

Assembly Bill No. 181

CHAPTER 851

An act to add and repeal Section 1596.7927 of the Health and Safety Code, and to add Section 11170.6 to the Penal Code, relating to care facilities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 8, 1999. Filed
with Secretary of State October 10, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

AB 181, 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.

Existing law requires the Department of Justice to maintain an index of child abuse reports submitted by child protective agencies of every case investigated by the agencies of known or suspected child abuse that is determined not to be unfounded.

Existing law requires the Department of Justice to make available to the State Department of Social Services, or the county licensing agencies that have contracted with the state for the performance of specified duties related to community care facilities and day care facilities, information maintained in the Child Abuse Central Index concerning any person who is an applicant for licensure or any adult who resides or is employed in the home of an applicant for licensure, who is an applicant for employment in a position having supervisory or disciplinary power over a child or children, or who will provide 24-hour care for a child or children in a residential home or facility, as specified.

This bill would authorize the City of San Diego for purposes of evaluating employees for the “6-to-6” program to receive, and would require the Department of Justice to make available to the city, child abuse index information concerning any person who has submitted an application for employment in the “6-to-6” program.

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

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

SECTION 1. Section 1596.7927 is added to the Health and Safety Code, to read:

1596.7927. (a) (1) There is hereby established a two-year pilot project in San Diego County, upon the adoption of a resolution to that effect by the City Council of San Diego. The program established for purposes of the pilot project authorized by this section shall be known as the “6 to 6” program.

(2) The mission of the “6 to 6” program shall encompass, but not be limited to, the following extended schoolday activities.

- (A) Homework assistance.
- (B) Academic enrichment.
- (C) Reading.
- (D) Tutoring.
- (E) Creative and performing arts.
- (F) Sports and recreational activities.

(b) The “6 to 6” program shall consist of an extended schoolday program that is operated by a community-based organization, child care agency, or other entity that has demonstrated the ability to provide services to schoolage children pursuant to a contract with a public school district or city. The “6 to 6” program shall meet all of the following conditions:

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

(2) The city shall ensure all of the following:

(A) That employees of the operator of the “6 to 6” program have had a criminal background check performed by the Department of Justice. In this regard, the city shall ensure that the name of and identifying data about each prospective employee has been submitted to the Department of Justice to determine if the individual is listed in the department’s child abuse index maintained pursuant to Section 11170 of the Penal Code. The city may deny participation



of an individual in the “6-to-6” program if a purported incident of child abuse is determined, after independent investigation, to be substantiated as provided in Section 1522.1. The results of the criminal background check and child abuse index review shall be maintained by the city for purposes of notification of future convictions or suspected child abuse incidents.

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

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

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

(4) All individuals employed by the “6 to 6” program shall be over the age of 18 years and shall meet, at a minimum, the minimum qualifications for an instructional aide established for purposes of Section 8483.4 of the Education Code, or the equivalent qualifications.

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

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

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

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

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

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

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



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

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

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

(E) A provision guaranteeing the city's timely investigation of accidents and complaints and providing for the immediate administrative leave of contracted employees pending the outcome of the investigation in cases relating to allegations involving a substantial threat to the health and safety of the children under the contractor's care. All parents shall be notified of the complaint process at the time of registration.

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

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

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

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

(2) The evaluation shall be conducted upon the completion of the pilot project and shall evaluate the health and safety of the participants in the "6 to 6" program, with a particular focus on children ages five to eight years, inclusive.

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

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

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



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

(f) No charges or costs associated with the provision of care shall be imposed upon participants in the “6 to 6” program.

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

SEC. 2. Section 11170.6 is added to the Penal Code, to read:

11170.6. (a) Notwithstanding paragraph (3) of subdivision (b) of Section 11170, the Department of Justice shall make available to the City of San Diego for purposes of evaluating employees for the “6-to-6” program information regarding a known or suspected child abuser maintained in the child abuse index pursuant to subdivision (a) of Section 11170 concerning any person who has submitted an application for employment in the “6-to-6” program.

(b) The City of San Diego, to whom disclosure of any information pursuant to subdivision (a) is authorized, is responsible for obtaining the original investigative report from the reporting agency and for drawing independent conclusions regarding the quality of the evidence disclosed and the sufficiency of the evidence for making decisions when evaluating employees for the “6-to-6” program.

(c) The disclosure pursuant to this section of the presence of an applicant’s name on the index is provided solely for purposes of investigating the individual’s background by identifying the original investigative report from the reporting agency. The presence of an individual’s name on the index may not itself be used as evidence adverse to an applicant for employment in the “6-to-6” program. An investigation shall include, but not be limited to, the review of the investigation report and file prepared by the child protective agency that investigated the child abuse report. Employment may not be denied based on a report from the Child Abuse Central Index, unless the child abuse is substantiated.

(d) (1) Whenever information contained in the Department of Justice files is furnished as the result of a request for information pursuant to subdivision (a), the Department of Justice may charge the requestor a fee. The fee may not exceed the reasonable costs to the department of providing the information. The only increase shall be at a rate not to exceed the legislatively approved cost-of-living adjustment for the department. The fee may not exceed fifteen dollars (\$15).

(2) All moneys received by the department pursuant to this subdivision shall be deposited in the Department of Justice Child Abuse Fund. Moneys in the fund shall be available, upon appropriation by the Legislature, for expenditures by the department to offset costs incurred for processing child abuse central index requests.



SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

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

