

AMENDED IN SENATE APRIL 18, 2013

AMENDED IN SENATE APRIL 1, 2013

**SENATE BILL**

**No. 766**

---

---

**Introduced by Senator Yee**

February 22, 2013

---

---

An act to amend Section 1596.656 of, and to add ~~Division 2.3 (commencing with Section 1796) to, Chapter 3.37 (commencing with Section 1596.69) to Division 2 of, the Health and Safety Code, relating to child care care, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 766, as amended, Yee. Ancillary day care centers.

Existing law requires a person 18 years of age or older who provides child care or child care supervision in an ancillary day care center, as defined, to be registered as a trustline provider, as specified. ~~A person is prohibited from being a trustline provider if he or she is not eligible to obtain a child care license. Existing law generally requires a trustline provider to submit to a criminal history check. A person who is a current licensee or employee in a facility licensed by the State Department of Social Services may, in lieu of a criminal history check, transfer his or her criminal record clearance and instead submit a declaration to the department. Submitting a willful false declaration is a misdemeanor. Existing law requires the State Department of Social Services to charge a fee to each trustline applicant who provides care in an ancillary day care center that is equal to the total amount required by the department to process applications and maintain the trustline registry for these providers. Under existing law, moneys collected by the department to implement the trustline provisions are continuously appropriated to~~

*the department without regard to fiscal year for expenditure to implement the trustline provisions.*

This bill would, *in addition*, require a person who is otherwise responsible for engaging with children cared for in an ancillary day care center to be registered as a trustline provider. ~~By increasing the scope of an existing crime, the bill would impose a state-mandated local program.~~

The bill would require an ancillary day care center to comply with certain requirements, including the requirements to maintain specified care provider-child ratios and ensure the presence, at all times, of at least one care provider who is 18 years of age or older.

*By increasing the funds appropriated to the department for purposes of the trustline registry, this bill would make an appropriation.*

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

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

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

- 1 SECTION 1. Section 1596.656 of the Health and Safety Code
- 2 is amended to read:
- 3 1596.656. (a) A person 18 years of age or older, who provides
- 4 child care or child care supervision, or is otherwise responsible
- 5 for engaging with children cared for in an ancillary day care center,
- 6 as defined in Section 1596.60, shall be registered pursuant to
- 7 Sections 1596.603 and 1596.605. Nothing in this chapter shall be
- 8 construed to prevent a person under 18 years of age from being
- 9 employed in an ancillary day care center.
- 10 (b) Notwithstanding any provision of law to the contrary, if a
- 11 person 18 years of age or older is denied trustline registration by
- 12 the department pursuant to Section 1596.605 or 1596.607, or if
- 13 the department revokes a person’s trustline registration pursuant
- 14 to Section 1596.608, that person shall be ineligible for employment
- 15 in a position providing child care or child care supervision in an
- 16 ancillary day care center.

1 (c) If an existing employee providing child care or child care  
 2 supervision in an ancillary day care center, or a prospective  
 3 employee seeking employment in a position that provides child  
 4 care or child care supervision in an ancillary day care center,  
 5 submits an application to the department to become a registered  
 6 trustline child care provider, that existing or prospective employee  
 7 shall be deemed to be in compliance with the requirements of this  
 8 section and permitted to work in a position providing child care  
 9 or child care supervision pending the department’s review of his  
 10 or her trustline application. The existing or prospective employee  
 11 shall become ineligible for employment providing child care or  
 12 child care supervision in an ancillary day care center if the  
 13 department denies his or her trustline application and any right to  
 14 appeal the department’s denial has been exhausted or has expired.

15 ~~(d) This section shall become operative on January 1, 2011.~~

16 ~~SEC. 2. Division 2.3 (commencing with Section 1796) is added~~  
 17 ~~to the Health and Safety Code, to read:~~

18

19 ~~DIVISION 2.3. ANCILLARY DAY CARE CENTERS~~

20

21 ~~1796. An ancillary day care center, as defined in Section~~  
 22 ~~SEC. 2. Chapter 3.37 (commencing with Section 1596.69) is~~  
 23 ~~added to Division 2 of the Health and Safety Code, to read:~~

24

25 ~~CHAPTER 3.37. ANCILLARY DAY CARE CENTERS~~

26

27 ~~1596.69. 1596.60, shall comply with all of the following~~  
 28 ~~requirements:~~

29 (a) Maintain a ratio of no more than 10 children to each care  
 30 provider for children ages 0 to 6 years, inclusive, and maintain a  
 31 ratio of no more than 15 children to each care provider for children  
 32 ages 7 to 17, inclusive.

33 (b) Ensure the presence, at all times, of at least one care provider  
 34 who is 18 years of age or older.

35 (c) Ensure that any substitute care providers, or staff responsible  
 36 to engage with children that are present in the ancillary day care  
 37 center are registered pursuant to Sections 1596.603 and 1596.605.

38 (d) Ensure that at least one care provider present in the center  
 39 has received health and safety training, including training in

1 pediatric first aid and current training in pediatric cardiopulmonary  
2 resuscitation.

3 (e) Establish health and safety protocols and inform staff and  
4 parents of the established protocols, which may include, but are  
5 not limited to, notifying parents of incidents at the center and use  
6 of emergency medical services.

7 ~~SEC. 3. No reimbursement is required by this act pursuant to~~  
8 ~~Section 6 of Article XIII B of the California Constitution because~~  
9 ~~the only costs that may be incurred by a local agency or school~~  
10 ~~district will be incurred because this act creates a new crime or~~  
11 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
12 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
13 ~~the Government Code, or changes the definition of a crime within~~  
14 ~~the meaning of Section 6 of Article XIII B of the California~~  
15 ~~Constitution.~~