

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.

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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).

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- (4) Any changes in the plan of operation that affect services to children.
- (f) The items specified in (d)(1)(A) through (H) above shall also be reported to the child's authorized representative.
- (g) The items specified in (d)(1)(E) through (G) above shall also be reported to the local health officer when appropriate pursuant to the California Code of Regulations, Title 17, Section 2500.
- (1) The licensee shall report to the local health officer all outbreaks or suspected outbreaks involving two or more children of any communicable disease listed in (g)(2)(A) below (including diseases, such as head lice, not listed in Title 17, Section 2500).

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- (A) Health care providers are responsible for reporting individual cases of communicable diseases to the local health officer.
- (B) Health care providers have the option of reporting communicable diseases by fax or mail using standard reporting forms. There are no such standard reporting forms for lay people to use, and it is recommended that child care providers call the local health department immediately to report any outbreak or suspected outbreak of a communicable disease at a child care center. The local health department will take down the information and provide any needed assistance.
- (C) Please call the local health department for more specific information about the reporting process.
- (2) Title 17, Section 2500, lists the following reportable communicable diseases as of March 21, 1997:
 - (A) Communicable Diseases:
 - Acquired Immune Deficiency Syndrome (AIDS)
 - + Amebiasis
 - + Anisakiasis
 - ◇ Anthrax
 - + Babesiosis
 - ◇ Botulism (Infant, Foodborne, Wound)

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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

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- 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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- 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.

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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
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(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
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- (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
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- (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.

101215.1	CHILD CARE CENTER DIRECTOR QUALIFICATIONS AND DUTIES	101215.1
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- (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.

101215.1	CHILD CARE CENTER DIRECTOR QUALIFICATIONS AND DUTIES	101215.1
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(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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- (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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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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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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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.

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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.

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101216.1 TEACHER QUALIFICATIONS AND DUTIES (Continued)	101216.1
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(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.

101216.1	TEACHER QUALIFICATIONS AND DUTIES (Continued)	101216.1
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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
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- (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
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- (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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- (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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- (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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- (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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101216.3 TEACHER-CHILD RATIO **101216.3**
(Continued)

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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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- (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
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(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
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- (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.

101216.4	PRESCHOOL PROGRAM WITH TODDLER COMPONENT (Continued)	101216.4
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- (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.

101216.5	STAFFING -- PARENT-COOPERATIVE CENTERS	101216.5
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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
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(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.

101218.1	ADMISSION PROCEDURES AND PARENTAL AND AUTHORIZED REPRESENTATIVE'S RIGHTS (Continued)	101218.1
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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.

101218.1 ADMISSION PROCEDURES AND PARENTAL AND AUTHORIZED REPRESENTATIVE'S RIGHTS (Continued) **101218.1**

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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.

101218.1	ADMISSION PROCEDURES AND PARENTAL AND AUTHORIZED REPRESENTATIVE'S RIGHTS (Continued)	101218.1
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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
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- (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.