

# *Child Care Regulations in Tennessee*

## **Overview**

A summary of child care regulations in Tennessee.

- Types of care that must be licensed
- Types of care that may be registered
- Types of care that may operate without a license
- Age-group definitions
- Subsidized child care
- Whom to contact
- Child abuse reporting
- Child care centers
- Group child care homes
- Family child care homes

Child care is regulated differently in every state and sometimes even in different counties or cities in the same state. In Tennessee, the Department of Human Services licenses child care centers, group child care homes, and family child care homes that provide care for five or more children. The department also registers family child care homes that provide care for between one and four children. Other types of local regulations, such as zoning, health, building, and fire safety codes, may also apply to child care facilities.

This guide explains the level of quality required by child care regulations in Tennessee. Some child care programs in the state operate at this level and some well above it. As a parent, you have your own standards and will look for providers you trust to meet them. Over time, your informed consumer choice and cooperation with the licensing agency can help raise the quality of child care in your community.

Both the law and regulatory requirements are subject to change. To ensure that you have accurate and complete information, check with the licensing office to see whether there have been any changes since the information in this guide was last updated.

## **Types of care that must be licensed**

Child care licensing is a type of regulatory activity in which the state authorizes an individual or a group to operate a child care facility. The Tennessee Department of Human Services is responsible for monitoring compliance with state standards, establishing procedures for revoking a license, and providing appeal mechanisms.

In Tennessee, the following forms of child care must be licensed:

- *Child care centers.* Full- or part-time care in a nonresidential setting for 13 or more children. In Tennessee, this includes nursery schools and preschools.
- *Group child care homes.* Full- or part-time care for between eight and 12 children, excluding the provider's own children.

- *Family child care homes.* Full- or part-time care for five or more children, excluding the provider's own children.

### **Types of care that may be registered**

Registration is a form of regulation that encourages active parental monitoring of facilities.

In Tennessee, the following form of child care is exempt from licensing but may choose to be registered:

- *Family child care homes.* Full- or part-time care in a residence for five or fewer children not related to the caregiver.

More detailed information about child care centers, group child care homes, and family child care homes may be found later in this guide.

### **Types of care that may operate without a license**

Some types of child care are not required to be licensed by the state. There are no agencies investigating or regulating these providers, so be sure to thoroughly check a provider's background and experience before choosing this type of care.

In Tennessee, the following forms of child care are exempt from licensing:

- Care provided in the child's home or by relatives
- Full- or part-time care for five or fewer children not related to the primary caregiver
- Parents' day-out programs and drop-in centers caring for fewer than 15 children
- Programs operating for fewer than three hours per day

Private kindergartens that operate on the same schedule as public kindergartens may not be required to be licensed by the state. When children's programs are run by the public elementary schools, they must be approved by the Department of Education and must meet similar requirements. Public child care programs must also meet the same standards as licensed child care programs.

### **Age-group definitions**

- *Infant:* child between 6 weeks and 15 months
- *Toddler:* child between 16 and 30 months
- *Preschooler:* child between 31 months and 5 years
- *School-age:* child 5 years and older who is attending kindergarten or school through sixth grade

### **Subsidized child care**

The Tennessee Department of Human Services, Department of Labor, Department of Education, Department of Children's Services, or local United Way agency makes funds available to assist some parents with their child care payments. Families may be eligible if they currently receive financial assistance from the Department of Human Services or from Supplemental Security Income, if the family meets income guidelines.

For further information about program availability and how to qualify, contact the Tennessee Department of Human Services at 800-462-8261 and the office can direct you to your local contact.

### **Whom to contact**

For more detailed information regarding child care regulations in Tennessee, or to report licensing violations, contact:

#### **Tennessee Department of Human Services**

##### **Child Care Services**

Citizens Plaza Building

400 Deaderick Street

Nashville, TN 37248-0001

615-313-4820

800-462-8261

*[www.state.tn.us/humanserv](http://www.state.tn.us/humanserv)*

The current child care rules and regulations can be accessed on the Secretary of State's Web site at *[www.state.tn.us/sos](http://www.state.tn.us/sos)*.

### **Child abuse reporting**

The staffs of all child care facilities are required to report known or suspected child abuse or neglect to the state or to police. Each county has a 24-hour hot line to report child abuse. Check the phone book for the local phone number.

## *Child care centers*

### **Licenses**

- Must be licensed and renewed annually.
- License must be posted.
- General liability insurance is required.

**State inspection**

- Inspection is required before licensing.
- Unannounced inspections occur at least six times a year.

**Staff:child ratios**

- 6 weeks to 15 months: one staff for up to five children (1:5)
- 12 to 30 months: one staff for up to seven children (1:7)
- 24 to 35 months: one staff for up to 8 children (1:8)
- 3 years: one staff for up to 10 children (1:10)
- 4 years: one staff for up to 15 children (1:15)
- 5 years: one staff for up to 20 children (1:20)
- 6+ years: one staff for up to 25 children (1:25)
- Mixed-age groups: one staff for up to six children (1:6) for infants and toddlers, one staff for up to 20 children (1:20) for 4- and 5-year-olds, and one staff for up to 25 children (1:25) for 5- to 12-year-olds

No children younger than 6 weeks may be in care.

At naptime, there can be 50 percent of the required ratio (except for infants and toddlers) if staff is on the premises for an emergency.

**Maximum group size**

- 6 weeks to 15 months: 10
- 6 weeks to 30 months: 12
- 12 to 30 months: 14
- 24 to 47 months: 16
- 30 to 47 months: 18
- 2½ to 5 years: 20
- 2½ to 12 years: 10
- 3 to 5 years: 20
- 5 to 12 years: 25
- 6+ years: 25

Centers must have at least two staff on the premises when more than 12 children are present.

Centers may overenroll by 10 percent for up to three days a week to allow the limited mixing of 2-year-olds and older age groups no more than three days a week.

### **Staff qualifications**

#### **Director**

- Must be at least 18 years old.
- Must have one of the following:
  - Four-year college degree plus one year of experience
  - Two years of college and two years of experience
  - High school graduate plus four years of experience
- Must attend orientation and four hours of preemployment training.
- Must be present at least half of the hours of operation.

#### **Caregiver**

- Must be at least 18 years old.
- New caregivers must complete two hours of preservice orientation and an additional six hours of training all within the first six months. (Persons with a bachelor's or an associate's degree in child development or early childhood education are exempt from this rule.)
- Not required to have any training in child development or early childhood education prior to employment.
- Must be a high school graduate (each group shall have at least one caregiver present who has a high school diploma or the equivalent).
- At least one caregiver in each group must be able to read and write.

#### **Substitute**

- Must meet the same requirements as regular staff if acting as caregiver for 200 or more hours in the previous year. Caregivers providing services for 36 or more hours in a calendar year are required to have background checks and meet physical exam requirements.
- Must attend orientation.

#### **Staff training**

- Directors must have 36 hours of in-service training in the first year and 18 hours thereafter.

- Staff must have 18 hours of in-service training in the first year and 12 hours thereafter.
- Must have training in program philosophy and policies; detecting, reporting, and preventing child abuse; parent-center communication; disease control; and health promotion.
- No special training for infant care, care of children with disabilities, sick child care, or drop-in care at this time.

#### **CPR and first aid**

- One person trained in CPR and first aid must be present at all times.

#### **Staff medical requirements**

- Physical exam is required prior to licensing and every three years.
- No immunization requirements.
- AIDS test is not required.

#### **Staff background checks**

- Three references are required.
- Criminal history and background checks by owners are required.
- Drug and alcohol tests are not required.

#### **Discipline**

- Certain methods of discipline, including corporal punishment, are prohibited.

#### **Parents' rights**

- Parents must receive a summary of licensing regulations and copies of operating procedures.
- Parents must have access to the facility and child.
- Parents must be notified immediately of child's exposure to a communicable disease.
- Parents must be provided with information about child abuse once each year.
- Parents must be notified if an area of the facility has been designated for smoking.
- Parents must be notified immediately of illness, injury, or accident requiring medical attention.
- Parents must be informed in advance of the child's removal from the premises except in cases of emergencies.

### **Health and safety requirements**

- Must have a written plan for release of children to adults other than parents.
- Must have a written emergency plan.
- Must have a working phone.
- Emergency numbers must be posted by the phone.
- Hazardous or toxic materials must be inaccessible to children.
- Must have a first-aid kit.
- Must have a fire alarm or smoke detector.
- Must hold unannounced fire drills monthly.
- Stairs must have handrails.
- Doors and windows must be screened.
- Firearms are not permitted.
- Pets must be vaccinated.
- During water activities, the staff:child ratio decreases (i.e. more staff are necessary for the same number of children) and a lifeguard must be present.
- Smoking is permitted only in designated areas that are inaccessible to children.

### **Child medical requirements**

- Must have all age-appropriate immunizations, including hepatitis B.
- A medical exam is required for infants and toddlers within three months prior to enrollment.
- Screening for blood lead levels is not required.
- Staff must have written permission to administer medications.

### **Care for sick children**

- Children with symptoms of communicable diseases are excluded unless the provider receives written notice from a physician stating that a child's condition is no longer contagious.

## *Group child care homes*

### **Licenses**

- Must be licensed and renewed annually.

- License must be posted.
- General liability insurance is not required.

**State inspection**

- Inspection is required before licensing.
- Unannounced inspections occur at least six times a year.

**Staff:child ratios**

- No children younger than 6 weeks may be in care.
- One caregiver is required for up to 15 children and when none of the children are under 3 years old.
- Two caregivers are required for up to 15 children and when any children are under 3 years old and no more than four children are under 2 years old.
- Three caregivers are required for up to 15 children and when 10 children or more are under 3 years old
- If more than 12 children are enrolled, the additional children must be school-age and a school-age program must be provided.

**Maximum group size**

- No more than 15 children, including related children under 9 years old, may be in care.
- Groups of four or more infants and toddlers must have their own space and their own caregiver.

**Staff qualifications**

**Primary caregiver**

- Must be at least 18 years old
- Must be a high school graduate
- Must be able to read and write in English
- Must attend an orientation class within three months of being licensed
- Not required to live in the home

**Assistant**

- Must be at least 16 years old
- Must be supervised at all times

**Substitute**

- Must be at least 18 years old

**Staff training**

- Primary caregiver must have eight hours of training annually.
- Must have training in detecting, reporting, and preventing child abuse.

**CPR and first aid**

- CPR and first-aid training is required of the primary caregiver and not included in the training requirement.

**Staff medical requirements**

- Physical exam is required prior to licensing and every three years.
- No immunization requirements.
- AIDS test is not required.

**Staff background checks**

- Three references are required.
- Criminal history and background checks are required.
- Drug and alcohol tests are not required.

**Discipline**

- Certain methods of discipline, including corporal punishment, are prohibited.

**Parents' rights**

- Must receive a summary of licensing regulations and copies of operating procedures.
- Must be notified if anyone in the facility smokes.
- Must have access to visit and observe children during normal hours of operation.
- Must be notified immediately of a communicable disease or of an illness, injury, or accident requiring medical attention.
- Parents of infants and toddlers must be given a written communication plan.
- Must be informed in advance if children are taken off the premises.

**Health and safety requirements**

- Must comply with local ordinances.
- Must have a written plan for release of children to adults.

- Must have a written emergency plan.
- Must have a working phone.
- Emergency numbers must be posted by the phone.
- Hazardous or toxic materials and firearms must be inaccessible to children.
- Must have a first-aid kit.
- Must have a fire alarm or smoke detector.
- Stairs must have handrails.
- Doors and windows must be screened.
- Pets must be vaccinated.
- Pools must be surrounded by a fence at least 4 feet high.
- Lifeguard must be present during water activities.
- Smoking is permitted except when physically interacting with children.

#### **Child medical requirements**

- Must have all age-appropriate immunizations, including hepatitis B.
- Infants and toddlers require a medical exam within three months prior to enrollment.
- Screening for blood lead levels is not required.
- Staff must have written permission to administer medications.

#### **Care for sick children**

- Children with symptoms of communicable diseases are excluded.
- Parents must be notified immediately if children are ill.

### *Family child care homes*

#### **Licenses**

- Must be licensed and renewed annually.
- License must be posted.
- Liability insurance is required.

#### **State inspection**

- Inspection is required before licensing.

- Unannounced inspections occur at least six times a year.

**Staff:child ratios**

- One caregiver is required for up to seven children (including related children younger than 9 years old), with no more than four children younger than 2 years old.
- Two caregivers are required for more than seven children (including related children younger than 9 years old), with no more than four children younger than 2 years old.
- Three caregivers are required for more than seven children (including related children younger than 9 years old), with more than four children younger than 2 years old.

**Maximum group size**

- The total number of children (including related children younger than 9 years old) shall not exceed 12.

**Staff qualifications**

**Primary caregiver**

- Must be at least 18 years old
- Must be able to read and write in English
- Must attend an orientation class within three months of licensing
- Must not be employed at any other occupation during child care operating hours

**Assistant**

- Must attend orientation
- Must be at least 16 years old
- Must be supervised at all times

**Substitute**

- Must be at least 18 years old

**Staff training**

- Primary caregiver must have four hours of training annually.
- Must have training in detecting, reporting, and preventing child abuse.

**CPR and first aid**

- CPR and first-aid training is required of the primary caregiver.

**Staff medical requirements**

- Physical exam is required prior to licensing and every three years.
- No immunization requirements.
- AIDS test is not required.

**Staff background checks**

- Three references are required.
- Criminal history and background checks are required.
- Drug and alcohol tests are not required.

**Discipline**

- Certain methods of discipline, including corporal punishment, are prohibited.

**Parents' rights**

- Parents must receive a summary of licensing regulations and copies of operating procedures.
- Parents must be notified if anyone in the facility smokes.
- Parents must have access to visit and observe during normal hours of operation.
- Parents must be notified immediately of a communicable disease or an illness, injury, or accident requiring medical attention.
- Parents of infants and toddlers must be given a written communication plan.
- Parents must be informed in advance if children are taken off the premises.

**Health and safety requirements**

- Must comply with local ordinances.
- Must have a written plan for the release of children to adults.
- Must have a written emergency plan.
- Must have a working phone.
- Emergency numbers must be posted by the phone.
- Hazardous or toxic materials and firearms must be inaccessible to children.
- Must have a first-aid kit.
- Must have a fire alarm or smoke detector.
- Stairs must have handrails.
- Doors and windows must be screened.

- Pets must be vaccinated.
- Swimming pools must be surrounded by a fence at least 4 feet high.
- A lifeguard must be present during water activities.
- Smoking is permitted, except when physically interacting with children.

**Child medical requirements**

- Must have all age-appropriate immunizations, including hepatitis B.
- Infants and toddlers require a medical exam within three months prior to enrollment.
- Screening for blood lead levels is not required.
- Staff must have written permission to administer medications.

**Care for sick children**

- Children with symptoms of communicable diseases are excluded.
- Parents must be notified immediately if children are ill.