

DAY CARE EVALUATOR MANUAL

RESIDENTIAL CARE EVALUATOR MANUAL

TRANSMITTAL SHEET

Number
94APX-01

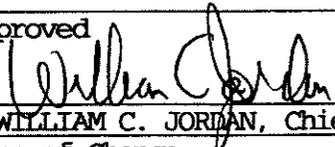
Distribution All Day Care Evaluator Manual Holders
All Residential Care Evaluator Manual Holders

Date Issued
January 1994

Subject

APX CDC: 1993 Chaptered Legislation and Implementation
(Appendix Child Day Care)

Approved



WILLIAM C. JORDAN, Chief

Type of Change

Temporary Permanent

REASON FOR CHANGE

This transmits summaries of legislation chaptered in 1993 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, 1994 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.

Contact Person Linda Nissen Phone Number (916) 324-4031

SUMMARY OF 1993 CHAPTERED LEGISLATION
 FAMILY DAY CARE HOMES and
 CHILD DAY CARE CENTERS

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I. LAWS THAT WILL BE IMPLEMENTED IMMEDIATELY

AB 265 (O'Connell) Chapter 425

Affects Facility Category: FDCH

Subject: FDCH Capacity Pilot

Section 1597.41 provides for the continuation of the family day care home pilot project in Ventura and Placer counties and adds Fresno, San Diego and San Luis Obispo to the pilot project. Family day care homes in these named counties will be allowed to accept two additional school-aged children for care. This will allow small family day care homes to provide care to a maximum of eight children and large family day care homes to provide care to a maximum of 14 children if they elect to participate in the pilot project. This program is in affect from January 1, 1994 to January 1, 1996.

The Department, in consultation with the Child Development Programs Advisory Committee and the State Department of Education, shall determine the standardized data the Assembly Office of Research shall collect from the pilot project counties for the evaluation in order to ensure consistency.

The Assembly Office of Research shall submit this evaluation report to the Assembly Human Services Committee and the Senate Health and Human Services Committee of the Legislature by March 30, 1995.

Implementation:

The licensees in each of the five counties will be advised by separate letter of the requirements to participate in this pilot program. An advance copy of this letter will be provided to each licensing office.

The following are the guidelines for each licensing office to implement the pilot project in the counties named above:

1. FDCH applicants and licensees must register with their respective licensing office prior to accepting the two additional school-aged children. A copy of the registration form is attached for your information and use. Current FDCH licensees will receive the registration form via licensee letter from COB instructing them to return it to their licensing office if they desire to participate or not participate in the pilot project.

2. The file of the providers who choose to participate in the project shall contain a copy of their registration form. Further, the licensing supervisor shall maintain a folder or binder with a copy of each registration form to readily identify the number of participants for the county involved. This should be separated into small and large FDCH sections.

3. As specified in the letter to the licensees, FDCH's with a capacity of six who choose to participate in the pilot project shall not be required to have a fire clearance.

4. FDCH providers who care for four infants at a time may not participate in the project.

5. Upon the request of a local planning agency, local zoning agency or similar local agency, licensing will inform the agency about whether or not a specific provider is participating in the project.

6. The attached complaint form is only for the family day care pilot project counties and shall be completed at the time of a complaint visit to any family day care home, even those not involved in the pilot project in that county. Usage of the complaint form is to begin April 1, 1994 and end December 31, 1994, in the five counties involved in the pilot project. The completed form shall be mailed to the address indicated on the form. The county/district offices do not have to maintain a copy of this form in the licensees file. The information will be used only for the evaluation report and is only required for a period of nine (9) months. After that time the only requirements are notification of participation/nonparticipation in the pilot by applicants and licensees.

AB 615 (Gotch) Chapter 335

Affects Facility Categories: DCC and FDCH

Subject: Smoking

This bill amends Health and Safety Code Section 1596.795 as follows:

Prohibits the smoking of tobacco in a private residence licensed as a family day care home (FDCH) during the hours of operation as a FDCH and in those areas of the FDCH where children are present.

Prohibits smoking on the premises of a licensed child day care center.

Implementation:

Until regulations are developed, use the statutory provisions in Sections 1596.795 (a) and (b) as the authority for implementation and citing facilities.

AB 826 (Bates) Chapter 280

Affects Facility Category: None (exempt child day care)

Subject: Public Recreation Programs

This bill amends Health and Safety Code Section 1596.792 (g) as follows:

Adds language exempting from licensing any public recreation program that is provided to children who are over the age of four years and nine months and not yet enrolled in school, provided the program is operated during either of the following periods:

1. For under 16 hours per week.
2. 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.

Requires the Department to consider, where appropriate, the "normal school hours or periods when students are normally not in session for students attending a year-round school." This language recognizes the schedules of students who attend year-round schools when calculating the times during which a public recreation program for this age category may be operated and still be exempt from licensing requirements.

Implementation:

Use the statutory provisions in Section 1596.972 (g) as the authority for implementation and citing programs. The EM will be revised. Revised regulations are not necessary because current regulations refer the reader to the correct Section of the statute.

AB 960 (Bates) Chapter 475

Affects Facility Category: DCC

Subject: Aggregate Rates

This statute amends Section 1596.803 of the Health and Safety Code which provides that individual facility licensing fees also apply to any for profit corporation, person, firm, association, or partnership holding 25 or more day care center licenses.

Implementation:

An Evaluator Manual update covering all the policies and procedures relating to the DCC aggregate rate licensing fees will be released to regional and district office staff by February 1994. This amendment to Section 1596.803 does not require any direct action by district office staff since all aggregate rate requests are processed through the DCC aggregate rate unit in Central Operations Branch.

AB 1486 (Speier), Chapter 1316

Affects Facility Categories: DCC and FDCH

Subject: Child Care Ombudsman Program, Issuance of
Deficiency Citations and Civil Penalties

This is a cleanup bill for AB 3087 (Speier), Chapter 1316,
Statutes of 1992, and does the following:

Reenacts certain amended sections of the Health and Safety
Code as they existed prior to the passage of AB 3087. This
corrected a technical oversight that would have effectively
deleted the authority for the child care ombudsman program,
the issuance of deficiency citations and civil penalties, and
site visits to family day care homes.

Implementation:

Because this bill made the statute consistent with the
procedures currently being followed with regard to deficiency
citations and civil penalties, and site visits to family day
care homes as outlined in the evaluator manual, no changes in
field procedures are needed to implement this statute.
However, the regulations will be amended to bring them into
conformance with existing procedures and the new statute.
Preparation of some portions of these regulations is
dependent upon the availability of funding from the special
license plate program.

AB 1858 (Speier) Chapter 336

Affects Facility Categories: DCC and FDCH

Subject: Baby Walkers

This bill adds Section 1596.846 to the Health and Safety
Code, which prohibits the keeping or using of a baby walker
on the premises of a child day care facility. It defines a
baby walker as any article known as a "baby bouncer,"
"walker-jumper," "baby walker," or any similar article.

Implementation:

Until regulations are developed, use the statutory provisions
in Section 1596.864(b) and (c) as the authority for
implementation and citing facilities.

SB 434 (Morgan) Chapter 246

Affects Facility Category: DCC

Subject: Preschool and Infant Care Centers Toddler Program
and Ratio Change with a Qualified Aide

This was an urgency measure which became effective July 30, 1993. Section 1596.955 of the Health and Safety Code is amended to read:

1596.955 - (a) The department shall develop guidelines and procedures to permit licensed child day care centers serving preschool age children to create a special program component for children between the ages of 18 months and 30 months. This optional toddler program shall be subject to the following basic conditions:

1. An amended application is submitted to and approved by the department.
2. No child shall be placed in the preschool program before the age of 30 months without parental permission. A child who is more than 30 months of age may participate in the toddler program with parental permission.
3. Parents give permission for the placement of their children in the toddler program.
4. A ratio of six children to each teacher is maintained for all children in attendance at the toddler program. An aide who is participating in on-the-job-training may be substituted for a teacher when directly supervised by a fully qualified teacher.
5. The maximum group size, with two teachers, or one fully qualified teacher and one aide, does not exceed 12 toddlers.
6. The toddler program is conducted in areas separate from those used by older or younger children. Plans to alternate use of outdoor play space may be approved to achieve separation.
7. All other preschool regulations are complied with.

(b) The toddler program shall be considered an extension of the preschool license, without the need for a separate license.

(c) The department shall immediately prepare proposed regulations for public hearing which would consider the foregoing basic conditions as well as any additional health and safety safeguards deemed necessary for this age group.

(d) The guidelines in subdivision (a) shall remain in force and effect only until regulations implementing this section are adopted by the department. A status report on development of regulations shall be submitted by the department to the Legislature no later than June 1, 1990.

Section 1596.956 is added to the Health and Safety Code, immediately following Section 1596.955, to read:

1596.956 - (a) The department shall develop guidelines and procedures to authorize licensed child day care centers serving infants to create a special program component for children between the ages of 18 months and 30 months. The optional toddler program shall be subject to the following basic conditions:

1. An amended application shall be submitted to and approved by the department.
2. No child under the age of 18 months shall be moved into the toddler program. A child who is more than 18 months of age shall not be required to be in the toddler program.
3. Parents shall give permission for the placement of their children in the toddler program.
4. A ratio of six children to each teacher shall be maintained for all children in attendance at the toddler program. An aide who is participating in on-the-job-training may be substituted for a teacher when directly supervised by a fully qualified teacher.
5. The maximum group size, with two teachers, or one fully qualified teacher and one aide, shall not exceed 12 toddlers.
6. The toddler program shall be conducted in areas separate from those used by older or younger children. Plans to alternate use of outdoor play space may be approved to achieve separation.
7. All other infant center regulations shall be complied with.

(b) The toddler program shall be considered an extension of the infant center license, without the need for a separate license.

(c) The department shall immediately prepare proposed regulations for public hearing that would consider the foregoing basic conditions as well as any additional health and safety safeguards deemed necessary for this age group.

(d) The guidelines in subdivision (a) shall remain in force and effect only until regulations implementing this section are adopted by the department.

Section 1597.059 is added to the Health and Safety Code, to read:

1597.059 - (a) The State Department of Social Services shall adopt guidelines and procedures to permit an aide to assist a fully qualified child care teacher in the supervision of up to 18 preschool age children, with the requirement that the aide shall complete at least two accredited postsecondary

semester units or equivalent quarter units of early childhood education or child development per semester or quarter, commencing with the first semester or quarter following initial employment and continuing until six units have been completed.

(b) For purposes of this section "preschool age children" means children who are enrolled in a child day care center licensed by the department and who are not enrolled in either an infant care center or a school-age child day care center.

Implementation:

This replaces prior instructions for the toddler option and optional aid contained in EM 90APX-03 dated June 1990.

Section 1596.955 - Day care centers now have the option of creating a toddler component under the umbrella of their existing day care center license. However, two items have been changed: 1) all children between the ages of 18 to 30 months do not have to be in the toddler program, and 2) children may participate in the toddler program until age 36 months with parental permission.

Section 1596.956 - Added the toddler option to the infant center program. The implementation requirements match those of the preschool program. Again, two changes, 1) children between the ages of 18-30 months may be in the infant program or toddler program with parent permission, and 2) children may be in the toddler program until age 36 months with parental permission.

Section 1597.059 - Requires the Department to adopt regulations to permit teacher aides to assist fully qualified (12-unit) teachers in the supervision of up to 18 preschool age children in a child day care center on the condition that the aides complete at least two postsecondary semester units or equivalent quarter units in early childhood education or child development each semester or quarter following the initial employment and continuing until they have completed six units.

Note: Regulations have been developed and are currently at the Regulations Development Bureau, public hearings are expected in February 1994 with adoption of the regulations sometime in 1994.

Toddler Program Guidelines

The following basic conditions must be met by day care center/infant centers electing to operate an optional toddler program:

1. Unless specified otherwise in these guidelines, the regulations governing day care centers as contained in Title 22, Division 12, Sections 101151 through 101339.2 shall apply.

2. The licensee shall submit an application (LIC 200A) as required in Section 101185. The LIC 200A has been amended to include the required information.
3. No child younger than 18 months of age shall be placed in the toddler program. No child may be placed in the toddler program without parental permission. A child may remain in the toddler program until age 3 years with parental permission.
4. Parents shall give their permission to place their child(ren) in the toddler program. Such permission shall be indicated by the parent(s) signature on an updated admission agreement as specified in Section 101219(d).
5. In lieu of the teacher-child ratio specified in Sections 101316.5 and 101416.5 the following ratios as required in Health and Safety Code Sections 1596.955 and 1596.956 shall apply to the toddler program:
 - (a) One teacher to six toddlers, or
 - (b) An aide may be substituted for a teacher provided the following conditions are met:
 - (1) There is a fully qualified teacher (12 units) directly supervising no more than 12 toddlers, and
 - (2) An aide is responsible for the direct care and supervision of no more than six toddlers, and
 - (3) The aide is participating in the on-the-job training program as specified in Section 101216(f).
6. The maximum group size shall not exceed 12 toddlers.
7. For toddlers between 18 months and 24 months of age who are being toilet trained, the requirements specified in Sections 101428 and 101438.1 shall apply.
 - (a) For toddlers between 24 and 30 months of age who are being toilet trained, the requirements specified in Sections 101229(a) and 101238(a) shall apply.
8. In addition to Section 101338.3, the indoor activity space for toddlers shall be kept physically separate from space used by children who are either younger than 18 months or older than 30 months of age.
9. In addition to Section 101338.2, the outdoor activity space for toddlers shall be kept physically separate from space used by children who are either younger than 18 months or older than 30 months of age.

(a) It shall be permissible to schedule usage of the outdoor play space to assure separation provided prior written approval has been obtained from the licensing agency.

10. If violations are found in any of the above, cite Health and Safety Code Section 1596.955 for preschools and Health and Safety Code Section 1595.956 for infant care centers.

Optional Aide Guidelines

When facility evaluations are performed by licensing staff the following procedures must be followed:

1. Review the personnel records of teachers used in the optional staffing ratio to ensure that the teachers have completed the education requirements pursuant to Section 101316.2(c).
2. Review the personnel records of aides used in the optional staffing ratio to ensure that there is documentation of their current enrollment in 2-unit accredited postsecondary semester or equivalent quarter courses in early childhood education or child development or their intent to enroll in the above specified course(s) commencing with the first semester or quarter following initial employment in the facility and continuing until six units have been completed.

III. INFORMATION ONLY

AB 312 (Gotch) Chapter 556

Affects Facility Categories: DCC and FDCH

Subject: Controlled Substances

Provides for additional prison terms for adults and the performance of community service for minors who engage in specified controlled substance offenses upon the grounds of, or within, a child day care facility.

Registration Form Family Day Care Home Pilot Project

The Family Day Care Home pilot project allows you to care for two more school-age children, above the number indicated on your license. If you wish to participate in this project, you must complete this form and return it to your local licensing office before you accept the two additional children.

Licensee Information

Facility Name		Date	
Address	City	State	Zip
County	License Number		Phone Number

Number of Children Currently Receiving Care by Age

Pilot Project FDCH <small>Check if you want to participate</small>	<input type="checkbox"/>	Number of Children currently in the Home between the age of 0 - 2	
Non-Pilot Project FDCH <small>Check if you do not want to participate</small>	<input type="checkbox"/>	Number of Children currently in the Home between the age of 3 - 5	
Licensed Capacity	6 <input type="checkbox"/>	12 <input type="checkbox"/>	Number of Children currently in the Home between the age of 6 - +

I certify that I have notified the parent(s) of each child currently enrolled at this family day care home of the intent of this agency to participate in the FDCH pilot program which allows for the enrollment for care of two additional school age children.

Signature	Date
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If you are participating in any of the food reimbursement/subsidy programs you will need to keep a copy of this notification in order to receive funds for the additional two children for which you provide care.

**Complaint Form
Family Day Care Home
Pilot Project**

When Completed
Mail To:

Community Care Licensing
744 P Street, M.S. 19-50
ATTN: R. Markell
Sacramento, CA 95814

Licensee Information

Facility Name		Date of Visit	
Address		City	State Zip
County		License Number	Phone Number

Number of Children Currently Receiving Care by Age

Pilot Project	<input type="checkbox"/>	Number of Children in the Home between the age of 0 - 2
Non-Pilot Project	<input type="checkbox"/>	Number of Children in the Home between the age of 3 - 5
Licensed Capacity	6 <input type="checkbox"/> 12 <input type="checkbox"/>	Number of Children in the Home between the age of 6 - +

Allegations

Description	Type Use codes provided below	Date of Resolution		
		Substantiated	Inconclusive	Unfounded
1.				
2.				
3.				
4.				

- | | | | | | |
|--------------------------------------|--------------------|-------------------|---------------------------------|---------------------|------------------------|
| 1. Physical Abuse/Coporal Punishment | 4. Unlicensed Care | 7. Physical Plant | 10. Neglect/Lack of Supervision | 13. Medication | 16. Qualifications |
| 2. Sexual Abuse | 5. Fire Clearance | 8. Record Keeping | 11. Food Service | 14. Financial Abuse | 17. Financial Issues |
| 3. Personal Rights | 6. Crimes | 9. License | 12. False Statements | 15. Level of Care | 18. Questionable Death |
| | | | | | 19. Other |