

Child Care Regulations in Indiana

Overview

A summary of child care regulations in Indiana.

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- Types of care that may operate without a license
- Age-group definitions
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- Whom to contact
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Child care is regulated differently in every state and sometimes even in different cities or counties in the same state. In Indiana, the Family and Social Services Administration's Division of Family and Children licenses child care centers and child care homes. Other types of local regulations, such as zoning, health, building, and fire safety codes, may apply to child care facilities.

This guide explains the level of quality required to meet child care regulations in Indiana. Some care programs in the state operate at this level and some well above it. As a parent, you have your own standards and will look for providers you trust to meet them. Over time, your informed consumer choice and cooperation with the licensing agency can help raise the quality of child care in your community.

Both the law and licensing requirements are subject to change. To ensure that you have accurate and complete information, check with the licensing office to see if there have been any changes since this information was last updated.

Types of care that must be licensed

Child care licensing is a type of regulatory activity in which the state gives permission to an individual or a group to operate a child care facility. The Indiana Family and Social Services Administration's Division of Family and Children is responsible for monitoring compliance with state standards, establishing procedures for revoking a license, and providing appeal mechanisms.

In Indiana, the following forms of child care must be licensed:

- *Child care centers*: full- or part-time care in a non-residential setting
- *Class I child care homes*: full- or part-time care in a residence for up to 12 children
- *Class II child care homes*: full- or part-time care in a residence for between 12 and 16 children

More detailed information about child care centers, class I child care homes, and class II child care homes may be found later in this guide.

Types of care that may operate without a license

Some types of child care are not required to be licensed by the state. There are no agencies investigating or regulating these providers, so it's up to you to check a provider's background and experience thoroughly before choosing this type of care.

In Indiana, the following forms of child care are exempt from licensing:

- Care provided in the child's home or by relatives
- Care provided in a residence where the caregiver does not receive regular compensation
- Full- or part-time care in a residence for between one and five children
- Programs operated by public or private schools
- Part-day nursery schools, preschools, and pre-kindergartens
- Religiously affiliated centers
- Programs that operate for fewer than four hours per day or for less than two consecutive weeks

When children's programs are run by public or private elementary schools, the department of education is responsible for regulating them. Other government agencies that run children's programs also do their own regulating.

Age-group definitions

Child care centers

- *Infant*: child between 6 weeks and walking
- *Toddler*: child younger than 30 months and walking to 3 years
- *Preschooler*: child 3 years and older as long as child is not yet attending the first grade
- *School-age*: child attending first grade and older

Child care homes

- *Infant*: child between birth and 12 months
- *Toddler*: child between 12 and 24 months
- *Preschooler*: child between 2 and 5 years
- *School-age*: child 5 years and older

Subsidized child care

The Family and Social Services Administration's Division of Family and Children makes funds available through a network of contractors to families to assist them with child care payments. The amount of money given to each family depends on family size and income. Recipients of these funds must be working or in training for employment in order to qualify. Families who are eligible may receive assistance whether their child is in a child care home or a child care center, as long as the type of care complies with state regulations. For further information about program availability and how to qualify, call 800-441-7837 to be referred to a child care voucher agent in your area or consult www.in.gov/fssa/family/children/bcc for a listing of voucher agents by county.

Whom to contact

For more detailed information regarding child care regulations in Indiana, to obtain a copy of the state standards, or to report licensing violations, contact:

Bureau of Child Development Family and Social Services Administration Division of Family & Children

317-232-4740
402 W. Washington Street, Room W386
Indianapolis, IN 46204-2739

Indiana State Rules and Regulations may also be found on the Indiana state Web site (www.in.gov/fssa/carefinder/law).

Child abuse reporting

The staffs of all child care facilities are required to report known or suspected child abuse or neglect to the state or police. To report suspected child abuse, contact the Family and Social Services Administration's Child Protective Services toll-free at 800-800-5556. Normal operating hours are Monday through Friday from 8am to 4:30pm. This is a working phone number 24 hours a day 7 days a week. The local police agency accepts phone calls during non-business hours.

Child care centers

Licenses

- Child care centers must be licensed.
- License must be renewed every two years.
- License must be posted.
- Liability insurance is not required.
- License is not transferable to another person, organization, sponsor, or address.

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- New licenses must be obtained if expanding, changing age range, or increasing licensing capacity.

State inspection

- An announced inspection occurs prior to licensing.
- Unannounced inspections occur periodically at least annually.
- Unannounced inspections will be made after a complaint.

Staff:child ratios

- Infant: one staff for up to four infants (1:4)
- Toddler: one staff for up to five children (1:5)
- 2 years: one staff for up to five children (1:5)
- 3 years: one staff for up to 10 children (1:10)
- 4 years: one staff for up to 12 children (1:12)
- 5+ years: one staff for up to 15 children (1:15)

In mixed age groups, the ratio for the youngest child usually applies.

Maximum group size

- Infant: 8
- Toddler: 10
- 2 years: 10
- 30 to 36 months: 14
- No maximum group size for children 3 years and older. However, the following are recommended:
 - 3 years: 20
 - 4 years: 24
 - 5+ years: 30
- In any group that has an infant or toddler, the maximum age range between the oldest and youngest child is 13 months.

Staff qualifications

Director

- Must be at least 21 years old.
- Must have one of the following:

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- Bachelor of arts or a bachelor of science degree from an accredited college, including 15 credit hours in early childhood education or related fields, and a child development associate (CDA) credential
- Two-year associate's degree in early childhood education and three years of experience providing direct service to children in a licensed day nursery or child teaching facility
- Must attend orientation.
- All directors employed as directors prior to December 1, 1985, are exempt from the specific educational requirements listed above.

Teacher

- Teacher caring for infants must be at least 21 years old.
- Teacher not caring for infants must be at least 18 years old.
- Must have one of the following:
 - CDA credential
 - Bachelor of arts or a bachelor of science degree in early childhood education from an accredited college
 - Bachelor of arts or a bachelor of science degree from an accredited college that also includes 15 credit hours in early childhood education/related fields or a two-year associate's degree in early childhood education from an accredited college
- Those that do not meet the above qualifications will need:
 - Eight hours in-service training per year appropriate to the age group being taught
 - To enroll in one of the approved educational programs within one year of becoming a lead caregiver
 - Six credit hours per year

Substitutes

- Child care centers must have an available substitute who is at least 18 years old.
- Substitutes must meet the minimum staff requirements.

Support staff

- All support staff are exempt from educational requirements.
- When support staff are counted in staff:child ratios, they will need to meet the qualifications of the caregiver.

Staff training

- All staff must attend orientation.
- All staff must have 12 hours of training annually.

CPR and first aid

- Prior to opening a child care center, at least one staff member must have training in CPR and first aid before beginning employment and must keep his or her certification current. Additionally, all infant and toddler must receive current training in basic first aid.
- All other staff must obtain first-aid training within six months of employment and at least every three years thereafter.
- All staff who provide direct care for children must be trained annually in pediatric CPR.
- One person with training in CPR and first aid must be present at all times in the center as well as on field trips.
- Training in adult CPR is required for centers that care for children 8 years old and older.
- Written records of training in CPR and first aid shall be maintained at the child care center for up to three years.

Staff medical requirements

- All staff must have a physical exam and TB test within three months prior to employment.
- No immunization requirements.
- AIDS test not required.
- Drug and alcohol tests not required.

Staff background checks

- All staff must provide a notarized statement verifying that they have not been arrested for or convicted of a criminal offense.
- All staff must have state criminal and child abuse background checks.
- Fingerprinting and references not required.

Discipline

- Child care centers must have written discipline policy.
- Child care centers shall use positive methods of discipline.
- Certain methods of discipline are prohibited, including:

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- Corporal or physical punishment
- Abusive language or words
- Withholding or rewarding with food or rest
- Disciplinary or verbal humiliation when child has a lapse regarding toileting

Parents' rights

- Parents must be notified of child's exposure to communicable disease.
- Child care centers must provide a written copy of its discipline policy to parents.
- Parents may visit at any time.
- Child care centers must have provisions for parent/teacher conferences.

Health and safety requirements

- Must have written, posted, emergency first aid and evacuation plans.
- Must have first-aid kit, fire extinguisher, and fire alarm.
- Must have routine maintenance and testing of heating, ventilation, air conditioning, fire alarms, and sprinkler systems.
- Windows and doors must be screened.
- Must hold fire drills monthly.
- Must have a working phone.
- Emergency phone numbers must be immediately available.
- Hazardous and toxic materials must be inaccessible to children.
- Pets must be immunized and vaccinated.
- Must have authorization from parent to release child to adult.
- Must meet local zoning ordinances.
- All hallways, stairways, and exits must comply with state guidelines.
- Kitchen areas and food preparation must comply with state guidelines.
- Outdoor play areas and swimming pools must be fenced.
- Swimming pools must meet health department requirements.
- Staff with lifesaving training must be present during water activities.
- Smoking is prohibited in areas where children are present.
- Must uphold communicable disease policies and procedures.

- Children will be supervised and reminded to take part in personal hygiene.
- Must follow diapering policies and procedures.

Child medical requirements

- Within 30 days after enrollment in a child care center, children must have a physical exam, TB test, and age-appropriate immunizations, including hepatitis B, conjugated pneumococcal vaccine, and vancella vaccine. Children must keep up-to-date with these exams and immunizations. Parents must provide written documentation to the child care center if their child has had any of these diseases.
- Physical exam must be repeated annually for children under 2 years old.
- Must have written permission from parent to administer medications.
- Must have a written statement from a doctor or nurse practitioner that the child is physically able to participate in activities or a written statement regarding modification of activities due to a medical condition or allergies.
- Parents must have a signed written request for exemption of immunizations, physical exams, or medical treatment based on religious beliefs.

Care for sick children

- Ill children are excluded from child care and must not be admitted if ill upon arrival.
- If child becomes ill during the day, the child must be immediately isolated and monitored, and parents must be contacted.
- Must have an isolation area specifically for children who become ill during the course of the day.

Child care homes (class I and II)

Licenses

- Child care homes must be licensed.
- License must be renewed every two years.
- License must be posted.
- Owners may have more than one licensed child care home.
- Liability insurance is not required.
- License is not transferable to another person, organization, sponsor, or address.
- New licenses must be obtained if expanding, changing age range, or increasing licensing capacity.

- All licensed class II homes received their licenses prior to July 1, 1996; since then the state has not licensed class II homes.

State inspection

- Inspections are required prior to licensing and again annually. They may be unannounced.
- Unannounced inspections will be made after a complaint.

Staff:child ratios

Class I home

- Infant/toddler mixed (birth to 24 months): one staff for up to six children (1:6)
 - Two of the six children must be at least 16 months of age and walking, otherwise the ratio is one staff for up to four children (1:4)
- Mixed age groups (birth to 6 years): one staff for up to 10 children (1:10)
 - No more than three of the 10 children may be under 16 months of age and walking.
- Three years and older (3 to 10 years): one staff for up to 12 children (1:12)

Class II home

- Birth to 16 months: determined by the ages and numbers of children
- Three years and older: two staff for up to 16 children (2:16)

Maximum group size

- Class I homes may have a maximum of 12 children, excluding children related to the provider who are older than 7 years old, plus three additional school-age children enrolled part-time during school breaks that last no longer than four weeks.
- Class II homes can have up to 16 full-time and part-time children

Staff qualifications

Provider

- Must be at least 18 years old.
- Must attend orientation.
- Class II providers are required to live in the home where care is provided.
- Class I providers are not required to live in the home.
- May not be the provider for more than one child care home and must employ other caregivers if the provider is licensed for each additional child care home.

Assistant

- Must be at least 16 years old.
- Must work under direct supervision of provider if younger than 21 years old.

Staff training

- All staff must have training in universal health precautions, fire prevention, and safety procedures within one week of employment.

CPR and first aid

- All staff must have training in first aid before beginning employment and every three years after.
- All staff must have CPR training annually.

Staff medical requirements

- Staff and household members over 18 years old must have physical exams and annual TB tests or must sign a religious exemption statement and must provide to parents.
- No immunization requirements.
- AIDS test is not required.
- Drug and alcohol tests are not required.

Staff background checks

- Staff and household members over 18 years old must provide notarized statements verifying they have not been arrested for or convicted of a criminal offense.
- Staff and household members are checked to determine if their name appears on the sex offender registry.
- All staff must have criminal and child abuse background checks.
- Fingerprinting is not required.

Discipline

- Child care homes must have a written discipline policy.
- Regulations prohibit the withdrawal of food, rest, or bathroom opportunities, and cruel, harsh, or unusual punishment both verbal and physical.

Parents' rights

- Parents must be notified of child's exposure to communicable disease.
- Parents must a written copy of the discipline policy.

- Parents may visit at any time.
- Parents must have access to view all areas of the home and property that will be used for child care.
- Parents must be notified if assistant is under 21 years old.

Health and safety requirements

- Must have a written emergency evacuation plan posted in the home.
- Must have a Red Cross First Aid Manual or equivalent.
- Must have first-aid kit, smoke detectors at head of all stairways and in all sleeping areas, and fire extinguisher.
- Must hold fire drills quarterly (every three months).
- Must follow proper heating and ventilation guidelines.
- Windows and doors must be screened.
- Electrical outlets must be covered.
- Must have a working phone.
- Emergency phone numbers must be immediately available.
- All ammunition and firearms must be locked and in an area that is inaccessible to the children at all times.
- Hazardous and toxic materials must be inaccessible to children.
- Pets must be immunized and vaccinated and present no harm to children.
- All pets are to be restricted from food areas during food preparation and serving of food.
- Kitchen areas and food preparation must comply with state guidelines.
- Must have authorization from parent to release child to adult.
- Must meet local zoning ordinances.
- Child care provided in a basement must have a level grounded exit.
- Outdoor play areas and swimming pools must be fenced.
- Swimming pools must meet health department requirements.
- Staff with lifesaving training must be present during water activities.
- Smoking is prohibited where children are present.
- All hallways, stairways, and exits must comply with state guidelines.

- Must uphold communicable disease policies and procedures.
- Children will be supervised and reminded to take part in personal hygiene.
- Must follow diapering policies and procedures.
- Must have two remote locations, outside the child care home, for evacuation purposes.
- Each room must have 2 means of escape.

Child medical requirements

- Child must have age-appropriate immunizations, including hepatitis B, conjugated pneumococcal vaccine, and vancella vaccine. Parents must provide written documentation if their child has had the diseases before admission.
- Child must have a health assessment within three months prior to admission or no later than one month after admission.
- Child care homes must have written permission from parent to administer medications.
- Child must provide a written statement from a doctor or nurse practitioner that the child is physically able to participate in activities or a written statement regarding modification of activities due to a medical condition or allergies.
- Parents must have a signed written request for exemption of immunizations, physical exams, or medical treatment based on religious beliefs.

Care for sick children

- Ill children are excluded from child care and must not be admitted if ill upon arrival.
- Children who become ill must be monitored and isolated from others until picked up by parent.
- If child becomes ill during the day, the child must be immediately isolated and monitored and parents must be contacted.
- Must have an isolation area specifically for children who become ill during the course of the day.