



STATE OF TENNESSEE
DEPARTMENT OF FINANCE AND ADMINISTRATION
REAL PROPERTY ADMINISTRATION

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DAVE GOETZ
COMMISSIONER

MICHAEL A. FITTS, FAIA
STATE ARCHITECT

TO WHOM IT MAY CONCERN:

This is to advise that many of the Rules, Regulations and Minimum Standards addressing school construction, expansion, remodeling and renovation in Tennessee were modified or omitted entirely in 1992. Consequently, only handicapped accessibility relative to school facilities is subject to review and/or approval by the Commissioner of the Department of Education. It is requested that a letter be submitted by the architect and builder assuring that all construction is in compliance with appropriate codes (see attached) that address handicapped accessibility and sent to:

Department of Education
Division of Resources and Support Services
Office of Facilities Management
Andrew Johnson Tower, 6th Floor
710 James Robertson Parkway
Nashville, TN 37243

NOTE: School facilities that house school-administered infant/toddler, preschool or before and after school programs will have applicable Rules, Regulations and Minimum Standards which are promulgated by the Tennessee Board of Education, Chapter 0520-12-1. Section 0520-12-1-.12, relating to *Physical Facilities*, are attached and can be found on pages 46-47 of these documents and can be obtained from the Tennessee Secretary of State at <http://state.tn.us/sos/rules/0520/0520-12/0520-12.htm> .

Sincerely,


Michael A. Fitts, FAIA
State Architect

MAF/gm

**SECTION 01 41 15
REGULATORY REQUIREMENTS**

PART 1 - GENERAL

1.01 CODES AND REGULATIONS

A. The Regulatory Requirements used for State Building Commission projects are listed below as a convenience and may not be inclusive of all that apply. Others may also apply. Comply with all pertinent codes, standards, regulations, and laws.

1.	Building Code	Source	Phone
	1999 Standard Building 1997 Standard Plumbing Code 1999 Standard Gas Code 1997 Standard Mechanical Code	Standard Building Code Congress International 900 Montclair Road Birmingham, AL 35213-1206	(205) 591-1853 (800) 877-2224
2.	Fire Code		
	2003 NFPA 1, Chapter 2, referenced publications (excluding 2003 NFPA 5000)	National Fire Protection Association One Batterymarch Park Quincy, MA 02269-9101	(617) 770-3000 (800) 344-3555
3.	Safety Code		
	1996 American National Safety Code (elevators, etc.) ANSI A17-1	American National Standards Institute 345 East 47 th Street New York, NY 10017	(800) 843-2763
4.	Boiler & Elevator Code		
	1996 Tennessee Elevator Code and its supplements 1997 Edition of Boiler and Unfired Pressure Vessel Inspection Law, Rules and Regulations	TN Department of Labor Division of Boiler & Elevator Inspection 710 James Robertson Parkway, 3 rd Floor Nashville, TN 37243	(615) 741-2123
5.	Energy Code		
	1995 CABO Model Energy Code	International Conference of Building Officials 1704 E. 123rd Terrace Olathe, KS 66061-5874	(800) 284-4406
6.	ASHRAE		
	ASHRAE Standard 90.1-1999 - Energy Standards for Buildings except Low-Rise Residential Buildings ASHRAE Standard 90.2-1993 - Energy-efficient Design of New Low-Rise Residential Buildings ASHRAE Standard 62-1999 - Ventilation for Acceptable Indoor Air	American Society of Heating, Refrigeration & Air-Conditioning Engineers (ASHRAE) 1791 Tullie Circle NE Atlanta, GA 30329	(800) 527-4723
7.	Rules of TN Dept of Commerce & Insurance		
	Ch 0780-2-1, Electrical Installations Ch 0780-2-2, Codes and Standards Ch 0780-2-3, Plans and Specs Review Ch 0780-2-18, Equitable Restrooms	TN Dept of Commerce & Insurance Division of Fire Prevention & Plans Review 500 James Robertson Parkway, 3 rd Floor Nashville, TN 37243-1162	(615) 741-7190
8.	Accessibility Codes		
	<ul style="list-style-type: none"> 2002 North Carolina Accessibility Code with 2004 amendments <p align="center">-OR-</p>	North Carolina Dept. of Insurance P.O. Box 26387 Raleigh, NC 27611 <p align="center">-OR-</p> TN Dept of Commerce & Insurance Division of Fire Prevention & Plans Review 500 James Robertson Pkwy, 3 rd Floor Nashville, TN 37243-1162	(919) 661-5880 (615) 741-7190
	<ul style="list-style-type: none"> Uniform Federal Accessibility Standards (AFAS), currently enforced <p align="center">-OR-</p>	ATBCB Attention: OCE 1331 "F" Street, NW, Suite 1000 Washington, DC 20004	(202) 272-5434 (800) 872-2253
	<ul style="list-style-type: none"> Americans with Disabilities Act Accessibility Guidelines (ADAAG), currently enforced 	http://www.access-board.gov/adaag/html/adaag.htm	(800) 872-2253

**RULES
OF
THE STATE BOARD OF EDUCATION
OFFICE OF THE COMMISSIONER**

**CHAPTER 0520-12-1
STANDARDS FOR CHILD CARE CENTERS AND SCHOOL-AGE CHILD CARE PROGRAMS**

TABLE OF CONTENTS

0520-12-1-.01	Introduction	0520-12-1-.08	Equipment for Children
0520-12-1-.02	Definitions	0520-12-1-.09	Program
0520-12-1-.03	Basis for Certification of Approval	0520-12-1-.10	Health and Safety
0520-12-1-.04	Legal References	0520-12-1-.11	Food
0520-12-1-.05	Procedures for Obtaining a Certificate of Approval	0520-12-1-.12	Physical Facilities
0520-12-1-.06	Ownership, Organization, and Administration	0520-12-1-.13	Care of Children with Special Needs
0520-12-1-.07	Staff	0520-12-1-.14	Civil Penalties

0520-12-1-.01 INTRODUCTION.

- (1) **Scope of Rules.** These rules are applicable to: public, school-administered care programs, programs administered by approved Montessori schools and private church-related schools, as defined in T.C.A. § 49-50-801, Title I preschools, school age care, school-administered head start, and even start, monitored by the Department of Education pursuant to T.C.A. § 49-1-302(l), providing child care services to children ages six (6) weeks through minority.
- (2) **Purpose of Child Care Certification of Approval.** The primary purpose of child care certification of approval is the protection of children. These minimum requirements seek to maintain adequate health, safety, and supervision of children while in child care. Developmental child care provides educational experiences and guidance, health services, and social services to children and their families.
- (3) **Child Care Services** may be offered by family child care homes, group child care homes, child care or child development centers, nursery schools, day nurseries, kindergartens, public schools, and recreational organizations (e.g., YMCA or Boys Club), among others.
- (4) **Legal Basis For Inspection and Certification of Approval Process.** T.C.A. § 49-1-302(l) and T.C.A. §§ 49-1-1101 through 49-1-1109 provide for the defining, inspection, certifying, and regulation of school administered care programs. The Tennessee Department of Education regulates child care provided by schools pursuant to T.C.A. § 49-2-203 (b)(11)(A) and by church-related schools as defined in T.C.A. § 49-50-801.

Authority: T.C.A. §§4-5-201 et seq., 49-1-201(c)(24), 49-1-302(l), 49-1-1101 through 49-1-1109, 49-2-203(b)(11), and 49-5-413. **Administrative History:** Original rule filed September 26, 1990; effective December 29, 1990. Amendment filed April 30, 2002; effective July 14, 2002.

0520-12-1-.02 DEFINITIONS.

For purposes of this chapter, the following definitions are applicable:

- (1) **Approval.** A preschool, school-age care or child care program is in accordance with the provisions of the law and the requirements (rules) of the State Board of Education. Approval is not transferable from one location to another or from one agency to another. The approval may be revoked at any time upon ninety (90) days notice to the agency; or if the health,

(Rule 0520-12-1-.11, continued)

- (h) Frozen breast milk shall be dated when expressed.
- (i) Microwave ovens shall not be accessible to preschool children.
- (j) School-age children shall use microwaves only under direct supervision.
- (k) Bottled breast milk, infant bottles, and formula shall not be heated in a microwave oven. Other bottle warming devices shall be used safely, according to directions, and shall not be accessible to children.
- (l) To prevent scalding, extreme caution shall be taken when a microwave oven is used to heat food.
- (m) Previously opened baby food jars shall not be accepted in the center. If food is fed directly from the jar by the caregiver, the jar shall be used for only one feeding.
- (n) Infants shall be held while being fed as long as they are unable to sit in a high chair, an infant seat, or at the table. Bottles shall not be propped, and a child shall not be given a bottle while lying flat.
- (o) When children are capable of using a high chair, they shall be allowed to do so and to experiment with food, with feeding themselves, and to eat with fingers or spoon. Children shall not be left unattended while eating.

Authority: T.C.A. §§4-5-201 et seq., 49-1-302(l), and 49-1-1101 through 49-1-1109. **Administrative History:** Original rule filed April 30, 2002; effective July 14, 2002.



0520-12-1-.12 PHYSICAL FACILITIES.

- (1) Inspections: Facilities that have been certified as approved, relocated, and/or renovated, and new construction, major renovations, additions to existing facilities, and /or changes in occupancy shall:
 - (a) comply with the standards of the fire prevention division of the Tennessee Department of Commerce & Insurance; and
 - (b) comply with the standards of the division of food and general sanitation of the Tennessee Department of Health.
- (2) Fire safety requirements and environmental standards shall be met before a certificate of approval can be issued.
- (3) Requests for inspections are made by the child care consultant, but it is the responsibility of the applicant to obtain verification of the inspections and the approvals.
- (4) Plans: Plans for new construction must be drawn by a registered architect or engineer and submitted to the fire prevention division of the Department of Commerce & Insurance and to the local health department when required by such departments and in accordance with the respective departments' procedures.
- (5) Continuing compliance. Physical facilities shall meet all requirements and codes applicable to child care as set forth by the fire safety section of the Department of Commerce and Insurance and the food and general sanitation section of the Department of Health, as well

(Rule 0520-12-1-.12, continued)

as any updated fire safety or environmental standards for child care adopted by these departments. See Rule 0520-1-4-.01.

- (6) Annual inspection. All facilities shall be inspected and approved annually by either state codes enforcement officers or authorized local fire safety inspectors and by environmentalists. Exception: Public and private schools are inspected based on a schedule established by the fire marshal and/or fire officials of partnering jurisdictions. See Rule 0520-1-4-.01.
- (7) The center shall not be located in a building used for purposes which would be hazardous to the children or would prohibit outdoor play. Exception: Inner city centers may not have outdoor play space. See Rule No. 0520-12-1-.09(1)(e).
- (8) There shall be a working telephone in the center. If answering machines/voice mail must be used, they shall be monitored at thirty-minute intervals (except when staff and children are off premises) so that emergency messages can be received. Parents shall be informed that answering machines/voice mail are used.
- (9) Facilities shall provide at least thirty (30) square feet of usable indoor play space per child, not including restrooms, halls, kitchen, or office space and space taken by cribs or large pieces of furniture. Each naproom must also contain thirty (30) square feet of floor space per child.
- (10) Teen parenting vocational classes shall have separate space for the group of young children with thirty (30) square feet of usable play space per child apart from the classroom space for the students.
- (11) Occupational/career and technical child care classes shall have separate space for the group of young children, with thirty (30) square feet per child of usable space, apart from the classroom space for students. The designated separate space may be located in the same room and divided by movable barriers less than four (4) feet in height.
- (12) Outdoor play areas shall contain a minimum of fifty (50) square feet of usable play space for each child using the area at one time.
- (13) Outdoor Play Area.

For initial certificate of approval, after January 1, 2002, the outdoor play area must be enclosed by a fence or barricade at least four (4) feet in height. Provided, however, the Department may in at its discretion grant a waiver from this provision when the Department determines that the lack of such fence or barricade poses no apparent or potential risk to children.

- (14) The areas where children play or are cared for shall be properly maintained:
 - (a) These areas shall be free of hazardous items or materials unless adequately protected by storage, inaccessibility, proper supervision, or other safety procedures.
 - (b) These areas shall present no conditions which are hazardous to children.
 - (c) All such areas shall be free of all animal wastes.

Authority: T.C.A. §§4-5-201 et seq., 49-1-202, 49-1-302(l), and 49-1-1101 through 49-1-1109.
Administrative History: Original rule filed April 30, 2002; effective July 14, 2002. Amendment filed September 6, 2007; effective January 28, 2008.