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-.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.