

## Ordinance 49-13

An Ordinance amending Chapter 11 (Child Care) of Title 8 of the Mille Lacs Band Statutes Annotated to include the update of licensing requirements for the child care programs in Band-Owned Child Care Centers and in the Drop-In Child Care Centers located on Band lands.

The District I Representative introduced the following Bill on the 1<sup>st</sup> day of October, 2013.

### Preamble

It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of protecting the children under the care of staff in Band-Owned Child Care Centers and in Drop-In Child Care Centers located on Band lands to apply updated licensing requirements as well as updated safety measures and educational requirements.

### Title I

Section 1: The Band Assembly hereby repeals Subchapter III in Chapter 11 entitled “Drop-In Child Care Centers” of Title 8 of the Mille Lacs Band Statutes Annotated and replaces as follows and as specifically shown in Exhibit A attached hereto:

1. Subchapter III entitled “Drop-In Child Care Centers” is repealed in its entirety and is renumbered as Subchapter II of Chapter 11 of Title 8 with sections numbered as § 1401 in Part A (Applicability); § 1402 in Part B (Special Definitions); § 1403 through § 1407 in Part C (Special Licensure Requirements); § 1408 in Part D (Special Staff Requirements); and § 1409 through § 1413 in Part E (Special Health and Safety Requirements).

Section 2: The Band Assembly hereby repeals Subchapter I in Chapter 11 entitled “General Provisions” of Title 8 of the Mille Lacs Band Statutes Annotated and replaces with Subchapter I entitled “Band-Owned Child Care Centers” and as specifically shown in Exhibit A attached hereto:

1. Subchapter I entitled “General Provisions” is repealed to amend § 901 in Part A (Definitions); § 941 through § 960 in Part B (Licensing Standards and Procedure); §§ 971, 974, 976, 977, 978, 983, 985 and § 986 in Part C (Facility); §§ 1001, 1002, 1004, and § 106 in Part D (Program); §§ 1041, 1043, 1044, 1045, 1046, 1048, 1049, 1050, and § 1051 in Part E (Health); §§ 1071, 1072, 1073, 1074, 1076 and § 1078 in Part F (Nutrition); §§ 1101, 1102, 1104, 1105, and § 1106 in Part G (Safety); §§ 1141, 1142, and § 1143 in Part H (Admissions); § 1171 and § 1174 in Part I (Administration and Management); §§ 1201, 1203, 1204, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, and § 1218 in Part J (Staff Requirements); §§ 1241, 1244, 1245, 1246, 1247 and § 1248 in Part K (Program Operation); § 1271 in Part I (Insurance); § 1301 in Part M (Financial Records); §§ 1341, 1342, and § 1343 in Part N (Child Care Learning Centers Serving Children with Special Needs).

Section 3: The Band Assembly hereby reserves space for Subchapter III for the proposed subchapter to be entitled "Privately-Owned Child Care Centers." This proposed subchapter will be added when enforcement and other issues are worked through by the Band.

Ordinance 49-13  
(Band Assembly Bill 15-04-49-13)

Introduced to the Band Assembly on this  
First day of October in the year  
Two thousand thirteen.

Passed by the Band Assembly on this  
First day of October in the year  
Two thousand thirteen.



\_\_\_\_\_  
Curt Kalk, Speaker of the Assembly

APPROVED

Date: OCT. 1, 2013



10/4/13  
\_\_\_\_\_  
Melanie Benjamin, Chief Executive

**OFFICIAL SEAL OF THE BAND**

**CHAPTER 11**  
**CHILD CARE**

<b>Subchapter</b>	<b>Section</b>
<b>I. Band-Owned Child Care Centers</b>	<b>901</b>
<b>II. Drop-in Child Care Centers</b>	<b>1401</b>
<b>III. Privately-Owned Child Care Centers</b>	<b>Reserved</b>

**Historical and Statutory Notes**

The preliminary provisions to Band Statutes 1019-MLC-46 and 9503-MLC-46 provide:

**"ADOPTION OF LICENSE STANDARDS GOVERNING CHILD CARE  
CENTERS BY THE MILLE LACS BAND OF CHIPPEWA**

**"SUBJECT:**

"Adoption of License Standards Governing Child Care Centers, on Mille Lacs Band Reservations.

**"BACKGROUND**

"The Tribe is a separate sovereign Indian tribe recognized under the laws of the United States and the State of Minnesota. Pursuant to 25 U.S.C. 2701-2721 and Minn. Stat. Section 3.9221, the Tribe has negotiated and entered into a "Tribal-State Compact" (the "Compact") with respect to certain class III gambling. The Tribe wishes to provide child care to the patrons and customers of the Casino.

**"I. PURPOSE**

"The purpose of this bulletin is to inform service providers of the rules and regulations governing child care centers operating on or near Mille Lacs Band land.

**"II. AUTHORITY**

"The Tribe has established standards under which an individual, corporation, partnership voluntary association or other organization must be authorized by the band to operate a group child care center on reservation land. The band will adopt and implement laws that govern the child care operation.

**"III. TIMELINES FOR IMPLEMENTATION**

"These laws become effective May I, 1992."

Band Ordinance 49-13 is entitled "A Bill amending Chapter 11 (Child Care) of Title 8 of the Mille Lacs Band Statutes Annotated to include the update of licensing requirements for the child care programs in Band-Owned Child Care Centers and in the Drop-In Child Care Centers located on Band lands."

The Preamble of Band Ordinance 49-13 provides: "Be it enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of protecting the children under the care of staff in Band-Owned Child Care Centers and in Drop-In Child Care Centers located on Band lands to apply updated licensing requirements as well as updated safety measures and educational requirements."

Title I, Section 3, of Band Ordinance 49-13 provides: "The Band Assembly hereby reserves space for Subchapter III for the proposed subchapter to be entitled 'Privately-Owned Child Care Centers.' This proposed subchapter will be added when enforcement and other issues are worked through by the Band."

### **Cross References**

Gaming control, see 15 MLBSA § 1 et seq.  
Wage deductions, see 24 MLBSA § 3308.

## **SUBCHAPTER I**

### **GENERAL PROVISIONS**

<b>Part</b>	<b>Section</b>
<b>A. Definitions</b>	<b>901</b>
<b>B. Licensing Standards and Procedures</b>	<b>941</b>
<b>C. Facility</b>	<b>971</b>
<b>D. Program</b>	<b>1001</b>
<b>E. Health</b>	<b>1041</b>
<b>F. Nutrition</b>	<b>1071</b>
<b>G. Safety</b>	<b>1101</b>
<b>H. Admissions</b>	<b>1141</b>
<b>I. Administration and Management</b>	<b>1171</b>
<b>J. Staff Requirements</b>	<b>1201</b>
<b>K. Program Operation</b>	<b>1241</b>
<b>L. Insurance</b>	<b>1271</b>
<b>M. Financial Records</b>	<b>1301</b>
<b>N. Day Care Learning Centers Serving Special Needs Children</b>	<b>1341</b>

### **Historical and Statutory Notes**

The enacting clause of Band Statute 1019-MLC-46 provides:

"It is enacted by the Mille Lacs Band Assembly, of the Mille Lacs Band of Ojibwe Indians, in order to exercise a more effective form of tribal government to regulate the operation of Child Care Centers."

Title I, Section 2, of Ordinance 49-13 provides: "The Band Assembly hereby repeals Subchapter I in Chapter 11 entitled "General Provisions" of Title 8 of the Mille Lacs Band Statutes Annotated and replaces with Subchapter I entitled "Band-Owned Child Care Centers" and as specifically shown in Exhibit A attached hereto:

Subchapter I entitled "General Provisions" is repealed to amend § 901 in Part A (Definitions); § 941 through § 960 in Part B (Licensing Standards and Procedure); §§ 971, 974, 976, 977, 978, 983, 985 and § 986 in Part C (Facility); §§ 1001, 1002, 1004, and § 106 in Part D (Program); §§ 1041, 1043, 1044, 1045, 1046, 1048, 1049, 1050, and § 1051 in Part E (Health); §§ 1071, 1072, 1073, 1074, 1076 and § 1078 in Part F (Nutrition); §§ 1101, 1102, 1104, 1105, and § 1106 in Part G (Safety); §§ 1141, 1142, and § 1143 in Part H (Admissions); § 1171 and § 1174 in Part I (Administration and Management); §§ 1201, 1203, 1204, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, and § 1218 in Part J (Staff Requirements); §§ 1241, 1244, 1245, 1246, 1247 and § 1248 in Part K (Program Operation); § 1271 in Part L (Insurance); § 1301 in Part M (Financial Records); §§ 1341, 1342, and § 1343 in Part N (Child Care Learning Centers Serving Children with Special Needs)."

## **Part A**

### **Definitions**

#### **Section**

901. Definitions.

### **§ 901. Definitions**

The following definitions shall be utilized when interpreting this Chapter.

- (a) "Applicant" means an individual who has submitted a signed and dated application to operate a Child Care Program to the Mille Lacs Band Child Care Licensing Committee.
  
- (b) "Band Assembly": means the duly elected and federally recognized governing body of the Mille Lacs Band of Ojibwe (MLBO). The Band Assembly is composed of the Speaker of the Assembly and the three District Representatives.
  
- (c) "Band-Operated Child Care Programs" means child care programs that are provided and run by the Mille Lacs Band of Ojibwe. The child care providers/staff are Band employees. This includes, but is not limited to, Head

Start, Early Head Start and before and after school programs operating in the Wewinabe Early Education building as well as in community center buildings.

- (d) "Band Lands" means lands owned by or held in trust for the Minnesota Chippewa Tribe, the Mille Lacs Band of Ojibwe, or one or more members of the Mille Lacs Band of Ojibwe, and subject to the jurisdiction of the Mille Lacs Band.
- (e) "Child" means any person who is under the age of twelve (12). Age groupings are:
  - (1) Infant: Six (6) weeks through 15 months.
  - (2) Toddler: 16 months through 36 months.
  - (3) Preschool: 37 months through 5 years.
  - (4) School Age: 6 years through 11 years.
- (f) "Consumer" means a child who receives the services of a licensed Child Care Program and a parent or other individual having legal custody of any such child.
- (g) "Child Care Program" means the care of children outside of their home for part of a 24 hour day by persons unrelated to them by blood or marriage.
- (h) "Child Care Program Coordinator or Director" means a person having over-all responsibility for the operation of a Child Care Program including administrative duties, staff supervision and training, record keeping, program planning, budgeting, and liaison with local agencies.
- (i) "Child Care Program Facility" means the physical environment in which a Child Care Program takes place.
- (j) "In-Home Child Care Program" means a private home licensed for child care.
- (k) "Federal Requirements" means those requirements set forth in the Head Start Performance Standards and the Head Start Act of 2007. These requirements are binding on the Early Education programs run by the Mille Lacs Band of Ojibwe.
- (l) "License" means the document issued by the Band Assembly authorizing the license holder to operate a Child Care Program on Band Lands for a specified period of time and in accordance with the terms of the license and MLBO statutes.
- (m) "License Capacity" means the maximum number of children who can be in attendance at a Child Care Program at a given time depending upon adult to child ratios as set forth in this Chapter.

(n) " Child Care Licensing Committee" means a committee which shall offer advice to the Band Assembly regarding the implementation and enforcement of this Chapter and the issuance and enforcement of Child Care Program standards. The members of the committee shall be: (1) the Commissioner of Health and Human Services; (2) the Commissioner of Education; (3) the Assistant Commissioner of Administration; and (4) the Solicitor General. Except as otherwise expressly provided in this Chapter, the committee shall have advisory powers only. The committee may delegate administrative tasks to Band staff under the supervision of one or more committee members.

(o) "Program" means the overall structure and activities prepared for children in a Child Care Program.

### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 1. Ordinance 49-13, Title I, § 2 and Exhibit A, § 901.

### **Cross References**

Reservation Business Committee, legislative authority to be exercised by Band Assembly, see 3 MLBSA § 1.

## **Part B**

### **Licensing Standards and Procedures**

#### **Section**

- 941. Licensing Standards and procedures.
- 942. License required..
- 943. Unlicensed centers
- 944. Application form..
- 945. Notice of Rules and Standards
- 946. Procedures for evaluation of application and issuance or denial of license.
- 947. Background Study.
- 948. Conclusive determinations or dispositions.
- 949. Inspections.
- 950. Term and contents of license.
- 951. Changes in terms of license.
- 952. Complaints.
- 953. Access to Facility for evaluation.
- 954. Band's Evaluation.
- 955. Correctional order and conditional license.
- 956. Failure to comply.
- 957. Notice of closure of Child Care Program.
- 958. Variances
- 959. Policies and procedures for program administration.
- 960. Emergency planning.

## **§ 941. Licensing Standards and Procedures**

The licensing standards and procedures in this Part B shall be utilized for all Band-Operated Child Care Programs as well as privately owned Child Care Centers operating on Band Lands.

### **Historical and Statutory Notes**

Source: Band Statute 1019-MLC-46, § 2. Ordinance 49-13, Title I, § 2 and Exhibit A, § 941 .

## **§ 942. License Required**

No individual, corporation, partnership, voluntary association, or other organization shall operate a Child Care Program on Band Lands unless licensed by the Band.

### **Historical and Statutory Notes**

Source: Ordinance 49-13, Title I, § 2 and Exhibit A, § 942.

## **§ 943. Unlicensed centers**

- (a) Any individual, corporation, partnership, voluntary association, or other organization who operates a Child Care Program on Band Lands without a License from the Band and in willful disregard of this subchapter shall be guilty of a misdemeanor and subject to prosecution under 24 MLBSA § 1054.
- (b) The Band Assembly in conjunction with the Child Care License Committee will issue a closure order to prevent the continued operation of a Child Care Program, if an individual, corporation, partnership, voluntary association, or other organization has:
  - (1) failed to apply for a License after receiving notice that a License is required for the Child Care Program or continues to operate without a License after receiving notice that a License is required for the Child Care Program;
  - (2) continued to operate the Child Care Program without a License after the License has been revoked or suspended, and a final order has been issued affirming the revocation or suspension, or the License holder did not timely appeal the revocation or suspension; or
  - (3) continued to operate the Child Care Program without a License after the License has expired.

### **Historical and Statutory Notes**

Source: Ordinance 49-13, Title I, § 2 and Exhibit A, § 942.

## **§ 944. Application form**

Application for license shall be made on the Application Form issued by the Child Care Licensing Committee. The application, along with all supporting documentation, including the background information required by § 947 of this Title, must be completed and returned to the Licensing Committee in order for the application to be reviewed.

### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 2.01. Ordinance 49-13, Title I, § 2 and Exhibit A, § 944.

## **§ 945. Notice of rules and standards**

The Child Care Licensing Committee shall furnish every Applicant with a copy of the licensing standards and procedures in this Part and with a copy of the other provisions of this Chapter.

### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 2.04. Ordinance 49-13, Title I, § 2 and Exhibit A, § 945.

## **§ 946. Procedures for evaluation of application and issuance or denial of license**

- (a) **Approval of application.** The Child Care Licensing Committee shall evaluate all signed and completed applications to operate a Child Care Program on Band Lands, including all supporting documentation, within 30 days of the submission of such applications, based upon the licensing standards in this Part. If the final results of the completed background investigations of directors and staff, which are required by § 947 of this Title, are approved by the Committee, the Committee will recommend to the Band Assembly that a License be issued.
  
- (b) **Denial of application.** The Band may deny an application for a License if an Applicant fails to comply with applicable laws or rules, knowingly withholds relevant information, or gives false or misleading information to the Band in connection with the application or during an investigation conducted under this subchapter. An Applicant whose application has been denied by the Band must be given notice of the denial within ten (10) calendar days of the denial. Notice must be given by certified mail or personal service. The notice must state the reasons the application was denied and must inform the Applicant of the right to a contested case hearing under this subchapter. The applicant may appeal the denial by notifying the Band in writing by certified mail or personal service within 20 calendar days after receiving notice that the application was denied.

- (c) **Provisional License.** A provisional License may be issued to a new Child Care Program for a designated period not to exceed one year if the center meets necessary health, safety, and insurance requirements but does not meet all other requirements for licensure.
- (d) **Timeline.** After completing its evaluation of an application to operate a Child Care Program on Band Lands, the Child Care Licensing Committee shall make a written recommendation to the Band Assembly to issue an Unconditional License, to issue a Provisional License, or to deny the issuance of a License including its reasons for the decision, and shall forward its recommendation to the Speaker of the Assembly of the Mille Lacs Band of Ojibwe. The Band Assembly shall act on the Committee's recommendation within thirty (30) days of receipt of the Committee's recommendation. Each Applicant will be notified within ten (10) calendar days of the Band Assembly's decision by certified mail, return receipt requested, or by personal service.

**Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, §§ 2.02, 2.07. Ordinance 49-13, Title I, § 2 and Exhibit A, § 946.

**§ 947. Background study**

Individuals and organizations operating Child Care Programs on Band Lands must provide the Band's Office of the Solicitor General and the Child Care Licensing Committee with background information to be submitted to either the Minnesota Bureau of Criminal Apprehension or the Bureau of Indian Affairs for a background investigation for all directors and staff as well as other individuals that may be employed by the program. All such investigations must meet the requirements of 8 MLBSA § 1212, Disqualification factors. The obligations imposed by this section are continuing obligations that must be fulfilled as long as the Child Care Program continues to operate on Band Lands.

**Historical and Statutory Notes**

**Source:** Ordinance 49-13, Title I, § 2 and Exhibit A, § 947.

**§ 948. Conclusive determinations or dispositions**

A disqualification determination made by the Licensing Committee as set out in 8 MLBSA § 1212 or maltreatment determination or disposition is deemed conclusive and not subject to appeal. A determination of maltreatment or disqualification will result in the denial or revocation of a license.

**Historical and Statutory Notes**

**Source:** Ordinance 49.13, Title I, § 2 and Exhibit A, § 948.

**§949. Inspections**

An Applicant must cooperate with an Indian Health Service inspection of its Child Care Program for health and safety purposes. By submitting an application, an Applicant consents to Band and Indian Health Service inspections of the Applicant's Child Care Program before issuance of an initial License and throughout the term of the License. The Child Care Licensing Committee will contact Indian Health Services to schedule an inspection once an application has been submitted. Such inspections may include but are not limited to:

- (a) an inspection of the program's facility;
- (b) an inspection of the program's records and documents, including but not limited to its written health policies;
- (c) an evaluation of the program by consumers of the program; and
- (d) observation of the program in operation.

**Historical and Statutory Notes**

**Source:** Ordinance 49-13, Title I, § 2 and Exhibit A, § 949.

**§ 950. Term and contents of license**

Every License shall specify whether it is an Unconditional or Provisional License and state the beginning and ending dates during which it is valid, and state its validity is according to the terms of the approved application.

**Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, §§ 2.02, 2.08. Ordinance 49-13, Title I, § 2 and Exhibit A, § 950.

**§ 951. Changes in terms of license**

If a change in one or more terms of the license is required after the license has been issued, the applicant must apply to the Child Care Licensing Committee for approval of the changes. The Child Care Licensing Committee shall act to recommend approval or denial of the changes within thirty (30) calendar days of receipt of changes. Final approval or denial of the changes will be issued from the Band Assembly within thirty (30) days of the recommendation from the Child Care Licensing Committee.

**Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 2.03. Ordinance 49-13, Title I, § 2 and Exhibit A, § 951.

## **§ 952. Complaints**

All written complaints regarding a licensing violation shall be addressed to the Child Care Program Coordinator. If the complainant is not satisfied with the Child Care Program Coordinator's response, the complainant may appeal to the Program Director. If the complainant is not satisfied with the Program Director's response, the complainant may appeal to the Child Care Licensing Committee. The decision of the Child Care Licensing Committee on the complaint shall be final.

### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 2.06. Ordinance 49-13, Title I, § 2 and Exhibit A, § 952.

## **§ 953. Access to facility for evaluation**

The Mille Lacs Band Child Care Licensing Committee, the Commissioner of Administration, and any applicable Band administrator[s], shall have access to any Child Care Facility for evaluation at any time during normal working hours and at other times by mutual agreement with the Child Care Program Coordinator. For the purpose of investigating any written complaints concerning the health and safety of the children being served by a Child Care Program, the Child Care Licensing Committee, the Commissioner of Administration, any applicable Band administrator[s], the Mille Lacs Band Assembly and/or any person designated by the Band Assembly shall have access to the child care facility at any time during a twenty-four hour day. Any complaint concerning a Child Care Facility shall be investigated immediately. [Federal Requirement].

### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 2.05. Ordinance 49-13, Title I, § 2 and Exhibit A, § 953.

### **Cross References**

Access by Band, child care centers, see 8 MLBSA § 1602.

## **§ 954. Band's evaluation**

- (a) Before issuing, denying, suspending, revoking, or making conditional a License, the Child Care Licensing Committee shall evaluate information gathered under this section. The Child Care Licensing Committee's evaluation shall consider facts, conditions, or circumstances concerning the program's operation, the well-being of persons served by the program, available consumer evaluations of the program, and information about the

qualifications of the personnel employed by the Applicant or License holder for the recommendation to Band Assembly.

- (b) The Band Assembly shall evaluate the results of any study, inspection, or investigation to determine whether a risk of harm to the persons served by the program exists. If risk of harm exists, the Band Assembly shall either deny the application, issue a Correctional Order and Conditional License (see §955 below), or revoke the License. If the License is revoked, the Child Care Program must cease to provide services immediately and the Band Assembly may request the help of law enforcement in ensuring the program discontinues operation.

#### **Historical and Statutory Notes**

Source: Ordinance 49-13, Title I, § 2 and Exhibit A, § 954.

### **§ 955. Correctional Order and Conditional License**

- (a) If the Child Care Licensing Committee find that an Applicant or License holder has failed to comply with an applicable law or rule and this failure does not imminently endanger the health, safety, or rights of the persons served by the program, the Band Assembly may issue a correction order and a conditional License to the Applicant or License holder upon the recommendation of the Child Care Licensing Committee. When making a recommendation, the Child Care Licensing Committee shall consider the nature, chronicity, or severity of the violation of law or rule and the effect of the violation on the health, safety, or rights of persons served by the program. The correction order or conditional License must state:

- (1) the conditions that constitute a violation of the law or rule;
- (2) the specific law or rule violated;
- (3) the time allowed to correct each violation; and
- (4) if a License is made conditional, the length and terms of the conditional License.

#### **Historical and Statutory Notes**

Source: Ordinance 49-13, Title I, § 2 and Exhibit A, § 955.

### **§956. Failure to comply**

If the Band Assembly or Child Care Licensing Committee finds that Applicant or License holder has not corrected the violations specified in the correction order or conditional License, the Band may revoke the License.

**Historical and Statutory Notes**

Source: Ordinance 49-13, Title I, § 2 and Exhibit A, § 956.

**§ 957. Notice of closure of Child Care Program**

If a Child Care Program decides to close, it must send written notice sixty (60) days prior to the closure to the Band Assembly and must return its License for the Center to the Child Care Licensing Committee.

**Historical and Statutory Notes**

Source: Band Statute 1019-MLC-46, § 2.10. Ordinance 49-13, Title I, § 2 and Exhibit A, § 957.

**§ 958. Variances**

- (a) The Band Assembly may grant variances to rules that do not affect the health or safety of persons in a licensed Child Care Program if the following conditions are met:
  - (1) the variance must be requested by an Applicant or License holder on a form and in a manner prescribed by the Child Care Licensing Committee;
  - (2) the request for a variance must include the reasons that the Applicant or License holder cannot comply with a requirement stated in the rule and the alternative equivalent measures that the Applicant or License holder will follow to comply with the intent of the rule; and
  - (3) the request must state the period of time for which the variance is requested.

The Band Assembly may grant a permanent variance when conditions under which the variance is requested do not affect the health or safety of persons being served by the licensed Child Care Program, nor compromise the qualifications of staff to provide services. The permanent variance shall expire as soon as the conditions that warranted the variance are modified in any way. Any Applicant or License holder must inform the Child Care Licensing Committee of any changes or modifications that have occurred in the conditions that warranted the permanent variance. Failure to advise the Committee shall result in revocation of the permanent variance.

**Historical and Statutory Notes**

Source: Band Statute 1019-MLC-46, § 2.11, § 2.12. Ordinance 49-13, Title I, § 2 and Exhibit A, § 958.

**§ 959. Policies and procedures for Child Care program administration**

- (a) A License holder shall develop program policies and procedures necessary to maintain compliance with licensing requirements under this chapter and applicable federal law.
- (b) The License holder shall:
  - (1) provide training to program staff related to their duties in implementing the program's policies and procedures developed under paragraph (a);
  - (2) document the provision of this training; and
  - (3) monitor implementation of policies and procedures by program staff.
- (c) The License holder shall keep program policies and procedures readily accessible to staff and index the policies and procedures with a table of contents or another method approved by the Child Care Licensing Committee.

**Historical and Statutory Notes**

**Source:** Ordinance 49-13, Title I, § 2 and Exhibit A, § 959.

**§ 960. Emergency planning**

Upon request, a License holder must cooperate with the Band's government disaster planning agency (the Tribal Emergency Response Committee), to prepare for or react to emergencies presented by natural, technical, hazardous material, and/or terrorism disasters.

**Historical and Statutory Notes**

**Source:** Ordinance 49-13, Title I, § 2 and Exhibit A, § 960.

**Part C**

**Facility**

**Section**

- 971. Requirement that facilities be provided.
- 972. Indian Health Service guidelines.
- 973. Approval of plans.
- 974. Minimum usable space.
- 975. Stairways and corridors.
- 976. Toilets and washbowls.
- 977. Emergency items.
- 978. Room temperature.
- 979. Storage of medications and poisonous items.
- 980. Space used by ill children.
- 981. Floors.
- 982. Cleanliness and good repair.

- 983. Cots, cribs and playpens.
- 984. Equipment and furniture.
- 985. Clear air and water
- 986. Hours of Operation

### **§ 971. Requirement that facilities be provided**

The Mille Lacs Band of Ojibwe (MLBO) hereby establishes that the Child Care Program facilities delineated in this Part C be provided for all Band-operated Child Care Centers.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 3. Ordinance 49-13, Title I, § 2 and Exhibit A, § 971.

#### **Cross References**

Child care centers, facilities and equipment, see 8 MLBSA § 1471 et seq.

### **§ 972. Indian Health Service guidelines**

The facility and grounds used by the children must meet the guidelines established by Indian Health Service (I.H.S.). Any and all such standards set by the I.H.S. shall be designed to protect the requirements of the appropriate safety and sanitation authorities to include the health and safety of all persons who occupy the building.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 3.01.

### **§ 973. Approval of plans**

Prior to construction or renovation of a proposed Child Care Facility the architectural plans must be approved in writing by a designated I.H.S. facility inspector.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46 § 3.02.

### **§ 974. Minimum usable space**

There shall be a minimum of 35 square feet of usable floor space [primary space] per child in attendance, exclusive of hallways, bathrooms, lockers, kitchens, and floor space occupied by stationary equipment, but including equipment and furnishings regularly used by children. In

addition, there shall be a minimum of 75 square feet per child in attendance of outdoor space, or a park or recreation area within 1,500 feet of the center.

**Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 3.03. Ordinance 49-13, Title I, § 2 and Exhibit A, § 974.

**Cross References**

Child care centers, indoor space, see 8 MLBSA § 1471.

**§ 975. Stairways and corridors**

All stairways and corridors leading to exits shall be kept clear and free from obstructions at all times.

**Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 3.04.

**§ 976. Toilets and washbowls**

(a) There must be an adequate toilet and one washbowl provided in a well-ventilated place.

(b) There must be at least one toilet and one washbowl provided for each set of 10 children and one additional toilet and washbowl for each additional child or fraction thereof.

(c) Toilets and washbowls must be adequate, conveniently installed and accessible; properly designed and installed for the appropriate age group.

(d) Training chairs, instead of the required number of toilets must be provided for toddlers.

**Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 3.05. Ordinance 49-13, Title I, § 2 and Exhibit A, § 976.

**Cross References**

Cleanliness and sanitation, child care centers, see 8 MLBSA § 1510.

**§ 977. Emergency items**

A first-aid kit, battery-operated flashlight and battery-operated portable radio shall be available in every Child Care Program Facility for emergency use.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 3.06. Ordinance 49-13, Title I, § 2 and Exhibit A, § 977.

#### **Cross References**

Emergency equipment, child care centers, see 8 MLBSA § 1506.

First-aid kit, child care centers, see 8 MLBSA § 1505.

First-aid kit, see 8 MLBSA § 1048.

First-aid training, see 8 MLBSA § 1044.

### **§ 978. Room temperature**

Indoor room temperature shall not be lower than 62 degrees Fahrenheit nor higher than 80 degrees Fahrenheit except in limited periods of time not to exceed one (1) hour. If the temperature remains at or above 89 degrees Fahrenheit, or remains at or below 62 degrees Fahrenheit, for longer than one hour, the center must close.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 3.07. Ordinance 49-13, Title I, § 2 and Exhibit A, § 978.

#### **Cross References**

Child care centers, room temperature, see 8 MLBSA § 1472.

### **§ 979. Storage of medications and poisonous items**

All medications for the children in the Child Care Program Facility shall be kept under lock at all times, those medications which require refrigeration shall be kept in a cooling unit which is secure. All household cleaning supplies and other poisonous items shall be kept in a safe and secure place.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 3.08.

#### **Cross References**

Administration of medicine, diapering products, sunscreen lotions and insect repellents, child care centers, see 8 MLBSA § 1511.

Hazardous areas, conditions and objects, child care centers, see 8 MLBSA § 1509.

Medication of children, see 8 MLBSA § 1047.

## **§ 980. Space used by ill children**

Space designated for use by an ill child need not be permanently arranged but shall be:

- (a) Used only for other compatible purposes: (e.g.) private office, library, staff's room or,
- (b) Effectively protected from the main activity area and screening;
- (c) Equipped with a child's cot; and
- (d) At no time shall an ill child be left without supervision.

### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 3.10.

### **Cross References**

Children who become ill, see 8 MLBSA § 1046.  
Children with communicable diseases, see 8 MLBSA § 1045.  
Exclusion of sick children, child care centers, see 8 MLBSA § 1512.

## **§981. Floors**

Floors must be kept clean at all times, must not have splinters, cracks, or broken linoleum, and must not be hazardous. Concrete floors shall be tiled, carpeted, or cushioned.

### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 3.11.

### **Cross References**

Cleanliness and sanitation, child care centers, see 8 MLBSA § 1510.  
Hazardous areas, conditions and objects, child care centers, see 8 MLBSA § 1509.

## **§ 982. Cleanliness and good repair**

Premises shall be kept clean and sanitary. The facility and equipment must also be kept in good repair, with no peeling paint, and free from all debris and litter.

### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 3.12.

### **Cross References**

Cleanliness and sanitation, child care centers, see 8 MLBSA § 1510.  
Hazardous areas, conditions and objects, child care centers, see 8 MLBSA § 1509.  
Painted surfaces, safety, see 8 MLBSA § 1110.

### **§ 983. Cots, cribs and playpens**

A cot or crib must be provided for each child taking a nap in a program that includes rest. Adequate space and accessibility of exit must be maintained. Infants must be provided with cribs or playpens, regardless of type or duration of program.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 3.13. Ordinance 49-13, Title I, § 2 and Exhibit A, § 983.

### **§ 984. Equipment and furniture**

All equipment and furniture must be designed for the age group and be substantial, easy to clean, and free from sharp points or corners, splinters, or paint that contains lead.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 3.14.

### **Cross References**

Program, equipment and materials, see 8 MLBSA § 1005.  
Safety, furniture, equipment and toys, see 8 MLBSA § 1109.

### **§ 985. Clean air and water**

Every Child Care Program facility must comply with the Mille Lacs Band clean air and water standards as prescribed by law.

#### **Historical and Statutory Notes**

**Source:** Ordinance 49-13, Title I, § 2 and Exhibit A, § 985.

### **986. Hours of Operation**

The authorized hours of operation must be posted in a conspicuous place on the program's premises.

#### **Historical and Statutory Notes**

Source: Ordinance 49-13, Title I, § 2 and Exhibit A, § 986.

## **Part D**

### **Program**

#### **Section**

- 1001. Program guidelines established.
- 1002. Harmony with life style and cultural experience.
- 1003. Daily schedule.
- 1004. Punishment.
- 1005. Access to equipment and materials.
- 1006. Types of equipment and materials.

#### **Cross References**

Program, child care centers, see 8 MLBSA § 1571 et seq.

### **§ 1001. Program guidelines established**

The Mille Lacs Band of Ojibwe hereby establishes that the program guidelines in this Part D be followed for Child Care Programs.

#### **Historical and Statutory Notes**

Source: Band Statute 1019-MLC-46, § 4. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1001.

### **§ 1002. Harmony with life style and cultural experience**

The program shall provide experience in harmony with life style and cultural background of the children. The cultural diversity of the children shall be reflected in the program through incorporation of their languages, food celebrations, lifestyles and child-rearing practices.

#### **Historical and Statutory Notes**

Source: Band Statute 1019-MLC-46, § 4.01. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1002.

### **§ 1003. Daily schedule**

The program daily schedule shall include the following guidelines and instructions:

- (a) Each care giver in charge of a group of children must follow written schedules of daily activities which include time for meals, snacks, sleep, toileting, and indoor/outdoor play, where applicable.

(b) Each facility includes a designated area where a child can sit quietly or lie down to rest. A nap period is provided for children who need it and for children unable to sleep, time and space for rest and quiet play are available.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 4.02.

### **§ 1004. Punishment**

Care givers shall not use spanking, hitting, or other forms of physical punishment or any other technique which is humiliating, shaming, frightening, or otherwise damaging to the children. Punishment is not associated with food, rest, toilet training or isolation for illness. All facilities should utilize the concept of positive reinforcement.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 4.03. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1004.

#### **Cross References**

Behavior guidance, child care centers, see 8 MLBSA § 1573.

### **§ 1005. Access to equipment and materials**

The following guides for equipment and materials shall be followed in a Child Care Program:

- (a) The quantity of materials and equipment must be sufficient to avoid excessive competition and long waits.
- (b) Materials and equipment are of sufficient quantity to provide for a variety of experiences and appeal at the individual's interest of the children in care.
- (c) Protected areas are provided, free from traffic by children and adults, where equipment and materials can be used with minimal interference.
- (d) Materials are stored in an orderly way, are attractive and accessible to children, and are arranged so that children may select, remove, and replace them either independently or with assistance.
- (e) Furniture is durable and safe, and is child-size or approximately adapted for children's ages.
- (f) Non-durable consumable equipment such as books, games, or materials and other easily breakable or lost education or recreation equipment must be replaced as needed throughout the program's operation year.

## Historical and Statutory Notes

Source: Band Statute 1019-MLC-46, § 4.04.

### Cross References

Facility, equipment and furniture, see 8 MLBSA § 984.

Safety, furniture, equipment and toys, see 8 MLBSA § 1109.

## §1006. Types of equipment and materials

(a) **Definitions.** For the purpose of this section, the following terms have the meanings given them.

- (1) "Cognitive development equipment and materials" means equipment and materials designed to enhance components of intellectual development, such as problem solving abilities, observation skills, group skills, and symbol recognition.
- (2) "Dramatic play equipment" or "practical life activity equipment" means equipment, such as dress up clothes, large or miniature play sets, figures, and small and large building blocks that can be used to design a setting or space that stimulates the child's imagination and encourages role playing and the learning of practical life skills.
- (3) "Large muscle equipment" means equipment that is designed to enhance large muscle development and coordination, such as playground equipment, large boxes and pillows, large wheel toys, pull toys, balls, jump ropes, climbers, and rocking boats.
- (4) "Manipulative equipment" means equipment that is designed to enhance fine motor development and coordination, such as pegs and peg boards, puzzles, beads and strings, interlocking plastic forms, and carpentry materials.
- (5) "Sensory stimulation materials" means equipment, other than pictures, that has different shapes, colors, and textures that stimulate the child's visual and tactile senses. Examples of sensory stimulation materials include mobiles, crib attached activity boxes, sand and water activity materials, swatches of different textures of cloth, and wooden or plastic items of different shapes and colors.

(b) **General requirements.** Each Child Care Program must have the quantity and type of equipment for the age categories of children served. Equipment must be appropriate to the age categories and any special needs of the children served. A center must have enough equipment for the number of children for which the center is licensed unless the use of equipment is rotated among groups of children.

(c) **Equipment and materials for infants.** The minimum equipment and materials required for a center serving infants are as follows:

- (1) one area rug or carpet per group;

- (2) a variety of non-folding child size chairs including infant seats and high chairs; one per child, or a minimum of four per group;
- (3) one changing table for every group of 8 to 10 infants;
- (4) one foot operated, covered diaper container per changing table;
- (5) one crib, cot, or portable crib waterproof mattress per child; and
- (6) one linear foot of low, open shelving per child.

#### **Historical and Statutory Notes**

**Source:** Ordinance 49-13, Title I, § 2 and Exhibit A, § 1006.

#### **Part E**

#### **Health**

##### **Section**

1041. Health guidelines established.
1042. Health responsibilities.
1043. Information obtained from parents.
1044. First Aid, Cardiopulmonary Resuscitation (CPR), Abusive Head Trauma (AHT) and Sudden Unexpected Infant Death Syndrome (SUIDS) Training
1045. Exclusion of sick children
1046. Children who become ill.
1047. Medication.
1048. First-aid kit.
1049. Crib safety requirements.
1050. Reduction of risk of Sudden Infant Death Syndrome.
1051. Toilets and hand sinks.

#### **Cross References**

Child care centers, health and safety, see 8 MLBSA § 1501 et seq.  
Information and instruction from parents, see 8 MLBSA § 1143.

### **§ 1041. Health guidelines established**

The Mille Lacs Band of Ojibwe hereby establishes the health guidelines in this Part E to be followed for Child Care Programs.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 5. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1041.

### **§ 1042. Health responsibilities**

The director, or designated personnel, of each program shall be responsible for observation of health and development of children, handling illness at the center, accident prevention and emergency procedures, and keeping health records complete.

#### Historical and Statutory Notes

Source: Band Statute 1019-MLC-46, § 5.01.

### § 1043. Information obtained from parents

Written evidence will be obtained from each parent of the following information:

- (a) Emergency contact information on each child, including written permission for each child to receive emergency treatment.
- (b) Proof of immunizations appropriate for the child's age.
- (c) Any prescriptions or medications which the child is currently taking.
- (d) Tuberculosis testing results which have been completed within six (6) months and repeated every five (5) years after initial testing.
- (e) proof of physical exam administered to the child within the last six (6) months.

#### Historical and Statutory Notes

Source: Band Statute 1019-MLC-46, § 5.02. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1043.

### § 1044. First Aid, Cardiopulmonary Resuscitation (CPR), Abusive Head Trauma (AHT) and Sudden Unexpected Infant Death Syndrome (SUIDS) Training

- a) All teachers and assistant teachers, staff and volunteers, must satisfactorily complete, within 90 days of the start of work, at least eight (8) hours of First Aid and CPR training as well as additional training in Sudden Unexpected Infant Death Syndrome (SUIDS), and Abusive Head Trauma (AHT) training, unless this has been satisfactorily completed within the previous year. The health and safety training must be:
  - 1. repeated on a yearly basis;
  - 2. documented in the person's personnel record and indicated in the center's staffing chart; and
  - 3. provided by a licensed physician, a registered nurse, or a licensed practical nurse, or other certified instructor trained to provide the instruction or certified by the American Red Cross.

- b) On the date of the initial licensure, at least one staff person with health and safety training must be present at the center when children are in care and at least one staff person with the health and safety training must accompany children on field trips.

#### Historical and Statutory Notes

Source: Band Statute 1019-MLC-46, § 5.03. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1044.

#### Cross References

Safety, see 8 MLBSA § 1101 et seq.

### § 1045. Exclusion of sick children

- (a) A child with any of the following conditions or behaviors is a sick child and must be excluded from the center. If the child becomes sick while at the center, the child must be isolated from other children in care and the parent(s), guardian(s), or emergency contact(s) called immediately. A sick child must be supervised at all times. The license holder must exclude a child:
- (1) With a reportable illness or condition that a health care provider determines to be contagious and has not had sufficient treatment to reduce the health risk to others;
  - (2) with chicken pox until the child is no longer infectious or until the lesions are crusted over;
  - (3) who has vomited once that day;
  - (4) who has had three or more abnormally loose stools that day;
  - (5) who has contagious conjunctivitis or pus draining from the eye;
  - (6) who has a bacterial infection such as streptococcal pharyngitis or impetigo and has not completed 24 hours of antimicrobial therapy;
  - (7) who has unexplained lethargy;
  - (8) who has lice, ringworm, or scabies that is untreated and contagious to others;
  - (9) who has a 100 degree Fahrenheit axilla or higher temperature of undiagnosed origin before fever reducing medication is given;
  - (10) who has an undiagnosed rash or a rash attributable to a contagious illness or condition;
  - (11) who has significant respiratory distress;
  - (12) who is not able to participate in child care program activities with reasonable comfort; or
  - (13) who requires more care than the program staff can provide without compromising the health and safety of other children in care.
- (b) The license holder must post or give a notice to the parents of exposed children the same day a parent notifies the center of a child's illness or condition a contagious reportable disease, or lice, scabies, impetigo, ringworm, or chicken pox.

### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 5.04. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1045.

### **Cross References**

Exclusion of sick children, child care centers, see 8 MLBSA § 1512.

## **§ 1046. Children who become ill**

Child Care Programs must provide care for a child who becomes ill. Supervision must be provided until the child is picked up by the authorized person[s].

### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 3.09. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1046.

### **Cross References**

Exclusion of sick children, see 8 MLBSA § 1512.  
Space used by ill children, see 8 MLBSA § 980.

## **§ 1047. Medication**

When a child is to be given oral or surface medication, written instructions by a physician or dentist must be provided and written authorization to administer medication must be given by the parent(s). Medication must be labeled, stored under lock and out of reach of children.

### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 5.05.

### **Cross References**

Administration of medicine, child care centers, see 8 MLBSA § 1511.  
Storage of medications, see 8 MLBSA § 979.

## **§ 1048. First-aid kit**

The license holder must ensure that a first aid kit is available within the center. The kit must contain sterile bandages and band-aids, sterile compresses, scissors, an ice bag or cold pack, an oral or surface thermometer and adhesive tape. A current first aid manual must be included. The first aid kit and manual must be accessible to the staff at the center and taken on field trips. The ipecac syrup must be labeled with instructions to call, and a number for, the local poison center. The provider must ensure that ipecac syrup is administered according to instructions of the local poison control center.

## Historical and Statutory Notes

Source: Band Statute 1019-MLC-46, § 5.06. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1048.

### Cross References

Child care centers, first aid kit, see 8 MLBSA § 1505.

Emergency items, see 8 MLBSA § 977.

### **§1049. Crib safety requirements**

- (a) The license holder should access and consult the United States Consumer Product Safety Commission website for crib safety information. Annually, from the date printed on the license, all license holders shall check all their cribs' brand names and model numbers against the United States Consumer Product Safety Commission website listing of unsafe cribs and shall maintain written documentation for inspection for each crib showing that the review has been completed.
- (b) All license holders must maintain the following documentation for every crib used by or that is accessible to any child in care:
  - (1) the crib's brand name; and
  - (2) the crib's model number; and
  - (3) a notation that the crib was not identified as unsafe on the United States Consumer Product Safety Commission website or the license holder has taken the action directed by the United States Consumer Product Safety Commission to make the crib safe.
- (c) Any crib for which the license holder does not have the documentation required under subsections (a) and (b) must not be used by or be accessible to children in care.
- (d) Documentation of the review completed under this section shall be maintained by the license holder on site and made available to parents of children in care, the Band, and Indian Health Service.
- (e) On at least a monthly basis, the license holder shall perform safety inspections of every crib used by or that is accessible to any child in care, and must document compliance with current Minnesota crib requirements (as stated in the most current MN statutes).
- (f) Upon discovery of any unsafe condition identified by the license holder, the Licensing Committee, or Indian Health Services during the safety inspection, the license holder shall immediately remove the crib from use and ensure that the crib is not accessible to children in care, and as soon as practicable, but not more than two business days after the inspection, remove the crib from the area where child care services are routinely provided.

- (g) Documentation of the inspections and actions taken with unsafe cribs required shall be maintained on site by the license holder and made available to parents of children in care, the Band, and Indian Health Service.
- (h) The Band may issue a licensing action if a license holder fails to comply with the requirements of this section.

#### **Historical and Statutory Notes**

**Source:** Ordinance 49-13, Title I, § 2 and Exhibit A, § 1049.

### **§1050. Reduction of risk of Sudden Infant Death Syndrome**

When a staff person is placing an infant to sleep, the staff person must place the infant on the infant's back, unless the license holder has documentation from the infant's parent directing an alternative sleeping position for the infant, and must place the infant in a crib with a firm mattress. The license holder must not place pillows, quilts, comforters, sheepskin, pillow-like stuffed toys, or other soft products in the crib with the infant. Licensed child care providers must meet the crib requirements under § 1049 of this Title.

#### **Historical and Statutory Notes**

**Source:** Ordinance 49-13, Title I, § 2 and Exhibit A, § 1050.

### **§1051. Toilets and hand sinks**

Toilets and hand sinks located in a well-ventilated area must be provided in the center.

- (a) The center must have at least one toilet and one hand sink for every 10 children accessible in the center.
- (b) Hand sinks for children must not be used for custodial work or food preparation.
- (c) Single service hand towels or warm air dryers must be available to dry hands and designed for easy use by the children.
- (d) Toilet facilities must be cleaned daily. Toilet training chairs must be emptied, washed with soap and water, and disinfected after each use. Toilets and seats must be washed with soap and water and disinfected when soiled or at least daily.
- (e) Hand washing procedures:
  - 1) Staff person: a staff person must wash his/her hands with soap and water after changing a child's diaper, after using toilet facilities, before and after handling food or eating, after sneezing or coughing or blowing his/her nose, after combing hair, after handling garbage and after spending time outdoors.
  - 2) Child: A child's hands must be washed with soap and water after a diaper change, after use of a toilet or toilet training chair, before and after handling food or eating, and after spending time outdoors. Staff must monitor hand washing and assist a child who needs help. The use of common basin or hand sink filled with standing water is prohibited.

- (f) The license holder shall provide the following supplies and make them accessible to children: toilet paper, liquid hand soap, facial tissues, and single use paper towels or warm air hand dryers.
- (g) A diaper must be changed only in the diaper changing area. The diaper changing area must be separate from the areas used for food storage, food preparation, and eating. The area must have a hand sink equipped with hot and cold running water within three feet of the diaper changing surface, a smooth, nonabsorbent diaper changing surface and floor covering, and a container operated by a foot pedal for soiled and wet diapers.

The center must have and follow diaper changing procedures that have been developed in consultation with a health consultant. The license holder must post the diaper changing procedures in the diaper changing area.

#### **Historical and Statutory Notes**

**Source:** Ordinance 49-13, Title I, § 2 and Exhibit A, § 1051.

### **Part F**

#### **Nutrition**

##### **Section**

- 1071. Nutrition guidelines established.
- 1072. Availability of meals and snacks.
- 1073. Sanitary food-handling.
- 1074. Diet of infant.
- 1075. Drinking water.
- 1076. Staff to sit with children during meals and snacks.
- 1077. Nutritionist.
- 1078. Menus.

#### **§ 1071. Nutrition guidelines established**

The Mille Lacs Band of Ojibwe hereby establishes that the nutrition guidelines in this Part F be followed for Child Care Programs.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 6. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1071.

#### **§ 1072. Availability of meals and snacks**

All Child Care programs must provide or ensure the availability of adequate and nutritious meals and snacks appropriate for the ages and needs of the children served. Bag lunches provided by the parent are acceptable. Each regular meal and two snacks or two meals and one snack shall be

provided daily for each child in care five through eight hours. A child must be offered a second serving with each meal or snack.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 6.01. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1072.

#### **Cross References**

Availability of meals and snacks, child care centers, see 8 MLBSA § 1541.

### **§ 1073. Sanitary food-handling**

All Child Care Program personnel shall understand sanitation and methods of handling, preparing, and serving food in a safe and sanitary manner following the standards set forth in the USDA Child and Adult Care Food Program (CACFP).

#### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 6.02. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1073.

#### **Cross References**

Sanitation, food, child care centers, see 8 MLBSA §1545.

### **§ 1074. Diet of infant**

The diet of an infant shall be determined by the parents in conjunction with the standards set forth in the USDA Child and Adult Care Food Program (CACFP). The provider must ensure that sanitary procedures and practices are used to prepare, handle, and store formula, milk, breast milk, solid foods, and supplements. Procedures must be reviewed and certified by a health consultant. A center serving infants must:

- (a) Obtain written dietary instructions from the parent of the child;
- (b) Have the infant's feeding schedule available in the food preparation area;
- (c) Offer the child formula or milk and nutritionally adequate solid foods in prescribed quantities at specified time intervals; and
- (d) Label each child's bottle with the child's name and whether the bottle contains formula or breast milk.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 6.03. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1074.

#### **Cross References**

Infant diets, child care centers, see 8 MLBSA § 1544.  
Information and instruction from parents, see 8 MLBSA § 1143.

### **§ 1075. Drinking water**

Drinking water shall be freely available to all children regardless of age. Each child shall be provided with an individual drinking container.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 6.04.

### **§1076. Staff to sit with children during meals or snacks**

There must be Child Care Program staff seated with the children during meal and snack times.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 6.05. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1076.

#### **Cross References**

Staff to sit with children at meals or snacks, child care centers, see 8 MLBSA § 1542.

### **§ 1077. Nutritionist**

All meals and snacks shall be critiqued and approved by a licensed nutritionist and posted in a conspicuous place for potential information.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 6.06.

### **§1078. Menus**

When food is provided by the license holder, menus must be planned on a monthly basis and be available for review upon request. A sample menu must be provided to parents at the time of admission. Menus must comport with the nutritional requirements of the USDA, CACFP.

#### **Historical and Statutory Notes**

**Source:** Ordinance 49-13, Title I, § 2 and Exhibit A, § 1078.

#### **Part G**

## Safety

### Section

- 1101. Emergency or accident procedures.
- 1102. Fire extinguishers.
- 1103. Electrical outlets.
- 1104. Telephones.
- 1105. Hazardous areas, conditions and objects.
- 1106. Painted surfaces.

### Cross References.

Child care centers, health and safety, see 8 MLBSA §1501 et seq.  
First-aid training, see 8 MLBSA § 1044.

### § 1101. Emergency or accident procedures

The license holder must ensure that written procedures for emergencies and accidents are posted in a visible place. The procedures must:

- (a) Identify persons responsible for each area;
- (b) Identify primary and secondary exits;
- (c) Identify a tornado shelter area;
- (d) Identify building evacuation routes;
- (e) Describe how to use a fire extinguisher and close off the fire area; and
- (f) List the phone numbers and sources of emergency medical and dental care, poison control center, fire department and health authority.

#### Historical and Statutory Notes

Source: Band Statute 1019-MLC-46, § 7. Ordinance 49-13. Title I, § 2 and Exhibit A, § 1101.

### § 1102. Fire extinguishers

Fire extinguishers must be serviced annually by a qualified inspector. The name of the inspector and date of the inspection must be written on a tag attached to the extinguisher.

#### Historical and Statutory Notes

Source: Band Statute 1019-MLC-46, § 7.01. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1102.

### Cross References

Child care centers, fire extinguisher inspections, see 8 MLBSA § 1508.

### § 1103. Electrical outlets

All electrical outlets must be covered or protected when not in use.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 7.02.

#### **Cross References**

Hazardous areas, conditions and objects, child care centers, see 8 MLBSA § 1509.

### **§ 1104. Telephones**

A telephone that is not coin operated must be located within the Child Care Program center. A list of emergency numbers must be posted next to the telephone. The 911 emergency number, when available, must be posted. If 911 emergency number is not available, the numbers listed must be those of the local fire department, police department, emergency transportation, and poison control center.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 7.03, § 7.04. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1104.

#### **Cross References**

Child care centers, telephone and posted telephone numbers, see 8 MLBSA § 1507.

### **§1105. Hazardous areas, conditions and objects**

- (a) **Hazardous areas.** Kitchens, stairs, and other hazardous areas must be inaccessible to children except during periods of supervised use.
- (b) **Maintenance of areas used by children.** The areas used by children must be free from debris, loose flaking, peeling, or chipped paint, loose wallpaper, or crumbling plaster, litter, and holes in the walls, floors, and ceilings. Rugs must have a non-skid backing or be firmly fastened to the floor and be free from tears, curled or frayed edges, and hazardous wrinkles.

- (c) **Shielding of hot surfaces.** Radiators, fireplaces, hot pipes, and other hot surfaces in areas used by children must be shielded or insulated to prevent burns.
- (d) **Electrical outlets.** Except in a center that serves only school age children, electrical outlets must be tamper proof or shielded when not in use.
- (e) **Condition of equipment, furniture and toys.** (1) Equipment and furniture must be durable, in good repair, structurally sound and stable following assembly and installation. Equipment must be free of sharp edges, dangerous protrusions, points where a child's extremities could be pinched or crushed, and openings or angles that could trap part of child's body. Tables, chairs, and other furniture must be appropriate to the age and size of children who use them. Toys and equipment that are likely to be mouthed by infants and toddlers must be made of a material that can be disinfected. These must be cleaned and disinfected when mouthed or soiled and at least daily.
- (2) Infant rattles must meet the United States consumer product safety standards contained in the Code of Federal Regulations, title 16, sections 1510.1 to 1510.4, as adopted on May 23, 1978. All toys and other articles intended for use by children under three years of age that present choking, aspiration, or ingestion hazards because of small parts must meet the size standards in Code of Federal Regulations, title 16, sections 1501.1 to 1501.5, as adopted on June 15, 1979.
- (f) **Hazardous objects.** Sharp objects, medicines, plastic bags, and poisonous plants and chemicals, including household supplies, must be stored out of reach of children.

#### **Historical and Statutory Notes**

**Source:** Ordinance 49-13, Title I, § 2 and Exhibit A, § 1105.

### **§ 1106. Painted surfaces**

All painted surfaces accessible to children shall be free of toxic materials.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 7.09.

#### **Cross References**

Peeling paint, see 8 MLBSA § 982.

## Part H

### Admissions

#### Section

- 1141. Admissions guidelines and policies established.
- 1142. Age ranges.
- 1143. Information and instruction from parents.
- 1144. Communication between family and facility.

#### Cross References

Sample menus provided at time of admission, child care centers, see 8 MLBSA § 1543.

### **§1141. Admissions guidelines and policies established**

The Mille Lacs Band of Ojibwe hereby establishes the admissions guidelines and policies for Child Care Programs in this Part H.

#### Historical and Statutory Notes

Source: Band Statute 1019-MLC-46, § 8. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1141.

### **§ 1142. Age ranges**

Each Child Care Program shall have an admission policy that specifies the age ranges of children being served.

#### Historical and Statutory Notes

Source: Band Statute 1019-MLC-46, § 8.01. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1142.

### **§ 1143. Information and instruction from parents**

(a) Admission procedures developed must provide the care-giver with sufficient information and instruction from the parent to enable the caregiver to make decisions or act in behalf of the child's welfare in the absence of the parent.

(b) Prior to admission of the child, the caregiver shall obtain written information from a person or persons legally responsible for the child covering the following items:

- (1) The child's full name, birth date, and current address.

(2) The name and address of the parent or parents, or the person(s) legally responsible for the child, and the telephone number with instructions as to how the parent(s) responsible for the child may be reached when child is in the program.

(3) Names of persons authorized to take the child from the facility and their address, and names of persons not so authorized.

(4) Names, address, and telephone numbers of the health source to be called in case of emergency. Health statement and immunization data as specified in 8 MLBSA § 1043 et seq.

(5) Name, addresses, and telephone numbers of person(s) who can assume responsibility for the child if the parent cannot be reached in an emergency.

(6) Signed authorization to the effect that the parent gives permission to the center to act in an emergency situation when the parent cannot be reached or is delayed in arriving. (In Loco Parentis.)

(7) Written permission for participation in specific research, experimentation or publicity activities.

(8) All children must have the expressed written permission from their parent or guardian to participate in activities away from the physical facility of the Child Care Program. Sponsorship of the activity shall not be considered a reason to waive this requirement. All written permissions shall be activity specific and must include the type of activity, location, date and time of departure and anticipated arrival. Blanket permission shall not be allowed.

(9) Special diet needs shall be followed as stated in the following sections.

(10) Written statement of income provided by parents, [Federal Requirement]

(c) All information received during admission eligibility process is and must remain confidential.

#### **Historical and Statutory Notes**

Source: Band Statute 1019-MLC-46, § 8.02, 8.03. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1143.

#### **Cross References**

Diet of infant, see 8 MLBSA § 1074.

## **§ 1144. Communication between family and facility**

Admission policies and procedures must ensure initial and continuing communication between the family and the facility to ensure compatibility in their mutual responsibility for the child's welfare.

### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 8.0392.

### **Cross References**

Participation in field trips, child care centers, see 8 MLBSA § 1572.

## **Part I**

### **Administration and Management**

#### **Section**

- 1171. Administration and management established.
- 1172. Information to be submitted to licensing committee.
- 1173. Program Coordinator.
- 1174. Hiring policies: personnel policies of Mille Lacs Band of Ojibwe.

## **§ 1171. Administration and management established**

The Mille Lacs Band of Ojibwe hereby establishes the administration and management for Child Care Programs.

### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 9. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1171.

## **§ 1172. Information to be submitted to licensing committee**

Every child program shall submit administrative and management information to the Mille Lacs Band Child Care Licensing Committee. Along with the application for licensure, the information must include:

- (a) Admission procedures and requirements.
- (b) Required information to be kept in each child's confidential record.

- (c) Individualized Educational Program Plan.
- (d) Description of provisions for emergency medical and/or dental care.
- (e) Written documentation on insurance coverage in an amount sufficient to protect the interest of the children and staff.

**Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 9.01.

**§ 1173. Program Coordinator**

Every Child Care Program shall have a Program Coordinator who shall be responsible and accountable for meeting the requirements of this subchapter.

**Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 9.02.

**§ 1174. Hiring policies: personnel policies of Mille Lacs Band of Ojibwe**

All Child Care Programs licensed by the Mille Lacs Band of Ojibwe:

- (a) Will follow the hiring policies of the Mille Lacs Band.
- (b) Will follow any additional Federal policies necessary to comply with applicable Federal grant requirements.

**Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 9.03. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1174.

**Part J**

**Staff Requirements**

**Section**

- 1201. Staff requirements established.
- 1202. Staff development training.
- 1203. Job descriptions.
- 1204. Staff-to-child ratios.
- 1205. Persons capable of training staff.
- 1206. Competence and health of personnel.

- 1207. Abuse or neglect of children.
- 1208. Duty to report abuse or neglect.
- 1209. Special Definitions.
- 1210. Applicant background study.
- 1211. General staff qualifications.
- 1212. Disqualification factors.
- 1213. Directors; general requirements.
- 1214. Teacher qualifications.
- 1215. Assistant Teacher qualifications.
- 1216. Aide qualifications.
- 1217. Orientation training.
- 1218. In-service training.

#### **Cross References**

Child care centers, qualifications and training of applicant and staff, see 8 MLBSA § 1441 et seq.

### **§ 1201. Staff requirements established**

The Mille Lacs Band of Ojibwe hereby establishes, in this Part J, the staff requirements for Child Care Programs.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 10. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1201.

### **§ 1202. Staff development training**

Staff development training for all regular administrative, teaching and support services staff members, including volunteers, must be a part of every Child Care Program's educational program.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 10.01.

### **§ 1203. Job descriptions**

Every Child Care Program shall maintain up-to-date job descriptions for all staff which include mandatory staff training participation as an aspect of career development.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 10.02. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1203.

### **§ 1204. Staff-to-child ratios**

(a) The following staffing ratios shall apply with these specific age groups.

Children of age:	6 weeks-16 months	1 adult to 4 children
	17-33 months	1 adult to 4 children
	34 months-5 years	1 adult to 10 children
	6-11 years	1 adult to 12 children

(b) The adult-child ratio must be maintained throughout the day. This ratio is based solely on the number of teacher aides in the classroom compared to the total number of children. Children shall not be left unattended for any reason.

(c) Volunteers for all age groupings may not be counted in the staff-to-child ratio, and must be at least 18 years of age and participate in an orientation to the program.

**Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, §§ 10.03, 10.05, 10.06. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1204.

**§ 1205. Persons capable of training staff**

At least one person on the staff must be knowledgeable of the following fields and capable of training adult staff: Early childhood education, growth, development and practices; and first-aid and home nursing.

**Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 10.04.

## **§ 1206. Competence and health of personnel**

All personnel in regular contact with children, including volunteers and drivers, shall be physically, mentally, and emotionally competent to care for children and free from serious communicable disease such as tuberculosis and hepatitis, with negative tuberculosis testing which have been completed within the last twelve (12) months. If the result of the TB test is positive for TB or indeterminate, a chest x-ray is required once every five years there-after. All personnel will be subject to a drug-test upon starting their position and may be subject to random testing throughout their employment.

### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 10.07. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1206.

### **Cross References**

Child care centers, general staff qualifications, see § MLBSA § 1443.

## **§ 1207. Procedures for responding to reports of abuse or neglect**

Employees of any Child Care Center licensed by the Mille Lacs Band are prohibited from abusing and/or neglecting, any child placed under their direct/indirect supervision at a Child Care Center. For the purposes of this section, definitions for abuse and neglect shall be the same as Chapter 13, section 3103.

- (a) Allegations of abuse shall be reported to the Program Director. If the Program Director is the alleged perpetrator, the report may be made to the Commissioner of Education. The Program Director or Commissioner of Education shall be responsible for overseeing the investigation into the allegations.
- (b) For allegations of abuse or neglect, the Program Director will:
  1. Immediately respond to all abuse or neglect allegations. This will include documenting in writing what was witnessed or heard. Documentation shall be compiled in a written statement which shall include:
    - i. Name of the employee alleged to have committed the abuse or neglect;
    - ii. Time and location of the observed abuse or neglect;
    - iii. Exact eye-witness description of what actually occurred, hearsay is not admissible; and

- iv. Name, date and signature of the person making the report, unless good cause is shown for the reporter to remain anonymous.
2. Ensure confidentiality to the fullest extent.
  3. Provide a pre-termination inquiry which allows the employee to respond to the allegations. The Program Director has the discretion to follow this inquiry with a suspension in order to continue the investigation, or deem the investigation completed at this time. Per the Mille Lacs Band Personnel handbook, the employee may not be placed on suspension for longer than 1 to 5 days while the investigation is completed.
  4. Inform the alleged perpetrator he/she is not allowed to have contact with any child in the Center's care until the completion of the investigation.
  5. Protect the alleged victim from intimidation, retribution, or further abuse.
  6. Notify Tribal Police. If necessary, Tribal Police may conduct a separate investigation into any criminal conduct arising from the matter.
- (c) If a preponderance of evidence of abuse or neglect is found, the perpetrator's employment at the Child Care Center will be terminated immediately.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 10.09. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1207.

#### **Cross References**

Confrontation of witnesses and assistance of counsel, see 1 MLBSA § 6.

Domestic abuse prevention, see 8 MLBSA § 401 et seq.

Due process, see 1 MLBSA § 8.

Duty to report abuse and neglect, see 8 MLBSA § 301 et seq.

Minors in need of care, see 8 MLBSA § 201 et seq.

### **§ 1208. Duty to report abuse or neglect**

It is the policy of the Mille Lacs Band of Ojibwe to require all personnel of any Child Care Program under its jurisdiction to report any suspected physical and/or sexual abuse of children or physical/psychological neglect of children. Said written report shall be prepared by the Program Coordinator addressed to Family Services.

#### **Historical and Statutory Notes**

Source: Band Statute 1019-MLC-46, § 10.08. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1208.

#### **Cross References**

Duty to report abuse and neglect, see 8 MLBSA § 301 et seq.

### **§1209. Special Definitions**

- (a) Accredited course: “Accredited Course” means a course that is offered for credit by or through an accredited post-secondary institution.
  
- (b) Education: “Education” means accredited course work from an accredited post-secondary institution in child care development; children with special needs, early childhood education methods of theory; curriculum planning; child study techniques; family studies; child psychology; parent involvement; behavior guidance; child nutrition; child health and safety; early childhood special education methods of theory; child abuse and neglect prevention; recreational sports, arts, and crafts methods of theory; or coordination of community and school activities.
  
- (c) Experience: “Experience” means paid or unpaid employment serving children as a teacher, assistant teacher, or aide, in a licensed child care center, or work as a student intern in a licensed center, a school operated by the commissioner of education or by a legally constituted local school board or a private school.
  
- (d) Student intern: “Student Intern” means a student of a post-secondary institution assigned by that institution for a supervised experience with children. The experience must be in a licensed center, an elementary school operated by the commissioner of education, or a legally constituted local school board, or private school approved under rules administered by the commissioner of education. The term includes a person who has practiced teaching, student teaching, or carrying out a practicum or internship.

#### **Historical and Statutory Notes**

Source: Ordinance 49-13, Title I, § 2 and Exhibit A, § 1209.

### **§1210. Applicant background study**

An applicant background study of the applicant and all staff persons who will have direct contact with or access to persons served by the child care program is required.

#### **Historical and Statutory Notes**

Source: Ordinance 49-13, Title I, § 2 and Exhibit A, § 1210.

## **§1211. General staff qualifications**

Staff persons who have direct contact with or access to children, and volunteers who have direct contact with or access to children and are not under the direct supervision of a staff person, must meet the qualifications in this section:

- (a) Persons who supervise staff persons or volunteers must be at least 18 years old.
- (b) Staff persons must be physically able to care for children and must not present a risk of transmission of reportable communicable disease.

### **Historical and Statutory Notes**

**Source:** Ordinance 49-13, Title I, § 2 and Exhibit A, § 1211.

## **§1212. Background disclosure and Disqualification factors**

A staff person with direct contact with or access to children in care must disclose the arrest, conviction, and applicant background information if that staff person:

(a) has a conviction of, has admitted to, has an adjudication of delinquency for, has been charged and is awaiting trial for, or a preponderance of the evidence indicates the person has committed:

- (1) a crime against a child;
- (2) an act of physical or sexual abuse;
- (3) neglect;
- (4) a felony;
- (5) the same or similar crimes as those in this subsection listed in the laws of another state or of the United States or of any Tribal law;

(b) has a conviction of, has admitted to, has an adjudication of delinquency for, has been charged and is awaiting trial for, or a preponderance of the evidence indicates the person has committed any misdemeanor offense under Federal, State, or Tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; crimes against persons; or offenses committed against children. The Licensing Committee may evaluate the nature and time of a misdemeanor assault charge as well as other types of misdemeanor crimes not specified in this section to determine whether employment is appropriate.

(c) has mental illness as defined in Minnesota Statutes, section 245.462, subdivision 20, and the behavior has or may have a negative effect on the ability of the person to provide child care or is apparent during the hours children are in care; or

(d) abuses prescription drugs or uses controlled substances, as named in Minnesota Statutes, chapter 152, or alcohol to the extent that the use or abuse impairs or may impair

the person's ability to provide child care or is apparent during the hours children are in care.

**Historical and Statutory Notes**

**Source:** Ordinance 49-13, Title I, § 2 and Exhibit A, § 1212.

**§1213. Directors; general requirements**

A director must have:

- (a) a baccalaureate or advanced degree in early childhood education; or
- (b) a baccalaureate or advanced degree and coursework equivalent to a major relating to early childhood education, with experience teaching preschool-age children.

**Historical and Statutory Notes**

**Source:** Ordinance 49-13, Title I, § 2 and Exhibit A, § 1213.

**§1214. Teacher qualifications**

(a) **Teacher qualifications, general.** A teacher must be at least 18 years old and meet the qualifications in subsection (b) with the following exceptions:

- (1) A registered nurse or licensed practical nurse is qualified as a teacher for infants only.
- (2) A registered nurse may be used to meet the staff-to-child ratios for a teacher for sick care in a center licensed to operate a sick care program.

(b) **Teacher education and experience requirements.** A teacher with the credential listed in column A must have the education and experience listed in column B.

**Column A**

- (1) A high school or General Education Development (GED) diploma
- (2) Diploma from Association Montessori Internationale; preprimary credential, primary diploma, or provisional certificate from the American Montessori Society, without a baccalaureate degree
- (3) Preprimary credential, primary diploma, or provisional certificate from the American Montessori Society; or diploma from the Association Montessori Internationale

**Column B**

- Experience: 4,160 hours as assistant teacher  
Education: 24 quarter credits
- Experience: 2,080 hours as assistant teacher, aid intern  
Education: 12 quarter credits
- Experience: 1,040 hours as assistant teacher, aid intern

with a baccalaureate degree

Education: no additional required

(4) Minnesota technical institute certificate as a Child Development Assistant

Experience: 2,080 hours as an assistant teacher

Education: 6 quarter credits

#### **Historical and Statutory Notes**

**Source:** Ordinance 49-13, Title I, § 2 and Exhibit A, § 1214.

### **§1215. Assistant Teacher qualifications**

Assistant Teachers must have:

- (a) at least a child development associate credential;
- (b) enrolled in a program leading to an associate or baccalaureate degree; or
- (c) enrolled in a child development associate credential program to be completed within 2 years.

#### **Historical and Statutory Notes**

**Source:** Ordinance 49-13, Title I, § 2 and Exhibit A, § 1215.

### **§1216. Aide qualifications**

Must be at least 16; if under 18, must be directly supervised by a teacher or assistant teacher at all times except with sleeping children or assisting with toileting and diapering.

#### **Historical and Statutory Notes**

**Source:** Ordinance 49-13, Title I, § 2 and Exhibit A, § 1216.

### **§1217. Orientation training**

The license holder must ensure that every staff person, and volunteers who will have direct contact or access to children and are not under the direct supervision of a staff person, are given orientation training and successfully complete the training before starting assigned duties. Completion of the orientation must be documented in the individual's personnel record. The orientation training must include information about:

- (a) the center's philosophy, child care program, and procedures for maintaining health and safety, and handling emergencies and accidents; and
- (b) specific job responsibilities.

#### **Historical and Statutory Notes**

**Source:** Ordinance 49-13, Title I, § 2 and Exhibit A, § 1217.

### **§1218. In-service training**

A license holder must ensure that an annual in-service training plan is developed and carried out and that it meets the requirements in the following items:

- (a) The in-service training plan must:
  - (1) be consistent with the center's child care program plan;
  - (2) meet the training needs of individual staff persons as specified in each staff person's annual evaluation report.
  
- (b) The director and all program staff persons must annually complete a minimum of 15 hours per person of in-service training.
  
- (c) The annual requirements must be completed within the year for which it was required.
  
- (d) In-service training requirement must be met by participation in early childhood development training. In this section, "early childhood development training" means training in child development; children with special needs; early childhood education methods of theory; curriculum planning; child study techniques; family studies; parent involvement; behavior guidance; child nutrition; child health and safety; recreation, sports, arts, and crafts, methods of theory, early childhood special education methods of theory; or child abuse and neglect prevention.
  
- (e) First aid and CPR training may be counted as in-service training.

**Historical and Statutory Notes**

**Source:** Ordinance 49-13, Title I, § 2 and Exhibit A, § 1218.

**Part K**

**Program Operation**

**Section**

- 1241. Program operation guidelines established.
- 1242. Records.
- 1243. Informational documents.
- 1244. Personnel records.
- 1245. Child records.
- 1246. Administrative records.
- 1247. Reporting requirements.
- 1248. Other reporting.

**§ 1241. Program operation guidelines established**

The Mille Lacs Band of Ojibwe hereby establishes that Child Care Programs be operated as provided in this Part K.

**Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 11. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1241.

## **§ 1242. Records**

(a) The center shall maintain the following types of records:

- (1) Daily attendance records of children,
- (2) Employment of staff and their evaluations,
- (3) Health records of children and staff,
- (4) Financial records,
- (5) Insurance, and
- (6) Vehicle registration and proof of maintenance

(b) Also records of permission from parents for children for emergency treatment, field trips, special medications, arrangement for picking up children from the center other than parents, approval of architectural plans for renovation plans from a health agency in the community, records of volunteers time and health status, and an annual inventory of all equipment shall be maintained.

### **Historical and Statutory Notes**

Source: Band Statute 1019-MLC-46, § 11.01.

### **Cross References**

Records, child care centers, see § MLBSA § 1671 et seq.

## **§ 1243. Informational documents**

The Program Coordinator shall assure the following written documents:

- (a) A clear definition of the type of service being offered to the children and their parents,
- (b) Hours of operation,
- (c) Written admissions and enrollment procedures,
- (d) A clearly outlined list of fees and a plan for payment which is given to an interested inquirer on request,
- (e) Regulations covering the belongings of children,

(f) Transportation arrangements.

**Historical and Statutory Notes**

Source: Band Statute 1019-MLC-46, § 11.02.

**§1244. Personnel records**

The license holder must ensure that a personnel record of each staff person is maintained at the center. The personnel record for each staff person must contain all of the below:

- (a) The staff person's name, home address, home telephone number, and date of birth;
- (b) The staff person's documentation indicating that the staff person meets the requirements of the staff person's job position and the education and experience requirements specified by this chapter; and
- (c) Documentation that the staff person has completed the required first aid and CPR training.

**Historical and Statutory Notes**

Source: Ordinance 49-13, Title I, § 2 and Exhibit, § 1244.

**§1245. Child records**

- (a) At the time of enrollment in the center, the license holder must ensure that a record is maintained on each child. The record must contain:
  - 1) The child's full name, birth date, and current home address;
  - 2) The name, address and telephone number of the child's parent(s) or legal guardian(s);
  - 3) Instructions on how the parent(s) or guardian(s) can be reached while the child is in the care of the center;
  - 4) The names and telephone numbers of any persons authorized to take the child from the center;
  - 5) Written authorization for the license holder to act in an emergency or when a parent cannot be reached or is delayed;
  - 6) For children age six (6) weeks to 36 months, a description of the child's eating, sleeping, toileting and communication habits, and effective methods for comforting the child;
  - 7) Documentation of any dietary or medical needs of the child; and
  - 8) Documentation of parent(s) or guardian(s) failing to pick up the child.
- (b) The license holder shall not disclose a child's record to any person other than the child, the child's parent or guardian, the child's legal representative, employees of the license holder, the Band and law enforcement unless the child's parent or guardian has given written consent or as otherwise required by law.

**Historical and Statutory Notes**

Source: Ordinance 49-13, Title I, § 2 and Exhibit A, § 1245.

**§1246. Administrative records**

All records, policies, and procedures required by this chapter must be maintained within the center and be available for inspection at the request of the Band or IHS.

#### **Historical and Statutory Notes**

**Source:** Ordinance 49-13, Title I, § 2 and Exhibit A, § 1246.

### **§1247. Reporting requirements**

- (a) All licensed Child Care Programs must develop policies and procedures for reporting suspected child maltreatment and must develop policies and procedures for reporting complaints about the operation of the child care program. The policies and procedures must include the telephone numbers of the Tribal child protection agency and Tribal law enforcement.
- (b) The policies and procedures required in paragraph (a) must be available upon request.
- (c) A child care license must include a statement that informs parents who have concerns about their child's care that they may call the licensing entity. The Band shall print the telephone number for the Band in bold and large font on the license issued to child care providers.

#### **Historical and Statutory Notes**

**Source:** Ordinance 49-13, Title I, § 2 and Exhibit A, § 1247.

### **§1248. Other reporting**

- (a) The license holder must inform law enforcement and the Band immediately of the death of a child in care at the center.
- (b) The license holder must inform the Band within 24 hours of any injury to a child in care in the center that required treatment by a physician.
- (c) The license holder must inform the Band within 24 hours of the occurrence of a natural disaster during hours of operation.
- (d) The license holder must ensure that the appropriate health authority is notified within 24 hours of receiving the parent's report of any suspected case of reportable disease as specified in the current Minnesota regulations governing child care centers (as stated in the most current Minnesota Rules).

#### **Historical and Statutory Notes\**

**Source:** Ordinance 49-13, Title I, § 2 and Exhibit A, § 1248.

## **Part L**

### **Insurance**

#### **Section**

1271 . Insurance of facility and vehicles.

### **§ 1271. Insurance of facility and vehicles**

The License holder shall assure the following types of insurance: the center facility, and any vehicle owned or operated by the center or its staff, shall have full comprehensive insurance coverage.

**Historical and Statutory Notes**

Source: Band Statute 1019-MLC-46, § 12. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1271.

**Part M**

**Financial Records**

**Section**

1301. Financial records to be maintained.

1302. Income and expenditures.

1303. Fees.

1304. Purchase and inventory policies.

**§ 1301. Financial records to be maintained**

The Mille Lacs Band of Ojibwe hereby establishes that the financial records provided for by this Part M be maintained.

**Historical and Statutory Notes**

Source: Band Statute 1019-MLC-46, § 13. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1301.

**§ 1302. Income and expenditures**

The center shall maintain a record of all income regardless of its derivation and record all expenditures.

**Historical and Statutory Notes**

Source: Band Statute 1019-MLC-46, § 13.01.

**§ 1303. Fees**

Records shall be kept of all fees obtained from parents, and of their disbursement.

**Historical and Statutory Notes**

Source: Band Statute 1019-MLC-46, § 13.02.

## **§ 1304. Purchase and inventory policies**

The Program Coordinator shall have written policies covering the purchases of the organization and the maintenance of an inventory of the center's equipment.

### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 13.03.

## **Part N**

### **Child Care Learning Centers Serving Children with Special Needs**

#### **Section**

- 1341. Integration of children with special needs.
- 1342. Consultant.
- 1343. Obtainment of information about special problems or needs.
- 1344. Progress evaluations.

## **§ 1341. Integration of children with special needs**

Child Care Programs are encouraged to integrate children with special needs into the group of typical children whenever feasible for the center and for the child. The special needs of the child must be met.

### **Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 14. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1341.

## **§ 1342. Meeting with Special Education Teacher and Family**

- (a) The Child Care Program shall conduct a meeting between the family of a child with special needs, a special education teacher, and any other personnel as necessary prior to the enrollment of any child with special needs.
- (b) The Child Care Program shall have written program modifications based on the needs of the individual child with special needs. These program modifications shall be understood by the program staff.
- (c) Modified equipment and supplies as needed shall be available.
- (d) Training of all staff as needed shall be arranged.

(e) Modification of the physical facilities shall be made as needed and approved by the I.H.S. inspector.

**Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 14.01. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1342.

**§ 1343. Obtainment of information about special problems or needs**

Prior to the admission of any child with special needs, the Child Care Program shall obtain information from the parents, the physician and the state and local education agency about any special problems or needs that may affect the child's use of the program. Where indicated, a psychological evaluation may be made if necessary, and must be made available to the center with the parents' permission.

**Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 14.02. Ordinance 49-13, Title I, § 2 and Exhibit A, § 1343.

**§ 1344. Progress evaluations**

The progress of the child with special needs shall be evaluated no less than annually by a qualified consultant.

**Historical and Statutory Notes**

**Source:** Band Statute 1019-MLC-46, § 14.03.

**SUBCHAPTER II**

**DROP-IN CHILD CARE PROGRAMS**

<b>Part</b>	<b>Section</b>
<b>A. Applicability</b>	<b>1401</b>
<b>B. Special Definitions</b>	<b>1402</b>
<b>C. Special Licensure Requirements</b>	<b>1403</b>
<b>D. Special Staff Requirements</b>	<b>1408</b>
<b>E. Special Health and Safety Requirements</b>	<b>1409</b>

**Historical and Statutory Notes**

Band Ordinance 31-09 is entitled: “An ordinance amending Chapter 11 entitled Child Care of Title 8 of the Mille Lacs Band Statutes Annotated (MLBSA) for the purpose of adding Subchapter III entitled Drop-In Child Care Centers to regulate this specific type of Child Care Center operating on Band lands to ensure the safety of children.”

The preamble to Band Ordinance 31-09 provides: “It is enacted by the Band Assembly of the Non-Removable Mille Lacs Band of Ojibwe for the purpose of amending Chapter 11 of Title 8 of the Mille Lacs Band Statutes Annotated (MLBSA) in order to add Subchapter III entitled Drop-In Child Care Centers for the purpose of regulating this specific type of child care center located on Band lands and to ensure the safety of children.”

Section 1 of Band Ordinance 31-09 provides: “The new Subchapter III of Chapter 11 of Title 8 of the Mille Lacs Band Statutes Annotated (MLBSA) is attached hereto as Exhibit A. The Band Assembly reserves the right to amend or delete this subchapter at any time.”

Title I, Section 1 of Band Ordinance 49-13 provides: “The Band Assembly hereby repeals Subchapter III in Chapter 11 entitled “Drop-In Child Care Centers” of Title 8 of the Mille Lacs Band Statutes Annotated and replaces as follows and as specifically shown in Exhibit A attached hereto:

Subchapter III entitled “Drop-In Child Care Centers” is repealed in its entirety and is renumbered as Subchapter II of Chapter 11 of Title 8 with sections numbered as § 1401 in Part A (Applicability); § 1402 in Part B (Special Definitions); § 1403 through § 1407 in Part C (Special Licensure Requirements); § 1408 in Part D (Special Staff Requirements); and § 1409 through § 1413 in Part E (Special Health and Safety Requirements).”

## **Part A**

### **Applicability**

#### **Section**

1401. Applicability

#### **§1401. Applicability**

In addition to the provisions found in Subchapter I of this Chapter, the following sections are applicable to Subchapter II: Drop-in Child Care Programs only.

#### **Historical and Statutory Notes**

**Source:** Ordinance 49-13, Title I, Section 1 and Exhibit A, § 1401.

## **Part B**

### **Special Definitions**

#### **Section**

1402. Definitions

#### **§1402. Special Definitions**

- a. “Controlling individual” means a public body, governmental agency, business entity, officer, owner, or managerial official whose responsibilities include the direction of the management or policies of a drop-in child care program. For purposes of this subchapter, owner means an individual who has direct or indirect ownership interest in a corporation, partnership, or other business association issued a license under this subchapter. For purposes of this subchapter, managerial official means those individuals who have the decision-making authority related to the operation of the program, and the responsibility for the ongoing management of or direction of the policies, services, or employees of the program.
- b. “Drop-in child care program” means a nonresidential program of child care in which children participate on a onetime only or occasional basis up to a maximum of 90 hours per child, per month that provides care for children listed in the age categories defined above. A drop-in child care program must be licensed under Mille Lacs Band of Ojibwe Statutes governing drop-in child care centers.
- c. “Experience” for purposes of drop-in child care centers, includes paid or unpaid employment serving children as a teacher, assistant teacher, aide, or a student intern in a licensed child care center, or work as a student intern in a licensed center, a school operated by a state commissioner of education or by a legally constituted local school board, or a private school approved under rules administered by a state commissioner of education.
- d. “Interpretive guidelines” means a policy statement that has been published pursuant to this subchapter which provides interpretation, details, or supplementary information concerning the application of laws or rules. Interpretive guidelines are published for the information and guidance of consumers, providers of service, Band agencies, and others concerned.
- e. “Supervision” for purposes of drop-in child care centers, when a program staff person is within sight and hearing of a child at all times so that the program staff can intervene to protect the health and safety of the child. When an infant is placed in a crib room to sleep, supervision occurs when a staff person is within sight or hearing of the infant. When supervision of a crib room is provided by sight or hearing, the center must have a plan to address the other supervision component.

#### **Historical and Statutory Notes**

**Source:** Ordinance 49-13, Title I, Section 1 and Exhibit A, § 1402.

### **Part C Special Licensure Requirements**

#### **Section**

- 1403. Application for Licensure
- 1404. Sanction Orders; Appeals
- 1405. Requirement to post conditional license, correction, or sanction order
- 1406. Fine Schedule
- 1407. License or Certification Fee

#### **§ 1403. Application for Licensure**

An individual, corporation, partnership, voluntary association, other organization or controlling individual that is subject to licensure under this subchapter must apply for a license. The application must be made on the forms and in the manner prescribed by the Band in Chapter 11, subchapter 1 of this Title. The Band will provide the applicant with instruction in completing the application and provide information about the rules and requirements that affect the applicant.

- (a) An application for licensure must specify one or more controlling individuals as an agent who is responsible for dealing with the Band on all matters provided for in this subchapter and on whom service of all notices and orders must be made. The agent must be authorized to accept service on behalf of all of the controlling individuals of the program. Service on the agent is service on all of the controlling individuals of the program. It is not a defense to any action arising under this subchapter that service was not made on each controlling individual of the program. The designation of one or more controlling individuals as agents under this paragraph does not affect the legal responsibility of any other controlling individual under this chapter.
- (b) An applicant or license holder must have a policy that prohibits license holders, employees, subcontractors, and volunteers, when directly responsible for persons served by the program, from abusing prescription medication or being in any manner under the influence of a chemical that impairs the individual's ability to provide services or care. The license holder must train employees, subcontractors, and volunteers about the program's drug and alcohol policy.
- (c) An applicant and license holder must have a program grievance procedure that permits persons served by the program and their authorized representatives to bring a grievance to the highest level of authority in the program.

#### Historical and Statutory Notes

Source: Band Ordinance 31-09, § 1, Exhibit A, § 1705; Ordinance 49-13, Title I, Section 1 and Exhibit A, § 1403.

### § 1404. Sanction orders; appeals

- (a) In addition to making a license condition under section 955, the Band may suspend or revoke a license or impose a fine against a license holder who does not comply with applicable law or rule. When ordering sanctions authorized under this section, the Band shall consider the nature, chronicity, or severity of the violation of the law or rule and the effect of the violation on the health, safety or rights of the persons served by the program.
  - (1) **License suspension or revocation.** The Band may act immediately to suspend or revoke a license if a license holder fails to comply fully with applicable laws or rules, the actions of other individuals or conditions in the program pose an imminent risk of harm to the health, safety, or rights of persons served by the program, if a license holder or an employee subject to a background study has a disqualification, if a license holder knowingly withholds relevant information from or gives false or misleading information to the Band in connection with an application for a license, in connection with the background study status of an individual, during an investigation, or regarding compliance with applicable laws or rules. A license holder who has had a license suspended or revoked must be given notice of the action by certified mail or personal service. If mailed, the notice must be mailed to the address shown on the application or

the last known address of the license holder. The notice must state the reasons the license was suspended or revoked.

- (2) **Fines.** If the license holder is ordered to pay a fine, the notice must inform the license holder of the responsibility for payment of fines and the right to appeal. The license holder shall pay the fines assessed on or before the payment date specified. If the license holder fails to fully comply with the order, the Band may issue a second fine or suspend the license until the license holder complies. A license holder shall promptly notify the Band, in writing, when a violation specified in a sanction order to forfeit a fine is corrected. If upon re-inspection the Band determines that a violation has not been corrected as indicated by the order to forfeit a fine, the Band may issue a second fine. The Band shall notify the license holder by certified mail or personal service that a second fine has been assessed. The license holder may appeal the second fine as provided under this section.

(b) **Appeal.** Appeals must be made within five business days of receipt of a sanction.

- (1) An appeal hearing must be conducted by the Court of Central Jurisdiction within 30 calendar days, unless an extension is requested by either party and granted for good cause. The burden of proof under this section shall be limited to the Band's demonstration that reasonable cause exists that the license holder's actions or failure to comply with applicable law or rule poses, or the actions of other individuals or conditions in the program poses an imminent risk of harm to the health, safety, or rights of persons served by the program.
- (2) The Court shall issue findings of fact, conclusions, and a recommendation within ten (10) working days from the date of the hearing. The Band shall consider, but shall not be bound by, the recommendations of the Court. The Band's final sanction order shall be issued within ten (10) working days from the Court's recommendation and the appellant must be notified immediately of the Band's final sanction order.
- (3) When a license holder appeals a suspension or revocation, the license holder continues to be prohibited from operation of the program. A timely appeal shall stay payment of the fine until the Band issues a final sanction order.

#### **Historical and Statutory Notes**

**Source:** Band Ordinance 31-09, § 1, Exhibit A, § 1720; Ordinance 49-13, Title I, Section 1 and Exhibit A, § 1404.

### **§ 1405. Requirement to post conditional license, correction, or sanction order**

For license holders, upon receipt of any correction, order of conditional license, or sanction order issued by the Band under this subchapter, the license holder shall post the correction order, order of conditional license, or sanction order in a place that is conspicuous to the people receiving services and all visitors to the facility for two years. When the correction order, order of conditional license, or sanction order is accompanied by a maltreatment investigation memorandum, the investigation memoranda must be posted with the correction order, order of conditional license, or sanction order.

#### **Historical and Statutory Notes**

Source: Band Ordinance 31-09, § 1, Exhibit A, § 1719; Ordinance 49-13, Title I, Section 1 and Exhibit A, § 1405.

### § 1406. Fine Schedule

- (a) Fines shall be assessed as follows (subject to amendment by Band Ordinance):
- (1) The license holder shall forfeit \$1,000 for each determination of maltreatment of a child for which the license holder is determined responsible for the maltreatment;
  - (2) The license holder shall forfeit \$200 for each occurrence of a violation of law or rule governing matters of health, safety, or supervision, including but not limited to the provision of adequate staff-to-child, and failure to submit a background study; and
  - (3) The license holder shall forfeit \$100 for each occurrence of a violation of law or rule other than those subject to a \$1,000 or \$200 fine above.
- (b) For purposes of this section, “occurrence” means each violation identified in the Band’s fine order.
- (c) When a fine has been assessed, the license holder may not avoid payment by closing, selling, or otherwise transferring the program to a third party. In such an event, the license holder will be personally liable for payment. In the case of a corporation, each controlling individual is personally and jointly liable for payment.

#### Historical and Statutory Notes

Source: Band Ordinance 31-09, § 1, Exhibit A, § 1721; Ordinance 49-13, Title I, Section 1 and Exhibit A, § 1406.

### § 1407. License or certification fee

- (a) Drop-in center programs with a licensed capacity shall pay an annual nonrefundable license or certification fee based on the following schedule (subject to amendment by Band Ordinance):

Licensed Capacity	License/certification Fee
1 to 24 persons	\$225
25 to 49 persons	\$340
50 to 74 persons	\$450
75 to 99 persons	\$565
100 to 124 persons	\$675
125 to 149 persons	\$900

150 to 174 persons	\$1,050
175 to 199 persons	\$1,200
200 to 224 persons	\$1,350
225 or more persons	\$1,500

**Historical and Statutory Notes**

Source: Ordinance 49-13, Title I, Section 1 and Exhibit A, § 1407.

**Part D**

**Special Staff Requirements**

**Section**

1408. Staff Requirements

**§ 1408. Special Staff requirements**

- (a) A drop-in child care program must be operated under the supervision of a person qualified as a teacher, defined by 8 MLBSA § 1214.
- (b) A drop-in child care program must have at least two persons on staff whenever the program is operating.
- (c) In a drop-in child care center, Children that are younger than age 2-1/2 must be in a separate group. This group must be cared for in an area that is physically separated from older children.
- (d) A drop-in child care program must maintain a minimum staff ratio for children age 2-1/2 or greater of one staff person for each ten children.
- (e) The drop-in child care program will have additional staff on call as a mandatory condition of their employment. The minimum child-to-staff ratio may not be exceeded and no more children may be admitted to the Facility until additional staff has arrived.
- (f) In a drop-in child care program, the minimum staff-to-child ratio for infants up to 16 months of age is one staff person for every four infants. The minimum staff-to-child ratio for children age 17 months to 30 months is one staff for every seven children.
- (g) In drop-in care programs that serve infants and older children, children up to age 2-1/2 may be supervised by assistant teachers, as long as other staff are present in appropriate ratios (see 8 MLBSA § 1447 for qualifications).
- (h) The minimum staff distribution pattern for a drop-in child care program serving children age 2-1/2 or greater is: the first staff member must be a teacher; the second, third, and fourth staff members must have at least the qualifications of a child care aide; the fifth staff member must

have at least the qualifications of an assistant teacher; the sixth, seventh, and eighth staff members must have at least the qualifications of a child care aide; and the ninth staff person must have at least the qualifications of an assistant teacher (see 8 MLBSA § 1447 for qualifications).

- (i) A drop-in child care program may care for siblings 16 months or older together in any group, when the program is serving 20 children or less; however all staffing requirements of this sub-chapter must be maintained at all times. For purposes of this subdivision, sibling is defined as sister or brother, half-sister or half-brother, or stepsister or stepbrother.

#### **Historical and Statutory Notes**

**Source:** Ordinance 49-13, Title I, Section 1 and Exhibit A, § 1408.

### **Part E Special Health and Safety Requirements**

#### **Section**

- 1409. Emergency and accident policies and records
- 1410. Mandatory Reporting
- 1411. Reporting Requirements
- 1412. Additional Health and Safety Requirements
- 1413. Facility Safety

#### **§ 1409. Emergency and accident policies and records**

- (a) The applicant must develop written policies governing emergencies, accidents, and injuries. The license holder must ensure that written records are kept about incidents, emergencies, accidents, and injuries that have occurred.
- (b) The license holder must keep a record of instruction to all staff persons about how to carry out the policies.
- (c) The policies must contain:
  - (1) Procedures for administering first aid.
  - (2) Safety rules to follow in avoiding injuries, burns, poisoning, choking, suffocation, and traffic and pedestrian accidents.
  - (3) Procedures for the daily inspection of potential hazards.
  - (4) Procedures for fire prevention and procedures to follow in the event of a fire, identifying primary and secondary exits, building evacuation routes, the phone number of the fire department, persons responsible for the evacuation of children, and areas for which they are responsible and instruction on how to use a fire extinguisher and how to close off the fire area.
  - (5) Procedures to follow in the event of a blizzard, tornado, or other natural disaster.
  - (6) Procedures to follow when a child is missing.
  - (7) Procedures to follow if an unauthorized person or a person who is incapacitated or suspected of abuse attempts to pick up a child or if no one comes to pick up a child.
  - (8) Procedures for recording accidents, injuries, and incidents involving a child enrolled in the center. The written record must contain the name and age of the person involved; date

and place of the accident, injury or incident; type of injury; action take by staff; and to whom the accident, injury, or incident was reported.

- (9) Procedures mandating an annual analysis of the license holder's records and procedures and any modification of the center's policies based on the analysis.
- (d) The license holder must maintain a written record of accidents, injuries, emergencies, and incidents.
- (e) The license holder must develop procedures to address when the parent(s), guardian(s), or emergency contact(s) fail(s) to pick up a child upon the closing of the child care center, if child must be removed from the center as described in §§1729(d) and 1730(b). Furthermore, the license holder will note this information in a log to be maintained in the license holder's administrative records.

#### **Historical and Statutory Notes**

**Source:** Band Ordinance 31-09, § 1, Exhibit A, § 1731; Ordinance 49-13, Title I, Section 1 and Exhibit A, § 1409.

### **§ 1410. Mandatory reporting**

The license holder must report neglect, physical or sexual abuse of children in the home, school, or community setting to Family Services.

#### **Historical and Statutory Notes**

**Source:** Ordinance 49-13, Title I, Section 1 and Exhibit A, § 1410.

### **§ 1411. Reporting Requirements**

- (a) All licensed drop-in child care centers must develop policies and procedures for reporting suspected child maltreatment and must develop policies and procedures for reporting complaints about the operation of a child care program. The policies and procedures must include the telephone numbers of the local child protection agency for reporting suspected maltreatment and local law enforcement.
- (b) The policies and procedures required in paragraph (a) must be made available upon request.
- (c) Any reports of child abuse or neglect within the drop-in child care center must be submitted to the License holder for investigation.
  - 1. The report must be compiled in a written statement which shall include:
    - i. Name of the employee alleged to have committed the abuse or neglect;
    - ii. Time and location of the observed abuse or neglect;
    - iii. Exact eye-witness description of what actually occurred, hearsay is not admissible; and

iv. Name, date and signature of the person making the report, unless good cause is shown for the reporter to remain anonymous.

2. The License Holder shall have discretion to terminate the alleged perpetrator's employment immediately.
3. The License Holder shall inform local law enforcement and comply with any investigation of criminal charges arising from the matter.

(d) A child care license must include a statement that informs parents who have concerns about their child's care that they may call the Child Care Licensing Committee. The Band shall print the telephone number for the Band in bold and in large font on the license issued to the child care providers.

#### **Historical and Statutory Notes**

**Source:** Ordinance 49-13, Title I, Section 1 and Exhibit A, § 1411.

#### **§ 1412. Additional health and safety requirements**

- (a) A license holder for a drop-in center program will not administer medicine.
- (b) The indoor space and equipment of the center must be clean and disinfected daily and as needed.
- (c) The toilet rooms of the center must be cleaned daily. Toilet training chairs must be emptied, washed with soap and water, and disinfected after each use. Toilets and seats must be washed with soap and water and disinfected when soiled or at least daily.
- (d) A diaper must be changed only in the diaper changing area. The diaper changing area must be separate from areas used for food storage, food preparation, and eating. The area must have a hand sink equipped with hot and cold running water within three feet of the diaper changing surface, a smooth nonabsorbent diaper changing surface and floor covering, and a sanitary container for soiled and wet diapers.
- (e) The center must have and follow diaper changing procedures that have been developed in consultation with a health consultant. The license holder must post the diaper changing procedures in the diaper changing area.
- (f) A child's hands must be washed with soap and water after a diaper change, after use of a toilet or toilet training chair, and before eating a meal or snack. Staff must monitor hand washing and assist a child who needs help. The use of a common basin or a hand sink filled with standing water is prohibited.
- (g) A staff person must wash his or her hands with soap and water after changing a child's diaper, after using toilet facilities, and before handling food or eating.

- (h) The license holder shall provide the following supplies and make them accessible to children: toilet paper, liquid hand soap, facial tissues, and single use paper towels or warm air hand dryers.
- (i) The license holder must ensure that a first aid kit is available within the center. The kit must contain sterile bandages and Band-Aids, sterile compresses, scissors, an ice bag or cold pack, an oral or surface thermometer, and adhesive tape. A current first aid manual must be included. The first aid kit and manual must be accessible to the staff in the center.
- (j) Sharp objects, medicines, plastic bags, and poisonous plants and chemicals, including household supplies, must be stored out of reach of children.
- (k) The center must have a battery operated flashlight and battery operated portable radio.
- (l) Equipment and furniture must be durable, in good repair, structurally sound and stable following assembly and installation. Equipment must be free of sharp edges, dangerous protrusions, points where a child's extremities could be pinched or crushed, and openings or angles that could trap part of a child's body. Tables, chairs and other furniture must be appropriate to the age and size of children who use them. Toys and equipment that are likely to be mouthed by infants and toddlers must be made of a material that can be disinfected. These must be cleaned and disinfected when mouthed or soiled and at least daily.
- (m) Infant rattles must meet the United States consumer product safety standards contained in the Code of Federal Regulations, title 16, sections 1510.1 to 1510.4, as adopted on May 23, 1978. All toys and other articles intended for use by children under three years of age that present choking, aspiration, or ingestion hazards because of small parts must meet the size standards in Code of Federal Regulations, title 16, sections 1501.1 to 1501.5, as adopted on June 15, 1979.
- (n) The areas used by children must be free from debris, loose flaking, peeling, or chipped paint, loose wallpaper, or crumbling plaster, litter, and holes in the walls, floors, and ceilings. Rugs must have a nonskid backing or be firmly fastened to the floor and be free from tears, curled or frayed edges, and hazardous wrinkles.
- (o) Food and water must meet and comply with IHS standards.
- (p) Any play equipment that has tubing, tunnels or otherwise prevents monitoring and observation of activity occurring inside the structure must have walls that are partially or completely transparent, or allow for surveillance of the structure's interior.

#### **Historical and Statutory Notes**

Source: Band Ordinance 31-09, § 1, Exhibit A, § 1734; Ordinance 49-13, Title I, Section 1 and Exhibit A, § 1412.

### **§ 1413. Facility Safety**

- (a) If the Band has reasonable cause to believe that a potential hazard exists, the Band may request another inspection and written report by a fire marshal, building official, or health authority to verify the absence of hazard, the fees for which the license holder is responsible.
- (b) Radiators, fireplaces, hot pipes, and other hot surfaces in areas used by children must be shielded or insulated to prevent burns.
- (c) Except in a center that serves only school-age children, electrical outlets must be tamper proof or shielded when not in use.
- (d) A minimum temperature of 68 degrees Fahrenheit must be maintained in indoor areas used by children.
- (e) Kitchens, stairs and other hazardous areas must be inaccessible to children except during periods of supervised use.
- (f) Fire extinguishers must be serviced annually by a qualified inspector. The name of the inspector and date of the inspection must be written on a tag attached to the extinguisher.

#### **Historical and Statutory Notes**

**Source:** Band Ordinance 31-09, § 1, Exhibit A, § 1735; Ordinance 49-13, Title I, Section 1 and Exhibit A, § 1413.