

Date of Hearing: April 5, 2022

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Lisa Calderon, Chair

AB 2131 (Mullin) – As Amended March 29, 2022

**SUBJECT:** Child daycare facilities

**SUMMARY:** Authorizes the California Department of Social Services (CDSS) to implement the single childcare center license by an all-county letter or similar written instruction until regulations are adopted. Further, on January 1, 2024, repeals provisions referring to an optional toddler program for children between 18 and 36 months of age.

**EXISTING LAW:**

- 1) Establishes the “California Child Daycare Facilities Act”, creating a separate licensing category for child daycare centers and family daycare homes within CDSS’s existing licensing structure. (Health and Safety Code Section [HSC] 1596.70 *et seq.*)
- 2) Defines “child daycare facility” to mean a facility that provides nonmedical care to children under 18 years of age, as specified, including daycare centers, employer-sponsored childcare centers, and family daycare homes. (HSC 1596.750)
- 3) Defines “daycare center” to mean a child daycare facility other than a family daycare home, and includes infant centers, preschools, extended daycare facilities, schoolage childcare centers, and childcare centers. (HSC 1596.76)
- 4) Defines “infant” to mean a child under two years of age. (22 California Code of Regulations Section [CCR] 101152 (i)(1))
- 5) Defines “preschool age children” to mean children who are enrolled in a child daycare center licensed by the department and who are not enrolled in either an infant care center or a schoolage child daycare center. (HSC 1597.059)
- 6) Defines "school-age child" to mean any child who either has entered the first grade or above or is in a childcare program providing care and supervision exclusively to children enrolled in kindergarten and above. (22 CCR 101152 (s)(1))
- 7) Defines "toddler component" to mean the component of a preschool or infant care program designed for children between the ages of 18 months and 30 months. (22 CCR 101152 (t)(1))
- 8) Defines "combination center" to mean any combination of childcare center, infant center, school-age childcare center, and childcare center for mildly ill children that is owned and operated by one licensee at a common address. (22 CCR 101152 (c)(10))
- 9) Requires CDSS to adopt regulations to create a childcare center license to serve infant, toddler, preschool, and schoolage children, as specified, and requires, by January 1, 2024, all daycare centers to be licensed as childcare centers. (HSC 1596.951 (b))
- 10) Directs CDSS to develop guidelines and procedures for authorizing licensed child daycare centers serving preschool-age children and licensed child daycare centers serving infants to

create a special optional toddler program for children between the ages of 18 months and 3 years of age and further requires this optional toddler program to meet certain requirements, as specified. (HSC 1596.955 and 1596.956)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

**Licensed childcare:** The licensure, maintenance, and operation of child daycare centers and family daycare homes in the state are governed by the California Child Daycare Facilities Act. This law and the attendant regulations found in Title 22 of the California Code of Regulations establish, among other things, general health and safety requirements, staff-to-child ratios, and provider training requirements.

CDSS's Community Care Licensing Division (CCLD) has the responsibility of licensing and monitoring the state's 12,768 daycare centers, with a capacity to serve 663,454 children. There are an additional 2,201 licensed school-age daycare facilities with a capacity to serve 139,610 children. CCLD is required to conduct unannounced site visits of all licensed child daycare facilities and homes. CCLD conducts random inspections of 30% of facilities annually, and each facility must be visited at least once every three years; some exceptions triggering more frequent inspections exist.

State law and regulations dictate that infant care centers serve children under two years old, preschool childcare centers serve children between the ages of two years old and when they start school, and school-age childcare centers serve children who have entered the first grade or are in a childcare program exclusively for children in kindergarten and above. A "combination center" is any combination of an infant center, preschool childcare center, school-age childcare center and childcare center for mildly ill children that is owned and operated by one licensee at a common address. In California, separate licenses are required for serving infant, preschool, and school age children. Thus, owner/operators of combination centers serving more than one population must get multiple licenses and undergo separate inspection and compliance processes for each license.

**Toddler program:** In 1988, the Senate Select Committee on Children and Youth and the Senate Select Committee on Infant and Child Care and Development convened a task force to examine what at the time were the two basic licensing categories for childcare centers: an infant category for children up to 2 years of age, and a second category for children between the ages of 2 and 12. This task force recommended the establishment of a third optional category for toddlers between the ages of 18 and 30 months. SB 629 (Morgan), Chapter 1079, Statutes of 1989, established this optional license category for daycare programs and AB 762 (Mullin), Chapter 373, Statutes of 2015, increased the upper age limit to 36 months. As it currently exists, the optional toddler program is available to both centers that serve preschool-age children and centers that serve infants. These centers can create a special program component for children between the ages of 18 and 36 months. The toddler program has its own staffing ratio and maximum group size requirements, but is considered an extension of the infant or preschool license and does not require a separate license.

**Single childcare center license:** AB 605 (Mullin), Chapter 574, Statutes of 2018, required CDSS to promulgate regulations to create a new infant to schoolage childcare center license with all respective health and safety requirements for the age groups served. This single childcare center

license allows licensed providers to obtain one license and select which age group or groups they wish to serve. A single license promotes greater continuity of care for children and parents being served in childcare centers. The single license supports an ongoing relationship between parents, children and their care providers without having to transition children to a new group or new caregiver based solely on the child's birthdate. All daycare centers are required to be licensed as childcare centers by January 1, 2024.

***Need for this bill:*** According to the author, "Child care has always been an integral part of California's economy and further streamlining that system for parents and providers is a win for the state. The approaching implementation of AB 605, (Mullin, 2018) modernizes the child care licensing system in California by creating a single license and negates the need for language regarding the "toddler option" in statute. [This bill] resolves this issue while providing the California Department of Social Services the flexibility to fully implement the single-license program through an all-county letter."

***Double referral:*** This bill will be referred to the Assembly Education Committee should it pass out of this committee.

#### **RELATED AND PRIOR LEGISLATION:**

***AB 605 (Mullin), Chapter 574, Statutes of 2018,*** required CDSS, in consultation with stakeholders, to adopt regulations by January 1, 2021, to create a childcare center license to serve infant, toddler, preschool, and schoolage children and required, by January 1, 2024, all daycare centers to be licensed as childcare centers.

***AB 1897 (Mullin) of 2016,*** would have created an optional birth-to-entering-first-grade daycare center license option. AB 1897 was held on the Assembly Appropriations Committee suspense file.

***AB 762 (Mullin), Chapter 373, Statutes of 2015,*** increased the upper age limit for optional toddler programs authorized by CDSS from 30 months to three years of age.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

Los Angeles County Office of Education (Sponsor)

##### **Opposition**

None on file

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