IDAPA 16 – IDAHO DEPARTMENT OF HEALTH AND WELFARE

Division of Welfare (Self-Reliance)

16.06.03 – Daycare Licensing

Who does this rule apply to?
These rules establish requirements for licensing, maintaining, and operating daycare facilities.

What is the purpose of this rule?
To assure that children receive adequate care in the absence of their parents or guardians to provide care and protection for their children. This policy is because children are vulnerable and not capable of protecting themselves. When parents have relinquished their children's care to others, there arises the possibility of risks to those children's lives, health, and safety. This requires the Department oversight of licensing and registration found in these rules.

What is the legal authority for the agency to promulgate this rule?
This rule implements the following statutes passed by the Idaho Legislature:

Health and Safety –
Basic Daycare License:
- Section 39-1107, Idaho Code
- Section 39-1111, Idaho Code – Rules Authorized

Public Assistance and Welfare -
Health and Welfare:
- Section 56-1003, Idaho Code – Powers and Duties of the Director
- Section 56-1005(8), Idaho Code
- Section 56-1006, Idaho Code – Title Superseded
- Section 56-1007, Idaho Code

Background Checks:
- Tittle 56, Chapter 27, Idaho Code

Where can I find information on Administrative Appeals?
Administrative appeals and contested cases are governed by the provisions of the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code, and IDAPA 62.01.01, "Idaho Rules of Administrative Procedure."

How do I request public records?
Under Title 74, Chapter 1, Idaho Code, and IDAPA 16.05.01, "Use and Disclosure of Department Records," information referring or relating to individuals, programs, or facilities subject to this chapter of rules, IDAPA 16.06.02, Child Care Licensing," will be released to the public upon written request if they are part of an inquiry into an individual's or organization's fitness to be granted or retain a license, certificate, permit, privilege, commission, or position. These records will otherwise be provided in redacted form as required by law or rule.

Who do I contact for more information on this rule?

Idaho Department of Health and Welfare
Division of Self Reliance
Attn: Daycare Licensing
P.O. Box 83720 Boise, ID 83720-0036
Phone: 1-800-926-2588 (or dial 211)
Fax: (208) 334-5817
Email: ChildCare@dhw.idaho.gov
Webpage: https://healthandwelfare.idaho.gov/providers/child-care-providers/becoming-child-care-provider

This rule chapter will be reviewed in compliance with Section 67-5292, Idaho Code, and in accordance with the 8-year rule review schedule linked here.

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000. LEGAL AUTHORITY.
Sections 39-1107, 39-1111, 56-1003, 56-1005(8), and 56-1007, Idaho Code, and Tittle 56, Chapter 27, Idaho Code, authorize the Department and the Board to adopt and enforce rules for licensing daycare centers, group daycare facilities, and family daycare homes. (7-1-24)

001. INCORPORATION BY REFERENCE.

01. Occupational Safety Health Act (OSHA). A copy of OSHA may be obtained at the Idaho Industrial Commission, 317 Main Street., P.O. Box 83720, Boise, Idaho, 83720-0041 or at https://www.osha.gov/sites/default/files/publications/OSHA2001.pdf. (7-1-24)

02. Crib Safety – Full Size Baby Cribs. Crib Safety. Consumer Product Safety Commission, Compliance information for full size cribs can be found at https://www.cpsc.gov/Business--Manufacturing/Business-Education/FAQ?p=3019&tid%5b3028%5d=3028. (7-1-24)

03. Crib Safety -- Non-Full-Size Baby Cribs. Crib Safety. Consumer Product Safety Commission, Compliance information for non-full size cribs can be found at https://www.cpsc.gov/Business--Manufacturing/Business-Education/FAQ?p=3019&tid%5b3029%5d=3029. (7-1-24)

002. – 008. (RESERVED)

009. BACKGROUND CHECK REQUIREMENTS.

01. Compliance. Department enhanced background checks are required for individuals licensed under these rules and must comply with IDAPA 16.05.06, "Criminal History and Background Checks." (7-1-24)

02. Background Check Requirements. Each owner, operator, or applicant seeking licensure for a daycare facility must submit evidence that the following individuals successfully completed and received a clearance for a Department enhanced background check, at least every five (5) years, under Sections 39-1105 and 39-1113, Idaho Code: (7-1-24)

a. Owners, operators, and staff; (7-1-24)

b. All other individuals thirteen (13) years old or older who have unsupervised direct contact with children; or (7-1-24)

c. All other individuals thirteen (13) years old or older who are in the household or regularly on the premises. (7-1-24)

03. Family Daycare Homes. Under Section 39-1114, Idaho Code, any person providing daycare for four (4) or more children in a family daycare home is required to comply with Sections 39- 1105 and 39-1113, Idaho Code. (7-1-24)

04. Background Check Frequency. The Department can require a background check at any time on any individual who is an owner, operator, staff, household member of a daycare facility, and all other individuals who are thirteen (13) years old or older who have unsupervised direct contact with children or who are regularly on the premises. (7-1-24)

05. Juvenile Justice Records. The enhanced background check for individuals under eighteen (18) years, must include a check of the juvenile justice records, as authorized by the minor and their parent or guardian. Records must be checked for each jurisdiction in which the individual has resided since becoming thirteen (13) through eighteen (18) years old. Each owner, operator, or applicant is responsible for requesting a check of the juvenile justice record, the associated costs of these records, and submitting them to the Department for review. A check of the juvenile justice records must include the following: (7-1-24)

a. Juvenile justice records of adjudication of the magistrate division of the district court; (7-1-24)

b. County probation services; and (7-1-24)

c. Department records. (7-1-24)

06. Cost of Background Check and Juvenile Justice Records. Each individual who requests and obtains a Department background check is responsible for the cost of the background check and check of juvenile justice records. (7-1-24)

07. Private Schools and Private Kindergartens. Under Section 39-1105, Idaho Code, any person who owns, operates, or is employed by a private school for educational purposes for children four (4) through six (6) years old or a private kindergarten must comply with Sections 39-1105 and 39-1113, Idaho Code. (7-1-24)

08. Reporting Convictions. Following completion of a background check and clearance, additional criminal convictions, and juvenile justice adjudications for disqualifying crimes under Section 39-1113, Idaho Code, must be self-disclosed by the individual to the owner or operator of a daycare facility. The owner or operator must report these additional convictions and adjudications to the Department within five (5) days of learning of the conviction or adjudication. (7-1-24)

010. – 120. (RESERVED)

121. APPLICATION FOR DAYCARE LICENSE OR RENEWAL.
Any individual applying for licensure as a daycare facility must be at least eighteen (18) years old, apply, and provide information required by the Department under this rule, to include: (7-1-24)

01. Completed Licensing Application. (7-1-24)

02. Licensing Fee. The applicant must pay the appropriate licensing fee prior to the issuance of a daycare license. (7-1-24)

03. Inspection Reports. The following reports must be submitted to the Department with the application that prove the facility or proposed facility meets: (7-1-24)

a. Building code under IDAPA 24.39.30, "Rules of Building Safety (Building Code Rules)," where required; (7-1-24)

b. Electrical code under IDAPA 24.39.10, "Rules of the Idaho Electrical Board," where required; (7-1-24)

c. Fire code under Section 41-253, Idaho Code, where required; and (7-1-24)

d. Local planning and zoning requirements. All daycare facilities must comply with applicable city and county ordinances. (7-1-24)

04. Proof of Insurance. The applicant must provide proof of current fire and liability insurance coverage for the daycare facility. (7-1-24)

05. Background Clearance. Evidence that the applicant and all individuals required to have a background check have received a clearance from the Department. (7-1-24)

06. Statement to Comply. As part of the application, the applicant must thoroughly read and review these rules and agree that they are prepared to comply with all provisions. Providers must also certify that they will not harm, shake, or abuse children, and that children in their care will not experience maltreatment under 45 CFR 98.41. (7-1-24)

07. Statement Disclosing Revocation or Disciplinary Actions. A written statement that discloses any revocation or other disciplinary action taken or in the process of being taken against the applicant as a daycare provider in any jurisdiction, or a statement from the applicant stating they have never been involved in any such action. (7-1-24)

08. Other Information as Requested. The applicant must provide other information that may be requested by the Department for the proper administration and enforcement of these rules. (7-1-24)

09. Health and Safety Inspection. The Department will order a health and safety inspection of the daycare facility once the application for licensure is complete and the licensing fee has been paid. (7-1-24)

10. Additional Requirements for License Renewal. A daycare license must be renewed every two (2) years. The daycare operator must submit to the Department the renewal application, fee, and all required documentation in this rule at least forty-five (45) days prior to the expiration of the current daycare license. (7-1-24)

11. Relicense. When a renewal application has been completed correctly, the existing license will, unless officially revoked, remain in force until the Department has acted on the application for renewal. (7-1-24)

122. (RESERVED)

123. DISPOSITION OF APPLICATIONS.
The Department will initiate action on each completed application within thirty (30) days after receipt that addresses each requirement for the specific type of daycare license. Upon receipt of a completed application, the Department will review the materials for compliance with these rules. (7-1-24)

01. Termination of Application Process. Failure of the applicant to cooperate with the Department in the application process may result in the termination of the application process. Failure to cooperate means that the information requested is not provided within ninety (90) days, or not provided in the form requested by the Department, or both. (7-1-24)

02. Denial of Application. If an application is denied, a signed letter will be sent directly to the applicant by registered or certified mail, advising the applicant of the denial and stating the basis for such denial. An applicant whose application has been denied may not reapply until after one (1) year has elapsed from the date on the denial of application. (7-1-24)

03. Failure to Complete Application Process. Failure of the applicant to complete the application process within six (6) months of the original date of application will result in a denial of the application. (7-1-24)

04. Denial of Licensure. If the Department determines the applicant is not in compliance with these rules and further determines not to issue a daycare license, the Department will, within thirty (30) days from the date the completed application is submitted, issue a letter of denial of licensure stating the basis for the denial. (7-1-24)

05. Incomplete Application. The Department is not required to take any action on an application until the application is complete. (7-1-24)

06. Notification of License Renewal. The Department will notify the licensed daycare operator at least ninety (90) days prior to expiration of the license. (7-1-24)

124. – 149. (RESERVED)

150. RESTRICTIONS ON APPLICABILITY AND NONTRANSFER.

01. Issued License. A license applies only to the daycare facility licensed by the Department, or the person and premises designated. Each license is issued in the business name or individual name, and only to the specified address identified on the application of the facility. A license issued in the name of a daycare facility licensed by the Department applies only to the period and services specified in the license. (7-1-24)

02. Return of License. The operator must immediately return their license to the Department under any of the following circumstances: (7-1-24)

a. Changes of management or address; (7-1-24)

b. Upon suspension or revocation of the license; or (7-1-24)

c. Upon voluntary discontinuation of service. (7-1-24)

03. Nontransferable. A license is nontransferable or assignable from one (1) individual to another, from one (1) business entity or governmental unit to another, or from one (1) location to another. (7-1-24)

04. Change in Ownership or Location. When there is a change in ownership or location, the daycare facility must reapply for a license. A license must be obtained before starting operations. (7-1-24)

151. – 199. (RESERVED)

200. STAFF AND OTHER RECORD REQUIREMENTS.
Each owner or operator of a daycare facility must maintain a current list covering the previous twelve-month period of all staff and other individuals thirteen (13) years old or older who have unsupervised direct contact with children, or are regularly on the premises. The record must contain the following: (7-1-24)

01. Legal Name. (7-1-24)

02. Proof of Age. (7-1-24)

03. Phone Number. (7-1-24)

04. Training Records. (7-1-24)

05. Verification of Background Check Clearance. (7-1-24)

06. Results of Juvenile Justice Records. (7-1-24)

07. Verification of Pediatric Rescue Breathing, Infant-Child CPR, and Pediatric First Aid Certification from a Certified Instructor. (7-1-24)

08. Times, Dates, and Records of Hours on the Premises Each Day. (7-1-24)

201. CHILD RECORD REQUIREMENTS.
Each owner or operator of a daycare facility must maintain records for each child in attendance covering the previous twelve-month period. The record must contain the following: (7-1-24)

01. Child's Full Name. (7-1-24)

02. Date of Birth. (7-1-24)

03. Parent or Guardian's Name, Address, and Contact Information. (7-1-24)

04. Emergency Contact Information. (7-1-24)

05. Child's Health Information. (7-1-24)

a. Immunization record or waiver of exemption form or statement; (7-1-24)

b. Any medical conditions or allergies that could affect the care of the child; and (7-1-24)

c. Medications the child is taking or may be allergic to. (7-1-24)

06. Times, Dates, and Record of Attendance Each Day. Sign-in/out records, electronic or manual, including the signature of a parent or guardian. (7-1-24)

202. – 359. (RESERVED)

360. FIRE SAFETY STANDARDS.
Each daycare facility must comply with the following. (7-1-24)

01. Inspections. Must be completed by the local fire official or designee. For a daycare located outside of the area of authority under Section 39-1109, Idaho Code, the Department can designate an approved inspector for daycare licensing purposes only. (7-1-24)

02. Daycare Fire Inspection Fees. Are payable to the local fire department or fire district official. (7-1-24)

03. Unobstructed Exits. Required exits must be located in such a way that an unobstructed path outside the building is provided to a public way or area of refuge. (7-1-24)

a. Exit doors must open from the inside without the use of a key or any special knowledge or effort. (7-1-24)

b. There must be at least two (2) exits located a distance apart of not less than one-half (1/2) the diagonal dimension of the building or portion used for daycare, but not to exceed seventy-five (75) feet. An exception may be made for the following: (7-1-24)

i. The distance between exits may be extended to ninety (90) feet if the building is totally protected throughout with smoke detectors; or (7-1-24)

ii. The distance between exits may be increased to one hundred ten (110) feet if the building is equipped with an automatic fire sprinkler system. (7-1-24)

c. The required dimensions of exits must not be less than thirty-two (32) inches of clear exit width and not be less than six (6) feet, eight (8) inches in height. An exception for sliding patio doors will be accepted as a required second exit in a family daycare home and group daycare facility only. (7-1-24)

d. Sleeping room exits must be provided with at least one (1) emergency egress window having at least a single net clear opening of five point seven (5.7) square feet, minimum height twenty-four (24) inches, minimum width twenty (20) inches, and maximum finished sill height not over forty-four (44) inches. (7-1-24)

i. Approved egress windows from sleeping areas must be operable from the inside without the use of separate tools. (7-1-24)

ii. In lieu of egress windows, an approved exit door is acceptable. (7-1-24)

iii. An approved piece of furniture or platform, if anchored in place, may be approved to sit in front of a window if the sill height is over forty-four (44) inches. (7-1-24)

e. Where children are located on a story below the level of exit discharge (basement), there must be at least two (2) exits, one (1) of which must open directly to the outside. More than one (1) exit from the basement opening directly to the outside may be required, depending on the structure of the building, to ensure the safety of the occupants. (7-1-24)

f. Where children are located on a story above the level of exit discharge, there must be two (2) exits, one (1) of which must open directly to the outside and comply with building codes. (7-1-24)

361. FACILITY CAPACITY AND DETERMINING OCCUPANT LOAD.
Occupant load is determined by the local fire official or designee. (7-1-24)

01. Area for Daycare Use Only. The local fire official or designee will only use those areas used for daycare purposes when determining the occupant load. (7-1-24)

02. Facilities with an Occupancy Load of Fifty or More. Must meet the requirements in Section 360

of these rules and this rule. (7-1-24)

a. Exit doors must swing in the direction of egress. (7-1-24)

b. Exit doors from rooms, if provided with a latch, must have panic hardware installed. (7-1-24)

03. Exit Signs. Must be installed at required exit doorways and wherever else necessary to clearly indicate the direction of egress. (7-1-24)

362. FIRE EXTINGUISHERS AND SAFETY REQUIREMENTS.
Each daycare facility must comply with the following fire extinguisher and safety requirements as applicable for size and type of facility. (7-1-24)

01. Portable Fire Extinguisher. There must be an approved portable fire extinguisher (minimum 2A-10BC) mounted securely in a visible location not to exceed five (5) feet from the floor to the top of the extinguisher and not more than seventy five (75) feet travel distance to an extinguisher and maintained properly. (7-1-24)

02. Kitchen Area. An approved fire extinguisher must be present, or a hood-type fire suppression system be installed in the kitchen area. (7-1-24)

03. Fire Extinguishers. Approved fire extinguishers must be maintained properly. (7-1-24)

04. Facilities Over Three Thousand Square Feet. Each daycare facility over three thousand (3,000) square feet is required to have additional fire extinguishers as approved by the local fire official or designee. (7-1-24)

05. Fire Alarm System. Each daycare facility with over fifty (50) children, must have an approved fire alarm system installed. (7-1-24)

06. Smoke Detectors. Must be installed and maintained in the following locations: (7-1-24)

a. On the ceiling, wall outside, or each separate sleeping area in the immediate vicinity of bedrooms; (7-1-24)

b. In each room used for sleeping purposes; and (7-1-24)

c. In each story within a facility including basements. (7-1-24)

d. If there is a basement, there must be a smoke detector installed in the basement having a stairway which opens from the basement into the facility. Such detector must be connected to a sounding device or other detector to provide an alarm that is audible in the sleeping area. (7-1-24)

07. Automatic Sprinkler Systems. Must be provided in all daycare facilities greater than twenty thousand (20,000) square feet in area or when the number of children under the age of eighteen (18) months exceeds one hundred (100). (7-1-24)

363. FIRE SAFETY AND EVACUATION PLANS.
Each daycare facility must have an approved fire safety and evacuation plan prepared that includes the following: (7-1-24)

01. Evacuation. Procedures and policies for accounting for staff and children after an evacuation is completed. (7-1-24)

02. Evacuation Plan and Assembly Point for Children and Staff. (7-1-24)

03. Locations of Facility Exits. (7-1-24)

04. Evacuation Routes. (7-1-24)

05. Location of Fire Alarms. (7-1-24)

06. Location of Fire Extinguishers. (7-1-24)

07. Annual Review. Fire safety and evacuation plans must be reviewed or updated annually and available in the facility for reference and review. (7-1-24)

08. Fire and Emergency Evacuation Drills. Must be conducted on a routine schedule at least two (2) times each year and all staff and children must participate. (7-1-24)

364. – 379. (RESERVED)

380. HEALTH STANDARDS.
Each daycare facility licensed by the Department, must comply with the following. Health inspections must be conducted annually by a qualified inspector designated by the Department and will be unannounced. (7-1-24)

01. Food. Must be from an approved source under IDAPA 16.02.19, "Idaho Food Code." Food must not be served past expiration or "use by" date. (7-1-24)

02. Food Preparation. Food for use in daycare facilities must be prepared and served in a sanitary manner with sanitized utensils and on surfaces that have been cleaned, rinsed, and sanitized prior to use to prevent cross-contamination. (7-1-24)

a. Frozen food must be thawed in the refrigerator, under cold running water, or as part of the cooking process and cooked to proper temperatures under IDAPA 16.02.19, "Idaho Food Code." (7-1-24)

b. Individuals preparing food must use proper hand-washing techniques, minimize bare hand contact with food, and wear clean clothes. (7-1-24)

03. Food Temperatures. Potentially hazardous foods must be kept refrigerated at forty-one degrees Fahrenheit (41°F) or below, held hot at one hundred thirty-five degrees Fahrenheit (135°F) or more, and reheated or cooled at safe temperatures under IDAPA 16.02.19, "Idaho Food Code." Refrigerators must be equipped with an accurate thermometer. (7-1-24)

04. Food Storage. All food that is served in daycare facilities must be stored in such a manner that protects it from potential contamination. There must be no evidence of pests present in the daycare facility. (7-1-24)

05. Food Contact Surfaces. Must be kept clean and sanitized, including counters, serving tables, high chair trays, and cutting boards. (7-1-24)

06. Dishwashing Sanitizing. Dishes, glasses, utensils, silverware, and all other objects used for food preparation and eating must be sanitized using appropriate sanitizing procedures. (7-1-24)

07. Utensil Storage. Clean utensils must be stored on clean shelves or drawers and not subject to recontamination, and sharp knives and other sharp objects be kept out of reach of children. (7-1-24)

08. Garbage. Must be kept covered or inaccessible to children. (7-1-24)

09. Hand Washing. Children and facility staff must be provided with individual or disposable towels for hand drying, and the hand washing area be equipped with soap and warm and cold running water. (7-1-24)

10. Diaper Changing. Must be conducted in such a manner as to prevent the spread of communicable diseases, be separate from food preparation and serving areas, and have easy access to a hand washing sink. (7-1-24)

11. Sleeping Areas. Children sleeping at the facility must have separate cots, mats, or beds and blankets. (7-1-24)

12. Safe Sleep. Providers must place newborn infants up to twelve (12) months old in a safe sleep environment. Safe sleep practices include alone, on their backs, and in a Consumer Product Safety Commission (CPSC) certified sleep space. (7-1-24)

13. Restrooms, Water Supply, and Sewage. All daycare facilities must have restrooms. (7-1-24)

a. Each facility must have at least one (1) flushable toilet and one (1) hand washing sink with warm and cold water per restroom. (7-1-24)

b. Plumbing and bathroom fixtures must be in good condition. (7-1-24)

c. All daycare facilities and homes must comply with IDAPA 24.39.30, "Rules of Building Safety (Building Code Rules)." (7-1-24)

14. Water Supply. The facility's water supply must meet one (1) of the following requirements: (7-1-24)

a. Be from a public water system that is maintained under IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," at the time of initial or renewal application; or (7-1-24)

b. Be from a private source, such as well or spring, be tested annually for bacteria and nitrate, and be approved by the Department. (7-1-24)

c. Water used for consumption at a daycare facility is from an acceptable source. Temporary use of bottled water or boiled water may be allowed for a period specified by the Department. (7-1-24)

15. Sewage Disposal. Facility sewage must be disposed of through a public system, or in the absence of a public system, in a manner approved by the local health authority under IDAPA 58.01.03 "Individual/Subsurface Sewage Disposal Rules." (7-1-24)

16. Alcohol and Illegal Drugs. Must not be used by providers, owners, operators, staff, volunteers, children, or visitors at daycare facilities, in the presence of children during hours of operation, or in vehicles while transporting children. (7-1-24)

a. Any individual under the influence of alcohol or drugs is not permitted at or in the daycare facility. (7-1-24)

b. Illegal drugs are prohibited by law and therefore are not allowed on the premises of any licensed daycare facility at any time. (7-1-24)

17. Smoke-Free Environment. Children must be afforded a smoke-free environment during all daycare hours, whether indoors or outdoors. While children are in care, the operator and all staff must ensure that no smoking or other tobacco use occurs within the facility, in outdoor areas, or in vehicles when children are present. (7-1-24)

18. Transportation. Provider that transports a child(ren) will possess a valid driver's license, be insured under Idaho Law, and abide by all traffic laws including the requirement that all children are in proper safety restraints while being transported under Section 49-672, Idaho Code, and Section 49-673, Idaho Code. Vehicles used to transport children will be properly maintained and in good working condition. (7-1-24)

19. Disaster and Emergency Planning. Providers must have documented plans for emergencies resulting from a natural disaster, or human-caused event that include: (7-1-24)

a. Procedures for evacuation, relocation, shelter-in-place, lock-down, communication and reunification with families, continuity of operations, and accommodation of infants and toddlers and children with disabilities or chronic medical conditions. (7-1-24)

b. Procedures for staff and volunteer emergency preparedness training and practice drills. (7-1-24)

c. Guidelines for the continuation of daycare services in the period following the emergency or disaster. (7-1-24)

d. Procedures for the prevention of and response to emergencies due to food and allergic reactions. (7-1-24)

20. Medication. No person can administer any medication to a child without it first being authorized by a parent or caretaker. All medications, refrigerated or unrefrigerated, must be in a locked box or otherwise in inaccessible to children. (7-1-24)

21. Adequate Heat, Light, and Ventilation. A daycare facility must have adequate heat, light and ventilation. Windows and doors must be screened if used for ventilation. (7-1-24)

22. Immunizations. Daycare operators must comply with requirements under IDAPA 16.02.11, "Immunization Requirements for Licensed Daycare Facility Attendees." (7-1-24)

381. MISCELLANEOUS SAFETY REQUIREMENTS.
Each daycare facility licensed by the Department must comply with the following: (7-1-24)

01. Telephone. An operable telephone or cell phone must always be available in the facility with the following conditions: (7-1-24)

a. The telephone number used must be made available to parents and guardians. (7-1-24)

b. Emergency phone numbers to include 911, an adult emergency substitute operator, and the address and phone number of the facility must be posted by the telephone or in a location that is easily and always visible. (7-1-24)

02. Heat-Producing Equipment. A furnace, fireplace, wood-burning stove, water heater, and other flame or heat-producing equipment must be installed and maintained as recommended by the manufacturer and protected on all surfaces by screens or other means. (7-1-24)

03. Portable Heating Devices. Must be limited and approved for use and location by the Fire Inspector prior to use within a facility and will not be used during sleeping hours. (7-1-24)

04. Storage of Weapons, Firearms, and Ammunition. Firearms or other weapons stored at a daycare facility must be kept in a locked cabinet, gun safe, or other container that is inaccessible to children, while children are in attendance. Keys to these containers must also be inaccessible to children. (7-1-24)

a. Ammunition must be stored in a locked container separate from firearms. (7-1-24)

b. Matches, lighters, and any other means of starting fires must be kept away from and out of the reach of children. (7-1-24)

c. Other weapons that could cause harm must be stored out of reach of children. (7-1-24)

05. Animals and Pets. Any pet or animal present at the facility, indoors or outdoors, must be in good health, show no evidence of carrying disease, and be a friendly companion of the children. The operator must maintain the animal's vaccinations and vaccination records which will be made available to the Department upon request. (7-1-24)

06. Hazardous Materials. Cleaning materials, flammable liquids, detergents, aerosol cans, pesticides, and other poisonous and toxic materials must be kept in their original containers and in a place inaccessible to children. They must be used in such a way that will not contaminate play surfaces, food, food preparation areas, or

constitute a hazard to the children. Biocontaminants must be disposed of appropriately. (7-1-24)

382. – 399. (RESERVED)

400. BUILDINGS, GROUNDS, FURNISHINGS, AND EQUIPMENT.
Each daycare facility licensed by the Department must comply with the following: (7-1-24)

01. Appliances and Electrical Cords. All appliances, lamp cords, exposed light sockets, and electrical outlets will be protected to prevent electrocution. (7-1-24)

02. Balconies and Stairways. Balconies and stairways accessible to children will have substantial railings as required by IDAPA 24.39.30, "Rules of Building Safety (Building Code Rules). (7-1-24)

03. Stairway Protection. Where an operator cares for children less than three (3) years old, stairways will be protected to prevent child access to stairs. (7-1-24)

04. Hazardous Area Restrictions. Based on the age and functioning level of children in care and the type of hazard and the area surrounding the hazard, the area will be restricted to prevent easy access to the hazard. (7-1-24)

05. Fueled Equipment. Fueled equipment including motorcycles, mopeds, lawncare equipment, and portable cooking equipment. This equipment will not be stored or repaired in areas where children are present. (7-1-24)

06. Water Hazards. Above and below ground pools, hot tubs, ponds, and other bodies of water that are on the daycare facility premises must provide the following safeguards: (7-1-24)

a. The area surrounding the body of water must be fenced and locked in a manner that prevents access by children and meets the following (7-1-24)

i. The fence will be at least four (4) feet high with no vertical opening more than four (4) inches wide and designed so that a young child cannot climb or squeeze under or through the fence. The fence will surround all sides of the pool and have a self-closing gate that has a self-latching mechanism in proper working order that is out of the reach of young children. (7-1-24)

ii. If the house forms one (1) side of the barrier for the pool, all doors that provide unrestricted access to the pool will have alarms that produce an audible sound when the door is opened. (7-1-24)

b. Furniture or other large objects will not be left near the fence in a manner that would enable a child to climb on the furniture or other large object and gain access to the pool. If the area surrounding a pool, hot tub, pond, or other body of water is not fenced and locked, there will be a secured protective covering that prevents access by a child. (7-1-24)

c. Wading pools and buckets will be empty when not in use. (7-1-24)

d. Children will be under direct supervision of adult staff who are certified in pediatric CPR and pediatric first aid while using a bathtub, pool, hot tub, pond, or other body of water. (7-1-24)

e. A minimum of a four (4) foot high fence that prevents access from the daycare facility premises if the daycare premises are adjacent to a body of water. (7-1-24)

07. Indoor Play Areas and Toys. The indoor play areas will be clean, have age-appropriate toys, and be free from accumulation of dirt, rubbish, or other health hazards. (7-1-24)

08. Outdoor Play Areas and Toys. Any outdoor play area must be maintained free from hazards such as wells, machinery, and animal waste. (7-1-24)

a. If any part of the play area is adjacent to a busy roadway, drainage or irrigation ditch, stream, large holes, or other hazardous areas, the play area will be enclosed with a fence in good repair that is at least four (4) feet high without any holes or spaces greater than four (4) inches in diameter. (7-1-24)

b. Outdoor equipment, such as climbing apparatus, slides, and swings will be anchored firmly and placed in a safe location and according to the manufacturer's instructions. (7-1-24)

c. Outdoor play areas will be designed so that all parts are always visible and easily supervised by staff. (7-1-24)

d. Toys, play equipment, and any other equipment used by the children will be of substantial construction and free from rough edges and sharp corners. Unguarded ladders on slides will be kept in good repair and well-maintained. (7-1-24)

e. Toys and objects with a diameter of less than one (1) inch (two point five (2.5) centimeters), objects with removable parts that have a diameter of less than one (1) inch (two point five (2.5) centimeters), plastic bags, styrofoam objects, and balloons will not be accessible to children ages three (3) and under, or children who are known to place such objects in their mouths. (7-1-24)

401. – 419. (RESERVED)

420. CONTINUED COMPLIANCE, REPORTING CHANGES, AND CRITICAL INCIDENTS.
Each daycare owner or operator must always comply with the fire, safety, and health requirements under these rules and the following: (7-1-24)

01. Department Access. The owner, operator, or staff of a daycare facility must allow the Department access to the premises and records for reinspection at any time during the licensing period. (7-1-24)

02. Posting Information. A daycare must post the Department's contact information and the statewide number to file daycare complaints. (7-1-24)

03. Reporting Changes. The owner, operator, or staff of a daycare facility notifies the Department of any changes that affect the terms of licensure or could affect the health, well-being, or safety of children. (7-1-24)

04. Critical Incidents. A daycare operator must report any of the following to the Department within twenty-four (24) hours: (7-1-24)

a. Any injury that requires hospitalization of a child. (7-1-24)

b. Death or near death of a child in care. (7-1-24)

c. When a child is missing from a daycare facility. (7-1-24)

d. Any arrests, citations, withheld judgments, or criminal convictions of disqualifying crimes under Section 39-1113, Idaho Code, of an operator or any individual regularly on the premises of the facility and provide documentation that the individual is not working with children or is not on the premises. (7-1-24)

421. – 999. (RESERVED)