

**State Preschool Facilities Reference Guide**  
**Requirements & Regulations:**  
California Department of Social Services, Title 22  
California Department of Education, Title 5/Education Code/ECERS

| <b>PROGRAMMATIC REQUIREMENTS</b> |   |  |
|----------------------------------|---|--|
|                                  | <b>TITLE 22</b>   | <b>TITLE 5/EDUCATION CODE/ECERS</b>  |
| <b>Teacher-Child Ratio</b>       | <ul style="list-style-type: none"> <li>1 teacher: 12 students</li> <li>1 teacher, 1 aide: 15 students</li> </ul> <i>22 CCR 101216.3</i>   | <ul style="list-style-type: none"> <li>1 adult: 8 children</li> <li>1 teacher: 24 children</li> </ul> <i>5 CCR 18290</i>   |
| <b>Staff Qualifications</b>      | <ul style="list-style-type: none"> <li>Teacher: 12 ECE/CD units</li> </ul> <i>22 CCR 101216.1</i>   | <ul style="list-style-type: none"> <li>Associate Teacher: 12 ECE units</li> <li>Teacher: 24 ECE units and 16 GE units</li> <li>Master Teacher: Teacher + 6 ECE units in specialization + 2 adult supervision units</li> </ul> <i>EC 8203, 8208, 8244, 8261, 8360.1, 8267, 5 CCR 80105-801025</i>   |
| <b>Discipline</b>                | <ul style="list-style-type: none"> <li>Discipline must be free of corporal punishment, pain, humiliation, or intimidation</li> </ul> <i>22 CCR 101216.3</i>   | <ul style="list-style-type: none"> <li>Discipline must not be physical or severe</li> <li>Program must be designed to avoid conflict and promote positive interactions</li> <li>Staff must react consistently to children's behavior, have appropriate expectations for age level, and usually maintain control</li> </ul> <i>EC 49001, ECERS</i>  |
| <b>Transportation</b>            | <ul style="list-style-type: none"> <li>Only licensed drivers for the type of vehicle operated may transport children</li> </ul> <i>22 CCR 101225</i>  | <ul style="list-style-type: none"> <li>A governing board may allow the transportation of preschool students in school buses owned by the district</li> <li>Only an individual with an appropriate class of license may operate a school bus transporting students</li> </ul> <i>EC 39800, VC 12517</i>   |
| <b>Food Service</b>              | <ul style="list-style-type: none"> <li>All food shall be safe and of the quality necessary to meet the needs of children</li> <li>All food shall be selected, stored, prepared, and served in a safe and healthful manner</li> <li>Menus must be posted at least a week in advance</li> <li>Food preparation area must be clean and free of trash and rodents</li> <li>Uncontaminated drinking water must be available indoors and outdoors</li> <li>Various other specific kitchen and food requirements</li> </ul> <i>22 CCR 101227, 101239.2, 101238, 101239</i> | <ul style="list-style-type: none"> <li>Food must be prepared in safe and sanitary conditions</li> <li>Schools participating in federal food programs must obtain two food safety inspections each school year by the local governmental agency responsible for food safety inspection</li> <li>All food facilities must have a permit and are subject to inspections at any time</li> <li>Meals and snacks must include a nutrition component and be culturally and developmentally appropriate</li> <li>Dietary restrictions of families are followed</li> <li>Allergies posted and allergen substitutions made</li> <li>Clean drinking water must be available at meal times</li> </ul> <i>HSC 113700 - 113725.3, 7 CFR 210.13, HSC 11438, 114390, EC 18278, EC 35186, ECERS, EC 38086</i> |
| <b>Health-Related</b>            | <ul style="list-style-type: none"> <li>Parents will be immediately notified if child is ill or seriously injured</li> <li>Staff will make prompt arrangements for any medical treatment</li> <li>Staff will maintain first-aid supplies</li> <li>Staff will have a procedure for medications</li> </ul>   | <ul style="list-style-type: none"> <li>School is required to have first aid supplies</li> <li>Authorized medications will be given to students with the assistance of the school nurse or designated personnel</li> </ul> <i>EC 32040, 5 CCR 600</i>   |

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|  | <p>22 CCR 101226</p> <ul style="list-style-type: none"> <li>Smoking is prohibited on the premises</li> </ul> <p>22 CCR 101231</p>  | <ul style="list-style-type: none"> <li>Smoking is prohibited on the premises</li> </ul> <p>ECERS</p>  |
| <b>Emergency Preparedness</b>                    | <ul style="list-style-type: none"> <li>Each licensee must have a disaster plan and disaster drill must be conducted every six months</li> </ul> <p>22 CCR 101174</p>   | <ul style="list-style-type: none"> <li>Each school district/county office of education is responsible for the development of all comprehensive school safety plans</li> </ul> <p>EC 32280</p>   |
| <b>Parent Transparency</b>                       | <ul style="list-style-type: none"> <li>Parent's rights poster must be placed in a prominent area</li> </ul> <p>22 CCR 101218.1</p> <ul style="list-style-type: none"> <li>Notice of licensee's compliance or noncompliance with the correction of a deficiency for a period of 30 days</li> </ul> <p>HSC 1596.814</p> <ul style="list-style-type: none"> <li>Information on each child care facility must be posted online, including but not limited to: name and address, licensed capacity, status of the license, number of inspections and citations, etc.</li> </ul> <p>HSC 1596.819</p>   | <ul style="list-style-type: none"> <li>Notice must be posted in every classroom specifying the standards for instructional materials, facilities, teacher assignments/vacancies, etc.</li> </ul> <p>EC 35186</p> <ul style="list-style-type: none"> <li>Parent rights include, but are not limited to: classroom observation, teacher/administration meetings, a safe and supportive learning environment for their child, examination of classroom materials, information regarding child's academic progress, information regarding school rules, the opportunity to volunteer or participate in a committee</li> </ul> <p>EC 51101</p>   |
| <b>Teacher Background Checks/Safety Training</b> | <ul style="list-style-type: none"> <li>All persons working in a child care facility must submit fingerprints for a criminal record review</li> </ul> <p>22 CCR 101170</p> <ul style="list-style-type: none"> <li>All individuals subject to a criminal record review must have a Child Abuse Central Index review through the CA Department of Justice</li> </ul> <p>22 CCR 101170.2</p> <ul style="list-style-type: none"> <li>At least one staff member must be trained in CPR and Pediatric First Aid.</li> </ul> <p>22 CCR 101216</p> <ul style="list-style-type: none"> <li>At least one teacher or director per center must complete 15 hours of health and safety training</li> </ul> <p>HSC 1596.866</p> <ul style="list-style-type: none"> <li>All staff members and volunteers must be immunized against influenza, pertussis, and measles</li> </ul> <p>HSC 1597.622</p> <ul style="list-style-type: none"> <li>The name of the center director or teachers qualified to act as director must be reported to the Department within 10 days of a change</li> </ul> <p>22 CCR 101212</p> <ul style="list-style-type: none"> <li>Personnel records must contain documentation of educational background, experience, and health screenings</li> </ul> <p>22 CCR 101217</p> | <ul style="list-style-type: none"> <li>All individuals who seek to obtain California credentials or permits must receive fingerprint clearance from the California Department of Justice and the Federal Bureau of Investigation</li> </ul> <p>EC 44340-44341</p> <ul style="list-style-type: none"> <li>Teachers must receive a CPR certification in order to attain a preliminary teacher permit</li> </ul> <p>EC 44259 (c)(4)(A)</p> <ul style="list-style-type: none"> <li>There are no immunization requirements for teachers, however tuberculosis testing is required</li> </ul> <p>EC 49406</p> <ul style="list-style-type: none"> <li>Each school accountability report card includes total number of credentialed teachers, number of teachers utilizing emergency credentials, number of teachers without credentials, etc.</li> </ul> <p>EC 33126</p> <ul style="list-style-type: none"> <li>Changes in employment status of credentialed teachers must be reported to the commission within 30 days</li> </ul> <p>EC 44030.5</p> <ul style="list-style-type: none"> <li>Teachers credential information, including term of validity, authorizations, renewal requirements, and restrictions are available for public record</li> </ul> <p>EC 44230</p> |

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| <b>Napping Requirements</b> | <ul style="list-style-type: none"> <li>Children must be given an opportunity to nap or rest without distraction or disturbance from other activities<br/><i>22 CCR 101230</i></li> <li>Cots and floor mats used for napping must be in safe condition</li> <li>Floor mats must be at least ¾ inches thick, covered with vinyl or a similar material, and marked so that the sleeping side can be distinguished<br/><i>22 CCR 101239.1</i></li> </ul> | <ul style="list-style-type: none"> <li>Children must be helped to relax</li> <li>Space is conducive to resting</li> <li>All cots or mats are at least 3 feet apart or separated by a solid barrier</li> <li>Nap/rest is scheduled appropriately</li> <li>Sanitary provisions are made for nap/rest</li> <li>Sufficient supervision provided in the room<br/><i>ECERS</i></li> </ul>  |
| <b>Other</b>                | <ul style="list-style-type: none"> <li>Variety of daily activities including but not limited to: quiet activity and play, rest and relaxation, eating, toileting<br/><i>22 CCR 101230</i></li> <li>Children must be under the supervision of a teacher at all times<br/><i>22 CCR 101229</i></li> <li></li> </ul>  | <ul style="list-style-type: none"> <li>Variety of daily activities and equipment for relaxation and comfort, child privacy, gross motor play, nap/rest routine, sanitary toileting, reading, communication with adults and children, development of reasoning skills, fine motor skills, art play, music play, block play, sand/water play, dramatic play, nature/science activities, and math activities<br/><i>ECERS</i></li> <li>Careful supervision of all children adjusted appropriately for different ages</li> <li>Supervision is sufficient to protect children's safety</li> <li>Supervision includes help and encouragement, and appreciation of child's efforts</li> <li>Staff demonstrate awareness of the whole group at all times<br/><i>ECERS</i></li> </ul> |

| <b>Environmental Requirements</b> |  |  |
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|                                   | <b>Title 22</b>  | <b>Title 5/Education Code/ECERS</b>  |
| <b>Buildings and Grounds</b>      | <ul style="list-style-type: none"> <li>A comfortable temperature shall be maintained at all times</li> <li>Keep center clean, safe, sanitary, and in good repair</li> <li>Use of protective devices such as nonslip material on rugs</li> <li>Keep all areas of potential hazard free of obstruction</li> <li>Inaccessibility of pools</li> <li>Keep disinfectants, poisons, and other potentially dangerous items inaccessible to children</li> <li>Keep materials and surfaces available to children toxic free</li> <li>Firearms are not permitted on the premises</li> <li>Medicines should be stored separately</li> <li>Facility must be free of flies, insects, and rodents<br/><i>22 CCR 101238, 101239</i></li> </ul> | <ul style="list-style-type: none"> <li>Adequate lighting, ventilation, temperature control, and sound-absorbing materials</li> <li>Space in good repair</li> <li>Space is reasonably clean and well-maintained</li> <li>Ample indoor space that allows children and adults to move around freely</li> <li>Good ventilation, some natural lighting</li> <li>Space is accessible to all children and adults, including those with disabilities</li> <li>Provisions must be made to eliminate safety hazards, including but not limited to, safety caps on electrical sockets, no loose electrical cords, heavy objects moved so children cannot pull down, medicines/poisons locked away, safe water temperature, pads for mats or rugs to eliminate sliding, covered/blocked open stairwells, etc.<br/><i>ECERS</i></li> <li>Facilities must be clean, safe, and in good repair<br/><i>EC 35186</i></li> <li>Firearms are not permitted on the school campus or the surrounding area.<br/><i>Cal. Penal Code 626</i></li> </ul> |

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|  |   | <ul style="list-style-type: none"> <li>School facilities must be accessible to those with physical disabilities, pursuant to the California Building Standards Codes<br/>24 CCR 11</li> </ul>  |
| <b>Outdoor Activity Space</b>                      | <ul style="list-style-type: none"> <li>At least 75 square feet per child</li> <li>Provide a shaded rest area</li> <li>Permit children to reach the space safely</li> <li>Equipment and activity areas shall be arranged so there is no hazard from conflicting activities</li> <li>Surface of the outdoor activity space is maintained in a safe condition, and free of hazards</li> <li>Areas beneath swings, slides, climbing, and similar equipment must be cushioned with a material to absorb falls</li> <li>Sandboxes must be monitored daily</li> <li>Playgrounds must have a fence (4 ft. minimum) to protect children and keep them in the area<br/>22 CCR 101238.2</li> </ul> | <ul style="list-style-type: none"> <li>Staff anticipate and take action to prevent safety problems (indoors and outdoors)</li> <li>Staff explain reasons for safety rules to children</li> <li>Essentials needed to handle emergencies available</li> <li>Provisions must be made to eliminate safety hazards, including but not limited to, remove and properly store tools not meant for children's use and sharp or dangerous objects, lock away any substance labeled "keep out of reach of children", block any unsafe walkways or stairs, block easy access to roads, remove any hazardous trash, ensure play equipment is an appropriate size, well maintained, and doesn't pose threat of injury, etc.<br/>ECERS</li> <li>Play yard design provides a variety of activities for development of gross motor skills<br/>5 CCR 14030</li> </ul> |
| <b>Indoor Activity Space</b>                       | <ul style="list-style-type: none"> <li>At least 35 square feet per child</li> <li>Floors of all rooms must have a clean surface<br/>22 CCR 101238.3</li> </ul>  | <ul style="list-style-type: none"> <li>Kindergarten classroom size for permanent structures is not less than 1,350 square feet, including restrooms, storage, teacher preparation, wet and dry areas</li> <li>Classrooms are designed to allow supervision of play yards (unless prevented by site shape or size) and all areas of the classroom<br/>5 CCR 14030</li> </ul>  |
| <b>Storage Space</b>                               | <ul style="list-style-type: none"> <li>Each child has individual storage space</li> <li>Permanent or portable storage space in playrooms for play equipment</li> <li>Cleaning supplies must be stored separately from food<br/>22 CCR 101238.4</li> </ul>   | <ul style="list-style-type: none"> <li>Storage, casework, and learning stations are functionally designed for use in free play and structured activities; e.g., shelves are deep and open for frequent use of manipulative materials<br/>5 CCR 14030</li> </ul>  |
| <b>Fixtures, Furniture, Equipment and Supplies</b> | <ul style="list-style-type: none"> <li>All window screens shall be in good repair</li> <li>Tables and chairs, play equipment and materials need to meet the needs of children and be in good repair</li> <li>One toilet and handwashing fixture for every 15 children<br/>22 CCR 101239</li> </ul>  | <ul style="list-style-type: none"> <li>Sufficient furniture for routine care, play, and learning</li> <li>All furniture is sturdy and in good repair, and mostly child-sized</li> <li>Adaptive furniture permits inclusion of children with disabilities with their peers</li> <li>Windows, marking boards, sinks, drinking fountains, and furniture are appropriate heights for kindergarten-age students<br/>5 CCR 14030, ECERS</li> <li>One toilet for every 20 children</li> <li>Toilets must be within the Kindergarten complex<br/>5 CCR 14030 and CPC, Chapter 4</li> </ul>   |

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| <b>Accountability Measures</b>      |   |   |
|-------------------------------------|---|---|
|                                     | <b>Title 22</b>   | <b>Title 5/Education Code/ECERS</b>   |
| <b>Financial Audit Schedule</b>     | <p>The licensee must develop and maintain a financial plan that ensures resources necessary to meet operating costs for the care and supervision of students. The licensee must maintain financial records. They must submit financial reports to the Department of Social Services when requested to do so.<br/> 22 CCR 101213</p> | <p>All child development programs under contract with California Department of Education must submit an annual independent financial and compliance audit report of the entire organization, not just an audit report for the individual contracts or programs.<br/> <i>EC 8448(g)</i></p> <p>Each local educational agency must complete an annual audit of income and expenditures.<br/> <i>EC 41020</i></p>  |
| <b>Physical Evaluation Schedule</b> | <p>A physical review must be conducted every three years.<br/> <i>HSC 1597.09</i></p> <p>All child care centers must secure and maintain a fire clearance approved by the city or county fire department, the district providing fire protection services, or the State Fire Marshal.<br/> <i>HSC 101171</i></p>                    | <p>Contractors complete an environment rating scale every three years as part of the program compliance review and annually as a part of the self-evaluation process. For each rating, the contractor shall achieve a minimum score of "good" on each subscale.<br/> 5 CCR 18281</p> <p>The California Department of Education must conduct a compliance review of the contractor's site once every three years.<br/> 5 CCR 18023</p> <p>The State Fire Marshal must conduct a review of all schools each year.<br/> <i>HSC 13146.3</i></p> |

| <b>Citation Code Reference</b>  |  |
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| 22 CCR  | California Code of Regulations, Title 22   |
| 5 CCR   | California Code of Regulations, Title 5    |
| 7 CFR   | Federal Code of Regulations, Title 7       |
| EC  | California Education Code                  |
| ECERS   | Early Childhood Environmental Rating Scale |
| Cal. Penal Code   | California Penal Code                      |
| CPC   | California Plumbing Code                   |
| HSC   | California Health and Safety Code          |
| VC  | Vehicle Code                               |
| <p>*Pursuant to Section 18281, Title 5 of the California Code of Regulations, all center-based programs must complete an environmental rating scale (ECERS) to measure program quality.</p> <p>** Requirements reflective of state, not local requirements.</p> |  |