

# Assembly Bill 2206

## Childcare Accessibility Act

Assemblymember Dawn Addis

### SUMMARY

AB 2206 removes a key barrier that prevents childcare providers from enrolling children with disabilities by revising outdated regulations.

### BACKGROUND

State regulations [Title 22 Section 101171(b)] require childcare providers to obtain a revised fire clearance before admitting a nonambulatory child. H&S code section 13131 defines “nonambulatory” as “persons unable to leave a building unassisted under emergency conditions... include(ing) any person who depend(s) upon mechanical aids such as crutches, walkers, and wheelchairs.” This definition is overly broad, as it was written to apply to all licensed facilities (including nursing homes and adult care) and provides little flexibility for childcare providers or children with disabilities.

Community Care Licensing (CCL), the state agency which enforces Title 22, interprets this regulation to mean that the revised fire clearance must specify the name, disability, and physical limitations of each nonambulatory child served at the facility. As a result, a provider must seek a revised fire clearance for before enrolling each nonambulatory child. On average, it takes 2 to 4 months to obtain a fire clearance during which time the childcare provider cannot legally provide care to the nonambulatory child.

### PROBLEM

Outdated regulations enacted prior to modern safety measures, such as the Americans with Disabilities Act (ADA) and updated state building codes, prevent childcare providers from enrolling children with disabilities. While it is important to ensure that nonambulatory children can be evacuated in the unlikely case of a fire, the current regulations are so overly broad that they prohibit children with physical disabilities from being admitted to nearly any childcare center.

According to the [National Library of Medicine](#) and the [Center for American Progress](#), Families of children with disabilities have greater difficulty finding a childcare provider and are three times more likely to experience job disruptions because they are unable to secure reliable childcare. Disproportionate access to childcare limits early learning and social emotional growth opportunities for children with disabilities and

contributes to the academic achievement gap in K-12 between students with and without disabilities.

### SOLUTION

AB 2206 removes regulatory barriers that prohibit childcare centers from serving children with disabilities while still ensuring fire safety. The bill would allow childcare providers to immediately enroll and serve a nonambulatory child for up to 6 months if the provider meets one of the specified conditions:

- The childcare program meets applicable requirements of the Americans with Disabilities Act of 1990, or
- The childcare program has been submitted (and had approved) a relevant fire safety clearance application in the past 10 years, or
- The child with exceptional needs is deemed able to respond to instructions to evacuate a building.

The bill would also require the Department of Social Services to clarify the commonly misunderstood requirements for obtaining a fire clearance authorizing a provider to serve nonambulatory children.

### SUPPORT

- Santa Clara County Office of Education (Sponsor)
- Santa Cruz County Office of Education
- Monterey County Office of Education

### CONTACT

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