

CHILD CARE LICENSING UNIT
HE-C 4002 NH CHILD CARE PROGRAM LICENSING RULES ♦ 2017 RULES MAJOR CHANGES SUMMARY

The following is a summary of major changes of the 2017 NH Child Care Program Licensing Rules. It does not include editorial or minor changes. This document is not intended to represent all changes. Additional information on the rule revision, including the Final Proposed rule, can be found here:

<https://www.dhhs.nh.gov/oos/cclu/rules.htm>

Any items in *italics* are required by either federal or state laws or rules, and therefore have limitations regarding changes.

Glossary of Law/Rule Abbreviations:

45 Code of Federal Regulations (CFR) – Child Care Development Fund Program

40 CFR – US Environmental Protection Agency

16 CFR – Consumer Product Safety Commission

7 CFR - Child and Adult Care Food Program: Meal Pattern Revisions

RSA 170-E - NH State Law pertaining to Child Care Licensing

RSA 485 – NH State Law pertaining to NH Safe Drinking Water Act

He-P 1600 – NH Public Health Rules pertaining to Lead Poisoning Prevention and Control

Env-Dw – NH Rules pertaining to Public Water Systems

He-C 4002.01 Definitions	
	Several definitions have been added to reflect current terminology and to include new federal requirements.
(e), (t), (ae), (bg), (bh), (bk)	New definitions for: “assistant teacher”, “ <i>extreme challenging behavior</i> ”, “ <i>incident command system (ICS)</i> ”, “ <i>serious safety risk</i> ”, “site coordinator”, and “substitute” (45 CFR 98)
(k) & (r)	“Child care assistant” and “Daily contact” deleted.
(l)	“Child care program personnel” has been revised to reflect changes pertaining to requirements for conducting background checks.
He-C 4002.02 Application	
(b)	Amendments have been made to identify and differentiate that there are two distinct applications to be completed for a child care license: one for Family Child Care Programs and one for Child Care Centers.
(d)(5)c.	The lower age for child care program personnel who are subject to certain background checks is being changed from 16 years to 14 years.
(d)(6), (e) & (h)	Requires the following to be submitted as part of an application: any documents required by the NH Secretary of State regarding trade names, limited liability corporations or corporations; <i>the submission of fingerprints to the Department of Safety as part of the background check process, to align with changes to RSA 170-E:7, I-a; and documentation of completion of required professional development training</i> (See also 4002.30(a)) (45 CFR 98 [§98.43])

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He-C 4002.03 Waivers of Rules	
(a)	Added to rule what information is required when applying for a waiver
He-C 4002.04 License/Permit Requirements	
(l) - (r)	<p><i>Please carefully review as significant changes have been made regarding the submission of “Household and Personnel Forms” (H&P) and requirements for fingerprinting to reflect changes in RSA 170-E:7, I-a. The rules specify when a H&P form must be submitted, when fingerprinting must be done, exemptions from background checks, a new \$50 fee for the issuance by the Department of an employment eligibility card for certain staff, and requirements for programs to maintain on file at the program a copy of each individual’s “Household and Personnel Form” and a copy of their non-expired employment eligibility card. (45 CFR 98 [§98.43(a)(1)(i)])</i></p> <p>Exempt from cards:</p> <p>(q) The following are exempted from the requirement to obtain an eligibility card in (p) above:</p> <ol style="list-style-type: none"> (1) Family child care providers, household members, applicants, one-on-one aides not employed by the child care program working with a specific child, and volunteers; (2) Child care personnel determined eligible to work prior to October 1, 2017, who remain employed by the same licensee at the time of submission of the Household and Personnel Form as required in (l)(4) above; or (3) Individuals whose responsibilities do not include care and supervision of children, who are always in the presence of child care program personnel, and whose purpose or objective is to carry out a specific limited role, including but not limited to: <ol style="list-style-type: none"> a. A person working as part of work study, an internship or practicum as part of a course of study; or b. Any other purpose where the person’s presence is in no way related to the care or supervision of children in the program.
(s)	Clarifies the requirements for providing written notice to the department prior to changing the name of a program and within two business days when there is a change in mailing address, email address or phone number.
(u) and (v)	Clarifies the time limits for programs to be without a qualified director, how long a substitute may serve as director, and specifies reporting requirements for when a site director leaves his/her position.
He-C 4002.05 Renewal of License	
(b)	Removes requirements for submission of a household and personnel list and a notarized criminal record release authorization form because of the new requirements in 4002.04; deleted text is replaced by new rule clarifying that an existing license shall not expire until the department takes final action upon the renewal application, provided the application was submitted timely.
He-C 4002.06 Critical Rules, Statements of Findings and Corrective Action Plans	
Table 4.2.1	The critical rule table has been updated.
(d) and (e)	Clarifies the parameters under which a non-critical violation may be upgraded to critical and specifies that a statement of findings will be issued for each licensing and monitoring visit.

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(f)	Clarifies how a program shall respond to violations of critical rules.
(g), (h) & (k)	<i>New rule provides for the department to issue a statement of findings via email, specifies that the statement of findings shall not be altered, provides for programs to submit a separate reasonable response to be posted on-line with the statement of findings, and defines “reasonable response.” (RSA 170-E:10, III re (g)&(k))</i> (k) If, in addition to the corrective action plan, the program submits a separate, reasonable response to the department's findings, the response shall be posted with the corrective action plan on the website, in accordance with RSA 170-E: 10, II and III. A “reasonable response” shall not include personal identifying information, profanity, derogatory or inflammatory content, or repeat information in the corrective action plan, but may explain circumstances surrounding the department’s findings.
He-C 4002.07 Complaints and Investigations	
(e) & (f)	<i>Changes prescribe the department’s process when an individual has been determined ineligible to work in child care, and the notice it provides to both the employing program and the individual. (45 CFR 98)</i>
He-C 4002.08 Confidentiality	
(a) and (b)	Clarifies the department’s process for notifying a program when it determines an individual is eligible to work with children, removes the requirement to provide the program with a copy of the report of criminal convictions and, for individuals determined to be ineligible to work with children, clarifies what is kept confidential by the department. (45 CFR 98)
He-C 4002.09 Enforcement Action	
(c)(2)h. & i. and (d)	Deletes rules regarding the requirement to hire a consultant as a term for a conditional license.
(u)	Adds requirement for programs operating pending appeal of suspension or revocation of the license or permit to provide notice of the action to new families prior to enrollment of their child/children, or to staff prior to offer of employment.
(z)	Allows a center/site director or site coordinator to be eligible for employment as a director/coordinator after suspension or revocation of a license or permit, prior to the 5 year prohibition, under specific conditions.
He-C 4002.10 Administrative Fines	
(b)(5), (8), (11), & (18)	Added new fines for: continuing to operate after suspension, revocation or denial of a license or permit, failure to submit a corrective action plan, and failure to submit individuals for background checks, and clarifies that the provision of verbal or written false or misleading statements to the department, or falsification of documents or reports shall be subject to fines.
He-C 4002.11 Informal Dispute Resolution	
(a)-(c)	<i>The process for an informal dispute resolution has been updated to reflect changes to RSA 170-E:10-a.</i>
He-C 4002.12 Time Frames for Departmental Response to Applications	
	No changes.
He-C 4002.13 License Capacity and Staff and Child Attendance	

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(b)(1)-(6)	Birth date may be on the child attendance record or kept with it. Child attendance must be kept with each group or classroom so staff have an accurate list of the children they are responsible for.
(c) through (e)	Staff attendance will indicate which staff are not qualified to be left alone with children, and each staff's primary room assignment or if they have no primary assignment. Staff will sign in and out of each classroom when entering or leaving the room for more than 15 minutes.
He-C 4002.14 Health and Safety in the Child Care Environment	
(b)(7)	Removed "fences or other barriers" (added 4 inch gaps in fencing to (ab) below)
(e) & (f)	Updated requirements for what action must be taken when there are signs of deterioration in the form of flaking, chipping or peeling paint in buildings built prior to 1978, <i>specified the credentials of contractors employed to repair/remove/renovate, in accordance with US Environmental Protection Agency and the NH Department of Environmental Services requirements</i> , and added the requirement for provision of a written plan to the department outlining how children will be protected, and the expected date of completion of work to address the deteriorating conditions. (40 CFR 745.90(a) & (b) & He-P 1600)
(j) & (k)	Clarifies storage and labeling requirements for toxic and flammable materials.
(r)	New requirement for programs to maintain on file documentation of the local fire inspector's approval to use portable electric heaters.
(v)	Adds a new requirement that child care program staff who smoke shall wash their hands after smoking, prior to returning to work with children.
(ab)	All fencing required by the department or otherwise intended to limit children's access to a defined area shall: (1) Have no gaps greater than 4 inches and be designed to restrain preschool children from climbing out of, over, under or through the fence;
(ad)	Specifies that programs shall prohibit children from playing on equipment or structures that require energy absorptive material when the energy absorptive material is compacted and unable to be loosened, such as when frozen.
(ae) –(ag)	Clarifies the requirements for maintenance and supervision relative to the use of swimming pools.
	All rules that school age programs are exempt from have been moved to He-C 4002.36 and all rules relative to food preparation and storage have been moved to 4002.27.
He-C 4002.15 Water Supply, Septic Systems, Bathroom and Diaper Changing Facilities	
(a)(2)	Moved exemption for hot water at sinks in school-age programs located in buildings which house public or private schools to 4002.36
(a)(4)-(6)	<i>There are revised requirements for determination of private wells considered to be a public water system as defined in RSA 485:1-a, XV, subject to regulation by the department of environmental services, to align with Env-DW 300, 501, and 700 and RSA 485:1-a, XV.</i> In addition, there are significant changes to the water testing requirements for programs on a private well not

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	considered a public water system, please review carefully.
(k)(2) & (5) (k)(7) & (8)	Added "designated" to hand washing sink. Removed exemptions for center based programs relative to diaper changing areas as the deadline for compliance was December 31, 2012.
(m)	Clarified rule specifying that double sinks equipped with only one faucet may not be used for hand washing in one basin and food preparation in the other as follows: To prevent cross-contamination, a double sink equipped with only one faucet shall not be used for hand washing after diapering or toileting if food preparation or washing dishes or eating utensils occurs in the sink, regardless of the presence of a barrier between the basins.
He-C 4002. 16 Child Care Personnel/Household Members Health Requirements	
(b)	New rule exempting child care program personnel working in school age programs who are currently employed in a public or private school from having to provide a written record of a health screening.
(c)(2)	New rule requiring a statement by the health care provider on the health screening indicating the individual has no health conditions that would prohibit/inhibit their ability to care for children. This statement has always been part of the staff health form provided by the Child Care Licensing Unit.
He-C 4002.17 Child Health Requirements and Communicable Disease Issues	
(a)	<i>Amended rule to allow 60 days to provide documentation of immunizations for children experiencing homelessness or for children in foster care. (45 CFR 98 and 42 USC 1131 (1987))</i>
(c)	<i>New rule requiring programs to complete the department's annual immunization survey, pursuant to RSA 141-C:20-e.</i>
(e)	Amendments relative to children's health screenings, specifically, for children ages 6 and older, programs shall have on file a copy of the physical examination record completed within the year prior to enrollment. No further updated physical required for school age children after the initial physical.
(j)	Added the provision that ill children may be in certain areas not regularly considered child care space when awaiting pick up by a parent, under certain conditions.
He-C 4002.18 Administration and Storage of Medication	
(e)	New rule prohibiting programs from accepting prescription medication that does not include a prescription label or written order from a licensed health care professional.
(l)	Amendments to allow the required medication training to be obtained via online training approved by the department.
(u)	Amendments requiring certain medications, such as inhalers and epi pens, to be immediately accessible to staff for children requiring such medications.
He-C 4002.19 Prevention and Management of Injuries and Emergencies	
(b)	Children of certain ages may be allowed to go inside to a bathroom without a staff under certain circumstances.

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(e)	New rule prohibiting child care personnel from carrying a child while stepping over a low wall, gate or other similar barrier.
(f)-(i)	<p>New rules around prevention of allergy reactions:</p> <p>(f) <i>Each child with an allergy shall have a written care plan that includes at a minimum:</i></p> <p style="padding-left: 40px;">(1) <i>Instructions regarding the food(s) or other allergens to which the child is allergic and steps to be taken to avoid them;</i></p> <p style="padding-left: 40px;">(2) <i>A detailed treatment plan to be implemented in the event of an allergic reaction, including the names, doses, and methods of prompt administration of any medications; and</i></p> <p style="padding-left: 40px;">(3) <i>Specific symptoms that would indicate the need to administer one or more medications.</i></p> <p>(g) <i>Based on the child's care plan and prior to caring for the child, child care personnel shall complete training as specified in He-C 4002.30(a)(5).</i></p> <p>(h) <i>Each child's allergies shall be posted prominently in the child's classroom and wherever the child may come in contact with the allergen, with permission of the parent/guardian.</i></p> <p>(i) <i>The program shall:</i></p> <p style="padding-left: 40px;">(1) <i>Notify the parents immediately of any suspected allergic reactions, as well as the ingestion of or contact with a known allergen even if a reaction did not occur; and</i></p> <p style="padding-left: 40px;">(2) <i>Contact emergency services immediately whenever epinephrine has been administered.</i></p>
(m)	Changes requiring that the center/site director, family child care provider and all staff used to meet staff to child ratios shall be certified in pediatric first aid and CPR within 90 days of the first date of employment, and which shall be kept current.
(o)	Amendments to allow first aid and CPR training to be obtained via on-line or correspondence course, provided the skills test for certification is performed in person.
(p)	Adds requirement that at least one staff person who is currently certified in first aid and CPR must be with any children while on or off the premises of the program.
(u) – (aa)	<p><i>New requirements for development of an Emergency Operation Plan (template provided as a guide by the department), to educate staff about the plan and to conduct and record practice drills; provide families with information from the plan regarding communication and reunification procedures during an emergency. (45 CFR 98 [§98.16(aa)])</i></p> <p>(u) Programs shall develop an emergency operations plan (EOP) which shall:</p> <p style="padding-left: 40px;">(1) Be modeled on the National Incident Management System (NIMS), which includes the “Incident Command System” (ICS), in coordination with local emergency response agencies in the community in which the program is located;</p> <p style="padding-left: 40px;">(2) Contain procedures for communication and reunification with families; and</p> <p style="padding-left: 40px;">(3) Include response actions, for natural, human-caused, or technological incidences including, but not limited to:</p>

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	<ul style="list-style-type: none"> a. Evacuation, both within the building and off-site relocation; b. Secure campus; c. Drop, cover and hold; d. Lockdown; e. Reverse evacuation; f. Shelter-in-place; and g. Bomb threat scan. <p>(v) Programs shall develop a Continuity of Operations Plan (COOP) to ensure that essential functions continue to be performed during, or resumed rapidly after, a disruption of normal activities.</p> <p>(w) All response actions in (u) above shall include accommodations for infants and toddlers, children with chronic medical conditions, and children with disabilities or with access and functional needs.</p> <p>(x) Programs shall practice no less than 2 components of their EOP as described in (u) above with all staff and children at least twice per year.</p> <p>(y) All staff shall review the program's EOP in accordance with the following:</p> <ul style="list-style-type: none"> (1) For currently employed staff, within the first 30 days of the development of the EOP pursuant to (u) above; or (2) For newly hired staff, within the first 30 days of employment. <p>(z) Verification of the review required in (y)(1) and (2) above shall be documented in each staff member's personnel file.</p> <p>(aa) Upon enrollment, programs shall provide families with information from the EOP that addresses communication and reunification procedures, as specified in (u)(2) above.</p>
(ah)	<i>New requirements regarding what actions a program shall take when a child sustains a serious injury (see also new definition) while in care. (45 CFR 98)</i>
(al)	Changed requirement for fire drills; now must conduct at least one drill in each full month the program is in operation.
(ao)	Exemption for school age programs operating in a public or private school from having to activate the actual fire alarm system when conducting fire drills.
He-c 4002.20 Child Registration and Emergency Information	
(a) - (c)	<p>Child registration form or its equivalent must be used. Changes include place for parent's email address and the Note to Parents/Guardians:(1): The licensing authority for this program is the bureau of licensing and certification, child care licensing unit. Child care programs are required to post a copy of the statement of findings and corrective action plan for the most recent visit in a location which is accessible to parents, and must maintain copies of the statement of findings and corrective action plan for the preceding visit and make them available for parents to review upon request. Statements of findings and corrective action plans are also available on-line at: https://nhlicenses.nh.gov/verification/Search.aspx?facility='Y'; or by calling the unit at 603-271-9025; or 1-800-852-3345 ext. 9025.”;</p> <p>(2) “During visits to programs, licensing staff speak with children regarding the care they receive at a program if in the judgment of the licensing staff the children's response would be valuable in determining compliance with licensing rules.</p>

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	<p>Licensing staff are experienced in working with children and trained to speak with children in a manner that is respectful and non-leading. Children will remain with their class or group during these conversations with licensing staff, and at no time will a child be forced to speak with a licensing coordinator.” ; and</p> <p>(3) “If licensing staff believes your child may have specific information regarding an alleged event at the program, and determines that it is best to interview your child separately and not with their class or group, please indicate your preference among the following options:</p> <ul style="list-style-type: none"> a. I give permission for child care licensing staff to interview my child at the child care program separate from his or her class or group; b. I wish to be notified prior to child care licensing staff interviewing my child at the child care program separate from his or her class or group; c. I do not give my permission for child care licensing staff to interview my child at the child care program separate from his or her class or group.”
He-C 4002.21 Child Care Space	
(b)	Specified that programs licensed prior to November 23, 2008, may continue to operate with 35 square feet of floor space per child.
(i)	New rule specifying that common space may not be occupied by more children than there is square footage for.
(k)	Provides exceptions to square footage requirements to allow children to be in one room for time-limited activities, provided they have sufficient room for the activity.
He-C 4002.22 Toys, Equipment & Learning Materials	
(c)	Disallows infants from being placed in equipment that requires them to support their heads on their own if they are not yet capable of doing so.
(d) - (f)	New rules regarding the use of pacifiers.
(n)	<p>Clarifies when children younger than 6 years old may wear necklaces while in care.</p> <p>(n) Programs shall obtain parental permission for any child under the age of 6 to wear a necklace. No child shall wear a necklace during nap time or during sleep, unless the necklace is fused or has a fixed knot such that it cannot be removed, and the parental permission has approved of the child wearing the necklace even during nap time or during sleep.</p>
(x), (y)(7)	<p><i>Requirement that cribs be manufactured on or after June 28, 2011 or if manufactured prior to that date, has a Children’s Product Certificate (CPC), or test report from a consumer product safety commission (CPSC) accepted third-party lab, provided by the manufacturer documenting the crib’s compliance; cribs and playpens shall have properly fitted sheets.</i></p> <p>(Consumer Product Safety Commission; 16 CFR Parts 1219, 1220 & 1500)</p>
He-C 4002.23 Rest and Sleep	

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(g) – (m)	<p><i>New rules relative to staff training requirements on safe sleep practices</i> and where and how infants shall be put down for sleep. There are several new requirements added to the rule to reduce the risk of SIDS so this section should be closely reviewed. (45 CFR 18)</p> <p>(g) Pursuant to He-C 4002.30(a)(3), all child care personnel in programs licensed for children 12 months and younger shall complete training on safe sleep practices prior to working with infants.</p> <p>(h) To reduce the risk of Sudden Infant Death Syndrome (SIDS), infants up to 12 months shall be placed on their backs to sleep in a crib or playpen, unless there are written medical orders from the infant’s primary health practitioner requiring alternate positioning.</p> <p>(i) Infants up to 12 months shall not nap or sleep in a car safety seat, bean bag chair, bouncy seat, infant seat, swing, jumping chair, highchair, chair, futon, or any other type of furniture or equipment that is not a play pen or crib that meets the requirements of He-C 4002.22(x) and (y).</p> <p>(j) If an infant up to 12 months falls asleep in any place that is not a safe sleep environment, including entering the program asleep in a car safety seat, staff shall immediately move the infant and place him or her in the supine position in the crib or play pen.</p> <p>(k) Cribs or play pens used by infants up to 12 months shall not have bumper pads, blankets, flat sheets, pillows, quilts, comforters, sleep positioners, or any soft items or toys;</p> <p>(l) When child care personnel place infants in their crib or play pen for sleep, they shall check to ensure that the temperature in the room is comfortable for a lightly clothed adult, check the infants to ensure that they are comfortably clothed and not overheated or sweaty, and that bibs and garments with ties or hoods are removed.</p> <p>(m) Children older than 3 months shall not be swaddled or placed in restrictive or weighted sleep suits or devices unless there are written medical orders from the child’s primary health practitioner.</p>
He-C 4002.24 Program Requirements	
(f)	<p>New requirement to provide at least 60 minutes daily of gross motor activities for children 18 months and older.</p> <p>(f) Programs shall provide opportunity for at least 60 minutes daily of gross motor activity for children age 18 months and older, except preschools operating 5 or fewer hours per day shall provide at least 20 minutes of gross motor activity daily.</p>
(g)	<p>New parameters regarding outdoor play.</p> <p>(g) In the absence of extreme weather conditions such as excessive heat and humidity, cold temperatures including wind chill factors, excessive precipitation, or poor air quality that could affect the well-being or health of children as indicated in weather advisories issued by the National Weather Service, child care staff are strongly encouraged to bring children outside when the temperatures are above 25° F, and below 90° F provided:</p> <ol style="list-style-type: none"> (1) The children are appropriately dressed and can move about safely in the outside play area; and (2) Staff monitor the children regularly for comfort in both hot and cold weather. <p>(h) A child shall not go outside under the following conditions:</p>

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	<p>(1) When the child has a health concern as documented on his or her allergy care plan or as documented by the child's health care practitioner, clearly indicating under what conditions he or she may not go outside, updated annually if the concern is a chronic health condition; or</p> <p>(2) When a child's parent requests that the child remain inside for the day.</p>
(i)	<p>New requirements regarding the use of sunscreen.</p> <p>(i) Sunscreen shall have UVB-ray and UVA-ray protection of SPF 15 or higher and shall be applied when the UV index is reported to be 3 or higher by the United States National Weather Service not less than 15 minutes before sun exposure, every 2 hours, and after swimming, toweling off and sweating.</p>
(j) – (n)	<p>New rules regarding television and electronic devices.</p> <p>(k) Other activity choices shall be available to children during use of television, video or electronic devices.</p> <p>(l) All media shall be age and developmentally appropriate.</p> <p>(m) When in use, electronic devices shall be located in view of child care personnel for monitoring purposes.</p> <p>(n) Any internet accessible electronic device used by the children shall be equipped with monitoring or filtering software or controls which limit children's access to inappropriate web sites, e-mail, and instant messages.</p> <p>(n) A child shall not view television or videos or use electronic devices when their parent has made such a request.</p>
(q)	<p>Amends the rule to limit the time children may be in restrictive equipment.</p> <p>(q) Infants and toddlers shall not be confined to restrictive equipment, or be in cribs or playpens while awake, for more than 15 minutes in any 2 hour period, except for:</p> <p style="padding-left: 40px;">(1) Time spent in a high chair actively engaged in eating;</p> <p style="padding-left: 40px;">(2) Time spent in strollers for walks; or</p> <p style="padding-left: 40px;">(3) For non-ambulatory infants, time spent in cribs or playpens that are used outside.</p>
(t)	<p>New rule specifying that licensed programs that share space with license exempt programs shall not be responsible for children not enrolled in their program, not allow the populations to mix, and not allow children from the license exempt program to share space that is being used by the children enrolled in the licensed program.</p>
He-C 4002.25 Behavior Guidance and Treatment of Children	
(c)(1)	<p>Adding redirecting a child's attention to a desirable activity when a child is engaging in unacceptable behavior as a technique used to guide children's behavior</p>
(g) – (j)	<p>New rules regarding how programs will address children exhibiting persistent and extreme challenging behaviors and <i>the requirement to have written policies regarding such behaviors</i>. Please review these rules closely. (45 CFR 18 [§98.16(ee)])</p> <p>(g) Programs shall develop and adhere to a written policy to maintain enrollment of children displaying persistent, extreme,</p>

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	<p>challenging behaviors which at a minimum clearly states that:</p> <ul style="list-style-type: none"> (1) The program shall involve the child's parent(s) and: <ul style="list-style-type: none"> a. Use multiple intervention strategies with the child pursuant to He-C 4002.25(c); b. Seek out additional resources; or c. Provide staff with professional development related to the child's behaviors; (2) The child's behaviors shall be documented; (3) If after utilizing the strategies in (g)(1) above the program determines that expulsion of the child is necessary, the program shall inform the parent(s) and provide child care resource and referral information. The program shall maintain the child's enrollment for a period of not less than 2 weeks thereafter. (4) If the behavior presents a serious safety risk for the child or others in the program, the program may choose to immediately expel the child with the extreme challenging behaviors; and (5) The program may choose to suspend the child for the remainder of the day if a persistent extreme challenging behavior poses a serious safety risk for the child or others in the program. (h) The written policy in (g) above shall be provided to parents at enrollment. (i) Programs shall document their efforts to maintain enrollment of the child by involving the child's parents, providing parents with a copy of the documentation in (g)(2) above, as well as by engaging in one or more of the strategies in (g)(1) above. (j) If the program chooses to expel the child, program shall provide with a copy of the documentation referenced in (g)(2) above.
He-C 4002.26 Hand Washing	
(d)	<p>Regarding washing infants' hands.</p> <ul style="list-style-type: none"> (c) Child care personnel shall wash the hands of infants as necessary to comply with (a) above, using liquid soap and warm water.
He-C 4002.27 Nutrition, Food Service and Safety	
(o) – (v)	<p>There are many new rules regarding breast milk and prepared formula. Please review this section closely.</p> <ul style="list-style-type: none"> (o) Breast milk shall be: <ul style="list-style-type: none"> (1) Used immediately or stored in the refrigerator no longer than 72 hours; (2) Labeled as used and returned to the refrigerator after each feeding if there is any left-over in the bottle, to be returned to

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	<p>the parent; and</p> <p>(3) Not fed to the child if left unrefrigerated for more than 1 hour.</p> <p>(p) Prepared formula shall be:</p> <p>(1) Used immediately or stored in the refrigerator no longer than 24 hours;</p> <p>(2) Discarded if not fed to an infant and left unrefrigerated for more than one hour; and</p> <p>(3) Discarded after each feeding, if there is any left-over in the bottle.</p> <p>(q) Frozen breast milk shall be labeled and dated and stored in a freezer at 0 degrees Fahrenheit for no longer than 6 months.</p> <p>(r) Thawed breast milk shall be used within 24 hours.</p> <p>(s) To thaw breast milk program personnel shall:</p> <p>(1) Place in refrigerator overnight; or</p> <p>(2) Defrost in a container of running cool tap water.</p> <p>(t) To warm formula or breast milk:</p> <p>(1) Hold under warm running water; or</p> <p>(2) Place in a bowl of warm water, a slow-cooking device, or a bottle warmer; and</p> <p>(3) Gently swirl bottle to recombine contents.</p> <p>(u) If a slow-cooking device, such as a crock pot, is used for warming infant formula, breast milk, or infant food:</p> <p>(1) It shall be out of children's reach;</p> <p>(2) The water temperature shall not exceed 120°F; and</p> <p>(3) It shall be emptied, cleaned, sanitized, and refilled with fresh water daily.</p> <p>(v) If a bottle warmer is used for warming infant formula, breast milk, or infant food, it shall be out of children's reach and used according to manufacturer's instructions.</p>
Tables 4.2.3 & 4.2.4	<p>The tables for meal patterns have been deleted and updated meal patterns are included in the Appendices to the rule. (USDA Child and Adult Care Food Program 7 CFR Parts 210, 215, 220)</p> <p>Infants: https://www.fns.usda.gov/sites/default/files/cacfp/CACFP_infantmealpattern.pdf</p> <p>Children: https://www.fns.usda.gov/sites/default/files/cacfp/CACFP_childmealpattern.pdf</p>
(ah)-(ax)	Rules regarding food storage and preparation have been moved here from 4002.14.
He-C 4002.28. Diaper Changing and Toileting	
(e), (i)	Rules now allow for the use of non-disposable diapers and no longer require the use of a commercial diaper service.
He-C 4002.29 Water Activities, Field Trips/Transportation	
(b)	New requirement that spaces on the same property as the licensed premises but not previously approved by the department for use as child care space must receive department approval prior to use.
(c) and (i)(2)	<p>New requirement to include "route" of off-site field trips:</p> <p>(c) Program child care personnel who take the children off the premises for trips under (a) above shall, by phone call to parents or notice posted at the program, inform parents of:</p> <p>(1) The destination <u>and route</u> of any unplanned trips;</p>

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	<p>(i) During any field trip :</p> <p>(2) The phone number and <u>planned route</u> shall be available to staff remaining at the program or to parents if the entire program is on the field trip.</p>
(f)	<p>Additional requirements for what must be taken on field trips:</p> <p>(f) The following shall be taken to any water activity on or off the premises of the program and on all field trips:</p> <p>(1) An attendance record which includes the name and age of each child who is participating in the water activity or field trip and the name of the staff person who will have primary responsibility for that child;</p> <p>(2) Copies of the registration and emergency information form required in He-C 4002.20(a), for each child participating in the water activity or field trip;</p> <p>(3) Copies of the parental permission slip required in (d) above for each child participating in the water activity or field trip;</p> <p>(4) All medications, which shall be available and administered as required under He-C 4002.18;</p> <p>(5) Items referenced in (2) - (4) above for each child shall remain with an individual who is with the child, including during transport; and</p> <p>(6) A form in each vehicle that includes the name, address, and phone number of the child care program, and all passengers in the vehicle, including documentation that each child was accounted for every time the entered and exited the vehicle.</p>
(n) and (o)	<p>Ratios for field trips remain the same, however the charts have been removed and the ratios added to rule in the form of paragraphs</p>
He-C 4002. 30 Professional Development	
(a)-(m)	<p>There are significant changes in this section regarding pre-service and on-going professional development training requirements. <i>Those required by 45 CFR 18 [§98.44] include:</i></p> <p><i>4002.30(a)(2)-(13) – Required Health and Safety Trainings</i></p> <p><i>4002.30(b) all current staff need the trainings identified in 4002.30(a) within 90 days of the effective date of the rules.</i></p> <p>Professional development is 18 hours every year calculated from staff's date of hire, with a minimum of 3 hours in health and safety:</p> <p>(d) All child care personnel in family based programs and center based programs shall complete 18 hours of in-service professional development every year, no later than the month of their date of hire, a minimum of 3 hours of which shall be in health and safety topics listed in (a)(2)-(13) above, and the remaining hours shall be in any other areas listed in (j) below.</p> <p>Exceptions to (d) include:</p> <p>(1) Assistant teachers, associate teachers, group leaders, assistant group leaders, family child care workers, and family child care assistants who work fewer than 25 hours per week for the same licensee shall obtain 12 hours of professional development every 12-month period, with a minimum of three hours in any of the health and safety areas listed in (a)(2)-(13) above, and the remaining hours shall be in any areas in (j) below;</p>

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	<p>(2) Child care personnel attending high school or college full time shall obtain 3 hours of professional development in health and safety areas listed in (a)(2)-(13) above, every 12-month period. Full time college attendance shall be a minimum of 12 credit hours: or</p> <p>(3) Substitutes, as defined in He-C 4002.01(bk).</p> <p>Added technical assistance as a method to obtain professional development</p> <p>No longer a limit to the number of hours of online professional development, and no prior approval needed</p> <p>Specified that the training transcript and technical assistance report in the NH Professional Registry is acceptable documentation of professional development</p> <p>Requirement to create an account in the NH Professional Registry</p> <p>Some other changes, please review closely.</p>
He-C 4003.31 Family Based Programs	
(b)	The pre-service training requirements have been expanded to include additional courses.
He-C 4003.32 Requirements for Child Care Personnel in Center Based Programs	
(e)	Allows exemption from the requirement to have one out of every 6 child care personnel meet the minimum requirements of a lead teacher for the first and last hour of each day; may be an associate teacher only for center based programs operating more than 5 hours per day.
(l) – (n), (r) & (s)	The pre-service training requirements for certain staff have been expanded to include additional courses, and the age for lead teachers has been lowered to 18 years.
(p)	New rule allowing assistant teachers to be alone with a child or children under certain, specific conditions.
He-C 4002.33 and .34 Group Child Care Center and Infant/Toddler Program	
	Ratios remain the same, however the charts have been removed and the ratios added to rule in the form of paragraphs.
34(e)	Clarified rule regarding requirement to assign a primary caregiver for each group of infants between 6 weeks and 18 months of age.
He-C 4002.35 Preschool Program	
35(d)	Updated curriculum requirements for a preschool program to align with the “NH Early Learning Standards.”
He-C 4002.36 School Age Program	
36(b)-(d)	<p>Moved all current exemptions from rules for school age programs to here, and added new ones. Exemptions include:</p> <p>(b) All school age programs shall be exempt from He-C 4002.13(b)(2)b. relative to recording birth dates on attendance records.</p> <p>(c) School age programs which serve only children attending part day public kindergarten or full day public school and operate</p>

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	<p>in buildings which currently house public or private schools shall be exempt from the following:</p> <ol style="list-style-type: none"> (1) He-C 4002.14(b)(4)a. regarding unshielded, or unprotected electrical outlets; (2) He-C 4002.14(b)(5) regarding long cords and strings; (3) He-C 4002.14(b)(6) regarding handrails on steps or stairs; (4) He-C 4002.14(b)(7) regarding gaps in balusters, rails, and other structures; (5) He-C 4002.14(b)(9) regarding access to sharp objects such as scissors for arts and crafts or knives for cooking; (6) He-C 4002.14(b)(12) regarding open doors and windows without screening; (7) He-C 4002.14(b)(14) regarding open doors which are not equipped with a sturdy screen door equipped with a latch; (8) He-C 4002.14(b)(23) regarding access to items labeled “keep out of reach of children”; (9) He-C 4002.14(j)(6) regarding access to sunscreen; (10) He-C 4002.14(y) regarding fencing requirements for playgrounds; (11) He-C 4002.14(ac) regarding energy absorptive materials. (12) He-C 4002.14(aj) regarding covered trash containers; (13) He-C 4002.15(a)(1) regarding hot water; (14) He-C 4002.19(a)(o) regarding using the actual fire alarm system for the building when conducting fire drills; (15) He-C 4002.21(m) and (n)(1) regarding inspections and approvals by the department needed prior to using space; and (16) He-C 4002.22(q) regarding space for each child’s possessions. <p>(d) Programs that serve only children attending part day public kindergarten or full day public school shall be exempt from the following:</p> <ol style="list-style-type: none"> (1) He-C 4002.14(b)(4) regarding unshielded, or unprotected electrical outlets; (2) He-C 4002.14(b)(5) regarding long cords and strings; (3) He-C 4002.14(b)(9) regarding access to sharp objects such as scissors for arts and crafts or knives for cooking; (4) He-C 4002.14(b)(23) regarding access to items labeled “keep out of reach of children”; and (5) He-C 4002.14(j)(6) regarding access to sunscreen.
(e)	Specified: In lieu of He-C 4002.23(b), school-age programs operating for more than 5 hours per day shall provide children with an opportunity for at least 30 minutes of quiet activities, rest, or relaxation.
(f)	Ratios remain the same, however the charts have been removed and the ratios added to rule in the form of paragraphs.
He-C 4002.37 Night Care Program	
	No changes.