

Chapter 5. CHILD CARE.

Note: Child care facilities enrolling more than five children between two and five years of age are licensed and regulated by the State Department of Human Services, Division of Youth and Family Services (DYFS).

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Article 1. CHILD CARE FACILITIES.

5-1. Definitions.

(a) The phrase “child care facilities” shall include every private child care center, infant care center, day nursery, nursery school, boarding school, private elementary school, cooperative group, play group or other establishment of similar character for the care or schooling of children in which any tuition, fee, board or other form of compensation is charged or which is publicly funded whether or not tuition fees, board or other form of compensation is charged, except those child care centers subject to licensure by the State Department of Human Services, Division of Youth & Family Services, pursuant to the State’s Child Care Licensing Law (N.J.S.A. 18A-70-1 to 9) and regulations promulgated thereunder.

(b) Day care homes are facilities operated by one or more individuals and not licensed by the State of New Jersey in which children are placed for temporary care on a daily basis either during or outside of school hours. They shall not provide care for more than twelve children at any one time.

5-2. Child care facilities enrolling five or more children between the age of two weeks and sixteen years.

Child care facilities enrolling five or more children between two weeks and sixteen years of age and not regulated by DYFS shall be regulated by this chapter.

Article 2. HEALTH AND SAFETY STANDARDS.

5-3. Number of staff.

(a) There must be at least two staff members present in any facility when more than one child is present or on any trip or outing outside the facility.

(b) The ratio of staff members to children in any facility shall conform to the following minimum standards:

- (1) Under the age of six weeks, one staff member per child;
- (2) from the age of six weeks to three years, one staff member for every four children;
- (3) from the age of three years to six years, one staff member for every six children;
- (4) from the age of six years to ten years, one staff member for every fifteen children;
- (5) over the age of ten years, one staff member for every twenty children.

5-4. Equipment.

A facility shall provide play equipment, materials and furniture which shall be safe, clean, in good repair and free of lead paint hazards.

5-5. Sleeping equipment.

(a) Infants less than twelve months shall sleep in cribs or beds with side rails and firm mattresses. Children twelve months of age or older shall sleep in cribs, beds or cots - as appropriate. Each crib, bed or cot shall have a washable, waterproof covering and appropriate bedding.

(b) Each child five years or younger who is enrolled for five or more continuous hours shall be provided with sleeping equipment.

(c) Between launderings, all bedding shall be for the exclusive use of the same child.

(d) all bedding shall be kept clean.

5-6. Food Service.

(a) A child care facility shall establish and implement a written policy for its nutrition and food service programs.

(b) A child or infant shall be served meals as appropriate.

(c) When a facility provides formula for the child who is on regular or special infant formula commercially prepared, pre-bottled, ready-to-feed units shall be provided unless provided by the parent as specified in this section.

(d) When a parent chooses to provide formula or food, the facility shall assure that the food, formula, bottles, nipples and containers comply with the following requirements:

(1) Food or formula shall be prepared at the child's home and placed in a labeled, assembled bottle prior to being brought to the center.

(2) Potentially hazardous foods shall be kept properly refrigerated below 45°F.

(e) Formula left in a bottle at the end of a feeding shall be discarded.

5-7. Food service sanitation.

(a) Facilities, equipment, and procedures used for the preparation, storage and service of food, whether on or off the premises, shall comply with the applicable provisions of Chapter 12 of the State Sanitary Code. Facilities, equipment and procedures required shall depend on the amount of food service and type of food service operation.

(b) In facilities with twelve children or less, high quality domestic equipment and utensils may be acceptable, provided that they are designed and of such material and workmanship as to be easily cleanable and in good repair. Disposable utensils, plates and the like shall be used unless an automatic dishwasher or 3-compartment sink is available.

(c) The cooking equipment shall be provided with mechanical ventilation and adequately vented to the outside atmosphere.

(d) In facilities with thirteen or more children or in facilities with an institutional setting, commercial food service equipment will be required. Minimum equipment for utensil cleaning and sanitizing procedures must include a 3-compartment sink or an automatic dishwasher with a sanitizing (pumped rinse of 165°F for 30 seconds) and drying cycle and a 2-compartment sink provided with hot and cold running water.

5-8. Swimming and wading.

A child care facility shall not allow swimming or wading except in licensed municipal pools.

5-9. Child information records and reports.

(a) A center shall have a child information card completed and on file for each child currently enrolled.

(b) A center shall maintain an accurate record of daily attendance for children enrolled.

(c) A center shall report an accident or illness occurring while a child is in care, which results in hospitalization or death. A report shall be submitted to the Health Officer within five days of such an event.

5-10. Health of personnel; report.

(a) A center shall have on file a report, signed by a licensed physician, for each staff member and each volunteer who has contact with children our hours or more per week for more than two consecutive weeks. This report shall declare, to the best of the physician's knowledge, the physical capability of the staff member to perform the duties required. The report shall be signed no more than six months prior to, or 30 days after, the start of employment and every year thereafter.

(b) A center shall have on file evidence that each staff member and volunteer who has contact with children our hours or more per week or more than two consecutive weeks is free from communicable tuberculosis, verified within one year prior to employment and every year thereafter.

5-11. Emergency medical care; immunization status; statement; medication; health surveillance measures.

(a) At the time of initial attendance, a center shall obtain and keep on the file written permission, signed by the parent, to seek emergency medical care.

(b) A center shall obtain and keep on file, within thirty days of a child's initial attendance, information as to a child's immunization status and one of the following statements:

(1) A signed statement on the state of the child's health based on an evaluation by a licensed physician or his or her designee made within the preceding 12 months and every two years thereafter.

Restrictions, if any, on activities shall be stated by a licensed physician.

(2) A written statement from the parent or guardian that the child has completed, or has an appointment to take part in, a health care program which shall include health observations, physician assessments, and screening tests, when such a health program is available and has been approved by the Department. The result of this health screening program shall be on file in the center following such an assessment and shall be updated every two years.

(3) A child whose parents object to physical examination, immunizations, or medical treatment on religious grounds may be admitted if the parent provides the center with a signed statement that the child is in good health and that the parent assumes responsibility for the child's state of health while at a center, with the understanding that the parent be notified immediately when anything unforeseen in this regard occurs.

(c) When a center administers medication, the following provisions shall apply:

(1) Medication, including aspirin, dietary supplements, prescription or individual special medical procedures, shall be given or applied only with prior written permission from the parent. Prescription medication shall have the pharmacy label indicating the physician's name, child's name, instructions, and name and strength of the medication, and shall be given in accordance with those instructions.

(2) A caregiver shall maintain a record as to the time and the amount of any medication given or applied.

(3) The medication shall be in the original container, stored according to the instructions, and clearly labeled for the specific child. The caregiver shall keep the medication out of the reach of children in a locked cabinet, and shall return the medication to the parent or destroy it when no longer needed.

(d) Health surveillance measures include the following:

(1) A center shall be responsible for reporting to the parent observed changes in the child's health or any accidents that may have happened to the child.

(2) A child too ill to remain in the group shall be placed in a separate area where he or she may be comfortably cared for and supervised until he or she can be taken home or suitably cared for elsewhere. Items and facilities, including cots, bedding, utensils, toys, toilets, and lavatories used by the ill child shall not be used by any other person until those items and facilities have been thoroughly cleaned. The parent shall be contacted when these measures are required.

5-12. Telephone service.

A telephone shall be available and accessible in the building during the hours that the center is in operation. Pay telephones shall not be considered as meeting this requirement. Emergency telephone numbers, including fire, police, poison control center, and ambulance, shall be conspicuously posted immediately adjacent to the telephone.

5-13. Space requirements - maximum capacity.

Maximum capacity of a facility shall be determined by the following minimum space standards (calculations not to include hallways, bathrooms, storage areas, kitchens, reception rooms, or office areas):

(a) Indoor space for infants and children under 2 years of age shall be at least 50 sq. ft. per infant.

(b) Indoor space for children, 2 to 16 years old, shall be at least 35 sq. ft. per child.

(c) Outdoor play areas shall be provided if children are to be in attendance for five or more continuous hours a day. The play area shall be at least 1200 sq. ft. in size and shall provide a safe environment for play (e.g. no water or traffic hazards; fences provided if necessary).

5-14. Diapering.

- (a) A center shall provide diapers. Diapers shall be disposable or furnished by a commercial diaper service.
- (b) Diapering shall be done in the child's own crib, or in a designated diapering area or station.
- (c) A diapering area, and all supplies and equipment, shall be maintained in a safe and sanitary manner.
- (d) The hands of a caregiver shall be washed before and after each diapering, using soap and running water. A hand sink shall be conveniently located to a diapering area.
- (e) A washcloth or towel, or both, used in diapering shall not be used subsequently on another part of the body or for any other purpose or on another child until laundered.
- (f) Diapers shall be changed when soiled or wet.

5-15. Location of center; stairs, walkways, ramps and porches.

- (a) A center shall be located on land that provides good natural drainage or that is properly drained.
- (b) Porches and walkways that are elevated shall have barriers to prevent falls.
- (c) Stairs, walkways, ramps and porches shall be maintained in a safe condition relative to the accumulation of water, ice or snow, and shall have non-slip surfaces.

5-16. Heating and Cooling.

- (a) Heating equipment shall be capable of maintaining a temperature of not less than 68°F at a point two (2) feet above the floor.
- (b) Cooling equipment shall maintain a temperature of not more than 78°F at a point two (2) feet above the floor.

5-17. Light, ventilation and screening.

- (a) The total ventilation area in every habitable room, as provided by openable windows, shall be not less than 4-1/2% of the floor area, unless central air conditioning is provided.
- (b) Artificial light or natural light, or both, shall be capable of providing a minimum illumination of 40 footcandles over the entire room at a height of 3 feet from the floor.
- (c) During the fly season, a window used for ventilation shall be supplied with screening of not less than 16 mesh, which shall be kept in good repair.

5-18. Water supply.

- (a) Sinks, lavatories, drinking fountains and other water outlets shall be supplied with safe water, sufficient in quantity and pressure to meet conditions of peak demand. Hot water temperatures shall not exceed 120°F at outlets accessible to children.
- (b) The water system shall comply with the requirements of the Department of Environmental Protection. Plumbing shall be designed, constructed, installed and maintained to prevent cross-connections.

5-19. Toilets and wash basins.

A center shall provide one toilet and one wash basin for the first fifteen (15) children and one additional toilet and wash basin for each additional one to fifteen children, except that a center operating with children present for five or more continuous hours a day shall provide one toilet and one wash basin for the first ten (10) children and one additional toilet and wash basin for each additional one to ten children.

5-20. Sewage disposal.

Sewage and other water-carried wastes shall be disposed of through the municipal sewer system.

5-21. Garbage and refuse.

(a) A center shall store garbage in flyproof and watertight containers with tight-fitting covers. A garbage can shall be provided with a waterproof liner or be thoroughly cleaned after each emptying.

(b) A center shall have garbage and refuse removed at intervals of at least once a week so as not to create a menace to health.

5-22. Maintenance of premises.

(a) The premises shall be maintained in a clean and safe condition and shall be free from standing water.

(b) The premises shall be maintained so as to eliminate and prevent rodent and insect harborage.

(c) Roofs, exterior walls, doors, skylights, and windows shall be weathertight and watertight and shall be kept in sound condition and good repair.

(d) Floors, interior walls and ceilings shall be sound, in good repair and maintained in a clean condition.

(e) All plumbing fixtures and water and waste pipes shall be properly installed and maintained in good working condition. Each water heater shall be equipped with a thermostatic temperature control and a pressure relief valve, both of which shall be in good working condition.

(f) All water closet compartments, bathrooms and kitchen floor surfaces shall be constructed and maintained so as to be reasonably impervious to water and to permit the floor to be easily kept in a clean condition.

5-23. Building, plumbing and fire code compliance.

Every facility shall be in compliance with all applicable building, plumbing and fire safety code requirements.