
Introduced by Senator Huff

February 26, 2009

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

LEGISLATIVE COUNSEL'S DIGEST

SB 379, as introduced, Huff. Child care: licensure requirements.

The California Child Day Care Facilities Act prescribes licensure requirements for the operation of child day care facilities, day care centers, and family day care homes. The act exempts specified facilities and arrangements from its provisions.

This bill, in addition, would exempt heritage schools, as defined, from the provisions of the act.

Vote: majority. 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 1596.792 of the Health and Safety Code,
- 2 as amended by Section 4 of Chapter 288 of the Statutes of 2007,
- 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.

(e) Any cooperative arrangement between parents for the care of their children when no payment is involved and the arrangement meets all of the following conditions:

(1) In a cooperative arrangement, parents shall combine their efforts so that each parent, or set of parents, rotates as the responsible caregiver with respect to all the children in the cooperative.

(2) Any person caring for children shall be a parent, legal guardian, stepparent, grandparent, aunt, uncle, or adult sibling of at least one of the children in the cooperative.

(3) There can be no payment of money or receipt of in-kind income in exchange for the provision of care. This does not prohibit in-kind contributions of snacks, games, toys, blankets for napping, pillows, and other materials parents deem appropriate for their children. It is not the intent of this paragraph to prohibit payment for outside activities, the amount of which may not exceed the actual cost of the activity.

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

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

(g) Any public recreation program. “Public recreation program” means a program operated by the state, city, county, special district, school district, community college district, chartered city, or chartered city and county that meets either of the following criteria:

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

(A) For under 16 hours per week.

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

In determining “normal school hours” or periods when ~~students~~ *pupils* are “normally not in session,” the State Department of Social Services shall, when appropriate, consider the normal school hours

1 or periods when ~~students~~ *pupils* are normally not in session for
2 ~~students~~ *pupils* attending a year-round school.

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

6 (A) For under 16 hours per week.

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

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

17 (h) Extended day care programs operated by public or private
18 schools.

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

21 (1) Is operated by a public school district or operated by an
22 individual or organization pursuant to a contract with a public
23 school district.

24 (2) Is not operated by an organization specified in Section
25 1596.793.

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

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

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

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

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

38 (1) Is operated only during periods of the year when ~~students~~
39 *pupils* in kindergarten and grades 1 to 12, inclusive, are normally

1 not in session in the public school district where the program is
2 located due to regularly scheduled vacations.

3 (2) Offers any number of sessions during the period specified
4 in paragraph (1) that when added together do not exceed a total of
5 30 days when only schoolage children are enrolled in the program
6 or 15 days when children younger than schoolage are enrolled in
7 the program.

8 (m) A program facility administered by the Department of
9 Corrections and Rehabilitation that (1) houses both women and
10 their children, and (2) is specifically designated for the purpose of
11 providing substance abuse treatment and maintaining and
12 strengthening the family unit pursuant to Chapter 4 (commencing
13 with Section 3410) of Title 2 of Part 3 of the Penal Code, or
14 Chapter 4.8 (commencing with Section 1174) of Title 7 of Part 2
15 of that code.

16 (n) Any crisis nursery, as defined in subdivision (a) of Section
17 1516.

18 (o) *A heritage school. For purposes of this section, “heritage*
19 *school” means a school that serves children who are at least 4*
20 *years and 9 months of age who attend a regular year-round school*
21 *that does all of the following:*

22 (1) *Specifies regular hours of operation.*

23 (2) *Offers education or academic tutoring, or both, in a foreign*
24 *language.*

25 (3) *Offers education on the culture, traditions, or history of a*
26 *country other than the United States.*

27 (4) *Offers culturally enriching activities, including, but not*
28 *limited to, art, dancing, games, or singing, based on the culture*
29 *or customs of a country other than the United States.*

30 (5) *Maintains membership in an association that upholds the*
31 *following health and safety standards:*

32 (A) *The school requires each staff member to complete a health*
33 *screening report, including a tuberculosis test.*

34 (B) *The school develops and maintains a fire escape and*
35 *emergency disaster plan.*

36 (C) *The school requires each staff member to sign a statement*
37 *acknowledging the requirement to report suspected child abuse*
38 *pursuant to Article 2.5 (commencing with Section 11164) of*
39 *Chapter 2 of Title 1 of Part 4 of the Penal Code.*

40 (D) *The school provides accessible drinking water.*

1 (E) The school requires each staff member to complete a current
2 criminal record clearance administered by the Department of
3 Justice pursuant to subdivisions (a) and (b) of Section 11105.3 of
4 the Penal Code.

5 (6) Maintains separate classes for adults and children, when
6 applicable.

7 (7) Complies with relevant local government regulations, where
8 applicable.

9 (8) Maintains an adult-child ratio of at least 1:14 and a
10 tutor-child ratio of at least 1:28.

11 (9) Does not operate out of a residential home.

12 (10) At least one school staffer has at least 15 hours of health
13 and safety training pursuant to Section 1596.866.

14 ~~(p)~~

15 (p) This section shall remain in effect only until July 1, 2011,
16 and as of that date is repealed, unless a later enacted statute, that
17 is enacted before July 1, 2011, deletes or extends that date.

18 SEC. 2. Section 1596.792 of the Health and Safety Code, as
19 amended by Section 5 of Chapter 288 of the Statutes of 2007, is
20 amended to read:

21 1596.792. This chapter, Chapter 3.5 (commencing with Section
22 1596.90), and Chapter 3.6 (commencing with Section 1597.30)
23 do not apply to any of the following:

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28 of only one family in addition to the operator's own children.

29 (e) Any cooperative arrangement between parents for the care
30 of their children when no payment is involved and the arrangement
31 meets all of the following conditions:

32 (1) In a cooperative arrangement, parents shall combine their
33 efforts so that each parent, or set of parents, rotates as the
34 responsible caregiver with respect to all the children in the
35 cooperative.

36 (2) Any person caring for children shall be a parent, legal
37 guardian, stepparent, grandparent, aunt, uncle, or adult sibling of
38 at least one of the children in the cooperative.

39 (3) There can be no payment of money or receipt of in-kind
40 income in exchange for the provision of care. This does not prohibit

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

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7 place at the same time.

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11 means a program operated by the state, city, county, special district,
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13 chartered city and county that meets either of the following criteria:

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15 school hours for kindergarten and grades 1 to 12, inclusive, in the
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18 grades 1 to 12, inclusive, are normally not in session in the public
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20 following periods:

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21 site identified by the department by regulation.

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23 instructional nature in a classroom-like setting and satisfies both
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28 located due to regularly scheduled vacations.

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34 (m) A program facility administered by the Department of
35 Corrections that (1) houses both women and their children, and
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37 abuse treatment and maintaining and strengthening the family unit
38 pursuant to Chapter 4 (commencing with Section 3410) of Title 2
39 of Part 3 of the Penal Code, or Chapter 4.8 (commencing with
40 Section 1174) of Title 7 of Part 2 of that code.

1 (n) A heritage school. For purposes of this section, “heritage
2 school” means a school that serves children who are at least 4
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4 that does all of the following:

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21 pursuant to Article 2.5 (commencing with Section 11164) of
22 Chapter 2 of Title 1 of Part 4 of the Penal Code.

23 (D) The school provides accessible drinking water.

24 (E) The school requires each staff member to complete a current
25 criminal record clearance administered by the Department of
26 Justice pursuant to subdivisions (a) and (b) of Section 11105.3 of
27 the Penal Code.

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29 applicable.

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32 (8) Maintains an adult-child ratio of at least 1:14 and a
33 tutor-child ratio of at least 1:28.

34 (9) Does not operate out of a residential home.

35 (10) At least one school staffer has at least 15 hours of health
36 and safety training pursuant to Section 1596.866.

37 ~~(n)~~

38 (o) This section shall become operative on July 1, 2011.

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