DEPARTMENT OF HUMAN RESOURCES SOCIAL SERVICES DIVISION ADMINISTRATIVE CODE

CHAPTER 660-5-26
DAY CARE LICENSURE - CHILD CARE LICENSING AND PERFORMANCE STANDARDS FOR DAY CARE CENTERS AND NIGHTTIME CENTERS

TABLE OF CONTENTS

660-5-26-.01	Definitions
660-5-26-.02	Licensing Procedures
660-5-26-.03	Facilities
660-5-26-.04	Child Care Program
660-5-26-.05	Transportation
660-5-26-.06	Staff
660-5-26-.07	Character And Suitability
660-5-26-.08	Administration
660-5-26-.09	Nighttime Centers
660-5-26-.10	Corrective/Adverse Actions
660-5-26-.11	Hearings And Appeals
660-5-26-.12	Required Equipment List
660-5-26-.13	Meal And Snack Patterns (Repealed 4/22/19)

660-5-26-.01 Definitions.

In the context of these regulations, the following definitions apply.

(1) Adult. Any person 19 years of age or older.

(2) Aide. A person who does not meet the qualifications of a child care worker/teacher, works under the direct supervision of a qualified child care worker/teacher and is not counted in the required staff-child ratios.

(3) Bio Contaminants. A living organism or product that can harm animals or humans if inhaled, swallowed or otherwise absorbed into the body.

(4) Character and Suitability. The person maintains business, professional, family, and community relationships which are characterized by honesty, fairness, truthfulness, and concern for the well-being of others to the extent that the person is considered suitable to be entrusted with the care, guidance, and protection of children.

(5) Child. Any person under 19 years of age.

(6) Child Abuse and Neglect. According to the Code of Ala. 1975, Section 26-14-1, abuse is defined as harm or threatened harm to a child's health or welfare. Harm or threatened harm to a child's health or welfare can occur through nonaccidental physical or mental injury, sexual abuse or attempted sexual abuse or sexual exploitation or attempted sexual exploitation. "Sexual abuse" includes the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in any sexually explicit conduct or any simulation of the conduct for the purpose of producing any visual depiction of the conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children as those acts are defined by Alabama law. "Sexual exploitation" includes allowing, permitting, or encouraging a child to engage in prostitution and allowing, permitting, encouraging or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes. Neglect is defined as negligent treatment or maltreatment of a child, including the failure to provide adequate food, medical treatment, supervision, clothing or shelter.

(7) Child Care Worker/Teacher. A person having primary responsibility for the care of a group of children and meeting the specified qualifications, who may be counted in the required staff-child ratio while he/she is giving direct care to the children.

(8) Commissioner. The Commissioner of the Alabama State Department of Human Resources.

(9) Day Care Center. In the context of these regulations, day care shall begin no earlier than 5 a.m. Nighttime care shall begin at 7 p.m. Additional requirements for centers operating after 7 p.m. and for centers operating past midnight can be found in Rule 660-5-26-.09. A day care center is defined in the Code of Ala. 1975, Section 3-7-2, (4) as follows. Any child-care facility receiving more than twelve (12) children for daytime care during all or part of a day. The term includes, but is not limited to, facilities commonly called "child-care centers", "day nurseries", "nursery schools", “pre-kindergartens,” “preschools,” "kindergartens", and "play groups", with or without stated educational purposes. The term further includes, but is not limited to, pre-kindergarten, preschool, kindergarten or nursery schools or other daytime programs operated as a part of a private school and receiving children younger than lawful school age for daytime care for more than four hours a day, with or without stated educational purposes. The term does not include any of the following:

(a) Kindergartens or nursery schools or other daytime programs operated by public elementary systems or

secondary level school units or institutions of higher learning;

(b) Kindergartens or nursery schools or other daytime programs, with or without stated educational purposes, operating no more than four hours a day and receiving children younger than lawful school age.

(c) Kindergartens or nursery schools or other daytime programs operated as a part of a private school and receiving children younger than lawful school age for four hours a day or less, with or without stated educational purposes;

(d) Facilities operated for more than four hours a day in connection with a shopping center or service or other similar facility, where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and readily available; provided, however, that such facilities shall meet local and state fire and health requirements;

(e) Any type of day care center that is conducted on federal government premises; or

(f) Special activities programs for children of lawful school age including, but not limited to, athletics, crafts instruction and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations; provided, however, that local and state fire and health requirements are met.

(10) Department. The State or County Department of Human Resources.

(11) Department's Representative. An employee or designee of the State or County Department of Human Resources, acting as the authorized agent of the Commissioner in carrying out the responsibilities and duties specified in Code of Ala. 1975.

(12) Director or Center Director. The staff person responsible for the day to day operation and management of the center including supervision of the planning and implementing of the children's daily activities and supervision of staff.

(13) Early Intervention Services Staff/Vendors. A person employed by the Alabama Department of Rehabilitation Services or a vendor thereof, who provides direct services to children in licensed centers. Early intervention services may include, but are not limited to, any developmental delay of twenty-five per cent in any developmental area, speech therapy, hearing, vision, physical therapy, occupational therapy, or other

services. Service providers are not considered center staff and are not required to have a record on file at the center. When the services are provided to a child in a licensed child care center, the individual shall present photographic identification verifying employment with the Department of Rehabilitation Services or the Vendor thereof and a copy of their suitability letter documenting that a criminal history background check has been performed and the individual has been determined suitable.

(14) Facility for Child Care or Child-Care Facility. A facility established by any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody, in any facility as defined in this chapter, established and maintained for the care of the children.

(15) Group Size. The term group size is determined by the capacity of the room, age of the child, number of staff, and amount of equipment.

(16) Lawful School Age. For purposes of these regulations, this term includes children who are five (5) years of age on or before September 1, (or the date on which school begins in the enrolling district pursuant to Code of Ala. 1975, §16-28-4) of a given year. This definition corresponds with the minimum age at which a child is entitled to admission to public school kindergarten.

(17) Licensee. Any person, group of persons, or corporation, to whom the license, permit, or approval is issued.

(18) Night Care Facility. A child-care facility which is a center or a family home receiving a child or children for care after 7:00 p.m. Additional requirements for centers operating after 7 p.m. and for centers operating past midnight can be found in Rule 660-5-26-.09.

(19) Nighttime Center. A facility which is established to receive more than 12 children for nighttime care after 7:00 p.m. Additional requirements for centers operating after 7 p.m. and for centers operating past midnight can be found in Rule 660-5-26-.09.

(20) Parent(s)/Guardian(s). The parent(s) or legal guardian(s) or legal custodian, of the child enrolled or in the process of being enrolled in a child care center.

(21) Resource Person. A person who visits the center for the purpose of enhancing the program, has no direct responsibility

for the care of the children, is not counted in the required staff-child ratios, is constantly supervised by staff and is never alone with a child or children.

(22) Special Education Services Staff. Personnel employed by the Alabama Department of Education or local school system who provide special education services to children in licensed centers and are certified teachers or certified therapists. Special education services may include but are not limited to speech therapy, physical therapy, occupational therapy or other services specified in an Individualized Education Plan (IEP). Special Education Services Staff are not considered center staff and are not required to have a record on file in the center. When Special Education Services Staff provide services to a child in a licensed child care center, the individual shall present photographic identification verifying employment with the Department of Education or the local school board and a copy of their suitability letter, documenting that a criminal history background check has been performed by the Department of Education and the individual has been determined suitable.

(23) Staff or Center Staff. Administrative, program, or service personnel, whether paid or unpaid, including the licensee when the licensee is an individual. Special Education Services Staff and Early Intervention Services Staff and Vendors are excluded from this definition, provided they meet the requirements stated in 660-5-26-.01 (12) and (21).

(24) Supervision. Responsibility for each child and accountability for his/her care by giving direct and full attention to the children.

(25) Universal Precautions. Safety procedures established to reduce the spread of infectious disease through blood and bodily fluids.

Author: Zoe Moore/ShunDria Robinson
Statutory Authority: Code of Ala. 1975, as amended (hereinafter referred to as Code), §§38-7-1 through 38-7-18, §§41-22-19, §§38-2-6(10), (12), (13), (15), §§26-14-3, §§26-14-4.
History: **New Rule:** Filed December 18, 2000; effective January 22, 2001. **Amended:** Filed January 4, 2005; effective February 8, 2005. **Amended:** Filed May 11, 2011; effective June 15, 2011. **Amended:** Filed May 8, 2019; effective April 22, 2019. **Amended:** Published July 30, 2021; effective September 13, 2021.

660-5-26-.02 Licensing Procedures.

Authority to Perform Licensing Functions. The Commissioner of the State Department of Human Resources or his/her designee is authorized to perform licensing functions for day care centers and

nighttime centers. Licensing functions may include but are not limited to approval or denial of the issuance of licenses, six month permits, and approvals, renewal of licenses and approvals, inspections, investigations, corrective or adverse actions, suspension and revocation of licenses, six month permits, and approvals.

(1) Application for a License.

(a) Child care (day care or nighttime care) shall not be provided or advertised prior to issuance of a license, six-month permit, or approval.

(b) Any person, group of persons or corporation may obtain an application form for a license to operate a child care center by contacting the Department of Human Resources. (See Code of Ala. 1975, Section 38-7-4)

(c) An application for a license to operate a child care center shall be made to the Department of Human Resources on the required form(s) and shall contain all information requested on the form(s). A separate application shall be submitted for each proposed center.

(d) An application for a license is not transferable from one person, group of persons, or corporation to another or from one location to another.

(e) The Licensing Application Attachment shall be submitted to the Department, on the required form, prior to a license, six-month permit, or approval being issued.

(f) Quality Rating Improvement System

1. The Quality Rating Improvement System (QRIS) is a voluntary program based on a systemic approach to assess, improve, and communicate the level of quality in early care and education programs in the state.

2. Initially, all licensed providers not on an adverse action will be enrolled as a participant in the QRIS program as a Star 1 rated facility. A licensed provider may choose to opt out of the QRIS program by providing the OHR Child Care Services Division written notice within sixty days of the adoption of these standards.

3. If a provider chooses not to participate in the QRIS system, no star rating will be assigned, and the provider will be indicated as a "non-participant".

4. All applicants for a license or for renewal shall indicate on the application in the space provided

whether the applicant chooses to participate in the QRIS program or whether the applicant chooses to be a non-participant in the QRIS program. Participation in QRIS program is voluntarily, and the decision to be a non-participant shall have no effect on the license issued pursuant to these standards. The QRIS Star rating earned by a participating provider shall have no effect on the license issued pursuant to these standards.

5. A provider's decision regarding QRIS participation may only be changed when requested on the next Licensing Renewal Application.

(2) Prohibited Advertisement.

(a) No person, unless licensed or holding a six-month permit, may cause to be published any advertisement which solicits a child or children for care. To solicit a child or children for care means, among other similar actions or terms, to invite, appeal, plead, lure, beg, request, offer, suggest, promote, or implore. Both free and paid advertisement is prohibited. (See Code of Ala. 1975, Section 38-7-12.)

(b) Prohibited advertisement includes, but is not limited to, printed and published material; descriptive literature and aids; speeches, talks, and presentations; flyers; booklets and pamphlets; signs and posters; illustrations and depictions; newspaper, radio, television, magazine, Internet, and other media advertising; letters and direct mail advertising; and any materials used by agents. Prohibited advertisement also includes printed and illustrated material or descriptions on cups, mugs, pens, pencils, or other objects.

(c) The following activity does not constitute prohibited advertisement:

1. Advertisement using a name and address seeking employment applications for staff positions; provided that a license application has been filed with the Department and the advertisement includes the clearly visible phrase, “license application pending.”

2. “Under Construction,” “Renovation,” or “Remodeling” signs (with or without name and address) on the premises; provided that a license application has been filed with the Department and the sign includes the clearly visible phrase, “license application pending.”

3. A market survey to determine the need for child care in a locality. Using the name and address of the business or individual is permitted so long as it does not solicit a child or children for care or promote the business.

(3) Examination and Investigation of the Application.

(a) After receipt of the completed application, a representative of the Department of Human Resources will examine the premises proposed for the center and will investigate the person(s) responsible for the center.

(b) The examination and investigation will be based on the standards and regulations as prescribed and published by the Department.

(4) Disposition of the Application.

(a) When standards for the operation of a center have been met, a license will be issued.

(b) If an application is denied, the Department shall notify the applicant of the decision in writing, indicating the reason(s) for the denial.

(c) The applicant may withdraw the application either verbally or in writing.

(5) Six-Month Permit.

(a) The Department may, at its discretion, issue one six-month permit to allow the applicant/center reasonable time to become eligible for a full license. Before a six-month permit is issued by the Department, all standards shall be met with the exception of one half of the required equipment, indoor and outdoor, for each age group to be served. (See Rule 660-5-26-.12, for Required Equipment Lists.)

(b) The total number of children in the care of the center at any given time, including children on the premises (inside and outside), children in transit, and children on field trips or other center activities, shall not exceed the number specified on the permit.

(c) The age range of the children served shall not vary from the limits specified on the permit.

(d) The permit is not transferable from one person or group of persons or corporation to another, nor from one building or location to another.

(e) During the six-month permit period, the initial application for a license remains pending. A two year license will be issued when the center meets standards.

(f) If the application is denied for failure to meet standards during the six-month permit period, the center shall not continue to operate.

(6) Renewal of a License.

(a) Application for renewal of a license to continue operating a child care center shall be made to the Department at least thirty (30) calendar days prior to the expiration date of the current license, and shall be on the required form(s). It is the sole responsibility of the licensee to obtain the required form(s) and to submit the form(s) to the Department on time.

(b) A renewal of a license shall be issued, if, upon investigation and re-examination, the child care center continues to meet and maintain standards prescribed and published by the Department.

(c) If, upon inspection and re-examination, standards are not met, appropriate corrective or adverse action shall be instituted. (See Rule 660-5-26-.10, for additional information.)

(d) The center's license continues in effect until a decision is made by the Department on the application for renewal, provided that the application for renewal is timely (received at least thirty (30) calendar days prior to the expiration date of the current license) and sufficient (complete and accurate). (Code of Ala. 1975, Section 41-22-19.)

(e) If the application for renewal is not timely (not received at least thirty (30) calendar days prior to the expiration date of the current license) and sufficient (not complete and accurate), the center's license will expire on the expiration date shown on the license. If the licensee continues to operate the center after the expiration date, the licensee will be reported to the District Attorney and the Attorney General for operating an unlicensed child care facility.

(7) Department Visits, Inspections, Investigations, Examinations, and Consultation.

(a) Visits to the center are made by representatives of the Department to determine if minimum standards are met, to investigate a complaint and to offer consultation.

(b) Pre-licensing visits may be made by a department representative to determine compliance with standards. Pre-licensing visits may be made by appointment.

(c) Annual visits made for the purpose of determining compliance with standards or investigating a complaint shall be made without prior notice.

(d) The applicant/licensee may request consultation.

(e) The licensee shall be informed of complaints of alleged licensing violations made to the Department against the center/licensee.

(f) The licensee/center staff shall not be informed of the identity of the complainant by the Department.

(8) Provisions of the License, Six-month Permit, or Approval.

(a) Licenses issued by the Department to day care centers and nighttime centers are valid for two years, as shown on the license, unless revoked or suspended by the Department or voluntarily surrendered by the licensee.

(b) The total number of children in the care of the center at any given time, including children on the premises (inside and outside), children in transit, and children on field trips or other center activities, shall not exceed the number specified on the license, permit, or approval.

(c) The age range of the children served shall not vary from the limits specified on the license, permit, or approval.

(d) The license, permit, or approval is not transferable from one person or group of persons or corporation to another, nor from one building or location to another.

(e) The Department and its authorized representatives shall have the right to inspect:

1. any child care facility seeking a license;

2. any child care facility seeking renewal of a license;

3. any child care facility which is operating under a license or six-month permit or approval.

4. Such inspection shall be made at any reasonable time, without prior notice, and may include the entire facility and grounds. Prelicensing visits may be made by appointment.

(f) The Department shall have the right to immediately suspend, limit, or restrict the license, permit, or approval of a child care facility when conditions hazardous to the health and safety of the children exist, including but not limited to:

1. The right to restrict, limit, or suspend specific activities provided by the child care facility, such as but not limited to: away-from-facility activities; transportation of the children; swimming.

2. The right to restrict or limit the use of specific areas of the facility, such as but not limited to: outdoor play areas; bathrooms; rooms/activity areas used by the children.

3. The right to reduce the licensed, permitted, or approved capacity of the facility due to restricted use of required space or bathroom facilities or lack of qualified staff to meet required staff-child ratios. (See Rule 660-5-26-.03 and Rule 660-5-26-.04, for requirements.)

Author: Zoe Moore/ShunDria Robinson
Statutory Authority: Code of Ala. 1975, as amended (hereinafter referred to as Code), §§38-7-1 through 38-7-18, §§41-22-19, §§38-2-6(10), (12), (13), (15), §§26-14-3, §§26-14-4.
History: **New Rule:** Filed December 18, 2000; effective January 22, 2001. **Amended:** Filed January 5, 2004; effective February 9, 2004. **Amended:** Filed March 8, 2019; effective February 22, 2019. **Amended:** Published July 30, 2021; effective September 13, 2021.

660-5-26-.03 Facilities.

(1) Fire Inspection. Prior to being issued an initial license, six-month permit, or approval, the applicant shall submit a written fire department inspection report, with no violations cited, to the Department of Human Resources. Subsequent inspections may be requested by the licensee, center director, or by the Department of Human Resources and must be updated at a minimum of every five (5) years. Volunteer Fire Department approvals and/or inspections will not be accepted. Copies of such inspection reports shall be submitted to the Department. Copies shall also be posted in the center.

(2) Health Inspection. Prior to being issued an initial license, six-month permit, or approval, the applicant shall submit a written health department inspection report to the Department of Human Resources. If food is prepared at the center, a copy of a current health department food permit shall also be submitted. If food is not prepared at the center, but is served by the center, the applicant shall obtain written approval of the food service plan from the health department, if available, and submit a copy of this approval to the Department of Human Resources. Subsequent inspections may be requested by the licensee, center director, or by the Department of Human Resources. Copies of such inspection reports shall be submitted to the Department. Copies shall also be posted in the center.

(3) Zoning Approval. Prior to being issued an initial license, six-month permit, or approval, the applicant shall submit a written statement of compliance with applicable zoning requirements to the Department. If no zoning laws or ordinances are applicable, the applicant shall submit a written statement verifying he/she has checked with the local governing authority and there are no applicable zoning laws or ordinances.

(4) Indoor Area.

(a) Exclusive use. Activity areas to which the children in care are assigned shall be used exclusively by the children during operating hours. When lunchroom facilities are shared with other groups, children receiving center care shall be seated together, apart from other groups.

(b) Space per child. There shall be at least 32 square feet of indoor activity space for each child. Bathrooms, kitchens, isolation room, office, halls used as passageways, and storage areas shall not be considered when computing activity space.

(c) Space for groups. Designated areas of indoor activity space shall be provided for each grouping of children. (See Rule 660-5-26-.04, for requirements regarding grouping of children.)

(d) Bathroom facilities.

1. Location. Bathrooms shall be located on the same floor level and under the same roof as activity areas.

2. Number of fixtures:

(i) at least one flush toilet for every 15 children;

(ii) at least one handwashing sink for every 15 children;

(iii) at least one tub (portable plastic type acceptable) per center.

3. Size of fixtures. The toilets and handwashing sinks used by the children shall be child size in height, or shall be adjusted for easy use with sturdy platforms, seat adapters, or both, as needed.

(e) Diapering facilities. One handwashing sink with warm running water, soap, and disposable paper towels, shall be located in each room where children are diapered. (See Rule 660-5-26-.04, regarding staff coverage and supervision of the children.)

(f) Space for ill or injured children. Space shall be provided for a child who becomes ill or is injured at the center. Items used by an ill child shall be disinfected before being used by another child.

(g) Storage space for children and staff.

1. Each child shall have individual, labeled storage space. For children age 2½ years and older, the space shall be at child level.

2. Shelving, accessible to the children, shall be provided for the play equipment and supplies, in areas used by children.

3. Storage space shall be provided for storage of teacher's supplies and reserve equipment.

4. Shelving that can be tipped over by an adult shall be securely anchored, so that it does not pose a risk to children.

(h) Office space shall be provided for storage of records and to afford privacy for conferences.

(i) Ventilation, lighting, and heating in areas used by children.

1. Heating and air conditioning shall be provided as appropriate to the season. Currently licensed centers that do not have air conditioning shall provide air conditioning by August 31, 2003.

2. The temperature shall be maintained between 68 and 82 degrees Fahrenheit.

3. There shall be a thermometer in each area used by the children to monitor the temperature of the area. Thermometers shall be safe for children (no glass, mercury, or other hazardous material).

4. Outside windows that are opened shall be securely screened.

5. Outside doors shall be kept closed.

6. Lighting shall be maintained at a level that will enable the children to participate in center activities.

7. During napping/resting, lighting shall be maintained at a level that will enable children to be visible.

(j) There shall be an operational telephone in the center for center business only. The Department shall be notified if the center's telephone is out of service. The Department shall be notified of any change in the center's telephone number.

(k) Hazard prevention.

1. The center shall be free from apparent hazardous conditions.

2. All flammable, poisonous and other hazardous substances and materials (including but not limited to anything that states "keep out of the reach of children") shall be kept under lock and key or combination lock. All containers shall be labeled with the name of the substance or material it contains.

3. No firearms or ammunition shall be kept or allowed in the center with the exception of law enforcement officers.

4. Stairways used by the children shall have hand railings within child's reach.

5. Clear glass doors shall be plainly marked at child level, to avoid accidental impact.

6. Medicines and drugs for children or staff shall be kept under lock and key or combination lock, in a separate location away from toxic chemicals and other harmful items. (See Rule 660-5-26-.04, for additional requirements regarding medication.)

7. Barriers shall be erected around radiators, heaters, and fans that are accessible to the children.

8. Exposed electrical outlets shall have protective covers. The covers shall be large enough to prevent being swallowed.

9. Consumption or possession of alcohol or use of non-prescription narcotic or illegal substances is prohibited on the center premises, as well as any vehicle used by the center.

10. Smoking or tobacco usage is prohibited on the center premises, as well as any vehicle used by the center (including but not limited to cigarettes, cigars, pipes, and electronic cigarettes).

11. Bio contaminants shall be:

(i) If stored inside the facility, must be disposed of in covered, plastic lined receptacle stored in a locked area. The container must be labeled as bio contaminants:

(ii) If stored outside the facility, must be disposed in a leak proof plastic bag that can be sealed and placed in a covered receptacle

(5) The center shall be clean.

(a) Cleaning shall be done daily. Floors and bathroom fixtures shall be cleaned and disinfected daily or more often as needed. Carpets shall be vacuumed daily.

(b) Cleaning shall not interfere with children's activities.

(c) Spills of body fluids, including blood, feces, nasal and eye discharges, saliva, urine, and vomit shall be cleaned up immediately. Staff shall wear gloves. Staff shall be careful not to get any of the fluid in their eyes, nose, mouth, or any open sores. Staff hands must be washed with soap and water after cleaning up spills.

(d) Staff shall clean and disinfect any surfaces, such as countertops and floors, on which body fluids have been spilled. Contaminated materials shall be discarded in a plastic bag that has been securely sealed and placed in the appropriate bio contaminant receptable.

1. Mops used to clean up body fluids should be:

(i) cleaned;

(ii) rinsed with a disinfecting solution;

(iii) wrung as dry as possible;

(iv) and hung to dry completely.

2. Contaminated rugs and carpets should be blotted as soon as possible to prevent the contaminants from penetrating through the surface to lower layers. Next, the area should be cleaned and sanitized.

(e) Contaminated Clothing

1. Contaminated clothing items may be sent home in a sealed, plastic bag that is labeled with the child's name and stored in an area that is not accessible to children.

2. If the center chooses to wash the contaminated items, the items must be washed separately from non-contaminated items.

(6) Outdoor Area.

(a) For centers licensed, permitted, or approved after January 22, 2001, an off-street area for loading/unloading children shall be provided.

(b) For centers licensed, permitted, or approved after January 22, 2001, outdoor play area per child shall be:

1. In centers with a licensed, permitted, or approved capacity of less than 60 children, there shall be at least 60 square feet of outdoor play area for each child;

2. In centers with a licensed, permitted or approved capacity of 60 or more children, there shall be at least 60 square feet of outdoor play area for each child for at least one-half of the center's licensed, permitted, or approved capacity.

(c) Separate play areas shall be provided for children younger than age 2½ years. This may be achieved by scheduling alternate play periods.

(d) Outdoor play areas shall adjoin, or be safely accessible to, the indoor area.

(e) Outdoor play areas on the premises shall be enclosed by a fence or wall at least four (4) feet in height. The fence or wall shall be free from sharp protruding edges. Gates shall be secured.

(f) Shade structure and sun areas shall be provided.

(g) The outdoor play area and equipment shall be free of apparent hazardous conditions.

1. Concrete or asphalt shall not be used under outdoor playground equipment, except wheel toys. Department approved exceptions may be requested by the facility. The facility must provide documentation of Occupational Health and Safety Administration (OSHA) approval.

2. The outdoor play area shall be well-drained.

3. Playground equipment which is not designed to be portable shall be securely anchored so that it cannot be tipped over by an adult.

(h) Stairways or steps used by the children shall have hand railings within child's reach.

(7) Swimming and Wading at the Center.

(a) Parent(s)/guardian(s) permission. Written permission signed by each child's parent(s)/guardian(s) shall be on file in the center for each child participating in swimming or wading activities.

(b) Pools two (2) feet or more in depth.

1. A lifeguard shall be at poolside at all times the pool is in use. Each lifeguard shall have a current American Red Cross Lifeguard Training Certificate, a current First Aid Certificate, and current Infant-Child (Pediatric) Cardiopulmonary Resuscitation Certification (CPR). A copy of each certificate shall be on file in the center.

2. The lifeguard shall not be counted in the staff-child ratio for children in the pool.

3. The staff-child ratio for children in the pool shall be:

(i) 1 staff for each child younger than 2 ½ years of age;

(ii) 1 staff for every 4 children ages 2 ½ years up to 4 years;

(iii) 1 staff for every 6 children ages 4 years up to 6 years;

(iv) 1 staff for every 10 children ages 6 years and older.

Ages	**Staff to Child Ratio**
0 up to 2½ years	1 to 1
2½ years up to 4 years	1 to 4
4 years up to 6 years	1 to 6
6 years and older	1 to 10

4. Ratios shall be determined by the age of the youngest child in the pool.

5. Persons counted in the staff-child ratios for children in the pool shall meet child care worker qualifications, and shall be in the pool at all times.

6. In addition to the lifeguard and persons counted in the staff-child ratios for children in the pool, staff meeting child care worker qualifications shall be

provided to supervise any child or children in the enclosed pool area (inside the fence), but not in the water. Required staff-child ratios as stated in Rule 660-5-26-.04, shall be met for children not in the water.

7. If any part of a child's body is in the water, the child shall be considered to be in the pool and shall be counted in the staff-child ratios for children in the pool.

8. Pools (above-ground or in-ground) shall be enclosed with a fence or a solid wall with no doors or, windows. The fence or wall shall be at least four (4) feet in height, and shall be constructed to prevent accessibility by children. The sides of an above-ground pool shall not be considered a fence or wall. Gates and all other access areas shall be locked when the pool is not in use.

(c) Wading structures less than 2 feet in depth.

1. There shall be at least one (1) staff person with a current Infant-Child (Pediatric) Cardiopulmonary Resuscitation Certification (CPR) and a current First Aid Certificate, present at each wading structure at all times children are in the wading area. A copy of the CPR and First Aid Certificates or Certifications shall be on file in the center. Required staff-child ratios as stated in Rule 660-5-26-.04, shall be met at all times.

2. There shall be at least two (2) staff at each wading structure at all times it is in use. Staff supervising children shall be within arm's length providing "touch supervision".

3. Clean water shall be provided each day.

4. The wading structure shall be emptied when not in use.

(8) Away from center activities.

(a) Note: The Department of Human Resources does not inspect away-from-center activities, including swimming or transportation or any other activities. The licensee shall assume full authority and responsibility for activities away from the center.

(b) If the center provides activities away from the center, a written statement, signed by each child's parent(s)/ guardian(s), shall be on file in the center prior to the child's participation in such activities. The statement shall indicate that the parent(s)/guardian(s) has/have been informed that the Department of Human Resources does not inspect

activities provided away from the center and that the licensee assumes full responsibility for such activities.

(9) Furnishings and Equipment.

(a) Size. The furniture and equipment shall be appropriate for the age and size of the children.

(b) Condition.

1. Equipment and furniture shall be in operative condition, free of sharp, loose, or rusty parts.

2. Equipment and furniture shall be easily cleaned and kept in a clean and safe condition.

3. Equipment and furniture used by infants and toddlers shall be free of small parts that could be swallowed.

4. Equipment and furniture made of easily breakable materials shall not be used.

(c) Amount and type of furnishings to be provided by the center.

1. There shall be table space for each child who is able to sit at the table.

2. There shall be a straight chair, with a back, without arms, for each child who is able to use a chair. Children's desks are prohibited.

3. A feeding chair or an age appropriate chair and table shall be provided when children are eating.

4. There shall be a crib, manufactured with slats no more than $2^{3}/8$ inches apart, provided for each infant. Each crib shall have a firm, waterproof mattress that fits snugly against all sides of the crib. Mattresses shall be in good condition with no tears or exposed foam rubber or other stuffing material. Stacked cribs or multiple crib units are prohibited.

5. In accordance with the U.S. Consumer Product Safety Improvement Act of 2008, any crib provided by child care facilities and family child care homes must meet new and improved federal safety standards.

(i) To verify compliance with the federal standards for all cribs, there shall be a certificate of compliance on file in the center and the crib must have a label attached showing the date of manufacture.

(ii) Any crib manufactured after June 28, 2011, must have a label attached to show date of manufacture.

6. There shall be a washable cot for each toddler and preschool child and any school-age child who naps. (See Rule 660-5-26-.04, for information on Napping/Resting requirements.)

(d) Arrangement. For each group of children, indoor equipment and furnishings shall be arranged in an orderly manner, in designated activity areas.

(e) Amount and type of equipment to be provided by the center.

1. The amount and type of equipment shall be determined and supplied for each age group according to Rule 660-5-26-.12, the Required Equipment List. (Substitutions of equipment may be considered by the Department upon written request.)

2. With written approval from the Department, stated pieces of equipment may be shared by no more than two groups of children.

3. Equipment shall be available for and used by the children.

4. Equipment shall be kept in clean and safe condition.

Author: Zoe Moore/ShunDria Robinson
Statutory Authority: Code of Ala. 1975, as amended (hereinafter referred to as Code), §§38-7-1 through 38-7-18, §§41-22-19, §§38-2-6(10), (12), (13), (15), §§26-14-3, §§26-14-4.
History: **New Rule:** Filed December 18, 2000; effective January 22, 2001. **Amended:** Filed April 4, 2002; effective May 9, 2002. **Amended:** Filed October 3, 2002; effective November 7, 2002. **Amended:** Filed May 6, 2003; effective June 10, 2003. **Amended:** Filed November 2, 2007; effective December 7, 2007. **Amended:** Filed December 20, 2012; effective January 24, 2013. **Amended:** Filed March 8, 2019; effective April 22, 2019. **Amended:** Published January 31, 2020; effective March 16, 2020. **Amended:** Published July 30, 2021; effective September 13, 2021.

660-5-26-.04 Child Care Program.

(1) Staffing.

(a) Required ratios as stated in 660-5-26-.04, shall be maintained at all times. (Note: specific ratios are required for swimming or wading activities (see 660-5-26-.03, (6)); napping/resting time (see 660-5-26-.04(1)(b)8); transportation

(see 660-5-26-.05(2)(e)), and nighttime care (see 660-5-26-.09(2)(a)).

1. Staff-child ratio shall be:

Age	Staff to Child Ratio
0 up to 18 months	1 to 5
18 months up to 2 ½ years	1 to 7
24 months up to 36 months	1 to 8
2 ½ years up to 4 years	1 to 11
4 years up to school age*	1 to 18
School age* up to 8 years	1 to 21
8 years and older	1 to 22

**The term "school age" in this context refers to children of lawful school age as defined in 660-5-26-.01(13), who are enrolled in public or private school.*

***The term "group size" is determined by the capacity of the room, age of the child, number of staff, and amount of equipment as defined in 660-5-26-.01(14).*

2. Children younger than age 2½ years shall be grouped separately from children older than 2½ years of age. An exception for a group of children, ages 24 months to 36 months, with the ratios indicated above is allowed. Other exceptions may be permitted with written approval from the Department representative. Such exceptions would allow children to be grouped based on individual children's needs.

3. When children of different ages are grouped together (multiple age grouping), staff-child ratio shall be according to the age of the youngest child in the group if more than 20% of the children are in the youngest age category. If children in the youngest age category make up 20% or less of the group, staff-child ratio shall be according to the next highest age category.

4. A staff person shall be counted in the staff-child ratio only if he/she meets child care worker qualifications and he/she is giving full attention to the direct supervision of the children.

(b) Staff Coverage shall be determined by the following:

1. All children shall have staff supervision at all times.

2. Each staff person giving care to infants and toddlers shall be assigned the responsibility of caring for the same infants/toddlers daily, except in the absence of the regularly assigned child care worker.

3. When a regular staff person is absent, there shall be a substitute present in order to maintain the required staff-child ratios. (See Rule 660-5-26-.04(1)(a), for requirements.)

4. The director shall be authorized to conduct center business and to make decisions regarding the operation of the center.

5. If the director is absent, a staff person, meeting at least child care worker qualifications shall be designated as the responsible person in charge and shall be authorized to conduct center business and to make decisions regarding the operation of the center.

6. The name of the director or staff person in charge shall be posted in a conspicuous place in the center.

7. At least one staff person meeting child care worker qualifications shall be present in each room where children are napping/resting. The staff person shall be able to see all the children in the room.

8. Staff-child ratio during napping/resting time shall be as follows:

Age	**Staff to Child Ratio**
0 up to 18 months	1 to 5
18 months up to 2 ½ years	1 to 14
2 ½ years and older	1 to 36

9. At least two (2) staff who are at least 18 years of age, who meets child care worker qualifications and has a current Infant-Child (Pediatric) Cardiopulmonary Resuscitation Certificate (CPR) and a current First Aid Certificate shall be present during all hours of operation.

10. There shall be a second staff person, age 18 or older available in the center building or on the premises, whenever seven (7) or more children are present. **Required staff-child ratios shall be met at all times. Children younger than age 2½ years shall be grouped separately from children older than 2½ years of age.**

11. No staff person shall be on duty with the children for more than eight (8) continuous hours, on a regular basis.

12. Staff persons shall be free from all other duties during the hours they are working directly with the children.

(2) Infant/Toddler Daily Program.

(a) Learning/growth activities.

1. Infants/toddlers shall be encouraged to play with and handle a variety of toys.

2. Infants/toddlers shall spend time outdoors daily, when weather permits.

(i) Infants (Birth-12 Months) should be taken outside two (2) to three times daily as tolerated.

(ii) Toddlers (13 Months-2 Years) should be allowed 60 to 90 total minutes of outdoor play daily.

3. Infants/toddlers shall have daily indoor opportunities for freedom of movement, outside their cribs, in an open, uncluttered space.

4. In accordance with recommendations from the American Academy of Pediatrics, each infant younger than twelve (12) months shall be placed in a prone (front) position part of the time he/she is awake and observed. "Tummy time" helps muscle development and reduces the tendency of back positioning to flatten the back of the infant's head.

5. Infants should not be seated for more than 15 minutes at a time, except during meals or snacks. Infant equipment such as swings, stationary activity centers, infant seats (i.e. bouncers) and molded seats should only be used for short periods at a time. The least restrictive environment should always be encouraged.

6. The staff shall talk to each infant/toddler often and encourage him/her to respond.

7. Cries of infants/toddlers or other signs of distress shall be investigated immediately.

8. Infants/toddlers shall be handled gently. Staff shall support each infant's head while lifting and holding the infant. Rough or harsh handling is prohibited, including but not limited to: shaking, lifting or jerking by one or both arms; pushing; pulling; forcing or restricting movement; lifting or moving by grasping clothing; covering an infant's/toddler's mouth, face; or head; etc.

9. Eliminate screen time (TV, movies, cellphones, video games, computers, and other digital devices for children under two (2) years old.

10. A variety of indoor and outdoor experiences shall be available. These experiences must include 60 minutes of moderate and vigorous physical activity daily for full day programs and 30 minutes for half day programs. These activities shall build bone and muscle strength, and increase the heart rate and breathing rate by running, climbing, dancing, skipping and jumping.

11. A daily schedule which includes a minimum of 60 minutes of moderate to vigorous active play and physical activities indoors and outdoors must be posted in each toddler room.

(b) Diapering/toileting

1. Sufficient clean, dry diapers and clothing shall be provided for each infant/toddler.

2. Wet or soiled diapers and other clothing shall be changed promptly.

3. Diapers and other soiled or wet clothing shall be changed in each child's crib or on a changing area that is cleaned and disinfected after each use.

4. No infant/toddler shall be left unattended while being diapered.

5. No infant/toddler shall be diapered on the floor.

6. Each child's hands shall be washed after diapering.

7. Staff shall use universal precautions when changing diapers or being exposed to blood, fecal materials, or urine.

8. Each staff person shall wash his/her hands with soap and warm running water before and immediately after diapering each child and after contact with bodily fluids, including wet or soiled diapers, runny noses, spit, vomit, etc. Individual disposable paper towels shall be used for hand drying.

9. Each staff person shall use single-use disposable gloves for diapering each child. Clean gloves shall be used for each diaper change. Used gloves shall be disposed of in a covered, plastic-lined container, inaccessible to children, and shall be disposed of daily. Each staff person shall wash his/her hands with soap and warm running water after diapering each child. Individual disposable paper towels shall be used for hand drying.

10. Wet or soiled diapers shall be placed in a covered, plastic-1ined, container, inaccessible to children, and shall be disposed of daily.

11. Individual, disposable wipes and gloves shall be used at each diaper change. Soiled wipes shall be placed in a covered, plastic-1ined container, kept out of the reach of children, and disposed of properly.

12. Potty chairs, if used, shall be emptied and rinsed and disinfected after each use.

13. Diapering areas shall be separate from food service and food preparation areas.

(c) Napping/resting

1. Each infant shall be allowed to form his/her own pattern of sleeping and waking.

2. In accordance with recommendations from the American Academy of Pediatrics, unless the infant has a note from a physician specifying otherwise, each infant younger than twelve (12) months, shall be placed in a supine (on his/her back) position for sleeping to lower the risks of Sudden Infant Death Syndrome (SIDS).

3. In accordance with recommendations from the American Academy of Pediatrics, when an infant can easily turn over from the supine (back) to the prone (front) position, he/she shall be put down to sleep on his/her back, but allowed to adopt whatever position he/she prefers for sleep.

4. In accordance with recommendations from the American Academy of Pediatrics, unless a physician specifies the need for a positioning device that restricts movement within the child’s bed, such devices shall not be used.

5. The staff shall recognize differing needs of a toddler for sleep/rest and each child shall be allowed to follow his/her own sleep/rest pattern.

6. At least one staff person shall be present in each room where children are napping/resting. The staff person shall be able to see all the children in the room.

(d) Cribs, cots, and bedding

1. Placement of cribs shall allow a minimum of two (2) feet of space between occupied cribs.

2. Cots shall be positioned to allow space for staff access to the children and to allow space for safe exit in case of emergency.

3. Cribs and cots used by infants/toddlers shall be cleaned and disinfected and the sheets and coverings washed before being used by another child.

4. For infants, clean bottom sheets shall be provided daily, or more frequently as needed when wet or soiled. Crib sheets shall fit the mattress snugly.

5. In accordance with recommendations from the American Academy of Pediatrics, soft materials are prohibited in the infant’s sleeping environment (younger than (12) months).

(i) Soft materials or objects, such as pillows, quilts, comforters, or sheepskins, shall not be placed under a sleeping infant.

(ii) Soft objects, such as pillows, quilts, comforters, bumper pads, sheepskins, stuffed toys, and other gas-trapping objects shall be kept out of the infant’s sleeping environment.

(iii) No infant shall be put to sleep on a sofa, soft mattress, or other soft surface.

6. For toddlers, clean bottom sheets and top coverings shall be provided at least once each week or more frequently as needed when wet or soiled.

(e) Feeding

1. Food

(i) If formula and foods for infants are provided by the center, this shall be planned with the infant's parent(s)/guardian(s) or by the child's physician with the parent(s)/guardian(s) knowledge and consent.

(ii) If the center provides formula for infants, commercially prepared, ready-to-feed formula shall be provided. All formula, bottles, nipples, and other equipment used in bottle preparation shall be prepared, handled, and stored in a sanitary and sterile manner.

(iii) Bottles and food for infants shall be served according to parental request. If a parent requests bottles to be warmed, they should be warmed under running warm tap water, using a commercial bottle

warmer, a slow cooking device, or by placing them in a container of warm water. Bottles should never be warmed in a microwave. Warming devices and dangling cords should not be accessible to children.

(iv) Meals and snacks provided by the center for infants/toddlers shall comply with U.S.D.A. food requirements.

(v) If formula, is provided by the parent(s)/ guardian(s), it shall be sent ready to feed and labeled with the child's name and stored in the refrigerator. All bottles shall be sent home or the contents discarded at the end of the day.

(vi) Expressed human milk should be sent in a bottle or container that is properly labeled with the infant' s full name and date and should only be given to the child specified. Parents must provide written instructions on how to prepare, store, and use the expressed human milk. Unused breast milk should be returned to the parent in the bottle or container. Infant formula for a breastfed infant should only be used with parental consent.

(v) If food for infants/toddlers is provided by the parent(s)/guardian(s), all jars/containers shall be labeled with the child's name. No previously opened jars of baby/toddler food shall be accepted by the center. All opened jars/containers shall be sent home or discarded at the end of the day.

(vi) As a toddler's eating patterns change from those of an infant to those of a preschool child, the regulations for preschool feeding shall apply.

(vii) Small hard candies and nuts shall not be served to children younger than four years of age.

(viii) Foods with a shape and consistency that may cause choking shall be prepared appropriately for the age and ability of the child. The following foods shall be served only under close supervision: peanut butter; popcorn; small pieces of raw vegetables; raisins; seeds; grapes (cut in half); foods with bones, meats (cut in pieces small enough to prevent choking); and hot dogs (cut length-wise, then chopped in small pieces, not cut in circular pieces).

2. Service and serving equipment.

(i) The feeding schedule shall be in accordance with each infant's/toddler's needs rather than according to the hour.

(ii) Each infant shall be held for bottle feeding. No bottles shall be propped.

(iii) When an infant is able to sit in a chair or feeding table, he/she shall be allowed to do so.

(iv) Each toddler shall be seated while eating.

(v) Each infant/toddler shall be encouraged to experiment with self-feeding with his/her hands or a spoon. Utensils shall be provided for each child who feeds himself/herself. Disposable utensils and disposable cups shall be used only under close supervision.

(vi) Each infant's/toddler's solid foods shall be fed/eaten from a dish.

(vii) Dishes and bottles used shall be unbreakable.

(viii) Drinking water with no added sweeteners or carbonation shall be readily available in indoor and outdoor areas to each toddler throughout the day.

(ix) No infant/toddler shall be forced or bribed to eat.

(x) Food shall not be used as a punishment or reward.

(xi) Food service and food preparation areas shall be separate from diapering areas.

3. Face and hand washing.

(i) Each child's hands shall be washed with soap and running water before and after snacks and meals, and after toileting and diapering.

(ii) Each staff person shall wash his/her hands with soap and warm running water before food preparation or service, after assisting with toileting, and after any contact with bodily fluids, including wet or soiled diapers runny noses, spit, vomit, etc.

(iii) Each staff person shall wash his/her hands with soap and warm running water before and after diapering each child.

(iv) Each staff person shall use single-use disposable gloves for diapering each child. Clean gloves shall be used for each diaper change. Used gloves shall be disposed of in a covered, plastic-1ined container, inaccessible to children, and shall be disposed of daily.

(v) Individual paper towels shall be supplied for each washing and drying.

(3) Preschool/School-age Children - Daily Program.

(a) Learning/growth activities.

1. There shall be a posted schedule of the day for each group of children. The schedule shall include a minimum of 60 minutes of moderate to vigorous active play and physical activities indoors and outdoors for each preschool classroom.

2. A variety of indoor and outdoor experiences shall be available. These experiences must include 60 minutes of moderate and vigorous physical activity daily for full day programs and 30 minutes for half day programs. These activities shall build bone and muscle strength and increase the heart rate and breathing rate by running, climbing, dancing, skipping, and jumping.

3. Pre-school and school-age children shall spend time outdoors daily when weather permits. Preschoolers should be allowed 60 - 90 minutes of outdoor play.

4. The staff shall permit/encourage conversation among children, including during meal and snack time.

5. The staff shall give individual attention to each child daily, such as conversation between staff and child.

6. Radio, television, and videos shall be used only when they supplement and enhance the daily plan for the children. No child shall be required to watch television or videos. All materials shall be previewed by a staff person to ensure their appropriateness for the age of the children. Sexually explicit, violent, or frightening materials are prohibited.

7. Children shall be handled gently. Rough or harsh handling is prohibited, including but not limited to: shaking; lifting or jerking by one or both arms; pushing; pulling; forcing or restricting movement; lifting or moving by grasping clothing; covering a child’s head or face; etc.

8. For children over two (2) years old, limit screen time to less than 30 minutes per day for children in half day programs and to less than one (1) hour per day for those in full day programs. Screen time shall only be used for educational purposes or physical activity.

(b) Napping/resting

1. The staff shall recognize differing needs of children for sleep/rest.

2. A supervised rest period shall be scheduled for preschool children who are in attendance at the center for more than five (5) hours.

(i) The rest period shall not be less than 45 minutes and shall not exceed 2½ hours.

(ii) Any child who does not sleep after 45 minutes of rest shall be permitted to engage in quiet activities.

(iii) School age children shall not be required to nap.

3. Cots and bedding

(i) Cots shall be cleaned and clean bottom and top sheets/covers provided before the cot is used by another child.

(ii) Clean sheets/covers shall be provided at least once each week or more frequently as needed when wet or soiled.

(iii) Cots shall be positioned to allow space for staff access to the children and to allow space for safe exit in case of emergency.

4. At least one staff person shall be present in each room where children are napping/resting. The staff person shall be able to see all the children in the room.

(c) Toileting.

1. Children's toileting shall be according to each child's needs. Each child's hands shall be washed with soap and running water after toileting.

2. Staff shall use universal precautions when changing diapers or being exposed to blood, fecal material, or urine.

(d) Feeding

1. Food.

(i) Children in attendance shall be served breakfast or a morning snack, a nutritious midday meal, and at least one afternoon snack.

(ii) Meal and snack components and serving sizes shall comply with U.S.D.A guidelines.

(iii) Breakfast, if served, shall include at least the following: fruit and/or vegetable; whole grain rich or enriched bread or bread product; and fluid milk.

(iv) Snacks shall include at least two of the following four choices: fluid milk; meat or meat alternate; fruit and/or vegetable; whole grain rich or enriched bread or bread products.

(v) Meals shall include at least the following: meat or meat alternate; vegetables/fruits (one vegetable and one fruit); whole grain rich or enriched bread or bread product; and fluid milk.

(vi) Fluid (liquid) milk shall be served. No powdered milk shall be served for drinking.

(vii) No child shall be deprived of a meal or snack if he/she is in attendance at the time the meal or snack is served.

(viii) Meals and snacks for children with special dietary needs shall be provided in accordance with the child's needs and written instructions of the child's parent(s)/guardian(s) or a licensed physician.

(ix) Menus for meals and snacks shall be planned in advance, dated and posted where they may be seen by the parent(s)/guardian(s). Menus shall include a variety of foods. Food substitutions shall be noted on the menu.

(x) Meals and snacks shall be provided by the center. When a parent(s)/guardian(s) chooses to provide food for their child, a written signed statement indicating this shall be on file in the center.

(xi) Vending machines shall be prohibited in areas used by the children.

(xii) Small hard candies and nuts shall not be served to children younger than four years of age.

(xiii) Foods with a shape and consistency that may cause choking shall be prepared appropriately for the age and ability of each child. The following foods shall be served only under close supervision: peanut butter; popcorn; small pieces of raw vegetables; raisins; seeds; grapes (cut in half); foods with bones, meats (cut in pieces small enough to prevent choking); and hot dogs (cut length-widse, then chopped in small pieces, not cut in circular pieces).

2. Service and serving equipment.

(i) Portions of food served shall be suited to the child's age and appetite. Second portions shall be available.

(ii) Unbreakable or single-use disposable dinnerware shall be used.

(iii) Single-use cups or glasses or drinking fountains shall be supplied for water service during the day. A common drinking container shall not be used.

(iv) Drinking water with no added sweeteners or carbonation shall be readily available in indoor and outdoor areas to each child throughout the day.

(v) Food shall be served on individual dishes or napkins and shall not be placed directly on tables.

(vi) Children shall be seated while eating.

(vii) No child shall be forced to eat.

(viii) Children shall not be allowed in the kitchen.

3. Face and hand washing

(i) Each child's hands shall be washed with soap and running water before and after meals and snacks, and after toileting and diapering.

(ii) Each staff person shall wash his/her hands with soap and warm running water before food preparation or service, after assisting with toileting, and after any contact with bodily fluids, including wet or soiled diapers, runny noses, spit, vomit, etc.

(iii) Each staff person shall wash his/her hands with soap and warm running water before and after diapering each child.

(iv) Each staff person shall use single-use disposable gloves for diapering each child. Clean gloves shall be used for each diaper change. Used gloves shall be disposed of in a covered, plastic-1ined container, inaccessible to children, and shall be disposed of daily.

(v) Individual paper towels shall be supplied for each washing and drying.

4. When food service is catered, the plan shall be approved in writing by the county health department, if such approval is available. Meals and snacks that are catered shall meet the meal and snack patterns provided by U.S.D.A.

(4) Disciplinary Practices.

(a) Discipline shall be appropriate to the age and developmental level of each child.

(b) Disciplinary practices, including but not limited to the following, are prohibited.

1. The use of corporal or physical punishment is prohibited, including but not limited to: spanking; shaking; slapping; kicking; pushing; biting; pinching; hitting; thumping; hair pulling; ear pulling, excessive physical exercise, excessive rest, or strenuous/bizarre posture.

2. The use of verbal abuse is prohibited, including but not limited to: yelling; shouting; name calling; shaming; making derogatory remarks about a child or a child's family; using language that is inappropriate, offensive, threatens, humiliates, or frightens a child.

3. The use of discipline associated with food, naps, or bathroom procedures is prohibited, including but not limited to: withholding food as punishment; use of food such as hot sauce, lemon juice, vinegar, etc., or soap, as punishment; punishment for lapses in toilet training; punishment for not sleeping during nap/rest time.

4. The use of physical restraint as punishment is prohibited.

5. Punishment administered by another child is prohibited.

6. Rough or harsh handling of children, whether associated with discipline or not, is prohibited, including but not limited to: shaking; lifting or jerking by one or both arms; pushing; pulling; forcing or restricting movement; lifting or moving by grasping clothing; covering a child's head; etc.

7. Physical activity/outdoor time taken away as punishment is prohibited.

(5) Staff-Parent Communication

(a) The staff and parent(s)/guardian(s) shall discuss discipline or behavior problems to determine appropriate action consistent with disciplinary practices above.

(b) The center shall be open to visits from parent(s)/ guardian(s) at any time during the center's operating hours.

(c) Parent(s)/guardian(s) shall be informed of their right to visit and observe their child during hours of care.

(d) Staff shall be available for communication and conferences with the parent(s)/guardian(s) at a mutually convenient time.

(e) The center shall notify parent(s)/guardian(s) of procedures for making a complaint, including name(s) of person(s) to contact.

(f) The center shall provide parents with information about the influenza disease and influenza vaccine. (Code of Ala. 1975, Section 38-7-14.1.)

(g) Information on child development and children's health must be shared annually with parents/guardians.

(6) Health Information.

(a) Illness and injury.

1. No child who is ill shall be admitted to the center. This regulation is not intended to require the exclusion of children in violation of the Americans with Disabilities Act (ADA). The Department of Human Resources is not the enforcement agency for the ADA. Determinations of illness may be based on: the child's inability to participate in the center's activities; the need for additional care that center staff cannot provide without taking time and attention away from the other children; signs of serious or contagious disease or condition, such as but not limited to food and allergic reactions, fever, diarrhea, vomiting, unexplained rash, scabies, head lice;

a physician's diagnosis requiring that the child be separated from other children.

2. Isolation and removal.

(i) Any child in attendance who becomes ill, has a contagious disease or condition, or suffers an injury that requires professional medical attention shall be separated promptly from the group, but shall have continuous supervision by a staff person. Toys, bedding, equipment, and bathroom facilities used by an ill child or adult shall be cleaned and disinfected prior to use by another person.

(ii) The ill or injured child's parent(s)/guardian(s) shall be notified immediately and required to come for, or arrange for another designated person to come for the child.

(iii) If the parent(s)/guardian(s) or person designated by the parent(s)/guardian(s) cannot be reached or if the injury or illness is severe, the center shall obtain emergency medical treatment.

3. Contagious diseases/conditions.

(i) Not later than September 1, annually, each day care center shall provide educational information on influenza disease to the parent or legal guardian of each enrolled child. The educational information shall include, but need not be limited to, the causes and symptoms of influenza and the means by which it is spread, the risks associated with influenza, the availability, effectiveness, and known contraindications of the influenza vaccine, and the latest influenza vaccine recommendations of the Advisory Committee on Immunization Practices of the Center for Disease Control and Prevention (Code of Ala. 1975, Section 38-7-14.1).

(ii) When a contagious disease/condition (a disease/condition which can be transmitted or spread from person to person) has been introduced into the center, parent(s)/guardian(s) of each exposed child shall be notified.

(ii) The center shall urge parent(s)/guardian(s) to notify the center when their child is known to have been exposed to a contagious disease/condition outside the center.

(iii) The center shall report any known or suspected case of contagious disease/condition to the county or state health department.

4. Care for children with food allergies. Each child with a food allergy should have a written care plan that includes:

(i) Instructions regarding the food(s) to which the child is allergic and the steps to be taken to avoid that food.

(ii) A detailed treatment plan to be implemented in the event of an allergic reaction, including the names, doses, and methods of prompt administration of any medicines.

(iii) The written child care plan, a mobile phone, and the proper medications for appropriate treatment if the child develops an acute allergic reaction should be carried on field trips and when child is transported.

(iv) The center should notify the parents/guardians immediately of any suspected allergic reactions, as well as the ingestion of or contact with the problem food even if a reaction did not occur. The center should contact the emergency medical services system immediately whenever epinephrine has been administered.

(v) Each child's food allergies should be readily available and know by the child' s teacher(s)

5. Infant-child (Pediatric) Cardiopulmonary Resuscitation (CPR) and First Aid. At least one staff person with a current Infant-Child (Pediatric) Cardiopulmonary Resuscitation Certification (CPR) and a current First Aid Certificate shall be in the center during hours of operation. A copy of the Certificates or Certifications shall be on file in the center.

6. Authority and procedure for administering medication or medical procedures shall be clearly defined.

(i) No medication or medical procedures (prescription or over-the-counter) shall be administered without being ordered by the child’s health professional and without a written, signed authorization, on the required form, from the child's parent(s)/ guardian(s). Blanket authorization forms are prohibited. The authorization form shall include time(s) and date(s) to be administered, dosage,

storage instructions, (refrigerated or unrefrigerated), and specific directions for administering the medication/medical procedure, such as give by mouth, apply to skin, (such as but not limited to sun-screen, bug spray, hand sanitizer) inhale, drops in eyes, etc. An authorization form shall be valid for no more than seven (7) days unless accompanied by a written physician's statement.

(ii) Any prescription drug or over the counter drug sent to the center shall be in its original container. Prescription drugs shall have a pharmacy label or shall be accompanied by a physician's written instructions. Over the counter drugs shall be clearly labeled with the child's name and directions for administering the drug. Medication should not be used beyond the date of expiration. A measuring device (if the medication requires measuring) shall be provided for each child's medication.

(iii) Medication or medical procedures shall be administered to the child by the designated staff.

(iv) Locked storage (lock and key or combination lock), inaccessible to children, shall be provided for all medication or drugs (children's or staff's).

(v) Medicines/drugs shall be returned to the parent(s)/guardian(s) or disposed of properly when no longer needed.

(vi) Time and date of all medication dosages or medical procedures administered at center shall be documented, in writing, signed by the staff person administering the medication or medical procedure (initials not acceptable), and kept in the child's file. (See Rule 660-5-26-.08(4), for children's records requirements.) Copies shall be made available to the child's parent(s)/guardian(s) on request. (See Rule 660-5-26-.08(4), for children's records requirements.) Copies shall be made available to the child's parent(s)/guardian(s) on request.

(b) Hygienic practices

1. Face and hand washing.

(i) Each child's hands shall be washed with soap and running water before and after snacks and meals, and after toileting and diapering.

(ii) Staff shall use universal precautions when changing diapers or being exposed to blood, fecal material, or urine.

(iii) Each staff person shall wash his/her hands with soap and running water before food preparation or service, after assisting with toileting, and after any contact with bodily fluids, including wet or soiled diapers, runny noses, spit, vomit, etc.

(iv) Each staff person shall wash his/her hands with soap and warm running water before and after diapering.

(v) Each staff person shall use single-use disposable gloves for diapering. Clean gloves shall be used for each diaper change. Used gloves shall be disposed of in a covered, plastic-1ined container, inaccessible to children, and shall be disposed of daily.

(vi) Individual paper towels shall be supplied for each washing and drying.

2. Toilet articles

(i) Each child's toilet articles, (such as combs, toothbrushes, etc.) shall be labeled with the child's name, stored separately, and maintained in a sanitary condition.

(ii) Paper towels, disposable wipes, and facial tissues shall be disposed of immediately following each use.

(iii) Toilet paper shall be provided for use by children and staff.

3. Extra children's clothing shall be available in the center.

(c) Animals on the premises.

1. Animals or breeds of animals that have shown aggressive behavior shall not be kept in the center or on the grounds.

2. Animals that are not aggressive but could pose a threat to the health and safety of the children shall be kept in an area away from the children.

3. A current certificate of rabies vaccination shall be on file in the center for any animal required by law to be vaccinated.

4. Animals shall be confined. Cages and other areas used to confine animals shall be kept clean, with appropriate food and water available.

5. Each child and each staff person shall wash his/her hands with soap and running water immediately after handling animals.

(7) Emergency Preparedness and Response Plans. The Center shall develop a written disaster plan and make is available to all child care staff members and employees. This plan shall be posted in a conspicuous place. This emergency preparedness plan must be submitted to the Department and copies provided to all parents/ guardians.

(a) The plan shall include procedures that will be used to prepare for and respond to the following types of emergency or disaster situations:

1. Weather emergencies and natural disasters which include severe thunderstorms, tornadoes, flash flooding, major snowfall, blizzards, ice storms or earthquake;

2. Emergency outdoor or indoor lockdown or evacuation due to threats of violence which includes active shooter, bioterrorism or terrorism;

3. Emergency or disaster evacuations due to hazardous materials and spills, gas leaks or bomb threats;

4. Outbreaks, epidemics, or other infectious disease emergencies;

5. Loss of power, water or heat;

6. Other threatening situations that may pose a health or safety hazard to the children in the center.

(b) The disaster plan shall include details for:

1. Shelter in place or evacuation, how the center will care for and account for the children until they can be reunited with the parent;

2. Assisting infants and children with special needs and/ or health conditions;

3. Reunification with parents;

(i) Emergency contact information for the parents and the center,

(ii) Procedures for notifying and communicating with parents regarding the location of the children if evacuated

(iii) Procedures of communicating with parents during loss of communications (no phone or internet service available)

4. The location of supplies and procedures for gathering necessary supplies for staff and children if required to shelter in place;

5. What to do if a disaster occurs during the transport of children, or when on a field trip or routine trip;

6. Training of staff or reassignment of staff duties as appropriate;

7. Updating the plan on a yearly basis;

8. Contact with local emergency management officials;

(c) The plan should also be inclusive of:

1. Current emergency plans and procedures;

2. Location and use of fire extinguishers;

3. Location on the first aid and emergency supply kits;

4. Phones for on-site and off-site use;

5. Drills including but not limited to fire, tornado, lock-down, and relocation;

(d) Emergency procedures shall be practiced at least once each quarter so that children are familiar with the types of procedures and are able to be engaged, and not overwhelmed by the fear of an event. The recommended schedule is to rotate one or more types of drill each month so that all drills are practiced each quarter (4 times per year).

Author: Zoe Moore/ShunDria Robinson
Statutory Authority: Code of Ala. 1975, as amended (hereinafter referred to as Code), §§38-7-1 through 38-7-18, §§41-22-19, §§38-2-6(10), (12), (13), (15), §§26-14-3, §§26-14-4.
History: New Rule: Filed December 18, 2000; effective January 22, 2001. **Amended:** Filed April 4, 2002; effective May 9, 2002. **Amended:** Filed October 3, 2002; effective November 7, 2002. **Amended:** Filed May 6, 2003; effective June 10, 2003. **Amended:** Filed November 4, 2003; effective December 9, 2003. **Amended:** Filed May 5, 2004; effective June 9, 2004. **Amended:** Filed June 3, 2005; effective July 8, 2005. **Amended:** Filed November 2, 2007; effective December 7, 2007. **Amended:** Filed March 8, 2019;

effective April 22, 2019. **Amended:** Published January 31, 2020; effective March 16, 2020. **Amended:** Published July 30, 2021; effective September 13, 2021.

660-5-26-.05 Transportation.

Note: The Department of Human Resources does not inspect away-from-center activities, including swimming, transportation, or any other activities. The licensee shall assume full authority and responsibility for activities away from the center.

(1) Transportation Provided by the Center.

(a) If the center provides transportation or any activities away from the center, a written statement, signed by each child's parent(s)/guardian(s), shall be on file in the center prior to the child's participation in such activities. The statement shall indicate that the parent(s)/guardian(s) has/have been informed that the Department of Human Resources does not inspect activities provided away from the center and that the licensee assumes full responsibility for such activities.

(b) The center shall be responsible for each child who is using transportation contracted for, arranged by, or provided by the center. For purposes of these regulations, transportation includes the use of vehicles as well as walking to and from away-from-the-center activities.

(c) Transportation checklists.

1. Checklists, on the required form, shall be used to account for the loading and unloading of each child from the vehicle at every location. Checklists shall also be used to account for each child during activities that include walking to and from the center.

2. The center shall designate the staff person responsible for completing the checklist. The designated staff person shall sign (initials are not acceptable) the checklist when it has been completed.

3. The driver of the vehicle shall sign (initials are not acceptable) the completed checklist at each location, indicating he or she has checked each seat in the vehicle at each location to verify that no child is left on the vehicle.

4. Completed checklists shall be kept on file in the center for the current year plus at least two additional years. (See Rule 660-5-26-.08, (5), for requirements regarding records to be kept in the center.)

(d) When the center provides transportation to and from the home or another designated location, the center shall be responsible for picking the child up at the designated location and delivering the child to the care of the designated person.

(e) Supervision of children in center vehicles.

1. In addition to the driver, staff shall be provided to meet required staff-child ratios for children younger than lawful school age. (See Rule 660-5-26-.04, for required ratios.) Note: The driver of the vehicle shall not be counted in the required staff-child ratio when children younger than lawful school age are transported.

2. For children of lawful school age and older, fewer than fifteen (15) children may be transported with only the driver of the vehicle, provided the driver meets child care worker qualifications.

3. If fifteen (15) or more children of lawful school age are transported, at least one (1) staff person in addition to the driver shall be required.

4. If thirty (30) or more children of lawful school age are transported, at least two (2) staff persons in addition to the driver shall be required.

5. No child shall be left in a vehicle without adult supervision at any time.

6. A staff person shall accompany each child younger than 2½ years of age from the vehicle to the care of the designated person.

7. A staff person shall visually supervise each child 2½ years of age and older from the vehicle to the care of a designated person.

8. The driver shall check each seat of the vehicle at each location to verify that no child is left on the vehicle.

(f) Safety precautions in all vehicles used and operated by the center in transporting children.

1. Stationary seating space for each child shall be provided, and no child shall sit on the floor. Children shall remain seated while the vehicle is in motion.

2. Doors shall be locked at all times when the vehicle is moving.

3. Children shall not be transported in the front seat of any vehicle with a passenger side air bag.

4. The driver of the vehicle and all passengers shall be secured in a passenger restraint system at all times when the vehicle is moving.

5. Each child shall be properly secured using an aftermarket or integrated child passenger restraint system meeting applicable state and federal motor vehicle safety standards. Each child passenger restraint system shall be appropriate for the age and size of the child.

(i) Each child younger than one (1) year of age or weighing less than twenty (20) pounds shall be secured in an infant only or a convertible seat used in a rear facing position which is properly anchored to the vehicle, installed and used according to the manufacturer's instructions and maintained in good condition.

(ii) Each child younger than five (5) years of age or weighing less than 40 pounds shall be properly secured in a convertible seat in the forward facing position or in a forward facing seat which is properly anchored to the vehicle, installed and used according to the manufacturer's instructions and maintained in good condition.

(iii) Each child younger than six (6) years of age shall be properly secured in a booster seat which is properly anchored to the vehicle, installed and used according to the manufacturer's instructions and maintained in good condition.

(iv) Each child six (6) years of age and older, the driver, and each adult passenger shall be secured in an individual seat belt, which is properly anchored to the vehicle.

(g) Vehicle safety check.

1. A safety check, on the required form, shall be done annually and signed and dated by a mechanic, on all vehicles regularly used by the center to transport children.

2. A copy of the safety check, on the required form, shall be on file in the center. The safety check shall show that the following items are operating in a safe condition: brakes; tires; lights (head, signal, brake, tail); windshield wipers; steering; and exhaust system;

ventilation and heating system; and passenger restraint systems.

(2) Transportation Provided by Parent(s)/Guardian(s) or Other Designated Person(s).

(a) Each child being transported by parent(s)/guardian(s) or other designated person(s) shall be accompanied into and out of the center by the parent, guardian, or other person.

(b) The center shall require the parent(s)/ guardian(s) or other person(s) designated by the parent(s)/ guardian(s) to sign (signature required, initials not acceptable) each child in/out at each arrival/departure to the center, indicating the time of arrival/departure. An exception to the written signature will allow the use of Biometric ID for parent(s)/ guardians(s.) This Biometric ID system will measure some unique aspects of the individual such as but not limited to fingerprint and/or iris recognition.

(c) If any child walks to the center from school or another designated location, or is transported to/from the center by school bus, center staff shall sign (signature required, initials not acceptable) each child in upon arrival, indicating time of arrival.

(d) The center shall require written authorization from a child's parent(s)/guardian(s) to release a child to any person other than the parent(s)/guardian(s) or persons designated on the child's preadmission form.

(e) The center shall require unfamiliar authorized persons to show photographic identification when releasing a child.

Author: ShunDria Robinson/Zoe Moore
Statutory Authority: Code of Ala. 1975, as amended (hereinafter referred to as Code), §§38-7-1 through 38-7-18, §§41-22-19, §§38-2-6(10), (12), (13), (15), §§26-14-3, §§26-14-4.
History: **New Rule:** Filed December 18, 2000; effective January 22, 2001. **Amended:** Filed November 3, 2006; effective December 8, 2006. **Amended:** Filed March 8, 2019; effective April 22, 2019. **Amended:** Published July 30, 2021; effective September 13, 2021.

660-5-26-.06 Staff.

All staff hired after the effective date of these regulations shall meet experience, education, training and age qualifications. Verification of qualifications shall be on file in the center.

(1) Qualifications of Staff

(a) The center director shall have responsibility for the day to day operation and management of the center including supervision of the planning and implementing of the children's daily activities, supervision of staff, and responsibility for maintenance of the center. The center director shall be at least 19 years of age and shall have at least twenty (20) clock hours of training in administration and management and at least four (4) clock hours of training in quality child care. In addition, the center director shall meet at least one of the following training categories:

1. One hundred twenty (120) clock hours of training in child care; a high school diploma or general education diploma (G.E.D.); and at least twelve (12) months of working experience as a child care worker/ teacher or as a director/program director in a licensed day care center or a Department approved setting. Training in child care shall include at least twenty (20) hours in each of these areas:

(i) child development;

(ii) health, safety and universal precautions;

(iii) quality child care and licensing;

(iv) the child care professional and the family;

(v) language development;

(vi) positive discipline and guidance.

OR

2. A child development associate credential (CDA) or a certified child care professional certificate (CCP) from the National Child Care Association Inc. (NCCA) and a high school diploma or general education diploma (G.E.D.); and at least twelve (12) months of working experience as a child care worker/teacher or as a director/program director in a licensed day care center or a Department approved setting.

OR

3. An associate degree in child development or early childhood education from a post-secondary school (technical, vocational, junior college), and at least nine (9) months of working experience as a child care worker/teacher or as a director/program director in a licensed day care center or a Department approved setting.

OR

4. A bachelor's degree in child development or early childhood education and at least six (6) months of working experience as a child care worker/teacher or as a director/program director in a licensed day care center or a Department approved setting.

(b) Child care workers/teachers and all substitutes who have primary responsibility for the care of a group of children shall be at least 18 years of age and shall have a high school diploma or general education diploma (G.E.D.). Within thirty (30) days after employment, child care workers/ teachers shall have at least twelve (12) hours of training in child care and development through participation in workshops, meetings, videotapes, or one-to-one consultation, unless written documentation of prior equivalent training is on file. Training in child care shall include at least one (1) hour in each of these areas:

1. child development;

2. health, safety and universal precautions;

3. quality child care and licensing;

4. the child care professional and the family;

5. language development;

6. positive discipline and guidance.

(c) Aides/assistant teachers who assist with groups of children shall be at least 16 years of age and shall:

1. have at least an 8th grade education;

2. work under the direct supervision of a person qualified as a child care worker/teacher;

3. and shall not be counted in the required staff-child ratio.

(d) Service staff, such as cooks, janitors, or bus drivers, shall not be counted in the required staff-child ratio unless they meet child care worker qualifications, are acting as a child care worker, and are giving full attention to the children.

(e) The driver of a center vehicle transporting children shall be at least 19 years of age and have a valid driver's license.

(f) A substitute staff person shall meet all qualifications of staff for whom he/she is substituting.

(g) The director, teachers, aides/assistant teachers, all service staff and all substitutes shall have at least one (1) hour of preservice training from an outside source in each of the following eleven (11) required areas:

1. Prevention and control of infectious diseases (including immunization),

2. Sudden Infant Death Syndrome (SIDS) prevention and use of safe sleeping practices,

3. Medication administration,

4. Prevention of and response to emergencies due to food and allergic reactions,

5. Building and physical premises safety,

6. Prevention of shaken baby syndrome and abusive head trauma,

7. Emergency preparedness and response planning,

8. Handling and storage of hazardous materials/ correct disposal of bio contaminants,

9. Recognition and reporting of child abuse and neglect,

10. First aid and CPR and;

11. If applicable appropriate precautions in transporting children.

(h) By August 1, 2022 the director, teachers, aides/ assistant teachers, all service staff and all substitutes must be enrolled in the Alabama Pathway's Professional Development Registry.

1. By August 1, 2022, the center director must complete an orientation training on the assessment tools utilized by the Department's Quality Rating and Improvement System (QRIS).

(2) Records on Staff

(a) Records on all staff, including substitutes and volunteers, shall be kept confidential, and shall be on file in the center at the time of employment. Records shall be

maintained in the center for at least two years after the staff person has left the center. Records shall be filed in alphabetical order. Records shall contain originals or clear copies of required information. Inactive files shall be maintained separately from active files. Records shall include but need not be limited to:

1. An application for employment.

2. Information regarding character and suitability shall be obtained on all staff, including substitutes and volunteers, by the licensee/center director, and shall include but need not be limited to:

(i) Reference contacts: written statements on the required form from three unrelated references, including at least one previous employer, if ever employed.

(ii) Request for Clearance of State Central Registry on Child Abuse/Neglect, on the required form, indicating whether a perpetrator record was found, within the last five years. Forms shall be obtained from the Department’s website.

(iii) Results of a criminal history background information check including:

(I) Suitability Determination letter from the Department within last five years.

(II) Identification verification of name, date of birth, race, sex in the form of a photo identification from any governmental agency, such as a driver’s license, non-driver’s identification, or program participation card.

(iv) Additional information regarding character and suitability is found in Rule 660-5-26-.07. 3. Written verification of education.

4. Written verification of training.

5. Required medical examination report, including TB test or chest x-ray date and results.

6. In addition to 1 through 5 above, the following specialized records shall be maintained if applicable to the staff person's specific responsibilities:

(i) Valid driver's license if the staff person transports children.

(ii) Valid commercial driver's license (CDL), if required for vehicles used to transport children. (Required for vehicles designed to carry 16 or more persons, including the driver.)

(iii) Written documentation of a current American Red Cross Lifeguard Training Certificate, a current First Aid Certificate, and a current Infant-Child (Pediatric) Cardiopulmonary Resuscitation Certification (CPR) if there is a pool at the center. A copy of each certificate or certification shall be on file in the center.

(iv) Written documentation of a current First Aid Certificate, and a current Infant-Child (Pediatric) Cardiopulmonary Resuscitation Certification (CPR) shall be on file for at least one staff person present at the center during all hours of operation.

(b) Additional records to be maintained during employment.

1. Documentation of in-service training.

2. Updated/additional medical information.

3. A written report of any misconduct or dereliction of duty, including the investigation procedure followed and disposition made.

4. Written documentation of updated Infant-Child (Pediatric) Cardiopulmonary Resuscitation Certification (CPR) and updated First Aid Certificate.

5. Updated valid driver's license if the staff person transports children.

6. Updated valid commercial driver's license (CDL), if required for vehicles used to transport children. (Required for vehicles designed to carry 16 or more persons, including the driver.)

7. Within one month of employment, written and signed verification stating that each staff person has read the standards.

8. A request for Clearance of State Central Registry on Child Abuse/Neglect, on the required form indicating whether a perpetrator record was found and must be updated every five (5) years.

9. A Criminal History Suitability Determination letter from the Department must be updated every (5) years.

(c) Records on applicant/licensee/director/board member (if applicable)

1. The following information on the applicant/ director/board member (if applicable) shall be submitted to the Department at the time of application for a license or employment as a director. Updated information on the licensee/ director/board member (if applicable) may be requested at the discretion of the Department. A copy shall be kept on file at the center.

(i) Licensing Application Attachment.

(ii) Verification of education.

(iii) Verification of initial training.

(iv) Initial medical examination report, on the required form, signed by a licensed practicing medical doctor, physician's assistant as defined in, or a certified nurse practitioner.

(v) Alabama Department of Human Resources Request for Clearance of State Central Registry on Child/ Abuse Neglect issued within the last five (5) years and updated every five (5) years thereafter.

(vi) Authorization to obtain criminal history background information check, including the following:

(I) A Suitability Determination letter from the Department, issued within the last five (5) years and updated every five (5) years thereafter.

(IV) Identification verification of name, date of birth, race, sex in the form of a photo identification from any governmental agency, such as a driver’s license, non-driver’s identification, or program participation card.

(3) Health – Staff.

(a) Initially, each staff person shall provide a statement, on the required form, from a licensed

practicing medical doctor, physician's assistant or a certified nurse practitioner. The initial statement shall be dated within six (6) months prior to employment and shall document the date and results of a tuberculin skin test or chest x-ray (also dated within six (6) months). The statement shall attest to the physical suitability of the staff person to care for children or to perform services in a center, and the person's freedom from infectious or contagious diseases. The statement shall be signed by the licensed practicing medical doctor, physician's assistant, or certified nurse practitioner, and shall be on file in the center at the time of employment.

(b) At least every four years after the date of the initial statement, each staff person shall obtain a statement, on the required form, from a licensed practicing medical doctor, physician's assistant, or certified nurse practitioner, which attests to the staff person's freedom from infectious or contagious diseases and physical fitness to care for children or perform services in a center. The statement shall be on file in the center.

(c) Staff persons with symptoms of a contagious disease/ condition shall not be present in the center.

(d) A staff person who, upon observation or examination or as a result of tests, shows indication of a physical, emotional, or mental condition which could be detrimental to the children or staff, or which would prevent satisfactory performance of duties, shall not continue work at the center until the staff person provides a written statement from a licensed practicing medical doctor indicating that the staff person is able to return to work.

(e) An additional medical or psychological evaluation or drug screening shall be required at the discretion of the Department's representative, based on information that raises reasonable suspicion. A release to allow the Department representative to confer directly with the doctor or the professional performing the evaluation shall be provided on request. “Reasonable suspicion” is defined as follows: Belief based upon evidence of past or present behavior that reasonable grounds exists to review the employee, staff, or licensee, including board members, suitability and fitness to provide care for children.

(4) In-Service Training for Staff.

(a) All staff shall be involved in ongoing training related to his/her specific responsibilities. Training in child care shall include the following areas:

1. child development;

2. health, safety and universal precautions;

3. quality child care and licensing;

4. the child care professional and the family;

5. language development; 6. positive discipline and guidance.

(b) Directors shall obtain at least twenty-four (24) clock hours of training each year.

(c) Child care workers/teachers shall obtain at least twelve (12) clock hours of training each year.

(d) Service staff (such as cooks, bus drivers, janitors) shall obtain at least four (4) clock hours of training each year.

(e) Documentation of training shall be on file in the center. Training in Infant-Child (Pediatric) Cardiopulmonary Resuscitation (CPR) and First Aid shall not be counted toward annual in-service training hours.

(f) For purposes of in-service training requirements, a year may be considered based on the center's licensing date, for example June 15, 2018 through June 15, 2019 is one year.

(g) Thereafter, the director, teachers' aides/assistant teachers, all service staff and all substitutes shall have at least one hour of annual training from an outside source in each of the following eleven (11) required areas:

1. Prevention and control of infectious diseases (including immunization),

2. Sudden Infant Death Syndrome (SIDS) prevention and use of safe sleeping practices,

3. Medication administration,

4. Prevention of and response to emergencies due to food and allergies reactions,

5. Building and physical premises safety,

6. Prevention of shaken baby syndrome and abusive head trauma,

7. Emergency preparedness and response planning,

8. Handling and storage of hazardous materials/ correct disposal of bio contaminants,

9. Recognition and reporting of child abuse and neglect,

10. First aid and CPR and;

11. If applicable, appropriate precautions in transporting children.

Author: ShunDria Robinson/Zoe Moore
Statutory Authority: Code of Ala. 1975, as amended (hereinafter referred to as Code), §§38-7-1 through 38-7-18, §§41-22-19, §§38-2-6(10), (12), (13), (15), §§26-14-3, §§26-14-4.
History: **New Rule:** Filed December 18, 2000; effective January 22, 2001. **Amended:** Filed June 3, 2005; effective July 8, 2005. **Amended:** Filed November 2, 2007; effective December 7, 2007. **Amended:** Filed March 8, 2019; effective April 22, 2019. **Amended:** Published July 30, 2021; effective September 13, 2021.

660-5-26-.07 Character And Suitability.

(1) Character and Suitability Review. All applicants, board members (if applicable), and holders of a license, holders of a six-month permit, or approval to operate a child care center, all applicants for employment or volunteer services, and all current staff persons, employees, and volunteers, shall be of suitable and good moral character in order to operate or work in a child care center. All applicants, board members (if applicable), operators, owners, licensees, center directors, staff persons, employees and volunteers shall be investigated to determine their character and suitability to hold a license, permit, or approval to operate a child care center, or to work, or perform volunteer services in a child care center.

(a) For purposes of these regulations, an applicant for a license or approval to operate a child care center, or the holder of an existing license, permit, or approval to operate a child care center includes the individual applicant or holder of a license, permit, or approval to operate as well as all board members and officers of corporations, partnerships, associations, or other legal entities who have direct contact with the children in care or unsupervised access to children.

(b) Information regarding the character and suitability of applicants for a license or approval to operate a child care

center, shall be reviewed by the Department at the time of the initial application for a license or approval to operate. Subsequent character and suitability reviews may be conducted at any time at the discretion of the Department. This information must be updated every five (5) years.

(c) Evidence that an applicant or holder of a license, six-month permit, or approval to operate lacks the required good character or is otherwise not a suitable person to operate a child care center may be the basis for the denial of an initial application, denial of an application for renewal, denial of renewal of approval to operate, suspension or revocation of a license, six month permit, or approval to operate.

(d) The holder of a license, permit, or approval to operate or their authorized designee, such as, but not limited to, the center director, shall review information regarding the character and suitability of all applicants being considered for employment or volunteer work and all current staff persons, employees and volunteers and make a determination whether they are of suitable character to be employed or perform volunteer services in a child care center.

(e) The holder of a license, permit, or approval to operate, or their authorized designee, such as, but not limited to the center director, shall conduct a review as set out below, of all current staff persons, employees and volunteers as instructed by the Department.

(f) A review shall also be conducted on all applicants for employment or volunteer services, in a position that has contact with children or unsupervised access to children.

(2) Factors to be considered in determining character and suitability shall include, but need not be limited to:

(a) References.

1. Applicants/Center Directors/Board Members (if applicable).

(i) Applicants for a license or approval to operate shall furnish the names of at least three (3) individuals who are not related to the applicant by blood, marriage, or adoption who can attest to the good character and suitability of the applicant. The names, addresses, and telephone numbers of the three references shall be furnished to the Department at the time the initial application is submitted. The Department reserves the right to contact additional sources who can attest to the applicant's character

and suitability, community reputation, work history, and suitability to care for children.

(ii) Center Directors shall furnish the names of at least three (3) individuals who are not related to the director by blood, marriage, or adoption, who can attest to the good character and suitability of the individual. The names, addresses, and telephone numbers of the three references shall be furnished to the Department at the time the initial application is submitted or at the time of employment. The Department reserves the right to contact additional sources who can attest to the Director's character, community reputation, work history, and suitability to care for children.

(iii) All information obtained on applicants, board members, and center directors shall be maintained by the Department.

2. Staff.

(i) For each staff person, employee, and volunteer, as well as any person who has contact with the children in care or unsupervised access to children, at least three (3) written reference letters (see Appendix E., page 80, for required form) from individuals not related to the person by blood, marriage, or adoption, shall be obtained by holders of a license, permit, or approval to operate a child care center, or their designee, attesting to the person's character, community reputation, work history, and suitability to care for children.

(ii) The holder of the license, permit, or approval, or their designee shall maintain all information obtained on staff persons, employees and volunteers in the person's file in the center.

(b) Clearance of State Central Registry on Child Abuse/Neglect

1. Applicants/Board Members (if applicable) - A completed request for clearance of the State Central Registry on Child Abuse/Neglect shall be submitted to the Department on the required form (Alabama Department of Human Resources Request for Clearance of State Central Registry on Child Abuse/Neglect, DHR-DFC Form 1598), for each applicant for a license or approval to operate a child care center. Results of the request for clearance shall be maintained as part of the Department's records.

2. Center Directors - A completed request for clearance of the State Central Registry on Child Abuse/Neglect

shall be submitted to the Department on the required form (Alabama Department of Human Resources Request for Clearance of State Central Registry on Child Abuse/ Neglect, DHR-DFC Form 1598), for each director of a center for which an application for a license or approval to operate is submitted. Results of the request for clearance shall be maintained as part of the Department's records.

3. Staff - A completed request for clearance of the State Central Registry on Child Abuse/Neglect for each staff person, employee, volunteer, as well as any person who has contact with the children in care or unsupervised access to children, shall be submitted to the Department on the required form (Alabama Department of Human Resources Request for Clearance of State Central Registry on Child Abuse/Neglect, DHR-DFC Form 1598), by holders of a license, permit or approval to operate or by their authorized designee, such as but not limited to the center director. The results of the request for clearance shall be maintained in the person's file in the center.

4. All applicants/board members, center directors and staff must request a supplemental clearance of inter-state child abuse and neglect registry if the individual has lived in another state within the past five (5) years.

(c) Criminal History Background Information Checks.

1. The criminal history of individuals shall be reviewed and shall be a factor in determining the character and suitability of individuals to hold a license, six-month permit, or approval, or to work in a child care center. All applicants for a license or approval and staff persons, employees, volunteers, and applicants for employment or volunteer work, shall reveal on their application, all past criminal convictions and current charges. The holder of a license, permit, or approval, the center director or administrator of the center shall inform the Department of all criminal convictions and current criminal charges on themselves and staff persons, employees, and volunteers that occur after a license, permit, or approval to operate has been obtained. Staff persons, employees and volunteers shall inform the holder of a license, permit, or approval, their authorized designee, or the center director of all criminal convictions and current charges which occur during the course of their employment or volunteer service.

2. Upon receipt of a determination of unsuitability, the affected individual shall be terminated from employment or volunteer work in the center.

3. The Department shall suspend or revoke the license or deny the initial application or the application for renewal if the applicant/licensee, staff person, employee, volunteer, or another person in the center receives a determination of unsuitable character.

4. If a suitability determination letter is received by the licensee from the Department's Criminal History Check Unit stating an individual is suitable for employment based on the absence of any disqualifying convictions, the licensee shall make his or her own determination regarding employment or volunteer work. No right to employment is created by the issuance of a letter stating an individual is suitable for employment.

5. The licensee shall inform the Department of any criminal convictions and current criminal charges involving the licensee, staff, employees, volunteers and other persons who have contact with the children or unsupervised access to the children, which occur after a license, permit, or approval is obtained. Such reports shall be made within 24 hours and followed by a written report within five (5) days. This information shall be kept on file by the Department.

6. The Department of Human Resources shall not be responsible for the payment of any fees required for obtaining criminal history information.

7. The criminal history background check must include the following suitability components.

(i) National FBI Criminal history check with fingerprints

(ii) National Crime Information Center (NCIC), National Sex Offender Registry

(iii) In-State criminal history check with fingerprints

(iv) In-State sex offender registry check

(v) Inter-state criminal history check if individual has lived in another state within the past five years

(vi) Inter-State sex offender registry check if the individual has lived in another state within the past five years

8. Pending completion of all required background check components applicant/board members, center directors, and staff cannot be counted in the child/staff ratio.

(d) Evidence of Unsuitable Character

1. Examples of evidence which may make an applicant for a license or approval to operate; a holder of a license, permit, or approval to operate; a staff person, employee, volunteer, or an applicant for employment or volunteer services, unsuitable to hold a license, permit, or approval or to work in a child care center, or have contact with the children or unsupervised access to children shall include but are not limited to the following:

(i) Any felony conviction in this or any other state;

(ii) Theft and other financial crimes related to business activities;

(iii) Misdemeanor convictions in this or any other state;

(iv) Operating a motor vehicle while under the influence of or while impaired by the use of intoxicating liquor or drugs;

(v) Offenses involving the reckless operation of a motor vehicle at an excessive speed;

(vi) A crime involving the possession of a controlled substance;

(vii) Operating a child care facility without a license, permit, or exemption;

(viii) Refusal to cease operations of an unlicensed child care facility;

(ix) A history of consistent failure to maintain standards while operating a child care facility;

(x) Refusal or failure to cooperate in any Department investigation or inspection;

(xi) Making false or misleading statements or reports to the Department;

(xii) Past history of the individual regarding his/her truthfulness;

(xiii) The individual’s ability to care for children;

2. Indicated (found or substantial) reports of adult or child abuse/neglect with or without criminal convictions, in this or any other state.

3. Evidence in item (1), (a) through (m) and item (2) above, will be evaluated to determine whether or not it constitutes a danger to the children based on the seriousness of the crime, the existence of extenuating circumstances, the propensity to recommit the crime, and evidence of rehabilitation since the crime was committed.

4. An application for a license shall be denied or a license, permit, or approval shall be suspended or revoked if the applicant/licensee, center director, staff person, employee, or volunteer is determined to be of unsuitable character to work with children, to have contact with children or to have unsupervised access to children.

Author: ShunDria Robinson/Zoe Moore
Statutory Authority: Code of Ala. 1975, as amended (hereinafter referred to as Code), §§38-7-1 through 38-7-18, §§41-22-19, §§38-2-6(10), (12), (13), (15), §§26-14-3, §§26-14-4.
History: **New Rule:** Filed December 18, 2000; effective January 22, 2001. **Amended:** Filed June 3, 2005; effective July 8, 2005. **Amended:** Filed March 8, 2019; effective April 22, 2019. **Amended:** Published July 30, 2021; effective September 13, 2021.

660-5-26-.08 Administration.

(1) Applicant/Licensee. Any person, group of persons or corporation interested in operating a child care center shall:

(a) Apply for a license or authorize, in writing, a representative to do so.

(b) Assume full authority and responsibility for meeting and maintaining standards.

(c) Provide operating funds to staff, equip, and maintain the center.

(d) Designate a director and delegate to her/him the authority/responsibility for the day to day operation and management of the center.

(e) Establish written operating policies of the center.

1. A copy of the center's written operating policies shall be provided to the parent(s)/guardian(s) at the time of the child's enrollment.

2. A copy of the center's written operating policies shall be submitted to the Department.

3. Operating policies shall not contradict the Standards.

4. Changes in the center's operating policies shall be provided to the parent(s)/guardian(s) and to the Department.

(2) Reports to the Department

(a) The following shall be reported in writing to the Department prior to occurrence:

1. change in ownership (if a change in ownership occurs, the center shall not continue to operate until the new owner applies for and is issued a license, permit, or approval);

2. change in location (if a change in location occurs, the center shall not continue to operate until a new license is applied for and a license, permit, or approval is issued for the new location);

3. change of the director of the center;

4. change of chief executive officer of the corporation or members of the board;

5. alterations to the center or grounds;

6. major change or extension of basic operating schedule (hours) or program.

7. change in the center’s address or telephone number.

(b) The following shall be reported to the Department within 24 hours after occurrence, with written explanation to follow within five (5) days:

1. any injury requiring professional medical treatment of any child or staff person while at the center or during away from the center activities;

2. any illness occurring at the center or during away from the center activities which requires emergency medical treatment;

3. any death occurring at the center or during away from the center activities;

4. major damage to the facility;

5. interruption of the center’s electrical service, telephone service, or gas service (if gas is used for heating or cooking);

6. any litigation involving the center;

7. any traffic accident involving day care children using transportation provided by the center;

8. any arrest or conviction of the licensee or any staff person, employee, or volunteer;

9. final disposition of any child abuse/neglect investigation involving the center, the licensee, or any staff person, employee, or volunteer;

10. any incident in which the health, welfare, or safety of a child is at risk;

11. any disastrous event.

(c) Child Abuse/Neglect reports

1. Each staff person is required by law (Code of Ala. 1975) to report known or suspected child abuse or neglect (see rule 660-5-26-.01) to the County Department of Human Resources or the local chief of police, or county sheriff. The report shall be made immediately by telephone or direct oral communication, followed by a written report, containing all known information.

2. Any person making a report in good faith is immune from any civil or criminal liability.

3. All reports of child abuse and neglect, investigative reports by the Department of Human Resources and certain other records of child abuse and neglect are considered confidential under penalty of law.

4. The licensee and all staff persons, employees, and volunteers shall cooperate with Department personnel on any child abuse or neglect investigation, including providing information to the Department's representatives and allowing access to children and records.

(3) Admission Procedures

(a) The total number of the children in the care of the center at any given time, including children on the premises (inside and outside), children in transit, and children on field trips or other center activities, shall conform to that which is specified on the license, permit, or approval.

(b) The age range of the children in the care of the center at any given time, including children on the premises (inside and outside), children in transit, and children on field trips or other center activities, shall conform to that which is specified on the license, permit, or approval.

(c) If the center accepts children for drop-in care, all of the following conditions shall be met:

1. vacancies in the group to which the child(ren) will be assigned;

2. staff-child ratio maintained as required;

3. required records maintained and filed;

4. advance arrangement for care made by parent(s)/ guardian(s).

(4) Children’s Records

(a) Confidentiality

1. Children's records and information about children and their families shall be kept confidential.

2. Confidential information about children and their families shall not be used or disclosed for any purpose not directly related to the well-being of the child.

3. Any discussion about children and their families shall be treated as confidential.

4. Confidential information including children’s records shall be accessible only to authorized persons.

5. The Department shall have the right to inspect center records, including children’s records.

(b) Individual records on each child shall be on file in the center on the child's first day of attendance. Records shall be maintained in the center for at least two years after the child has left the center. Records shall be filed in alphabetical order. Records shall contain originals or clear copies of required information. In-active files shall be maintained separately from active files. Records shall include but need not be limited to:

1. Child's Pre-Admission Record, on the required form, including: child’s name; birthdate; home address; name, address, and telephone number of child’s parent(s)/ guardian(s); name, address, and telephone number of mother’s and father’s employer; emergency contact information; name, address, and telephone number of child’s doctor; signed authorization for emergency medical treatment; special needs or instructions; list of persons child may be released to; statement that parent(s)/guardian(s) understands that the Department does not inspect activities away from the facility;

permission signed by the child's parent(s)/guardian(s) for the child to participate in activities away from the facility, transportation provided by the facility, and swimming/wading provided by the facility; child's first day of attendance; child's withdrawal date; the child meets the definition of homelessness, according to the McKinney-Vento Homeless Assistance Act.

2. Records of injury/illness occurring at the center or during away from center activities, which require professional medical attention, emergency medical attention, or hospitalization.

3. Immunizations.

(i) On the child's first day of attendance, each child from two (2) months of age to lawful school age and each child of lawful school age who is not enrolled in public or private school kindergarten shall have a valid State of Alabama Certificate of Immunization on file in the center, unless one of the following is on file in the center:

(I) A valid State of Alabama Certificate of Medical Exemption; OR

(II) A valid Alabama Certificate of Religious Exemption. OR

(III) The child meets the definition of homelessness, according to the McKinney-Vento Homeless Assistance Act.

(ii) Each child's Certificate of Immunization shall be updated according to the expiration date indicated on the certificate.

4. Authorization for administering medication or medical procedures form if medication or medical procedures have been administered to the child.

5. Any other information about a child shall be kept in the child's record.

(5) Center Records. The following records shall be kept on file for the current year plus two additional years.

(a) Daily attendance records on all staff and children shall be maintained.

(b) Transportation checklists.

(c) Vehicle safety check.

(d) Sign-in and sign-out sheets.

(6) Documents to be posted in a conspicuous place in the center

(a) Most recent license, permit, or approval from the Department.

(b) Public notice form

(c) Most recent licensing evaluation form.

(d) Most recent deficiency report form from the Department.

(e) Corrective or adverse action notices from the Department.

(f) Most recent fire inspection report.

(g) Most recent Health Department inspection report and food permit or written permission from the Health Department to cater food.

(h) Menu for meals and snacks.

(i) Name and telephone number(s) posted by center telephone(s):

1. Fire department;

2. Law enforcement;

3. Medical assistance (ambulance or rescue);

4. Poison control center;

5. Substitute help.

(j) Emergency Preparedness and Response Plans.

(k) The name or the director or staff person in charge.

Author: Zoe Moore, ShunDria Robinson
Statutory Authority: Code of Ala. 1975, as amended (hereinafter referred to as Code), §§38-7-1 through 38-7-18, §§41-22-19, §§38-2-6(10), (12), (13), (15), §§26-14-3, §§26-14-4.
History: **New Rule:** Filed December 18, 2000; effective January 22, 2001. **Amended:** Filed November 3, 2006; effective December 8, 2006. **Amended:** Filed March 8, 2019; effective April 22, 2019. **Amended:** Published January 31, 2020; effective March 16, 2020. **Amended:** Published July 30, 2021; effective September 13, 2021.

660-5-26-.09 Nighttime Centers.

In addition to the regulations set forth for day care centers, centers providing nighttime care shall meet the following regulations or modifications:

(1) Equipment and furnishings

(a) In centers operating past midnight, cribs or cots, fitted with a waterproof mattress, shall be provided for each child.

(b) In centers operating past midnight, there shall be at least one (1) bathing facility for every fifteen (15) children.

(2) Children's Records

(a) Confidentiality

1. Children's records and information about children and their families shall be kept confidential.

2. Confidential information about children and their families shall not be used or disclosed for any purpose not directly related to the well-being of the child.

3. Any discussion about children and their families shall be treated as confidential.

4. Confidential information including children's records shall be accessible only to authorized persons.

5. The Department shall have the right to inspect center records, including children's records.

(b) Individual records on each child shall be on file in the center on the child's first day of attendance. Records shall be maintained in the center for at least two years after the child has left the center. Records shall be filed in alphabetical order. Records shall contain originals or clear copies of required information. In-active files shall be maintained separately from active files. Records shall include but need not be limited to:

1. Child's Pre-Admission Record, on the required form, including: child's name; birthdate; home

address; name, address, and telephone number of child's parent(s)/guardian(s); name, address, and telephone number of mother's and father's employer; emergency contact information; name, address, and telephone number of child's doctor; signed authorization for emergency medical treatment; special needs or instructions; list of persons child may be released to; statement that parent(s)/ guardian(s) understands that the Department does not inspect activities away from the facility; permission signed by the child's parent(s)/guardian(s) for the child to participate in activities away from the facility, transportation provided by the facility, and swimming/wading provided by the facility; child's first day of attendance; child's withdrawal date.

2. Records of injury/illness occurring at the center or during away from center activities, which require professional medical attention, emergency medical attention, or hospitalization.

3. Immunizations.

(i) On the child's first day of attendance, each child from two (2) months of age to lawful school age and each child of lawful school age who is not enrolled in public or private school kindergarten shall have a valid State of Alabama Certificate of Immunization on file in the center, unless one of the following is on file in the center:

(I) A valid State of Alabama Certificate of Medical Exemption; OR

(II) A valid Alabama Certificate of Religious Exemption.

(ii) Each child's Certificate of Immunization shall be updated according to the expiration date indicated on the certificate. 4. Authorization for administering medication or medical procedures form if medication or medical procedures have been administered to the child. 5. Any other information about a child shall be kept in the child's record.

(3) Child Care Program

(a) Staffing.

1. Staff-child ratio for sleeping children:

Ages	**Staff to Child Ratio**

0 up to 18 months	1 to 5
18 months up to 2½ years	1 to 14
2 ½ years up to 4 years	1 to 18
4 years and older	1 to 25

2. Required staff-child ratios and grouping for day care centers shall be maintained while the children are awake.

3. At least one staff person who is at least 18 years of age, who meets child care worker qualifications and has a current Infant-Child (Pediatric) Cardiopulmonary Resuscitation Certification (CPR) and a current First Aid Certificate shall be present in the center during all hours of operation. Copies of the certificates and certifications shall be kept on file in the center.

4. Coverage.

(i) All children shall have staff supervision at all time.

(ii) Each staff person giving care before bedtime and bedtime periods shall be assigned the responsibility of caring for the same children nightly.

(iii) There shall be at least one (1) staff person in each room of sleeping children. Staff shall be able to see all the children at all times.

(iv) All staff on duty shall be awake and alert to the needs of the children.

(v) There shall be at least two staff persons age 18 or older available in the center building or on the premises, whenever children are present. Required staff-child ratios shall be met at all times.

(vi) While children are sleeping, lighting shall be maintained at a level that will enable children to be visible.

(b) Nightly activity schedule

1. A nightly schedule shall be posted.

2. Outdoor time shall be available to the children during daylight hours.

3. The word "napping" as included in the day care standards shall mean "sleeping" for nighttime centers.

4. The staff shall assist each child, in dressing and grooming, as needed.

(c) Food and food service.

1. Any child who goes directly from the center to school shall be served breakfast before leaving the center unless breakfast shall be eaten at school.

2. An evening meal shall be served for children in attendance.

(d) Bathing

1. If any child in care is bathed, clean water shall be provided for each child. Each child shall be bathed separately. Each child shall be supervised while bathing.

2. Individual soap, individual towel, and an individual washcloth shall be provided for each child who is bathed at the center.

Author: ShunDria Robison/Zoe Moore
Statutory Authority: Code of Ala. 1975, as amended (hereinafter referred to as Code), §§38-7-1 through 38-7-18, §§41-22-19, §§38-2-6(10), (12), (13), (15), §§26-14-3, §§26-14-4.
History: **New Rule:** Filed December 18, 2000; effective January 22, 2001. **Amended:** Filed April 4, 2002; effective May 9, 2002. **Amended:** Filed October 3, 2002; effective November 7, 2002. **Amended:** Filed May 6, 2003; effective June 10, 2003. **Amended:** Filed November 4, 2003; effective December 9, 2003. **Amended:** Filed May 5, 2004; effective June 9, 2004. **Amended:** Filed June 3, 2005; effective July 8, 2005. **Amended:** Filed November 2, 2007; effective December 7, 2007. **Amended:** Filed March 8, 2019; effective April 22, 2019. **Amended:** Published July 30, 2021; effective September 13, 2021.

660-5-26-.10 Corrective/Adverse Actions.

Corrective or adverse actions may be imposed by the Department when the licensee fails to meet and maintain standards prescribed by the Department. Corrective and adverse actions may include, but need not be limited to: deficiency reports; corrective action plans; probationary status; restrictions or modifications of the

provisions of the license, permit, or approval; suspension of a license, permit, or approval; revocation of a license, permit, or approval.

Written notice of the corrective or adverse action shall be posted at each public entrance of the child care center.

None of these requirements are to be interpreted to allow a center to operate in violation of the standards or out of compliance with the standards.

(1) Types of Corrective Actions

(a) Deficiency Report. If an inspection, evaluation, or investigation indicates non-compliance with the standards (deficiency), a deficiency report shall be prepared by the Department. A deficiency report is prepared in conjunction with or subsequent to a visit to the center, or after investigation of a substantiated complaint regarding the center. In any visit to the center in which deficiencies are observed or noted, the licensing representative shall complete a deficiency report, and discuss the deficiencies observed or noted with the licensee or facility representative. A copy of the completed deficiency report shall be provided to the licensee or facility representative. No deficiency report shall be completed in conjunction with a pre-licensing visit.

(b) Corrective Action.

1. If an inspection, evaluation, or investigation indicates continued or repeated non-compliance with the standards, or if areas of non-compliance indicated previously on a deficiency report are not corrected, a corrective action plan may be developed to allow the licensee to achieve compliance with the standards while continuing to care for children. The corrective action plan shall include: a statement of each deficiency; a description of how the deficiency shall be corrected; the date by which corrections shall be completed; and the signature of the Department's representative and the licensee or facility representative.

2. During the corrective action period, the licensee shall correct each deficiency (area of noncompliance) and shall report the corrections to the Department. The length of time the corrective action plan remains in effect shall be determined based on the nature of the areas of noncompliance. If the licensee fails or refuses to comply with the standards and the terms of the corrective action plan, the Department may

initiate adverse action such as probation or revocation of the license, permit, or approval.

3. Requests for changes to the provisions of the license such as increases in licensed capacity or changes in the ages of the children received for care, shall not be granted during the corrective action period.

(c) Restriction or Modification of the Provisions of the License, Permit, or Approval. The Department shall have the right to immediately suspend, limit, or restrict the license, permit, or approval of a child care center when conditions hazardous to the health and safety of the children exist, including but not limited to:

1. The right to restrict, limit, or suspend specific activities provided by the child day care/nighttime center, such as but not limited to: away-from-the-center activities; transportation of the children; swimming.

2. The right to restrict or limit the use of specific areas of the center, such as but not limited to: outdoor play areas; bathrooms; rooms/activity areas used by the children.

3. The right to reduce the licensed/permitted capacity of the center or to amend the ages of children to be served, due to restricted use of required space or bathroom facilities or lack of qualified staff to meet required staff-child ratios. (See Rule 660-5-26.04 for required ratios.)

(2) Types of Adverse Actions. If a facility is placed on adverse action, the facility's participation in the State's Quality Rating Improvement System will be revoked. Facilities may resume participation in the Quality Rating Improvement System at the next licensing renewal if the facility is no longer on adverse action.

(a) Probationary Status.

1. If an inspection, evaluation, or investigation indicates non-compliance with the standards, or if conditions exist that could pose a hazard to the health and safety of the children in care, a period of probationary status may be instituted to allow the licensee to achieve compliance with the standards while continuing to care for children. At the beginning of the probationary period the licensee shall be provided with: a statement of each deficiency; a description of how the deficiency shall

be corrected; the date by which corrections shall be completed; and the signature of the Department's representative and the licensee or facility representative.

2. During the probationary period, the licensee shall correct each deficiency (area of noncompliance) and shall report the corrections to the Department. The length of the period of probationary status shall be determined based on the nature of the areas of noncompliance. The maximum period shall be six (6) months. At the end of the probationary period, the center's license shall be returned to active status if the center is in compliance with the standards. If the licensee fails or refuses to comply with the standards during the probationary period, the Department may initiate revocation of the license, permit, or approval

3. Requests for changes to the provisions of the license such as increases in licensed capacity or changes in the ages of the children received for care, shall not be granted during the period of probationary status.

(b) Revocation of a License. The Department may revoke or refuse to renew the license of the child care facility or refuse to issue a full license to the holder of a six-month permit should the operator(s):

1. Consistently fail to maintain standards prescribed and published by the Department;

2. Violate the provisions of the license or permit issued;

3. Furnish or make any misleading or any false statements or reports to the Department;

4. Refuse to submit to the Department any reports or refuse to make available to the Department any records required by the Department in making investigation of the child care facility for licensing purposes; provided, however, that the Department shall not revoke or refuse to renew a license in such case unless it has made written demand on the person, firm or corporation operating the facility requesting such report or reports and such person, firm or corporation fails or refuses to submit such records for a period of ten days;

5. Fail or refuse to submit to an investigation by the Department;

6. Fail or refuse to admit authorized representatives of the Department at any reasonable time for the purpose of investigation;

7. Fail to provide, maintain, equip and keep in safe and sanitary condition the premises established or used for child care as required under standards prescribed by the Department, or as otherwise required by any law, regulation or ordinance applicable to such facility;

8. Refuse to display its license or permit; or

9. Fail to maintain financial resources adequate for the satisfactory care of children served in regard to upkeep of premises and provisions for personal care, medical services, clothing, learning experience and other essentials in the proper care, rearing and training of children.

If the Department makes the decision to revoke or refuse to renew the license, approval or six-month permit, a pre-revocation hearing shall be held. The purpose of the pre-revocation hearing is to provide adequate notice of the intended revocation and provide sufficient opportunity for the licensee/permit or approval holder to show why the action should not be taken.

(c) Suspension of a License, Permit, or Approval. In accordance with the Code of Alabama 1975, the Department has the authority to immediately suspend without notice the license, six-month permit, or approval, if an inspection by the Department of a licensed, permitted, or approved child care facility discloses any condition, deficiency, dereliction, or abuse, which is, or could be, hazardous to the health, safety, or physical, moral, or mental well-being of the children in the care of the child care facility being inspected. In this event, the child care facility shall not operate during the pendency of any proceeding for a fair hearing or judicial review, except under court order. The suspension may remain in effect for a period of no longer than 120 days and shall not be renewable. The license, permit, or approval shall not be suspended for the same or a substantially similar emergency within one calendar year from its first suspension unless the emergency could not have been reasonably foreseen during the initial 120 day period that such emergency would continue or would likely reoccur during the next nine months. When such summary suspension is ordered, a formal suspension or revocation proceeding shall also be promptly instituted and acted upon.

(d) Penalty for Unlicensed Facilities.

1. If the Department representative determines, through investigation, that any person, group of persons, or corporation is, or has been, operating a child care facility without a license, six-month permit, or approval, the results of the investigation shall be reported to the Attorney General and to the appropriate District Attorney for prosecution. (See Code of Ala. 1975.)

2. Any person, group of persons, association or corporation who conducts, operates or acts as a child care facility without a license, or a six-month permit or an approval... is in violation of the provisions of Title 38, Chapter 7, Code of Ala. 1975... or any person, etc., who violates any other provision of said Chapter...shall be guilty of a misdemeanor...and shall be fined not less than $100 nor more than $1000 or be imprisoned in the county jail not longer than one year or both. (See Code of Ala. 1975, nor more than $1000 or be imprisoned in the county jail not longer than one year or both. (See Code of Ala. 1975.)

(e) Refusal to Permit Inspections

1. A person commits the crime of refusing to permit inspection of property that is owned, possessed or otherwise subject to his/her control if a public servant is legally authorized to inspect such property and an attempt is being made to exercise that authority and he/she:

(i) refuses to produce the property for a reasonable inspection; or

(ii) refuses to permit a reasonable inspection.

2. For the purposes of this section, "legally authorized inspection" includes any lawful search, sampling, testing or other examination of property, in connection with the regulation of the defendant's business or occupation, that is authorized by law.

3. Refusing to permit inspection is a Class C misdemeanor (fine of not more than $500.00 or imprisonment in county jail for not more than three months).

Author: ShunDria Robinson/Zoe Moore
Statutory Authority: Code of Ala. 1975, as amended (hereinafter referred to as Code), §§38-7-1 through 38-7-18, §§41-22-19, §§38-2-6(10), (12), (13), (15), §§26-14-3, §§26-14-4.

History: New Rule: Filed December 18, 2000; effective January 22, 2001. **Amended:** Filed March 8, 2019; effective April 22, 2019. **Amended:** Published July 30, 2021; effective September 13, 2021.

660-5-26-.11 Hearings And Appeals.

(1) Pre-revocation Hearings

(a) If the Department makes the decision to revoke or refuse to renew the license, six-month permit, or approval, a pre-revocation hearing shall be held in order to discuss the intended action and give the licensee/permit holder an opportunity to show why the action should not be taken. Notice of the pre-revocation hearing and notice of action taken by the Department following the pre-revocation hearing shall be sent to the licensee/permit holder by certified mail unless waived. The pre-revocation hearing shall be held in accordance with the Administrative Code, Chapter 660-1-5, a copy of which may be obtained from the Department on request. The pre-revocation hearing does not alter the licensee, permit, or approval holder's right to a fair hearing.

(b) If the Department finds that danger to the health, safety or welfare of the children requires emergency suspension of a license, six-month permit, or approval, the licensee, permit, or approval holder shall be notified in writing of the reason(s) for the decision. The Department may proceed without hearing or upon any abbreviated hearing it finds practicable to suspend the license, six-month permit or approval. The suspension shall become effective immediately unless otherwise stated. In this event, the child care facility shall not operate during the pendency of any proceeding for a fair hearing or judicial review, except under court order. The suspension may remain in effect for a period of not longer than 120 days and shall not be renewable. The license, permit, or approval shall not be suspended for the same or a substantially similar emergency within one calendar year from its first suspension unless the emergency could not have been reasonably foreseen during the initial 120 day period that such emergency would continue or would likely reoccur during the next nine months. When such summary suspension is ordered, a formal suspension or revocation proceeding shall also be promptly instituted and acted upon.

(c) No pre-denial hearing is required to be held prior to the denial of an initial application for a license.

(2) Request for a Fair Hearing.

(a) An aggrieved person may request a fair hearing in the following situations:

1. If an application for an initial license is denied;

2. If an application for a renewal of a license is denied;

3. If any application for an initial license or renewal of a license is not acted upon with reasonable promptness, which is defined as sixty (60) days from the date of the receipt by the Department of all information (including but not limited to: required forms received; investigations and inspections completed) needed to make a decision to grant or deny the license or permit; or

4. If a license, six-month permit, or approval is revoked.

(b) Notice of the opportunity to request a fair hearing shall be given by certified mail.

(c) When a pre-revocation hearing has been held, a request for a fair hearing shall be filed within fourteen (14) calendar days of the notice of the revocation. Any existing license or six-month permit shall remain in effect during the fourteen (14) day time period allowed for request of a fair hearing. If a fair hearing is requested, the existing license, six-month permit, or approval shall remain in effect until and including thirty (30) days after the final decision on the request for a fair hearing.

(d) If the Department finds that danger to the health, safety or welfare of the children requires emergency suspension of a license or six-month permit, the licensee/permit holder shall be notified in writing of the reasons for the decision. The existing license or six-month permit shall be suspended immediately or on the date specified in the notice of suspension.

(e) In all other situations where a pre-action hearing has not been held, a request for a fair hearing shall be filed within sixty (60) calendar days of the action (or inaction) with which the aggrieved person is dissatisfied.

(3) Conduct of a Fair Hearing.

(a) When a pre-revocation hearing has been held, the fair hearing will be conducted on the record. No additional evidence or testimony will be admitted unless it can be shown that it is material to the issues of the case and could not have been presented at the prior hearing with reasonable

diligence or that the additional evidence was not allowed at the prior hearing due to unlawful procedures.

(b) When a pre-action hearing has not been held, the fair hearing is to be conducted in accordance with the hearing procedures found in the Administrative Code, Chapter 660-1-5, a copy of which may be obtained from the Department on request.

Author: ShunDria Robinson
Statutory Authority: Code of Ala. 1975, as amended (hereinafter referred to as Code), §§38-7-1 through 38-7-18, §§41-22-19, §§38-2-6(10), (12), (13), (15), §§26-14-3, §§26-14-4.
History: **New Rule:** Filed December 18, 2000; effective January 22, 2001. **Amended:** Filed March 8, 2019; effective April 22, 2019.

660-5-26-.12 Required Equipment List.

(1) 0 up to 18 months - Minimum Equipment Required for Each Group of Children (based on child/staff ration and capacity of the room).

(a) Washable soft crib toys - 2 per child;

(b) Mobile - 1 attached to each crib (for infants younger than 5 months of age);

(c) Push and pull toys - 1;

(d) A device that plays a variety of age appropriate music;

(e) Age-appropriate Books – 2 per child;

(f) Large soft ball (8+ inches) - 1;

(g) Nesting and stacking toys - 2 sets;

(h) Washable baby doll - 1;

(i) Musical toy - 1;

(j) Colorful pictures and posters;

(k) Activity boxes, such as busy boxes - 3.

(2) 18 months up to 2½ years - Minimum Equipment Required for Each Group of Children (based on child/staff ratio and capacity of the room).

(a) Art/Music

1. Large crayons/markers;

2. Paper (variety);

3. Playdough; Colorful pictures and posters;

4. Record or tape player or compact disc player;

5. Age appropriate records or tapes - 6 per player;

6. Musical toys – 2.

(b) Active Play

1. Push and pull toys - 2;

2. Large cars, trucks, boats, etc. - 2;

3. Sit-on riding toys - 2;

4. Large soft balls – 2.

(c) Quiet Play

1. Books - 2 per child;

2. Age appropriate puzzles - 2 (Complete with all pieces)

3. Nesting and stacking toys - 2 sets;

4. Non-wooden building blocks (non-interlocking blocks) - approximately 20.

(d) Homeliving/Dramatic Play

1. Baby Dolls - 2 (complete with all parts);

2. Doll clothes and blankets;

3. Doll bed - 1;

4. Toy telephones - 2;

5. Pots, pans, buckets, large plastic spoons, etc.;

6. Child-size stove;

7. Dress-up clothes.

(3) 24 months up to 36 months - Minimum Equipment Required for Each Group of Children (based on child/staff ratio and capacity of the room).

(a) Art

1. Non-toxic playdough;

2. Large crayons/markers;

3. Paper;

4. Non-toxic finger-paints in primary colors;

5. Scissors (blunt-tipped);

(b) Literature/Music

1. Books - 2 per child;

2. A device that plays a variety of age appropriate music;

3. Rhythm instruments - one for each child in the group.

(c) Homeliving/Dramatic Play

1. Baby dolls - 2 (complete with all parts);

2. Child-size stove and sink or combination;

3. Cooking utensils and dishes;

4. Doll bed;

5. Doll clothes and blankets;

6. Dress up clothes;

7. Toy telephone - 2.

(d) Educational/Creative

1. Building blocks (non-interlocking blocks) – approximately 50;

2. Cars, trucks, boats, etc. - 3;

3. Age appropriate puzzles - 4 (complete with all pieces);

4. Interlocking manipulative play sets of different types - 3 sets

(4) 2½ years up to 6 years - Minimum Equipment Required For Each Group of Children (based on child/staff ratio and capacity of the room).

(a) Art

1. Easel;

2. Non-toxic playdough or clay;

3. Large non-toxic crayons/watercolor markers;

4. Large sheets of paper;

5. Non-toxic finger and cold water paints in primary colors (red, blue and yellow);

6. Scissors (blunt-tipped) - 2 pair per 5 children;

7. Non-toxic glue or paste; tape;

8. Paint brushes - 4 (variety of sizes with large or long handles).

(b) Educational and Creative

1. Large or medium building blocks - approximately 15;

2. Small building blocks (non-interlocking blocks) - approximately 100;

3. Small cars, trucks, boats, etc. of varying sizes - 6;

4. Age-appropriate Puzzles - 8 (complete with all pieces);

5. Interlocking manipulative play sets of different types - 6 sets;

6. Matching games – 6 (no more than two electronic);

7. Puppets - 2.

(c) Homeliving Area/Dramatic Play

1. Child-sized stove and sink (or combination);

2. Small table and chairs/benches;

3. Cooking utensils and dishes (unbreakable);

4. Doll bed or cradle;

5. Dolls (complete with all parts) - 2;

6. Doll clothes and blankets;

7. Dress-up clothes for boys and girls;

8. Storage for dress-up clothes;

9. Unbreakable Mirror - full length;

10. Play telephones - 2.

(d) Literature and Music.

1. Age appropriate children's books - 2 per child;

2. A device that plays a variety of age appropriate music;

3. Rhythm instruments - 1 per child in the group.

(e) Nature Study and Science.

1. Magnifying glass;

2. Magnets;

3. Nature collections;

4. Measuring and pouring equipment.

(5) 6 years and older - Minimum Equipment Required For Each Group of Children (based on child/staff ratio and capacity of the room).

(a) Jig-saw puzzle - 1 per 5 children;

(b) Games: choose indoor or table games suited to the age of the children - 1 per 5 children;

(c) Games: choose active or outdoor games suited to the age of the children - 1 per 5 children;

(d) Books suited to the age of the children - 2 per child;

(e) Non-toxic tempera paint;

(f) Paper (variety);

(g) A device that plays a variety of age appropriate music;

(h) Brushes;

(i) Non-toxic crayons;

(j) Non-toxic glue or paste, tape;

(k) Scissors;

(l) Interlocking manipulative play sets suited to the age of the children - 1 per 5 children;

(m) Non-toxic playdough/modeling clay.

(6) Playground Equipment. Minimum Equipment Required For Groups Of Twenty-Five Children Or Fewer On The Playground.

(a) Wheel vehicles to sit on and maneuver - 2;

(b) Wheel vehicles to pull or push - 2; Balls - 3;

(c) Climbing apparatus;

(d) Walking board;

(e) Crawl through equipment;

(f) Digging or sand area;

(g) Toys for digging.

Author: Barbara Green
Statutory Authority: Code of Ala. 1975, as amended (hereinafter referred to as Code), §§38-7-1 through 38-7-18, §§41-22-19, §§38-2-6(10), (12), (13), (15), §§26-14-3, §§26-14-4.
History: **New Rule:** Filed December 18, 2000; effective January 22, 2001. **Amended:** Filed March 8, 2019; effective April 22, 2019.

660-5-26-.13 Meal And Snack Patterns (Repealed 4/22/19).

(REPEALED)
Nutrition Service, USDA, as stated above.
Author: Dianne Wright
Statutory Authority: Code of Ala. 1975, as amended (hereinafter referred to as Code), §§38-7-1 through 38-7-18, §§41-22-19, §§38-2-6(10), (12), (13), (15), §§26-14-3, §§26-14-4.
History: **New Rule:** Filed December 18, 2000; effective January 22, 2001. **Repealed:** Filed March 8, 2019; effective April 22, 2019.