
EVALUATOR MANUAL TRANSMITTAL SHEET

<p><u>Distribution:</u></p> <p><input type="checkbox"/> All Child Care Evaluator Manual Holders</p> <p><input checked="" type="checkbox"/> All Residential Care Evaluator Manual Holders</p> <p><input type="checkbox"/> All Evaluator Manual Holders</p>	<p><u>Transmittal No.</u> 03APX-09</p> <hr/> <p><u>Date Issued</u> March 2003</p>
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Subject:

2002 Chaptered Legislation
Appendix A – (Child Care Centers and Family Child Care Homes)

Reason For Change:

This transmits summaries of legislation chaptered in 2002 affecting Child Care Centers and Family Child Care Homes). The summaries are divided into two sections as follows:

1. Immediate Action Required – Interim instructions are provided.
2. Information Only – No action is required by CCLD.

An index is attached to assist staff in locating specific bills. Statutes referenced in this document become operative on January 1, 2003, unless otherwise specified.

Filing Instructions:

- REMOVE –
- INSERT – The attached pages into Appendix A. Do not remove similar documents from previous years.
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Approved:

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3-25-2003
Date

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SUMMARY AND IMPLEMENTATION PLANS 2002 CHAPTERED LEGISLATION

CHILD CARE CENTERS AND FAMILY CHILD CARE HOMES

BILL NUMBER (AUTHOR)	SUBJECT	PAGE
<i>ACTION REQUIRED</i>		
AB 444 (Committee on Budget)	Triennial Visits for School-age Child Care Centers School-age Center Spot Visits Day Care Center Definition	1
AB 1358 (Pescetti)	Child Care Facilities – Inspections and Temporary Closures	1
AB 3047 (Committee On Human Services)	Car Seat Law	3
AB 3049 (Committee on Human Services)	Drop-in Child Care Center Records (Immunization and TB Testing)	4
<i>INFORMATION ONLY – NO ACTION REQUIRED</i>		
AB 2442 (Keeley)	Child Abuse Central Index	5
AB 2659 (Runner)	Certification of Fingerprint Rollers	5
SB 646 (Ortiz)	Child Care Substitute Employee Registry Pilot Program	6
SB 900 (Ortiz)	Department of Justice Criminal History Dissemination Criteria	7
SB 1499 (Johnson)	Child Care Court Records	7

Unless otherwise noted, all new legislation becomes effective on January 1, 2003.

When conducting visits, LPAs should ensure that providers are aware of any new requirements.

ACTION REQUIRED

AB 444 (Committee on Budget), CHAPTER 1022, STATUTES OF 2002

Affects: School-Age Child Care Centers

Subject: Triennial Visits for School-Age Child Care Centers
Day Care Center Definition
School-age Child Care Centers Spot Visits

Summary: AB 444 amends three sections of the Health and Safety Code as follows: Section 1597.09 replaces annual visits with triennial visits for school-age child care centers; Section 1597.091 exempts school-age centers from the 20 percent unannounced spot visit requirement; and Section 1596.76 adds the term “school-age child care center” to the definition of Day Care Centers. The amendments are consistent with the funding reductions included in the passage of the State Budget on September 5, 2002, for school-age licensing programs, and became effective retroactively to July 1, 2002.

Implementation:

A memo was issued September 13, 2002 to all Child Care Regional Managers from Melissa Miller, Program Administrator, Child Care Program Office, with implementation instructions on the new requirements regarding triennial visits. Updates to the Evaluator Manual are in the approval process. Use the instructions on the September 13, 2002 memo until the Evaluator Manual updates are issued.

Effective July 1, 2002, unannounced spot visits for 20 percent of licensed school-age child care centers are no longer required.

AB 1358 (Pescetti), CHAPTER 122, STATUTES OF 2002

Affects: Child Care Centers and Family Child Care Homes

Subject: Child Care Facilities – Inspections/Temporary Closures

Summary: Health and Safety Code Section 1597.55a(f)(1) and 1597.55b(g)(1) require that visits are made to family child care homes during normal business hours or at any time family day care services are being provided. AB 1358 adds Section 1596.8535 to the Health and Safety Code, which expands the Department’s inspection authority to all child care facilities to the period beginning one hour before and ending one hour after the facility’s normal business hours, or at any time child care services are being provided. An exception is included for complaint investigation visits if the Department determines that an inspection is necessary to protect the health or safety of children in care.

This Section also prohibits the Department from making a site inspection if the facility is temporarily closed (inactive) for an extended period of time. The request for temporary closure (inactive status) must be requested by the licensee and approved by the Department. If the Department believes the licensee is operating during the period in which the Department has granted inactive status to the licensee, the department may enter the facility for any inspection permitted by law.

While on inactive status, the licensee must continue to pay annual licensing fees, which are due and payable no later than the anniversary date of the license. Upon reactivation of the license, the licensee is responsible for maintaining all licensing standards.

The Department is required to develop regulations establishing a procedure by which a licensee of any child care facility may notify the licensing agency of a planned period of inactivity in the operation of the facility. The regulations must also establish Departmental procedures for granting inactive status to a licensee.

Implementation:

This section is operative July 1, 2003. The Department is developing regulations, policy, and procedures to approve and track the temporary closure (inactive status) of facilities and to adjust timeframes for required site visits. Detailed policy and procedures will be issued prior to implementation on July 1, 2003.

ACTION REQUIRED

AB 3047 (Committee on Human Services), CHAPTER 340, STATUTES OF 2002

Affects: Child Care Centers

Subject: Car Seat Law

Summary: AB 3047 aligns Section 1596.95 of the Health and Safety Code with Vehicle Code Sections 27360 and 27360.5 regarding the weight and age requirements for child passenger restraint systems (child care seats).

This legislation amends Health and Safety Code 1596.95 to now reference Vehicle Code Sections 27360 and 27360.5 instead of specific age and weight requirements for children who must use an approved child car seat. This will alleviate future amendments to the Health and Safety Code if the Vehicle Code requirements for child car seats change in the future. Effective January 1, 2002, the Vehicle Code Sections 27360 and 27360.5 were changed to require a child to be transported in an approved child car seat if the child is under the age of six years or weighs less than 60 pounds (rather than the old age and weight requirements of under the age of four years or weighing less than 40 pounds).

Implementation:

Child Care Centers continue to be required to post signs informing parents of the current car seat law. If the child care center licensee has information referencing the old requirements posted, inform the licensee that the PUB 269 (11/01), Child Car Seat Law poster has been revised to include the new requirements and is available in English and Spanish at the CCLD website: www.cclld.ca.gov

ACTION REQUIRED

AB 3049 (Committee on Human Services), CHAPTER 536, STATUTES OF 2002

Affects: Child Care Centers

Subject: Child Care Centers – Drop-In Centers Records (Immunizations and Tuberculosis Testing)

Summary: AB 3049 adds Section 1596.799 to the Health and Safety Code. Under this law, "drop-in" child care centers are not required to verify or maintain children's immunizations or tuberculosis test records. Upon admission of the child, the parent must sign an acknowledgment that he or she understands that verification of immunizations and tuberculosis testing is not required for attendance at a drop-in center. Drop-in centers are not exempt from any other licensing requirements.

A drop-in center is defined as any day care center that exclusively offers a program of services for which there is no contract or agreement between any parent and the center for the regular care of any child, and for which there is no prearranged schedule of care for any child.

Previously, Health and Safety Code Section 1596.794 included the above exemption for children's records, however it was repealed on January 1, 2002. AB 3049 reactivates the exemption effective January 1, 2003.

Implementation:

Use the statutory provisions in Health and Safety Code Section 1596.799 as the authority for implementation. Check the facility files to make sure that the facility is obtaining the required acknowledgments signed by parents. Each center must develop their own acknowledgment form.

INFORMATION ONLY – NO ACTION REQUIRED

AB 2442 (KEELEY), CHAPTER 1064, STATUTES OF 2002

Affects: Child Care Facilities

Subject: Child Abuse Central Index

Summary: This legislation adds Section 11174.4 to the Penal Code. This Section creates a 16 member Task Force, one member will be from the Department of Social Services, that will review the value of the Child Abuse Central Index (CACI) in protecting children and determine if changes are needed with respect to the operation of the CACI. The Task Force will consist of the following members: one representative from the Department of Justice in addition to the chairperson, one representative from the County Welfare Directors' Association, one representative from the California State Department of Social Services, one representative from the California State Child Death Review Council, two representatives from local law enforcement, one representative from the Judicial Council, two representatives from the State Bar, two representatives from recognize organizations involved in privacy advocacy, civil liberties advocacy, or legal aid, two members of the public and two representatives appointed by the Governor.

The Task Force shall meet at least once every two months. On or before January 1, 2004 the Task Force shall report their findings and recommendations to the Governor, Attorney General, the Speaker of the Assembly, and the Senate Committee on Rules.

AB 2659 (RUNNER), CHAPTER 623, STATUTES OF 2002

Affects: Child Care Facilities; also affects Community Care Facilities, Residential Care Facilities for the Chronically Ill and Residential Care Facilities for the Elderly

Subject: Certification of Fingerprint Rollers

Summary: This legislation adds Section 11102.1 to the Penal Code. This section requires the Department of Justice (DOJ) to establish, implement and maintain a certification program for individuals who roll applicant fingerprint impressions for licensure, certification or employment purposes. This section authorizes DOJ to charge a fee sufficient to cover costs of the certification program and requires persons who roll fingerprint impressions to submit fingerprints to the DOJ for a criminal background clearance.

This section also requires DOJ to work with applicant regulatory entities to improve and make more efficient the criminal offender record information request process.

SB 646 (ORTIZ), CHAPTER 669, STATUTES OF 2002

Affects: Child Care Facilities

Subject: Child Care Substitute Employee Registry Pilot Program

Summary: This legislation amends Health and Safety Code Section 1522.02 to allow the Department of Social Services (DSS) to operate a Child Care Substitute Employee Registry (SER) pilot program and permits the registries to make substitute child care staff, who have criminal background and Child Abuse Central Index (CACI) clearances, available to child care facilities.

This legislation permits the Department to limit the operation of the child care registries to 11 specific California counties: (Alameda, Contra Costa, Monterey, San Benito, San Francisco, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, San Mateo, Ventura). It provides that the Department shall only guarantee the authenticity of criminal background and child abuse index information. In addition, individuals must have a "clearance "; criminal record exemptions are not allowed.

This legislation also authorizes the Department to charge an offsetting administrative fee.

Although this legislation allows the Department to begin a SER pilot program effective 1/1/03, implementation is delayed until the Department decides whether to proceed with a pilot program.

INFORMATION ONLY – NO ACTION REQUIRED

SB 900 (ORTIZ), Chapter 627, Statutes of 2002

Affects: Child Care Facilities; also affects Community Care Facilities, Residential Care Facilities for the Chronically Ill and Residential Care Facilities for the Elderly

Subject: Department of Justice Criminal History Dissemination Criteria

Summary: This legislation amends the Penal Code to consolidate, from nine categories to six, the dissemination criteria that the Department of Justice uses to provide criminal history summary information to requesting departments.

SB 1499 (Johnson), CHAPTER 353, STATUTES OF 2002

Affects: Child Care Facilities

Subject: Child Care – Court Records

Summary: This law amends Health and Safety Code Section 1596.8866. Existing law requires that the State Department of Social Services reopen an investigation into a licensed child day care facility when any person provides the department with a certified copy of a court record in which a judicial officer has determined that a child's injury may have been inflicted while in the custody of a day care provider.

Prior to the enactment of SB 1499, the law also required the department to provide a copy of the court record to the child protective services agency (CPS) in the county in which the incident occurred.

The amendment to 1596.8866 deletes the requirement that the department provide a copy of the court record to the appropriate CPS agency since the CPS agency does not typically investigate allegations of abuse in licensed child care facilities. (This deleted requirement caused confusion between the roles of CPS and the licensing agency.)