

Changes to Alabama's Child Care System with passage of HB 76 – The Child Care Safety Act (Effective Aug 1, 2019) and the State Plan for Child Care Development Fund (CCDF)

Licensed Facilities/Programs (Licensed and Inspected by DHR)	Faith-Based Licensed Exempt Facilities/Programs (MUST apply for exemption every year)	Other Exempt Facilities/Programs
<i>Previous Legislation: Child care programs receiving state or federal funds are not required to be licensed or inspected.</i>		
Licensed facilities that participate in the child care subsidy program or receive other state or federal funding have to meet Minimum Standards as well as CCDF Health and Safety requirements. Licensed facilities that do not participate in the child care subsidy program are only required to meet Minimum Standards.	<u>FACILITIES THAT PARTICIPATE IN THE CHILD CARE SUBSIDY PROGRAM OR RECEIVE OTHER FEDERAL OR STATE FUNDING MUST BE LICENSED BY AUGUST 1, 2019.</u> Facilities that do not participate in the child care subsidy program and do not receive federal or state funding and are not operating as a "for profit" business are not required to be licensed or inspected.	Other exempt facilities participating in the subsidy program are required to have an annual CCDF Health and Safety inspection.
<i>Previous Legislation: Child care programs should give notice to local fire and health departments of intent to operate so that the site can be inspected in accordance with fire and health requirements.</i>		
Minimum Standards require licensed facilities to provide fire, health, and zoning inspection reports with no violations cited prior to opening. Copies of updated fire and health inspection reports shall be submitted to the DHR at the time of renewal.	The Child Care Safety Act requires additional paperwork requirements on all licensed exempt programs as follows: <ul style="list-style-type: none"> • All new licensed exempt programs must have fire and health inspections conducted according to requirements as outlined in the Child Care Safety Act. • By October 1, 2018, existing licensed exempt programs are required to provide copies of fire and health inspection reports to show provider is in compliance with no violations cited. 	Other exempt programs must provide copies of the fire/health inspection and the zoning approval to DHR.
<i>Previous Legislation: Certify to DHR, annually, that the provider maintains records on fire and health inspections, immunizations and medical history.</i>		
No change for licensed facilities.	Licensed exempt facilities participating in the subsidy program must certify by providing copies of fire and health inspections and have available during inspection copies of immunizations and medical history on all employees.	No change for other exempt facilities.
<i>Previous Legislation: Provide an affidavit to DHR, annually, affirming that parents and guardians have been notified that the program is not regulated or licensed by DHR.</i>		
Does not apply to licensed facilities.	No change.	Does not apply to other exempt facilities.

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<i>Previous Legislation: Optional— criminal background checks should be conducted on all employees.</i>		
Criminal background checks are required for all employees every 5 years.	Criminal background checks are required for all employees.	Criminal background checks are required for all employees.
<i>Previous Legislation: Proof of insurance not required.</i>		
No change.	All faith-based programs that qualify as licensed exempt facilities must provide proof of liability insurance.	No change.
<i>Previous Legislation: No inspections allowed and complaints involving licensed exempt centers handled by the local district attorney.</i>		
Inspections may be conducted at any reasonable time, without prior notice, and may include the entire facility and grounds. Complaints on <i>unlicensed</i> facilities are sent to the local District Attorney and/or Attorney General.	Investigations may be conducted at any time for any and all types of complaints and anytime a licensed exempt provider is not in compliance with the Child Care Safety Act. Findings of all complaints will be reported to the local District Attorney.	Inspections may be conducted in response to any complaint on other exempt facilities receiving child care subsidies.

Definitions/Terms:

Child Care Development Fund (CCDF) - A federal program that helps low-income families obtain child care so that they may work, attend training or continue their education.

Licensed Facilities: Those facilities that are required to be licensed or choose to be licensed by Alabama Department of Human Resources (DHR) and meet the minimum standards for children in a child care setting. This encompasses family care homes (serving 6 children or less), group child care centers (serving 7 – 12 children) and centers that care for 12 or more children.

Faith-Based Licensed Exempt Facilities: Preschool programs which are an integral part of a local church ministry or a religious nonprofit elementary school, and are so recognized in the church or school's documents, are not required to be licensed by DHR unless they are receiving state or federal funding for children in their care. Additionally, these facilities must have submitted the required documents to DHR and have received a letter of exemption.

Other Exempt Facilities: Those governmental agencies and/or organizations that come under the oversight of another government entity. Additionally, providers whose program is less than 4 hours a day are exempted.