

ASSEMBLY BILL

No. 1897

Introduced by Assembly Member Mullin
(Coauthor: Assembly Member Chávez)
(Coauthor: Senator Hertzberg)

February 11, 2016

An act to add Section 1596.951 to the Health and Safety Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1897, as introduced, Mullin. Day care centers: birth to first grade license option.

Existing law provides for the licensure and regulation of day care centers by the State Department of Social Services. Existing regulations require a separate license to be issued for each component of a combination center, and establishes teacher-child ratio requirements.

This bill would require the department to, in consultation with specified stakeholders, adopt regulations on or before January 1, 2018, to develop and implement a birth to entering first grade license option for day care centers. The bill would require the regulations to include age-appropriate transition times, as specified, a requirement that a single integrated license option list the age groups of children being served at the day care center, and a requirement that all other licensing regulations that apply to a day care center shall also apply to a birth to entering first grade license option. The bill would require, until a day care center has the new integrated license, standards for inspection of a day care center to be based on the current license.

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. The Legislature finds and declares all of the
2 following:

3 (a) In the 1970s, California led the nation in the creation of its
4 licensing system for community care facilities, and pioneered
5 recognition of the special needs of infants and toddlers with a
6 license distinct from preschool-age care.

7 (b) While the standard of care in California statutes remains
8 appropriate, the bifurcation of early care licensing in California
9 into two separate licenses is unnecessary and problematic.

10 (c) Many states now mandate the standard required in California,
11 but without dual-licensing. California is one of only two states in
12 the country that employ a separate infant-toddler license. Other
13 states employ a single license for early childhood centers,
14 mandating developmentally appropriate standards based on the
15 age of the children served.

16 (d) Even in California, family day care homes are not subject
17 to the dual license requirement. Only private fee and state and
18 federally funded child day care facilities are subject to the dual
19 license requirement.

20 (e) It is the intent of the Legislature to create a third facility
21 license option serving children from birth to entering first grade.
22 This additional facility license option shall not replace the current
23 infant license, preschool license, and toddler component option,
24 but instead be in addition to these early care and education facility
25 licensure options.

26 (f) It is also the intent of the Legislature that all of the following
27 are required under the birth to entering first grade license option:

28 (1) Children shall be grouped together by their appropriate
29 developmental levels, and appropriate staff-child ratio and group
30 size regulations shall be followed.

31 (2) Children shall transition from age-appropriate classrooms
32 or program spaces when their developmental level is appropriate
33 for such a move.

34 (3) A child’s chronological age and the entire group’s need shall
35 also be considering factors for these moves.

36 (4) All children shall be supervised appropriately by teachers
37 and aides with appropriate staff qualifications. Toddlers may be
38 grouped with either infants or preschoolers as long as the

1 requirements applicable to the youngest age group in the group
2 are followed.

3 (5) Emphasis shall be placed on improving the quality of early
4 care and education for children from birth to entering first grade
5 in center-based programs.

6 (6) Long-term efficiency within the Community Care Licensing
7 Division of the State Department of Social Services shall be
8 promoted through the elimination of duplicate paperwork, toddler
9 component waiver processing, and compliance visits to day care
10 centers.

11 (7) A single inspection visit and administration of the birth to
12 entering first grade day care center shall be implemented versus
13 multiple inspection visits and administration of a day care center
14 with an infant license or preschool license and a toddler component
15 option. This will increase efficiency and allow a department analyst
16 to more holistically evaluate the birth to entering first grade day
17 care center, which will lead to stronger health and safety practices.
18 The efficiencies gained will reduce cost pressure on the department
19 and allow more providers to operate in California, and thus open
20 more spaces for children and parents waiting for care.

21 (g) The ability for providers to choose which type of facility
22 license option best meets their specific programmatic contract,
23 business, and community needs will allow for more flexibility in
24 the planning for a successful operation of the center.

25 SEC. 2. Section 1596.951 is added to the Health and Safety
26 Code, to read:

27 1596.951. (a) The department shall, in consultation with
28 stakeholders through the regulatory process, adopt regulations on
29 or before January 1, 2018, to develop and implement a birth to
30 entering first grade license option for day care centers. Regulations
31 adopted pursuant to this section shall include all of the following:

32 (1) Age-appropriate transition periods that do all of the
33 following:

34 (A) Allow children to transition from one age group to another
35 age group up to three months before or three months after their
36 birthday.

37 (B) Take the needs of the whole age group into consideration
38 in order to move children together.

39 (C) Consider continuity of care of the children and parents being
40 served.

1 (D) Consider the needs of the day care center licensees to
2 maximize spaces being used.

3 (2) A requirement that when a birth to entering first grade license
4 option is being issued to a new or current day care center licensee,
5 the licensee shall list the age groups of children being served at
6 the day care center for the purposes of license inspections, data
7 collection management, and county needs assessments.

8 (3) A requirement that all other licensing regulations that apply
9 to a day care center shall also apply to a birth to entering first grade
10 license option.

11 (b) (1) A new applicant for a birth to entering first grade license
12 option may be charged a fee commensurate with the other age
13 specific facility license fee schedules.

14 (2) Until an existing day care center license has been replaced
15 with a birth to entering first grade license option, a day care center
16 licensee shall maintain a day care center that meets regulatory
17 standards for the age groups of children that are being cared for
18 at the day care center, and standards for inspection of a day care
19 center shall be based on the current license.

20 (c) Stakeholders consulted in adopting regulations pursuant to
21 this section shall include, but are not limited to, the State
22 Department of Education, California Association for the Education
23 of Young Children, Early Edge California, First 5 California,
24 Children Now, Alliance for Early Success, California Head Start
25 Association, California Child Development Administrators
26 Association, California Child Care Resource and Referral Network,
27 California Child Care Coordinators Association, Infant
28 Development Association, the Western Office of Zero to Three,
29 L.A. Alliance, Professional Association for Childhood Education,
30 Californians for Quality Early Learning, WestEd, American
31 Federation of State, County and Municipal Employees, Title 5 and
32 Head Start-funded center-base child care providers, and private
33 fee -for-service center-based child care providers.