

AMENDED IN ASSEMBLY APRIL 13, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 181

Introduced by Assembly Member Zettel

January 19, 1999

An act to ~~amend Section 1596.792~~ *add and repeal Section 1596.7927* of the Health and Safety Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 181, as amended, Zettel. Child day care: public recreation program.

Existing law, the California Child Day Care Facilities Act, provides for the licensure and regulation of child day care facilities. Existing law exempts from the act certain public recreation programs, including a program 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 under 16 hours per week.

This bill would ~~increase the time of operation for purposes of this exempt program to under 25 hours per week~~ *establish, upon the approval of the City Council of San Diego, a 2-year pilot project known as the "6 to 6" program in San Diego County. The pilot project would consist of an extended school day program, meeting specified conditions, operated by an*

individual, organization, or other entity pursuant to a contract with a public school district or the City of San Diego. The bill would repeal these provisions as of January 1, 2002.

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~~
- 2 *SECTION 1. Section 1596.7927 is added to the Health*
- 3 *and Safety Code, to read:*
- 4 *1596.7927. (a) There is hereby established a two-year*
- 5 *pilot project in San Diego County, upon the adoption of*
- 6 *a resolution to that effect by the City Council of San*
- 7 *Diego. The program established for purposes of the pilot*
- 8 *project authorized by this section shall be known as the*
- 9 *“6 to 6” program.*
- 10 *(b) The “6 to 6” program shall consist of an extended*
- 11 *school day program that is operated by an individual,*
- 12 *organization, or other entity pursuant to a contract with*
- 13 *a public school district or city. The “6 to 6” program shall*
- 14 *meet all of the following conditions:*
- 15 *(1) The program shall be operated on a school site that*
- 16 *is in current use by the public school or school district that*
- 17 *has collaborated with the City of San Diego for the*
- 18 *purpose of providing an extended school day program.*
- 19 *(2) The city shall ensure that employees of the*
- 20 *operator of the “6 to 6” program have had a criminal*
- 21 *background check performed by the Department of*
- 22 *Justice and that the results of the criminal background*
- 23 *check have been returned to the city or school district.*
- 24 *(3) Any individuals employed as site supervisors shall*
- 25 *meet the center director qualifications specified in*
- 26 *Section 101515 of Title 22 of the California Code of*
- 27 *Regulations.*
- 28 *(4) All individuals employed by the “6 to 6” program*
- 29 *to serve as program aides shall be over the age of 18 years.*
- 30 *(5) The contract with the city or school district shall*
- 31 *include, but not be limited to, all of the following:*



1 (A) A requirement that site directors meet the
2 requirements for site directors of schoolage day care
3 centers set forth in Section 1597.21.

4 (B) A requirement that the contractor require a
5 child-to-staff ratio that is comparable to the pupil-to-staff
6 ratio set forth in Section 8483.4 of the Education Code.

7 (C) A requirement that the contractor comply with
8 sign-in and sign-out regulations otherwise applicable by
9 regulation to extended school day programs pursuant to
10 Section 101329.1 of Title 22 of the California Code of
11 Regulations.

12 (D) A provision guaranteeing the timely investigation
13 of complaints and providing for the immediate
14 administrative leave of contracted employees pending
15 the outcome of the investigation in cases relating to
16 allegations involving a substantial threat to the health and
17 safety of the children under the contractors care.

18 (6) All classrooms or portable classrooms utilized by
19 the “6 to 6” program providing extended day care shall
20 comply with the Field Act, as described in Section 17281
21 of the Education Code.

22 (c) In addition to the exemptions set forth in Section
23 1596.792, this chapter shall not apply to the “6 to 6”
24 program if the contracting city ensures the program is
25 operated in compliance with the requirements of this
26 section.

27 (d) This section shall remain in effect only until
28 January 1, 2002, and as of that date is repealed, unless a
29 later enacted statute, that is enacted before January 1,
30 2002, deletes or extends that date.

31 ~~Safety Code is amended to read:~~

32 ~~1596.792. This chapter and Chapters 3.5~~
33 ~~(commencing with Section 1596.90) and 3.6~~
34 ~~(commencing with Section 1597.30) do not apply to any~~
35 ~~of the following:~~

- 36 ~~(a) Any health facility, as defined by Section 1250.~~
- 37 ~~(b) Any clinic, as defined by Section 1202.~~
- 38 ~~(c) Any community care facility, as defined by Section~~
39 ~~1502.~~



1 ~~(d) Any family day care home providing care for the~~
2 ~~children of only one family in addition to the operator's~~
3 ~~own children.~~

4 ~~(e) Any cooperative arrangement between parents~~
5 ~~for the care of their children where no payment is~~
6 ~~involved and the arrangement meets all of the following~~
7 ~~conditions:~~

8 ~~(1) In a cooperative arrangement, parents shall~~
9 ~~combine their efforts so that each parent, or set of~~
10 ~~parents, rotates as the responsible care giver with respect~~
11 ~~to all the children in the cooperative.~~

12 ~~(2) Any person caring for children shall be a parent,~~
13 ~~legal guardian, stepparent, grandparent, aunt, uncle, or~~
14 ~~adult sibling of at least one of the children in the~~
15 ~~cooperative.~~

16 ~~(3) There can be no payment of money or receipt of~~
17 ~~in-kind income in exchange for the provision of care. This~~
18 ~~does not prohibit in-kind contributions of snacks, games,~~
19 ~~toys, blankets for napping, pillows, and other materials~~
20 ~~parents deem appropriate for their children. It is not the~~
21 ~~intent of this paragraph to prohibit payment for outside~~
22 ~~activities, the amount of that may not exceed the actual~~
23 ~~cost of the activity.~~

24 ~~(4) No more than 12 children are receiving care in the~~
25 ~~same place at the same time.~~

26 ~~(f) Any arrangement for the receiving and care of~~
27 ~~children by a relative.~~

28 ~~(g) Any public recreation program. "Public~~
29 ~~recreation program" means a program operated by the~~
30 ~~state, city, county, special district, school district,~~
31 ~~community college district, chartered city, or chartered~~
32 ~~city and county that meets either of the following criteria:~~

33 ~~(1) The program is operated only during hours other~~
34 ~~than normal school hours for grades K-12, inclusive, in the~~
35 ~~public school district where the program is located, or~~
36 ~~operated only during periods when students in grades~~
37 ~~K-12, inclusive, are normally not in session in the public~~
38 ~~school district where the program is located, for either of~~
39 ~~the following periods:~~

40 ~~(A) For under 25 hours per week.~~



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

5 ~~In determining “normal school hours” or periods when~~
6 ~~students are “normally not in session,” the State~~
7 ~~Department of Social Services shall, where appropriate,~~
8 ~~consider the normal school hours or periods when~~
9 ~~students are normally not in session for students~~
10 ~~attending a year-round school.~~

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

15 ~~(A) For under 16 hours per week.~~

16 ~~(B) For a total of 12 weeks or less during a 12-month~~
17 ~~period. This total applies to any 12 weeks within any~~
18 ~~12-month period, without regard to whether the weeks~~
19 ~~are consecutive.~~

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

28 ~~(h) Extended day care programs operated by public~~
29 ~~or private schools.~~

30 ~~(i) Any school parenting program or adult education~~
31 ~~child care program that satisfies both of the following:~~

32 ~~(1) Is operated by a public school district or operated~~
33 ~~by an individual or organization pursuant to a contract~~
34 ~~with a public school district.~~

35 ~~(2) Is not operated by an organization specified in~~
36 ~~Section 1596.793.~~

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



1 ~~(k) Any child day care program that offers temporary~~
2 ~~child care services to parents and which satisfies both of~~
3 ~~the following:~~
4 ~~(1) The services are only provided to parents and~~
5 ~~guardians who are on the same premises as the site of the~~
6 ~~child day care program.~~
7 ~~(2) The child day care program is not operated on the~~
8 ~~site of a ski facility, shopping mall, department store, or~~
9 ~~any other similar site identified by the department by~~
10 ~~regulation.~~
11 ~~(l) Any program that provides activities for children~~
12 ~~of an instructional nature in a classroom-like setting and~~
13 ~~satisfies both of the following:~~
14 ~~(1) Is operated only during periods of the year when~~
15 ~~students in grades K-12, inclusive, are normally not in~~
16 ~~session in the public school district where the program is~~
17 ~~located due to regularly scheduled vacations.~~
18 ~~(2) Offers any number of sessions during the period~~
19 ~~specified in paragraph (1) that when added together do~~
20 ~~not exceed a total of 30 days when only schoolage children~~
21 ~~are enrolled in the program or 15 days when children~~
22 ~~younger than schoolage are enrolled in the program.~~
23 ~~(m) A program facility administered by the~~
24 ~~Department of Corrections that (1) houses both women~~
25 ~~and their children, and (2) is specifically designated for~~
26 ~~the purpose of providing substance abuse treatment and~~
27 ~~maintaining and strengthening the family unit pursuant~~
28 ~~to Chapter 4 (commencing with Section 3410) of Title 2~~
29 ~~of Part 3 of the Penal Code, or Chapter 4.8 (commencing~~
30 ~~with Section 1174) of Title 7 of Part 2 of that code.~~

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