

**Manual of Policies and Procedures**  
**COMMUNITY CARE LICENSING DIVISION**

**CHILD CARE CENTER**

**Division 12**

**Chapter 1**



**STATE OF CALIFORNIA**  
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**HEALTH AND HUMAN SERVICES AGENCY**  
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**DEPARTMENT OF SOCIAL SERVICES**  
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**CHILD CARE CENTER  
GENERAL LICENSING REQUIREMENTS**

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This Users' Manual is issued as an operational tool.

This Manual contains

- a) Regulations adopted by the California Department of Social Services (CDSS) for the governance of its agents, licensees, and/or beneficiaries
- b) Regulations adopted by other State Departments affecting CDSS programs
- c) Statutes from appropriate Codes which govern CDSS programs
- d) Court decisions and
- e) Operational standards by which CDSS staff will evaluate performance within CDSS programs.

Regulations of CDSS are printed in gothic type as is this sentence.

Handbook material, which includes reprinted statutory material, other departments' regulations and examples, is separated from the regulations by double lines and the phrases "**HANDBOOK BEGINS HERE**", "**HANDBOOK ENDS HERE**" in bold print. Please note that both other departments' regulations and statutes are mandatory, not optional.

In addition, please note that as a result of the changes to a new computer system revised language in this manual letter and subsequent community care licensing manual letters will now be identified by a vertical line in the left margin.

Questions relative to this Users' Manual should be directed to your local licensing agency.

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**CHAPTER 1 - CHILD CARE CENTER GENERAL LICENSING REQUIREMENTS****Article 1. GENERAL REQUIREMENTS AND DEFINITIONS****101151 GENERAL****101151**

- (a) The general regulations in this chapter shall apply to all child care centers regulated by Division 12, except where specifically exempted. Additional or special requirements found in the corresponding subchapters pertaining to each category shall apply only to such individual child care center categories.
- (b) The licensee shall ensure compliance with all applicable laws and regulations.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

**101152 DEFINITIONS****101152**

The following general definitions shall apply wherever the terms are used throughout Division 12, Chapter 1, except where specifically noted otherwise. Any additional definitions found at the beginning of any subchapter in this chapter shall apply only to such specific child care center category.

- (a) (1) "Administrator" means the licensee, or the adult designated by the licensee to act in his/her behalf in the overall management of the facility.
- (2) "Adult" means a person who is 18 years of age or older.
- (3) "Applicant" means any adult, general partner(s) of a partnership, corporation, county, city, public agency or other governmental entity that has applied for a child care center license.
- (4) "Assistant Infant Care Center Director" ("Assistant Director") means the individual as specified in Section 101415.1 designated by the child care center director to act in his or her behalf in the overall management of an infant care center.
- (5) "Authorized Representative" means any person or entity authorized by law to act on behalf of any child. Such person or entity may include but not be limited to a minor's parent, a legal guardian, a conservator or a public placement agency.

**101152**     **DEFINITIONS** (Continued) **101152**

- (b) (1) "Basic Services" means those services required by applicable laws and regulations to be provided by the licensee in order to obtain and maintain a child care center license.
  
- (c) (1) "California Clearance" means an individual has no felony or misdemeanor convictions reported by the California Department of Justice. However, the individual may have been arrested with no criminal conviction, convicted of a minor traffic offense or adjudicated as a juvenile.
  
- (2) "Capacity" means the maximum number of children authorized to be provided care and supervision at any one time in any licensed child care center.
  
- (3) "Care and Supervision" means any one or more of the following activities provided by a person or child care center to meet the needs of children in care:
  - (A) Assistance in diapering, toileting, dressing, grooming, bathing and other personal hygiene.
  - (B) Assistance with taking medications as specified in Sections 101226(e)(3) and (e)(4).
  - (C) Storing and/or distribution of medications as specified in Section 101226(e).
  - (D) Arrangement of and assistance with medical and dental care.
  - (E) Maintenance of rules for the protection of children.
  - (F) Supervision of children's schedules and activities for the protection of children.
  - (G) Monitoring food intake or special diets.
  - (H) Providing basic services as defined in Section 101152b.(1).
  
- (4) "Child" means a person under 18 years of age who is being provided care and supervision in a child care center, except where specified otherwise.
  
- (5) "Child Abuse Central Index" means the California Department of Justice maintained statewide, multi-jurisdictional, centralized index of child abuse investigation reports. These reports pertain to alleged incidents of physical abuse, sexual abuse, mental/emotional abuse and/or severe neglect. Each child protection agency (police, sheriff, county welfare and probation departments) is required by law to forward to the California Department of Justice a report of every child abuse incident it investigates, unless an incident is determined to be unfounded.

**101152**     **DEFINITIONS (Continued)** **101152**

- (6) "Child Abuse Central Index Clearance" means that the California Department of Justice has conducted a name search of the index and the search did not result in a match or the search resulted in a match but the California Department of Social Services determined after an investigation that the allegation of child abuse or neglect was not substantiated.
  
- (7) "Child Care Center" or "Day Care Center" (or "center") means any child care facility of any capacity, other than a family child care home as defined in Section 102352f.(1), in which less than 24-hour per day nonmedical care and supervision are provided to children in a group setting. The term "Child Care Center" supersedes the term "Day Care Center" as used in previous regulations.
  
- (8) "Child Care Center Director" or "Day Care Center Director" means the administrator of a child care center. The term "Child Care Center Director" supersedes the term "Day Care Center Director" as used in previous regulations.
  - (A) The term "head teacher" is an acceptable substitute for the term "child care center director" provided that the head teacher meets the qualifications of a child care center director and there is written delegation of responsibilities as specified in Section 101215.1(c)(1).
  
- (9) "Child Care Facility" or "Child Day Care Facility" (or "facility") means any place or building in which less than 24-hour per day nonmedical care and supervision, as defined in Section 101152c.(2), are provided to children in a group setting. The term "Child Care Facility" supersedes the term "Child Day Care Facility" as used in previous regulations.

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- (A) Health and Safety Code Section 1596.750 states:

"Child day care facility" means a facility which provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Child day care facility includes day care centers and family day care homes.

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- (10) "Combination Center" means any combination of child care center, infant center, school-age child care center, and child care center for mildly ill children that is owned and operated by one licensee at a common address.

**101152**     **DEFINITIONS** (Continued) **101152**

(11) "Completed Application" means:

- (A) The applicant has submitted and the Department has received all required materials including: an approved fire clearance, if appropriate, from the State Fire Marshal; and a criminal record clearance on the applicant and any other individuals specified in Section 101170.
- (B) The Department has completed a site visit to the child care center.

(12) "Control of Property" means the right to enter, occupy and maintain the operation of the child care center property within regulatory requirements. Evidence of control of property may include, but is not limited to, the following:

- (A) a Grant Deed showing ownership; or
- (B) the lease agreement or rental agreement; or
- (C) a court order or similar document that shows the authority to control the property pending outcome of a probate proceeding or an estate settlement.

(13) "Conviction" means:

- (A) A criminal conviction in California; or
- (B) Any criminal conviction of another state, federal, military or other jurisdiction, which if committed or attempted in California, would have been punishable as a crime in California.

(14) "Criminal Record Clearance" means an individual has a California Department of Justice clearance and an FBI clearance.

(d) (1) "Deficiency" means any failure to comply with any provision of the California Child Day Care Act (Health and Safety Code, Section 1596.70 et seq.) and/or regulations adopted by the Department pursuant to the Act.

(2) "Department" means the California Department of Social Services (CDSS) or any state, county or other public agency authorized by CDSS to assume specified licensing responsibilities pursuant to Health and Safety Code Sections 1596.77 and 1596.82. The term "Department" supersedes the term "Licensing Agency" as used in previous regulations.

**101152**    **DEFINITIONS** (Continued) **101152**

- (3) "Developmental Disability" means a disability as defined in Welfare and Institutions Code Section 4512(a).

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- (A) Welfare and Institutions Code Section 4512(a) provides in part: "Developmental disability" means a disability which originates before an individual attains age 18, continues, or can be expected to continue, indefinitely and constitutes a substantial handicap for such individual.

This term shall include mental retardation, cerebral palsy, epilepsy, and autism. This term shall also include handicapping conditions found to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, but shall not include other handicapping conditions that are solely physical in nature.

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- (4) "Director" means the director of the California Department of Social Services.
- (e) (1) "Emergency Approval to Operate" (EAO) (LIC 9117 [4/93]) means a temporary approval to operate a facility for no more than 60 days pending the Department's decision on whether to approve or deny a provisional license.
- (2) "Emergency Substitute," as described in Section 101216.3(h)(1), means a person at least 18 years of age.
- (3) "Evaluator" means any person who is a duly authorized officer, employee or agent of the Department, including any officer, employee or agent of a county or other public agency authorized by the Department to license child care centers.
- (4) "Evidence of Licensee's Death" shall include, but is not limited to, a copy of the death certificate, obituary notice, certification of death from the decedent's mortuary or a letter from the attending physician or coroner's office verifying the licensee's death.
- (5) "Exception" means a written authorization issued by the Department to use alternative means which meet the intent of a specific regulation and that are based on the unique needs or circumstances of a specific child or staff person. Exceptions are not transferable or applicable to other children, staff persons, child care centers or licensees.

101152	DEFINITIONS (Continued)	101152
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- (6) "Exemption" means an exception to the requirements of Health and Safety Code Section 1596.871 and applicable regulations. Exemptions are not transferable.

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- (A) Health and Safety Code Section 1596.871(c)(5) reads in part:

Concurrently with notifying the licensee pursuant to paragraph (3), the department shall notify the affected individual of his or her right to seek an exemption pursuant to subdivision (f). The individual may seek an exemption only if the licensee terminates the person's employment or removes the person from the facility after receiving notice from the department pursuant to paragraph (3).

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- (7) "Existing Child Care Center" means any child care center operating under a valid, unexpired license on the date this chapter becomes effective.
- (f) (1) "Federal Bureau of Investigation (FBI) Clearance" means an individual has no felony or misdemeanor convictions reported by the FBI. The individual may also have been arrested with no criminal conviction, convicted of a minor traffic offense or adjudicated as a juvenile.
- (g) (1) "Guardian" means any person appointed by the Superior Court, or court of competent jurisdiction, to care for the person, or estate, or the person and estate of another, as the legal guardian pursuant to law.
- (h) (Reserved)
- (i) (1) "Infant" means a child under two years of age.
- (2) "Infant Care Center" means any child care center or part of a child care center of any capacity where less than 24-hour per day nonmedical care and supervision are provided to infants in a group setting.
- (3) "Infant Care Center Director" means the administrator of an infant care center as specified in Section 101415.
- (4) "Infant Care Teacher" means a teacher as specified in Section 101416.2.

**101152**     **DEFINITIONS** (Continued) **101152**

- (j) (Reserved)
- (k) (Reserved)
- (l) (1) "License" means a written authorization by the Department to operate a child care center and to provide care and supervision. A license is not transferable.
- (2) "Licensee" means the adult, general partner(s) of a partnership, controlling partners in a limited liability corporation, corporation, county, city, public agency or other governmental entity having the authority and responsibility to operate a licensed child care center.
- (3) "Licensing Agency" - See "Department" as specified in Section 101152d.(2). The term "Department" supersedes the term "Licensing Agency" as used in previous regulations.
- (m) (1) "Medical Professional" means an individual who is licensed or certified in California to perform the necessary medical procedures within his/her scope of practice. This includes, but is not limited to, Medical Doctor (MD), Registered Nurse (RN) and Licensed Vocational Nurse (LVN).
- (2) "Mental Disorder" means any of the disorders set forth in the Diagnostic and Statistical Manual of Mental Disorders (Third Edition), published by the American Psychiatric Association, and a degree of functional impairment that renders a person eligible for the services enumerated under the Lanterman-Petris-Short Act (commencing with Section 5000 of the Welfare and Institutions Code).
- (n) (1) "Nonambulatory Person" is defined in Health and Safety Code Section 13131.
  - (A) A person who uses supportive restraints as specified in Section 101223.1 is deemed nonambulatory.
  - (B) A person is not deemed nonambulatory solely because he/she is deaf, blind, or prefers to use a mechanical aid.

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- (C) Health and Safety Code Section 13131 provides:

"Nonambulatory persons" means persons unable to leave a building unassisted under emergency conditions. It includes any person who is unable, or likely to be unable, to physically and mentally respond to a sensory signal approved by the State Fire Marshal, or an oral instruction relating to fire danger, and persons who depend upon mechanical aids such as crutches, walkers, and wheelchairs. The determination of ambulatory or nonambulatory status of persons with developmental disabilities shall be made by the Director of Social Services or his or her designated representative, in consultation with the Director of Developmental Services or his or her designated representative. The determination of ambulatory or nonambulatory status of all other disabled persons placed after January 1, 1984, who are not developmentally disabled shall be made by the Director of Social Services or his or her designated representative.

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- (o) (Reserved)
- (p) (1) "Physician" means a person licensed as a physician and surgeon by the Medical Board of California or the Osteopathic Medical Board of California.
- (2) "Preschool-age Child" means a child as defined in Health and Safety Code Section 1597.059.

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Health and Safety Code Section 1597.059 states:

- (A) ..."preschool age children" means children who are enrolled in a child day care center licensed by the department and who are not enrolled in either an infant care center or a schoolage child day care center, as these terms are defined in Title 22 of the California Code of Regulations.

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- (3) "Provide" or "Provision" means to make available any service or personnel to meet licensing or other requirements.



**101152**     **DEFINITIONS** (Continued) **101152**

- (4) "Provisional License" means a temporary license issued in accordance with the criteria specified in Section 101181.
  
- (q) (1) "Qualified Teacher Substitute" means a person at least 18 years of age with at least six postsecondary semester or equivalent quarter units in early childhood education or child development.
  
- (r) (1) "Rehabilitation" means the effort to reestablish good character since the date of the last conviction, including, but not limited to, education, counseling or therapy, training, stable employment, restitution, remorse, changes in lifestyle, or community service.
  
- (2) "Relative" means spouse, parent, stepparent, son, daughter, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, nephew, niece, first cousin or any such person denoted by the prefix "grand" or "great," or the spouse of any of the persons specified in this definition even after the marriage has been terminated by death or dissolution.
  
- (s) (1) "School-Age Child" means any child who meets one of the following:
  - (A) Has entered the first grade or above;
  - (B) Is in a child care program providing care and supervision exclusively to children enrolled in kindergarten and above.
  
- (2) "School-Age Child Care Center" means any child care center or part of a child care center of any capacity where less than 24-hour per day nonmedical care and supervision are provided to school-age children in a group setting.
  
- (3) "Serious Deficiency" means any deficiency that presents an immediate or substantial threat to the physical health, mental health or safety of the children in a child care center.

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- (A) See Section 101193(a)(1).

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**101152**     **DEFINITIONS** (Continued) **101152**

- (4) "Simplified Exemption" means an exemption granted on the Department's own motion, as authorized in Health and Safety Code Section 1596.871(c)(3), if the individual's criminal history meets specific criteria established by Department regulation.
- (5) "Substantial Compliance" means the absence of any serious deficiencies.
- (t) (1) "Toddler Component" means the component of a preschool or infant care program designed for children between the ages of 18 months and 30 months.
- (u) (1) "Urgent Need" means a situation where prohibiting the operation of the child care center would be detrimental to a child's physical health, mental health, safety or welfare. Circumstances constituting urgent need include but are not limited to:
  - (A) A change in the location of the child care center when children are in need of services from the same operator at the new location.
  - (B) A change of ownership of the child care center when children are in need of services from a new operation.
- (v) (Reserved)
- (w) (1) "Waiver" means a nontransferable written authorization issued by the Department to use alternative means which meet the intent of a specific regulation and that are based on a facility-wide need or circumstance.
- (x) (Reserved)
- (y) (Reserved)
- (z) (Reserved)

NOTE: Authority cited: Sections 1596.81 and 1596.858(e), Health and Safety Code. Reference: Sections 1502, 1596.72, 1596.73, 1596.74, 1596.75, 1596.750, 1596.76, 1596.77, 1596.770, 1596.78, 1596.79, 1596.790, 1596.791, 1596.81, 1596.858(e), 1596.955 and 1596.956, Health and Safety Code.

**Article 2. LICENSING**

**101156 LICENSE REQUIRED** **101156**

- (a) Unless a child care arrangement is exempt from licensure as specified in Section 101158, no adult, general partners of a partnership, controlling partners in a limited liability corporation, corporation, county, city, public agency or other governmental entity shall operate, establish, manage, conduct or provide care and supervision as defined in Section 101152c.(2) without a valid license from the Department.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.80, 1596.81(b), 1596.805, 1596.84 and 1596.85, Health and Safety Code.

**101157 OPERATION WITHOUT A LICENSE** **101157**

- (a) If an unlicensed child care center is providing care and supervision as defined in Section 101152c.(2), the center is in violation of Health and Safety Code Section 1596.80 unless exempted from licensure pursuant to Section 101158.
- (b) If a child care center is alleged to be in violation of Health and Safety Code Section 1596.80, the Department shall conduct a site visit and/or evaluation of the center pursuant to Health and Safety Code Section 1596.853.

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- (1) Health and Safety Code Section 1596.80 states:

No person, firm, partnership, association, or corporation shall operate, establish, manage, conduct, or maintain a child day care facility in this state without a current valid license therefor as provided in this act.

- (2) Health and Safety Code Section 1596.853(c) provides in part:

Upon receipt of a complaint, the department shall make a preliminary review and, unless the department determines that the complaint is willfully intended to harass a licensee or is without any reasonable basis, the department shall make an onsite inspection within 10 days after receiving the complaint except where the visit would adversely affect the licensing investigation or the investigation of other agencies, including, but not limited to, law enforcement agencies. In either event, the complainant shall be promptly informed of the department's proposed course of action.

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**101157 OPERATION WITHOUT A LICENSE (Continued)** **101157**

- (c) If a child care center is operating without a license, the Department shall issue a Notice of Operation in Violation of Law and shall refer the case for criminal prosecution and/or civil proceedings.
- (d) The Department has the authority to issue an immediate civil penalty pursuant to Section 101198 and Health and Safety Code Section 1596.891.

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Health and Safety Code Section 1596.891 states in part:

- (a) A person who violates Section 1596.80 may be liable for an immediate assessment of civil penalties in the amount of two hundred dollars (\$200) per day.
- (b) The penalty specified in subdivision (a) shall be imposed if the operator of an unlicensed facility refuses to seek licensure or the operator seeks licensure and is denied but continues to operate.

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- (e) Sections 101157(c) and (d) shall be applied pursuant to Health and Safety Code Section 1596.892.

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Health and Safety Code Section 1596.892 states:

The civil, criminal, and administrative remedies available to the Department pursuant to this article are not exclusive, and may be sought and employed in any combination deemed advisable by the Department to enforce the provisions of this chapter.

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NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.792, 1596.80, 1596.81(b), 1596.89, 1596.890, 1596.891 and 1596.892, Health and Safety Code.

**101158 EXEMPTION FROM LICENSURE 101158**

- (a) As specified in Health and Safety Code Section 1596.792, the child care center regulations contained in this division shall not apply to any of the following:

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- (1) Any health facility, as defined by Section 1250 of the Health and Safety Code.
- (2) Any clinic, as defined by Section 1202 of the Health and Safety Code.
- (3) Any community care facility, as defined by Section 1502 of the Health and Safety Code.
- (4) Any family day care home providing care for the children of only one family in addition to the operator's own children.
- (5) Any cooperative arrangement between parents for the care of their children where no payment is involved and the arrangement meets all of the following conditions:
  - (A) In a cooperative arrangement, parents shall combine their efforts so that each parent, or set of parents, rotates as the responsible care giver with respect to all the children in the cooperative.
  - (B) Any person caring for children shall be a parent, legal guardian, stepparent, grandparent, aunt, uncle, or adult sibling of at least one of the children in the cooperative.
  - (C) There can be no payment of money or receipt of in-kind income in exchange for the provision of care. This does not prohibit in-kind contributions of snacks, games, toys, blankets for napping, pillows, and other materials parents deem appropriate for their children. It is not the intent of this paragraph to prohibit payment for outside activities, the amount of that may not exceed the actual cost of the activity.
  - (D) No more than 12 children are receiving care in the same place at the same time.
- (6) Any arrangement for the receiving and care of children by a relative.

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**HANDBOOK CONTINUES**

- (7) Any public recreation program. "Public recreation program" means a program operated by the state, city, county, special district, school district, community college district, chartered city, or chartered city and county that meets either of the following criteria:
- (A) The program is operated only during hours other than normal school hours for grades K-12, inclusive, in the public school district where the program is located, or operated only during periods when students in grades K-12, inclusive, are normally not in session in the public school district where the program is located, for either of the following periods:
1. For under 16 hours per week.
  2. For a total of 12 weeks or less during a 12-month period. This total applies to any 12 weeks within any 12-month period, without regard to whether the weeks are consecutive.
- In determining "normal school hours" or periods when students are "normally not in session," the California Department of Social Services shall, where appropriate, consider the normal school hours or periods when students are normally not in session for students attending a year-round school.
- (B) The program is provided to children who are over the age of four years and nine months and not yet enrolled in school and the program is operated during either of the following periods:
1. For under 16 hours per week.
  2. For a total of 12 weeks or less during a 12-month period. This total applies to any 12 weeks within any 12-month period, without regard to whether the weeks are consecutive.
- (C) The program is provided to children under the age of four years and nine months with sessions that run 12 hours per week or less and are 12 weeks or less in duration. A program subject to this paragraph may permit children to be enrolled in consecutive sessions throughout the year. However, the program shall not permit children to be enrolled in a combination of sessions that total more than 12 hours per week for each child.

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**HANDBOOK ENDS HERE**

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**101158**     **EXEMPTION FROM LICENSURE (Continued)** **101158**

- (8) Public and private schools that operate a program before and/or after school for school-age children provided all of the following conditions are met:
  - (A) The program offered by a school must be operated by the school and run by qualified teachers employed by the school or the school district.
  - (B) An outside organization or individual using a public or private school site to operate child care program is subject to licensure, even if the program is open only to the children enrolled at that school.

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**HANDBOOK BEGINS HERE**

- (9) Any school parenting program or adult education child care program that satisfies both of the following:
  - (A) Is operated by a public school district or operated by an individual or organization pursuant to a contract with a public school district.
  - (B) Is not operated by an organization specified in Section 1596.793.
    - 1. Health and Safety Code Section 1596.793 states:

This Chapter and Chapter 3.5 (commencing with Section 1596.90) and 3.6 (commencing with Section 1597.30) do not apply to recreation programs conducted for children by the Girl Scouts, Boy Scouts, Boys Club, Girls Club, Camp Fire, or similar organizations as determined by regulations of this department. Child day care programs conducted by these organizations and the fees charged for that specific purpose are subject to the requirements of this chapter, Chapter 3.5 (commencing with Section 1596.90), and Chapter 3.6 (commencing with Section 1597.30).
- (10) Any child day care program that operates only one day per week for no more than four hours on that one day.

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**HANDBOOK CONTINUES**

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**HANDBOOK CONTINUES**

- (11) Any child day care program that offers temporary child care services to parents and which satisfies both of the following:
  - (A) The services are only provided to parents and guardians who are on the same premises as the site of the child day care program.
  - (B) The child day care program is not operated on the site of a ski facility, shopping mall, department store, or any other similar site identified by the department by regulation.
  
- (12) Any program that provides activities for children of an instructional nature in a classroom-like setting and satisfies both of the following:
  - (A) Is operated only during periods of the year when students in grades K-12, inclusive, are normally not in session in the public school district where the program is located due to regularly scheduled vacations.
  - (B) Offers any number of sessions during the period specified in paragraph (A) that when added together do not exceed a total of 30 days when only schoolage children are enrolled in the program or 15 days when children younger than schoolage are enrolled in the program.
  
- (13) A program facility administered by the Department of Corrections that (1) houses both women and their children, and (2) is specifically designated for the purpose of providing substance abuse treatment and maintaining and strengthening the family unit pursuant to Chapter 4 (commencing with Section 3410) of Title 2 of Part 3 of the Penal Code, or Chapter 4.8 (commencing with Section 1174 of Title 7 of Part 2 of that code.

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**HANDBOOK ENDS HERE**

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NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.792, 1596.793 and 1596.81(b), Health and Safety Code.

Subsections renumbered to Section 101169 or repealed by Manual Letter No. CCL-98-11, effective 11/1/98.



**101160 POSTING OF LICENSE** **101160**

- (a) The license shall be posted in a prominent, publicly accessible location in the center.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

**101161 LIMITATIONS ON CAPACITY AND AMBULATORY STATUS** **101161**

- (a) A licensee shall not operate a child care center beyond the conditions and limitations specified on the license, including the capacity limitation.
- (b) Child care centers or rooms approved for ambulatory children only shall not be used by nonambulatory children.
- (1) Children whose condition becomes nonambulatory shall not use rooms or areas restricted to ambulatory children.
- (2) The Department has the authority to require children who use ambulatory sections of the child care center to demonstrate that they are ambulatory.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81(b) and 1596.95, Health and Safety Code.

**101162 ADVERTISEMENTS AND LICENSE NUMBER** **101162**

- (a) No person or legal entity shall advertise or represent itself as a licensed child care center without first obtaining a current valid license from the Department.
- (1) Licensees shall reveal each child care center license number in all advertisements in accordance with Health and Safety Code Section 1596.861.

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**HANDBOOK BEGINS HERE**

Health and Safety Code Section 1596.861 provides:

- (a) Each child day care facility licensed under this chapter, or Chapter 3.5, Chapter 3.6 shall reveal its license number in all advertisements, publications, or announcements made with the intent to attract clients.

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**HANDBOOK CONTINUES**

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**101162 ADVERTISEMENTS AND LICENSE NUMBER** **101162**  
(Continued)

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**HANDBOOK CONTINUES**

- (b) Advertisements, publications, or announcements subject to the requirements of subdivision (a) include, but are not limited to, those contained in the following:
- (1) Newspaper or magazine.
  - (2) Consumer report.
  - (3) Announcement of intent to commence business.
  - (4) Telephone directory yellow pages.
  - (5) Professional or service directory.
  - (6) Radio or television commercial.

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(b) Correspondence is considered a form of advertisement only if the intent is to attract clients.

(c) Repealed by Manual Letter No. CCL-98-11, effective 11/1/98.

NOTE: Authority cited: Section 1596.81(a), Health and Safety Code. Reference: Section 1596.861, Health and Safety Code.

**101163 FALSE CLAIMS** **101163**

(a) No licensee, officer or employee of a licensee shall make or disseminate any false or misleading statement regarding the child care center or any of the services provided by the center.

(b) No licensee, officer or employee of a licensee shall alter a license or disseminate an altered license.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1596.95, Health and Safety Code.

**Article 3. APPLICATION PROCEDURES****101167 TRANSFER AND SALE****101167**

(a) A license is not transferable.

- (1) If the sale of a licensed child care center will result in the issuance of a new license, the requirements of Health and Safety Code Section 1597.14 apply.

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Health and Safety Code Section 1597.14 reads in pertinent part:

- (a) Notwithstanding Section 1596.858, in the event of a sale of a licensed child day care center where the sale will result in a new license being issued, the sale and transfer of property and business shall be subject to both of the following:
- (1) The licensee shall provide written notice to the department and to the child's parent or his or her legal guardian of the licensee's intent to sell the child day center at least 30 days prior to the transfer of the property or business, or at the time that a bona fide offer is made, whichever period is longer.
- (2) The licensee shall, prior to entering into an admission agreement, inform the child's parent or his or her legal guardian, admitted to the facility after notification to the department, of the licensee's intent to sell the property or business.
- (b) Except as provided in subdivision (e), the property and business shall not be transferred until the buyer qualifies for a license or provisional license pursuant to this chapter.
- (1) The seller shall notify, in writing, a prospective buyer of the necessity to obtain a license, as required by this chapter, if the buyer's intent is to continue operating the facility as a child day care center. The seller shall send a copy of this written notice to the licensing agency.
- (2) The prospective buyer shall submit an application for a license, as specified in Section 1596.95, within five days of the acceptance of the offer by the seller.
- (c) No transfer of the facility shall be permitted until 30 days have elapsed from the date when notice has been provided to the department pursuant to paragraph (1) of subdivision (a).

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**HANDBOOK CONTINUES**

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<b>101167</b>	<b>TRANSFER AND SALE</b> (Continued)	<b>101167</b>
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**HANDBOOK CONTINUES**

- (d) The department shall give priority to applications for licensure that are submitted pursuant to this section in order to ensure timely transfer of the property and business. The department shall make a decision within 60 days after a complete application is submitted on whether to issue a license pursuant to Section 1596.95.
- (e) If the parties involved in the transfer of the property and business fully comply with this section, then the transfer may be completed and the buyer shall not be considered to be operating an unlicensed facility while the department makes a final determination on the application for licensure.

**HANDBOOK ENDS HERE**

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- (2) In the event of the sale and transfer of property and business, the applicant (buyer) shall be issued an Emergency Approval to Operate (EAO) (LIC 9117 [4/93]) if the applicant (buyer) complies with Health and Safety Code Section 1597.14.
  - (3) The applicant (buyer) who is issued an EAO (LIC 9117 [4/93]) shall perform all the duties, functions and responsibilities required of a licensee.
  - (4) Failure to comply with licensing laws and regulations under this section, as determined by the Department, shall result in the denial of the application for a license. This denial shall also constitute termination of the EAO (LIC 9117 [4/93]).
  - (5) The Department shall provide to the applicant (buyer) written notification of the denial. This notice shall be effective immediately upon receipt.
- (b) "A bona fide offer," as specified in Health and Safety Code Section 1597.14(a)(1), means a proposal by the buyer to purchase the child care center with definite terms in writing communicated to the seller and accompanied by a cash deposit.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.14, Health and Safety Code.

**101168**     **APPLICANT QUALIFICATIONS** **101168**

- (a) Any adult may apply for a license regardless of age, sex, race, religion, color, political affiliation, national origin, disability, marital status, actual or perceived sexual orientation, or ancestry.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code; and Section 51, Civil Code.

**101169**     **APPLICATION FOR LICENSE** **101169**

- (a) Any adult, partnership, corporation, county, city, public agency or other governmental entity wishing to obtain a license shall fill out and file with the Department an Application Booklet (LIC 281A [12/96]), as well as submit to the Department the documents specified in Section 101169(d) below.

- (1) Applicants for licensure of a combination center may file one application.

- (A) Licensees requesting the addition of a toddler component to their preschool or infant care program shall submit an amended application consisting of an Application for a Child Day Care Center License (LIC 200A [12/92]); a program description; a sketch of the center showing where the toddler component will be located; a schedule for outdoor activities; and, if necessary, a fire clearance. The toddler program component is considered an extension of the preschool or infant care license.

- (2) Each separately licensed component of a single program shall be capable of independently meeting the provisions of applicable regulations as determined by the Department.

- (3) The Department has the authority to issue one license to a single program, or to a separately licensed component of a single program, that is located in multiple buildings at a common address.

- (b) Prior to filing an LIC 281A (12/96) and the documents specified in Section 101169(d) below, the applicant shall attend an orientation provided by the Department.

- (1) The orientation shall cover, but not be limited to, the following areas:

- (A) How to complete the application process.  
(B) Scope of child care center operation subject to regulation by the Department.

- (2) A licensee applying for another child care center license need not attend another orientation within two years of completing a previous orientation.

- (3) An applicant applying for more than one child care center license is only required to attend one orientation.

**101169 APPLICATION FOR LICENSE (Continued)** **101169**

- (c) The applicant/licensee shall cooperate with the Department in providing verification and/or documentation as requested by the Department.
  
- (d) The LIC 281A (12/96) and supporting documents shall together contain the following:
  - (1) Name (or proposed name) and address of the child care center.
  
  - (2) Name, and residence and mailing addresses of applicant.
    - (A) If the applicant is a partnership, copies of the partnership agreement and all documents governing the partnership, as well as the name and principal business address of each partner.
  
    - (B) If the applicant is a corporation or association, the name, title and principal business address of each officer, executive director and member of the governing board.
  
    - (C) If the applicant is a corporation that issues stock, the name and address of each person owning more than 10 percent of stock in the corporation.
  
    - (D) If the applicant is a corporation, a copy of the articles of incorporation, the constitution, the bylaws, and the board resolution authorizing the submission of the application.
  
    - (E) If the applicant is a corporation, each member of the board of directors, executive director, and any officer shall list the name of all facilities which they have been licensed to operate, employed by or a member of the board of the directors, executive director or an officer.
  
  - (3) If the applicant is leasing or renting the premises of the child car center, a copy of the lease or rental agreement and the name, address, and telephone number of the property owner.
  
  - (4) The category of child care center to be operated.
  
  - (5) Maximum number of children to be served.
  
  - (6) Age range and the categories of children to be served including, but not limited to, children with disabilities and/or nonambulatory children.
  
  - (7) Hours or periods of operation of the child care center.
  
  - (8) Name of administrator.
  
  - (9) Information required by Health and Safety Code Section 1596.95(d).

**101169 APPLICATION FOR LICENSE (Continued) 101169**

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**HANDBOOK BEGINS HERE**

- (A) Health and Safety Code Section 1596.95(d) provides:

Disclosure of the applicant's prior or present service as an administrator, general partner, corporate officer or director of, or as a person who has held or holds a beneficial ownership of 10 percent or more in any child day care facility or in any facility licensed pursuant to Chapter 1 (commencing with Section 1200) or Chapter 2 (commencing with Section 1250) or Chapter 3 (commencing with Section 1500).

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- (10) Information required by Health and Safety Code Section 1596.95(e).
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- (A) Health and Safety Code Section 1596.95(e) provides in general:

Disclosure of revocation or other disciplinary action taken or in the process of being taken against a license held or previously held by the entities specified in Health and Safety Code Section 1596.95(d) above.

**HANDBOOK ENDS HERE**

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- (11) Name, address and telephone number of the city or county fire departments, the district providing fire protection services, or the State Fire Marshal's office with jurisdiction in the area where the child care center is located.
- (12) A plan of operation as specified in Section 101173.
- (13) Fingerprint cards as specified in Section 101170.
- (14) Requests to check the Child Abuse Registry as required by Health and Safety Code Section 1596.877.

**HANDBOOK BEGINS HERE**

- (A) Health and Safety Code Section 1596.877 provides:
- (1) Prior to granting a license to any individual to or otherwise approving, any family day care home, the department shall check the child abuse and neglect complaint records of the child protective services agency of the county in which the applicant has resided for the two years preceding the application.
  - (2) Prior to granting a license to or otherwise approving any individual to care for children in either a family day care home or a day care center, the department shall check the Child Abuse Registry pursuant to paragraph (3) of subdivision (b) of Section 11170 of the Penal Code.
  - (3) The department shall investigate any reports received from the Child Abuse Registry and investigate any information received from the county child protective services agency. However, child protective services agency information arising from a report designated as "unfounded," as defined pursuant to subdivision (a) of Section 11165.12 of the Penal Code, shall not be included in the investigation. The investigation shall include, but not be limited to, the review of the investigation report and file prepared by the child protective agency which investigated the child abuse report. The department shall not deny a license based upon a report from the Child Abuse Registry or based on child abuse and neglect complaint records of the county child protective services agency unless child abuse is substantiated.

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- (15) A health-screening report on the applicant as specified in Section 101216(g).
- (16) The processing fee for an application as specified in Section 101187.
- (17) Water supply clearance as specified in Section 101172.
- (18) Evidence that the applicant has posted 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).



**101169 APPLICATION FOR LICENSE (Continued) 101169**

- (A) The signs shall provide all of the following information:
1. Protect your child--it is the law.
  2. 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.
  3. 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.
  4. Call your local health department for more information.
- (19) Such other information as may be required pursuant to Health and Safety Code Section 1596.95(h).

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**HANDBOOK BEGINS HERE**

- (A) Health and Safety Code Section 1596.95(h) provides:
- Any other information as may be required by the department for the proper administration and enforcement of this act.

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- (20) Evidence regarding the applicant's reputable and responsible character as required by Health and Safety Code Section 1596.95(b).

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**HANDBOOK BEGINS HERE**

- (A) Health and Safety Code Section 1596.95(b) reads in pertinent part:
- Evidence satisfactory to the department that the applicant is a reputable and responsible character. This evidence shall include, but not be limited to, a criminal record clearance pursuant to Section 1596.871, employment history, and character references. If the applicant is a firm, association, organization, partnership, business trust, corporation, or company, evidence of reputable and responsible character shall be submitted as to the members or shareholders thereof, and the person in charge of the day care center for which application for issuance of license or special permit is made.

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**101169 APPLICATION FOR LICENSE (Continued)** **101169**

- (e) The application shall be signed by the applicant.
  - (1) If the applicant is a partnership, the application shall be signed by each partner.
  - (2) If the applicant is a corporation, county, city, public agency or other governmental entity, the application shall be signed by the chief executive officer or the authorized representative.
- (f) The application shall be filed with the Department's office that serves the geographical area in which the child care center is located.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.81(b), 1596.83, 1596.856, 1596.877, 1596.95, 1569.952(a), 1596.955, and 1596.956, Health and Safety Code.

**101170 CRIMINAL RECORD CLEARANCE** **101170**

- (a) The Department shall conduct a criminal record review of all persons specified in Health and Safety Code Section 1596.871(b). The Department has the authority to approve or deny a facility license, or employment, residence or presence in the facility, based on the results of this review.

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- (1) Section 1596.871(a) of the Health and Safety Code states:

Before issuing a license or special permit to any person to operate or manage a day care facility, the department shall secure from an appropriate law enforcement agency a criminal record to determine whether the applicant or any other person specified in subdivision (b) has ever been convicted of a crime other than a minor traffic violation, or arrested for any crime specified in Section 290 of the Penal Code or arrested for violating Section 245, 273.5 subdivision (b) of Section 273a, or prior to January 1, 1994, paragraph (2) of Section 273a of the Penal Code, or for any crime for which the department cannot grant an exemption if the person was convicted and the person has not been exonerated. That criminal history information shall include the full criminal record, if any, of those persons, and subsequent arrest information pursuant to Section 11105.2 of the Penal Code. No fee shall be charged by the Department of Justice or the department for the fingerprinting of an applicant who will serve six or fewer children or any family day care applicant for a license or for obtaining a criminal record of such an applicant pursuant to this section. The following shall apply to the criminal record information:

- (A) If the California Department of Social Services finds that the applicant or any other person specified in subdivision (b) has been convicted of a crime, other than a minor traffic violation, the application shall be denied, unless the director grants an exemption pursuant to subdivision (f).

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**HANDBOOK CONTINUES**

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**HANDBOOK CONTINUES**

- (B) If the California Department of Social Services finds that the applicant, or any person specified in subdivision (b), is awaiting trial for a crime other than a minor traffic violation, the California Department of Social Services shall cease processing the application until the conclusion of the trial.
  - (C) If no criminal record information has been recorded, the Department of Justice shall provide the applicant and the California Department of Social Services with a statement of that fact.
  - (D) If the California Department of Social Services finds after licensure that the licensee, or any other person specified in paragraph (2) of subdivision (b), has been convicted of a crime other than a minor traffic violation, the license may be revoked, unless the director grants an exemption pursuant to subdivision (f).
  - (E) An applicant and any person specified in subdivision (b) shall submit a second set of fingerprints to the Department of Justice for the purpose of searching the records of the Federal Bureau of Investigation, in addition to the search required by subdivision (a).
- (2) Section 1596.871(b) of the Health and Safety Code provides in part:

In addition to the applicant, this section shall be applicable to criminal convictions of the following persons:

- (A) Adults responsible for administration or direct supervision of staff.
- (B) Any person, other than a child, residing in the facility.
- (C) Any person who provides care and supervision to the children.
- (D) Any staff person, volunteer or employee who has contact with the children.

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- (E) If the applicant is a firm, partnership, association, or corporation, the chief executive officer or other person serving in like capacity, or a person designated by the chief executive officer as responsible for the operation of the facility, as designated by the applicant agency.
  - (F) If the applicant is a local educational agency, the president of the governing board, the school district superintendent, or a person designated to administer the operation of the facility, as designated by the local educational agency.
  - (G) Additional officers of the governing body of the applicant, or other persons with a financial interest in the applicant, as determined necessary by the department by regulation. The criteria used in the development of these regulations shall be based on the person's capability to exercise substantial influence over the operation of the facility.
  - (H) This section does not apply to employees of child care and development programs under contract with the State Department of Education who have completed a criminal records clearance as part of an application to the State Commission on Teacher Credentialing, and who possess a current credential or permit issued by the commission, including employees of child care and development programs that serve both children subsidized under, and children not subsidized under, a California Department of "Education contract." The State Commission on Teacher Credentialing shall notify the department upon revocation of a current credential or permit issued to an employee of a child care and development program under contract with the State Department of Education.
  - (I) This section does not apply to employees of a child care and development program operated by a school district, county office of education, or community college district under contract with the California Department of Education who have completed a criminal records clearance as a condition of employment. The school district, county office of education, or community college district upon receiving information that the status of an employee's criminal record clearance has changed shall submit that information to the department.
- (3) Nothing in this section shall prevent a licensee from requiring a criminal record clearance of any individuals exempt from the requirements under this subdivision.

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**HANDBOOK ENDS HERE**

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## 101170 CRIMINAL RECORD CLEARANCE (Continued)

101170

- (b) The following individuals are exempt from the requirement to submit fingerprints:
- (1) A volunteer who is a relative, legal guardian, or foster parent of a child in the facility.
  - (2) A volunteer that provides time-limited specialized services if all of the following apply:
    - (A) The volunteer is directly supervised by the licensee or a facility employee with a criminal record clearance or exemption.
    - (B) The volunteer spends no more than 16 hours per week at the facility.
    - (C) The volunteer is not left alone with children in care.
  - (3) A volunteer who is a senior citizen if all of the following apply:
    - (A) The senior citizen participates in a Foster Grandparent Program under the authority of the National Senior Service Corps and administered by the Corporation for National Service.
    - (B) The facility has an agreement with the foster grandparent program concerning the placement of the foster grandparent.
    - (C) The foster grandparent is supervised by the licensee or a facility employee with a criminal record clearance or exemption.
    - (D) The foster grandparent is not left alone with children in care.
  - (4) A student who is enrolled or participating at an accredited educational institution if all of the following apply:
    - (A) The student is directly supervised by the licensee or a facility employee with a criminal record clearance or exemption.
    - (B) The facility has an agreement with the educational institution concerning the placement of the student.
    - (C) The student spends no more than 16 hours per week at the facility.
    - (D) The student is not left alone with the children in care.
  - (5) A third-party repair person, or similar retained contractor, if all of the following apply:
    - (A) The individual is hired for a defined, time-limited job.

<b>101170</b>	<b>CRIMINAL RECORD CLEARANCE (Continued)</b>	<b>101170</b>
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- (B) The individual is not left alone with children.
- (C) When children are present in the room in which the repairperson or contractor is working, a staff person who has a criminal record clearance or exemption is also present.
- (6) A medical professional, as defined in Section 101152(m)(1), who holds a valid license or certification from the individual's governing California medical care regulatory entity if all of the following apply:
  - (A) The criminal record of the individual has been cleared as a condition of licensure or certification by the individual's California medical care regulatory entity.
  - (B) The individual is providing time-limited specialized clinical care or services.
  - (C) The individual is providing care or services within the individual's scope of practice.
  - (D) The individual is not a community care facility licensee and is not employed, retained, or contracted by the licensee.
- (7) Employees of a licensed home health agency who have a contract with a child's parent or guardian and are in the facility at the request of that parent or guardian.
  - (A) The exemption shall not apply to an individual who is employed, retained or contracted by the licensee.
- (8) An attendant or facilitator for a child with a developmental disability who is visiting the child or providing direct care and supervision to the child.
  - (A) The exemption shall not apply to an individual who is employed, retained or contracted by the licensee.

**101170 CRIMINAL RECORD CLEARANCE (Continued) 101170**

- (c) Prior to the Department issuing a license, the applicant and the administrator shall obtain a California criminal record clearance or exemption.

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- (1) Section 1596.871(a)(5) of the Health and Safety Code states in part:

An applicant and any person specified in subdivision (b) shall submit a second set of fingerprints to the Department of Justice, for the purpose of searching the records of the Federal Bureau of Investigation, in addition to the search required by subdivision (a). If an applicant meets all other conditions for licensure, except receipt of the Federal Bureau of Investigation's criminal history information for the applicant and persons listed in subdivision (b), the department may issue a license if the applicant and each person described in subdivision (b) has signed and submitted a statement that he or she has never been convicted of a crime in the United States, other than a traffic infraction, as defined in paragraph (1) of subdivision (a) of Section 42001 of the Vehicle Code. If, after licensure, the department determines that the licensee or person specified in subdivision (b) has a criminal record, the license may be revoked pursuant to Health and Safety Code Section 1596.885. The department may also suspend the license pending an administrative hearing pursuant to Health and Safety Code Section 1596.886.

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- (d) All individuals subject to criminal record review shall, be fingerprinted and sign a Criminal Record Statement (LIC 508 [Rev. 1/03]) under penalty of perjury.

- (1) A person signing the LIC 508 must:

(A) Declare whether he/she has been convicted of a crime, other than a minor traffic violation as specified in Section 101170(k) regardless of whether the individual was granted a pardon for the conviction, received an expungement pursuant to Penal Code 1203.4 or the individual's record was sealed as a result of a court order.

(B) If convicted of a crime other than a minor traffic violation as specified in Section 101170(k), provide information regarding the conviction.

- (2) The licensee shall submit these fingerprints to the California Department of Justice, along with a second set of fingerprints for the purpose of searching the records of the Federal Bureau of Investigation, or comply with Section 101170(e)(1), prior to the individual's employment or initial presence in the child care facility.

**101170 CRIMINAL RECORD CLEARANCE (Continued)** **101170**

- (A) Fingerprints shall be submitted to the California Department of Justice by the licensee or sent by electronic transmission to the California Department of Justice by a fingerprinting entity approved by the California Department of Social Services.
- (e) All individuals subject to a criminal record review pursuant to Health and Safety Code Section 1596.871 shall prior to working, residing or volunteering in a licensed facility:
  - (1) Obtain a California clearance or a criminal record exemption as required by the Department 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.
- (f) A licensee or applicant for a license may request a transfer of a criminal record clearance from one state licensed facility to another, or from TrustLine to a state licensed facility by providing the following documents to the Department:
  - (1) A signed Criminal Background Clearance Transfer Request, LIC 9182 (Rev. 4/02).
  - (2) A copy of the individual's driver's license, or
  - (3) A valid identification card issued by Department of Motor Vehicles, or
  - (4) A valid photo identification issued by another state or the United States government if the individual is not a California resident.
  - (5) Any other documentation required by the Department (e.g., LIC 508, Criminal Record Statement [Rev. 1/03] and job description).



**HANDBOOK BEGINS HERE**

- (6) Section 1596.871(h) of the Health and Safety Code states:
  - (A) The California Department of Social Services shall hold criminal records clearances in its active files for a minimum of two years after an employee is no longer employed at a licensed facility in order for the criminal records clearances to be transferred.

**HANDBOOK ENDS HERE**

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- (g) The licensee shall maintain documentation of criminal record clearances or criminal record exemptions of employees in the individual's personnel file as required in Section 101217.
- (h) Violation of Section 101170(e) will result in an immediate assessment of civil penalties of one hundred dollars (\$100) per violation per day for a maximum of five (5) days by the Department.
  - (1) Subsequent violations within a twelve (12) month period will result in a civil penalty of one hundred dollars (\$100) per violation per day for a maximum of thirty (30) days.
  - (2) The Department may assess civil penalties for continued violations as permitted by Health and Safety Code Section 1596.99.
- (i) Violation of Section 101170(e) may result in a denial of the license application or suspension and/or revocation of the license.
- (j) The licensee shall maintain documentation of criminal record clearances or criminal record exemptions of volunteers that require fingerprinting.
  - (1) Documentation shall be available for inspection by the Department.
- (k) If the criminal record transcript of any of the individuals specified in Health and Safety Code Section 1596.871(b) discloses a plea or verdict of guilty, or a conviction following a plea of nolo contendere, for any crime other than a minor traffic violation for which the fine was less than \$300 and an exemption pursuant to Section 101170.1(a) has not been granted, the Department shall take the following actions:
  - (1) For initial applicants, denial of the application.
  - (2) For current licensees, the Department may institute an administrative action, including, but not limited to, revocation of the license.
  - (3) For current employees, exclude the affected individual pursuant to Health and Safety Code Section 1596.8897, and deny the application or revoke the license, if the individual continues to provide services and/or reside at the facility.

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<b>101170</b>	<b>CRIMINAL RECORD CLEARANCE (Continued)</b>	<b>101170</b>
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- | (l) The Department may seek verification from a law enforcement agency or court of an individual's criminal record as reported to the Department from any member of the public or affected individual.
  - (1) Upon obtaining confirmation from a law enforcement agency or court of the offense, the Department shall proceed as if this criminal record information was provided by the California Department of Justice.
  
- | (m) (Reserved)

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**101170 CRIMINAL RECORD CLEARANCE (Continued)** **101170**

(n) If the Department determines that any licensee or individual specified in Health and Safety Code Section 1596.871(b) is arrested for a crime for which, if convicted, an individual is not eligible, by law, to receive an exemption, pending completion of its investigation into the facts underlying the arrest, the Department may take the following actions:

- (1) If the arrested individual is a licensee, the Department may notify the licensee, by telephone or in writing, to immediately cease operation for up to 30 days.
- (2) If the individual arrested is not a licensee, the Department may notify the licensee and the individual associated with the facility, by telephone or in writing, that the individual may not be present in the facility for up to 30 days.

(o) After the Department notifies the licensee, pursuant to Section 101170(o)(1), or the individual pursuant to Section 101170(o)(2), he or she may present a written appeal that:

- (1) he or she is not the individual who was arrested,
- (2) he or she has not been arrested for a crime that by law an individual is not eligible to receive an exemption, or
- (3) he or she was arrested for a crime that by law an individual is not eligible to receive an exemption but the charges have been dropped or reduced to a crime that by law an individual would be eligible to receive an exemption.

The appeal shall contain the licensee's or individual's current address and telephone number. After the Department receives the appeal and any supporting documentation, it shall review the appeal and notify the licensee or individual of its decision within five (5) working days.

(p) Should the Department determine at any time during the 30 days referred to in Sections 101170(o)(1) and (o)(2) that the criminal charges have been dropped or reduced to a charge for a crime that by law an individual would be eligible to receive an exemption, the Department shall immediately rescind the notice.

(q) Nothing in this section shall be interpreted to supercede the Department's authority under Sections 1596.886 and 1596.8897 of the Health and Safety Code.

NOTE: Authority cited: Sections 1596.81 and 1596.98(c), Health and Safety Code. Reference: Sections 1596.81(b), 1596.871, and 1596.99, Health and Safety Code.

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**101170.1 CRIMINAL RECORD EXEMPTION** **101170.1**

- (a) The Department will notify a licensee to act immediately to terminate the employment of, remove from the facility or bar from entering the facility any person described in Sections 101170.1(a)(1) through (5) below while the Department considers granting or denying an exemption. Upon notification, the licensee shall comply with the notice.
- (1) Any person who has been convicted of, or is awaiting trial for, a sex offense against a minor;
  - (2) Any person who has been convicted of a felony;
  - (3) Any person who has been convicted of an offense specified in Sections 243.4, 273a, 273d, 273g, or 368 of the Penal Code or any other crime specified in Health and Safety Code Section 1596.871(c)(2);
  - (4) Any person who has been convicted of any crime specified below:
    - (A) Battery
    - (B) Shooting at Inhabited Dwelling
    - (C) Corporal Injury on Spouse/Cohabitant
    - (D) Discharging Firearm with Gross Negligence
    - (E) Exhibiting Weapon/Firearm
    - (F) Threat to Commit a Crime Resulting in Gross Bodily Injury or Death
    - (G) Criminal Threat to Harm or Injure Another Person
    - (H) Cruelty to Animals
    - (I) Willful Harm or Injury to Child; or
  - (5) Any other person ordered to be removed by the Department.
- (b) In addition to the requirements of Section 101170.1(a), the licensee must return the confirmation of removal form that is sent by the Department, within five (5) days of the date of the form, that confirms under penalty of perjury that the individual has been removed from the facility.
- (1) Confirmation must be made on either a Removal Confirmation – Exemption Needed, LIC 300A (Rev. 9/03), Removal Confirmation - Denial, LIC 300B (Rev. 9/03), Removal Confirmation - Rescinded, LIC 300C (Rev. 9/03), or Removal Confirmation - Nonexemptible, LIC 300D (Rev. 9/03).

**101170.1 CRIMINAL RECORD EXEMPTION (Continued)** **101170.1**

- (c) After a review of the criminal record transcript, the Department may grant an exemption if:
- (1) The applicant/licensee requests an exemption for himself or herself, or
  - (2) The applicant/licensee requests an exemption in writing for an individual associated with the facility, or
  - (3) The applicant/licensee chooses not to seek an exemption on the affected individual's behalf, the affected individual requests an individual exemption in writing, and
  - (4) The affected individual presents substantial and convincing evidence satisfactory to the Department that he/she has been rehabilitated and presently is of such good character as to justify being issued or maintaining a license, employment or residence in a licensed facility.
- (d) To request a criminal record exemption, a licensee or license applicant must submit information that indicates that the individual meets the requirements of Section 101170.1(c)(4). The Department will notify the licensee or license applicant and the affected individual, in concurrent, separate notices, that the affected individual has a criminal conviction and needs to obtain a criminal record exemption.
- (1) The notice to the affected individual shall include a list of the conviction(s) that the Department is aware of at the time the notice is sent that must be addressed in an exemption request.
  - (2) The notice will list the information that must be submitted to request a criminal record exemption.
  - (3) The information must be submitted within forty-five (45) days of the date of the Department's notice.
    - (A) Individuals who submit a criminal record exemption request shall cooperate with the Department by providing any information requested by the Department, including, but not limited to, police reports and certified court documents to process the exemption request, pursuant to Section 101170.1(e).
    - (B) If the individual for whom the criminal record exemption is requested is an employee or resident other than a spouse or dependent family member and the licensee/license applicant does not submit the information listed in the Department's written notice within 45 days of the date of the notice, the Department may cease processing the exemption request and close the case.
    - (C) If the individual for whom the criminal record exemption is requested is an applicant, licensee, spouse or dependent family member and the licensee/license applicant does not submit the information listed in the Department's written notice within 45 days of the date of the notice, the Department may deny the exemption request.



**101170.1 CRIMINAL RECORD EXEMPTION (Continued)** **101170.1**

- (D) Individuals may request a criminal record exemption on their own behalf if the licensee or license applicant:
  - 1. Chooses not to request the exemption and
  - 2. Chooses not to employ or terminates the individual’s employment after receiving notice of the individual’s criminal history, or
  - 3. Removes the individual who resides in the facility after receiving notice of the individual’s criminal history.
  
- (e) The Department shall consider factors including, but not limited to, the following as evidence of good character and rehabilitation:
  - (1) The nature of the crime including, but not limited to, whether it involved violence or a threat of violence to others.
  - (2) Period of time since the crime was committed and number of offenses.
  - (3) Circumstances surrounding the commission of the crime that would demonstrate the unlikelihood of repetition.
  - (4) Activities since conviction, including employment or participation in therapy or education, that would indicate changed behavior.
  - (5) A full and unconditional pardon granted by the Governor.
  - (6) Character references.
    - (A) All character references shall be on a Reference Request form (LIC 301E – Exemptions [Rev. 7/03]).
  - (7) A certificate of rehabilitation from a superior court.
  - (8) Evidence of honesty and truthfulness as revealed in exemption application documents.
    - (A) Documents include, but are not limited to:
      - 1. A Criminal Record Statement (LIC 508, Criminal Record Statement [Rev. 1/03]) and
      - 2. The individual’s written statement/explanation of the conviction and the circumstances about the arrest.

**101170.1 CRIMINAL RECORD EXEMPTION (Continued)** **101170.1**

- (9) Evidence of honesty and truthfulness as revealed in exemption application interviews and conversations with the Department.
- (f) The Department shall also consider the following factors in evaluating a request for an exemption:
  - (1) Facility and type of association.
  - (2) The individual's age at the time the crime was committed.
- (g) The Department may deny the individual's exemption request if:
  - (1) The individual fails to provide documents requested by the Department, or
  - (2) The individual fails to cooperate with the Department in the exemption process.
- (h) The reasons for any exemption granted or denied shall be in writing and shall be kept by the Department.
  - (1) Exemption denial notices shall specify the reason the exemption was denied.
- (i) The Department has the authority to grant a criminal record exemption that places conditions on the individual's continued licensure, and employment or presence in a licensed facility.
- (j) It shall be conclusive evidence that the individual is not of such good character as to justify issuance of an exemption if the individual:
  - (1) Makes a knowingly false or misleading statement regarding:
    - (A) Material relevant to their application for a criminal record clearance or exemption,
    - (B) His or her criminal record clearance or exemption status to obtain employment or permission to be present in a licensed facility, after the Department has ordered that they be excluded from any or all licensed facilities, or
    - (C) His or her criminal record clearance or exemption status in order to obtain a position with duties that are prohibited to him/her by a conditional exemption; or
  - (2) Is on probation or parole.
    - (A) If the individual is currently on probation, and provides sufficient proof that the probationary period(s) is informal, unsupervised and no probation officer is assigned, the Department may, in its discretion, grant a criminal record exemption notwithstanding Section 101170.1(j)(2).

**101170.1 CRIMINAL RECORD EXEMPTION (Continued)****101170.1**

- (k) The Department shall consider granting a criminal record exemption for an individual when the individual's criminal record history meets all of the applicable criteria specified in Sections 101170.1(k)(1) through (6) and the individual provides the Department with substantial and convincing evidence of good character as specified in Section 101170.1(c)(4). For purposes of this section, a violent crime is a crime that, upon evaluation of the code section violated and/or the reports regarding the underlying offense, presents a risk of harm or violence.
- (1) The individual has been convicted of one nonviolent misdemeanor, and one year has lapsed since completing the most recent period of incarceration or probation.
  - (2) The individual has been convicted of two or more nonviolent misdemeanors and four consecutive years have lapsed since completing the most recent period of incarceration, probation or parole, whichever is latest.
  - (3) The individual has been convicted of one or more violent misdemeanors and 15 consecutive years have lapsed since completing the most recent period of incarceration, probation or parole, whichever is latest.
  - (4) The individual has been convicted of one nonviolent felony and four consecutive years have lapsed since completing the most recent period of incarceration, probation or parole, whichever is latest.
  - (5) The individual has been convicted of two or more nonviolent felonies and ten consecutive years have lapsed since completing the most recent period of incarceration, probation or parole, whichever is latest.
  - (6) The individual has not been convicted of a violent felony.
  - (7) If the individual is currently on probation, and provides sufficient proof that the probationary period(s) is informal, unsupervised and no probation officer is assigned, the period of lapsed time required in Section 101170.1(k)(1) through (5) above shall begin from the last date of conviction(s).
- (l) It shall be a rebuttable presumption that an individual is not of such good character as to justify the issuance of an exemption if the individual fails to meet the requirements specified in Sections 101170.1(k)(1) through (6).
- (m) The Department shall not grant an exemption if the individual has a conviction for any offense specified in Section 1596.871(f) of the Health and Safety Code.

**HANDBOOK BEGINS HERE**

Health and Safety Code Section 1596.871(f) provides that no exemption shall be granted if an individual has been convicted of any of the following offenses:

- (1) Penal Code Sections 136.1 and 186.22 – Gang related/Intimidation of witnesses or victims.
- (2) Penal Code Sections 187, 190 through 190.4 and 192(a) – Any murder/Attempted murder/Voluntary manslaughter.
- (3) Penal Code Section 203 – Any mayhem.
- (4) Penal Code Section 206 - Felony torture.
- (5) Penal Code Sections 207, 208, 209, 209.5, 210 – Kidnapping.
- (6) Penal Code Sections 211, 212.5, 213, 214 – Any robbery.
- (7) Penal Code Section 215 – Carjacking.
- (8) Penal Code Section 220 – Assault with intent to commit mayhem, rape, sodomy or oral copulation.
- (9) Penal Code Section 243.4 – Sexual battery.
- (10) Penal Code Section 261(a), (a)(1), (2), (3), (4) or (6) – Rape.
- (11) Penal Code Section 262(a)(1) or (4) – Rape of a spouse.
- (12) Penal Code Section 264.1 – Rape in concert.
- (13) Penal Code Section 266 – Enticing a minor into prostitution.
- (14) Penal Code Section 266c – Induce to sexual intercourse, etc. by fear or consent through fraud.
- (15) Penal Code Section 266h(b) – Pimping a minor.
- (16) Penal Code Section 266i(b) – Pandering a minor.

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**HANDBOOK CONTINUES**

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- (17) Penal Code Section 266j – Providing a minor under 16 for lewd or lascivious act.
- (18) Penal Code Section 267 – Abduction for prostitution.
- (19) Penal Code Section 269 – Aggravated assault of a child.
- (20) Penal Code Section 272 – Contributing to the delinquency of a minor (must involve lewd or lascivious conduct).
- (21) Penal Code Sections 273a(a) [or 273a(1) if the conviction was prior to January 1, 1994] – Willfully causing or permitting any child to suffer under circumstances or conditions likely to produce great bodily harm or death.
- (22) Penal Code Section 273d – Willfully inflicting any cruel or inhuman corporal punishment or injury on a child.
- (23) Penal Code Section 285 – Incest.
- (24) Penal Code Section 286 – Sodomy.
- (25) Penal Code Section 288 – Lewd or lascivious act upon a child under 14.
- (26) Penal Code Section 288a – Oral copulation.
- (27) Penal Code Section 288.2 – Felony conviction for distributing lewd material to children.
- (28) Penal Code Section 288.5(a) – Continuous sexual abuse of a child.
- (29) Penal Code Section 289 – Genital or anal penetration or abuse by any foreign or unknown object.
- (30) Penal Code Section 290(a) – All crimes for which one must register as a sex offender including attempts and not guilty by insanity.
- (31) Penal Code Section 311.2(b), (c) or (d) – Transporting or distributing child-related pornography.
- (32) Penal Code Section 311.3 – Sexual exploitation of a child.

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**HANDBOOK CONTINUES**

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- (33) Penal Code Section 311.4 – Using a minor to assist in making or distributing child pornography.
- (34) Penal Code Section 311.10 – Advertising or distributing child pornography.
- (35) Penal Code Section 311.11 – Possessing child pornography.
- (36) Penal Code Sections 314 paragraphs 1 or 2 – Lewd or obscene exposure of private parts.
- (37) Penal Code Section 347(a) – Poisoning or adulterating food, drink, medicine, pharmaceutical products, spring, well, reservoir or public water supply.
- (38) Penal Code Section 368 – Elder or dependent adult abuse.
- (39) Penal Code Section 417(b) – Drawing, exhibiting or using a loaded firearm.
- (40) Penal Code Section 451(a) or (b) – Arson.
- (41) Penal Code Section 460(a) – First degree burglary if it is charged and proved that a non-accomplice was present in the residence during the burglary.
- (42) Penal Code Sections 186.22 and 518 – Gang related/Extortion.
- (43) Penal Code Section 647.6 or prior to 1988 former Section 647a – Annoy or molest a child under 18.
- (44) Penal Code Section 653f(c) – Solicit another to commit rape, sodomy, etc.
- (45) Penal Code Sections 664/187 – Any attempted murder.
- (46) Penal Code Section 667.5(c)(7) – Any felony punishable by death or imprisonment in the state prison for life.
- (47) Penal Code Section 667.5(c)(8) – Enhancement for any felony which inflicts great bodily injury.
- (48) Penal Code Section 667.5(c)(13) – Enhancement for violation of Penal Code Section 12308, 12309 or 12310 – Exploding or igniting or attempting to explode or ignite any destructive device or explosive with intent to commit murder.
- (49) Penal Code Section 667.5(c)(14) - Any kidnapping – Penal Code Sections 207, 208, 209, 209.5 and 210.

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**HANDBOOK CONTINUES**

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**101170.1 CRIMINAL RECORD EXEMPTION (Continued)** **101170.1**

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**HANDBOOK CONTINUES**

- (50) Penal Code Section 667.5(c)(22) - Any violation of Penal Code Section 12022.53 – Enhancement for listed felonies where use of a firearm.
  
- (51) Penal Code Section 667.5(c)(23) – Use of weapon of mass destruction.
  
- (52) Business and Professions Code Section 729 – Felony sexual exploitation by a physician, psychotherapist, counselor, etc.

**HANDBOOK ENDS HERE**

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- (n) The Department shall consider granting a simplified criminal record exemption if the individual has the criminal history profile outlined in Sections 101170.1(n)(1) through (4) below:
  - (1) The individual does not have a demonstrated pattern of criminal activity;
  - (2) The individual has no more than one conviction;
  - (3) The conviction is a misdemeanor and is a crime that is nonviolent and does not pose a risk of harm to an individual; and
  - (4) It has been at least five consecutive years since the completion of the most recent period of incarceration or supervised probation.
  
- (o) At the Department’s discretion, an individual who is otherwise eligible for a simplified exemption may be required to go through the standard exemption process if the Department determines such action will help to protect the health and safety of clients.
  
- (p) If the Department denies or cannot grant a criminal record exemption the Department shall:
  - (1) For initial applicants, deny the application.
  - (2) For current licensees, the Department may institute an administrative action, including, but not limited to, revocation of the license.
  - (3) For current employees, exclude the affected individual pursuant to Health and Safety Code Section 1596.8897, deny the application or revoke the license, if the individual continues to provide services and/or reside at the facility.

**101170.1 CRIMINAL RECORD EXEMPTION (Continued)** **101170.1**

- (4) For individuals residing in the facility, including spouses of the applicant or the licensee, exclude the affected individual pursuant to Health and Safety Code Section 1596.8897, deny the application or revoke the license, if the individual continues to provide services and/or reside at the facility.
  
- (q) If a request for an exemption has been denied, the individual shall be excluded for a period of two years unless the individual has been convicted of a crime for which no exemption may be granted pursuant to Section 101170.1(m). If a request for an exemption has been denied based on a conviction of a crime for which no exemption may be granted, the individual shall be excluded for the remainder of the individual's life.
  - (1) If the Department determines during the review of an exemption request, that the individual was denied an exemption for a conviction of a crime for which an exemption may be granted within the preceding two years, the Department shall cease any further review of the request until two years have elapsed from the date of the denial. In cases where the individual requested a hearing on an exemption denial, the Department shall cease review of the request for an exemption until two years from the effective date of the decision and order of the Department upholding the denial. In cases where the individual submitted a petition for reinstatement or reduction in penalty pursuant to Government Code Section 11522 that was denied, the Department shall cease review of the request for an exemption until two years from the effective date of the decision and order of the Department denying the petition.
  - (2) An exclusion order based solely upon a denied exemption shall remain in effect and the individual shall not be employed in or present in a licensed facility or certified home, unless either a petition or an exemption is granted.
  - (3) If an individual who has previously been denied an exemption re-applies after the relevant time period described in Section 101170.1(q)(1) above, the Department may, according to the provisions in Section 101170.1 et seq., grant or deny the subsequent request for an exemption.
  - (4) If an individual submits a petition pursuant to Government Code Section 11522 for reinstatement or reduction of penalty for an exclusion, an individual must submit his/her fingerprints through an electronic fingerprinting system approved by the Department and submit to the Department a statement of the reason why the individual should be permitted to work or be present in a facility, along with all information required of an individual requesting a criminal record exemption as provided in Section 101170.1. If it is determined, based upon information provided by the Department of Justice, that the individual has been convicted of a crime for which no exemption may be granted, the petition shall be denied. An individual's failure to submit fingerprints or other information as requested by the Department, shall be grounds for denial of the petition. The burden shall be on the petitioner to prove sufficient rehabilitation and good character to justify the granting of the petition.



**101170.1 CRIMINAL RECORD EXEMPTION (Continued)** **101170.1**

- (r) A licensee or applicant for a license may request a transfer of a criminal record exemption from one state licensed facility to another by providing the following documents to the Department:
- (1) A signed Criminal Record Exemption Transfer Request, LIC 9188 (Rev. 9/03).
  - (2) A copy of the individual's:
    - (A) Driver's license, or
    - (B) Valid identification card issued by the Department of Motor Vehicles, or
    - (C) Valid photo identification issued by another state or the United States Government if the individual is not a California resident.
  - (3) Any other documentation required by the Department (e.g., LIC 508, Criminal Record Statement [Rev. 1/03] and job description).
- (s) The Department may consider factors including, but not limited to, the following in determining whether or not to approve the transfer of an exemption from one facility to another:
- (1) The basis on which the Department granted the exemption;
  - (2) The nature and frequency of client contact in the new position;
  - (3) The category of facility where the individual wishes to transfer;
  - (4) The type of clients in the facility where the individual wishes to transfer;
  - (5) Whether the exemption was appropriately evaluated and granted in accordance with existing exemption laws or regulations; or
  - (6) Whether the exemption meets current exemption laws or regulations.
- (t) If the Department denies the individual's request to transfer a criminal record exemption, the Department shall provide the individual and the licensee with written notification that states the Department's decision and informs the affected individual of their right to an administrative hearing to contest the Department's decision.

**101170.1 CRIMINAL RECORD EXEMPTION (Continued)** **101170.1**

- (u) At the Department's discretion, an exemption may be rescinded if it is determined that:
  - (1) The exemption was granted in error or
  - (2) The exemption does not meet current exemption laws or regulations or
  - (3) The conviction for which an exemption was granted subsequently becomes non-exemptible by law.
  
- (v) The Department may rescind an individual's criminal record exemption if the Department obtains evidence showing that the individual engaged in conduct which is inconsistent with the good character requirement of a criminal record exemption, as evidenced by factors including, but not limited to, the following:
  - (1) Violations of licensing laws or regulations;
  - (2) Any conduct by the individual that indicates that the individual may pose a risk to the health and safety of any individual who is or may be a client;
  - (3) Nondisclosure of a conviction or evidence of lack of rehabilitation that the individual failed to disclose to the Department, even if it occurred before the exemption was issued; or
  - (4) The individual is convicted of a subsequent crime.
  
- (w) If the Department rescinds an exemption the Department shall:
  - (1) Notify the licensee and the affected individual in writing; and
  - (2) Initiate an administrative action.
  
- (x) If the Department learns that an individual has been convicted of a crime after obtaining a criminal record clearance or exemption, the Department, at its sole discretion, may initiate an administrative action to protect the health and safety of clients.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.81(b), 1596.871, 1596.885, and 1596.8897, Health and Safety Code, and Gresher v. Anderson. (2005) 127 Cal. App. 4th 88.

**101170.2 CHILD ABUSE CENTRAL INDEX** **101170.2**

- (a) Prior to granting a license for a child care center, the Department shall conduct a Child Abuse Central Index (CACI) review pursuant to Health and Safety Code Section 1596.877 and Penal Code Section 11170(b)(3). The Department shall check the CACI for the applicant(s) and all individuals subject to a criminal record review, pursuant to Health and Safety Code Section 1596.871(a) and shall have the authority to approve or deny a facility license, employment, or presence in the facility based on the results of the review.
  - (1) The applicant shall submit the Child Abuse Central Index checks (LIC 198A [3/99]) for all individual's required to be checked directly to the California Department of Justice at the same time that the individual's fingerprints are submitted for a criminal background check as required by Section 101170(a).
    - (A) Individuals who have submitted the Child Abuse Central Index check (LIC 198A [3/99]) with fingerprints on or after January 1, 1999 need not submit a new check if the individual can transfer their criminal record clearance or exemption pursuant to Section 80019(e) or Section 80019.1(f).
  - (2) The Department shall investigate any reports received from the CACI. The investigation shall include, but not be limited to, the review of the investigation report and file prepared by the child protective agency that investigated the child abuse report. The Department shall not deny a license based upon a report from the CACI unless the Department substantiates the allegation of child abuse.
- (b) Subsequent to licensure, all individuals subject to a criminal record review, pursuant to Health and Safety Code Section 1596.871, shall complete a Child Abuse Central Index check (LIC 198A [3/99]) prior to employment or initial presence in the child care facility.
  - (1) The licensee shall submit the Child Abuse Central Index checks (LIC 198A [Rev. 3/99]) directly to the California Department of Justice at the same time that the individual's fingerprints are submitted for a criminal background check as required by Section 101170(d).
    - (A) Individuals who have submitted the Child Abuse Central Index check (LIC 198A [3/99]) with fingerprints on or after January 1, 1999 need not submit a new check if the individual can transfer their criminal record clearance or exemption pursuant to Section 80019(e) or Section 80019.1(f).

**101170.2 CHILD ABUSE CENTRAL INDEX** **101170.2**

- (2) The Department shall check the Child Abuse Central Index (CACI) pursuant to Penal Code Section 11170(b)(3). The Department shall investigate any reports received from the CACI. The investigation shall include, but not be limited to, the review of the investigation report and file prepared by the child protective agency that investigated the child abuse report. The Department shall not deny a license or take any other administrative action based upon a report from the CACI unless the Department substantiates the allegation of child abuse.
  
- (3) The Department shall investigate any subsequent reports received from the CACI. The investigation shall include, but not be limited to, the review of the investigation report and file prepared by the child protective agency that investigated the child abuse report. The Department shall not revoke a license or take any other administrative action based upon a report from the CACI unless the Department substantiates the allegation of child abuse.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.81(b) and 1596.871, Health and Safety Code.

**101171 FIRE CLEARANCE** **101171**

- (a) All child care centers shall secure and maintain a fire clearance approved by the city or county fire department, the district providing fire protection services, or the State Fire Marshal.
  - (1) The request for fire clearance shall be made through and maintained by the Department.
- (b) The applicant shall notify the Department if the child care center plans to enroll children who are nonambulatory, as defined in Section 101152n.(1), so that an appropriate fire clearance, approved by the city or county fire department, the district providing fire protection services, or the State Fire Marshal can be obtained prior to the acceptance of such children.

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**HANDBOOK BEGINS HERE**

- (1) Persons who use supportive restraints pursuant to Section 101223.1 are nonambulatory.

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**HANDBOOK ENDS HERE**

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NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.809, 1596.81, 1596.95 and 1597.95, Health and Safety Code.

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<b>101172</b>	<b>WATER SUPPLY CLEARANCE</b>	<b>101172</b>
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(a) All child care centers where water for human consumption is from a private source shall meet the following requirements:

(1) As a condition of initial licensure, the applicant shall provide evidence of an onsite inspection of the source of the water and a bacteriological analysis that establishes the safety of the water. The inspection and the bacteriological analysis shall be conducted by the local health department, the California Department of Health Services or a licensed commercial laboratory.

(2) Subsequent to initial licensure, the licensee shall provide evidence of a bacteriological analysis of the private water supply as frequently as is necessary to ensure the safety of the children, but no less frequently than specified in the following table:

<b>LICENSED CAPACITY</b>	<b>ANALYSIS REQUIRED</b>	<b>PERIODIC SUBSEQUENT ANALYSIS</b>
6 or fewer	Initial licensing	Not required unless evidence supports the need for such analysis to protect children.
7 through 15	Initial licensing	Annually
16 through 24	Initial licensing	Semiannually
25 or more	Initial licensing	Quarterly

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81, 1596.95 and 1597.05, Health and Safety Code.

**101173**     **PLAN OF OPERATION** **101173**

- (a) Each licensee shall have and keep on file a current written, definitive plan of operation. A copy of the plan shall be submitted to the Department with the license application.
- (b) The plan and related materials shall contain the following:
  - (1) Statement of purposes, and program methods and goals.
  - (2) Statement of admission policies and procedures.
  - (3) A copy of the admission agreement.
  - (4) Administrative organization, if applicable.
  - (5) Staffing plan, qualifications and duties, if applicable.
  - (6) Plan for in-service education of staff if required by regulations governing the specific child care center category.
  - (7) A sketch of the building(s) to be occupied, including a floor plan that describes the capacities of the buildings and the uses intended, the room dimensions, and the rooms to be used for nonambulatory children; and a sketch of the grounds that shows buildings, driveways, fences, storage areas, pools, gardens, recreation areas and other space used by the children. All sketches shall show dimensions.
  - (8) Sample menus and a schedule for one calendar week indicating the time of day that meals and snacks are to be served.
  - (9) Transportation arrangements provided by the applicant/licensee for children who do not have independent arrangements.
  - (10) Rate-setting policy including, but not limited to, a policy on refunds.
  - (11) Consultant and community resources to be utilized by the child care center as part of its program.
- (c) Any proposed changes in the plan of operation that affect services to children shall be subject to departmental approval prior to implementation and shall be reported as specified in Section 101212.
- (d) The child care center shall operate in accordance with the terms specified in the plan of operation.

NOTE: Authority cited: Section 1596.81, Health and Safety Code: Reference: Sections 1596.72, 1596.73, 1596.81, 1596.95 and 1597.05, Health and Safety Code.



**101174 DISASTER AND MASS CASUALTY PLAN 101174**

- (a) Each licensee shall have a disaster and mass casualty plan of action. The plan shall be in writing and shall be readily available.
- (b) The plan shall be subject to review by the Department and shall include:
  - (1) Designation of administrative authority and staff assignments.
  - (2) Contingency plans for action during fires, floods and earthquakes including, but not limited to, the following:
    - (A) Fire safety plan.
    - (B) Means of exiting.
    - (C) Transportation arrangements.
    - (D) Relocation sites that are equipped to provide safe temporary accommodations for children.
    - (E) Supervision of children during evacuation or relocation, and contact after relocation to ensure that relocation has been completed as planned.
    - (F) Means of contacting local agencies, including but not limited to the fire department, law enforcement agencies, and civil defense and other disaster authorities.
  - (3) Any special methods and procedures necessary for the evacuation and relocation of nonambulatory children.
- (c) The licensee shall instruct all children, age and abilities permitting, and all child care personnel, including volunteers, in their duties and responsibilities under the plan.
- (d) Disaster drills shall be conducted at least every six months.
  - (1) Completion of such drills shall not require travel away from the child care center grounds or contact with local disaster agencies.
  - (2) The drills shall be documented. This documentation shall be kept in the child care center for at least one year.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81, 1596.95 and 1597.05, Health and Safety Code.

**101175 WAIVERS AND EXCEPTIONS FOR PROGRAM FLEXIBILITY 101175**

- (a) Unless the licensee receives prior written departmental approval for a waiver or an exception as specified in (b) below, the licensee shall maintain continuous compliance with all licensing regulations.
- (b) The Department has the authority to approve the use of alternate concepts, programs, services, procedures, techniques, equipment, space, personnel qualifications or staffing ratios, or the conduct of experimental or demonstration projects, under the following circumstances:
  - (1) Such alternatives shall be carried out with provisions for safe and adequate services, and shall in no instance be detrimental to the health and safety of any child in care.
  - (2) The applicant or licensee shall submit to the Department a written request for a waiver or an exception and substantiating evidence supporting the request.
  - (3) Within 30 days of the receipt of a request for a waiver or an exception, the Department shall notify the applicant or licensee in writing of the approval or denial of the request, or of the need for additional information to substantiate the request.
    - (A) The licensee shall maintain and make available for review, at the child care center, a copy of the written approval or denial.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

**101178 APPLICATION REVIEW 101178**

- (a) If the applicant has not submitted all materials specified in Section 101169 within 90 days of the Department's receipt of the application, the Department shall notify the applicant in writing that the application is incomplete. This notice shall describe the materials that the applicant must submit to complete the application.
  - (1) If the applicant does not complete the application within 30 days after such notice, the application shall be deemed withdrawn provided that the Department has not denied or taken action to deny the application.
    - (A) The above requirement shall not apply to child care centers under construction.
- (b) The Department shall cease review of any application under the conditions specified in Health and Safety Code Section 1596.851.

**HANDBOOK BEGINS HERE**

- (1) Health and Safety Code Section 1596.851 provides:
  - (a) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this act or under Chapter 1 (commencing with Section 1200) or Chapter 2 (commencing with Section 1250) or Chapter 3 (commencing with Section 1500), or Chapter 3.3 (commencing with Section 1569) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years shall have elapsed from the date of the revocation. Cessation of review shall not constitute a denial of the application.
  - (b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in subdivision (a) and the application was denied within the last year, the department shall cease further review of the application under either of the following circumstances as follows:
    - (1) In cases where the applicant petitioned for a hearing, the department shall cease further review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.
    - (2) In cases where the department informed the applicant of his or her right to petition for a hearing as specified in Section 1596.879 and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

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**HANDBOOK CONTINUES**

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**HANDBOOK CONTINUES**

The department may continue to review the application if it has determined that the reasons for the denial of the application were due to circumstances and conditions which have been corrected or are no longer in existence. The cessation of review shall not constitute a denial of the application.

**HANDBOOK ENDS HERE**

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- (2) The circumstances and conditions under which the Department may continue to review a previously denied application shall include, but not be limited to, the following:
  - (A) A fire clearance previously denied but now approved;
  - (B) An administrator who previously did not meet the minimum qualifications but now does; or
  - (C) A person with a criminal record previously associated with the center, which was the basis for license denial, but who is now no longer associated with the center.
- (3) This review shall not constitute approval of the application.
- (4) If the Department ceases review of an application, the application shall be returned to the applicant. The applicant shall be responsible for requesting the Department to resume reviewing the application pursuant to Health and Safety Code Section 1596.851.

- | (c) The application fee is nonrefundable.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.83, 1596.851 and 1596.95, Health and Safety Code.

<b>101179</b>	<b>CAPACITY DETERMINATION</b>	<b>101179</b>
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- (a) A license shall be issued for a specific capacity, which shall be the maximum number of children that can be cared for at any given time. The Department may issue a license for fewer children than requested.
- (b) The number of children for which the child care center is licensed to provide care and supervision shall be determined on the basis of the Department's application review, which shall take into consideration the following:
  - (1) The fire clearance specified in Section 101171.
  - (2) The licensee's/administrator's ability to comply with applicable laws and regulations.
  - (3) Physical features of the child care center, including available space, that are necessary to comply with this chapter.
  - (4) Number of available staff to meet the care and supervision needs of the children.
  - (5) Any restrictions pertaining to the specific category of child care center.
- (c) When the license is issued for fewer children than requested, the licensee shall be notified in writing of the reasons for the limitation and of the licensee's rights to appeal the decision as specified in Section 101205.
- (d) The Department has the authority to decrease existing licensed capacity with the licensee's agreement, when there is a change in any of the factors specified in (b) above.
  - (1) If the licensee does not agree to the decrease in capacity, the Department has the authority to initiate revocation action as specified in Section 101206.
- (e) The Department is authorized to restrict care to specific individuals.
  - (1) If care and supervision are limited to specific individuals, the Department shall specify the names of the individuals in a letter to the licensee.
  - (2) Except where the limitation is requested by the licensee, the licensee shall be notified in writing of the reasons for such limitation and of the licensee's right to appeal the decision as specified in Section 101205.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

**101180 WITHDRAWAL OF APPLICATION** **101180**

- (a) An applicant may withdraw an application for a license.
  - The withdrawal of the application shall be in writing.
    - (1) The fee for processing the application shall be forfeited.
- (b) As specified in Health and Safety Code Section 1596.854, the Department has the authority to take action against an applicant even if the applicant has withdrawn an application for a license.

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**HANDBOOK BEGINS HERE**

Health and Safety Code Section 1596.854 provides in part:

The withdrawal of an application for a license ... after it has been filed with the department shall not, unless the department consents in writing to the withdrawal, deprive the department of its authority to institute or continue a proceeding against the applicant for the denial of the license ... upon any ground provided by law or to enter an order denying the license ... upon any such ground.

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NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.803 and 1596.854, Health and Safety Code.

**101181 PROVISIONAL LICENSE** **101181**

- (a) The Department has the authority to issue a provisional license pursuant to Health and Safety Code Sections 1596.84 and 1596.96 provided the child care center is in substantial compliance with applicable laws and regulations, as defined in Section 101152s.(4), and has submitted a completed application as specified in Section 101152c.(8).

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**HANDBOOK BEGINS HERE**

- (1) Health and Safety Code Section 1596.84 reads in pertinent part:

The department may issue provisional licenses to operate day care facilities which the director determines are in substantial compliance with the provisions of the licensure requirements and the rules and regulations adopted pursuant thereto, provided, that no life safety risks are involved, as determined by the director. In determining whether any life safety risks are involved, the director shall require completion of all applicable fire clearances and criminal record clearances as otherwise required by the department's rules and regulations.

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**101181 PROVISIONAL LICENSE (Continued) 101181**

- (b) The Department shall not issue a provisional license if a corporate applicant's board of directors, executive director and officer are ineligible for licensure, as specified in Health and Safety Code Section 1596.952(b).

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**HANDBOOK BEGINS HERE**

- (A) Health and Safety Code Section 1596.952(b) states:

"(b) The department shall not issue a provisional license or license to any corporate applicant that has a member of the board of directors, the executive director, or an officer who is not eligible for licensure pursuant to Section 1596.851 and 1596.8898."

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- (c) The Department has the authority to issue a provisional license for a maximum of 90 days to otherwise qualified applicants who are not in compliance with the requirements for health and safety training as specified in Health and Safety Code Section 1596.866.
- (d) During the provisional license period, if the Department discovers any deficiencies that threaten the physical health, mental health, safety or welfare of the children, the Department has the authority to institute administrative action or civil proceedings, or to refer the case for criminal prosecution.
- (e) A provisional license terminates on the date specified on the provisional license or upon denial of the application, whichever is earlier.
- (1) Health and Safety Code Section 1596.84 specifies how long and under what circumstances a provisional license may last.

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**HANDBOOK BEGINS HERE**

Health and Safety Code Section 1596.84 reads in pertinent part:

... The provisional license shall expire six months from the date of issuance, or at such earlier time as the director may determine. However, the director may extend the term of a provisional license for an additional six months time, if it is determined that more than six months will be required to achieve full compliance with licensing standards due to circumstances beyond the control of the applicant, provided all other requirements for a license have been met. In no case shall a provisional license be issued for more than 12 months.

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**HANDBOOK ENDS HERE**

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- (f) If the Department determines after its review specified in Section 101178 that the provisional licensee does not meet licensing requirements, the application shall be denied as specified in Section 101205; the provisional license shall immediately terminate; and operation shall immediately cease.

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**101181 PROVISIONAL LICENSE (Continued) 101181**

- (g) If the Department denies the application for a license, the applicant may appeal the denial as provided in Section 101205. Until the Director adopts a decision on the denial action, the child care center is unlicensed.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.81(b), 1596.84, 1596.866, 1596.952(b), and 1596.96, Health and Safety Code.

101182 **ISSUANCE/TERM OF A LICENSE** 101182

- (a) The Department shall issue a license to an applicant in accordance with the provisions of Health and Safety Code Section 1597.13 after a completed application has been compiled and upon determination that all licensing requirements have been met.

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- (1) Health and Safety Code Section 1597.13 states:

The department and any local agency with which it contracts for the licensing of day care centers shall grant or deny an application for license within 30 days after receipt of all appropriate licensing application materials, as determined by the department, after a site visit has been completed and the facility has been found to be in compliance with licensing standards. The department shall conduct an initial site visit within 30 days after the receipt of all appropriate licensing application materials.

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**HANDBOOK ENDS HERE**

- (2) A separate license shall be issued for each component of a combination center.
- (3) If the application is denied, the notice of denial shall include the information specified in Section 101205.
- (b) Issuance of a license shall constitute written notice that the application is complete and has been granted.
- (c) No limitation shall be imposed on the licensee or printed on the license solely because a licensee 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).

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**HANDBOOK BEGINS HERE**

- (1) Whenever possible, the licensee shall not use corporal punishment on his/her own children in the presence of other children.

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<b>101182</b>	<b>ISSUANCE/TERM OF A LICENSE</b>	<b>101182</b>
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(Continued)

- (d) Except for provisional licenses as provided in Section 101181, a license remains in effect until it is:
  - (1) Forfeited or surrendered as specified in Sections 101186 through 101187 and in Health and Safety Code Section 1596.858.
  - (2) Suspended or revoked as specified in Section 101206.
- (e) As a condition of licensure, child care personnel shall complete health and safety training pursuant to Health and Safety Code Section 1596.866.

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- (1) Health and Safety Code Section 1596.866 provides in pertinent part:
  - (a) In addition to any other required training, at least one director or teacher at each day care center ... shall have at least 15 hours of training on preventive health practices. The training shall include pediatric cardiopulmonary resuscitation, pediatric first aid, recognition, management, and prevention of infectious diseases, including immunizations, and prevention of childhood injuries. The training may include training in sanitary food handling, child nutrition, emergency preparedness and evacuation, caring for children with special needs, and identification and reporting of signs and symptoms of child abuse.
  - (b) A day care center director shall ensure that at least one staff member who has a current certificate in pediatric first aid and pediatric cardiopulmonary resuscitation issued by [the American Red Cross or the American Heart Association, or by] a training program that has been approved by the Emergency Medical Services Authority pursuant to this section and Section 1797.191 shall be available at all times when children are present at the facility, or when children are offsite of the facility for facility activities....
  - (c) All personnel and licensees described in subdivision (a) shall complete 15 hours of preventive health practices training as described in subdivision (a) on or before January 1, 1995, and completion of the health training shall be a condition of licensure.

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NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81, 1596.858, 1596.866, 1596.95, 1596.96 and 1596.97, Health and Safety Code.

<b>101184</b>	<b>APPLICATION FOR RENEWAL OF A LICENSE</b>	<b>101184</b>
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Repealed by Manual Letter No. CCL-98-11, effective 11/1/98.

<b>101185</b>	<b>SUBMISSION OF NEW APPLICATION</b>	<b>101185</b>
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(a) A licensee shall file a new Application Booklet (LIC 281A [12/96]) and supporting documents as specified in Section 101169 whenever there is a proposed change of any of the following types:

(1) Child care center category.

(A) Notwithstanding (a) and (a)(1) above, a licensee wishing to add a toddler component to its existing preschool or infant care program shall submit an amended application as specified in Section 101169(a)(1)(A). The toddler program component is considered an extension of the preschool or infant care license.

(2) Sale or transfer of the majority of stock.

(3) Separating from a parent company.

(4) Merger with another company.

(5) Change of licensee.

(b) When a licensee proposes a change in capacity, a change in the number of nonambulatory children or a change in location, the licensee may, in lieu of filing an entirely new LIC 281A (12/96) and supporting documents as specified in Section 101169, transfer documents from an existing application to a new application. In such a case, the new application documents must include:

(1) An Application for a Child Day Care Center License (LIC 200A [12/92]).

(2) A fire clearance, if necessary.

(3) An update of existing application documents affected by the change, as determined by the Department.



<b>101186</b>	<b>CONDITIONS FOR FORFEITURE OF A CHILD CARE CENTER LICENSE (Continued)</b>	<b>101186</b>
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**HANDBOOK CONTINUES**

- (b) The licensee surrenders the license to the department.
- (c) The licensee moves the facility from one location to another....
- (d) The licensee is convicted of an offense specified in Section 220, 243.4, or 264.1, or paragraph (1) of Section 273a, Section 273d, 288, or 289 of the Penal Code, or is convicted of another crime specified in subdivision (c) of Section 667.5 of the Penal Code.
- (e) The licensee dies....
- (f) The licensee abandons the facility.

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- (2) "Licensee abandons the facility [child care center]" shall mean either of the following:
  - (A) The licensee informs the Department that the licensee no longer accepts responsibility for the child care center; or
  - (B) The Department is unable to determine the licensee's whereabouts after the following:
    - 1. The Department requests information about the licensee's whereabouts from child care center staff, if any staff can be contacted; and
    - 2. The Department has made at least one phone call per day to the licensee's last telephone number of record for five consecutive workdays with no response; and
    - 3. The Department has sent a certified letter requesting the licensee to contact the Department to the licensee's last mailing address of record with no response within seven calendar days.

<b>101186</b>	<b>CONDITIONS FOR FORFEITURE OF A CHILD CARE CENTER LICENSE (Continued)</b>	<b>101186</b>
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- (b) If the licensee dies, an adult relative who has control of the property may operate a previously licensed child care center under an Emergency Approval to Operate (EAO) (LIC 9117 [4/93]) provided the following conditions are met:
  - (1) The relative, or an adult acting on the relative's behalf, notifies the Department by telephone during the first working day after the licensee's death that the relative intends to operate the child care center.
  - (2) The relative files with the Department within five calendar days of the licensee's death an Application for a Child Day Care Center License (LIC 200A [12/92]) and evidence of the licensee's death as specified in Section 101152e.(4).
    - (A) Notwithstanding the instructions on the LIC 200A (12/92), the Department shall permit the relative to submit only the information on the front side of the LIC 200A (12/92).
  - (3) The relative files his/her fingerprint cards with the Department of Justice within five calendar days of the licensee's death.
- (c) If the adult relative complies with (b)(1) and (b)(2) above, he/she shall not be considered to be operating an unlicensed child care center pending the Department's decision on whether to approve a provisional license.
- (d) The Department shall make a decision within 60 days after the application is submitted on whether to issue a provisional license pursuant to Section 101181.
  - (1) A provisional license shall be granted only if the Department is satisfied that the conditions specified in (b) above and Section 101181 have been met and that the health and safety of the children attending the child care center will not be jeopardized.

NOTE: Authority cited: Sections 1596.81 and 1596.858(e), Health and Safety Code. Reference: Sections 1596.845, 1596.858 and 1596.858(e), Health and Safety Code.

<b>101187</b>	<b>LICENSING FEES</b>	<b>101187</b>
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(a)	An applicant or licensee shall be charged fees as specified in Health and Safety Code Section 1596.803.	
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(1) Health and Safety Code Section 1596.803 provides:

“(a) An application fee adjusted by facility and capacity shall be charged by the department for the issuance of a license to operate a child day care facility. After initial licensure, a fee shall be charged by the department annually, on each anniversary of the effective date of the license. The fees are for the purpose of financing activities specified in this chapter. Fees shall be assessed as follows:

Fee Schedule

Facility Type	Capacity	Original Application	Annual Fee
Family Day Care	1-8	\$60	\$60
	9-14	\$115	\$115
Day Care Centers	1-30	\$400	\$200
	31-60	\$800	\$400
	61-75	\$1,000	\$500
	76-90	\$1,200	\$600
	91-120	\$1,600	\$800
	121+	\$2,000	\$1,000

(b) (1) In addition to fees set forth in subdivision (a), the department shall charge the following fees:

(A) A fee that represents 50 percent of an established application fee when an existing licensee moves the facility to a new physical address.

(B) A fee that represents 50 percent of the established application fee when a corporate licensee changes who has the authority to select a majority of the board of directors.

(C) A fee of twenty-five dollars (\$25) when an existing licensee seeks to either increase or decrease the licensed capacity of the facility.

(D) An orientation fee of twenty-five dollars (\$25) for attendance by any individual at a department-sponsored family child day care home orientation session, and a fifty dollar (\$50) orientation fee for attendance by any individual at a department-sponsored child day care center orientation session.

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**HANDBOOK CONTINUES**

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**HANDBOOK CONTINUES**

(E) A probation monitoring fee equal to the annual fee, in addition to the annual fee for that category and capacity for each year a license has been placed on probation as a result of a stipulation or decision and order pursuant to the administrative adjudication procedures of the Administrative Procedure Act (Chapter 4.5 (commencing with Section 11400) and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code).

(F) A late fee that represents an additional 50 percent of the established annual fee when any licensee fails to pay the annual licensing fee on or before the due date as indicated by postmark on the payment.

(G) A fee to cover any costs incurred by the department for processing payments including, but not limited to, bounced check charges, charges for credit and debit transactions, and postage due charges.

(H) A plan of correction fee of two hundred dollars (\$200) when any licensee does not implement a plan of correction on or prior to the date specified in the plan.

(2) No local jurisdiction shall impose any business license, fee, or tax for the privilege of operating a small family day care home licensed under this act.

(c) (1) The revenues collected from licensing fees pursuant to this section shall be utilized by the department for the purpose of ensuring the health and safety of all individuals provided care and supervision by licensees, and to support the activities of the licensing program, including, but not limited to, monitoring facilities for compliance with licensing laws and regulations pursuant to this act, and other administrative activities in support of the licensing program, when appropriated for these purposes. The revenues collected shall be used in addition to any other funds appropriated in the annual Budget Act in support of the licensing program.

(2) The department shall not utilize any portion of these revenues sooner than 30 days after notification in writing of the purpose and use, as approved by the Department of Finance, to the Chairperson of the Joint Legislative Budget Committee, and the chairpersons of the committee in each house that considers appropriations for each fiscal year. The department shall submit a budget change proposal to justify any positions or any other related support costs on an ongoing basis.

(d) A child day care facility may use a bona fide business or personal check to pay the license fee required under this section.

(e) The failure of an applicant for licensure or a licensee to pay all applicable and accrued fees and civil penalties shall constitute grounds for denial or forfeiture of a license.”

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<b>101187</b>	<b>LICENSING FEES (Continued)</b>	<b>101187</b>
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(b) When a licensee moves a child care center from one location to another, the relocation fee shall be as specified in Health and Safety Code Section 1596.803(b)(1)(A).

(1) To qualify for the relocation fee, the following shall apply:

(A) The licensee has notified the Department before actually relocating the child care center.

(B) The child care center licensing category remains the same.

(C) The fee is based on the capacity requested for the new location.

(c) The fees are nonrefundable.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, and 1596.803, Health and Safety Code.

**Article 4. ENFORCEMENT PROVISIONS**

**101192 DENIAL OF A RENEWAL LICENSE 101192**

Repealed by Manual Letter No. CCL-98-11, effective 11/1/98.

**101193 DEFICIENCIES IN COMPLIANCE 101193**

- (a) If during a licensing evaluation the evaluator determines that a deficiency exists, the evaluator shall issue a notice of deficiency unless the deficiency is not serious and is corrected during the visit.

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- (1) The following are examples of regulations which if not complied with nearly always result in a serious deficiency.
- (A) Section 101161 relating to limitations on the capacity or ambulatory status of the children in care.
  - (B) Section 101170 relating to criminal record clearances.
  - (C) Section 101171 relating to fire clearances.
  - (D) Section 101172 relating to water supply.
  - (E) Section 101223 relating to personal rights.
  - (F) Section 101224 relating to telephone service.
  - (G) Section 101226(e) relating to storing and dispensing medications.
  - (H) Section 101227 relating to food storage, preparation and service.
  - (I) Section 101238 relating to the safety of children's accommodations.
  - (J) Section 101239(e)(1), (2), and (3) relating to hot water temperature and toilet facilities.
  - (K) Section 101239(f) relating to storage and disposal of solid wastes.
  - (L) Any other regulation the violation of which the Department deems to be a serious deficiency as defined in Section 101152s.(3).

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<b>101193</b>	<b>DEFICIENCIES IN COMPLIANCE</b> (Continued)	<b>101193</b>
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- (b) Prior to completion of an evaluation or other licensing visit, the person in charge of the child care center shall meet with the evaluator to discuss any deficiencies noted, to jointly develop a plan for correcting each deficiency, and to acknowledge receipt of the notice of deficiency.
- (c) The evaluator shall, at the completion of the visit, personally deliver the notice of deficiency to the licensee or the person in charge of the child care center. If the licensee is not present, the evaluator shall also mail a copy of the notice to the licensee.
  - (1) If the person in charge of the child care center refuses to accept the notice, the evaluator shall make a note of the refusal on the notice and leave a copy of the notice at the center. The evaluator shall also mail a copy of the notice to the licensee.
- (d) The notice of deficiency shall be in writing and shall include the following:
  - (1) A citation of the law or regulation that has been violated.
  - (2) A description of the deficiency stating the manner in which the licensee failed to comply with a specified law or regulation and, if applicable, the particular place or area of the child care center in which the deficiency occurred.
  - (3) The plan developed, as specified in (b) above, for correcting each deficiency.
  - (4) A date by which each deficiency shall be corrected.
    - (A) In determining the date for correcting a deficiency, the evaluator shall consider the following factors:
      - 1. The potential hazard presented by the deficiency.
      - 2. The number of children affected.
      - 3. The availability of equipment or personnel necessary to correct the deficiency.
      - 4. The estimated time for delivery and/or installation of necessary equipment.
    - (B) The date for correcting a deficiency shall not be more than 30 calendar days following service of the notice of deficiency unless the evaluator determines that the deficiency cannot be completely corrected in 30 calendar days.

<b>101193</b>	<b>DEFICIENCIES IN COMPLIANCE</b>	<b>101193</b>
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(Continued)

- (C) If the date for correcting the deficiency is more than 30 calendar days following service of the notice of deficiency, the notice shall specify the corrective actions that must be taken within 30 calendar days to begin correction.
- (D) If civil penalties are assessed, the evaluator shall require correction of the deficiency within 24 hours and shall specify on the notice of deficiency the date by which the correction must be made.
- (5) The amount of the civil penalty assessed and the date the penalty begins.
- (6) The address and telephone number of the Department's office responsible for reviewing notices of deficiencies for the area in which the child care center is located.

NOTE: Authority cited: Sections 1596.81 and 1596.99, Health and Safety Code. Reference: Sections 1596.81(b), 1596.98 and 1596.99, Health and Safety Code.

<b>101194</b>	<b>FOLLOW-UP VISITS TO DETERMINE COMPLIANCE</b>	<b>101194</b>
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- (a) A follow-up visit shall be conducted to determine compliance with the plan of correction specified in the notice of deficiency.
  - (1) A follow-up visit shall be conducted within 10 working days following the date(s) of correction specified in the notice of deficiency unless the licensee has demonstrated that the deficiency was corrected as required.
  - (2) No penalty shall be assessed unless a follow-up visit is conducted.
- (b) If a follow-up visit indicates that a deficiency was not corrected on or before the date specified in the notice of deficiency, the evaluator shall issue a notice of penalty.
- (c) A notice of penalty shall be in writing and shall include:
  - (1) The amount of the penalty assessed and the date the payment is due.
  - (2) The name and address of the agency responsible for collecting of the penalty.
- (d) When an immediate penalty has been assessed pursuant to Sections 101195(c), (d) and (e), and correction is made when the evaluator is present, a follow-up visit is not required.

NOTE: Authority cited: Sections 1596.81 and 1596.99, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81, 1596.82, 1596.83, 1596.98 and 1596.99, Health and Safety Code.

**101195 PENALTIES****101195**

- (a) A penalty of \$50 per day, per cited violation, shall be assessed for serious deficiencies that are not corrected by the date specified in the notice of deficiency, up to a maximum of \$150 per day.
- (b) Notwithstanding Section 101195(a) above, an immediate penalty of \$100 per cited violation per day for a maximum of five (5) days shall be assessed if any individual required to be fingerprinted under Health and Safety Code Section 1596.871(b) has not obtained a California clearance or criminal record exemption, requested a transfer of a criminal record clearance or requested and be approved for a transfer of an exemption as specified in Section 101170(e) prior to working, residing or volunteering in the facility.
- (1) Subsequent violations within a twelve (12) month period will result in a civil penalty of one hundred dollars (\$100) per violation per day for a maximum of thirty (30) days.
- (2) The Department may assess civil penalties for continued violations as permitted by Health and Safety Code Section 1596.99.
- (3) Progressive civil penalties specified in Sections 101195(d) and (e) below shall not apply.
- (c) Notwithstanding (a) above, an immediate penalty of \$150 per day shall be assessed if a child becomes sick, is injured or dies as a result of a deficiency.
- (d) When a child care center is cited for a deficiency and violates the same regulation subsection within a 12-month period, the child care center shall be cited and an immediate penalty of \$150 per cited violation shall be assessed for one day only. Thereafter, a penalty of \$50 per day, per cited violation, shall be assessed until the deficiency is corrected.
- (e) When a child care center that was cited for a deficiency subject to the immediate penalty assessment specified in Section 101195(d) above violates the same regulation subsection within a 12-month period of the last violation, the child care center shall be cited and an immediate penalty of \$150 per cited violation shall be assessed for one day only. Thereafter, a penalty of \$150 per day, per cited violation, shall be assessed until the deficiency is corrected.
- (1) For purposes of Sections 101195(d) and (e) above, a regulation subsection is the regulation denoted by a lower-case letter after the main regulation number.

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An example of the same regulation subsection are Sections 101216.1(d)(1) and 101216(d)(3). Sections 101216.1(b) and 101216.1(d) are not the same regulation subsection.

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<b>101195</b>	<b>PENALTIES (Continued)</b>	<b>101195</b>
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- (f) If any deficiency is not corrected by the date specified in the notice of deficiency, a penalty shall be assessed for each day following that date until compliance has been demonstrated.
  - (1) Immediate penalty assessment as specified in Sections 101195(c), (d) and (e), shall begin on the day the deficiency is cited.
- (g) If a licensee or his/her representative reports to the Department that a deficiency has been corrected, the penalty shall cease as of the day the Department receives either verbal or written notification that the correction was made.
  - (1) If the evaluator determines the deficiency was not corrected as reported, civil penalties shall continue to accrue from the date of the original citation.
  - (2) If it can be verified that the correction was made prior to the date of notification, the penalty shall cease as of that earlier date.
- (h) If necessary, a site visit shall be made immediately or within five working days to confirm that the deficiency has been corrected.
- (i) If an immediate civil penalty is assessed and the deficiency is corrected on the same day, the penalty shall still be assessed for that day.
- (j) Unless otherwise ordered by the Department all penalties are due and payable upon receipt of notice for payment, and shall be paid only by check or money order made payable to the agency indicated in the notice.
- (k) The Department has the authority to file a claim in a court of competent jurisdiction or to take other appropriate action for failure to pay penalties as specified in (j) above.

NOTE: Authority cited: Sections 1596.81 and 1596.893(b), Health and Safety Code. Reference: Sections 1596.81(b), 1596.871, 1596.893, 1596.98 and 1596.99, Health and Safety Code.

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<b>101196</b>	<b>REVIEW OF LICENSING DECISIONS</b>	<b>101196</b>
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- (a) Any person may request a review of a licensing decision against him/her within 10 working days of receipt of the written decision unless an administrative action pursuant to the California Administrative Procedure Act has commenced against the person.
  - (1) "Licensing decision" means a decision that applies to notices of deficiency, civil penalties, and waivers and exceptions.
  - (2) If the review is of a deficiency that has not been corrected, civil penalties continue to accrue during the review process.
- (b) The review specified in (a) above shall be conducted by a higher-level staff person than the person who made the licensing decision and issued the related notice of deficiency, civil penalty, or waiver or exception.
- (c) The reviewer may uphold, amend or dismiss the licensing decision; or may extend the date specified for the correction of a deficiency.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1596.842, Health and Safety Code.

**101197 EXEMPTION FROM CIVIL PENALTIES** **101197**

- (a) Civil penalties shall not be assessed against any governmental entity, including a state or city, holding a child care center license.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

**101198 UNLICENSED FACILITY PENALTIES** **101198**

- (a) A penalty of \$200 per day shall be assessed for the operation of an unlicensed child care center under either of the following conditions:

- (1) The operator has not submitted a completed application for licensure within 15 calendar days of issuance of a Notice of Operation in Violation of Law pursuant to Section 101157, and continues to operate.

(A) For purposes of this section, an application is deemed completed if it includes the information required in Section 101169.

(B) The completed application is deemed to be submitted when received by the Department.

- (2) Unlicensed operation continues after denial of the initial application.

(A) Notwithstanding any appeal action, child care center operation must cease within 10 calendar days of the mailing of the notice of denial or upon receipt of the denial notice by the operator, whichever occurs first.

- (b) The \$200 per day penalty shall be assessed for the continued operation of an unlicensed child care center as follows:

- (1) On the 16th calendar day after the operator has been issued the Notice of Operation in Violation of Law and has not submitted a completed application as required.

(A) The \$200 per day penalty shall continue until the operator ceases operation or submits a completed application pursuant to Sections 101198(a)(1)(A) and (B).

- (2) On the 10th calendar day after the mailing of the notice of denial or upon receipt of the denial notice by the operator, whichever occurs first.

(A) The \$200 per day penalty shall continue until the operator ceases operation.

<b>101198</b>	<b>UNLICENSED FACILITY PENALTIES (Continued)</b>	<b>101198</b>
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- (c) If the unlicensed operator or his/her representative reports to the Department that unlicensed operation has ceased, the penalty shall cease as of the day the Department receives the notification.
  - (1) A site visit shall be made immediately or within five working days to verify that the unlicensed child care center operation has ceased.
  - (2) Notwithstanding (c) above, if the unlicensed child care center operation has not ceased, penalties shall continue to accrue without interruption from the date of initial penalty assessment.
- (d) All penalties shall be due and payable upon receipt of the Notice for Payment from the Department, and shall be paid by check or money order made payable to the Department as indicated in the notice.
- (e) The Department has the authority to file a claim in any court of competent jurisdiction or to take other appropriate action for failure to pay penalties as specified in (d) above.

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- (f) Payment of civil penalties or application for licensure in response to a citation under this section do not permit the operation of a child care center without a license.

Health and Safety Code 1596.80 states:

No person, firm, partnership, association, or corporation shall operate, establish, manage, conduct, or maintain a child day care facility in this state without a current valid license therefor as provided in this act.

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- (g) A person assessed civil penalties may appeal the penalty under Section 101196.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.80, 1596.891 and 1596.892, Health and Safety Code.

**101198.1 DENIAL OR REVOCATION OF LICENSE FOR FAILURE TO PAY CIVIL PENALTIES** **101198.1**

- (a) The licensee shall be responsible for paying civil penalties.
  - (1) Unless otherwise provided, the transfer, surrender, forfeiture or revocation of a license shall not affect the licensee's responsibility for paying any civil penalties accrued while the license was in effect.
- (b) The Department shall have the authority to deny or revoke any license for failure to pay civil penalty assessments.
  - (1) The Department shall have the authority to approve payment arrangements acceptable to the Department.
  - (2) The Department shall have the authority to approve the form of payment.
  - (3) The licensee's failure to pay civil penalty assessments pursuant to a payment plan approved by the Department may result in the denial or revocation of any license, and/or any other appropriate action.
- (c) Any denial or revocation of the license for failure to pay civil penalties may be appealed as provided by Health and Safety Code Section 1596.887.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.81, 1596.871, 1596.887, 1596.98, and 1596.99, Health and Safety Code.

**101200 INSPECTION AUTHORITY OF THE DEPARTMENT** **101200**

- (a) The Department has the inspection authority specified in Health and Safety Code Sections 1596.852, 1596.853 and 1596.8535.

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- (1) Health and Safety Code Section 1596.852 provides:

Any duly authorized officer, employee, or agent of the department may, upon presentation of proper identification, enter and inspect any place providing personal care, supervision, and services at any time, with or without advance notice, to secure compliance with, or to prevent a violation of, this act or the regulations adopted by the department pursuant to the act.

- (2) Health and Safety Code Section 1596.853 provides in part:

(a) Any person may request an inspection of any child day care facility in accordance with the California Child Day Care Facilities Act by transmitting to the department notice of an alleged violation of applicable requirements prescribed by the statutes or regulations of this state. A complaint may be made either orally or in writing.

(b) The substance of the complaint shall be provided to the licensee no earlier than at the time of the inspection. Unless the complainant specifically requests otherwise, neither the substance of the complaint provided the licensee nor any copy of the complaint or any record published, released, or otherwise made available to the licensee shall disclose the name of any person mentioned in the complaint, except the name of any duly authorized officer, employee, or agent of the department conducting the investigation or inspection pursuant to this chapter.

(c) Upon receipt of a complaint, the department shall make a preliminary review and, unless the department determines that the complaint is willfully intended to harass a licensee or is without any reasonable basis, the department shall make an onsite inspection within 10 days after receiving the complaint, except where the visit would adversely affect the licensing investigation or the investigation of other agencies, including, but not limited to, law enforcement agencies. In either event, the complainant shall be promptly informed of the department's proposed course of action.

(d) (1) Upon issuance of a license for a child day care facility or upon denial, revocation, or temporary suspension of a license or within 24 hours of a finding that physical abuse or sexual abuse has occurred, the department shall notify the resource and referral agency funded under Section 8210 of the Education Code for that jurisdiction.

(2) The resource and referral agency shall be notified of the final resolution.

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(2) With the exception of parents seeking local day care service, any other entity specified in subdivision (b) of Section 1596.86 may request that the department provide the notification described in paragraph (1).

(e) When the department substantiates an allegation which it deems to be serious, in a facility funded by the Child Development Division of the State Department of Education pursuant to Chapter 2 (commencing with Section 8200) of Part 6 of the Education Code it shall notify the Child Development Division.

(3) Health and Safety Code Section 1596.8535(a) provides:

"Notwithstanding any other provision of law, the department shall conduct any authorized inspection, announced site visit, or unannounced site visit of any child daycare facility only during the period beginning one hour before and ending one hour after the facility's normal business hours or at any time childcare services are being provided. This subdivision shall not apply to the investigation of any complaint received by the department if the department determines that an inspection or site visit outside the time period beginning one hour before, and ending one hour after, the facility's normal operating hours is necessary to protect the health or safety of any child in the facility."

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(b) The Department has the authority to interview children or staff without prior consent.

(1) The licensee shall ensure that provisions are made for private interviews with any children or staff members.

(c) The Department has the authority to inspect, audit, and copy child or child care center records upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the requirements in Sections 101217(c) and 101221(d).

(1) The licensee shall ensure that provisions are made for the examination of all records relating to the operation of the child care center.

(d) The Department has the authority to observe the physical condition of the children, including conditions that could indicate abuse, neglect or inappropriate placement.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.852, 1596.853, and 1596.8535, Health and Safety Code.

**101201** **EVALUATION VISITS** **101201**

- (a) Child care centers shall be evaluated as specified in Health and Safety Code Sections 1569.8535(a) [as referenced in Section 101200(a)], 1596.98, 1596.99, 1597.08 and 1597.09.

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- (1) Health and Safety Code Section 1596.98(a) provides:

The department shall notify the day care center in writing of all deficiencies in its compliance with this chapter and the rules and regulations adopted pursuant to this chapter, and shall set a reasonable length of time for compliance by the center. Upon a finding of noncompliance, the department may levy a civil penalty which shall be paid to the department each day until the department finds the center in compliance.

- (2) Health and Safety Code Section 1596.99 provides in part:

(a) In addition to suspension or revocation of a license issued under this chapter, the Department may levy a civil penalty. The civil penalty may be in addition to the penalties of suspension or revocation.

(b) The amount of the civil penalty may not be less than twenty-five dollars (\$25) nor more than fifty dollars (\$50) per day for each violation of this chapter except where (1) the nature of the violation, (2) the seriousness of the violation, (3) the frequency of the violation, or (4) any combination of these factors warrants a higher penalty or an immediate civil penalty assessment as specified in subdivision (c), or both. In no event shall a civil penalty assessment exceed one hundred fifty dollars (\$150) per day.

- (3) Health and Safety Code Section 1597.08 provides:

All site visits shall be unannounced.

- (4) Health and Safety Code Section 1597.09 provides in part:

"(a) Each licensed child day care center shall be subject to unannounced visits by the department. The department shall visit these facilities as often as necessary to ensure the quality of care provided.

"(b) The department shall conduct an annual unannounced visit to a licensed child day care center under any of the following circumstances:

"(1) When a license is on probation.

"(2) When the terms of agreement in a facility compliance plan require an annual evaluation.

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**HANDBOOK CONTINUES**

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<b>101201</b>	<b>EVALUATION VISITS (Continued)</b>	<b>101201</b>
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**HANDBOOK CONTINUES**

- "(3) When an accusation against a licensee is pending.
- "(4) In order to verify that a person who has been ordered out of a child day care center by the department is no longer at the facility.
- "(c) The department shall conduct an [random] annual unannounced visit to no less than 10 percent of facilities not subject to an evaluation under subdivision (b)...
- "(d) Under no circumstances shall the department visit a community care facility less often than once every five years.

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- (b) The Department has the authority to make any number of other visits to a child care center in order to determine compliance with applicable laws and regulations.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.81(b), 1596.852, 1596.98, 1596.99, 1597.08 and 1597.09, Health and Safety Code.

<b>101202</b>	<b>SERIOUS DEFICIENCIES</b>	<b>101202</b>
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Renumbered to Section 101193 by Manual Letter No. CCL-98-11, effective 11/1/98.

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**Article 5. ADMINISTRATIVE ACTIONS****101205 DENIAL OF LICENSE****101205**

- (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.

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(A) Section 1596.885 of the Health and Safety Code states:

"The department may deny an application for or suspend or revoke any license, registration, or special permit issued under this act upon any of the following grounds and in the manner provided in this act:

"(a) Violation by the licensee, registrant, or holder of a special permit of this act or of the rules and regulations promulgated under this act.

"(b) Aiding, abetting, or permitting the violating of this act or of the rules and regulations promulgated under this act.

"(c) Conduct which is inimical to the health, morals, welfare, or safety of either an individual in or receiving services from the facility or the people of this state.

"(d) The conviction of a licensee, or other person specified in Section 1596.871, at any time before or during licensure, of a crime as defined in Section 1596.871.

"(e) Engaging in acts of financial malfeasance concerning the operation of a facility, including, but not limited to, improper use or embezzlement of client moneys and property or fraudulent appropriation for personal gain of facility moneys and property, or willful or negligent failure to provide services for the care of clients."

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**101205 DENIAL OF LICENSE** **101205**  
(Continued)

- (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).

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- (A) Section 11165, subdivision (g) of the Penal Code states:

Child abuse means a physical injury which is inflicted by other than accidental means on a child by another person. Child abuse also means the sexual assault of a child or any act or omission proscribed by Section 273a (willful cruelty or unjustifiable punishment of a child) or 273d (corporal punishment or injury). Child abuse also means the neglect of a child or abuse in out-of-home care.

- (B) Section 273(a) of the Penal Code states:

Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured, or willfully causes or permits such child to be placed in such situation that its person or health is endangered, is punishable by imprisonment in the county jail not exceeding one year, or in the state prison for 2, 4 or 6 years.

Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured, or willfully causes or permits such child to be placed in such situation that its person or health may be endangered, is guilty of a misdemeanor.

- (C) Section 273(d) of the Penal Code states:

Any person who willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for 2, 4 or 6 years, or in the county jail for not more than one year.

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**HANDBOOK CONTINUES**

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<b>101205</b>	<b>DENIAL OF LICENSE</b> (Continued)	<b>101205</b>
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**HANDBOOK CONTINUES**

(D) Section 1531.5(c) of the Health and Safety Code states:

Child abuse means a situation in which a child suffers from any one or more of the following:

1. Serious physical injury inflicted upon the child by other than accidental means.
2. Harm by reason of intentional neglect or malnutrition or sexual abuse.
3. Going without necessary and basic physical care.
4. Willful mental injury, negligent treatment, or maltreatment of a child under the age of 18 by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Director of Social Services.
5. Any condition which results in the violation of the rights or physical, mental, or moral welfare of a child or jeopardizes the child's present or future health, opportunity for normal development, or capacity for independence.

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(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.

**HANDBOOK BEGINS HERE**

- (1) Health and Safety Code Section 1596.879 provides in part:

Immediately upon the denial of any application for a license or for a special permit, the department shall notify the applicant in writing. Within 15 days after the department mails the notice, the applicant may present his or her written petition for a hearing to the department. Upon receipt by the department of the petition, the petition shall be set for hearing. The hearing shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

- (2) Health and Safety Code Section 1596.887 provides in part:

Proceedings for the suspension, revocation, or denial of a license under this chapter shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

In all proceedings conducted in accordance with this action, the standard of proof to be applied shall be the preponderance of the evidence.

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- (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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.81, 1596.856, 1596.885, 1596.891, 1596.95, 1596.952(b), and 1597.05, Health and Safety Code; and Sections 15374 and 15376, Government Code.



**101206**      **REVOCAION OR SUSPENSION OF LICENSE** **101206**

- (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.

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- (1) Health and Safety Code Section 1596.885 provides:

"The department may deny an application for or suspend or revoke any license, registration, or special permit issued under this act upon any of the following grounds and in the manner provided in this act:

"(a) Violation by the licensee, registrant, or holder of a special permit of this act or of the rules and regulations promulgated under this act.

"(b) Aiding, abetting, or permitting the violating of this act or of the rules and regulations promulgated under this act.

"(c) Conduct which is inimical to the health, morals, welfare, or safety of either an individual in or receiving services from the facility or the people of this state.

"(d) The conviction of a licensee, or other person specified in Section 1596.871, at any time before or during licensure, of a crime as defined in Section 1596.871.

"(e) Engaging in acts of financial malfeasance concerning the operation of a facility, including, but not limited to, improper use or embezzlement of client moneys and property or fraudulent appropriation for personal gain of facility moneys and property, or willful or negligent failure to provide services for the care of clients."

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- (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.

**HANDBOOK BEGINS HERE**

- (1) Health and Safety Code Section 1596.886 provides in part:

The Director may temporarily suspend any license or special permit prior to any hearing when, in the opinion of the Director, the action is necessary to protect any child of the child day care facility from physical or mental abuse, abandonment, or any other substantial threat to health or safety. The Director shall notify the licensee or holder of the special permit of the temporary suspension and the effective date thereof and at the same time shall serve the provider with an accusation. Upon receipt of a notice of defense to the accusation by the licensee or the holder of the special permit, the Director shall, within 15 days, set the matter for hearing, and the hearing shall be held as soon as possible but not later than 30 days after receipt of the notice. The temporary suspension shall remain in effect until such time as the hearing is completed and the Director has made a final determination on the merits. However, the temporary suspension shall be deemed vacated if the Director fails to make a final determination on the merits within 30 days after the original hearing has been completed.

- (2) Health and Safety Code Section 1596.887 provides in part:

Proceedings for the suspension, revocation, or denial of a license under this chapter shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

In all proceedings conducted in accordance with this section, the standard of proof to be applied shall be the preponderance of the evidence.

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**HANDBOOK CONTINUES**

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<b>101206</b>	<b>REVOCAION OR SUSPENSION OF LICENSE</b> (Continued)	<b>101206</b>
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**HANDBOOK CONTINUES**

- (3) Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code provides in part:
  - (A) When the Director intends to seek revocation of a license, he/she shall notify the licensee of the proposed action; shall concurrently serve the licensee with an accusation; and advise the licensee of the right to a hearing.
  
- (d) For a revocation and temporary suspension action, the Director shall request the Office of Administrative Hearings to hold the hearing as soon as possible but not later than 30 calendar days after receipt of the notice of defense.

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**HANDBOOK ENDS HERE**

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NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.81(b), 1596.866, 1596.885 and 1596.886, Health and Safety Code.

<b>101207</b>	<b>LICENSEE/APPLICANT COMPLAINTS</b>	<b>101207</b>
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**HANDBOOK BEGINS HERE**

- (a) Each licensee/applicant has the right, without prejudice, to bring to the Department's attention either of the following:
  - (1) Any alleged misapplication or capricious enforcement by any departmental representative of the regulations in this chapter; or
  - (2) Any differences of opinion between the licensee/applicant and any departmental representative concerning the proper application of the regulations in this chapter.

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**HANDBOOK ENDS HERE**

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NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

## 101208 EXCLUSIONS

101208

- (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.

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**HANDBOOK BEGINS HERE**

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- (1) Health and Safety Code Section 1596.8897 reads:

"(a) The department may prohibit any person from being a member of the board of directors, an executive director, or an officer of a licensee or a licensee from employing, or continuing the employment of, or allowing in a licensed facility, or allowing contact with clients of a licensed facility by, any employee, prospective employee, or person who is not a client who has:

"(1) Violated, or aided or permitted the violation by any other person of, any provisions of this chapter or of any rules or regulations promulgated under this chapter.

"(2) Engaged in conduct which is inimical to the health, morals, welfare, or safety of either an individual in or receiving services from the facility, or the people of the State of California.

"(3) Been denied an exemption to work or to be present in a facility, when that person has been convicted of a crime as defined in Section 1596.871.

"(4) Engaged in any other conduct which would constitute a basis for disciplining a licensee.

"(5) Engaging in acts of financial malfeasance concerning the operation of a facility, including, but not limited to, improper use or embezzlement of client moneys and property or fraudulent appropriation for personal gain of facility moneys and property, or willful or negligent failure to provide services for the care of clients.

"(b) The excluded person, the facility, and the licensee shall be given written notice of the basis of the department's action and of the excluded person's right to an appeal. The notice shall be served either by personal service or by registered mail. Within 15 days after the department serves the notice, the excluded person may file with the department a written appeal of the exclusion order. If the excluded person fails to file a written appeal within the prescribed time, the department's action shall be final.

"(c)(1) The department may require the immediate removal of a member of the board of directors, an executive director, or an officer of a licensee or exclusion of an employee, prospective employee, or person who is not a client from a facility pending a final decision of the matter, when, in the opinion of the director, the action is necessary to protect residents or clients from physical or mental abuse, abandonment, or any other substantial threat to their health or safety.

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**HANDBOOK CONTINUES**

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**HANDBOOK CONTINUES**

"(2) If the department requires the immediate removal of a member of the board of directors, an executive director, or an officer of a licensee or exclusion of an employee, prospective employee, or person who is not a client from a facility, the department shall serve an order of immediate exclusion upon the excluded person which shall notify the excluded person of the basis of the department's action and of the excluded person's right to a hearing.

"(3) Within 15 days after the department serves an order of immediate exclusion, the excluded person may file a written appeal of the exclusion with the department. The department's action shall be final if the excluded person does not appeal the exclusion within the prescribed time. The department shall do the following upon receipt of a written appeal:

"(A) Within 30 days of receipt of the appeal, serve an accusation upon the excluded person.

"(B) Within 60 days of receipt of a notice of defense by the employee or prospective employee pursuant to Section 11506 of the Government Code, conduct a hearing on the accusation.

"(4) An order of immediate exclusion of the excluded person from the facility shall remain in effect until the hearing is completed and the director has made a final determination on the merits. However, the order of immediate exclusion shall be deemed vacated if the director fails to make a final determination on the merits within 60 days after the original hearing has been completed.

"(d) An excluded person who files an appeal of the exclusion order with the department pursuant to this section shall, as part of the written request, provide his or her current mailing address. The excluded person shall subsequently notify the department in writing of any change in mailing address, until the hearing process has been completed or terminated.

"(e) Hearings held pursuant to this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Division 3 of Title 2 of the Government Code. The standard of proof shall be the preponderance of the evidence and the burden of proof shall be on the department.

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**HANDBOOK CONTINUES**

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**HANDBOOK CONTINUES**

"(f) The department may institute or continue a disciplinary proceeding against a member of the board of directors, an executive director, or an officer of a licensee or an employee, prospective employee, or person who is not a client upon any ground provided by this section, or enter an order prohibiting any person from being a member of the board of directors, the executive director, or an officer of a licensee or the excluded person's employment or presence in the facility or otherwise take disciplinary action against the excluded person, notwithstanding any resignation, withdrawal of employment application or change of duties by the excluded person, or any discharge, failure to hire or reassignment of the excluded person by the licensee or that the excluded person no longer has contact with clients at the facility.

"(g) A licensee's failure to comply with the department's exclusion order after being notified of the order shall be grounds for disciplining the licensee pursuant to Section 1596.885 or 1596.886.

"(h)(1)(A) In cases where the excluded person appealed the exclusion order and there is a decision and order upholding the exclusion order, the person shall be prohibited from working in any facility or being licensed to operate any facility licensed by the department or from being a certified foster parent for the remainder of the excluded person's life, unless otherwise ordered by the department.

"(B) The excluded individual may petition for reinstatement one year after the effective date of the decision and order of the department upholding the exclusion order pursuant to Section 11522 of the Government Code. The department shall provide the excluded person with a copy of Section 11522 of the Government Code with the decision and order.

"(2)(A) In cases where the department informed the excluded person of his or her right to appeal the exclusion order and the excluded person did not appeal the exclusion order, the person shall be prohibited from working in any facility or being licensed to operate any facility licensed by the department or a certified foster parent for the remainder of the excluded person's life, unless otherwise ordered by the department.

"(B) The excluded individual may petition for reinstatement after one year has elapsed from the date of the notification of the exclusion order pursuant to Section 11522 of the Government Code. The department shall provide the excluded person with a copy of Section 11522 of the Government Code with the exclusion order.

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**HANDBOOK CONTINUES**

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**HANDBOOK CONTINUES**

(2) Health and Safety Code Section 1596.8898 reads:

"(a)(1) If the department determines that a person was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.2 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, the executive director, or an officer of a licensee of, any facility licensed by the department pursuant to the chapter.

"(2) If the department determines that a person previously was issued a certificate of approval by a foster family agency which was revoked by the department pursuant to subdivision (b) of Section 1534 within the preceding two years, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, the executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter.

"(b) If the department determines that the person had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, the executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter and as follows:

"(1) In cases where the applicant petitioned for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, the executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

"(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, the executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

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**HANDBOOK CONTINUES**

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101208    **EXCLUSIONS** (Continued) 101208

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**HANDBOOK CONTINUES**

"(c) If the department determines that the person had previously applied for a certificate of approval with a foster family agency and the department ordered the foster family agency to deny the application pursuant to subdivision (b) of Section 1534, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, the executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter and as follows:

"(1) In cases where the applicant petitioned for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, the executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

"(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, the executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

"(d) Exclusion or removal of an individual pursuant to this section shall not be considered an order of exclusion for purposes of Section 1598.8897 or any other law.

"(e) The department may determine not to exclude a person from, or remove him or her from the position of, a member of the board of directors, the executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter if it has been determined that the reasons for the denial of the application or revocation of the facility license or certificate of approval were due to circumstances or conditions that either have been corrected or are no longer in existence."

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**HANDBOOK ENDS HERE**

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NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.8897 and 1596.8898, Health and Safety Code.

101210    **UNLICENSED FACILITY ADMINISTRATIVE APPEAL** 101210

Repealed by Manual Letter No. CCL-98-11, effective 11/1/98.



**Article 6. CONTINUING REQUIREMENTS**

**101212 REPORTING REQUIREMENTS 101212**

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

<b>101212</b>	<b>REPORTING REQUIREMENTS</b> (Continued)	<b>101212</b>
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- (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.
  - (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.
    - (B) Fingerprints shall be submitted as specified in Section 101170(d).



101212 REPORTING REQUIREMENTS 101212  
(Continued)

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HANDBOOK CONTINUES

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- Brucellosis
- + Campylobacteriosis
- Chancroid
- Chlamydial Infections
- ◇ Cholera
- ◇ Ciguatera Fish Poisoning
- Coccidioidomycosis
- + Colorado Tick Fever
- + Conjunctivitis. Acute Infectious of the Newborn,  
Specify Etiology
- + Cryptosporidiosis
- Cysticercosis
- ◇ Dengue
- ◇ Diarrhea of the Newborn, Outbreaks
- ◇ Diphtheria
- ◇ Domoic Acid Poisoning (Amnesic Shellfish Poisoning)
- Echinococcosis (Hydatid Disease)
- Ehrlichiosis
- + Encephalitis, Specify Etiology: Viral, Bacterial,  
Fungal, Parasitic
- ◇ Escherichia coli 0157:H7 Infection
- +● Foodborne Disease
- Giardiasis
- Gonococcal Infections
- + Haemophilus influenzae, Invasive Disease
- ◇ Hantavirus Infections
- ◇ Hemolytic Uremic Syndrome
- Hepatitis, Viral
- + Hepatitis A
- Hepatitis B (specify acute case or chronic)
- Hepatitis C (specify acute case or chronic)
- Hepatitis D (Delta)
- Hepatitis, other, acute
- Kawasaki Syndrome (Mucocutaneous Lymph Node Syndrome)
- Legionellosis

HANDBOOK CONTINUES

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**101212 REPORTING REQUIREMENTS** **101212**  
(Continued)

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**HANDBOOK CONTINUES**

- Leprosy (Hansen Disease)
- Leptospirosis
- + Listeriosis
- Lyme Disease
- + Lymphocytic Choriomeningitis
- + Malaria
- + Measles (Rubeola)
- + Meningitis, Specify Etiology: Viral, Bacterial,  
Fungal, Parasitic
- ◇ Meningococcal Infections
- Mumps
- Non-Gonococcal Urethritis (Excluding Laboratory Confirmed  
Chlamydial Infections)
- ◇ Paralytic Shellfish Poisoning
- Pelvic Inflammatory Disease (PID)
- + Pertussis (Whooping Cough)
- ◇ Plague, Human or Animal
- + Poliomyelitis, Paralytic
- + Psittacosis
- + Q Fever
- ◇ Rabies, Human or Animal
- + Relapsing Fever
- Reye Syndrome
- Rheumatic Fever, Acute
- Rocky Mountain Spotted Fever
- Rubella (German Measles)
- Rubella Syndrome, Congenital
- + Salmonellosis (Other than Typhoid Fever)
- ◇ Scombroid Fish Poisoning
- + Shigellosis
- + Streptococcal Infection (Outbreaks of Any Type and Individual  
Cases in Food Handlers and Dairy Workers Only)
- + Swimmer's Itch (Schistosomal Dermatitis)
- + Syphilis
- Tetanus

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**HANDBOOK CONTINUES**

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101212 **REPORTING REQUIREMENTS** 101212  
(Continued)

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**HANDBOOK CONTINUES**

- Toxic Shock Syndrome
- Toxoplasmosis
- + Trichinosis
- + Tuberculosis
- Tularemia
- + Typhoid Fever, Cases and Carriers
- Typhus Fever
- + Vibrio Infections
- ◇ Viral Hemorrhagic Fevers (e.g., Crimean-Congo, Ebola, Lassa and Marburg viruses)
- + Water-associated Disease
- ◇ Yellow Fever
- + Yersiniosis

OCCURRENCE OF ANY UNUSUAL DISEASE

- ◇ OUTBREAKS of ANY DISEASE (Including diseases not listed in Section 2500).

- (◇) - to be reported immediately by telephone.
- (+) - to be reported by mailing a report, telephoning, or electronically transmitting a report within one (1) working day of identification of the case or suspected case.

(No diamond or cross symbol) - to be reported within seven (7) calendar days by mail, telephone, or electronic report from the time of identification.

- (●) - when two (2) or more cases or suspected cases of foodborne disease from separate households are suspected to have the same source of illness, they should be reported immediately by telephone.

**HANDBOOK ENDS HERE**

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- (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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

**101213 FINANCES** **101213**

(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.
  - (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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

**101214 ACCOUNTABILITY** **101214**

- (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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

**101215 ADMINISTRATOR QUALIFICATIONS AND DUTIES 101215**

- (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.
  - (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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

**101215.1 CHILD CARE CENTER DIRECTOR QUALIFICATIONS AND DUTIES 101215.1**

- (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.



**101215.1 CHILD CARE CENTER DIRECTOR QUALIFICATIONS AND DUTIES 101215.1**  
(Continued)

- (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.
- (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 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.

<b>101215.1</b>	<b>CHILD CARE CENTER DIRECTOR QUALIFICATIONS AND DUTIES</b>	<b>101215.1</b>
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(Continued)

- (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.
  - (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.

<b>101215.1</b>	<b>CHILD CARE CENTER DIRECTOR QUALIFICATIONS AND DUTIES</b>	<b>101215.1</b>
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(Continued)

- (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.

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**HANDBOOK BEGINS HERE**

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- (1) Health and Safety Code Section 1596.866 provides in part:
- (a) In addition to any other required training, at least one director or teacher at each day care center...shall have at least 15 hours of training on preventive health practices. The training shall include pediatric cardiopulmonary resuscitation, pediatric first aid, recognition, management, and prevention of infectious diseases, including immunizations, and prevention of childhood injuries. The training may include training in sanitary food handling, child nutrition, emergency preparedness and evacuation, caring for children with special needs, and identification and reporting of signs and symptoms of child abuse....
  - (d) Completion of the training required pursuant to subdivisions (a) and (b) shall be demonstrated, upon request of the licensing agency by the following:
    - (1) A current pediatric cardiopulmonary resuscitation card issued either by the American Red Cross or the American Heart Association, or by a training program that has been approved by the Emergency Medical Services Authority pursuant to Section 1797.191.
    - (2) A current pediatric first aid card issued either by the American Red Cross or by a training program that has been approved by the Emergency Medical Services Authority pursuant to Section 1797.191.
    - (3) A certificate of completion of a course or courses in preventive health practices as defined in subdivision (a) or certified copies of transcripts that identify the number of hours and the specific course or courses taken for training in preventative health practices as defined in subdivision (a).
  - (e) The training required under subdivision (a) shall not be provided by a home study course. This training may be provided through on-the-job training, workshops, or classes.

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**HANDBOOK ENDS HERE**

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NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.866, 1596.87, 1597.05 and 1597.055, Health and Safety Code.

101216 PERSONNEL REQUIREMENTS 101216

- (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 licensee 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.
  - (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.

**101216 PERSONNEL REQUIREMENTS** **101216**  
(Continued)

- (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.
    - (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

**101216 PERSONNEL REQUIREMENTS** **101216**  
(Continued)

- (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.

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**HANDBOOK BEGINS HERE**

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Health and Safety Code Section 1596.881 provides in part:

Employees shall be notified in writing at the time of employment of their rights under this chapter, as evidenced by their signature on a notification form outlining actions protected by this section. Forms to be utilized for this purpose shall be kept on file at the facility. The Department shall provide each facility with the notification forms, which shall include information regarding enforcement pursuant to relevant Labor Code sections.

Health and Safety Code Section 1596.882 provides in part:

A claim by the employee alleging the violation by the employer of Section 1596.881 shall be presented to the employer within 45 days after the action as to which complaint is made and presented to the Division of Labor Standards Enforcement not later than 90 days after the action as to which complaint is made.

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**HANDBOOK ENDS HERE**

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**101216 PERSONNEL REQUIREMENTS** **101216**  
(Continued)

- (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.
  - (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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81, 1596.871, 1596.880, 1596.881, and 1596.882, Health and Safety Code.

**101216.1 TEACHER QUALIFICATIONS AND DUTIES** **101216.1**

- (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.

<b>101216.1</b>	<b>TEACHER QUALIFICATIONS AND DUTIES</b> (Continued)	<b>101216.1</b>
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**HANDBOOK BEGINS HERE**

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Health and Safety Code Section 1597.055 states in pertinent part:

- (a) Notwithstanding any other educational requirements, a person may be hired as a teacher in a day care center if he or she satisfies all of the following conditions:
  - (1) Is 18 years of age or older.
  - (2) Possesses a regional occupation program certificate of training in child care occupations issued by a regional occupational program which is accredited by the Western Association of Schools and Colleges.
  - (3) Has completed at least 95 hours of classroom instruction in child care and development and child care occupations and at least 150 hours in supervised field experience in a licensed day care center or comparable group child care program.
- (b) Subsequent to being hired pursuant to subdivision (a), a teacher shall make satisfactory progress towards meeting the educational requirement for a fully qualified teacher, as specified in departmental regulations. For purposes of this section, "satisfactory progress" shall mean completion, with passing grades, of a minimum of two units each semester or the equivalent number of units each quarter until the educational requirement is satisfied. Six of the required semester or equivalent number of quarter units of early childhood education from an accredited university or college shall be completed during the next two consecutive regular semesters or equivalent quarters.
- (c) A teacher hired pursuant to this section shall not be exempt from satisfying any other noneducation requirements imposed by law on teachers in day care centers and shall have on-site supervision by a fully qualified teacher until six of the units specified in subdivision (b) are completed.

**HANDBOOK ENDS HERE**

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**101216.1 TEACHER QUALIFICATIONS AND DUTIES** **101216.1**  
(Continued)

- (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.
  - (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.

<b>101216.1</b>	<b>TEACHER QUALIFICATIONS AND DUTIES</b> (Continued)	<b>101216.1</b>
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- (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:
  - (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).

**101216.1 TEACHER QUALIFICATIONS AND DUTIES** **101216.1**  
(Continued)

- (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).

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.866, 1596.87, 1597.05, 1597.055 and 1597.057, Health and Safety Code.

**101216.2 TEACHER AIDE QUALIFICATIONS AND DUTIES** **101216.2**

- (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 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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81, 1596.87, 1597.05 and 1597.059, Health and Safety Code.

**101216.3 TEACHER-CHILD RATIO****101216.3**

- (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.
- (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.

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**HANDBOOK BEGINS HERE**

- (A) Activities outside the perimeter of the licensed child care center pose additional hazards to children. An effort should be made to gain an adult-child ratio of at least 1:6 through the use of adult volunteers.

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**HANDBOOK ENDS HERE**

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- (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.

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**HANDBOOK BEGINS HERE**

- (1) Section 18290 of Title 5 of the California Code of Regulations provides:
- Contractors shall maintain at least the following minimum ratios in all centers:
- (A) Infants (birth to 18 months old) - 1:3 adult-child ratio, 1:18 teacher-child ratio.
  - (B) Toddlers (18 months to 36 months old) - 1:4 adult-child ratio, 1:16 teacher-child ratio.

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**HANDBOOK CONTINUES**

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**101216.3 TEACHER-CHILD RATIO** **101216.3**  
(Continued)

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**HANDBOOK CONTINUES**

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- (C) Preschool (36 months to enrollment in kindergarten) - 1:8 adult-child ratio, 1:24 teacher-child ratio.
  - (D) Children enrolled in kindergarten through 14 years old - 1:14 adult-child ratio, 1:28 teacher-child ratio.
  - (E) Compliance with these ratios shall be determined based on actual attendance.
- (2) Section 18291 of Title 5 of the California Code of Regulations provides:
- (A) Whenever groups of children of two (2) age categories are commingled and the younger age group exceeds fifty percent (50%) of the total number of children present, the ratios for the entire group must meet the ratios required for the younger age group.
  - (B) If the younger age group does not exceed fifty percent (50%) of the total number of the children present, the teacher-child and adult-child ratios shall be computed separately for each group.
- (3) Section 18292 of Title 5 of the California Code of Regulations provides:

Except as otherwise provided in this Division or Title 22 California Code of Regulations, Community Care Licensing Standards the program may exceed teacher-child and adult-child ratios prescribed by Section 18290 by fifteen percent (15%) for a period of time not to exceed one hundred twenty (120) minutes in any one day.

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**HANDBOOK ENDS HERE**

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- (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.

**101216.3 TEACHER-CHILD RATIO** **101216.3**  
(Continued)

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

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81, 1597.05 and 1597.059, Health and Safety Code.

**101216.4 PRESCHOOL PROGRAM WITH TODDLER COMPONENT** **101216.4**

- (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.

<b>101216.4</b>	<b>PRESCHOOL PROGRAM WITH TODDLER COMPONENT</b>	<b>101216.4</b>
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(Continued)

- (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.
  - (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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Section 1596.955, Health and Safety Code.

<b>101216.5</b>	<b>STAFFING -- PARENT-COOPERATIVE CENTERS</b>	<b>101216.5</b>
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- (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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

**101216.6 STAFFING FOR WATER ACTIVITIES** **101216.6**

- (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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81, 1596.87 and 1597.05, Health and Safety Code.

**101217 PERSONNEL RECORDS** **101217**

- (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.



**101217 PERSONNEL RECORDS** **101217**  
(Continued)

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

**101217 PERSONNEL RECORDS** **101217**  
(Continued)

- (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 kept for at least three years following termination of employment.
- (e) 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).
- (f) In all cases, personnel records shall document the hours actually worked.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.880, 1596.881 and 1596.882, Health and Safety Code.

**101218 ADMISSION POLICIES** **101218**

- (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.
  - (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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

**101218.1 ADMISSION PROCEDURES AND PARENTAL AND AUTHORIZED REPRESENTATIVE'S RIGHTS 101218.1**

- (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:
- (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.

<b>101218.1</b>	<b>ADMISSION PROCEDURES AND PARENTAL AND AUTHORIZED REPRESENTATIVE'S RIGHTS (Continued)</b>	<b>101218.1</b>
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- (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.

<b>101218.1</b>	<b>ADMISSION PROCEDURES AND PARENTAL AND AUTHORIZED REPRESENTATIVE'S RIGHTS (Continued)</b>	<b>101218.1</b>
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**HANDBOOK BEGINS HERE**

Health and Safety Code Section 1596.857 provides:

- (a) Upon presentation of identification, the responsible parent or guardian of a child receiving services in a child day care facility has the right to enter and inspect the facility without advance notice during the normal operating hours of the facility. Parents or guardians when inspecting shall be respectful of the children's routines and programmed activities. The facility shall inform parents and guardians of children receiving services in the facility of the right of the parents and guardians to inspect the facility pursuant to this section.
- (b) No child day care facility shall discriminate or retaliate against any child or parent or guardian on the basis or for the reason that the parent or guardian has exercised his or her right under this section to inspect the facility or has lodged a complaint with the department against a facility.
- (c) If any child day care facility denies a parent or legal guardian the right to enter and inspect a facility or retaliates, the department shall issue the facility a warning citation. For any subsequent violation of this right, the department may impose a civil penalty upon the facility of fifty dollars (\$50) per violation. The department may take any appropriate action, including license revocation.
- (d) Each child day care facility shall permanently post in a facility location accessible to parents and guardians written notice of the right to make an inspection pursuant to this section and the prohibition against retaliation and the right to file a complaint.
- (e) Notwithstanding any other provisions of this section, the person present who is in charge of a child day care facility may deny access to an adult whose behavior presents a risk to children present in the facility and may deny access to noncustodial parents or guardians if so requested by the responsible parent or legal guardian.

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- (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.
  - (1) The licensee shall request the child's parent or authorized representative to sign and date the 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.

<b>101218.1</b>	<b>ADMISSION PROCEDURES AND PARENTAL AND AUTHORIZED REPRESENTATIVE'S RIGHTS (Continued)</b>	<b>101218.1</b>
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- (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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81, 1596.853, 1596.857, 1596.859, 1596.874, 1597.05, and 1597.07, Health and Safety Code.

**101219 ADMISSION AGREEMENTS**  
**101219**

- (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.
    - (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.

**101219**     **ADMISSION AGREEMENTS** (Continued) **101219**

- (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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

**101220**     **CHILD'S MEDICAL ASSESSMENTS**  
**101220**

- (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.

**101220 CHILD'S MEDICAL ASSESSMENTS****101220**

(Continued)

- (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 child'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.
  - (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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.



<b>101220.1 IMMUNIZATIONS</b>	<b>101220.1</b>
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- (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.

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Health and Safety Code Section 1596.794 states:

Notwithstanding Section 1597.05, or any other provision of law, any day care center that exclusively offers a program of services at which there is no contract or agreement between any parent and the center for the regular care of any child, and for which there is no prearranged schedule of care for any child, shall not be required to verify children's immunizations or tuberculosis testing or maintain files regarding children's immunizations or tuberculosis testing. Upon admission of the child, the parent shall sign an acknowledgment that he or she understands that verification of immunizations and tuberculosis testing is not required for any child accepted for care in this type of program.

- (b) The California Code of Regulations, Title 17, Section 6020, requires that children receive appropriate vaccines as follows:
  - (1) The required immunizations for admission to and attendance at a public or private elementary or secondary school, child care center, day nursery, nursery school, or family day care home, or developmental center shall be those set forth, according to age, in Table 1.
  - (2) In Table 1 of Section 6020 and in Table 2 of Section 6035, DTP (or DPT) means diphtheria and tetanus toxoids and pertussis vaccine, including DTaP vaccine. DT (or Td) and Td (or Dt) means diphtheria and tetanus toxoids.
  - (3) For pupils who have reached their seventh birthday, a history of any preparations containing both diphtheria and tetanus toxoids (DTP, DT, Td, etc.) shall be acceptable as meeting the requirement for tetanus and diphtheria toxoids that is set forth in Table 1.
  - (4) Pupils who have reached their seventh birthday shall be exempt from the pertussis and mumps immunization requirements.
  - (5) Combination vaccines that include measles, mumps and rubella components shall be acceptable as meeting the requirements for these vaccines that are set forth in Table 1.

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**HANDBOOK CONTINUES**

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**HANDBOOK CONTINUES**

(c) The California Code of Regulations, Title 17, Section 6035(a), requires that:

Any pupil seeking admission to a given public or private elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center who lacks documentation of having received all the required vaccine doses against poliomyelitis, diphtheria, tetanus, pertussis, measles, rubella, Haemophilus influenzae type B, mumps and hepatitis B as specified in Table 1, Section 6020, and has not obtained a permanent medical exemption or a personal beliefs exemption to immunization in accordance with Section 6051, may be admitted conditionally if:

- (1) he or she has not received all the immunizations required for his or her age group but has commenced receiving doses of all the vaccines in accordance with Table 2, is not currently due for any doses at the time of admission (if he or she is due for any doses at this time they must be obtained before admission), and the pupil's parent or guardian is notified of the date by which the pupil must complete all the required immunizations in accordance with Table 2; or
- (2) he or she is under age 18 months and has received all the immunizations required for his or her age group but will require additional vaccine doses at an older age, and the pupil's parent or guardian is notified of the date by which the pupil must complete all the remaining doses when they become due in accordance with Table 1, Section 6020; or
- (3) he or she has obtained a temporary medical exemption from immunization in accordance with Section 6050, and the pupil's parent or guardian is notified of the date by which the pupil must complete all the required immunizations when the temporary exemption terminates; or
- (4) he or she is a pupil entering a child care center governed by Education Code Section 8263(c), where a different deadline for obtaining all required immunizations may apply.

(d) The California Code of Regulations, Title 17, Section 6035(b), requires that children receive appropriate vaccines as follows:

The public or private elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center shall not allow the admission of any pupil seeking entry who does not meet the requirements for admission under Section 6025 or 6035. The principal or administrator shall advise the pupil, or the parent or guardian, to contact a physician or agency that provides immunizations.

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**HANDBOOK CONTINUES**

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TABLE 1. IMMUNIZATION REQUIREMENTS

Institution	Age	Vaccine	Total Doses Received
Child care center, day nursery, nursery school, family day care home, development center	Less than 2 months	None	
Same as above	2-3 months	1. Polio* .....1 dose 2. DTP.....1 dose 3. Hib.....1 dose 4. Hepatitis B** .....1 dose	
Same as above	4-5 months	1. Polio*..... 2 doses 2. DTP, or combination of DTP and diphtheria- tetanus toxoids..... 2 doses 3. Hib..... 2 doses 4. Hepatitis B** ..... 2 doses	
Same as above	6-14 months	1. Polio*..... 2 doses 2. DTP, or combination of DTP and diphtheria- tetanus toxoids..... 3 doses 3. Hib..... 2 doses 4. Hepatitis B** ..... 2 doses	
Same as above	15-17 months	1. Polio*..... 2 doses 2. DTP, or combination of DTP and diphtheria- tetanus toxoids..... 3 doses 3. Measles, rubella, and mumps ..... 1 dose of each separately or combined on or after the 1st birthday 4. Hib.....1 dose on or after the 1st birthday 5. Hepatitis B** ..... 2 doses	

**HANDBOOK CONTINUES**

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Institution	Age	Vaccine	Total Doses Received
Same as above	18 months - 5 years	1. Polio*	3 doses
		2. DTP, or combination of DTP and diphtheria-tetanus toxoids	4 doses
		3. Measles, rubella, and mumps	1 dose of each separately or combined on or after the 1st birthday
		4. Hib***	1 dose on or after the 1st birthday
		5. Hepatitis B**	3 doses
Elementary school at kindergarten level and above	4-6 years	1. Polio*	4 doses, except that a total of 3 doses is acceptable if at least one dose was given on or after the 2nd birthday
		2. DTP, or combination of DTP and diphtheria-tetanus toxoids	At least 4 doses. One more dose required if the last dose was given before the 2nd birthday.
		3. Measles, rubella, and mumps	1 dose of each, separately or combined on or after the 1st birthday. Pupils entering a kindergarten (or first grade if kindergarten skipped) on or after August 1, 1997 are required to have 2 doses of measles-containing vaccine, both given on or after the first birthday.
		4. Hepatitis B**	3 doses

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Institution	Age	Vaccine	Total Doses Received
Elementary school, secondary school	7-17 years	1. Polio*	4 doses, except that a total of 3 doses is acceptable if at least one dose was given on or after the 2nd birthday.
		2. Diphtheria and tetanus toxoids, given as DTP, DT, or Td (pertussis not required)	At least 3 doses. One more Td dose is required if the last dose was given before the 2nd birthday.
		3. Measles and rubella (mumps not required)	1 dose of each, separately or combined, on or after the 1st birthday

\* Oral polio vaccine (OPV) or inactivated polio vaccine (IPV) or any combination of these vaccines is acceptable.

\*\* Applies only to children entering at kindergarten level (or at first grade level if kindergarten skipped) or below on or after August 1, 1997.

\*\*\* Required only for children who have not reached the age of 4 years 6 months.

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**TABLE 2. CONDITIONAL ADMISSION IMMUNIZATION SCHEDULE (Continued)**

Vaccine	Dose	Time Intervals
Diphtheria, Tetanus, and Pertussis	1st dose .....	Before admission.
FOR PUPILS UNDER AGE 7 YEARS:	2nd dose .....	As early as 4 weeks but no later than 8 weeks after the 1st dose. Before admission if 8 or more weeks have elapsed since the 1st dose at the time of admission.
Diphtheria-tetanus-pertussis (DTP) or combination of DTP and diphtheria-tetanus toxoids.	3rd dose .....	As early as 4 weeks but no later than 8 weeks after the 2nd dose. Before admission if 8 or more weeks have elapsed since the 2nd dose at the time of admission.
	4th dose .....	As early as 6 months but no later than 12 months after the 3rd dose. Before admission if 12 or more months have elapsed since the 3rd dose at the time of admission.
	5th dose or more..... (Required only for pupils ages 4-6 years for entry to kindergarten level and above)	If the last dose was given before the 2nd birthday, one more dose is required before admission.

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**HANDBOOK CONTINUES**

**TABLE 2. CONDITIONAL ADMISSION IMMUNIZATION SCHEDULE (Continued)**

Vaccine	Dose	Time Intervals
FOR PUPILS AGE 7 YEARS AND OLDER:		
Diphtheria-tetanus (Pertussis not required)	1st dose ..... 2nd dose .....	Before admission. As early as 4 weeks but no later than 8 weeks after the 1st dose. Before admission if 8 or more weeks have elapsed since the 1st dose at the time of admission.
	3rd dose .....	As early as 6 months but no later than 12 months after the 2nd dose. Before admission if 12 or more months have elapsed since the 2nd dose at the time of admission.
	4th dose or more .....	If the last dose was given before the 2nd birthday, one more dose is required before admission.
Measles	One dose only .....	Before admission. If the pupil is under age 15 months, this dose is required when age 15 months is reached.
Note: For children entering kindergarten (or first grade if kindergarten is skipped) on or after August 1, 1997, two doses are required.	1st dose ..... 2nd dose .....	Before admission. As early as 1 month but no later than 3 months after the 1st dose.
Rubella	One dose only .....	Before admission. If the pupil is under age 15 months, this dose is required when age 15 months is reached.

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**HANDBOOK CONTINUES**

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**101220.1 IMMUNIZATIONS (Continued)** **101220.1**

- (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.

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- (h) The California Code of Regulations, Title 17, Section 6075, specifies in pertinent part that each child care center shall report to state and local health departments as follows:
  - (1) The ... child care center ... shall file a report with the state and local health departments on the immunization status of new entrants annually or when needed to determine immunization status such as during an epidemic or potential epidemic.... The Department of Health Services or the local health department will provide the appropriate reporting form.

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**HANDBOOK ENDS HERE**

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

NOTE: Authority cited Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81, 1597.05 and 1596.794, Health and Safety Code.

**101221 CHILD'S RECORDS** **101221**

- (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.

<b>101221</b>	<b>CHILD'S RECORDS (Continued)</b>	<b>101221</b>
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- (3) Sex.
  - (4) Date of Admission.
  - (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.

**101221**     **CHILD'S RECORDS** (Continued) **101221**

- (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 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.

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**101221 CHILD'S RECORDS (Continued) 101221**

- (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.

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Health and Safety Code Section 1596.876 provides:

In any case in which a child day care facility releases a minor to a peace officer pursuant to Section 305 of the Welfare and Institutions Code, the official in charge of that facility shall provide the peace officer with the address and telephone number of the minor's parent or guardian in order to enable the peace officer to make the notification required by Section 308 of the Welfare and Institutions Code.

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NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.857, 1596.876 and 1597.05, Health and Safety Code; and *Golden Day Schools, Inc. v. Pirillo* (C.D. Cal 2000) 118 F.Supp.2nd 1037.

**101223 PERSONAL RIGHTS 101223**

- (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.

**101223 PERSONAL RIGHTS (Continued) 101223**

- (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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- (A) Provisions regarding inspection requests are found in Health and Safety Code Section 1596.853:
  - 1. Any person may request an inspection of any child day care facility in accordance with the California Child Day Care Facilities Act by transmitting to the department notice of an alleged violation of applicable requirements prescribed by statutes or regulations of this state....
  - 2. The substance of the complaint shall be provided to the licensee no earlier than at the time of the inspection....
  - 3. Upon receipt of a complaint, the department shall make a preliminary review and, unless the department determines that the complaint is willfully intended to harass a licensee or is without any reasonable basis, the department shall make an onsite inspection within 10 days after receiving the complaint. In either event, the complainant shall be promptly informed of the department's proposed course of action.

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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.



**101223 PERSONAL RIGHTS (Continued) 101223**

- (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 acknowledgement-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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

**101223.1 POSTURAL SUPPORTS/PROTECTIVE DEVICES** **101223.1**

- (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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

**101223.2 DISCIPLINE** **101223.2**

- (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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

**101224 TELEPHONES** **101224**

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

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

**101225**      **TRANSPORTATION** **101225**

- (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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1596.95, Health and Safety Code.

**101226**      **HEALTH-RELATED SERVICES** **101226**

- (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.

<b>101226</b>	<b>HEALTH-RELATED SERVICES</b> (Continued)	<b>101226</b>
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- (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.
  - (4) Adhesive tape.
  - (5) Scissors.
  - (6) Tweezers.
  - (7) Thermometer.
  - (8) Antiseptic solution.

**101226 HEALTH-RELATED SERVICES** **101226**  
(Continued)

- (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.
    - (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.

**101226 HEALTH-RELATED SERVICES** **101226**  
(Continued)

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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

**101226.1 DAILY INSPECTION FOR ILLNESS**  
**101226.1**

- (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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

**101226.2 ISOLATION FOR ILLNESS** **101226.2**

- (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.
  - (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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

**101226.3 OBSERVATION OF THE CHILD** **101226.3**

- (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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

**101227 FOOD SERVICE** **101227**

- (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.

**HANDBOOK BEGINS HERE**

(A) REQUIREMENTS FOR MEALS: (as specified by Title 7, Code of Federal Regulations, Part 226.20.)

**CHILD CARE INFANT MEAL PATTERN**

	Birth through 3 months	4 through 7 months	8 through 11 months
Breakfast	4-6 fl. oz. formula <sup>1</sup>	4-8 fl. oz. formula <sup>1</sup> or breast milk. 0-3 Tbsp. infant cereal <sup>2</sup> (optional).	6-8 fl. oz. formula <sup>1</sup> , breast milk, or whole milk. 2-4 Tbsp. infant cereal <sup>2</sup> . 1-4 Tbsp. fruit and/or vegetable.
Lunch or Supper	4-6 fl. oz. formula <sup>1</sup>	4-8 fl. oz. formula <sup>1</sup> or breast milk. 0-3 Tbsp. infant cereal <sup>2</sup> (optional). 0-3 Tbsp. fruit and/or vegetable (optional).	6-8 fl. oz. formula <sup>1</sup> , breast milk, or whole milk. 2-4 Tbsp. infant cereal <sup>2</sup> and/or 1-4 Tbsp. meat, fish, poultry, egg yolk, or cooked dry beans or peas, or 1/2-2 oz. cheese or 1-4 oz. cottage cheese, cheese food, or cheese spread. 1-4 Tbsp. fruit and/or vegetable.
Supplement	4-6 fl. oz. formula <sup>1</sup> .	4-6 fl. oz. formula <sup>1</sup> .	2-4 fl. oz. formula <sup>1</sup> , breast milk, whole milk, or fruit juice <sup>3</sup> . 0-1/2 bread or 0-2 crackers (optional) <sup>4</sup> .

**HANDBOOK CONTINUES**



**HANDBOOK CONTINUES**

- 1 Shall be iron-fortified infant formula.
- 2 Shall be iron-fortified dry infant formula.
- 3 Shall be full-strength fruit juice.
- 4 Shall be from whole-grain or enriched meal or flour.

(NOTE: Caution should be used with foods that can cause choking in young children and infants [under 4 years of age]. Such foods include, but are not limited to, nuts, e.g., peanuts; popcorn; large pieces of raw vegetables; large grapes; and hot dogs.)

**BREAKFAST**

- (1) The minimum amount of food components to be served as breakfast as set forth in paragraph (a)(1) of [7 CFR, Part 226.20, Revised January 1, 1990] are as follows:

Food Components	Age 1 and 2	Age 3 through 5	Age 6 through 12 <sup>1</sup>
<u>Milk</u>			
Milk, fluid.	1/2 cup <sup>2</sup>	3/4 cup	1 cup
<u>Vegetables and Fruits</u>			
Vegetable(s) and/or fruit(s) or Full-strength vegetable or fruit juice or an equivalent quantity of any combination of vegetable(s), fruit(s), and juice	1/4 cup	1/2 cup	1/2 cup
	1/4 cup	1/2 cup	1/2 cup

**HANDBOOK CONTINUES**

**HANDBOOK CONTINUES**

BREAKFAST (Cont.)

Food Components	Age 1 and 2	Age 3 through 5	Age 6 through 12 <sup>1</sup>
<u>Bread and Bread Alternates<sup>3</sup></u>			
Bread	1/2 slice	1/2 slice	1 slice
or			
Cornbread, biscuits, rolls, muffins, etc. <sup>4</sup>	1/2 serving	1/2 serving	1 serving
or			
Cold dry cereal <sup>5</sup>	1/4 cup or 1/3 oz.	1/3 cup or 1/2 oz.	3/4 cup or 1 oz.
or			
Cooked cereal	1/4 cup	1/4 cup	1/2 cup
or			
Cooked pasta or noodle products	1/4 cup	1/4 cup	1/2 cup
or			
Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternate.	1/4 cup	1/4 cup	1/2 cup

- 1 Children age 12 and up may be served adult size portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities specified in this section for children 6 up to 12.
- 2 For purposes of the requirements outlined in this subsection, a cup means a standard measuring cup.
- 3 Bread, pasta, or noodle products, and cereal grains, shall be wholegrain or enriched; cornbread, biscuits, rolls, muffins, etc., shall be made with wholegrain or enriched meal or flour; cereal shall be wholegrain or enriched or fortified.
- 4 Serving sizes and equivalents to be published in guidance materials by FNS.
- 5 Either volume (cup) or weight (oz.) whichever is less.

(NOTE: Caution should be used with foods that can cause choking in young children and infants [under 4 years of age]. Such foods include, but are not limited to, nuts, e.g., peanuts; popcorn; large pieces of raw vegetables; large grapes; and hot dogs.)

**HANDBOOK CONTINUES**

**HANDBOOK CONTINUES**

**LUNCH OR SUPPER**

(2) The minimum amounts of food components to be served as lunch or supper as set forth in paragraph (a)(2) of ...[7 CFR, Part 226.20, Revised January 1, 1990] are as follows:

Food Components	Age 1 and 2	Age 3 through 5	Age 6 through 12 <sup>1</sup>
<u>Milk</u>			
Milk, fluid.	1/2 cup <sup>2</sup>	3/4 cup	1 cup
<u>Vegetables and Fruits<sup>3</sup></u>			
Vegetable(s) and/or fruit(s)	1/4 cup total	1/2 cup total	3/4 cup total
<u>Bread and Bread Alternates<sup>4</sup></u>			
Bread	1/2 slice	1/2 slice	1 slice
or			
Cornbread, biscuits, rolls, muffins, etc. <sup>5</sup>	1/2 serving	1/2 serving	1 serving
or			
Cooked pasta or noodle products	1/4 cup	1/4 cup	1/2 cup
or			
Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternate.	1/4 cup	1/4 cup	1/2 cup
<u>Meat and Meat Alternates</u>			
Lean meat or poultry or fish <sup>6</sup>	1 oz.	1-1/2 oz.	2 oz.
or			
Cheese	1 oz.	1-1/2 oz.	2 oz.
or			
Eggs	1 egg	1 egg	1 egg
or			
Cooked dry beans or peas	1/4 cup	3/8 cup	1/2 cup
or			

**HANDBOOK CONTINUES**

**HANDBOOK CONTINUES**

LUNCH OR SUPPER (Cont.)

Food Components	Age 1 and 2	Age 3 through 5	Age 6 through 12 <sup>1</sup>
Peanut butter or soynut butter or other nut or seed butters or Peanuts or soynuts or tree nuts or seeds <sup>7</sup> or An equivalent quantity of any combination of the above meat/meat alternates.	2 tbsp.  1/2 oz. <sup>8</sup> = 50%	3 tbsp.  3/4 oz. <sup>8</sup> = 50%	4 tbsp.  1 oz. <sup>8</sup> = 50%

- 1 Children age 12 and up may be served adult size portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities specified in this section for children age 6 up to 12.
- 2 For purposes of the requirements outlined in this subsection, a cup means a standard measuring cup.
- 3 Serve 2 or more kinds of vegetable(s) and/or fruit(s). Full-strength vegetable or fruit juice may be counted to meet not more than one-half of this requirement.
- 4 Bread, pasta or noodle products, and cereal grains shall be wholegrain or enriched, cornbread, biscuits, rolls, muffins, etc., shall be made with wholegrain or enriched meal or flour.
- 5 Serving sizes equivalents to be published in guidance materials by FNS.
- 6 Edible portion as served.
- 7 Tree nuts and seeds that may be used as meat alternates are listed in program guidance.
- 8 No more than 50% of the requirement shall be met with nuts or seeds. Nuts or seeds shall be combined with another meat/meat alternate to fulfill the requirement. For purpose of determining combinations, 1 oz. of nuts or seeds is equal to 1 oz. of cooked lean meat, poultry or fish.

(NOTE: Caution should be used with foods that can cause choking in young children and infants [under 4 years of age]. Such foods include, but are not limited to, nuts, e.g., peanuts; popcorn; large pieces of raw vegetables; large grapes; and hot dogs.)

**HANDBOOK CONTINUES**

**HANDBOOK CONTINUES**

SUPPLEMENTAL FOOD

(3) The minimum amounts of food components to be served as supplemental food as set forth in paragraph (a)(3) of ...[7 CFR, Part 226.20, Revised January 1, 1990] are as follows. Select two of the following four components. (Juice may not be served when milk is served as the only other component.)

Food Components	Age 1 and 2	Age 3 through 5	Age 6 through 12 <sup>1</sup>
<u>Milk</u>			
Milk, fluid.	1/2 cup <sup>2</sup>	1/2 cup	1 cup
<u>Vegetables and Fruits</u>			
Vegetable(s) and/or fruit(s) or Full-strength vegetable or fruit juice or an equivalent quantity of any combination of vegetable(s), fruit(s), and juice.	1/2 cup	1/2 cup	3/4 cup
Bread and Bread Alternates <sup>3</sup>			
Bread or Cornbread, biscuits, rolls, muffins, etc. <sup>4</sup>	1/2 slice	1/2 slice	1 slice
Cold dry cereal <sup>5</sup> or Cooked cereal	1/4 cup or 1/3 oz.	1/3 cup or 1/2 oz.	3/4 cup or 1 oz.
Cooked pasta or noodle products or Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternate.	1/4 cup	1/4 cup	1/2 cup

**HANDBOOK CONTINUES**

**HANDBOOK CONTINUES**

SUPPLEMENTAL FOOD (Cont.)

Food Components	Age 1 and 2	Age 3 through 5	Age 6 through 12 <sup>1</sup>
<u>Meat and Meat Alternates</u>			
Lean meat or poultry or fish <sup>6</sup> or Cheese	1/2 oz.	1/2 oz.	1 oz.
or Eggs	1/2 oz.	1/2 oz.	1 oz.
or Cooked dry beans or peas	1/2 egg	1/2 egg	1 egg
or Peanut butter or soynut butter or other nut or seed butters	1/8 cup	1/8 cup	1/4 cup
or Peanuts or soynuts or tree nuts or seeds <sup>7</sup>	1 tbsp.	1 tbsp.	2 tbsp.
or Yogurt, plain, or sweetened and flavored	1/2 oz.	1/2 oz.	1 oz.
or An equivalent quantity of any combination of the above meat/meat alternates.	2 oz. or 1/4 cup	2 oz. or 1/4 cup	4 oz. or 1/2 cup

- 1 Children age 12 and up may be served adult size portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities specified in this section for children age 6 up to 12.
- 2 For purposes of the requirements outlined in this paragraph, a cup means a standard measuring cup.
- 3 Bread, pasta or noodle products, and cereal grains shall be wholegrain or enriched, cornbread, biscuits, rolls, muffins, etc., shall be made with wholegrain or enriched meal or flour; cereal shall be wholegrain or enriched or fortified.
- 4 Serving sizes and equivalents to be published in guidance materials by FNS.
- 5 Either volume (cup) or weight (oz.), whichever is less.
- 6 Edible portion as served.
- 7 Tree nuts and seeds that may be used as meat alternates are listed in program guidance.

(NOTE: Caution should be used with foods that can cause choking in young children and infants [under 4 years of age]. Such foods include, but are not limited to, nuts, e.g., peanuts; popcorn; large pieces of raw vegetables; large grapes; and hot dogs.)

**HANDBOOK ENDS HERE**

**101227**     **FOOD SERVICE** (Continued) **101227**

- (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.
  
- (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.

**101227**     **FOOD SERVICE** (Continued) **101227**

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



**101227**     **FOOD SERVICE** (Continued) **101227**

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

**101227 FOOD SERVICE (Continued)** **101227**

- (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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

**101228 PERSONAL SERVICES (RESERVED)** **101228**

**101229 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION** **101229**

- (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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

**101229.1 SIGN IN AND SIGN OUT** **101229.1**

- (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.
- (b) The person who brings the child to, and removes the child from, the center shall sign the child in/out.

**101229.1 SIGN IN AND SIGN OUT (Continued)**  
**101229.1**

- (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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

**101230 ACTIVITIES/NAPPING** **101230**

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

<b>101230</b>	<b>ACTIVITIES/NAPPING</b>	<b>101230</b>
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(Continued)

- (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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

<b>101231</b>	<b>SMOKING PROHIBITION</b>	<b>101231</b>
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- (a) Smoking is prohibited on the premises of a child care center as specified in Health and Safety Code Section 1596.795(b).

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**HANDBOOK BEGINS HERE**

- (1) Health and Safety Code Section 1596.795(b) states:
  - The smoking of tobacco on the premises of a licensed day care center shall be prohibited.

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**HANDBOOK ENDS HERE**

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NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Section 1596.72, 1596.73, 1596.795, 1596.81 and 1597.05, Health and Safety Code.

**Article 7. PHYSICAL ENVIRONMENT**

**101237 ALTERATIONS TO EXISTING BUILDINGS OR NEW FACILITIES 101237**

- (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.

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**HANDBOOK BEGINS HERE**

- (c) Prior to construction or alterations, state or local law requires that all facilities secure a building permit.

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**HANDBOOK ENDS HERE**

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NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

**101238 BUILDINGS AND GROUNDS**  
**101238**

- (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.
  - (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.

**101238 BUILDINGS AND GROUNDS (Continued)** **101238**

- (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 fencing 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).
- (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.

**101238 BUILDINGS AND GROUNDS (Continued)** **101238**

- (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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, and 1596.81, Health and Safety Code.

**101238.2 OUTDOOR ACTIVITY SPACE** **101238.2**

- (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.
  - (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.





<b>101238.3 INDOOR ACTIVITY SPACE</b>	<b>101238.3</b>
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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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

<b>101238.4 STORAGE SPACE</b>	<b>101238.4</b>
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- (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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

**101238.5 WADING POOLS** **101238.5**

- (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.

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- (b) For regulations regarding swimming pools and other water activities, please see Sections 101238(e) and 101216.6.

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NOTE: Authority cited Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

**101239 FIXTURES, FURNITURE, EQUIPMENT AND SUPPLIES** **101239**

- (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.

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- (1) The use of a fireplace screen or similar barrier will meet this requirement.

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**101239**     **FIXTURES, FURNITURE, EQUIPMENT AND SUPPLIES (Continued)**     **101239**

- (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.
  - (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.

101239 **FIXTURES, FURNITURE, EQUIPMENT AND SUPPLIES (Continued)** 101239

- (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.
  - (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.

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- (2) The toilet designated for this use may be in the general-use area or in a separate bathroom.

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- (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.



**101239.1 NAPPING EQUIPMENT (Continued)** **101239.1**

- (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 over the cots or mats of other children.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

**101239.2 DRINKING WATER** **101239.2**

- (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.

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**HANDBOOK BEGINS HERE**

- (3) Bottled water or portable containers will be allowed provided that:
  - (A) The water and containers are kept free of contamination.
  - (B) Bottled water containers are secured to prevent tipping and breaking.

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<b>101239.2</b>	<b>DRINKING WATER (Continued)</b>	<b>101239.2</b>
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- (4) All water for drinking shall be potable as defined in the California Code of Regulations, Title 24, Part 5.

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- (A) Title 24, Part 5, defines potable water as water that is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the health authority having jurisdiction.

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NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

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**SUBCHAPTER 1. (RESERVED)**

**SUBCHAPTER 2. INFANT CARE CENTERS**

**Article 1. GENERAL REQUIREMENTS AND DEFINITIONS**

**101351      GENERAL      101351**

- (a) Child care centers providing group infant care shall be governed by the provisions specified in this subchapter. In addition, such centers, except where specified otherwise, shall be governed by Chapter 1, Child Care Center General Licensing Requirements.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

**101352      DEFINITIONS      101352**

Renumbered to Section 101152 by Manual Letter No. 98-11, effective 11/1/98.

**101361      LIMITATIONS ON CAPACITY AND AMBULATORY STATUS      101361**

- (a) It shall be permissible for a child whose developmental needs require continuation in an infant care center to remain in an infant care center up to a maximum age of three years.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72 and 1596.81, Health and Safety Code.

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**Article 6. CONTINUING REQUIREMENTS****101415 INFANT CARE CENTER DIRECTOR QUALIFICATIONS AND DUTIES 101415**

- (a) In addition to Section 101215.1, the following shall apply:
- (b) The experience requirement specified in Sections 101215.1(h)(1), (2) and (3) shall be completed in an infant care center or a comparable group child care program dealing with children under five years of age.
- (c) At least three of the semester or equivalent quarter units required in Sections 101215.1(h)(1)(B), (h)(2) and (h)(3) shall be related to the care of infants.
- (d) When the director of an infant care center or the director of a combination center is temporarily away from the center, the director has the authority to delegate his/her responsibilities as specified below:
  - (1) When an assistant director is required, arrangements shall be made for the assistant director to act as a substitute.
    - (A) Arrangements shall be made for a fully qualified infant care teacher to act as a substitute for the assistant director.
  - (2) When an assistant director is not required, arrangements shall be made for a fully qualified infant care teacher to act as a substitute.
  - (3) If the absence is for more than 30 consecutive calendar days, the substitute director shall meet the qualifications of a director.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.750, 1596.72 and 1596.81, Health and Safety Code.

**101415.1 ASSISTANT INFANT CARE CENTER DIRECTOR QUALIFICATIONS AND DUTIES** **101415.1**

- | (a) In addition to the director, an assistant director shall be present and on duty if the center has 25 or more infants in attendance.
  
- | (b) The assistant infant care center director shall meet the following qualifications:
  - (1) Be a fully qualified infant care teacher.
  
  - | (2) Have completed, with passing grades, at least three postsecondary semester or equivalent quarter units in administration or employee relations at an accredited or approved college or university.
    - | (A) The assistant director may complete the three units required in (b)(2) above within one year following initial employment as assistant director.
  
    - | (B) The assistant director shall work under the direction and supervision of the infant or child care center director.
  
    - (C) Under the leadership of the director, the assistant director shall be responsible for the infant care center or the infant care component of a combination center.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72 and 1596.81, Health and Safety Code.

**101416.2 INFANT CARE TEACHER QUALIFICATIONS AND DUTIES****101416.2**

- (a) Notwithstanding Section 101216.1, the following shall apply:
- (b) Prior to employment, an infant care teacher shall have completed, with passing grades, at least three postsecondary semesters or equivalent quarter units in early childhood education or child development, and three postsecondary semester or equivalent quarter units related to the care of infants, at an accredited or approved college or university.
- (1) After employment, a teacher who has not completed the course work required in (c)(1) below shall complete, with passing grades, at least two units each semester or quarter until the education requirements are met.
- (c) To be a fully qualified infant care teacher, a teacher shall have the following:
- (1) Completion, with passing grades, of 12 postsecondary semester or equivalent quarter units in early childhood or child development education at an accredited or approved college or university.
- (A) At least three of the units required in (c)(1) above shall be related to the care of infants or shall contain instruction specific to infants.
1. Examples of acceptable course work are pediatric nursing and postnatal care.
- (2) At least six months of experience in a licensed infant care center or comparable group child care program for children under five years of age.
- (A) 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.

**101416.2 INFANT CARE TEACHER QUALIFICATIONS AND DUTIES (Continued) 101416.2**

- (d) A photocopy of each teacher's transcript(s) documenting successful completion of required course work shall be maintained at the center.
- (e) Under the direction and supervision of the director and the assistant director, the infant care teacher shall provide direct care and supervision to infants at the center.
- (f) Teachers shall visually observe aides whenever aides are working with infants, except as provided for in Section 101416.5(d)(1).
- (g) An infant care 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).

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

**101416.3 INFANT CARE AIDE QUALIFICATIONS AND DUTIES 101416.3**

- (a) In addition to Section 101216.2, the following shall apply:
- (b) An infant care aide shall work under the direct supervision of the director, the assistant director or a fully qualified teacher, except as provided for in Section 101416.5(d)(1).
- (c) Aides shall participate in the on-the-job training programs provided by the licensee as specified in Section 101216(e).
- (d) An aide shall provide direct care and supervision to infants.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72 and 1596.81, Health and Safety Code.

**101416.5 STAFF-INFANT RATIO** **101416.5**

- (a) In addition to Sections 101216.3 (c), (e), (g) and (h), and notwithstanding Sections 101216.3 (a), (b), (d) and (f), the following shall apply:
  - (b) There shall be a ratio of one teacher for every four infants in attendance.
    - (1) An aide may be substituted for a teacher when all of the following conditions are met:
      - (A) There is a fully qualified teacher directly supervising no more than 12 infants, and
      - (B) Each aide is responsible for the direct care and supervision of a group of no more than four infants.
    - (2) When engaged in activities away from the center, there shall be a minimum of one adult to every two infants in attendance.
      - (A) This ratio may include authorized representatives of infants in care and adult volunteers to supplement the staff-infant ratio.
- (c) The director and the assistant director in an infant care center or a combination center may be counted in the staff-infant ratio when actually working with infants.
- (d) There shall be one teacher to visually observe every 12 sleeping infants provided the remaining staff necessary to meet the ratios specified in (b) above 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(e), may visually observe 12 sleeping infants in place of a teacher if the conditions specified in (d) above are met.
- (e) There shall be provision for overlap of staff for different shifts so that continuity of care is assured.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.



**101416.8 STAFFING FOR INFANT WATER ACTIVITIES** **101416.8**

- (a) In addition to Sections 101216.6(a) and 101416.5(b), and notwithstanding Section 101216.6(b), the following shall apply:
- (b) A ratio of one adult to two infants shall be maintained during activities in or near any body of water specified in Sections 101216.6(a)(1) and (3).
- (c) A ratio of one staff member to every four infants shall be maintained during activities in or near any container of water that a child can get into and get out of unassisted. This shall include, but not be limited to, wading pools, basins or water trays.
  - (1) This ratio may include authorized representatives of infants in care and adult volunteers to supplement the staff-infant ratio.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72 and 1596.81, Health and Safety Code.

**101417**     **TODDLER COMPONENT IN AN INFANT CARE CENTER** **101417**

- (a) Licensees serving infants 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 and 101351 through 101439.1 shall apply to infant care centers operating a toddler component, except as specified in Sections 101417(a)(1) through (6).
  - (1) Child care centers with an existing infant care program wishing to establish a toddler component shall submit an amended application as specified in Section 101169(a)(1)(A) and shall 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. No child shall be placed in the toddler program before the age of 18 months.
  - (3) The infant care center shall obtain written permission from the child's authorized representative for the placement of the child in the toddler program.
  - (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.
    - (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.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Section 1596.956, Health and Safety Code.

**101419.2 INFANT NEEDS AND SERVICES PLAN** **101419.2**

- (a) Prior to the infant's first day at the center, the infant care center director or assistant director shall complete a needs and services plan for the infant.
  - (1) Such plan shall be completed with the assistance of the infant's authorized representative at the personal interview specified in Section 101218.1.
  - (2) The authorized representative shall sign the plan to verify that he/she has participated in preparing it.
- (b) The needs and services plan shall be in writing and shall include the following:
  - (1) The individual feeding plan.
  - (2) The individual toilet-training plan, if applicable.
  - (3) Any services needed by the infant that are different from those provided by the center's normal program. Such items shall include but not be limited to:
    - (A) Any special exercises for infants with physical disabilities.
  - (4) A plan for subsequent personal interviews with the authorized representative.
- (c) The authorized representative shall be provided with a copy of the needs and services plan and any subsequent updates.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72 and 1596.81, Health and Safety Code.

**101419.3 MODIFICATIONS TO INFANT NEEDS AND SERVICES PLAN** **101419.3**

- (a) The written infant needs and services plan shall be updated at least quarterly, or as often as necessary to assure its accuracy.
  - (1) The director, the assistant director or a teacher shall update the plan with the assistance of the infant's authorized representative.
  - (2) The authorized representative shall sign the plan to verify that he/she has participated in updating it.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72 and 1596.81, Health and Safety Code.

**101423.1 INFANT CARE DISCIPLINE** **101423.1**

- (a) In addition to Section 101223.2, the following shall apply:
- (b) Confinement to cribs, high chairs, playpens or other similar furniture or equipment shall not be permitted as a form of discipline or punishment.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72 and 1596.81, Health and Safety Code.

**101425 INFANT CARE TRANSPORTATION** **101425**

- (a) In addition to Section 101225, the following shall apply:
- (b) Only licensed drivers 18 years old or older shall be permitted to operate any vehicle used to transport infants.
- (c) Motor vehicles used to transport infants shall contain a first-aid kit containing at least the supplies specified in Section 101226(d).
  - (1) When public transportation is used to transport infants, center staff shall have on hand, and available for use, a first-aid kit as specified in (c) above.
- (d) When transporting infants in any motor vehicle, the licensee shall secure each infant in a child passenger restraint system, i.e., a car seat designed for an infant. The child passenger restraint system shall be secured in the vehicle in accordance with the manufacturer's instructions.
  - (1) The manufacturer's instructions shall be maintained in the center for as long as the infant car seat is in use.

**101425**    **INFANT CARE TRANSPORTATION (Continued)** **101425**

- (2) Vehicle Code Section 27360(b) requires that children as specified must be secured in a child passenger restraint system.

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Vehicle Code Section 27360(b) provides in part:

- (b) No driver shall transport on a highway any child under four years of age, regardless of weight, or weighing less than 40 pounds, regardless of age, in a motor vehicle, as defined in Section 27315, without providing and properly securing the child in a child passenger restraint system meeting applicable federal motor vehicle safety standards. This subdivision does not apply to a driver if the parent or legal guardian of the child is also present in the vehicle and is not the driver.

Vehicle Code Section 27315(c) provides:

- (c) As used in this section, "motor vehicle" means any passenger vehicle or any motortruck or truck tractor, but does not include a motorcycle.

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- (e) The staff-infant ratio shall be maintained while transporting infants in motor vehicles.
- (1) The required supervision ratios shall be maintained whether the vehicle is moving or parked.
- (f) Infants in motor vehicles shall have constant adult supervision and shall not be left unattended under any circumstances.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72 and 1596.81, Health and Safety Code.

**101426.2**    **INFANT CARE ISOLATION FOR ILLNESS** **101426.2**

- (a) In addition to Section 101226.2, the following shall apply:
- (b) The isolation area shall be equipped with a crib, cot, mat or playpen for each ill infant.
- (c) Any infant in the isolation area shall be under constant visual observation by a director, an assistant director, a teacher or an aide.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

**101427 INFANT CARE FOOD SERVICE****101427**

- (a) In addition to Section 101227, the following shall apply:
  - (b) There shall be an individual feeding plan for each infant.
    - (1) The plan shall be completed and available for use prior to the infant's first day at the center.
    - (2) The director or the assistant director, and the infant's authorized representative and/or physician, shall develop the plan.
      - (A) The authorized representative shall sign the plan to verify that he/she has participated in developing and updating it.
    - (3) The plan shall include the following items:
      - (A) Instructions from the infant's physician relating to special diet or feeding.
      - (B) Feeding schedule.
      - (C) Breast milk or kind of formula.
      - (D) Schedule for introduction of solid and new foods.
      - (E) Food consistency.
      - (F) Food likes and dislikes.
      - (G) Food allergies.
      - (H) Schedule for introduction of cups and utensils.
    - (4) The plan shall be updated as often as the authorized representative wants, or as necessary to reflect changes in any of the areas specified above.
    - (5) The infant care center director or assistant director shall discuss current feeding theory with the authorized representative. This discussion should cover the dangers of honey.

**HANDBOOK BEGINS HERE**

- (A) Authorities recommend that honey not be fed to any infant for the first year of life. Honey may carry botulism spores that can be harmful to young infants and has been known to cause infant botulism.
  
- (B) It is recommended that the discussion include the following "Recommendations for Infant Feeding Practices" by the Department of Human Services concerning the sequence for the introduction of solid foods to infants from birth to 12 months.

<b>AGE</b>	<b>FOODS</b>
<b>Birth-12 months</b>	Breast milk, iron-fortified formula, or evaporated milk formula
<b>At 4-6 months</b>	Infant cereal (dry type)
<b>At 5-7 months</b>	Vegetables, fruits and their juices
<b>At 6-8 months</b>	Protein foods (cheese, yogurt; cooked beans, meat, fish, and chicken; egg yolk)
<b>At 10-12 months</b>	Whole egg

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- (c) The infant shall be fed in accordance with the individual plan.
  - (1) Bottle-fed infants shall be fed at least once every four hours.
  
  - (2) The infant care center shall have appropriate food available for the infant.
    - (A) Where the infant's authorized representative elects to provide food for the infant but forgets to bring it, the center shall provide appropriate food for the infant.
  
  - (3) Introduction of solid foods shall be in accordance with the individual plan.

**101427** **INFANT CARE FOOD SERVICE (Continued)** **101427**

- (d) The infant care center shall provide only commercially prepared formulas for infants.
  - (1) Commercial formulas shall be stored and prepared in accordance with label directions.
  - (2) The specific brand of formula shall be specified in the feeding plan.
  - (3) Any change from one formula to another shall be reflected in advance on the feeding plan.

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**HANDBOOK BEGINS HERE**

- (4) Staff of the infant care center shall not prepare infant formula from basic ingredients.

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**HANDBOOK ENDS HERE**

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- (e) The infant's authorized representative may provide formula or breast/mother's milk.
  - (1) Such formula or milk shall be bottled before being accepted by the center.
    - (A) Bottles shall be labeled.
- (f) The infant care center may heat formula or breast/mother's milk.
- (g) A supply of bottles and nipples shall be maintained at the infant care center. Bottles and nipples used by one infant shall not be shared with or used by another infant unless sterilized.
- (h) Infants who are unable to hold a bottle shall be held by a staff person or other adult for bottle feeding. At no time shall a bottle be propped for an infant. An infant shall not be allowed to carry a bottle while ambulatory. A bottle given to an infant able to hold his/her own bottle shall be unbreakable.



**101427**     **INFANT CARE FOOD SERVICE (Continued)** **101427**

- (i) High chairs or other appropriate seating equipment shall be used to seat infants during feeding. Infants who are unable to sit unassisted in a high chair or other seating equipment shall be held by a staff person or other adult for feeding.
- (j) Bottles, dishes and containers of food brought by the infant's authorized representative shall be labeled with the infant's name and the current date.
  - (1) Formula in a partially consumed bottle shall be discarded at the end of each day.
  - (2) Food shall be discarded if not consumed within 72 hours of the date on the container label.
  - (3) Bottles and dishes provided by the authorized representative shall be rinsed and returned to the authorized representative for sanitizing at the end of each day.
- (k) The infant care center shall not serve honey or corn syrup to any infant.
- (l) Commercially prepared baby food in jars shall be transferred to a dish before being fed to the infant.
  - (1) Any food left over in the dish at the end of the meal shall be discarded.
- (m) If requested, arrangements for privacy shall be made for any mother who has reached an agreement with the infant care center to nurse her infant in the center.
- (n) Bottles and nipples maintained by the infant care center shall be sterilized using any of the following methods after each use:
  - (1) Boiled for a minimum of five minutes and air-dried; or
  - (2) Soaked for a minimum of one minute in a sterilizing solution using 1/2 cup of bleach and five gallons of water and air-dried; or
  - (3) Bottles may be washed and sterilized using a dishwasher.
- (o) Infants shall not be bathed in, and diapers or clothing shall not be rinsed in, the food-preparation area.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

**101428 INFANT CARE PERSONAL SERVICES****101428**

- (a) There shall be a written toilet-training plan for infants being toilet trained.
  - (1) The infant's authorized representative and the director or the assistant director shall develop the plan.
  - (2) The plan shall include the following:
    - (A) Methods of toilet training;
    - (B) Introduction and use of appropriate training equipment; and
    - (C) Introduction and use of appropriate clothing.
  - (3) Infants who are being toilet trained shall not be required to wear diapers unless specifically indicated in the plan.
  - (4) The center shall follow the plan in toilet training the infant.
  - (5) Center staff shall have ready access to the toilet-training plan for infants in their care.
- (b) The infant shall be kept clean and dry at all times.
  - (1) The infant care center shall ensure that the infant has sufficient changes of clothing and diapers so that his/her clothing and diapers can be clean and dry at all times.
  - (2) Each infant's clothing and diapers shall be changed as often as necessary to ensure that the infant is clean and dry at all times.
- (c) Soiled or wet clothing or cloth diapers provided by the infant's authorized representative shall be placed in an airtight container and returned to the authorized representative at the end of each day.
  - (1) The airtight container shall prevent the escape of fluids and odors and be portable enough to give to the authorized representative.
- (d) When changing an infant's diapers, the following shall apply:
  - (1) Each infant shall be diapered on a changing table.
    - (A) No infant shall be left unattended while on a changing table.

<b>101428</b>	<b>INFANT CARE PERSONAL SERVICES (Continued)</b>	<b>101428</b>
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- (2) Infants may be diapered on a changing pad placed on the floor that meets the requirements of Section 101439(h).
- (3) Soiled disposable diapers shall either be disposed of as recommended on the packaging or placed in an airtight container for daily disposal outside of the center.
  - (A) Containers shall be sanitized daily.
- (4) Soiled cloth diapers shall be placed in an airtight container.
- (5) Diapers provided by the center, when soiled, shall be rinsed, washed and sanitized on a daily basis. If a diaper service is utilized, the diapers shall be placed in the diaper service company container, as instructed, for pickup by the diaper service.
- (6) Towels and washcloths used for cleaning infants shall not be shared with other infants or staff and shall be washed after each use.
- (7) The changing table and changing pads shall be disinfected after each use even when disposal covers are used.
  - (A) Infant changing tables may be covered with disposable paper towels or a similar covering that shall be discarded after each diaper change.
  - (B) The floor space used for diaper changing, if soiled, shall be disinfected after each use.
- (e) Whenever a potty chair is used, the following requirements shall be met:
  - (1) The potty chair shall be placed on the floor and used in accordance with the manufacturer's instructions.
  - (2) After each use, the potty chair shall be promptly emptied into a flushing toilet, and all surfaces shall be thoroughly cleaned and disinfected.
  - (3) No infant shall be left unattended while on a potty chair or seat.
- (f) As part of toilet training, each infant shall receive instruction and assistance in hand washing after use of the toilet.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

**101429      RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION      101429**  
**FOR INFANTS**

- (a) In addition to Section 101229, the following shall apply:
- (1) Each infant shall be constantly supervised and under direct visual observation and supervision by a staff person at all times. Under no circumstances shall ANY infant be left unattended.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72 and 1596.81, Health and Safety Code.

**101430      INFANT CARE ACTIVITIES      101430**

- (a) Notwithstanding Section 101230, the following shall apply:
- (1) The infant care center shall develop, maintain and implement a written plan to ensure the provision of indoor and outdoor activities designed to meet the needs of infants, including but not limited to:
    - (A) Quiet and active play.
    - (B) Rest and relaxation.
    - (C) Eating.
    - (D) Toileting.
    - (E) Individual attention.
    - (F) Being held by a caregiver.
  - (2) The center shall ensure the participation of infants in the above activities.
  - (3) All infants shall be given the opportunity to nap/sleep without distraction or disturbance from other activities at the center whenever the infant desires.
    - (A) No infant shall be forced to sleep, to stay awake or to stay in the napping area.
      - (i) The center is not prohibited from scheduling nap times for infants over 12 months old.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72 and 1596.81, Health and Safety Code.

**Article 7. PHYSICAL ENVIRONMENT****101438.1 INFANT CARE GENERAL SANITATION****101438.1**

- (a) All items used by pets and animals shall be kept out of the reach of infants.
- (b) Each caregiver shall wash his/her hands with soap and water before each feeding and after each diaper change.
  - (1) Only dispenser soap, such as liquid or powder in an appropriate dispenser shall be used.
  - (2) Only disposable paper towels in an appropriate holder or dispenser shall be used for hand drying.
- (c) Washing, cleaning and sanitizing requirements for areas used by staff with infants, or for areas that infants have access to, are as follows:
  - (1) Floors, except those carpeted, shall be vacuumed or swept and mopped with a disinfecting solution at least daily, or more often if necessary.
  - (2) Carpeted floors and large throw rugs that cannot be washed shall be vacuumed at least daily and cleaned at least every six months, or more often if necessary.
    - (A) Small rugs that can be washed shall be shaken or vacuumed at least daily and washed at least weekly, or more often if necessary.

Commercial-type cleaning machines commonly available through rental stores, grocery stores, etc., may be used to clean carpets and large rugs. A professional cleaning service may also be hired.
  - (3) Walls and portable partitions shall be washed with a disinfecting solution at least weekly, or more often if necessary.

**101438.1 INFANT CARE GENERAL SANITATION (Continued)** **101438.1**

- (4) The diaper-changing area, where residue is splashed from soiled diapers and items and surfaces are touched by staff during the diaper-changing process, shall be washed and disinfected after each diaper change. Such areas, items and surfaces shall include but not be limited to:
  - (A) Walls and floors surrounding the immediate diaper-changing area.
  - (B) Dispensers for talc, lotion, soap and paper towels.
  - (C) Countertops, sinks, drawers and cabinets.
- (5) Sinks used to wash infants, or to rinse soiled clothing or diapers, shall be disinfected after each use.
- (d) Objects used by infants that are mouthed shall be washed and disinfected at least daily, or more often if necessary. Such objects shall include, but not be limited to, toys and blankets.
- (e) Linens laundered by the center shall be washed and sanitized at least daily, or more often if necessary. Such linens shall include, but not be limited to, bedding, towels and washcloths used on or by infants.
- (f) A disinfecting solution, which shall be used after surfaces and objects have been cleaned with a detergent or other cleaner, shall be freshly prepared each day using 1/4 cup of bleach per gallon of water. Commercial disinfecting solutions, including one-step cleaning/disinfecting solutions, may be used in accordance with label directions.
- (g) All disinfectants, cleaning solutions and other hazardous materials shall be removed immediately and stored as specified in Section 101238.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

**101438.2 OUTDOOR ACTIVITY SPACE FOR INFANTS** **101438.2**

- (a) In addition to Section 101238.2, the following shall apply:
- (b) Outdoor activity space shall be physically separate from space used by children in the child care center and school-age child care center components.
- (c) Placement of playpens shall not create hazards to other infants or adults in the play area.
- (d) The outdoor activity space shall be equipped with a variety of age-appropriate toys and equipment.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

**101438.3 INDOOR ACTIVITY SPACE FOR INFANTS** **101438.3**

- (a) In addition to Section 101238.3, the following shall apply:
- (b) Indoor activity space for infants shall be physically separate from space used by children in the child care center and school-age child care center components.
  - (1) The center may use moveable walls or partitions to separate the above groups in the same room provided that each group has the total amount of square footage in indoor activity space required by this chapter.
  - (2) Moveable walls or partitions, if used, shall be at least four feet high; shall be constructed of sound-absorbing material; and shall be designed to minimize the risk of injury to infants.
- (c) The calculation of indoor activity space for infants shall not include space designated and used for cribs.
  - (1) The sleeping area for infants shall be physically separate from the indoor activity space. This separation shall be accomplished as specified in (b) above.
- (d) The various child care center components in a combination center may share office space, food-preparation space, storage space and any other general-purpose space.
- (e) The indoor activity space shall be equipped with a variety of age-appropriate washable toys and equipment.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

**101439** **INFANT CARE CENTER FIXTURES, FURNITURE, EQUIPMENT** **101439**  
**AND SUPPLIES**

- (a) In addition to Section 101239, and notwithstanding Section 101239(h), the following shall apply:
- (b) The infant care center shall be equipped with appropriate furniture and equipment including, but not limited to, cribs, cots or mats; changing tables; and feeding chairs.
- (c) The type, height and size of furniture and equipment shall be age appropriate.
- (d) Swings, playpens and all such equipment and furniture shall be assembled or installed according to the manufacturer's instructions, and shall be maintained in good repair and safe condition.
  - (1) Equipment that is purchased already assembled shall not be modified.
  - (2) A baby walker shall not be allowed on the premises of a child care center in accordance with Health and Safety Code Section 1596.846.

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Health and Safety Code Sections 1596.846(b) and (c) state:

- (b) A baby walker shall not be kept or used on the premises of a child day care facility.
- (c) A "baby walker" means any article described in paragraph (4) of subdivision (a) of Section 1500.86 of Part 1500 of Title 16 of the Code of Federal Regulations.

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**HANDBOOK ENDS HERE**

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- (e) High chairs or low-wheeled feeding tables and any such equipment used for seating an infant shall have broad-base legs.
  - (1) Seats and backrests shall be made of washable and moisture-resistant material.
  - (2) An infant shall not be permitted to pull on or climb on or into a high chair.
  - (3) Whenever an infant is in a high chair, the tray shall be properly latched on both sides.
  - (4) An infant shall not be permitted to stand up in a high chair.
  - (5) No infant shall be left unattended while in a high chair.



**101439**    **INFANT CARE CENTER FIXTURES, FURNITURE, EQUIPMENT**    **101439**  
**AND SUPPLIES (Continued)**

- (f) All such equipment or furniture shall be washed with a detergent/disinfectant after each use as specified in Section 101438.1.
- (g) Furniture shall be maintained in good repair and safe condition.
- (h) Infant changing tables shall:
  - (1) Have a padded surface no less than one-inch thick and be covered with washable vinyl or plastic.
  - (2) Have raised sides at least three inches high.
  - (3) Be maintained in good repair and safe condition.
  - (4) While in use, be placed within arm's reach of a sink.
  - (5) Not be located in the kitchen/food-preparation area.
- (i) There shall be a minimum of one hand washing sink to every 15 infants and one potty chair to every five infants being toilet trained.
  - (1) If sufficient potty chairs are not available for the number of infants being toilet trained, a combination of potty chairs and toilets with training seats may be used to meet the ratio specified in (i) above.
  - (2) Infants shall not be permitted to play with potty chairs.
- (j) Toilets and potty chairs and hand washing sinks for infants shall be in close proximity to indoor and outdoor activity space.
- (k) Toy storage containers shall meet the following requirements:
  - (1) Lids and the hardware used to hinge lids on boxes or chests shall be removed.
  - (2) All edges and corners shall be rounded and padded.
  - (3) The container shall be well ventilated.
  - (4) The container shall not be lockable.
  - (5) The container shall be maintained in good repair and safe condition.

**101439**    **INFANT CARE CENTER FIXTURES, FURNITURE, EQUIPMENT**    **101439**  
**AND SUPPLIES (Continued)**

- |            (A)    Metal toy boxes shall not have rough or sharp edges, and wooden toy boxes shall not have splinters and other rough areas.
  
- | (l)    Toys shall be safe, and shall not have sharp points or edges or splinters, or be made of small parts that can be pulled off and swallowed.
  - (1)    The combination of toys shall provide and encourage:
    - (A)    Auditory stimulation.
    - (B)    Visual stimulation.
    - (C)    Tactile stimulation.
    - (D)    Manipulative skills.
  - (2)    Pacifiers shall have a shield or guard large enough so that infants cannot choke on them.
  - (3)    Rattles shall be large enough so that they cannot become lodged in an infant's throat and constructed so that they will not separate into small pieces.

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- | (4)    It is recommended that centers comply with the following U.S. Consumer Product Safety Commission advice for the selection and safe use of children's toys:
  - (A)    Avoid toys with small parts.
  - | (B)    Look for labels that give an age recommendation.
  - | (C)    Toys should be suited to the skills, abilities and interests of children.

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**HANDBOOK ENDS HERE**

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- (m)    Fixtures, furniture, equipment, supplies and toys shall not be made of or contain toxic materials or substances.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72 and 1596.81, Health and Safety Code.

**101439.1 INFANT CARE CENTER NAPPING EQUIPMENT** **101439.1**

- (a) In addition to Section 101239.1, the following shall apply:
- (b) A standard size six-year crib or porta-crib meeting the following requirements shall be provided for each infant who is unable to climb out of a crib:
  - (1) Stacking wall cribs or cribs stacked one on top of another, often referred to as tiered cribs, shall not be permitted.
  - (2) Cribs shall not limit the ability of staff to see the infant.
  - (3) Cribs shall not limit the infant's ability to stand upright.
  - (4) Crib mattresses shall be:
    - (A) Covered with vinyl or similar moisture-resistant material.
    - (B) Wiped with a detergent/disinfectant daily and when soiled or wet.
    - (C) Maintained in a safe condition with no exposed foam, batting or coils.
  - (5) Cribs equipped with bumper pads shall be covered with vinyl or similar moisture-resistant material. Each crib shall have a sheet to cover the mattress and, depending on the temperature, a sheet and/or blanket to cover the infant.
    - (A) If bumper pads are used, they shall be installed around the entire inner portion of the crib and tied or snapped into place in at least six places.
    - (B) The mattress shall be set at its lowest position and the side rail shall be locked in its highest position.
    - (C) Cribs shall have spaces between crib slats of no more than 2 3/8 inches.

**101439.1 INFANT CARE CENTER NAPPING EQUIPMENT (Continued)** **101439.1**

- (c) Floor mats or cots that meet the requirements of Section 101239.1(b) shall be provided for all infants who have the ability to climb out of a crib.
- (d) Each crib, mat or cot shall be occupied by only one infant at a time.
- (e) Each infant's bedding shall be used for him/her only. Such bedding shall be replaced when wet or soiled, or when the crib, mat or cot is to be occupied by another infant.
  - (1) Bedding shall be changed daily, or more often if required by (e) above.
    - (A) Soiled bedding shall be placed in a suitable container and made inaccessible to infants until washed or picked up by a commercial laundering service.
- (f) Cribs, mats or cots shall be arranged so as to provide a walkway and work space between the cribs, mats or cots sufficient to permit staff to reach each infant without having to step over or reach over any other infant.
  - (1) Placement of cribs, mats or cots shall not hinder entrance or exit to and from the napping space.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72 and 1596.81, Health and Safety Code.

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**SUBCHAPTER 3. SCHOOL-AGE CHILD CARE CENTER**

**Article 1. General Requirements and Definitions**

**101451      GENERAL      101451**

- (a) School-age child care centers providing group care to children shall be governed by the provisions specified in this subchapter. In addition, such centers, except where specified otherwise, shall be governed by Chapter 1, Child Care Center General Licensing Requirements.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72 and 1596.81, Health and Safety Code.

**101452      DEFINITIONS      101452**

Repealed by Manual Letter No. CCL-98-11, effective 11/1/98.

**Article 2. Licensing (reserved)**

**Article 3. Application Procedures**

**101471      SCHOOL-AGE CHILD CARE CENTER FIRE CLEARANCE      101471**

- (a) In addition to Section 101171, the following shall apply:
- (b) School-age child care centers located on a functioning schoolsite may submit verification of the school fire inspection from the city or county fire department, the district providing fire protection services, or the State Fire Marshal. The school fire inspection shall be accepted as sufficient fire clearance for licensing purposes.
- (1) The school fire inspection shall not be accepted if any fire safety deficiencies are indicated.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81, 1596.95 and 1597.21, Health and Safety Code.

**101482      ISSUANCE OF A SCHOOL-AGE CHILD CARE CENTER LICENSE      101482**

- (a) The Department shall issue a license to an applicant in accordance with the provisions of Health and Safety Code Section 1597.21, which apply only to school-age child care centers, after a completed application has been submitted and upon determination that all licensing requirements have been met.

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Health and Safety Code Sections 1597.21(g) and (h)(1) reads in pertinent part:

- (g) Upon the receipt of a completed application for a license to operate a schoolage day care program at a functioning schoolsite from an organization that is currently licensed to operate a schoolage day care program at another site, the department shall have 30 days to make a final determination on whether to issue a license to operate the program. A functioning schoolsite shall meet the requirements of paragraphs (1) and (2) of subdivision (a) of Section 1596.806.
- (h) (1) If the department, for any reason, is unable to comply with subdivision (g), it shall, within 30 days of the receipt of the application described in subdivision (g), grant a provisional license to the applicant to operate for a period not to exceed six months. The provisional license shall be granted provided the department has conducted a site visit and has not found any life safety risks, the criminal records clearances are complete, and the school fire inspection has been verified. The requirement for criminal records clearances may be satisfied by transfer of current criminal records clearances, pursuant to subdivision (g) [sic\*] of Section 1596.871.

- \* The Department notes that the reference to subdivision (g) of Section 1596.871 appears to be in error in statute. The correct reference is to subdivision (h)(1) of Section 1596.871.

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**HANDBOOK ENDS HERE**

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81, 1596.95 and 1597.21, Health and Safety Code.

**Article 4. Enforcement Provisions** (reserved)

**Article 5. Administrative Actions** (reserved)

**Article 6. CONTINUING REQUIREMENTS****101515 SCHOOL-AGE CHILD CARE CENTER DIRECTOR  
QUALIFICATIONS AND DUTIES 101515**

- (a) In addition to Section 101215.1, the following shall apply:
- (b) All school-age child care centers shall have a director.
- (1) In a combination program that has a school-age child care center component, the director of the child care center component shall maintain ultimate responsibility, in the capacity as director, for the combined program; a separate director for the school-age child care center component is not required.
- (A) In a combination program, the director shall designate a fully qualified teacher as specified in Section 101516.2 for the school-age child care center component.
- (B) The director of the child care center component within the combination program shall maintain administrative responsibility for the overall program and shall provide direct supervision and guidance to the school-age child care center component.
- (c) As an alternative educational prerequisite, any school-age director may substitute six of the units in early childhood education or child development required in Section 101215.1(h)(1)(B) with six units appropriate to elementary school-age children, on a unit-per-unit basis, in any one or a combination of the following:
- (1) Recreation, which includes, but is not limited to, art, music, and dance relevant to elementary school-age children.
- (2) Physical education, which includes, but is not limited to, indoor and outdoor sports activities relevant to elementary school-age children.
- (3) Units earned toward an elementary teaching credential.
- (d) As an alternative educational prerequisite, the director of a school-age child care center that stands alone may, pursuant to Health and Safety Code Section 1597.21, substitute 20 training hours for each of the required units of education in Section 101215.1(h)(1). (This alternative shall not apply to a director of a combination program that includes a component for school-age children.) Units and training hours may be combined to meet the total educational requirement (15 units or 300 training hours, or any combination thereof).



**101515 SCHOOL-AGE CHILD CARE CENTER DIRECTOR QUALIFICATIONS AND DUTIES (Continued)** **101515**

- (1) Health and Safety Code Section 1597.21(b) contains the alternative educational requirements that a director as specified in (d) above may meet.

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Health and Safety Code Section 1597.21(b) states:

In addition to an administration course consisting of three units or 60 training hours and three units or 60 training hours in early childhood education, child development, or schoolage child courses, the site director may, as an alternative to existing regulations, complete nine core units or 180 training hours from the following:

- (1) Recreation, which includes, but is not limited to, art, music, and dance.
- (2) Physical education, which includes, but is not limited to, indoor and outdoor sports activities.
- (3) Human services and social welfare, which includes, but is not limited to, nursing, psychology, sociology, or home economics.
- (4) Units earned toward an elementary or middle school teaching credential.
- (5) Early childhood education, child development, or schoolage child units.

A director is required to complete 12 units or 240 training hours prior to employment. The remaining three units [or 60 training hours] must be completed within one year of employment.

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- (2) A director as specified in (d) above may also qualify by possessing any associate of arts or bachelor's degree from an accredited or approved college or university provided at least three units or 60 training hours are in early childhood education, child development or school-age child courses; and three units or 60 training hours are in administration or staff relations.
- (3) In accordance with Health and Safety Code Section 1597.21(f), a director as specified in (d) above may use alternative approved sources of education.

**101515 SCHOOL-AGE CHILD CARE CENTER DIRECTOR QUALIFICATIONS AND DUTIES (Continued)** **101515**

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Health and Safety Code Section 1597.21(f) states:

In addition to existing approved sources of education, the following are approved sources of education that may be used to satisfy the education required of staff at a schoolage child care center:

- (1) Vocational school training in recreation, physical education, human services, social welfare, and education as described in subdivisions (b) and (d).
- (2) Professional training that qualifies as continuing education credits in the child care or elementary education area.
- (3) Standard training programs that are provided by statewide or nationally recognized or community-based youth service organizations and offered or approved by an accredited educational institution or the Commission on Teacher Credentialing.

**HANDBOOK ENDS HERE**

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- (e) Verification of education allowed by Health and Safety Code Section 1597.21 shall be by transcript or certificate (with hours completed shown on the certificate). To verify course or training program approval, a certification on accredited educational institution letterhead that the course or training program has been approved shall accompany the completion certificate. This certification is only necessary for courses or training programs not offered by an accredited educational institution but approved by such an institution.
- (f) A director as specified in (d) above may also complete alternative types of experience pursuant to Health and Safety Code Section 1597.21. Such experience shall be verified as having been performed at least three hours per day for a minimum of 100 days in a calendar year.
  - (1) Health and Safety Code Section 1597.21(e) contains the alternative types of experience that a director as specified in (d) above may complete.

**101515 SCHOOL-AGE CHILD CARE CENTER DIRECTOR QUALIFICATIONS AND DUTIES (Continued)** **101515**

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Health and Safety Code Section 1597.21(e) states:

The department shall accept the following alternative types of experience for site directors and teachers, if the experience was obtained working directly with children: classroom teaching or teacher assisting experience in elementary or middle school education; paid or volunteer work experience in physical education or recreation programs; college work-study or internship in recreation or youth development; paid or volunteer work experience in human services as described in paragraph (3) of subdivision (b); or paid or volunteer work experience in school guidance or in other counseling programs.

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NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.81, 1596.95, 1597.055 and 1597.21, Health and Safety Code.

**101516.2 SCHOOL-AGE CHILD CARE CENTER TEACHER QUALIFICATIONS AND DUTIES** **101516.2**

- (a) In addition to Section 101216.1, the following shall apply:
- (b) As an alternative educational prerequisite, a school-age child care teacher may, pursuant to Health and Safety Code Section 1597.21, substitute 20 training hours for each of the required units of education in Section 101216.1. Units and training hours may be combined to meet the total educational requirement (12 units or 240 training hours, or any combination thereof).
  - (1) Health and Safety Code Section 1597.21(d) contains the alternative educational requirements that a teacher may meet.

**HANDBOOK BEGINS HERE**

Health and Safety Code Section 1597.21(d) states:

As an alternative to satisfying the educational requirements of teachers contained in the regulations, a teacher may substitute 12 units or 240 training hours in any combination of the following:

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**101516.2 SCHOOL-AGE CHILD CARE CENTER TEACHER QUALIFICATIONS AND DUTIES (Continued)** **101516.2**

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**HANDBOOK CONTINUES**

- (1) Recreation, which includes, but is not limited to, art, music, and dance.
- (2) Physical education, which includes, but is not limited to, indoor and outdoor sports activities.
- (3) Human services and social welfare, which includes, but is not limited to, nursing, psychology, sociology, or home economics.
- (4) Units earned toward an elementary or middle school teaching credential.
- (5) Early childhood education, child development, or schoolage child units.

A teacher is required to complete six units or 120 training hours prior to employment.

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- (2) In accordance with Health and Safety Code Section 1597.21(f), a teacher may use alternative approved sources of education.

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Health and Safety Code Section 1597.21(f) states:

In addition to existing approved sources of education, the following are approved sources of education that may be used to satisfy the education required of staff at a schoolage child care center:

- (1) Vocational school training in recreation, physical education, human services, social welfare, and education as described in subdivisions (b) and (d).
- (2) Professional training that qualifies as continuing education credits in the child care or elementary education area.
- (3) Standard training programs that are provided by statewide or nationally recognized or community-based youth service organizations and offered or approved by an accredited educational institution or the Commission on Teacher Credentialing.

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**101516.2 SCHOOL-AGE CHILD CARE CENTER TEACHER** **101516.2**  
**QUALIFICATIONS AND DUTIES (Continued)**

- (c) Verification of education allowed by Health and Safety Code Section 1597.21 shall be by transcript or certificate (with hours completed shown on the certificate). To verify course or training program approval, a certification on accredited educational institution letterhead that the course or training program has been approved shall accompany the completion certificate. This certification is only necessary for courses or training programs not offered by an accredited educational institution but approved by such an institution.
  
- (d) A school-age child care center teacher may also complete alternative types of experience pursuant to Health and Safety Code Section 1597.21. To be a fully qualified school-age teacher, such experience shall be verified as having been performed at least three hours per day for a minimum of 50 days in a six-month period.
  - (1) Health and Safety Code Section 1597.21(e) specifies the alternative types of experience that a teacher may complete.

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**HANDBOOK BEGINS HERE**

Health and Safety Code Section 1597.21(e) states:

The department shall accept the following alternative types of experience for site directors and teachers, if the experience was obtained working directly with children: classroom teaching or teacher assisting experience in elementary or middle school education; paid or volunteer work experience in physical education or recreation programs; college work-study or internship in recreation or youth development; paid or volunteer work experience in human services as described in paragraph (3) of subdivision (b); or paid or volunteer work experience in school guidance or in other counseling programs.

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- (e) In a combination program, a fully qualified teacher as specified in Section 101216.1 shall be designated to work closely with the director in planning the daily activities of the school-age child care center component.
  - (1) The designated teacher shall maintain responsibility for the overall operation of the school-age child care center component under the direction and supervision of the director of the child care center component.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.81, 1597.055 and 1597.21, Health and Safety Code.

**101516.5 TEACHER-CHILD RATIO** **101516.5**

- (a) In addition to Sections 101216.3(c), (e), (g) and (h), and notwithstanding Sections 101216.3(a), (b), (d) and (f), the following shall apply:
- (b) There shall be a staffing ratio of one teacher and one aide present to every 28 children in attendance.
  - (1) A teacher shall supervise no more than 14 children or with an aide a maximum of 28 children.

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Example:

<u>Number of Children</u>	<u>Minimum Staff Required</u>
1 - 14	1 Teacher
15 - 28	1 Teacher and 1 Aide
29 - 42	2 Teachers and 1 Aide
43 - 56	2 Teachers and 2 Aides

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- (c) Staffing requirements for mixed-age groups shall be determined based on the age of the youngest child in the group.
- (d) The director may be counted in the ratio when actually working with a group of children.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.81, 1596.869 and 1597.055, Health and Safety Code.

**101520 MEDICAL ASSESSMENTS** **101520**

- (a) Notwithstanding Section 101220, the following shall apply:
  - (1) The licensee is not required to document medical assessments on school-age children who are enrolled in a public or private school.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

**101520.1 IMMUNIZATIONS** **101520.1**

- (a) Notwithstanding Section 101220.1, the following shall apply:
- (1) The licensee is not required to document immunizations of children also enrolled in a public or private elementary school.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

**101521 CHILD'S RECORDS** **101521**

- (a) In addition to Section 101221 (except (b)(8)), the following shall apply:
- (b) The licensee shall obtain from the child's authorized representative a health background related to the child's ability/inability to participate in center activities.

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- (1) A health background should include but not be limited to:
- (A) Past illnesses or serious injuries.
- (B) Allergies, including food allergies.
- (C) Conditions requiring special attention in the school-age child care center.
- (D) Special problems or fears.

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NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

**101526.1 DAILY INSPECTION FOR ILLNESS** **101526.1**

- (a) In addition to Section 101226.1, the following shall apply:
- (b) Upon arrival at or admittance to the center, school-age children shall be observed for signs of illness.
  - (1) If a child is found to be ill, the procedure(s) specified in Section 101226(a), (b) or (c), or in Section 101226.2, shall be followed.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

**101527 FOOD SERVICE** **101527**

- (a) In addition to Section 101227, the following shall apply:
- (b) Center programs providing before- and/or after-school care shall make available and offer nutritious snacks to children.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

**101529.1 SIGN IN AND SIGN OUT** **101529.1**

- (a) In addition to Section 101229.1, the following shall apply:
- (b) Center staff shall sign in a school-age child who arrives at the center on his/her own.
- (c) Center staff shall sign out a school-age child whose authorized representative has agreed in writing to allow the child to leave the center on his/her own.
  - (1) The director and the child's authorized representative shall sign and date the agreement allowing the child to leave the center on his/her own.
  - (2) The signed agreements shall be filed in the child's record.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.



**101538.2 OUTDOOR ACTIVITY SPACE FOR SCHOOL-AGE CHILDREN** **101538.2**

- (a) In addition to Section 101238.2, the following shall apply:
- (b) In combination programs, outdoor activity space provided for school-age child care center children shall be physically separated from space provided for other child care center children.
  - (1) Physical separation between school-age and other child care center children shall not apply when a planned activity is being conducted.
- (c) School-age child care programs that meet the requirements of Health and Safety Code Section 1596.806 are exempt from square-footage requirements for outdoor activity space.
  - (1) Health and Safety Code Sections 1596.806(b), (b)(1) and (d) pertain to the exemption from square-footage requirements for outdoor activity space for school-age child care programs that meet the requirements of Health and Safety Code Section 1596.806.

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Health and Safety Code Sections 1596.806(b), (b)(1) and (d) state:

- (b) School grounds, other than rooms used as classrooms, used by a schoolage child care program operated on a functioning schoolsite pursuant to either paragraph (1) or (2) of subdivision (a) shall be exempt from all of the following requirements imposed by the department on child day care facilities:
  - (1) Fencing, outdoor activity space, toilet, and isolation space requirements....
- (d) For purposes of this section, "schoolage child care program" means a program for children who are four years and nine months or older and are currently enrolled in a school or are dependent children living within the same household as a child attending a school, operated by an entity that contracts with the school to provide staff and program....

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**HANDBOOK ENDS HERE**

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- (d) The exemption from square-footage requirements for outdoor activity space is only valid if the entire program is operated in accordance with Health and Safety Code Section 1596.806.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.806 and 1596.81, Health and Safety Code.

**101538.3 INDOOR ACTIVITY SPACE FOR SCHOOL-AGE CHILDREN** **101538.3**

- (a) In addition to Section 101238.3, the following shall apply:
- (b) In combination programs, indoor activity space provided for school-age child care center children shall be physically separated from space provided for infant care and child care center children.
  - (1) Moveable walls or partitions, if used, shall be at least four feet high and shall be safe for use around children.
  - (2) Physical separation between school-age and other child care center children shall not apply when a planned activity is being conducted.
- (c) School-age child care programs that meet the requirements of Health and Safety Code Section 1596.806 are exempt from square-footage requirements for indoor activity space.
  - (1) Health and Safety Code Sections 1596.806(a), (a)(1), (a)(2) and (d) pertain to the exemption from square-footage requirements for indoor activity space for school-age child care programs that meet the requirements of Health and Safety Code Section 1596.806.

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Health and Safety Code Sections 1596.806(a), (a)(1), (a)(2) and (d) state:

- (a) A room used as a classroom by a schoolage child care program shall not be required to meet the square footage or toilet requirements for child day care centers if the program is operated on either of the following:
  - (1) A functioning schoolsite in the same facilities that have housed school children during the day, before or after school hours, or before and after school hours.
  - (2) A functioning schoolsite in facilities certified as usable as a classroom for instructions....
- (d) For purposes of this section, "schoolage child care program" means a program for children who are four years and nine months or older and are currently enrolled in a school or are dependent children living within the same household as a child attending a school, operated by an entity that contracts with the school to provide staff and program....

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**101538.3 INDOOR ACTIVITY SPACE FOR SCHOOL-AGE CHILDREN** **101538.3**  
(Continued)

- (d) The capacity per room for a school-age child care program that meets the requirements of Health and Safety Code Section 1596.806 shall not exceed the number of children for which a room of this size is commonly approved for school use during the school day.
- (e) The exemption from square-footage requirements for indoor activity space is only valid if the entire program is operated in accordance with Health and Safety Code Section 1596.806.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.806 and 1596.81, Health and Safety Code.

**101539 FIXTURES, FURNITURE, EQUIPMENT AND SUPPLIES** **101539**

- (a) In addition to Section 101239, the following shall apply:
  - (b) Toilets used by school-age children shall provide individual privacy.
    - (1) Toilet facilities shall not be used simultaneously by children of both sexes.
- (c) School-age child care programs that meet the requirements of Health and Safety Code Section 1596.806 are exempt from toilet requirements.
  - (1) Health and Safety Code Sections 1596.806(a), (a)(1), (a)(2), (b), (b)(1) and (d) pertain to the exemption from toilet requirements for school-age child care programs that meet the requirements of Health and Safety Code Section 1596.806.

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Health and Safety Code Sections 1596.806(a), (a)(1), (a)(2), (b), (b)(1) and (d) state:

- (a) A room used as a classroom by a schoolage child care program shall not be required to meet the square footage or toilet requirements for child day care centers if the program is operated on either of the following:
  - (1) A functioning schoolsite in the same facilities that have housed school children during the day, before or after school hours, or before and after school hours.

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**HANDBOOK CONTINUES**

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<b>101539</b>	<b>FIXTURES, FURNITURE, EQUIPMENT AND SUPPLIES</b> (Continued)	<b>101539</b>
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**HANDBOOK CONTINUES**

(2) A functioning schoolsite in facilities certified as usable as a classroom for instruction....

(b) School grounds, other than rooms used as classrooms, used by a schoolage child care program operated on a functioning schoolsite pursuant to either paragraph (1) or (2) of subdivision (a) shall be exempt from all of the following requirements imposed by the department on child day care facilities:

(1) Fencing, outdoor activity space, toilet, and isolation space requirements....

(d) For purposes of this section, "schoolage child care program" means a program for children who are four years and nine months or older and are currently enrolled in a school or are dependent children living within the same household as a child attending a school, operated by an entity that contracts with the school to provide staff and program....

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**HANDBOOK ENDS HERE**

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(d) The exemption from toilet requirements is only valid if the entire program is operated in accordance with Health and Safety Code Section 1596.806.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.806 and 1596.81, Health and Safety Code.

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**SUBCHAPTER 4. CHILD CARE CENTER FOR MILDLY ILL CHILDREN**

**Article 1. GENERAL REQUIREMENTS AND DEFINITIONS**

**101551      GENERAL 101551**

- (a) Child care centers providing care to mildly ill children shall be governed by the provisions specified in this subchapter. In addition, such centers, except where specified otherwise, shall be governed by Chapter 1, Child Care Center General Licensing Requirements; Subchapter 2, Infant Care Centers; and Subchapter 3, School-Age Child Day Care Centers.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

**101552      CHILD CARE CENTER FOR MILDLY ILL CHILDREN - DEFINITIONS 101552**

In addition to Section 101152, the following shall apply:

- (a) (Reserved)
- (b) (Reserved)
- (c) (Reserved)
- (d) (1) "Child Care Center for Mildly Ill Children" means any child care center or part of a child care center of any capacity where less than 24-hour per day nonmedical care and supervision are provided to mildly ill children in a group setting.
- (e) (Reserved)
- (f) (Reserved)
- (g) (Reserved)
- (h) (1) "Health Professional" means a physician licensed by the State of California, or a person licensed by the State of California to perform medical procedures prescribed by a physician. This shall include, but not be limited to, physician's assistants, registered nurses and licensed vocational nurses.



**101552 CHILD CARE CENTER FOR MILDLY ILL CHILDREN - DEFINITIONS 101552**  
(Continued)

(i) (Reserved)

(j) (Reserved)

(k) (Reserved)

(l) (1) "Level I Child Care Center for Mildly Ill Children" means a child care center that provides care to mildly ill children and meets the following criteria:

(A) The program is a component of a licensed child care center that serves well children and only accepts mildly ill children who normally attend the center's component(s) for well children.

(B) The "qualified staff person" is a director as specified in Sections 101615(a) and (b), or a teacher as specified in Section 101616.2(b).

(C) The center may accept children with conditions/symptoms/illnesses as specified in Section 101626.1(e) if a health clearance is obtained as specified in Section 101626.1(f).

(D) The center does not serve children with conditions/symptoms/illnesses as specified in Sections 101626.1(g) and (h), including but not limited to:

1. Diarrhea due to confirmed shigella, salmonella or giardia.
2. Contagious stages of chicken pox, measles and mumps.

(2) "Level II Child Care Center for Mildly Ill Children" means a child care center that provides care to mildly ill children and meets the following criteria:

(A) The program may be licensed as either of the following:

1. A free-standing center that provides care only to mildly ill children.

**101552 CHILD CARE CENTER FOR MILDLY ILL CHILDREN - DEFINITIONS 101552**  
(Continued)

- 2. A component of a licensed child care center that serves well children and may accept children who do not normally attend the center's component(s) for well children.
- (B) The "qualified staff person" is a licensed health professional.
- (C) The center may accept children with conditions/symptoms/illnesses as specified in Section 101626.1(e) if a health clearance is obtained as specified in Section 101626.1(f).
- (D) The center may not accept children with the following conditions/symptoms/illnesses except as specified:
  - 1. Diarrhea due to confirmed shigella, salmonella or giardia except as specified in Section 101626.1(i).
  - 2. Contagious stages of chicken pox or mumps except as specified in Section 101626.1(j).
- (E) The center does not serve children with conditions/symptoms/illnesses as specified in Section 101626.1(h).
- (m) (1) "Mildly Ill Child" means any child who is prohibited from participating in a child care center as defined in Section 101152 due to discomfort, injury or symptoms of illness.
  - (A) A mildly ill child shall include but not be limited to:
    - 1. A child who would otherwise be cared for and supervised by his/her authorized representative or a person without a medical background.
    - 2. A child who is recovering from an illness such as a cold or the flu, or who needs nonmedical postoperative convalescent care.
- (n) (Reserved)
- (o) (Reserved)
- (p) (Reserved)

<b>101552</b>	<b>CHILD CARE CENTER FOR MILDLY ILL CHILDREN - DEFINITIONS</b> (Continued)	<b>101552</b>
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- |     |            |   |
|-----|------------|---|
| (q) | (1)        | "Qualified Staff Person" in a Level I child care center for mildly ill children means a director as specified in Sections 101615(a) and (b), or a teacher as specified in Sections 101616.2(a) and (b). |
|     | (2)        | "Qualified Staff Person" in a Level II child care center for mildly ill children means a licensed health professional.  |
| (r) | (Reserved) |   |
| (s) | (Reserved) |   |
| (t) | (Reserved) |   |
| (u) | (Reserved) |   |
| (v) | (Reserved) |   |
| (w) | (Reserved) |   |
| (x) | (Reserved) |   |
| (y) | (Reserved) |   |
| (z) | (Reserved) |   |

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.74, 1596.75, 1596.750, 1596.76 and 1596.81, Health and Safety Code.

**Article 2. LICENSING****101561 CHILD CARE CENTER FOR MILDLY ILL CHILDREN - LIMITATIONS ON CAPACITY AND AMBULATORY STATUS 101561**

- (a) In addition to Section 101161, the following shall apply:
- (b) In a combination child care center with a Level I or Level II component for mildly ill children, facilities and rooms designated for, and used by, mildly ill children shall not be used by children or staff from any other child care center component except as specified in Section 101561(b)(1).
- (1) When mildly ill children are not being cared for in the Level I or Level II component, staff and children from another child care center component may use facilities and rooms designated for, and used by, the Level I or Level II component if a qualified staff person approves and sanitation procedures as specified in Section 101638.1 are followed as determined to be necessary by the qualified staff person.
- (c) To prevent the spread of illnesses in a combination center with a Level I or Level II component, mildly ill children who begin their day in the Level I or Level II component shall not transfer into any other child care center component for that day unless a qualified staff person approves and the criteria specified in Section 101626.1 are met.
- (1) When a child is moved from a Level I or Level II component to another child care center component, the licensee shall document the move in the child's record.
- (d) Staff who begin their day in the Level I or Level II component shall not transfer into any other child care center component for that day unless a qualified staff person approves and sanitation procedures as specified in Section 101638.1(d) are followed.
- (1) The licensee shall document in the staff file when staff members must follow sanitation procedures as specified in Section 101638.1(d) to prevent the spread of illnesses.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81(b), Health and Safety Code.

**Article 3. APPLICATION PROCEDURES****101582 CHILD CARE CENTER FOR MILDLY ILL CHILDREN - ISSUANCE OF A LICENSE 101582**

- (a) In addition to Section 101182, the following shall apply:
- (b) Child care centers for mildly ill children shall be issued a separate license.
  - (1) This requirement shall apply even when a child care center for mildly ill children is a Level I or Level II component of a licensed combination child care center.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1596.95, Health and Safety Code.

**Article 4. ADMINISTRATIVE ACTIONS (Reserved)****Article 5. ENFORCEMENT PROVISIONS (Reserved)****Article 6. CONTINUING REQUIREMENTS****101615 CHILD CARE CENTER FOR MILDLY ILL CHILDREN - DIRECTOR 101615  
QUALIFICATIONS AND DUTIES**

- (a) In addition to Sections 101215, 101215.1, 101216, 101415 and 101515, the following shall apply:
- (b) The director of a Level I or Level II child care center for mildly ill children shall, prior to employment, meet the requirements of Section 101615(b)(1) OR (2).
- (1) Complete three postsecondary semester or equivalent quarter units in the identification, transmission, control and care of common childhood illnesses and communicable diseases at an approved or accredited college or university; and, as specified in Health and Safety Code Section 1596.866, complete at least 15 hours of health and safety training, including pediatric cardiopulmonary resuscitation and pediatric first aid.
- (A) Notwithstanding Health and Safety Code Section 1596.866(a), the director shall complete 15 hours of health and safety training.

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**HANDBOOK BEGINS HERE**

- (B) Health and Safety Code Section 1596.866 reads in pertinent part:
- (a) In addition to any other required training, at least one director or teacher at each day care center, and each family day care home licensee who provides care shall have at least 15 hours of training on preventive health practices. The training shall include pediatric cardiopulmonary resuscitation, pediatric first aid, recognition, management, and prevention of infectious diseases, including immunizations, and prevention of childhood injuries. The training may include training in sanitary food handling, child nutrition, emergency preparedness and evacuation, caring for children with special needs, and identification and reporting of signs and symptoms of child abuse...."

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**HANDBOOK CONTINUES**

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<b>101615</b>	<b>CHILD CARE CENTER FOR MILDLY ILL CHILDREN - DIRECTOR QUALIFICATIONS AND DUTIES (Continued)</b>	<b>101615</b>
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**HANDBOOK CONTINUES**

- (d) Completion of the training required pursuant to subdivisions (a) and (b) shall be demonstrated, upon request of the licensing agency, by the following:
  - (1) A current pediatric cardiopulmonary resuscitation card issued either by the American Red Cross or the American Heart Association, or by a training program that has been approved by the Emergency Medical Services Authority pursuant to Section 1797.191.
  - (2) A current pediatric first aid card issued either by the American Red Cross or by a training program that has been approved by the Emergency Medical Services Authority pursuant to Section 1797.191.
  - (3) A certificate of completion of a course or courses in preventive health practices as defined in subdivision (a) or certified copies of transcripts that identify the number of hours and the specific course or courses taken for training in preventive health practices as defined in subdivision (a).
  
- (e) The training required under subdivision (a) shall not be provided by a home study course. This training may be provided through on-the-job training, workshops, or classes...."

**HANDBOOK ENDS HERE**

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- (2) Notwithstanding Sections 101215(h) and (l), physicians, physician's assistants, registered nurses and licensed vocational nurses who wish to qualify as a director in a Level I or Level II child care center for mildly ill children shall possess a current and active license issued by the appropriate State of California licensing board; and shall:
  - (A) Complete at least six postsecondary semester or equivalent quarter units in early childhood education or child development at an approved or accredited college or university.

<b>101615</b>	<b>CHILD CARE CENTER FOR MILDLY ILL CHILDREN - DIRECTOR QUALIFICATIONS AND DUTIES (Continued)</b>	<b>101615</b>
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- 1. This requirement shall not apply provided a fully qualified teacher as specified in Sections 101616.2(a) and (c) is on the premises of the center at all times.
  - (B) Possess at a minimum one year of experience in pediatric health care obtained within the last five years.
- (c) Verification of licensure required in Section 101615(b)(2) shall be included in an employee's personnel file and shall consist of the following:
  - (1) A photocopy of the license; and
  - (2) Documentation of written or verbal contact with the appropriate State of California licensing board to verify licensure status.
- (d) Original certified copies of transcripts verifying the completion of units required in Sections 101615(b)(1) and (2) shall be filed in an employee's personnel file.
- (e) In a combination child care center with a Level I or Level II component for mildly ill children, a separate director is not required for the Level I or Level II component.
  - (1) The director of the combination center shall designate a fully qualified teacher as specified in Sections 101616.2(a) and (c) for the Level I or Level II component.
  - (2) The director of the combination center shall maintain ultimate responsibility for the Level I or Level II component and shall provide guidance and supervision to the fully qualified teacher designated for the Level I or Level II component.
- (f) Notwithstanding Sections 101215.1(f), the following shall apply:
  - (1) When the director of a child care center for mildly ill children is absent, a fully qualified teacher as specified in Sections 101616.2(a) and (c) shall act as a substitute for the director.
- (g) The director of a child care center for mildly ill children shall develop and implement a written training plan for the center's staff and volunteers.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.



**101616.2 CHILD CARE CENTER FOR MILDLY ILL CHILDREN - TEACHER QUALIFICATIONS AND DUTIES** **101616.2**

- (a) In addition to Sections 101216, 101216.1, 101416.2 and 101516.2, the following shall apply:
- (b) Notwithstanding Section 101216.1(b), prior to employment a teacher shall complete three postsecondary semester or equivalent quarter units in the identification, transmission, control and care of common childhood illnesses and communicable diseases; and shall complete three postsecondary semester or equivalent quarter units in early childhood education or child development. These units shall be completed at an approved or accredited college or university.
  - (1) After employment, a teacher hired under Section 101616.2(b) shall complete at least three units each semester or quarter until a total of 12 postsecondary semester or equivalent quarter units in early childhood education or child development is completed as specified in Section 101216.1(c).
- (c) To be a fully qualified teacher in a child care center for mildly ill children, a fully qualified teacher as specified in Section 101216.1(c) shall complete three postsecondary semester or equivalent quarter units in the identification, transmission, control and care of common childhood illnesses and communicable diseases at an approved or accredited college or university; and, as specified in Health and Safety Code Section 1596.866, shall complete at least 15 hours of health and safety training, including pediatric cardiopulmonary resuscitation and pediatric first aid.
  - (1) Notwithstanding Health and Safety Code Section 1596.866(a), each fully qualified teacher shall complete 15 hours of health and safety training.
- (d) Original certified copies of transcripts verifying the completion of the required units shall be filed in each teacher's personnel file.
- (e) In a combination center with a Level I or Level II component for mildly ill children, a fully qualified teacher as specified in Sections 101616.2(a) and (c) shall work closely with the director in planning the daily activities of the Level I or Level II component.
  - (1) Under the guidance and supervision of the director, the fully qualified teacher as specified in Section 101616.2(e) shall be responsible for the overall operation of the Level I or Level II component.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72 and 1596.73, Health and Safety Code.

**101616.3 CHILD CARE CENTER FOR MILDLY ILL CHILDREN - PERSONNEL REQUIREMENTS 101616.3**

- (a) In addition to Section 101216, the following shall apply:
- (b) All staff and volunteers whose duties include the provision of care to, and the supervision and protection of, mildly ill children shall complete training on the practices and procedures of a child care center for mildly ill children.
  - (1) Training shall be completed within two weeks of a staff member's or volunteer's starting date.
- (c) The training plan shall ensure the provision of at least 20 hours of training for each staff member or volunteer and shall include but not be limited to:
  - (1) Orientation to the center.
  - (2) Instruction on the identification, transmission and control of communicable diseases, including universal health precautions.
  - (3) Center practices and procedures for the care of mildly ill children, including those related to:
    - (A) Hand washing, feeding and diapering.
    - (B) Special care needs of mildly ill children including, as appropriate, the areas of nutrition and fluids, activities, taking temperatures and administering medications.
    - (C) Medical emergencies.
    - (D) Disaster preparedness and evacuation.
- (d) Training shall be given by the director and/or a fully qualified teacher.
- (e) Completion of training shall be documented in each participant's personnel file.
  - (1) Documentation shall include the name(s) of the trainer(s), the name(s) of staff members and volunteers receiving training, the date(s) training was completed, the subject area(s) of the training, and the duration of the training (number of hours).

**101616.3 CHILD CARE CENTER FOR MILDLY ILL CHILDREN - PERSONNEL REQUIREMENTS (Continued)** **101616.3**

- (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 onsite at all times when children are present.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

**101616.5 CHILD CARE CENTER FOR MILDLY ILL CHILDREN - TEACHER-CHILD RATIOS** **101616.5**

- (a) Notwithstanding Sections 101216.3, 101416.5 and 101516.5, the following shall apply:
- (b) There shall be a ratio of one teacher to every three infants in attendance.
- (1) An aide as specified in Section 101216.2 may be substituted for a teacher when all of the following criteria are met:
- (A) A fully qualified teacher as specified in Sections 101616.2(a) and (c) is directly caring for and supervising no more than three infants; and has overall responsibility for supervising a total of no more than 12 infants, with the assistance of three aides as specified in Section 101616.5(b)(1)(B).
  - (B) Each aide is responsible for the direct care and supervision of no more than three infants.
- (c) There shall be a ratio of one teacher to every six preschool-age children in attendance.
- (1) An aide as specified in Section 101216.2 may be substituted for a teacher to care for preschool-age children when all of the following criteria are met:
- (A) A fully qualified teacher as specified in Sections 101616.2(a) and (c) is directly caring for and supervising no more than six preschool-age children; and has overall responsibility for supervising a total of no more than 12 preschool-age children, with the assistance of one aide as specified in Section 101616.5(c)(1)(B).

<b>101616.5 CHILD CARE CENTER FOR MILDLY ILL CHILDREN - TEACHER-CHILD RATIOS (Continued)</b>	<b>101616.5</b>
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- (B) The aide is responsible for the direct care and supervision of no more than six preschool-age children.
- (d) There shall be a ratio of one teacher to every eight school-age children in attendance.
- (1) An aide as specified in Section 101216.2 may be substituted for a teacher to care for school-age children when all of the following criteria are met:
  - (A) A fully qualified teacher as specified in Sections 101616.2(a) and (c) is directly caring for and supervising no more than eight school-age children; and has overall responsibility for supervising a total of no more than 16 school-age children, with the assistance of one aide as specified in Section 101616.5(d)(1)(B).
  - (B) The aide is responsible for the direct care and supervision of no more than eight school-age children.
- (e) Staffing requirements for mixed-age groups of children shall be determined based on the age of the youngest child in the group.
- (f) The ratios specified in Sections 101616.5(b), (c), (d) and (e) shall also apply to napping infants, preschool-age children and school-age children except as follows:
  - (1) One teacher may supervise six napping infants without assistance provided that the remaining staff member(s) necessary to meet the overall ratio specified in Section 101616.5(b) is immediately available at the center.
  - (2) One teacher may supervise 12 napping preschool-age children without assistance provided that the remaining staff member(s) necessary to meet the overall ratio specified in Section 101616.5(c) is immediately available at the center.
  - (3) One teacher may supervise 16 napping school-age children without assistance provided that the remaining staff member(s) necessary to meet the overall ratio specified in Section 101616.5(d) is immediately available at the center.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

<b>101616.8</b>	<b>CHILD CARE CENTER FOR MILDLY ILL CHILDREN - STAFFING FOR WATER ACTIVITIES</b>	<b>101616.8</b>
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- (a) Notwithstanding Section 101216.6, the following shall apply:
- (b) Water activities in or near any of the following bodies of water shall not be permitted in a child care center for mildly ill children:
  - (1) Swimming pool.
  - (2) Any portable pool or wading pool, no matter how shallow.
  - (3) Potentially dangerous natural bodies of water including, but not limited to, oceans, lakes, rivers and streams.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

<b>101619</b>	<b>CHILD CARE CENTER FOR MILDLY ILL CHILDREN - ADMISSION POLICIES</b>	<b>101619</b>
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- (a) In addition to Section 101218, the following shall apply.
- (b) The written admission policies for child care centers for mildly ill children shall specify the conditions/symptoms/illnesses for which children will and will not be accepted for care.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

<b>101620</b>	<b>CHILD CARE CENTER FOR MILDLY ILL CHILDREN - MEDICAL ASSESSMENTS</b>	<b>101620</b>
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- (a) Notwithstanding Section 101220, the following shall apply:
- (b) A written medical assessment for the child shall be obtained from the child's authorized representative if a qualified staff person determines that one is necessary based on the nature of the child's symptoms and/or illness.
  - (1) The medical assessment shall be performed by a physician or other health professional working under the supervision of a physician.

<b>101620</b>	<b>CHILD CARE CENTER FOR MILDLY ILL CHILDREN - MEDICAL ASSESSMENTS (Continued)</b>		<b>101620</b>
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- (2) The medical assessment shall include:
  - (A) Verification that the child's symptoms or illness does not pose a risk to the child or others at the center.
  - (B) Verification of the child's recent negative test for tuberculosis unless the child is concurrently enrolled in a licensed child care center or a public or private school.
  - (C) Identification of the child's special requirements.
  - (D) Identification of prescription and nonprescription medications that the child must take while at the center.
  - (E) Ambulatory status and restrictions on activities.
- (3) Medical assessments shall be filed in the child's record.
- (4) When a medical assessment is not required, the licensee shall make a dated notation to that effect in the child's record.
- (c) The Department has the authority to require the licensee to obtain a current written medical assessment for any child if such an assessment is necessary to verify the appropriateness of the child's placement.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

<b>101621</b>	<b>CHILD CARE CENTER FOR MILDLY ILL CHILDREN - CHILD'S RECORDS</b>		<b>101621</b>
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- (a) In addition to Section 101221, the following shall apply:
- (b) Each child's record shall include:
  - (1) A copy of the written medical assessment, when one has been required, as specified in Section 101620.
    - (A) If a medical assessment has not been required, a dated notation to that effect shall be made in the child's record.

<b>101621</b>	<b>CHILD CARE CENTER FOR MILDLY ILL CHILDREN - CHILD'S RECORDS (Continued)</b>	<b>101621</b>
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- (2) A copy of information regarding instances of authorized representative notification as specified in Sections 101626(b) and (b)(1).
- (3) A copy of information regarding prescription and nonprescription medications that the child must take while at the center as specified in Section 101226(e).
- (4) A copy of the child's plan of care as specified in Section 101626(c).
- (5) A copy of the daily inspection form completed by the qualified staff person performing the daily inspection for illness as specified in Section 101626.1(b).
- (6) Health clearances, when required, as specified in Section 101626.1(f).
- (7) Observations of the child as specified in Section 101626.3(b).
- (8) Information regarding any allergies the child may have.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

<b>101626</b>	<b>CHILD CARE CENTER FOR MILDLY ILL CHILDREN - HEALTH-RELATED SERVICES</b>	<b>101626</b>
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- (a) In addition to Section 101226, and notwithstanding Section 101226(a), the following shall apply:
  - (b) If the child's illness or injury worsens to the point that it exceeds the maximum level of care specified in the admission policies and for which the center is licensed, the licensee shall immediately notify the child's authorized representative and require the child's authorized representative to remove the child from the center.
    - (1) Notification of the authorized representative shall be recorded in the child's record and shall include the date and time of notification and the name of the qualified staff person making the notification.
- (c) A written plan of care shall be developed for each child and shall be updated daily.
  - (1) This plan shall be completed with the assistance of the child's authorized representative; shall be signed and dated by the authorized representative; and shall be maintained in the child's record.

<b>101626</b>	<b>CHILD CARE CENTER FOR MILDLY ILL CHILDREN - HEALTH-RELATED SERVICES (Continued)</b>	<b>101626</b>
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- (2) Each plan of care shall include but not be limited to:
  - (A) Type and frequency of observations of the child.
  - (B) Activity level.
  - (C) Dietary restrictions.
  - (D) Prescription and nonprescription medications that the child must take while at the center.
  - (E) Special procedures associated with the child's illness/injury, such as any relating to intake of food and liquid, stool and urine output, or temperature. This requirement may be omitted when the nature of the child's illness/injury warrants doing so.
  - (F) Developmental activities.
  
- (d) Every center shall have provisions for continuing health consultation from a physician or registered nurse with a current and active license issued by the appropriate State of California licensing board. This health professional shall have pediatric experience/training obtained within the last five years.
  - (1) Health consultation may be provided by a staff member who is also a health professional as specified in Section 101626(d), as part of his/her staff duties; or by an outside consultant as specified in Section 101626(d).
  - (2) Health consultation shall include developing written plans and procedures and, if necessary, forms for the following, all of which shall be maintained at the center:
    - (A) Admissions criteria, center operating policies and procedures, daily inspection procedures, procedures for the surveillance of communicable diseases, and plans for the care of individual children.
    - (B) Liaison with local health departments.



<b>101626</b>	<b>CHILD CARE CENTER FOR MILDLY ILL CHILDREN - HEALTH-RELATED SERVICES (Continued)</b>	<b>101626</b>
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- (C) Recordkeeping and reporting of accidents and illnesses involving staff and children.
  - (D) Obtaining emergency health care, including provisions for listing emergency telephone numbers.
  - (E) Administration, handling and storage of medications.
  - (F) Emergency first-aid procedures and assurance of the availability of staff trained in such procedures.
  - (G) Establishment of an isolation area and development of related procedures.
  - (H) Provision of continuing health-care services to children in attendance who do not already have access to such services, which may include making referrals to community resources.
  - (I) Provision of staff training as specified in Section 101616.2.
- (3) If health consultation is provided by an outside consultant, a written contract or letter of agreement between the consultant and the center shall be prepared. This documentation shall be maintained in the center's files.
- (4) Each center shall maintain in its files each health consultant's name, address, telephone number, area of specialization and evidence of qualifications.
- (A) Evidence of qualifications shall include, but not be limited to, verification of licensure required in Section 101626(d) as demonstrated by the following:
    - 1. A photocopy of the license; and
    - 2. Documentation of written or verbal contact with the appropriate State of California licensing board to verify licensure status.
- (5) Health consultation shall occur quarterly or more often, if necessary, and not less than semiannually.

**101626 CHILD CARE CENTER FOR MILDLY ILL CHILDREN - HEALTH-RELATED SERVICES (Continued) 101626**

- (A) After each consultation, the consultant shall prepare a written report of his/her findings and recommendations. These reports shall be maintained in the center's files.
  - (B) If consultation is not necessary during a quarter, a notation explaining why shall be made in the center's files.
- (e) The licensee shall maintain the most current edition of a manual on the identification and control of communicable diseases.
- (1) This manual shall be either the American Academy of Pediatrics' Report of the Committee on Infectious Diseases (Red Book) or another manual approved by the health consultant prior to use.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

**101626.1 CHILD CARE CENTER FOR MILDLY ILL CHILDREN - DAILY INSPECTION FOR ILLNESS 101626.1**

- (a) Notwithstanding Section 101226.1, the following shall apply:
- (b) Upon arrival each day at the center, each child shall have a daily inspection for illness to determine if the child is appropriate for placement in the center.
  - (1) A qualified staff person shall perform and document the completion of the daily inspection for illness.
    - (A) A qualified staff person for a Level I center shall be a director as specified in Sections 101615(a) and (b), or a teacher as specified in Sections 101616.2(a) and (b).
    - (B) A qualified staff person for a Level II center shall be a licensed health professional.
  - (2) As part of the daily inspection for illness, a child's body temperature shall be determined by using a thermometer with a disposable plastic (Probe) cover.

<b>101626.1 CHILD CARE CENTER FOR MILDLY ILL CHILDREN - DAILY INSPECTION FOR ILLNESS (Continued)</b>	<b>101626.1</b>
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- (3) The licensee shall require the child's authorized representative to remain in the center until the daily inspection for illness is completed and the child is accepted for care.
- (c) The licensee shall develop and implement a written procedure for completing daily inspections for illness, which shall include developing a form to document that a daily inspection for illness has been completed prior to a child's acceptance for care.
  - (1) As required by Section 101626(d), the health consultant shall be consulted on the development of the procedure and form specified in Section 101626.1(c).
- (d) This subchapter shall not be interpreted to require the exclusion of a child with a chronic condition protected under the Americans With Disabilities Act of 1990 (42 U.S. Code Section 12101 et seq.) unless the child also has a condition/symptom/illness as specified in Sections 101626.1(e), (g) and (h) that would independently exclude the child from care in a center.
- (e) Except as specified in Section 101626.1(f), the licensee shall not accept or retain for care any child with any of the following conditions/symptoms/illnesses or combination thereof:
  - (1) Body temperature of 102 F (38.9 C) (oral) or 103 F (39.4 C) (rectal or by ear) or 101 F (38.3 C) (axillary), or higher.
    - (A) For an infant two months of age or under, body temperature of 101.5 F (38.6 C) (rectal or by ear) or higher.
  - (2) Rapid or labored breathing.
  - (3) Body temperature of 101 F (38.3 C) (oral) or 102 F (38.9 C) (rectal or by ear) or 100 F (37.8 C) (axillary), or higher, with stiff neck, lethargy, irritability or persistent crying.
  - (4) Asthmatic with upper respiratory infection and coughing that are interfering with the child's ability to drink, talk or sleep.
  - (5) Undiagnosed acute rash of two weeks or less in duration.

<b>101626.1</b>	<b>CHILD CARE CENTER FOR MILDLY ILL CHILDREN - DAILY INSPECTION FOR ILLNESS (Continued)</b>	<b>101626.1</b>
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- (6) Yellowing of the eyes or skin.
- (7) Abdominal pain that is persistent or intermittent.
- (8) Vomiting three or more times, or lasting over a six-hour period, or with signs of dehydration.
- (9) Diarrhea (that is, five or more stools in an eight-hour period or an increased number of stools compared to the child's normal pattern, and with increased stool water and/or decreased form), in addition to one or more of the following:
  - (A) Signs of dehydration (for example, no urine produced for an eight-hour period).
  - (B) Blood or mucus in the stool unless a physician determines that at least one stool culture demonstrates absence of shigella, salmonella, campylobacter, pathogenic E. coli or other pathogens.
  - (C) Persistence beyond three days.
- (10) Severe lethargy.
- (11) Open lesions of the skin or mucous membranes.
- (12) Other conditions as may be determined by a qualified staff person on an individual basis.
- (f) A Level I or Level II center may accept a child with any of the conditions/symptoms/illnesses as specified in Section 101626.1(e) if the licensee has obtained a written health clearance stating that the child has been diagnosed and reexamined; and is not contagious or a health risk to the child or other children in care.
  - (1) The written health clearance, which shall be kept in the child's record, shall be obtained from a physician or other health professional working under the supervision of a physician.
  - (2) A licensee may accept a child for care under Section 101626.1(f) upon the verbal approval of a physician or other health professional working under the supervision of a physician if the required written health clearance is obtained within 24 hours.

<b>101626.1</b>	<b>CHILD CARE CENTER FOR MILDLY ILL CHILDREN - DAILY INSPECTION FOR ILLNESS (Continued)</b>	<b>101626.1</b>
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- (A) Receipt of verbal approval as specified in Section 101626.1(f)(2) shall be recorded immediately in the child's record. The notation shall include the name of the physician or other health professional who gave the verbal approval, the date and time the verbal approval was given, and the name of the qualified staff person who made the notation.
  
- (g) The licensee shall not accept or retain for care any child with any of the following conditions/symptoms/illnesses except as specified:
  - (1) Diarrhea due to confirmed shigella, salmonella or giardia except as specified in Section 101626.1(i).
  - (2) Contagious stages of chicken pox or mumps except as specified in Section 101626.1(j).
  
- (h) The licensee shall not, under any circumstances, accept or retain for care any child with any of the following conditions/symptoms/illnesses:
  - (1) Diarrhea due to campylobacter or cryptosporidium.
  - (2) Contagious stages of measles, rubella, pertussis, diphtheria or tuberculosis.
  - (3) Untreated infestation (such as head lice, scabies).
  
- (i) A Level II center may accept a child with diarrhea due to confirmed shigella, salmonella or giardia 24 hours after treatment has been initiated if prior approval is obtained from the Department and the following conditions are met:
  - (1) In addition to Section 101626.1(b), prior to accepting the child the licensee shall obtain documentation from a physician or other health professional working under the supervision of a physician stating that, based on his/her knowledge of the isolation and separation procedures specified below, the child has been diagnosed and poses no serious health risk to the child or other children in care. This documentation shall be kept in the child's record.
    - (A) Verbal approval, with written follow-up, shall be acceptable if the procedures specified in Section 101626.1(f)(2) are followed.



<b>101626.1</b>	<b>CHILD CARE CENTER FOR MILDLY ILL CHILDREN - DAILY INSPECTION FOR ILLNESS (Continued)</b>	<b>101626.1</b>
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- (A) Children with chicken pox and mumps shall not be cared for simultaneously in the same isolation room.
  
- (3) Each isolation room shall include:
  - (A) A separate door to the outside of the center.
  - (B) Floor-to-ceiling walls.
  - (C) A separate ventilation system, preferably a positive airflow system.
  - (D) Separate toilet and Hand washing facilities.
  - (E) Separate equipment and toys.
  - (F) Notwithstanding Section 101561(d), staff assigned exclusively to the care of children in each isolation room.
  
- (4) Sanitation procedures as specified in Section 101638.1 shall be followed.
  - (A) The licensee shall document, in the staff file, when staff must follow sanitation procedures as specified in Section 101638.1(d) to prevent the spread of illnesses.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

<b>101626.2</b>	<b>CHILD CARE CENTER FOR MILDLY ILL CHILDREN - ISOLATION FOR ILLNESS</b>	<b>101626.2</b>
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- (a) Notwithstanding Section 101226.2, the following shall apply:
  - (b) A center shall be equipped with an isolation area to care for any child as specified in Section 101626.2(c).
    - (1) The isolation area shall be physically separate from the indoor activity area and shall be located to afford easy observation of, and access to, children requiring isolation.

<b>101626.2</b>	<b>CHILD CARE CENTER FOR MILDLY ILL CHILDREN - ISOLATION FOR ILLNESS (Continued)</b>	<b>101626.2</b>
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- (2) The isolation area shall be equipped with a bed, cot, floor mat or couch for each child requiring isolation; and with a crib, cot or floor mat for each infant requiring isolation.
  - (3) The isolation area shall not be located in the kitchen, food-preparation or toilet areas.
  - (4) In combination centers with a Level I or Level II component for mildly ill children, only one isolation area that serves all of the child care center components is required.
- (c) A child shall be isolated when any one of the following occurs:
- (1) The child's condition worsens enough to warrant notifying the child's authorized representative as specified in Section 101626(b); or
  - (2) The child is determined to have any one of, or combination of, the conditions/symptoms/illnesses as specified in Section 101626.1(e); or
  - (3) The child is determined to possibly have one of the communicable diseases as specified in Sections 101626.1(g) and (h).
- (d) The center shall ensure the isolation of each child within the isolation area when more than one child is present in the isolation area.
- (e) Children in the isolation area shall be under the constant observation of a teacher who is present in the isolation area itself.
- (f) A child shall remain in the isolation area only until the child's authorized representative can remove the child from the center as specified in Section 101626(b).

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.



**101626.3 CHILD CARE CENTER FOR MILDLY ILL CHILDREN - OBSERVATION OF THE CHILD 101626.3**

- (a) In addition to Section 101226.3(a), and notwithstanding Section 101226.3(b), the following shall apply:
- (b) Any changes in the child's behavior or any signs of the child's illness worsening shall be reported to the child's authorized representative and recorded in the child's record on the day they occur.
- (c) If indicated by the nature of the child's illness at any time when the child is in care, staff shall record daily observations of the child's behavior and symptoms, including the date and time of the observation(s). The record of the observation(s) shall also include, but not be limited to, the following as appropriate:
- (1) Behavior and activities, such as the child's state of alertness, type of complaints, frequency and length of sleep, and pattern of rest and play.
  - (2) Temperature.
    - (A) Any child with a body temperature of 100 F (37.8 C) (oral) or 101 F (38.3 C) (rectal or by ear) or 99 F (37.2 C) (axillary), or higher, shall have his/her body temperature taken during the day as follows:
      1. For a child 0-1 years of age, within one hour of the original temperature; for a child 0-5 years of age, within two hours of the original temperature; and for a child 6-18 years of age, within three hours of the original temperature.
      2. The child's temperature shall also be taken at intervals thereafter depending on the child's observed behavior and symptoms as specified in Section 101626.3(c).
    - (B) Body temperature shall be determined by using a thermometer with a disposable plastic (Probe) cover.
  - (3) Breathing.
  - (4) Vomiting.
  - (5) Amount of food and fluid intake.

**101626.3 CHILD CARE CENTER FOR MILDLY ILL CHILDREN - OBSERVATION OF THE CHILD (Continued) 101626.3**

- (6) Color, consistency and number of bowel movements.
- (7) Frequency of urination.
  - (A) Notations shall be made at least every four hours if the child has any of the following conditions/symptoms/illnesses:
    - 1. Decreased appetite.
    - 2. Vomiting.
    - 3. Diarrhea as specified in Section 101626.1(e)(9).
- (d) Recorded observations shall be in accordance with the center's admission policies and agreements; and in accordance with plans and procedures as specified in Section 101626, including the plan of care as specified in Section 101626(c).

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

**101627 CHILD CARE CENTER FOR MILDLY ILL CHILDREN - FOOD SERVICE 101627**

- (a) In addition to Sections 101227 and 101427, the following shall apply:
- (b) For mildly ill children, individual meals and snacks shall be prepared in accordance with the requirements of each child's admission agreement and plan of care.
- (c) For mildly ill infants, individual meals and snacks shall be prepared in accordance with the requirements of each infant's admission agreement, feeding plan and plan of care.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

<b>101628</b>	<b>CHILD CARE CENTER FOR MILDLY ILL CHILDREN - PERSONAL SERVICES</b>	<b>101628</b>
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- (a) In addition to Section 101428, the following shall apply:
- (b) Only disposable diapers shall be used unless cloth diapers are specified in the infant's or child's plan of care.
- (c) If cloth diapers are used, they shall be used with an outer waterproof cover.
  - (1) When cloth diapers are changed, the soiled diaper and outer cover shall be removed at the same time and replaced with a clean diaper and outer cover.
- (d) Notwithstanding Section 101428(d)(5), soiled or wet clothing or cloth diapers shall not be rinsed in a sink.
  - (1) Soiled or wet clothing or cloth diapers provided by the child's authorized representative shall be handled as specified in Section 101428(c).
  - (2) Soiled cloth diapers provided by the center shall be laundered and sanitized daily. If a diaper service is utilized, the diapers shall be placed in the diaper service company container, as instructed, for pickup by the diaper service.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

<b>101629.1</b>	<b>CHILD CARE CENTER FOR MILDLY ILL CHILDREN - SIGN IN AND SIGN OUT</b>	<b>101629.1</b>
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- (a) Notwithstanding Section 101226.1(b)(2)(A), and in addition to Section 101229.1, the following shall apply:
- (b) The licensee shall require that each child be signed in and out by his/her authorized representative.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

<b>101630</b>	<b>CHILD CARE CENTER FOR MILDLY ILL CHILDREN - ACTIVITIES</b>	<b>101630</b>
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- (a) Notwithstanding Section 101230, the following shall apply:
- (b) The licensee shall develop, maintain and implement a written plan to ensure the provision of indoor and outdoor activities designed to meet the needs of mildly ill children. Such activities shall include but not be limited to:
  - (1) Quiet and active play.
  - (2) Rest and relaxation.
  - (3) Eating.
  - (4) Toileting.
  - (5) Individual attention.
  - (6) Infants being held by care providers.
- (c) The licensee shall ensure the participation of mildly ill children in the activities specified in Section 101630(b) as appropriate.
- (d) Each child, unless it is not appropriate because of the nature of his/her illness, shall be given the opportunity to nap/sleep whenever he/she wishes without being disturbed by other activities at the center.
  - (1) No child shall be forced to sleep, to stay awake or to stay in the napping area.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

**Article 7. PHYSICAL ENVIRONMENT****101638.1 CHILD CARE CENTER FOR MILDLY ILL CHILDREN - GENERAL SANITATION 101638.1**

- (a) Notwithstanding Section 101438.1, the following shall apply:
- (b) Children shall not have access to items used by pets and animals.
- (c) Staff and children shall wash their hands at appropriate times, including but not limited to:
  - (1) Before and after eating or handling food.
  - (2) After toileting or changing diapers.
  - (3) Whenever hands are contaminated with bodily fluids.
- (d) The following Hand washing procedures shall be used:
  - (1) Use soap and running water.
    - (A) Only dispenser soap, such as liquid or powder in an appropriate dispenser, shall be used.
  - (2) Rub hands together vigorously, washing all surfaces including wrists, backs of hands, between fingers and under fingernails.
  - (3) Rinse hands well.
  - (4) Dry hands with disposable paper towels.
    - (A) Only disposable paper towels in an appropriate holder or dispenser shall be used.
  - (5) When a water faucet can be turned off only by using hand controls, the faucet shall be turned off using a disposable paper towel instead of with bare hands only.
  - (6) The procedures specified in Sections 101638.1(d)(1) through (5) shall be posted at sinks used by staff.
- (e) Washing, cleaning and sanitizing requirements for areas used by staff and children, or for areas that children have access to, shall include:
  - (1) Floors, except those carpeted, shall be vacuumed or swept and mopped with a disinfecting solution at least daily, or more often if necessary.

<b>101638.1</b>	<b>CHILD CARE CENTER FOR MILDLY ILL CHILDREN - GENERAL SANITATION (Continued)</b>	<b>101638.1</b>
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- (2) Carpeted floors and large throw rugs that cannot be washed shall be vacuumed at least daily and cleaned at least every six months, or more often if necessary.
  - (A) Small rugs that can be washed shall be shaken or vacuumed at least daily and washed at least weekly, or more often if necessary.
- (3) Walls and portable partitions shall be washed and disinfected at least monthly, or more often if necessary.
- (4) When infants are in care, the diaper-changing area, where residue is splashed, shall be washed and disinfected after each diaper change. The immediate floor and wall areas shall also be kept clean.
- (5) Sinks used to wash infants shall be washed and disinfected after each use.
- (6) Sinks used for food preparation shall not be used to wash infants or to wash fecally contaminated hands.
- (f) Objects used by children shall be washed and disinfected at least daily, or more often if necessary. Such objects shall include, but not be limited to, toys and blankets.
- (g) Linens laundered by the center shall be washed and sanitized at least daily, or more often if necessary. Such linens shall include, but not be limited to, bedding, towels and washcloths used on or by children.
  - (1) Linens or clothing used on or by any child shall not be used on or by any other child without first being laundered and sanitized.
- (h) A disinfecting solution, which shall be used after surfaces and objects have been cleaned with a detergent or other cleaner, shall be freshly prepared each day using 1/4 cup of bleach per gallon of water. Commercial disinfecting solutions, including one-step cleaning/disinfecting solutions, shall be permitted and shall be used in accordance with label directions.
- (i) All disinfectants, cleaning solutions, poisons and other hazardous materials shall be stored as specified in Section 101238.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

<b>101638.2</b>	<b>CHILD CARE CENTER FOR MILDLY ILL CHILDREN - OUTDOOR ACTIVITY SPACE</b>	<b>101638.2</b>
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- (a) Notwithstanding Sections 101238.2(a), (e) and (f), the following shall apply:
- (b) There shall be at least 20 square feet of outdoor activity space per child based on the total licensed capacity.
- (c) In combination centers with a Level I or Level II component for mildly ill children, outdoor activity space for mildly ill children shall be physically separate from outdoor activity space for well children.
  - (1) Physical separation shall include but not be limited to:
    - (A) Fencing; or
    - (B) Supervision; or
    - (C) Scheduling.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

<b>101638.3</b>	<b>CHILD CARE CENTER FOR MILDLY ILL CHILDREN - INDOOR ACTIVITY SPACE</b>	<b>101638.3</b>
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- (a) In addition to Section 101238.3, the following shall apply:
- (b) In combination centers with a Level I or Level II component for mildly ill children, indoor activity space for the Level I or Level II component shall be physically separate from indoor activity space for any other child care center component.
  - (1) Physical separation shall include but not be limited to:
    - (A) Moveable partitions.
    - (B) Accordion wall dividers.
    - (C) Separate rooms.

**101638.3 CHILD CARE CENTER FOR MILDLY ILL CHILDREN - INDOOR ACTIVITY SPACE (Continued)** **101638.3**

- (c) In the designated napping area, there shall be at least 15 square feet of indoor space for each child's bed, cot, floor mat or couch; and for each infant's crib, cot or floor mat.
  - (1) The square-footage requirement in Section 101638.3(c) shall be in addition to the requirement of 35 square feet of indoor activity space per child as specified in Section 101238.3.
  - (2) Napping equipment, unless separated by screens, shall be placed at least three feet apart when in use.
  - (3) The designated napping area shall be separate from the indoor activity area.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

**101639 CHILD CARE CENTER FOR MILDLY ILL CHILDREN - FIXTURES, FURNITURE, EQUIPMENT AND SUPPLIES** **101639**

- (a) In addition to Sections 101239, 101439 and 101539, the following shall apply:
- (b) In combination centers with a Level I or Level II component for mildly ill children, all fixtures, furniture, equipment and supplies designated for use in caring for mildly ill children, or for use by mildly ill children, shall not be shared with or used by any other child care center component unless the criteria specified in Section 101561(b)(1) are met.
- (c) Beds, cots, floor mats or couches, as well as blankets and pillows, shall be available and accessible for use by mildly ill children whenever mildly ill children are present.
- (d) Cribs, cots or floor mats, as well as blankets, shall be available and accessible for use by mildly ill infants whenever mildly ill infants are present.
  - (1) Mildly ill infants shall not have access to pillows.



<b>101639</b>	<b>CHILD CARE CENTER FOR MILDLY ILL CHILDREN - FIXTURES, FURNITURE, EQUIPMENT AND SUPPLIES (Continued)</b>	<b>101639</b>
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- (e) Notwithstanding Section 101239(h), the total licensed capacity of a center shall not exceed 10 mildly ill children for every toilet and handwashing sink.
  - (1) Toilet and handwashing facilities used by mildly ill children shall not be shared with or used by any other child care center component unless the criteria specified in Section 101561(b)(1) are met.
  - (2) Toilets used by mildly ill school-age children shall provide for individual privacy.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.806 and 1596.81, Health and Safety Code.

<b>101639.1</b>	<b>CHILD CARE CENTER FOR MILDLY ILL CHILDREN - NAPPING EQUIPMENT</b>	<b>101639.1</b>
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- (a) In addition to Sections 101239.1 and 101439.1, the following shall apply:
- (b) In combination centers with a Level I or Level II component for mildly ill children, napping equipment designated for use in caring for mildly ill children, or for use by mildly ill children, shall not be shared with or used by any other child care center component unless the criteria specified in Section 101561(b)(1) are met.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

<b>101639.2</b>	<b>CHILD CARE CENTER FOR MILDLY ILL CHILDREN - DRINKING WATER</b>	<b>101639.2</b>
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- (a) Notwithstanding Section 101239.2, the following shall apply:
- (b) Each child shall use a cup or bottle labeled with his/her name, or a single-use disposable cup.
- (c) Drinking water from a noncontaminating fixture or container shall be readily available to children both indoors and in the outdoor activity area.
- (d) Each child shall be free to drink water as he/she wishes unless it is not appropriate because of the nature of the child's illness.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.