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## EVALUATOR MANUAL TRANSMITTAL SHEET

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**Distribution:**

- All Child Care Evaluator Manual Holders**  
 **All Residential Care Evaluator Manual Holders**  
 **All Evaluator Manual Holders**

**Transmittal No.****06APX-21****Date Issued****December 2006****Subject:****2006 Chaptered Legislation****Appendix A****Child Care Centers and Family Child Care Homes****Reason For Change:**

This transmits summaries of legislation chaptered in 2006 affecting Child Care Centers and Family Child Care Homes. The summaries are divided into two sections as follows:

1. Immediate Action Required – Interim instructions are provided.
2. Information Only – No action required by CCLD.

An index is attached to assist staff in locating specific bills. Statutes referenced in this document become operative on January 1, 2007.

**Filing Instructions:**

Insert the attached pages into Appendix A.  
 Do not remove similar documents from the previous years.

**Approved:*****Linda Inglett for******12/28 /06***

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**GLORIA MERK, Program Administrator**  
 Statewide Child Care Program  
 Community Care Licensing

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 Date

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## ACTION REQUIRED

**NOTE:** All references to “Licensee” include persons authorized to act on behalf of the licensee.

### AB 633 (BENOIT), CHAPTER 545, STATUTES OF 2006

**Affects:** Child Care Facilities

**Subject:** Child Care Facilities: Parent Notification Requirements

**Summary:** This bill amends Health and Safety Code (HSC) sections 1596.859, 1596.8595, 1596.8895, and 1597.05 to improve the transparency of licensing records and to ensure that parents/guardians using a licensed child care facility (Center or family child care home) are aware of situations that present the greatest danger to children. These situations include:

- Serious health and safety violations resulting in Type A citations;
- Non-compliance conferences; or
- Efforts by the Department to revoke a facility’s license.

### DOCUMENTS TO BE MADE ACCESSIBLE TO THE PUBLIC

Current law requires each licensed child care facility to make accessible to the public a copy of any licensing report pertaining to the facility that documents a facility visit, or a substantiated complaint investigation.

This bill requires each licensed child care facility to also make accessible to the public a copy of *other public licensing documents* pertaining to the facility that document:

- A conference with a local licensing agency management representative and the licensee in which issues of noncompliance are discussed; or
- A copy of an Accusation indicating the department’s intent to revoke the facility’s license.

As with an individual licensing report, these “*other licensing documents*” shall not be required to be maintained beyond 3 years from the date of issuance and shall not include any non-public (confidential) information.

### RESOURCE and REFERRAL and ALTERNATIVE PAYMENT PROGRAM ADVISEMENT FORM

Current law requires every child resource and referral program and alternative payment program shall advise every person who requests a child care referral, of his or her right to the licensing information of a licensed child care facility *required to be maintained at the facility*, and the right to access any public files that are *maintained by the Department’s Community Care Licensing Division*.

This bill changes the advisement to:

“As a parent, you have the right to get information about any substantiated or inconclusive complaints about a child care provider that you select for your child. That information is public and you can get it by calling the local licensing office. This telephone number is \_\_\_\_\_.”

## POSTING and DOCUMENTS TO BE PROVIDED TO PARENTS/GUARDIANS

Currently, upon receipt, each licensed child care facility must *post* a copy of any licensing report pertaining to the facility that documents:

1. A Type A citation which is a violation that, if not corrected, will create an immediate risk to the health, safety, or personal rights of children in care.
2. A licensing report or other appropriate document verifying compliance or noncompliance with the department's order to correct a Type A deficiency.

Each of these reports shall remain posted for 30 days. Family child care homes shall post during hours of operation.

Failure to meet the posting requirements shall result in an immediate \$100.00 civil penalty.

This bill requires that, upon receipt, a licensed child care facility shall provide to the parents or guardians of each child receiving services in the facility:

1. Copies of any licensing report that documents any Type A citation. This includes facility visits and substantiated complaint investigations.
2. Any licensing documents pertaining to a conference conducted by a local licensing agency management representative with the licensee in which issues of noncompliance are discussed.
3. Copies of a summary of an accusation indicating the Department's intent to revoke the license, until that accusation is either dismissed or resolved through the administrative hearing process or stipulated agreement.
4. Copies of any of the above licensing documents that the licensee has received in the prior 12-month period shall be provided to the parents of newly enrolling child, upon enrollment.

The licensee shall require each recipient of a licensing report documenting a Type A citation resulting from a compliant investigation and any licensing document pertaining to a conference, and any summary of an accusation indicating the Department's intent to revoke a license, to sign a statement indicating that he or she has received the documents and the date they were received.

The licensee shall keep verification of receipt in each child's file.

## ADMINISTRATION OF CHILD CARE CENTERS

Child Care Center director orientation:

Within 90 days of employing a new facility director, a licensee shall secure verification that the facility director has completed an orientation given by the Department and shall maintain a copy of that verification.

## **IMPLEMENTATION of AB 633:**

Documents each licensed child care facility is to make accessible to the public:

Health and Safety Code Section 1596.859(a) shall be used to cite for failure to make the pertinent documents accessible to the public.

## Documents the licensee is to provide to parents/legal guardians

Prior to conducting a facility visit, Licensing Program Analysts (LPA) shall review the facility's file at the local licensing office to determine if: any Type A deficiencies have been cited; any conferences have been held with the licensee, including noncompliance conferences, compliance plan meetings, and informal meetings; or an accusation indicating the Department's intent to revoke the license has been issued to the licensee.

During facility visits, LPAs shall:

- Provide to the licensee, a copy of the Fact Sheet - AB 633 Child Care Parent Notification Requirements (Attachment A.) The Fact Sheet is also available on the Department's website at [www.cclid.ca.gov](http://www.cclid.ca.gov).
- Check each child's file to verify that parents/guardians have received the required documents, when applicable.

Whenever a Type A deficiency is cited, LPAs shall explain the notification requirements and include the following language on the licensing report:

"Upon receipt, licensee shall post and provide copies of this licensing report to parents/guardians of children in care at the facility and to parents/guardians of children newly enrolled at the facility during the next 12 months."

Any licensing documents pertaining to noncompliance conferences shall include the following statement:

"Licensee shall provide copies of this document to parents/guardians of children in care and to parents/guardians of children newly enrolled at the facility during the next 12 months."

Failure to comply with the above requirements shall result in the following citations:

HSC section 1596.8595(c) shall be cited for failure to provide copies to parents/guardians of children in care and newly enrolled children, and for failure to maintain written verification of receipt of, licensing reports indicating a Type A violation.

HSC section 1596.8595(d) shall be cited for failure to provide copies to parents/guardians of children in care and newly enrolled children, and for failure to maintain written verification of receipt of, licensing documents pertaining to a conference conducted by a local licensing agency management representative with the licensee in which issues of noncompliance are discussed.

## Documents related to an Accusation to Revoke Facility License

The Department's Legal Division Enforcement Section will prepare an "Accusation Summary" which will be attached to any accusation indicating the Department's intent to revoke a child care facility's license. The accusation summary will be addressed to parents of children in care and will refer the parent to the accusation for further information.

The "Accusation Summary" shall include the following statement:

"Upon receipt, licensee shall provide copies of this document to parents/guardians of children in care and to parents/guardians of children newly enrolled at the facility during

the next 12 months unless the accusation is dismissed or resolved through the administrative hearing process or stipulated agreement.”

HSC section 1596.8895(c) shall be cited for failure to provide copies to parents/guardians of children in care and newly enrolled children, and for failure to maintain written verification of receipt of the summary of an accusation indicating the Department’s intent to revoke the child care facility’s license.

Acknowledgment of receipt of any documents

A new form, “Acknowledgment of Receipt of Licensing Reports”, LIC 9224 (12/06), may be signed by parents/guardians and kept as a receipt whenever any of the above-mentioned documents are provided by the licensee. The LIC 9224 is available on the website at: [www.cclld.ca.gov](http://www.cclld.ca.gov). Use of this form is permissive. If the LIC 9224 is not used, the licensee shall prepare a statement indicating the documents provided. The licensee shall require the parent/guardian to sign and date the statement and shall keep the signed statement as a receipt.

The licensee shall keep verification of receipt in each child’s file at the facility.

Child Care Center Administration – Facility Director Orientation

Local licensing offices shall conduct orientations, as needed, for new center directors. The “Child Care Center Operations and Record Keeping Orientation” shall meet the requirements of this section. There shall be no fee charged for attendance at this orientation.

A copy of the certificate of attendance shall suffice as proof of a new director’s attendance at an orientation provided by the Department. The certificate shall be maintained in the director’s file at the facility.

Verification that new directors have attended the required orientation shall also be reviewed by LPAs during facility visits. The certificate shall be maintained in the director’s file at the facility.

HSC 1597.05(c) shall be cited for failure to secure verification that the director has completed an orientation given by the Department within 90 days of hiring a new director.

**AB 2196 (SPITZER) CHAPTER 211, STATUTES OF 2006**

**Affects:** Child Care Facilities

**Subject:** Information Regarding Registered Sex Offenders

**Summary:** This bill amends Health and Safety Code (HSC) section 1596.857 to require a notice stating that the registered sex offender database is available to the public at [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov) maintained by the California Department of Justice (DOJ). This information is to be included on the Notification of Parents’ Rights Posters and the Notification of Parents’ Rights Forms for both family child care homes (FCCH) and child care centers (CCC). Licensees are not required to provide any additional information regarding the proximity of registered sex offenders who reside in the community where the child care facility is located.

The DOJ website provides names and/or addresses of registered sex offenders. Providing the information about the DOJ website to parents/guardians of children in care shall not subject the provider to any liability or cause of action against the provider by a registered sex offender identified in the database.

**Implementation of AB 2196:**

The CCC Notification of Parents' Rights form (LIC 995), the CCC Notification of Parents' Rights poster (PUB 393), the FCCH Notification of Parents' Rights form (LIC 995A) and the FCCH Notification of Parents' Rights poster (PUB 394) have been revised to include access information for the DOJ database. The revised forms and posters are available on the website at: [www.cclid.ca.gov](http://www.cclid.ca.gov).

Effective January 1, 2007 licensees must post the revised Notification of Parents' Rights Poster. At the time of acceptance of each child into a day care facility after January 1, 2007, the licensee shall provide the revised Notification of Parents' Rights form to parents/ guardians of the child. HSC section 1596.857(d) shall be used to cite for failure to post the revised posters and/or provide the revised forms to parents/guardians of children enrolled after January 1, 2007.

**AB 2865 (TORRICO) CHAPTER 470, STATUTES OF 2006**

**Affects:** Child Care Facilities

**Subject:** Healthy Schools Act Pesticide Use Requirements

This bill amends Sections 17609, 17610, 17610.1, and 17612 of the Education Code; amends Sections 13181, 13183, 13185, and 13186 of the Food and Agricultural Code; amends Section 1596.845 of the Health and Safety Code and adds Section 1596.794 to the Health Safety Code.

The Education Code is amended to expand the definition of "school site" to include licensed child care facilities (as defined this includes child care centers, employer-sponsored child care centers, and family child care homes) for purposes of the Healthy School Act (HSA) of 2000. For child care facilities, the CDSS shall serve as liaison to these facilities, as needed.

The purpose of the HSA is to facilitate the adoption of effective least toxic pest management practices at school sites in order to reduce children's exposure to toxic pesticides. This also includes the voluntary adoption of integrated pest management (IPM.)

IPM is defined as a pest management strategy that focuses on long-term prevention or suppression of pest problems through a combination of actions such as monitoring for pest presence, using non-chemical practices in areas where pests are usually found to make the area less attractive to pest development, and improving sanitation. Pesticides used should only be those that pose the least possible hazard and are effective in a way that minimizes risks to people, property, and the environment.

**What the Education Code Requires of Child Care Centers:**

Education Code Sections 17610 – 17612, inclusive, shall not apply to family day care homes or property owners of family day care homes or their agents who personally apply any pesticides.

- Notification. Each CCC must provide annual written notification with specified information on pesticides to all staff and parents. The notice must also include the Department of Pesticide Regulation's (DPR) IPM website [www.schoolipm.info](http://www.schoolipm.info).
- Registry. Each CCC must provide the opportunity for interested staff and parents to register with the facility if they want to be notified about individual pesticide applications at the school site before they occur.
- Warning signs. CCCs must post warning signs at each area of the facility where pesticides will be applied. These signs must be posted 24 hours before and 72 hours after applications.
- Recordkeeping. Each CCC must maintain records of all pesticide use at the facility for four years and make the records available to the public upon request.
- Pesticide prohibition. The use of certain pesticides is prohibited at school sites. For a list of prohibited pesticides go to [www.schoolipm.info](http://www.schoolipm.info) and click on "AB 405 List of Prohibited Pesticides".
- IPM coordinators. Each CCC must designate an IPM coordinator to carry out these requirements.

If pesticide is applied by a property owner or his agent, or by a pest control operator, and they failed to provide notice to the child care center facility this shall relieve a privately operated child day care facility (center) from the requirements of Education Code Section 17612.

### **What the Food and Agriculture Code Requires of Child Care Centers:**

CCC's which are subject to the HSA shall inform contractors hired to apply pesticides at the center that the facility must comply with the HSA. Any person hired to apply pesticides at a CCC shall provide the facility with certain listed information at least 120 hours in advance of any pesticide application.

**NOTE:** The California Department of Social Services (CDSS), Community Care Licensing Division is **NOT** responsible for enforcing the provisions listed above. However, CDSS shall serve as the liaison to these facilities "as needed". (See amendments to Ed Code Section 17609(e) and addition of H&S Code Section 1596.794)

### **What the DPR Does:**

- DPR is required to promote and facilitate the voluntary adoption of IPM programs at child day care facilities, including CCCs and FCCHs through:
  - (1) Modifying the department's existing integrated pest management program for school sites for the child day care setting;
  - (2) Creating or modifying existing educational and informational materials on IPM for the child day care setting;
  - (3) Making the materials available to child day care facilities and establishing a process for systematically updating them.
- The DPR is required to prepare a school site pesticide use reporting form to be used by licensed pest control businesses when they apply pesticides at a CCC. Licensed pest control businesses also must submit the form to DPR at least annually when they apply pesticides at a CCC. To download the form go to [www.cdpr.ca.gov](http://www.cdpr.ca.gov), click on "Forms" in the "Quick Finder," then on "Pesticide Use Reporting."

- DPR is required to establish and maintain the IPM web site with information on pesticide products; a directory of resources describing and promoting least-hazardous pest management practices; and ways to reduce the use of pesticides at child day care facilities.
- DPR is required to offer training on the HSA and IPM to “school sites” including CCCs and FCCHs.

### **What The Law Requires of FCCH Licensees:**

- Prior to applying for a FCCH license, prospective applicants shall attend an orientation provided by the CDSS and receive information about the HSA and IPM.
- Attendance at training on HSA and IPM practices developed by DPR is voluntary.

### **What the CDSS Is Required To Do:**

- Serve as a liaison to child care facilities as needed.
- Provide information about the HSA and IPM at FCCH and CCC orientations for potential applicants.

### **Implementation of AB 2865:**

The DPR is developing and reproducing a one-page document that Child Care Regional and County Licensing Offices will hand out at orientations. Until that document is available, offices are responsible for downloading the publication entitled “AB 2865 How IPM Can Help Child Day Care Facilities” for distribution at all child care facility orientations. To obtain the publication for distribution go to [www.schoolipm.info/](http://www.schoolipm.info/) . Scroll down and click on “Child Day Care” on the left-hand side of the screen and download the publication.

Parents or licensees calling with questions regarding IPM should be referred to the DPR Website at [www.cdpr.ca.gov](http://www.cdpr.ca.gov) or [www.schoolipm.info/](http://www.schoolipm.info/) .

ROs may also refer questions to Jim Hopper, IPM Coordinator, at [jhopper@dss.ca.gov](mailto:jhopper@dss.ca.gov) or (408) 277-2049.

## INFORMATION ONLY - NO ACTION REQUIRED

### AB 2977 (MULLIN), CHAPTER 478, STATUTES OF 2006

**Affects:** Single Family Homes

**Subject:** Swimming Pool and Spa Safety

**Summary:** AB 2977 states that, effective January 1, 2007, one of seven drowning prevention measures must be followed before a building permit may be issued for a new pool or spa.

These are:

- Pool enclosure
- Safety pool cover
- Exit alarms on doors providing direct access to the pool or spa
- Self-closing, self-latching doors with direct access to the pool or spa
- Other means equal or better than the previous items.
- Removable mesh fencing meeting ASTM standards- (new for 2007)
- Pool alarms meeting ASTM standards- (new for 2007)

Also, any modification to an existing pool or spa must include an upgrade to anti-entrapment suction outlet standards as set for the ASTM.

State Department of Health Services is to have this information on its web site by January 1, 2007.

Local building officials shall inspect drowning safety prevention devices on pools and spas and give final approval when standards are met.

#### **Implementation of AB 2977:**

No Action Necessary. This bill does not change the requirements currently established in regulations.

## INFORMATION ONLY - NO ACTION REQUIRED

### **SB 144 (Runner), CHAPTER 23, STATUTES OF 2006**

**Affects:** Child day care facilities, community care facilities, residential care facilities for the chronically ill, and residential care facilities for the elderly shall not be deemed to be food facilities and, therefore, will be exempt.  
**If and when a specific appropriation is made, CDSS shall develop new regulations regarding food preparation provisions** for child day care facilities, community care facilities and residential care facilities for the elderly. (There is no mention of new regulations for RCFCI s)

**Subject:** Safety of Food in Retail Food Facilities

**Summary:** This new law repeals the California Uniform Retail Food Facilities Law (CURFFL) in the Health and Safety Code (Part 7, beginning with Section 113700 of Division 104) and, in the place of CURFFL, creates the California Retail Food Code (CRFC) to improve the safety of food in retail food facilities. This law exempts facilities (from the CRFC) that are licensed by the California Department of Social Services (CDSS), including residential care facilities for the elderly, residential care facilities for the chronically ill, community care facilities, and child care facilities. However, it requires the CDSS to develop new food service regulations that would carry out the intent of the CRFC, if and when a specific appropriation is made available for that purpose.

#### **Implementation of SB 144:**

No Action Necessary until a specific appropriation is made; but plans for developing new regulations may be advisable because for child day care regulations, CDSS will be required to consult with the Department of Education.

ATTACHMENT A

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814

**Attachment A****FACT SHEET****ASSEMBLY BILL 633  
CHILD CARE PARENT NOTIFICATION REQUIREMENTS  
EFFECTIVE JANUARY 1, 2007****Documents to be Made Accessible to the Public:**

The Licensee, upon receipt, shall make accessible to the public any licensing report, any licensing documents pertaining to a conference conducted by a local licensing agency management representative and the licensee in which issues of noncompliance are discussed, and/or a copy of an Accusation that indicates the licensing agency's intent to revoke the facility's license.

**Documents to be Provided to Parents/Legal Guardians:**

Upon receipt by the licensee, the licensee is to provide to parents/guardians the following:

- Copies of any licensing report that documents a Type A citation - this includes facility visits and substantiated complaint investigations.
- Copies of any licensing documents pertaining to a conference conducted by a local licensing agency management representative and the licensee in which issues of noncompliance are discussed.
- Copies of a summary of an accusation indicating the Department's intent to revoke the facility's license, until that accusation is either dismissed or resolved through the administrative hearing process or stipulated agreement.
- Copies of any of the above licensing documents the licensee has received in the prior 12 months shall be provided to parents/guardians of newly enrolling children, upon enrollment.

The licensee shall keep verification of receipt in each child's file at the facility.

**Administration of Child Care Programs:**

Within 90 days of employing a new director a child care center licensee shall secure verification that the newly hired director has completed attendance at an orientation given by Licensing and verification of such shall be kept on file.