requirements for school-age child care programs

(a) For school-age child care programs, the following shall apply:

1. All lally columns in areas used by the children shall have protective padding around them from the floor to a height of at least 72 inches.

2. For centers that serve food, crawl spaces, attic spaces, and all doors and windows used for natural ventilation shall be provided with insect screening.

3. A supply of hot tap water not exceeding 120 degrees Fahrenheit and cold running water shall be provided.

4. Toilet facility requirements are as follows:

i. Children shall be afforded privacy, appropriate to their age and development, when toileting.

ii. The center shall have one toilet and one sink for every 25 children, as specified in the Plumbing Subcode of the NJUCC for the E use group.

iii. Toilet facilities and sinks shall be located no more than one floor above or below the floor levels used by the children.

5. Indoor space requirements are as follows:

i. In centers specified in N.J.A.C. 10:122-5.2(p)3i, there shall be an average of 30 square feet of usable activity indoor floor space for each child.

ii. In centers specified in N.J.A.C. 10:122-5.2(p)3ii, there shall be an average of 35 square feet of usable activity indoor floor space for each child.

Recodified from N.J.A.C. 10:122-5.2(t) and amended by R.1998 d.502, effective October 5, 1998.

See: 30 N.J.R. 1264(a), 30 N.J.R. 3688(a).

Changed N.J.A.C. references throughout.

10:122-5.5 Special physical facility and monitoring requirements to prevent child abuse and/or neglect

(a) At least five foot-candles of natural or artificial light shall be provided in all rooms used by children during naptime. The illumination shall be measured three feet above the floor at the farthest point from the light source.

(b) Doors in all interior rooms designated for use by children shall remain unlocked.

(c) For rooms and/or areas used by children, except as specified in (e) below, the following monitoring requirements shall apply:

1. The center shall equip every room or area designated for use by children, except for kitchen and toilet facilities,

with one of the following options in order to promote maximum visibility and/or audibility:

i. A centrally supervised audio or visual monitoring system;

ii. Uncovered and unobstructed glass panels and/or two-way mirrors that comprise at least 10 percent of the square footage of one interior wall, provided that such panels/mirrors are not in conflict with applicable provisions of the NJUCC and/or the NJUFC;

iii. Security mirror(s) in hallways that reflect activities in the room(s) used by children;

iv. At least one interior door leading to every room designated for use by children, which shall meet one of the following conditions, provided that such conditions are not in conflict with applicable provisions of the NJUCC and/or the NJUFC:

(1) Be left open;

(2) Have uncovered and unobstructed windows or cutouts;

(3) Be a dutch door variety, with the top half open; or

(4) Be removed; or

v. Any other Bureau-approved monitoring system or equipment that provides equivalent visibility and audibility.

(d) Toilet facility requirements are as follows:

1. For existing centers that have only one toilet facility, or for existing centers that have more than one toilet facility, but where all toilets have been counted in determining the maximum number of children who can be served per session, the center shall ensure that staff members and/or other adults who use the toilet facility for their own toileting needs do so only:

i. When children are not in it; and

ii. After the staff member and/or other adult has secured the door with a lock or latch that is located on the inside of the door at a height beyond the reach of the children.

(1) If a center documents to the satisfaction of the Bureau that it lacks the authority to meet the lock/latch provisions noted in (d)1ii above, the Bureau may approve an alternative means by which the center may comply with the privacy intent of this provision.

2. For existing centers that have an additional toilet facility that has not been counted in determining the maximum number of children who can be served per session and for centers to be located in newly constructed buildings, the center shall ensure that:

i. One toilet facility is reserved and designated for the exclusive use of staff members and/or other adults; and

ii. This designated toilet facility is identified by a sign located on the exterior of its door, indicating that this toilet facility is for the exclusive use of staff members and/or other adults.

(e) For early childhood programs, the following shall apply:

1. Centers that are to be located in newly constructed buildings that seek to serve 16 or more children shall equip every room designated for use by children, except for kitchen and toilet facilities, with either uncovered glass panels or two-way mirrors that comprise at least 10 percent of the square footage of at least one interior wall in order to promote maximum visibility in such rooms.

Recodified from N.J.A.C. 10:122-5.3 by R.1998 d.502, effective October 5, 1998.

See: 30 N.J.R. 1264(a), 30 N.J.R. 3688(a).

SUBCHAPTER 6. PROGRAM REQUIREMENTS

10:122-6.1 Activities

(a) The center shall develop and provide a variety of children's planned activities, geared to the age and developmental level of the children served, that:

1. Promote the development of language, thinking and problem-solving skills, curiosity, exploration, large and small muscles, social competence, self-esteem, and positive self-identity; and
2. Are relevant to the cultural background of the children and foster intercultural awareness.

(b) The staff member(s) specified in N.J.A.C. 10:122-4.5 who are responsible for developing and overseeing the implementation of the center's daily activities shall ensure that:

1. Time frames for each activity are geared to the age and developmental level of each child served and are flexible enough to accommodate spontaneous occurrences or children's suggestions and inquiries;
2. Children have opportunities to choose materials freely;
3. Children are presented with and encouraged to participate in a mixture of active and quiet experiences;
4. Both staff-directed and child-selected activities are provided; and
5. Children are:

i. Encouraged, but not required, to participate in every group activity; and

ii. Provided with the time and space within the area to be apart from the group and to participate in an alternate activity if they choose to do so.

(c) The center shall ensure that each child riding a bicycle wears a helmet, as specified in the Bicycle Helmet Law, N.J.S.A. 39:4-10.1.

(d) Centers serving sick children shall comply with the variation on developing and providing children's activities, as specified in N.J.A.C. 10:122-8.5(a).

(e) The staff member(s) specified in (b) above shall prepare and maintain on file a written outline of the center's daily activities, as specified in (a) through (d) above and (f) and (g) below.

(f) For early childhood programs, the following shall apply:

1. Outdoor experiences shall be provided as follows:

i. Children who are at the center for more than four consecutive hours shall be taken outdoors daily to an outdoor play area, park or playground, or for a walk.

ii. Children who are at the center for four or fewer consecutive hours shall be taken outdoors at least once a week to an outdoor play area, park or playground, or for a walk.

iii. A center may depart from the requirements specified in (f)1i and ii above during inclement weather or for another reason that affects the health, safety or well-being of the children or any individual child.

2. Centers serving children less than 18 months of age shall provide:

i. At least four of the following types of children's daily activities: sensory; language/dramatic play; manipulative; building; large muscle; music; or other comparable activities; and

ii. At least four types of supplies and/or equipment for each activity area chosen by the center, as listed below:

(1) Sensory activities: crib mobiles; teething toys; busy boxes; baby mirrors; rattles; melody chimes; squeeze toys; or other comparable supplies or equipment.

(2) Language/dramatic play activities: picture books; toy telephones; records; hand puppets; stuffed animals; soft washable dolls; photographs; or other comparable supplies or equipment.

iii. Discuss the center's policy on releasing children, toilet training children when applicable, and dispensing medication;

iv. Discuss and distribute the center's policy on the management of communicable disease, as specified in N.J.A.C. 10:122-7.11; and

v. Discuss and distribute the Information to Parents document, as specified in N.J.A.C. 10:122-3.6(a).

(i) For school-age child care programs, the following shall apply:

1. Upon the child's enrollment, the center shall:

i. Inform parents about the center's days and hours of operation;

ii. Ask parents to inform the center about the individual child's habits, dietary needs, activities, behavior and development, if applicable;

iii. Inform parents about the center's policies on releasing children and dispensing medication;

iv. Give parents a copy of the center's policy on the management of communicable disease, as specified in N.J.A.C. 10:122-7.11;

v. Give parents a copy of the Information to Parents document, as specified in N.J.A.C. 10:122-3.6(a); and

vi. Inform parents about the center's policy for serving meals and snacks when the center is operating on days when the child's school is not in session, if applicable.

Amended by R.1998 d.502, effective October 5, 1998.

See: 30 N.J.R. 1264(a), 30 N.J.R. 3688(a).

Rewrote the section.

(c) The following provisions relate to illness and/or symptoms of illness:

1. A center serving well children shall not permit a child who has any of the illnesses or symptoms of illness specified in (c)1i through xv below to be admitted to the center on a given day unless medical diagnosis from a licensed physician, which has been communicated to the center in writing, or verbally with a written follow-up, indicates that the child poses no serious health risk to himself or herself or to other children. Such illnesses or symptoms of illness shall include, but not be limited to, any of the following:

i. Severe pain or discomfort;

ii. Acute diarrhea, characterized as twice the child's usual frequency of bowel movements with a change to a looser consistency within a period of 24 hours;

iii. Two or more episodes of acute vomiting within a period of 24 hours;

iv. Elevated oral temperature of 101.5 degrees Fahrenheit or over or axillary temperature of 100.5 degrees Fahrenheit or over in conjunction with behavior changes;

v. Sore throat or severe coughing;

vi. Yellow eyes or jaundiced skin;

vii. Red eyes with discharge;

viii. Infected, untreated skin patches;

ix. Difficult rapid breathing;

x. Skin rashes, excluding diaper rash, lasting more than one day;

xi. Weeping or bleeding skin lesions that have not been treated by a physician or nurse;

xii. Swollen joints;

xiii. Visibly enlarged lymph nodes;

xiv. Stiff neck; or

xv. Blood in urine.

2. Once the child is symptom-free, or a licensed physician indicates that the child poses no serious health risk to himself or herself or to other children, the child may return to the center.

3. If a child who has already been admitted to the center manifests any of the illnesses or symptoms of illness specified in (c)1 above, the center shall remove the child from the group of well children to a separate room or area, as specified in N.J.A.C. 10:122-5.2(p)4, until:

i. He or she can be taken from the center; or

ii. The director or his or her designee has communicated verbally with a licensed physician, who indicates that the child poses no serious health risk to himself or

SUBCHAPTER 7. HEALTH REQUIREMENTS

10:122-7.1 Illnesses/communicable diseases

(a) A center that seeks to serve any children who have any of the illnesses, symptoms of illness or diseases specified in (c) and (d) below shall meet all applicable provisions of this subchapter and all provisions of N.J.A.C. 10:122-8.

(b) Under no circumstances shall any center serve or admit any child who has any illness, symptom of illness or disease that a physician has determined require the child to be:

1. Confined to home under a physician's immediate care; or

2. Admitted to a hospital for medical care and treatment.

herself or to other children, at which time the child may return to the group.

(d) The following provisions relate to excludable communicable diseases:

1. The center shall not permit a child or staff member with an excludable communicable disease, as specified in the table below, to be admitted to or remain at the center, until:

i. A note from the child's or staff member's licensed physician states that the child or staff member, respectively, has been diagnosed and presents no risk to himself, herself, or to others;

ii. The center has contacted the Communicable Disease Program in the State Department of Health and Senior Services, or the local health department pediatric health consultant, and is told the child or staff member poses no health risk to others; or

iii. If the child or staff member has chicken pox, the center obtains a note from the parent or staff member stating either that at least six days have elapsed since the onset of the rash, or that all sores have dried and crusted.

TABLE OF EXCLUDABLE COMMUNICABLE DISEASES

| Respiratory Illnesses | Gastro-Intestinal Illnesses | Contact Illnesses |
|------------------------|-----------------------------|-------------------|
| Chicken Pox | Giardia Lambliat | Impetigo |
| German Measles† | Hepatitis A† | Lice |
| Hemophilus Influenzae† | Salmonella† | Scabies |
| Measles† | Shigella† | |
| Meningococcus† | | |
| Mumps† | | |
| Strep Throat | | |
| Tuberculosis† | | |
| Whooping Cough† | | |

† Reportable diseases, as required by N.J.A.C. 10:122-7.10(a).

Amended by R.1998 d.502, effective October 5, 1998.

See: 30 N.J.R. 1264(a), 30 N.J.R. 3688(a).

In (c)3, changed N.J.A.C. reference; and in (d)1, added iii.

10:122-7.2 Attendance by children and/or staff members known to be infected with Human Immunodeficiency Virus (HIV)

(a) The center should admit a child known to be infected with HIV (also known as HTLV-III or LAV), the virus that causes Acquired Immunodeficiency Syndrome (AIDS), to the center.

(b) The center should not exclude a child known to be infected with HIV in order to protect him or her from possible exposure to the infectious diseases of other persons at the center.

(c) The center should not exclude a child solely for the reason that such individual lives with or is related to a person known to be infected with HIV.

(d) The director shall maintain the confidentiality of any child or staff member known to be infected with HIV.

(e) The center shall not require the routine medical screening of children or staff members in a center to detect the presence of HIV.

10:122-7.3 Health and immunization requirements for children

(a) For early childhood programs, the following shall apply:

1. Each child not enrolled in a public or private school shall have had a health examination performed by a licensed physician within:

i. Six months prior to admission, for children who are 2½ years of age or younger; or

ii. One year prior to admission, for children above 2½ years of age.

2. For each child not enrolled in a public or private school, the center shall maintain on file at the center a record of the health examination documented by the physician. The record shall include:

i. The name and address of the examining physician;

ii. The child's medical history indicating, when applicable:

(1) Information on any condition or handicap affecting the child's health; and

(2) Any recommendations for needed medical treatment and/or program or environmental modifications, which the center shall follow, including special requirements as to diet, rest, allergies, avoidance of certain activities, and other care; and

iii. An up-to-date immunization record appropriate to the child's age, or documentation that the child is under a prescribed medical program to obtain immunizations, in accordance with the provisions of N.J.A.C. 8:57-4.

3. For children enrolled in a public or private school, the center shall obtain a written statement from each child's parent indicating:

i. That the child is in good health and can participate in the normal activities of the program; and

ii. Any conditions or specific needs that may require special accommodations.

4. The center shall ensure that the record specified in (a)2 above has been submitted to the center, either:

i. Upon the child's admission; or

ii. Within 30 days of the child's admission, if the parent cannot obtain prior documentation, provided that upon the child's admission, the parent provides a written statement:

- (1) Indicating that the requirements in (a)1 and 2ii above have been met; and
- (2) Giving the information required in (a)2ii(2) above, when applicable.

5. If immunizations are contraindicated for medical reasons, the center may choose to admit the child, provided that the parent submits to the center a written statement from a licensed physician attesting to the following:

- i. The reason the immunization is medically contraindicated; and
- ii. The specific time period that the immunization is medically contraindicated.

6. If a child's parent objects to a physical examination, immunization or medical treatment for his or her child on grounds that it conflicts with the tenets and practice of a recognized religion of which the parent(s) or child is an adherent or member, the center may choose to admit the child, provided that the parent(s) submits to the center upon the child's admission a signed written statement that the physical examination, immunization or medical treatment interferes with the free exercise of the child's religious rights.

7. The immunization exemption may be suspended by the Bureau during the existence of a health emergency, as determined by the State Commissioner of Health and Senior Services.

(b) For school-age child care programs, the following shall apply:

1. The center shall obtain a written statement from each child's parent indicating:

- i. That the child is in good health and can participate in the normal activities of the program; and
- ii. Any conditions or special needs that may require special accommodations.

Amended by R.1998 d.502, effective October 5, 1998.
See: 30 N.J.R. 1264(a), 30 N.J.R. 3688(a).

In (a), rewrote 5, and substituted "the center may choose to admit the child," for "shall be exempt from complying with such requirements," following "member" in 6.

10:122-7.4 Health requirements for staff members

(a) Prior to or upon beginning work at the center, each staff member whose job duties require contact with the children for at least 20 percent of the center's weekly operating hours shall take a Mantoux tuberculin skin test with five TU (tuberculin units) of PPD tuberculin, except that the staff member shall have a chest x-ray taken if he or she has had a previous positive Mantoux tuberculin test.

The staff member shall submit to the center written documentation of the results of the test and/or x-ray.

1. If the Mantoux tuberculin test result is insignificant (zero to nine millimeters (mm) of induration), no further testing shall be required. The Bureau or center may at any time require a staff member to retake the Mantoux tuberculin test if there is reason to believe or suspect that the staff member may have contracted tuberculosis or if the State Department of Health and Senior Services recommends testing.

2. If the Mantoux tuberculin skin test result is significant (10 or more mm of induration), the individual shall have a chest x-ray taken. If the chest x-ray shows significant results, the staff member shall not come in contact with the children unless he or she submits to the center a written statement from a licensed physician certifying that he or she poses no threat of tuberculosis contagion.

(b) Prior to beginning work, each staff member whose job duties require contact with the children for at least 20 percent of the center's weekly operating hours shall submit a written statement from a licensed physician, indicating that he or she is in good health and poses no health risk to persons at the center. Such statement shall be based on a medical examination within the six months immediately preceding such person's working at the center.

(c) The center shall maintain on file either at the center or at a central administrative office the results of each staff member's:

1. Mantoux tuberculin test and/or chest x-ray when indicated; and
2. Physical examination.

(d) The sponsor or director shall exclude a staff member who:

1. Exhibits the illnesses or symptoms of illness or diseases specified in N.J.A.C. 10:122-7.1(c)1 and (d); or
2. Appears to be physically, emotionally or mentally impaired or who appears to have a drug-induced or alcohol-induced condition that would endanger the health, safety, and well-being of a child while the child is in the staff member's care. The director shall document the action taken to exclude the staff member and maintain such documentation on file. The center shall not permit the staff member to return to the center until the condition is no longer present.

(e) When the affected staff member specified in (d) above serves as the director, then the sponsor shall take the necessary action specified above.

(f) When the affected staff member specified in (d) above is the sponsor, then the Bureau shall take the necessary action specified above.

Amended by R.1998 d.502, effective October 5, 1998.

See: 30 N.J.R. 1264(a), 30 N.J.R. 3688(a).

In (c), inserted "either at the center or at a central administrative office" in the introductory paragraph.

10:122-7.5 Administration and control of prescription and non-prescription medicines and health care procedures

(a) Centers that choose not to administer medication or health care procedures to a child shall inform the parents of this policy prior to the child's enrollment.

(b) For centers that choose to allow prescription or non-prescription medication or health care procedures to be administered to a child, the following shall apply:

1. Medication and health care procedures shall be administered only after receipt of written approval from the child's parent(s).

2. The director shall designate those staff members who are authorized to administer medication or health care procedures to, or to supervise self-administration of medication or health care procedures by, those children whose parent(s) authorize it.

3. All medication and health care equipment shall be kept either in a locked cabinet or in an area that is inaccessible to the children.

4. The director shall ensure that the staff member(s) responsible for administering medication and health care procedures are informed of every child's medication and health care needs.

5. Any prescription medication for a child shall be:

i. Prescribed in the name of and specifically for the child; and

ii. Stored in its prescription container, which has been labeled with the child's name, the name of the medication, the date it was prescribed or updated and directions for its administration.

6. The center shall limit the dispensing of non-prescription over-the-counter medication to the following types of medicines, which shall be dispensed in accordance with the recommended dosage, age and/or weight of the child, as indicated on the label:

- i. Antihistamines/decongestants;
- ii. Acetaminophens (aspirin substitutes);
- iii. Cough suppressants; and
- iv. Topical ointments.

7. The center may permit the dispensing of non-prescription medication other than those listed in (b)6 above if the child's physician authorizes it in writing.

8. Unused medication and health care equipment shall be returned to the parent(s) when no longer being administered.

9. The center shall maintain on file a record of the following:

i. The child's name and parental authorization for the center to administer medication or health care procedures;

ii. The name of the medication or health care procedure;

iii. The condition for which the medication or health care procedure is being used;

iv. The instructions for administration, including the dosage and frequency;

v. The time medication or a health care procedure was administered to a child and the name or initials of the staff member who administered it; and

vi. Any adverse effect the medication can have or has had on the child.

10. If a child has a chronic health condition requiring the administration of prescription or non-prescription medication or health care procedures on a long-term basis, the center shall obtain from the child's parent a written statement from a licensed physician indicating:

i. The name of the child;

ii. The name of the medication or procedure;

iii. The condition or indications for administration of the medication or procedure;

iv. The instructions for administration of the medication or procedure; and

v. The name and telephone number of the physician.

11. If the center chooses to administer health care procedures associated with a child's health condition, such as the use of a glucometer or nebulizer, the center shall ensure that all staff members who administer the procedure are taught to do so by an appropriately trained person.

(c) For early childhood programs, the following shall apply:

1. Centers that choose to administer medication or health care procedures shall ensure that all medication and health care procedures are administered by designated staff.

(d) For school-age child care programs, the following shall apply:

1. Centers that choose to administer or permit a child to self-administer medication or health care procedures shall:

i. Obtain written authorization for self-administration from the child's parent, if applicable; and