

## Building and Physical Premises Safety

This brief, one in a series of nine addressing health and safety requirements specified in the *Child Care and Development Block Grant Act of 2014*, provides an overview of building and physical premises safety for center-based and home-based child care settings. Licensing administrators and Child Care and Development Fund Administrators may find the brief helpful as they begin to assess and consider future revisions to state standards for both licensed and license-exempt providers. It may also be of value to early childhood and school-age care and education programs and providers in understanding and improving the health and safety of their learning environments.

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### New Federal Requirements

The *Child Care and Development Block Grant Act of 2014* includes provisions related to health and safety requirements for all providers that receive payment from the Child Care and Development Fund (CCDF).<sup>1</sup>

(I) Health and Safety Requirements. The plan shall include a certification that there are in effect within the State, under State or local law, requirements designed to protect the health and safety of children that are applicable to child care providers that provide services for which assistance is made available under this subchapter. Such requirements

(i) shall relate to matters including health and safety topics consisting of

(V) building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic ...

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<sup>1</sup> The *Child Care and Development Block Grant Act of 2014* and section 418 of the Social Security Act (42 USC 618), as amended, provide the statutory authority for implementation of the CCDF program as designated by the Administration for Children and Families. Retrieved from <http://www.acf.hhs.gov/programs/occ/resource/ccdf-law>.

(XI) minimum health and safety training, to be completed pre-service or during an orientation period in addition to ongoing training, appropriate to the provider setting involved that addresses each of the requirements relating to matters described in subclauses (I) through (X);

## Identification of and Protection From Hazards in Child Care

The Centers for Disease Control and Prevention cites injuries are the leading cause of death among children.<sup>2</sup> Each year, nearly nine million children aged from birth to 19 years are seen in emergency departments for injuries, and more than 9,000 children die as a result of being injured. Injury treatment is the leading cause of medical spending for children.<sup>3</sup>

Child injuries are predictable and preventable, yet they are one of the most under-recognized public health problems facing our country today. In 2010, motor vehicle crashes were the leading cause of injury death overall. For infants, suffocation was the biggest risk of injury death. Drowning was the leading cause of injury death for children 1 to 4 years. Fires, burns, and falls are other common causes for all age groups.<sup>4</sup>

Children need to be safe in order to learn and develop their full potential, whether they are enrolled in home-based, center-based, or family child care settings. Because young children like to explore, consistent safety practices, like using gates, locks, and other safety equipment, prevent children from getting into dangerous situations.<sup>5</sup> State licensing requirements that address these safety practices and support implementing preventative strategies, such as offering caregiver orientation and training, using safety and maintenance checklists, and documenting injury and incident information, help protect children while in care.

Active supervision is the most effective strategy for creating a safe environment and preventing injuries in young children. Educators use this strategy to ensure that children of all ages explore their environments safely. Every program can keep children safe by teaching all educators how to look, listen, and engage.<sup>6</sup>

## Caring for Our Children Basics

Released in 2015 by the Administration for Children and Families (ACF), *Caring for Our Children Basics: Health and Safety Foundations for Early Care and Education* (CFOCB) represents the minimum health and safety standards experts believe should be in place where children are cared for outside their homes.<sup>7</sup> CFOCB seeks to reduce conflicts and redundancies found in program standards linked to multiple funding streams. Though voluntary, ACF hopes CFOCB will be a helpful resource for States and other entities as they work to improve health and safety standards in licensing and quality rating and improvement systems. The following standards from CFOCB address building and physical premises safety in child care settings.

<sup>2</sup> Centers for Disease Control and Prevention, U.S. Department of Health and Human Services. (2012). *Child injury vital signs*. Retrieved from <http://www.cdc.gov/vitalsigns/ChildInjury/index.html>

<sup>3</sup> Centers for Disease Control and Prevention, U.S. Department of Health and Human Services. (2016). Injury prevention & control: Protect the ones you love – child injuries are preventable [Web page]. Retrieved from <http://www.cdc.gov/safechild/>

<sup>4</sup> National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, U.S. Department of Health and Human Services. (2012). *National action plan for child injury prevention*. Retrieved from <http://www.cdc.gov/safechild/nap/>

<sup>5</sup> Head Start Early Childhood Learning & Knowledge Center, Office of Head Start, Administration for Children and Families, U.S. Department of Health and Human Services. (2016). *Safety and injury prevention*. Retrieved from <http://eclkc.ohs.acf.hhs.gov/hslc/ta-system/health/safety-injury-prevention/safety-injury-prevention.html>

<sup>6</sup> Head Start National Center on Health, Office of Head Start, Administration for Children and Families, U.S. Department of Health and Human Services. (n.d.). *Active supervision: A referenced fact sheet from the Head Start National Center on Health*. Retrieved from <http://eclkc.ohs.acf.hhs.gov/hslc/ta-system/health/safety-injury-prevention/safe-healthy-environments/active-supervision.pdf>

<sup>7</sup> Administration for Children and Families, U.S. Department of Health and Human Services. (2015). *Caring for our children basics: Health and safety foundations for early care and education*. Retrieved from <http://www.acf.hhs.gov/programs/eecd/caring-for-our-children-basics>

### 2.2.0.1 Methods of Supervision of Children

In center-based programs, caregivers/teachers should directly supervise children under age 6 by sight and sound at all times. In family child care settings, caregivers should directly supervise children by sight or sound. When children are sleeping, caregivers may supervise by sound with frequent visual checks.

Developmentally appropriate child-to-staff ratios should be met during all hours of operation, and safety precautions for specific areas and equipment should be followed. Children under the age of 6 should never be inside or outside by themselves.

### 2.2.0.4 Supervision near Water

Constant and active supervision should be maintained when any child is in or around water. During swimming and/or bathing where an infant or toddler is present, the ratio should always be one adult to one infant/toddler. During wading and/or water play activities, the supervising adult should be within an arm's length providing "touch supervision." Programs should ensure that all pools have drain covers that are used in compliance with the Virginia Graeme Baker Pool and Spa Safety Act.

### 5.1.1.2 Inspection of Buildings

Existing and/or newly constructed, renovated, remodeled, or altered buildings should be inspected by a building inspector to ensure compliance with applicable state and local building and fire codes before the building can be used for the purpose of early care and education.

### 5.1.1.3 Compliance with Fire Prevention Code

Programs should comply with a state-approved or nationally recognized fire prevention code, such as the National Fire Protection Association (NFPA) 101: Life Safety Code.

### 5.1.6.6 Guardrails and Protective Barriers

Guardrails or protective barriers, such as baby gates, should be provided at open sides of stairs, ramps, and other walking surfaces (e.g., landings, balconies, porches) from which there is more than a 30 inch vertical distance to fall.

### 5.2.4.2 Safety Covers and Shock Protection Devices for Electrical Outlets

All accessible electrical outlets should be "tamper-resistant electrical outlets" that contain internal shutter mechanisms to prevent children from sticking objects into receptacles. In settings that do not have "tamper-resistant electrical outlets," outlets should have "safety covers" that are attached to the electrical outlet by a screw or other means to prevent easy removal by a child. "Safety plugs" may also be used if they cannot be easily removed from outlets by children and do not pose a choking risk.

### 5.2.4.4 Location of Electrical Devices near Water

No electrical device or apparatus accessible to children should be located so it could be plugged into an electrical outlet while a person is in contact with a water source, such as a sink, tub, shower area, water table, or swimming pool.

### 5.3.1.1/5.5.0.6/5.5.0.7 Safety of Equipment, Materials, and Furnishings

Equipment, materials, furnishings, and play areas should be sturdy, safe, in good repair, and meet the recommendations of the CPSC. Programs should attend to, including, but not limited to, the following safety hazards:

- a) Openings that could entrap a child's head or limbs;
- b) Elevated surfaces that are inadequately guarded;
- c) Lack of specified surfacing and fall zones under and around climbable equipment;
- d) Mismatched size and design of equipment for the intended users;
- e) Insufficient spacing between equipment;
- f) Tripping hazards;
- g) Components that can pinch, shear, or crush body tissues;
- h) Equipment that is known to be of a hazardous type;
- i) Sharp points or corners;
- j) Splinters;
- k) Protruding nails, bolts, or other parts that could entangle clothing or snag skin;
- l) Loose, rusty parts;
- m) Hazardous small parts that may become detached during normal use or reasonably foreseeable abuse of the equipment and that present a choking, aspiration, or ingestion hazard to a child;
- n) Strangulation hazards (e.g., straps, strings, etc.);
- o) Flaking paint;
- p) Paint that contains lead or other hazardous materials; and
- q) Tip-over hazards, such as chests, bookshelves, and televisions.

Plastic bags that are large enough to pose a suffocation risk as well as matches, candles, and lighters should not be accessible to children.

### 5.3.1.12 Availability and Use of a Telephone or Wireless Communication Device

The facility should provide at all times at least one working non-pay telephone or wireless communication device for general and emergency use on the premises of the child care program, in each vehicle used when transporting children, and on field trips. While transporting children, drivers should not operate a motor vehicle while using a mobile telephone or wireless communications device when the vehicle is in motion or traffic.

### 5.5.0.8 Firearms

Center-based programs should not have firearms or any other weapon on the premises at any time. If present in a family child care home, parents should be notified and these items should be unloaded, equipped with child protective devices, and kept under lock and key with the ammunition locked separately in areas inaccessible to the children. Parents/guardians should be informed about this policy.

### 6.3.5.2 Water in Containers

Bathtubs, buckets, diaper pails, and other open containers of water should be emptied immediately after use.

## Caring for Our Children Standards

*Caring for Our Children: National Health and Safety Performance Standards; Guidelines for Early Care and Education Programs*, 3rd edition (CFOC3), is a collection of 686 national standards that represent best practices with respect to health and safety in early care and education settings. CFOC3 can help programs and providers implement CFOCB, understand rationale, and move to higher levels of quality in health and safety. CFOC3 is available at <http://cfoc.nrckids.org/>.<sup>8</sup>

The following is a **partial list** of links to CFOC3 pertaining to building and physical premises safety. The links go to the full text of the standard, with a rationale supported by research. For a complete list of all standards related to building and physical premises safety, visit <http://www.cfoc.nrckids.org/>.

### Standard 2.2.0.1: Methods of Supervision of Children

<http://cfoc.nrckids.org/StandardView/2.2.0.1>

### Standard 2.2.0.4: Supervision near Water

<http://cfoc.nrckids.org/StandardView/2.2.0.4>

### Standard 5.1.1.2: Inspection of Buildings

<http://cfoc.nrckids.org/StandardView/5.1.1.2>

### Standard 5.1.1.3: Compliance with Fire Prevention Code

<http://cfoc.nrckids.org/StandardView/5.1.1.3>

### Standard 5.1.1.5: Environmental Audit of Site Location

<http://cfoc.nrckids.org/StandardView/5.1.1.5>

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<sup>8</sup> American Academy of Pediatrics, American Public Health Association, & National Resource Center for Health and Safety in Child Care and Early Education. (2011). *Caring for our children: National health and safety performance standards; Guidelines for early care and education programs*, 3rd edition. Retrieved from <http://cfoc.nrckids.org/>

### **Standard 5.1.5.4: Guards at Stairway Access Openings**

<http://cfoc.nrckids.org/StandardView/5.1.5.4>

### **Standard 5.1.6.6: Guardrails and Protective Barriers**

<http://cfoc.nrckids.org/StandardView/5.1.6.6>

### **Standard 5.2.1.11: Portable Electric Space Heaters**

<http://cfoc.nrckids.org/StandardView/5.2.1.11>

### **Standard 5.2.4.2: Safety Covers and Shock Protection Devices for Electrical Outlets**

<http://cfoc.nrckids.org/StandardView/5.2.4.2>

### **Standard 5.2.4.4: Location of Electrical Devices near Water**

<http://cfoc.nrckids.org/StandardView/5.2.4.4>

### **Standard 5.2.5.1: Smoke Detection Systems and Smoke Alarms**

<http://cfoc.nrckids.org/StandardView/5.2.5.1>

### **Standard 5.3.1.1: Safety of Equipment, Materials, and Furnishings**

<http://cfoc.nrckids.org/StandardView/5.3.1.1>

### **Standard 5.3.1.12: Availability and Use of a Telephone or Wireless Communication Device**

<http://cfoc.nrckids.org/StandardView/5.3.1.12>

### **Standard 5.5.0.8: Firearms**

<http://cfoc.nrckids.org/StandardView/5.5.0.8>

### **Standard 5.7.0.5: Cleaning Schedule for Exterior Areas**

<http://cfoc.nrckids.org/StandardView/5.7.0.5>

### **Standard 6.1.0.6: Location of Play Areas near Bodies of Water**

<http://cfoc.nrckids.org/StandardView/6.1.0.6>

### **Standard 6.2.5.1: Inspection of Indoor and Outdoor Play Area and Equipment**

<http://cfoc.nrckids.org/StandardView/6.2.5.1>

**Standard 6.3.5.2: Water in Containers**

<http://cfoc.nrckids.org/StandardView/6.3.5.2>

**Standard 9.4.1.9: Records of Injury**

<http://cfoc.nrckids.org/StandardView/9.4.1.9>

## Trends in Child Care Licensing Requirements

The following tables provide information about the number of States<sup>9</sup> that include requirements related to building and physical premises safety in their 2014 licensing regulations for child care centers,<sup>10</sup> family child care (FCC) homes,<sup>11</sup> and group child care (GCC) homes.<sup>12</sup>

Requirements for center-based care are fairly consistent across States for building inspections, fire safety, equipment safety, swimming pool safety, outdoor play area enclosures, and outdoor play surfacing. However, a majority of States are lacking safety requirements regarding firearms, bodies of water, and indoor surfacing under play equipment for center-based care. For home-based care, the data reflect that States are lacking in one or more building and premises safety requirements. For example, in States where firearms are allowed in home-based child care settings, slightly more than half (26 of 46 FCC homes and 22 of 40 GCC homes) require that ammunition be stored separately from firearms. A much smaller number (6 of 46 FCC and 3 of 40 GCC homes) require that parents be notified when firearms are present in the setting.

### Building and Physical Premises Safety Requirements

Fire Safety Requirements	Child Care Centers (N = 53)	FCC Homes (N = 46)	GCC Homes (N = 40)
State has requirements about fire safety	51	45	39
Settings are required to conduct evacuation and emergency drills	48	41	34
Settings are required to have an evacuation plan for fires or general emergencies	43	38	33

N = The number of States that regulate the type of facility.

<sup>9</sup>“States” includes the 50 States, the District of Columbia, and 2 U.S. Territories: Guam and the Virgin Islands.

<sup>10</sup> National Center on Early Childhood Quality Assurance. (2015). *Research brief #1: Trends in child care center licensing regulations and policies for 2014*. Retrieved from <https://childcareta.acf.hhs.gov/resource/research-brief-1-trends-child-care-center-licensing-regulations-and-policies-2014>

<sup>11</sup> National Center on Early Childhood Quality Assurance. (2015). *Research brief #2: Trends in family child care home licensing regulations and policies for 2014*. Retrieved from <https://childcareta.acf.hhs.gov/resource/research-brief-2-trends-family-child-care-home-licensing-regulations-and-policies-2014>

<sup>12</sup> National Center on Early Childhood Quality Assurance. (2015). *Research brief #3: Trends in group child care home licensing regulations and policies for 2014*. Retrieved from <https://childcareta.acf.hhs.gov/resource/research-brief-3-trends-group-child-care-home-licensing-regulations-and-policies-2014>

**Building and Physical Premises Safety Requirements (continued)**

<b>Safety of Indoor and Outdoor Equipment</b>	<b>Child Care Centers (N = 53)</b>	<b>FCC Homes (N = 46)</b>	<b>GCC Homes (N = 40)</b>
State has requirements about the safety of outdoor equipment	48	34	33
State has requirements about the safety of indoor equipment	47	26	25
Equipment must be free of components that pinch, shear, or crush body parts	30	12	9

N= The number of States that regulate the type of facility.

<b>Firearm Requirements</b>	<b>Child Care Centers (N = 53)</b>	<b>FCC Homes (N = 46)</b>	<b>GCC Homes (N = 40)</b>
State has requirements about the presence of firearms in child care centers	40	42	36
Firearms are not allowed in child care settings	25	2	4
Firearms are allowed, but must be in a locked container or closet	9	39	32
Firearms are allowed, but ammunition must be separate from firearm	6	26	22
Provider must notify parents of the presence of firearms in the setting	2	6	3

N= The number of States that regulate the type of facility.

<b>Enclosures for Outdoor Play Areas</b>	<b>Child Care Centers (N = 53)</b>	<b>FCC Homes (N = 46)</b>	<b>GCC Homes (N = 40)</b>
State has requirements about enclosures of outdoor play areas	41	21	24
Fences must be at least 4 feet high	31	15	17

N= The number of States that regulate the type of facility.

<b>Play Areas Near Bodies of Water</b>	<b>Child Care Centers (N = 53)</b>	<b>FCC Homes (N = 46)</b>	<b>GCC Homes (N = 40)</b>
State has safety requirements about swimming pools	45	41	39
State has safety requirements about bodies of water (e.g., lakes, ponds, rivers)	27	27	28

N= The number of States that regulate the type of facility.

**Building and Physical Premises Safety Requirements (continued)**

Surfaces Under Play Equipment	Child Care Centers (N = 53)	FCC Homes (N = 46)	GCC Homes (N = 40)
State has requirements about surfaces under outdoor equipment	41	31	31
State has requirements about surfaces under indoor equipment	16	5	6

N = The number of States that regulate the type of facility.

Fire and Environmental Health Inspections	Child Care Centers (N = 53)	FCC Homes (N = 46)	GCC Homes (N = 40)
Fire inspections conducted in settings by fire marshal or other fire safety entity	52	26	32
Environmental health inspections conducted in settings for compliance with state's environmental health codes and laws	42	15	20

N = The number of States that regulate the type of facility.

## Examples of State Licensed Child Care Requirements

Licensing of center-based care and family child care homes is a process that establishes the minimum requirements necessary to protect the health and safety of children in care. State licensing requirements are regulatory requirements, including registration or certification requirements, that state law establishes as necessary for providers to legally operate and provide child care services.<sup>13</sup> The following excerpts related to building and physical premises safety are from licensing requirements in North Carolina, Texas, and Utah. These examples do not include all States that have these requirements, but are meant to represent a range of approaches States have taken in their regulations. A document with links to all States' child care licensing regulations is available at <https://childcareta.acf.hhs.gov/resource/state-and-territory-licensing-agencies-and-regulations>.

### Child Care Center Requirements

#### Texas

Minimum Standards for Child Care Centers, Chapter 746, Title 40, Social Services & Assistance, Part 19, Department of Family and Protective Services (DFPS) (June 2015), [http://www.dfps.state.tx.us/documents/Child\\_Care/Child\\_Care\\_Standards\\_and\\_Regulations/746\\_Centers.pdf](http://www.dfps.state.tx.us/documents/Child_Care/Child_Care_Standards_and_Regulations/746_Centers.pdf)

**§746.4751. What special maintenance procedures must I follow for my active play space and equipment?**

Subchapter U, Indoor and Outdoor Active Play Space and Equipment, Division 3, Maintenance, December 2010

<sup>13</sup> Administration for Children and Families, U.S. Department of Health and Human Services. (2015). *Caring for our children basics: Health and safety foundations for early care and education*. Retrieved from <http://www.acf.hhs.gov/programs/ecd/caring-for-our-children-basics>

- (a) The child-care center director or designee must inspect the active play space and equipment daily before children begin play to ensure there are no hazards present.
- (b) The child-care center director or designee must conduct at least monthly inspections of the active play space and equipment, utilizing a general maintenance checklist or safety checklist that includes checking the equipment and surfacing material for normal wear and tear, broken or missing parts, debris or foreign objects, drainage problems, or other hazards.
- (c) The child-care center director or designee must ensure hazards or defects identified during inspections are removed or repaired promptly, and must arrange for protection of the children or prohibit use of hazardous equipment until the hazards can be removed or repairs can be made.
- (d) You must keep maintenance inspections and repair records at the child-care center for review during the center's hours of operation for at least the previous three months.

**§746.701 Must I keep a written record of accidents and incidents that occur at my child-care center?**

Subchapter C, Record Keeping Division 2, Records of Accidents and Incidents, September 2003

Yes. You must use a Licensing Incident/Illness Report form, or other form containing at least the same information, to record information regarding:

- (1) Injuries that required medical attention by a health-care professional; and
- (2) Any other situation that placed a child at risk, such as forgetting a child in a center vehicle or not preventing a child from wandering away from the child-care center unsupervised.

**§746.703 Where can I get a copy of Licensing's *Incident/Illness Report* form?**

You may obtain a copy of the form from Licensing staff or on the DFPS website at: [http://www.dfps.state.tx.us/Child\\_Care/Information\\_for\\_Providers/cclforms.asp](http://www.dfps.state.tx.us/Child_Care/Information_for_Providers/cclforms.asp).

**§746.705 Must someone from my child-care center sign the *Incident/Illness Report* form?**

Yes. The director of the child-care center or the person in charge must sign and date the completed report.

**§746.707 Must I share a copy of the *Incident/Illness Report* form with the child's parent?**

Yes. You must share a copy of the report with the child's parent and obtain the parent's signature on the report indicating the parent has reviewed it or received a copy of the report within 48 hours of when the incident occurred.

**§746.709 Where must I file the *Incident/Illness Report* form and how long must I keep it?**

You must keep the *Incident/Illness Report* form with the child's record at the child-care center while the child is in care, and for at least three months after the child's last day in care.

## Utah

R381. Health, Child Care Center Licensing Committee. R381-100. Child Care Centers (May 2015), <http://childcarelicensing.utah.gov/rules/r381-100.pdf>

**R381-100-2. Definitions.**

(9) "Direct Supervision" for infants, toddlers, and preschoolers means the caregiver can see and hear all of the children in his or her assigned group, and is near enough to intervene when necessary. "Direct Supervision" for school age children means the caregiver must be able to hear school age children and must be near enough to intervene when necessary.

**R381-100-12. Injury Prevention.**

(1) The provider shall ensure that the building, grounds, toys, and equipment are maintained and used in a safe manner to prevent injury to children.

(2) The provider shall ensure that walkways are free of tripping hazards such as unsecured flooring or cords.

(3) Areas accessible to children shall be free of unstable heavy equipment, furniture, or other items that children could pull down on themselves.

(4) The following items shall be inaccessible to children:

(a) firearms, ammunition, and other weapons on the premises. Firearms shall be stored separately from ammunition, in a cabinet or area that is locked with a key or combination lock, unless the use is in accordance with the Utah Concealed Weapons Act, or as otherwise allowed by law;

(b) tobacco, alcohol, illegal substances, and sexually explicit material;

(c) when in use, portable space heaters, fireplaces, and wood burning stoves;

(d) toxic or hazardous chemicals such as cleaners, insecticides, lawn products, and flammable materials;

(e) poisonous plants;

(f) matches or cigarette lighters;

(g) open flames;

(h) sharp objects, edges, corners, or points which could cut or puncture skin;

(i) for children age 4 and under, ropes, cords, wires and chains long enough to encircle a child's neck, such as those found on window blinds or drapery cords;

(j) for children age 4 and under, plastic bags large enough for a child's head to fit inside, latex gloves, and balloons; and

(k) for children age 2 and under, toys or other items with a diameter of less than 1-1/4 inch and a length of less than 2-1/4 inches, or objects with removable parts that have a diameter of less than 1-1/4 inch and a length of less than 2-1/4 inches.

(5) The provider shall store all toxic or hazardous chemicals in a container labeled with its contents.

(6) Electrical outlets and surge protectors accessible to children age four and younger shall have protective caps or safety devices when not in use.

(7) Hot water accessible to children shall not exceed 120 degrees Fahrenheit.

(8) High chairs shall have T-shaped safety straps or devices that are used whenever a child is in the chair.

(9) Indoor stationary gross motor play equipment, such as slides and climbers, accessible to children under age 3 shall not have a designated play surface that exceeds 3 feet in height.

(a) If such equipment has an elevated designated play surface less than 18 inches in height, it shall not be placed on a hard surface, such as wood, tile, linoleum, or concrete, and shall have a three foot use zone.

(b) If such equipment has an elevated designated play surface that is 18 inches to 3 feet in height, it shall be surrounded by mats at least 2 inches thick, or cushioning that meets ASTM Standard F1292, in a three foot use zone.

(10) Indoor stationary gross motor play equipment, such as slides and climbers, accessible to children age 3 and older shall not have a designated play surface that exceeds 5-1/2 feet in height.

(a) If such equipment has an elevated designated play surface less than 3 feet in height, it shall be surrounded by protective cushioning material, such as mats at least 1 inch thick, in a six foot use zone.

(b) If such equipment has an elevated designated play surface that is 3 feet to 5-1/2 feet in height, it shall be surrounded by cushioning that meets ASTM Standard F1292, in a six foot use zone.

(11) There shall be no trampolines on the premises that are accessible to any child in care.

(12) If there is a swimming pool on the premises that is not emptied after each use:

(a) the provider shall ensure that the pool is enclosed within a fence or other solid barrier at least six feet high that is kept locked whenever the pool is not in use;

(b) the provider shall maintain the pool in a safe manner;

(c) the provider shall meet all applicable state and local laws and ordinances related to the operation of a swimming pool; and

(d) If the pool is over four feet deep, there shall be a Red Cross certified life guard on duty, or a lifeguard certified by another agency that the licensee can demonstrate to the Department to be equivalent to Red Cross certification, any time children have access to the pool.

(13) If wading pools are used:

(a) a caregiver must be at the pool supervising children whenever there is water in the pool;

(b) diapered children must wear swim diapers and rubber pants while in the pool; and

(c) the pool shall be emptied and sanitized after each use by a separate group of children.

## Family Child Care Home Requirements

### North Carolina

SECTION .1700 – FAMILY CHILD CARE HOME REQUIREMENTS (May 2012),

[http://ncchildcare.nc.gov/PDF\\_forms/DCDEE\\_Rulebook.pdf](http://ncchildcare.nc.gov/PDF_forms/DCDEE_Rulebook.pdf)

#### 10A NCAC 09 .0714 OTHER STAFFING REQUIREMENTS

(f) Children shall be adequately supervised at all times. Adequate supervision shall mean that:

- (1) Staff must be positioned in the indoor and outdoor environment to maximize their ability to hear or see the children at all times and render immediate assistance;
- (2) Staff must interact with the children while moving about the indoor or outdoor area;
- (3) Staff must know where each child is located and be aware of children's activities at all times;
- (4) Staff must provide supervision appropriate to the individual age, needs and capabilities of each child; and
- (5) All of the conditions in this Paragraph shall apply except when emergencies necessitate that direct supervision is impossible for brief periods of time. Documentation of emergencies shall be maintained and available for review by Division representatives upon request.

#### 10A NCAC 09 .1719 REQUIREMENTS FOR A SAFE INDOOR/OUTDOOR ENVIRONMENT

(a) The operator of a family child care home shall maintain a safe indoor and outdoor environment for the children in care. In addition, the operator shall:

- (1) keep all areas used by the children, indoors and outdoors, clean and orderly and free of items which are potentially hazardous to children. This includes the removal of items that a child can swallow. In addition, loose nails or screws and splinters shall be removed on inside and outside equipment;
- (2) safely store equipment and supplies such as lawnmowers, power tools, or nails, so they are inaccessible to children;
- (3) ensure that all stationary outdoor equipment is firmly anchored and is not installed over concrete or asphalt. Footings which anchor the equipment shall not be exposed;
- (4) securely mount electric fans out of the reach of children or have a mesh guard on each fan;
- (5) cover all electrical outlets not in use and remove old, cracked or frayed cords in occupied outlets;
- (6) ensure that, for appliances with heating elements, such as bottle warmers, crock pots, irons, coffee pots, or curling irons, neither the appliance nor the cord, if applicable, is accessible to preschool children;
- (7) have solid and safe indoor and outdoor stairs and steps if these are used by the children. Indoor and outdoor stairs with two or more steps which are used by the children shall be railed.

Indoor stairs with more than two steps shall be made inaccessible to children in care who are two years old or younger;

(8) maintain any swimming pools or wading pools on the premises in a manner that will safeguard the lives and health of the children. All swimming or wading pools used by children in care shall meet the "Rules Governing Public Swimming Pools," in accordance with 15A NCAC 18A .2500 which are hereby incorporated by reference including subsequent amendments. A copy of these Rules is on file at the Division at the address given in Rule .0102 of this Chapter or may be obtained at no cost by writing the North Carolina Division of Environmental Health, 1630 Mail Service Center, Raleigh, NC 26799-1630;

(9) enclose any in-ground swimming pools by a fence at least four feet high to prevent chance access by children. The swimming pool shall be separate from the play area. Access to the water in above ground swimming pools shall be prevented by locking and securing the ladder in place or storing the ladder in a place inaccessible to the children; and

(10) safely store all combustible materials that may create a fire hazard.

(b) Prior to enrollment of children in a family child care home, and before new animals that will be in the home come into the family child care home, a parent of each child must sign a form acknowledging the type of animal and where the animal will be during operating hours. This documentation shall be maintained in each child's file.

## Texas

Minimum Standards for Child Care Homes, Chapter 747, Title 40, Social Services & Assistance, Part 19, Department. of Family and Protective Services (June 2015),  
[http://www.dfps.state.tx.us/documents/Child\\_Care/Child\\_Care\\_Standards\\_and\\_Regulations/747\\_Homes.pdf](http://www.dfps.state.tx.us/documents/Child_Care/Child_Care_Standards_and_Regulations/747_Homes.pdf)

### **§747.3501 What safety precautions must I take to protect children in my child-care home?**

Subchapter S, Safety Practices Division 1, Safety Precautions September 2003

All areas accessible to a child must be free from hazards including, but not limited to, the following:

- (1) Electrical outlets accessible to a child younger than five years must have child-proof covers or safety outlets;
- (2) 220-volt electrical connections within any child's reach must be covered with a screen or guard;
- (3) Air conditioners, electric fans, and heaters must be mounted out of all children's reach or have safeguards that keep any child from being injured;
- (4) Glass in sliding doors must be clearly marked with decals or other materials placed at children's eye level;
- (5) Play materials and equipment must be safe and free from sharp or rough edges and toxic paints;
- (6) Poisonous or potentially harmful plants must be inaccessible to children;
- (7) All storage chests, boxes, trunks, or similar items with hinged lids must be equipped with a lid support designed to hold the lid open in any position, be equipped with ventilation holes, and must not have a latch that might close and trap a child inside; and

(8) All bodies of water, such as, pools, hot tubs, ponds, creeks, birdbaths, fountains, buckets, and rain barrels, must be inaccessible to children.

**§747.3505 Are firearms or other weapons allowed at my child-care home?**

(a) Firearms, hunting knives, bows and arrows, or other weapons kept on the premises of a child-care home must remain in a locked cabinet inaccessible to children during all hours of operation, with the exception of law enforcement officials who are trained and certified to carry a firearm and ammunition.

(b) You must keep ammunition in a separate locked cabinet and inaccessible to children during all hours of operation.

**§747.3507 May I have toys or equipment that explodes or shoots things?**

No. Toys that explode or that shoot things, such as caps, BB guns, darts, or fireworks, are prohibited for children’s use and must remain in a locked cabinet, inaccessible to children during all hours of operation.

## Examples of State License-Exempt Child Care Requirements

States have exemptions in law or regulation that define the types of center-based facilities and home-based providers that are not required to obtain a state license to operate legally.<sup>14</sup> Most States allow exempt providers to receive CCDF funding. And while exempt providers are not subject to the regulatory requirements set forth by the licensing agency, the *Child Care and Development Block Grant Act of 2014* (CCDBG Act of 2014) requires States and Territories to have health and safety requirements in 10 different topic areas for all providers participating in the CCDF subsidy program, as well as preservice and ongoing training on those topics.<sup>15</sup> The following excerpts on building and physical premises safety are license-exempt requirements from Kentucky and Missouri. These examples do not include all States that have these requirements, but are meant to represent a range of approaches States have taken in establishing requirements for license-exempt programs.

### Kentucky

922 KAR 2:100. Certification of Family Child-Care Homes (March 2013), <http://www.chfs.ky.gov/os/oig/drcc.htm>

**Section 11. The General Requirements of the Family Child-Care Home Environment.**

(1) A provider’s home and each play area used for child care shall:

- (a) Be free from risk of harm in accordance with the requirements of this administrative regulation; and
- (b) Have adequate:
  1. Heating and cooling;
  2. Light; and
  3. Ventilation.

<sup>14</sup> National Center on Early Childhood Quality Assurance. (2015). *Monitoring license-exempt CCDF homes*. Retrieved from <https://childcareta.acf.hhs.gov/resource/monitoring-license-exempt-ccdf-homes>

<sup>15</sup> National Center on Early Childhood Quality Assurance. (2015). *Monitoring and supporting license-exempt care: Case studies*. Retrieved from <https://childcareta.acf.hhs.gov/resource/monitoring-and-supporting-license-exempt-care-case-studies>

- (2) Each floor level used for child care shall have at least one (1):
  - (a) Unblocked exit to the outside;
  - (b) Smoke detector;
  - (c) Fire extinguisher; and
  - (d) Carbon monoxide detector if the home:
    1. Uses fuel burning appliances; or
    2. Has an attached garage.
- (3) A new applicant or a provider who changes location shall have at least two (2) unblocked exits to the outside on each floor level used for child care.
- (4) The areas of the home that are accessible to children in care shall be free from items harmful to children including the following items:
  - (a) Cleaning supplies, poisons, paints, and insecticides;
  - (b) Knives, scissors, and sharp objects;
  - (c) Power tools, lawn mowers, hand tools, nails, and other equipment;
  - (d) Matches, cigarettes, lighters, combustibles, and flammable liquids;
  - (e) Alcoholic beverages;
  - (f) Plastic bags; and
  - (g) Litter and rubbish.
- (5) In accordance with KRS 527.070(1), firearms and ammunition shall be stored away from the presence of children, in separate locked containers, which, in order to be opened, require a:
  - (a) Key; or
  - (b) Combination.
- (6) Electrical outlets not in use shall be covered.
- (7) An electric fan, floor furnace, or freestanding heater or fireplace shall:
  - (a) Be out of the reach of a child; or
  - (b) Have a safety guard to protect a child from injury.
- (8) A certified family child-care home shall have:
  - (a) At least one (1) working land-line telephone on each level used for child care unless the cabinet has been notified that the telephone is temporarily out of service; and
  - (b) A list of emergency numbers posted by each telephone, including numbers for the:

1. Police;
2. Fire station;
3. Emergency medical care and rescue squad; and
4. Poison control center...

(10) Stairs and steps used for children in care shall be:

- (a) Solid;
- (b) Safe; and
- (c) Railed.

(11) If an infant or toddler is in the care of a provider, indoor stairs with more than two (2) steps shall be blocked....

(13) An outdoor play area shall be free of unavoidable danger or risk.

(14) Each child in an outdoor play area shall be under the direct supervision of the provider or assistant.

(15) Outdoor stationary play equipment shall be:

- (a) Securely anchored;
- (b) Developmentally appropriate; and
- (c) Safe.

## Missouri

Rules of Department of Health, Division 30—Division of Health Standards and Licensure, Chapter 60—License-Exempt Child Care Facilities (July 2000),  
<http://s1.sos.mo.gov/cmsimages/adrules/csr/current/19csr/19c30-60.pdf>

### **19 CSR 30-60.100** Physical Plant, Space, Supplies and Equipment

*PURPOSE: This rule sets forth the requirements for the physical plant, indoor and outdoor space, supplies and equipment for license-exempt child care facilities.*

(1) The premises of all facilities shall be safe and suitable for the care of children.

(A) Children shall have no access to areas not approved for child care.

(B) Porches, decks, stairwells or other areas in approved child care space shall have

protective handrails and guardrails if there is a drop-off of more than twenty-four inches (24") from which children might fall and be injured. Guardrails shall be at least thirty-six inches (36") high, and shall have bars placed at intervals of no more than three and one-half inches (3 1/2"), or have protective material to prevent a three and one-half inch (3 1/2") sphere from passing through the bars.

(C) Approved safety gates at stairways and doors shall be provided as needed.

(D) Hazardous materials such as cleaning supplies, poisonous materials, medicines, alcoholic beverages or hazardous personal care items shall be inaccessible to children and stored to prevent cross-contamination of food and food-related materials.

(E) Ammunition, guns, hunting knives, bows and arrows, or other weapons shall not be on the premises unless stored in a locked cabinet or closet.

(F) Walls, ceilings, floors and equipment shall be finished with materials that can be cleaned easily and shall be free of splinters, cracks and chipped paint. Floor covering shall be in good condition. The facility shall be free of all lead hazards and asbestos that is friable or dangerous.

...

(4) Outdoor space requirements shall include:

(C) The play area shall be safe for children's activities. It shall be well-maintained and free of hazards such as poisonous plants, broken glass, barbed wire, open wells, rocks and other debris, and shall have good drainage; ...

(G) Outdoor equipment shall be safely constructed, in good condition, and free of sharp, loose or pointed parts. Stationary equipment such as swings, slides and climbers shall be anchored securely; and

(H) Any part of outdoor equipment from which children might fall shall not exceed six feet (6') in height. ...

(7) Indoor play equipment and materials shall be provided and shall be clean and in good condition with all parts intact. Infants and toddlers shall have safe toys. Toys, parts of toys or other materials small enough to be swallowed shall not be used.

## Additional Resources

- ◆ **Better Kid Care**, Penn State Extension, Penn State College of Agricultural Sciences.  
<http://extension.psu.edu/youth/betterkidcare/early-care>
- ◆ **Bright Futures Guidelines and Pocket Guide**, American Academy of Pediatrics.  
<https://brightfutures.aap.org/materials-and-tools/guidelines-and-pocket-guide/Pages/default.aspx>
  - Promoting Safety and Injury Prevention (theme 9).  
[https://brightfutures.aap.org/Bright%20Futures%20Documents/10-Promoting\\_Safety\\_and\\_Injury\\_Prevention.pdf](https://brightfutures.aap.org/Bright%20Futures%20Documents/10-Promoting_Safety_and_Injury_Prevention.pdf)
- ◆ **Culture of Safety**, Head Start Early Childhood Learning & Knowledge Center, Office of Head Start, Administration for Children and Families.  
<http://eclkc.ohs.acf.hhs.gov/hslc/tta-system/health/safety-injury-prevention/culture-of-safety.html>
- ◆ **Drowning Is Preventable! Tips for Safety In and Around Water**, Consumer Product Safety Commission.  
<http://www.poolsafely.gov/wp-content/uploads/drownfactsheet.pdf>
- ◆ **Gun Safety: Keeping Children Safe**, HealthyChildren.org, American Academy of Pediatrics.  
<https://www.healthychildren.org/English/safety-prevention/all-around/Pages/Gun-Safety-Keeping-Children-Safe.aspx>

- ◆ **Hazard Mapping Instructions for Head Start Grantees**, Head Start Early Childhood Learning & Knowledge Center, Office of Head Start, Administration for Children and Families.  
<http://eclkc.ohs.acf.hhs.gov/hslc/tta-system/health/safety-injury-prevention/safe-healthy-environments>
- ◆ **Head Start Program Performance Standards**, U.S. Department of Health and Human Services, Administration for Children and Families, Office of Head Start.  
<http://eclkc.ohs.acf.hhs.gov/hslc/standards/hspss/45-cfr-chapter-xiii/45-cfr-chap-xiii-eng.pdf>.  
The Head Start Program Performance Standards include standards related to this topic in the following sections:
  - Section 1304.22 Child health and safety
  - Section 1304.53 Facilities, materials, and equipment
  - Section 1306.35 Family child care program option
- ◆ **Portable Pools: Fence Them! Cover Them! Put Them Away!**, Consumer Product Safety Commission.  
English: <http://www.cpsc.gov/PageFiles/122237/367.pdf>  
Spanish: <http://www.cpsc.gov/PageFiles/122237/367s.pdf>
- ◆ **Safety and Injury Prevention Resource List**, Head Start Early Childhood Learning & Knowledge Center, Office of Head Start, Administration for Children and Families.  
<http://eclkc.ohs.acf.hhs.gov/hslc/tta-system/health/docs/cos-prevention-resource-list.pdf>
- ◆ **Virtual Early Education Center (VEEC): Room by Room Practices for Health and Safety**, National Center on Early Childhood Health and Wellness.  
<https://eclkc.ohs.acf.hhs.gov/hslc/tta-system/health/health-services-management/program-planning/veec.html>
- ◆ **Virtual Lab School**, The Ohio State University in partnership with the Office of the Secretary of Defense and the National Institute of Food and Agriculture.  
<https://www.virtuallabschool.org/about>
- ◆ **Where We Stand: Water Safety**, HealthyChildren.org, American Academy of Pediatrics.  
<https://www.healthychildren.org/English/safety-prevention/at-play/Pages/Where-We-Stand-Water-Safety.aspx>
- ◆ **Window Covering Information Center: Kids and Cords Don't Mix**, Consumer Product Safety Commission.  
<http://www.cpsc.gov/en/Safety-Education/Safety-Education-Centers/Window-Covering/>

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