

DAY CARE EVALUATOR MANUAL  
RESIDENTIAL CARE EVALUATOR MANUAL

## TRANSMITTAL SHEET

Number  
91 APX-10

Distribution

ALL CHILD DAY CARE EVALUATOR MANUAL HOLDERS

Date Issued  
December 1991

Subject

APX CDC: 1991 Chaptered Legislation  
and Implementation

Approved



WILLIAM C. JORDAN Chief

Type of Change

Temporary  Permanent

## REASON FOR CHANGE

This transmits summaries of legislation chaptered in 1991 affecting child day care facilities. The summaries are divided into three sections:

- I. Immediate Action Required - Instructions will be incorporated into the appropriate Evaluator Manual as soon as possible.
- II. No Action Pending Regulations or Further Instructions.
- III. Information Only - No Action Required.
- IV. New Provisions Cancelled by Other Bills - No Action Required

Additionally an Index is attached to assist staff in locating specific bills.

Unless otherwise noted, statutes referenced in this document are effective January 1, 1992.

File this sheet and attachments in your Evaluator Manual in the front under "Temporary Changes" and annotate the following sections of regulations in the Evaluator Manual to reference back to this notice, or file only this sheet under "Temporary Changes" and insert each attachment next to the corresponding EM page. (Do not remove existing EM pages.)

Remove

Replace the attached pages into Appendix A. Do not remove similar documents from previous years.

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IC9025 (2/87)

## SUMMARY OF 1991 CHAPTERED LEGISLATION

### CHILD DAY CARE FACILITIES

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## SUMMARY OF CHAPTERED LEGISLATION

### I. IMMEDIATE ACTION REQUIRED

#### SB 684 (Calderon), Chapter 867, Statutes of 1991

##### Affects: DCCs and FDCHs

Section 1596.806 - exempts school age day care programs operated on school sites from the fencing, square footage, toilet, isolation space and exclusive use of outdoor activity space and children's restroom requirements when care is provided in rooms used or useable as a classroom.

This section further specifies that the exemptions are for programs operated on either a functioning school site or in facilities certified as useable as a classroom. It requires that the department be provided evidence that the room was approved as a classroom by the State Architect or a certification statement signed by the superintendent of schools, or designee, that the room is of sufficient size to accommodate public instruction.

Section 1596.842 - addresses the provider rights provisions regarding findings of deficiencies and licensee appeals, and requires that the department respond in writing within 30 days of the filing of a formal complaint by a licensee.

It further requires that the address of the licensing agency be printed on all department forms distributed by the licensee to parents and others.

Section 1596.855 - requires that the department provide the regulations, the Provider/Licensee Rights form (LIC 9085) and the appeal procedures to applicants attending orientations. It also requires that the department mail copies of all regulation revisions to Resource and Referral (R&R) agencies funded by the State Department of Education.

Section 1596.869 - permits directors of combination child day care centers to be included in the teacher-child ratio.

Section 1596.96 - requires that applicants for a license to operate a DCC who possess a current valid license for a DCC at another site indicate the facility name and license number for their current license on their application in order to expedite the processing.

Changes current language in statute from application to complete application when requiring that the department make a final determination within 60 days of receipt.

Requires the department to request a fire safety clearance within 5 days of receipt of an application for a DCC license from applicants who possess a current valid DCC license at another site.

If a DCC license or a provisional license is not issued within 60 days of receipt of a completed application, the department is required to issue notice to the licensee. The notice shall describe the reasons that a license or provisional license was not issued including lack of any required documents. If a life safety risk is identified, the risk shall be clearly explained. If lack of a fire clearance is identified, the applicant shall be provided with the name and telephone number of the fire marshal who was sent the request and the date the request was sent. If lack of a fingerprint clearance is identified, the department is required to provide the applicant with the names of the individuals that have not been cleared.

The department is required to issue a provisional license within 5 days of obtaining documentation that the reasons for not issuing a license identified in the notice have been corrected.

## Implementation

### Section 1596.806

Until specific regulations are adopted, use this Health and Safety Code Section as your authority to exempt fencing, square footage, toilet, isolation space and exclusive use of outdoor space and children's restrooms for school age programs provided in classrooms on a functioning school site.

Obtain a copy of the certification signed by the district superintendent of schools or his or her designee that the room could be used as a classroom; or obtain a copy of the document from the office of the State Architect showing that the room is approved as a classroom.

### Section 1596.842

Use current EM Sections 3-3010 through 3-3600 to comply with documentation requirements of this section. Licensing staff are to ensure that any written complaint received from a licensee is responded to in writing within 30 calendar days from receipt. The EM will be revised to include these instructions. COB will identify the affected Department forms that may be lacking the address of the licensing agency and revise these forms if necessary.

Use existing appeal procedures contained in EM manual for regulation Section 101206 (d) Administrative Review, for appeals relating to Section 1596.842 (b). The LIC 9058, Provider/Licensee Rights form is currently being revised to include the expanded provider rights provisions and revised appeal rights procedures are being developed for the back of the LIC 809. Both the revised LIC 9058 and the revised appeal rights are expected to be available by January 1, 1992. COB will mail the revised LIC 9058 and the revised appeals procedures to all licensees by June 30, 1992.

### Section 1596.855

Field staff are to provide all individuals attending child day care orientations (FDCH and DCC) with copies of the current regulations, the revised LIC 9058 and information regarding appeal rights including the specific requirements of Health and Safety Code Section 1596.842 (b).

COB has notified the Regulations Development Bureau (RDB) of the names and addresses of all funded R&Rs. Field staff should inform R&Rs that they are to contact RDB if they encounter problems in receiving revisions of the regulations.

**Section 1596.869**

Until Section 101516.5 (d)(1), Teacher-Child Ratios, School-Age Day Care Centers, is deleted, use Health and Safety Code Section 1596.869 as the authority to permit directors of combination centers to be included in the ratios. Waivers to this section are not required and should not be issued.

**Section 1596.96**

District office staff are to review DCC applications and identify those applicants who possess a current DCC license at another site. Applications that are identified as such are to be given priority. These applications are to be reviewed, and if complete (parts A & B), a fire clearance request is to be sent within 5 days of receipt.

Field staff are to continue to use current procedures to make a final determination within 60 days. If a license or provisional license is not granted, check the appropriate boxes and mail the Notification of Incomplete Application form (LIC 184) to notify licensee. If a life safety risk is identified, check the "other" box and write a description of the risk. If lack of fingerprint clearance is indicated, write the names of those without clearance on the LIC 184. If the district office has not received the fire clearance, check the "other" box on the LIC 184 and attach a copy of the fire clearance request.

If all requirements indicated on the notice have been corrected and documentation received, issue a license or a provisional license within 5 days of receipt of verification.

COB will revise the LIC 184 to include spaces to write the names of those lacking fingerprint clearance and will add the fire clearance information.

**AB 1110 (Campbell), Chapter 316, Statutes of 1991****Affects: DCCs**

Section 1596.792 (g) - clarifies the exemption criteria for public recreation programs serving children under four years and nine months of age. Specifically, it allows public recreation programs to enroll children, under the age of four years and nine months, in consecutive 12 week sessions throughout the year provided these children are not enrolled in a combination of sessions which total more than 12 hours per week for each child.

Implementation

Review any pending applications to determine if they meet the added exemption criteria. Until the handbook reference to Health and Safety Code Section 1596.792(g), contained in Section 101158, Exemption From Licensure, is updated, refer to the statutory language for reference.

COB will notify all licensees, the League of California Cities and other interested parties of the change in an All Licensee Letter.

## II. NO ACTION PENDING REGULATIONS OR FURTHER INSTRUCTIONS

### AB 1797 (Friedman), Chapter 937, Statutes of 1991

Affects: DCCs and FDCHs  
Also: RCFEs, CCFs, and RCF-CIs

Sections 1596.871 - requires that licensees submit fingerprints directly to the Department of Justice (DOJ) and that DOJ notify licensees and simultaneously the licensing agency of criminal record clearances. This is to be done within 15 days of receipt of the fingerprints. DOJ is to notify only the licensing agency of criminal records within 30 calendar days of receipt of the fingerprints.

Implementation

No action until comprehensive instructions are issued. An all licensee letter will be prepared. Meetings are being held with DOJ in order to prepare for a smooth implementation which is targeted for January 1, 1992.

III. INFORMATION ONLY - NO ACTION REQUIRED

AB 676 (Speier), Chapter 784, Statutes of 1991

Affects: FDCHs

Insurance Code Section 676.1 - prohibits insurance companies from arbitrarily cancelling or refusing to renew a homeowner's insurance policy solely on the basis the policy holder is licensed to operate a family day care home.

Also provides that the arbitrary refusal to accept applications for or issue homeowner's insurance solely because the applicant is licensed to operate a family day care home shall subject the insurer to administrative sanctions.

Implementation

Information only, no action required as this is an Insurance Code provision. However, should District Offices receive inquiries, refer callers to the Department of Insurance, Consumer Service Information/Complaints at their toll free number: 800-233-9045.

AB 1379 (Baker), Chapter 660, Statutes of 1991

Affects: Child care providers who are exempt from licensure

Education Code Section 8170 - requires the Department of Justice to establish a trustline network for child care providers who are not required to be licensed pursuant to Section 1596.792 of the Health & Safety Code.

Requires the Department of Education to enter into a contract with the California Child Care Resource and Referral Network to administer the trustline.

Implementation

Information only, no action required. The trustline network will be implemented by the Departments of Justice and Education.

SB 994 (Mello), Chapter 888, Statutes of 1991

Affects: DCCs and FDCHs  
 Also: RCFEs, CCFs, and RCF-CIs

Section 1596.8915 - clarifies that the prohibition against informing a licensee or facility of a planned facility visit by the Department applies to all unannounced visits. Affects all facility categories.

Implementation

Information only, no action required. COB will inform counties via an All County letter.

IV. NEW PROVISIONS CANCELLED BY OTHER BILLS -  
NO ACTION REQUIRED

SB 684 (Calderon), Chapter 867, Statutes of 1991

Affects: DCCs and FDCHs

Section 1596.871 - amends subsection (g) to require the individual or applicant requesting transfer of fingerprint clearance information to provide the former facility name and address or license number when requesting the transfer of clearance information. However, these amendments have been made obsolete by the passage of AB 1797, Chapter 937, Statutes of 1991.

Implementation

Section 1596.871 - Field staff are to take no action regarding transfer of fingerprint clearance information.