

# *Child Care Regulations in Hawaii*

## **Overview**

A summary of child care regulations in Hawaii.

- Types of care that must be licensed
- Types of care that must be registered
- Types of care that may operate without a license or registration
- Age-group definitions
- Subsidized child care
- Whom to contact
- Child abuse reporting
- Child care centers
- Group child care homes
- Family child care homes

Child care is regulated differently in every state and sometimes even in different counties or cities in the same state. In Hawaii, the Department of Human Services, Benefit, Employment and Support Services Division, licenses child care centers and group child care homes and registers 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 Hawaii. 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 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 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 Hawaii Department of Human Services, Benefit, Employment and Support Services Division, is responsible for monitoring compliance with state standards, establishing procedures for revoking a license, and providing appeal mechanisms.

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

- *Child care centers.* Full- or part-time care in a nonresidential setting for three or more children. In Hawaii, this includes nursery schools, infant/toddler programs, preschools, prekindergartens, before- and after-school programs, playgroups, cooperatives, and religiously affiliated centers.
- *Group child care homes.* Full- or part-time care in a residence for between seven and 12 children.

### **Types of care that must be registered**

Registration is a form of regulation that typically emphasizes self-inspection by the caregiver and encourages active parental monitoring of facilities.

In Hawaii, family child care homes must be registered. These are homes that provide full- or part-time care in a residence for between three and six children.

More detailed information about child care centers, 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 or registration**

Some types of child care providers are not required to be licensed or registered 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 this type of care.

In Hawaii, the following forms of child care are exempt from licensing or registration:

- Care provided in the child's home or by relatives
- Family child care homes providing full- or part-time care in a residence for up to two children unrelated to the child care provider
- School-age programs operated by community associations or multiservice organizations
- Programs that operate fewer than six hours per week
- Programs for specialized training or skill development
- Programs for school-age children that operate for no more than two consecutive calendar weeks in a three-month period

When children's programs are run by public 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**

- *Infant*: child between birth and 1 year
- *Toddler*: child between 1 and 2 years (young toddler); child between 2 and 3 years (older toddler)
- *Preschooler*: child between 3 and 5 years
- *School-age*: child 5 years and older

### **Subsidized child care**

The Hawaii Department of Human Services makes funds available to assist some families with their child care payments. Eligibility is based on family size and income. Families receiving Supplemental Security Income (SSI) or recipients of Aid to Families with Dependent Children (AFDC) are eligible. Families in a crisis situation are considered eligible regardless of income.

For further information about program availability and how to qualify, contact the Hawaii Department of Human Services, Benefit, Employment and Support Services Division, at 808-586-7050.

### **Whom to contact**

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

#### **Hawaii Department of Human Services Benefit, Employment, and Support Services Division**

Employment/Child Care Program Office

Haseko Center

820 Mililani Street, Suite 606

Honolulu, HI 96813

808-586-7050

*[www.state.hi.us/dhs/rules-content.html](http://www.state.hi.us/dhs/rules-content.html)*

To make a complaint about a program that is not complying with regulations, call:

#### **Oahu**

808-587-5266 or 808-675-0470

#### **Maui, Molokai, Lanai**

808-243-5866

#### **Hawaii East (Hilo)**

808-933-0350

#### **Hawaii West (Kona)**

808-327-4755 or 808-494-3991

#### **Kauai**

808-241-3660

### **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, call the Hawaii Department of Human Services at 808-832-5300.

## *Child care centers*

### **Licenses**

- Must be licensed and renewed annually for the first four years and then every other year, conditional on good performance.
- License must be posted.
- Liability insurance is not required.

### **State inspection**

- Inspection is required before licensing.
- Unannounced inspections are made after a complaint.

### **Staff:child ratios**

#### **Infant/toddler center**

- Six weeks to 12 months: one staff for up to three children (1:3) with a group size of six children, one staff for up to four children (1:4) with a group size of eight children
- 12 to 24 months: one staff for up to three children (1:3) with a group size of six children, one staff for up to four children (1:4) with a group size of eight children, one staff for up to five children (1:5) with a group size of 10 children, one staff for up to four children (1:4) with a group size of 12 children
- 18 to 36 months: one staff for up to five children (1:5) with a group size of 10 children, one staff for up to 6 children (1:6) with a group size of 12 children

#### **Child care center**

- 2 years: one staff for up to eight children (1:8)
- 3 years: one staff for up to 12 children (1:12)
- 4 years: one staff for up to 16 children (1:16)
- 5+ years: one staff for up to 20 children (1:20)

In mixed-age groups, the ratio for the youngest child is used.

### **Maximum group size**

- For infant-toddler centers only, the maximum group size is based on staff:child ratios.

### **Staff qualifications**

#### **Director**

- Must be at least 18 years old.
- Directors of infant/toddler programs must have a bachelor's degree with 30 hours of course work in infant/toddler development and at least one year of experience working with this age group, or two years of college and two years of experience.
- Directors of preschool centers must have a bachelor's degree in any field and two years of experience working with children, or a combination of two years of college education and four years of experience.

- Must attend orientation.

#### **Teacher**

- Must be at least 18 years old to supervise.
- Must have one of the following:
  - Degree in early childhood education or child development plus six months of experience
  - Postsecondary credential in child development associate program or organized two-year (60 credit) college program and certificate in early childhood education, plus one year supervised teaching experience in early childhood program
  - Child development associate (CDA) credential or associate's degree in child-related area plus one year of experience
  - Bachelor's degree plus six months of experience plus 12 credits in early childhood education or child development
  - Bachelor's degree in a child-related area plus six months of experience plus six credits in early childhood education or child development

#### **Assistant teacher**

- Must have CDA credential or associate's degree and certificate in child-related area plus six months of experience.
- Two years (60 credits) of postsecondary education plus six months working in an early childhood program and nine credits -- semester equivalent approved child development or early childhood training courses.

### **Staff training**

- No requirements for ongoing training except for infant/toddler care.
- Infant/toddler staff are required to have 15 hours in infant/toddler development training annually.

### **CPR and first aid**

- One person trained in child CPR and first aid must be present at all times.
- First-aid training must be renewed every three years.
- CPR certification must be renewed annually.

### **Staff medical requirements**

- Physical exam is required.
- TB test is required.
- No immunization requirements.
- AIDS test is not required.
- Drug and alcohol tests are not required.

### **Staff background checks**

- Criminal background checks are required annually.
- Employment history background check for previous three years is required.
- Fingerprinting and child abuse background checks are required.

### **Discipline**

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

### **Parents' rights**

- Must be provided copies of operating policies
- Must be informed of changes or renovations to the facility and changes in services offered
- Must be provided with a plan for regular contact with staff
- Must be notified if the facility has liability insurance

### **Health and safety requirements**

- Must have written authorization to release child to an adult other than parents.
- Must have a first aid-kit.
- Must post an emergency plan.

- Must practice the emergency plan regularly.
- Must surround outdoor play area with a fence.
- Paint must not contain lead.
- Must store hazardous or toxic materials in an area inaccessible to children.
- Must keep pets safe and sanitary.
- Must cover electrical outlets.
- Must ensure that swimming pools meet building and health codes.
- No smoking is allowed.

#### **Child medical requirements**

- Must have a physical exam and all age-appropriate immunizations, including hepatitis B.
- Must have written permission from the parent to administer medications.

#### **Care for sick children**

- Care may be provided to children when they are ill at the discretion of the particular program.
- When ill children are included, medical consultation must be available.
- If ill children are generally excluded from care, parents should be informed of this policy at the time of enrollment.

### *Group child care homes*

#### **Licenses**

- Must be licensed and renewed annually for the first four years and then every other year, conditional on good performance.
- License must be posted.
- Liability insurance is not required.

#### **State inspection**

- Inspection is required before licensing.
- Unannounced inspections are made at random and after a complaint.

#### **Staff:child ratios**

- Birth to 2 years: not permitted

- 2 years: one staff for up to eight children (1:8)
- 3 years: one staff for up to 12 children (1:12)
- 4 years: one staff for up to 16 children (1:16)
- 5+ years: one staff for up to 20 children (1:20)

In mixed-age groups, the ratio for the youngest child is used.

### **Maximum group size**

- May care for up to 12 children

### **Staff qualifications**

#### **Provider**

- Must be at least 18 years old
- Must have one of the following:
  - Degree in early childhood education or child development plus six months of experience
  - Postsecondary credential in child development associate program or organized two year (60 credit) college program and certificate in early childhood education, plus one year supervised teaching experience in early childhood program
  - CDA credential or associate's degree in child-related area plus one year of experience
  - Bachelor's degree plus six months of experience plus 12 credits in early childhood education or child development
  - Bachelor's degree in child-related area plus six months of experience plus six credits in early childhood education or child development
- Must reside in the home.

#### **Assistant**

- Must be at least 18 years old to supervise
- May be 16 years old if supervised

#### **Substitute**

- Must have available, qualified substitute

### **Staff training**

- No requirements



### **CPR and first aid**

- One person trained in first aid and child CPR must be present at all times.
- First-aid training must be renewed every three years.
- CPR training must be renewed annually.

### **Staff medical requirements**

- Staff and household members must have a physical exam and TB test.
- No immunization requirements.
- AIDS test is not required.
- Drug and alcohol tests are not required.

### **Staff background checks**

- Background checks are required of providers, their spouses, and all adults living on the premises at the time of license renewal.
- Criminal background check is required annually.
- Employment history background check for previous three years is required.
- Fingerprinting and child abuse background checks are required.

### **Discipline**

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

### **Parents' rights**

- Must be provided copies of operating policies
- Must be informed of changes or renovations to the facility and changes in services offered
- Must be provided with a plan for regular contact with staff
- Must be notified if the facility has liability insurance

### **Health and safety requirements**

- Must comply with local ordinances.
- Must have a fire warning system.
- Must have written authorization to release child to an adult other than parents.
- Must have a first-aid kit.
- Must post an emergency plan.
- Must practice the emergency plan regularly.

- Must surround outdoor play area with a fence.
- Paint must not contain lead.
- Must store hazardous or toxic materials in an area inaccessible to children.
- Must keep pets safe and sanitary.
- Must cover electrical outlets.
- Must ensure that swimming pools meet building and health codes.
- No smoking is allowed.

#### **Child medical requirements**

- Must have a physical exam and all age-appropriate immunizations, including for hepatitis B
- Must have written permission from a parent to administer medications

#### **Care for sick children**

- Care may be provided to children when they are ill at the discretion of the particular program.
- When ill children are included, medical consultation must be available and children must be separated.
- If ill children are generally excluded from care, parents should be informed of this policy at the time of enrollment.

### *Family child care homes*

#### **Registration**

- Must be registered and renewed annually for the first four years and then every other year, conditional on good performance.
- Liability insurance is not required.

#### **State inspection**

- Inspection is required prior to registration.
- Unannounced inspections are made at random, annually, and after a complaint.

#### **Staff:child ratios**

- Birth to 1 year: one staff for up to two children (1:2)
- Other: one staff for up to six children (1:6)

**Maximum group size**

- May care for up to six children, excluding the provider’s children under 6 years old in school or in a child care facility more than six hours per day, or the provider’s children 6 years old or older
- May care for no more than two children under 18 months old
- May care for up to four children under 18 months, with an assistant

**Staff qualifications**

**Provider**

- Must be at least 18 years old
- Must reside in the home

**Substitute**

- Must have two available substitutes

**Staff training**

- No requirements

**CPR and first aid**

- One person trained in first aid and child CPR must be present at all times.
- First-aid training must be renewed every three years.
- CPR training must be renewed annually.

**Staff medical requirements**

- Staff and household members must have a physical exam and TB test on registration.
- No immunization requirements.
- AIDS test is not required.
- Drug and alcohol tests are not required.

**Staff background checks**

- Background checks are required of all providers, their spouses, and all adults living on the premises at the time of registration renewal.
- Criminal background checks are required annually.
- Employment history background check for previous three years is required.
- Fingerprinting and child abuse background checks are required.
- Two references are required.

- Provider's three-year employment history and preceding application must be checked.

### **Discipline**

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

### **Parents' rights**

- Must be provided with copies of operating policies
- Must be informed of changes or renovations to the facility and changes in services offered
- Must be provided with a plan for regular contact with the provider and staff
- Must be notified if the facility has liability insurance

### **Health and safety requirements**

- Must comply with local ordinances.
- Must have a fire warning system.
- Must have written authorization to release child to an adult other than the parents.
- Must have a first-aid kit.
- Must post an emergency plan.
- Must practice the emergency plan regularly.
- Must surround the outdoor play area with a fence.
- Paint must not contain lead.
- Must store hazardous or toxic materials in an area inaccessible to children.
- Must keep pets safe and sanitary.
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