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**AB-605 Child day care facilities: infant to schoolage license.** (2017-2018)

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**Assembly Bill No. 605**

**CHAPTER 574**

An act to amend Sections 1596.76, 1596.955, and 1596.956 of, and to add Section 1596.951 to, the Health and Safety Code, relating to care facilities.

[ Approved by Governor September 20, 2018. Filed with Secretary of State September 20, 2018. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 605, Mullin. Child day care facilities: infant to schoolage license.

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.

This bill would require the department, in consultation with stakeholders, to adopt regulations on or before January 1, 2021, to create a child care center license to serve infant, toddler, preschool, and schoolage children and would require, before January 1, 2024, all day care centers to be licensed as child care centers. The bill would require the regulations to include components for infant, toddler, preschool, and schoolage children, health and safety standards for children in care, and enhanced ability to transition children from one age group to the next. The bill would authorize the department to charge an applicant for the child care center license a specified fee.

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 36 months of age, and requires the program to be considered an extension of the infant center or preschool license.

This bill would authorize the department to extend the period for participation in the toddler program for a maximum of three months for a child in extenuating circumstances, on the request of a day care center, if the center can establish that it is unable to find an alternative placement.

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

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

**SECTION 1.** Section 1596.76 of the Health and Safety Code is amended to read:

**1596.76.** "Day care center" means a child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and schoolage child care centers, and includes child care centers licensed pursuant to Section 1596.951.

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

**1596.951.** (a) It is the intent of the Legislature to create a child care license that has individual program components that serve infant, toddler, preschool, and schoolage children. It is the intent of the Legislature that the department consider flexibility for child care providers, maximizing administrative efficiency, while supporting a continuum of services in a manner consistent with all respective health and safety requirements.

(b) The department, in consultation with stakeholders, shall adopt regulations on or before January 1, 2021, to create a child care center license to serve infant, toddler, preschool, and schoolage children with all respective health and safety requirements. Before January 1, 2024, all day care centers shall be licensed as child care centers pursuant to this section.

(c) The regulations adopted pursuant to this section shall include, but are not limited to, all of the following:

(1) Components for serving infant, toddler, preschool, and schoolage children.

(2) Health and safety standards for children in care.

(3) Enhanced ability to transition children from one age group to the next.

(d) During the development and adoption of the regulations required by subdivision (b), the department shall consider best practices for continuity of care of the children and parents being served.

(e) The department may charge an applicant for a child care center license a fee commensurate with license fee schedules established for day care centers in Section 1596.803.

(f) The department may adopt emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, to implement this section.

**SEC. 3.** 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 regulations pertaining to preschool age children are complied with.

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

(c) The department may extend the period for participation in the toddler program for a maximum of three months for a child in extenuating circumstances, on the request of a day care center, if the center can establish that it is unable to find an alternative placement.

**SEC. 4.** 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 regulations pertaining to infants 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 may extend the period for participation in the toddler program for a maximum of three months for a child in extenuating circumstances, on the request of the day care center, if the center can established that it is unable to find an alternative placement.