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-.08 Administration.

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

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

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

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

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

(e) Establish written operating policies of the center.

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

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

3. Operating policies shall not contradict the Standards.

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

(2) Reports to the Department

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

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

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

3. change of the director of the center;

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

5. alterations to the center or grounds;

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

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

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

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

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

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

4. major damage to the facility;

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

6. any litigation involving the center;

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

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

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

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

11. any disastrous event.

(c) Child Abuse/Neglect reports

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

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

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

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

(3) Admission Procedures

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

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

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

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

2. staff-child ratio maintained as required;

3. required records maintained and filed;

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

(4) Children’s Records

(a) Confidentiality

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

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

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

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

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

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

1. Child's Pre-Admission Record, on the required form, including: child’s name; birthdate; home address; name, address, and telephone number of child’s parent(s)/ guardian(s); name, address, and telephone number of mother’s and father’s employer; emergency contact information; name, address, and telephone number of child’s doctor; signed authorization for emergency medical treatment; special needs or instructions; list of persons child may be released to; statement that parent(s)/guardian(s) understands that the Department does not inspect activities away from the facility; permission signed by the child’s parent(s)/guardian(s) for the child to participate in activities away from the facility, transportation provided by the facility, and swimming/wading provided by the facility; child’s first day of attendance; child’s withdrawal date; the child meets the definition of homelessness, according to the McKinney-Vento Homeless Assistance Act.

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

3. Immunizations.

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

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

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

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

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

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

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

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

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

(b) Transportation checklists.

(c) Vehicle safety check.

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

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

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

(b) Public notice form

(c) Most recent licensing evaluation form.

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

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

(f) Most recent fire inspection report.

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

(h) Menu for meals and snacks.

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

1. Fire department;

2. Law enforcement;

3. Medical assistance (ambulance or rescue);

4. Poison control center;

5. Substitute help.

(j) Emergency Preparedness and Response Plans.

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

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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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