

AMENDED IN SENATE JUNE 30, 1997
AMENDED IN ASSEMBLY MAY 21, 1997
CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 690

Introduced by Assembly Member Morrow

February 26, 1997

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

LEGISLATIVE COUNSEL'S DIGEST

AB 690, as amended, Morrow. Child day care facilities: school extended day exemption.

Existing law, the California Child Day Care Facilities Act, provides a comprehensive system for licensing and regulating child day care facilities. Existing law exempts from the act certain day care arrangements, including, but not limited to, extended day care programs operated by public or private schools.

This bill would exempt certain extended day care programs operated pursuant to a contract with a public ~~or private~~ school or a school district *and would require that certain exempt public recreation programs, extended day care programs, and school parenting or adult education child care programs be required to comply with the fingerprint requirements of the California Child Day Care Facilities Act. These fingerprint requirements, among other things, include a declaration under penalty of perjury regarding prior criminal conviction.*



By creating a new crime, this bill would impose a state-mandated local program.

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

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

1 SECTION 1. Section 1596.792 of the Health and
2 Safety Code is amended to read:
3 1596.792. This chapter and Chapters 3.5
4 (commencing with Section 1596.90) and 3.6
5 (commencing with Section 1597.30) do not apply to any
6 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
10 1502.
11 (d) Any family day care home providing care for the
12 children of only one family in addition to the operator's
13 own children.
14 (e) Any cooperative arrangement between parents
15 for the care of their children where no payment is
16 involved and the arrangement meets all of the following
17 conditions:
18 (1) In a cooperative arrangement, parents shall
19 combine their efforts so that each parent, or set of
20 parents, rotates as the responsible care giver with respect
21 to all the children in the cooperative.
22 (2) Any person caring for children shall be a parent,
23 legal guardian, stepparent, grandparent, aunt, uncle, or
24 adult sibling of at least one of the children in the
25 cooperative.
26 (3) There can be no payment of money or receipt of
27 in-kind income in exchange for the provision of care. This



1 does not prohibit in-kind contributions of snacks, games,
2 toys, blankets for napping, pillows, and other materials
3 parents deem appropriate for their children. It is not the
4 intent of this paragraph to prohibit payment for outside
5 activities, the amount of that may not exceed the actual
6 cost of the activity.

7 (4) No more than 12 children are receiving care in the
8 same place at the same time.

9 (f) Any arrangement for the receiving and care of
10 children by a relative.

11 (g) Any public recreation program. “Public
12 recreation program” means a program operated by the
13 state, city, county, special district, school district,
14 community college district, chartered city, or chartered
15 city and county that meets ~~either~~ *at least one* of the
16 following criteria:

17 (1) The program is operated only during hours other
18 than normal school hours for grades K–12, inclusive, in the
19 public school district where the program is located, or
20 operated only during periods when students in grades
21 K–12, inclusive, are normally not in session in the public
22 school district where the program is located, for either of
23 the following periods:

24 (A) For under 16 hours per week.

25 (B) For a total of 12 weeks or less during a 12-month
26 period. This total applies to any 12 weeks within any
27 12-month period, without regard to whether the weeks
28 are consecutive.

29 In determining “normal school hours” or periods when
30 students are “normally not in session,” the State
31 Department of Social Services shall, where appropriate,
32 consider the normal school hours or periods when
33 students are normally not in session for students
34 attending a year-round school.

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

39 (A) For under 16 hours per week.



1 (B) For a total of 12 weeks or less during a 12-month
2 period. This total applies to any 12 weeks within any
3 12-month period, without regard to whether the weeks
4 are consecutive.

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

13 (h) Extended day care programs operated by public
14 ~~or private~~ schools.

15 (i) *(1)* Any extended day care program, *including*
16 *public recreation programs*, that is operated by an
17 individual, organization, or other entity, *including park*
18 *and recreation agencies*, pursuant to a contract with a
19 ~~private or~~ public school, or a school district, provided the
20 program meets all of the following conditions:

21 ~~(1)~~

22 (A) The program is operated on a schoolsite that is in
23 current use by the ~~private or~~ public school or school
24 district that has contracted for the extended day care
25 program.

26 ~~(2)~~

27 (B) The contracting school or school district has
28 ensured that employees of the extended day care
29 program operator have had a criminal background check
30 performed by the Department of Justice and a Child
31 Abuse Index Clearance and the results have been
32 returned to the school or school district.

33 ~~(3)~~

34 (C) Individuals employed by the program to serve as
35 program supervisors are over the age of 18.

36 ~~(4) The program does not receive any state funding to~~
37 ~~provide child care and development services to~~
38 ~~low income children under Title 5 of the California Code~~
39 ~~of Regulations.~~



1 (D) The contract with the public school or school
2 district shall include, but not be limited to, both of the
3 following:

4 (i) Staff qualifications pursuant to Section 1597.21.

5 (ii) Staff to child ratios of one staff member per
6 fourteen children.

7 (2) A public recreation program that is an extended
8 day care program for purposes of this subdivision shall not
9 be required to meet the criteria enumerated in
10 subdivision (g).

11 (j) Any school parenting program or adult education
12 child care program that satisfies both of the following:

13 (1) Is operated by a public school district or operated
14 by an individual or organization pursuant to a contract
15 with a public school district.

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

18 (k) Any child day care program that operates only one
19 day per week for no more than four hours on that one day.

20 (l) Any child day care program that offers temporary
21 child care services to parents and which satisfies both of
22 the following:

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

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

30 (m) Any program that provides activities for children
31 of an instructional nature in a classroomlike setting and
32 satisfies both of the following:

33 (1) Is operated only during periods of the year when
34 students in grades K–12, inclusive, are normally not in
35 session in the public school district where the program is
36 located due to regularly scheduled vacations.

37 (2) Offers any number of sessions during the period
38 specified in paragraph (1) that when added together do
39 not exceed a total of 30 days when only schoolage children



1 are enrolled in the program or 15 days when children
2 younger than schoolage are enrolled in the program.

3 (n) A program facility administered by the
4 Department of Corrections that (1) houses both women
5 and their children, (2) is specifically designated for the
6 purpose of providing substance abuse treatment and
7 maintaining and strengthening the family unit, and (3)
8 is licensed by the State Department of Alcohol and Drug
9 Programs as an alcohol and drug treatment program.

10 (o) *Notwithstanding that this section provides*
11 *exemptions from the requirements of this chapter and*
12 *Chapter 3.5 (commencing with Section 1596.90) and 3.6*
13 *(commencing with Section 1597.30), Section 1596.871*
14 *shall apply to the programs described in subdivisions (g),*
15 *(h), (i), and (j) of this section to require the fingerprints*
16 *of all individuals, including employees or staff, who*
17 *operate these programs.*

18 *SEC. 2. No reimbursement is required by this act*
19 *pursuant to Section 6 of Article XIII B of the California*
20 *Constitution because the only costs that may be incurred*
21 *by a local agency or school district will be incurred*
22 *because this act creates a new crime or infraction,*
23 *eliminates a crime or infraction, or changes the penalty*
24 *for a crime or infraction, within the meaning of Section*
25 *17556 of the Government Code, or changes the definition*
26 *of a crime within the meaning of Section 6 of Article*
27 *XIII B of the California Constitution.*

28 *Notwithstanding Section 17580 of the Government*
29 *Code, unless otherwise specified, the provisions of this act*
30 *shall become operative on the same date that the act*
31 *takes effect pursuant to the California Constitution.*

