
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> 04APX-01</p> <hr/> <p><u>Date Issued</u> January 2004</p>
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Subject:

2003 Chaptered Legislation
Appendix A – Child Care Centers and Family Child Care Homes

Reason For Change:

The previous version (03APX-14) has been amended

This transmits summaries of legislation chaptered in 2003 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 required by CCLD.

An index is attached to assist staff in locating specific bills. Statutes referenced in this document became operative on January 1, 2004.

Filing Instructions:

REMOVE – Remove ONLY (03APX-14)

INSERT – Insert the attached pages (04APX-01) into Appendix A. Do not remove similar documents from the previous years.

Approved:

Original Signed by M. Miller

On 2-4-04

MELISSA MILLER, Program Administrator
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Date

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**SUMMARY AND IMPLEMENTATION PLANS
2003 CHAPTERED LEGISLATION**

**CHILD CARE CENTERS
AND FAMILY CHILD CARE HOMES**

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ACTION REQUIRED

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INFORMATION ONLY – NO ACTION REQUIRED

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Unless otherwise noted, all new legislation becomes effective on January 1, 2004.

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

ACTION REQUIRED

AB 529, (Mullin), CHAPTER 744, STATUTES OF 2003

Affects: Family Child Care Homes

Subject: Family Child Care Home Capacity

Summary: Health and Safety Code (H&S Code) Sections 1597.44 and 1597.465 are amended to allow the following: allows two additional children in a family child care home, up to eight children in a small family child care home without an assistant provider or up to 14 children in a large family child care home with an assistant provider, as long as one of the two additional children is enrolled in and attending kindergarten or elementary school and a second child is at least six years of age.

Implementation: These amendments are effective January 1, 2004. Therefore, no overcapacity citation will be issued as long as the criteria listed below are met. However, since the Governor's proposed 2004-2005 budget includes a provision to amend Health and Safety Code Sections 1597.44 and 1597.465 back to pre-AB 529 language, we anticipate these changes will be in effect for a short time. When the statute is amended again after passage of the Governor's 2004-2005 budget, the effect will be to require the two children to be at least 6 years of age. Because of this situation, the wording for new licenses will not be changed.

Family child care home licensees counting a child who is currently enrolled in and attending kindergarten or elementary school as one of the additional children in their capacity of eight or 14 children are required to do the following:

1. Obtain the parent's/authorized representative's written, signed statement that the child is currently enrolled in and attending kindergarten or elementary school.
2. Maintain the parent's/authorized representative's written, signed statement in the child's file.

Failure by the licensee to obtain the parent's/authorized representative's written statement prior to admitting the child into care could result in a citation for overcapacity.

ACTION REQUIRED

AB 1683, (Pavley), CHAPTER 403, STATUTES OF 2003

Affects: Day care Centers and Family Child Care Homes

Subject: Posting Notice of Site Visit and Licensing Reports

Summary: Sections 1596.817 and 1596.8595 are added to the HSC to require the Department to post a site visit notice each time a site visit is made to a child care facility, including family child care homes. The notice must be posted for 30 days, on or immediately adjacent to, the interior side of the main door into the facility and must be written in at least a 14 point font. The notice is required to include: the date the visit is made; whether or not the facility was cited for violating any regulatory requirement as a result of the visit and whether the violation, if not corrected, presents an immediate risk (Type A) or a potential risk (Type B) to children in care.

If the facility is cited for any Type A deficiency, including complaint investigations that result in a Type A deficiency citation, the site visit report must also be posted immediately by the licensee/facility representative for 30 consecutive days. The site visit report must be posted next to the site visit notice posted by the Department.

Licensees are also required to post a site visit report or any other document verifying the licensee's compliance or noncompliance with the Department's order to correct a Type A deficiency. The report must be posted immediately upon receipt and remain posted for 30 consecutive days.

Family child care home licensees are required to post the above notices only during the hours children are in care.

Failure by a licensed child care center or a family child care home to post any of the required site visit reports for 30 consecutive days will result in an immediate civil penalty assessment of \$100.

Implementation: Each time a site visit is made to a child care facility, the LPA will complete the Notice of Site Visit by a Child Care Licensing Office Representative. The LPA will do the following:

- ◆ Insert the name of the facility
- ◆ Insert the license number of the facility
- ◆ Insert the date of visit
- ◆ Indicate whether any licensing violations are cited by marking the Yes or No box
- ◆ Indicate whether any licensing violations would pose an immediate risk to the health and safety of children (Type A), if not corrected, by marking the Yes or No box
- ◆ Indicate whether the licensing report must be posted by marking the Yes or No box
- ◆ Indicate whether any licensing violations could *become* a risk to the health, safety or personal rights of children (Type B), if not corrected, by marking the Yes or No box
- ◆ Enter the Regional Office name, address and phone number
- ◆ Enter the LPAs name and phone number.
- ◆ Print the form and post as indicated above

The Site Visit Notice is available on the FAS lap top for Community Care Licensing Division licensing program analysts (LPAs). County licensing LPAs may access the LIC 9213 on the internet at www.cclid.ca.gov.

Type A deficiencies must be documented on separate site visit reports from Type B deficiencies.

If a Type A violation is cited and a follow up visit is made to verify correction, the LPA must ensure that the licensing report is posted. If the licensee fails to post the report, a citation shall be issued using the statute cited above and an immediate \$100 civil penalty shall be assessed.

Note: It is NOT necessary to make a follow up visit to the facility if the plan of correction can be cleared by utilizing the Proof of Correction Form (LIC 9098).

ACTION REQUIRED

AB 1752, Committee on Budget, CHAPTER 225, STATUTES OF 2003

Affects: All Community Care Facilities Including Child Care Centers and Family Child Care Homes

Subject: License Fee Increases, 2003-04 fiscal year Department of Justice Fingerprinting Fees, and Facility visits

Summary: AB 1752 is the enabling legislation for the passage of the 2003-04 fiscal year budget. This bill amended Sections 1596.803, 1596.871, 1597.09, 1597.55a and 1597.55b of the HSC. The provisions of AB 1752 include the following:

- ◆ Increased license and annual fees effective August 4, 2003, and elimination of aggregate fees for licensees with multiple facilities.
- ◆ A fee will be charged by the Department of Justice for processing FBI fingerprints of any applicant serving six or fewer children, including applicants for a family day care license, or for obtaining a criminal record of an applicant.
- ◆ Triennial visits are no longer made to family child care homes or annual visits to child care centers. Annual visits will be made to facilities in which legal or compliance problems have been identified. Annual visits will also be made to ten percent of the total number of licensed child care facilities identified using a random sample methodology.

Implementation: Attachment A provides the new licensing application and annual licensing fee schedule for child care facilities.

The DOJ fee for processing FBI fingerprints will only be in effect during the 2003-04 fiscal year.

For additional information, please refer to Evaluator Manual Reference Material, Facility Evaluation/Visit, Sections 3-4600, Facility Visits, 3-4610, Required Annual Visits and 3-4620, Random Sample Visits.

**ATTACHMENT A
(AB 1752)**

**COMMUNITY CARE LICENSING DIVISION
CHILD CARE PROGRAM
LICENSE FEE INCREASES
EFFECTIVE AUGUST 4, 2003
(Health & Safety Code Section 1596.803)**

FAMILY CHILD CARE HOMES	
CAPACITY	INITIAL AND ANNUAL FEE
1-8	\$50
9-14	\$100
CHILD CARE CENTERS	
CAPACITY	INITIAL AND ANNUAL FEE
1-30	\$200
31-60	\$400
61-75	\$500
76-90	\$600
91-120	\$800
121+	\$1,000

INFORMATION ONLY—NO ACTION REQUIRED

AB 305, (Mullen), CHAPTER 430, STATUTES OF 2003

Affects: Child Care Centers

Subject: Incentives for Child Care Centers within Low Income Housing Developments

Summary: Section 65915 of the Government Code is amended to provide developers of housing with incentives for the production of lower income housing units and child care facilities within a development if the developer meets certain requirements. This new law requires that the city and/or county grant either, an additional density bonus if there is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility, or an additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility. The city and/or county would require, as a condition of approving the housing development, that the child care facility remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable. Of the children who attend the child care facility, children of low or moderate income households shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low or moderate income households.

AB 1697, Pavley, CHAPTER 225, STATUTES OF 2003

Affects: Child Care Centers

Subject: Car Seat Law

Summary: This law becomes effective January 1, 2005. Section 27360 of the Vehicle Code is amended to specify the conditions for transporting a child using an appropriate child passenger restraint system in a motor vehicle. Provisions are also specified for the placement of a child in either the front seat or rear seat of a motor vehicle.

The amendments apply to parents, legal guardians and any driver transporting a child in a motor vehicle, including child care providers, unless the parent or legal guardian is also present in the car.

Under current law children are required to be transported in a motor vehicle in a child passenger restraint system unless the child is:

- ◆ Six years of age or older.
- ◆ Weighs 60 pounds or more.

When this law becomes effective January 1, 2005 a child under the age of six years old who weighs less than 60 pounds must ride in the rear seat of a motor vehicle except under the following circumstances:

- ◆ There is no rear seat.
- ◆ The rear seats are side-facing jump seats.
- ◆ The rear seats are rear facing seats.
- ◆ A child passenger restraint system cannot be properly installed in the rear seat.

- ◆ All rear seats are already occupied by children under the age of 12 years old.
- ◆ Medical reasons (that are not specified in the law) necessitate that the child not ride in the rear seat. The court may require satisfactory proof of the child's medical condition.

A child or ward may not ride in the front seat of a motor vehicle with an active passenger air bag if the child or ward is one of the following:

- ◆ Under one year of age.
- ◆ Weighs less than 20 pounds
- ◆ Riding in a rear facing child passenger restraint system.

SB 875, (Escutia), CHAPTER 879, STATUTES OF 2003

Affects: Child Care Centers and Family Child Care Homes

Subject: Child and Parental Nutrition

Summary: Section 123232 of the Health and Safety Code is amended to require the Department of Health, to develop or obtain a brochure which includes information regarding how proper nutrition and exercise help prevent the development of chronic disease in pregnant women, new mothers, and young children. The brochure shall also include information regarding the critical role of fruits and vegetables in a person's diet, especially for pregnant women, new mothers, and young children. The brochure would be included on the Department's web site and distributed one time to each individual who contacts the BabyCal Program and receives a package of information from the program, and to each participant in the Access for Infants and Mothers program.

The brochure will be available in both English and Spanish. This law will be implemented only if, and to the extent that, federal or private funding, or both, are available for that purpose.

INFORMATION ONLY – NO ACTION REQUIRED

SB 970 (ORTIZ), CHAPTER 470, STATUTES OF 2003

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

Subject: Fingerprinting: Criminal Offender Records

Summary: This legislation adds Sections 11077.1 and 11077.2 and amends Section 11077 of the Penal Code relating to criminal offender record information. By July 1, 2004, the Attorney General must establish and implement an electronic communication network that allows the transmission of criminal offender record information requests directly to the Department of Justice (DOJ) from approved private service providers in California for purposes of employment, licensing, certification, custodial child placement or adoption.

In addition, beginning July 1, 2005, DOJ is required to accept fingerprint images and related information to process criminal offender record information requests for the above specified purposes, only if transmitted electronically from a DOJ approved entity. DOJ is also required to accept hard fingerprint cards, to process these requests based on regional unavailability of electronic transmission sites, or when DOJ processing procedures show a need. Nothing in this statute is intended to authorize any entity to access or receive criminal offender record information from DOJ.