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**AB-762 Day care centers: toddler programs.** (2015-2016)

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**Assembly Bill No. 762**

**CHAPTER 373**

An act to amend Sections 1596.955 and 1596.956 of the Health and Safety Code, relating to care facilities.

[ Approved by Governor September 30, 2015. Filed with Secretary of State September 30, 2015. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 762, Mullin. Day care centers: toddler programs.

Existing law, the California Child Day Care Facilities Act, 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. Existing law requires the department to develop guidelines and procedures to authorize licensed child day care centers serving infants or preschool age children to create a special optional toddler program component for children between 18 and 30 months of age, and requires the program to be considered an extension of the infant center or preschool license. Existing law makes it a misdemeanor to willfully or repeatedly violate any of these provisions or a rule or regulation promulgated under these provisions.

This bill would require a day care center with a toddler program to extend the toddler program to serve children between 18 months and 3 years of age, and would make conforming changes relating to the guidelines and procedures the department is required to develop. By changing the definition of an existing crime, the bill would impose a state-mandated program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 1596.955 of the Health and Safety Code is amended to read:

**1596.955.** (a) The department shall develop guidelines and procedures to permit licensed child day care centers serving preschool age children to create a special program component for children between 18 months to three years of age. This optional toddler program shall be subject to the following basic conditions:

- (1) An amended application is submitted to and approved by the department.
- (2) Parents give permission for the placement of their children in the toddler program.

(3) A ratio of six children to each teacher is maintained for all children in attendance at the toddler program. An aide who is participating in on-the-job training may be substituted for a teacher when directly supervised by a fully qualified teacher.

(4) The maximum group size, with two teachers, or one fully qualified teacher and one aide, does not exceed 12 toddlers.

(5) The toddler program is conducted in areas separate from those used by older or younger children. Plans to alternate use of outdoor play space may be approved to achieve separation.

(6) All other preschool regulations are complied with.

(b) The toddler program shall be considered an extension of the preschool license, without the need for a separate license.

(c) The department shall immediately prepare proposed regulations for public hearing which would consider the foregoing basic conditions as well as any additional health and safety safeguards deemed necessary for this age group.

(d) The guidelines in subdivision (a) shall remain in force and effect only until regulations implementing this section are adopted by the department.

(e) Commencing January 1, 2016, a day care center with a toddler program described in this section shall extend the toddler program to serve children between 18 months and three years of age. It is the intent of the Legislature to provide continuity of care to California's children and parents in the implementation of this subdivision.

**SEC. 2.** Section 1596.956 of the Health and Safety Code is amended to read:

**1596.956.** (a) The department shall develop guidelines and procedures to authorize licensed child day care centers serving infants to create a special program component for children between 18 months to three years of age. The optional toddler program shall be subject to the following basic conditions:

(1) An amended application shall be submitted to and approved by the department.

(2) A child younger than 18 months of age shall not be moved into the toddler program. A child who is older than 18 months of age shall not be required to be in the toddler program.

(3) Parents shall give permission for the placement of their children in the toddler program.

(4) A ratio of six children to each teacher shall be maintained for all children in attendance at the toddler program. An aide who is participating in on-the-job training may be substituted for a teacher when directly supervised by a fully qualified teacher.

(5) The maximum group size, with two teachers, or one fully qualified teacher and one aide, shall not exceed 12 toddlers.

(6) The toddler program shall be conducted in areas separate from those used by older or younger children. Plans to alternate use of outdoor play space may be approved to achieve separation.

(7) All other infant center regulations shall be complied with.

(b) The toddler program shall be considered an extension of the infant center license, without the need for a separate license.

(c) The department shall immediately prepare proposed regulations for public hearing that would consider the foregoing basic conditions as well as any additional health and safety safeguards deemed necessary for this age group.

(d) The guidelines in subdivision (a) shall remain in force and effect only until regulations implementing this section are adopted by the department.

(e) Commencing January 1, 2016, a day care center with a toddler program described in this section shall extend the toddler program to serve children between 18 months and three years of age. It is the intent of the Legislature to provide continuity of care to California's children and parents in the implementation of this subdivision.

**SEC. 3.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.