

<b>OCFP</b> <b>Office</b> <b>of</b> <b>Child and</b> <b>Family</b> <b>Policy</b>	<b>Department of Children and Family Services</b>	
	<b>Index No: 98-30</b>	<b>Issuance Date: December 31, 1998</b>
	<b>Origin of Request: Central Office of Licensing</b>	
	<b>Distribution: Licensing Staff, Administrative Staff, Rules and Procedures Staff (A,L,P)</b>	
	<b>Key Words: 89 IAC 407, Licensing Standards for Day Care Centers, Ages of Children Served, Developmental Age</b>	
<b>Approved by:</b>		

### Interpretation

**Applicable To:**        **Licensing Standards for Day Care Centers**

**Policy Citation:**    407.190(g): When the needs of individual children dictate, additional staff may be required to meet the needs of all children. The appropriate ratio shall be determined through consultation among the parent, staff, resource personnel and the Department.

407.200(a): Each child shall be recognized as an individual whose gender, ability differences, personal privacy, choice of activities, cultural, ethnic, and religious background shall be respected.

407.200(f): Program planning shall provide the following:

- 1)     A variety of activities which takes into consideration individual differences in interest, attention span, and physical and intellectual maturity;
- 2)     Sufficient time for activities and routines, so that the children can manage them and progress at their own developmental rate;

407.200(l): Materials and equipment shall respect children's racial, cultural, ethnic, religious and gender identities, as well as age and ability.

407.200(n): When a specific plan is developed to meet a child's individual needs, the record shall include:

- 1)     Any assessments by center staff or resource personnel;

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- 2) Written program recommendations and goals for the child;
- 3) A written plan for implementing those recommendations within the program;
- 4) Periodic written evaluations of whether goals are being met;
- 5) Adjustments to the program plan as indicated by the evaluations.

407.200(o): Staff shall consult with parents before implementing any special procedures required to meet a child's individual needs.

407.250(a): The day care center shall enroll only those children eligible under the center's written enrollment policies. The center shall not use eligibility criteria which screen out children with disabilities, and shall make reasonable modifications in policies, practices and procedures to accommodate children with disabilities.

407.250(j): Any child who, after attempts have been made to meet the child's individual needs, demonstrates inability to benefit from the type of care offered by the facility, or whose presence is detrimental to the group, shall be discharged from the facility.

**Question:** Can a licensed day care center enroll a child whose chronological age is outside of the center's licensed age range, but the child's intellectual development is equal to the developmental age of the children it is licensed to serve? How many years can such a child attend the day care center?

**Discussion:** Each individual child has his or her own physical, emotional and intellectual needs. The intent of the licensing standards is to allow for those individual needs to be met through appropriate programming and placement of children within licensed day care centers. The licensing standards describe the responsibility of the day care staff to assess a child's needs and provide appropriate care for that child.

The determination of how many years that a child can remain in a day care program should be based on a joint decision between the parent of the child, the professional day care staff and resource personnel involved with determining the needs of the child

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and meeting those needs. The decision shall consider whether the child is benefiting from the type of care offered by the facility, as well as the effect of the child=s presence on the staff=s ability to meet the needs of all children in the group.

**Response:** **A licensed day care center can enroll a child that developmentally is within in the age range of the children that it is licensed to serve. The enrollment should be based on an assessment of the child=s needs by the parent of the child, the professional day care staff, and the resource personnel that are involved with determining the needs of the child and the facility=s ability to meet those needs.**