

Introduced by Senator Blakespear

(Principal coauthor: Assembly Member Quirk-Silva)

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Valladares)**

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An act to amend Section 1596.792 of, and to add Section 1596.7921 to, the Health and Safety Code, relating to childcare.

LEGISLATIVE COUNSEL'S DIGEST

SB 99, as introduced, Blakespear. Family childcare homes: United States Armed Forces.

Existing law, the California Child Day Care Facilities Act, generally requires the State Department of Social Services to license and regulate various types of child daycare facilities, including, among others, daycare centers and family daycare homes. Under existing law, a willful or repeated violation of those provisions is a crime. Existing law exempts from those provisions various entities, including, among others, community care facilities, certain program facilities administered by the Department of Corrections and Rehabilitation, and extended daycare programs operated by public or private schools.

This bill would also exempt, from the above-described licensing provisions, a family childcare home administered by a person certified as a family childcare provider by a branch of the United States Armed Forces and that exclusively provides care for children of eligible federal personnel, as defined, and surviving spouses.

The bill would impose certain requirements on a military installation certifying exempt family childcare homes. The bill would require the military installation to annually file with the department a list of exempt

but certified facilities; report to the department all incidents involving physical injury to, or death of, children attending the program; require providers to post a certain notice about the status of the facility and certify that the facility meets the health and safety requirements set forth in related state regulations, except for obtaining and maintaining a license. The bill would also require each provider to meet certain criteria relating to, among other things, an emergency preparedness plan, inspections, and attendance records.

The bill would require the department to inspect those exempt family childcare homes to determine compliance with these provisions and to establish, by July 1, 2026, a policy for those family childcare homes.

The bill would require prioritization for annual inspections in the case of a facility that is subject to the requirements of the California Child Day Care Facilities Act, whether licensed or exempt from licensure, including, but not limited to, a family childcare home, if the facility is participating in a county quality improvement program through a certain quality rating improvement system, as part of participating in a fee assistance program administered by the United States Department of Defense.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1596.792 of the Health and Safety Code
2 is amended to read:
3 1596.792. This chapter, Chapter 3.5 (commencing with Section
4 1596.90), and Chapter 3.6 (commencing with Section 1597.30)
5 do not apply to any of the following:
6 (a) Any health facility, as defined ~~by~~ *in* Section 1250.
7 (b) Any clinic, as defined ~~by Section 1202.~~ *in Section 1200.*
8 (c) Any community care facility, as defined ~~by~~ *in* Section 1502.
9 (d) Any family childcare home providing care for the children
10 of only one family in addition to the operator's own children.
11 (e) Any cooperative arrangement between parents for the care
12 of their children when no payment is involved and the arrangement
13 meets all of the following conditions:
14 (1) In a cooperative arrangement, parents shall combine their
15 efforts so that each parent, or set of parents, rotates as the

1 responsible caregiver with respect to all *of* the children in the
2 cooperative.

3 (2) Any person caring for children shall be a parent, legal
4 guardian, stepparent, grandparent, aunt, uncle, or adult sibling of
5 at least one of the children in the cooperative.

6 (3) There can be no payment of money or receipt of in-kind
7 income in exchange for the provision of care. This does not prohibit
8 in-kind contributions of snacks, games, toys, blankets for napping,
9 pillows, and other materials parents deem appropriate for their
10 children. It is not the intent of this paragraph to prohibit payment
11 for outside activities, the amount of which may not exceed the
12 actual cost of the activity.

13 (4) No more than 12 children are receiving care in the same
14 place at the same time.

15 (f) Any arrangement for the receiving and care of children by
16 a relative.

17 (g) Any public recreation program. “Public recreation program”
18 means a program operated by the state, city, county, special district,
19 school district, community college district, chartered city, or
20 chartered city and county that meets ~~either~~ *any* of the following
21 criteria:

22 (1) The program is operated only during hours other than normal
23 school hours for kindergarten and grades 1 to 12, inclusive, in the
24 public school district where the program is located, or operated
25 only during periods when students in kindergarten and grades 1
26 to 12, inclusive, are normally not in session in the public school
27 district where the program is located, for either of the following
28 periods:

29 (A) For under 20 hours per week.

30 (B) For a total of 14 weeks or less during a 12-month period.
31 This total applies to any 14 weeks within any 12-month period,
32 without regard to whether the weeks are consecutive.

33 In determining “normal school hours” or periods when students
34 are “normally not in session,” the State Department of Social
35 Services shall, when appropriate, consider the normal school hours
36 or periods when students are normally not in session for students
37 attending a year-round school.

38 (2) The program is provided to children who are over the age
39 of four years and nine months and not yet enrolled in school and
40 the program is operated during either of the following periods:

1 (A) For under 16 hours per week.

2 (B) For a total of 12 weeks or less during a 12-month period.
3 This total applies to any 12 weeks within any 12-month period,
4 without regard to whether the weeks are consecutive.

5 (3) The program is provided to children under the age of four
6 years and nine months with sessions that run 12 hours per week
7 or less and are 12 weeks or less in duration. A program subject to
8 this paragraph may permit children to be enrolled in consecutive
9 sessions throughout the year. However, the program shall not
10 permit children to be enrolled in a combination of sessions that
11 total more than 12 hours per week for each child.

12 (h) Extended daycare programs operated by public or private
13 schools, including, but not limited to, expanded learning
14 opportunity programs, as specified in subparagraphs (B) and (C)
15 of paragraph-(9) (10) of subdivision (b) of Section 46120 of the
16 Education Code.

17 (i) Any school parenting program or adult education childcare
18 program that satisfies both of the following:

19 (1) Is operated by a public school district or operated by an
20 individual or organization pursuant to a contract with a public
21 school district.

22 (2) Is not operated by an organization specified in Section
23 1596.793.

24 (j) Any child daycare program that operates only one day per
25 week for no more than four hours on that one day.

26 (k) Any child daycare program that offers temporary childcare
27 services to parents and that satisfies both of the following:

28 (1) The services are only provided to parents and guardians who
29 are on the same premises as the site of the child daycare program.

30 (2) The child daycare program is not operated on the site of a
31 ski facility, shopping mall, department store, or any other similar
32 site identified by the department by regulation.

33 (l) Any program that provides activities for children of an
34 instructional nature in a classroom-like setting and satisfies both
35 of the following:

36 (1) Is operated only during periods of the year when students
37 in kindergarten and grades 1 to 12, inclusive, are normally not in
38 session in the public school district where the program is located
39 due to regularly scheduled vacations.

1 (2) Offers any number of sessions during the period specified
2 in paragraph (1) that when added together do not exceed a total of
3 30 days when only schoolage children are enrolled in the program
4 or 15 days when children younger than schoolage are enrolled in
5 the program.

6 (m) A program facility administered by the Department of
7 Corrections and Rehabilitation that (1) houses both women and
8 their children, and (2) is specifically designated for the purpose of
9 providing substance abuse treatment and maintaining and
10 strengthening the family unit pursuant to Chapter 4 (commencing
11 with Section 3410) of Title 2 of Part 3 of the Penal Code, or
12 Chapter 4.8 (commencing with Section 1174) of Title 7 of Part 2
13 of that code.

14 (n) Any crisis nursery, as defined in paragraph (17) of
15 subdivision (a) of Section 1502.

16 (o) (1) Commencing with the adoption of emergency regulations
17 pursuant to paragraph (3), or no later than July 1, 2019, whichever
18 comes first, a California state preschool program operated by a
19 local educational agency under contract with the State Department
20 of Education and that operates in a school building, as defined by
21 in Section 17283 of the Education Code, that meets all of the
22 following conditions:

23 (A) The program is operated in a local educational agency
24 facility that meets the requirements of the Field Act, as specified
25 in Article 3 (commencing with Section 17280) and Article 6
26 (commencing with Section 17365) of Chapter 3 of Part 10.5 of
27 Division 1 of Title 1 of, and Article 7 (commencing with Section
28 81130) of Chapter 1 of Part 49 of Division 7 of Title 3 of, the
29 Education Code.

30 (B) The local educational agency facility is constructed
31 consistent with California Building Standards Code pursuant to
32 Title 24 of the California Code of Regulations.

33 (C) The local educational agency facility meets the requirements
34 for kindergarten classrooms in accordance with Chapter 13
35 (commencing with Section 14000) of Division 1 of Title 5 of the
36 California Code of Regulations.

37 (D) The program meets all other requirements of California
38 state preschool programs pursuant to Chapter 19 (commencing
39 with Section 17906) of Division 1 of Title 5 of the California Code
40 of Regulations.

1 (2) A California state preschool program exempt under this
2 subdivision shall be considered licensed under Division 12
3 (commencing with Section 101151) of Title 22 of the California
4 Code of Regulations for purposes of establishing a rating on an
5 early learning quality rating and improvement system matrix
6 pursuant to Section 8203.1 of the Education Code.

7 (3) (A) No later than October 1, 2017, the Legislative Analyst
8 shall convene a stakeholder process for the purpose of ensuring
9 state preschools operated by local educational agencies are
10 maintaining all existing necessary health and safety requirements.

11 (B) The stakeholder process shall identify and make
12 recommendations on any health and safety requirements currently
13 required under Title 22 of the California Code of Regulations, but
14 not included in Title 5 of the California Code of Regulations, the
15 Field Act, Title 24 of the California Code of Regulations, the
16 California Plumbing Code, the Education Code, or this code,
17 including, but not limited to, all of the following:

18 (i) Adequate outdoor shade structures.

19 (ii) Access to age and developmentally appropriate bathroom
20 and drinking water facilities.

21 (iii) Appropriate processes for parent notification and resolution
22 of code and regulation violations.

23 (C) The stakeholder process participants shall include experts
24 on early childhood education health and safety issues from local
25 educational agency and nonlocal educational agency state preschool
26 program providers, and representatives from the State Department
27 of Education, State Department of Social Services, Department of
28 Finance, and legislative staff.

29 (D) No later than March 15, 2018, the Legislative Analyst shall
30 report to the appropriate fiscal and policy committees of the
31 Legislature, the Department of Finance, and the State Department
32 of Education on recommendations or observations as a result of
33 the stakeholder process. These recommendations or observations
34 shall consider the fiscal impact on the state. No sooner than 30
35 days after the report is provided, the State Department of Education
36 shall commence a process to adopt emergency regulations pursuant
37 to Section 11346.1 of the Government Code to satisfy the
38 requirements of this paragraph. The adoption of emergency
39 regulations shall be deemed an emergency and necessary for the

1 immediate preservation of the public peace, health, safety, or
2 general welfare.

3 (4) For purposes of this subdivision, the following terms have
4 the following meanings:

5 (A) “California state preschool program” means any classroom
6 that is funded, in whole or in part, by funds received pursuant to
7 Section 8207 of the Education Code.

8 (B) “Local educational agency” means a school district, county
9 office of education, or charter school.

10 (p) (1) *A family childcare home administered by a person*
11 *certified as a family childcare provider by a branch of the United*
12 *States Armed Forces and that exclusively provides care for children*
13 *of eligible federal personnel and surviving spouses.*

14 (2) *Each military installation certifying exempt family childcare*
15 *homes shall do all of the following:*

16 (A) *Annually file with the State Department of Social Services*
17 *(department) a list of exempt family childcare homes certified by*
18 *that military installation.*

19 (B) *Report to the department all incidents involving physical*
20 *injury to, or death of, children attending the program of the family*
21 *childcare home. Reports of death or serious physical injuries,*
22 *which include any physical injuries that require an emergency*
23 *referral to an offsite health care professional or treatment in a*
24 *hospital, shall be submitted no later than one business day after*
25 *the death or serious physical injury occurred. All other physical*
26 *injuries shall be reported annually.*

27 (C) *Require providers to post, in a visible location on the*
28 *premises, a notice that the family childcare home is operating as*
29 *a program that is certified by a branch of the United States Armed*
30 *Forces within the United States Department of Defense and that*
31 *the program meets the health and safety requirements set forth in*
32 *the regulations for family childcare homes, as described in Chapter*
33 *3 (commencing with Section 102351.1) of Division 12 of Title 22*
34 *of the California Code of Regulations or its successor, except for*
35 *the requirements to obtain and maintain a license.*

36 (D) *Certify that all exempt family childcare homes meet the*
37 *health and safety requirements described in subparagraph (C),*
38 *except for the requirements to obtain and maintain a license, and*
39 *that each provider meets all of the following criteria:*

1 (i) *Has at least one staff member trained and certified in first*
2 *aid and cardiopulmonary resuscitation (CPR) who is onsite at all*
3 *times when children are attending the program of the family*
4 *childcare home, and who is present with the children when children*
5 *are offsite from the family childcare home for purposes of program*
6 *activities.*

7 (ii) *Maintains daily attendance records that document the arrival*
8 *and departure of all children.*

9 (iii) *Has an emergency preparedness plan in place.*

10 (iv) *Complies with all applicable laws and regulations governing*
11 *transportation of children.*

12 (v) *Complies with all safe sleep guidelines recommended by the*
13 *American Academy of Pediatrics.*

14 (vi) *Receives an initial safety inspection and regular*
15 *unannounced inspections by the military installation.*

16 (3) *The department shall inspect family childcare homes that*
17 *are exempt from licensure pursuant to this subdivision to determine*
18 *compliance with this subdivision.*

19 (4) *By July 1, 2026, the department, in consultation with the*
20 *branches of the United States Armed Forces certifying family*
21 *childcare homes operated outside of federal property, shall*
22 *establish a policy for those exempt family childcare homes that*
23 *exclusively provide care for children of eligible federal personnel*
24 *and surviving spouses, in accordance with this subdivision.*

25 (5) *For purposes of this subdivision, the following definitions*
26 *apply:*

27 (A) *“United States Armed Forces” has the same meaning as*
28 *set forth in Section 101(a)(4) of Title 10 of the United States Code,*
29 *or its successor.*

30 (B) *“Eligible” has the same meaning as set forth in Section*
31 *4(d)(1)-(2) of Instruction Number 6060.02 of the United States*
32 *Department of Defense, dated August 5, 2014, and as updated on*
33 *September 1, 2020, or its successor.*

34 SEC. 2. Section 1596.7921 is added to the Health and Safety
35 Code, immediately following Section 1596.792, to read:

36 1596.7921. For purposes of annual inspections, in the case of
37 a facility that is subject to the requirements of this chapter, whether
38 in full or in part, whether licensed or exempt from licensure,
39 including, but not limited to, a family childcare home, if the facility
40 is participating in a county quality improvement program through

1 a quality rating improvement system, as described in Section
2 8203.1 of the Education Code, as part of participating in a fee
3 assistance program administered by the United States Department
4 of Defense, that facility shall be prioritized for the annual
5 inspections.

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