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PIN 23-17-CCLD

TO: ALL CHILD CARE PROVIDERS
ALL CHILDREN'S RESIDENTIAL LICENSEES
ALL FOSTER FAMILY AGENCY APPROVED OR CERTIFIED HOMES
ALL CHILD CARE AND CHILDREN'S RESIDENTIAL PROGRAM STAFF

FROM: *Original signed by Kevin Gaines*
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SUBJECT: **YEAR-ROUND/DAILY REMINDER OF WATER SAFETY
REQUIREMENTS AND MEASURES**

Provider Information Notice (PIN) Summary

PIN 23-17-CCLD provides guidance specific to water safety for licensed Child Care Program providers and Children's Residential Program licensees and Foster Family Agency (FFA) approved homes. The intent is to remind providers to be proactive any time children/clients are near bodies of water and ensure all water safety requirements are being met.

Community Care Licensing Division (CCLD) reminds all licensed Child Care providers and Children's Residential licensees and FFA approved homes to exercise serious caution in the supervision of children around bodies of water. Providers must also ensure they follow all water safety licensing requirements. According to the [CA Department of Developmental Services \(CDDS\)](#) and the [National Drowning Prevention Alliance](#), drowning is one of the most common causes of unintentional deaths worldwide and in California, drowning is a leading cause of injury-related deaths among children under the age of five and children with developmental delays. It can happen suddenly and silently, even in areas with as little as two inches of water.

Water Safety Requirements and Additional Considerations

Swimming and playing in the water are fun, but these activities require heightened supervision due to the risk associated with aquatic activities. In addition, **it is important to note water safety precautions are important year-round.** Below are several requirements and considerations specific to water safety and ensuring bodies of water are properly secured. Citations to relevant regulations and statutes are referenced at the end of the list below, however, this is not a complete list of all relevant legal requirements applicable to you as a licensee and/or care provider. Please review all regulations and statutes that apply to your licensed or approved facility or home.

- Never leave a pool area unattended when children are present. Caregivers must always be present and constantly supervising children when in bodies of water, no matter the circumstance. Water safety also includes infants and small children when in the bathtub.
- Conduct a safety check daily by walking around the facility premises to ensure safety before children are allowed outside. This includes checking at the end of outside play time or recess to ensure children won't be left behind.
- Inspect covers and fencing daily when children are present to ensure inaccessibility to pools or bodies of water.
- Enclosures shall be installed and maintained according to manufacturer's specifications and [Health and Safety Code \(HSC\) section 115923](#):
 - Any access gates through the enclosure open away from the swimming pool and are self-closing with a self-latching device placed no lower than 60 inches above the ground.
 - A minimum height of 60 inches.
 - A maximum vertical clearance from the ground to the bottom of the enclosure of two inches.
 - Gaps or voids, if any, shall not allow passage of a sphere equal or greater than four inches in diameter.
 - An outside surface free of protrusions, cavities, or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over.
- Ensure that all entrances and exits to a pool area or body of water are closed at all times.
- Remove toys from pools and utilize pool and door alarms.
- Always maintain the proper adult to child ratios and anticipate the need for an adult to remove themselves for any reason, including tending to a child's illness, injury, or bathroom needs. Please see the regulations and statutes below for adult to child water activity ratios pertaining to your specific facility or home type.
- Empty wading pools after each use. ([HSC sections 115920 – 115929: Swimming Pool Safety Act.](#))
- Remember that any child can get hurt or otherwise require assistance in the

water despite wearing a floatation device, having taken swimming lessons, or being placed in a bath seat or ring. These items/circumstances are never a substitute for constant adult supervision.

- Consider other practical health and safety practices during water activities such as using sunscreen, teaching children to stay away from drains and other openings that cause suction, using water diapers for small children, wear protective footwear, and avoiding running on wet surfaces to prevent slipping.
- Be cautious of all natural bodies of water such as creeks, rivers, lakes, and the ocean. Currents and other hazards can cause drowning even among strong swimmers.

Non-exhaustive list of Regulations and Statute Relating to Water Safety Requirements

For Child Care providers

Title 22 of the California Code of Regulations (22 CCR) sections include the following:

- [22 CCR 101216.6, Staffing for Water Activities](#). Staffing for pools, portable pools, and other potentially dangerous bodies of water, such as lakes and rivers.
- [22 CCR 101238\(e\), Buildings and Grounds](#). Fence construction, gate closure and other pool inaccessibility, for safety.
- [22 CCR 101238.5, Wading Pools](#). Inflatable or other portable plastic wading pools with sides low enough for children using the pool(s) to step out unassisted.
- [22 CCR 101416.8, Staffing for Infant Water Activities](#). Adult to infant ratios.
- [22 CCR 102417\(g\)\(5\), Operation of a Family Child Care Home](#). Fence construction, gate closure and other pool inaccessibility specifically for Family Child Care Homes.
- [22 CCR 100000.17, Training Requirements for Child Care Providers](#). Pediatric first aid and CPR requirements for child care providers.

[HSC Section 1596.866](#) requires that Child Care center directors and licensees of family day care homes shall ensure that at least one staff member who has a current course completion card in pediatric first aid and pediatric CPR issued by the American Red Cross, the American Heart Association, or by a training program that has been approved by the Emergency Medical Services Authority pursuant to this section and HSC Section 1797.191 shall be onsite at all times when children are present at the facility, and shall be present with the children when children are offsite from the facility for facility activities.

For Children's Residential providers

[Title 22 CCR Section 80087\(e\)\(1\) & \(2\) and \(f\)](#) in the General Licensing Requirements – Buildings and Grounds address swimming pools and bodies of water.

For facility types not subject to the General Licensing regulations, applicable requirements pertaining to pools and bodies of water are located here:

- [Small Family Homes 22 CCR Section 80087\(e\)](#) and [22 CCR Section 83087.2\(a\)\(4\) – Outdoor Activity Space](#)
- [Group Homes 22 CCR Section 80087\(e\)](#) and [22 CCR Section 84087.2\(a\)\(4\) & \(5\) – Outdoor Activity Space](#)
- [Crisis Nurseries: 22 CCR Section 86587\(e\) & \(f\)– Buildings and Grounds](#)
- STRTPs: [STRTP Interim Licensing Standards \(ILS\) v4, Section 87087.2\(a\)\(4\) & \(5\) – Outdoor Activity Space](#)
- Resource Families and Foster Family Agencies: [FFA ILS v6 Section 88487.2 – Outdoor Activity Space](#)
 - For specifics on ILS and guidelines for ensuring inaccessibility to pools and other bodies of water see [FFA ILS v6 Section 88487.2\(d\)\(1\) through \(5\)](#) and [FFA ILS v6 Section 88331.2\(a\)\(2\)\(A\)4 – Home Environment Assessment](#).

[Title 22 CCR section 80065\(e\) through \(e\)\(2\) – Personnel Requirements](#) in the General Licensing Requirements provide that adult supervision must be provided at all times when children are using a pool or body of water. For facility types not subject to the General Licensing regulations, applicable requirements pertaining to adult supervision at pools and bodies of water are located here:

[Crisis Nurseries: Section 86565\(f\) through \(f\)\(3\) – Personnel Requirements](#)

[Title 22 CCR section 80075\(f\) – Health Related Services](#), requires those responsible for providing direct care and supervision to children to receive training in first aid. First aid requirements for facility types not subject to the General Licensing regulations, and additional requirements for training in Cardio-Pulmonary Resuscitation (CPR) are located here:

- [Small Family Homes: 83075\(f\) through \(f\)\(2\) – Health Related Services](#)
- [Youth Homelessness Prevention Centers: Section 84575\(c\) – Health Related Services](#)
- [Transitional Housing Placement Provider programs: 86175\(c\)\(2\) and \(3\) – Health Related Services](#)
- [Crisis Nurseries: Section 86575\(h\) – Health Related Services](#)
- STRTPs: [STRTP ILS v4 Section 87065.1\(b\)\(8\)-\(8\)\(A\), \(d\)\(6\) & \(6\)\(A\), \(e\)\(8\) & \(e\)\(8\)\(A\), \(f\)\(1\) and \(g\)\(1\) – Supervision, Evaluation and Training Requirements](#)
- [Resource Families and Foster Family Agencies: FFA ILS v6 Section 88431.3\(b\)\(1\)-\(3\) and – Pre-Approval, Annual and Other Training Requirements; and FFA ILS v 6 Section 88372\(a\) and \(a\)\(1\) - Annual and Other Training](#)

Water Safety and COVID-19

As COVID-19 continues to pose a public health risk, it is important providers follow local public health guidance and [Centers for Disease Control and Prevention \(CDC\)](#) guidance to protect themselves, the children they care for, and community members. According to the CDC, there is no evidence COVID-19 can be spread to people through water in pools, hot tubs, or water playgrounds. Even so, providers should continue taking precautions when facilitating any water play, following all water safety requirements and supervision as well as adhering to physical distancing measures. Following all CDC guidance and taking precautions will ensure the provider protect themselves, children in their care and community members.

Additional Resources

Below is a collection of useful information, safety tips and posters regarding Drowning Prevention from the California Department of Social Services (CDSS) and the California Department of Developmental Services (CDDS) websites.

- [CDSS Media Center, Drowning Prevention](#)
- [CDDS Drowning Prevention](#)
- [Drowning Prevention Infographic Poster](#)
- [Drowning Prevention Infographic Poster \(Spanish\)](#)

Please check out the following Red Cross resource links to learn more [water safety tips](#), sign up for an [online water safety course for parents and caregivers](#), locate [swimming lessons within your community](#), and obtain [CPR and First Aid certification](#).

If you have any questions about this PIN, please contact your local [Child Care Program Regional Office](#) or your local [Children's Residential Program Regional Office](#).