

## Ordinance 16-14

An Ordinance amending Chapter 11 entitled “Child Care” of Title 8 of the Mille Lacs Band Statutes Annotated (MLBSA) to make necessary changes to clarify language and strengthen the obligation to children under the care of the Band’s licensed child care centers.

The District III Representative introduced the following Bill on the 21<sup>st</sup> day of January, 2014.

### Preamble

It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of amending Chapter 11 of Title 8 of the Mille Lacs Band Statutes Annotated (MLBSA) to change language in the licensing section of this title in order to strengthen the obligation to children under the care of the Band’s licensed child care centers.

### Title I

**Section 1:** Section 901 (Definitions) of Part A (Definitions) in Subchapter I (General Provisions) is hereby amended as follows:

(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 for the Early Education programs run by the Mille Lacs Band of Ojibwe.

**Section 2:** Section 974 (Minimum usable space) of Part C (Facility) in Subchapter I (General Provisions) is hereby amended as follows:

#### § 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 when using the outdoor space, or a park or recreation area within 1,500 feet of the center.

**Section 3:** Section 1006 (Types of equipment and materials) of Part D (Program) in Subchapter I (General Provisions) is hereby amended to add subsections (d), (e) and (f) as follows:

#### § 1006. **Types of equipment and materials**

(d) **Equipment and materials for toddlers.** The recommended equipment and materials for a center serving toddlers are as follows:

- (1) Arts and crafts supplies such as clay or play dough, tempera or finger paints, colored and white paper, paste, collage materials, paint brushes, washable felt type markers, crayons, blunt scissors, and smocks;
- (2) 2 books per child;

- (3) Large building blocks (soft large blocks, soft rock blocks, soft brick blocks);
- (4) Small building blocks (ABC blocks, see through animal blocks);
- (5) Pieces of dramatic play equipment (apples, basket, tree) (food, cash register, bags);
- (6) Double sided easel;
- (7) Puzzles and/or matching games;
- (8) Manipulative sets (stringing beads, connectors, etc.);
- (9) Musical instruments;
- (10) Washable soft toys; and
- (11) Sensory materials to provide visual and tactile stimulation (books w/texture, sensory blocks, sensory bottles, textured art work, plants, fish, sensory table, texture balls).

(e) **Equipment and materials for preschoolers.** The recommended equipment and materials for a center serving preschoolers are as follows:

- (1) Arts and crafts supplies such as clay or play dough, tempera or finger paints, colored and white paper, paste, collage materials, paint brushes, washable felt type markers, crayons, blunt scissors, and smocks;
- (2) 2 books per child;
- (3) Large building blocks (Lincoln logs, large wooden blocks, cardboard boxes, rock blocks, brick blocks);
- (4) Small blocks (Legos, ABC wooden blocks, city blocks);
- (5) Pieces of dramatic play equipment (sink, babies, stove, food, refrigerator, apples, tree, basket, smock, cash register/flowers, dirt, pots, gloves, shovel);
- (6) Double sided easel;
- (7) Mirror 12 inches by 36 inches;
- (8) Puzzles, number games and/or letter games;
- (9) Manipulative sets (connectors, counters, gears, pipe tubes, magna tiles);
- (10) Pictures at the child's level; and
- (11) Musical instruments.

(f) **Equipment and materials for school-age children.** The recommended equipment and materials for a center serving school-age children are as follows:

- (1) Arts and crafts supplies such as clay or play dough, tempera or finger paints, colored and white paper, paste, collage materials, paint brushes, washable felt type markers, crayons, blunt scissors, and smocks;
- (2) 2 books per child;
- (3) Pieces of dramatic play equipment (apples, basket, tree) (food, cash register, bags);
- (4) Musical instruments;
- (5) Pictures at the child's level;
- (6) 1 set of cognitive development equipment per child (puzzle, etc.); and
- (7) Sets of manipulative materials (connectors, counters, gears, magna tiles, pipe tubes).

**Section 4:** Section 1043 (Information obtained from parents) of Part E (Health) in Subchapter I (General Provisions) is hereby amended to delete tuberculosis testing and amend new sub-section (d) as follows:

**§ 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) Proof of physical exam administered to the child annually or according to the well-child schedule for children under 3 years.

**Section 5:** Section 1048 (First-aid kit) of Part E (Health) in Subchapter I (General Provisions) is hereby amended to delete need for ipecac syrup as Indian Health Service no longer recommends its use. Section 1048 is amended as follows:

**§ 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.

**Section 6:** Section 1050 (Reduction of risk of Sudden Infant Death Syndrome) of Part E (Health) in Subchapter I (General Provisions) is hereby amended to change the title and make minor amendments to language, as follows:

**§ 1050. Reduction of risk of Sudden Unexpected Infant Death Syndrome (SUIDS)**

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, except a small blanket which may be used to swaddle an infant. Licensed child care providers must meet the crib requirements under § 1049 of this Title.

**Section 7:** Section 1101 (Emergency or accident procedures) of Part G (Safety) in Subchapter I (General Provisions) is hereby amended to expand the emergency procedures. Previously numbered Section 1409 in Subchapter II is now moved to Part G in Subchapter I as follows:

§ 1101. **Emergency or accident procedures**

- (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 taken by staff; and to whom the accident, injury, or incident was reported; and
  - (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, or if the child must be removed from the center as described in § 1045. Furthermore, the license holder will note this information in a log to be maintained in the license holder's administrative records.

**Section 8:** Section 1202 (Staff development training) in Part J (Staff Requirements) of Subchapter I (General Provisions) is hereby amended as follows:

§ 1202. **Staff development training**

15 hours of 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.

**Section 9:** Section 1204 (Staff-to-child ratios) in Part J (Staff Requirements) of Subchapter I (General Provisions) is hereby amended to include 16 year old youth workers. Specifically, section 1204(c) is amended as follows:

§ 1204. **Staff-to-child ratios**

(c) Volunteers for all age groupings may not be counted in the staff-to-child ratio, and must be at least 16 years of age and participate in an orientation to the program.

**Section 10.** Section 1208 (Duty to report abuse or neglect) in Part J (Staff Requirements) of Subchapter I (General Provisions) is hereby amended to clarify reporting of suspected abuse of a child. Section 1208 is amended as follows:

§ 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 addressed to Family Services.

**Section 11.** Section 1215 (Assistant Teacher qualifications) in Part J (Staff Requirements) of Subchapter I (General Provisions) is hereby amended to change requirement for completion of child development associate credential program to 1 year from 2 years. Section 1215 is amended as follows:

§ 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 1 year.

**Section 12.** Section 1248 (Other Reporting) in Part K (Program Operation) of Subchapter I (General Provisions) is hereby amended to insert “Licensing Committee” instead of the general term “Band.” Section 1248 is amended as follows:

§ 1248. **Other reporting**

- (a) The license holder must inform law enforcement and the Licensing Committee immediately of the death of a child in care at the center.
- (b) The license holder must inform the Licensing Committee 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 Licensing Committee 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).

**Section 13.** Section 1409 (Emergency and accident policies and records) in Part E (Special Health and Safety Requirements) of Subchapter II (Drop-In Child Care Programs) is hereby deleted in its entirety from this Subchapter and moved to Part G (Safety) in Subchapter I (General Provisions) as Section 1101. See above for reference.

**Section 14.** Sections 1410 through 1413 in Part E (Special Health and Safety Requirements) of Subchapter II (Drop-In Child Care Programs) are hereby renumbered as Sections 1409 through 1412.

Ordinance  
(Band Assembly Bill 16-01-16-14)

Introduced to the Band Assembly on this  
Twenty-first day of January in the year  
Two thousand fourteen.

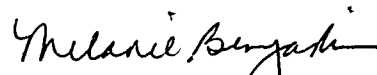
Passed by the Band Assembly on this  
Twenty-first day of January in the year  
Two thousand fourteen.



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Curt Kalk, Speaker of the Assembly

APPROVED

Date: January 22, 2014



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Melanie Benjamin, Chief Executive

**OFFICIAL SEAL OF THE BAND**