

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 344

Introduced by Assembly Member Huff

February 14, 2007

An act to amend ~~Section~~ *Sections 1596.792 and 1596.81* of the Health and Safety Code, relating to child day care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 344, as amended, Huff. Child day care facilities.

Existing law, the California Child Day Care Facilities Act, provides for the licensure and regulation of child day care facilities, including day care centers and family day care homes, by the State Department of Social Services.

Existing law exempts from the act any program that provides activities for children of an instructional nature in a classroom-like setting that satisfies certain conditions.

Existing law requires a license-exempt child care provider receiving payment for child care services under the CALWorks program or is receiving payment from funds under the alternative payment program to be registered as a trustline provider, except as specified.

This bill would exempt from the act any program that provides activities for children of an instructional nature in a classroom-like setting that is otherwise subject to the act if the instruction is based upon the language, customs, and traditions of a population group that is primarily located outside of the United States and the program is registered as a trustline provider.

This bill would *also* make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1596.792 of the Health and Safety Code,
2 as amended by Section 117 of Chapter 22 of the Statutes of 2005,
3 is amended to read:
4 1596.792. This chapter, Chapter 3.5 (commencing with Section
5 1596.90), and Chapter 3.6 (commencing with Section 1597.30)
6 do not apply to any of the following:
7 (a) Any health facility, as defined by Section 1250.
8 (b) Any clinic, as defined by Section 1202.
9 (c) Any community care facility, as defined by Section 1502.
10 (d) Any family day care home providing care for the children
11 of only one family in addition to the operator’s own children.
12 (e) Any cooperative arrangement between parents for the care
13 of their children when no payment is involved and the arrangement
14 meets all of the following conditions:
15 (1) In a cooperative arrangement, parents shall combine their
16 efforts so that each parent, or set of parents, rotates as the
17 responsible caregiver with respect to all the children in the
18 cooperative.
19 (2) Any person caring for children shall be a parent, legal
20 guardian, stepparent, grandparent, aunt, uncle, or adult sibling of
21 at least one of the children in the cooperative.
22 (3) There can be no payment of money or receipt of in-kind
23 income in exchange for the provision of care. This does not prohibit
24 in-kind contributions of snacks, games, toys, blankets for napping,
25 pillows, and other materials parents deem appropriate for their
26 children. It is not the intent of this paragraph to prohibit payment
27 for outside activities, the amount of which may not exceed the
28 actual cost of the activity.
29 (4) No more than 12 children are receiving care in the same
30 place at the same time.
31 (f) Any arrangement for the receiving and care of children by
32 a relative.
33 (g) Any public recreation program. “Public recreation program”
34 means a program operated by the state, city, county, special district,

1 school district, community college district, chartered city, or
2 chartered city and county that meets either of the following criteria:

3 (1) The program is operated only during hours other than normal
4 school hours for kindergarten and grades 1 to 12, inclusive, in the
5 public school district where the program is located, or operated
6 only during periods when students in kindergarten and grades 1
7 to 12, inclusive, are normally not in session in the public school
8 district where the program is located, for either of the following
9 periods:

10 (A) For under 16 hours per week.

11 (B) For a total of 12 weeks or less during a 12-month period.
12 This total applies to any 12 weeks within any 12-month period,
13 without regard to whether the weeks are consecutive.

14 In determining “normal school hours” or periods when students
15 are “normally not in session,” the State Department of Social
16 Services shall, when appropriate, consider the normal school hours
17 or periods when students are normally not in session for students
18 attending a year-round school.

19 (2) The program is provided to children who are over the age
20 of four years and nine months and not yet enrolled in school and
21 the program is operated during either of the following periods:

22 (A) For under 16 hours per week.

23 (B) For a total of 12 weeks or less during a 12-month period.
24 This total applies to any 12 weeks within any 12-month period,
25 without regard to whether the weeks are consecutive.

26 (3) The program is provided to children under the age of four
27 years and nine months with sessions that run 12 hours per week
28 or less and are 12 weeks or less in duration. A program subject to
29 this paragraph may permit children to be enrolled in consecutive
30 sessions throughout the year. However, the program shall not
31 permit children to be enrolled in a combination of sessions that
32 total more than 12 hours per week for each child.

33 (h) Extended day care programs operated by public or private
34 schools.

35 (i) Any school parenting program or adult education child care
36 program that satisfies both of the following:

37 (1) Is operated by a public school district or operated by an
38 individual or organization pursuant to a contract with a public
39 school district.

1 (2) Is not operated by an organization specified in Section
2 1596.793.

3 (j) Any child day care program that operates only one day per
4 week for no more than four hours on that one day.

5 (k) Any child day care program that offers temporary child care
6 services to parents and that satisfies both of the following:

7 (1) The services are only provided to parents and guardians who
8 are on the same premises as the site of the child day care program.

9 (2) The child day care program is not operated on the site of a
10 ski facility, shopping mall, department store, or any other similar
11 site identified by the department by regulation.

12 (l) Any program that provides activities for children of an
13 instructional nature in a classroom-like setting and satisfies both
14 of the following:

15 (1) Is operated only during periods of the year when students
16 in kindergarten and grades 1 to 12, inclusive, are normally not in
17 session in the public school district where the program is located
18 due to regularly scheduled vacations.

19 (2) Offers any number of sessions during the period specified
20 in paragraph (1) that when added together do not exceed a total of
21 30 days when only schoolage children are enrolled in the program
22 or 15 days when children younger than schoolage are enrolled in
23 the program.

24 (m) A program facility administered by the Department of
25 Corrections that (1) houses both women and their children, and
26 (2) is specifically designated for the purpose of providing substance
27 abuse treatment and maintaining and strengthening the family unit
28 pursuant to Chapter 4 (commencing with Section 3410) of Title 2
29 of Part 3 of the Penal Code, or Chapter 4.8 (commencing with
30 Section 1174) of Title 7 of Part 2 of that code.

31 (n) ~~This section shall become operative on January 1, 2008. Any~~
32 *program that provides activities for children of an instructional*
33 *nature in a classroom-like setting if the instruction is based upon*
34 *the language, customs, and traditions of a population group that*
35 *is primarily located outside of the United States and if the program*
36 *registers as a trustline provider pursuant to Chapter 3.35*
37 *(commencing with Section 1596.60).*

38 **SECTION 1.**

39 *SEC. 2.* Section 1596.81 of the Health and Safety Code is
40 amended to read:

1 1596.81. The department shall adopt, amend, or repeal in
2 accordance with Chapter 3.5 (commencing with Section 11340)
3 of Part 1 of Division 3 of Title 2 of the Government Code any
4 rules and regulations that may be necessary to carry out this chapter
5 and Chapters 3.5 (commencing with Section 1596.90) and 3.6
6 (commencing with Section 1597.30).

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