

DAY CARE EVALUATOR MANUAL RESIDENTIAL CARE EVALUATOR MANUAL

TRANSMITTAL SHEET

Number

90 APX-12

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ALL DAY CARE EVALUATOR MANUAL HOLDERS

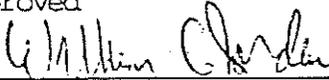
Date Issued

DECEMBER, 1990

Subject

CDC: SUMMARY OF 1990 CHAPTERED LEGISLATION

Approved



WILLIAM C. JORDAN, Chief

Type of Change

Temporary

Permanent

REASON FOR CHANGE

This transmits summaries of legislation chaptered in 1990 affecting child day care facilities. The summaries are divided into three sections:

- I. Immediate Action Required - Instruction 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.

Unless otherwise noted, the statutes referenced in this document are effective January 1, 1991.

This revision supplements the document transmitted under 90 APX-03 Errata, issued June, 1990. Do not remove this latter document from the EM.

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 the Appendix. Refer to Table of Contents for location.

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SUMMARY OF 1990 CHAPTERED LEGISLATION

CHILD DAY CARE FACILITIES

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I. IMMEDIATE ACTION REQUIRED

AB 4316 (Leslie)
Chapter 388, Statutes of 1990

Affects: DCCs

Bill Summary

Section 1596.792 - provides additional exemption criteria for child day care centers as follows:

- o Any school parenting program or adult education child care program which satisfies both of the following:
 - (1) Is operated by a public school district or an individual or organization pursuant to a contract with a public school district.
 - (2) Is not operated by an organization specified in Section 1596.793.
- o Any child day care program which operates only one day per week for no more than four hours on that one day.
- o Any child care program which offers temporary child care services to parents and which satisfies both of the following:
 - (1) The services are only provided to parents and guardians who are on the same premises as the site of the child day care program.
 - (2) The child day care program is not operated on the site of a ski facility, shopping mall, Department stores, or any other similar site identified in regulation by the Department.

- o Any program which provides activities for children of an instructional nature in a classroom-like setting and which satisfies both of the following:
 - (1) Is operated only between June 15 and September 15.
 - (2) Offers any number of sessions during the period specified in paragraph (1) which when added together do not exceed a total of 30 days when only school age children are enrolled in the program or 15 days when children younger than school age are enrolled in the program.

Implementation

This is an urgency statute. The additional exemption criteria in H&S Code Section 1596.792 were effective on the date AB 4316 was signed by the Governor (July 19, 1990). Refer to the memo regarding AB 4316 dated September 5, 1990.

Review pending applications to determine if any applications meet the added exemption criteria. If so, inform applicant of exemption status.

Regulations will be developed as well as an update to the Evaluator Manual.

II. NO ACTION PENDING REGULATIONS OR FURTHER INSTRUCTIONS

SB 2293 (Watson)
Chapter 1050, Statutes of 1990

Affects: FDCHs

Bill Summary

Section 1597.531 - requires FDCH licensees to use an affidavit form to advise parents of children in care that they chose not to have FDCH liability insurance. If the FDCH provider does not own the premises in which care is provided, parents must now be advised that the owner of the property or the homeowners' association, whichever is appropriate, may not provide coverage for losses arising in connection with the FDCH.

A FDCH which chooses to have the liability insurance must name the owner of the property or homeowners' association, whichever is appropriate, as an additional insured party if the owner/homeowners' association requests that they do so.

It is no longer grounds for revocation if a FDCH is out of compliance with this section.

Implementation

The LIC 282 affidavit form is being revised to comply with SB 2293. COB will inform licensees via an All Licensee Letter of the provisions of this bill. DOs and county licensing agencies will take no action pending regulations or further instructions. Until then, continue to follow current procedures to ensure that licensees use, as appropriate, the current LIC 282 form.

SB 2377 (Presley)
Chapter 608, Statutes of 1990

Affects: DCCs

Bill Summary

Section 1596.796 - requires DSS to establish the Child Care Review Panel in at least one of the 15 District Offices in the state. The panel will review specific cited violations of licensing laws and regulations, and attempt to determine if administrative time and costs can be saved regarding disputes by licensees.

Section 1596.797 - requires the panel to meet no fewer than four times per year, defines the scope of review, and allows the panel to set forth rules for licensees.

Section 1596.798 - requires the licensee to exhaust his or her appeal rights, up to and including the Deputy Director prior to seeking a review by the panel. In addition, this provision sets forth rules and procedures for the panel and requires a report to the Legislature on or before December 31, 1993. This article becomes inoperative on June 30, 1994.

Implementation

CCLD management will make a decision on the location of the panel. Instructions will be developed by COB/Regions in conjunction with DSS Legal Affairs.

III. INFORMATION ONLY - NO ACTION REQUIRED

AB 2989 (Hunter)
Chapter 1488, Statutes of 1990

Affects: DCCs, FDCHs
Also RCFEs, CCFs

Bill Summary

Section 1596.8875 - allows the Department to pay expert witness fees in Administrative Action Hearings. While the Department has found ways to do this in the past, the code has been changed to specifically authorize such payments.

Section 1596.891 - The other provision of the bill is a technical change only. It allows the Department to forego the unlicensed civil penalty when other remedies are more effective, such as taking criminal action. Some District Attorney offices had refused to take cases where a civil penalty had been assessed; the law has previously required that the Department assess a civil penalty in all cases. The "catch 22" was corrected by this statute modification.

Implementation

Information only, no action required.

ACR 108 (Murray)
Chapter 91, Statutes of 1990

Affects: DCCs, FDCHs

Bill Summary

Directs the Assembly Select Committee on Child Care and Child Abuse and the Senate Select Committee on Infant and Child Care and Development to convene a task force to determine the feasibility and content of new regulations to be adopted by the Department of Social Services. These regulations would establish minimum measurable standards of quality for licensed child care programs. The task force is to report to the Legislature by January 1, 1992.

Implementation

Information only, no action required. It is anticipated that CCLD staff will participate in the task force.

SB 78 (Waters)
Chapter 922, Statutes of 1990

Affects: DCCs

Bill Summary

Submitted the Child Care Facilities Financing Act of 1990 to the voters in November, 1990 as Proposition 151. This measure was defeated. If approved, proceeds from the bonds would have been placed in the Child Care Facilities Bond Fund to be loaned for the expansion of capacity for child care services in child day care facilities.

Implementation

Information only, no action required. This proposition was defeated by the voters.

SB 2423 (Royce)
Chapter 650 Statutes of 1990

Affects: DCCs, FDCHs
Also CCFs

Bill Summary

SB 2423 amends Penal Code Section 11166.2 to require a child protective agency to report to the local licensing agency acts of general neglect (inadequate food, clothing, housing or supervision) in addition to physical or sexual child abuse. This bill deleted the requirement that allegations of general neglect be reported only to the respective County Welfare Department.

Implementation

Information only, no action required. No regulations will be required. There is no change in DO procedures; however, District Offices may now expect to receive more reports from child protective agencies.

SB 2733 (Rosenthal, et al.)
Chapter 1163, Statutes of 1990

Affects: DCCs

Bill Summary

Health and Safety Code Section 24450, and following - requires the State Department of Health Services (DHS) to adopt regulations that would provide safety standards for playgrounds that are open to the public.

As specified in this bill, public playgrounds are defined as, but not limited to, those open to the public and operated by a church, subdivision, hotel, motel, restaurant, resort, camp, hospital, office building or shopping center. Public playgrounds would also include those that are part of a child day care facility. DHS is required to consult with the Department when developing the day care regulations.

The regulations would pertain to the design, installation, maintenance, inspection and supervision of playgrounds. DHS is required to adopt these regulations by July 1, 1991.

Implementation

Information only, no action required. The bill states that DHS will not enforce the regulations, but does not clarify who would have that responsibility.

SB 2788 (Russell et al.)
Chapter 1330, Statutes of 1990

Affects: DCCs, FDCHs
Also CCFs

Bill Summary

Penal Code Section 11170 specifies, for purposes of child abuse and neglect reporting, that: an "unfounded report" means a report which is determined to be false or could not have happened; a "substantiated report" is one in which credible evidence exists to constitute child abuse; an "unsubstantiated report" is one in which there is insufficient evidence to determine that child abuse occurred.

Implementation

Information only, no action required. These changes in the Child Abuse and Neglect Reporting Act of the Penal Code will be incorporated into future complaint training provided to CCLD staff. COB is reviewing the current terminology used by CCLD regarding complaint findings for possible revision to coincide with this Penal Code section.