

DAY CARE EVALUATOR MANUAL

RESIDENTIAL CARE EVALUATOR MANUAL

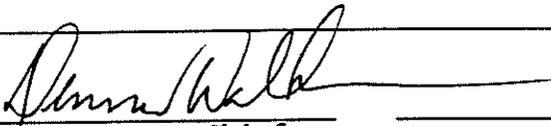
TRANSMITTAL SHEET

|              |
|--------------|
| Number       |
| 95 APX-01    |
| Date Issued  |
| January 1995 |

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

Subject

APX CDC: 1994 Chaptered Legislation and Implementation  
(Appendix - Child Day Care)

Approved   
DENNIS WALKER, Chief

Type of Change  Temporary  Permanent

REASON FOR CHANGE

This transmits summaries of legislation chaptered in 1994 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, 1995 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.)

Insert the attached pages into Appendix A. Do not remove similar documents from previous years. NOTE: For detailed implementation instructions on AB 243, refer to 94APX-14, date issued October 1994.

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

SUMMARY OF 1994 CHAPTERED LEGISLATION  
 FAMILY DAY CARE HOMES and  
 CHILD DAY CARE CENTERS

INDEX

| <u>BILL NUMBER</u> | <u>SUBJECT</u>  | <u>PAGE</u> | <u>CODE</u> |
|--------------------|---|-------------|-------------|
| AB 243             | Preventive Health Practices<br>(Refer to EM Update 94APX-14<br>for detailed implementation<br>instructions) ..... | 1           | I           |
| AB 2273            | Director SDE Programs .....   | 5           | I           |
| AB 2715            | Child Protective Services<br>Record Check .....   | 12          | III         |
| AB 3168            | Employer Sponsored Child<br>Care Centers .....  | 5           | I           |
| AB 3760            | Infant Crib Safety/Shaken<br>Baby Syndrome .....  | 13          | III         |
| AB 3781            | Funding Thru Department<br>of Education .....   | 14          | III         |
| SB 1678            | Director/Teacher Requirements<br>Application Process Time,<br>Fire Clearances .....                               | 6           | I           |
| SB 1984            | Criminal History<br>Information .....   | 11          | II          |
| SB 2004            | Child Safety Restraint<br>Systems .....   | 13          | III         |
| SB 2011            | Sale of Facility .....  | 11          | I           |

**I. LAWS THAT WILL BE IMPLEMENTED IMMEDIATELY**

**AB 243 (Alpert) Chapter 246**

**Affects Facility Categories: DCC and FDCH**

**SUBJECT: Preventive Health Practices**

AB 243 (Alpert), Chapter 246, Statutes of 1994, became effective as an urgency measure on July 21, 1994. This bill amends Section 1596.866 of the Health and Safety (H&S) Code, which was added to law by AB 962 (Alpert), Chapter 35, Statutes of 1992. Section 1596.866 requires specified personnel of child day care facilities (day care centers and family day care homes) to have at least 15 hours of training in preventive health practices including pediatric cardiopulmonary resuscitation (CPR) and pediatric first aid. The compliance deadline is January 1, 1995.

**IMPLEMENTATION:**

Because this was urgency legislation, detailed implementation instructions were sent to the field along with a copy of the All-Licensee Letter and instructions for county staff as an EM Appendix Number 94APX-14 in October 1994. Please refer to that EM for detailed implementation instructions.

The following is supplemental information which identifies the American Heart Association and American Red Cross Courses/Certificates that are acceptable as meeting AB 243 requirements. Also included for field staff information is a summary on AB 243 that is being provided for easy reference.

Refer to the list of training programs approved by the State Emergency Medical Services Authority (EMSA) sent to the Regional and District Offices if questions arise as to approved training programs.

1. Course completion certificates should be kept on file at the facility; the certificates should not be mailed to the licensing office. Licensing staff are to check certificates at the time of a site visit. If the training has not been completed by the time of a site visit, a 90-day plan of correction is to be developed.

AB 243 (Continued)

2. Providers with a current adult first aid certificate must still obtain a pediatric first aid certificate. Under the law, it is not acceptable for a provider to wait until an adult first aid certificate expires before obtaining a pediatric first aid certificate.
3. If a provider has a disability and cannot complete part of the training (for example, pediatric CPR), exceptions may be granted based on the Americans with Disabilities Act.
4. Providers who are also Registered Nurses or Emergency Medical Technicians must still comply with AB 243. Under the law, these professionals cannot be exempted from fulfilling the specific requirements of AB 243 for training in preventive health practices.
5. American Heart Association Courses. The American Heart Association has recently changed the names of its Basic Life Support (BLS) CPR courses. As long as course completion cards are current, all of the following courses are acceptable as satisfying AB 243's requirement for pediatric CPR:

Old American Heart Association Course Names

- o B card (Adult and Pediatric)
- o C card (Health Professionals)
- o D card (Infant and Child)

New American Heart Association Course Names

- o Pediatric Basic Life Support
- o Healthcare Providers' Course
- o Heartsaver (Adult and Pediatric)

(Pediatric Basic Life Support and Heartsaver cards will indicate "participation" rather than completion. This is acceptable).

6. American Red Cross Courses. The following American Red Cross courses are acceptable as satisfying AB 243's requirements for pediatric CPR and pediatric first aid:

- o American Red Cross CA Child Care CPR and First Aid
- o American Red Cross CA Childcare First Aid
- o American Red Cross Community First Aid and Safety
- o American Red Cross Emergency Response

(The above courses meet both CPR and first aid requirements because a current CPR certificate, issued within the previous 12 months, is a prerequisite to taking first aid.)

AB 243 (Continued)

In addition, the following American Red Cross courses are acceptable as satisfying AB 243's requirement for pediatric CPR only:

- o American Red Cross Infant Child CPR
- o American Red Cross Community CPR
- o American Red Cross CPR for the Professional Rescuer

Finally, the following two American Red Cross courses will not be acceptable under AB 243 because they cover adult CPR and adult first aid:

- o American Red Cross Adult CPR
- o American Red Cross Standard First Aid

The following summary may be helpful in providing general information, in a condensed format, to persons inquiring about the requirements of AB 243.

SUMMARY: AB 243 REQUIREMENTS (PREVENTIVE HEALTH PRACTICES)

For ease of reference, the following summary of AB 243 requirements is being provided.

- o AB 243 (Alpert), which was passed by the Legislature in 1994, requires certain personnel of day care centers and family day care (FDC) homes to complete 15 hours of training in preventive health practices, including pediatric cardiopulmonary resuscitation (CPR) and pediatric first aid.
- o The training must be completed by January 1, 1995. PLEASE KEEP COURSE COMPLETION CERTIFICATES ON FILE AT THE FACILITY; DO NOT MAIL THEM TO THE LICENSING OFFICE. Licensing staff will check certificates at the time of a site visit. If the training has not been completed by then, licensees will have an additional 90 days after the time of a site visit to complete it.
- o Day care centers. At least one director or teacher at each center must complete the 15 hours of training. (A combination center is a single site.) If the director or teacher with the full 15 hours of training is absent at any time when children are onsite or offsite for facility activities, at least one staff member with current certificates in pediatric CPR and pediatric first aid must be present.

AB 243 SUMMARY (Continued)

- o FDC homes. Each licensee of a small or large FDC home who provides care must complete the 15 hours of training. (This includes a co-licensee who only provides care for a few hours a week.) For large FDC homes only, if a licensee with the full 15 hours of training is absent at any time when children are onsite or offsite for facility activities, at least one person with current certificates in pediatric CPR and pediatric first aid must be present.
- o Content of training. The 15 hours of training must include: 1) pediatric CPR; 2) pediatric first aid; 3) infectious diseases, including immunizations; and 4) prevention of childhood injuries. After that, additional training to complete the 15 hours may be taken in any of the following areas: 1) sanitary food handling; 2) child nutrition; 3) emergency preparedness and evacuation; 4) caring for children with special needs; and 5) identification and reporting of signs and symptoms of child abuse.
- o Training in pediatric CPR and pediatric first aid must be taken from: 1) the American Red Cross; or 2) the American Heart Association; or 3) a training program approved by the State Emergency Medical Services Authority (EMSA). Some community colleges offer training approved by these organizations. This training must be renewed as shown on the course completion certificates.
- o Training in other preventive health practices areas (for example, infectious diseases) may be taken from any qualified instructor or any legitimate source such as a community college, a resource and referral agency, or a training program. Under AB 243, this training does not have to be renewed.
- o For more information on AB 243 (including training courses), please contact your local resource and referral agency or your local licensing office.
- o If a person has a disability and cannot complete the training, the Department may grant exceptions to AB 243 based on the Americans with Disabilities Act.
- o FOR LICENSEES. Licensees must complete the training to keep their licenses.
- o FOR APPLICANTS. Applicants must complete the training in order to get a license. If an applicant has completed everything else but the training, the Department will issue a 90-day provisional license that cannot be extended.

**AB 2273 (Karnette), Chapter 252**

**Affects Facility Category: DCC**

**SUBJECT: Director SDE Programs**

This statute amends Section 1596.8716 of the Health and Safety Code to read, "For licensing purposes, a school principal of a public school that operates a child care and development program under contract with the State Department of Education pursuant to Article 7 (commencing with Section 8235) of Chapter 2 of Part 6 of the Education Code shall be deemed qualified to be a day care center director pursuant to Section 101315 of Title 22 of the California Code of Regulations only when the program is located on the campus of an operating public school, with staff who are employees of the public school."

**IMPLEMENTATION:**

To verify that the individual is the school principal, review appropriate documentation, which shall include, but not be limited to, copies of the Administrative Credential, the Administrative Services Credential, a letter from the school stating the individual is the principal, etc.

To determine if the principal and child care program are on the campus of an operating public school, use Health and Safety Code Section 1596.806(a)(1) as the definition of a public school campus.

Use the statutory provisions in Section 1596.8716(b) as the authority for implementation and citing facilities.

**AB 3168 (Quackenbush), Chapter 690**

**Affects Facility Category: DCC**

**SUBJECT: Employer-Sponsored Child Care Centers**

This bill amends Section 1596.750 to include employer-sponsored child care centers; Section 1596.771 is added to include a definition of employer-sponsored child care center; Chapter 3.65, Section 1596.70 and Section 1571.71 is added to Division 2 of the Health and Safety Code to declare legislative intent and to require that the department allow for reasonable waivers of those regulations presenting difficulties to small businesses for licensure.

AB 3168 (Continued)

**IMPLEMENTATION:**

Until regulations are developed use Section 1596.771 as the definition for "Employer-sponsored child care center." In accordance with Section 1571.71 each district office will allow for reasonable waivers to current regulations, i.e. separation of age groups, staffing ratio, restroom use, provided that the health and safety of all children is maintained. Each waiver shall identify the alternative methods agreed upon and the waiver shall be in force only as long as the alternative(s) are followed.

SB 1678 (Hart), Chapter 848

**Affects Facility Category:** Schoolage Child Day Care Centers

**SUBJECT:** Director/Teacher Requirements; Application Process Time; Fire Clearance

Section 1597.21 is added to the Health and Safety Code. The purpose of this new statute is to add new requirements regarding education and experience for directors and teachers in schoolage child day care programs only. Further, the department is required to issue a schoolage child day care license within 30 days of receipt of an application provided the applicant has a current schoolage day care center license and the new program is located on a functioning school site. A schoolage day care program operating on a functioning school site is now permitted to use the school fire inspection as being sufficient in meeting licensing fire clearance requirements.

**IMPLEMENTATION**

These major changes and implementation guidelines only affect schoolage child day care programs and are an additional alternative to Title 22, Division 12, Sections 101315 and 101515.

A. Education - Director

1. The department shall permit the substitution of 20 training hours for each required unit of education.

a. Training hours and semester/quarter units may be combined.

SB 1678 (Continued)

b. Three units (3) or 60 training hours must be in an Administrative course.

c. Three units (3) or 60 training hours must be in early childhood education, child development or schoolage child units.

2. Nine (9) units or 180 training hours from the following:

a. Any recreation course or training program offered or approved by an accredited educational institution or the Commission on Teacher Credentialing.

b. Any physical education course or training program offered or approved by an accredited educational institution or the Commission on Teacher Credentialing.

c. Units earned in Human services, social welfare, nursing, psychology, sociology or home economics.

d. Units earned toward an elementary or middle school teaching credential.

e. Units in early childhood education, child development or schoolage child.

3. In combination with 1 above, any bachelor's degree from an accredited or approved college or university and one year of teaching experience in a licensed day care center or group child care program.

4. Verification of education shall be by transcript or certificate with hours completed shown on the certificate. For course or training program approval a certification on accredited educational institution letterhead that the course or training program has been approved shall also accompany the completion certificate (this applies only to those courses/training programs not offered by an accredited educational institution but that are just approved by the institution).

5. A schoolage director shall complete 12 units or 240 training hours prior to employment. The remaining 3 units or 60 training hours, in any area, shall be completed within 12 months of employment.

SB 1678 (Continued)

B. Experience - Director

1. In addition to Title 22, Division 12, Sections 101315 and 101515 the following types of experience shall be acceptable for a schoolage program director if the experience was obtained working directly with children:

- a. Classroom teaching; or
- b. Teacher assisting in elementary or middle school education; or
- c. Paid or volunteer work in physical education or recreation program; or
- d. Paid or volunteer work in human services; or
- e. Paid or volunteer work in school guidance or other counseling program; or
- f. College/university work study or internship in recreation or youth development.

2. The experience shall be four (4) years for those who qualify under A(1) and (2) above.

C. Education - Teacher

1. In addition to Title 22, Division 12, Section 101316.2 and 101516.2 the following alternative educational prerequisites shall apply to schoolage child day care programs:

- a. The department shall permit the substitution of 20 training hours for each required unit of education.
- b. Training hours and semester/quarter units may be combined.
- c. Any recreation course or training program offered or approved by an accredited educational institution or the Commission on Teacher Credentialing.
- d. Any physical education course or training program offered or approved by an accredited educational institution or the Commission on Teacher Credentialing.

SB 1678 (Continued)

e. Units earned in Human services, social welfare, nursing, psychology, sociology or home economics.

f. Units earned toward an elementary or middle school teaching credential.

g. Units in early childhood education, child development or schoolage child.

2. Verification of education shall be by transcript or certificate with hours completed shown on the certificate. For course or training program approval a certification on accredited educational institution letterhead that the course or training program has been approved shall also accompany the completion certificate (this applies only to those courses/training programs not offered by an accredited educational institution but that are just approved by the institution).

3. A schoolage teacher shall complete six (6) units or 120 training hours prior to employment. The remaining six (6) units or 120 training hours, in any area, shall be completed within 12 months of employment.

D. Experience - Teacher

1. In addition to Title 22, Division 12, Section 101316.2 the following types of experience shall be acceptable for a schoolage program teacher if the experience was obtained working directly with children:

a. Classroom teaching; or

b. Teacher assisting in elementary or middle school education; or

c. Paid or volunteer work in physical education or recreation program; or

d. Paid or volunteer work in human services; or

e. Paid or volunteer work in school guidance or other counseling program; or

f. College/university work study or internship in recreation or youth development.

E. Application Process Time

1. Within thirty (30) days of receipt of the application, to operate a schoolage day care program at a functioning schoolsite (use Health Safety Code Section 1596.806(1)(2) for the definition of functioning schoolsite), from an organization that is currently licensed to operate a schoolage day care program at another site, the department shall conduct a site visit and if no health and safety risks are found, criminal record clearances are complete and the fire inspection has been verified (See F below for fire clearance verification) a license shall be issued.

2. If the department, for any reason, is unable to comply with the thirty (30) day requirement it shall issue a provisional license to the applicant to operate for a period not to exceed six (6) months provided:

- a. a site visit has not found any health and safety violations, and
- b. fingerprint clearance requirements are satisfied, and
- c. the school fire clearance has been verified.

3. If the department does not issue a provisional license, the department shall follow the procedures for notifying applicants as set forth in Health and Safety Code Section 1596.96(d).

F. Fire Clearance

1. For purposes of a schoolage day care program operating on a functioning schoolsite (see Health and Safety Code Section 1596.806(a)(1)(2) for definition), the school fire inspection shall be accepted as sufficient fire clearance.

2. Verification shall be:

- a. A copy of the written school fire inspection from the inspecting fire authority provided to the applicant by the school; or
- b. Written verification from the inspecting fire authority that a school fire inspection has been completed.

**SB 2011 (Killea), Chapter 236**

**Affects Facility Category: DCC**

**SUBJECT: Sale of Facility**

Section 1597.14 - requires the licensee of a DCC to give the Department and all clients 30 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 to issue the new license.

**IMPLEMENTATION**

This legislation changed the previous 60 day notice to 30 days notice of intent to sell the facility. 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.

**II. NO ACTION PENDING REGULATIONS OR FURTHER INSTRUCTIONS**

**SB 1984 (Bergeson), Chapter 1267**

**Affects Facility Category: CCF, RCFE, CDC and FDCH**

**SUBJECT: Criminal History Information**

This law amends Sections 1522, 1568.09, 1568.17, and 1596.871 of, and to add Sections 1551.1, 1568.0651, 1569.511, and 1596.8871 to, the Health and Safety Code relating to Community Care Facilities.

SB 1984 (Continued)

This statute requires, for those persons who operate, are employed at, or otherwise in contact with the clients of community care facilities, the Department to secure from an appropriate law enforcement agency, a criminal record to determine whether any person has been convicted of a crime other than a minor traffic violation, or arrested for certain crimes (full disclosure criminal history information for all licensing categories).

**IMPLEMENTATION:**

No action pending the development of regulations. Additionally, the Department will be conferring with the Department of Justice (DOJ) to clarify the type of criminal history that the DOJ will forward to the Department based on the statutory changes in SB 1984. Further information will be provided by the COB at the January, 1995 CCLD Manager's Conference.

(Any questions should be directed to Bob Hing, Manager, CFU, ATSS 454-4172 or (916) 324-4172).

**III. INFORMATION ONLY**

AB 2715 (Frazee), Chapter 471

Affects Facility Category: FDCH

SUBJECT: Child Protective Services Record Check

This bill would have changed the current requirement that the Department check the records of child protective services of each county that an applicant has resided in for the 2 years preceding the application. This check would be done prior to granting a license to any family day care home and would not be effective until 1996.

**IMPLEMENTATION:**

The delay contained in this bill was chaptered out by SB 1984 (Bergeson), Chapter 1267, Statutes 1994.

**SB 2004 (Petris), Chapter 1101**

**Affects Facility Category: CDC, FDCH**

**SUBJECT: Child Safety Restraint Systems**

The bill amends and adds specified section to the Vehicle Code dealing with private passenger motor vehicles and child safety restraint systems.

**IMPLEMENTATION:**

Information only. Current regulations require any child care licensee who transports children in a motor vehicle to do so in a safe manner, use seat belts for all vehicle occupants, infant care seats when transporting infants, and not exceed the seating capacity established by the automobile manufacturer.

**AB 3760 (Speier), Chapter 1176**

**Affects Facility Categories: DCC and FDCH**

**SUBJECT: Infant Crib Safety/Shaken Baby Syndrome**

This law adds Chapter 4.7 to Division 20 of the Health and Safety (H&S) Code. Chapter 4.7 contains two articles that do the following:

**Chapter 4.7, Article 1, Sections 24500 through 24506**  
**(Infant Crib Safety Act)**

Creates the Infant Crib Safety Act, which establishes crib safety standards that are essentially the same as those of the U.S. Consumer Product Safety Commission (which all new cribs must meet).

Makes it illegal for a "commercial user" to "remanufacture, retrofit, sell, contract to sell or resell, lease, sublet, or otherwise place in the stream of commerce," on or after January 1, 1995, any crib that does not meet the above standards. Child day care providers do not sell cribs and are not considered to be "commercial users."

**AB 3760 (Continued)**

**IMPLEMENTATION:**

No action. Although this law does not require the development of new regulations, current regulations on infant cribs may be amended to ensure conformance with the safety standards in the Infant Crib Safety Act. Until then, continue to use the current regulations on infant cribs (Section 101439.1(b) of Title 22).

The Department is not responsible for taking action against a "commercial user" who violated the Infant Crib Safety Act. That would be a law enforcement issue--not a licensing issue.

**Chapter 4.7, Article 2, Sections 24520 through 24522**  
**(Shaken Baby Syndrome)**

Requires the Department to provide informational and instructional materials on the shaken baby syndrome free of charge to child care providers upon licensure and at the time of a site visit.

**IMPLEMENTATION:**

Information only. No action until the Department obtains materials for distribution to providers upon licensure and at the time of a site visit.

**AB 3781 (Brulte), Chapter 588**

**Affects Facility Category: DCC**

**SUBJECT: Funding through Department of Education**

This bill will ensure that the funding level of child care and development services provided through the State Department of Education for infants in the 94-95 fiscal year is equal to the funding level of services provided in the 93-94 fiscal year.

**IMPLEMENTATION:**

This bill has no impact on community care licensing activity.