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

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.

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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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