

## Health & Safety Requirements

Unconventional learning environments (ULEs) may be subject to the various health and safety regulations, including those related to fire prevention, sanitation, and vaccination.

### 1. Fire Prevention Rules

The [Arkansas Fire Prevention Code](#) prescribes detailed rules for various kinds of structures. It was developed based on the International Fire Code, International Building Code, and International Residential Code, with various revisions.

The structures classified for Education Group E building occupancy include a building or structure (or any portion thereof) that is used by six or more people at any one time for educational purposes through the 12th grade. More specifically, rooms normally occupied by preschool, kindergarten, or first grade students shall be located on a level of exit discharge. Rooms normally occupied by second-grade students shall not be located more than one level above the level of exit discharge and provided with a dedicated and independent means of egress. Ark. Admin. Rules § 015-01-22.

ULEs should carefully ensure that any buildings used as a meeting space comply with the relevant code requirements.

### 2. Occupancy and Building Use Permits

ULEs that wish to use facilities must ensure that these facilities are safe and properly licensed. The Arkansas Building Code is part of the Fire Prevention Code, adopted by the State Fire Marshal's office. This Code includes a second volume known as the "[Building Code](#)."

In addition to complying with applicable state building codes, ULEs will need to comply with any local municipal zoning requirements. Obtaining a certificate of occupancy is required for new construction. Receipt of the certificate authorizes the building for a particular occupancy and verifies compliance with state fire prevention and building codes.

The Arkansas Municipal League provides a [Local Government Portal](#) that provides helpful resources, links, and contact information for municipalities in the state.

### 3. Immunization Requirements & Exceptions

Arkansas law prohibits a child from being admitted to a public or private school or a childcare facility if the child has not been age-appropriately immunized from poliomyelitis, diphtheria, tetanus, pertussis, red (rubeola) measles, rubella, and other diseases as designated by the State Board of Health, as evidenced by a certificate of a licensed physician or a public health department acknowledging the immunization. There are exceptions to this requirement. [Ark. Code § 6-18-702\(a\)](#).



## Medical Exception

State immunization requirements do not apply to any person who in the discretion of the local health authority or any physician licensed to practice by the Arkansas State Medical Board has a physical disability that may contraindicate vaccination. A certificate to that effect from the health officer may be accepted in lieu of a certificate of vaccination. Ark. Code § 6-18-702(d)(3).

## Religious Exception

State immunization requirements do not apply if the child's parent/guardian objects "on the grounds that immunization conflicts with the religious or philosophical beliefs of the parent or guardian." Ark. Code § 6-18-702(d)(4).

The parent/guardian claiming an exception for a child shall complete an annual application pursuant to rules developed by the Department of Health for medical, religious, and philosophical exemptions, which shall include the following:

- A notarized statement requesting a religious, philosophical, or medical exemption from the Department of Health by the parents or legal guardian of the child regarding the objection;
- Completion of an educational component developed by the Department of Health that includes information on the risks and benefits of vaccination;
- An informed consent from the parents or guardian that shall include a signed statement of refusal to vaccinate based on the Department of Health's refusal-to-vaccinate form; and
- A signed statement of understanding that:
  - At the discretion of the Department of Health, the unimmunized child or individual may be removed from day care or school during an outbreak if the child or individual is not fully vaccinated; and
  - The child or individual shall not return to school until the outbreak has been resolved and the Department of Health approves the return to school.

The Arkansas Department of Health provides a summary of state required immunizations and rules for the available exemptions, including an online exemption application.

## 4. Background Checks

Federal law requires all states and territories to ensure that all staff in licensed childcare programs obtain certain background checks.

Arkansas law requires licensed teachers to undergo Arkansas State, FBI, and Child Maltreatment Central registry background checks. Ark. Code § 6-17-411. Information on these background checks can be found at the Division of Elementary and Secondary Education's webpage on background checks.

Although not specifically required by Arkansas law, having up-to-date background checks on employees and volunteers (even when not required) can help protect an ULE against allegations that it failed to adequately supervise children should there ever be allegations of child maltreatment against the ULE.

## 5. Authority of Local Health Department

City health officers and governing boards may be appointed by the mayor, subject to various regulations provided in state law. These local governing bodies have authority to pass local ordinances related to public health laws. ULEs must be aware of these local ordinances, especially if there is an ongoing health emergency of some kind. See [Arkansas Code § 14-262-102 et. seq.](#)

Health checks may be connected to the business licensing process. This is usually determined by each city. Checking the business licensing requirements in the relevant city will show if a health or sanitation inspection is required as part of the business licensing process.

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