

AMENDED IN SENATE AUGUST 16, 1999

AMENDED IN SENATE JUNE 24, 1999

AMENDED IN SENATE JUNE 7, 1999

AMENDED IN ASSEMBLY APRIL 28, 1999

AMENDED IN ASSEMBLY APRIL 13, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 181**

**Introduced by Assembly Member Zettel**  
*(Coauthor: Senator Alpert)*

January 19, 1999

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An act to add and repeal Section 1596.7927 of the Health and Safety Code, relating to care facilities, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 181, as amended, Zettel. Child day care: public recreation program.

Existing law, the California Child Day Care Facilities Act, provides for the licensure and regulation of child day care facilities. Existing law exempts from the act certain public recreation programs, including a program operated only during hours other than normal school hours for grades K-12, inclusive, in the public school district where the program is located, or operated only during periods when students in grades K-12, inclusive, are normally not in session in the public

school district where the program is located, for under 16 hours per week.

This bill would establish, upon the approval of the City Council of San Diego, a 2-year pilot project known as the “6 to 6” program in San Diego County. The pilot project would consist of an extended schoolday program, meeting specified conditions, operated by a community-based organization, child care agency, or other entity pursuant to a contract with a public school district or the City of San Diego. The bill would repeal these provisions as of January 1, 2002.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 1596.7927 is added to the Health  
2 and Safety Code, to read:  
3 1596.7927. (a) (1) There is hereby established a  
4 two-year pilot project in San Diego County, upon the  
5 adoption of a resolution to that effect by the City Council  
6 of San Diego. The program established for purposes of the  
7 pilot project authorized by this section shall be known as  
8 the “6 to 6” program.  
9 (2) The mission of the “6 to 6” program shall  
10 encompass, but not be limited to, the following extended  
11 schoolday activities.  
12 (A) Homework assistance.  
13 (B) Academic enrichment.  
14 (C) Reading.  
15 (D) Tutoring.  
16 (E) Creative and performing arts.  
17 (F) Sports and recreational activities.  
18 (b) The “6 to 6” program shall consist of an extended  
19 schoolday program that is operated by a  
20 community-based organization, child care agency, or  
21 other entity *that has demonstrated the ability to provide*  
22 *services to schoolage children* pursuant to a contract with



1 a public school district or city. The “6 to 6” program shall  
2 meet all of the following conditions:

3 (1) The program shall be operated on a schoolsite that  
4 is in current use by the public school or school district that  
5 has collaborated with the City of San Diego for the  
6 purpose of providing an extended schoolday program.  
7 The program shall serve the children who regularly  
8 attend school within the district or districts, exclusively.  
9 The hours of operation shall begin before school no earlier  
10 than 6:00 a.m. and operate after school to 6:00 p.m., except  
11 for evening parent meetings that may be scheduled later  
12 than 6:00 p.m.

13 (2) The city shall ensure ~~that~~ *all of the following:*

14 (A) *That* employees of the operator of the “6 to 6”  
15 program have had a criminal background check  
16 performed by the Department of Justice and a child  
17 abuse index clearance, and that the results of the criminal  
18 background check and child abuse index have been  
19 returned to the city where they shall be kept on file for  
20 purposes of notification of future convictions of  
21 employees previously cleared.

22 (B) *That each operator of the “6 to 6” program is*  
23 *familiar with and follows health-related services*  
24 *procedures as specified in Section 101226 of Title 22 of the*  
25 *California Code of Regulations.*

26 (C) *That each operator of the “6 to 6” program*  
27 *maintains emergency information on each child that*  
28 *includes, but is not limited to, the telephone number of*  
29 *the child’s parents or guardians, the telephone number of*  
30 *the child’s physician or the name and telephone number*  
31 *of the child’s health plan or contact person, and an*  
32 *alternative name and number.*

33 (3) Any individuals employed as site supervisors shall  
34 meet the center director qualifications specified in  
35 Section 101515 of Title 22 of the California Code of  
36 Regulations.

37 (4) All individuals employed by the “6 to 6” program  
38 ~~to serve as program aides shall be over the age of 18 years.~~  
39 *shall be over the age of 18 years and shall meet, at a*  
40 *minimum, the minimum qualifications for an*



1 *instructional aide established for purposes of Section*  
2 *8483.4 of the Education Code, or the equivalent*  
3 *qualifications.*

4 (5) All staff shall have training in cardiopulmonary  
5 resuscitation and first aid.

6 (6) All staff shall have a negative tuberculosis test or  
7 chest X-ray within the last three years.

8 (7) *All staff shall be familiar with and adhere to the*  
9 *emergency procedures established by the school where*  
10 *the program is located.*

11 (8) The contract with the city or school district shall  
12 include, but not be limited to, all of the following:

13 (A) A requirement that site directors meet the  
14 requirements for site directors of schoolage day care  
15 centers set forth in Section 1597.21.

16 (B) A requirement that the contractor require a  
17 child-to-staff ratio that is ~~comparable to~~ the pupil-to-staff  
18 ratio set forth in Section 8483.4 of the Education Code.  
19 *The contract shall contain a provision that requires the*  
20 *contractor to maintain the minimum staffing ratio*  
21 *pursuant to this paragraph and shall contain protocols for*  
22 *maintaining required staffing ratios in the event of illness,*  
23 *accidents, and other emergencies and staffing breaks and*  
24 *other situations of absences.*

25 (C) A requirement that the contractor comply with  
26 sign-in and sign-out regulations otherwise applicable by  
27 regulation to extended schoolday programs pursuant to  
28 Section 101529.1 of Title 22 of the California Code of  
29 Regulations.

30 (D) *A complaint process established by the city with*  
31 *protocols that shall include a requirement that the*  
32 *contractor comply with all of the following:*

33 (i) *Post, in a visible location at all sites, the names and*  
34 *telephone numbers of the site director and city program*  
35 *contact to each participant's parents or guardian.*

36 (ii) *Provide to each participant's parents or guardian*  
37 *the names and telephone numbers specified in clause (i).*

38 (E) A provision guaranteeing the city's timely  
39 investigation of accidents and complaints and providing  
40 for the immediate administrative leave of contracted



1 employees pending the outcome of the investigation in  
2 cases relating to allegations involving a substantial threat  
3 to the health and safety of the children under the  
4 contractor's care. All parents shall be notified of the  
5 complaint process at the time of registration.

6 ~~(8)~~

7 (9) All classrooms or portable classrooms utilized by  
8 the "6 to 6" program providing extended day care shall  
9 meet all standards applicable for use during the regular  
10 schoolday.

11 (c) The "6 to 6" program shall be planned through a  
12 neighborhood community collaborative partnership  
13 process that includes the city, school district, school  
14 administrators, government agencies, community  
15 organizations, parents, youth, and the private sector.

16 (d) In addition to the exemptions set forth in Section  
17 1596.792, this chapter shall not apply to the "6 to 6"  
18 program if the contracting city ensures the program is  
19 operated in compliance with the requirements of this  
20 section.

21 ~~(e) (1) Upon the completion of the pilot project, an~~  
22 ~~independent evaluation of the health and safety of the~~  
23 ~~participants in the "6 to 6" program shall be conducted~~  
24 ~~with a particular focus on children ages five to eight years,~~  
25 ~~inclusive.~~

26 ~~(2) The Community Care Licensing Division of the~~  
27 ~~department and the city shall agree upon an independent~~  
28 ~~evaluator. The city shall bear the cost of the evaluation.~~

29 ~~(3) The evaluation shall determine whether the health~~  
30 ~~and safety of the participants was any different under the~~  
31 ~~"6 to 6" program than would be expected under a similar~~  
32 ~~program that is licensed. The~~

33 *(e) (1) The city shall secure the services of an*  
34 *independent entity to evaluate the "6 to 6" program. The*  
35 *Community Care Licensing Division of the department*  
36 *and the city shall agree upon the independent evaluator.*  
37 *The city shall bear the cost of the evaluation.*

38 *(2) The evaluation shall be conducted upon the*  
39 *completion of the pilot project and shall evaluate the*  
40 *health and safety of the participants in the "6 to 6"*



1 program, with a particular focus on children ages five to  
2 eight years, inclusive.

3 (3) The evaluation shall include, but not be limited to,  
4 the health and safety of the children, information on staff  
5 to pupil ratio, site and program monitoring, and extent  
6 and progress of participation, tutoring, literacy, and  
7 homework assistance.

8 (4) The independent evaluator designated pursuant  
9 to paragraph (1) shall have experience in program  
10 evaluation, with a preference for expertise in children's  
11 programs. The independent evaluator shall not have any  
12 conflicts of interest with the independent evaluator's  
13 duties pursuant to this section.

14 (5) The results of the evaluation shall be forwarded to  
15 the Legislature.

16 ~~(4)~~

17 (6) The city shall maintain any records necessary in  
18 order for the evaluation to be completed. The city shall  
19 compare the results of the evaluation to local community  
20 care licensing data.

21 (f) No charges or costs associated with the provision of  
22 care shall be imposed upon participants in the "6 to 6"  
23 program.

24 (g) This section shall remain in effect only until  
25 January 1, 2002, and as of that date is repealed, unless a  
26 later enacted statute, that is enacted before January 1,  
27 2002, deletes or extends that date.

28 SEC. 2. This act is an urgency statute necessary for the  
29 immediate preservation of the public peace, health, or  
30 safety within the meaning of Article IV of the  
31 Constitution and shall go into immediate effect. The facts  
32 constituting the necessity are:

33 In order to allow for the September 1999 establishment  
34 of the extended schoolday program, and to efficiently  
35 promote the public safety of children in day care and  
36 public recreation programs within San Diego County, it  
37 is necessary that this act take effect immediately.

