

Child Care Licensing and License-Exempt Providers

Summary

Licensing is an important component of California's child care delivery system. The Community Care Licensing Division (CCLD) of the California Department of Social Services licenses and monitors family child care homes and child care centers to ensure that they meet minimum health and safety standards. Licensing laws and regulations for child care providers are distinct from those of all other community care facilities and health facilities. Licensed child care programs are only required to be inspected once every five years. California is the only state in the nation that has such infrequent inspections.¹

Background

Child care centers and home-based child care providers caring for children from more than one unrelated family must be licensed pursuant to Health and Safety Code, Chapter 3.4 in order to operate legally. The major elements of the licensing process are as follows:

1. A criminal and child abuse background check is required for all child care center staff and all adults providing care or residing in a family child care home.
2. Caregiver education and training, including CPR and First Aid, is required and varies by type of child care provider.
3. The adult to child ratio, which varies by facility type, must comply with regulations.
4. The capacity of the facility must be determined as per regulation.
5. A licensing fee that varies by facility type is paid to CCLD. Revenue from fees is used by the State to help administer the licensing process.
6. Facilities are inspected at the beginning of the licensing process and periodically throughout their operation. No more than five years is supposed to lapse between inspections.

¹ *Effective Inspection Policies Promote Children's Safety and Healthy Development in Child Care*. Child Care Aware of America, August 2012. 44 states conduct inspections one or more times a year (8 of these states conduct quarterly visits). The remaining five states conduct inspections once every two years.

“New Directions” Proposal for Licensing Protocol

In 2010, following the loss of 30% of its inspection staff, the CCLD proposed a new protocol for helping to ensure the safety of the individuals served in licensed facilities. Instead of continuing to conduct a comprehensive review of a facility that is very time intensive, the CCLD proposed the use of a new tool. This new tool uses key indicators of quality care that reliably predict compliance with related licensing regulations and takes significantly less time to administer. By using the key indicators of quality care tool, the CCLD would be able to provide the proposed annual inspections for child care centers (biennial for Family Child Care Homes) in lieu of the 30% random inspections and fulfill their existing mandate of at least one inspection every five years.

The “New Directions” proposal was rejected by the legislature for the 2010-2011 budget due to sentiment that there had not been enough time for stakeholders and policymakers to adequately examine and analyze the proposal. CCLD continues to utilize the key indicator tool to inspect programs more frequently. Only programs that are currently in compliance with licensing regulations are eligible for the Key Indicator inspection.

License-Exempt Providers and Programs

There are some child care providers and programs that are exempt from child care licensing requirements. These exemptions include relatives and individuals providing care for children from only one other family besides their own children. Although these home-based individuals are exempt from licensing requirements, they must be registered on TrustLine (except grandparents, aunts and uncles) in order to receive payment from state or federal child care subsidy programs.

Of the programs that are specifically exempt from the child care licensing requirements, the most notable are Heritage Schools and ancillary day care centers. The latter are centers associated with health clubs or other businesses for which the center is not the primary focus of the business, but is provided to customers while they frequent the business. These centers must conduct a background check through the TrustLine Registry (discussed below) for all employees 18 years of age and older that provide child care. Heritage Schools are non-publicly funded schools that supplement public education by providing youth with instruction on foreign languages and related cultures. Legislation passed in 2010 added these schools to the list of license-exempt programs. Although exempt from licensing, Heritage Schools must register with the Department of Education and school staff must have criminal background checks to operate legally.

TrustLine

TrustLine is California's registry of in-home and license-exempt child care providers, who have passed a background screening. It was created by the California Legislature in 1987 and is a powerful resource for parents hiring a nanny or baby-sitter. Caregivers listed with TrustLine have been cleared through a fingerprint check of records at the California Department of Justice and at the FBI. This means they have no disqualifying criminal convictions or substantiated child abuse reports in California, and no disqualifying criminal history reported to the FBI. TrustLine is administered by the California Department of Social Services and the non-profit, California Child Care Resource & Referral Network. It is endorsed by the California Academy of Pediatrics.