

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)

Previous Legislation Prior to August 1, 2019	Licensed Facilities/Programs (Licensed and Inspected by DHR)	Faith-Based License Exempt Facilities/Programs (MUST apply for exemption every year)	Other Exempt Facilities/Programs
<p><i>Child care programs receiving state or federal funds are not required to be licensed.</i></p> <p><i>Programs receiving subsidy funding are required to be inspected for CCDF Health and Safety requirements beginning Fall 2017.</i></p>	<p>Licensed facilities that participate in the child care subsidy program and receive other state or federal funding have to meet Minimum Standards as well as Child Care Development Fund (CCDF) Health and Safety requirements.</p> <p>Licensed facilities that do not participate in the child care subsidy program are only required to meet Minimum Standards.</p>	<p><i>FACILITIES THAT RECEIVE FEDERAL OR STATE FUNDING <u>MUST BE LICENSED BY AUGUST 1, 2019.</u></i></p> <p>Facilities that do not participate in the child care subsidy program and do not receive federal or state funding are not required to be licensed.</p> <p>All new faith-based license exempt facilities must be inspected before opening.</p>	<p>Other exempt facilities participating in the subsidy program are required to have an annual CCDF Health and Safety inspection.</p> <p>Other exempt facilities operating as a “for profit” business and meeting one of the terms of exempt categories as listed in the Definitions/Terms are not required to be licensed.</p>
<p><i>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></p>	<p>Minimum Standards require licensed facilities to provide fire, health, and zoning inspection reports with no violations cited prior to opening.</p> <p>Copies of updated fire and health inspection reports shall be submitted to DHR at the time of renewal.</p>	<p>The Child Care Safety Act requires additional paperwork requirements on all license exempt programs as follows:</p> <ul style="list-style-type: none"> • All new license 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 license exempt programs are required to provide copies of fire and health inspection reports to show provider is in compliance with no violations cited. 	<p>Other exempt programs receiving child care subsidies must provide copies of the fire/health inspection and the zoning approval to DHR.</p>
<p><i>Certify to DHR, annually, that the provider maintains records on fire and health inspections, immunizations and medical history.</i></p>	<p>No change for licensed facilities.</p>	<p>Must certify by providing copies of fire and health inspections showing they are in compliance with no violations cited and have on file and available during inspection copies of immunization forms on children and medical history on all employees.</p>	<p>No change for other exempt facilities.</p>
<p><i>Provide an affidavit to DHR, annually, affirming that parents and guardians have been notified the program is not regulated or licensed by DHR.</i></p>	<p>Does not apply to licensed facilities.</p>	<p>No change.</p>	<p>Does not apply to other exempt facilities.</p>

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)

Previous Legislation	Licensed Facilities/Programs (Licensed and Inspected by DHR)	Faith-Based License Exempt Facilities/Programs (MUST apply for exemption every year)	Other Exempt Facilities/Programs
<i>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>Proof of insurance not required.</i>	No change.	All faith-based programs that qualify as a license exempt facility must provide proof of liability insurance.	No change.
<i>No inspections allowed and complaints involving license 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 that are operating illegally 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 faith-based license 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 Day Care Homes (serving 6 children or less), Day Care Group Homes (serving 7 – 12 children) and centers that care for more than 12 children. Any facility receiving federal or state funding **MUST** be licensed. Facilities operating For Profit and not exempt as stated below are required to be licensed.

Faith-Based License 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 that must be re-applied for each year. New license exempt facilities must be inspected before opening.

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.

For Profit Programs Exempt from Licensure: Kindergartens/nursery schools/daytime programs operated by public elementary systems, secondary level school units, or institutions of higher learning. Kindergartens or nursery schools or other daytime programs operated by public elementary systems or secondary level school units or institutions of higher learning; Kindergartens or nursery schools or other daytime programs, with or without stated educational purposes, operating no more than four hours a day and receiving children younger than lawful school age; Kindergartens or nursery schools or other daytime programs operated as a part of a private school and receiving children younger than lawful school age for four hours a day or less, with or without stated educational purposes; Facilities operated for more than four hours a day in connection with a shopping center or service or other similar facility, where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and readily available; provided, however, that such facilities shall meet local and state fire and health requirements; Any type of day care center that is conducted on federal government premises; or Special activities programs for children of lawful school age including, but not limited to, athletics, crafts instruction and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations; provided, however, that local and state fire and health requirements are met.

Unlicensed Facilities: Those facilities that have not notified DHR that they are operating a child care business **illegally**. Child day care centers in Alabama **legally** operate in one of two ways: Licensed or License Exempt.