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GAVIN NEWSOM
GOVERNOR

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PIN 20-22-CCP

TO: ALL CHILD CARE FACILITY LICENSEES AND PROVIDERS

FROM: ***Original signed by Pamela Dickfoss***
PAMELA DICKFOSS
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Community Care Licensing Division

SUBJECT: **GUIDANCE AND FREQUENTLY ASKED QUESTIONS (FAQS) REGARDING WAIVERS AVAILABLE FOR LICENSED CHILD CARE FACILITIES AND LICENSE-EXEMPT PROVIDERS DUE TO CORONAVIRUS DISEASE 2019 (COVID-19); GUIDANCE ON COHORTS, GROUP SIZE, AND RATIOS IN LICENSED & LICENSE-EXEMPT CHILD CARE SETTINGS**

Provider Information Notice (PIN) Summary

PIN 20-22-CCP provides responses to the most frequently asked questions from child care providers concerning waivers available for providers who need certain licensing standards waived in order to provide child care that exceeds the limits of an exemption from licensure; and cohorts, group size, and ratios required in licensed and license-exempt child care settings during the COVID-19 health crisis.

In response to the rapidly evolving Coronavirus Disease 2019 (COVID-19) public health emergency in California, the California Department of Social Services (CDSS) is taking major and unprecedented actions to ensure that child care providers have the resources and flexibility needed to meet the needs of children in care.

As of August 25 2020, all licensed and license-exempt child care providers must follow the Guidance Related to Cohorts” issued by the California Department of Public Health. The guidance is located here: [Guidance for Small Cohorts/Groups of Children and Youth](#) and [COVID-19 Case and Contact Management With Child Care Facilities](#). This guidance compliments the [Child Care Guidance released on July 17, 2020](#). This guidance applies to groups of children and youth in controlled, supervised, and indoor environments operated by local educational agencies, non-profits, or other authorized providers, including, but not limited to, public and private schools; licensed and license-

exempt child care settings; organized and supervised care environments, i.e., “distance learning hubs”; recreation programs; before and after school programs; youth groups, and day camps.

As described in [PIN 20-04-CCLD](#), on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency (“Proclamation”) for California that permits CDSS to address the needs of child day care providers, allowing for waivers of any provisions of the Health and Safety Code or Welfare and Institutions Code, accompanying regulations, interim licensing standards, or other written policies or procedures with respect to the use, licensing, or approval of facilities and homes within its jurisdiction.

These FAQs provide answers about waivers that are available to providers who want to provide child care beyond the current conditions that qualify for child care facility licensure or exemption, and for licensed providers, waivers of licensing standards. The waivers are offered to provide short-term solutions for the provision of care available for license-exempt providers, licensed facilities, and temporary employer sponsored child care during the COVID-19 emergency.

NOTE: To the extent that any of the guidance in this PIN and Guidance Related to Cohorts conflicts with the waivers in PIN 20-04-CCP and PIN 20-15-CCP, this PIN is controlling.

CDSS recommends that child care providers continue to follow guidance in all applicable CDSS PINs, in addition to the guidance or instructions from health care providers, the Centers for Disease Control and Prevention (CDC), the California Department of Public Health (CDPH), and local public health departments. If you have questions about this PIN, please contact your local Regional Office.

General Questions about Waivers

Question	Answer	Information Links
<p>Can I obtain a waiver to certain licensed provider standards or to provide child care that exceeds the limits of my licensure exemption?</p>	<p>Waivers are available to providers who want to provide care beyond the current conditions that qualify for child care facility licensure or exemption. License exempt providers who wish to operate beyond the bounds of the current exemption requirements (see glossary), must request a waiver. Providers will have to request a waiver and meet all the conditions for waivers, adhere to the local public health guidelines for providing a healthy and safe child care environment, and incorporate policies and procedures provided by CDSS to support the prevention, containment, and mitigation of COVID-19.</p>	<p>Health & Safety Code (HSC) section 1596.792</p>
<p>What are the conditions that I will have to meet to have a waiver to certain licensed provider standards or to exceed the limits of licensure exemption?</p>	<p>The following conditions, along with additional conditions specific to the type of licensure exemption, will need to be met to provide care beyond the licensing standards or current conditions that qualify for licensure exemption:</p> <ul style="list-style-type: none"> • Ability to follow Industry Guidance for child care providers • Comply with local health department directives • Completed CDSS background check, including a criminal record clearance or exemption • First Aid/CPR training • Physical distancing & face coverings • Consumer protection and emergency disaster plan • Comply with reporting requirements • Comply with oversight by government authorities, including CDSS • Allow oversight by video/telephonic conferencing means • Group size and capacity set by state or local health department, or CDSS Child Care Regional Office • Age appropriate, environment, equipment, materials, and supplies • Ability to provide special needs care and supports for children in care, if applicable 	<p>COVID-19 Update Guidance: Child Care</p> <p>Criminal Record Clearance HSC section 1596.871</p> <p>TrustLine Registry</p> <p>CDSS Child Care Regional Office</p> <p>PIN 20-04-CCP</p> <p>PIN 20-04-CCLD</p> <p>PIN 20-15-CCP</p>

Question	Answer	Information Links
	<ul style="list-style-type: none"> • Notify parent/guardian of policies impacted by the waiver • Post waiver in public location within the home or facility • 90-day waiver limitation – CDSS may renew after evaluation of need and compliance history 	
<p>What is the process for obtaining a waiver to certain licensed provider standards or to exceed the limits of my licensure exemption?</p>	<p>If you are interested in requesting a waiver, please contact your local CDSS Child Care Regional Office (RO) and request a waiver in writing with all applicable information included as described in the applicable PIN. The RO will review the waiver request and determine whether the request justifies the need for a waiver and explains how the provider will meet health and safety requirements and conditions for a waiver.</p> <p>Waiver requests will be considered on a case-by-case basis. The RO will follow up with you if the request is deemed incomplete and additional information is needed. If the waiver request is denied, you will be notified in writing of the reasons for denial. If the waiver request is granted, the Child Care Licensing Program will notify you in writing, and you must post the waiver in a public location at the home or facility.</p>	<p>Office Functions</p> <p>PIN 20-04-CCP</p> <p>PIN 20-04-CCLD</p>

Questions about Specific Types of License-Exempt Child Care Programs

Question	Answer	Information Links
<p>What are the additional conditions for a waiver for a provider that is providing license-exempt <i>Family, Friend, Neighbor & Relative Caregiving</i>?</p>	<p>In addition to the conditions listed above, the following will also apply for family, friend, & neighbor care and for relatives providing care:</p> <ul style="list-style-type: none"> • If TrustLine waiver, then group size limited to 10 children 	<p>HSC sections 1596.792(d) & (f)</p> <p><u>Cal. Code Regs, tit. 22 (“22 CCR”) section 102358</u></p> <p>PIN 20-04-CCP (Trustline)</p>
<p>What are the additional conditions for a waiver for a provider that is</p>	<p>In addition to the conditions listed above, the following will also apply for Cooperative Care providers:</p> <ul style="list-style-type: none"> • No more than 14 children 	<p>HSC section 1596.792(e)</p> <p>22 CCR sections 102358, & 101158</p>

Question	Answer	Information Links
<p>providing license-exempt Cooperative Care?</p>	<ul style="list-style-type: none"> • Access to digital resources reviewed on case-by-case basis 	
<p>What are the additional conditions for a waiver for a provider that is providing license-exempt care as a Public recreation program?</p>	<p>In addition to the conditions listed above, the following will also apply to Public Recreation Programs providing care:</p> <ul style="list-style-type: none"> • If on school grounds, approval from school district or equivalent • No more than 14 children in a cohort • Limited to school-age (K-12) • Other ages served reviewed on case-by case basis • In good standing with Child Care Licensing if current license holder • Fire clearance, if applicable • Access to digital resources reviewed on case-by-case basis 	<p>HSC section 1596.792(g)</p> <p><u>22 CCR section 101158</u></p>
<p>What are the additional conditions for a waiver for a provider that is providing license-exempt care as a Private Recreation Program (such as YMCA, Boy/Girl Scouts, Boys & Girls Clubs)?</p>	<p>In addition to the conditions listed above, the following will also apply for Private Recreation Programs providing care:</p> <ul style="list-style-type: none"> • If on school grounds, approval from school district or equivalent • No more than 14 children in a cohort • Limited to school age (K-12) • Other ages served reviewed on case-by-case basis • In good standing with Child Care Licensing if current license holder • Fire clearance, if applicable • Local coordination of services with local public health and school districts needed • Access to digital resources reviewed on case-by-case basis 	<p>HSC section 1596.793</p> <p><u>22 CCR section 101158</u></p>
<p>What are the additional conditions for a waiver for a provider that is providing license-exempt care as a Camp?</p>	<p>In addition to the conditions listed above, the following will also apply for camp programs providing care:</p> <ul style="list-style-type: none"> • Subject to notification of operation to local public health and inspection for organized camps • If on school grounds, approval from school district or equivalent 	<p>HSC sections 1596.793 & 18897</p> <p><u>COVID-19 Interim Guidance: Day Camps</u></p>

Question	Answer	Information Links
	<ul style="list-style-type: none"> • Subject to notification of operation to local public health and inspection for organized camps • No more than 14 children in a cohort • Limited to school age (K-12) • Other ages served reviewed on case-by-case basis • Fire clearance • Water safety • Access to digital resources reviewed on case-by-case basis 	
<p>What are the additional conditions for a waiver for a provider that is providing license-exempt care as a <i>Extended Day Before & After School Programs</i> (public and private schools and ASES Programs)?</p>	<p>In addition to the conditions listed above, the following will also apply for Extended Day Programs providing care:</p> <ul style="list-style-type: none"> • Need approval from school district or equivalent • Local coordination of services/partnerships with local public health and school • Districts needed • No more than 14 children in a cohort • In good standing with licensing if current license holder • Fire clearance, if applicable • Access to digital resources reviewed on case-by-case basis 	<p>HSC section 1596.792(h)</p> <p>22 CCR section 101158</p> <p>Education Code section 8484.3</p>
<p>What are the additional conditions for a waiver for a provider that is providing license-exempt care as <i>Temporary Child Care Arrangements</i>?</p>	<p>In addition to the conditions listed above, the following will also apply for Temporary Child Care Arrangement providing care:</p> <ul style="list-style-type: none"> • If on school grounds, approval from school district or equivalent • No more than 14 children in a cohort • Fire clearance, if applicable • Access to digital resources reviewed on case-by-case basis 	<p>HSC section 1596.771</p> <p>PIN 20-04-CCP (Employer Sponsored)</p>
<p>What are the additional conditions for a waiver for a provider that is providing license-exempt care as an</p>	<p>In addition to the conditions listed above, the following will also apply for Instructional Care providers:</p> <ul style="list-style-type: none"> • If on school grounds, approval from school district or equivalent • No more than 14 children in a cohort 	<p>HSC section 1596.792(l)</p>

Question	Answer	Information Links
Instructional Care Provider?	<ul style="list-style-type: none"> • Local coordination of services/ partnerships with local public health and school districts needed • Fire clearance, if applicable • Access to digital resources reviewed on case-by-case basis 	

Questions about Licensed Child Care Facility Waivers

Question	Answer	Information Links
<p>What are the additional conditions for a waiver for a licensed child care center that wants to exceed the limits of the license?</p> <p>Licensed Care (Individual Waivers) Child Care Center</p>	<p>Licensed providers will need to follow the conditions set forth in PIN 20-04-CCP and PIN 20-15-CCP as well as the following:</p> <ul style="list-style-type: none"> • If on school grounds, approval from school district or equivalent • In good standing with Child Care Licensing • No more than 14 children in a cohort • Fire clearance, if applicable • Local coordination of services with local public health and school districts needed • Access to digital resources reviewed on case-by-case basis 	<p>Governor's Proclamation of State of Emergency</p> <p>Expedited licensure—center</p> <p>PIN 20-04-CCP</p> <p>PIN 20-15-CCP</p> <p>COVID-19 Update Guidance: Child Care</p>
<p>What are the additional conditions for a waiver for a licensed family child care home that wants to exceed the limits of the license?</p> <p>Licensed Care (Individual Waivers) Family Child Care Homes</p>	<p>Licensed providers will need to follow the conditions set forth in PIN 20-04-CCP and PIN 20-15-CCP as well as the following:</p> <ul style="list-style-type: none"> • In good standing with Child Care Licensing • Fire clearance • No more than 14 children in a cohort • Access to digital resources reviewed on case-by-case basis 	<p>Governor's Proclamation of State of Emergency</p> <p>Expedited—Family</p> <p>PIN 20-04-CCP</p> <p>PIN 20-15-CCP</p> <p>COVID-19 Update Guidance: Child Care</p>

Cohorts, Group Size, And Ratios

Question	Answer	Information Links
<p>What is a cohort?</p>	<p>Cohort: a cohort is a stable group of no more than 14 children and no more than two supervising adults in a supervised environment in which supervising adults and children stay together for all activities (e.g., meals, recreation, etc.), and avoids contact with people outside of their group in the setting.</p> <p>Keeping child care providers and children in the same cohort each day, and including children from the same family or carpool in the same cohort, lowers their exposure risk by limiting the number of people they interact with. Children changing cohorts must be avoided, unless a change is needed for the child's overall safety and wellness.</p> <p>A cohort may be divided into subgroups of children that interact with each other throughout the day, so long as the total cohort does not exceed the 14:2 ratio.</p>	<p>Guidance for Small Cohorts/Groups of Children and Youth</p>
<p>How much space do child care facilities need to serve a group of 14 children?</p>	<p><u>Child Care Centers:</u> 35 square feet per child indoors and 75 square feet per child outdoors (waiver may be available to share outdoor space) if care is provided on school grounds, the space requirement is exempted. The requirement to prevent interaction between cohorts can be met either by having each cohort in a separate room or space created by partitions.</p> <p>Bathrooms, halls, offices, isolation areas, food preparation areas, storage areas, and floor space occupied by shelves, cabinets, portable storage, and office equipment are not included in the calculation of indoor activity space.</p> <p><u>Family Child Care Homes and Private Homes with Licensing Waiver:</u> No space requirement, however a fire clearance may be needed for a large family child care home.</p>	<p>22 CCR sections 101238.2 & 101238.3 Preschool 101438.2 & 101438.3 Infant, 101538.2 & 101538.3 School age</p> <p>HSC section 1596.806</p>
<p>How many bathrooms must be available for a</p>	<p><u>Child Care Centers:</u> 1 toilet and sink for every 15 children (if care is provided on school grounds, the toilet requirement is exempted)</p>	<p>HSC section 1596.806</p>

Question	Answer	Information Links
group of 14 children?	<u>Family Child Care Homes and Private Homes with Licensing Waiver:</u> Minimum 1 bathroom in the home	22 CCR section 101239
What is the difference between ratio and group size?	<p>Ratio is the number of children per adult in a caregiving setting (e.g. 10 children per 1 adult or 10:1). Established ratios need to be maintained within the group or cohort of children and adults.</p> <p>Group size refers to the number of children in a group. Group size should remain as small as possible. Under the state Cohorting Guidance group size can be no larger than 14 children or youth, and these groups must be kept physically separated. (Your local public health may have guidance for a specific maximum group size.)</p> <p>The group size must be no larger than can be accommodated by the space available to provide at least 6 feet of distance between each person, including staff. The smaller the group, the less risk of spreading disease. As cohorts increase in size, or as they have any contact with other cohorts, the risk of spreading disease increases.</p>	<p>COVID-19 Industry Guidance: Schools and School-Based Programs</p> <p>COVID-19 Update Guidance: Child Care Programs and Providers</p> <p>Guidance for Small Cohorts/Groups of Children and Youth</p>
What are the maximum teacher-child ratios allowed for each licensed child care setting?	<p><u>School-Age Child Care Centers:</u> 1 teacher to every 14 children 1 teacher & 1 aide for 15-28 children Note: A cohort can be no larger than 14 children or youth and 2 supervising adults. If a child care center is serving more than 14 children, the teacher and aide should separately cohort with individual groups of no more than 14 children and should not physically interact between multiple cohorts.</p> <p>One-to-one specialized services may be provided to a child by a support service provider that is not part of the child’s cohort so long as the services are provided consistent with industry guidance.</p> <p><u>Small Family Child Care Homes:</u> The maximum number of children for whom care may be provided at any one time, including children under age 10 who reside at the licensee's home, shall be one of the following: (1) 4 infants only; or</p>	<p>22 CCR section 101516.5</p> <p>22 CCR section 102416.5</p>

Question	Answer	Information Links
	<p>(2) 6 children, no more than 3 of whom are infants; or (3) More than 6 and up to 8 children (1 child enrolled and attending Kindergarten or elementary school and 1 child at least age 6)</p> <p><u>Large Family Child Care Homes:</u> The maximum number of children for whom care may be provided at any one time, when there is an assistant provider in the home, including children under age 10 who reside at the licensee's home and the assistant provider's children under age 10, shall be either:</p> <p>(1) 12 children with no more than 4 infants; or (2) More than 12 and up to 14 children (1 child enrolled and attending Kindergarten or elementary school and 1 child at least age 6); (3) No more than 3 infants are cared for during any time when more than 12 children are being cared for. The licensee notifies a parent that the facility is caring for 2 additional school age children and that there may be up to 13 or 14 children in the home at one time.</p> <p><u>Private Homes with Licensing Waiver:</u> If a TrustLine waiver caregiver is providing care, then the maximum number of children in care is limited to 10 school-aged children.</p> <p>If cooperative care is provided by parents combining efforts for rotating care of all children in the cooperative, then the maximum number for whom care may be provided is up to 14 children.</p>	

Glossary of Terms

Terms	Definitions	Authority
Camps	Operated in compliance with requirements established by the California Department of Public Health (CDPH). Including Accreditation by American Camp Association	HSC section 18897.4 Organized camps shall not be subject to regulation by any state agency other than the State Department of Public Health, California regional water quality control boards, the State Water Resources Control Board, and the State Fire Marshal
Cooperative Care	Care by a relative No more than 12 children Rotate caregiving No payment Payment for outside activities and materials allowed	HSC section 1596.792 (e) Any cooperative arrangement between parents for the care of their children when no payment is involved and the arrangement meets all of the following conditions: (1) In a cooperative arrangement, parents shall combine their efforts so that each parent, or set of parents, rotates as the responsible caregiver with respect to all the children in the cooperative. (2) Any person caring for children shall be a parent, legal guardian, stepparent, grandparent, aunt, uncle, or adult sibling of at least one of the children in the cooperative. (3) There can be no payment of money or receipt of in-kind income in exchange for the provision of care. This does not prohibit in-kind contributions of snacks, games, toys, blankets for napping, pillows, and other materials parents deem appropriate for their children. It is not the intent of this paragraph to prohibit payment for outside activities, the amount of which may not exceed the actual cost of the activity. (4) No more than 12 children are receiving care in the same place at the same time.
Digital Resources	The term digital learning resource is used here to refer to materials included in the context of a course that support the learner's achievement of the described learning goals. These materials consist of a wide variety of digitally formatted resources	California Department of Education (CDE) Distance Learning Frequently Asked Questions

Terms	Definitions	Authority
	including: high-speed internet, adaptive supportive equipment, head phones, microphone, most updated software to various applications that allow for collaboration.	
Extended Day: Before & After School Programs (Public and Private)	<p>Extended day care programs operated by public or private schools.</p> <p>After School Education & Safety Program (ASES) operated by city, county, or nonprofit. Up to 60 hours per week, no more than 30 hours per child.</p>	<p>HSC section 1596.792 (h)</p> <p>(h) Extended day care programs operated by public or private schools.</p> <p>Education Code section 8484.3</p>
Family, Friend, Neighbor & Relative Caregiving	<p>Care for children from only one family in addition to the caregiver's children</p> <p>-or-</p> <p>Relative Care</p>	<p>HSC section 1596.792 (d) & (f)</p> <p>(d) Any family day care home providing care for the children of only one family in addition to the operator's own children.</p> <p>(f) Any arrangement for the receiving and care of children by a relative.</p>
Instructional Care	<p>Instructional nature in a classroom-like setting</p> <p>Operated when school normally not in session & not to exceed a total of 30 days (school age) or 15 days (preschool age)</p>	<p>HSC section 1596.792(l)</p> <p>(l) Any program that provides activities for children of an instructional nature in a classroom-like setting and satisfies both of the following:</p> <p>(1) Is operated only during periods of the year when students in kindergarten and grades 1 to 12, inclusive, are normally not in session in the public school district where the program is located due to regularly scheduled vacations.</p> <p>(2) Offers any number of sessions during the period specified in paragraph (1) that when added together do not exceed a total of 30 days when only school-age children are enrolled in the program or 15 days when children younger than school-age are enrolled in the program.</p>
Licensed care	Currently licensed Child Care Center or Family Child Care Home	<p>Governor's Proclamation of State of Emergency</p> <p>PIN 20-04-CCP</p>

Terms	Definitions	Authority
Center based or Family Child Care Home	Relocation, adding classrooms, capacity changes	PIN 20-15-CCP
Pop-up child care	<p>Emergency temporary child care created to provide short term solutions for provision of care.</p> <p>There are several types of Popup care.</p> <p>Some of the most common Pop-up modules include, but are not limited to:</p> <ul style="list-style-type: none"> • temporary employer-sponsored care, • license-exempt, licensed facilities expanding care 	<p>Governor’s Proclamation of State of Emergency</p> <p>PIN 20-04-CCP</p> <p>PIN 20-15-CCP</p>
Private Recreation	<p>Operated by YMCAs, Boys/Girls Club, and Boys/Girls Scouts</p> <p>No age, time or duration restriction but, Child Care programs must be licensed</p>	<p>HSC section 1596.793</p> <p>Recreation programs conducted for children by the YMCA, Girl Scouts of the USA, Boy Scouts of America, Boys and Girls Clubs, Camp Fire USA, organized camps, or similar organizations. However, child day care programs conducted by these organizations and the fees charged for those purposes shall be subject to the requirements of this chapter, Chapter 3.5</p>
Public Recreation	<p>Operated by state, city, county, school district, community college</p> <p>Age, Time and Duration Restrictions</p> <p>Operate during hours other than normal school hours or when school is not in session</p>	<p>HSC section 1596.792(g)</p> <p>(g) Any public recreation program. “Public recreation program” means a program operated by the state, city, county, special district, school district, community college district, chartered city, or chartered city and county that meets either of the following criteria:</p> <p>(1) The program is operated only during hours other than normal school hours for kindergarten and grades 1 to 12, inclusive, in the public school district where the program is located, or operated only during periods when students in kindergarten and grades 1 to 12, inclusive, are normally not in session in the public school district where the</p>

Terms	Definitions	Authority
		<p>program is located, for either of the following periods:</p> <p>(A) For under 20 hours per week.</p> <p>(B) For a total of 14 weeks or less during a 12-month period. This total applies to any 14 weeks within any 12-month period, without regard to whether the weeks are consecutive.</p> <p>In determining “normal school hours” or periods when students are “normally not in session,” the State Department of Social Services shall, when appropriate, consider the normal school hours or periods when students are normally not in session for students attending a year-round school.</p> <p>(2) The program is provided to children who are over the age of four years and nine months and not yet enrolled in school and the program is operated during either of the following periods:</p> <p>(A) For under 16 hours per week.</p> <p>(B) For a total of 12 weeks or less during a 12-month period. This total applies to any 12 weeks within any 12-month period, without regard to whether the weeks are consecutive.</p> <p>(3) The program is provided to children under the age of four years and nine months with sessions that run 12 hours per week or less and are 12 weeks or less in duration. A program subject to this paragraph may permit children to be enrolled in consecutive sessions throughout the year. However, the program shall not permit children to be enrolled in a combination of sessions that total more than 12 hours per week for each child.</p>
School-age child	<p>Child Care Center: Enrolled in First Grade Care exclusively to children kindergarten and above</p> <p>Family Child Care Home: Enrolled in and Attending Kindergarten or at least six years of age</p>	<p>California Code of Regulations section 101152(s)(1) - Child Care Center “School-Age Child” means any child who meets one of the following: (A) Has entered the first grade or above; (B) Is in a child care program providing care and supervision exclusively to children enrolled in kindergarten and above.</p> <p>California Code of Regulations section 102416.5(i) - Family Child Care Home</p>

Terms	Definitions	Authority
		<p>For the purpose of meeting the criteria in Sections 1597.44 and 1597.465 of the Health and Safety Code "school age child" means a child who meets one of the following criteria: (1) Is enrolled in and attending kindergarten, including transitional kindergarten, or elementary school; or (2) Is at least six years of age</p>
<p>Temporary Child Care Arrangements (Employer Sponsored – Popup care)</p>	<p>Temporary Parents on site Specific locations excluded Employer Sponsored</p>	<p>HSC section 1596.792 (k)</p> <p>(k) Any child day care program that offers temporary child care services to parents and that satisfies both of the following:</p> <p>(1) The services are only provided to parents and guardians who are on the same premises as the site of the child day care program.</p> <p>(2) The child day care program is not operated on the site of a ski facility, shopping mall, department store, or any other similar site identified by the department by regulation.</p>