

**TITLE 22, DIVISION 12**

**CHAPTER 1 CHILD CARE CENTER GENERAL LICENSING REQUIREMENTS**

**Article 7. PHYSICAL ENVIRONMENT**

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

- (a) Prior to construction or alterations, the licensee shall notify the Department of the proposed change(s).
- (b) The Department has the authority to require the licensee to obtain a building inspection by a local building inspector if the Department suspects that a hazard to children's health and safety exists.

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

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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**

- (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)**

- (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)**

- (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**

- (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.

**101238.2 OUTDOOR ACTIVITY SPACE (Continued)**

- (e) As a condition of licensure, the areas around and under high climbing equipment, swings, slides and other similar equipment shall be cushioned with material that absorbs falls.
  - (1) Sand, woodchips and peagravel, or rubber mats commercially produced for the purposes of (e) above, are permitted.
  - (2) The use of cushioning material other than that specified in (e)(1) above shall be approved by the Department prior to installation.
- (f) Sandboxes shall be inspected daily and kept free of hazardous foreign materials.
- (g) The playground shall be enclosed by a fence to protect children and to keep them in the outdoor activity area. The fence shall be at least four feet high.

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- (1) The intent of this requirement is to have a fence that will keep children from leaving the outdoor activity area unnoticed but will not in and of itself present a hazard. For example, a split-rail fence wouldn't necessarily keep children from leaving the outdoor activity area and is therefore not appropriate. On the other hand, a barbed-wire fence is not appropriate because it presents a hazard.

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

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.

**101238.3 INDOOR ACTIVITY SPACE**

- (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.

**101238.4 STORAGE SPACE**

- (a) The licensee shall ensure that each child has an individual permanent or portable storage space for his/her clothing, personal belongings and/or bedding.
- (b) There shall be permanent or portable storage space in the playrooms for play materials and equipment.
  - (1) The licensee may store outdoor play materials and equipment outdoors.
- (c) Napping equipment shall be stored at the center when not in use.
- (d) Combustibles, cleaning equipment and cleaning agents shall be stored in an area separate from food supplies in a locked cabinet or in a location inaccessible to children.

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**

- (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**

- (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)**

- (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)**

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

- (n) Furniture and equipment shall be maintained in good condition, free of sharp, loose or pointed parts.
- (1) A baby walker shall not be allowed on the premises of a child care center in accordance with Health and Safety Code Sections 1596.846(b) and (c).

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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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- (o) Playground equipment shall be securely anchored to the ground unless it is portable by design.
- (1) Equipment shall be maintained in a safe condition, free of sharp, loose or pointed parts.
- (p) Furniture and equipment, including cots and mats used for napping, shall be arranged so that no exit is blocked.
- (q) All materials and surfaces accessible to children, including toys, shall be free of toxic substances.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81, 1596.846 and 1597.05, Health and Safety Code.

**101239.1**      **NAPPING EQUIPMENT**

- (a) Cots used for napping shall be maintained in a safe condition.
- (b) Floor mats used for napping shall be:
- (1) Constructed of foam at least 3/4 inch thick.
- (2) Covered with vinyl or similar material that can be wiped.
- (3) Marked or colored so that the sleeping side can be distinguished from the floor side.

**101239.1 NAPPING EQUIPMENT (Continued)**

- (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**

- (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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- (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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**101239.2 DRINKING WATER (Continued)**

- (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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