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22 CCR § 101205

§ 101205. Denial of License.

(a) Except as specified in Section 101181, which provides for issuance of a provisional license based upon substantial compliance, the Department shall deny an application for a license if the applicant is not in compliance with applicable laws and regulations. The Department shall issue the denial in accordance with [Health and Safety Code Section 1597.11](#),

(1) The Department shall deny an application if the applicant fails to pay any civil penalty assessments, unless payment arrangements acceptable to the Department have been made.

(2) The Department may deny an application for licensure or revoke a license if the applicant/licensee, staff and/or volunteers violate [Health and Safety Code Section 1596.885](#).

(3) The Department shall deny an application for licensure for grounds specified in [Health and Safety Code Section 1596.952\(b\)](#).

(4) An application shall not be denied solely because the applicant is a parent who has administered or will continue to administer corporal punishment not constituting child abuse, as defined in [Penal Code Section 11165\(g\)](#) or [Health and Safety Code Section 1531.5\(c\)](#), on his/her own child(ren).

(b) If an application is denied, the Department shall inform the applicant of the denial in writing.

(1) The notice shall include the reasons for the denial. The notice shall also advise the applicant of the right to appeal as provided for by [Health and Safety Code Section 1596.879](#).

(c) If the application for a license is denied, the application processing fee shall be forfeited.

(d) Notwithstanding any appeal action, the child care center is unlicensed and shall not operate pending adoption by the Director of a decision on the denial action.

22 CCR § 101206

§ 101206. Revocation or Suspension of License.

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(a) The Department has the authority to suspend or revoke a license on any of the grounds specified in [Health and Safety Code Section 1596.885](#).

(b) The Department has the authority to revoke a license pursuant to [Health and Safety Code Section 1596.866](#), which requires child care personnel as specified to complete health and safety training.

(c) Proceedings to hear a revocation action, or a revocation and temporary suspension action, shall be conducted pursuant to [Health and Safety Code Sections 1596.886](#) and [1596.887](#).

22 CCR § 101207

§ 101207. Licensee/Applicant Complaints.

22 CCR § 101208

§ 101208. Exclusions.

(a) The Department may prohibit an individual from serving as a member of the board of directors, executive director, or officer; being employed or allowed in a licensed facility, as specified in [Health and Safety Code Sections 1596.8897](#) and [1596.8898](#).

22 CCR § 101209

§ 101209. Unlicensed Facility Penalties.

22 CCR § 101210

§ 101210. Unlicensed Facility Administrative Appeal.

22 CCR § 101212

§ 101212. Reporting Requirements.

(a) Each licensee or applicant shall furnish to the Department reports as required by the Department including, but not limited to, the following:

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(b) The name of the child care center director, and any fully qualified teacher(s) designated to act in the child care center director's absence, shall be reported to the Department within 10 days of a change of child care center director or designee(s).

(1) Whenever a change in child care center director is reported, in addition to his/her name, the report shall include the following:

(A) Verification of the completion of the course work required in Section 101215.1(h). A photocopy of a college transcript, or a photocopy of a Child Development Site Supervisor Permit or a Child Development Program Director Permit, shall meet this requirement.

(B) Verification of successful completion of high school. A photocopy of a high school diploma or GED shall meet this requirement.

(C) A summary of the experience required in Section 101215.1(h).

(c) The licensee shall notify the Department in writing of his/her intent prior to making any structural changes that reduce the total amount of indoor or outdoor activity space. Such structural changes shall include, but not be limited to, room additions.

(d) Upon the occurrence during the operation of the child care center of any of the events specified in (d)(1) below, a report shall be made to the Department by telephone or fax within the Department's next working day and during its normal business hours. In addition, a written report containing the information specified in (d)(2) below shall be submitted to the Department within seven days following the occurrence of such event.

(1) Events reported shall include the following:

(A) Death of any child from any cause.

(B) Any injury to any child that requires medical treatment.

(C) Any unusual incident or child absence that threatens the physical or emotional health or safety of any child.

(D) Any suspected physical or psychological abuse of any child.

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(E) Epidemic outbreaks.

(F) Poisonings.

(G) Catastrophes.

(H) Fires or explosions that occur in or on the premises.

(2) Information provided shall include the following:

(A) Child's name, age, sex and date of admission.

(B) Date and nature of event.

(C) Attending physician's name, findings, and treatment, if any.

(D) Disposition of the case.

(e) The items below shall be reported to the Department within 10 working days following their occurrence:

(1) Organizational changes specified in Sections 101185(a)(2) through (a)(5).

(2) Any change in the licensee's or applicant's mailing address.

(3) Any change of the chief executive officer of a corporation, of the general partner(s) of a partnership, or of the controlling partners in a limited liability corporation.

(A) Such notification shall include the new chief executive officer's or partner's name and address.

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- (B) Fingerprints shall be submitted as specified in Section 101170(d).

- (4) Any changes in the plan of operation that affect services to children.

- (f) The items specified in (d)(1)(A) through (H) above shall also be reported to the child's authorized representative.

- (g) The items specified in (d)(1)(E) through (G) above shall also be reported to the local health officer when appropriate pursuant to the [California Code of Regulations, Title 17, Section 2500](#).

- (1) The licensee shall report to the local health officer all outbreaks or suspected outbreaks involving two or more children of any communicable disease listed in (g)(2)(A) below (including diseases, such as head lice, not listed in [Title 17, Section 2500](#)).

- (h) The item specified in (d)(1)(H) shall also be reported immediately to the local fire authority. In areas not having organized fire services, a report shall be made to the State Fire Marshal within 24 hours.

22 CCR § 101213

§ 101213. Finances.

- (a) The licensee shall meet the following financial requirements:
 - (1) Develop and maintain a financial plan that ensures resources necessary to meet operating costs for the care and supervision of children.

 - (2) Maintain financial records.

 - (3) Submit financial reports to the Department when requested to do so by the Department in writing.

- (A) The Department's request shall explain the need for the disclosure and shall include a due date for the licensee to submit the requested information.

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(B) The Department has the authority to reject any financial report, and to request and examine additional information including interim financial statements. The Department will put its reason(s) for rejecting a report in writing.

22 CCR § 101214

§ 101214. Accountability.

(a) The licensee, whether an individual or other entity, is accountable for the general supervision of the licensed child care center and for the establishment of policies concerning its operation.

(1) If the licensee is a corporation, the governing body shall be active and functioning in order to ensure such accountability.

22 CCR § 101215

§ 101215. Administrator Qualifications and Duties.

(a) The administrator must be at least 18 years of age. The licensee, if an individual or any member of the governing board of the licensed corporation, may be the administrator provided that he/she meets the qualifications specified in this section and in applicable regulations elsewhere in this chapter.

(b) The administrator shall have the following qualifications:

(1) Knowledge of the requirements for providing the type of care and supervision children need, and the ability to communicate with such children.

(2) Knowledge of and ability to comply with applicable laws and regulations.

(3) Ability to maintain or supervise the maintenance of financial and other records.

(4) Ability to establish the center's policy, program and budget.

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(5) Ability to recruit, employ, train, direct and evaluate qualified staff, and to terminate employment of staff.

(c) Each licensee shall make provision for continuing operation and carrying out of the administrator's responsibilities during any absence of the administrator.

22 CCR § 101215.1

§ 101215.1. Child Care Center Director Qualifications and Duties.

(a) In addition to Section 101215, the following shall apply:

(b) All child care centers shall have a director.

(1) Only one director shall be required in a combination center.

(c) The child care center director shall be responsible for the operation of the center, for compliance with regulations, and for communications with the Department; and has the authority to acknowledge receipt of deficiency notices and to correct deficiencies that constitute immediate threats to children's health and safety.

(1) There shall be a clear written statement of the administrative responsibility and authority delegated to the child care center director.

(A) A copy of this written statement shall be given to the child care center director and shall be made available to the Department upon request.

(d) The child care center director, or the substitute director as specified in (f) below, shall be on the premises during the hours the center is in operation.

(1) The child care center director shall not accept outside employment that interferes with the duties specified in this chapter.

(e) A child care center that offers an evening and/or nighttime program shall employ a director for each such program, as well as for the day program.

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(f) When the child care center director is absent from the center, arrangements shall be made for a fully qualified teacher as specified in Section 101216.1(c) to act as a substitute. This substitute child care center director shall be aware of center operations, including total enrollment; shall be trained in program operation; and shall be designated as an authorized person to correct operational deficiencies that constitute immediate threats to children's health and safety.

(1) If the child care center director is absent for more than 30 consecutive calendar days, the substitute director shall meet the qualifications of a director.

(g) A licensee who is responsible for two or more centers may serve as the child care center director of one of the centers provided that he/she meets the qualifications specified in (h) below, or may serve as the executive director of all of the centers provided that a qualified child care center director is employed for each individual center.

(h) Child care center directors shall have completed one of the following prior to employment:

(1) High school graduation or GED; completion, with passing grades, of 15 semester or equivalent quarter units as specified in (h)(1)(A) and (h)(1)(B) below at an accredited or approved college or university; and at least four years of teaching experience in a licensed child care center or comparable group child care program.

(A) Three of the 15 units required in (h)(1) above shall be in administration or staff relations.

(B) Twelve of the 15 units required in (h)(1) above shall include courses that cover the general areas of child growth and development, or human growth and development; child, family and community, or child and family; and program/curriculum.

(2) An associate of arts degree from an accredited or approved college or university with a major or emphasis in early childhood education or child development; and at least two years of teaching experience in a licensed child care center or comparable group child care program.

(A) Three semester or equivalent quarter units shall be in administration or staff relations.

(3) A bachelor's degree from an accredited or approved college or university with a major or emphasis in early childhood education or child development; and at least one year of teaching experience in a licensed child care center or comparable group child care program.

(A) Three semester or equivalent quarter units shall be in administration or staff relations.

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(4) A Child Development Site Supervisor Permit or a Child Development Program Director Permit issued by the California Commission on Teacher Credentialing.

(i) Approved schools, colleges or universities, including correspondence courses offered by the same, means those approved/authorized by the U.S. Department of Education, Office of Postsecondary Education, or by the California Department of Consumer Affairs, Bureau for Private Postsecondary and Vocational Education.

(j) Accredited schools, colleges or universities, including correspondence courses offered by the same, means those accredited by any one of the following recognized accrediting agencies:

(1) Accrediting Commission, Distance Education and Training Council.

(2) Western Association of Schools and Colleges.

(3) Accrediting Bureau of Health Education Schools.

(4) Association of Independent Colleges and Schools.

(5) National Association of Trade and Technical Schools.

(k) Units earned through correspondence courses from approved or accredited schools, colleges or universities shall be accepted for meeting educational requirements as specified in (h) above.

(l) Each year of experience required in (h)(1), (h)(2) or (h)(3) above shall be verified as having been performed satisfactorily, at least three hours per day for a minimum of 100 days in a calendar year, as a teacher under the supervision of a person who would qualify as a director under this chapter.

(m) A child care center director shall complete 15 hours of health and safety training if necessary pursuant to [Health and Safety Code Section 1596.866](#).

22 CCR § 101216

§ 101216. Personnel Requirements.

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(a) Child care center personnel shall be competent to provide the services necessary to meet the individual needs of children in care and shall at all times be employed in numbers sufficient to meet those needs.

(b) The Department has the authority to require any licensee to provide additional staff whenever the Department determines and documents that additional staff are required for the provision of services necessary to meet the needs of children in care. The licensee shall be informed in writing of the reasons for the Department's determination. The following factors shall be taken into consideration in determining the need for additional staff:

(1) Needs of the children.

(2) Extent of the services provided by the center.

(3) Physical arrangements of the center.

(4) Existence of a state of emergency or disaster.

(c) The license may utilize volunteers provided that such volunteers are supervised and are not included in the center's staffing plan.

(d) The following child care center personnel shall be at least 18 years old:

(1) Persons who supervise employees and/or volunteers.

(2) Persons, including volunteers, who provide any element of care and supervision to children.

(e) All personnel shall be given on-the-job training in the areas listed below, or shall have related experience that demonstrates knowledge of and skill in those areas. Such training or experience shall be appropriate to the job assigned and shall be evidenced by safe and effective job performance.

(1) Principles of nutrition, food preparation and storage, and menu planning.

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(2) Housekeeping and sanitation principles, including universal health precautions.

(3) Provision of child care and supervision, including communication.

(4) Assistance with prescribed medications that are self-administered.

(5) Recognition of early signs of illness and the need for professional assistance.

(6) Availability of community services and resources.

(f) At least one staff member who is trained in pediatric cardiopulmonary resuscitation and pediatric first aid pursuant to [Health and Safety Code Section 1596.866](#) shall be present when children are at the child care center or offsite for center activities.

(g) All personnel, including the licensee, administrator and volunteers, shall be in good health and shall be physically and mentally capable of performing assigned tasks.

(1) Except as specified in (3) below, good physical health shall be verified by a health screening, including a test for tuberculosis, performed by or under the supervision of a physician not more than one year prior to or seven days after employment or licensure.

(2) Each person specified in (g) above shall have a health-screening report signed by the person performing the screening. This report shall indicate the following:

(A) The person's physical qualifications to perform the duties to be assigned.

(B) The presence of any health condition that would create a hazard to the person, children or other staff members.

(3) The good physical health of each volunteer who works in the center shall be verified by:

(A) A statement signed by each volunteer affirming that he/she is in good health.

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- (B) Results of a test for tuberculosis performed not more than one year prior to or seven days after initial presence in the center.
- (h) Personnel that pose a threat to the health and safety of children shall be relieved of their duties.
- (i) Prior to employment or initial presence in the child care center, all employees and volunteers subject to a criminal record review shall:
- (1) Obtain a California clearance or a criminal record exemption as required by law or Department regulations or
 - (2) Request a transfer of a criminal record clearance as specified in Section 101170(f) or
 - (3) Request and be approved for a transfer of a criminal record exemption, as specified in Section 101170.1(r), unless, upon request for a transfer, the Department permits the individual to be employed, reside or be present at the facility.
- (j) Personnel shall provide for the care and safety of children without physical or verbal abuse, exploitation or prejudice.
- (k) The licensee or designated individual shall instruct all personnel to report observations or evidence of violations of any of the personal rights specified in Section 101223.
- (l) All personnel shall be informed of their rights pursuant to [Sections 1596.881](#) and [1596.882 of the Health and Safety Code](#).
- (1) The licensee shall provide each employee with a Notice of Employee Rights (LIC 9052 [11/94]).
 - (A) Each employee shall be asked to sign and date the LIC 9052 (11/94) to acknowledge receipt of the form.
 - (B) A copy of the signed LIC 9052 (11/94) shall be kept in the employee's personnel record.

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(C) If the employee refuses to sign the LIC 9052 (11/94), a dated notation to that effect shall be kept in the employee's personnel record.

22 CCR § 101216.1

§ 101216.1. Teacher Qualifications and Duties.

(a) In addition to Section 101216, the following shall apply:

(b) Prior to employment, a teacher shall meet the requirements of (b)(1) or (b)(2) below:

(1) A teacher shall have completed, with passing grades, at least six postsecondary semester or equivalent quarter units of the education requirement specified in (c)(1) below; or shall have obtained a Child Development Assistant Permit issued by the California Commission on Teacher Credentialing.

(A) After employment, a teacher hired under (b) above shall complete, with passing grades, at least two units each semester or quarter until the education requirement specified in (c)(1) below is met.

(2) A teacher shall meet the requirements of [Health and Safety Code Section 1597.055](#).

(c) To be a fully qualified teacher, a teacher shall have one of the following:

(1) Twelve postsecondary semester or equivalent quarter units in early childhood education or child development completed, with passing grades, at an accredited or approved college or university; and at least six months of work experience in a licensed child care center or comparable group child care program.

(A) The units specified in (c)(1) above shall include courses that cover the general areas of child growth and development, or human growth and development; child, family and community, or child and family; and program/curriculum.

(B) Experience shall be verified as having been performed satisfactorily, at least three hours per day for a minimum of 50 days in a six-month period, as a paid or volunteer staff member under the supervision of a person who would qualify as a teacher or director under this chapter.

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(2) A current and valid Child Development Associate (CDA) credential with the appropriate age-level endorsement issued by the CDA National Credentialing Program of the Council for Early Childhood Professional Recognition; and at least six months of on-the-job training and/or work experience in a licensed child care center or comparable group child care program.

(A) A CDA credential shall show the appropriate preschool or infant/toddler age-level endorsement to qualify an individual for employment in a preschool or infant care center.

(B) A CDA credential is valid for three years from the date of award. A renewal may be granted every five years thereafter upon approval by the CDA National Credentialing Program.

(C) Experience shall be verified as having been performed satisfactorily, at least three hours per day for a minimum of 50 days in a six-month period, as a paid or volunteer staff member under the supervision of a person who would qualify as a teacher or director under this chapter.

1. Individuals who possess a CDA credential may have also completed the required six months of work experience specified in (c)(2)(C) above. This work experience shall be verified to confirm that the experience requirement has been met.

(3) One of the following Child Development Permits issued by the California Commission on Teacher Credentialing:

(A) Child Development Associate Teacher Permit; or

(B) Child Development Teacher Permit; or

(C) Child Development Master Teacher Permit.

(d) Approved schools, colleges or universities, including correspondence courses offered by the same, means those approved/authorized by the U.S. Department of Education, Office of Postsecondary Education, or by the California Department of Consumer Affairs, Bureau for Private Postsecondary and Vocational Education.

(e) Accredited schools, colleges or universities, including correspondence courses offered by the same, means those accredited by any one of the following recognized accrediting agencies:

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(1) Accrediting Commission, Distance Education and Training Council.

(2) Western Association of Schools and Colleges.

(3) Accrediting Bureau of Health Education Schools.

(4) Association of Independent Colleges and Schools.

(5) National Association of Trade and Technical Schools.

(f) Units earned through correspondence courses from approved or accredited schools, colleges or universities shall be accepted for meeting educational requirements as specified in (c) above.

(g) A photocopy of the teacher's Child Development Permit as specified in (c)(3) above, or a photocopy of the teacher's transcript(s) documenting successful completion of required course work, shall be maintained at the center.

(h) These education requirements shall not apply to teachers employed as teachers prior to May 1, 1970. A teacher who was employed prior to May 1, 1970, shall remain qualified provided that he/she has had no break in employment as a teacher in a child care center exceeding three consecutive years.

(i) A teacher shall complete 15 hours of health and safety training if necessary pursuant to [Health and Safety Code Section 1596.866](#) and as specified in Section 101215.1(m)(1).

(j) Each teacher shall visually observe aides under his/her supervision whenever the aide is working with children, except as provided for in Sections 101216.2(e)(1) and 101230(c)(1).

22 CCR § 101216.2

§ 101216.2. Teacher Aide Qualifications and Duties.

(a) In addition to Section 101216, the following shall apply:

(b) Notwithstanding Section 101216(d), centers may use aides who are less than 18 years old provided they are

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either:

(1) High school graduates.

(2) Currently participating in an occupational program conducted by an accredited high school or college.

(c) Verification that an aide who is less than 18 years old meets the qualifications required in (b)(1) or (b)(2) above shall be obtained and kept at the center.

(d) An aide assisting a fully qualified teacher (as specified in Section 101216.1(c)) in the supervision of up to 18 preschool-age children pursuant to Section 101216.3 shall meet the following requirements:

(1) Completion of six postsecondary semester or equivalent quarter units in early childhood education or child development, or

(2) Completion of at least two postsecondary semester units or equivalent quarter units in early childhood education or child development each semester or quarter following initial employment, and

(3) Continuation in the educational program each semester or quarter until six units have been completed.

(e) An aide shall work only under the direct supervision of a teacher.

(1) An aide who is 18 years of age or older, and who meets the requirements of this section and Section 101216, may escort and/or assist children in going to the bathroom, and may supervise napping children as specified in Section 101230(c)(1), without being under the direct supervision of a teacher.

22 CCR § 101216.3

§ 101216.3. Teacher-Child Ratio.

(a) There shall be a ratio of one teacher visually observing and supervising no more than 12 children in attendance, except as specified in (b) and (c) below.

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(1) The number of children in attendance shall not exceed licensed capacity.

(2) Whenever children are engaged in activities away from the center, no teacher shall be in charge of a group of more than 12 children.

(b) The licensee may use teacher aides in a teacher-child ratio of one teacher and one aide for every 15 children in attendance.

(1) A ratio of one fully qualified teacher (as specified in Section 101216.1(c)) and one aide for every 18 children in attendance in a preschool program is allowed when the aide meets the qualifications specified in Section 101216.2(d).

(A) This ratio does not apply to children enrolled in an infant care center or a school-age child care center.

(c) Child development programs funded by the California Department of Education and operating under Title 5 of the California Code of Regulations are not required to meet the teacher-child ratios specified in (a) and (b) above. Title 5 staffing ratios shall apply in such centers.

(d) The licensee may include the child care center director in the teacher-child ratio when the director is actually engaged in teaching a group of children.

(1) The licensee may include the substitute child care center director in the teacher-child ratio when the substitute director is actually engaged in teaching a group of children.

(e) Each licensee shall maintain an up-to-date list of qualified teacher substitutes as defined in Section 101152q.(1). Substitutes on this list shall be called immediately in case of emergency or illness to meet the teacher-child ratios required by this chapter.

(f) During nap periods the teacher-child ratio specified in Section 101230(c) shall apply.

(g) A teacher shall not be required to perform housekeeping or maintenance duties that prevent him/her from performing duties related to providing care and supervision to children.

(h) Persons employed for clerical, housekeeping and maintenance functions shall not be included as teachers in the teacher-child ratio.

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(1) The licensee may use such persons as emergency substitutes for teachers while a qualified teacher substitute is being secured.

22 CCR § 101216.4

§ 101216.4. Preschool Program with Toddler Component.

(a) Licensees serving preschool-age children may create a special program component for children between the ages of 18 months and 30 months. The provisions of Sections 101151 through 101239.2 shall apply for children over 24 months, except as specified in Sections 101216.4(a)(1) through (6). The provisions of Sections 101351 through 101439.1 shall apply for children between the ages of 18 and 24 months participating in a preschool toddler component, except as specified in Sections 101216.4(a)(1) through (6).

(1) Child care centers with an existing preschool program wishing to establish a toddler component shall submit an amended application and obtain approval from the Department.

(2) Children in a child care center between the ages of 18 months and 30 months may be placed in the toddler program. A child older than 30 months may participate in the toddler program with written permission from the child's authorized representative. No child in the toddler program shall be placed in the preschool program before the age of 30 months without written permission from the child's authorized representative.

(3) It shall be permissible for a child whose developmental needs require continuation in a toddler component to remain in the toddler component up to a maximum age of three years.

(4) A ratio of six children to each teacher shall be maintained for all children in attendance in the toddler program. An aide who is participating in on-the-job-training may be substituted for a teacher when directly supervised by a fully qualified teacher.

(5) The maximum group size, with two teachers, or one fully qualified teacher and one aide, shall not exceed 12 toddlers.

(6) The toddler program shall be conducted in areas physically separate from those used by older or younger children. Space planning and usage for the toddler component shall be governed by the provisions of Section 101438.3. Plans to alternate use of outdoor play space must be approved by the Department.

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(A) Requirements for physical separation between children in the toddler component and older or younger children need not apply when a planned activity is being conducted.

22 CCR § 101216.5

§ 101216.5. Staffing -Parent-Cooperative Centers.

(a) Parent-cooperative centers shall employ a full-time teacher in addition to the director and participating parents when the number of children reaches 25.

(b) There shall be at least one staff member or participating parent present for each five children in attendance.

22 CCR § 101216.6

§ 101216.6. Staffing for Water Activities.

(a) There shall be at least one adult who has a valid water-safety certificate on file at the center present during water activities in or near any of the following bodies of water:

(1) Swimming pool.

(2) Any portable pool with sides so high that children using the pool cannot step out unassisted by a person or device (including a ladder).

(3) Potentially dangerous natural bodies of water including, but not limited to, oceans, lakes, rivers and streams.

(b) A ratio of not less than one adult, including teachers, to every six children, or fraction thereof, shall be maintained during water activities in or near any of the bodies of water specified in(a)(1) through (3) above.

(1) Lifeguards or personnel supervising anyone other than center children at the water activity site shall not be included in this ratio.

22 CCR § 101217

§ 101217. Personnel Records.

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(a) The licensee shall ensure that personnel records are maintained on the licensee, administrator and each employee. Each personnel record shall contain the following information:

- (1) Employee's full name.
- (2) Driver's license number if the employee is to transport children.
- (3) Date of employment.
- (4) A statement signed by the employee that he/she is at least 18 years of age.
- (5) Current home address and phone number.
- (6) Documentation of the educational background, training and/or experience specified in this chapter.
- (7) Past experience, including types of employment and former employers.
- (8) Duties of the employee.
- (9) Termination date if no longer employed by the child care center.
- (10) A signed and dated copy of a Notice - Employee Rights (LIC 9052 [3/03]).
- (11) A health screening as specified in Section 101216(g).
- (12) Tuberculosis test documents as specified in Section 101216(g).
- (13) A signed statement regarding their criminal record history as required by Section 101170(d).

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(14) Documentation of either a criminal record clearance or a criminal record exemption as required by Section 101170(e).

(b) Personnel records shall be maintained for all volunteers and shall contain the following:

(1) A health statement as specified in Section 101216(g).

(2) Tuberculosis test documents as specified in Section 101216(g)(3).

(3) For volunteers that are required to be fingerprinted pursuant to Section 101170:

(A) A signed statement regarding their criminal record history as required by Section 101170(d).

(B) Documentation of either a criminal record clearance or a criminal record exemption as required by Section 101170(e).

(c) All personnel records shall be available to the Department to inspect, audit, and copy upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:

(1) Licensing representatives shall not remove the following current records for current personnel unless the same information is otherwise readily available in another document or format.

(A) Health-screening records and results of tuberculosis tests as specified in Section 101216(g).

(B) Documentation of completion of health and safety training as specified in Sections 101215.1(m), 101216(f), and 101216.1(i).

(C) Any other records containing current emergency or health-related information for current personnel.

(2) Prior to removing any records, a licensing representative shall prepare a list of the records to be removed,

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sign and date the list upon removal of the records, and leave a copy of the list with the administrator or designee.

(3) Licensing representatives shall return the records undamaged and in good order within three business days following the date the records were removed.

(d) All personnel records shall be maintained at the child care center and shall be available to the licensing agency for review.

(1) The licensee may keep such records in a central administrative location provided that they are readily available to the Department at the child care center site as specified in section 101217(c).

(e) In all cases, personnel records shall document the hours actually worked.

22 CCR § 101218

§ 101218. Admission Policies.

(a) Every child care center shall have all admission policies in writing and available to the public. The policies shall coincide with the limitations stated on the license, and shall include, but not be limited to, the following:

(1) Written admission criteria designating those children whose needs can be met by the center's program and services.

(2) The ages of children who will be accepted.

(3) The program activities.

(4) The supplementary services provided, if any.

(5) Field-trip provisions, if any.

(6) Transportation arrangements, if any.

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(7) Food-service provisions.

(8) Medical-assessment requirement.

(b) A licensee who provides care to a child with disabilities shall be able to meet the individual needs of the child.

22 CCR § 101218.1

§ 101218.1. Admission Procedures and Parental and Authorized Representative's Rights.

(a) In accordance with the child care center's individual program, policies and needs, the licensee shall develop, implement and maintain an admission procedure that enables the person in charge of admissions to:

(1) Determine that the child meets the child care center's admission criteria.

(2) Conduct one or more personal interviews with the child's parent or authorized representative that meets the following requirements:

(A) Enables the person responsible for admissions to understand the state of the child's health and physical and emotional development, and to assess whether the child care center can meet the child's needs.

(B) Provides the child's parent or authorized representative with information about the child care center that shall at least include the child care center's admission policies and procedures, activities, services, regulations, hours and days of operation, fees, procedures to be followed should the child become ill or injured while at the child care center, and procedures for conducting inspections for illness.

(3) Obtain all identifying information specified in Section 101221(b).

(4) Obtain all health information specified in Section 101220.

(b) At the time of acceptance of each child in care, the licensee shall inform each child's parent or authorized representative of his/her rights that include, but are not limited to, the following:

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(1) To enter and inspect the child care center in accordance with Health and Safety Code Section 1596.857.

(2) To file a complaint against the licensee with the local licensing office in accordance with Health and Safety Code Section 1596.853.

(3) To review the child care center's public file kept by the local licensing office in accordance with Health and Safety Code Section 1596.859.

(4) To review at the child care center, reports of licensing visits and substantiated complaints against the licensee made during the last three years in accordance with Health and Safety Code Section 1596.859.

(5) To complain to the local licensing office and inspect the child care center without discrimination or retaliation in accordance with Health and Safety Code Section 1596.857.

(6) To request in writing that a parent not be allowed to visit a child or take a child from the child care center provided the custodial parent has shown a certified copy of a court order pursuant to Health and Safety Code Section 1596.857.

(7) To receive from the licensee upon request the name, address and telephone number of the local licensing office in accordance with Health and Safety Code Section 1596.874.

(8) To be informed by the licensee, upon request, of the name and type of association to the child care center for any adult who has been granted a criminal record exemption, and that the name of the person may also be obtained by contacting the local licensing office.

(c) The licensee shall post the PUB 393 (8/02), Child Care Center Notification of Parents' Rights Poster in a prominent, publicly accessible area in the child care center at all times.

(d) The licensee shall provide to the parent or authorized representative the LIC 995E (8/02), Caregiver Background Check Process form.

(e) At the time of acceptance of each child into care and for all children in care on August 7, 2002, the licensee shall give each parent or authorized representative a copy of the Notification of Parents' Rights (LIC 995 [8/02]) and the LIC 995E, Caregiver Background Check Process form.

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(1) The licensee shall request the child's parent or authorized representative to sign and date the notice acknowledgement-of-receipt statement at the bottom of the LIC 995 (8/02). The bottom portion of this form must be kept in the child's file as proof that the parent or authorized representative has been notified of his or her rights by the child care center and received a copy of the LIC 995E, Caregiver Background Check Process form.

(2) Whenever a parent or authorized representative makes a request pursuant to Section 101218.1(b)(8), the child care center shall note, date, and initial the request in the child's file. The child care center shall request that the parent or authorized representative also initial the notation documenting the request.

(3) Failure by the licensee to comply with the requirements in Sections 101218.1(b)(8), (c), (d), (e), (e)(1), or (e)(2) shall subject the licensee to civil penalties pursuant to Section 101195.

22 CCR § 101219

§ 101219. Admission Agreements.

(a) The licensee and the child's authorized representative shall jointly complete a current individual written admission agreement for the child. This documentation shall be maintained at the child care center and shall be available for review.

(b) Admission agreements shall specify the following:

(1) Basic services.

(2) Available optional services.

(3) Payment provisions, including the following:

(A) Basic rate.

(B) Optional services rates.

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(C) Payor.

(D) Due date.

(E) Frequency of payment.

(4) Modification conditions, including the requirement that the child's authorized representative be given at least 30-calendar-days prior written notice of any basic rate change.

(A) Agreements involving children whose care is funded at government-prescribed rates may specify that the effective date of a government rate change shall be considered the effective date for basic service rate modifications and that no prior notice is necessary.

(5) Refund conditions.

(6) Right of the Department to perform the duties authorized in Sections 101200(b) and (c).

(7) Conditions under which the agreement may be terminated.

(c) The licensee, or his/her designee, and the child's authorized representative shall sign and date the child's admission agreement no later than seven calendar days following admission.

(d) Modifications to the original admission agreement shall be made whenever circumstances covered in the agreement change, and shall be dated and signed by the persons specified in (c) above.

(e) The licensee shall keep the original copy of the admission agreement and give a photocopy to the child's authorized representative.

(f) The licensee shall comply with all terms and conditions set forth in the admission agreement.

(g) The admission agreement shall be automatically terminated by the death of the child. No liability or debt shall accrue after the date of death.

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22 CCR § 101220

§ 101220. Child's Medical Assessments.

(a) Prior to, or within 30 calendar days following the enrollment of a child, the licensee shall obtain a written medical assessment of the child. This medical assessment enables the licensee to assess whether the center can provide necessary health-related services to the child.

(1) Such assessment shall be performed by, or under the supervision of, a licensed physician, and shall not be more than one year old when obtained.

(b) The medical assessment shall provide the following:

(1) A record of any infectious or contagious diseases that would preclude care of the child by the licensee.

(2) Results of a test for tuberculosis.

(3) Identification of the child's special problems and needs.

(4) Identification of any prescribed medications being taken by the child.

(5) Ambulatory status.

(c) The Department has the authority to require the licensee to obtain a current written medical assessment if such an assessment is necessary to verify the appropriateness of a client's placement.

(d) If a medical assessment is not available for a child and cannot be obtained within 30 days of admission:

(1) A medical appointment date shall be obtained from the authorized representative upon the child's admission.

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(2) A TB test shall be obtained on the child within 30 days of admission.

(e) The licensee is not required to document medical assessments on children who are also enrolled in a public or private elementary school.

(f) A child whose authorized representatives adhere to a religious faith that practices healing by prayer or other spiritual means shall not be required to meet the requirements of this section provided the authorized representatives:

(1) Provide information on the child's health history.

(2) Sign a statement that indicates their:

(A) Acceptance of full responsibility for the child's health.

(B) Refusal to obtain a medical examination of the child.

(C) Request that no medical care be given to the child.

22 CCR § 101220.1

§ 101220.1. Immunizations.

(a) Prior to admission to a child care center, children shall be immunized against diseases as required by the California Code of Regulations, Title 17, commencing with Section 6000.

(1) Centers that meet the criteria of [Health and Safety Code Section 1596.794](#) are not required to verify or document children's immunizations.

(e) The licensee shall be permitted to exempt a child from immunization requirements provided that one of the following criteria is met and the related documentation is kept in the child's file:

(1) A physician provides a written statement that an immunization(s) should not be given to the child and specifies how long this exemption is expected to be needed.

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(2) The child's authorized representative provides a written statement that immunizations are contrary to his/her personal or religious beliefs.

(f) As required by the [California Code of Regulations, Title 17, Section 6035\(b\)](#), a child who does not meet any of the requirements in Sections 101220.1(c), (d) or (e) above shall not be admitted to a child care center.

(g) The licensee shall document each child's immunizations and shall maintain such documentation in the center for as long as the child is enrolled.

(1) This requirement includes updating each child's immunization record when the child is due to receive required immunizations after enrollment in the child care center.

(i) The licensee is not required to document immunizations of children also enrolled in a public or private elementary school.

22 CCR § 101221

§ 101221. Child's Records.

(a) The licensee shall ensure that a separate, complete and current record for each child is maintained in the child care center.

(b) Each record shall contain information including, but not limited to, the following:

(1) Name of child.

(2) Birthdate.

(3) Sex.

(4) Date of Admission.

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(5) Name, address and telephone number of the child's authorized representative and of relatives or others who can assume responsibility for the child if the authorized representative cannot be reached when necessary.

(6) A signed copy of the admission agreement specified in Section 101219.

(7) Name, address and telephone number of the child's physician and dentist and any other medical/dental or mental health providers.

(8) Medical assessment, including ambulatory status as specified in Section 101220, and the following health information:

(A) Dietary restrictions and allergies.

(B) Instructions for action to be taken in case the child's authorized representative, or the physician designated by the authorized representative, cannot be reached in an emergency.

(C) A signed consent form for emergency medical treatment unless the child's authorized representative has signed the statement specified in Section 101220(f).

(9) Record of any illness or injury requiring treatment by a physician or dentist and for which the center provided assistance to the child in meeting his/her necessary medical or dental needs.

(10) Record of current medications, including the name of the prescribing physician, and instructions, if any, regarding control and custody of medications.

(11) Signed and dated authorization from the child's authorized representative for each activity away from the center.

(12) Date of termination of services.

(c) All information and records obtained from or regarding children shall be confidential.

(1) The licensee shall be responsible for safeguarding the confidentiality of record contents.

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(2) Except as specified in (d) below, or as otherwise authorized by law, the licensee and all employees shall not reveal or make available confidential information.

(d) All children's records shall be available to the Department to inspect, audit, and copy upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:

(1) Licensing representatives shall not remove the following current records for current children in care unless the same information is otherwise readily available in another document or format:

(A) Name, address and telephone number of the child's authorized representative, and of relatives or others who can assume responsibility for the child if the authorized representative cannot be reached, as specified in Section 101221(a)(5).

(B) Name, address and telephone number of the child's physician, dentist and any other health-care providers as specified in Section 101221(a)(7).

(C) Medical assessment and other information as specified in Section 101221(a)(8).

(D) Records of any current illness or injury as specified in Section 101221(a)(9).

(E) Record of current medications as specified in Section 101221(a)(10).

(F) Any current authorizations for children's activities away from the center as specified in Section 101221(a)(11).

(G) Immunization records as specified in Section 101220.1(g).

(H) Any other records containing current emergency or health-related information for current children in care.

(2) Prior to removing any records, a licensing representative shall prepare a list of the records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the administrator or

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designee.

(3) Licensing representatives shall return the records undamaged and in good order within three business days following the date the records were removed.

(e) A child's records shall also be open to inspection by the child's authorized representative.

(f) The information specified in (b)(1) through (b)(12) above shall be updated as necessary to ensure the accuracy of the child's record.

(g) Originals or photocopies of all children's records shall be kept for at least three years following termination of service to the child.

(h) The licensee shall provide the name, address and telephone number of the child's authorized representative to a peace officer as specified in [Health and Safety Code Section 1596.876](#).

22 CCR § 101223

§ 101223. Personal Rights.

(a) The licensee shall ensure that each child is accorded the following personal rights:

(1) To be accorded dignity in his/her personal relationships with staff and other persons.

(2) To be accorded safe, healthful and comfortable accommodations, furnishings and equipment to meet his/her needs.

(3) To be free from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse or other actions of a punitive nature including but not limited to: interference with functions of daily living including eating, sleeping or toileting; or withholding of shelter, clothing, medication or aids to physical functioning.

(4) To be informed, and to have his/her authorized representative informed, by the licensee of the law regarding complaints including, but not limited to, information on confidentiality and the address and telephone number of the Department's complaint unit.

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(5) To be free to attend religious services or activities of his/her choice.

(A) Attendance at religious services in or outside of the center shall be voluntary. The child's authorized representative shall make decisions about the child's attendance at religious services.

(6) Not to be locked in any room, building or center premises by day or night.

(A) The licensee is not prohibited by this provision from locking exterior doors and windows or from establishing rules for the protection of children provided the children are able to exit the center.

(B) The licensee shall obtain prior approval from the Department to utilize means other than those specified in (A) above for securing exterior doors and windows.

(7) Not to be placed in any restraining device. Postural supports may be used as specified in Section 101223.1.

(8) To receive or reject medical care, or health-related services, except for minors for whom a guardian, conservator or other legal authority has been appointed.

(b) The center shall inform each child's authorized representative of the rights specified in (a)(1) through (8) above.

(1) The center shall give each authorized representative a copy of the Personal Rights form (LIC 613A [9/96]).

(A) Each authorized representative shall be asked to sign and date the acknowledgment-of-receipt statement at the bottom of the LIC 613A (9/96). This documentation shall be kept in the child's file.

(2) The center shall post a copy of the LIC 613A (9/96) in a prominent, publicly accessible area in the center.

(c) The licensee shall ensure that each child is accorded the personal rights specified in this section.

22 CCR § 101223.1

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§ 101223.1. Postural Supports/Protective Devices.

(a) Postural supports may be used with prior approval by the Department as specified in (1) through (5) below.

(1) Supportive restraints shall be limited to appliances or devices, including straps, spring-release trays or soft ties, that are used to support a child in a bed, chair or wheelchair to prevent falling.

(2) All requests to use supportive restraints shall be in writing and shall include a written order from a physician indicating the need for such restraints. The Department is authorized to require additional documentation in order to evaluate the request.

(3) Approved supportive restraints shall be fastened or tied in a manner that permits quick release.

(4) The Department shall approve the use of supportive restraints only after the appropriate fire clearance, as required by Section 101171, has been secured.

(5) The Department has the authority to grant conditional and/or limited approvals to use supportive restraints.

22 CCR § 101223.2

§ 101223.2. Discipline.

(a) Any form of discipline or punishment that violates a child's personal rights as specified in Section 101223 shall not be permitted regardless of authorized representative consent or authorization.

22 CCR § 101224

§ 101224. Telephones.

(a) All child care centers shall have working telephone service on the premises.

22 CCR § 101225

§ 101225. Transportation.

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- (a) Only drivers licensed for the type of vehicle operated shall be permitted to transport children.
- (b) The manufacturer's rated seating capacity of the vehicles shall not be exceeded.
- (c) Motor vehicles used to transport children shall be maintained in a safe operating condition.
- (d) All vehicle occupants shall be secured in an appropriate restraint system.
- (e) Children shall not be left in parked vehicles.
- (f) The licensee shall post signs at the entrance to the child care center that provide the telephone number of the local health department and information on child passenger restraint systems pursuant to [Health and Safety Code Section 1596.95\(g\)](#) and [Vehicle Code Section 27360\(b\)](#).
 - (1) The signs shall provide all of the following information:
 - (A) Protect your child -it is the law.
 - (B) Children under the age of four years, regardless of weight, or weighing less than 40 pounds, regardless of age, must be in an approved child passenger restraint system.
 - (C) You may be cited for a violation of the child passenger restraint system provisions. In addition, your automobile insurance rates could be adversely affected as a result.
 - (D) Call your local health department for more information.

22 CCR § 101226

§ 101226. Health-Related Services.

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(a) The licensee shall immediately notify the child's authorized representative if the child becomes ill or sustains an injury more serious than a minor cut or scratch. The licensee shall obtain specific instructions from the authorized representative regarding action to be taken.

(1) In the case of an illness severe enough to require isolation of the child, the center shall follow the procedures specified in Section 101226.2.

(2) In the case of less serious injuries including, but not limited to, minor cuts, scratches and bites from other children requiring assessment and/or administration of first aid by staff, the licensee shall document the injury in the child's record and notify the child's authorized representative of the nature of the injury when the child is picked up from the center.

(b) The licensee shall make prompt arrangements for obtaining medical treatment for any child if necessary.

(c) The licensee shall obtain emergency medical treatment without specific instructions from the child's authorized representative if the authorized representative cannot be reached immediately, or if the nature of the child's illness or injury is such that there should be no delay in getting medical treatment for the child.

(1) The teacher supervising activities away from the center premises shall carry one of the following for each child engaged in such activities:

(A) A signed consent form for emergency medical treatment; or

(B) For a child not required to have a consent form for emergency medical treatment pursuant to Section 101220(f), the phone numbers of the authorized representative, relatives or others who can assume responsibility for the child in an emergency.

(d) The licensee shall maintain the following first-aid supplies in a location accessible to staff but inaccessible to children:

(1) A current edition of a first-aid manual.

(2) Sterile first-aid dressings.

(3) Bandages or roller bandages.

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(4) Adhesive tape.

(5) Scissors.

(6) Tweezers.

(7) Thermometer.

(8) Antiseptic solution.

(e) In centers where the licensee chooses to handle medications:

(1) All prescription and nonprescription medications shall be centrally stored in accordance with the requirements specified below:

(A) Medications shall be kept in a safe place inaccessible to children.

(B) Each container shall have an unaltered label.

(C) A refrigerator shall be used to store any medication that requires refrigeration.

(2) All prescription and nonprescription medications shall be maintained with the child's name and shall be dated.

(3) Prescription medications may be administered if all of the following conditions are met:

(A) Prescription medications shall be administered in accordance with the label directions as prescribed by the child's physician.

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(B) For each prescription medication, the licensee shall obtain, in writing, approval and instructions from the child's authorized representative for the administration of the medication to the child.

1. This documentation shall be kept in the child's record.

2. The instructions from the child's authorized representative shall not conflict with the label directions as prescribed by the child's physician.

(4) Nonprescription medications may be administered without approval or instructions from the child's physician if all of the following conditions are met:

(A) Nonprescription medications shall be administered in accordance with the product label directions on the nonprescription medication container(s).

(B) For each nonprescription medication, the licensee shall obtain, in writing, approval and instructions from the child's authorized representative for the administration of the medication to the child.

1. This documentation shall be kept in the child's record.

2. The instructions from the child's authorized representative shall not conflict with the product label directions on the nonprescription medication container(s).

(5) The licensee shall develop and implement a written plan to record the administration of prescription and nonprescription medications and to inform the child's authorized representative daily when such medications have been given.

(6) When no longer needed by the child, or when the child withdraws from the center, all medications shall be returned to the child's authorized representative or disposed of after an attempt to reach the authorized representative.

22 CCR § 101226.1

§ 101226.1. Daily Inspection for Illness.

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(a) The licensee shall be responsible for ensuring that children with obvious symptoms of illness including, but not limited to, fever or vomiting, are not accepted.

(1) Additional attention shall be paid to children who:

(A) Have been absent because of illness.

(B) Have been exposed to a contagious disease.

(b) The licensee shall develop and implement a written inspection procedure that shall include the following:

(1) No child shall be accepted without contact between center staff and the person bringing the child to the center.

(2) The licensee shall require that the person bringing the child to the center remain until the child is accepted.

(A) After the child has been determined to be without obvious signs of illness and has been accepted, the center shall require that the person sign the child in.

22 CCR § 101226.2

§ 101226.2. Isolation for Illness.

(a) A center shall be equipped to isolate and care for any child who becomes ill during the day.

(1) The isolation area shall be located to afford easy supervision of children by center staff.

(2) The isolation area shall be equipped with a mat, cot, couch or bed for each ill child.

(3) The isolation area shall not be located in the kitchen area or the general-use toilet area.

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(4) In combination centers, only one isolation area that serves all licensed components is required.

(b) The child's authorized representative shall be notified immediately when the child becomes ill enough to require isolation, and shall be asked to have the child removed from the center as soon as possible.

22 CCR § 101226.3

§ 101226.3. Observation of the Child.

(a) The behavior and health of the children shall be continually observed throughout the period of attendance.

(b) Any unusual behavior, any injury or any signs of illness requiring assessment and/or administration of first aid by staff shall be reported to the child's authorized representative and recorded in the child's record.

22 CCR § 101227

§ 101227. Food Service.

(a) In child care centers providing meals to children, the following shall apply:

(1) All food shall be safe and of the quality and in the quantity necessary to meet the needs of the children. Each meal shall include, at a minimum, the amount of food components as specified by Title 7, Code of Federal Regulations, Part 226.20, (Revised January 1, 1990) Requirements for Meals, for the age group served. All food shall be selected, stored, prepared and served in a safe and healthful manner.

(2) Where all food is provided by the center, arrangements shall be made so that each child has available at least three meals per day.

(A) Not more than 15 hours shall elapse between the third meal of one day and first meal of the following day.

(3) Where meal service within a center is elective, arrangements shall be made to ensure availability of a daily food intake meeting the requirements of (a)(1) above for all children who elect meal service in their admission agreement.

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(4) Between meals, snacks shall be available for all children unless the food a child may eat is limited by dietary restrictions prescribed by a physician. Each snack shall include at least one serving from each of two or more of the four major food groups.

(5) The following shall be offered daily:

(A) Full-day programs shall offer a midmorning and midafternoon snack.

(B) Full-day programs shall ensure that each child has a lunch.

1. The child's authorized representative may send meals and/or snacks for the child.

(C) Half-day programs shall offer a midmorning or midafternoon snack.

(6) Menus shall be in writing and shall be posted at least one week in advance in an area accessible for review by the child's authorized representative. Copies of the menus as served shall be dated and kept on file for at least 30 days. Menus shall be made available for review by the child's authorized representative and the Department upon request.

(7) Modified diets prescribed by a child's physician as a medical necessity shall be provided.

(A) The licensee shall obtain and follow instructions from the physician or dietitian on the preparation of the modified diet.

(B) A child shall not be served any food to which the child's record indicates he/she has an allergy.

(8) Commercial foods shall be approved by appropriate federal, state and local authorities. All foods shall be selected, transported, stored, prepared and served so as to be free from contamination and spoilage and shall be fit for human consumption. Food in damaged containers shall not be accepted, used or retained.

(9) Where indicated, food shall be cut, chopped or ground to meet individual needs.

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(10) Powdered milk shall not be used as a beverage but shall be allowed in cooking and baking. Raw milk, as defined in Division 15 of the California Food and Agricultural Code, shall not be used. Milk shall be pasteurized.

(11) Except upon written approval by the Department, meat, poultry and meat food products shall be inspected by state or federal authorities. Written evidence of such inspection shall be available for all products not obtained from commercial markets.

(12) All home-canned foods shall be processed in accordance with standards of the University of California Agricultural Extension Service. Home-canned foods from outside sources shall not be used.

(13) If food is prepared off the center premises, the following shall apply:

(A) The preparation source shall meet all applicable requirements for commercial food services.

(B) The center shall have the equipment and staff necessary to receive and serve food and to clean up.

(C) The center shall maintain the equipment necessary for in-house food preparation, or shall have an alternate source for food preparation and service in the event of an emergency.

(14) All persons engaged in food preparation and service shall observe personal hygiene and food-service sanitation practices that protect food from contamination.

(15) All foods or beverages capable of supporting the rapid and progressive growth of microorganisms that can cause food infections or food intoxications shall be stored in covered containers at 45 degrees F (7.2 degrees C) or less.

(16) Pesticides and other similar toxic substances shall not be stored in food storerooms, kitchen areas, food-preparation areas, or areas where kitchen equipment or utensils are stored.

(17) Soaps, detergents, cleaning compounds or similar substances shall be stored in areas separate from food supplies.

(18) All kitchen, food-preparation and storage areas shall be kept clean and free of litter and rubbish; and measures shall be taken to keep all such areas free of rodents and other vermin.

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(19) All food shall be protected against contamination. Contaminated food shall be discarded immediately.

(20) All equipment (fixed or mobile), dishes and utensils shall be kept clean and maintained in safe condition.

(21) All dishes and utensils used for eating and drinking, and in the preparation of food and drink, shall be cleaned and sanitized after each use.

(A) Dishwashing machines shall reach a temperature of 165 degrees F (74 degrees C) during the washing and/or drying cycle to ensure that dishes and utensils are cleaned and sanitized.

(B) Centers not using dishwashing machines shall clean and sanitize dishes and utensils by an alternative comparable method.

(22) Equipment necessary for the storage, preparation and service of food or snacks shall be provided and shall be well-maintained. Necessary equipment shall include, but not be limited to:

(A) Sink.

(B) Hot and cold running water.

(C) Refrigeration.

(D) Storage space for food.

(23) Tables, dishes and utensils shall be provided in the quantity necessary to serve the children.

(24) Adaptive devices shall be provided for self-help in eating as needed by children.

(25) The food-preparation area shall not be used for:

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(A) Children's play activities unless such activities are part of a supervised food-education program.

(B) Napping.

(C) A passageway for children while the area is being used for food preparation or service.

(b) The Department has the authority to require the center to provide documentation on food purchased and used over a given period, including menus, when necessary to determine if the licensee is complying with the food-service requirements in this chapter.

(1) The Department shall specify in writing the documentation required from the licensee.

22 CCR § 101228

§ 101228. Personal Services. (Reserved)

22 CCR § 101229

§ 101229. Responsibility for Providing Care and Supervision.

(a) The licensee shall provide care and supervision as necessary to meet the children's needs.

(1) No child(ren) shall be left without the supervision of a teacher at any time, except as specified in Sections 101216.2(e)(1) and 101230(c)(1). Supervision shall include visual observation.

22 CCR § 101229.1

§ 101229.1. Sign In and Sign Out.

(a) In addition to the sign-in procedure requirement of Section 101226.1(b), the licensee shall develop, maintain and implement a written procedure to sign the child in/out of the child care center that shall, at a minimum, include the following:

(1) The person who signs the child in/out shall use his/her full legal signature and shall record the time of day.

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- (b) The person who brings the child to, and removes the child from, the center shall sign the child in/out.
- (c) A person who removes the child from the center during the day, and returns the child to the center the same day, shall sign the child in/out.
- (d) The sign-in and sign-out sheets with the signatures required by this section and by Section 101226.1 shall be kept for one month and shall be available at the center for review by the Department.

22 CCR § 101230

Green
& Blue

§ 101230. Activities/Napping.

(a) Each center shall provide a variety of daily activities designed to meet the needs of children in care, including but not limited to:

(1) Quiet and active play.

(2) Rest and relaxation.

(3) Eating.

(4) Toileting.

(b) All children shall be given an opportunity to nap or rest without distraction or disturbance from other activities at the center.

(1) A napping space and a cot or mat shall be available for each child under the age of five.

(2) Centers that serve children in half-day programs are not required to schedule napping periods or have napping equipment for such children.

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(3) No child shall be forced to stay awake or to stay in the napping area longer than the normal napping period.

(c) A teacher-child ratio of one teacher supervising 24 napping children is permitted provided that the remaining teachers necessary to meet the overall ratio specified in Section 101216.3(a) are immediately available at the center.

(1) An aide who is 18 years of age or older, and who meets the requirements of Sections 101216 and 101216.2, may supervise 24 napping children in place of a teacher if the conditions specified in (c) above are met.

22 CCR § 101231

§ 101231. Smoking Prohibition.

(a) Smoking is prohibited on the premises of a child care center as specified in Health and Safety Code Section 1596.795(b).

22 CCR § 101237

§ 101237. Alterations to Existing Buildings or New Facilities.

(a) Prior to construction or alterations, the licensee shall notify the Department of the proposed change(s).

(b) The Department has the authority to require the licensee to obtain a building inspection by a local building inspector if the Department suspects that a hazard to children's health and safety exists.

22 CCR § 101238

Green &
Pale Yellow

§ 101238. Buildings and Grounds.

(a) The child care center shall be clean, safe, sanitary and in good repair at all times to ensure the safety and well-being of children, employees and visitors.

(1) The licensee shall take measures to keep the center free of flies, other insects, and rodents.

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(2) The licensee shall safely dispose of water and any disinfectants/solutions that have been used for cleaning.

(b) All children shall be protected against hazards within the center through provision of the following:

(1) Protective devices including but not limited to nonslip material on rugs.

(c) All outdoor and indoor passageways, stairways, inclines, ramps, open porches and other areas of potential hazard shall be kept free of obstruction.

(d) General permanent or portable storage space shall be available for the storage of the center's equipment and supplies.

(1) Such equipment and supplies shall be stored in this space and shall not be stored in space used to meet other requirements specified in this chapter.

(e) All licensees shall ensure the inaccessibility of pools, including swimming pools (in-ground and above-ground), fixed-in-place wading pools, hot tubs, spas, fish ponds or similar bodies of water, through a pool cover or by surrounding the pool with a fence.

(1) Fences shall be at least five feet high and shall be constructed so that the fence does not obscure the pool from view. The bottom and sides of the fence shall comply with Division 1, Appendix Chapter 4 of the 1994 Uniform Building Code. In addition to meeting all of the aforementioned requirements for fences, gates shall swing away from the pool, self-close and have a self-latching device located no more than six inches from the top of the gate. Pool covers shall be strong enough to completely support the weight of an adult and shall be placed on the pool and locked while the pool is not in use.

(A) If licensed prior to June 1, 1995, child care centers with existing pool fencing shall be exempt from the fence requirements specified in Section 101238(e)(1) until such fence is replaced or structurally altered. If the licensee replaces or alters the fence, it shall meet the requirements specified in Section 101238(e)(1).

(2) Where an above-ground pool structure is used as the fence or where the fence is mounted on top of the pool structure, the pool shall be made inaccessible when not in use by removing or making the ladder inaccessible or erecting a barricade to prevent access to decking. If a barricade is used, the barricade shall meet the requirements of Section 101238(e)(1).

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(f) All in-ground pools, and all above-ground pools that cannot be emptied after each use shall have an operative pump and filtering system.

(g) Disinfectants, cleaning solutions, poisons and other items that could pose a danger if readily available to children shall be stored where inaccessible to children.

(1) Storage areas for poisons shall be locked.

(2) Firearms and other weapons shall not be allowed on or stored on the premises of a child care center.

(h) Medicines shall be stored as specified in Section 101226(e) and separately from items specified in Section 101238(g) above.

(i) The items specified in Section 101238(g) above shall not be stored in food-storage areas or in storage areas used by or for children.

22 CCR § 101238.2

Blue &
Pale Yellow

§ 101238.2. Outdoor Activity Space.

(a) There shall be at least 75 square feet per child of outdoor activity space based on the total licensed capacity.

(1) The following areas shall not be included in the calculation of outdoor activity space:

(A) Swimming pools and adjacent pool decking.

(B) Natural or man-made hazards such as canals, cliffs, condemned buildings, creeks, lakes, ocean fronts, mines, power lines, quarries, rivers, ravines, swamps, watercourses and areas subject to flooding.

(b) The outdoor activity space shall be situated to:

(1) Provide a shaded rest area for the children.

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(2) Permit children to reach the outdoor activity space safely.

(c) Equipment and activity areas shall be arranged so that there is no hazard from conflicting activities.

(d) The surface of the outdoor activity space shall be maintained:

(1) In a safe condition for the activities planned.

(2) Free of hazards including, but not limited to, holes, broken glass and other debris, and dry grasses that pose a fire hazard.

(e) As a condition of licensure, the areas around and under high climbing equipment, swings, slides and other similar equipment shall be cushioned with material that absorbs falls.

(1) Sand, woodchips and peagravel, or rubber mats commercially produced for the purposes of (e) above, are permitted.

(2) The use of cushioning material other than that specified in (e)(1) above shall be approved by the Department prior to installation.

(f) Sandboxes shall be inspected daily and kept free of hazardous foreign materials.

(g) The playground shall be enclosed by a fence to protect children and to keep them in the outdoor activity area. The fence shall be at least four feet high.

(h) Any construction or equipment that could pose a hazard in the outdoor activity area shall be made inaccessible to children in care. This shall include, but not be limited to, incinerators, air-conditioning equipment, water heaters and fuse boxes.

22 CCR § 101238.3

§ 101238.3. Indoor Activity Space.

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(a) There shall be at least 35 square feet of indoor activity space per child based on the total licensed capacity.

(1) Bathrooms, halls, offices, isolation areas, food-preparation areas and storage places shall not be included in the calculation of indoor activity space.

(2) Floor space occupied by shelves, permanent built-in cabinets, space used to meet the requirements of Section 101238.4, and office equipment shall not be included in the calculation of indoor activity space.

(3) Floor area under tables, desks, chairs and other equipment intended for use as part of children's activities shall be included in the calculation of indoor activity space.

(b) The floors of all rooms shall have a surface that is safe and clean.

22 CCR § 101238.4

§ 101238.4. Storage Space.

(a) The licensee shall ensure that each child has an individual permanent or portable storage space for his/her clothing, personal belongings and/or bedding.

(b) There shall be permanent or portable storage space in the playrooms for play materials and equipment.

(1) The licensee may store outdoor play materials and equipment outdoors.

(c) Napping equipment shall be stored at the center when not in use.

(d) Combustibles, cleaning equipment and cleaning agents shall be stored in an area separate from food supplies in a locked cabinet or in a location inaccessible to children.

22 CCR § 101238.5

§ 101238.5. Wading Pools.

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(a) Notwithstanding the requirements of Section 101238(e), fencing is not required for inflatable or other portable plastic wading pools with sides low enough for children using the pool(s) to step out unassisted.

(1) These pools shall be emptied after each use.

22 CCR § 101239

Blue &
Pale Yellow

§ 101239. Fixtures, Furniture, Equipment and Supplies.

(a) A comfortable temperature for children shall be maintained at all times.

(1) The licensee shall maintain the temperature in rooms that children occupy between a minimum of 68 degrees F (20 degrees C) and a maximum of 85 degrees F (30 degrees C).

(A) In areas of extreme heat the maximum shall be 20 degrees F (11.1 degrees C) less than the outside temperature.

(b) All window screens shall be in good repair and free of insects, dirt and debris.

(c) Fireplaces and open-faced heaters shall be made inaccessible to children to ensure children's safety.

(d) The licensee shall provide lamps or lights as necessary in all rooms and other areas to ensure the comfort and safety of all persons in the child care center.

(e) Faucets used by children for personal care shall deliver hot water.

(1) Hot water temperature controls shall be maintained to automatically regulate temperature of hot water delivered to plumbing fixtures used by children to attain a hot water temperature of not less than 105 degrees F (40.5 degrees C) and not more than 120 degrees F (48.8 degrees C).

(2) Taps delivering water at 125 degrees F (51.6 degrees C) or above shall be prominently identified by warning signs.

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(3) Notwithstanding (e) and (e)(1) above, handwashing fixtures shall not be required to deliver hot water.

(4) All toilets, handwashing and bathing facilities shall be maintained in safe and sanitary operating condition. Additional equipment, aids and/or conveniences shall be provided as needed in centers that serve children with physical disabilities.

(f) Solid waste shall be stored, located and disposed of in a manner that will not transmit communicable diseases or odors, create a nuisance, or provide a breeding place or food source for insects or rodents.

(1) All containers used for storage of solid wastes, including moveable bins, shall have a tightfitting cover that is kept on; shall be in good repair; and shall be leakproof and rodent-proof.

(2) Solid-waste containers that hold decaying waste, including moveable bins, shall be emptied at least once per week, or more often if necessary to comply with (f) above.

(3) Each movable bin shall provide for suitable access and a drainage device to allow complete cleaning at the storage area.

(g) The licensee shall provide linens of various kinds as necessary to meet the program of services offered by the center and the requirements specified in this chapter.

(h) Based on the total licensed capacity, one toilet and one handwashing fixture shall be maintained for every 15 children or fraction thereof.

(1) Urinals may be used to meet the requirements of this section provided they are low enough for children to reach them, or broad-based platforms or anchored steps are provided to enable children to reach them.

(A) There shall be at least two toilets for each urinal counted.

(B) Centers with toilet-urinal ratios approved prior to December 31, 1983, are not required to meet the ratio in (h)(1)(A) above.

(i) There shall be one toilet and one handwashing fixture, separate from and in addition to the number of toilets and handwashing fixtures required in (h) above, designated for use by children who are ill, for use by staff, and for emergency use. This toilet and handwashing fixture shall be conveniently located in relation to the isolation area.

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(1) Child care centers licensed prior to December 31, 1983, and operating continuously since then, are not required to make modifications to meet the requirement in (i) above.

(j) Common towels or washcloths are prohibited.

(k) Tables and chairs shall be provided to meet the needs of the children.

(1) Tables and chairs shall be scaled to the size of the children.

(l) There shall be a cot, couch or bed for each ill child as specified in Section 101226.2.

(m) All play equipment and materials used by children shall be age-appropriate.

(1) The licensee shall provide a variety of age-appropriate equipment, toys and materials in good condition and in sufficient quantity to allow children present to fully participate in planned activities.

(n) Furniture and equipment shall be maintained in good condition, free of sharp, loose or pointed parts.

(1) A baby walker shall not be allowed on the premises of a child care center in accordance with Health and Safety Code Sections 1596.846(b) and (c).

(o) Playground equipment shall be securely anchored to the ground unless it is portable by design.

(1) Equipment shall be maintained in a safe condition, free of sharp, loose or pointed parts.

(p) Furniture and equipment, including cots and mats used for napping, shall be arranged so that no exit is blocked.

(q) All materials and surfaces accessible to children, including toys, shall be free of toxic substances.

22 CCR § 101239.1

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§ 101239.1. Napping Equipment.

- (a) Cots used for napping shall be maintained in a safe condition.

- (b) Floor mats used for napping shall be:
 - (1) Constructed of foam at least 3/4 inch thick.

 - (2) Covered with vinyl or similar material that can be wiped.

 - (3) Marked or colored so that the sleeping side can be distinguished from the floor side.

 - (4) Wiped with a detergent/disinfectant weekly or when soiled or wet.

 - (5) Maintained in a safe condition with no exposed foam.

- (c) Each cot or mat shall be equipped with a sheet to cover the cot or mat and, depending on the weather, a sheet and/or blanket to cover the child.
 - (1) Bedding shall not be shared by different children without first laundering the bedding.

 - (2) Bedding shall be individually stored so that each child's bedding is identifiable and no child's used bedding comes into contact with other bedding.

 - (3) Sheets shall be washed weekly or when soiled or wet.

 - (4) Blankets shall be cleaned or changed when soiled.

- (d) Napping equipment shall be arranged so that each child has access to a walkway without having to walk on or

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over the cots or mats of other children.

22 CCR § 101239.2

§ 101239.2. Drinking Water.

(a) Drinking water from a noncontaminating fixture or container shall be readily available both indoors and in the outdoor activity area.

(1) Children shall be free to drink as they wish.

(2) Anchored steps or a broad-based platform shall be utilized when a drinking fountain is too high for the children in care.

(3) See Manual of Policies and Procedures.

(4) All water for drinking shall be potable as defined in the California Code of Regulations, Title 24, Part 5.