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AB-2131 Child daycare facilities. (2021-2022)

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Assembly Bill No. 2131

CHAPTER 910

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

[Approved by Governor September 30, 2022. Filed with Secretary of State September 30, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2131, Mullin. Child daycare facilities.

Existing law, the California Child Day Care Facilities Act, provides for the licensure and regulation of daycare centers by the State Department of Social Services. Existing regulations require a separate license to be issued for each component of a daycare center. Existing law required the department to adopt regulations on or before January 1, 2021, to create a childcare center license to serve infant, toddler, preschool, and schoolage children, and requires, before January 1, 2024, all daycare centers to be licensed as childcare centers.

This bill would remove the department's ability to implement this section through the adoption of emergency regulations. The bill would authorize the department to implement and administer these provisions by all-county letter or similar written instructions until regulations are adopted.

Existing law requires the department to develop guidelines and procedures to authorize licensed child daycare 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 repeal those provisions on January 1, 2024.

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

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

SECTION 1. Section 1596.951 of the Health and Safety Code is amended to read:

1596.951. (a) It is the intent of the Legislature to create a childcare 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 childcare providers and 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 childcare center license to serve infant, toddler, preschool, and schoolage children with all respective health and safety requirements.

Before January 1, 2024, all daycare centers shall be licensed as childcare centers pursuant to this section.

(c) The regulations adopted pursuant to subdivision (b) 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. In considering best practices for continuity of care for preschool age children, the department shall consult with the State Department of Education.

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

(f) Notwithstanding the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement and administer this section through all-county letters or similar written instructions that shall have the same force and effect of regulations until regulations are adopted. In developing an all-county letter or similar written instruction, the department shall consult with the State Department of Education regarding implementation and administration for preschool age children.

SEC. 2. 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 daycare 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 daycare center, if the center can establish that it is unable to find an alternative placement.

(d) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3. 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 daycare 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 daycare center, if the center can establish that it is unable to find an alternative placement.

(d) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.