

**102416.5 STAFFING RATIO AND CAPACITY**

- (a) The capacity specified on the license shall be the maximum number of children for whom care may be provided at any one time.
- (b) For a Small Family Child Care Home, the maximum number of children for whom care may be provided at any one time, including children under age 10 who reside at the licensee's home, shall be one of the following:
  - (1) Four infants; or
  - (2) Six children, no more than three of whom may be infants; or
  - (3) More than six and up to eight children, without an additional adult attendant, only if the criteria in Section 1597.44 of the Health and Safety Code are met.

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Health and Safety Code section 1597.44 states:

"A small family day care home may provide care for more than six and up to eight children, without an additional adult attendant, if all of the following conditions are met:

- (a) At least one child is enrolled in and attending kindergarten or elementary school and a second child is at least six years of age.
- (b) No more than two infants are cared for during any time when more than six children are cared for.
- (c) The licensee notifies each parent that the facility is caring for two additional schoolage children and that there may be up to seven or eight children in the home at one time.
- (d) The licensee obtains the written consent of the property owner when the family day care home is operated on property that is leased or rented."

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- (c) The total licensed capacity for a Small Family Child Care Home shall not exceed eight children.
- (d) For a Large Family Child Care Home, the maximum number of children for whom care may be provided at any one time when there is an assistant provider in the home, including children under age 10 who reside at the licensee's home and the assistant provider's children under age 10, shall be either:
  - (1) Twelve children, no more than four of whom may be infants; or
  - (2) More than twelve and up to fourteen children only if the criteria in Section 1597.465 of the Health and Safety Code are met.

**102416.5 STAFFING RATIO AND CAPACITY (Continued)**

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Health and section 1597.465 states:

"A large family day care home may provide care for more than 12 children and up to and including 14 children, if all of the following conditions are met:

- (a) At least one child is enrolled in and attending kindergarten or elementary school and a second child is at least six years of age.
- (b) No more than three infants are cared for during any time when more than 12 children are being cared for.
- (c) The licensee notifies a parent that the facility is caring for two additional schoolage children and that there may be up to 13 or 14 children in the home at one time.
- (d) The licensee obtains the written consent of the property owner when the family day care home is operated on property that is leased or rented."

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- (e) If no assistant provider is present at a Large Family Child Care Home, then the licensee shall comply with the capacity requirements for a Small Family Child Care Home as specified in subsections (b) and (c).
- (f) The total licensed capacity for a Large Family Child Care Home shall not exceed fourteen children.
- (g) For the purpose of meeting the criteria in Sections 1597.44 and 1597.465 of the Health and Safety Code, for a school age child who is under age six, the licensee shall maintain documentation verifying the child's enrollment and attendance at kindergarten, including transitional kindergarten, or elementary school.
  - (1) The documentation requirement shall be met by either of the following:
    - (A) Documentation from the school in which the child is enrolled and attending verifying the child's enrollment and attendance, or
    - (B) A signed and dated statement from the child's authorized representative verifying the child's enrollment and attendance.
  - (2) The documentation and statement described in paragraph (1) shall include the name of the child, the name of the school the child is enrolled in and attending, the date of the child's enrollment and the date the child started attending the school.

**102416.5 STAFFING RATIO AND CAPACITY (Continued)**

- (3) The licensee shall obtain the documentation or statement described in paragraph (1) at the beginning of each school year, no later than 30 calendar days from the date the child begins attending school, until the child is six years of age. If a child enrolls in and begins attending school after the school year has commenced, then the licensee shall obtain the documentation or statement described in paragraph (1) upon enrollment or within 30 calendar days following the child's enrollment.
- (4) The documentation or statement described in paragraph (1) shall be maintained in the child's record pursuant to Section 102421.
- (h) For a Family Child Care Home that meets the criteria in Sections 1597.44 or 1597.465 of the Health and Safety Code to care for up to two additional children, the licensee shall maintain proof of parent notification in the child's record pursuant to Section 102421.
  - (1) For a Small Family Child Care Home that meets the criteria to care for up to two additional children, the licensee shall maintain proof of parent notification as specified in Section 1597.44(c) of the Health and Safety Code.
  - (2) For a Large Family Child Care Home that meets the criteria to care for up to two additional children, the licensee shall maintain proof of parent notification as specified in Section 1597.465(c) of the Health and Safety Code.
- (i) For the purpose of meeting the criteria in Sections 1597.44 and 1597.465 of the Health and Safety Code "school age child" means a child who meets one of the following criteria:
  - (1) Is enrolled in and attending kindergarten, including transitional kindergarten, or elementary school; or
  - (2) Is at least six years of age.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.78, 1597.44, and 1597.465, Health and Safety Code.

**102417 OPERATION OF A FAMILY CHILD CARE HOME**

- (a) The licensee shall be present in the home and shall ensure that children in care are supervised at all times. When circumstances require the licensee to be temporarily absent from the home, the licensee shall arrange for a substitute adult to care for and supervise the children during his/her absence. Temporary absences shall not exceed 20 percent of the hours that the facility is providing care per day.
- (b) The home shall be kept clean and orderly, with heating and ventilation for safety and comfort.
- (c) The home shall maintain telephone service.
- (d) The home shall provide safe toys, play equipment and materials.