

LOUISIANA

CHILD DAY CARE CENTER CLASS B MINIMUM STANDARDS

Louisiana Administrative Code

Title 48 Chapter 53 Sections 5355-5385

These regulations are effective October 1, 2000.

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PREFACE

The Louisiana Committee on Private Child Care was created by Act 286 of the 1985 Legislative Session.

The members, elected by affiliates of Class B Centers, endeavored to prepare minimum standards for the operation and maintenance of Class B Day Care Centers that are consistent with the needs of the children in day care settings and with current trends in child care.

The initial standards were prepared by the Louisiana Committee on Private Child Care and were published as a final rule in the *Louisiana Register* on June 20, 1990. Standards were amended and published as a final rule in the *Louisiana Register* on September 20, 1992.

These revisions were published as a final rule in the *Louisiana Register* on August 20, 2000 (VOLUME 26, NUMBER 08).

These rules are contained in the Louisiana Administrative Code, Title 48, Chapter 53, Sections 5355 through 5385.

These rules will become effective on October 1, 2000.

MIMINUM STANDARDS FOR LICENSURE OF CLASS B CHILD DAY CARE CENTERS

§5355 PURPOSE

A. LICENSING AUTHORITY

1. The Louisiana Committee on Private Child Care shall meet to develop minimum standards for licensure of Class B facilities and consult with the Department on matters pertaining to decisions to revoke or refuse to grant Class B license. The licensing authority of this committee is established by Chapter 14 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R. S. 46:1401 et seq., relative to the licensing and regulation of child care facilities and child placing agencies.
2. The law provides a penalty for operating a center without a valid license (see R. S. 1421). The penalty for the operation of a center without a valid license is a fine “of not less that \$75 not more than \$250 for each day of operation without a license”.
3. If any child care facility operates without a valid license issued by the Department, the Department may file suit in the district court in the parish in which the facility is located for injunctive relief. This injunctive order may include a temporary restraining order to restrain the institution, society, agency, corporation, person or persons, or any other group operating the child care facility from continuing the violation.
4. It shall be the duty of the department, through its duly authorized agents, to inspect at regular intervals all child care facilities and child-placing agencies that are subject to the provisions of the law. These inspections are not to exceed one year, and will be made as deemed necessary by the department without previous notice.

B. WAIVERS

The Secretary of the Department of Social Services, in specific instances, may waive compliance with a minimum standard if it is determined that the economic impact is sufficiently great to make compliance impractical. These standards may be waived as long as the health and well being of the staff and/or the children are not placed in danger. If it is determined that the facility or agency is meeting or exceeding the intent of a standard or regulation, the standard or regulation may be deemed to be met.

§5357 DEFINITIONS

The following are definitions of terms used in these minimum standards:

BUREAU - Bureau of Licensing of the Louisiana Department of Social Services.

CHILD CARE CENTER - is defined as any place or facility operated by any institution, society, agency, corporation, person or persons, or any other group for the primary purpose of providing care, supervision, and guidance of seven or more children, not including those related to the caregiver, unaccompanied by parent or guardian, on a regular basis for at least twelve and one-half hours in a continuous seven-day week. Related or relative is defined as the natural or adopted child or grandchild of the caregiver or a child in the legal custody of the caregiver. A recognized religious organization which is qualified as a tax-exempt organization under Section 501(c) of the Internal Revenue Code and does not operate more than twenty-four hours in a continuous seven-day week is not considered a day care center.

CHILD CARE STAFF - an individual directly involved in the care and supervision of the children in the center.

CLASS A LICENSE - issued to centers that meet Class A minimum standards.

CLASS B LICENSE - issued to centers that meet Class B minimum standards.

COMMITTEE ON PRIVATE CHILD CARE - writes and oversees the implementation of the Class B minimum standards.

CORPORAL PUNISHMENT - shall be defined as and limited to a spanking.

DEPARTMENT - the Department of Social Services.

DIRECTOR - an individual employed by the owner of the center or by a board of a church or other organization to be responsible for the operation of the child care center.

DISCIPLINE POLICY - a policy that is to be made available to each parent/guardian and outlines the discipline (corporal or noncorporal punishment) plan to be administered by the center.

HEREDITARY RELATIONSHIP - is defined as the natural or adopted child or grandchild of the caregiver or a child in the legal custody of the caregiver.

INCIDENT REPORT - a record book that staff can record injuries in that a child may have arrived at school with. Each entry should be recorded, signed by the person making the report, and signed by a witness to the injury and report.

MASTER CARD, CHILD'S - an information form that gives identifying and pertinent information on each child.

MEDICATION PERMISSION SLIP - an authorization form which gives the child care center parents' permission (and dosage instructions) regarding administering medication to their child.

MONTESSORI SCHOOL - a school that has a BESE Board Certification to be a Montessori School classification.

OWNER - the individual or organization that owns the center, but who may employ a person to be a full-time director responsible for the operation of the center or who may retain the responsibility as director.

PERSONNEL HEALTH RECORD - gives medical information of employees indicating a current check of communicable diseases.

SHALL OR MUST - mandatory.

SPANKING - a striking by the director's open hand on the clothed buttocks of a child older than 24 months of age as punishment.

SUBSTITUTE EMPLOYEE - an individual hired to take the place of any staff member.

TEMPORARY EMPLOYEE - an individual who, on an occasional basis, works under the supervision of a regular staff member.

VOLUNTARY WORKER - an individual who volunteers services or supplements the regular staff, on an occasional basis.

§5359 PROCEDURES

A. INITIAL APPLICATION

1. Anyone applying for a license after the effective date of these standards shall meet all of the requirements herein.
2. Before beginning operation, it is mandatory to obtain licenses from the Department of Social Services, Bureau of Licensing. To do so, the following steps should be followed:

- a. Prior to purchasing, leasing, etc. carefully check all local zoning and building ordinances in the area where you are planning to locate. Standards from the Office of Public Health, Sanitation Services; Office of the State Fire Marshal, Code Enforcement and Building Safety; And City Fire Department (if applicable) should be obtained.
- b. After securing a building, obtain an application form issued by:

Department of Social Services
Bureau of Licensing
P. O. Box 3078
Baton Rouge, La. 70821-3078
Phone: (225) 922-0015
Fax: (225) 922-0014
- c. The completed application shall indicate Class "B" license. Anyone applying for State or Federal funding shall apply for a Class "A" license. Licensure fees are required to be paid by all centers. A Class "B" may not be changed to a Class "A" license if revocation procedures are pending. (However, child care facilities or agencies licensed as a Class B facility and owned or operated by a church or religious organization are exempt from annual license fees.)
- d. After the center's location has been established, complete and return the application form. It is necessary to contact the following offices prior to building or renovating a center:
 - i. Office of Public Health, Sanitation Services;
 - ii. Office of the State Fire Marshal, Code Enforcement and Building Safety;
 - iii. Office of City Fire Department (if applicable);
 - iv. Zoning Department (if applicable);
 - v. City or Parish Building Permit Office.

- e. After the application has been received by the Bureau of Licensing, the Bureau will request the Office of State Marshal, Office of City Fire Department (if applicable), Office of Public Health and any known required local agencies to make an inspection of the location, as per their standards. However, it is the applicant's responsibility to obtain these inspections and approvals. A Licensing Specialist will visit the center to conduct a licensing survey.
 - f. A license will be issued on an initial application when the following items have been met and written verification is received by the Bureau of Licensing:
 - i. fire approval (state and city, if applicable);
 - ii. health approval;
 - iii. zoning (if applicable);
 - iv. full licensure fee paid (if applicable);
 - v. three positive references on the Director;
 - vi. licensure survey verifying substantial compliance.
3. When a center changes location, it is considered a new operation and a new application and fee for licensure shall be submitted. All items listed above shall be resubmitted, except references if the Director remains the same.
 4. When a center changes ownership, a new application and fee shall be submitted. All approvals listed above shall be current. Documentation is required from the previous owner assuring change of ownership, i.e., letter from previous owner, copy of Bill of Sale or a lease agreement.
 5. All new construction or renovation of a center requires approval from agencies listed above and the Bureau of Licensing.
 6. The Bureau is authorized to determine the period during which the license shall be effective. A license is valid for the period for which it is issued unless it is revoked due to center's failure to maintain compliance with minimum standards.

7. A license is not transferable to another person or location.
8. If a Director or member of his immediate family has had a previous license revoked, refused, or denied, upon re-application, the applicant shall provide written evidence that the reason for such revocation, refusal or denial no longer exists. A licensing survey will then be conducted to verify that the reasons for revocation, refusal, or denial have been corrected and the Director and/or center is in substantial compliance with all minimum standards.
9. A license shall apply only to the location stated on the application and such license, once issued, shall not be transferable from one person to another or from one location to another. If the location or ownership of the facility is changed, the license shall be automatically revoked. A new application form shall be completed prior to all changes of ownership or location.

B. FEES

1. An initial application fee of \$25 shall be submitted with all initial applications, including all church owned and operated centers. This fee will be applied toward the total licensure fee, which is due prior to licensure of center. This fee is to be paid by all initial and change of location providers. The full licensure fee shall be paid on all Changes of Ownership. All fees shall be paid by certified check or money order only and are nonrefundable.
2. Annual licensure fees are required prior to issuance or renewal of the license. (However, child care facilities or agencies licensed as a Class B facility and owned or operated by a church or religious organization are exempt from license fees.) License fee schedules (based on capacity) are listed below:

License Fee Schedules	
Capacity	Fee
15 or fewer	\$25
16-50	\$100
51-100	\$175
101 or more	\$250

3. Other Licensure Fees:
 - a. Twenty-five dollar replacement fee for any center replacing a license when changes to the license are requested by the Director, i.e., changes in capacity, name change, age range change. (There is no processing charge when the request coincides with regular renewal of license.)
 - b. Five dollar processing fee for issuing a duplicate license with no changes.

C. EXEMPTIONS

The only exemption to licensure is private or public day schools serving children in grades one and above or pre-kindergartens and kindergartens. Also exempt are state certified Montessori schools and camps, as well as all care given without charge.

D. LICENSING CHANGES

Bureau of Licensing shall be notified before changes are made which might have an effect upon the license (for example, a change in age range of children to be served or a change in space of facility).

E. RELICENSING

The relicensing survey is similar to the original licensing survey.

1. Renewal applications will be mailed to centers approximately 60 days prior to the expiration for execution. The application shall indicate any changes the center needs to make (example: hours of operation, ages of children, etc.).
2. Relicensing surveys will be made by the Department of Social Services, Bureau of Licensing, Office of the State Fire Marshal, the Office of Public Health and others as the City Fire Marshal, Zoning (if applicable). Approvals of each must be received by the Department of Social Services, Bureau of Licensing before a new license will be issued. The director will review with the licensing specialist the findings and will be furnished a copy for any necessary action. It is the responsibility of the center owner/director to obtain the approvals before the current license's expiration date.

3. The Department of Social Services and the Office of the State Fire Marshal must approve any proposed structural changes, ratio adjustments, and variance of space used before changes are made which may affect the center's license.

F. DENIAL, REVOCATION OR NONRENEWAL OF LICENSE

An application for a license may be denied, or a license may be revoked, or renewal thereof denied, for any of the following reasons:

1. violation of any provision of R. S. 46:1401 et seq. or failure to meet any of the minimum standards, rules, regulations or orders of the Department of Social Services promulgated thereunder;
2. cruelty or indifference to the welfare of the children;
3. conviction of a felony or any offense of a violent or sexual nature or an offense involving a juvenile victim, as shown by a certified copy of the record of the Court of conviction, of the applicant;
 - a. or, if the applicant is a firm or corporation, any of its board members or officers;
 - b. or of the person designated to manage or supervise the center;
4. history of noncompliance;
5. disapproval from any agency whose approval is required for licensure;
6. nonpayment of licensure fee and/or failure to submit application for renewal prior to the expiration of the current license;
7. any validated instance of cruel, severe, or unusual punishment, physical or sexual abuse and/or neglect if the owner is responsible or if the employee who is responsible remains in the employment of the center;
8. the center is closed with no plans for reopening and no means of verifying compliance with minimum standards for licensure;
9. any proven act of fraud such as falsifying or altering document(s) required for licensure;

10. center refuses to allow the Bureau to perform mandated duties, i.e., denying entrance to the center, lack of cooperation for completion of duties, etc.

G. APPEAL PROCEDURE

If the license is denied, refused or revoked, the Bureau shall notify the day care center of the reasons for denial, refusal or revocation.

1. The day care operator may appeal this decision by submitting a written request including reasons to the Appeals Bureau, P. O. Box 2944, Baton Rouge, LA. 70821-9118. This written request must be postmarked within 30 days of the operator's receipt of the above notification.
2. The Appeal's Bureau shall hold a hearing after receipt of such a request.
3. Within 90 days after the date the appeal is filed, the Appeal's Bureau shall advise the appellant by registered letter of the decision, either affirming or reversing the original decision. If the license is refused or revoked, the center shall immediately terminate operation.

H. ADVERTISING

Any Class B facility which advertises the fact that it is licensed under Louisiana law shall clearly indicate in its advertising that it holds a Class "B" license. In printed materials, Class "B" shall be printed in the same size type as the words "licensed" or "license". In broadcast advertising, a facility shall not advertise the fact that it is licensed without indicating in the same advertisement that the kind of license held is a Class "B" license.

§5361 GENERAL REQUIREMENTS

- A. The Director shall be responsible for ensuring that the minimum licensing requirements are met.
- B. A current child day care license shall be on display, except for church affiliated centers (R. S. 46:1412.C) that choose to keep the license on file and available upon request.

- C. A center shall maintain in force at all times current commercial liability insurance for the operation of a center and vehicle (if transportation is provided) to insure medical coverage for children in the event of accident or injury. Documentation shall consist of the insurance policy or current binder that includes the name of the insurance company, policy number, period of coverage and explanation of the coverage.
- D. Current written report from the Office of State Fire Marshal.
- E. Current written report from the Office of Public Health.
- F. Current written report from City Fire (if applicable).
- G. Certificate of Occupancy (zoning) (if applicable).
- H. Incident log for staff to record any injuries that a child may have upon arrival to the child care center.
- I. Each person living in a private residence, part of which is used as a child care facility, shall meet the same medical requirements as employed personnel.
- J. Each child living in a private residence, part of which is a child care facility shall meet the same medical requirements as the children enrolled in the center.

§5363 TRANSPORTATION

A center that provides transportation of children assumes additional responsibility and liability for the safety of the children.

A. TRANSPORTATION PLAN

1. If transportation is provided, even on an irregular basis, the center shall have a written statement identifying the type of transportation provided, i.e., to and from home, to and from school, to and from swimming or dancing lessons, field trips, etc.
2. If transportation to/from home and/or school is provided the center shall have a written plan that states the following:
 - a. geographical areas served;
 - b. time schedule of the services; and
 - c. fee, if any, for transportation services.

B. TRANSPORTATION FURNISHED BY THE CENTER

1. When transportation is provided, the director shall insure that:
 - a. transportation arrangements conform to state laws;

NOTE: For additional information regarding state laws, contact the Office of Public Safety.
 - b. at least two staff, one of whom may be the driver, shall be in each vehicle unless the vehicle has a communication device and child/staff ratio is met in the vehicle;
 - c. at least one staff in each vehicle shall be currently certified in CPR;
 - d. children are under the direct supervision of staff at all times. The driver or attendant shall not leave the children unattended in the vehicle at any time while transporting children;
 - e. each child shall board the vehicle from the curbside of the street and/or shall be safely escorted across the street;
 - f. each child is delivered to a responsible person authorized in writing by the parent;
 - g. a designated staff person shall be present when the child is delivered to the center;
 - h. good order shall be maintained on the vehicle;
 - i. the driver shall check the vehicle at the completion of each trip to ensure that no child is left on the vehicle and all children were picked up and dropped off at the correct locations;
 - j. the vehicle shall be maintained in good repair; and
 - k. the use of tobacco in any form, use of alcohol and possession of illegal substances or unauthorized potentially toxic substances, firearms, pellet or BB guns (loaded or unloaded) in any vehicle while transporting children is prohibited.

2. Children shall not be transported in the back of a pickup truck.
3. All drivers and vehicles shall be covered by liability insurance as required by law.
4. The driver shall hold a valid appropriate Louisiana driver's license.
5. Each driver or attendant shall be provided with a current master transportation list including each child's name, pick up and drop off locations and authorized persons to whom child may be released.
6. The center shall maintain a daily transportation attendance record.
7. The vehicle shall have evidence of a current safety inspection.
8. There shall be first aid supplies in the vehicle, i.e. Band-Aids, peroxide, etc.
9. There shall be information in each vehicle identifying the center's name, telephone number and address for emergency situations.
10. A fire extinguisher shall be stored in the vehicle.

C. FIELD TRIPS

Whether transportation for field trips is provided by the center, parents, or an outside source, there shall be signed parental authorization for each child to leave the center and to be transported in the vehicle.

D. TRANSPORTATION BY CONTRACT

When the center contracts with an outside source for transportation, there shall be an agreement on file signed and dated by the Director and a representative of the transportation agency stating that all rules for transportation shall be followed as stated in the law and the regulations. The center shall select a transportation agency with a good reputation and reliable drivers.

§5365 CENTER STAFF

- A. All center staff includes the director, teachers, child care staff, and any other employees of the center such as the cook, housekeeper, and chauffeur.

B. All center staff must be at least 18 years of age or older. However, the center may employ a person 16 or 17 years old that works under the direct supervision of a qualified adult staff person.

C. PERSONNEL RECORDS

1. EMPLOYMENT APPLICATION - There shall be an employment application for each regularly employed and substitute member of the staff. This application shall include the actual date of hire, all pertinent personal information, past work experience, educational background.
2. REFERENCES - Center staff shall be known in the community to be of good reputation as verified by at least three non-related reference checks. There shall be on file in the center three letters of reference or documentation that at least three reference were contacted by the director/provider prior to employment.
3. I-9 FORM - A completed I-9 form (U.S. Immigration and Naturalization Service Employment Eligibility Form) required after November 1986.
4. CRIMINAL RECORDS CHECK - A criminal records check shall be requested by the director/provider prior to the employment of any staff person. Documentation of a criminal records check and fingerprinting application as required by R.S.15: 587.1 after September 1, 1987.
 - a. Criminal Record clearance is not transferable from one employer to another.
 - b. No felon shall be employed in a Class B facility, unless approved in writing by a district judge of the parish and the local district attorney. This statement shall be kept on file at all times by the child care facility and shall be produced upon request to any law enforcement officer.
5. HEALTH REQUIREMENTS
 - a. All center staff shall be required to obtain three months before or within 30 days after beginning work and at least every three years thereafter a written statement from a physician certifying that the individual is in good health and is physically able to care for the children, and is free from infectious and contagious diseases.

- b. At the time of employment, the individual shall have no evidence of active tuberculosis. Tuberculin test result dated within one year prior to offer of employment is acceptable. Staff shall be retested on time schedule as mandated by the Office of Public Health. For additional requirements, refer to Chapter II of State Sanitary Code.
 - c. The director or any center staff shall not remain at work if he/she has any sign of a contagious disease.
 - d. Substitute workers, temporary employees, or volunteers shall meet the same medical requirements as regularly employed personnel. Refer to substitute and temporary employees as defined.
6. JOB DESCRIPTIONS - a personnel job description shall be kept on file detailing the employee's responsibilities.
7. PERSONNEL RECORDS - personnel records shall be kept on file for a minimum of one year after the employee leaves. Health records may be returned to the staff member upon request.

D. PERSONNEL TRAINING

- 1. The provider/director shall plan and implement procedures relating to new staff development. This shall include the following:
 - a. provisions for a one-day orientation to center policies and practices;
 - b. health and safety procedures; and
 - c. four days of supervised working with children.
- 2. Documentation of orientation shall consist of a statement in the employee's record signed by the employee and director attesting to having received such orientation.
- 3. Providers/Directors shall conduct, at a minimum, one staff training session or meeting each quarter. The training session/meeting should include such matters as program planning, sharing new materials, and discussing center policy. Documentation of the training sessions/meetings including date and staff signatures shall be kept on file in the center.

4. Books, magazines, periodicals, pamphlets and journals relating to child care shall be available to staff. Documentation shall consist of observing that these materials are accessible in the facility to the staff.
5. CPR training for infant and child is required of one-half of the current staff on the premises. Documentation will be a copy of the certification card on file at the center.
 - a. This training may satisfy the requirement for a staff quarterly training session (§5365.D.3).
 - b. Certification will qualify for four “clock hour” training credit toward a new Director’s requirements. (§5369.A.2.a-h)
6. If a center cares for children eight years and up, at least one staff shall be required to have Adult CPR when those children are present. Documentation will be a copy of the certification card on file at the center.
7. All staff shall have three continuing education hours annually through attendance at child care workshops or conferences i.e. LAECA, LAPACC, NAEYC, etc., or local physician, dentist, public library, PBS, universities and extension services etc. This is in addition to the three hours required for Health and Safety. These hours will be recognized by the Bureau without prior approval. The hours shall be documented and kept on file. This documentation shall include number of hours, topic, trainer, staff name, date and signature of the Director and/or the trainer.
8. All personnel are to be trained in emergency and evacuation procedures appropriate for the area in which the center is located. Documentation of training shall be kept on file at the child care center.

§5367 CHILDRENS RECORDS

- A. The center shall have on file and available at all times the following records for each child in care:
 1. master card - general information regarding child to include medical history;
 2. immunization record;
 3. written parental/guardian authorization for release of child to a third party; and

4. written parental/guardian authorization for the center to administer and/or secure emergency medical treatment.
- B. For licensing purposes, children's records shall be kept on file a minimum of one year from the date of discharge from the center.

§5369 PERSONNEL

A. DIRECTOR QUALIFICATIONS

1. must be at least twenty-one (21) years of age.
2. must have documentation of at least one of the following:
 - a. bachelor's degree from a regionally accredited college or university with at least six credit hours of child development or early childhood education and one year of supervised child care experience in a licensed center or comparable setting;
 - b. a Child Development Associate Credential which includes practicum and one year experience in a licensed center;
 - c. an Associate of Arts degree in child development or a closely related area and one (1) year of supervised child care experience in a licensed center or a comparable setting;
 - d. one year of experience as a director or staff in a licensed child care center plus 12 credit hours in child care, child development or early childhood education. Fifteen "clock hours" may be substituted for each three credit hours;
 - e. a diploma from a vocational child care training program approved by the Board of Regents or equivalent plus one year of supervised child care experience in a licensed child care center or comparable setting;
 - f. a National Administrator Credential as awarded by the National Child Care Association, and one year experience in a licensed child care center, or comparable setting;
 - g. a certificate of completion from the International Correspondence School and one year experience in a licensed child care center or comparable setting;

- h. a certificate of completion from the Professional Career Development Institute and one year of experience in a licensed child care center or comparable setting.
- 3. A comparable setting must be approved by the Bureau.
- 4. Licenses issued after September 30, 2000 must meet one of the requirements (5369.A.2.a-h). All directors employed prior to June 20, 1990 will be exempt from meeting director qualifications. These directors, however, are encouraged to work toward one of these requirements.

B. REQUIRED CENTER STAFF

- 1. If the number of children exceeds 42 the director shall be a full-time administrator. When the director is not on the premises, there must be an individual designated as responsible for the operation of the center.
- 2. If the center does not exceed 42 children as their enrollment, there must be an individual designated as responsible for the operation of the center.
- 3. If the director is responsible for more than one center, there must be an individual designated as responsible for the operation of each center.
- 4. There shall be provisions for substitute help if the director or any regular employee is absent from the center.

§5371 REQUIRED CHILD/STAFF RATIOS

A. REQUIRED RATIOS FOR TEN OR LESS CHILDREN:

Below are the required child/ staff ratios for centers serving ten or fewer children (including the operator's and/ or staff's own children):

CHILDREN	STAFF
10 (if no more than two children are under age two)	1
10 (if three or more children are under age two)	2

B. REQUIRED RATIOS FOR ELEVEN OR MORE CHILDREN:

CHILDREN	STAFF
6 (Non-walkers and toddlers under 12 months)	1
8 (Toddlers, 12 months to 23 months)	1
12 (Two-Year-Olds, 24 months to 36 months)	1
14 (Three-Year-Olds, 36 months to 48 months)	1
16 (Four-Year-Olds, 48 months to 5 years old)	1
20 (Five to 6 year olds)	1
25 School Age (Six-year-olds and up)	1

1. MIXED AGES

When the center serves children of mixed ages, excluding children under two years, an average of the staff ratio may be applied.

2. STAFF INVOLVED IN RATIO

Only those staff members directly involved in child care and supervision shall be considered in assessing child/staff ratio.

C. OTHER REQUIRED STAFF

1. When the number of children in the center exceeds ten, there must be an individual immediately available in case of an emergency.
2. If day and night care is offered, there must be separate staff.
3. At naptime, appropriate staffing shall be present within the center to satisfy required child/staff ratio.

§5373 PHYSICAL PLANT AND EQUIPMENT

A. INDOOR/OUTDOOR SPACE REQUIRED

The center shall be used exclusively by the children and center staff during operating hours. Area licensed for use as a child care center shall not be dually licensed.

1. INDOOR SPACE

- a. There shall be a minimum of indoor space of at least 35 square feet per child. The space shall not include toilet facilities, hallways, lofts, storage or food preparation areas, or offices. Any room counted as play space shall be available for play during play hours. If rooms are used exclusively for dining or sleeping, they cannot be included in the licensed capacity.
- b. There shall be provisions for temporarily isolating a child having or suspected of having a communicable disease so he/she can be removed from the other children. Movable partitions are permissible so that the space may be used for play when not needed for isolating an ill child.
- c. An area, i.e. bathroom, partitioned area, etc., shall be maintained for the purpose of providing privacy for diapering, dressing and other personal care procedures for children beyond the usual diapering age.

2. OUTDOOR PLAY SPACE

- a. There shall be outdoor play space with direct exit from the center into the outdoor play yard.
- b. The outdoor space shall provide a minimum of 75 square feet for each child in the outdoor play space at any one time. The minimum outdoor play space shall be available for at least one-half of the licensed capacity.
- c. The outdoor play space shall be enclosed with a fence or other barrier in such a manner as to protect the children from traffic hazards, to prevent the children from leaving the premises without proper supervision, and to prevent contact with animals or unauthorized persons.
- d. Crawlspace and mechanical, electrical, or other hazardous equipment shall be made inaccessible to children.
- e. Areas where there are open cisterns, wells, ditches, fishponds and swimming pools or other bodies of water shall be made inaccessible to children by fencing.

3. A soft surface shall be provided under climbing apparatus with a potential fall of four feet or more to the ground. Soft surface examples are pea gravel, sand, wood chips, sawdust, or mats.

B. FURNISHINGS AND EQUIPMENT

1. There shall be a working telephone at the center.
2. Appropriate emergency numbers shall be posted, such as fire department, police department, and medical facility.
3. Play equipment of sufficient quantity and variety for indoor and outdoor use shall be provided which is appropriate to the needs of the children as follows:
 - a. equipment which encourages active physical play (for example, climbing apparatus, swings, wheel-toys); and
 - b. equipment which encourages quiet play or activity (for example, sand, clay, crayons, paints, story and picture books, dolls, puzzles, and music).
4. The equipment shall be maintained in good repair.
5. The center shall make provisions for storage space within easy reach of the children for the storage of play materials in appropriate play areas. Toy chests with attached lids are prohibited.
6. There shall be individual spaces for each child's clothing and personal belongings.
7. Chairs of a suitable size and table space shall be available for each child two years or older.
8. Individual and appropriate sleeping arrangements must be provided for each child.
 - a. State and local health requirements regarding sleeping arrangements must be met.
 - b. Each child shall provide or be provided with a mat, cot or bed age appropriate. Playpens shall not be substituted for a baby bed/crib.
 - c. While in use, each mat, cot or bed shall be placed 18 inches apart and shall be arranged in a head to toe configuration. Each one shall be labeled for individual use.

9. Smoking shall not be allowed on the child care premises.

C. FIRE SAFETY

Fire drills shall be conducted at least once per month. These shall be conducted at various times of the day and shall be documented as follows:

1. date and time of day;
2. number of children;
3. lapse time of drill;
4. problems and solutions if any; and
5. staff signatures.

D. SAFETY REGULATIONS

1. Drugs, poisons, harmful chemicals, all products labeled “Keep out of the reach of children”, equipment and tools shall be locked away from the children. Whether a cabinet or an entire room, the storage area must be locked.
2. Refrigerated medications shall be in a secure container to prevent access by children and avoid contamination of food.
3. Secure railings shall be provided for:
 - a. flights of more than three steps;
 - b. porches more than three feet from the ground.
4. Gates shall be provided at the head or foot of each flight of stairs to which children have access.
5. Accordion gates are prohibited.
6. First Aid Supplies shall be available at the day care center. (Suggestions for first aid supplies may be obtained from the Red Cross.)
7. The center and yard must be clean and free from hazards.

§5375 ADMISSION OF CHILDREN

- A. Admission of children shall include an interview with the parent or guardian to:
 - 1. secure necessary information about the child; and
 - 2. provide a Parents' Handbook about the center's programs, policies, fees and a basic daily center schedule.
- B. Parents or guardians must be provided with a written description of the center's discipline policy.
- C. Discrimination by child daycare centers on the basis of race, color, creed, sex, national origin, handicapping condition or ancestry is prohibited. A policy shall include this written statement.

§5377 CARE OF CHILDREN

A. NUTRITION

- 1. If the Center prepares any meals, well-balanced and nourishing meals shall be made available to children in care.
 - a. Children in care for more than four hours shall be provided meals using the four basic food groups (bread, fruits and vegetables, dairy products, protein products) that provide approximately one-third to one-half of the current Recommended Dietary Allowances of the National Research Council. (See Appendix A)
 - b. Additional servings of nutritious food over and above the required daily minimum shall be made available to children as needed if not contradicted by special diets.
 - c. To ensure well-balanced and nourishing meals, the specified patterns for meals (See Appendix A) shall be referenced.
- 2. Milk shall be served to the children at least once a day.
- 3. Children in full-time care shall have two snacks and one meal daily.
- 4. Weekly menus for meals and snacks shall be posted if the center prepares the food. Substitutions shall be posted on or near the menu.
- 5. It is permissible for children to bring their own food to the center.

6. Bottled formula for infants must be labeled.
7. If the parent provides the daily meal, parents should be encouraged to prepare meals which are well balanced and nutritious but with the understanding that what the parent provides is acceptable.
8. Infants are to be fed and supervised individually.
 - a. Infants shall be held while feeding.
 - b. A bottle shall not be propped at any time.
 - c. Parents shall supply the center with a schedule of feeding times for their infant.
9. Drinking water shall be readily available to the children in single service cups or cups that can be sanitized.
 - a. Drinking fountains are permissible.
 - b. Children shall be offered water at intervals at a minimum of two and one-half hours and after each outdoor activity.
10. Children's food shall be served on individual plates, napkins, paper towels or in cups as appropriate.

B. HEALTH SERVICE TO THE CHILD

1. No drugs of any type, including aspirin, shall be given by the center personnel unless authorized in writing by the parent. Authorization shall include the name of the child and medication, date(s) to be given, time to be given, dosage, and signature of parent.
 - a. Documentation shall be maintained verifying that medication was given according to parent's authorization, including the date, time and signature of the staff member who gave the medication.
 - b. All medication shall remain in the original container.
2. If symptoms of contagious or infectious diseases develop while the child is in care, he/she shall be in supervised isolation away from the other children until a parent or designated person has been contacted and the child has been picked up from the center.

3. Any child who has had a 100°F oral temperature or 101°F rectal temperature reading the last 12 hours is suspect.
4. Children with the following illnesses or symptoms shall be excluded from the center based on potential contiguousness (communicability) of the disease. Periods may be extended beyond this depending upon individual conditions.

ILLNESS/SYMPTOM	EXCLUDE UNTIL
Meningococcal disease (Neisseria meningitis)	Well with proof of noncarriage*.
Hib disease (hemophilus)	Well with proof of noncarriage*.
Diarrhea (two or more loose stools or over and above what is normal for that child).	Diarrhea resolved or is controlled (Contained in diaper or toilet).
Fever of unknown origin (100°F rectal or higher) some behavioral signs of illness.	Fever resolved or cleared or oral or 101°F by child's physician or health department.
Chicken pox	Skin lesions (blisters) scabbed over completely.
Hepatitis A	One week after illness started and fever gone.
Aids (or HIV infection)	Until child's health, neurologic development, behavior, and immune status is deemed appropriate on a case-by-case basis) by qualified persons**, including the child's physician, chosen by the child's parent or guardian and the Director.
Undiagnosed generalized rash	Well or cleared by the child's physician.
Any child with a sudden onset of vomiting, irritability, or excessive sleepiness.	Evaluated and cleared by child's physician.

* Proof of noncarriage. Either by completion of appropriate drug regimen of Rifampin or by a negative throat culture obtained after completion of treatment for meningitis.

** These persons include the child's physician and other qualified individuals such as the Director, a representative of the state's Office of Public health, and a child development specialist and should be able to evaluate whether the child will receive optimal care in the specific program being considered and whether HIV-infected child poses a potential threat to others.

5. With most other illnesses, children have either already exposed others before becoming obviously ill (i.e. colds), or are not contagious one day after beginning treatment (i.e., strep throat, conjunctivitis, impetigo, ringworm, parasites, head lice, and scabies.)
6. The parent or designated person shall be notified and incident documented if:
 - a. child develops symptoms of illness; or
 - b. suffers a serious accident in child care.
7. All head injuries shall be reported to parents immediately.
8. An accident report including incidents shall be maintained detailing accident/incident of child and the action taken by the staff/director.

C. DAILY PROGRAM

1. There shall be a schedule of the day's plan of activities posted in each classroom or center providing for flexibility and changes, as deemed necessary.
2. The program of activities shall be adhered to with reasonable closeness but shall accommodate and have due regard for individual differences among the children.
3. The program shall provide time and materials for both vigorous and quiet activity for the children to share or to be alone, indoor and outdoor play and rest. Regular time should be allowed for routines such as washing, lunch, rest, snack and putting away toys. Activity and quiet periods should be alternated so as to guard against over stimulation of the child.
4. Children shall have a rest period of at least one hour.

5. While awake, infants and toddlers shall not remain in a crib, a baby bed, or a playpen for more than 30 minutes continuously.

§5379 CARE FOR CHILDREN DURING NIGHTTIME HOURS

- A. The Minimum Standards for child care centers also apply to centers which provide care after 9:00 p.m. with the inclusion of the following standards as set forth in this section.
 1. Any child care center caring for children at night must follow the same requirements for personnel standards as previously stated.
 2. A minimum of one adult shall be present at all times during nighttime care.
- B. In addition, the following standards shall apply:
 1. The adult in charge must remain awake all night and directly supervise the children at all times.
 2. Meals must be served to children who are in the center at the ordinary meal times.
 3. Each child shall have separate sleeping accommodations. These accommodations shall include age appropriate crib, cot with a mat or mattress or bed.
 4. Evening quiet time such as story time, games, and reading shall be provided to each child arriving before bedtime.
 5. No physical restraints shall be used to confine children to bed.

§5381 DISCIPLINE

- A. Each center shall establish a written policy in regard to methods of discipline stating what methods of discipline will and will not occur. This statement must be made available to parents/guardians and licensing personnel.
- B. If corporal punishment is used, the following guidelines are applicable and shall be included in the written discipline policy.

1. Permission for corporal punishment must be in writing from the parents. Documentation of details of the incident/infraction and punishment administered is required. A copy of the documentation must be kept on file at the child care center and a copy given to the parents.
 2. Parents must be notified by phone before corporal punishment is administered. Documentation of the phone contact must be kept on file.
 3. Written permission for corporal punishment of a child shall not be a preadmission requirement for children to be enrolled in a child care program.
 4. Corporal punishment will not be used on children 24 months and younger.
 5. Any implement other than the open hand shall not be considered as corporal punishment but mistreatment of the child.
 6. Corporal punishment shall only be administered by the Director in the form of and not more than three spanks of the open hand on the clothed buttocks of a child older than 24 months of age. A second adult must be present during the administration of the spanking and the spanking must be documented and signed by both adults present.
- C. Cruel, severe, unusual, or unnecessary punishment shall not be inflicted on children.
- D. Derogatory remarks shall not be made in the presence of the children about family members of the children in care or about the children themselves.
- E. No child or group of children shall be allowed to discipline another child.
- F. When a child is removed from the group for disciplinary reasons, he shall never be out of sight of a staff member.
- G. No child shall be deprived of meals or any part of meals for disciplinary reasons.

§5383 ABUSE AND NEGLECT

Any suspected abuse and/or neglect of a child in a child care center must be reported in accordance with Louisiana Revised Statutes 14:403. This statement shall be visibly posted in the center with the local child protection phone number.

§5385 SUPERVISION

- A. Children shall be supervised at all times. All children shall never be left alone in any room or outdoors at any time without a staff present.
- B. While on duty with a group of children, child care staff members shall devote their entire time,
 - 1. in supervision of the children and
 - 2. in participating with them in their activities.
- C. Individuals who do not serve a purpose related to the care of children and/or hinder supervision of the children shall not be present in the center.
- D. At naptime, children may be grouped together with one worker supervising the children sleeping while other workers rotate various duties and lunchtime. All children sleeping must be in the sight of the naptime worker. However, appropriate staffing must be present within the center to satisfy state required child/staff ratios.

APPENDIX A

CHILD CARE FOOD PROGRAM of the United States Department of Agriculture

The Child Care Food Program of the United States Department of Agriculture is administered locally by state and regional agencies. Interested parties shall apply through the appropriate administering agency in their area. For further information and appropriate referral contact: Child Care and Summer Programs Division, Food and Nutrition Service, United State Department of Agriculture, 3101 Park Center Drive, Room 416, Alexandria, VA 22302, or your State Office.

- A. Each meal served shall contain, as a minimum, the indicated food components:
1. A **Breakfast** shall contain:
 - a. A serving of fluid milk as a beverage or on cereal, or used in part for each purpose;
 - b. A serving of vegetable(s) or fruit(s) or full strength vegetable of fruit juice, or an equivalent quantity of any combination of these foods;
 - c. A serving of whole-grain or enriched bread; or an equivalent serving of cornbread, biscuits, rolls, muffins, etc., made with whole-grain or enriched meal or flour; or a serving of whole-grain or enriched or fortified cereal; or a serving of cooked whole-grain or enriched pasta or noodle products such as macaroni; or cereal grains such as rice, bulgur, or corn grits; or an equivalent quantity of any combination of these foods.
 2. Both **Lunch** and **Supper** shall contain:
 - a. A serving of fluid milk as a beverage;
 - b. A serving of lean meat, poultry or fish; or cheese; or an egg; or cooked dry beans or peas; or peanut butter; or an equivalent quantity of any combination of these foods. These foods shall be served in a main dish, or in a main dish and one other menu item, to meet this requirement. Cooked dry beans or dry peas may be used as the meat alternate or as part of the vegetable/fruit component but not as both food components in the same meal;

Nuts and seeds and their butters listed in program guidance are nutritionally comparable to meat or other meat alternates based on available nutritional data. Acorns, chestnuts, and coconuts shall **not** be used as meat alternates due to their low protein content. Nut or seed meals or flours may be used as an ingredient in a bread/bread alternate, but shall **not** be used as a meat alternate. As noted nuts or seeds may be used to meet no more than one-half of the meat/meat alternate requirements. Therefore, nuts or seeds shall be combined with another meat/meat alternate to fulfill the requirement;
 - c. A serving of two or more vegetables or fruits, or a combination of both. Full strength vegetable or fruit juice may be counted to meet not more that one-half of this requirement;

- d. A serving of whole-grain or enriched bread; or an equivalent serving of cornbread, biscuits, rolls, muffins, etc., made with whole-grain or enriched meal or flour; or a serving of whole-grain or enriched pasta or noodle products such as macaroni; or cereal grains such as rice, bulgur, or corn grits; or an equivalent quantity of any combination of these foods.
3. Supplemental food (**Snacks**) shall be served between other meal types and contain two of the following four components:
- a. A serving of fluid milk as a beverage, or on cereal, or used in part for each purpose;
 - b. A serving of meat or meat alternate. Nuts and seeds and their butters listed in program guidance are nutritionally comparable to meat or other meat alternates based on available nutritional data. Acorns, chestnuts, and coconuts are excluded and shall **not** be used as meat alternates due to their low protein content. Nut or seed meals or flours shall **not** be used as a meat alternate;
 - c. A serving of vegetable(s) or fruit(s) or full strength vegetable or fruit juice, or an equivalent quantity of any combination of these foods. Juice may not be served when milk is served as the only other component;
 - d. A serving of whole-grain or enriched bread; or an equivalent serving of cornbread, biscuits, rolls, muffins, etc., made with whole-grain or enriched meal or flour; or a serving of cooked whole-grain or enriched pasta or noodle products such as macaroni; or cereal grains such as rice, bulgur, or corn grits; or an equivalent quantity of any combination of these foods.

B. INFANT meal pattern:

Foods within the infant meal pattern shall be of texture and consistency appropriate for the particular age group being served. The total amount of food authorized in the meal patterns set forth below shall be provided to the infant but may be served during a span of time consistent with the infant's eating habits, on a gradual basis with the intent of ensuring their nutritional well-being and in accordance with parent's desires. The infant meal shall contain, as a minimum, each of the following components in the amounts indicated for the appropriate age group.

- 1. Birth through 3 months:
 - a. Breakfast -- 4-6 fluid ounces of iron-fortified infant formula;
 - b. Lunch or Supper -- 4-6 fluid ounces of iron-fortified infant formula;
 - c. Supplemental food -- 4-6 fluid ounces of iron-fortified infant formula.
- 2. 4 through 7 months:
 - a. Breakfast -- 4-8 fluid ounces of iron-fortified infant formula and 0-3 tablespoons of iron-fortified dry infant cereal (optional);
 - b. Lunch or Supper -- 4-8 fluid ounces of iron-fortified infant formula; and, 0-3 tablespoons of iron-fortified dry infant cereal (optional); and 0-3 of fruit or vegetable of appropriate consistency or a combination of both (optional);
 - c. Supplementary food -- 4-6 fluid ounces of iron-fortified infant formula.

3. 8 months through 11 months:
 - a. Breakfast -- 6-8 fluid ounces of iron-fortified infant formula, or 6-8 fluid ounces of whole fluid milk; 2-4 tablespoons of iron fortified dry infant cereal; and, 1-4 tablespoons of fruit or vegetable of appropriate consistency or a combination of both;
 - b. Lunch or Supper -- 6-8 fluid ounces of iron-fortified infant formula, or 6-8 fluid ounces whole fluid milk; 2-4 tablespoons of iron-fortified dry infant cereal and/or 1-4 tablespoons of meat, fish, poultry, egg yolk, or cooked dry beans or peas, or ½-2 ounces (weight) of cheese or 1-4 ounces (weight/volume) or cottage cheese of appropriate consistency; and 1-4 tablespoons of fruit or vegetable of appropriate consistency or a combination of both; and,
 - c. Supplementary food -- 2-4 fluid ounces of iron-fortified infant formula, whole fluid milk or full strength fruit juice, 0-½ slice of crusty bread (optional) or 0-2 cracker type products (optional) made from whole-grain or enriched meal or flour that are suitable for an infant for use as a finger food.

C. Meal patterns for CHILDREN age 1 through 12:

When children over age one participate, the total amount of food authorized in the meal patterns set forth on page 42 shall be provided:

THE MINIMUM AMOUNT OF FOOD COMPONENTS TO BE SERVED AS BREAKFAST ARE:

	FOOD COMPONENTS	Age 1 and 2	Age 3 up to 5	Age 6 up to 12
MILK	Milk, Fluid	½ cup	¾ cup	1 cup
VEGETABLES AND FRUIT	Vegetable(s) and/or fruit(s), or	¼ cup	½ cup	½ cup
	Full strength vegetable or fruit juice or an equivalent quantity of any combination of vegetable(s), fruit(s) and juice.	¼ cup	½ cup	½ cup
BREAD AND BREAD ALTERNATES¹	Bread, or	½ slice	½ slice	1 slice
	Cornbread, biscuits, rolls, muffins, etc., or	½ serving	½ serving	1 serving
	Cold dry cereal, or	¼ cup or one-third ounce	one-third cup or ½ ounce	¾ cup or 1 ounce
	Cooked cereal, or	¼ cup	¼ cup	½ cup
	Cooked pasta or noodle products, or	¼ cup	¼ cup	½ cup
	Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternates	¼ cup	¼ cup	½ cup

¹ Bread, pasta or noodle products, and cereal grains shall be whole grain or enriched, cornbread, biscuits, rolls, muffins, etc., shall be made with whole grain or enriched meal or flour.

THE MINIMUM AMOUNT OF FOOD COMPONENTS TO BE SERVED AS LUNCH OR SUPPER ARE:

	FOOD COMPONENTS	Age 1 up to 2	Age 3 up to 5	Age 6 up to 12
MILK	Milk, Fluid	½ cup	¾ cup	1 cup
VEGETABLES AND FRUIT¹	Vegetable(s) and/or fruit(s)	¼ cup total	½ cup total	¾ cup total
BREAD AND BREAD ALTERNATES²	Bread	½ slice	½ slice	1 slice
	Cornbread, biscuits, rolls, muffins, etc., or	½ serving	½ serving	1 serving
	Cooked pasta or noodle product, or	¼ cup	¼ cup	½ cup
	Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternates.	¼ cup	¼ cup	½ cup
MEAT AND MEAT ALTERNATES³	Lean meat or poultry or fish, or	1 ounce	1½ ounce	2 ounce
	Cheese, or	1 ounce	1½ ounces	2 ounces
	Eggs, or	1 egg	1 egg	1 egg
	Cooked dry beans or peas, or	¼ cup	three-eighth cup	½ cup
	Peanut butter or soynut butter or other nut or seed butters, or	2 tbsp.	3 tbsp.	4 tbsp.
	Peanuts or nuts and/or seeds, or	½ ounce= 50%	¾ ounce = 50%	1 ounce= 50%
	An equivalent quantity of any combination of the above meat/meat alternate.			

¹ Serve 2 or more kinds of vegetable(s) and/or fruit(s). Full-strength vegetable or fruit juice may be counted to meet not more than ½ of this requirement.

² Bread, pasta or noodle products, and cereal grains shall be whole grain or enriched, cornbread, biscuits, rolls, muffins, etc., shall be made with whole grain or enriched meal or flour.

³ This portion can meet only ½ of the total serving of the meat/meat alternate requirements for lunch or supper. Nuts or seeds shall be combined with another meat/meat alternate to fulfill the requirement. For determining combinations, 1 ounce of nuts or seeds are equal to 1 ounce of cooked lean meat, poultry, or fish.

CAUTION - Children under 6 are at the highest risk of choking. USDA recommends that any nuts and/or seeds be served to them in a prepared food and be ground or finely chopped.

THE MINIMUM AMOUNT OF FOOD COMPONENTS TO BE SERVED AS SUPPLEMENTAL SNACK

FOOD:

(Select two of the following four but juice shall not be served with milk only)

	FOOD COMPONENTS	Age 1 and 2	Age 3 up to 5	Age 6 up to 12
MILK	Milk, Fluid	½ cup	½ cup	1 cup
VEGETABLES AND FRUIT	Vegetable(s) and/or fruit(s) (two or more), or	½ cup	½ cup	¾ cup
	Full strength vegetable or fruit juice or an equivalent quantity of any combination of vegetable(s), fruit(s) and juice.	½ cup	½ cup	¾ cup
BREAD AND BREAD ALTERNATES¹	Bread, or	½ slice	½ slice	1 slice
	Cornbread, biscuits, rolls, muffins, etc., or	½ serving	½ serving	1 serving
	Cold dry cereal, or	¼ cup or one-third ounce	one-third cup or ½ ounce	¾ cup or 1 ounce
	Cooked cereal, or	¼ cup	¼ cup	½ cup
	Cooked pasta or noodle product, or	¼ cup	¼ cup	½ cup
	Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternates.	¼ cup	¼ cup	½ cup
MEAT AND MEAT ALTERNATES²	Lean meat or poultry or fish, or	½ ounce	½ ounce	1 ounce
	Cheese, or	½ ounce	½ ounce	1 ounce
	Eggs, or	½ egg	½ egg	1 egg
	Cooked dry beans or peas, or	one-eighth cup	one-eighth cup	¼ cup
	Peanut butter or soynut butter or other nut or seed butters, or	1 tbsp.	1 tbsp.	2 tbsp.
	Peanuts, nuts, and/or seeds, or	½ ounce	½ ounce	1 ounce
	Yogurt, plain, or sweetened and flavored, or	2 ounces or ¼ cup	2 ounces or ¼ cup	4 ounces or ½ cup
	An equivalent quantity of any combination of meat/meat alternate.			

¹ Bread, pasta or noodle products, and cereal grains shall be whole grain or enriched, cornbread, biscuits, rolls, muffins, etc., shall be made with whole grain or enriched meal or flour.

² Yogurt may be used as a meat/meat alternate in the **SNACK ONLY**.