Building and Physical Premises Safety

The Child Care and Development Block Grant (CCDBG) Act of 2014[1] and the Child Care and Development Fund (CCDF) Program final rule (2016) [2], require states and territories to have health and safety requirements in 11 different topic areas, as well as preservice and ongoing training on those topics, for all providers that receive payments from the CCDF subsidy program.[3] This brief provides an overview of **building and physical premises safety**.

A series of briefs about CCDF health and safety requirements was first released in July 2016 by the National Center on Early Childhood Quality Assurance (ECQA Center) in response to the CCDBG Act of 2014. A summary of findings about the topic from the 2017 Child Care Licensing Study is a feature of this July 2020 update to those briefs. Data for the study were compiled from state child care licensing regulations in effect as of December 31, 2017 (ECQA Center, 2020a, 2020b, 2020c).

Licensing and CCDF Administrators may find the brief helpful as they consider revisions to state standards for both licensed and license-exempt providers. It may also be of value to early childhood and school-age care programs and family child care providers, helping them understand and improve the health and safety of their learning environments.

What Are the Basic Requirements?

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. The following lists contain CFOCB links to the basic requirements that address building and physical premises safety in child care settings.

Facilities, Supplies, Equipment, and Environmental Health

♦ Methods of Supervision of Children

♦ Supervision Near Water

♦ Inspection of Buildings

♦ Compliance with Fire Prevention Code

♦ Guardrails and Protective Barriers

♦ Safety Covers and Shock Prevention Devised for Electrical Outlets

♦ Location of Electrical Devices Near Water

♦ Safety of Equipment, Materials, and Furnishings

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[1] 42 U.S.C. § 9858c(c)(2)(I) (2015).
[2] Child Care and Development Fund, 45 C.F.R. § 98.41 (2016).
[3] Child Care and Development Fund, 45 C.F.R. § 98.44 (2016).

♦ Availability and Use of a Telephone or Wireless Communication Device

♦ Firearms

♦ Water in Containers

Best practices, which exceed CCDF requirements, are found in *Caring for Our Children: National Health and Safety Performance Standards; Guidelines for Early Care and Education Programs, CFOC Standards Online Database* (CFOC). You can learn more about best practice recommendations related to building and physical premises safety by exploring the following CFOC links:

♦ 2.2.0.1: Methods of Supervision of Children

♦ 2.2.0.4: Supervision Near Bodies of Water

♦ Chapter 5: Facilities, Supplies, Equipment, and Environmental Health, which includes the following:

  ▪ 5.1.1.2: Inspection of Buildings

  ▪ 5.1.1.3: Compliance with Fire Prevention Code

  ▪ 5.1.1.5: Assessment of the Environment at the Site Location

  ▪ 5.1.5.4: Guards at Stairway Access Openings

  ▪ 5.1.6.6: Guardrails and Protective Barriers

  ▪ 5.2.1.11: Portable Electric Space Heaters

  ▪ 5.2.4.2: Safety Covers and Shock Prevention Devices for Electrical Outlets

  ▪ 5.2.4.4: Location of Electrical Devices Near Water

  ▪ 5.2.5.1: Smoke Detection Systems and Smoke Alarms

  ▪ 5.3.1.1: Safety of Equipment, Materials, and Furnishings

  ▪ 5.3.1.12: Availability and Use of a Telephone or Wireless Communication Device

  ▪ 5.7.0.5: Cleaning Schedule for Exterior Areas

♦ Chapter 6: Play Areas/Playgrounds and Transportation, which includes:

  ▪ 6.1.0.6: Location of Play Areas Near Bodies of Water

  ▪ 6.2.5.1: Inspection of Indoor and Outdoor Play Areas and Equipment

  ▪ 6.3.5.2: Water in Containers

Why Is It Important to Children?

The Centers for Disease Control and Prevention cites that injuries are the leading cause of death among children (Centers for Disease Control and Prevention, 2012). Each year, nearly nine million children ranging in age from birth to 19 years are seen in emergency departments for injuries, and more than 9,000 children die because of being injured. Injury treatment is the leading cause of medical spending for children (Centers for Disease Control and Prevention, n.d.).

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 and death. Drowning was the leading cause of injury death for children 1 to 4 years of age. Fires, burns, and falls are other common causes for all age groups (National Center for Injury Prevention and Control, n.d.).

Children need to be safe to learn and develop their full potential, whether they are enrolled in home-based, center-based, or family child care home settings. Equipment that allows children to explore their environment, such as safety gates, electrical plug covers, appropriate types and amounts of surfacing on floors and the ground, and locks on cabinets and doors, can prevent children from getting into dangerous situations (National Center on Early Childhood Health and Wellness, n.d.). 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 (Head Start National Center on Health, n.d.).

How Do States Establish Requirements?

Key Findings from the 2017 Child Care Licensing Study

Findings from the 2017 Child Care Licensing Study, a large-scale research study of child care licensing requirements for child care centers, family child care homes (FCCHs), and group child care homes (GCCHs), show commonly found requirements related to building and physical premises safety (ECQA Center, 2020a, 2020b, 2020c). "Percent of states" and "states" refer to data from all 50 states and the District of Columbia.

- All states have requirements about **fire safety** for centers, FCCHs, and GCCHs. More than three-quarters of states require centers to have an evacuation plan for fires and to conduct fire drills. Nearly 90 percent of states have these requirements for FCCHs, and 84 percent have them for GCCHs.

- More than 90 percent of states have requirements for centers about the **safety of indoor and outdoor equipment**. Three-quarters of states have requirements about the safety of outdoor equipment for FCCHs and GCCHs, while 60 percent have requirements about indoor equipment for FCCHs and GCCHs.

- For outdoor play areas, 82 percent of states require centers to have a **fence or other enclosure** around the area. Fifty-five percent of states require a fence for FCCHs, and 66 percent have the requirement for GCCHs.

- Most states have safety requirements about outdoor **bodies of water** (for example, lakes, ponds, rivers) for centers (51 percent), FCCHs (70 percent), and GCCHs (76 percent). Nearly all states also have requirements about swimming pools for home-based child care settings; most states (89 percent) have these requirements for centers.

- Three-quarters of states have requirements about **surfaces under outdoor play equipment** for centers and GCCHs; two-thirds of states have these requirements for FCCHs.

Examples of State Licensed Child Care Requirements

The following tables provide links to state licensing requirements from **Delaware, Texas, Arkansas,** and **North Carolina** related to building and physical premises safety. 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. In

addition, most states have many requirements that address building and premises safety. Thus, the sections of the regulations listed in the tables are included as examples of where you can find requirements about this topic.

Links to the full text of state and territory licensing regulations for child care centers, FCCHs, and GCCHs are found in the National Database of Child Care Licensing Regulations.

Child Care Center Requirements

Delaware
DELACARE: Rules for Early Care and Education and School-Age Centers (May 2019)
https://kids.delaware.gov/occl/pdf/delacare-regulations-center-2019.pdf

49: Indoor Space
53: Outdoor Area
54: Pools and Swimming
57: Equipment

Texas

Chapter 746: Minimum Standard Rules for Licensed Child-Care Centers (October 2018)
https://hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/provider-portal/protective-services/ccl/min-standards/chapter-746-centers.pdf

§746.3701: What safety precautions must I take to protect children in my child-care center?
§746.4305: Must I fence the outdoor activity space?
§746.4601: What minimum safety requirements must my active play equipment meet?
§746.4751: What special maintenance procedures must I follow for my active play space and equipment?
§746.4901: What type of surfacing must I have under my active play equipment?
§746.5001: What safety precautions must I follow when children in my care use a swimming pool?
§746.5017: Can children in my care swim in a body of water other than a swimming pool, such as a lake, pond, or river?

Family Child Care Home Requirements

Arkansas
Minimum Licensing Requirements for Child Care Family Homes (January 2020)
https://humanservices.arkansas.gov/images/uploads/dccece/Final_CCFH.pdf

801: Building Requirements
902: General Hazards
906: Climbing Equipment
909: Protective Surfacing
1201: Safety Requirements

North Carolina

Chapter 9 - Child Care Rules, Section.1700 – Family Child Care Home Requirements (September 2019)
https://ncchildcare.ncdhhs.gov/Portals/0/documents/pdf/D/DCDEE_Rulebook.pdf

1707: Building Requirements
1719: Requirements for a Safe Indoor/Outdoor Environment
1730: Activities Involving Water

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. Most states allow some exempt providers to receive CCDF funding, and although exempt providers are not subject to the regulatory requirements set forth by the licensing agency, the CCDF final rule[4] requires states and territories to have health and safety requirements in 11 different topic areas for all providers participating in the CCDF subsidy program, as well as preservice and ongoing training on those topics.[5]

The following table provides examples from **Kentucky** and **Missouri** of requirements for license-exempt programs about building and physical premises safety. These examples do not include all states that have these requirements but are meant to represent a range of approaches that states have taken in establishing requirements for license-exempt programs.

License-Exempt Child Care Requirements
Iowa *Chapter 120: Child Care Homes, Iowa Administrative Code* (November 2019) https://www.legis.iowa.gov/docs/ACO/chapter/441.120.pdf 120.8(1): Facility requirements. 120.8(2): Use of outdoor space.
Missouri *Rules of Department of Health and Senior Services: Division 30—Division of Regulation and Licensure—Chapter 60—License-Exempt Child Care Facilities* (July 2019) https://s1.sos.mo.gov/cmsimages/adrules/csr/current/19csr/19c30-60.pdf 19 CSR 30-60.080: Fire Safety Requirements 19 CSR 30-60.100: Physical Plant, Space, Supplies and Equipment

Where Can I Find More Information?

2017 Child Care Licensing Study

The ECQA Center, in partnership with the National Association for Regulatory Administration, has conducted a large-scale research study of child care licensing provider and facility requirements and licensing agency policies every three years since 2005. The 2017 Child Care Licensing Study looks at licensing requirements for child care centers, family child care homes, and group child care homes and licensing agency policies in all 50 states and the District of Columbia for 2017. The ECQA Center (2020a, 2020b, 2020c) released three research briefs about trends in child care licensing that describe changes in licensing requirements and policies by comparing the findings from the 2017 study with findings from previous child care licensing studies.

♦ Trends in Child Care Center Licensing Requirements and Policies for 2017: Research Brief #1

♦ Trends in Family Child Care Home Licensing Requirements and Policies for 2017: Research Brief #2

♦ Trends in Group Child Care Home Licensing Requirements and Policies of 2017: Research Brief #3

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[4] Child Care and Development Fund, 45 C.F.R. § 98.41 (2016).
[5] Child Care and Development Fund, 45 C.F.R. § 98.44 (2016).

Healthy States: Health and Safety Training Toolkit

The *Healthy States: Health and Safety Training Toolkit,* from the National Center on Early Childhood Health and Wellness, provides up-to-date research and science-informed resources, including online modules, webinars, and materials, to inform and train program-level staff in all early childhood education settings.

The toolkit also gives a summary of the health and safety requirements in the CCDBG Act of 2014 and provides links to CFOCB and CFOC.

Additional Resources

♦ *Caring for Our Children Basics Health and Safety Standards Alignment Tool for Child Care Centers and Family Child Care Homes* (2016), by the National Center on Early Childhood Quality Assurance, provides a simple format for states and territories to compare their current early childhood program requirements and standards against the recommended health and safety standards in CFOCB.

♦ *Developing and Revising Child Care Licensing Requirements* (2017), by the National Center on Early Childhood Quality Assurance, presents steps for developing and revising child care licensing requirements based on several states' successful practices.

♦ Child Care Licensing Tools and Resources (n.d.), a page of the Early Childhood Training and Technical Assistance System website with tools and resources about child care licensing designed to help states and territories improve their practices, strengthen provider requirements, and develop the skills of licensing staff.

References

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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.* https://eclkc.ohs.acf.hhs.gov/publication/active-supervision-referenced-fact-sheet

National Center on Early Childhood Health and Wellness, Office of Head Start, Administration for Children and Families, U.S. Department of Health and Human Services. (n.d.). *10 actions to create a culture of safety.* https://eclkc.ohs.acf.hhs.gov/publication/10-actions-create-culture-safety

National Center on Early Childhood Quality Assurance. (2020a). Trends in child care center licensing requirements and policies for 2017: Research brief #1. https://childcareta.acf.hhs.gov/resource/trends-child-care-center-licensing-requirements-and-policies-2017-research-brief-1

National Center on Early Childhood Quality Assurance. (2020b). Trends in family child care home licensing requirements and policies for 2017: Research brief #2. https://childcareta.acf.hhs.gov/resource/trends-family-child-care-home-licensing-requirements-and-policies-2017-research-brief-2

National Center on Early Childhood Quality Assurance. (2020c). Trends in group child care home licensing requirements and policies for 2017: Research brief #3. https://childcareta.acf.hhs.gov/resource/trends-group-child-care-home-licensing-requirements-and-policies-2017-research-brief-3

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**National Center on
Early Childhood Quality Assurance**

9300 Lee Highway
Fairfax, VA 22031

Phone: 877-296-2250
Email: QualityAssuranceCenter@ecetta.info

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