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March 24, 2015

Handbook Package #0215-03

CDSS MANUAL LETTER NO. CCL-15-02

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL,
TITLE 22, DIVISION 12, CHAPTER 1, CHILD CARE CENTERS

Handbook Package #0215-03

Effective 3/24/2015

Handbook Sections 101169, 101225 and 101425

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG638.htm>.

This manual letter is updating handbook sections which include quoted material relevant to the child care center regulations.

Since these corrections are nonsubstantive, a public hearing was not necessary.

FILING INSTRUCTIONS

Revisions to all manuals are indicated by a vertical line in the left margin. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-15-01. The latest prior manual letter containing Child Care Centers regulation changes was Manual Letter No. CCL-09-07.

| <u>Page(s)</u> | <u>Replace(s) Pages</u> |
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Attachments

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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), 2 (commencing with Section 1250), or 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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Health and Safety Code section 1596.95(e) provides:

Disclosure of any 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 subdivision (d).

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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.

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Health and Safety Code section 1596.877 provides:

- (a) Prior to granting a license 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.
- (b) 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. The Department of Justice shall maintain and continually update an index of reports of child abuse by providers and shall inform the department of subsequent reports received from the child abuse index pursuant to Section 11170 of the Penal Code and the criminal history.
- (c) 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 services agency that 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.
- (d) On and after January 1, 1993, the department shall implement this section for records maintained by counties that have automated their child abuse and neglect complaint records on or before January 1, 1993. On and after July 1, 1993, the department shall implement this section for records maintained by all counties.

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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.

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

(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).

(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.

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Health and Safety Code section 1596.95(g) provides:

Evidence satisfactory to the department that the applicant has posted signs at the point of entry to the facility that provide the telephone number of the local health department and state all of the following:

- (1) Protect your child – it is the law.
- (2) All the information specified in Sections 27360 and 27360.5 of the Vehicle Code regarding child passenger restraint systems.
- (3) Call your local health department for more information.

Vehicle Code section 27315(c)(1) provides:

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

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Vehicle Code section 27315(d)(2) provides:

For purposes of this section the phrase, "properly restrained by a safety belt" means that the lower (lap) portion of the belt crosses the hips or upper thighs of the occupant and the upper (shoulder) portion of the belt, if present, crosses the chest in front of the occupant.

Vehicle Code section 27360 provides:

- (a) Except as provided in Section 27363, a parent, legal guardian, or driver shall not transport on a highway in a motor vehicle, as defined in paragraph (1) of subdivision (c) of Section 27315, a child or ward who is under eight years of age, without properly securing that child in a rear seat in an appropriate child passenger restraint system meeting applicable federal motor vehicle safety standards.
- (b) Subdivision (a) does not apply to a driver if the parent or legal guardian of the child is also present in the motor vehicle and is not the driver.

Vehicle Code section 27360.5 provides:

- (a) A parent, legal guardian, or driver shall not transport on a highway in a motor vehicle, as defined in paragraph (1) of subdivision (c) of Section 27315, a child or ward who is eight years of age or older, but less than 16 years of age, without properly securing that child or ward in an appropriate child passenger restraint system or safety belt meeting applicable federal motor vehicle safety standards.
- (b) Subdivision (a) does not apply to a driver if the parent or legal guardian of the child is also present in the motor vehicle and is not the driver.

Vehicle Code section 27363 provides:

- (a) The court may exempt from the requirements of this article any class of child by age, weight, or size if it is determined that the use of a child passenger restraint system would be impractical by reason of physical unfitness, medical condition, or size. The court may require satisfactory proof of the child's physical unfitness, medical condition, or size and that an appropriate special needs child passenger restraint system is not available.
- (b) In case of a life-threatening emergency, or when a child is being transported in an authorized emergency vehicle, if there is no child passenger restraint system available, a child may be transported without the use of that system, but the child shall be secured by a seatbelt.

HANDBOOK CONTINUES

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

- (19) Such other information as may be required pursuant to Health and Safety Code Section 1596.95(h).

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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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Health and Safety Code section 1596.95(b) provides:

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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- (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, 1596.952(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).

HANDBOOK CONTINUES

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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.

HANDBOOK BEGINS HERE

Health and Safety Code section 1596.95(g) provides:

Evidence satisfactory to the department that the applicant has posted signs at the point of entry to the facility that provide the telephone number of the local health department and state all of the following:

- (1) Protect your child--it is the law.
- (2) All the information specified in Sections 27360 and 27360.5 of the Vehicle Code regarding child passenger restraint systems.
- (3) Call your local health department for more information.

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Vehicle Code section 27315(c)(1) provides:

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

Vehicle Code section 27315(d)(2) provides:

For purposes of this section the phrase, "properly restrained by a safety belt" means that the lower (lap) portion of the belt crosses the hips or upper thighs of the occupant and the upper (shoulder) portion of the belt, if present, crosses the chest in front of the occupant.

Vehicle Code section 27360 provides:

- (a) Except as provided in Section 27363, a parent, legal guardian, or driver shall not transport on a highway in a motor vehicle, as defined in paragraph (1) of subdivision (c) of Section 27315, a child or ward who is under eight years of age, without properly securing that child in a rear seat in an appropriate child passenger restraint system meeting applicable federal motor vehicle safety standards.
- (b) Subdivision (a) does not apply to a driver if the parent or legal guardian of the child is also present in the motor vehicle and is not the driver.

Vehicle Code section 27360.5 provides:

- (a) A parent, legal guardian, or driver shall not transport on a highway in a motor vehicle, as defined in paragraph (1) of subdivision (c) of Section 27315, a child or ward who is eight years of age or older, but less than 16 years of age, without properly securing that child or ward in an appropriate child passenger restraint system or safety belt meeting applicable federal motor vehicle safety standards.
- (b) Subdivision (a) does not apply to a driver if the parent or legal guardian of the child is also present in the motor vehicle and is not the driver.

Vehicle Code section 27363 provides:

- (a) The court may exempt from the requirements of this article any class of child by age, weight, or size if it is determined that the use of a child passenger restraint system would be impractical by reason of physical unfitness, medical condition, or size. The court may require satisfactory proof of the child's physical unfitness, medical condition, or size and that an appropriate special needs child passenger restraint system is not available.

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- (b) In case of a life-threatening emergency, or when a child is being transported in an authorized emergency vehicle, if there is no child passenger restraint system available, a child may be transported without the use of that system, but the child shall be secured by a seatbelt.
- (c) A child weighing more than 40 pounds may be transported in the backseat of a vehicle while wearing only a lap safety belt when the backseat of the vehicle is not equipped with a combination lap and shoulder safety belt.
- (d) Notwithstanding Section 27360, a child or ward under eight years of age who is four feet nine inches in height or taller may be properly restrained by a safety belt, as defined in paragraph (2) of subdivision (d) of Section 27315, rather than by a child passenger restraint system.
- (e) Notwithstanding Section 27360, a child or ward under eight years of age may ride properly secured in an appropriate child passenger restraint system meeting applicable federal motor vehicle safety standards in the front seat of a motor vehicle under any of the following circumstances:
 - (1) There is no rear seat.
 - (2) The rear seats are side-facing jump seats.
 - (3) The rear seats are rear-facing seats.
 - (4) The child passenger restraint system cannot be installed properly in the rear seat.
 - (5) All rear seats are already occupied by children seven years of age or under.
 - (6) Medical reasons necessitate that the child or ward not ride in the rear seat. The court may require satisfactory proof of the child's medical condition.
- (f) Notwithstanding subdivision (e), a child shall not be transported in a rear-facing child passenger restraint system in the front seat of a motor vehicle that is equipped with an active frontal passenger airbag.

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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.
 - (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.

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 27315(c)(1) provides:

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

Vehicle Code section 27360 provides:

- (a) Except as provided in Section 27363, a parent, legal guardian, or driver shall not transport on a highway in a motor vehicle, as defined in paragraph (1) of subdivision (c) of Section 27315, a child or ward who is under eight years of age, without properly securing that child in a rear seat in an appropriate child passenger restraint system meeting applicable federal motor vehicle safety standards.
- (b) Subdivision (a) does not apply to a driver if the parent or legal guardian of the child is also present in the motor vehicle and is not the driver.

Vehicle Code section 27363 provides:

- (a) The court may exempt from the requirements of this article any class of child by age, weight, or size if it is determined that the use of a child passenger restraint system would be impractical by reason of physical unfitness, medical condition, or size. The court may require satisfactory proof of the child's physical unfitness, medical condition, or size and that an appropriate special needs child passenger restraint system is not available.
- (b) In case of a life-threatening emergency, or when a child is being transported in an authorized emergency vehicle, if there is no child passenger restraint system available, a child may be transported without the use of that system, but the child shall be secured by a seatbelt.
- (c) A child weighing more than 40 pounds may be transported in the backseat of a vehicle while wearing only a lap safety belt when the backseat of the vehicle is not equipped with a combination lap and shoulder safety belt.
- (d) Notwithstanding Section 27360, a child or ward under eight years of age who is four feet nine inches in height or taller may be properly restrained by a safety belt, as defined in paragraph (2) of subdivision (d) of Section 27315, rather than by a child passenger restraint system.

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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.

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

- (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.

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- (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.

| AGE | FOODS |
|------------------------|---|
| Birth-12 months | Breast milk, iron-fortified formula, or evaporated milk formula |
| At 4-6 months | Infant cereal (dry type) |
| At 5-7 months | Vegetables, fruits and their juices |
| At 6-8 months | Protein foods (cheese, yogurt; cooked beans, meat, fish, and chicken; egg yolk) |
| At 10-12 months | 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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- (4) Staff of the infant care center shall not prepare infant formula from basic ingredients.

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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.

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