



# California

## Section 101158 EXEMPTION FROM LICENSURE

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(a) As specified in Health and Safety Code Section 1596.792, the child care center regulations contained in this division shall not apply to any of the following:

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- (1) Any health facility, as defined by Section 1250 of the Health and Safety Code.
- (2) Any clinic, as defined by Section 1202 of the Health and Safety Code.
- (3) Any community care facility, as defined by Section 1502 of the Health and Safety Code.
- (4) Any family day care home providing care for the children of only one family in addition to the operator's own children.
- (5) Any cooperative arrangement between parents for the care of their children where no payment is involved and the arrangement meets all of the following conditions:
  - (A) In a cooperative arrangement, parents shall combine their efforts so that each parent, or set of parents, rotates as the responsible care giver with respect to all the children in the cooperative.
  - (B) Any person caring for children shall be a parent, legal guardian, stepparent, grandparent, aunt, uncle, or adult sibling of at least one of the children in the cooperative.
  - (C) There can be no payment of money Or receipt of in-kind income in exchange for the provision of care. This does not prohibit in-kind contributions of snacks, games, toys, blankets for napping, pillows, and other materials parents deem appropriate for their children. It is not the intent of this paragraph to prohibit payment for outside activities, the amount of that may not exceed the actual cost of the activity.
  - (D) No more than 12 children are receiving care in the same place at the same time.
- (6) Any arrangement for the receiving and care of children by a relative.
- (7) Any public recreation program. "Public recreation program" means a program operated by the state, city, county, special district, school district, community college district, chartered city, or chartered city and county that meets either of the following criteria:

(A) The program is operated only during hours other than normal school hours for grades K-12, inclusive, in the public school district where the program is located, or operated only during periods when students in grades K-12, inclusive, are normally not in session in the public school district where the program is located, for either of the following periods:

1. For under 16 hours per week.
2. For a total of 12 weeks or less during a 12 month period. This total applies to any 12 weeks within any 12-month period, without regard to whether the weeks are consecutive.

In determining "normal school hours" or periods when students are "normally not in session", the California Department of Social Services shall, where appropriate, consider the normal school hours or periods when students are normally not in session for students attending a year round school.

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

1. For under 16 hours per week.
2. For a total of 12 weeks or less during a 12 month period. This total -applies to any 12 weeks within any 12-month period, without regard to whether the weeks are consecutive.

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

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(8) Public and private schools that operate before and/or after school for children provided all of the following conditions are met:

(A) The program offered by a must be operated by the school and run by qualified teachers employed by the school or the school district.

(B) An outside organization or individual using a public or private school site to operate child care program is subject to licensure, even the program is open only to the children enrolled at that school.

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(9) Any school parenting program or adult education child care program that satisfies both of the following:

(A) Is operated by a public school district or operated by an individual or organization pursuant to a contract with a public school district.

(B) Is not operated by an organization specified in Section 1596.793.

1. Health and Safety Code Section 1596 793 states:

This Chapter and Chapter 3.5 (commencing with Section 1596.90) and 3.6 (commencing with Section 1597.30) do not apply to recreation programs conducted for children by the Girl Scouts, Boy Scouts, Boys Club, Girls Club, Camp Fire, or similar organizations as determined by regulations of this department. Child day care programs conducted by these organizations and the fees charged for that specific purpose are subject to the requirements of this chapter, Chapter 3.5 (commencing with Section 1596.90), and Chapter 3.6 (commencing with Section 1597.30).

(10) Any child day care program that operates only one day per week for no more than four hours on that one day.

(11) Any child day care program that offers temporary child care services to parents and which satisfies both of the following:

(A) The services are--only provided to parents and guardians who are on the same premises as the site of the child day care program.

(B) The child day care program is operated on the site of a ski facility, shopping mall, department store, or any other similar site identified by the department by regulation.

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

(A) Is operated only during periods of the year when students in grades K-12, inclusive, are normally not in session in the public school district where the program is located due to regularly scheduled vacations.

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

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

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NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.792, 1596.793 and 1596.81(b), Health and Safety Code.

  
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