ALABAMA DEPARTMENT OF HUMAN RESOURCES SOCIAL SERVICES DIVISION ADMINISTRATIVE CODE

CHAPTER 660-5-27
DAY CARE LICENSURE - CHILD CARE LICENSING AND PERFORMANCE STANDARDS FOR FAMILY DAY CARE HOMES, FAMILY NIGHTTIME HOMES, GROUP DAY CARE HOMES, AND GROUP NIGHTTIME HOMES

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660-5-27-.01 Licensing Requirement.

For purposes of these regulations, a license is required if one of the following items apply:

- Providing care for one or more children who are not related to the provider;
- Providing care away from the child's home;
- Providing care for more than four (4) hours in a 24 hour period.

Author: Teresa Haag
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660-5-27-.02 Definitions.

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

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

(2) ASSISTANT CAREGIVER. A person providing care and guidance of the children in a group day care/nighttime home, under the supervision of the licensee.

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

(4) CAREGIVER. A person providing care and guidance of the children in the home.

(5) CHARACTER AND SUITABILITY. The person maintains business/professional, family, and community relationships that 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.

(6) CHILD. Any person under 19 years of age.

(7) 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.

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

(9) DAY CARE HOME. A child care facility which is a family home and which receives not more than six (6) children for care during the day.

(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) 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 facilities. 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 home staff and are not required to have a record on file at the home. When the services are provided to a child in a licensed child care facility, 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.

(13) 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.

(14) FAMILY HOME. A family home is the dwelling in which the applicant/licensee resides. (Residence is determined by address, mortgage payment or rent, voting district, property taxes, etc.)

(15) GROUP DAY CARE HOME. A child care facility which is a family home and which receives at least seven but no more than twelve children for care during part of the day where there are at least two adults present and supervising the activities.

(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 or permit 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. A "night care facility" is further defined as follows:

(a) NIGHTTIME HOME. A family home which receives no more than six children for care after 7 p.m.

(b) GROUP NIGHTTIME HOME. A child care facility which is a family home which receives at least seven but no more than twelve children for nighttime care, where there are at least two adults present and supervising the activities.

(19) PARENT(S)/GUARDIAN(S). The parent(s), legal guardian(s), or legal custodian of the child.

(20) RELATED. Any of the following relationships by blood, marriage, or adoption: parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, half brother, half sister, uncle or aunt, and their spouses.

(21) SUBSTITUTE. A person, at least 18 years of age, who meets the qualifications and is on call if the licensee must be away from the home.

(22) SUPERVISION. Responsibility for each child and accountability for his/her care by giving direct and full attention to the children at all times.

(23) UNIVERSAL PRECAUTIONS. Safety procedures established to reduce the spread of infectious disease through blood and bodily fluids.

Author: Teresa Haag
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660-5-27-.03 Licensing Procedures.

(1) Application for a License.

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

(b) Any person, group of persons, or corporation may obtain an application for a license to operate a child care facility by contacting the Department of Human Resources.

(c) An application for a license to operate a child care home shall be made on the required form and shall include all requested information.

(d) Applications for a license shall not be transferred from one person to another or from one location to another.

(e) 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 DHR 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.

(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/or 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, an inspection of the home and grounds and an investigation of the applicant and the household members will be made by a Department representative.

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

(c) When minimum standards have been met, a license will be issued.

(4) Denial of an Application. If the application is denied, the Department will notify the applicant in writing, indicating the reason(s) for the Department's decision.

(5) Withdrawal of an Application. The applicant may withdraw the application either verbally or in writing, at any time during the licensing process.

(6) Six-Month Permit.

(a) The Department may, at its discretion, issue one six-month permit to allow reasonable time for the applicant to become eligible for a full license. A new application is not required at the expiration of the six-month permit. The initial application remains pending during the six-month permit period. A two-year license may be issued when the home meets minimum standards.

(b) The Department's decision to issue a six-month permit may be made after the applicant has met all Standards except for providing one-half of the required equipment for each age group for which the home is licensed/permitted. (See Rule 660-5-27-.13, for equipment list.)

(c) The application shall be denied and the home shall close if Standards have not been met at the expiration of the six-month permit.

(7) Provisions of a License/Permit.

(a) A license issued by the Department is valid for two years unless revoked or suspended by the Department or voluntarily surrendered by the licensee.

(b) A six-month permit issued by the Department is valid for six months unless revoked or suspended by the Department or voluntarily surrendered by the licensee.

(c) The number of children in the home or in the care of the licensee, including children on the premises or on field trips, at any given time, shall not exceed the number specified on the license/permit. Children shall be counted as follows:

1. Children younger than lawful school age (see definition, Rule 660-5-27-.02), who live in the home shall be counted when they are in the home or on the premises.

2. Children of lawful school age and older, who live in the home, shall not be counted.

3. Children younger than twelve (12) years of age, who are visiting in the home during the hours of child care, who are not accompanied and supervised by an adult, whether related to the licensee or not, shall be counted when they are in the home or on the premises.

(d) The age range of the children received for care shall conform to the specifications on the license/permit.

(e) No home shall be licensed for more than three (3) children younger than twelve (12) months of age. Exceptions may be granted by the Department to allow for multiple-birth sibling groups (such as triplets) to be received for care.

(f) 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 a renewal of a license;

3. any child care facility which is operating under a license or a six-month permit. Such inspection shall be made at any reasonable time, without prior notice, and may include the entire home and grounds. Prelicensing visits/inspections may be made by appointment.

(g) The Department shall have the right to immediately suspend, limit, or restrict the license/permit of a child care home 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 home, such as but not limited to: away-from-the-home activities; transportation of the children; swimming.

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

3. The right to reduce the number of children specified on the license/permit due to restricted use of required space or bathroom facilities or lack of qualified caregivers.

(h) The current license/permit shall be posted in a place in the home easily viewed by the parent(s)/guardian(s).

(i) The license/permit shall not be transferred to another person or to another location and is void if the licensee moves to another dwelling.

(j) Violators of provisions or standards prescribed by the Department 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. (Code of Ala. 1975, §38-7-16(7)).

(8) Renewal of a License.

(a) An application for renewal of a license shall be submitted to the Department at least thirty (30) calendar days prior to the expiration of the current license. The application for renewal shall be made on the Department's required form(s). It is the sole responsibility of the licensee to obtain the required form(s) and submit the form(s) to the Department on time.

(b) The home's license continues in effect until a decision is made by the Department on the application for renewal, provided that:

1. the application for renewal is received by the Department at least thirty (30) calendar days prior to expiration of the license;

2. the application is complete and accurate.

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

(d) If, upon inspection, minimum standards are not being met, corrective or adverse action shall be taken. (See Rule 660-5-27-.11, for additional information.)

(9) Department Visits and Consultation.

(a) Visits to the home are made by representatives of the Department to determine if minimum standards are being met, to investigate complaints and to provide consultation.

(b) Pre-1icensing visits may be made by a department representative to determine compliance with standards. Pre-1icensing visits may be made by appointment.

(c) Annual visits made for the purpose of determining if standards are being met or to investigate a complaint shall be made without prior notice.

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

(e) The licensee shall not be informed of the identity of the complainant by the Department.

Author: Teresa Haag
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660-5-27-.04 The Home.

(1) Location.

(a) Each home licensed shall be the primary residence of the applicant/licensee. (Primary residence is determined by address, mortgage payment/rent, voting district, property taxes, etc.)

(b) Child care shall be provided within the family home, not in a separate building.

(c) If rental property is used, a written statement from the owner of the property granting permission for the applicant to operate a child care home, shall be obtained by the applicant and submitted to the Department at the time of initial application.

(d) At the time of initial application, a written statement of compliance with applicable zoning requirements shall be obtained and submitted 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.

(e) At the time of initial application, a written inspection report, with no violations cited, shall be obtained from the fire department with jurisdiction or from the state fire marshal, and submitted to the Department. The home shall comply with the fire code, building and safety codes adopted by the State Fire Marshal's Office. Volunteer fire department approvals and/or inspections will not be accepted.

(f) A written inspection report from the health department may be requested at the discretion of the Department at any time.

(g) Subsequent fire and health department inspection reports, after the initial inspection, may be requested by the Department, but must be updated at a minimum of every five (5) years and copies shall be submitted to the Department by the licensee.

(2) Indoor area. The home and grounds shall be maintained in a clean and safe condition.

(a) Injury prevention.

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

2. The home shall have electricity, water, gas (if used for cooking/heating), and a waste disposal system (city sewage or septic tank).

3. The licensee shall have a working telephone in the home.

4. All poisons, cleaning supplies, flammable and other dangerous substances (including but not limited to anything that states "Keep out of reach of children") shall be kept under lock and key or combination lock when not in use.

5. Animals in the home.

(i) Animals or breeds of animals that have shown aggressive behavior shall not be kept in the home or on the grounds.

(ii) 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.

(iii) Animals shall not be allowed in areas of food storage, food preparation or food service during the hours of child care.

(iv) Animal feeding/water containers shall be inaccessible to the children.

(v) Animal litter boxes shall not be located in areas accessible to the children.

(vi) A current certificate of rabies vaccination shall be on file in the home for any animal required by law to be vaccinated.

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

7. Fireplaces should not be used during the hours of operation.

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

9. All exposed electrical outlets shall have protective covers. The covers shall be large enough to prevent being swallowed

10. All stairs used by the children shall have handrails within child's reach.

11. Smoking/tobacco use is prohibited on the premises, as well as in any vehicle used to transport children, during the hours of child care, including but not limited to cigarettes, cigars, electronic cigarettes, pipes, etc.

12. All medication shall be kept under lock and key or combination lock.

13. Clear glass doors, such as patio and storm doors, shall be plainly marked at child level, to prevent accidental impact.

14. Tools and machinery shall be kept in an area where the children cannot get to them.

15. Hot tubs shall be securely covered or drained during the hours of child care.

16. In the event of power failure or other emergency situations, the licensee shall have a flashlight in working condition, in a convenient location..

17. Consumption of alcohol is prohibited during hours of child care. All alcohol must be stored under lock and key or combination lock.

18. Non-prescription narcotic or illegal substances are prohibited in the home or on the grounds, as well as in any vehicle used to transport children.

19. Bio contaminants shall be:

(i) If stored inside of the facility, the item must be disposed of in a covered, plastic lined receptacle, and stored in a locked area. The receptacle must be labeled as biocontaminants;

(ii) If stored inside of the facility, the item must be disposed of in a covered, plastic lined receptacle, and stored in a locked area. The receptacle must be labeled as biocontaminants.

(b) Cleanliness and health.

1. The bathroom shall be clean.

2. Foot stools with non-skid legs shall be available for handwashing and toileting.

3. If potty chairs are used, they shall be promptly emptied into the toilet and washed and disinfected after each use.

4. The diapering area shall be a washable surface and shall be cleaned and disinfected after each use.

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

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

7. Disposable diapers shall be placed in a covered, plastic-1ined trash container inaccessible to children.

8. Reusable (cloth) diapers shall be rinsed in the toilet, placed in a plastic bag, and stored out of reach of children.

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

10. The licensee and each caregiver shall wash his/her hands with soap and warm running water after diapering each child, after assisting with toileting, 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.

11. The licensee and each caregiver shall use single- use disposable gloves for diapering. Clean gloves shall be used for diapering each child. Used gloves shall be disposed of in a covered, plastic-1ined container, inaccessible to children, and shall be disposed of daily.

12. Spills of body fluids, including blood, feces, nasal and eye discharges, saliva, urine, and vomit shall be cleaned up immediately. Caregivers shall wear gloves unless the fluid can be easily contained by the material (e.g., paper towel or cloth) that is being used to clean up. Caregivers shall be careful not to get any of the fluid in your eyes, nose, mouth or any open sores. Caregivers' hands must be washed with soap and water after cleaning up spills. Caregivers shall clean and disinfect any surfaces, such as counter tops 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 receptacle.

(i) Mops used to clean up body fluids should be:

(I) cleaned;

(II) rinsed with a disinfecting solution;

(III) wrung as dry as possible;

(IV) hung to dry completely.

(ii) Rugs and carpets. Contaminated carpet/rugs should be blotted as soon as possible to prevent the contaminants from penetrating the surface to lower layers. Next, the area should be cleaned and sanitized.

(iii) Contaminated clothing items may be sent home in a sealed, plastic bag which is labeled with the child's name and stored inaccessible to the children.

(iv) If the home chooses to wash the contaminated items, the items must be washed separately from non-contaminated items.

13. Each child's hands shall be washed after diapering and toileting.

14. No child shall be left unattended while being diapered.

15. The diapering area shall be separate from areas used for serving, preparing, or storing food.

16. The home shall be maintained so as to prevent and eliminate rodent and insect infestation.

17. Garbage and trash shall be removed at intervals so as not to create a nuisance or a menace to health. Garbage shall be stored in fly-proof and watertight containers with tight fitting covers.

18. Bedding, toys, utensils, toilets, and sinks used by a sick child or household member shall be cleaned and disinfected before being used by another person.

19. All windows and doors used for ventilation shall be screened.

(c) Space.

1. There shall be at least thirty-two (32) square feet of usable indoor floor space for each child the home is licensed or permitted to serve.

2. All rooms used for the care of children shall be well-1ighted, adequately ventilated, and comfortably cooled or heated as appropriate to the season.

3. The home shall have space for providing privacy to a child as needed and to members of the licensee's household, whether for resting, studying, or other purposes.

4. Space shall be available for the temporary care and isolation of a sick child or members of the licensee's household.

5. The home shall have clean and appropriate facilities for the protection, storage, preparation, and serving of food.

6. Space shall be provided for storage of each child's personal belongings, such as, but not limited to boxes, plastic bins, milk crates, etc.

(d) Equipment and furnishings.

1. The licensee shall provide a crib, playpen, bed, or cot for each child who requires rest or sleep during the hours while in care.

(i) No child shall sleep with an adult.

(ii) Each child younger than twelve (12) months of age shall sleep alone in a crib or play pen. If cribs are used, cribs manufactured with slats no more than

2 3/8 inches apart shall be provided. A waterproof mattress which fits snugly against all sides of the crib shall be provided. Mattresses shall be in good condition, with no tears or exposed foam rubber or other stuffing.

(iii) In accordance with the U.S. Consumer Product Safety Act of 2008, any crib provided by a child care facility must meet federal safety standards.

(I) To verify compliance with federal standards, any crib manufactured prior to June 28, 2011, there shall be a Certificate of Compliance on file in the facility and the crib must have a label attached to show the date of manufacture.

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

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

(v) 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.

(vi) In accordance with recommendations from the American Academy of Pediatrics, each infant (younger than twelve (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.

(vii) 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.

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

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

(x) Doors should not be closed in any area where children are sleeping.

(xi) Each child between 12 and 18 months of age shall sleep alone in a crib or play pen or on a low cot.

(xii) Children over 18 months and older must sleep on a cot or bed. Two children of the same sex may share a double or larger size bed, or may sleep alone on a cot or bed.

(xiii) The beds, cots, cribs or play pens shall be clean, sanitary and free of hazards. They shall be maintained in good condition.

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

(xv) Bedding shall be adequate and appropriate to the season. Sheets and covers shall be laundered weekly or more often when soiled. Clean sheets shall be provided for use by each child. Clean covers shall be provided for use by each child older than twelve (12) months of age.

(xvi) Beds, when not in use by household members, may be used for children in care provided that they are completely covered with clean linens before being used by the children.

(xvii) Upper or top bunk beds shall not be used by a child at any time.

(xviii) No child shall sleep or nap on the floor.

2. The licensee shall provide a variety of toys, games, and other play equipment appropriate to the ages of children specified on the license/permit and to the interests of the children. The licensee shall provide at least two (2) items from each category for each age group

for which the home is licensed or permitted., as listed in Rule 660-5-27-.13, the Equipment List.

3. Recorded or printed materials shall be viewed by the licensee for appropriateness before being shown to children. All materials with sexually explicit, frightening or violent content shall be kept in an area inaccessible to children.

(3) Outdoor Area - The home and grounds shall be maintained in a clean and safe condition.

(a) Outdoor play area.

1. Children shall be supervised at all times.

2. The outdoor play area and equipment shall be free from apparent hazardous conditions.

3. There shall be at least one outdoor play area of at least 300 square feet on the grounds. The outdoor play area shall be enclosed by a fence or wall at least four (4) feet in height, free from sharp, protruding edges, except where prohibited by federal regulations. Written documentation shall be submitted to the Department.

4. The licensee shall provide at least two (2) different items of active/outside play equipment listed in Rule 660-5-27-.13, Equipment List, for each age group specified on the license/permit.

5. Outdoor play equipment, which is not designed to be portable, shall be securely anchored so that it cannot be tipped over by an adult.

6. Concrete or asphalt shall not be used under outdoor play equipment, except wheel toys.

7. The outdoor play area shall be free of any stacked wood, construction materials, lumber, or firewood.

8. Stairs or steps used by the children shall have handrails within child’s reach.

(b) Injury prevention.

1. The home and grounds shall be free from apparent hazards including, but not limited to:

(i) abandoned automobiles;

(ii) unused household appliances;

(iii) uncovered wells and cisterns;

(iv) stacked lumber with exposed nails;

(v) explosives.

2. Tools and machinery shall be inaccessible to the children in care.

3. All poisons shall be kept in a locked area (lock and key or combination lock).

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

5. 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.

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

7. Water hazards on the grounds or adjacent to the grounds shall be inaccessible to the children, including but not limited to lakes, ponds, waterfalls, fountains and/or other standing water devices.

(c) Swimming and wading.

Note: The Department of Human Resources does not inspect activities away from the home, including swimming and wading activities. The licensee shall assume full authority and responsibility for away from the home activities.

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

1. When a swimming pool (above ground or in-ground), two (2) feet or more in depth is accessible to the area used for child care, the pool shall be enclosed by a fence or a solid wall which has no doors or windows. The sides of an above ground pool shall not be considered a fence or wall. The fence or wall shall be at least four (4) feet in height, with a locking gate. The gate and all areas of

access shall remain locked at all times the pool is not in use.

(i) If children are allowed in the pool area, additional supervision shall be required. Caregivers shall be within arm's length providing "touch supervision." The adult to child ratio shall be:

(I) one adult caregiver for each child younger than 2½ years;

(II) one adult caregiver for every three (3) children, 2½ years up to 6 years of age;

(III) one adult caregiver to every five (5) children, 6 years of age and older.

(ii) A person with a current American Red Cross Lifeguard Training Certificate shall be in the pool area at all times when the pool is in use. A copy of the current American Red Cross Lifeguard Training Certificate shall be on file in the home.

(iii) The pool shall be maintained in a clean and safe condition.

2. When a wading structure less than two (2) feet in depth is available to the children, there shall be continuous supervision by an adult caregiver. The wading pool shall be filled with clean water prior to each day's usage. The wading pool shall be emptied when not in use.

3. The licensee shall be present during any swimming/ wading activities.

4. Written permission for participation in swimming/ wading activities from each child's parent(s)/ guardian(s) shall be on file in the home if swimming/ wading is provided.

(4) Transportation.

Note: The Department of Human Resources does not inspect activities away from the home. The licensee shall assume full authority and responsibility for away from the home activities.

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

and that the licensee assumes full responsibility for such activities.

(a) The licensee shall be responsible for children whom they transport during the hours of care.

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

(c) A transportation checklist shall be used any time children are transported, walking or by vehicle, to account for each child at every location.

(d) The licensee shall not transport any child in a vehicle without the written consent of the child's parent(s)/ guardian(s).

(e) No child shall be left in a vehicle without adult supervision.

(f) The driver of the vehicle shall have a valid driver's license.

(g) Doors of the vehicle shall be locked at all times when the vehicle is moving.

(h) All passengers and the driver shall be secured in a seat belt or a child passenger restraint system:

1. 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.

2. 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.

3. 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.

4. 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.

5. Each child six (6) years of age and older shall be secured in an individual seat belt, as prescribed by law, which is properly anchored to the vehicle.

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

(j) Vehicle safety check

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

2. A copy of the safety check, on the required form, shall be on file in the home. 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.

(5) Emergency Preparedness and Response Plans.

(a) In the event of an emergency situation, the licensee shall maintain a list of names and telephone numbers, pertaining to the children in care, assistant caregiver and substitutes. The list shall be readily known and accessible to all caregivers. The list shall include the name and telephone number of each child's parent(s)/guardian(s), each child's responsible relative, and each child's doctor.

(b) The name and telephone number for law enforcement, fire department, hospital, poison control and the Department of Human Resources shall be posted by the telephone.

(c) A plan for the evacuation and care of the children in the event of a disaster shall be established and posted in a conspicuous place in the home. The licensee shall inform substitutes and all assistant caregiver(s) of his/her duties and responsibilities in case of emergency. A written statement, signed by each substitute and assistant caregiver, verifying that he/she has been informed of the Emergency Preparedness and Response Plan, shall be on file in the home.

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

(i) Weather emergencies and natural disasters which include severe thunderstorms, tornadoes, flash flooding, major snowfall, blizzards, ice storms or earthquakes;

(ii) Emergency outdoor or indoor lockdown or evacuation due to threats of violence which includes active shooter, bioterrorism or terrorism;

(iii) Emergency or disaster evacuations due to hazardous materials and spills, gas leaks or bomb threats;

(iv) Outbreaks, epidemics or other infectious disease emergencies;

(v) Loss of power, water or heat;

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

2. The disaster plan shall include details for:

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

(ii) Assisting infants and children with special needs and/or health conditions;

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

(iv) The location of supplies and procedures for gathering necessary supplies for staff and children if required to shelter in place;

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

(vi) Training of staff or reassignment of staff duties as appropriate;

(vii) Updating the plan on a yearly basis;

(viii) Contact with local emergency management officials.

3. The plan should also be inclusive of:

(i) Current emergency plans and procedures;

(ii) Location and use of fire extinguishers;

(iii) Location of the first aid and emergency supply kits;

(iv) Phones for on-site and off-site use;

(v) Drills including but not limited to: fire, tornado, lock-down, and relocation.

4. 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: Teresa Haag
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 7, 2002; effective November 11, 2002. **Amended:** Filed May 6, 2003; effective June 10, 2003. **Amended:** Filed May 5, 2004; effective June 9, 2004. **Amended:** Filed November 3, 2006; effective December 8, 2006. **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.

660-5-27-.05 Licensee Members Of The Household, Caregivers And Substitutes.

(1) Health. The health of the applicant/licensee and of the members of the household shall not be detrimental to the physical and mental well-being of the children in care.

(a) Initially, the applicant/licensee shall provide a medical report, on the required form, from a licensed practicing medical doctor, physician's assistant (as defined in Section 34-4-290(4), Code of Ala. 1975), or a certified nurse practitioner. The initial report shall be dated within six (6) months prior to the date of the initial application and shall document the date (shall also be within six (6) months) and result of a tuberculin skin test or chest x-ray. The medical report shall attest to the physical ability of the applicant/ licensee to care for children and the person's freedom from infectious or contagious diseases. The statement shall be signed by a licensed practicing medical doctor, a physician's assistant, or a certified nurse practitioner and shall be on file with the Department. A copy of the medical statement shall be kept on file by the applicant/licensee.

(b) At least every two (2) years after the date of the initial medical report the licensee shall obtain a report from a licensed practicing medical doctor, physician's assistant, or certified nurse practitioner, which attests to the licensee's freedom from infectious or contagious diseases and to his/her physical ability to care for children. The report shall be submitted to the Department. A copy shall be kept on file in the home.

(c) A medical report from a licensed practicing medical doctor, physician's assistant, or certified nurse practitioner, dated within six (6) months prior to the date of the initial application, shall be submitted initially for each household member. The medical report shall document the date (shall also be within six (6) months) and result of a tuberculin skin test or chest x-ray. At least every four (4) years after the date of the initial medical report, each member of the household shall submit another medical report, signed by a licensed practicing medical doctor, physician's assistant, or certified nurse practitioner. Each report shall indicate the person's physical condition and freedom from infectious or contagious diseases.

(d) In addition to the medical report, for each child from two (2) months to five (5) years of age, living in the home, a valid State of Alabama Certificate of Immunization, a valid Alabama Certificate of Medical Exemption, or a valid Alabama

Certificate of Religious Exemption shall be submitted to the Department. A copy shall be kept on file in the home.

(e) A medical report from a licensed practicing medical doctor, or physician's assistant, or certified nurse practitioner, shall be submitted initially (dated within six (6) months prior to the date of the initial application) and at least every two (2) years after the date of the initial report, on all substitutes, assistant caregivers, and household domestic workers who have contact with the children in care or with food served to the children in care. The medical report shall document the date (shall also be within six (6) months) and result of a tuberculin skin test or chest x-ray. Each report shall indicate the person's physical condition and freedom from infectious or contagious diseases.

(f) An additional medical or psychological evaluation or drug screening may 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 professional performing the evaluation shall be provided by the applicant/licensee upon request. “Reasonable suspicion” is defined as follows: Belief based upon evidence of past or present behavior that reasonable grounds exits to review the employee, staff, or licensee, including board members, suitability and fitness to provide care for children.

(g) A licensee/caregiver who shows indications of a physical, emotional, or mental condition which could be detrimental to the children in care or which would prevent satisfactory performance of duties shall not continue giving care to the children until a written statement from the examining medical doctor, indicating that the licensee/caregiver is able to care for the children, is submitted to the Department. In such situations, the substitute may care for the children until the condition is cleared.

(2) Character and Suitability.

(a) Applicants/licensees (see definition, Rule 660-5-27-.02(15), household members, caregivers (see definition, Rule 660-5-27-.02(3), substitutes, domestic workers, volunteers, or other persons who have contact with the children in care or unsupervised access to the children in care shall be of good moral character. Information regarding the character and suitability of applicants for a license and all adult household members shall be reviewed by the Department at the time of the initial application for a license. Subsequent character and suitability reviews shall be conducted at the discretion of the Department. Evidence that an applicant/ licensee, household member, caregiver, substitute, domestic worker, volunteer, or other person who has contact with the

children or unsupervised access to the children, is of unsuitable character may be the basis for the denial of an initial application, denial of an application for renewal of a license, suspension of a license/ permit, or revocation of a license or six-month permit.

(b) The applicant/licensee shall conduct a character and suitability review, as set forth below, of substitutes, caregivers, domestic workers, volunteers, and other persons have contact with the children or unsupervised access to the children.

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

1. References.

(i) At the time of initial application, each applicant for a license and each adult household member shall provide the Department with the names, addresses, and telephone numbers of at least three persons who are unrelated to the applicant or household member by blood, marriage, or adoption. These persons shall be contacted by the Department to determine the applicant/household member's character, community reputation, work history, and suitability to care for children or to have contact with children. The Department may, at its discretion, contact additional sources who can attest to the applicant/household member's character and suitability to care for children or to have contact with children.

(ii) The applicant/licensee shall obtain at least three written references for each current and prospective caregiver, substitute, domestic worker, volunteer, or other person who has contact with the children or unsupervised access to the children. References shall attest to the person's character, community reputation, work history, suitability to care for children or to have contact with the children. Reference contacts shall not be related to the person by blood, marriage, or adoption. Written references shall be kept on file in the home.

2. Clearance of State Central Registry on Child Abuse/ Neglect.

(i) At the time of initial application, a completed REQUEST FOR CLEARANCE OF STATE CENTRAL REGISTRY ON CHILD ABUSE/ NEGLECT shall be submitted by the applicant and each adult household member. Results shall be kept in the Department's files.

(ii) The applicant shall obtain a completed REQUEST FOR CLEARANCE OF STATE CENTRAL REGISTRY ON CHILD ABUSE/NEGLECT for each assistant caregiver, substitute, volunteer, domestic worker, and any other person who has contact with the children or unsupervised access to the children. Results shall be kept on file in the home.

(iii) A REQUEST FOR CLEARANCE OF STATE CENTRAL REGISTRY ON CHILD ABUSE/NEGLECT shall be updated every five (5) years. Additional request may be required based on the discretion of the Department.

(iv) A REQUEST FOR SUPPLEMENTAL CLEARANCE for Inter-State Child Abuse/neglect registry if an individual has lived in another state within the past five (5) years.

3. Criminal History Background Information Checks.

(i) In accordance with Alabama law, (Act 2000-775, Code of Ala. 1975, §38-13-1 through 12, the criminal history of each applicant for a license, each licensee, each adult household member, substitute, assistant caregiver, volunteer, and domestic worker, as well as any other person who has contact with the children or unsupervised access to the children shall be submitted. This information must be updated every five (5) years and must include the following suitability components.

(I) National FBI Criminal History Check, with fingerprint;

(II) NCIC National Sex Offender Registry (NSOR) check;

(III) In-state Criminal History Check, with fingerprint;

(IV) In-State Sex Offender Registry check;

(V) Inter-State Criminal History check if individual has lived in another state within the past five (5) years;

(VI) Inter-State Sex Offender Registry check if individual has lived in another state within the past five (5) years.

(ii) Upon receipt of a determination of unsuitability, the affected individual shall be

terminated from employment or volunteer work in the home.

(iii) The Department shall suspend or revoke the license or deny the initial application or the application for renewal if the applicant/licensee, household member or another person in the home receives a determination of unsuitable character.

(iv) 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.

(v) The licensee shall inform the Department of any criminal convictions and current criminal charges involving the licensee, household members, substitutes, caregivers, domestic workers, and other persons who have contact with the children or unsupervised access to the children, which occur after a license/ permit 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.

4. Evidence of Unsuitable Character.

(i) Examples of evidence which may make an applicant/ licensee, household member, assistant caregiver, substitute, domestic worker, volunteer, or any other person, unsuitable to hold a license/permit or have contact with the children or unsupervised access to children, 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/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;

(ii) Indicated (founded or substantiated) reports of adult or child abuse/neglect, with or without criminal convictions, in this or any other state.

(iii) Evidence in item (iii)(I) through (XIII) and item

(iv) 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.

(iv) An application for a license shall be denied or a license or permit shall be suspended or revoked if the applicant/ licensee, a household member, substitute, assistant caregiver, domestic worker, volunteer, or any other person who has contact with the children or unsupervised access to the children, is determined to be of unsuitable character to work with children, to have contact with children or to have unsupervised access to children.

5. Pending completion of all required background check components, applicants/licensees, substitutes and

assistant caregiver cannot be counted in the staff/child ratio;

(3) Qualifications.

(a) Applicants for an initial license shall have a high school diploma or G. E. D. (general education diploma). Homes licensed before January 22, 2001 are exempt from this requirement as long as the license remains current.

(b) The licensee shall be at least 18 years of age.

(c) Prior to initial licensing, the applicant/licensee shall submit to the Department a current Infant-Child (Pediatric) Cardiopulmonary Resuscitation Certification (CPR) and a current First Aid Certificate.

(d) The licensee shall submit an updated Infant-Child (Pediatric) Cardiopulmonary Resuscitation Certification (CPR) and an updated First Aid Certificate to the Department when these certificates expire.

(e) Prior to initial licensing, the applicant/licensee shall have at least twenty-four (24) clock hours of training in child care and development through participation in workshops, meetings, recorded/printed materials, or one to one consultation. Written documentation shall be submitted to the Department. Child care training shall include at least four (4) hours 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.

(f) All substitutes shall have at least six (6) clock 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. Training in CPR and First Aid shall not be counted toward required training hours.

(g) Thereafter, the licensee shall have at least twenty (20) clock hours of training related to child care each year. Documentation of training shall be on file in the home. Child care training 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.

Training in CPR and First Aid shall not be counted toward required training hours.

(h) By August 1, 2022, the licensee must complete an orientation training on the assessment tools utilized by the Department’s Quality Rating Improvement System (QRIS).

(i) Thereafter, all substitutes shall have at least six hours of training related to child care each year. Documentation of training shall be on file in the home. Child care training 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.

Training in CPR and First Aid shall not be counted toward required training hours.

(j) By August 1, 2022, all home staff including licensee, substitutes, and assistant caregivers must enroll in the Alabama Pathway's Professional Development Registry.

(k)1. The applicant/licensee shall have at least one(1) hour of preservice training from an outside source in each of the following eleven (11) required topic areas:

(i) Prevention and control of infectious diseases (including immunization);

(ii) If applicable, sudden infant death syndrome

(SIDS) prevention and use of safe sleeping practices;

(iii) Medication administration;

(iv) Prevention of and response to emergencies due to food and allergic reactions;

(v) Building and physical premises safety;

(vi) If applicable, prevention of shaken baby syndrome and abusive head trauma;

(vii) Emergency preparedness and response planning;

(viii) Handling and storage of hazardous materials/ correct disposal of biocontaminants;

(ix) Recognition and reporting of child abuse and neglect;

(x) First aid and CPR;

(Xi) If applicable, appropriate precautions in transporting children. Pending completion of all required preservice training, applicants/licensees, substitutes, and assistant caregivers cannot be counted in the staff/child ratio.

2. Thereafter, the Licensee shall have at least one (1) hour of annual training from an outside source in each of the following eleven(11) required topic areas:

(i) Prevention and control of infectious diseases (including immunization);

(ii) If applicable, sudden infant death syndrome (SIDS) prevention and use of safe sleeping practices;

(iii) Medication administration ;

(iv) Prevention of and response to emergencies due to food and allergic reactions;

(v) Building and physical premises safety;

(vi) If applicable, prevention of shaken baby syndrome and abusive head trauma;

(vii) Emergency preparedness and response planning;

(viii) Handling and storage of hazardous materials/ correct disposal of biocontaminants;

(ix) Recognition and reporting of child abuse and neglect;

(x) First aid and CPR;

(xi) If applicable, appropriate precautions in transporting children.

(4) Financial Resources. There shall be financial resources available for the satisfactory care of children served in regard to upkeep of the home and the provisions for nutritious meals, adequate and safe recreational equipment, educational materials and required arrangements for comfortable rest or sleep.

(5) Substitutes. The licensee shall have at least one (1) substitute. Another licensed child care provider shall not be a substitute. Substitutes shall care for the children in the licensee's home.

(a) Substitutes shall be at least 18 years of age.

(b) Substitutes shall have a high school diploma or a general education diploma (G.E.D.). Substitutes designated before January 22, 2001 are exempt from this requirement.

(c) The licensee shall give the Department the name(s), age(s), address(es) and telephone number(s) of the substitute(s).

(d) For each substitute, the following information shall be on file in the home:

1. name;

2. age;

3. address;

4. telephone number;

5. required medical form, including TB test or chest x-ray;

6. reference data;

7. verification of education;

8. documentation of a current Infant-Child (Pediatric) Cardiopulmonary Resuscitation Certification (CPR) and a current First Aid Certificate;

9. character and suitability information (see Rule 660-5-27-.05(2);

10. written verification that he/she has been informed of emergency procedures;

11. written verification that he/she has read the Standards.

12. Photo identification.

(e) Substitutes shall have at least one (1) hour of preservice training from an outside source in each of the following eleven (11) required topic areas:

(i) Prevention and control of infectious diseases (including immunization);

(ii) If applicable, sudden infant death syndrome (SIDS) prevention and use of safe sleeping practices;

(iii) Medication administration;

(iv) Prevention of and response to emergencies due to food and allergic reactions;

(v) Building and physical premises safety;

(vi) If applicable, prevention of shaken baby syndrome and abusive head trauma;

(vii) Emergency preparedness and response planning;

(viii) Handling and storage of hazardous materials/ correct disposal of biocontaminants;

(ix) Recognition and reporting of child abuse and neglect;

(x) First aid and CPR;

(xi) If applicable, appropriate precautions in transporting children.

Pending completion of all requires preservice training applicants/licensees, substitutes, and assistant caregivers cannot be counted in the staff/child ratio.

(f) Thereafter, the substitute shall have at least one (1) hour of annual training from an outside source in each of the following eleven (11) required topic areas:

(i) Prevention and control of infectious diseases (including immunization);

(ii) If applicable, sudden infant death syndrome (SIDS) prevention and use of safe sleeping practices;

(iii) Medication administration;

(iv) Prevention of and response to emergencies due to food and allergic reactions;

(v) Building and physical premises safety;

(vi) If applicable, prevention of shaken baby syndrome and abusive head trauma;

(vii) Emergency preparedness and response planning;

(viii) Handling and storage of hazardous materials/ correct disposal of biocontaminants;

(ix) Recognition and reporting of child abuse and neglect;

(x) First aid and CPR;

(xi) If applicable, appropriate precautions in transporting children.

(6) No outside work or school. During the hours of child care, the licensee shall not work outside the home or attend school. No other activities that take time and attention away from the children shall be performed in the home during the hours of child care, such as but not limited to home schooling, selling or providing products/services and/or educational requirements. Household duties related to the care of the children shall be performed as necessary.

Author: Teresa Haag

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

660-5-27-.06 Care Of The Children.

(1) Supervision of the Children. The children shall be supervised at all times. The licensee shall be responsible for the care and supervision of the children at all times. Doors should not be closed in any area where children are sleeping.

(2) Infants and children shall be handled gently. The licensee and each caregiver 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 or a child's mouth, face or head, etc.

(3) Health.

(a) Immunizations. Each child two (2) months up to five (5) years of age and five (5) year olds who are not enrolled in public or private school kindergarten shall have a valid State of Alabama Certificate of Immunization on file in the home on the child's first day of attendance and the Certificate shall be kept current thereafter unless one of the following certificates is on file in the home:

1. A valid Alabama Certificate of Medical Exemption

OR

2. A valid Alabama Certificate of Religious Exemption.

OR

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

(b) Observations. Each child shall be observed for illness and injuries upon his/her arrival at the child care home, and if possible, shall be observed in the presence of his/her parent(s)/guardian(s).

(c) Illness or injury.

1. The licensee shall report promptly to the child's parent(s)/guardian(s):

(i) Any injury, suspected illness or other changes observed in the health of their child;

(ii) Any exposure to a contagious disease, so that the child may be observed for symptoms of the disease.

2. No child who is ill shall be admitted to the home. 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 home's activities; the need for additional care that cannot be provided 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.

3. 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. 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 licensee shall obtain emergency medical treatment.

4. Contagious diseases/conditions.

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

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

5. 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 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 medications. The plan should include specific symptoms that would indicate the need to administer one or more medications;

(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 the child is transported;

(iv) The home provider should notify the parent(s)/ guardian(s) 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 home provider should contact the emergency medical services system immediately whenever epinephrine has been administered;

(v) Each child’s food allergies should be readily available and known by the child’s teacher(s).

(d) Medication/Medical Procedures.

1. 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 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 given by mouth, apply to skin, (such as but no limited to sunscreen, 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.

2. Any prescription drug or over-the-counter drug sent to the home 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.

3. All medication (children's or household member's) shall be kept under lock and key or combination lock.

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

5. Time and date of all medication dosages or medical procedures administered by the licensee/caregiver shall be documented, in writing, signed by the person administering the medication or medical procedure (initials not acceptable), and kept in the child's file in the home. Copies shall be made available to the child's parent(s)/guardian(s) on request.

(4) Daily Program.

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

(b) 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.

(c) 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 as often as tolerated by the infant while 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. Caregivers should engage with infants on the ground each day to optimize adult/infant interaction.

(d) Infants should not be seated for more than 15 minutes at a time, except during meal or snacks. Infant equipment such as swings, stationary activity centers, infant seats, (e.g., bouncers) and molded seats should only be used for short

periods at a time. The least restrictive environment should always be encouraged.

(e) 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.

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

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

2. 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.

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

(g) The diapering area shall be a washable surface and shall be cleaned and disinfected after each use.

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

(i) Wet or soiled diapers and other clothing shall be changed promptly.

(j) Disposable diapers shall be placed in a covered, plastic-1ined trash container inaccessible to children.

(k) Reusable (cloth) diapers shall be rinsed in the toilet, placed in a plastic bag, and stored out of reach of children.

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

(m) The licensee and each caregiver shall wash his/her hands with soap and warm running water after diapering each child, after assisting with toileting, and after contact with bodily fluids. Individual disposable paper towels shall be used for hand drying.

(n) The licensee and each caregiver shall use single-use disposable gloves for diapering. Clean gloves shall be used for diapering each child. Used gloves shall be disposed of in

a covered, plastic-1ined container, inaccessible to children, and shall be disposed of daily.

(o) Spills of body fluids, including blood, feces, nasal and eye discharges, saliva, urine, and vomit shall be cleaned up immediately. Caregivers shall wear gloves unless the fluid can be easily contained by the material (e.g., paper towel or cloth) that is being used to clean up. Caregivers shall be careful not to get any of the fluid in your eyes, nose, mouth or any open sores. Caregivers shall clean and disinfect any surfaces, such as counter tops and floors, on which body fluids have been spilled. Contaminated materials shall be discarded in a plastic bag that has been securely sealed. Mops used to clean up body fluids should be:

1. cleaned;

2. rinsed with a disinfecting solution;

3. wrung as dry as possible;

4. hung to dry completely.

Caregivers should wash their hands with soap and water after cleaning up any spills.

(p) Each child’s hands shall be washed after diapering and toileting.

(q) No child shall be left unattended while being diapered.

(r) The diapering area shall be separate from areas used for serving, preparing, or storing food.

(s) Infants shall be handled gently. The licensee and each caregiver 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 mouth, face or head, etc.

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

(u) 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 hour per day for those in full day programs. Screen time shall only be used for educational purposes or physical activity.

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

(w) 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 of a child by running, climbing, dancing, skipping and jumping.

(5) Child Abuse/Neglect Reporting.

(a) The licensee and any other caregivers are required by law, (Code of Ala. 1975, §§26-14-1 through 26-14-13) to report known or suspected child abuse or neglect 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.

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

(c) The law further provides that all reports to the Department of Human Resources and certain other records of child abuse and neglect are considered confidential under penalty of law.

(d) The licensee, household members, and all caregivers shall cooperate with the Department personnel on any child abuse or neglect investigation, including providing information to workers and allowing access to children and records.

(6) Meals and Snacks.

(a) The licensee shall provide breakfast or a morning snack, a mid-day meal and at least one afternoon snack each day for the children in care. Rule 660-5-27-.14. Meals and snack components and serving sizes shall comply with the USDA guidelines. No child shall be deprived of a meal or snack if he/she is in attendance at the time the meal/snack is served.

1. Breakfast, if served, shall include at least the following:

(i) fruit and/or vegetable;

(ii) whole grain or enriched bread or bread product;

(iii) fluid milk.

2. Snacks shall include at least two of the following four choices:

(i) fluid milk;

(ii) meat or meat alternate;

(iii) fruits and/or vegetables;

(iv) whole grain or enriched bread or bread products.

3. Meals shall include at least the following:

(i) meat or meat alternate;

(ii) vegetables/fruits (one vegetable and one fruit, or two fruits);

(iii) whole grain or enriched bread or bread product;

(iv) fluid milk.

(b) Formula or food for infants and other special diets recommended or prescribed by a physician shall be prepared as directed by the parent(s)/guardian(s). Special foods for any child shall be clearly labeled with the child's name and stored as directed.

(c) If formula is provided by the parent(s)/ guardian(s), it shall be sent ready to feed, 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.

(d) Bottles and infant food 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, slow cooking device, or by placing them in a container of warm water. Bottles should never be warmed in microwaves. Warming devices and dangling cords should not be accessible to children.

(e) 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 specified child. 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 breast fed infant should be used with written parental consent.

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

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

(h) 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).

(7) Food Service.

(a) The licensee, each caregiver, and each child shall wash his/her hands with soap and warm running water before eating, preparing, or serving foods. Individual disposable paper towels shall be provided for drying hands.

(b) Feeding chairs shall be provided for infants. Feeding chairs and tables on which food is served shall be thoroughly cleaned and disinfected prior to and after snacks and meals. Each child's food shall be served from an individual dish or napkin and shall not be placed directly on tables.

(c) Each infant and 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 cups shall be used only under close supervision.

(d) All prepared formula and food brought from the child's home shall be labeled with the child's name and properly stored. Milk and prepared formula shall be placed immediately in the refrigerator. Previously opened baby food jars shall not be accepted by the licensee. All formula remaining in the bottle after a feeding shall be discarded.

(e) Each infant shall be held when fed from a bottle. Bottles shall not be propped.

(f) The size of servings shall be adequate to meet each child's needs.

(g) Food, including dessert or milk, shall not be forced on or withheld from a child.

(h) Each child shall be seated while eating.

(8) Food protection and preparation.

(a) No home-canned/preserved foods shall be used.

(b) Food shall be protected from contamination during storage, preparation, and serving.

(c) All food preparation surfaces and utensils shall be thoroughly cleaned before use.

(d) Once food has been served to a child, portions of leftover food shall not be served again.

(e) Tableware, cooking utensils, and all food contact surfaces shall be thoroughly cleaned after each use.

(f) Animals shall not be allowed in food storage, food preparation, or food service areas during hours of child care.

(g) Floors in food preparation and service areas shall be swept or vacuumed daily and mopped as needed to maintain cleanliness.

(9) Personal Belongings.

(a) The licensee shall require the parent(s)/ guardian(s) to provide appropriate seasonal clothing for each child to permit a change when necessary.

(b) Sufficient clean, dry diapers and clothing shall be provided for each infant/toddler. Wet or soiled diapers and other clothing shall be changed promptly.

(c) Adequate space shall be available to each child for storing his/her personal belongings.

(10) Disciplinary Practices.

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

(b) The following disciplinary practices are prohibited:

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

2. 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. 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. 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.

(11) Outdoor Play. All children shall spend time outdoors each day, when weather permits.

(a) Infants (Birth-12 mos.) should be taken outside two-three times daily as tolerated.

(b) Toddlers and preschoolers should be allowed 60-90 total minutes of outdoor play.

(12) Sign in/Sign out Procedures.

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

(b) If a child walks to the home from school or another designated location, or is transported to/from the home by school bus, the licensee/caregiver shall sign (signature required, initials not acceptable) each child in upon arrival and out upon departure, indicating time of arrival/departure.

(13) Release of the children.

(a) The licensee/caregiver shall not release a child to anyone without written authorization from the child's parent(s)/ guardian(s).

(b) Authorized persons who are unfamiliar to the licensee or caregiver shall show photographic identification when picking up a child.

(14) Visits by parent(s)/guardian(s). Parent(s)/ guardian(s) shall have the right to visit and observe their child in the home at any time during hours of operation. Parent(s)/ guardian(s) shall be informed of this right.

(15) Parent Communication. Information on child development and children's health must be shared annually with parent(s)/ guardian(s).

Author: Teresa Haag
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 4, 2005; effective December 9, 2005. **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.

660-5-27-.07 Administration.

(1) General administrative responsibilities of the applicant/ licensee.

(a) The applicant/licensee shall apply for a license to operate a child care home on the required form(s). (See Rule 660-5-27-.03, Licensing Procedures, for additional information.)

(b) An application for renewal of the license shall be submitted to the Department at least thirty (30) calendar days prior to the expiration of the license 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 as required.

(c) The applicant/licensee shall read and be familiar with the Standards and assume final authority and responsibility for meeting and maintaining Standards.

(d) There shall be financial resources available to provide for the satisfactory care of the children in care in regard to upkeep of the home and the provision of nutritious meals, safe

play equipment, and required arrangements for comfortable rest/sleep.

(e) The following documents shall be posted in a place in the home easily seen by parent(s)/guardian(s):

1. the home's current license or permit;

2. the most recent licensing evaluation form;

3. the most recent deficiency report form;

4. public notice form;

5. the name and telephone number for law enforcement, fire department, hospital, poison control and the Department of Human Resources;

6. Emergency Preparedness and Response Plans;

7. corrective/adverse action notices;

8. daily schedule.

(f) Any information regarding children and facts learned about children and their relatives shall be kept confidential and shall not be shared except:

1. with the parent(s)/guardian(s) or person(s) authorized by parent(s)/guardian(s) to receive such information, or

2. with the Department. (See Code of Ala. 1975, Section 38-7-13.)

(g) The licensee shall provide the parent(s)/ guardian(s) and the Department with a written statement of the rules and policies of the home. These rules and policies shall be given to parent(s)/guardian(s) when the child is enrolled and shall include at least the following:

1. A statement of child care services to be provided including days and hours of care and fees;

2. Information about the substitutes and how they will be used;

3. Information about any animals on the premises;

4. Information about pools on the premises and if the children will have access to the pool;

5. Parent(s)/guardian(s) shall be informed of their right to visit and observe their child in the home at any time during the hours of care;

6. Statement regarding Standards requirements for illness and injury;

7. A daily schedule which includes a minimum of sixty (60) minutes of moderate to vigorous active play and physical activities indoors and outdoors;

8. Disciplinary practices;

9. An Emergency Preparedness and Response Plan that addresses situations covered on pages 23-24 of The Standards.

(h) The licensee shall provide parent(s)/guardian(s) and the Department in writing, of any changes in the home's rules and policies.

(i) The licensee's social security number or tax ID number shall be made available to the parent(s)/guardian(s) on request.

(2) Reports to the Department.

(a) Enrollment reports, indicating the number and ages of children enrolled in the home, shall be submitted to the Department upon written request from the Department.

(b) The licensee shall report any known or suspected child abuse or neglect to the County Department of Human Resources, the local chief of police or the county sheriff.

(c) The following shall be reported verbally within 24 hours, and followed by a written report within 5 days:

1. any injury/illness requiring professional medical treatment of any child;

2. any injury/illness requiring emergency medical treatment;

3. any death occurring in the home;

4. changes in caregivers or substitutes (new or additional caregivers or substitutes);

5. any change in the name of the licensee;

6. any change in the name or number of the street address of the licensed home made by a government agency. (Note: any change in location requires a new license);

7. any change in the telephone number of the licensee, caregiver, or substitute;

8. serious accidents or serious illness of the licensee or household members;

9. serious damage to the home or grounds;

10. changes in members of the household (new household members moving into the home, household members moving out of the home, birth of a child);

11. any arrest of the licensee, household members, caregivers, substitutes, domestic workers, volunteers, or any other persons who have contact with the children or unsupervised access to the children;

12. final disposition of any child abuse/neglect investigation involving the licensee, household members, caregivers, substitutes, domestic workers, volunteers, or any other persons who have contact with the children or unsupervised access to children.

13. any disastrous event.

(d) Any physical or structural changes in the home or on the grounds such as but not limited to: remodeling; renovations; or installation of a swimming pool, shall be reported to the Department in advance.

(e) Any change in location (move to another home) shall be reported to the Department in advance. (Note: A new license must be applied for and obtained before receiving children in the new location.)

(3) Records to be kept by the licensee.

(a) Copies of initial and updated medical reports for the licensee.

(b) Results of Tuberculin skin tests or chest x-rays.

(c) Written verification of education for the applicant/ licensee.

(d) Written verification of training for the applicant/ licensee, including:

1. written documentation of a current Infant-Child (Pediatric) Cardiopulmonary Resuscitation Certification (CPR) and a current First Aid Certificate;

2. a current American Red Cross Lifeguard training certificate if the home has a pool and the children in care are allowed in the pool area;

3. written verification of training received through workshops, meetings, recorded/printed materials, or one to one consultation.

(e) The following information shall be kept in an individual file in the home for each assistant caregiver and each substitute:

1. three (3) references;

2. State Central Registry on Child Abuse/Neglect Clearance Form must be issued within the last five (5) years and updated every five (5) years thereafter (See Rule 660-5-27-.05, for details). Forms can be obtained from the Department's website;

3. Criminal history background information, including;

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

(ii) Identification verification of name, date of birth, race and 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.

4. medical reports;

5. results of tuberculin skin tests or chest x-rays;

6. written verification regarding emergency procedures;

7. written verification of having read the Standards;

8. written verification of education;

9. written verification of training, including:

(i) written documentation of a current Infant-Child Cardiopulmonary Resuscitation Certification (CPR) and a current First Aid Certificate;

(ii) a current American Red Cross Lifeguard training certificate if the home has a pool and the children in care are allowed in the pool area;

(iii) written verification of training received through workshops, meetings, videotapes, or one to one consultation (not required for substitutes).

(f) Records on caregivers and substitutes shall be kept for at least two (2) years after the caregiver or substitute leaves.

(g) A current certificate of rabies vaccination for animals required by law to be vaccinated.

(h) Children's records shall be on file in the home on the child's first day of attendance and shall include at least:

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; signed 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. written authorization, signed by the parent(s)/ guardian(s) to administer medication or medical procedures, if applicable, and written record of medication administration;

3. immunization certificates. (See Rule 660-5-27-.06)

(i) Children's records shall be kept for at least two (2) years after the child leaves care.

(j) Any other information about the children shall be kept in the children's records.

(k) Any information regarding children and facts learned about children and their relatives shall be kept confidential and shall not be shared except:

1. with the parent(s)/guardian(s) or person(s) authorized by parent(s)/guardian(s) to receive such information, or

2. with the Department. (See Code of Ala. 1975, Section 38-7-13.)

(l) 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 records, including children's records.

(m) Transportation checklists and sign in and sign out sheets shall be kept on file in the home for the current year plus two additional years.

Author: Teresa Haag
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.
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660-5-27-.08 Nighttime Care.

In addition to the preceding regulations, homes offering nighttime care after 7 p.m., shall meet the following regulations:

(1) The number and age of children in nighttime care shall not exceed the number and age range of children for which the nighttime home is licensed.

(2) Bathing.

(a) 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.

(b) Individual soap, individual towel, and an individual washcloth shall be provided for each child who is bathed at the home.

(3) In addition to requirements for sleeping (See Indoor Area, Equipment and Furnishings, Rule 660-5-27-.04(2)(d)):

(a) Each child younger than eighteen (18) months of age who receives his/her regular night's sleep in a nighttime home, shall sleep alone in a crib.

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

(c) Each child who is eighteen (18) months of age or older, who receives his/her regular night's sleep in a nighttime home, shall sleep in a bed.

(4) Each child's toilet articles (such as combs, toothbrushes, etc.) shall be labeled with the child's name, kept separate, and kept in sanitary condition.

(5) Breakfast shall be served to each child who goes directly to school from nighttime care, unless breakfast is provided by the school or by the parent(s)/guardian(s).

(6) An evening meal shall be served for each child who continuing in attendance from the day time program.

Author: Karen 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.

660-5-27-.09 Group Day Care Homes.

For purposes of these regulations, a license is required if one of the following items apply:

- Providing care for one or more children who are not related to the provider;
- Providing care away from the child’s home;

• Providing care for more than four (4) hours in a 24 hour period.

In addition to the preceding regulations (except for Rule 660-5-27-.08, Nighttime Care), homes offering group day care for at least seven (7) but no more than twelve (12) children, shall meet the following regulations:

(1) A separate license shall be applied for and obtained prior to offering group day care for seven (7) but no more than twelve (12) children.

(2) A group day care home shall have at least the following caregivers: the licensee, the assistant caregiver, and at least two (2) substitutes.

(3) Whenever seven (7) or more children are present, at least two (2) adult caregivers shall be present and supervising the children. This shall include the licensee and the assistant caregiver. If a substitute is used, either the licensee or the assistant caregiver shall be present and supervising the children.

(4) No group day care home shall be licensed for more than six (6) children younger than twelve (12) months of age. There shall be at least one caregiver present and supervising each three (3) children younger than twelve (12) months of age.

(5) The assistant caregiver hired after January 22, 2001 shall meet the same educational, medical, age, and character and suitability requirements and qualifications as the licensee with the exception of living in the home.

(6) The assistant caregiver shall have at least twelve (12) clock hours of training in child care within the first 30 days of employment. Child care training shall include clock hours in each of these areas:

(a) child development;

(b) health, safety and universal precautions;

(c) quality child care and licensing;

(d) the child care professional and the family;

(e) language development;

(f) positive discipline and guidance.

(7) The assistant caregiver shall have at least twelve (12) clock hours of child care training each year thereafter. Child

care training shall include clock hours in each of these areas:

(a) child development;

(b) health, safety and universal precautions;

(c) quality child care and licensing;

(d) the child care professional and the family;

(e) language development;

(f) positive discipline and guidance.

(8) Assistant Caregiver Training.

(a) The Assistant Caregiver shall have at least one (1) hour of preservice training from an outside source in each of the following eleven (11) required topic areas:

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

2. If applicable, 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. If applicable, 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 biocontaminants;

9. Recognition and reporting of child abuse and neglect;

10. First aid and CPR;

11. If applicable, appropriate precautions in transporting children.

Pending completion of all required background check components applicants/licensees, substitutes, and

assistant caregivers cannot be counted in the Child/ Staff Ratio.

(b) Thereafter, the Assistant Caregiver shall have at least one (1) hour of annual training from an outside source in each of the following eleven (11) required topic areas:

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

2. If applicable, 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. If applicable, 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;

11. If applicable, appropriate precautions in transporting children.

(9) Required information for the assistant caregiver shall be kept on file in the home. (See Rule 660-5-27-.07(3)(d), for requirements of caregiver and substitute records.)

(10) All caregivers shall read and be familiar with the standards and written verification of this shall be on file in the home.

(11) An outdoor play area of at least 600 square feet shall be provided on the grounds. The outdoor play area shall be enclosed by a fence or wall at least four (4) feet in height.

(12) The licensee shall provide at least four (4) items from each category of play equipment for each age group listed in Rule 660-5-27-.13, Equipment List.

Author: Teresa Haag

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 7, 2002; effective November 11, 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 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.

660-5-27-.10 Group Nighttime Homes.

In addition to the preceding regulations including Section G., Nighttime Care) homes offering group nighttime care for at least seven (7) but no more than twelve (12) children after 7 p.m., shall meet the following regulations:

(1) Anytime seven (7) or more children are present, at least two (2) adult caregivers shall be present and supervising the children.

(2) The number and age of children in nighttime care shall not exceed the number and age range of children for which the nighttime home is licensed.

(3) In addition to requirements for sleeping (See Indoor Area, Equipment and Furnishings, Rule 660-5-27-.04(2)(d)).

(a) Each child younger than 18 months of age who receives his/her regular night's sleep in a nighttime home shall sleep alone in a crib.

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

(c) Each child who is 18 months of age or older, who receives his/her regular night's sleep in a nighttime home shall sleep in a bed.

Author: Karen 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.

660-5-27-.11 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; suspension of a license/permit; revocation of a license/permit.

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

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

(1) 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 home, or after investigation of a substantiated complaint regarding the home. In any visit to the home 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 prelicensing visit.

(2) Corrective Action.

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

(b) 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.

(c) 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.

(3) Restriction or Modification of the Provisions of the License/Permit

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

(b) The right to restrict or limit the use of specific areas of the home, such as but not limited to: outdoor play areas; bathrooms; rooms used by the children.

(c) The right to reduce the licensed capacity of the home or to amend the ages of children to be served, due to restricted use of required space or bathroom facilities or lack of qualified caregivers.

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.

1. Probationary Status.

(i) 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.

(ii) 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 home's license shall be returned to active status if the home 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.

(iii) 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.

2. Revocation of a License. (See Code of Ala. 1975, Section 38-7-8). The Department may revoke or refuse to renew the license of the child care home or refuse to issue a full license to the holder of a six-month permit should the licensee:

(i) Consistently fail to maintain standards prescribed and published by the Department;

(ii) Violate the provisions of the license issued;

(iii) Furnish or make any misleading or any false statements or reports to the Department;

(iv) Refuse to submit to the Department any reports or refuse to make available to the Department any records required by the Department in making an 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.

(v) Fail or refuse to submit to an investigation by the Department;

(vi) Fail or refuse to admit authorized representatives of the Department at any reasonable time for the purpose of investigation;

(vii) 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;

(viii) Refuse to display its license or permit;

(ix) 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; or

(x) Fail to adhere to all terms of the Family/ Group Day Care/Nighttime Home Agreement required on the Application for a License.

3. Suspension of a License. In accordance with the Code of Ala. 1975, Sections 38-7-11 and 41-22-19(d), the Department has the authority to immediately suspend without notice the license/six-month permit if an inspection by the Department of a licensed 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 not longer than 120 days and shall not be renewable. The license 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.

Penalty for Unlicensed Facilities. 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, approval or six-month permit, 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, Section 38-7-10, 38-7-16, and 38-7-17.)

Refusal to Permit Inspections. (Code of Ala. 1975, Section 13A-10-3.)

4. 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.

5. 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.

6. 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: Teresa Haag
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.
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660-5-27-.12 Hearings And Appeals.

(1) Pre-revocation Hearings.

(a) If the Department makes the decision to revoke or refuse to renew the license or six-month permit, 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 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 or six-month permit, the licensee/permit holder shall be notified in writing of the reasons for the decision. The Department may proceed without hearing or upon any abbreviated hearing it finds practicable to suspend the license or six-month permit. 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 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 or six-month permit 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 or six-month permit 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: Karen 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.

660-5-27-.13 Equipment List.

The licensee shall provide a variety of toys, games, and other play equipment appropriate to the ages of children specified on the license/permit and to the interests of the children. The licensee shall provide at least two (2) items from each category for each age group for which the home is licensed or permitted.

(1) Equipment for Children Up to 2 ½ Years.

(a) Toys For Active/Outdoor Play

- Small wheel toys
- Push and pull toys
- Boxes of assorted sizes
- Swings with safety seat, infant swing
- Sand or digging area, toys for digging, pouring, sifting
- Large Balls

(b) Quiet toys

- Simple puzzles
- Nesting and stacking toys
- Soft dolls and clothes
- Cars, trucks, trains
- Large beads or spools to string
- Picture books

(c) Art materials

- Paper
- Non-toxic crayons
- Non-toxic water color markers
- Play dough

(d) Crib toys

- Crib mobiles (for infants younger than five months)
- Washable teething rings • Rattle toys
- Squeeze toys
- Soft cuddly toys
- Busy boxes

(e) Make-believe Play

- Dolls, and clothes and blankets
- Dress-up clothes
- Homeliving area - pretend kitchen appliances may be

made from boxes
• Toys, dishes, pans, spoons, plastic containers with lids
• Toy telephone
• Puppets

(2) Equipment for Children 2 ½ Years up to 6 Years.

(a) Toys for Active/Outdoor Play.

• Sand or digging area with items for digging, filling, sifting, and pouring
• Climbing structure with soft surface underneath
• Wheel toys
• Balls
• Buckets for water play, items for pouring, measuring, floating

(b) Toys for Quiet Play.

• Puzzles
• Beads or spools and string for stringing
• Peg boards and pegs
• Matching games such as lotto, picture dominoes and other simple games
• Creative construction sets
• Blocks
• Small cars, trucks, boats, trains

(c) Make Believe Play.

• Dolls, with clothes, blankets, storage area
• Doll stroller
• Doll bed or cradle
• Dress-up clothes
• Home living area-kitchen appliances may be purchased or made from cardboard boxes
• Play dishes, plastic baby bottles, pots and pans, measuring spoons
• Puppets
• Sheet or bedspread for making a tent
• Cardboard boxes in assorted sizes
• Mirror
• Toy telephone

(d) Water Play.

• Dish pan
• Sponges
• Bubble mixture; Strainers
• Funnels
• Egg beaters
• Small boats and other floating toys

(e) Art, Books, Music.

- Non-toxic art materials - large pencils and crayons, water color markers, paper, chalk, blunt-end scissors, paste, glue, playdough, paints (tempera or water color), long handled brushes, finger-paints
- A variety of age-appropriate books accessible to the children
- A device that plays a variety of age-appropriate music
- Rhythm instruments

(f) Nature and Science Materials. Collections of rocks, leaves, seeds, etc.; Aquarium with fish (must be covered); Magnifying glass; Magnets; Measuring equipment.

(4) Equipment for Children 6 Years and Older

(a) Storage - Children shall have a separate area for storing their personal items and projects.

(b) Art, Music, Books

- Non-toxic art materials: a variety of kinds of paper, scissors, glue, crayons, markers, chalk, paints, clay, playdough
- Books and magazines appropriate to the ages of the children
- A device that plays a variety of age-appropriate music

(c) Dramatic Play Props

- Dress-up clothes
- Dolls and dolls clothes
- Costumes and masks

(d) Toys for quiet time

- Interlocking manipulative play sets
- Jigsaw puzzles
- Board games and playing cards

(e) Equipment for Active/Outdoor Play

- Balls
- Bats
- Tether ball
- Croquet set
- Badminton set
- Horseshoes
- Wheel toys

Author: Karen 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 7, 2002; effective November 11, 2002. **Amended:** Filed May 6, 2003; effective June 10, 2003. **Amended:** Filed March 8, 2019; effective April 22, 2019.

660-5-27-.14 Meal And Snack Patterns (Repealed 4/22/19).

(REPEALED)
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.