

Dear Day Care Provider,

Enclosed is a copy of what is required for providers who have or are considering an above ground or in ground pool on the residence.

Most of the requirements are for persons who will be using the pool with their day care. Please note the attached copy of legislation for pool use. The additional requirements are to insure the pool is inaccessible at all times when not for day care use.

If you do plan to use the pool you must have signed consents from all parents ANNUALLY. The two forms which PARENTS NEED TO READ AND SIGN are the sheets that begin with, "Dear Parent or Legal Guardian..." and the "Fact Sheet, Risks of Swimming Pools at Child Care Homes..." Please call with any questions.

Sincerely,

Kelli Klein
Social Worker
Day Care Licensor

KK/dj

Dear Parent or Legal Guardian:

The 2002 Minnesota Legislature passed a bill that allows swimming pools to be used by family and group family child care providers when certain requirements are met. These requirements are specified in Minnesota Statutes section 245A.14 subdivision 10.

A swimming pool may be used only if all of the following requirements are met:

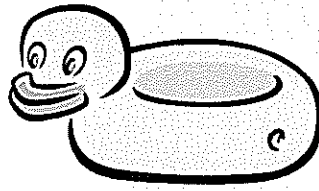
the parent or legal guardian of the child has provided written consent to the license holder which includes a statement that the parent or legal guardian has received and read the document written by the Department of Human Services and the Department of Health titled: "Fact Sheet: Risks of Swimming Pools at Child Care Homes," and also includes a statement that the Department of Health, Department of Human Services, and the county agency will not monitor or inspect the provider's pool;

the provider has not received a correction order or conditional license related to supervision or health and safety of children within the previous 24 months.

Please read the Fact Sheet, as well as the legislation (a link to the statutory language is located at the end) and decide whether or not to permit your child(ren) to use the swimming pool while under the care of your family child care provider.

If you have questions about the changes regarding swimming pools, please contact your local public health department or the Minnesota Department of Health at (612) 676-5414. If you have questions about child care licensing you should contact your local county Social Services Agency, or you may call the Minnesota Department of Human Services at (651) 296-3971.

After completion, please give this form to your child care provider. This form will document your decision.



I. POOLS NEVER USED DURING DAY CARE HOURS

* Pools that will not be used by anyone, including family members or the family's invited guests during day care hours.

1. Permanent In-Ground Pools: Must be inaccessible to day care children.

- a. A 5 foot or higher fence must surround or enclose the pool.
- b. All gates to the pool must be self-closing and latching and must be padlocked.

2. All Above-Ground Pools: Must be inaccessible to day care children.

a. Free standing pools (no deck, etc.)

- 1) ladders/steps must be removable and inaccessible to day care children,
- 2) pool must be enclosed by a free standing, non-climbable fence (i.e. no horizontal slats) with a minimum of 5 feet.

OR

the pool walls themselves must be extended to a height of 5 feet. Any opening created by the temporary removal of the ladder or steps must also be enclosed to the height of the pool wall extension.

- 3) all gates to the pool must be self-closing and latching and must be padlocked.

b. Free standing pools (with decking)

- 1) ladders/steps must be inaccessible to day care children.
- 2) height of the pool wall and deck/sides extension must be 5 feet
- 3) pool area must be enclosed by a free standing, non-climbable fence with a minimum height of 5 feet.
- 4) all gates to the pool must be self-closing and latching and must be padlocked.

3. All Pools: Doors and/or windows leading directly to any pool **must be locked** during day care hours.

**** NOTE:** Because each home swimming pool is unique, you may be required to take additional steps to make sure your pool is inaccessible to day care children.

II. POOLS USED DURING DAY CARE HOURS

* Pools used by day care children.

* Pools used only by family members or the family's invited guests during day care hours.

ANY DAY CARE WITH A POOL THAT IS USED BY DAY CARE CHILDREN OR DURING DAY CARE HOURS MUST HAVE AN ATTENDANT CERTIFIED IN FIRST AID AND CHILD AND INFANT CARDIOPULMONARY RESUSCITATION PRESENT.

1. Permanent In-Ground Pools: Must be inaccessible to day care children.

a. A 5 foot or higher fence must surround or enclose the pool.

b. All gates to the pool must be self-closing and latching and must be padlocked when not in use.

2. All Above-Ground Pools: Must be inaccessible to day care children.

a. Free standing pools (no deck, etc.)

1) ladders/steps must be removable and inaccessible to day care children when not in use,

2) pool must be enclosed by a free standing, non-climbable fence (i.e. no horizontal slats) with a minimum of 5 feet.

OR

the pool walls themselves must be extended to a height of 5 feet. Any opening created by the temporary removal of the ladder or steps must also be enclosed to the height of the pool wall extension.

3) all gates to the pool must be self-closing and latching and must be padlocked when not in use.

b. Free standing pools (with decking)

1) ladders/steps must be inaccessible to day care children when not in use.

2) height of the pool wall and deck/sides extension must be 5 feet

3) pool area must be enclosed by a free standing, non-climbable fence with a minimum height of 5 feet.

4) all gates to the pool must be self-closing and latching and must be padlocked when not in use.

3. All Pools: Doors and/or windows leading directly to any pool **must be locked** during day care hours when pool is not in use or directly supervised.

ISANTI COUNTY
SWIMMING POOLS USED BY DAY CARE CHILDREN

* The following steps must be completed before a pool can be used by day care children.

1. Provider must notify their day care licensor that they intend to use a pool for day care use.
2. Provider must show proof of compliance with the rules and regulations of their local jurisdiction when requested.
3. Pool must be inspected by the provider's day care licensor to determine that it is inaccessible when not in use or directly supervised.
4. ANY DAY CARE WITH A POOL THAT IS USED BY DAY CARE CHILDREN OR DURING DAY CARE HOURS MUST HAVE AN ATTENDANT CERTIFIED IN FIRST AID AND CHILD AND INFANT CARDIOPULMONARY RESUSCITATION PRESENT.

Providers using a home swimming pool of any type must have a written policy that is provided to all parents which covers the following:

- a. Type and use of pool.
 - b. Ages of children that will use the pool.
 - c. For what ages life jackets will be used.
 - d. If children are required to have swimming skills to use the pool.
 - e. If a child does not have swimming skills, under what conditions may he/she use the pool.
 - f. How many children will use the pool at one time.
 - g. How many adults trained in First Aid and CPR and/or meet the Red Cross Life Guard certification will be present.
6. PROVIDER MUST MAINTAIN "ANNUAL: WRITTEN PERMISSION FROM PARENTS FOR THE DAY CARE CHILDREN TO USE A SWIMMING POOL. Form is attached.
7. Provider must complete all 2002 Minnesota Statutes 245A.14 subd 11 requirements for swimming pools in family day care and group family day care providers. Statutes attached.

REQUIREMENTS FOR SWIMMING POOLS

Swimming pools at family and group family child care homes

Swimming pools at family and group family child care homes-Proposed coding under Minnesota Statutes, sections 144.1222 subdivision 2a; 245A.14 subdivision 10; and 466.03 subdivision 6.

A swimming pool located at a licensed family child care or group family child care home is not a public pool and is exempt from the regulatory requirements for public pools. If the provider chooses to allow children who are cared for at the family child care or group family child care home to use the swimming pool located at the home, the provider must satisfy the requirements in section 245A.14, subdivision 10.

A family child care or group family child care provider is eligible to allow a child in care to use a swimming pool located at the day care home if the provider has not had a licensing sanction or correction order or conditional license relating to the supervision or health and safety of children during the prior 24 months and the provider satisfies the following requirements:

- (1) notifies the county agency before initial use of the swimming pool and annually, thereafter;
- (2) obtains annual written consent from a child's parent or legal guardian allowing the child to use the swimming pool. The written consent must include materials from the Department of Health regarding the risk of disease and other health risks associated with swimming pools and a statement that the Department of Health, Department of Human Services, and county will not monitor or inspect the provider's swimming pool to ensure compliance with the requirements in section 245A.14;
- (3) enters into an annual written contract with a child's parents or legal guardian that specifies that the provider agrees to perform all requirements in section 245A.14;
- (4) attends and successfully completes a swimming pool operator training course once every five years. Acceptable training courses are: the National Swimming Pool Foundation Certified Pool Operator course; the National Spa and Pool Institute Tech I and Tech II courses (both are required); or the National Recreation and Park Association Aquatic Facility Operator course;
- (5) requires a caregiver trained in first aid and child cardiopulmonary resuscitation to supervise and be present at the pool with children using the swimming pool; and meets several other requirements relating to maintaining the health and safety of children using the swimming pool.
- (6) toilet all potty-trained children before they enter the swimming pool.
- (7) require all children who are not potty-trained to wear swim diapers while in the swimming pool;
- (8) if fecal material enters the swimming pool water, add three times the normal shock treatment to the pool water to raise the chlorine level to at least 20 parts per million, and close the pool to swimming for the 24 hours following the entrance of fecal material into the water or until the water pH and disinfectant concentration levels have returned to the standards specified in clause

- (10), whichever is later;
- (9) prevent any person from entering the swimming pool who has an open wound or any person who has or is suspected of having a communicable disease;
 - (10) maintain the swimming pool water at a pH of not less than 7.2 and not more than 8.0, maintain the disinfectant concentration between two and five parts per million for chlorine or between 2.3 and 4.5 parts per million for bromine, and maintain a daily record of the swimming pool's operation with pH and disinfectant concentration readings on days when children cared for at the family child care or group family child care home are present;
 - (11) have a disinfectant feeder or feeders;
 - (12) have a recirculation system that will clarify and disinfect the swimming pool volume of water in ten hours or less;
 - (13) maintain the swimming pool's water clarity so that an object on the pool floor at the pool's deepest point is easily visible;
 - (14) have two or more suction lines in the swimming pool;
 - (15) have in place and enforce written safety rules and swimming pool policies;
 - (16) have in place at all times a safety rope that divides the shallow and deep portions of the swimming pool;
 - (17) satisfy any existing local ordinances regarding swimming pool installation, decks and fencing;
 - (18) maintain a water temperature of not more than 104 degrees Fahrenheit and not less than 70 degrees Fahrenheit; and
 - (19) for lifesaving equipment, have a United States Coast Guard-approved life ring attached to a rope, and exit ladder, and a shepherd's hook available at all times to the caregiver supervising the swimming pool.

The requirements of clauses (5), (16) and (18) only apply at times when children cared for at the family child care or group family child care home are present.

A violation of clauses (1) to (3) is grounds for a sanction under section 245A.07, or a correction order or conditional license under section 245A.06. If a provider receives a licensing sanction under section 245A.07 or a correction order or a conditional license under section 245A.06 relating to the supervision or health and safety of children, the provider is prohibited from allowing a child cared for at the family child care or group family child care home to continue to use the swimming pool located at the home.

A municipality is immune from liability for a claim arising out of the use of a swimming pool located at a family child care or group family child care home unless the municipality had actual knowledge of a provider's failure to meet the licensing standards in clauses (1) to (3) related to the use of the pool that resulted in a dangerous condition that foreseeably threatened the plaintiff.

[Laws of Minnesota 2002, chapter 333] Laws of Minnesota 2002, chapter 400, section 4 made chapter 333

FACT SHEET

RISKS OF SWIMMING POOLS AT CHILD CARE HOMES

The use of swimming pools in home child care settings could facilitate the transmission of infections among children and cause serious disease, and also present risk of drowning and injury.

- In Minnesota, we are particularly concerned about the potential for the enhanced transmission of *E. coli* O157:H7. This bacteria is passed in stool and is readily transmitted among children when contaminated hands or toys are placed in the mouth or contaminated food or water are consumed. Pools can easily become contaminated with stool.
- Infection with *E. coli* O157:H7 is the primary cause of hemolytic uremic syndrome (HUS), the most common cause of kidney failure in children in this country. This syndrome usually involves prolonged hospital stays and is fatal in up to 5% of cases. During 2000-2001, 4 Minnesota children (ages 1-6 years, all previously healthy) died as a result of HUS.
- Each year several *E. coli* O157:H7 outbreaks are identified in Minnesota in both child care homes and centers. These outbreaks often cause a disruption of parents' schedules and income for the child care provider because infected children need to be excluded from child care until they are no longer carrying the bacteria, which can take as long as 1-2 months. Several other disease-causing agents, including *Giardia*, *Cryptosporidium*, and *Shigella* are also efficiently transmitted in pools. All of these agents can cause severe illness in children and are common in Minnesota. In 2000, hundreds of cases of laboratory-confirmed infectious diseases were reported to the Minnesota Department of Health, including 1,227 persons with *Giardia*, 1,079 with *Campylobacter*, 904 with *Shigella*, 612 with *Salmonella*, 216 with *E. coli* O157:H7, 197 with *Cryptosporidium*, and 197 with viral hepatitis A.
- The transmission of these infections can occur even under the care of the most diligent and thoughtful child care providers as the infections can be spread even with mild symptoms. The Center for Disease Control has more information regarding safe swimming at <http://www.cdc.gov/healthyswimming/faq/swimmers.htm>

Swimming Pools Present the Risk of Drowning or Other Submersion Incidents

- The US Consumer Product Safety Commission (CPSC) warns that young children can drown in small amounts of water, as little as two inches deep. Submersion incidents involving children usually happen in familiar surroundings and can happen quickly, even in the time it takes to answer the phone. In a comprehensive study of drowning and submersion incidents involving children under 5 years old, 77% of the victims had been missing from sight for 5 minutes or less. The Commission notes that toddlers in particular often do something unexpected because their capabilities change daily, and that child drowning is a silent death; there is no splashing to alert anyone that the child is in trouble. The CPSC has more information at <http://www.cpsc.gov/cpsc/pub/prerel/prhtml102/02169.html>
- Primary factors in risk of drowning and near-drowning injury for children are access to pools and supervision. Pool bottoms with steep drop-offs can be a risk to non-swimmers who inadvertently get into deep water. Above-ground pools pose a different risk for drowning than below-ground pools because visibility may be blocked by pool walls, increasing the likelihood of a delay in discovering unsupervised pool use, or pool users in trouble. Also, pool drains can trap hair if not properly

shielded. Many drownings have occurred because of hair entrapment. Fencing may be the biggest factor, however, in controlling unsupervised access to the pool.

- There are National Health & Safety Performance Standards Guidelines for Out-of-Home Child Care Programs for swimming, wading and water at the following web site: <http://nrc.uchsc.edu/national/5-4.html#wq>. These are prepared by the National Child Resource Center for Health and Safety in Child Care, which is funded by the Maternal and Child Health Bureau, US Department of Health and Human Services.

MDH/DHS 6-02

By signing this form, I am acknowledging that I have read the document written by the Department of Human Services and the Department of Health titled: "Fact Sheet: Risks of Swimming Pools at Child Care Homes." I have been given the opportunity to talk with my child care provider about the use of the swimming pool, and I understand the risks associated with the use of a swimming pool by my child(ren) while they receive child care services.

By signing this form, I acknowledge that the provider's pool will not be inspected or monitored by the Department of Health, the Department of Human Services or the county social services agency.

By signing this form, I am acknowledging that I have entered into a contract with my child care provider and that the contract specifies that the provider agrees to perform all of the requirements in Minnesota Statutes section 245A.14, subdivision 10. I understand that the county social services agency will NOT monitor the terms of your contract with the family child care provider.

By signing this form I am acknowledging that I understand that if my child care provider receives a correction order or a conditional license to the supervision or health and safety of children, the provider is then prohibited from allowing children cared for to continue to use the swimming pool located at the home.

_____ I do consent to my child provider's use of the swimming pool with my child(ren).

_____ I do not consent to my child care provider's use of the swimming pool with my child(ren).

Signature of Parent or Guardian

Date

Name(s) of child(ren)

Signature of Child Care Provider

Date

Dear Parent or Legal Guardian:

The 2002 Minnesota Legislature passed a bill that allows portable wading pools to be used by family and group family child care providers when certain requirements are met.

A portable wading pool is defined as a pool with a maximum depth of 24 inches that is capable of being manually emptied and moved.

These portable wading pools may only be used after:

1. The parent or legal guardian of the child has provided written consent to the license holder, and
2. The written consent includes a statement that the parent or legal guardian has received and read the document written by the Department of Human Services and the Department of Health titled: "Fact Sheet: Risks of Wading Pools at Family Child Care Homes."

Please read the Fact Sheet and decide whether or not to permit your child(ren) to use a wading pool while under the care of your family child care provider.

If you have questions about the changes regarding wading pools, please contact your local public health department or the Minnesota Department of Health at (612) 676-5414. If you have questions about child care licensing you should contact your local county Social Services Agency, or you may call the Minnesota Department of Human Services at (651) 296-3971.

After completion, please give this form to your child care provider. Your child care provider will be monitored for compliance with these requirements; and this form will document your decision.

FACT SHEET

RISKS OF WADING POOLS AT CHILD CARE HOMES

The use of wading pools in home child care settings could facilitate the transmission of infections among children and cause serious disease.

Guidelines for out-of-home child care programs have been jointly developed by the American Academy of Pediatrics and the American Public Health Association and published by the National Center for Education in Maternal and Child Health. These guidelines state that "small portable wading pools shall not be permitted" because they do not permit adequate control of sanitation and safety and provide a superior means of transmission of infectious diseases.

In Minnesota, we are particularly concerned about the potential for the enhanced transmission of *E.coli* O157:H7. This bacteria is passed in stool and is readily transmitted among children when contaminated hands or toys are placed in the mouth or contaminated food or water are consumed. Wading pools can easily become contaminated with stool.

Infection with *E.coli* O157:H7 is the primary cause of hemolytic uremic syndrome (HUS), the most common cause of kidney failure in children in this country. This syndrome usually involves prolonged hospital stays and is fatal in up to 5% of cases. During 2000-2001, 4 Minnesota children (ages 1-6 years, all previously healthy) died as a result of HUS.

Each year several *E. coli* O157:H7 outbreaks are identified in Minnesota in both child care homes and centers. These outbreaks often cause a disruption of parents' schedules and income for the child care provider because infected children need to be excluded from child care until they are no longer carrying the bacteria, which can take as long as 1-2 months. Several other disease-causing agents, including *Giardia*, *Cryptosporidium*, and *Shigella* are also efficiently transmitted in wading pools. All of these agents can cause severe illness in children and are common in Minnesota. In 2000, hundreds of cases of laboratory-confirmed infectious diseases were reported to the Minnesota Department of Health, including 1,227 persons with *Giardia*, 1,079 with *Campylobacter*, 904 with *Shigella*, 612 with *Salmonella*, 216 with *E. coli* O157:H7, 197 with *Cryptosporidium*, and 197 with viral hepatitis A.

The transmission of these infections can occur even under the care of the most diligent and thoughtful child care providers as the infections can be spread even with mild symptoms.

Wading Pools Present the Risk of Drowning or Other Submersion Incidents.

The U.S. Consumer Product Safety Commission warns that young children can drown in small amounts of water, as little as two inches deep. Submersion incidents involving children usually happen in familiar surroundings and can happen quickly, even in the time it takes to answer the phone. In a comprehensive study of drowning and submersion incidents involving children under 5 years old, 77% of the victims had been missing from sight for 5 minutes or less. The Commission notes that toddlers in particular often do something unexpected because their capabilities change daily, and that child drowning is a silent death; there is no splashing to alert anyone that the child is in trouble.

By signing this form, I am acknowledging that I have read the document written by the Department of Human Services and the Department of Health titled: "Fact Sheet: Risks of Wading Pools at Family Child Care Homes." I have been given the opportunity to talk with my child care provider about the use of a wading pool, and I understand the risks associated with the use of a wading pool by my child(ren) while they receive child care services.

_____ I do consent to my child care provider's use of a wading pool with my child(ren).

_____ I do not consent to my child use provider's use of a wading pool with my child(ren).

_____	_____	_____
Signature of Parent or Guardian	Date	Name(s) of child(ren)
_____	_____	_____

_____	_____
Signature of Child Care Provider	Date