

Regulation and Licensing of Child Care Programs In California

Child care centers and family day care homes in California are required to be licensed by the Community Care Licensing Division of the State Department of Social Services.

All programs must meet the regulations specified in *Title 22* of the California Administrative Code, which is based on the Health and Safety Code. In addition, state subsidized child care centers must meet *Education Code* requirements, commonly known as *Title 5*, which sets stricter adult/child ratios and staff qualifications than Title 22.

Several forms of child care are not subject to state licensing (these programs are known as legally exempt).

Programs not subjected to licensing are:

- Child care in child's own home (i.e. nanny, babysitter)
- Family day care programs which care for the children of only one family other than the provider's family
- Informal child care arrangements such as co-ops, shares, exchanges, and play groups where no money changes hands for care and supervision
- Certain school age care programs (parks/recreation programs, on-site run by school district)
- On-site Military care programs, which are regulated separately by the military **or** programs located on federal property.

Staff Qualifications (Child Care Centers)		
	Title 22	Title 5
Teachers Aides and Assistants	<i>Teachers Aides and Assistants:</i> must be 18 years or older and work at all times in the presence of a teacher	<i>Teacher Aide:</i> Same as Title 22 <i>Teacher Assistant:</i> 6 ECE units
Teachers	Teacher must have 12 semester units in Early Childhood Education/Child Development (ECE/CD) and 6 months of experience	<i>Associate Teacher:</i> 12 ECE Units <i>Teacher:</i> 24 ECE units + 16 GE units <i>Master Teacher:</i> Teacher + 6 ECE units in specialization + 2 adult supervision units
Supervisors	Supervisors must have 12 ECE units (core) and 3 administration units	<i>Site Supervisors:</i> AA or 60 units with 24 ECE units + 5 administration units + 2 adult supervision units <i>Program director:</i> BA + 24 ECE units + 6 administration units + 2 adult supervision units
Staff Qualifications (Family Day Care)		
	Title 22	Title 5
Providers:	Must be 18 years or older	Does not apply
Assistants:	Must be 18 or 14 to 17 years and be under direct supervision of provider at all times	Does not apply

Adult to Child Ratio (Child Care Centers)		
	Title 22	Title 5
0 - 2 years	1 adult : 4 children	1 adult: 3 children- or -1 adult : 4 children in combination age classrooms (0 - 3 years)
2 - 6 years	1 adult : 12 children	1 adult: 8 children (for ages 2.9 to 6 years)
6 - 14 years	1 adult : 15 children	1 adult : 14 children

Adult to Child Ratio (Family Day Care Homes)	
Title 22: Small Family Day Care Homes	Title 22: Large Family Day Care Homes
1 adult: 4 (infants are considered children under the age of 2)	2 adults: 12 children (may include up to 4 infants)
1 adult : 6 children (may include up to 3 infants) 1 adult: 8 children (may include up to 2 infants and must include at least 2 children over the age of six)	2 adults: 14 children (may include up to 3 infants and must include at least 2 children over the age of six)
**Note: Provider's own children under the age of 10 must be included in adult to child ratio.	

Criminal Records Check: All child care center staff, all family day care providers, and all persons living in a family day care home over the age of 18, must submit fingerprints to Community Care Licensing for a Criminal Clearance Check and a Child Abuse Index Check through the California Department of Justice.

Discipline: Children in child care programs may not be subjected to corporal or unusual punishment, including spanking, humiliation, mental abuse, or punitive interference with daily living functions such as eating, sleeping or toileting.

Parents Access to Program: Parents must be allowed to visit the program in which their child is enrolled at any time during business hours.

Physical Environment: Licensed child care centers must have at least **35 square feet** of indoor space and **75 square feet** of outdoor activity space, per child, based on the total licensed capacity. Family day care homes do not have a square footage requirement. Regulations also cover the sturdiness and safety of all equipment (both indoor and outdoor), the removal of all potential safety hazards, and the reporting of accidents, injuries and illness. All child care centers and large family daycare homes (ones which are licensed for 12) are subject to local building, fire and zoning ordinances.

Complaints: Parents and others can direct concerns or complaints about a child care program to Community Care Licensing, who will investigate. When the complaint involves child abuse or other criminal behavior, Community Care Licensing has jurisdiction, however, other law enforcement agencies may also be involved. Complaints may be made anonymously and the individual who reports a complaint has the right to be informed regarding the outcome of investigations.

For further information regarding child care licensing regulations:

**California Community Care Licensing Division -
Department of Social Services** (state office)
744 P Street
Sacramento, CA 95814
(916)324-4031

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San Jose, CA 95113
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