

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 660 Department or Agency Human Resources
Rule No. 660-5-19
Rule Title: Health and Safety Guidelines - Out of School Time Facilities
X New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? Yes

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer *Randy A. Gunkner*

Date 1-19-18

(DATE FILED)
(STAMP)

(Department of Human Resources)
Child Care Services Division

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Human Resources

RULE NO. & TITLE: 660-5-19 Child Care Subsidy Program Health and Safety Guidelines Out-of-School Time Facilities

INTENDED ACTION: To enact a new chapter to align with changes in Federal regulations.

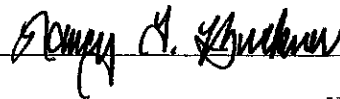
SUBSTANCE OF PROPOSED ACTION: Federal regulations have changed necessitating a revision to the Department policy for providers participating in the Child Care Subsidy Program.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested parties may submit data, views, or arguments respecting the proposed amendment by mail or in person through the close of business on March 7, 2018. Persons wishing to submit data, views, or arguments orally should contact the Department's Administrative Procedure Secretary between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding State holidays, at (334) 242-9330, or set up an appointment for such oral/in person presentations.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: March 7, 2018

CONTACT PERSON AT AGENCY:

Gail Grobe, AP Secretary
State Department of Human Resources
Gordon Persons Building
50 Ripley Street, Suite 2122
Montgomery, Alabama 36130-4000
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Nancy T. Buckner
Commissioner

ECONOMIC IMPACT STATEMENT

FOR APA RULE

(Section 41-22-23 (f))

Control No. 660 Department or Agency Human Resources

Rule No: 660-5-19

Rule Title: Health and Safety Guidelines-Out of School Time Facilities

New Amend Repeal Adopt by Reference

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

The Child Care and Development Block Grant (CCDBG) Act that authorizes the federal child care subsidy program known as Child Care and Development Fund (CCDF) requires states to implement basic health and safety guidelines, and conduct annual monitoring of compliance with these guidelines, for all child care providers participating in the child care subsidy program. This rule sets basic health and safety guidelines for child care settings that participate in the Child Care Subsidy Program and are reimbursed with federal CCDF. The expected benefit is that children who receive child care subsidies will have access to safer and higher-quality child care.

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

Children who receive child care subsidies will have access to safer, higher-quality, and more stable child care. Implementation of the rule will help ensure that all children receiving federal funding to assist with the cost of child care are in settings that will provide safe environments. Safe environments are critical for a child's healthy development.

Failure to implement this rule could jeopardize the state's ability to receive federal funding for the child care subsidy program. More than 17,000 families rely on assistance through the child

care subsidy program. Federal funding is essential for families to have access to child care assistance as it promotes the continuance of employment, training and/or educational opportunities.

3. EFFECT OF THIS RULE ON COMPETITION:

No effect anticipated.

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

No effect anticipated.

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

No effect anticipated.

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

The source of revenue used for implementing and enforcing this rule is the federal Child Care and Development Fund (CCDF).

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

Failure to implement this rule could jeopardize the state's ability to receive federal funding for the child care subsidy program. More than 17,000 families received assistance through the child care subsidy program. Without this funding families would not have access to the child care assistance needed to promote the continuance of employment, training, and/or educational opportunities.

Families and employers benefit when child care is reliable and promotes the health and safety of the child. Research has found that quality and reliable child care increases worker productivity.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

Implementation of the rule may impact the number of programs that choose to participate in the child care subsidy program and thereby place some limitations on parents' choice of child care providers. However, implementation of the rule will help ensure that children who are receiving assistance are in safer, higher-quality care which supports their healthy growth and development. More than 17,000 families received assistance through the child care subsidy program.

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

The implementation of this rule has no anticipated effect on the environment.

The Implementation of the rule will support the health of children in child care settings. The rule sets minimum requirements to help protect the health and safety of children in child care.

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

No effect anticipated.

NEW CHAPTER
ALABAMA DEPARTMENT OF HUMAN RESOURCES
CHILD CARE SERVICES DIVISION
ADMINISTRATIVE CODE

CHAPTER 660-5-19
HEALTH AND SAFETY GUIDELINES-OUT OF SCHOOL TIME FACILITIES

TABLE OF CONTENTS

660-5-19-.01	Overview
660-5-19-.02	Penalties
660-5-19-.03	Facilities
660-5-19-.04	Child Care Program
660-5-19-.05	Transportation
660-5-19-.06	Staff
660-5-19-.07	Administration

660-5-19-.01 Overview

Pursuant to changes in the Child Care and Development Block Grant Act (42 U.S.C.S. §§9857 et seq.) the Alabama Department of Human Resources (the Department) is required to create and implement health and safety standards for all facilities that receive Child Care and Development Funds (CCDF) through the Child Care Subsidy Program. The primary change relates to the obligation to monitor health and safety standards in those facilities that receive CCDF funding. The guidelines in this manual are limited exclusively to facilities that receive CCDF funding and operate pursuant to *Ala. Code* §38-7-2(4) (a), (b), and (c) (1975), provided that there are no children under the age of four years old, and also pursuant to *Ala. Code* §38-7-2(4) (f) (1975).

These guidelines apply exclusively to facilities that do not care for children under the age of four years old. Any facility operating pursuant to *Ala. Code* §38-7-2(4) (a), (b), and (c) (1975) that cares for children under the age of four years and receives CCDF through the Child Care Subsidy Program is subject to the provisions of the "Health and Safety Guidelines Requirements and Procedures for Facilities Participating in the Child Care Subsidy Program" and not the guidelines set forth herein

Any facility operating pursuant to *Ala. Code* §38-7-2(4) (f) (1975) is precluded by that subsection from caring for children under school age. Nothing in these guidelines shall be interpreted to mean that a facility operating pursuant to *Ala. Code* §38-7-2(4) (f) (1975) can care for children under school age. Any facility purportedly operating under *Ala. Code* §38-7-2(4) (f) (1975) that has children under school age is a "Day Care Center" and must comply with "The Child Care Act of 1971" (*Ala. Code* §38-7-1 et. seq. (1975)) and all applicable standards.

The law requires that states must certify to the Administration for Children and Families, Office of Child Care that they are in compliance with the regulations regarding the distribution of these funds. If a facility is not in compliance with the health and safety standards then that facility is ineligible to receive CCDF funds.

In order to be in compliance with these health and safety standards all facilities are required to comply with all State and Federal Laws. The violation of any State or Federal law in relation to the operation of this facility is a violation of health and safety standards.

Author: ShunDria M. Robinson

Statutory Authority: Child Care and Development Block Grant Act of 2014 (42 U.S.C.S. §§9857 et seq.).

History: Emergency adoption effective December 12, 2017. **New Rule:** Filed January 22, 2018.

660-5-19-.02 Penalties

Penalties may be imposed by the Department when the facility fails to meet and maintain the Health and Safety Guidelines prescribed by the Department.

- (1) If an inspection, evaluation or investigation indicates non-compliance with these Health and Safety Guidelines (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 facility, or after investigation of a complaint regarding the facility.
- (2) In any visit to the facility in which deficiencies are observed or noted, the Department's representative shall complete a deficiency report, and discuss the deficiencies observed or noted with the facility representative. A copy of the completed deficiency report shall be provided to the facility representative.
- (3) The facility shall be ineligible to participate in the Child Care Subsidy Program if any violation of any of these Guidelines (deficiency) is not corrected within ninety (90) days of the discovery of the deficiency. In such instances the facility will remain ineligible to participate until such time that no deficiencies exist as verified by the Department's representative.
 - (a) Certain situations may warrant an extension.
 - (b) Compliance may be achieved by the facility providing documentation to the Department or visits may be conducted by the Department's representative to monitor compliance.
- (4) The Department may determine that a facility is **immediately** ineligible to participate in the Child Care Subsidy Program if:
 - (a) It is determined that a deficiency will result in the immediate and/or irreparable threat of harm against any children at the facility,

(b) The Department's representative is denied access to inspect the facility, or

(c) The facility fails to obtain the required fire inspection, health inspection or zoning approval.

Author: ShunDria M. Robinson

Statutory Authority: Child Care and Development Block Grant Act of 2014 (42 U.S.C.S. §§9857 et seq.).

History: Emergency adoption effective December 12, 2017. **New Rule:** Filed January 22, 2018.

660-5-19-.03

Facilities

(1) **Fire Inspection.** The facility 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 Department of Human Resources. Copies of such inspection reports shall be submitted to the Department. Copies shall also be posted in the facility.

(2) **Health Inspection.** The facility shall submit a written health department inspection report to the Department of Human Resources. If food is prepared at the facility, a copy of a current health department food permit shall also be submitted. If food is not prepared at the facility, but is served by the facility, the facility 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 Department of Human Resources. Copies of such inspection reports shall be submitted to the Department. Copies shall also be posted in the facility.

(3) **Zoning Approval.** The facility shall submit a written statement of compliance with applicable zoning requirements to the Department. If no zoning laws or ordinances are applicable, the facility 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.** 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 facility 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) Bathroom facilities.
 - (1) Bathrooms shall be located under the same roof as activity areas.
 - (2) Staff shall ensure that bathroom facilities are safe for use by the children at all times, and when bathroom facilities are also available for use by the public, staff shall provide appropriate supervision to protect the children and their privacy. The staff person's supervision shall not itself intrude upon the child's privacy.
- (d) Space for ill or injured children
Space shall be provided for a child who becomes ill or is injured at the facility. Items used by an ill child shall be disinfected before being used by another child.
- (e) Storage space for children and staff
Shelving that can be tipped over by an adult shall be securely anchored, so that it does not pose a risk to children.
- (f) Ventilation, lighting, and heating in areas used by children.
 - 1. Heating and air conditioning shall be provided as appropriate to the season.
 - 2. The temperature shall be maintained between 68 and 82 degrees Fahrenheit, at child level.
 - 3. There shall be a thermometer in each area used by the children to monitor the temperature of the area. Thermometers shall be out of reach of the children.
 - 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 facility activities.
- (g) There shall be an operational telephone in the facility designated as the contact number for the facility. The Department shall be notified if the facility's telephone is out of service. The Department shall be notified of any change in the facility's telephone number.

(h) Hazard prevention.

1. The facility shall be free from apparent hazardous conditions.
2. All flammable, poisonous and other hazardous substances and materials 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 facility with the exception of law enforcement officers.
4. Stairways used by the children shall have hand railings within child's reach.
5. 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.
6. Barriers shall be erected around radiators, heaters, and fans that are accessible to the children.
7. Consumption or possession of alcohol or use of non-prescription narcotic or illegal substances is prohibited on the facility premises.
8. Smoking or tobacco usage is prohibited on the facility premises.

(i) The facility shall be clean.

1. 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.
2. Cleaning shall not interfere with children's activities.

(5) Outdoor Area.

- (a) An off-street area for loading/unloading children shall be provided.
- (b) Outdoor play areas shall adjoin, or be safely accessible to, the indoor area. Children shall be visually supervised going to and from the playground and while on the playground.

(c) 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.

(d) The outdoor play area shall be free of apparent hazardous conditions.

1. Concrete or asphalt shall not be used under outdoor playground equipment, except wheel toys.

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.

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

(6) Swimming and Wading at the Facility

(a) Parent(s)/guardian(s) permission. Written permission signed by each child's parent(s)/guardian(s) shall be on file in the facility 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 Certificate (CPR). A copy of each certificate shall be on file in the facility.

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:

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

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

Ages	Staff to Child Ratio
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.

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, windows, or other openings. 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 two (2) feet in depth.

1. There shall be at least one (1) staff person with a current Infant-Child (Pediatric) Cardiopulmonary Resuscitation Certificate (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 shall be on file in the facility. Required staff-child ratios 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.

3. Clean water shall be provided each day.

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

(7) Away from facility activities.

NOTE: THE DEPARTMENT OF HUMAN RESOURCES DOES NOT INSPECT AWAY-FROM-FACILITY ACTIVITIES, INCLUDING SWIMMING OR TRANSPORTATION OR ANY OTHER ACTIVITIES. THE FACILITY SHALL ASSUME FULL AUTHORITY AND RESPONSIBILITY FOR ACTIVITIES AWAY FROM THE FACILITY.

IF THE FACILITY PROVIDES ACTIVITIES AWAY FROM THE FACILITY, A WRITTEN STATEMENT, SIGNED BY EACH CHILD'S PARENT(S)/GUARDIAN(S), SHALL BE ON FILE IN THE FACILITY 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 FACILITY AND THAT THE FACILITY ASSUMES FULL RESPONSIBILITY FOR SUCH ACTIVITIES.

Author: ShunDria M. Robinson

Statutory Authority: Child Care and Development Block Grant Act of 2014 (42 U.S.C.S. §§9857 et seq.).

History: Emergency adoption effective December 12, 2017. **New Rule:** Filed January 22, 2018.

660-5-19-.04 Child Care Program

- (1) Staffing
 - (a) Required ratios shall be maintained at all times.
 - 1. Staff-child ratio shall be:

<i>Age</i>	<i>Staff to Child Ratio</i>
4 years up to school age*	1 to 18
School age* up to 8 years	1 to 21
8 years and older	1 to 22

** The term "school age" Includes children who are five (5) years of age on or before September 1. This definition corresponds with the minimum age at which a child is entitled to admission to public school kindergarten.*

2. A staff person shall be counted in the staff-child ratio **only** if he/she meets child care worker qualifications and he/she is giving full attention to the direct supervision of the children.

- (b) Staff Coverage shall be determined by the following:
 - 1. All children shall have staff supervision at all times.
 - 2. The name of the staff person in charge shall be posted in a conspicuous place in the facility.

3. At least one staff person meeting child care worker qualifications shall be present in each room where children are napping/resting. The staff person shall be able to see all the children in the room.

4. At least one staff person who is at least 19 years of age, who meets child care worker qualifications and has a current Infant-Child (Pediatric) Cardiopulmonary Resuscitation Certificate (CPR) and a current First Aid Certificate, shall be present during all hours of operation.

5. Staff persons shall be free from all other duties during the hours they are working directly with the children.

2. Preschool/School-age Children - Daily Program.

a. Toileting

Children's toileting shall be according to each child's needs. Each child's hands shall be washed with soap and running water after toileting.

b. Feeding

1. Service and serving equipment.

(a) Single-use cups or glasses or drinking fountains shall be supplied for water service during the day. A common drinking container shall not be used.

(b) Drinking water shall be offered to each child during the day.

(c) Vending machines shall be prohibited in areas used by the children.

2. Face and hand washing.

(a) Each child's hands shall be washed with soap and running water before and after meals and snacks, and after toileting and diapering.

(b) Each staff person shall wash his/her hands with soap and running water before food preparation or service, after assisting with toileting, and after any contact with bodily fluids.

(c) Individual paper towels shall be supplied for each washing and drying.

3. Disciplinary Practices

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

(b) Disciplinary practices, including but not limited to the following, are prohibited:

1. The use of corporal or physical punishment is prohibited, including but not limited to: spanking; shaking; slapping; kicking; pushing; biting; pinching; hitting; thumping; hair pulling; ear pulling;

2. The use of 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 threatens, humiliates, or frightens a child;

3. The use of 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. The use of 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.

(4) Health Information.

(a) Illness and injury.

1. No child who is ill shall be admitted to the facility. 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 facility's activities; the need for additional care that facility staff cannot provide without taking time and attention away from the other children; signs of serious or contagious disease or condition, such as but not limited to fever, diarrhea, vomiting, unexplained rash, scabies, head lice; a physician's diagnosis requiring that the child be separated from other children.

2. Isolation and removal.

(a) 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 by a staff person. Toys,

bedding, equipment, and bathroom facilities used by an ill child or adult shall be cleaned and disinfected prior to use by another person.

(b) 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.

(c) 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 facility shall obtain emergency medical treatment.

3. Contagious diseases/conditions.

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

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

(c) The facility shall report any known or suspected case of contagious disease/condition to the county or state health department.

4. Infant-child Cardiopulmonary Resuscitation (CPR) and First Aid. At least one staff person with a current Infant-Child (Pediatric) Cardiopulmonary Resuscitation Certificate (CPR) and a current First Aid Certificate shall be in the facility during hours of operation. A copy of the Certificates shall be on file in the facility.

5. Authority and procedure for administering medication or medical procedures shall be clearly defined.

(a) No medication or medical procedures (prescription or over-the-counter) shall be administered without a written, signed authorization, 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, and specific directions for administering the medication/medical procedures, such as "give-by-mouth", apply to skin, inhale, drop in eyes, etc. An authorization form shall be valid for no more than seven (7) days unless accompanied by a written physician's statement.

(b) Any prescription drug or over the counter drug sent to the facility 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. A measuring device (if the medication requires measuring) shall be provided for each child's medication.

(c) Medication or medical procedures shall be administered to the child by the designated staff.

(d) Locked storage (lock and key or combination lock), inaccessible to children, shall be provided for all medication or drugs (children's or staff's).

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

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

(5) Emergency Procedures

A plan for the evacuation and care of the children in case of fire, tornado, serious accident or injury, or power failure shall be established and posted in a conspicuous place in the facility.

Author: ShunDria M. Robinson

Statutory Authority: Child Care and Development Block Grant Act of 2014 (42 U.S.C.S. §§9857 et seq.).

History: Emergency adoption effective December 12, 2017. **New Rule:** Filed January 22, 2018.

660-5-19-.05 Transportation

Note: the department of human resources does not inspect away-from-facility activities, including swimming, transportation, or any other activities. The facility shall assume full authority and responsibility for activities away from the facility.

(1) Transportation Provided by the Facility.

(a) If the facility provides transportation or any activities away from the facility, a written statement, signed by each child's parent(s)/guardian(s), shall be on file in the facility 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 facility and that the facility assumes full responsibility for such activities.

(b) The facility shall be responsible for each child who is using transportation contracted for, arranged by, or provided by the facility. For purposes of these regulations, transportation includes the use of vehicles as well as walking to and from away-from-the-facility activities.

(c) Transportation checklists

1. Checklists shall be used to account for the loading and unloading of each child from the vehicle at every location. Checklists shall also be used to account for each child during activities that include walking to and from the facility.

2. The facility shall designate the staff person responsible for completing the checklist. The designated staff person shall sign (initials are not acceptable) the checklist when it has been completed.

3. The driver of the vehicle shall sign (initials are not acceptable) the completed checklist at each location, indicating he or she has checked each seat in the vehicle at each location to verify that no child is left on the vehicle.

4. Completed checklists shall be kept on file in the facility for the current year plus two additional years.

(d) Supervision of children in facility vehicles.

1. In addition to the driver, staff shall be provided to meet required staff-child ratios for children younger than lawful school age. NOTE: The driver of the vehicle shall not be counted in the required staff-child ratio when children younger than lawful school age are transported.

2. For children of lawful school age and older, fewer than fifteen (15) children may be transported with only the driver of the vehicle, provided the driver meets child care worker qualifications.

3. If fifteen (15) or more children of lawful school age are transported, at least one staff person in addition to the driver shall be required.

4. If thirty (30) or more children of lawful school age are transported, at least two (2) staff persons in addition to the driver shall be required.

5. No child shall be left in a vehicle without adult supervision at any time.

6. The driver shall check each seat of the vehicle at each location to verify that no child is left on the vehicle.

(e) Vehicle safety check

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

2. A copy of the safety check shall be on file in the facility. 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.

3. All vehicles used to transport children shall be operated and maintained in full compliance with all applicable state and federal laws, rules, and regulations.

(2) Transportation Provided by Parent(s)/Guardian(s) or Other Designated Person(s)

(a) Each child being transported by parent(s)/guardian(s) or other designated person(s) shall be accompanied into and out of the facility by the parent, guardian, or other person.

(b) The facility shall require the parent(s)/guardian(s) or other person(s) designated by the parent(s)/guardian(s) to sign (signature required, initials not acceptable) each child in at each arrival to the facility, indicating the time of arrival.

(c) The facility shall require the parent(s)/guardian(s) or other person(s) designated by the parent(s)/guardian(s) to sign (signature required, initials not acceptable) each child out at each departure from the facility, indicating the time of departure.

(d) If any child walks to the facility from school or another designated location, or is transported to/from the facility by school bus, facility staff shall sign (signature required, initials not acceptable) each child in upon arrival, indicating time of arrival.

(e) The facility shall require written authorization from a child's parent(s)/guardian(s) to release a child to any person other than the parent(s)/guardian(s) or persons designated on the child's preadmission form.

(f) The facility shall require unfamiliar authorized persons to show photographic identification when releasing a child.

Author: ShunDria M. Robinson

Statutory Authority: Child Care and Development Block Grant Act of 2014 (42 U.S.C.S. §§9857 et seq.).

History: Emergency adoption effective December 12, 2017. **New Rule:** Filed January 22, 2018.

660-5-19-.06 Staff

(1) Qualifications of Staff

(a) Within ninety (90) days after employment, child care workers/teachers shall have preservice/ongoing training in the eleven (11) required topic area according to CCDF Health & Safety Requirements 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.

(b) The driver of a facility vehicle transporting children shall be at least 19 years of age and have a valid driver's license.

(c) A substitute staff person shall meet all qualifications of staff for whom he/she is substituting.

(2) Records on Staff

(a) Records on all staff, including substitutes and volunteers, shall be kept confidential, and shall be on file in the facility at the time of employment. Records shall include but need not be limited to:

1. Information regarding character and suitability shall be obtained on all staff, including substitutes and volunteers, include:

(a) Request for Clearance of State Central Registry on Child Abuse/Neglect, on the required form, indicating whether a perpetrator record was found.

(b) Results of a criminal history background information check including:

(i) A Suitability Determination letter from the Department.

(ii) Identification verification of name, date of birth, race, sex, and Social Security number 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.

2. Written verification of preservice/ongoing training

3. Required medical examination report, including TB test or chest x-ray date and results.

4. In addition to (1) through (3) above, the following specialized records shall be maintained if applicable to the staff person's specific responsibilities:

(a) Valid driver's license if the staff person transports children.

(b) Valid commercial driver's license (CDL), if required for vehicles used to transport children.

(3) Health – Staff.

(a) Initially, each staff person shall provide a statement from a licensed practicing medical doctor, physician's assistant or a certified nurse practitioner. The initial statement shall be dated within six (6) months prior to employment and shall document the date and results of a tuberculin skin test or chest x-ray (also dated within six (6) months). The statement shall attest to the physical suitability of the staff person to care for children or to perform services in a facility, and the person's freedom from infectious or contagious diseases. The statement shall be signed by the licensed practicing medical doctor, physician's assistant, or certified nurse practitioner, and shall be on file in the facility at the time of employment.

(b) At least every four (4) years after the date of the initial statement, each staff person shall obtain a statement, on the required form, from a licensed practicing medical doctor, physician's assistant, or certified nurse practitioner, which attests to the staff person's freedom from infectious or contagious diseases and physical fitness to care for children or perform services in a facility. The statement shall be on file in the facility.

(c) Staff persons with symptoms of a contagious disease/condition shall not be present in the facility.

(d) A staff person who, upon observation or examination or as a result of tests, shows indication of a physical, emotional, or mental condition which could be detrimental to the children or staff, or which would prevent satisfactory performance of duties, shall not continue work at the facility until the staff person provides a written statement from a licensed practicing medical doctor indicating that the staff person is able to return to work.

(e) An additional medical or psychological evaluation or drug screening shall 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 the professional performing the evaluation shall be provided on request. "Reasonable suspicion" is defined as follows: Belief based upon evidence of past or present behavior that reasonable grounds exist to review the employee, staff, or facility, including board members, suitability and fitness to provide care for children.

Author: ShunDria M. Robinson

Statutory Authority: Child Care and Development Block Grant Act of 2014 (42 U.S.C.S. §§9857 et seq.).

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660-5-19-.07 Administration

(1) Reports to the Department.

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

1. Change in ownership.
2. Change in location.
3. Alterations to the facility or grounds.
4. Major change or extension of basic operating schedule (hours) or program.
5. Change in the facility'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 facility or during away from the facility activities.
2. Any illness occurring at the facility or during away from the facility activities which requires emergency medical treatment.
3. Any death occurring at the facility or during away from the facility activities.
4. Major damage to the facility.
5. Interruption of the facility's electrical service, telephone service, or gas service (if gas is used for heating or cooking).
6. Any litigation involving the facility.
7. Any traffic accident involving day care children using transportation provided by the facility.
8. Any arrest or conviction of the facility or any staff person, employee, or volunteer.
9. Final disposition of any child abuse/neglect investigation involving the facility, the facility, or any staff person, employee, or volunteer.
10. Any incident in which the health, welfare, or safety of a child is at risk.

(c) Child Abuse/Neglect reports.

1. Each staff person is required by law 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.

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

3. The law further provides that 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. 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.

(2) Admission Procedures.

The total number of the children in the care of the facility at any given time, including children on the premises (inside and outside), children in transit, and children on field trips or other facility activities, shall conform to the capacity of the facility's measurements.

(3) 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 facility records, including children's records.

(b) Individual records on each child shall be on file in the facility on the child's first day of attendance. Records shall be maintained in the facility. Records shall include but need not be limited to:

1. Child's Pre-Admission Record 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 parent(s)/guardian(s) employer; emergency contact information; 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, and transportation provided by the facility, and swimming/wading provided by the facility.

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

3. Immunizations.

(a) On the child's first day of attendance, each child not 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 facility, unless one of the following is on file in the facility:

A valid State of Alabama Certificate of Medical Exemption;

OR

A valid Alabama Certificate of Religious Exemption.

(b) 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) Facility Records.

The following records shall be kept on file for the current year plus two additional years.

(a) Transportation checklists if applicable.

(b) Vehicle safety check.

- (c) Sign-in and sign-out sheets.
- (6) Documents to be posted in a conspicuous place in the facility.
 - (a) Most recent evaluation form.
 - (b) Most recent subsidy report form from the Department.
 - (c) Corrective or adverse action notices from the Department.
 - (d) Most recent fire inspection report.
 - (e) Most recent Health Department inspection report and food permit or written permission from the Health Department to cater food.
 - (f) Name and telephone number(s) posted by facility telephone(s):
 - (1) Fire department;
 - (2) Law enforcement;
 - (3) Medical assistance (ambulance or rescue)
 - (4) Poison control facility;
 - (5) Substitute help.
 - (g) Emergency procedures.
 - (h) The name of staff person in charge.

Author: ShunDria M. Robinson

Statutory Authority: Child Care and Development Block Grant Act of 2014 (42 U.S.C.S. §§9857 et seq.).

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