

DAY CARE EVALUATOR MANUAL

RESIDENTIAL CARE EVALUATOR MANUAL

TRANSMITTAL SHEET

Number	93APX-03
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Distribution All Day Care Evaluator Manual Holders
All Residential Care Evaluator Manual Holders

Subject

APX CDC: 1992 Chaptered Legislation and Implementation
(Appendix Child Day Care)

Approved

William C. Jordan
WILLIAM C. JORDAN, Chief

Type of Change

Temporary Permanent

REASON FOR CHANGE

This transmits summaries of legislation chaptered in 1992 affecting Child Day Care Centers and Family Day Care Homes. The summaries are divided into three sections:

- I. Immediate Action Required - Interim instructions are provided and will be incorporated into the appropriate Evaluator Manual section as soon as possible.
- II. No Action Pending Regulations or further instructions.
- III. Information Only - No Action Required

Additionally, an Index is attached to assist staff in locating specific bills. Statutes referenced in this document become operative on January 1, 1993 unless otherwise indicated.

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

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

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SUMMARY OF 1992 CHAPTERED LEGISLATION

CHILD DAY CARE FACILITIES

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I. IMMEDIATE ACTION REQUIRED

AB 396 (No author), Chapter 709, Statutes of 1992

Affects: DCCs and FDCHs

Also: RCFEs and CCFs except FFHs, CFFHs and RCF-CIs

Section 1596.803 - adds licensing fees for Day Care Centers and Family Day Care Homes that were not previously required to pay fees and establishes a process whereby fees are required annually by the anniversary of the effective date of the license. This bill also contains a fee cap in the form of an (aggregate rate) of either \$500 (less than 1,000 aggregate capacity) or \$1,000 (1,000 or more aggregate capacity) for Children's Day Care Centers operated by public agencies. Additionally, failure to pay fees is grounds for denial of an application or forfeiture of a license. This was an urgency measure with an effective date of September 16, 1992.

Implementation

Detailed information on implementation of this legislation was sent to each Regional Manager and District Office Manager on September 22, 1992, October 1, 1992 and December 10, 1992. Please refer to those documents for specific instructions. Notification has been sent to all providers. Refer to AB 2647 which, among other provisions, also affects licensing fees for Child Day Care Centers for further fee information.

AB 2647 (Bates), Chapter 1315, Statutes of 1992

Affects DCCs and FDCHs

Also: RCFEs, RCF-CIs and CCFs

Section 1596.803 - amends the fee language contained in AB 396 to specify that the aggregate fee rate applies to public and private agency DCC licenses.

Sections 1596.842, 1596.856, 1596.95, 1596.97, 1597.09, and 1597.54 - amends or repeals all references to license renewal including license term limits, renewal applications and fees, renewal visits, and renewal license procedures.

Sections 1596.8897(b)(c) - require that the Department provide notice directly to an employee or prospective employee when the individual has been immediately excluded from a facility by order of the Department. AB 2647 does not change the 15 calendar day period following the exclusion order which is provided to the employee or prospective employee for purposes of requesting a fair hearing. However, this legislation also requires that the

Department serve an accusation upon the excluded employee or prospective employee within 30 calendar days after the Department's receipt of a hearing request from the employee or prospective employee. AB 2647 also sets allowable time limits for the scheduling of name-clearing hearings and the rendering of a hearing decision.

Section 1596.8897(d) - requires that an employee or prospective employee who requests a fair hearing in response to exclusion from a facility provide his or her current mailing address as part of the hearing request. Until the hearing process is completed, the employee is further required to notify the Department in writing of any subsequent change in mailing address.

Implementation

Section 1596.803 - Refer to the September 16, 1992 and October 1, 1992 memorandums to each Regional Manager and District Office Manager for information relative to aggregate fees. For further information and instructions refer to the memorandum dated December 10, 1992 sent to each Regional Manager clarifying that for-profit corporations holding 25 or more DCC licenses are not eligible for the aggregate rate. All other public and private agency DCC licensees are eligible to apply provided the total of their individual license fees is greater than the \$500 aggregate rate fee.

Sections 1596.842, 1596.856, 1596.95, 1596.97, 1597.09, and 1597.54 - Effective January 1, 1993, Community Care facility licenses are no longer subject to renewal nor will the face of licenses issued after that date include an expiration date. The License (LIC 203 and LIC 203A) are in the process of being revised. Until the revision has been completed and disseminated, the "Expiration date" field reflected on the computer-generated LIC 203A will automatically be crossed out as shown on the attachment. When using the LIC 203 (the manual document not generated by LIS), it will be necessary to type over the "Expiration date" field with "xxxxx".

Even though facility licenses are no longer subject to renewal, a visit is still made on an annual basis except in Family Day Care Homes. These visits will in the future be referred to as an "annual visit," not a renewal visit. Prior to the expiration of the current license, the Licensing Program Analyst (LPA) is to conduct the visit (previously referred to as the renewal visit). This information is to be put on the LIS in the "visit completed" option using option #7 "renewal visit". This will be the last entry for a "renewal visit" and a perpetual license will be generated without an expiration date.

The next input is the effective date of the license. The effective date is to be either the date that the new license is issued or the day after the expiration of the current license,

unless special arrangements have been previously made with the LIS unit. Once the effective date of a license has been entered, it cannot be modified by the district office. However if the input is in error, contact the LIS help desk for correction.

The "expiration date" field is no longer available for input.

The following modifications are also being made to procedures, systems, and/or forms:

The Facility Renewal Visit Report (LIS 845) and the Child Care Facilities Annual Visit (LIS 855) will be replaced by the new "Annual Fee/Visit Report" (LIS), which will contain many of the same data elements as the old listings. This report is generated approximately 150 days prior to the annual visit date. This report will not apply to Family Day Care.

A new Family Day Care Visit/Fee Report is being prepared. This listing will display the same data elements as the LIS 855. There will be categories of "12 month fee report, 24 month fee report and 36 month fee/visit report". This report is set up in this manner since Family Day Care Homes will continue to be visited every 36 months until there are adequate funds to start annual visits as provided in AB 3087. At that time, the district offices will be notified to begin annual visits.

The LIS 555 and LIS 595 will be combined and given a new LIS number. The new report will be entitled "Annual Notice of Facility Roster" and will include all facility types. This roster will be generated approximately 150 days prior to the annual visit date.

The Renewal Fee Notice (LIC 201F), which is being changed to the "Annual License Fee Notice," is now generated off of the effective date of the license instead of the expiration date. Until this form revision is completed, information that is no longer accurate nor pertinent is being automatically crossed out by the computer.

The Work Volume Report (LIS 993) will no longer indicate renewal visits. Visits previously referred to as renewal visits are to be reported on LIS as annual visits. This category, however, will appear until the last license with an expiration date has been reissued.

LIS-generated listings are now processed off of the effective date of the license instead of the expiration date.

Since licenses are no longer subject to renewal, the Department can no longer deny renewals after January 1, 1993. Any denial actions which were taken prior to January 1, 1993 are subject to the administrative action procedure that was in place at that time. In the future, all such actions must be handled as a

revocation of the license.

Sections 1596.8897(b)(c)(d) and 1596.8897(b)(c)(d) - given the specific and short period provided for service of the accusation under AB 2647, district offices must, effective immediately, forward the statement of facts and associated documentation in support of exclusion of the employee or prospective employee to the appropriate regional office within five (5) working days of the Department's receipt of the employee's hearing request. Regional offices must then expeditiously forward the statement of facts to the DSS Legal Division for preparation and service of the accusation. Under separate cover from this summary, COB will soon release detailed instructions for field staff which reflect the new name-clearing requirements created by AB 2647. These instructions will include an amended form letter for use by district offices to provide the required notice to affected employees and prospective employees of immediate barring from a facility.

AB 3151 (Harvey), Chapter 873, Statutes of 1992

Affects: DCCs

Section 1597.14 - requires the licensee of a DCC to give the Department and all clients 60 days written notice of intent to sell the facility. Also requires the licensee to inform the prospective child's parents or legal guardians of the intent to sell prior to entering into an admission agreement. The seller (licensee) is responsible for notifying the buyer in writing that a new license is needed to operate the DCC, with a copy to the licensing agency; the buyer is then responsible for filing a license application within five (5) days of the acceptance of an offer by the licensee (that is, within five [5] days of the mutual commitment to a price for the facility). The Department must give priority to applications submitted under such conditions and must make a decision regarding issuance of the license within 60 days of receipt of the application. If the seller and buyer fully comply with all of the requirements in this section, the transfer of property may be completed and the buyer shall not be considered to be operating without a license while the Department makes a final decision on whether to issue the new license.

Implementation

Until regulations are developed, use the statutory provisions in Sections 1597.14(a) - (e) as the authority for implementation and citing facilities. District staff may refer to Section 87114(c) of the RCFE regulations for further clarification. However, Section 87114(c) shall not be used to cite a DCC licensee.

AB 3458 (O'Connell), Chapter 108, Statutes of 1992

Affects: FDCHs

Section 1597.41 - effective June 30, 1992 as an urgency statute, this bill continues the pilot project established by Senate Bill 19 (Watson), Chapter 40, Statutes of 1989 which authorized Placer and Ventura Counties to operate a pilot project not to extend beyond December 31, 1993. The purpose of the pilot project is to test the feasibility of permitting two additional children to be cared for in a licensed FDCH: a FDCH that is licensed for a capacity of six children may care for up to eight children if two of the children in care are six years of age or older, and a FDCH licensed for a capacity of 12 children may care for up to 14 children if two of the children in care are six years of age or older.

Implementation

All FDCH licensee's in Ventura and Placer Counties were notified of the pilot project by mail on June 8, 1992. Licensees were informed that they could continue through December 31, 1993 if they are currently participating in the SB 19 pilot project.

Field staff shall follow instructions pertaining to the pilot project as specified in the implementation instructions contained in the 1990 summary of chaptered legislation released as 90 APX. Ventura County and the Northern Region were notified June 8, 1992 of the continuation of the pilot project and were instructed to continue tracking the total number of licensed FDCHs by size of the home (ie., small or large), the number of FDCHs that are participating in the project by size of home (ie., small or large), the number of complaints received from pilot project and non-pilot project homes, and the type and disposition of complaints from pilot project homes.

AB 3783 (Farr) Chapter 1061, Statutes of 1992

Affects: DCCs

Education Code Section 56440(g) - clarifies that special education facilities providing instruction to children from three to five years of age, inclusive, with special needs are exempt from Title 22 licensing requirements (Chapters 3.4, 3.5 and 3.6).

Implementation

Review all pending applications to determine if they meet the added exemption criteria. If an applicant meets these provisions, cease application review. These special education programs may indicate that they qualify for exemption from licensure under Public Law 99-457. Until the exemption regulations are revised to specify that special education

programs are exempt from the child day care licensing requirements, use Education Code Section 56440 as the authority for exemption.

"Special education" is defined in Education Code Section 56031 in part, as "specially designed instruction, at no cost to the parent, to meet the unique needs of individuals with exceptional needs, whose educational needs cannot be met with modification of the regular instruction program, and related services, at no cost to the parent, which may be needed to assist such individuals to benefit from specially designed instruction."

"Individuals with exceptional needs" is defined in Education Code Section 56026 in part, as "identified by an individualized education program team as a handicapped child as that term was defined in subsection (1) of Section 1401 of Title 20 of the United States Code as it read July 1, 1980. Between the ages of three to five years, inclusive, and identified by the district, the special education local plan area, or the county office as requiring intensive special education and services, etc."

AB 3826 (Moore), Chapter 625, Statutes of 1992

Affects: DCCs

Section 1596.792(g)(1) - expands the time period that a public recreation program can operate and remain exempt from licensing requirements. Also redefines a school-age child as a student in grades K-12, inclusive, and requires that the recreation program be operated in the public school district in which the program is located.

Section 1596.792(l)(1) - specifies that any program offering activities of an instructional nature in a classroom-like setting is exempt from licensing, provided the program is operated only during periods of the year when students in grades K-12, inclusive, are not normally in session in the public school district in which the program is located and the sessions do not exceed 30 days for school-age children or 15 days for children younger than school-age.

Implementation

Section 1596.792(g)(1) - Review any pending DCC applications to determine if these exemption criteria apply. Until handbook Section 101158(a)(7)(A) "Exemption from Licensure" and evaluator manual regulation interpretations and procedures ("Blues") are updated, use the statutory language for determining and granting exemptions. If a facility is claiming an exemption as a private recreation program pursuant to Health and Safety (H & S) Code Section 1596.793, refer to the amended requirements of H & S Code 1596.792(g)(1) which must be met.

Section 1596.792(1)1) - Use the statutory language when granting exemptions.

SB 1184 (Presley), Chapter 1338, Statutes of 1992

Affects: DCCs and FDCHs

Also affects: CCFs

Section 11170 of the Penal Code - allows the Department of Justice to impose a \$15 fee for the processing of Child Abuse Index Checks. This legislation affects all children's facilities, and there is no provision for an exemption from the fee.

Implementation

The maximum fee of \$15 will be imposed by the Department of Justice (DOJ) beginning on January 1, 1993. DOJ has notified all appropriate county licensing agencies as well as many licensees via letters dated December 10, 1992 regarding the fee requirement. In addition, COB provided a copy of the letter sent to licensees by DOJ along with information concerning this new provision in a memorandum to the Regional Managers dated December 23, 1992. As stated in this memorandum, information about the \$15 fee requirement must be provided to licensees/applicants as soon as possible in orientations. This information will be made a part of the standard orientation package. Forms are being modified to reflect this new requirement.

II. NO ACTION PENDING REGULATIONS OR FURTHER INSTRUCTIONS

AB 962 (Alpert), Chapter 35, Statutes of 1992

Affects: DCCs and FDCHs

Section 1596.866 - effective January 1, 1995, requires in addition to any other specified training that at least one director or teacher at each licensed child day care center and each licensed family day care home provider have at least 15 hours of training in preventative health practices. The training must include a minimum of four hours of pediatric cardiopulmonary resuscitation (CPR), a minimum of eight hours of pediatric first aid, and a minimum of three hours in preventative health care practices. It further requires that any necessary, additional training be completed to allow renewal of the pediatric CPR card or pediatric basic life support card, and the pediatric first aid card. The required training in preventative health practices must include one or more of the following subject areas: (1) control of infectious diseases including immunizations, (2) childhood injury prevention, (3) sanitary food handling, (4)

nutrition, and (5) emergency preparedness and evacuation.

The bill further requires the child day care center director to ensure that at least one staff member currently trained in pediatric first aid and pediatric CPR is available at all times when children are present at the day care center.

AB 962 also requires all personnel as above (director or teacher and family day care home provider) to complete the pediatric CPR and preventative health practices training on or before January 1, 1995 as a condition of licensure. For licenses issued after January 1, 1995, a provisional license shall be issued to all applicants and licensees not in compliance, provided that a provisional license may be issued as specified in Section 1596.84, and which will expire 90 days after the date of issuance and cannot be extended. A license shall be denied if the health care training is not completed by the expiration of the provisional license.

Verification of the completion of the preventative health practices training shall be demonstrated, upon request of the licensing agency, by the following: (1) a current pediatric CPR card issued by the American Red Cross or pediatric basic life support card issued by the American Heart Association, (2) a current pediatric first aid card issued by the American Red Cross, and (3) a certificate of completion of a course or courses in preventative health practices or certified copies of transcripts that identify the number of hours and the specific course or courses taken for training in preventative health practices.

AB 962 specifies that all certificates and cards shall be issued by a certified or credentialed instructor employed by, but not limited to, the American Red Cross, the American Heart Association, a fire department, the local health department, or an accredited postsecondary institution.

AB 962 also requires that all personnel as described are to maintain a current, unexpired pediatric CPR card or pediatric basic life support card, and a pediatric first aid card.

Implementation

No action is required and no citations shall be issued until regulations are developed to clarify and make specific the provisions of this bill, none of which are effective until January 1, 1995. If field staff receive inquiries as to the new requirements they should advise the interested persons of this effective date. If asked, field staff should also inform such individuals of the bill requirements regarding the health practices training and CPR provisions, and should relate that training may be obtained from sources other than the Red Cross or Heart Association but CPR cards must be issued by these entities. Such persons should also be advised that the Department will

determine if there are other bona fide organizations which can issue CPR cards similar to the Red Cross and Heart Association and, if such exist, the implementing regulations will list such agencies. Until regulations are developed and implemented, however, the Red Cross and Heart Association cards shall be the only ones acceptable. These individuals should further be informed that they will not be cited or issued deficiencies for noncompliance before January 1, 1995.

AB 2294 (Alpert), Chapter 1320, Statutes of 1992

Affects: DCCs and FDCHs

Section 1596.813 - mandates that the Department adopt regulations to require that prior to admitting any child in a family day care home, there must be documented proof that the child has been fully immunized.

Implementation

No action is required until regulations are adopted to clarify and make specific the provisions of this bill.

AB 2852 (Frazee), Chapter 1083, Statutes of 1992

Affects: FDCHs

Section 1596.877 - has been amended to require that child abuse checks for persons associated with Family Day Care Homes be done through both the Department of Justice Child Abuse Registry and the county's Child Protective Services Agency's child abuse and neglect complaint records in the county or counties in which the person has resided for the previous two years.

Implementation

No action is required at this time. A separate instructional letter is being prepared and will be forwarded within the next few weeks.

AB 2879 (Polanco), Chapter 533, Statutes of 1992

Education Code Sections 8208, 8244, 8360, 8360.1, 8360.2 and 8360.3 - expands Title 5-funded Child Care and Development Program qualifications for program directors, extends the time period for the issuance of staffing waivers, clarifies the definitions for program director and site supervisor, redefines the term "deem to hold" to specify that an individual must have 12 units in early childhood education or two years' experience and possess a current teaching credential, and further requires that individuals working in a program that provides care to

severely handicapped children shall have specified education, training, and experience in programs serving children with special needs.

H & S Code Sections 1596.70 et seq. were not affected by these changes. However, a program director serving at two or more sites may be a site supervisor at one site provided that he or she fulfills the duties of a "day care center director," as set forth in Section 101315 of Title 22 of the California Code of Regulations, and meets the qualifications as specified in the Education Code regarding program directors in schoolage community child care and development programs.

In addition, any person serving as a teacher or program director in a child care and development program (Title 5) who provides services to severely handicapped children, shall either hold an appropriate child care and development permit, be deemed to hold that permit, or meet the teacher or program director qualifications as specified in the Education Code.

Implementation

No action is required until the "blues" sections of the evaluator manual, under Sections 101315 - Director Qualifications and Duties and Section 101316.2 - Teacher Qualifications and Duties, are amended to reflect the changes made to the various sections of the Education Code.

AB 3087 (Speier), Chapter 1316, Statutes of 1992

Affects: DCC and FDCHs

Section 1596.816 - Establishes the child care licensing branch. Requires that all child care regulatory functions be carried out by this branch.

Requires the transfer of the Child Care Ombudsman Program from the child care licensing branch to the Child Care Advocate Branch when the amendments to Section 1597.55 become operative or upon implementation of an action that supports the expansion of the program.

Requires the Department to review a sampling of child care facility licensing reports, summarize the types and frequencies of violations, correlate these data with health and safety complaints and accidents, and recommend further protective legislative measures.

Requires that the Department notify the appropriate legislative committees whenever actual staffing levels of licensing program analysts in the child care licensing branch drops more than 10 percent below authorized positions.

Requires the budget for the child care licensing branch to be included as a separate entry within the budget for the Department.

Requires that staff conducting inspections of children's day care facilities meet qualifications approved by the State Personnel Board.

Section 1596.89 - requires an additional 6 hours of staff development and training in the areas of the economics of child care, laws relating to children with disabilities, and State Department of Education regulations relating to child care facilities. It further requires that new child care licensing staff having fewer than 16 college semester units in early childhood education or child development receive 40 hours of preservice training in these fields during the first 90 days of employment.

Section 1596.95 - requires that applicants for a day care center license show evidence of a fire escape and disaster plan and that fire drills and disaster drills will be conducted every six months. Documentation of fire and disaster drills shall be maintained on a form developed by the Department and shall include the date and time of the drills.

Section 1597.54 - requires that applicants for a family day care home license provide evidence that there is a fire escape and disaster plan and that fire drills and disaster drills will be conducted every six months. Documentation of fire and disaster drills shall be maintained on a form developed by the Department and shall include the date and time of the drills.

Section 1597.541 - requires the Department to adopt immunization requirements for all children enrolled in family day care homes and that evidence of immunizations are maintained at family day care homes.

Section 1597.54 - requires the Department to adopt regulations for age appropriate immunization requirements for family day care homes.

Vehicle Code Section 5072 - was added by AB 3087 to require the Department of Motor Vehicles to offer special license plates, on which a heart shape, a five-pointed star, a hand shape, or a plus sign would be imprinted. The fees from the sale of these specialized plates - after at least 5,000 applications are received - will be deposited in the Child Health and Safety Fund and will be available to fund implementation of the H & S Code Sections which follow and were amended or added by AB 3087.

Section 1596.872 - establishes the Child Care Advocate Branch to replace the Child Care Ombudsman Program. Requires one child care advocate for each licensing district office providing child care licensing services, and one chief child care advocate

responsible for program operation. Expands the currently mandated duties of the child care ombudsman to require that child care advocates mediate disputes between the Department and child care licensees after licensees have exercised their initial appeal rights as specified in Section 1596.842.

Section 1596.8725 - requires that a Monitor be appointed by the Secretary of the Health and Welfare Agency or any other agency that the Governor deems appropriate, and confirmed by the Senate. Requires the Monitor to collect information on complaints and investigations, violations and penalties or sanctions imposed, the reporting of allegations, appeal procedures, staff training, complaints against licensing evaluators, and the internal practices of the child care licensing branch to correct inconsistencies in the application of regulations. Requires the Monitor to independently prepare an annual study of child day care facilities and report to the legislature, and requires the Department to fully cooperate in providing data and staff assistance for the Monitor to comply with this section. Specifies that the appointment of the Monitor would end on January 1, 1996.

Section 1596.893 - requires that the Department distinguish between violations that are an immediate risk, those that have the potential of becoming an immediate risk, and those that do not pose an immediate or potential risk to the health, safety, or personal rights of the children in care. Requires that civil penalties be issued only after the provider fails to correct the violation in the time period specified and it is determined if there exists a substantial threat to the health and safety of the children. Civil penalties shall begin to accrue on the day the evaluator revisits the site and verifies that the violation was not corrected. Specifies that revenues received by the State from civil penalties imposed on family day care homes shall be deposited in the Child Health and Safety Fund and shall be used for orientation, training, and education for family day care providers.

Section 1596.895 - requires that the Department notify resource and referral agencies (R & Rs) funded pursuant to Section 8210 of the Education Code of all substantiated priority one violations and all allegations or complaints of priority one violations affecting the health and safety of children that are within the geographic area served by the R & R agency. Requires that the Department notify specified R & Rs regarding substantiated priority one violations within 10 days, and notification of the Department's actions regarding allegations of priority one violations is to occur within 30 days. Defines "priority one violations" to include sexual assault, physical abuse, ritualistic abuse, or suspicious death. Priority one violations exist if the victim is a child and the suspect is the facility operator, the licensee, an employee of the facility, or is yet to be identified as one of these individuals. Priority one violations apply to a facility that is in operation and where the

suspect has access to the victim or potential victim. Specifies that priority one violations can also be complaints against unlicensed facilities where a temporary suspension order is in effect or where the license has been revoked.

Section 1597.091 - requires annual, unannounced spot visits to 20 percent of all day care centers in addition to all other mandated visits.

Section 1597.542 - requires the child day care licensing branch to review all regulations pertaining to the operation of child day care facilities, to differentiate degrees of importance, and to categorize regulations into levels of importance.

Section 1597.55(d) - requires annual, unannounced site visits to all family day care homes in addition to all other mandated visits.

Section 1597.55(f) - requires that additional, unannounced spot visits be conducted on 20 percent of all family day care homes.

Section 1597.62 - permits the Department to impose civil penalties of no more than twenty-five dollars (\$25) per day on family day care homes.

Implementation

A detailed plan to establish a separate branch for child day care licensing will be submitted to the Director in January 1993. No changes in the Divisional structure will be made until this plan is finalized.

Regulations will be developed to implement the new family day care immunization requirements and the fire and disaster plan and drill provisions.

When sufficient funds are available, regulations and procedures will be developed to implement civil penalties for family day care. At that time annual visits will be instituted to all family day care homes and the 10% annual spot visit will be increased to 20%. In addition, an annual spot visit to 20% of all DCCs will be instituted.

AB 3372 (Becerra), Chapter 1113, Statutes of 1992

Affects: DCCs

Education Code Section 8262.5 - allows the Department of Education (SDE) to issue a Certificate of Operation in contract transfer situations to SDE funded child care and development facilities when such a certificate is necessary for continued operation [and] the receipt of State and Federal child nutrition

or child development funding.

Section 1596.871(b)(6) - allows fingerprinting of the person designated to administer the operation of a facility instead of the school district superintendent when the facility is run by a local educational agency.

Section 1596.871(b)(9) - exempts from criminal record clearance requirements all credentialed teachers in SDE-funded child care and development programs including programs which serve both children subsidized under, and children not subsidized under, an SDE contract. This exemption provision is not affected by whether the specific credentialed teacher is employed in a subsidized position.

Section 1596.871(b)(10) - exempts employees of child care and development programs operated by a school district, a county office of education, or a community college district from obtaining a criminal record clearance if such a clearance is obtained for employment by the school district.

Section 1596.8716 - exempts employees of child care and development programs operated by a school district, county office of education, or community college from health screening requirements for licensing if a physical examination was completed as a condition of employment with the school district.

Implementation

No action until the appropriate "blue" sections of the evaluator manual are revised. It is expected that these revisions will be completed and out to the field by the end of January 1993.

III. INFORMATION ONLY - NO ACTION REQUIRED

AB 1765 (Gotch), Chapter 923, Statutes of 1992

Affects: DCCs and FDCHs

Sections 11353.1, 11353.5 and 11380.1 and Welfare and Institutions Code Section 729.8 - provides for additional terms of imprisonment for adults and the performance of community service for minors who engage in specified controlled substance offenses which occur upon the grounds of a child day care facility.

Implementation

Information only, no action required.

AB 2647 (Bates), Chapter 1315, Statutes of 1992

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

Section 1596.887 - amends various legal rules regarding hearing proceedings for license suspension, revocation, or denial, and establishes conditions under which an Administrative Law Judge may allow the continuance of an appeal hearing.

Implementation

No action required. The Department's Legal Division will monitor adherence to the new and amended procedural requirements concerning hearings.

AB 2986 (Campbell), Chapter 1097, Statutes of 1992

Education Code Section 10911.5 - requires that public recreation programs, which are exempt from community care licensing, obtain criminal record clearance information from the Department of Justice on their employees who have contact with minors.

Implementation

Information only, no action required.

AB 3773 (Conroy), Chapter 1227, Statutes of 1992

This legislation has no direct effect on the licensing program. However, it amends the Penal Code to make specific the circumstances under which the Department of Justice may release criminal record information to employers. Licensees do not receive clearance information under this statute, but rather under H & S Code provisions.

AB 3773 also makes it a misdemeanor to require a potential employee to obtain his or her criminal record clearance and provide it to the employer who may not have the authority to receive such information.

Implementation

Information only, no action needed.

SB 1562 (Watson), Chapter 1319, Statutes of 1992

Affects: DCCs and FDCHs

Also: CCFs, RCFEs

Section 1596.855 - requires the Department to inform child day care facility applicants at orientation meetings of the availability of a Spanish language version of the following: a printed copy of all applicable regulations, a copy of the Provider Rights Form (LIC 9058), and a copy of the appeal procedures referred to in the LIC 9058. The material is to be provided to the applicant upon request.

Section 1596.87 - requires that the Department to provide new staff with comprehensive training within the first six months of employment. At a minimum, the training shall include the following core areas: administrative action process, client populations, conducting facility visits, cultural awareness, documentation skills, facility operations, human relation skills, interviewing techniques, investigation processes, and regulation administration.

Implementation

No action until notified. An all licensee letter will be prepared. It will take some time to have all of the child day care regulations and related materials translated and printed in Spanish.

No additional implementation is necessary resulting from this bill, as the training program for new CCLD staff is already in place.