

Sec. 19a-79-7a. Physical plant

(a) The standards established by the following sources for the construction, renovation, alteration, expansion, maintenance and licensure of child care centers and group child care homes, as they are amended from time to time, are incorporated and made a part of this section by reference:

- (1) State of Connecticut Basic Building Code;
- (2) State of Connecticut Fire Safety Code;
- (3) State of Connecticut Public Health Code; and
- (4) Local codes and ordinances.

(b) All indoor and outdoor space used for child care services as identified in the application shall be inspected and approved by the Office prior to use.

(1) Plans for new construction, expansion or renovation, indicating the proposed use and accompanied by a written narrative shall be submitted to the Office prior to the start of construction, expansion, or renovation.

(2) Completed plans and specifications shall be submitted to and reviewed by the Office on the basis of compliance with the Public Health Code.

(3) Written approval by the local building inspector, local director of health or designee, local zoning and local fire marshal shall be submitted to the Office, upon request of the Office.

(4) Approval by the Office is required prior to the use of any space that has been newly constructed, expanded or renovated. The Office may refuse to grant approval to increase space or licensed capacity if, in the judgment of the commissioner, the operator has failed to comply with sections 19a-79-1a to 19a-79-13, inclusive, of the Regulations of Connecticut State Agencies.

(5) All construction, expansions, renovation, repairs or alterations of structures shall be done in such a manner to prevent hazards or unsafe physical or environmental conditions during periods of operation.

(6) Indoor or outdoor space not inspected or approved by the Office at the same address as the facility shall not be used for field trips unless the program takes reasonable efforts to ensure the health and safety of all children using such space. Written permission from the parent(s) of children having access to such space shall be obtained and kept on file for Office review and such parent(s) shall be advised such space is not inspected or approved by the Office.

(c) General requirements

(1) Each operator is responsible for maintaining the child care center or group child care home in compliance with section 19a-79-1a to section 19a-79-13, inclusive, of the Regulations of Connecticut State Agencies.

(2) For programs serving children younger than school age, the building, equipment and furnishings shall be maintained in a good state of repair. A maintenance program shall be established that ensures that the interior, exterior and grounds of the building are maintained, kept clean and orderly, free from accumulations of refuse, dampness, stagnant water, dilapidated structures and other health and safety hazards.

(3) For programs serving exclusively school age children, the building, equipment and furnishings shall be maintained sanitary and free of health and safety hazards.

(4) The operator shall conduct testing of the building interior, exterior and grounds when the commissioner has reason to suspect that chemicals may be present in soil, soil gas, groundwater, or water served by a public water company, indoor air or other media and the commissioner has requested such testing.

(5) Water supply, food service and sewage disposal facilities shall be adequate, safe and in compliance with all applicable sections of the Regulations of Connecticut State Agencies.

(A) Water from at least one drinking fountain or drinking, beverage and food preparation sink, and from two such sources if the facility has more than one, shall be tested every two years for lead content. The water sample shall have been standing in plumbing pipes at least six hours and the results shall be submitted to the local director of health and kept on file at the facility. New child care facilities shall submit lead test results from each drinking, beverage and food preparation sink to the Office with the facility's initial application.

(B) Whenever water is obtained from other than a public water system that is regulated by the Connecticut Department of Public Health, it shall be of a safe and sanitary quality and tested every two years for bacterial and chemical quality and the results submitted to the local director of health. The water analysis shall include tests for bacteria, physical parameters (color, odor, turbidity, pH), and sanitary chemicals (nitrogen series, chloride, hardness, iron, manganese and sodium). Additional tests may be required as deemed necessary by the Office.

(C) Drinking water shall be available and accessible to children at all times including at all meals and snacks.

(D) The analysis of samples shall be conducted by an environmental laboratory registered by the Department of Public Health pursuant to section 19a-29a of the Connecticut General Statutes.

(E) Subparagraphs (A) and (B) of this subdivision shall not apply to programs in a public school or private school in compliance with section 10-188 of the Connecticut General Statutes and approved by the State Board of Education or accredited by an accrediting agency recognized by the State Board of Education.

(6) If the child care center or group child care home is housed in any portion of a building that was constructed prior to 1978, the operator shall submit to the Office and maintain documentation on file at the child care center or group child care home of the following:

(A) Prior to use, all space used by staff, program staff, and children shall have undergone a comprehensive lead inspection by a lead consultant licensed by the Department of Public Health. Such lead inspection shall include (i) testing of representative components of each type of painted surface throughout the facility, (ii) dust wipes sampling of a window well, window sill and floor in each room, hallway and entry/egress areas, and (iii) testing of bare soil areas in the child play areas.

(B) Identified toxic level(s) of lead on defective surface(s) as those terms are defined in section 19a-111-1 of the Regulations of Connecticut State Agencies shall be remediated by an Environmental Protection Agency (EPA) Certified Renovation, Repair and Painting (RRP) Firm using lead-safe work practice standards as defined in 40 CFR 745.85.

(C) All intact surfaces as defined in section 19a-111-1 of the Regulations of Connecticut State Agencies, including areas that have undergone remediation pursuant to section 19a-111c of the Connecticut General Statutes for paint and soil shall be documented on a lead

management plan as defined in 19a-111-1 of the Regulations of Connecticut State Agencies that has been approved by the local director of health and shall be monitored in accordance with the approved plan by the operator.

(D) A letter issued by the local director of health confirming that appropriate action to remediate identified lead hazards has been completed, that clearance dust wipes have passed and that an approved lead management plan is on file.

(d) **Basic requirements**

(1) Emergency vehicles shall have access to all child care centers or group child care homes.

(2) Established walkways shall be provided and properly maintained for each entrance and exit leading to a driveway or street.

(3) All windows shall be protected to prevent falls. For programs serving children less than school age, windows that open to the outside and are used for ventilation shall be equipped with sixteen mesh screening.

(4) Any unprotected glass doors, windows or mirrors to which children have access shall be protected to a height of thirty six inches from the floor or surface on which a child stands.

(5) Where overhead doors are accessible to the children, they shall be equipped with locking devices and spring protectors.

(6) Exit doorways, stairs or hallways shall not be blocked by furniture, toys or play equipment.

(7) There shall be an area available for the individual storage of each child's clothing and bedding.

(8) No person shall smoke or use an electronic nicotine delivery system or vapor product as defined in section 21a-415 of the Connecticut General Statutes within or on the grounds of the child care center or group child care home, including areas used for child care purposes and areas under the operator's control for which staff, program staff, and children enrolled in the program enter. Signs shall be posted, visible to the public, on entrance to the facility indicating that smoking is prohibited. Matches and lighters shall be inaccessible to children at all times.

(9) The use and maintenance of electrical cords, appliances and adaptors shall be in full compliance with state codes. For programs serving children less than school age, electrical outlets shall be made inaccessible by use of a safety device or covering that prevents access to the receptacle opening.

(10) Toilet and washing facilities

(A) Where toilets and sinks are shared by children and adults, a written policy shall be developed and implemented that requires supervision of children when using the shared toilet room.

(B) Programs shall provide changing and sanitary facilities appropriate to meet the individual needs of children who are enrolled at the facility who need assistance with toileting or who are not independent with toileting.

(C) For programs serving children under five years of age there shall be at least one toilet and one sink with hot and cold running water for every sixteen children, or fraction thereof. Standard size toilets and sinks shall be adapted for children's use. Facilities using potty chairs in addition to the required toilets shall ensure that they are of a nonporous, synthetic

product, and emptied into the toilet, cleaned and disinfected after each individual use.

(D) For programs serving only school age children, there shall be at least one toilet and one sink with running water for every twenty-five children, or fraction thereof. Toilet facilities shall be designed in such a manner to allow individual privacy.

(E) Sinks with running water shall be readily accessible to the toilet rooms if not located within them. Toilet tissue, soap, a mechanism for individual hand drying and a waste receptacle shall be accessible to the toilets and sinks. Staff, program staff, and children shall wash their hands with soap and water after toileting.

(F) Each toilet and sink shall be located at the facility or licensed premises, as applicable, of the child care center or group child care home.

(G) Each toilet room shall be well lighted and ventilated to the outside atmosphere. (H) In child care centers constructed or renovated after January 1, 1994, all toilet facilities shall be mechanically ventilated to the outside atmosphere.

(11) Backpacks, handbags, purses or other bags belonging to adults, staff or program staff for carrying personal articles shall not be accessible to children.

(e) Environmental requirements

(1) Every area used by children shall be adequately ventilated and programs serving children younger than school age shall have a non-mercury thermometer affixed to the wall. The ambient air temperature shall be at least sixty-five degrees Fahrenheit as measured three feet from the floor. Programs that serve exclusively school age children may utilize program space with the ambient air temperature less than sixty-five degrees Fahrenheit provided the temperature is warm enough to accommodate the activities with comfort.

(2) When the temperature exceeds eighty degrees Fahrenheit, the operator shall provide more fluids and increase ventilation.

(3) The water heating equipment shall deliver water at the tap, the temperature of which shall be within a range of sixty degrees Fahrenheit to one hundred twenty degrees Fahrenheit. The water heating equipment shall have the capacity to deliver the required amounts at all times in conformance with the State of Connecticut Basic Building Code.

(4) Only central heating or permanently installed heating systems shall be used. Portable space heaters are prohibited.

(5) Walls, ceilings, floors and rugs shall be maintained in a state of good repair and be washable or easily cleanable. Rugs, if used, shall not present a tripping or slipping hazard.

(6) Hot water or steam pipes located in areas accessible to children shall have adequate protective covering which is maintained safely and in good repair.

(7) Each level of the child care center or group child care home shall be provided with a telephone in working order accessible to staff and program staff for emergency purposes and other communication. Emergency telephone numbers shall be posted in an area adjacent to the phone. The child care center or group child care home shall provide direct on-site telephone contact to parents and the Office at all times when children are present.

(8) All spaces occupied by people, equipment within buildings, approaches to buildings and parking lots shall have a minimum of one foot candle or equivalent of lighting per square foot.

(9) Child care centers and group child care homes shall have at least fifty foot candles or equivalent of light per square foot in rooms used by children for reading, painting and

other close work. There shall be at least thirty foot candles of light or equivalent in other work or play areas. Programs that serve exclusively school age children may utilize program space with less lighting provided the lighting is bright enough to accommodate the activities with comfort. In child care centers and group child care homes constructed or renovated after January 1, 1994, all rooms and toilet rooms shall have at least one light fixture switch at each entrance. All areas accessible to children shall have light fixtures that are shielded or shatter proof. During napping and resting, lighting shall be maintained at a level that will enable children to be visible.

(10) Potentially hazardous substances and materials in the child care centers and group child care homes shall be stored in a labeled container identifying the exact contents and dilutions, used according to the manufacturer's instructions and for the intended purpose, handled in a safe manner and inaccessible to children.

(11) Garbage and rubbish shall be kept in containers constructed of durable material approved by the local health director. Receptacles shall be in good repair to prevent infestations by rodents, insects and other pests and to prevent odors, injuries and other nuisance conditions. The garbage and rubbish shall be moved to an exterior waste storage area at least daily.

(12) Stairs must be properly protected and maintained in good repair. There must be handrails installed at a height usable by children.

(13) Toxic plants and materials are prohibited in areas accessible to children.

(14) Any pet or animal present at the facility, indoors or outdoors, shall be in good health, show no evidence of carrying disease and be a friendly companion for the children.

(15) When pets are kept on the licensed premises, procedures for their care and maintenance and access to the children shall be written and implemented.

(16) There shall be effective measures taken to prevent vermin from entering or breeding in the child care center or group child care home. All openings to the outer air used for ventilation shall be screened with a minimum of sixteen mesh screening and doors shall be provided to prevent the entrance of vectors.

(17) If the child care center or group child care home uses the basement level or the first floor of a building, a minimum of one radon test shall be conducted using a device or service listed by one of the national radon proficiency programs except if the facility is subject to the requirements related to radon testing in school buildings pursuant to section 10-220 of the Connecticut General Statutes and regulations adopted pursuant to section 19a-37b of the Connecticut General Statutes. This test shall be completed during the months of November through April and the results posted with the license. Radon testing shall occur in the lowest level of the facility where child care services are provided. The Office and Department of Public Health shall be notified of the results.

When confirmatory sampling results of radon gas in the air are equal to or greater than 4.0 picocuries per liter (pCi/L), the operator shall ensure that the radon gas is reduced to below 4.0 pCi/L. A qualified residential mitigation service provider as defined in sections 19a-14b and 20-420 of the Connecticut General Statutes shall be hired to reduce the level of radon gas in the air.

(18) Child care centers and group child care homes that utilize combustible fuel shall be equipped with at least one operable carbon monoxide (CO) detector on each occupied level

of the licensed premises. CO detectors shall comply with Underwriters Laboratories (UL) Standards for Safety, and shall be operated in accordance with the manufacturer's instructions.

(f) Program space

(1) The requirements of this subdivision shall apply to a child care center or group child care home operating in a facility first licensed after January 1, 1986.

(A) The operator shall provide a minimum of thirty-five square feet of total indoor usable program space per child. The total licensed capacity shall be determined on a room-by-room basis measuring from interior wall to interior wall.

(B) Within the allowance for total indoor usable program space, there may be furniture used by other individuals as well as the children; but there shall be open program space available which allows for freedom of movement by the children.

(C) The following items shall be deducted from the total indoor usable square footage of program space:

- (i) Bathrooms, hallways, kitchen and food service areas;
- (ii) Refrigerators;
- (iii) Heating and cooling units;
- (iv) Staff desks and storage units;
- (v) Any space or equipment used for other than the activities of the children; and
- (vi) Large indoor activity room or room used for an exclusive purpose, including but not limited to, napping or eating.

(2) The requirements of this subdivision shall apply to a child care center or group child care home operating in a facility first licensed before January 1, 1986.

(A) The operator shall provide a minimum of thirty square feet of total indoor usable program space per child. Measurements to determine total indoor usable program space shall be taken from interior walls.

(B) Such space shall be free of furniture except that needed for the children's purposes, exclusive of toilet rooms, bathrooms, coat rooms, kitchens, halls, isolation room or other rooms used for purposes other than the activities of the children.

(3) Cots, cribs and playpens shall be placed so that walkways are clear for emergencies and evacuation.

(g) Equipment. All equipment shall be of such design and material as to be readily cleaned and safe for children.

(1) Equipment shall not be colored or covered by any poisonous material. All solid constituents of paint for equipment and toys, and pigment coloring in paints, pencils, crayons and inks, to be used by the children shall be non-toxic. Equipment shall be sturdy, safely constructed and free from protruding nails, rust, toxic material and other hazards.

(2) Adequate equipment for rest shall be provided. An individual cot shall be provided for any child who regularly remains five hours or longer per day. When cots are shared, all metal, plastic and sealed wood bed frames shall be thoroughly wiped down with a general purpose cleaning agent, and linens changed between children. In a group child care home, an individual mat or individual sleeping bag may be substituted for the individual cot.

(3) Hardware such as air conditioners, water heaters or fuse boxes shall be inaccessible to children.

(4) The materials and equipment available and used by children shall be developmentally appropriate for the ages of the children served.

(5) All manufacturer guidelines shall be followed for furniture, equipment and any toy that is used by, or around, children. Any furniture, equipment and toy that has been identified by the United States Consumer Product Safety Commission as unsafe or subject to recall shall be removed or repaired as indicated.

(6) Indoor play equipment for climbing shall have a shock absorbing surface, under and around, that shall effectively cushion the fall of a child. Carpet is not considered a shock absorbing surface.

(h) Outdoor play space

(1) There shall be access to a minimum of seventy-five square feet per child of outdoor space for the number of children using the space at any one time. This could include parks, school yards, parking areas or elevated or roof top play areas. The outdoor area shall be fenced or protected for safety.

(2) Outdoor play equipment shall have a shock absorbing surface, under and around, that shall effectively cushion the fall of a child, except where the child is sitting or standing at ground level. The shock absorbing surface shall be maintained at a depth of at least eight inches, be free of water and not allowed to become compacted. Acceptable shock absorbing surfaces may include mulch, sand, and wood chips. Synthetic material that is less than eight inches in depth, including but not limited to, rubber mats or tiles may be acceptable surfaces provided the operator maintains documentation on the licensed premises that the synthetic material is manufactured for this purpose, installed in accordance with the manufacturer's specifications and sufficient to cushion the fall of a child. Concrete, asphalt, grass and dirt shall not be considered a shock absorbing surface.

(3) The playground shall be free of glass, debris, holes and other hazards.

(4) Nuts, bolts and screws shall be tight; and those that protrude shall be covered or protected.

(5) Outside equipment shall be anchored for stability when recommended by the manufacturer. Anchors shall be buried below ground level.

(6) The operator shall provide documentation to the Office, upon request, by a certified playground safety inspector that newly constructed playgrounds and all newly installed playground equipment that are set in position and anchored in such a way to last indefinitely are designed and installed in accordance with U.S. Consumer Product Safety Commission and the American Society for Testing and Materials Standards.

(7) The outdoor play area shall be protected from traffic, bodies of water, gullies and other hazards by barriers in a manner safe for children.

(A) Fences used to protect children from hazards shall be at least four feet in height.

(B) Unless otherwise specified in this subdivision, when there is a swimming pool or any other body of water at the facility or near enough to the facility to attract or be accessible to children at any time of the year, there shall be a sturdy fence or barrier, four feet high or higher, which totally and effectively bars access to the water by children. All entries and exits through such fence or barrier shall have self-closing, self-latching devices or locks. When an outside wall of the child care center or group child care home that serves as one side of the fence or barrier to the body of water has a doorway, such doorway shall remain

locked. Decorative ponds, fishponds, fountains or similar bodies of water that do not have a fence or barrier as required in this subdivision, shall be completely covered with a childproofing grate or other barrier to prevent access to children. Locks shall be openable with a key, combination, fingerprint, magnet or other unlocking mechanism that prevents an unauthorized person from obtaining access.

(C) On and after January 1, 2010, a rooftop used as a play area shall be enclosed with a wall, fence or permanent physical barrier not less than six feet high and the bottom edge shall be no more than three and one half inches from the base or floor. The wall, fence or permanent physical barrier shall be designed to prevent children from climbing it.

(8) Drinking water shall be available and accessible.

(9) Outdoor equipment shall be arranged in such a way as to avoid accidents. All play equipment, fences, and structures shall not pose a hazard.

(i) **Public swimming pools, wading and public swimming areas.** Public swimming pools, wading and public swimming areas, if provided, shall comply with the provisions of sections 19-13- B33b and 19a-36-B61 of the Regulations of Connecticut State Agencies. No wading pools shall be used. No child in care shall be permitted in a hot tub, spa or sauna. Hot tubs, spas and saunas shall be locked and inaccessible to children. Locks shall be openable with a key, combination, fingerprint, magnet or other unlocking mechanism that prevents an unauthorized person from obtaining access.

(j) No dangerous weapon as described in section 53-206 of the Connecticut General Statutes or facsimile of a firearm as defined in section 53-206c of the Connecticut General Statutes shall be permitted on the licensed premises of the child care center or group child care home unless the carrier of such weapon or facsimile firearm is a peace officer as defined in section 53a-3 of the Connecticut General Statutes.

(k) The provisions of subsections (d)(4), (d)(7), (e)(3) in regards to water temperature only, (e)(5), (e)(16), (g)(2), (g)(3), and (h)(7)(A) of this section shall not apply to programs serving exclusively school age children.

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