

Child Care Regulations in New Hampshire

Overview

A summary of child care regulations in New Hampshire.

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Child care is regulated differently in every state and sometimes even in different counties or cities in the same state. In New Hampshire, the Department of Health and Human Services, Bureau of Child Care Licensing, licenses part-time and full-time child care centers, family group child care homes, and family child care homes. Other types of local regulations, such as zoning, health, building, and fire safety codes, may also apply to child care facilities.

This guide explains the level of quality required by child care regulations in New Hampshire. Some child 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 improve 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 whether there have been any changes since the information in this guide was last updated.

Types of care that must be licensed

Child care licensing is a type of regulatory activity in which the state authorizes an individual or a group to operate a child care facility. The New Hampshire Department of Health and Human Services, Bureau of Child Care Licensing, is responsible for monitoring compliance with state standards, establishing procedures for revoking a license, and providing appeal mechanisms.

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

- *Group child care centers.* Centers where child care is provided for preschool children and up to five school-age children, whether the service is known as day nursery, nursery school, kindergarten, cooperative, child development center, day care center, center for the developmentally disabled, progressive school, Montessori school, or by any other name.
- *Child care nursery.* A child care agency in which child care is provided for any part of a day, for five or more children under the age of 3 years.

- *School-age program.* A child care agency providing child care for up to 5 hours per school day, before or after, or before and after, regular school hours, and all day during school holidays and vacations, and which is not licensed for six or more children who are 4 years and 8 months of age or older. The number of children shall include all children present during the period of the program, including those children related to the caregiver.
- *Family group child care homes.* An occupied residence in which child care is provided for fewer than 24 hours per day, except in emergencies, for seven to 12 children from one or more unrelated families. The 12 children shall include all children related to the caregiver and any foster children residing in the home, except children who are 10 years and older. In addition to the 12 children, up to five children attending a full-day school program may also be cared for up to 5 hours per day on school days and all day during school holidays.
- *Family child care homes.* An occupied residence in which child care is provided for fewer than 24 hours per day, except in emergencies, for up to six children from one or more unrelated families. The six children shall include any foster children residing in the home and all children related to the caregiver except children who are 10 years and older. In addition to the six children, up to three children attending a full-day school program may also be cared for up to five hours per day on school days and all day during school holidays.

More detailed information about child care centers, family group child care homes, and family child care homes can 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 be sure to thoroughly check a provider's background and experience before choosing one of these types of care.

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

- Family child care for up to three children in addition to the provider's own or adopted children, unless the family child care provider chooses to be licensed
- Child care services offered in conjunction with religious services attended by the parent or offered solely for the purpose of religious instruction
- Complimentary programs operated in connection with a shopping center, ski area, health club, or other place where the parents are in the immediate vicinity
- Programs offering instruction to children, including but not limited to athletics, crafts, music, or dance, the purpose of which is teaching a skill
- Municipal recreation programs

When children's programs are run by public or approved private elementary schools, the Department of Education is responsible for regulating them. When public or private schools or colleges run children's programs, they are not subject to licensing although many choose to become licensed. Other government agencies that run children's programs also do their own regulating.

Age-group definitions

- *Infant*: child between birth and ambulatory (usually 12 months old)
- *Toddler*: child between ambulatory (usually 13 months old) and toilet trained (usually 35 months old)
- *Preschooler*: child 3 years old and not attending a full-day school program
- *School-age*: child 4 years 8 months old and attending a full-day kindergarten

Subsidized child care

In New Hampshire, Child Care Assistance assists parents engaged in work, training, or educational activities leading to employment to afford quality care for their children. The Department of Health and Human Services (DHHS) determines eligibility based on rules and policies administered by the Child Development Bureau. Payments to child care providers are coordinated by DHHS in cooperation with the Child Development Bureau. The amount of payment depends on family size and income. The state will either provide this through direct contracts with child care centers or contracting agencies or reimburse parents for child care fees in family group child care homes or licensed or unlicensed family child care homes. Parents must be working full time or be in a full-time training program.

For further information about program availability and how to qualify, contact the Child Development Bureau at 800-852-3345 (in-state calls only) or 603-271-4451.

Whom to contact

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

Department of Health and Human Services
Office of Program Support
Bureau of Child Care Licensing
129 Pleasant Street
Concord, NH 03301
603-271-4624
800-852-3345 ext. 4624
www.dbhs.state.nh.us/dbhs/bccl

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 to police. To report suspected child abuse or neglect call the Child Abuse Report Line toll-free at 800-894-5533 or locally at 603-271-6556, or call the local law enforcement agency.

Group child care centers, child care nurseries, and school-age programs

Licenses

- Initial permit issued for six months.
- License is required and must be renewed every three years.
- Permit or license must be posted.
- General or professional liability insurance is not required; parents must be informed of liability insurance status.

State inspection

- Inspection occurs prior to licensing.
- Inspections occur three times during a three-year license period with at least one unannounced.
- Unannounced inspection occurs after a complaint.

Staff:child ratios; maximum per room

- 6 weeks to 12 months: one staff for up to four children (1:4); 12
- 13 to 24 months: one staff for up to five children (1:5); 15
- 25 to 35 months: one staff for up to six children (1:6); 18
- 36 to 47 months: one staff for up to eight children (1:8); 24
- 48 to 59 months: one staff for up to 12 children (1:12); 24

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- 60+ months: one staff for up to 15 children (1:15); 30

In mixed-age groups, the ratio is based on the average age of the group.

Children under 24 months old may not be mixed with children older than 47 months old except for a time-limited, specific activity or when there are 17 or fewer children with no more than four children under 3 years old.

Staff qualifications

Director

- Must be at least 21 years old.
- Must have a high school diploma or a general equivalency diploma (GED).
- Must be on the premises at least two-thirds of each business day.
- Must have a minimum of 1,000 hours of experience in a licensed child care program or public or private school and one of the following:
 - Associate's degree in early childhood education awarded by a regionally accredited college or university
 - Approved Child Development Associate (CDA) credential and 3,000 hours of experience
 - Bachelor's degree in education awarded by a regionally accredited college or university
 - Certification of successful completion of training as a Montessori Director issued by the American or the International Montessori Institute
 - Documentation of 60 credits awarded by a regionally accredited college or university, at least 24 of which must be in early childhood education

Lead teacher

- Must be at least 21 years old.
- Must have a high school diploma or a GED.
- One of every eight child care personnel who are counted in ratios must meet the qualifications of a lead teacher.
- Must have one of the following:
 - Associate's degree with 12 college credits in early childhood education or related human services
 - Approved CDA credential and 3,000 hours of experience or other varied combinations of college credit and employment

Teacher

- Must be at least 19 years old and have a high school diploma or a GED, as well as an associate's degree in early childhood education or a related human services field.

Associate teacher

- Must be 18 years old with a high school diploma and either six college credits in early childhood education or a related human services field and 1,000 hours of supervised child care, as well as a written plan for continued education.
- Must have 2,000 hours of experience with a written recommendation from the director plus enrollment in a three credit early childhood education course with six credits obtained within three months of hire.
- Must have 1,000 hours of experience with a written recommendation from the director plus a three-credit early childhood education course prior to December 31, 2000.
- Successful completion of a two-year vocational child care course.

Child care assistant

- Must be at least 16 years old.
- May work with children only if under the direct supervision of qualified staff (associate teacher or higher).

Substitute

- Qualified substitutes assume the responsibility of any child care staff they are replacing.

Staff training

- Directors, lead teachers, and associate teachers must have six hours of annual training.

CPR and first aid

- First-aid and CPR training is required for directors, lead teachers, and associate teachers.
- Must have at least one person currently certified in CPR and first aid on the premises at all times during operation.

Staff medical requirements

- Must have a physical exam with a negative TB skin test.
- Must show evidence of being free of communicable diseases that would pose a health or safety risk to children.

Staff background checks

- Criminal background check is required for any persons 17 years and older.
- Child abuse clearance is required for any persons 16 years and older.
- Written references may be required if background is questionable.

Discipline

- Certain methods of discipline, including corporal punishment, humiliation or mechanical restraints are prohibited.

Parents' rights

- Must be informed of any department corrective action plan or statement of findings as the result of an inspection.
- Must be informed of any waivers granted by the department relating to health and safety.
- Must be informed on the date they occur of all injuries that require treatment.
- Must have access to children during all hours of operation.
- Written permission from parents is required to administer any medications.

Health and safety requirements

- Must pass local health, safety, fire, and zoning inspections.
- Must be maintained in a neat, clean, and safe condition.
- Windows opened for ventilation must have screens.
- Electrical outlets must be covered when caring for children younger than school-age.
- Hazardous heat sources must be inaccessible to children.
- Knives, guns, and sharp objects must be inaccessible to children.
- Must have hot and cold water.
- Toxic materials such as cleaners and medications must be clearly labeled and stored out of reach of children.
- Pets must be vaccinated, with documentation of vaccinations on premises.
- Any lizards or reptiles, including snakes and turtles or tortoises, as well as hedgehogs, parrots, and parakeets are prohibited.
- Must have proper ventilation and heat.
- Outdoor play areas must be free of hazards and maintained in a safe manner.

- Outdoor play areas adjacent to a street, a body of water, or another dangerous area must be fenced if caring for children younger than school-age.
- Parental permission is required for all field trips and water activities.
- In-ground pools must be fenced with a locking gate.
- An adult or a lifeguard must be present at all water activities.
- Wading pools must be emptied after each use.
- Toys, equipment, and learning materials should be age-appropriate, clean, and in good repair.
- Must have a phone that is accessible for both incoming and outgoing calls.
- Must have a first-aid kit on the premises.
- Must post a written emergency plan by the phone.
- Must hold one fire drill each month during at least nine months of the year, with one drill during winter.
- Smoking is prohibited during hours of operation.
- There must be 35 square feet of indoor and 50 square feet of outdoor space per child.
- Must have age-appropriate learning materials.
- Children are not to remain in infant seats or similar devices for more than 30 minutes.
- Staff must wash hands before food preparation and after toileting or diapering.
- Meals and snacks must meet the guidelines of the U.S. Department of Agriculture.
- Written policies and procedures for administration of medication, along with documentation must be in place; any medication needs to be administered by an RN, an LPN, or a licensed health professional.
- Personnel must visually observe sleeping children every 20 minutes.

Transportation

- Any transportation of children requires the person be 18 years old with a valid driver's license.
- Age-appropriate restraints must be in place with the children.

Child medical requirements

- Physical exam is required annually for children under 6 years old; for children 6 years and older, a physical exam must be completed no more than 2 years and 60 days from the previous exam.
- Immunizations are required, including hepatitis B; records must be on file within 60 days of attendance, as well as history of any hospitalizations and allergies.
- Must have written parental permission to dispense prescription or nonprescription medications.

Care for sick children

- Children with an oral temperature of 101 degrees or higher combined with diarrhea, rash, earache, sore throat, or vomiting; children who experience vomiting or diarrhea more than once per day; children with uncontrolled coughing or wheezing; or children with undiagnosed skin lesions must not be permitted in care.
- Must send children home if they have any of the above symptoms or other symptoms of illness that impair participation in the regular activities or require more care than regular child care personnel can provide without compromising the health or safety of the ill or injured child or the other children in the center.
- Children who become sick during the day must be provided rest and quiet while still being supervised until a parent or guardian can pick them up.

Family group child care homes

Licenses

- Initial permit is issued for six months to monitor compliance.
- License is required and must be renewed every three years.
- Permit or license must be posted.
- Liability insurance is not required; parents must be informed of liability insurance status.

State inspection

- Inspection is required prior to licensing.
- Inspections occur three times during a three-year license period with at least one unannounced.
- Unannounced inspection occurs after a complaint.

Staff:child ratios

- Two providers may care for up to 12 preschool children and five school-age children, including the providers' children under 10 years old, with no more than four children under 36 months old.

Maximum group size

- May have from seven to 12 children, plus five school-age children attending a full-day school program may also be cared for up to five hours per day and all day during holidays.
- May have no more than two children younger than 36 months old.

Staff qualifications

Provider

- Must be at least 21 years old.
- May be between 18 and 21 years old with a high school diploma or a GED and two years of approved training or six college credits in human growth and development or early childhood education.
- Must reside in the home used for care.

Family child care worker

- Must be at least 18 years old.

Family child care assistant

- Must be at least 16 years old.
- Must be under supervision of a provider or child care worker at all times.

Staff training

- Must have six hours of in-service training annually in areas related to child care.

CPR and first aid

- Current first-aid and child CPR certifications are required by at least one person.

Staff medical requirements

- Must have a physical exam with a TB skin test conducted within 60 days of employment and every three years thereafter.
- Must show evidence of being free of communicable diseases that would pose a health or safety risk to children.

Staff background checks

- State criminal and child abuse record checks are required for provider, staff, and any household members 17 years old and older.

- Child abuse record checks are required for any household member from 10 through 16 years old.

Discipline

- Certain methods of discipline, including corporal punishment, are prohibited.

Parents' rights

- Parents must be informed of waivers granted by the licensing agency relating to health and safety.
- Parents must be informed of inspection results.
- Parents must be notified of the plan for provider absences.
- Parents must be informed on the date they occur of all injuries that require treatment.
- Parents must have access to the children during all hours of operation.

Health and safety requirements

- Must pass local health, safety, fire, and zoning inspections.
- Must be maintained in a neat, clean, and safe condition.
- Windows opened for ventilation must have screens.
- Knives, guns, and sharp objects must be inaccessible to children.
- Electrical outlets must be covered when caring for children younger than school age.
- Hazardous heat sources must be inaccessible.
- Must have hot and cold water.
- Toxic materials such as cleaners and medications must be clearly labeled and stored out of reach of children.
- Dogs and cats must be vaccinated.
- Any lizards or reptiles, including snakes and turtles or tortoises, as well as hedgehogs, parrots, and parakeets are prohibited.
- Any open doors and windows must have screens so as to reduce any insects entering.
- Must have proper ventilation and heat.
- Outdoor play areas must be free of hazards and maintained in a safe manner.
- Outdoor play areas adjacent to a street, a body of water, or another dangerous area must be fenced if caring for children younger than school age.

- Parental permission is required for all field trips and water activities.
- Both above- and in-ground pools must be fenced with a locked gate that is childproof and has a self-latching device.
- Children must be supervised at all times.
- Wading pools must be emptied after each use.
- Toys, equipment, and learning materials should be age appropriate, clean, and in good repair.
- Must have a phone that is accessible for both incoming and outgoing calls.
- Must post a written emergency plan by the phone.
- Must have a first-aid kit on the premises.
- Must hold one fire drill each month during at least nine months of the year with one drill during winter.
- Smoking is prohibited during hours of operation.

Child medical requirements

- Physical exam is required annually for children under 6 years old and biannually for children 6 years and older.
- Immunizations are required, including hepatitis B; records must be on file within 60 days of attendance.
- Must have written parental permission to dispense prescription or nonprescription medications.

Care for sick children

- Children with an oral temperature of 101 degrees or higher combined with diarrhea, rash, earache, sore throat, or vomiting; children who experience vomiting or diarrhea more than once per day; children with uncontrolled coughing or wheezing; or children with undiagnosed skin lesions must not be permitted in care.
- Must send children home if they have any of the above symptoms or other symptoms of illness that impair participation in the regular activities or require more care than regular child care personnel can provide without compromising the health or safety of the ill or injured child or the other children in the center.
- Children who become sick during the day must be provided rest and quiet while still being supervised until a parent or guardian can pick them up.

Family child care homes

Licenses

- Initial permit is issued for six months to monitor compliance.
- License is required and must be renewed every three years.
- License or permit must be posted.
- Liability insurance is not required; parents must be informed of liability insurance status.

State inspection

- Inspection is required prior to licensing.
- Inspections occur three times during a three-year license period with at least one unannounced.
- Unannounced inspection occurs after a complaint.

Staff:child ratios

- One provider may care for six preschool children and three school-age children, including the provider's own children under 10 years old, with no more than four children under 36 months old of which no more than two children may be under 24 months old.

Maximum group size

- May have no more than six preschool children, plus three school-age children attending a full-day school program may also be cared for up to five hours per day and all day during holidays.
- May have no more than four children younger than 36 months old.
- May have no more than two children younger than 24 months old, unless an additional assistant is present.

Staff qualifications

Provider

- Must be at least 21 years old.
- May be between 18 and 21 years old with a high school diploma or a GED and two years of approved training or six college credits in human growth and development or early childhood education.
- Must reside in the home used for care.

Family child care worker

- Must be at least 18 years old.

Family child care assistant

- Must be at least 16 years old and be under supervision of the provider or child care worker at all times.

Staff training

- Must have six hours of in-service training annually in areas related to child care.

CPR and first aid

- Current first-aid and CPR certifications are required.

Staff medical requirements

- Must have a physical exam with a TB skin test conducted within one year of employment and every three years thereafter.
- Must show evidence of being free of communicable diseases that would pose a health or safety risk to children.

Staff background checks

- State criminal and child abuse record checks are required for provider, staff, and any household members 17 years and older.
- Child abuse record checks are required for any household member from 10 through 16 years old.

Discipline

- Certain methods of discipline, including corporal punishment, are prohibited.

Parents' rights

- Parents must receive materials and information provided by the department relating to the health, safety, and well-being of children.
- Parents must be notified of the plan for provider absences.
- Parents must be informed on the date they occur of all injuries that require treatment.
- Parents must have access to the children during all hours of operation.

Health and safety requirements

- Must pass local health, safety, fire, and zoning inspections.
- Must be maintained in a neat, clean, and safe condition.
- Windows opened for ventilation must have screens.

- Knives, guns, and sharp objects must be inaccessible to children.
- Electrical outlets must be covered when caring for children younger than school-age.
- Hazardous heat sources must be inaccessible to children.
- Must have hot and cold water.
- Toxic materials such as cleaners and medications must be clearly labeled and stored out of reach of children.
- Pets must be vaccinated.
- Reptiles, hedgehogs, parrots, and parakeets are not permitted in rooms used by children.
- Must have proper ventilation and heat.
- Outdoor play areas must be free of hazards and maintained in a safe manner.
- Outdoor play areas adjacent to a street, a body of water, or another dangerous area must be fenced if caring for children younger than school age.
- Parental permission is required for all field trips and water activities.
- In-ground pools must be fenced with a locking gate.
- Wading pools must be emptied after each use.
- Toys, equipment, and learning materials should be age appropriate, clean, and in good repair.
- Must have a phone that is accessible for both incoming and outgoing calls.
- Must have a first-aid kit on the premises.
- Written emergency plan must be posted by the phone.
- Must hold one fire drill each month during at least nine months of the year, with one drill during winter.
- Smoking is prohibited during hours of operation.

Child medical requirements

- Physical exam is required annually for children under 6 years old and biannually for children 6 years and older.
- Immunizations are required, including hepatitis B; records must be on file within 60 days of attendance.
- Must have written parental permission to dispense prescription or nonprescription medications.

Care for sick children

- Children with an oral temperature of 101 degrees or higher combined with diarrhea, rash, earache, sore throat, or vomiting; children who experience vomiting or diarrhea more than once per day; children with uncontrolled coughing or wheezing; or children with undiagnosed skin lesions must not be permitted in care.
- Must send children home if they have any of the above symptoms or other symptoms of illness that impair participation in the regular activities or require more care than regular child care personnel can provide without compromising the health or safety of the ill or injured child or the other children in the center.
- Children who become sick during the day must be provided rest and quiet while still being supervised until a parent or guardian can pick them up.