DEPARTMENT OF HUMAN RESOURCES SOCIAL SERVICES DIVISION ADMINISTRATIVE CODE

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

660-5-26-.03 Facilities.

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

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

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

(4) Indoor Area.

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

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

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

(d) Bathroom facilities.

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

2. Number of fixtures:

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

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

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

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

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

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

(g) Storage space for children and staff.

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

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

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

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

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

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

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

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

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

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

5. Outside doors shall be kept closed.

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

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

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

(k) Hazard prevention.

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

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

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

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

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

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

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

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

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

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

11. Bio contaminants shall be:

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

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

(5) The center shall be clean.

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

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

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

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

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

(i) cleaned;

(ii) rinsed with a disinfecting solution;

(iii) wrung as dry as possible;

(iv) and hung to dry completely.

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

(e) Contaminated Clothing

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

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

(6) Outdoor Area.

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

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

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

2. In centers with a licensed, permitted or approved capacity of 60 or more children, there shall be at least

60 square feet of outdoor play area for each child for at least one-half of the center's licensed, permitted, or approved capacity.

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

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

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

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

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

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

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

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

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

(7) Swimming and Wading at the Center.

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

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

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

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

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

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

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

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

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

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

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

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

6. In addition to the lifeguard and persons counted in the staff-child ratios for children in the pool, staff meeting child care worker qualifications shall be provided to supervise any child or children in the enclosed pool area (inside the fence), but not in the water. Required staff-child ratios as stated in Rule 660-5-26-.04, shall be met for children not in the water.

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

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

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

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

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

3. Clean water shall be provided each day.

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

(8) Away from center activities.

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

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

(9) Furnishings and Equipment.

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

(b) Condition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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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