

AMENDED IN SENATE APRIL 3, 2013
AMENDED IN SENATE MARCH 12, 2013

SENATE BILL

No. 192

Introduced by Senator Liu

February 7, 2013

~~An act to amend Section 8385 of, to amend the heading of Chapter 2 (commencing with Section 8200) of Part 6 of Division 1 of Title 1 of, to amend and renumber Sections 8210, 8212, 8212.3, 8213, 8214, 8215, 8216, 8238, 8238.4, 8264.5, 8265, 8265.1, 8265.5, 8265.7, 8266, 8266.1, 8266.5, 8268, 8271, 8275, 8276.5, 8277, 8277.1, 8277.2, 8277.3, 8277.4, 8277.5, 8277.6, 8277.65, 8277.66, 8277.7, 8277.8, 8278.3, 8279.1, 8279.4, 8279.5, 8279.6, 8279.7, 8320, 8321, 8322, 8324, 8326, 8327, 8329, 8330, 8331, 8335, 8335.1, 8335.2, 8335.3, 8335.4, 8335.5, 8335.6, 8335.7, 8340, 8341, 8341.5, 8342, 8343, 8344, 8345, 8346, 8351, 8352, 8353, 8354, 8355, 8356, 8356.1, 8358.5, 8359, 8359.1, 8362, 8363, 8363.5, 8368, 8369, 8402, 8403, 8404, 8405, 8406, 8406.6, 8406.7, 8406.9, 8407, 8408, 8409, 8441, 8442, 8444, 8445, 8447, 8447.5, 8450, 8493, 8494, 8495, 8495.1, 8496, 8498, 8499.3, 8499.5, and 8499.7 of, to amend and renumber the heading of Article 16.5 (commencing with Section 8385) of Chapter 2 of Part 6 of Division 1 of Title 1 of, to amend, renumber, and repeal Section 8350.5 of, to add Sections 8292 and 8293 to, to add the heading of Article 8 (commencing with Section 8296) to, to add the heading of Article 9 (commencing with Section 8300) to, to add the heading of Article 10 (commencing with Section 8305) to, to add the heading of Article 14 (commencing with Section 8365) to, to add the heading of Article 18 (commencing with Section 8407) to, to add the heading of Article 25 (commencing with Section 8490) to, and to add the heading of Article 26 (commencing with Section 8492) to, Chapter 2 of Part 6 of Division 1 of Title 1 of, to add Article 2 (commencing with Section 8210) to, to add Article 4~~

(commencing with Section 8240) to, to add Article 4.5 (commencing with Section 8252) to, to add Article 5 (commencing with Section 8260) to, to add Article 6 (commencing with Section 8270) to, to add Article 11 (commencing with Section 8310) to, to add Article 12 (commencing with Section 8325) to, to add Article 13 (commencing with Section 8350) to, to add Article 14.5 (commencing with Section 8370) to, to add Article 14.7 (commencing with Section 8377) to, and to add Article 15 (commencing with Section 8380) to, Chapter 2 of Part 6 of Division 1 of Title 1 of, to repeal Sections 8350 and 8499 of, to repeal the heading of Article 2 (commencing with Section 8210) of, to repeal the heading of Article 6 (commencing with Section 8230) of, to repeal the heading of Article 7 (commencing with Section 8235) of, to repeal the heading of Article 12 (commencing with Section 8275) of, to repeal the heading of Article 15 (commencing with Section 8320) of, to repeal the heading of Article 15.2 (commencing with Section 8335) of, to repeal the heading of Article 15.3 (commencing with Section 8340) of, to repeal the heading of Article 15.5 (commencing with Section 8350) of, to repeal the heading of Article 18 (commencing with Section 8400) of, to repeal the heading of Article 20 (commencing with Section 8440) of, to repeal the heading of Article 21 (commencing with Section 8448) of, to repeal the heading of Article 23 (commencing with Section 8485) of, and to repeal the heading of Article 24 (commencing with Section 8493) of, Chapter 2 of Part 6 of Division 1 of Title 1 of, to repeal the heading of Article 1 (commencing with Section 8499) of, and to repeal the heading of Article 2 (commencing with Section 8499.3) of, Chapter 2.3 of, and to repeal the heading of Chapter 2.3 (commencing with Section 8499) of, Part 6 of Division 1 of Title 1 of, to repeal Article 8 (commencing with Section 8240) of, to repeal Article 8.5 (commencing with Section 8245) of, to repeal Article 9 (commencing with Section 8250) of, to repeal Article 10 (commencing with Section 8255) of, and to repeal Article 14 (commencing with Section 8286) of, Chapter 2 of Part 6 of Division 1 of Title 1 of, to repeal and add Article 1 (commencing with Section 8200) of, and to repeal and add Article 3 (commencing with Section 8220) to, Chapter 2 of Part 6 of Division 1 of Title 1 of, *An act to amend Sections 8200, 8201, 8202, 8203, 8203.5, 8204, 8205, 8208, 8208.1, 8208.5, 8209, 8210, 8211, 8212, 8212.3, 8213, 8214, 8215, 8216, 8220, 8220.1, 8220.5, 8222, 8223, 8225, 8226, 8227, 8230, 8231, 8232, 8233, 8235, 8236, 8236.1, 8238.4, 8239, 8244, 8250, 8250.5, 8251, 8252, 8255, 8257, 8258, 8261, 8261.5, 8262, 8263, 8263.2, 8263.3, 8263.4, 8264, 8264.5, 8264.6, 8264.7, 8265, 8266, 8266.1,*

8272, 8275, 8276.7, 8277, 8277.8, 8278.3, 8279.1, 8279.3, 8279.4, 8279.5, 8279.7, 8282, 8320, 8321, 8324, 8327, 8328, 8329, 8335.1, 8335.5, 8341, 8341.5, 8342, 8343, 8344, 8350, 8352, 8353, 8354, 8355, 8356, 8357, 8358, 8358.5, 8359.1, 8360, 8360.2, 8390, 8392, 8394, 8395, 8397, 8400, 8401, 8402, 8406.7, 8447, 8448, 8450, 8493, 8494, 8495, 8495.1, 8498, 8499, 8499.3, and 8499.5 of, to amend the heading of Chapter 2 (commencing with Section 8200) of Part 6 of Division 1 of Title 1 of, to amend the headings of Article 6 (commencing with Section 8230), Article 7 (commencing with Section 8235), Article 8 (commencing with Section 8240), Article 9 (commencing with Section 8250), Article 15.2 (commencing with Section 8335), Article 15.3 (commencing with Section 8340), Article 15.5 (commencing with Section 8350), Article 16 (commencing with Section 8360), and Article 17 (commencing with Section 8390) of Chapter 2 of Part 6 of Division 1 of Title 1 of, to amend the heading of Article 2 (commencing with Section 8499.3) of Chapter 2.3 of Part 6 of Division 1 of Title 1 of, to amend, repeal, and add Section 8240 of, to add Sections 8202.1 and 8220.3 to, to add Article 5 (commencing with Section 8228) to Chapter 2 of Part 6 of Division 1 of Title 1 of, and to repeal and add Sections 8264.8 and 8360.1 of, the Education Code, relating to early learning and educational support services.

LEGISLATIVE COUNSEL'S DIGEST

SB 192, as amended, Liu. Early learning and educational support services.

The Child Care and Development Services Act, administered by the Superintendent of Public Instruction, requires the Superintendent to administer child care and development programs that offer a full range of services for eligible children from infancy to 13 years of age and their parents, including a full range of supervision, health, and support services through full- and part-time programs.

This bill would reorganize and recast those provisions as the Early Learning and Educational Support Act, and would establish as its purpose providing a comprehensive early learning and educational support system that promotes access to safe, high-quality early learning and educational support programs, as specified. The bill would require the Superintendent to administer the early learning and educational support program through direct classroom or alternative payment services, and would require the Superintendent to develop

requirements for the implementation of high-quality early learning and educational support programs based on certain indicia of quality, including, but not limited to, effective educators ~~that~~ *who* foster school readiness and possess the appropriate and required educational qualifications and experience, including any required credentials or permits, as required by the Commission on Teacher Credentialing, and who meet applicable licensing standards. ~~The bill, when expansion funding is made available for direct classroom service programs, would require priority for funding to be given to certain elementary schools ranked in deciles 1 to 3, inclusive, on the Academic Performance Index. The bill would delete obsolete provisions, make *other related and* conforming changes, and make nonsubstantive changes.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *The heading of Chapter 2 (commencing with*
 2 *Section 8200) of Part 6 of Division 1 of Title 1 of the Education*
 3 *Code is amended to read:*

4
 5 CHAPTER 2. ~~CHILD CARE AND DEVELOPMENT SERVICES ACT~~
 6 *EARLY LEARNING AND EDUCATIONAL SUPPORT ACT*
 7

8 SEC. 2. *Section 8200 of the Education Code is amended to*
 9 *read:*

10 8200. This chapter shall be known and may be cited as the
 11 ~~Child Care and Development Services~~ *Early Learning and*
 12 *Educational Support Act.*

13 SEC. 3. *Section 8201 of the Education Code is amended to*
 14 *read:*

15 8201. The purpose of this chapter is as follows:
 16 (a) ~~To provide a comprehensive, coordinated, and cost-effective~~
 17 ~~system of child care and development services for children from~~
 18 ~~infancy to 13 years of age and their parents, including a full range~~
 19 ~~of supervision, health, and support services through full- and~~
 20 ~~part-time programs.~~ *early learning and school support system that*
 21 *promotes access to safe, high-quality early learning and*
 22 *educational support programs that will promote and support the*

1 *development of the whole child, including, but not limited to, the*
2 *following:*

3 *(1) Developmentally appropriate curriculum with differentiated*
4 *instruction.*

5 *(2) Knowledgeable, caring, and well-trained educators, program*
6 *staff, and providers.*

7 *(3) Promotion of healthy practices and activities.*

8 *(4) An educationally enriched environment that respects and*
9 *supports cultural, linguistic, and ability diversity.*

10 *(b) To encourage community-level coordination in support of*
11 ~~*child care and development*~~ *early learning and educational support*
12 *services.*

13 *(c) To coordinate services for children, starting at birth, that*
14 *support parental choice and maximize the long-term success of*
15 *early learners.*

16 ~~*(e)*~~

17 ~~*(d) To provide an environment that is healthy and nurturing for*~~
18 ~~*all children in child care and development programs. promote*~~
19 ~~*positive parenting, parental choice, and involvement through the*~~
20 ~~*understanding of healthy development and the importance of*~~
21 ~~*high-quality early learning opportunities for school readiness.*~~

22 ~~*(d) To provide the opportunity for positive parenting to take*~~
23 ~~*place through understanding of human growth and development.*~~

24 ~~*(e) To reduce strain between parent and child in order to prevent*~~
25 ~~*abuse, neglect, or exploitation.*~~

26 ~~*(f) To enhance the cognitive development of children, with*~~
27 ~~*particular emphasis upon those children who require special*~~
28 ~~*assistance, including bilingual capabilities to attain their full*~~
29 ~~*potential.*~~

30 ~~*(e) To support the development of the ability to measure*~~
31 ~~*outcomes assessing early learning and educational support*~~
32 ~~*programs.*~~

33 ~~*(g)*~~

34 ~~*(f) To establish a framework for the expansion of child care and*~~
35 ~~*development early learning and educational support services for*~~
36 ~~*children starting at birth.*~~

37 ~~*(h) To empower and encourage parents and families of children*~~
38 ~~*who require child care services to take responsibility to review the*~~
39 ~~*safety of the child care program or facility and to evaluate the*~~
40 ~~*ability of the program or facility to meet the needs of the child.*~~

1 *SEC. 4. Section 8202 of the Education Code is amended to*
2 *read:*

3 8202. ~~It~~*To ensure that all children, starting at birth, in*
4 *California have equal access to high-quality early learning and*
5 *educational support programs so that they thrive in their early*
6 *learning settings and succeed in entering transitional kindergarten*
7 *or kindergarten and throughout their school education and adult*
8 *life, it is the intent of the Legislature that:*

9 (a) ~~All families have access to child care and development safe,~~
10 ~~high-quality early learning and educational support services;~~
11 ~~through resource and referral services, where appropriate, that~~
12 ~~support the development of the whole child, including healthy~~
13 ~~physical, cognitive, social, and emotional growth and development~~
14 ~~of children regardless of ethnic status, cultural background, or~~
15 ~~special needs. It is further the intent that subsidized child care and~~
16 ~~development services be provided to persons meeting the eligibility~~
17 ~~criteria established under this chapter to the extent funding is made~~
18 ~~available by the Legislature and Congress.~~

19 ~~(b) The healthy physical, cognitive, social, and emotional growth~~
20 ~~and development of children be supported.~~

21 ~~(c) Families achieve and maintain their personal, social,~~
22 ~~economic, and emotional stability through an opportunity to attain~~
23 ~~financial stability through employment, while maximizing growth~~
24 ~~and development of their children, and enhancing their parenting~~
25 ~~skills through participation in child care and development~~
26 ~~programs.~~

27 ~~(b) Subsidized early learning and educational support services~~
28 ~~be provided to persons meeting the eligibility criteria established~~
29 ~~under this chapter to the extent funding is made available by the~~
30 ~~Legislature and Congress.~~

31 ~~(d)~~

32 ~~(c) Community-level coordination in between early learning~~
33 ~~and educational support of child care and development services~~
34 ~~programs and other human services organizations be encouraged.~~

35 ~~(e) Families have a choice of programs that allow for maximum~~
36 ~~involvement in planning, implementation, operation, and evaluation~~
37 ~~of child care and development programs.~~

38 ~~(d) Parental choice, parenting education, and information all~~
39 ~~be components of a long-term successful early learning and~~
40 ~~educational support system.~~

1 ~~(f)~~
2 (e) Parents and families be fully informed of their rights and
3 responsibilities to evaluate the quality and safety of child care
4 programs, including, but not limited to, their right to inspect child
5 care licensing files *select safe and high-quality early learning and*
6 *educational support programs.*

7 ~~(g) Planning for expansion of child care and development~~
8 ~~programs be based on ongoing local needs assessments.~~

9 (f) *Planning for expansion of direct classroom services be based*
10 *on ongoing local needs assessments and targeted to programs*
11 *operating classrooms located in the attendance area of elementary*
12 *schools ranked in deciles 1 to 3, inclusive, of the Academic*
13 *Performance Index pursuant to Section 52056.*

14 (g) *Families achieve and maintain their personal, social,*
15 *economic, and emotional stability through an opportunity to attain*
16 *financial stability through employment and work support activities,*
17 *while maximizing the growth and development of their children,*
18 *and supporting parental participation in the educational*
19 *development and success of their children.*

20 (h) *Early learning and educational support staff be culturally*
21 *and linguistically diverse and support school readiness, healthy*
22 *development, and improved child outcomes.*

23 (i) *Sustained support of professional development and*
24 *preparation of early learning educators and professionals include,*
25 *but not be limited to, the following:*

26 (1) *Academic support.*

27 (2) *Higher education articulation.*

28 (3) *Career advancement.*

29 (4) *Evidence-based coaching and mentoring.*

30 (5) *Child-teacher interactions.*

31 (6) *Child centered, family-educator, and family-professional*
32 *interactions.*

33 (7) *Training on research-based tools and resources aligned to*
34 *California preschool learning foundations, frameworks, and*
35 *guidelines, and California early childhood educator competencies.*

36 (8) *Retention of high-quality educators.*

37 (9) *Adequate compensation and incentives for professional*
38 *growth.*

39 (10) *Strong leadership and management practices.*

1 (j) *The Superintendent coordinate with the California Children*
2 *and Families Commission, county children and families*
3 *commissions, and other federal, state, and local agencies to support*
4 *improved alignment and access, including, but not limited to:*
5 *support services, quality enhancements, and additional training*
6 *and resources in early learning and educational support programs*
7 *and staff.*

8 (k) *The department create, administer, and support a*
9 *comprehensive early learning and educational support*
10 *infrastructure that promotes and fosters school readiness, healthy*
11 *development, and improved child outcomes.*

12 ~~(h)~~

13 ~~(l) The Superintendent of Public Instruction, in providing~~
14 ~~funding to child care and development~~ *early learning and*
15 *educational support agencies, promote a range of services which*
16 *that will allow parents the opportunity to choose the type of care*
17 *most suited to their needs. The program scope may include the*
18 *following:*

19 (1) *Programs located in centers, family day care homes, or in*
20 ~~the child's own home~~ *license-exempt care.*

21 (2) *Services provided part-day, full-day, and during nonstandard*
22 *hours including weekend care, night and shift care, before and*
23 *after school care, and care during holidays and vacation.*

24 (3) ~~Child care~~ *Early learning and educational support services*
25 *provided for infants and toddlers, preschool, and schoolage*
26 *children.*

27 ~~(i)~~

28 ~~(m) The Superintendent of Public Instruction~~ *be responsible for*
29 *the establishment of a public hearing process or other public input*
30 *process that ensures the participation of those agencies directly*
31 *affected by a particular section or sections of this chapter.*

32 (n) *The department consolidate contracts for agencies providing*
33 *direct classroom programs into a single contract in order to ease*
34 *administration, to reduce reporting and auditing requirements,*
35 *and to ensure that special populations continue to receive services*
36 *and support.*

37 (o) *The department administer the alternative payment and*
38 *CalWORKs Stage 2 and 3 programs in order to maximize and*
39 *support parental choice in educator, professional, or caregiver*
40 *selection.*

1 (p) *The department review existing resources and opportunities*
2 *for consumer education in order to expose parents to a variety of*
3 *strategies and learning opportunities to support caregiver choices.*
4 *These resources should include information on all of the following:*

- 5 (1) *The options that are available.*
- 6 (2) *The benefits of each option.*
- 7 (3) *The educational and socioemotional development of*
8 *expectations of children at various ages.*

9 (q) *The department review a variety of existing requirements*
10 *in order to consider alternatives that reduce administrative burden*
11 *and cost and streamline program administration.*

12 (r) *As additional funding becomes available, the department*
13 *review options to implement a statewide quality rating and*
14 *improvement system to obtain data on the success of California's*
15 *early learning and educational support programs, including*
16 *program quality improvements and early educator and child*
17 *outcomes.*

18 SEC. 5. *Section 8202.1 is added to the Education Code, to*
19 *read:*

20 8202.1. *The Legislature recognizes the importance of a*
21 *culturally and linguistically diverse early educator workforce in*
22 *our early learning and educational support programs to support*
23 *school readiness and improved child outcomes. Sustained support*
24 *of the professional development and preparation of educators and*
25 *professionals in the field of early learning and educational support*
26 *services includes, but is not limited to, the following:*

- 27 (a) *Academic support.*
- 28 (b) *Higher education articulation.*
- 29 (c) *A career ladder with periodic updates.*
- 30 (d) *Evidence-based coaching and mentoring.*
- 31 (e) *Child-teacher interaction.*
- 32 (f) *Training on research-based tools and resources aligned to*
33 *California preschool learning foundations, frameworks, and*
34 *guidelines, and California early childhood educator competencies.*
- 35 (g) *Retention of high-quality educators.*
- 36 (h) *Adequate compensation and incentives for professional*
37 *growth.*
- 38 (i) *Efficient program administration.*

39 SEC. 6. *Section 8203 of the Education Code is amended to*
40 *read:*

- 1 8203. The Superintendent of ~~Public Instruction~~ shall develop
 2 standards for the implementation of ~~quality~~ *high-quality early*
 3 *learning and educational support* programs. Indicators of quality
 4 shall include, but not be limited to:
- 5 (a) A physical environment that is safe and appropriate to the
 6 *ages and developmental needs* of the children and that meets
 7 applicable licensing standards.
 - 8 (b) Program activities and services that are age appropriate and
 9 meet the developmental needs of each child, *and utilize the*
 10 *California preschool learning foundations, frameworks, and*
 11 *guidelines, and California early childhood educator competencies.*
 - 12 (c) Program activities and services that meet the cultural and
 13 linguistic needs of children and families.
 - 14 (d) Family and community ~~involvement~~ *engagement.*
 - 15 (e) Parent education.
 - 16 (f) Efficient and effective local program administration.
 - 17 ~~(g) Staff that possesses the appropriate and required~~
 18 ~~qualifications or experience, or both. The appropriate staff~~
 19 ~~qualifications shall reflect the diverse linguistic and cultural~~
 20 ~~makeup of the children and families in the child care and~~
 21 ~~development program. The use of intergenerational staff shall be~~
 22 ~~encouraged.~~
 - 23 (g) *Educators who:*
 - 24 (1) *Foster school readiness, healthy development, and improved*
 25 *child outcomes.*
 - 26 (2) *Are culturally and linguistically diverse and reflect the*
 27 *makeup of children and families in the program.*
 - 28 (3) *Possess the appropriate and required educational*
 29 *qualifications and experience, including credentials or permits,*
 30 *as specified by the Commission on Teacher Credentialing and who*
 31 *meet applicable licensing standards.*
 - 32 (4) *Meet children's instructional and developmental needs.*
 - 33 (5) *Provide positive teacher-child interactions.*
 - 34 (h) Program activities and services ~~that~~ meet the needs of
 35 children with exceptional needs *and diverse abilities*, and their
 36 families.
 - 37 (i) Support services for children, families, and ~~providers of care~~
 38 *early learning educators.*
 - 39 (j) Resource and referral services.
 - 40 (k) Alternative payment services.

1 (l) Provision for nutritional needs *and physical activity* of
2 children.

3 (m) Social services that include, but are not limited to, *child*
4 *abuse prevention*, identification of child and family needs, and
5 referral to appropriate agencies.

6 (n) ~~Health~~ *Developmental and health services, as defined in*
7 *Section 8208*, that include referral of children to appropriate
8 agencies for services.

9 *SEC. 7. Section 8203.5 of the Education Code is amended to*
10 *read:*

11 8203.5. (a) The Superintendent shall ensure that each contract
12 entered into under this chapter to provide ~~child care and~~
13 ~~development~~ *early learning and educational support* services, or
14 to facilitate the provision of those services, ~~provides support to~~
15 ~~the public school system of this state~~ *promotes children's school*
16 *readiness and subsequent school success* through the delivery of
17 appropriate *high-quality* educational services to the children served
18 pursuant to the contract.

19 (b) The Superintendent shall ensure that all contracts for ~~child~~
20 ~~care and development~~ *direct classroom services* programs include
21 a requirement that each ~~public or private~~ provider maintain a
22 developmental profile to appropriately identify the emotional,
23 social, physical, and cognitive growth of each child served in order
24 to promote the child's success in the public schools. To the extent
25 possible, the department shall provide a developmental profile to
26 all public and private providers using existing profile instruments
27 that are most cost efficient. The provider of any program operated
28 pursuant to a contract under Section 8262 shall be responsible for
29 maintaining developmental profiles upon entry through exit from
30 a ~~child development~~ *direct classroom services* program.

31 (c) This section is not subject to Part 34 (commencing with
32 Section 62000) of Division 4 of Title 2.

33 ~~(d) This section shall become operative on July 1, 2011.~~

34 *SEC. 8. Section 8204 of the Education Code is amended to*
35 *read:*

36 8204. In recognition of the demonstrated relationship between
37 food and good nutrition and the capacity of children to develop
38 and learn, it is the policy of this state that no child shall be hungry
39 while in attendance in a ~~child care and development facilities~~
40 *facility* as defined in Section 8208 and that ~~child development~~

1 *these* facilities have an obligation to provide for the nutritional
2 needs of children in attendance.

3 *SEC. 9. Section 8205 of the Education Code is amended to*
4 *read:*

5 8205. It is the intent of the Legislature that in providing ~~child~~
6 ~~development~~ *early learning and educational support* programs
7 the Superintendent of Public Instruction ~~give~~ *do the following:*

8 (a) *Develop an early learning and educational support system*
9 *that allows maximum parental choice by providing both direct*
10 *classroom and alternative payment services.*

11 (b) *Give* priority to children of families that qualify under
12 applicable federal statutes or regulations as recipients of public
13 assistance and other low-income and disadvantaged families.
14 Federal reimbursement shall be claimed for any child receiving
15 services under this chapter for whom federal funds are available.

16 *SEC. 10. Section 8208 of the Education Code is amended to*
17 *read:*

18 8208. As used in this chapter:

19 (a) “Alternative payments” includes payments that are made by
20 one child care agency to another agency or child care provider for
21 the provision of ~~child care and development~~ *early learning and*
22 *educational support* services, and payments that are made by an
23 agency to a parent for the parent’s purchase of ~~child care and~~
24 ~~development~~ *early learning and educational support* services.

25 (b) “Alternative payment program” means a local government
26 agency or nonprofit organization that has contracted with the
27 department pursuant to Section 8220.1 to provide alternative
28 payments and to provide support services to parents and providers.

29 (c) “Applicant or contracting agency” means a school district,
30 community college district, college or university, county
31 superintendent of schools, county, city, public agency, private
32 nontax-exempt agency, private tax-exempt agency, or other entity
33 that is authorized to establish, maintain, or operate services
34 pursuant to this chapter. Private agencies and parent cooperatives,
35 duly licensed by law, shall receive the same consideration as any
36 other authorized entity with no loss of parental decisionmaking
37 prerogatives as consistent with the provisions of this chapter.

38 (d) “Assigned reimbursement rate” is that rate established by
39 the contract with the agency and is derived by dividing the total

1 dollar amount of the contract by the minimum child day of average
2 daily enrollment level of service required.

3 (e) (1) “Attendance” means the number of children present at
4 a child care and development facility *where services are provided.*
5 “Attendance,” for

6 (2) *For purposes of reimbursement, to direct classroom*
7 *programs, attendance includes excused absences by of children*
8 *because of illness, quarantine, illness or quarantine of their parent,*
9 *family emergency, or to spend time with a parent or other relative*
10 *as required by a court of law or that is clearly in the best interest*
11 *of the child.*

12 (3) *For purposes of reimbursement to providers through an*
13 *alternative payment services program, attendance includes either*
14 *of the following:*

15 (A) *The hours of service provided that are broadly consistent*
16 *with certified hours of need.*

17 (B) *In the case of license-exempt providers that provide*
18 *part-time services, the actual days and hours of attendance.*

19 (f) “Capital outlay” means the amount paid for the renovation
20 and repair of child care and development facilities to comply with
21 state and local health and safety standards, and the amount paid
22 for the state purchase of relocatable child care and development
23 facilities for lease to qualifying contracting agencies.

24 (g) “Caregiver” means a person who provides direct care,
25 supervision, and guidance to children in a child care and
26 development facility.

27 (h) “Child care and development facility” means a residence or
28 building or part thereof *of a residence or building in which child*
29 *care and development early learning and educational support*
30 *services are provided.*

31 (i) ~~“Child care and development programs” means those~~
32 ~~programs that offer a full range of services for children from~~
33 ~~infancy to 13 years of age, for any part of a day, by a public or~~
34 ~~private agency, in centers and family child care homes. These~~
35 ~~programs include, but are not limited to, all of the following:~~

36 (1) ~~General child care and development.~~

37 (2) ~~Migrant child care and development.~~

38 (3) ~~Child care provided by the California School Age Families~~
39 ~~Education Program (Article 7.1 (commencing with Section 54740)~~
40 ~~of Chapter 9 of Part 29 of Division 4 of Title 2).~~

- 1 ~~(4) California state preschool program.~~
- 2 ~~(5) Resource and referral.~~
- 3 ~~(6) Child care and development services for children with~~
- 4 ~~exceptional needs.~~
- 5 ~~(7) Family child care home education network.~~
- 6 ~~(8) Alternative payment.~~
- 7 ~~(9) Schoolage community child care.~~
- 8 ~~(j) “Child care and development services” means those services~~
- 9 ~~designed to meet a wide variety of needs of children and their~~
- 10 ~~families, while their parents or guardians are working, in training,~~
- 11 ~~seeking employment, incapacitated, or in need of respite. These~~
- 12 ~~services may include direct care and supervision, instructional~~
- 13 ~~activities, resource and referral programs, and alternative payment~~
- 14 ~~arrangements.~~
- 15 ~~(k)~~
- 16 ~~(i) “Children at risk of abuse, neglect, or exploitation” means~~
- 17 ~~children who are so identified in a written referral from a legal,~~
- 18 ~~medical, or social service agency, or emergency shelter.~~
- 19 ~~(h)~~
- 20 ~~(j) “Children with exceptional needs” means either of the~~
- 21 ~~following:~~
- 22 ~~(1) Infants and toddlers under three years of age who have been~~
- 23 ~~determined to be eligible for early intervention services pursuant~~
- 24 ~~to the California Early Intervention Services Act (Title 14~~
- 25 ~~(commencing with Section 95000) of the Government Code) and~~
- 26 ~~its implementing regulations. These children include an infant or~~
- 27 ~~toddler with a developmental delay or established risk condition,~~
- 28 ~~or who is at high risk of having a substantial developmental~~
- 29 ~~disability, as defined in subdivision (a) of Section 95014 of the~~
- 30 ~~Government Code. These children shall have active individualized~~
- 31 ~~family service plans, shall be receiving early intervention services,~~
- 32 ~~and shall be children who require the special attention of adults in~~
- 33 ~~a child care setting.~~
- 34 ~~(2) Children 3 to 21 years of age, inclusive, who have been~~
- 35 ~~determined to be eligible for special education and related services~~
- 36 ~~by an individualized education program team according to the~~
- 37 ~~special education requirements contained in Part 30 (commencing~~
- 38 ~~with Section 56000) of Division 4 of Title 2, and who meet~~
- 39 ~~eligibility criteria described in Section 56026 and, Article 2.5~~
- 40 ~~(commencing with Section 56333) of Chapter 4 of Part 30 of~~

1 Division 4 of Title 2, and Sections 3030 and 3031 of Title 5 of the
2 California Code of Regulations. These children shall have an active
3 individualized education program, shall be receiving early
4 intervention services or appropriate special education and related
5 services, and shall be children who require the special attention of
6 adults in a child care setting. These children include children with
7 intellectual disabilities, hearing impairments (including deafness),
8 speech or language impairments, visual impairments (including
9 blindness), serious emotional disturbance (also referred to as
10 emotional disturbance), orthopedic impairments, autism, traumatic
11 brain injury, other health impairments, or specific learning
12 disabilities, who need special education and related services
13 consistent with Section 1401(3)(A) of Title 20 of the United States
14 Code.

15 ~~(m)~~

16 (k) “Closedown costs” means reimbursements for all approved
17 activities associated with the closing of operations at the end of
18 each growing season for migrant ~~child development programs~~
19 *services* only.

20 ~~(n)~~

21 (l) “Cost” includes, but is not limited to, expenditures that are
22 related to the operation of ~~child care and development~~ *early*
23 *learning and educational support* programs. “Cost” may include
24 a reasonable amount for state and local contributions to employee
25 benefits, including approved retirement programs, agency
26 administration, and any other reasonable program operational
27 costs. “Cost” may also include amounts for licensable facilities in
28 the community served by the program, including lease payments
29 or depreciation, downpayments, and payments of principal and
30 interest on loans incurred to acquire, rehabilitate, or construct
31 licensable facilities, but these costs shall not exceed fair market
32 rents existing in the community in which the facility is located.
33 “Reasonable and necessary costs” are costs that, in nature and
34 amount, do not exceed what an ordinary prudent person would
35 incur in the conduct of a competitive business.

36 (m) “*Developmental and health services*” include, but are not
37 limited to, all of the following:

38 (1) *Referral, whenever possible, to appropriate health care*
39 *providers able to provide continuity of medical care.*

1 (2) *Developmental and health screening and health treatment,*
2 *including a full range of immunization recorded on the appropriate*
3 *state immunization form to the extent provided by the Medi-Cal*
4 *Act (Chapter 7 (commencing with Section 14000) of Part 3 of*
5 *Division 9 of the Welfare and Institutions Code) and the Child*
6 *Health and Disability Prevention Program (Article 6 (commencing*
7 *with Section 124025) of Chapter 3 of Part 2 of Division 106 of the*
8 *Health and Safety Code), but only to the extent that ongoing care*
9 *cannot be obtained utilizing community resources.*

10 (3) *Health education and training for children, parents, staff,*
11 *and providers.*

12 (4) *Followup treatment through referral to appropriate health*
13 *care agencies or individual health care professionals.*

14 (n) *“Direct classroom programs” means early learning and*
15 *educational support programs that serve children from birth to*
16 *13 years of age, including, but not limited to, services for infants*
17 *and toddlers, preschool age children, schoolage children, and*
18 *children of migrant agricultural worker families.*

19 (o) *“Direct classroom services” means direct classroom*
20 *programs, family child care home education networks, and*
21 *programs that serve severely disabled children, that are*
22 *administered by the Superintendent pursuant to Article 5*
23 *(commencing with Section 8228).*

24 (p) *“Early learning and educational support programs” means*
25 *those programs that offer a full range of services designed to meet*
26 *a wide variety of needs of children, from birth to 13 years of age,*
27 *and their families. Services provided by an applicant or contracting*
28 *agency, may be for any part of the day that a parent is working,*
29 *in training, seeking employment, incapacitated, or in need of*
30 *respite. These services may include, but are not limited to, direct*
31 *classroom and alternative payment services.*

32 (⊖)

33 (q) *“Elementary school,” as contained in former Section 425 of*
34 *Title 20 of the United States Code (the National Defense Education*
35 *Act of 1958, Public Law 85-864, as amended), includes early*
36 *childhood education programs and ~~all-child-development~~ early*
37 *learning and educational support programs, for the purpose of the*
38 *cancellation provisions of loans to students in institutions of higher*
39 *learning.*

40 (Ⓟ)

1 (r) “Family child care home education network” means an entity
2 organized under law that contracts with the department pursuant
3 to Section 8245 to make payments to licensed family child care
4 home providers and to provide educational and support services
5 to those providers and to children and families eligible for
6 state-subsidized ~~child care and development~~ *early learning and*
7 *educational support* services. A family child care home education
8 network may also be referred to as a family child care home system.

9 (q) ~~“Health services” include, but are not limited to, all of the~~
10 ~~following:~~

11 (1) ~~Referral, whenever possible, to appropriate health care~~
12 ~~providers able to provide continuity of medical care.~~

13 (2) ~~Health screening and health treatment, including a full range~~
14 ~~of immunization recorded on the appropriate state immunization~~
15 ~~form to the extent provided by the Medi-Cal Act (Chapter 7~~
16 ~~(commencing with Section 14000) of Part 3 of Division 9 of the~~
17 ~~Welfare and Institutions Code) and the Child Health and Disability~~
18 ~~Prevention Program (Article 6 (commencing with Section 124025)~~
19 ~~of Chapter 3 of Part 2 of Division 106 of the Health and Safety~~
20 ~~Code), but only to the extent that ongoing care cannot be obtained~~
21 ~~utilizing community resources.~~

22 (3) ~~Health education and training for children, parents, staff,~~
23 ~~and providers.~~

24 (4) ~~Followup treatment through referral to appropriate health~~
25 ~~care agencies or individual health care professionals.~~

26 (r)

27 (s) “Higher educational institutions” means the Regents of the
28 University of California, the Trustees of the California State
29 University, the Board of Governors of the California Community
30 Colleges, and the governing bodies of any accredited private
31 nonprofit institution of postsecondary education.

32 (s)

33 (t) “Intergenerational staff” means persons of various
34 generations.

35 (t)

36 (u) “Limited-English-speaking-proficient and
37 non-English-speaking-proficient children” means children who
38 are unable to benefit fully from an English-only ~~child care and~~
39 ~~development~~ *early learning and educational support* program as
40 a result of either of the following:

1 (1) Having used a language other than English when they first
2 began to speak.

3 (2) Having a language other than English predominantly or
4 exclusively spoken at home.

5 ~~(t)~~

6 (v) “Parent” means a biological parent, stepparent, adoptive
7 parent, foster parent, caretaker relative, or any other adult living
8 with a child who has responsibility for the care and welfare of the
9 child.

10 ~~(v)~~

11 (w) “Program director” means a person who, pursuant to
12 Sections 8244 and 8360.1, is qualified to serve as a program
13 director.

14 ~~(w)~~

15 (x) “~~Proprietary-child-care agency~~” means an organization or
16 facility providing ~~child-care~~, *early learning and educational*
17 *support services*, which is operated for profit.

18 ~~(x)~~

19 (y) “Resource and referral programs” means programs that
20 provide information to parents, including referrals and coordination
21 of community resources for parents and public or private providers
22 of care. Services frequently include, but are not limited to: technical
23 assistance for providers, toy-lending libraries, equipment-lending
24 libraries, toy- and equipment-lending libraries, staff development
25 programs, health and nutrition education, and referrals to social
26 services.

27 ~~(y)~~

28 (z) “Severely disabled children” are children with exceptional
29 needs from birth to 21 years of age, inclusive, who require intensive
30 instruction and training in programs serving pupils with the
31 following profound disabilities: autism, blindness, deafness, severe
32 orthopedic impairments, serious emotional disturbances, or severe
33 intellectual disabilities. “Severely disabled children” also include
34 those individuals who would have been eligible for enrollment in
35 a developmental center for handicapped pupils under Chapter 6
36 (commencing with Section 56800) of Part 30 of Division 4 of Title
37 2 as it read on January 1, 1980.

38 ~~(z)~~

39 (aa) “Short-term respite child care” means child care service to
40 assist families whose children have been identified through written

1 referral from a legal, medical, or social service agency, or
2 emergency shelter as being neglected, abused, exploited, or
3 homeless, or at risk of being neglected, abused, exploited, or
4 homeless. Child care is provided for less than 24 hours per day in
5 child care centers, treatment centers for abusive parents, family
6 child care homes, or in the child’s own home.

7 ~~(aa) (1)~~

8 *(ab)* “Site supervisor” means a person who, regardless of his or
9 her title, has operational program responsibility for ~~a child care~~
10 ~~and development~~ *an early learning and educational support*
11 program at a single site. A site supervisor shall hold a permit *or*
12 *credential* issued by the Commission on Teacher Credentialing
13 that authorizes supervision of ~~a child care and development~~ *an*
14 *early learning and educational support* program operating in a
15 single site. The Superintendent may waive the requirements of this
16 subdivision if the Superintendent determines that the existence of
17 compelling need is appropriately documented.

18 ~~(2) For California state preschool programs, a site supervisor~~
19 ~~may qualify under any of the provisions in this subdivision, or~~
20 ~~may qualify by holding an administrative credential or an~~
21 ~~administrative services credential. A person who meets the~~
22 ~~qualifications of a program director under both Sections 8244 and~~
23 ~~8360.1 is also qualified under this subdivision.~~

24 ~~(ab)~~

25 *(ac)* “Standard reimbursement rate” means that rate established
26 by the Superintendent pursuant to Section 8265.

27 ~~(ae)~~

28 *(ad)* “Startup costs” means those expenses an agency incurs in
29 the process of opening a new or additional facility before the full
30 enrollment of children.

31 ~~(ad)~~

32 *(ae)* “California state preschool ~~program~~” *program services*
33 means part-day and full-day educational programs *and services*
34 *designed to facilitate the transition to kindergarten* for low-income
35 or otherwise disadvantaged three- and four-year-old children.

36 ~~(ae)~~

37 *(af)* “Support services” means those services that, when
38 combined with ~~child care and development~~ *early learning and*
39 *educational support* services, help promote the healthy physical,
40 mental, social, and emotional growth of children. Support services

1 include, but are not limited to: protective services, parent training,
2 provider and staff training, transportation, parent and child
3 counseling, ~~child development~~ resource and referral services, and
4 child placement counseling.

5 ~~(af)~~

6 (ag) “Teacher” means a person with the appropriate permit
7 issued by the Commission on Teacher Credentialing who provides
8 program supervision and instruction that includes supervision of
9 a number of aides, volunteers, and groups of children.

10 ~~(ag)~~

11 (ah) “Underserved area” means a county or subcounty area,
12 including, but not limited to, school districts, census tracts, or ZIP
13 Code areas, where the ratio of publicly subsidized ~~child care and~~
14 ~~development~~ *early learning and educational support* program
15 services to the need for these services is low, as determined by the
16 Superintendent.

17 ~~(ah)~~

18 (ai) “Workday” means the time that the parent requires
19 temporary care for a child for any of the following reasons:

- 20 (1) To undertake training in preparation for a job.
21 (2) To undertake or retain a job.
22 (3) To undertake other activities that are essential to maintaining
23 or improving the social and economic function of the family, are
24 beneficial to the community, or are required because of health
25 problems in the family.

26 ~~(ai)~~

27 (aj) “Three-year-old children” means children who will have
28 their third birthday on or before the date specified of the fiscal
29 year in which they are enrolled in a California state preschool
30 program, as follows:

- 31 (1) November 1 of the 2012–13 fiscal year.
32 (2) October 1 of the 2013–14 fiscal year.
33 (3) September 1 of the 2014–15 fiscal year and each fiscal year
34 thereafter.

35 ~~(aj)~~

36 (ak) “Four-year-old children” means children who will have
37 their fourth birthday on or before the date specified of the fiscal
38 year in which they are enrolled in a California state preschool
39 program, as follows:

- 40 (1) November 1 of the 2012–13 fiscal year.

1 (2) October 1 of the 2013–14 fiscal year.
2 (3) September 1 of the 2014–15 fiscal year and each fiscal year
3 thereafter.

4 ~~(ak)~~

5 (al) “Local educational agency” means a school district, a county
6 office of education, a community college district, or a school
7 district on behalf of one or more schools within the school district.

8 *SEC. 11. Section 8208.1 of the Education Code is amended to*
9 *read:*

10 8208.1. ~~Child-care-Care~~ exempt from licensure is a valid
11 parental choice of care for all programs provided for under this
12 part, and no provision of this part shall be construed to exclude or
13 discourage the exercise of that choice.

14 *SEC. 12. Section 8208.5 of the Education Code is amended to*
15 *read:*

16 8208.5. Notwithstanding any other provision of law, ~~child care~~
17 ~~and development~~ *early learning and educational support* programs,
18 as defined in Section 8208, shall include, but not be limited to,
19 respite child care ~~and development~~.

20 *SEC. 13. Section 8209 of the Education Code is amended to*
21 *read:*

22 8209. (a) If a state of emergency is declared by the Governor,
23 the Superintendent ~~of Public Instruction~~ may waive any
24 requirements of this code or regulations adopted pursuant to this
25 code relating to ~~child care and development~~ *early learning and*
26 *educational support* programs operated pursuant to this chapter
27 only to the extent that enforcement of the regulations or
28 requirements would directly impede disaster relief and recovery
29 efforts or would disrupt the current level of service in ~~child care~~
30 ~~and development~~ *early learning and educational support* programs.

31 (b) If a state of emergency is declared by the Governor, the
32 Superintendent ~~of Public Instruction~~ may waive, any requirements
33 of this code or regulations adopted pursuant to this code relating
34 to child nutrition programs in ~~child care and development~~ *early*
35 *learning and educational support* programs operated pursuant to
36 this chapter only to the extent that enforcement of the regulations
37 or requirements would directly impede disaster relief and recovery
38 efforts or would disrupt the current level of service in ~~child care~~
39 ~~and development~~ *early learning and educational support* programs.

1 (c) A waiver granted pursuant to subdivision (a) or (b) shall not
2 exceed 45 calendar days.

3 (d) For purposes of this section, “state of emergency” includes
4 fire, flood, earthquake, or a period of civil unrest.

5 (e) If a request for a waiver pursuant to subdivision (a) or (b)
6 is for ~~a child care and development~~ *an early learning and*
7 *educational support* program or child nutrition program that
8 receives federal funds and the waiver may be inconsistent with the
9 state plan or any federal law or regulations governing the program,
10 the Superintendent of ~~Public Instruction~~ shall seek and obtain
11 approval of the waiver from the appropriate federal agency ~~prior~~
12 ~~to~~ *before* granting the waiver.

13 *SEC. 14. Section 8210 of the Education Code is amended to*
14 *read:*

15 8210. Funds appropriated for the purpose of this chapter may
16 be used for ~~child care~~ resource and referral programs ~~which that~~
17 may be operated by public or private nonprofit entities.

18 *SEC. 15. Section 8211 of the Education Code is amended to*
19 *read:*

20 8211. It is the intent of the Legislature that one hundred eighty
21 thousand dollars (\$180,000) be appropriated each fiscal year for
22 allocation to ~~child care and development~~ resource and referral
23 agencies operated by local educational agencies for the purpose
24 of the ~~child care~~ resources and referral program set forth in this
25 article.

26 *SEC. 16. Section 8212 of the Education Code is amended to*
27 *read:*

28 8212. For purposes of this article, ~~child care~~ resource and
29 referral programs, established to serve a defined geographic area,
30 shall provide the following services:

31 (a) Identification of the full range of existing ~~child care~~ services
32 through information provided by all relevant public and private
33 agencies in the areas of service, and the development of a resource
34 file of those services ~~which that~~ shall be maintained and updated
35 at least quarterly. These services shall include, but not be limited
36 to, *early learning and educational support programs*, family day
37 care homes, public and private day care programs, full-time and
38 part-time programs, and infant, *toddler*, preschool, and extended
39 care programs.

1 The resource file shall include, but not be limited to, the
2 following information:

- 3 (1) Type of program.
- 4 (2) Hours of service.
- 5 (3) Ages of children served.
- 6 (4) Fees and eligibility for services.
- 7 (5) Significant program information.

8 (b) (1) Establishment of a referral process ~~which~~ *that* responds
9 to parental need for information and ~~which~~ *that* is provided with
10 full recognition of the confidentiality rights of parents. Resource
11 and referral programs shall make referrals to licensed child day
12 care facilities. Referrals shall be made to unlicensed care facilities
13 only if there is no requirement that the facility be licensed. The
14 referral process shall afford parents maximum access to all referral
15 information. This access shall include, but is not limited to,
16 telephone referrals to be made available for at least 30 hours per
17 week as part of a full week of operation. Every effort shall be made
18 to reach all parents within the defined geographic area, including,
19 but not limited to, any of the following:

- 20 (A) Toll-free telephone lines.
- 21 (B) Office space convenient to parents and providers.
- 22 (C) Referrals in languages which are spoken in the community.

23 Each ~~child care~~ resource and referral program shall publicize its
24 services through all available media sources, agencies, and other
25 appropriate methods.

26 (2) (A) Provision of information to any person who requests a
27 ~~child care~~ referral of his or her right to view the licensing
28 information of a licensed child day care facility required to be
29 maintained at the facility pursuant to Section 1596.859 of the
30 Health and Safety Code and to access any public files pertaining
31 to the facility that are maintained by the State Department of Social
32 Services Community Care Licensing Division.

33 (B) A written or oral advisement in substantially the following
34 form will comply with the requirements of subparagraph (A):

35 “State law requires licensed child day care facilities to make
36 accessible to the public a copy of any licensing report pertaining
37 to the facility that documents a facility visit or a substantiated
38 complaint investigation. In addition, a more complete file regarding
39 a child care licensee may be available at an office of the State
40 Department of Social Services Community Care Licensing

1 Division. You have the right to access any public information in
2 these files.”

3 (c) Maintenance of ongoing documentation of requests for
4 service tabulated through the internal referral process. The
5 following documentation of requests for service shall be maintained
6 by all ~~child care~~ resource and referral programs:

7 (1) Number of calls and contacts to the ~~child care~~ information
8 and referral program or component.

9 (2) Ages of children served.

10 (3) Time category of ~~child care~~ request for each child.

11 (4) Special time category, such as nights, weekends, and swing
12 shift.

13 (5) Reason that the ~~child care~~ is needed.

14 This information shall be maintained in a manner that is easily
15 accessible for dissemination purposes.

16 (d) Provision of technical assistance to existing and potential
17 providers of all types of ~~child care~~ services. This assistance shall
18 include, but not be limited to:

19 (1) Information on all aspects of initiating new ~~child care~~
20 services including, but not limited to, licensing, zoning, program
21 and budget development, and assistance in finding this information
22 from other sources.

23 (2) Information and resources that help existing ~~child care~~
24 ~~services~~ providers to maximize their ability to serve the children
25 and parents of their community.

26 (3) Dissemination of information on current public issues
27 affecting the local and state delivery of ~~child care~~ services.

28 (4) Facilitation of communication between existing child care
29 and child-related services providers in the community served.

30 Services prescribed by this section shall be provided in order to
31 maximize parental choice in the selection of ~~child care~~ to facilitate
32 the maintenance and development of ~~child care~~ services and
33 resources.

34 (e) (1) A program operating pursuant to this article shall, within
35 two business days of receiving notice, remove a licensed child day
36 care facility with a revocation or a temporary suspension order, or
37 that is on probation from the program’s referral list.

38 (2) A program operating pursuant to this article shall, within
39 two business days of receiving notice, notify all entities, operating
40 a program under Article 3 (commencing with Section 8220) and

1 Article 15.5 (commencing with Section 8350) in the program’s
2 jurisdiction, of a licensed child day care facility with a revocation
3 or a temporary suspension order, or that is on probation.

4 *SEC. 17. Section 8212.3 of the Education Code is amended to*
5 *read:*

6 8212.3. (a) In addition to the services described in Section
7 8212, a ~~child-care~~ resource and referral program, established to
8 serve a defined geographic area, may provide short-term respite
9 child care. “Short-term respite care,” for purposes of this article,
10 means temporary child care services to do any of the following:

11 (1) Provide services to families identified and referred by child
12 protective agencies.

13 (2) Relieve the stress caused by child abuse, neglect, or
14 exploitation, or the risk of abuse, neglect, or exploitation.

15 (3) Assist parents who, because of serious illness or injury,
16 homelessness, or family crisis, including temporary absence from
17 the home because of illness or injury, would be unable without
18 assistance to provide the normal care and nurture expected of
19 parents.

20 (4) Provide temporary relief to parents from the care of children
21 with exceptional needs.

22 (b) Pursuant to the delivery of short-term respite child care
23 services, priority shall be given for the provision of services to
24 families identified and referred by child protective agencies, to
25 relieve the stress caused by child abuse, neglect, or exploitation,
26 or the risks thereof, as described in paragraphs (1) and (2) of
27 subdivision (a). Priority shall be given to assist parents and to
28 provide temporary relief to parents, as described in paragraphs (3)
29 and (4) of subdivision (a) to the extent that resources are available.

30 *SEC. 18. Section 8213 of the Education Code is amended to*
31 *read:*

32 8213. All ~~child-care~~ resource and referral services shall be
33 provided in a manner ~~which~~ *that* is responsive to the diverse
34 cultural, linguistic, and economic needs of a defined geographic
35 area of service.

36 *SEC. 19. Section 8214 of the Education Code is amended to*
37 *read:*

38 8214. ~~Child-care resources~~ *(a) Resource and referral services*
39 *shall be provided to all persons requesting services and to all types*
40 *of ~~child-care~~ eligible providers, regardless of income level or other*

1 eligibility criteria. In addition to the services prescribed by this
2 section, ~~child care~~ resource and referral may provide a wide variety
3 of parent and provider support and educational services.

4 (b) (1) *To assist parents in making informed choices about the*
5 *available types of care, all families determined eligible for and*
6 *receiving services through the alternative payment program*
7 *pursuant to Article 3 (commencing with Section 8220) and all*
8 *parents determined eligible for and receiving services through the*
9 *CalWORKs Stage 2 and Stage 3 programs pursuant to Article 15.5*
10 *(commencing with Section 8350) shall be provided parent*
11 *information resources.*

12 (2) *These informational resources shall be provided at the time*
13 *the family is determined eligible for services and at recertification*
14 *of eligibility, pursuant to Section 8220.5, so that parents may make*
15 *informed choices about services available.*

16 (3) *These informational resources shall include options that*
17 *both offer a safe, caring, and age-appropriate early learning and*
18 *educational support environment for children, as well as support*
19 *the parents' work activity and shall also describe indicators of*
20 *high-quality early learning and educational support options*
21 *pursuant to subparagraphs (A) to (G), inclusive, of paragraph (4).*

22 (4) *Resource and referral agencies may utilize resources from*
23 *a certified list posted on the department's Internet Web site,*
24 *pursuant to subdivision (c), or may develop local resources that*
25 *shall include, but are not limited to:*

26 (A) *Information regarding how to select services that meet the*
27 *needs of the parent and child.*

28 (B) *Information on licensing requirements and procedures for*
29 *centers and family child care homes.*

30 (C) *Trustline requirements for family child care homes and*
31 *license-exempt providers.*

32 (D) *A range of possible early learning and educational support*
33 *options from which a parent may choose.*

34 (E) *Information on available care subsidies and eligibility*
35 *requirements.*

36 (F) *Quality indicators including provider or educator training,*
37 *accreditation, staff stability, group size, ratio of children to staff,*
38 *environments that support the healthy development of children,*
39 *parent involvement and parent-provider communication.*

1 (G) Information on quality rating and improvement systems,
2 where available.

3 (c) The department shall develop and certify a list of high-quality
4 early learning and educational support resources to demonstrate
5 high-quality options available to parents. The list of certified
6 resources shall be posted and maintained on the department's
7 Internet Web site.

8 SEC. 20. Section 8215 of the Education Code is amended to
9 read:

10 8215. (a) There is hereby established a project known as the
11 California Child Care Initiative Project. It is the intent of the
12 Legislature to promote and foster the project in cooperation with
13 private corporations and local governments. The objective of the
14 project is to increase the availability of quality ~~child care~~ programs
15 in the state.

16 (b) For purposes of this section, the California Child Care
17 Initiative Project means a project to expand the role and functions
18 of selected resource and referral agencies in activities including
19 needs assessment, recruitment and screening of providers, technical
20 assistance, and staff development and training, in order to aid
21 communities in increasing their capability in the number of ~~child~~
22 ~~care~~ spaces available and the quality of ~~child care~~ services offered.

23 (c) The Superintendent of ~~Public Instruction~~ shall allocate all
24 state funds appropriated for the California Child Care Initiative
25 Project for the purpose of making grants to those ~~child care~~
26 resource and referral agencies that have been selected as pilot sites
27 for the project.

28 (d) The project shall ensure that each dollar of state funds
29 allocated pursuant to subdivision (c) is matched by two dollars
30 (\$2) from other sources, including private corporations, the federal
31 government, or local governments.

32 (e) The grants to the sites made available by the project shall
33 be comprised of a combination of state funds and other funds
34 pursuant to subdivision (d).

35 (f) The Superintendent of ~~Public Instruction~~ shall develop a ~~data~~
36 ~~base~~ *database* for the project.

37 SEC. 21. Section 8216 of the Education Code is amended to
38 read:

39 8216. When making referrals, every agency operating ~~both~~ a
40 ~~direct-service classroom services program or an alternative~~

1 *payment* program and a resource and referral program shall provide
 2 at least four referrals, at least one of which shall be a provider over
 3 which the agency has no fiscal or operational control, as well as
 4 information to a family on the family's ability to choose a license
 5 exempt provider.

6 *SEC. 22. Section 8220 of the Education Code is amended to*
 7 *read:*

8 8220. Upon the approval of the ~~State Department of Education,~~
 9 *department*, funds appropriated for the purposes of this chapter
 10 may be used for alternative payment programs to allow for
 11 maximum parental choice. Various methods of reimbursement for
 12 parental costs for ~~child~~ care may be utilized. All payment
 13 arrangements shall conform to the eligibility criteria and the parent
 14 fee schedule established pursuant to Sections 8263 and 8265.

15 To provide for maximum parental choice, alternative payment
 16 programs may include the following:

17 (a) A subsidy that follows the family from one provider to
 18 another within a given alternative payment program.

19 (b) Choices, whenever possible, among hours of service
 20 including before and after school, evenings, weekends, and split
 21 shifts.

22 (c) ~~Child care and development~~ *Early learning and educational*
 23 *support* services according to parental choice, including use of
 24 family day care homes, general center based programs, and other
 25 state-funded programs to the extent that those programs exist in
 26 the general service area and are in conformity with the purposes
 27 and applicable laws for which those programs were established,
 28 but excluding *California* state preschool ~~programs~~ *program*
 29 *services*.

30 *SEC. 23. Section 8220.1 of the Education Code is amended to*
 31 *read:*

32 8220.1. (a) The ~~State Department of Education~~ *department*
 33 shall contract with local contracting agencies for alternative
 34 payment programs so that services will be provided throughout
 35 the state. The department shall expand existing alternative payment
 36 programs and fund new alternative payment programs to the extent
 37 that funds are provided by the Legislature.

38 (b) Funding for the new programs pursuant to this section shall
 39 be allocated to programs which meet all of the following
 40 requirements:

1 (1) Applicants shall conform to the requirements of this article.

2 (2) Applicants shall demonstrate that an alternative payment
3 ~~child development~~ program is an appropriate method of delivering
4 ~~child care~~ services within the county or service area at the level
5 requested in the application by doing either of the following:

6 (A) Demonstrating the availability of sufficient licensed or
7 ~~exempt child care~~ *license-exempt* providers.

8 (B) Providing a plan for the development of sufficient licensed
9 ~~child care~~ providers working in cooperation with the local resource
10 and referral agency.

11 (3) Applicants shall demonstrate the administrative viability of
12 the alternative payment agency and its capacity to meet
13 performance requirements.

14 (4) Existing alternative payment ~~child development~~ programs
15 receiving funds for expansion into a new service area shall be
16 funded at a documented rate appropriate to that community and
17 may contract separately as appropriate.

18 (c) *On and after July 1, 2014, the Superintendent shall*
19 *streamline the delivery of alternative payment programs through*
20 *the simplification of contracts that serve special populations,*
21 *including, but not limited to, migrant populations. Contractors*
22 *shall continue to serve the same populations specified in their*
23 *2013–14 contracts, unless they receive prior approval from the*
24 *department.*

25 SEC. 24. *Section 8220.3 is added to the Education Code, to*
26 *read:*

27 8220.3. *Alternative payment contractors serving migrant*
28 *populations shall give priority for enrollment to children of migrant*
29 *agricultural worker families, in the following priority order:*

30 (a) *The family moves from place to place.*

31 (b) *The family has qualified for services under paragraph (1)*
32 *of subdivision (b) of Section 8231 within the past five years and*
33 *is currently dependent for its income on agricultural employment,*
34 *but is currently settled near agricultural areas.*

35 (c) *The family resides in a rural agricultural area and is*
36 *dependent upon seasonal agricultural work.*

37 SEC. 25. *Section 8220.5 of the Education Code is amended to*
38 *read:*

39 8220.5. (a) *To offer maximum support for parents and*
40 *providers, alternative payment programs shall have access to*

1 resource and referral services. Funding shall be adequate to
 2 purchase care at the fee charged the same rate that a private client
 3 is charged for the same service as well as to provide locally
 4 designed support services for parents and providers.—In
 5 communities where there are no resource and referral agencies,
 6 ~~alternative payment programs~~ *Alternative payment programs, in*
 7 *collaboration with resource and referral agencies in the county,*
 8 shall provide the following support services:

9 ~~(a) Information for parents to assist them in making informed~~
 10 ~~choices.~~

11 *(1) At the time the family is determined eligible for services and*
 12 *at recertification, provide information for parents to assist them*
 13 *in making informed choices about available types of care that offer*
 14 *a safe, caring, and age-appropriate early learning and educational*
 15 *support environment for children, as well as support the parents’*
 16 *work activities, including, but not limited to, all of the following:*

17 *(A) Information about high-quality early learning and*
 18 *educational support services pursuant to subdivision (b) of Section*
 19 *8214.*

20 *(B) Information on quality rating and improvement systems,*
 21 *where available.*

22 ~~(b)~~
 23 *(2) Professional and technical assistance and information for*
 24 *providers.*

25 ~~(c)~~
 26 *(3) Parenting information.*

27 *(b) The department shall make informational resources available*
 28 *to both resource and referral programs and alternative payment*
 29 *programs pursuant to subdivision (c) of Section 8214.*

30 *SEC. 26. Section 8222 of the Education Code is amended to*
 31 *read:*

32 8222. (a) Payments made by alternative payment programs
 33 shall not exceed the applicable market rate ceiling. Alternative
 34 payment programs may expend more than the standard
 35 reimbursement rate for a particular child. However, the aggregate
 36 payments for services purchased by the agency during the contract
 37 year shall not exceed the assigned reimbursable amount as
 38 established by the contract for the year. No agency may make
 39 payments in excess of the rate charged to full-cost families. This
 40 section does not preclude alternative payment programs from using

1 the average daily enrollment adjustment factor for children with
2 exceptional needs as provided in Section 8265.5.

3 (b) Alternative payment programs shall reimburse licensed ~~child~~
4 ~~care~~ providers in accordance with a biennial market rate survey
5 pursuant to Section 8447, at a rate not to exceed the ceilings
6 established pursuant to Section 8357.

7 (c) An alternative payment program shall reimburse a licensed
8 provider for ~~child~~ care of a subsidized child based on the rate
9 charged by the provider to nonsubsidized families, if any, for the
10 same services, or the rates established by the provider for
11 prospective nonsubsidized families. A licensed ~~child-care~~ provider
12 shall submit to the alternative payment program a copy of the
13 provider's rate sheet listing the rates charged, and the provider's
14 discount or scholarship policies, if any, along with a statement
15 signed by the provider confirming that the rates charged for a
16 subsidized child are equal to or less than the rates charged for a
17 nonsubsidized child.

18 (d) An alternative payment program shall maintain a copy of
19 the rate sheet and the confirmation statement.

20 (e) A licensed ~~child-care~~ provider shall submit to the local
21 resource and referral agency a copy of the provider's rate sheet
22 listing rates charged, and the provider's discount or scholarship
23 policies, if any, and shall self-certify that the information is correct.

24 (f) Each licensed ~~child-care~~ provider may alter rate levels for
25 subsidized children once per year and shall provide the alternative
26 payment program and resource and referral agency with the updated
27 information pursuant to subdivisions (c) and (e), to reflect any
28 changes.

29 (g) A licensed ~~child-care~~ provider shall post in a prominent
30 location adjacent to the provider's license at the child care facility
31 the provider's rates and discounts or scholarship policies, if any.

32 (h) An alternative payment program shall verify provider rates
33 no less frequently than once a year by randomly selecting 10
34 percent of licensed ~~child-care~~ providers serving subsidized families.
35 The purpose of this verification process is to confirm that rates
36 reported to the alternative payment programs reasonably correspond
37 to those reported to the resource and referral agency and the rates
38 actually charged to nonsubsidized families for equivalent levels
39 of services. It is the intent of the Legislature that the privacy of

1 nonsubsidized families shall be protected in implementing this
2 subdivision.

3 (i) The department shall develop regulations for addressing
4 discrepancies in the provider rate levels identified through the rate
5 verification process in subdivision (h).

6 *SEC. 27. Section 8223 of the Education Code is amended to*
7 *read:*

8 8223. The reimbursement for alternative payment programs
9 shall include the cost of ~~child care~~ care paid to ~~child care~~ providers plus
10 the administrative and support services costs of the alternative
11 payment program. The total cost for administration and support
12 services shall not exceed an amount equal to 17.5 percent of the
13 total contract amount. The administrative costs shall not exceed
14 the costs allowable for administration under federal requirements.

15 *SEC. 28. Section 8225 of the Education Code is amended to*
16 *read:*

17 8225. When making referrals, every agency operating ~~both a~~
18 ~~direct-service classroom services program or a resource and~~
19 ~~referral~~ program and an alternative payment program shall provide
20 at least four referrals, at least one of which shall be a provider over
21 which the agency has no fiscal or operational control, as well as
22 information to a family on the family's ability to choose a license
23 exempt provider.

24 *SEC. 29. Section 8226 of the Education Code is amended to*
25 *read:*

26 8226. (a) When making referrals, every program operating
27 pursuant to this article shall provide information to any person
28 who requests a ~~child care~~ referral of his or her right to view the
29 licensing information of a licensed child day care facility required
30 to be maintained at the facility pursuant to Section 1596.859 of
31 the Health and Safety Code and to access any public files pertaining
32 to the facility that are maintained by the State Department of Social
33 Services Community Care Licensing Division.

34 (b) A written or oral advisement in substantially the following
35 form will comply with the requirements of subdivision (a):

36 "State law requires licensed child day care facilities to make
37 accessible to the public a copy of any licensing report pertaining
38 to the facility that documents a facility visit or a substantiated
39 complaint investigation. In addition, a more complete file regarding
40 a child care licensee may be available at an office of the State

1 Department of Social Services Community Care Licensing
2 Division. You have the right to access any public information in
3 these files.”

4 (c) Every program operating pursuant to this article shall, within
5 two days of receiving notice, remove from the program’s referral
6 list the name of any licensed child day care facility with a
7 revocation or a temporary suspension order or that is on probation.

8 (d) A program operating pursuant to this article shall, within
9 two business days of being notified of a revocation or a temporary
10 suspension order for a licensed child day care facility, do both of
11 the following:

12 (1) Terminate payment to the facility.

13 (2) Notify each parent and the facility in writing that payment
14 has been terminated and the reason for the termination.

15 (e) A program operating pursuant to this article shall, upon being
16 notified that a licensed child day care facility has been placed on
17 probation, provide written notice to each parent utilizing the facility
18 that the facility has been placed on probation and that the parent
19 has the option of selecting a different ~~child day care~~ provider or
20 remaining with the facility without risk of subsidy payments to
21 the provider being terminated. The Legislature urges each agency
22 operating pursuant to this section to provide the written notice
23 required by this subdivision in the primary language of the parent,
24 to the extent feasible.

25 *SEC. 30. Section 8227 of the Education Code is amended to*
26 *read:*

27 8227. (a) To the extent that funding is made available for this
28 purpose through the annual Budget Act, the alternative payment
29 agency in each county shall design, maintain, and administer a
30 system to consolidate local child care waiting lists so as to establish
31 a countywide centralized eligibility list. In those counties with
32 more than one alternative payment agency, the agency that also
33 administers the resource and referral program shall have the
34 responsibility of developing, maintaining, and administering the
35 countywide centralized eligibility list. In those counties with more
36 than one alternative payment agency and more than one resource
37 and referral program, the ~~State Department of Education~~
38 *department* shall establish a process to select the agency to develop,
39 maintain, and administer the countywide centralized eligibility
40 list.

1 (b) Notwithstanding subdivision (a), in those counties in which
 2 a countywide centralized eligibility list exists, as of the date that
 3 the act adding this section is enacted, the entity administering that
 4 list may receive funding, instead of the entity specified under
 5 subdivision (a).

6 (c) Each centralized eligibility list shall include all of the
 7 following:

8 (1) Family characteristics, including ZIP Code of residence,
 9 ZIP Code of employment, monthly income, and size.

10 (2) Child characteristics, including birth date and whether the
 11 child has special needs.

12 (3) Service characteristics, including reason for need, whether
 13 full-time or part-time service is requested, and whether after hours
 14 or weekend care is requested.

15 (d) Information collected for the centralized eligibility list shall
 16 be reported to the Superintendent of Public Instruction on an annual
 17 basis on the date and in the manner determined by the ~~State~~
 18 ~~Department of Education~~ department.

19 (e) (1) To be eligible to enter into an agreement with the
 20 department to provide subsidized ~~child~~ care, a contractor shall
 21 participate in and use the centralized eligibility list.

22 (2) A contractor with a campus child care and development
 23 program operating pursuant to Section 66060, ~~migrant child care~~
 24 ~~and development~~ a program operating on a seasonal basis *providing*
 25 *services to a migrant population* pursuant to Section 8230, or a
 26 program serving severely ~~handicapped~~ *disabled* children pursuant
 27 to subdivision (d) of Section 8250 and who has a local site waiting
 28 list shall submit eligibility list information to the centralized
 29 eligibility list administrator for any parent seeking subsidized ~~child~~
 30 ~~care services~~ for whom these programs are not able to provide
 31 ~~child care and development~~ *early learning and educational support*
 32 services. A ~~child care and development~~ contractor or program
 33 described in this paragraph may utilize any waiting lists developed
 34 at its local site to fill vacancies for its specific population. Families
 35 enrolled from a local site waiting list shall be enrolled pursuant to
 36 Section 8263.

37 *SEC. 31. Article 5 (commencing with Section 8228) is added*
 38 *to Chapter 2 of Part 6 of Division 1 of Title 1 of the Education*
 39 *Code, to read:*

1 Article 5. *Direct Classroom Services*

2
3 8228. (a) *The Superintendent shall administer early learning*
4 *and educational support programs through direct classroom*
5 *services, including, but not limited to, direct classroom programs*
6 *pursuant to Article 6 (commencing with Section 8230) and Article*
7 *7 (commencing with Section 8235), family child care home*
8 *education networks pursuant to Article 8.5 (commencing with*
9 *Section 8245), and services for children with special needs*
10 *pursuant to Article 9 (commencing with Section 8250).*

11 (b) *Contractors providing direct classroom services pursuant*
12 *to this article shall comply with the administrative requirements*
13 *set forth in Article 10 (commencing with Section 8255).*

14 8228.1. *The Superintendent, with funds appropriated for this*
15 *purpose, shall administer programs through direct classroom*
16 *services. These programs shall include, but not be limited to, all*
17 *of the following:*

18 (a) *Age and developmentally appropriate activities for children.*

19 (b) *Supervision.*

20 (c) *Parenting education and parent engagement.*

21 (d) *Developmental and health services.*

22 (e) *Nutrition.*

23 (f) *Family support services that include, but are not limited to,*
24 *assessment of child and family needs and referral to appropriate*
25 *human services organizations.*

26 (g) *Training, professional development, and career advancement*
27 *opportunities, documentation of which shall be provided to the*
28 *department.*

29 8228.2. (a) *Subdivision (b) shall apply to the award of funding*
30 *for direct classroom services programs if upon appropriation by*
31 *the Legislature moneys are made available for that purpose in any*
32 *fiscal year.*

33 (b) (1) *When funding is made available, priority for funding*
34 *shall be given to programs operating classrooms located in the*
35 *attendance area of elementary schools ranked in deciles 1 to 3,*
36 *inclusive, of the Academic Performance Index pursuant to Section*
37 *52056.*

38 (2) *In an application for funds pursuant to this subdivision, an*
39 *agency shall furnish the Superintendent with an estimate of the*
40 *number and ages of children that it plans to serve in the following*

1 *fiscal year with those expansion funds. The agency also shall*
2 *furnish documentation that indicates the basis of those estimates.*

3 (3) *In awarding contracts for expansion, the Superintendent*
4 *shall take into account the geographic criteria established pursuant*
5 *to Section 8279.2, and the headquarters preferences and eligibility*
6 *criteria relating to fiscal or programmatic noncompliance*
7 *established pursuant to Section 8261.*

8 (c) *This section does not prevent eligible children who are*
9 *currently receiving services from continuing to receive those*
10 *services in future years pursuant to this chapter.*

11 SEC. 32. *The heading of Article 6 (commencing with Section*
12 *8230) of Chapter 2 of Part 6 of Division 1 of Title 1 of the*
13 *Education Code is amended to read:*

14
15 Article 6. ~~Migrant Child Care and Development Programs~~
16 *Services for Migrant Populations*
17

18 SEC. 33. *Section 8230 of the Education Code is amended to*
19 *read:*

20 8230. ~~The Superintendent of Public Instruction shall administer~~
21 ~~all migrant child care and development programs. Contractors~~
22 ~~servicing migrant populations shall comply with the requirements~~
23 ~~set forth in this article.~~ In addition, the Superintendent of Public
24 Instruction shall support and encourage the state-level coordination
25 of all agencies that offer services to migrant children and their
26 families populations and state-level coordination of existing health
27 funds for migrants.

28 SEC. 34. *Section 8231 of the Education Code is amended to*
29 *read:*

30 8231. (a) For the purpose of this ~~article~~ *chapter*, a “migrant
31 agricultural worker family” means a family that has earned at least
32 50 percent of its total gross with at least one parent that has earned
33 at least 50 percent of his or her income from employment in
34 fishing, agriculture, or agriculturally related work during the
35 12-month period immediately preceding the date of application
36 for ~~child care and development~~ *early learning and educational*
37 *support services.*

38 (b) ~~Children~~ *For purposes of this article, priority for enrollment*
39 *shall be given to children of migrant agricultural worker families*

1 ~~shall be enrolled in child development programs on the basis of~~
2 ~~in the following priorities~~ *priority order:*

3 (1) The family moves from place to place.

4 (2) The family has qualified under paragraph (1) within the past
5 five years and is currently dependent for its income on agricultural
6 employment, but is currently settled near agricultural areas.

7 (3) The family resides in a rural agricultural area and is
8 dependent upon seasonal agricultural work.

9 (4) Eligibility and priority for services for the federally funded
10 Migrant Child Development Program shall be in accordance with
11 the applicable federal regulations.

12 *(c) If a contractor serving migrant populations, upon prioritizing*
13 *migrant families for enrollment and complying with this section,*
14 *is unable to reach the anticipated level of enrollment as provided*
15 *in the contract for services, the contractor may use any funds*
16 *remaining to enroll children from otherwise eligible families*
17 *pursuant to the priorities set forth in Section 8263.*

18 *SEC. 35. Section 8232 of the Education Code is amended to*
19 *read:*

20 8232. ~~The superintendent~~ *Superintendent* shall develop
21 appropriate ~~migrant child care and development programs,~~ quality
22 indicators ~~for contractors that serve migrant populations,~~ including
23 those prescribed in ~~subdivisions (a) to (h), inclusive, and (k) to~~
24 ~~(m), inclusive,~~ of Section 8203, and the following:

25 (a) Social services.

26 (1) Bilingual liaison between migrant parents and the center or
27 family child care home, or both.

28 (2) Liaison between the agency and the relevant community
29 agencies and organizations, including health and social services.

30 (3) Identification and documentation of family needs and
31 followup referrals as appropriate.

32 (b) Staffing.

33 (1) Bilingual health personnel shall be available to each program
34 site of a ~~migrant child care and development~~ *an agency that serves*
35 *migrant populations.*

36 (2) Professional and nonprofessional staff shall reflect the
37 linguistic and cultural background of the children being served.

38 (3) Whenever possible, migrants will be recruited, trained, and
39 hired in ~~child care and development~~ *early learning and educational*
40 *support programs.* Documentation of training and career ladder

1 opportunities and of recruitment and hiring efforts shall be provided
2 to the ~~Department of Education.~~ *department.* Staff training shall
3 include principles and practices of ~~child care and development~~
4 *early learning and educational support* for the age groups of
5 children being served.

6 (c) ~~Health-Developmental and health services in migrant child~~
7 ~~care and development programs~~ *agencies that serve migrant*
8 *populations* shall include health and dental screening and followup
9 treatment. Health records for all migrant children shall follow the
10 child.

11 *SEC. 36. Section 8233 of the Education Code is amended to*
12 *read:*

13 8233. (a) Cost for migrant ~~programs~~ *population services* may
14 exceed the standard reimbursement rate established by the
15 ~~Superintendent of Public Instruction.~~ *Superintendent.* In no case
16 shall the reimbursement exceed the cost of the ~~program~~ *services.*
17 State-funded programs may be eligible for Chapter I federal funds
18 to supplement state funding. These funds shall not be contingent
19 upon the provision of additional child days or enrollment.

20 (b) The Superintendent ~~of Public Instruction~~ shall annually
21 reimburse *agencies that provide services for* seasonal migrant ~~child~~
22 ~~care and development agencies~~ *populations pursuant to this article*
23 for approvable startup and closedown costs. Reimbursement for
24 both startup and closedown costs shall not exceed 15 percent of
25 ~~each such~~ *the* agency’s total contract amount.

26 ~~Seasonal~~

27 (c) *Agencies that provide services for seasonal* migrant ~~child~~
28 ~~care and development agencies~~ *populations* shall submit
29 reimbursement claims for startup costs with their first monthly
30 reports, and reimbursement claims for closedown costs with their
31 final reports.

32 *SEC. 37. The heading of Article 7 (commencing with Section*
33 *8235) of Chapter 2 of Part 6 of Division 1 of Title 1 of the*
34 *Education Code is amended to read:*

35

36 Article 7. California State Preschool ~~Programs~~ *Program*
37 *Services*

38

39 *SEC. 38. Section 8235 of the Education Code is amended to*
40 *read:*

1 8235. (a) ~~The Superintendent shall administer all Contractors~~
2 ~~providing California state preschool programs. Those programs~~
3 ~~shall include, but not be limited to, part-day age and~~
4 ~~developmentally appropriate programs designed to facilitate the~~
5 ~~transition to kindergarten for three-~~ *program services for children*
6 *described in subdivision (aj) of Section 8208, and four-year-old*
7 *children, as described in subdivision (ak) of Section 8208, shall*
8 *adhere to the requirements set forth in Article 5 (commencing with*
9 *Section 8228) in educational development, health services, social*
10 *services, nutritional services, parent education and parent*
11 *participation, evaluation, and staff development.*—~~Preschool~~
12 ~~programs~~ *These programs shall include, but are not limited to,*
13 *part-day age and developmentally appropriate programs designed*
14 *to facilitate the transition to kindergarten for three- and*
15 *four-year-old children.*

16 (b) *Preschool services* for which federal reimbursement is not
17 available shall be funded as prescribed by the Legislature in the
18 Budget Act, and unless otherwise specified by the Legislature,
19 shall not use federal funds made available through Title XX of the
20 federal Social Security Act (42 U.S.C. Sec. 1397).

21 ~~(b)~~

22 (c) *Three- and four-year-old children are eligible for the part-day*
23 *California state preschool program services* if the family meets at
24 least one of the criteria specified in paragraph (1) of subdivision
25 (a) of Section 8263.

26 ~~(c)~~

27 (d) Notwithstanding any other law, a *contractor providing*
28 *part-day California state preschool program services* may provide
29 services to children in families whose income is no more than 15
30 percent above the income eligibility threshold, as described in
31 Sections 8263 and 8263.1, after all eligible three- and four-year-old
32 children have been enrolled. No more than 10 percent of children
33 enrolled, calculated throughout the participating program's entire
34 contract, may be filled by children in families above the income
35 eligibility threshold.

36 ~~(d)~~

37 (e) A part-day California state preschool program shall operate
38 for a minimum of (1) three hours per day, excluding time for
39 home-to-school transportation, and (2) a minimum of 175 days

1 per year, unless the contract specifies a lower number of days of
 2 operation.

3 (e)

4 (f) Any agency described in subdivision (c) of Section 8208 as
 5 an “applicant or contracting agency” is eligible to contract to
 6 operate a California state preschool program.

7 (f)

8 (g) Part-day preschool services shall be reimbursed on a per
 9 capita basis, as determined by the Superintendent, and contingent
 10 on funding being provided for the part-day preschool services in
 11 the annual Budget Act.

12 (g)

13 (h) Federal Head Start funds used to provide services to families
 14 receiving California state preschool services shall be deemed
 15 nonrestricted funds.

16 *SEC. 39. Section 8236 of the Education Code is amended to*
 17 *read:*

18 8236. (a) (1) ~~Each applicant or contracting agency funded~~
 19 ~~pursuant to Section 8235—Contractors providing California state~~
 20 ~~preschool program services pursuant to this article~~ shall give first
 21 priority to three- or four-year-old neglected or abused children
 22 who are recipients of child protective services, or who are at risk
 23 of being neglected, abused, or exploited upon written referral from
 24 a legal, medical, or social service agency. If an agency is unable
 25 to enroll a child in this first priority category, the agency shall refer
 26 the child’s parent or guardian to local resource and referral services
 27 so that services for the child can be located.

28 (2) Notwithstanding Section 8263, after children in the first
 29 priority category set forth in paragraph (1) are enrolled, each
 30 agency funded pursuant to Section 8235 shall give priority to
 31 eligible four-year-old children before enrolling eligible
 32 three-year-old children. Each agency shall certify to the
 33 Superintendent that enrollment priority is being given to eligible
 34 four-year-old children.

35 (b) ~~For California state contractors that provide part-day~~
 36 ~~preschool programs services that are~~ operating with funding that
 37 was initially allocated in a prior fiscal year, at least one-half of the
 38 children enrolled at a preschool site shall be four-year-old children.
 39 Any exception to this requirement shall be approved by the
 40 Superintendent. The Superintendent shall inform the Department

1 of Finance of any exceptions that have been granted and the reasons
2 for granting the exceptions.

3 (c) The following provisions apply to the award of new funding
4 for the expansion of the California state preschool program *services*
5 that is appropriated by the Legislature for that purpose in any fiscal
6 year:

7 (1) In an application for those expansion funds, an agency shall
8 furnish the Superintendent with an estimate of the number of
9 four-year-old and three-year-old children that it plans to serve in
10 the following fiscal year with those expansion funds. The agency
11 also shall furnish documentation that indicates the basis of those
12 estimates.

13 (2) In awarding contracts for expansion pursuant to this
14 subdivision, the Superintendent, after taking into account the
15 geographic criteria established pursuant to Section 8279.3, and the
16 headquarters preferences and eligibility criteria relating to fiscal
17 or programmatic noncompliance established pursuant to Section
18 8261, shall give priority to applicant agencies that, in expending
19 the expansion funds, will be serving the highest percentage of
20 four-year-old children.

21 (d) This section does not preclude a local educational agency
22 from subcontracting with an appropriate public or private agency
23 to operate a California state preschool program and to apply for
24 funds made available for the purposes of this section. If a school
25 district chooses not to operate or subcontract for a California state
26 preschool program, the Superintendent shall work with the county
27 office of education and other eligible agencies to explore possible
28 opportunities in contracting or alternative subcontracting to provide
29 a California state preschool program.

30 (e) This section does not prevent eligible children who are
31 currently receiving services from continuing to receive those
32 services in future years pursuant to this chapter.

33 *SEC. 40. Section 8236.1 of the Education Code is amended to*
34 *read:*

35 8236.1. The department shall annually monitor funding used
36 ~~in general child care and development~~ *direct classroom* programs
37 for infants and toddlers, and hours of service provided in ~~the~~
38 California state preschool program *services*, and shall annually
39 report to the Department of Finance and to the Legislature a
40 statewide summary identifying the estimated funding used for

1 infants and toddlers, and the number of preschool age children
2 receiving part-day preschool and wraparound-child-care services,
3 as defined in subdivision (f) of Section 8239. The annual report
4 shall include a comparison to the prior year on a county-by-county
5 basis.

6 *SEC. 41. Section 8238.4 of the Education Code is amended to*
7 *read:*

8 8238.4. (a) A family literacy supplemental grant shall be made
9 available and distributed to qualifying California state preschool
10 classrooms, as determined by the Superintendent, at a rate of two
11 thousand five hundred dollars (\$2,500) per class. The
12 Superintendent shall distribute the family literacy supplemental
13 grant funds according to the following priorities:

14 (1) First priority shall be assigned to *contractors providing*
15 *California state preschool programs program services* that contract
16 to receive this funding before July 1, 2012. These programs shall
17 receive this funding until their contract is terminated or the
18 California state preschool program no longer provides family
19 literacy services.

20 (2) Second priority shall be assigned to *contractors providing*
21 *California state preschool programs program services* operating
22 classrooms located in the attendance area of elementary schools
23 in deciles 1 to 3, inclusive, based on the most recently published
24 Academic Performance Index pursuant to Section 52056. The
25 Superintendent shall use a lottery process in implementing this
26 paragraph.

27 (b) A family literacy supplemental grant distributed pursuant
28 to this section shall be used for purposes specified in Section 8238.

29 (c) Implementation of this section is contingent upon funding
30 being provided for family literacy supplemental grants for
31 California state preschool ~~programs~~ *program services* in the annual
32 Budget Act or other statute.

33 *SEC. 42. Section 8239 of the Education Code is amended to*
34 *read:*

35 8239. The Superintendent shall encourage state preschool
36 program applicants or contracting agencies to offer full-day
37 services through a combination of part-day preschool slots and
38 wraparound ~~general child-care and development programs~~ *services*.
39 In order to facilitate a full-day of services, all of the following
40 shall apply:

1 (a) Part-day preschool ~~programs~~ *services* provided pursuant to
2 this section shall operate between 175 and 180 days *and shall*
3 *include the core class curriculum.*

4 (b) Wraparound ~~general child care and development programs~~
5 *services* provided pursuant to this section ~~may shall~~ operate a
6 minimum of 246 days per year unless the ~~child development~~
7 contract specified a lower minimum days of operation. ~~Part-day~~
8 ~~general child care and development programs~~ *Wraparound services*
9 may operate a full-day for the remainder of the year after the
10 completion of the *part-day* preschool program *services*. *Services*
11 *shall be provided in accordance with Article 1 (commencing with*
12 *Section 8200) and Article 5 (commencing with Section 8228).*

13 (c) Part-day preschool services combined with wraparound ~~child~~
14 ~~care~~ services shall be reimbursed at no more than the full-day
15 standard reimbursement rate ~~for general child care programs~~, with
16 adjustment factors, pursuant to Section 8265 and as determined in
17 the annual Budget Act.

18 (d) Three- and four-year-old children are eligible for wraparound
19 ~~child care~~ services to supplement the part-day ~~California state~~
20 preschool ~~program~~ *services* if the family meets ~~at least one of the~~
21 *eligibility* criteria specified in paragraph (1) of subdivision (a) of
22 Section 8263, and the parents meet at least one of the criteria
23 specified in paragraph (2) of subdivision (a) of Section 8263.

24 (e) Fees shall be assessed and collected for families with children
25 in part-day preschool programs, or families receiving wraparound
26 child care services, or both, pursuant to subdivisions (g) and (h)
27 of Section 8263.

28 (f) For purposes of this section, ~~“wraparound child care services”~~
29 ~~and “wraparound general child care and development programs”~~
30 ~~mean services provided for the remaining portion of the day or~~
31 ~~remainder of the year following the completion of part-day~~
32 ~~preschool services that are necessary to meet the child care needs~~
33 ~~of parents eligible pursuant to subdivision (a) of Section 8263.~~
34 ~~These services shall be provided consistent with the general child~~
35 ~~care and development programs provided pursuant to Article 8~~
36 ~~(commencing with Section 8240).~~

37 (f) For purposes of this section, the following definitions apply:

38 (1) “Wraparound services” means additional funding beyond
39 the part-day California state preschool program services provided
40 pursuant to subdivision (a), to meet a family’s need for services

1 while the parent participates in an approved work or work-related
2 activity. These services shall be provided consistent with the early
3 learning and educational support programs provided pursuant to
4 Article 1 (commencing with Section 8200) and Article 5
5 (commencing with Section 8228).

6 (2) “Core class curriculum” means services that are
7 developmentally, culturally, and linguistically appropriate for
8 children served pursuant to this article, and that operate for a
9 minimum of three hours per day, excluding scheduled nap periods,
10 for a minimum of 175 days.

11 SEC. 43. The heading of Article 8 (commencing with Section
12 8240) of Chapter 2 of Part 6 of Division 1 of Title 1 of the
13 Education Code is amended to read:

14
15 Article 8. ~~General Child Care and Development~~ Direct
16 Classroom Programs
17

18 SEC. 44. Section 8240 of the Education Code is amended to
19 read:

20 8240. (a) The Superintendent of ~~Public Instruction~~, with funds
21 appropriated for this purpose, shall administer general child care
22 and development programs.

23 General child care and development programs shall include:

- 24 ~~(a)~~
- 25 (1) Age and developmentally appropriate activities for children.
- 26 ~~(b)~~
- 27 (2) Supervision.
- 28 ~~(c)~~
- 29 (3) Parenting education and parent involvement.
- 30 ~~(d)~~
- 31 (4) Social services that include, but are not limited to,
32 identification of child and family needs and referral to appropriate
33 agencies.
- 34 ~~(e)~~
- 35 (5) Health services.
- 36 ~~(f)~~
- 37 (6) Nutrition.
- 38 ~~(g)~~

1 (7) Training and career ladder opportunities, documentation of
2 which shall be provided to the ~~Department of Education~~
3 ~~department~~.

4 (b) *This section shall become inoperative on July 1, 2014, and,*
5 *as of January 1, 2015, is repealed, unless a later enacted statute*
6 *that is enacted before January 1, 2015, deletes or extends the dates*
7 *on which it becomes inoperative and is repealed.*

8 SEC. 45. Section 8240 is added to the Education Code, to read:

9 8240. (a) *Direct classroom programs shall serve children*
10 *from birth to 13 years of age, including, but not limited to, services*
11 *for all of the following:*

12 (1) *Infants and toddlers.*

13 (2) *Preschool age children.*

14 (3) *Schoolage children.*

15 (4) *Migrant children.*

16 (b) *The Superintendent shall streamline the delivery of direct*
17 *classroom programs through the simplification of contracts that*
18 *serve children described in subdivision (a). This shall include, but*
19 *is not limited to, services for both of the following special*
20 *populations:*

21 (1) *Preschool age children.*

22 (2) *Migrant children.*

23 (c) (1) *Contractors shall continue to serve the same populations*
24 *specified in their 2013–14 contracts, unless they receive prior*
25 *approval from the department.*

26 (2) *Contractors that provide services to migrant populations*
27 *shall comply with Article 6 (commencing with Section 8230).*

28 (3) *Contractors that provide services to California state*
29 *preschool program populations shall comply with Article 7*
30 *(commencing with Section 8235).*

31 (d) *This section shall become operative on July 1, 2014.*

32 SEC. 46. Section 8244 of the Education Code is amended to
33 read:

34 8244. (a) (1) ~~Any entity operating child care and development~~
35 ~~programs funded pursuant to this chapter that provide direct~~
36 ~~classroom services to children at two or more sites, including~~
37 ~~through more than one contract or subcontract funded pursuant to~~
38 ~~this chapter, shall employ a program director.~~

39 (2) ~~Programs providing direct services to children, for the~~
40 ~~purposes of this section, are general child care and development~~

1 *direct classroom services* programs pursuant to Article 8 5
2 (commencing with Section ~~8240~~; 8228), migrant ~~child care and~~
3 ~~development programs~~ *services* pursuant to Article 6 (commencing
4 with Section 8230), ~~campus child care and development programs~~
5 pursuant to Article 4 (commencing with Section 8225), *California*
6 state preschool programs pursuant to Article 7 (commencing with
7 Section 8235), ~~child care and development~~ *direct classroom*
8 *services* for children with special needs programs pursuant to
9 Article 9 (commencing with Section 8250), infant care and
10 development *services* programs pursuant to Article 17
11 (commencing with Section 8390), and any of these programs
12 operated through family child care homes.

13 (b) (1) For purposes of this section, the following definitions
14 shall apply:

15 (A) “Administrative responsibility” means awareness of the
16 financial and business circumstances of the program, and, in
17 appropriate cases, supervision of administrative and support
18 personnel and the knowledge and authority to direct or modify
19 administrative practices and procedures to ensure compliance to
20 administrative and financial standards imposed by law.

21 (B) “Program director” means a person who, regardless of his
22 or her title, has programmatic and administrative responsibility
23 for a ~~child care and development~~ *an early learning and educational*
24 *support* program that provides direct services to children at two
25 or more sites.

26 (C) “Programmatic responsibility” means overall supervision
27 of curriculum and instructional staff, including instructional aides,
28 and the knowledge and authority to direct or modify program
29 practices and procedures to ensure compliance to applicable quality
30 and health and safety standards imposed by law.

31 (2) Administrative and programmatic responsibility also includes
32 the responsibility to act as the representative for the ~~child~~
33 ~~development~~ *early learning and educational support* program to
34 the ~~State Department of Education~~; *department*. With respect to
35 programs operated through family child care homes, administrative
36 and programmatic responsibility includes ensuring that quality
37 services are provided in the family child care homes.

38 (c) The program director also may serve as the site supervisor
39 at one of the sites, provided that he or she both fulfills the duties
40 of a ~~“day day care center director,”~~ *director*, as set forth in Section

1 ~~101315 101215.1~~ of Title 22 of the California Code of Regulations,
2 and meets the qualifications for a site supervisor as set forth in
3 subdivision ~~(aa)~~ (ab) of Section 8208.

4 (d) The Superintendent ~~of Public Instruction~~ may waive the
5 qualifications for program director described in Sections 8360.1
6 and 8360.3 upon a finding of one of the following circumstances:

7 (1) The applicant is making satisfactory progress toward
8 securing a permit issued by the Commission on Teacher
9 Credentialing authorizing supervision of a ~~child care and~~
10 ~~development~~ *early learning and educational support* program
11 operating in two or more sites or fulfilling the qualifications for
12 program directors in ~~severely handicapped~~ programs *servng*
13 *severely disabled children*, as specified in Section 8360.3.

14 (2) The place of employment is so remote from institutions
15 offering the necessary coursework as to make continuing education
16 impracticable and the contractor has made a diligent search but
17 has been unable to hire a more qualified applicant.

18 (e) The Superintendent ~~of Public Instruction~~, upon good cause,
19 may by rule identify and apply grounds in addition to those
20 specified in subdivision (d) for granting a waiver of the
21 qualifications for program director.

22 *SEC. 47. The heading of Article 9 (commencing with Section*
23 *8250) of Chapter 2 of Part 6 of Division 1 of Title 1 of the*
24 *Education Code is amended to read:*

25
26 Article 9. ~~Child Care and Development~~ Services for Children
27 with Special Needs
28

29 *SEC. 48. Section 8250 of the Education Code is amended to*
30 *read:*

31 8250. (a) The Superintendent shall ensure that eligible children
32 with exceptional needs are given equal access to all ~~child care and~~
33 ~~development~~ *early learning and educational support* programs.
34 Available federal and state funds for children with exceptional
35 needs above the standard reimbursement amount shall be used to
36 assist agencies in developing and supporting appropriate programs
37 for these children.

38 (b) To provide children with exceptional needs with additional
39 access to ~~child care and development~~ *early learning and*
40 *educational support* programs, the Superintendent shall establish

1 alternate appropriate placements, such as self-contained programs
 2 and innovative programs using the least restrictive environment.
 3 These programs shall be started as expansion funds become
 4 available and shall be expanded throughout the implementation
 5 of the plan. The Superintendent shall utilize existing program
 6 models and input from program specialists to develop new program
 7 criteria and guidelines for programs serving children with
 8 exceptional needs. These programs may serve children with
 9 exceptional needs up to 21 years of age.

10 (c) Any child with exceptional needs served in ~~child care and~~
 11 ~~development~~ *early learning and educational support* programs
 12 shall be afforded all rights and protections guaranteed in state and
 13 federal laws and regulations for individuals with exceptional needs.

14 (d) Notwithstanding any other provision of this chapter, the
 15 Superintendent may develop unique reimbursement rates for, and
 16 make reimbursements to, ~~child care and development~~ *early*
 17 *learning and educational support* programs that received state
 18 funding for the 1980–81 fiscal year and serve severely disabled
 19 children, as defined in subdivision ~~(y)~~ (z) of Section 8208, when
 20 all of the following conditions exist:

21 (1) Eligibility for enrollment of a severely disabled child in the
 22 program is the sole basis of the child’s need for service.

23 (2) Services are provided to severely disabled children from
 24 birth to 21 years of age.

25 (3) No fees are charged to the parents of the severely disabled
 26 children receiving the services.

27 (e) The Superintendent shall include ~~child care and development~~
 28 providers in all personnel development for persons providing
 29 services for children with exceptional needs.

30 *SEC. 49. Section 8250.5 of the Education Code is amended to*
 31 *read:*

32 8250.5. A contractor providing services pursuant to a ~~general~~
 33 ~~child care direct classroom services contract, a campus child care~~
 34 ~~contract,~~ a migrant ~~child care services contract,~~ or an alternative
 35 payment child care contract is subject to the requirements of the
 36 Americans with Disabilities Act (42 U.S.C. Sec. 12101, et seq.).

37 *SEC. 50. Section 8251 of the Education Code is amended to*
 38 *read:*

39 8251. All ~~child care and development~~ *direct classroom services*
 40 programs shall include plans or programs, or both, for the care of

1 the children when they are sick. These plans shall be age
2 appropriate and parents shall be included in the planning and
3 evaluation. The Superintendent of Public Instruction shall
4 disseminate information regarding effective sick child care models
5 to all child care and development *early learning and educational*
6 *support* programs.

7 Nothing in this chapter shall be construed to allow the practice
8 of medicine without a license.

9 *SEC. 51. Section 8252 of the Education Code is amended to*
10 *read:*

11 8252. (a) The ~~Department of Education~~ *department* and the
12 local county welfare department shall enter into contracts ~~which~~
13 *that* establish the procedures for serving and referring a child in
14 need of care as part of the provision of protective services pursuant
15 to Chapter 5 (commencing with Section 16500) of Part 4 of
16 Division 9 of the Welfare and Institutions Code. The ~~Department~~
17 ~~of Education~~ *department*, in consultation with the State Department
18 of Social Services, may contract with another appropriate
19 community agency ~~which~~ *that* provides services or referrals, or
20 both, for the prevention or intervention of child abuse or neglect
21 if no such contract for child care services exists between the
22 ~~Department of Education~~ *department* and the county welfare
23 department.

24 (b) The contracts shall specify the resource and referral program
25 or operating agency or agencies providing ~~child care and~~
26 ~~development~~ *early learning and educational support* pursuant to
27 this chapter in the county that the local contracting agency shall
28 contact to secure care for a child needing protective services. If
29 an operating agency is unable to enroll the child, the local
30 contracting agency described in subdivision (a) with the assistance
31 of the providers of local resources and referral services shall locate
32 services for the family. Payments for ~~such~~ *these* located services
33 in the absence of other funds shall be made by the local contracting
34 agency.

35 ~~The~~
36 (c) *The* need for ~~child care~~ *services* funded pursuant to this
37 section shall be reviewed by the local contracting agency no less
38 than every three months.

39 *SEC. 52. Section 8255 of the Education Code is amended to*
40 *read:*

1 8255. (a) The Legislature finds and declares that the
 2 effectiveness of ~~child care and development~~ *early learning and*
 3 *educational support* programs can be increased through improved
 4 state administration, technical assistance to provider agencies, and
 5 monitoring.

6 (b) It is the intent of the Legislature:

7 (1) That the ~~State Department of Education~~ *department* develop
 8 clear, consistent, and appropriate regulations for ~~child care and~~
 9 ~~development~~ *early learning and educational support* programs to
 10 replace policy guidelines ~~which~~ *that* are not subject to the public
 11 hearing process, often inconsistent, and without the force of law.

12 (2) That the ~~State Department of Education~~ *department* make
 13 better use of staff with direct field experience in ~~child development~~
 14 *early learning and educational support* programs.

15 (3) That better criteria be developed for the awarding,
 16 evaluating, and renewal of ~~child care and development~~ *early*
 17 *learning and educational support* contracts.

18 (4) That improvements be made in the method of reimbursing
 19 ~~child care and development program~~ providers.

20 (5) That increased effort be made to provide program operators
 21 with technical assistance in meeting their contractual obligations.

22 *SEC. 53. Section 8257 of the Education Code is amended to*
 23 *read:*

24 8257. The department shall do all of the following in
 25 administering ~~the provisions of~~ this chapter:

26 (a) Apply sanctions against contracting agencies that have
 27 serious licensing violations, as defined and reported by the State
 28 Department of Social Services pursuant to Section 1544 of the
 29 Health and Safety Code.

30 (b) Provide 90 days' written notification to any contractor whose
 31 agreement is being terminated, except if there is imminent danger
 32 to the health and welfare of children if agency operation is not
 33 terminated more promptly. Notwithstanding Article 18
 34 (commencing with Section 8400), the department shall establish
 35 procedures for placing a contractor whose agreement is being
 36 terminated into receivership. Action to initiate receivership shall
 37 be at the discretion of the department, and may be taken against a
 38 contractor whose agreement is being terminated either immediately
 39 or within 90 days. The receiver shall not be a department employee.
 40 The receiver shall have sufficient experience in the administration

1 ~~of child care and development~~ *early learning and educational*
2 *support* programs to ensure compliance with the terms of the
3 receivership.

4 *SEC. 54. Section 8258 of the Education Code is amended to*
5 *read:*

6 8258. (a) No person employed by the ~~State Department of~~
7 ~~Education~~ *department* in a policymaking position in the area of
8 ~~child care and development~~ *early learning and educational support*
9 programs shall serve as a member of the board of directors,
10 advisory council, or advisory committee for any agency receiving
11 funds pursuant to this chapter. ~~The provisions of this subdivision~~
12 ~~shall not apply to any person appointed prior to January 1, 1985.~~

13 (b) No retired, dismissed, separated, or formerly employed
14 person of the ~~state~~ department employed under the State Civil
15 Service or otherwise appointed to serve in the ~~state~~ department
16 may enter into a contract pursuant to Section 8262 in which he or
17 she engaged in any of the negotiations, transactions, planning,
18 arrangements, or any part of the decisionmaking process relevant
19 to the contract while employed in any capacity by the ~~state~~
20 department. The prohibition contained in this subdivision shall
21 apply to the person only during the two-year period beginning on
22 the date the person left state employment.

23 (c) For a period of 12 months following the date of his or her
24 retirement, dismissal, or separation from state service, no person
25 employed under State Civil Service or otherwise appointed to serve
26 in the ~~state~~ department may enter into a contract pursuant to Section
27 8262 if he or she was employed by the department in a
28 policymaking position in the area of ~~child care and development~~
29 *early learning and educational support* programs within the
30 12-month period ~~prior to~~ *before* his or her retirement, dismissal,
31 or separation.

32 (d) For a period of 12 months following the date of his or her
33 retirement, dismissal, or separation from state service, no person
34 employed under State Civil Service or otherwise appointed to serve
35 in the department may be employed by a contractor pursuant to
36 Section 8262 if he or she engaged in any of the negotiations,
37 transactions, planning, arrangements, or any part of the
38 decisionmaking process relevant to the contract while employed
39 in any capacity by the department.

1 ~~(e) The provisions of subdivisions (b), (c), and (d) shall not~~
2 ~~apply to any persons who were already in the situations described~~
3 ~~by these subdivisions prior to January 1, 1985.~~

4 SEC. 55. *Section 8261 of the Education Code is amended to*
5 *read:*

6 8261. (a) The Superintendent of ~~Public Instruction~~ shall adopt
7 rules and regulations pursuant to this chapter. The rules and
8 regulations shall include, but not be limited to, provisions which
9 do all of the following:

10 (1) Provide clear guidelines for the selection of agencies when
11 ~~child development~~ *early learning and educational support* contracts
12 are let, ~~including, but not limited to, specification that any agency~~
13 ~~headquartered in the proposed service area on January 1, 1985,~~
14 ~~will be given priority for a new contract in that area, unless the~~
15 ~~State Department of Education makes a written determination that~~
16 ~~(A) the agency is not able to deliver the level of services specified~~
17 ~~in the request for proposal, or (B) the department has notified the~~
18 ~~agency that it is not in compliance with the terms of its contract.~~

19 (2) Provide for a contract monitoring system to ensure that
20 agencies expend funds received pursuant to this chapter in
21 accordance with the provisions of their contracts.

22 (3) Specify adequate standards of agency performance.

23 (4) Establish reporting requirements for service reports,
24 including provisions for varying the frequency with which these
25 reports are to be submitted on the basis of agency performance.

26 (5) Specify standards for withholding payments to agencies that
27 fail to submit required fiscal reports.

28 (6) Set forth standards for department site visits to contracting
29 agencies, including, but not limited to, specification as to the
30 purpose of the visits, the personnel that will perform these visits,
31 and the frequency of these visits ~~which~~ *that* shall be as frequently
32 as staff and budget resources permit. By September 1 of each year,
33 the department shall report to the Senate Education, Senate Health
34 and Human Services, Assembly Education, and Assembly Human
35 Services Committees on the number of visits conducted during
36 the previous fiscal year pursuant to this paragraph.

37 (b) ~~The superintendent~~ *Superintendent* shall consult with the
38 State Department of Social Services with respect to rules and
39 regulations adopted relative to the disbursal of federal funds under
40 Title XX of the federal Social Security Act.

1 (c) For purposes of expediting the implementation of state or
2 federal legislation to expand child care services, the ~~superintendent~~
3 *Superintendent* may waive (1) the regulations regarding the point
4 qualifications for, and the process and scoring of, interviews of
5 contract applicants pursuant to Section 18002 of Title 5 of the
6 California Code of Regulations, or (2) the time limitations for
7 scheduling and notification of appeal hearings and their results
8 pursuant to Section 18003 of Title 5 of the California Code of
9 Regulations. The ~~superintendent~~ *Superintendent* shall ensure that
10 the appeal hearings provided for in Section 18003 of Title 5 of the
11 California Code of Regulations are conducted in a timely manner.

12 (d) (1) ~~Child care and development~~ *Early learning and*
13 *educational support* programs operated under contract from funds
14 made available pursuant to the federal Child Care and Development
15 Fund, shall be administered according to Division 19 (commencing
16 with Section 17906) of Chapter 1 of Title 5 of the California Code
17 of Regulations, unless provisions of these regulations conflict with
18 federal regulations. If state and federal regulations conflict, the
19 federal regulations shall apply unless a waiver of federal regulations
20 is authorized.

21 (2) For purposes of this section, “Child Care and Development
22 Fund” has the same meaning as in Section 98.2 of Title 45 of the
23 Code of Federal Regulations.

24 *SEC. 56. Section 8261.5 of the Education Code is amended to*
25 *read:*

26 8261.5. For purposes of meeting state and federal reporting
27 requirements and for the effective administration of ~~child care and~~
28 ~~development~~ *early learning and educational support* programs,
29 the Superintendent of ~~Public Instruction~~ is authorized to require
30 the collection and submission of social security numbers of heads
31 of households, and other information as required, from public and
32 private agencies contracting with the ~~State Department of~~
33 ~~Education~~ *department* pursuant to this chapter, including local
34 educational agencies.

35 *SEC. 57. Section 8262 of the Education Code is amended to*
36 *read:*

37 8262. Notwithstanding Sections 14616 and 14780 of the
38 Government Code, the Superintendent of ~~Public Instruction~~ may
39 enter into and execute local contractual agreements with any public
40 or private entity or agency for the delivery of ~~child care and~~

1 ~~development~~ *early learning and educational support* services or
 2 the furnishing of property, facilities, personnel, supplies,
 3 equipment, and administrative services related to the delivery of
 4 ~~child care development~~ *early learning and educational support*
 5 services. ~~Prior to~~ *Before* entering into or executing a local
 6 agreement, the ~~State Department of Education~~ *department* shall
 7 obtain annual approval from the Department of General Services
 8 and the Department of Finance as to the form and general content
 9 thereof. The agreements may only be made for the delivery of
 10 ~~child care and development~~ *early learning and educational support*
 11 services, or the furnishing of property, facilities, personnel,
 12 supplies, equipment, or administrative services related thereto,
 13 which conform with the provisions of this chapter.

14 *SEC. 58. Section 8263 of the Education Code is amended to*
 15 *read:*

16 8263. (a) The Superintendent shall adopt rules and regulations
 17 on eligibility, enrollment, and priority of services needed to
 18 implement this chapter. In order to be eligible for federal and state
 19 subsidized ~~child development~~ *early learning and educational*
 20 *support* services, families shall meet at least one requirement in
 21 each of the following areas:

22 (1) A family is (A) a current aid recipient, (B) income eligible,
 23 (C) homeless, or (D) one whose children are recipients of protective
 24 services, or whose children have been identified as being abused,
 25 neglected, or exploited, or at risk of being abused, neglected, or
 26 exploited.

27 (2) A family needs the child care services (A) because the child
 28 is identified by a legal, medical, or social services agency, or
 29 emergency shelter as (i) a recipient of protective services or (ii)
 30 being neglected, abused, or exploited, or at risk of neglect, abuse,
 31 or exploitation, or (B) because the parents are (i) engaged in
 32 vocational training leading directly to a recognized trade,
 33 paraprofession, or profession, (ii) employed or seeking
 34 employment, (iii) seeking permanent housing for family stability,
 35 or (iv) incapacitated.

36 (b) Except as provided in Article 15.5 (commencing with Section
 37 8350), priority for federal and state subsidized ~~child development~~
 38 *early learning and educational support* services is as follows:

39 (1) (A) First priority shall be given to neglected or abused
 40 children who are recipients of child protective services, or children

1 who are at risk of being neglected or abused, upon written referral
2 from a legal, medical, or social services agency. If an agency is
3 unable to enroll a child in the first priority category, the agency
4 shall refer the family to local resource and referral services to
5 locate services for the child.

6 (B) A family who is receiving child care on the basis of being
7 a child at risk of abuse, neglect, or exploitation, as defined in
8 subdivision~~(k)~~ (i) of Section 8208, is eligible to receive services
9 pursuant to subparagraph (A) for up to three months, unless the
10 family becomes eligible pursuant to subparagraph (C).

11 (C) A family may receive child care services for up to 12 months
12 on the basis of a certification by the county child welfare agency
13 that child care services continue to be necessary or, if the child is
14 receiving child protective services during that period of time, and
15 the family requires child care and remains otherwise eligible. This
16 time limit does not apply if the family's ~~child care~~ referral is
17 recertified by the county child welfare agency.

18 (2) Second priority shall be given equally to eligible families,
19 regardless of the number of parents in the home, who are income
20 eligible. Within this priority, families with the lowest gross monthly
21 income in relation to family size, as determined by a schedule
22 adopted by the Superintendent, shall be admitted first. If two or
23 more families are in the same priority in relation to income, the
24 family that has a child with exceptional needs shall be admitted
25 first. If there is no family of the same priority with a child with
26 exceptional needs, the same priority family that has been on the
27 waiting list for the longest time shall be admitted first. For purposes
28 of determining order of admission, the grants of public assistance
29 recipients shall be counted as income.

30 (3) The Superintendent shall set criteria for and may grant
31 specific waivers of the priorities established in this subdivision for
32 agencies that wish to serve specific populations, including children
33 with exceptional needs or children of prisoners. These new waivers
34 shall not include proposals to avoid appropriate fee schedules or
35 admit ineligible families, but may include proposals to accept
36 members of special populations in other than strict income order,
37 as long as appropriate fees are paid.

38 (c) Notwithstanding any other law, in order to promote
39 continuity of services, a family enrolled in a state or federally
40 funded child care and development program whose services would

1 otherwise be terminated because the family no longer meets the
2 program income, eligibility, or need criteria may continue to
3 receive child development services in another state or federally
4 funded child care and development program if the contractor is
5 able to transfer the family's enrollment to another program for
6 which the family is eligible before the date of termination of
7 services or to exchange the family's existing enrollment with the
8 enrollment of a family in another program, provided that both
9 families satisfy the eligibility requirements for the program in
10 which they are being enrolled. The transfer of enrollment may be
11 to another program within the same administrative agency or to
12 another agency that administers state or federally funded child
13 care and development programs.

14 (d) In order to promote continuity of services, the Superintendent
15 may extend the 60-working-day period specified in subdivision
16 (a) of Section 18086.5 of Title 5 of the California Code of
17 Regulations for an additional 60 working days if he or she
18 determines that opportunities for employment have diminished to
19 the degree that one or both parents cannot reasonably be expected
20 to find employment within 60 working days and granting the
21 extension is in the public interest. The scope of extensions granted
22 pursuant to this subdivision shall be limited to the necessary
23 geographic areas and affected persons, which shall be described
24 in the Superintendent's order granting the extension. It is the intent
25 of the Legislature that extensions granted pursuant to this
26 subdivision improve services in areas with high unemployment
27 rates and areas with disproportionately high numbers of seasonal
28 agricultural jobs.

29 (e) A physical examination and evaluation, including
30 age-appropriate immunization, shall be required before, or within
31 six weeks of, enrollment. A standard, rule, or regulation shall not
32 require medical examination or immunization for admission to a
33 ~~child care and development~~ *an early learning and educational*
34 *support* program of a child whose parent or guardian files a letter
35 with the governing board of the ~~child care and development~~
36 program stating that the medical examination or immunization is
37 contrary to his or her religious beliefs, or provide for the exclusion
38 of a child from the program because of a parent or guardian having
39 filed the letter. However, if there is good cause to believe that a
40 child is suffering from a recognized contagious or infectious

1 disease, the child shall be temporarily excluded from the program
2 until the governing board of the ~~child care and development~~
3 program is satisfied that the child is not suffering from that
4 contagious or infectious disease.

5 (f) Regulations formulated and promulgated pursuant to this
6 section shall include the recommendations of the State Department
7 of Health Care Services relative to health care screening and the
8 provision of health care services. The Superintendent shall seek
9 the advice and assistance of these health authorities in situations
10 where service under this chapter includes or requires care of
11 children who are ill or children with exceptional needs.

12 (g) (1) The Superintendent shall establish a fee schedule for
13 families utilizing ~~child care and development~~ *early learning and*
14 *educational support* services pursuant to this chapter, including
15 families receiving services under paragraph (1) of subdivision (b).
16 Families receiving services under subparagraph (B) of paragraph
17 (1) of subdivision (b) may be exempt from these fees for up to
18 three months. Families receiving services under subparagraph (C)
19 of paragraph (1) of subdivision (b) may be exempt from these fees
20 for up to 12 months. The cumulative period of time of exemption
21 from these fees for families receiving services under paragraph
22 (1) of subdivision (b) shall not exceed 12 months.

23 (2) The income of a recipient of federal supplemental security
24 income benefits pursuant to Title XVI of the federal Social Security
25 Act (42 U.S.C. Sec. 1381 et seq.) and state supplemental program
26 benefits pursuant to Title XVI of the federal Social Security Act
27 (42 U.S.C. Sec. 1381 et seq.) and Chapter 3 (commencing with
28 Section 12000) of Part 3 of Division 9 of the Welfare and
29 Institutions Code shall not be included as income for purposes of
30 determining the amount of the family fee.

31 (h) (1) The family fee schedule ~~shall~~
32 ~~provide,~~ *shall provide,* among other things, that a contractor or
33 provider may require parents to provide diapers. A contractor or
34 provider offering field trips either may include the cost of the field
35 trips within the service rate charged to the parent or may charge
36 parents an additional fee. Federal or state money shall not be used
37 to reimburse parents for the costs of field trips if those costs are
38 charged as an additional fee. A contractor or provider that charges
39 parents an additional fee for field trips shall inform parents, before

1 enrolling the child, that a fee may be charged and that no
2 reimbursement will be available.

3 (2) A contractor or provider may charge parents for field trips
4 or require parents to provide diapers only under the following
5 circumstances:

6 (A) The provider has a written policy that is adopted by the
7 agency's governing board that includes parents in the
8 decisionmaking process regarding both of the following:

9 (i) Whether or not, and how much, to charge for field trip
10 expenses.

11 (ii) Whether or not to require parents to provide diapers.

12 (B) The maximum total of charges per child in a contract year
13 does not exceed twenty-five dollars (\$25).

14 (C) A child shall not be denied participation in a field trip due
15 to the parent's inability or refusal to pay the charge. Adverse action
16 shall not be taken against a parent for that inability or refusal.

17 (3) Each contractor or provider shall establish a payment system
18 that prevents the identification of children based on whether or
19 not their parents have paid a field trip charge.

20 (4) Expenses incurred and income received for field trips
21 pursuant to this section shall be reported to the department. The
22 income received for field trips shall be reported specifically as
23 restricted income.

24 (i) The Superintendent shall establish guidelines for the
25 collection of employer-sponsored child care benefit payments from
26 a parent whose child receives subsidized ~~child care and~~
27 ~~development~~ *early learning and educational support* services.
28 These guidelines shall provide for the collection of the full amount
29 of the benefit payment, but not to exceed the actual cost of ~~child~~
30 ~~care and development~~ *early learning and educational support*
31 services provided, notwithstanding the applicable fee based on the
32 fee schedule.

33 (j) The Superintendent shall establish guidelines according to
34 which the director or a duly authorized representative of the ~~child~~
35 ~~care and development~~ *early learning and educational support*
36 program will certify children as eligible for state reimbursement
37 pursuant to this section.

38 (k) Public funds shall not be paid directly or indirectly to an
39 agency that does not pay at least the minimum wage to each of its
40 employees.

1 *SEC. 59. Section 8263.2 of the Education Code is amended to*
2 *read:*

3 8263.2. (a) Notwithstanding any other law, effective July 1,
4 2011, the department shall reduce the maximum reimbursable
5 amounts of the contracts for the Preschool Education Program, the
6 General Child Care Program, the Migrant Day Care Program, the
7 Alternative Payment Program, the CalWORKs Stage 3 Program,
8 and the Allowance for Handicapped Program by 11 percent or by
9 whatever proportion is necessary to ensure that expenditures for
10 these programs do not exceed the amounts appropriated for them,
11 including any reductions made subsequent to the adoption of the
12 annual Budget Act. The department may consider the contractor's
13 performance or whether the contractor serves children in *an*
14 ~~underserved-areas~~ *area*, as defined in subdivision ~~(ag)~~ *(ah)* of
15 Section 8208, when determining contract reductions, provided that
16 the aggregate reduction to each program specified in this
17 subdivision is 11 percent or by whatever proportion is necessary
18 to ensure that expenditures for these programs do not exceed the
19 amounts appropriated for them, including any reductions made
20 subsequent to the adoption of the annual Budget Act.

21 (b) Notwithstanding any other law, effective July 1, 2011,
22 families shall be disenrolled from subsidized ~~child-care~~ services,
23 consistent with the priorities for services specified in subdivision
24 (b) of Section 8263. Families shall be disenrolled in the following
25 order:

26 (1) Families whose income exceeds 70 percent of the state
27 median income (SMI) adjusted for family size, except for families
28 whose children are receiving child protective services or are at
29 risk of being neglected or abused.

30 (2) Families with the highest income below 70 percent of the
31 SMI, in relation to family size.

32 (3) Families that have the same income and have been enrolled
33 in ~~child-care~~ services the longest.

34 (4) Families that have the same income and have a child with
35 exceptional needs.

36 (5) Families whose children are receiving child protective
37 services or are at risk of being neglected or abused, regardless of
38 family income.

39 *SEC. 60. Section 8263.3 of the Education Code is amended to*
40 *read:*

1 8263.3. (a) Notwithstanding any other law, and in addition to
2 any reductions applied pursuant to Section 8263.2, effective July
3 1, 2012, the department shall reduce the maximum reimbursable
4 amounts of the contracts for the General Child Care Program, the
5 Migrant Day Care Program, the Alternative Payment Program, the
6 CalWORKs Stage 3 Program, and the Allowance for Handicapped
7 Program by 8.7 percent or by whatever proportion is necessary to
8 ensure that expenditures for these programs do not exceed the
9 amounts appropriated for them, as adjusted for any reductions in
10 appropriations made subsequent to the adoption of the annual
11 Budget Act. The department may consider the contractor's
12 performance or whether the contractor serves children in *an*
13 ~~underserved areas~~ *area*, as defined in subdivision ~~(ag)~~ *(ah)* of
14 Section 8208, when determining contract reductions, provided that
15 the aggregate reduction to each program specified in this
16 subdivision is 8.7 percent or whatever proportion is necessary to
17 ensure that expenditures for these programs do not exceed the
18 amounts appropriated for them, as adjusted for any reductions in
19 appropriations made subsequent to the adoption of the annual
20 Budget Act.

21 (b) Notwithstanding any other law, effective July 1, 2012,
22 families shall be disenrolled from subsidized ~~child care~~ services,
23 consistent with the priorities for services specified in subdivision
24 (b) of Section 8263. Families shall be disenrolled in the following
25 order:

26 (1) Families with the highest income in relation to family size.

27 (2) Families that have the same income and have been enrolled
28 in ~~child care~~ services the longest.

29 (3) Families that have the same income and have a child with
30 exceptional needs.

31 (4) Families whose children are receiving child protective
32 services or are at risk of being neglected or abused, regardless of
33 family income.

34 *SEC. 61. Section 8263.4 of the Education Code is amended to*
35 *read:*

36 8263.4. (a) The preferred placement for children who are 11
37 or 12 years of age and who are otherwise eligible for subsidized
38 ~~child care and development~~ *early learning and educational support*
39 services shall be in a before or after school program.

1 (b) Children who are 11 or 12 years of age shall be eligible for
2 subsidized ~~child care~~ services only for the portion of care needed
3 that is not available in a before or after school program provided
4 pursuant to Article 22.5 (commencing with Section 8482) or Article
5 22.6 (commencing with Section 8484.7). Contractors shall provide
6 each family of an eligible 11 or 12 year old with the option of
7 combining care provided in a before or after school program with
8 subsidized ~~child care~~ in another setting, for those hours within a
9 day when the before or after school program does not operate, in
10 order to meet the ~~child care~~ needs of the family.

11 (c) Children who are 11 or 12 years of age, who are eligible for
12 and who are receiving subsidized ~~child care~~ services, and for whom
13 a before or after school program is not available, shall continue to
14 receive subsidized ~~child care~~ services.

15 (d) A before or after school program shall be considered not
16 available when a parent certifies in writing, on a form provided
17 by the department that is translated into the parent's primary
18 language pursuant to Sections 7295.4 and 7296.2 of the
19 Government Code, the reason or reasons why the program would
20 not meet the ~~child care~~ needs of the family. The reasons why a
21 before or after school program shall be considered not available
22 shall include, but not be limited to, any of the following:

23 (1) The program does not provide services when needed during
24 the year, such as during the summer, school breaks, or intersession.

25 (2) The program does not provide services when needed during
26 the day, such as in the early morning, evening, or weekend hours.

27 (3) The program is too geographically distant from the child's
28 school of attendance.

29 (4) The program is too geographically distant from the parents'
30 residence.

31 (5) Use of the program would create substantial transportation
32 obstacles for the family.

33 (6) Any other reason that makes the use of before or after school
34 care inappropriate for the child or burdensome on the family.

35 (e) If an 11 or 12 year old child who is enrolled in a subsidized
36 ~~child development~~ *early learning and educational support* program
37 becomes ineligible for subsidized ~~child care~~ under subdivision (b)
38 and is disenrolled from the before or after school program, or if
39 the before or after school program no longer meets the ~~child care~~
40 needs of the family, the child shall be given priority to return to

1 the subsidized ~~child care~~ *early learning and educational support*
 2 services upon the parent's notification of the contractor of the need
 3 for child care.

4 (f) This section does not apply to an 11 or 12 year old child with
 5 a disability, including a child with exceptional needs who has an
 6 individualized education program as required by the federal
 7 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400
 8 et seq.), Section 504 of the federal Rehabilitation Act of 1973 (29
 9 U.S.C. Sec. 794), or Part 30 (commencing with Section 56000) of
 10 Division 4 of Title 2.

11 (g) The savings generated each contract year by the
 12 implementation of the changes made to this section by ~~the act~~
 13 ~~amending this section during the 2005-06 Regular Session Chapter~~
 14 ~~78 of the Statutes of 2005~~ shall remain with each alternative
 15 payment program, ~~child development~~ *early learning and*
 16 *educational support* center, or other contractor for the provision
 17 of ~~child care~~ services, except for care provided by programs
 18 pursuant to Article 15.5 (commencing with Section 8350). Each
 19 contractor shall report annually to the department the amount of
 20 savings resulting from this implementation, and the department
 21 shall report annually to the Legislature the amount of savings
 22 statewide resulting from that implementation.

23 *SEC. 62. Section 8264 of the Education Code is amended to*
 24 *read:*

25 8264. By July 1, 1981, and annually thereafter, the State
 26 Department of Health Services shall provide a mechanism for the
 27 delivery of health screening and followup services for children
 28 enrolled in ~~child care and development~~ *early learning and*
 29 *educational support* programs for whom there are no appropriate
 30 health services accessible by referral.

31 *SEC. 63. Section 8264.5 of the Education Code is amended to*
 32 *read:*

33 8264.5. The Superintendent may waive or modify ~~child~~
 34 ~~development~~ requirements in order to enable ~~child development~~
 35 *direct classroom services* programs to serve combinations of
 36 eligible children in areas of low population. The ~~child development~~
 37 programs for which the Superintendent may grant waivers shall
 38 include, but need not be limited to, California state preschool
 39 full-day ~~programs~~ *program services*, ~~child care services~~ provided
 40 by the California School Age Families Education Program (Article

1 7.1 (commencing with Section 54740) of Chapter 9 of Part 29 of
2 Division 4 of Title 2), ~~infant-care and development~~ *and toddler*
3 ~~services, migrant-child-care and development programs~~ *services,*
4 ~~and general-child-care and development~~ *direct classroom services*
5 ~~programs.~~

6 *SEC. 64. Section 8264.6 of the Education Code is amended to*
7 *read:*

8 8264.6. The Superintendent of ~~Public Instruction~~ may provide
9 outreach services and technical assistance to new-~~child-care~~
10 *applicants or* contracting agencies and to those providing ~~child~~
11 *care services* during nontraditional times, in underserved
12 geographic areas, and for children with ~~special-child-care~~ *specific*
13 *service* needs, including infants and toddlers under three years of
14 age.

15 *SEC. 65. Section 8264.7 of the Education Code is amended to*
16 *read:*

17 8264.7. (a) The Superintendent of ~~Public Instruction~~ shall
18 establish rules and regulations for the staffing of all ~~center-based~~
19 ~~child-care and development~~ *direct classroom services* programs
20 under contract with the department.

21 **Priority**

22 (b) *Priority* shall be given by the department to the employment
23 of persons in ~~child development~~ *direct classroom services* programs
24 with ethnic backgrounds ~~which~~ *that* are similar to those of the
25 child for whom ~~child development~~ services are provided.

26 **For**

27 (c) *For* purposes of staffing ~~child-care and development~~ *direct*
28 *classroom services* programs, the role of a teacher in child
29 supervision means direct supervision of the children as well as
30 supervision of aides and groups of children.

31 **Family**

32 (d) *Family* child care homes shall operate pursuant to adult/child
33 ratios prescribed in Chapter 7 (commencing with Section 86001)
34 of Division 6 of Title 22 of the California Code of Regulations.

35 **Approval**

36 (e) *Approval* by the Superintendent of ~~Public Instruction~~ of any
37 ongoing or new programs seeking to operate under the ratios and
38 standards established by the Superintendent of ~~Public Instruction~~
39 under this chapter shall be based upon the following considerations:

40 (a)

1 (1) The type of facility in which care is being or is to be
2 provided.

3 (b)

4 (2) The ability of the Superintendent of Public Instruction to
5 implement a funding source change.

6 (e)

7 (3) The proportion of nonsubsidized children enrolled or to be
8 enrolled by the agency.

9 (d)

10 (4) The most cost-effective ratios possible for the type of
11 services provided or to be provided by the agency.

12 The

13 (f) ~~The Superintendent of Public Instruction shall apply for such~~
14 ~~waivers of federal requirements as are necessary to carry out this~~
15 ~~section.~~

16 *SEC. 66. Section 8264.8 of the Education Code is repealed.*

17 ~~8264.8. Until the Superintendent of Public Instruction~~
18 ~~promulgates regulations for center-based programs establishing~~
19 ~~staffing ratios, the following staffing ratios shall apply:~~

20 (a) ~~Infants, 0 to 2 years old—1:3 adult-child ratio, 1:18~~
21 ~~teacher-child ratio.~~

22 (b) ~~Infants and toddlers, 0 to 2 years old—1:4 adult-child ratio,~~
23 ~~1:16 teacher-child ratio.~~

24 (c) ~~Children 3 to 6 years old—1:8 adult-child ratio, 1:24~~
25 ~~teacher-child ratio.~~

26 (d) ~~Children 6 to 10 years old—1:14 adult-child ratio, 1:28~~
27 ~~teacher-child ratio.~~

28 (e) ~~Children 10 to 13 years old—1:18 adult-child ratio, 1:36~~
29 ~~teacher-child ratio.~~

30 (f) ~~If groups of children of varying ages are commingled, the~~
31 ~~teacher and adult ratios shall be proportionate and appropriate to~~
32 ~~the ages and groups of children.~~

33 *SEC. 67. Section 8264.8 is added to the Education Code, to*
34 *read:*

35 *8264.8. (a) Early learning and educational support programs*
36 *shall maintain at least the following minimum ratios in all direct*
37 *classroom services except for family child care home education*
38 *networks operating pursuant to Article 8.5 (commencing with*
39 *Section 8245):*

1 (1) *Infants, birth to 18 months old—1:3 adult-to-child ratio,*
2 *1:18 teacher-to-child ratio.*

3 (2) *Toddlers, 18 months up to their third birthday—1:4*
4 *adult-to-child ratio, 1:16 teacher-to-child ratio.*

5 (3) *Preschool, at least 30 months to kindergarten eligibility—1:8*
6 *adult-to-child ratio, 1:24 teacher-to-child ratio.*

7 (4) *Schoolage, enrolled in kindergarten to their 13th*
8 *birthday—1:14 adult-to-child ratio, 1:28 teacher-to-child ratio.*

9 (b) *Compliance with the ratios established by subdivision (a)*
10 *shall be determined based on actual attendance.*

11 SEC. 68. *Section 8265 of the Education Code is amended to*
12 *read:*

13 8265. (a) The Superintendent shall implement a plan that
14 establishes reasonable standards and assigned reimbursement rates,
15 which vary with the length of the program year and the hours of
16 service.

17 (1) Parent fees shall be used to pay reasonable and necessary
18 costs for providing additional services.

19 (2) When establishing standards and assigned reimbursement
20 rates, the Superintendent shall confer with applicant agencies.

21 (3) The reimbursement system, including standards and rates,
22 shall be submitted to the Joint Legislative Budget Committee.

23 (4) The Superintendent may establish any regulations he or she
24 deems advisable concerning conditions of service and hours of
25 enrollment for children in the programs.

26 (b) The standard reimbursement rate shall be three thousand
27 five hundred twenty-three dollars (\$3,523) per unit of average
28 daily enrollment for a 250-day year, increased by the cost-of-living
29 adjustment granted by the Legislature beginning July 1, 1980.

30 (c) The plan shall require agencies having an assigned
31 reimbursement rate above the current year standard reimbursement
32 rate to reduce costs on an incremental basis to achieve the standard
33 reimbursement rate.

34 (d) The plan shall provide for adjusting reimbursement on a
35 case-by-case basis, in order to maintain service levels for agencies
36 currently at a rate less than the standard reimbursement rate.
37 Assigned reimbursement rates shall be increased only on the basis
38 of one or more of the following:

39 (1) Loss of program resources from other sources.

1 (2) Need of an agency to pay the same ~~child care~~ rates as those
 2 prevailing in the local community.

3 (3) Increased costs directly attributable to new or different
 4 regulations.

5 (4) Documented increased costs necessary to maintain the prior
 6 year’s level of service and ensure the continuation of threatened
 7 ~~programs.~~

8 ~~Child care agencies programs.~~ Agencies funded at the lowest
 9 rates shall be given first priority for increases.

10 (e) The plan shall provide for expansion of ~~child development~~
 11 *early learning and educational support* programs at no more than
 12 the standard reimbursement rate for that fiscal year.

13 (f) The Superintendent may reduce the percentage of reduction
 14 for a public agency that satisfies any of the following:

- 15 (1) Serves more than 400 children.
- 16 (2) Has in effect a collective bargaining agreement.
- 17 (3) Has other extenuating circumstances that apply, as
 18 determined by the Superintendent.

19 *SEC. 69. Section 8266 of the Education Code is amended to*
 20 *read:*

21 8266. (a) Notwithstanding ~~the provisions of~~ Section 8265,
 22 the assigned reimbursement rate of a ~~center-based child care agency~~
 23 ~~(a) direct classroom services program (1) contracting with the~~
 24 ~~Department of Education department,~~ ~~(b) (2) operating under~~
 25 licensing standards for child care and development facilities
 26 specified by Section 1500 et seq. of the Health and Safety Code
 27 and by Title 22 of the California ~~Administrative Code~~ *Code of*
 28 *Regulations*, and ~~(c) (3) with less than a majority of subsidized~~
 29 children enrolled in the facility, shall be equivalent to the fee paid
 30 for the same service by families of nonsubsidized children.

31 ~~It~~
 32 (b) *It is not the intent of the Legislature to preclude an agency*
 33 *with a contract with the department from adjusting the fees charged*
 34 *to nonsubsidized children during the contract year. In no event*
 35 *shall the assigned reimbursement rate exceed the standard*
 36 *reimbursement rate established pursuant to Section 8265.*

37 ~~These agencies~~
 38 (c) *An agency subject to this section shall provide documentation*
 39 *to the department that subsidized children, as necessary and*
 40 *appropriate, shall receive supportive services through county*

1 welfare departments, resource and referral programs, or other
2 existing community resources, or all of them.

3 *SEC. 70. Section 8266.1 of the Education Code is amended to*
4 *read:*

5 8266.1. Commencing with the 1995–96 fiscal year and each
6 fiscal year thereafter, for the purposes of this chapter,
7 reimbursement rates shall be adjusted by the following
8 reimbursement factors for ~~child care and development~~ *direct*
9 *classroom services* programs with a standard reimbursement rate,
10 but shall not apply to the Resource and Referral Programs set forth
11 in Article 2 (commencing with Section 8210), the Alternative
12 Payment Programs set forth in Article 3 (commencing with Section
13 8220), the part-day California state preschool programs set forth
14 in Article 7 (commencing with Section 8235), the schoolage
15 community child care services programs set forth in Article 22
16 (commencing with Section 8460), or to the schoolage parent and
17 infant development programs:

18 (a) For ~~child care and development~~ *direct classroom services*
19 *program* providers serving children for less than four hours per
20 day, the reimbursement factor is 55 percent of the standard
21 reimbursement rate.

22 (b) For ~~child care and development~~ *direct classroom services*
23 *program* providers serving children for not less than four hours
24 per day, and less than six and one-half hours per day, the
25 reimbursement factor is 75 percent of the standard reimbursement
26 rate. For providers operating under the At Risk Child Care Program
27 set forth in Article 15.5 (commencing with Section 8350) and
28 serving children for not less than four hours per day, and less than
29 seven hours per day, the reimbursement factor is 75 percent of the
30 standard reimbursement rate.

31 (c) For ~~child care and development~~ *direct classroom services*
32 *program* providers serving children for not less than six and
33 one-half hours per day, and less than 10 and one-half hours per
34 day, the reimbursement factor is 100 percent of the standard
35 reimbursement rate. For providers operating under the At Risk
36 Child Care Program set forth in Article 15.5 (commencing with
37 Section 8350) and serving children for not less than seven hours
38 per day, and less than 10 hours per day, the reimbursement factor
39 is 100 percent of the standard reimbursement rate.

1 (d) For ~~child care and development~~ *direct classroom services*
2 program providers serving children for 10½ hours or more per
3 day, the reimbursement factor is 118 percent of the standard
4 reimbursement rate.

5 *SEC. 71. Section 8272 of the Education Code is amended to*
6 *read:*

7 8272. (a) The rules, regulations, and guidelines adopted by
8 the Superintendent of ~~Public Instruction~~ pursuant to Sections 8261
9 and 8269 shall permit reimbursement for interest paid by
10 contractors on private sector debt financing for the purchase,
11 lease-purchase, repair, or renovation of child care and development
12 facilities owned or leased by contractors providing ~~center-based~~
13 *care early learning and educational support services.*

14 (b) The Superintendent of ~~Public Instruction~~ shall adopt
15 regulations requiring contractors to demonstrate that the amount
16 of interest paid in a year on private sector debt financing for the
17 purposes identified in subdivision (a) does not exceed the value
18 obtained by the state in the use of the facilities during the year for
19 the ~~child care and development~~ *early learning and educational*
20 *support services* program. The regulations shall include, but not
21 be limited to, the following methods of making this demonstration:

22 (1) Amortization of a loan or lease-purchase contract on a
23 straight-line basis for the purchase price of a portable building,
24 including any transportation charges, installation charges, loan
25 fees, taxes, points or other fees associated with the purchase, over
26 a period of 15 years or more.

27 (2) Amortization of a loan or lease-purchase contract on a
28 straight-line basis for the purchase price of a permanent building
29 and real estate, including any loan fees, taxes, points or other fees
30 associated with the purchase, over a period of 15 years or more.

31 (3) Evidence acceptable to the Superintendent of ~~Public~~
32 ~~Instruction~~ that loan payments for the purchase of a portable
33 building or permanent building and real estate, including principal
34 and interest, do not exceed the fair market rental cost that the
35 contractor would have paid if the property was not purchased.

36 (c) Loans or lease-purchase agreements amortized over the
37 number of years designated in subdivision (b), but due in a fewer
38 number of years, shall not be disallowed because of the shorter
39 due date.

1 *SEC. 72. Section 8275 of the Education Code is amended to*
2 *read:*

3 8275. (a) The Superintendent may reimburse approvable
4 startup costs of ~~child development~~ agencies or facilities in an
5 amount not to exceed 15 percent of the expansion or increase of
6 each agency's total contract amount. Under no circumstances shall
7 reimbursement for startup costs result in an increase in the agency's
8 total contract amount. These funds shall be available for all of the
9 following:

- 10 (1) The employment and orientation of necessary staff.
- 11 (2) The setting up of the program and facility.
- 12 (3) The finalization of rental agreements and the making of
13 necessary deposits.
- 14 (4) The purchase of a reasonable inventory of materials and
15 supplies.
- 16 (5) The purchase of an initial premium for insurance.

17 (b) Agencies shall submit claims for startup costs with their first
18 quarterly reports.

19 (c) The Legislature recognizes that allowances for startup costs
20 are necessary for the establishment and stability of new ~~child~~
21 ~~development~~ *early learning and educational support* programs.
22 ~~Programs initially funded in the 1978-79 fiscal year and 1979-80~~
23 ~~fiscal year are included in this section.~~

24 *SEC. 73. Section 8276.7 of the Education Code is amended to*
25 *read:*

26 8276.7. Unless specifically exempted by the Legislature, the
27 administrative cost for all state-funded ~~child care and development~~
28 *early learning and educational support* programs and all federal
29 programs administered by the state shall not exceed 15 percent of
30 the funds provided for those programs. Eighty-five percent of these
31 funds shall be used to provide direct services in accordance with
32 rules and regulations, or contractual funding terms and conditions
33 prescribed by the Superintendent of ~~Public Instruction~~.

34 *SEC. 74. Section 8277 of the Education Code is amended to*
35 *read:*

36 8277. (a) The Superintendent of ~~Public Instruction~~ shall
37 establish regulations for the allocation of capital outlay funds
38 provided pursuant to Section 8277.1 to Section 8277.4, inclusive,
39 to benefit children most needing ~~child care and development~~ *early*
40 *learning and educational support* programs. The first priority for

1 all capital outlay shall be given to facilities located in geographic
2 areas with no other available enrollment slots in existing subsidized
3 and nonsubsidized child care and development facilities. ~~All such~~
4 *This* capital outlay funding shall be used solely for purposes of
5 renovation and repair of existing buildings.

6 ~~The~~
7 (b) ~~The Superintendent of Public Instruction~~ shall establish
8 qualifications for determining the eligibility of contracting agencies
9 and day care homes to apply for capital outlay funds.

10 SEC. 75. *Section 8277.8 of the Education Code is amended to*
11 *read:*

12 8277.8. (a) In the event that a school district elects to
13 discontinue its contract for child development services, the facilities
14 owned by the school district and constructed through the provisions
15 of the local tax override for ~~child development~~ *early learning and*
16 *educational support program* purposes shall be made available to
17 the local contractor whose bid is accepted for continuation of the
18 services.

19 ~~The~~
20 (b) ~~The~~ rent for ~~such~~ *the* facilities shall not exceed the prevailing
21 rental rate for such facilities.

22 SEC. 76. *Section 8278.3 of the Education Code is amended to*
23 *read:*

24 8278.3. (a) (1) The Child Care Facilities Revolving Fund is
25 hereby established in the State Treasury to provide funding for the
26 renovation, repair, or improvement of an existing building to make
27 the building suitable for licensure for ~~child care and development~~
28 *early learning and educational support* services and for the
29 purchase of new relocatable child care facilities for lease to school
30 districts and contracting agencies that provide ~~child care and~~
31 ~~development~~ *early learning and educational support* services;
32 pursuant to this chapter. The Superintendent may transfer state
33 funds appropriated for child care facilities into this fund for
34 allocation to school districts and contracting agencies, as specified,
35 for the purchase, transportation, and installation of facilities for
36 replacement and expansion of capacity. School districts and
37 contracting agencies using facilities made available by the use of
38 these funds shall be charged a leasing fee, either at a fair market
39 value for those facilities or at an amount sufficient to amortize the
40 cost of purchase and relocation, whichever amount is lower, over

1 a 10-year period. Upon full repayment of the purchase and
2 relocation costs, title shall transfer from the State of California to
3 the school district or contracting agency. The Superintendent shall
4 deposit all revenue derived from the lease payments into the Child
5 Care Facilities Revolving Fund.

6 (2) Notwithstanding Section 13340 of the Government Code,
7 all moneys in the fund, including moneys deposited from lease
8 payments, are continuously appropriated, without regard to fiscal
9 years, to the Superintendent for expenditure pursuant to this article.

10 (b) On or before August 1 of each fiscal year, the Superintendent
11 shall submit to the Department of Finance and the Legislative
12 Analyst's Office a report detailing the number of funding requests
13 received and their purpose, the types of agencies that received
14 funding from the Child Care Facilities Revolving Fund, the
15 increased capacity that these facilities generated, a description of
16 the manner in which the facilities are being used, and a projection
17 of the lease payments collected and the funds available for future
18 use.

19 (c) A school district or county office of education that provides
20 child care pursuant to the California School Age Families
21 Education Program (Article 7.1 (commencing with Section 54740)
22 of Chapter 9 of Part 29 of Division 4 of Title 2) is eligible to apply
23 for and receive funding pursuant to this section.

24 *SEC. 77. Section 8279.1 of the Education Code is amended to*
25 *read:*

26 8279.1. (a) The Legislature recognizes that ~~child care~~ *early*
27 *learning and educational support* programs have made valuable
28 contributions towards ensuring that public assistance recipients
29 will be able to accept and maintain employment or
30 employment-related training. Therefore, it is the intent of the
31 Legislature that the Superintendent ensure that counties comply
32 with the requirements of Section 8279.

33 (b) The Superintendent shall ensure each county's compliance
34 with Section 8279 by not issuing funds to a local ~~child care~~
35 contractor within a county until the Superintendent has received
36 written certification from that county that the level of expenditure
37 for ~~child care~~ services provided by the county has been maintained
38 at the 1970-71 fiscal year level pursuant to Section 8279. Funding
39 provided by a county to a local ~~child care~~ contractor shall not

1 adversely affect the reimbursement received by the agency from
2 the Superintendent pursuant to Section 8265, 8265.5, or 8266.

3 *SEC. 78. Section 8279.3 of the Education Code is amended to*
4 *read:*

5 8279.3. (a) The department shall disburse augmentations to
6 the base allocation for the expansion of ~~child care and development~~
7 *early learning and educational support* programs to promote equal
8 access to ~~child development~~ *these* services across the state.

9 (b) The Superintendent ~~of Public Instruction~~ shall use the
10 formula developed pursuant to subdivision (c) and the priorities
11 identified by local ~~child care and development~~ planning councils,
12 unless those priorities do not meet the requirements of state or
13 federal law, as a guide in disbursing augmentations pursuant to
14 subdivision (a).

15 (c) The Superintendent ~~of Public Instruction~~ shall develop a
16 formula for prioritizing the disbursement of augmentations pursuant
17 to this section. The formula shall give priority to allocating funds
18 to underserved areas. The Superintendent ~~of Public Instruction~~
19 shall develop the formula by using the definition of “underserved
20 area” in subdivision ~~(af)~~ *(ah)* of Section 8208 and direct impact
21 indicators of need for ~~child care and development~~ *early learning*
22 *and educational support* services in the county or subcounty areas.
23 For purposes of this section, “subcounty areas” include, but are
24 not limited to, school districts, census tracts, or ZIP Code areas
25 that are deemed by the Superintendent ~~of Public Instruction~~ to be
26 most appropriate to the type of program receiving an augmentation.
27 Direct impact indicators of need may include, but are not limited
28 to, the teenage pregnancy rate, the unemployment rate, area
29 household income, or the number or percentage of families
30 receiving public assistance, eligible for Medi-Cal, or eligible for
31 free or reduced-price school meals, and any unique characteristics
32 of the population served by the type of program receiving an
33 augmentation.

34 (d) To promote equal access to services, the Superintendent ~~of~~
35 ~~Public Instruction~~ shall include in guidelines developed for use by
36 local planning councils pursuant to subdivision (d) of Section
37 8499.5 guidance on identifying underserved areas and populations
38 within counties. This guidance shall include reference to the direct
39 impact indicators of need described in subdivision (c).

1 *SEC. 79. Section 8279.4 of the Education Code is amended to*
2 *read:*

3 8279.4. The Legislature finds and declares the following:

4 (a) There is a serious shortage of quality child day care facilities
5 throughout the state.

6 (b) It is in the interest of the state’s children and families, and
7 the state’s economic growth, to encourage the expansion of existing
8 child day care facilities by assisting communities and interested
9 government and private entities to finance child day care facilities.

10 (c) In addition to regional resource centers described in
11 Provision 7(d) of Item 6110-196-0001 of the Budget Act of 1999,
12 which focus on developing ~~child~~ care capacity in underserved areas
13 of the state, there is a need to access capital for facilities on a
14 systematic basis, especially to use limited public sector funds to
15 leverage a greater private sector role in financing child day care
16 facilities. The Legislature finds and declares that a financial
17 intermediary could fill this role and support the regional resource
18 centers and other local entities that work with potential providers
19 by functioning as a centralized repository of training, best practices,
20 and expertise on facilities financing.

21 *SEC. 80. Section 8279.5 of the Education Code is amended to*
22 *read:*

23 8279.5. (a) The Superintendent ~~of Public Instruction~~ shall
24 contract with a nonprofit organization to serve as a financial
25 intermediary. The nonprofit organization shall have staff who have
26 expertise in financing and capital expansion, are knowledgeable
27 about the ~~child care~~ *early learning and educational support* field,
28 and have the ability to develop and implement a plan to increase
29 the availability of financing to renovate, expand, and construct
30 child day care facilities, both in ~~day care~~ centers and family ~~day~~
31 *child* care homes.

32 (b) The financial intermediary selected by the Superintendent
33 ~~of Public Instruction~~ shall undertake activities designed to increase
34 funds available from the private and public sectors for the financing
35 of child day care facilities. These activities shall include, but are
36 not limited to, all of the following:

37 (1) Soliciting capital grants and program-related investments
38 from foundations and corporations.

39 (2) Building partnerships with foundations and corporations.

1 (3) Developing lending commitments, linked deposits, and other
2 financing programs with conventional financial institutions.

3 (4) Coordinating private sources of capital with existing public
4 sector sources of financing for child day care facilities, including,
5 but not limited to, the Department of Housing and Community
6 Development and the California Infrastructure and Economic
7 Development Bank.

8 (5) Coordinating financing efforts with the technical assistance
9 provided by the regional resource centers described in Provision
10 7(d) of Item 6110-196-0001 of the Budget Act of 1999, and other
11 local entities that work with potential providers.

12 (c) This section shall only be implemented to the extent that
13 funds are appropriated for this purpose in the annual Budget Act.

14 *SEC. 81. Section 8279.7 of the Education Code is amended to*
15 *read:*

16 8279.7. (a) The Legislature recognizes the importance of
17 providing ~~quality child care~~ *high-quality early learning and*
18 *educational support* services. It is, therefore, the intent of the
19 Legislature to assist counties in improving the retention *and*
20 *professional growth* of qualified ~~child care~~ *instructional* employees
21 who work directly with children who receive state-subsidized ~~child~~
22 ~~care~~ *early learning and educational support* services.

23 (b) It is further the intent of the Legislature, in amending this
24 section during the 2009–10 Regular Session, to address the unique
25 challenges of the County of Los Angeles, in which an estimated
26 60,000 low-income children receive subsidized ~~child~~ care in
27 nonstate-funded child care settings and an additional 50,000
28 eligible children are waiting for subsidized services.

29 (c) (1) Except as provided in paragraph (2), the funds
30 appropriated for the purposes of this section by paragraph (11) of
31 Schedule (b) of Item 6110-196-0001 of Section 2.00 of the Budget
32 Act of 2000 (Chapter 52 of the Statutes of 2000), and that are
33 described in subdivision (i) of Provision 7 of that item, and any
34 other funds appropriated for purposes of this section, shall be
35 allocated to local ~~child care and development~~ planning councils
36 based on the percentage of state-subsidized, ~~center-based child~~
37 ~~care~~ *direct classroom services* funds received in that county, and
38 shall be used to address the retention of qualified ~~child care~~
39 *instructional* employees in state-subsidized ~~child care~~ centers.

1 (2) Of the funds identified in paragraph (1), funds qualified
2 pursuant to subparagraphs (A) to (C), inclusive, may also be used
3 to address the retention *and professional growth* of qualified
4 persons working in licensed ~~child-care~~ *early learning and*
5 *educational support* programs *and* that serve a majority of children
6 who receive subsidized ~~child-care~~ *direct classroom* services
7 pursuant to this chapter, including, but not limited to, family day
8 care homes as defined in Section 1596.78 of the Health and Safety
9 Code. To qualify for use pursuant to this paragraph, the funds shall
10 meet all of the following requirements:

11 (A) The funds are allocated for use in the County of Los
12 Angeles.

13 (B) The funds are appropriated in the annual Budget Act.

14 (C) The funds are unexpended after addressing the retention of
15 qualified ~~child-care~~ employees in state-subsidized ~~child-care~~ centers
16 and family child care home education networks.

17 (d) The department shall develop guidelines for use by local
18 ~~child-care and development~~ planning councils in developing county
19 plans for the expenditure of funds allocated pursuant to this section.
20 These guidelines shall be consistent with the department's
21 assessment of the current needs of the subsidized ~~child-care~~
22 workforce, and shall be subject to the approval of the Department
23 of Finance. Any county plan developed pursuant to these guidelines
24 shall be approved by the department ~~prior to~~ *before* the allocation
25 of funds to the local ~~child-care and development~~ planning council.

26 (e) Funds provided to a county for the purposes of this section
27 shall be used in accordance with the plan approved pursuant to
28 subdivision (d). A county with an approved plan may retain up to
29 1 percent of the county's total allocation made pursuant to this
30 section for reimbursement of administrative expenses associated
31 with the planning process.

32 (f) The Superintendent shall provide an annual report, no later
33 than April 10 of each year, to the Legislature, the Department of
34 Finance, and the Governor that includes, but is not limited to, a
35 summary of the distribution of the funds by county and a
36 description of the use of the funds.

37 *SEC. 82. Section 8282 of the Education Code is amended to*
38 *read:*

39 8282. (a) The Legislature finds and declares that the state
40 makes a substantial, annual investment in preschool, infant and

1 toddler, and schoolage ~~child development~~ *early learning and*
 2 *educational support* programs for eligible families. It is in the best
 3 interests of children and their families, and the taxpayers of
 4 California, to have information about the development and learning
 5 abilities of children developed in these settings, health and other
 6 information transferred to, or otherwise available to, the pupil's
 7 elementary school.

8 (b) When a child in a state-funded preschool or infant and
 9 toddler program will be transferring to a local public school, the
 10 preschool or infant and toddler program shall provide the parent
 11 or guardian with information from the previous year deemed
 12 beneficial to the pupil and the public school teacher, including,
 13 but not limited to, development issues, social interaction abilities,
 14 health background, and diagnostic assessments, if any. The
 15 preschool or infant and toddler program may, with the permission
 16 of the parent or guardian, transfer this information to the pupil's
 17 elementary school.

18 (c) Any child who has participated in a state subsidized
 19 *California state preschool program* that maintains results-based
 20 standards, including the desired results accountability system, may
 21 have the performance information transferred to any subsequent
 22 or concurrent public school setting. Any transferred information
 23 shall be in summary form and only accomplished with the
 24 permission of the parent or guardian.

25 *SEC. 83. Section 8320 of the Education Code is amended to*
 26 *read:*

27 8320. The governing board of any school district or a county
 28 superintendent of schools with the approval of the county board
 29 of education is authorized to establish and maintain ~~child~~
 30 ~~development~~ *early learning and educational support* programs
 31 upon the approval of, and subject to the regulations of the
 32 Superintendent of Public Instruction.

33 *SEC. 84. Section 8321 of the Education Code is amended to*
 34 *read:*

35 8321. (a) The county superintendent of schools in each county,
 36 with the approval of the county board of education and the
 37 Superintendent of Public Instruction, shall have the authority to
 38 establish and maintain ~~child development~~ *direct classroom services*
 39 ~~programs and centers~~ in the same manner and to the same extent
 40 as governing boards of school or community college districts,

1 except that nothing in this section shall be construed as vesting in
2 the county superintendents of schools any authority to alone effect
3 the levy and collection of any county, school, or other local taxes
4 for the support of any ~~child development~~ *direct classroom services*
5 ~~programs and centers~~.

6 ~~The~~

7 (b) ~~The~~ establishment and maintenance of any ~~child development~~
8 *direct classroom services* program ~~and center~~ by the county
9 superintendent of schools shall be undertaken, subject to the prior
10 approval of both the county board of education and the
11 Superintendent of ~~Public Instruction~~, upon the application of one
12 or more school districts under his or her jurisdiction.

13 *SEC. 85. Section 8324 of the Education Code is amended to*
14 *read:*

15 8324. The employees of school districts or community college
16 districts, or county superintendents of schools in ~~preschool and~~
17 ~~other types of child development services~~ *direct classroom services*
18 *programs* under this division shall have the same rights and
19 privileges as are granted to employees of the same agencies in
20 children's centers.

21 *SEC. 86. Section 8327 of the Education Code is amended to*
22 *read:*

23 8327. Notwithstanding any other provision of this chapter, the
24 governing board of a school district or community college district,
25 county superintendent of schools, or other unit of local general
26 purpose government may enter into agreements with any city, city
27 and county, or other public agency, or with a private foundation,
28 nonprofit corporation, or proprietary ~~child care agency as defined~~
29 ~~in Section 8254~~ for the furnishing to, or use by, the governing
30 board, county superintendent of schools, or other unit of local
31 general purpose government in carrying out the provisions of this
32 chapter, of property, facilities, personnel, supplies, equipment and
33 other necessary items and such city, county, city and county, other
34 public agency, or private foundation or nonprofit corporation, is
35 authorized to enter into ~~such~~ *the* agreements.

36 *SEC. 87. Section 8328 of the Education Code is amended to*
37 *read:*

38 8328. (a) The governing board of any school district or the
39 county superintendent of schools shall establish in the county
40 treasury a fund to be known as the "child development fund" into

1 which shall be paid all funds received by the district or the county
 2 for, or from the operation of, ~~child development~~ *early learning*
 3 *and educational support* services under this chapter. The costs
 4 incurred in the maintenance and operation of ~~child development~~
 5 services shall be paid from the fund, with accounting to reflect
 6 specific funding sources.

7 ~~Funds~~

8 (b) *Funds* of a district derived from the receipt of district taxes
 9 or derived from moneys apportioned to the district for the support
 10 of schools ~~thereof of the district~~, in addition to state moneys
 11 appropriated for the support of ~~child development~~ services, fees,
 12 and federal funds, may be expended for, or in connection with
 13 ~~child development~~ *these* services.

14 *SEC. 88. Section 8329 of the Education Code is amended to*
 15 *read:*

16 8329. The governing board of any school district maintaining
 17 ~~a child development~~ *an early learning and educational support*
 18 program may include in its budget the amount necessary to initiate,
 19 operate, and maintain a ~~child development~~ program pursuant to
 20 this chapter and the board of supervisors shall levy a school district
 21 tax necessary to raise that amount. The tax shall be in addition to
 22 any other school district tax authorized by law to be levied.

23 *SEC. 89. The heading of Article 15.2 (commencing with Section*
 24 *8335) of Chapter 2 of Part 6 of Division 1 of Title 1 of the*
 25 *Education Code is amended to read:*

26
 27 Article 15.2. ~~Child Care~~ Subsidy Plan for the City and County
 28 of San Francisco
 29

30 *SEC. 90. Section 8335.1 of the Education Code is amended to*
 31 *read:*

32 8335.1. ~~Prior to~~ *Before* implementing the local subsidy plan,
 33 the City and County of San Francisco, in consultation with the
 34 department, shall develop an individualized county ~~child care~~
 35 subsidy plan for the city and county that includes the following
 36 four elements:

37 (a) An assessment to identify the city and county's goal for its
 38 subsidized ~~child~~ care system. The assessment shall examine
 39 whether the current structure of subsidized ~~child~~ care funding
 40 adequately supports working families in the city and county and

1 whether the city and county's ~~child care~~ goals coincide with the
2 state's requirements for funding, eligibility, priority, and
3 reimbursement. The assessment shall also identify barriers in the
4 state's ~~child care~~ subsidy system that inhibit the city and county
5 from meeting its ~~child care~~ goals. In conducting the assessment,
6 the city and county shall consider all of the following:

7 (1) The general demographics of families who are in need of
8 ~~child~~ care, including employment, income, language, ethnic, and
9 family composition.

10 (2) The current supply of available subsidized ~~child~~ care.

11 (3) The level of need for various types of subsidized ~~child care~~
12 services including, but not limited to, infant care, after-hours care,
13 and care for children with exceptional needs.

14 (4) The city and county's self-sufficiency income level.

15 (5) Income eligibility levels for subsidized ~~child~~ care.

16 (6) Family fees.

17 (7) The cost of providing ~~child~~ care.

18 (8) The regional market rates, as established by the department,
19 for different types of ~~child~~ care.

20 (9) The standard reimbursement rate or state per diem for centers
21 operating under contracts with the department.

22 (10) Trends in the county's unemployment rate and housing
23 affordability index.

24 (b) Development of a local policy to eliminate state-imposed
25 regulatory barriers to the city and county's achievement of its
26 desired outcomes for subsidized ~~child~~ care.

27 (1) The local policy shall do all of the following:

28 (A) Prioritize lowest income families first.

29 (B) Follow the family fee schedule established pursuant to
30 subdivision (f) of Section 8263 for those families that are income
31 eligible, as defined by Section 8263.1.

32 (C) Meet local goals that are consistent with the state's ~~child~~
33 ~~care~~ goals.

34 (D) Identify existing policies that would be affected by the city
35 and county's ~~child care~~ subsidy plan.

36 (E) (i) Authorize any agency that provides ~~child care and~~
37 ~~development~~ *early learning and educational support* services in
38 the city and county through a contract with the department to apply
39 to the department to amend existing contracts in order to benefit
40 from the local policy once it is adopted.

1 (ii) The department shall approve an application to amend an
2 existing contract if the ~~child care~~ subsidy plan is approved pursuant
3 to subdivision (b) of Section 8335.3, or modified pursuant to
4 subdivision (c) of Section 8335.3.

5 (iii) The contract of a department contractor who does not elect
6 to request an amendment to its contract remains operative and
7 enforceable.

8 (2) (A) The city and county shall, by the end of the first fiscal
9 year of operation under the approved ~~child care~~ subsidy plan,
10 demonstrate an increase in the aggregate child days of enrollment
11 in the county as compared to the enrollment in the final quarter of
12 the 2004-05 fiscal year.

13 (B) The amount of the increase shall be at least equal to the
14 aggregate child days of enrollment in the final quarter of the
15 2004-05 fiscal year for all contracts amended as provided in
16 subparagraph (E) of paragraph (1), under which the contractor
17 receives an increase in its reimbursement rate, times 2 percent.

18 (3) The local policy may supersede state law concerning ~~child~~
19 ~~care~~ subsidy programs with regard only to the following factors:

20 (A) Eligibility criteria including, but not limited to, age, family
21 size, time limits, income level, inclusion of former and current
22 CalWORKs participants, and special needs considerations, except
23 that the local policy may not deny or reduce eligibility of a family
24 that qualifies for ~~child care~~ pursuant to Section 8353. Under the
25 local policy, a family that qualifies for ~~child care~~ pursuant to
26 Section 8354 shall be treated for purposes of eligibility and fees
27 in the same manner as a family that qualifies for subsidized ~~child~~
28 care on another basis pursuant to the local policy.

29 (B) Fees including, but not limited to, family fees, sliding scale
30 fees, and copayments for those families that are not income eligible,
31 as defined by Section 8263.1.

32 (C) Reimbursement rates.

33 (D) Methods of maximizing the efficient use of subsidy funds,
34 including, but not limited to, multiyear contracting with the
35 department for ~~center-based child care~~ *direct classroom services*,
36 and interagency agreements that allow for flexible and temporary
37 transfer of funds among agencies.

38 (c) Recognition that all funding sources utilized by direct service
39 contractors that provide ~~child care and development~~ *early learning*

1 *and educational support* services in the city and county are eligible
2 to be included in the ~~child-care~~ subsidy plan of the city and county.

3 (d) Establishment of measurable outcomes to evaluate the
4 success of the plan to achieve the city and county's ~~child-care~~ goals
5 and to overcome any barriers identified in the state's ~~child-care~~
6 subsidy system. The State Department of Social Services shall
7 have an opportunity to review and comment on the proposed
8 measurable outcomes before they are submitted to the local ~~child~~
9 ~~care~~ planning council for approval pursuant to Section 8335.3.

10 *SEC. 91. Section 8335.5 of the Education Code is amended to*
11 *read:*

12 8335.5. The City and County of San Francisco may implement
13 an individualized ~~child-care~~ subsidy plan until July 1, 2014, at
14 which date the city and county shall terminate the plan. Between
15 July 1, 2014, and July 1, 2016, the city and county shall phase out
16 the individualized county ~~child-care~~ subsidy plan and, as of July
17 1, 2016, shall implement the state's requirements for ~~child-care~~
18 subsidies. A child enrolling for the first time for subsidized ~~child~~
19 care in the city and county after July 1, 2014, shall not be enrolled
20 in the pilot program established pursuant to this article and is
21 subject to existing state laws and regulations regarding ~~child-care~~
22 eligibility and priority.

23 *SEC. 92. The heading of Article 15.3 (commencing with Section*
24 *8340) of Chapter 2 of Part 6 of Division 1 of Title 1 of the*
25 *Education Code is amended to read:*

26
27 Article 15.3. Individualized County ~~Child-Care~~ Subsidy Plan

28
29 *SEC. 93. Section 8341 of the Education Code is amended to*
30 *read:*

31 8341. ~~Prior to~~ *Before* implementing the local subsidy plan, the
32 County of San Mateo, in consultation with the department, shall
33 develop an individualized county ~~child-care~~ subsidy plan that
34 includes the following four elements:

35 (a) An assessment to identify the county's goal for its subsidized
36 ~~child~~ care system. The assessment shall examine whether the
37 current structure of subsidized ~~child~~ care funding adequately
38 supports working families in the county and whether the county's
39 ~~child-care~~ goals coincide with the state's requirements for funding,
40 eligibility, priority, and reimbursement. The assessment shall also

- 1 identify barriers in the state's ~~child care~~ subsidy system that inhibit
2 the county from meeting its ~~child care~~ goals. In conducting the
3 assessment, the county shall consider all of the following:
- 4 (1) The general demographics of families who are in need of
5 ~~child care~~, including employment, income, language, ethnic, and
6 family composition.
 - 7 (2) The current supply of available subsidized ~~child care~~.
 - 8 (3) The level of need for various types of subsidized ~~child care~~
9 services including, but not limited to, infant care, after-hours care,
10 and care for children with exceptional needs.
 - 11 (4) The county's self-sufficiency income level.
 - 12 (5) Income eligibility levels for subsidized ~~child care~~.
 - 13 (6) Family fees.
 - 14 (7) The cost of providing ~~child care~~.
 - 15 (8) The regional market rates, as established by the department,
16 for different types of ~~child care~~.
 - 17 (9) The standard reimbursement rate or state per diem for centers
18 operating under contracts with the department.
 - 19 (10) Trends in the county's unemployment rate and housing
20 affordability index.
- 21 (b) Development of a local policy to eliminate state-imposed
22 regulatory barriers to the county's achievement of its desired
23 outcomes for subsidized ~~child care~~.
- 24 (1) The local policy shall do all of the following:
 - 25 (A) Prioritize lowest income families first.
 - 26 (B) Follow the family fee schedule established pursuant to
27 subdivision (f) of Section 8263 for those families that are income
28 eligible, as defined by Section 8263.1.
 - 29 (C) Meet local goals that are consistent with the state's ~~child~~
30 ~~care~~ goals.
 - 31 (D) Identify existing policies that would be affected by the
32 county's ~~child care~~ subsidy plan.
 - 33 (E) (i) Authorize any agency that provides ~~child care and~~
34 ~~development early learning and educational support~~ services in
35 San Mateo County through a contract with the department to apply
36 to the department to amend existing contracts in order to benefit
37 from the local policy once it is adopted.
 - 38 (ii) The department shall approve an application to amend an
39 existing contract if the ~~child care~~ subsidy plan is approved pursuant

1 to subdivision (b) of Section 8342, or modified pursuant to
2 subdivision (c) of Section 8342.

3 (iii) The contract of a department contractor who does not elect
4 to request an amendment to its contract remains operative and
5 enforceable.

6 (2) (A) The County of San Mateo shall, by the end of the first
7 fiscal year of operation under the approved ~~child care~~ subsidy plan,
8 demonstrate an increase in the aggregate child days of enrollment
9 in the county as compared to the enrollment in the final quarter of
10 the 2002–03 fiscal year.

11 (B) The amount of the increase shall be at least equal to the
12 aggregate child days of enrollment in the final quarter of the
13 2002–03 fiscal year for all contracts amended as provided in
14 subparagraph (E) of paragraph 1, under which the contractor
15 receives an increase in its reimbursement rate, times 2 percent.

16 (3) The local policy may supersede state law concerning ~~child~~
17 ~~care~~ subsidy programs with regard only to the following factors:

18 (A) Eligibility criteria including, but not limited to, age, family
19 size, time limits, income level, inclusion of former and current
20 CalWORKs participants, and special needs considerations, except
21 that the local policy may not deny or reduce eligibility of a family
22 that qualifies for ~~child~~ care pursuant to Section 8353. Under the
23 local policy, a family that qualifies for ~~child~~ care pursuant to
24 Section 8354 shall be treated for purposes of eligibility and fees
25 in the same manner as a family that qualifies for subsidized ~~child~~
26 care on another basis pursuant to the local policy.

27 (B) Fees including, but not limited to, family fees, sliding scale
28 fees, and copayments for those families that are not income eligible,
29 as defined by Section 8263.1.

30 (C) Reimbursement rates.

31 (D) Methods of maximizing the efficient use of subsidy funds,
32 including, but not limited to, multiyear contracting with the
33 department for ~~center-based child care~~ *direct classroom services*,
34 and interagency agreements that allow for flexible and temporary
35 transfer of funds among agencies.

36 (c) Recognition that all funding sources utilized by direct service
37 contractors that provide ~~child care and development~~ *early learning*
38 *and educational support* services in San Mateo County are eligible
39 to be included in the ~~child care~~ subsidy plan of the county.

1 (d) Establishment of measurable outcomes to evaluate the
2 success of the plan to achieve the county's ~~child care~~ goals and to
3 overcome any barriers identified in the state's ~~child care~~ subsidy
4 system. The Department of Social Services shall have an
5 opportunity to review and comment on the proposed measurable
6 outcomes before they are submitted to the local ~~child care~~ planning
7 council for approval pursuant to Section 8342.

8 *SEC. 94. Section 8341.5 of the Education Code is amended to*
9 *read:*

10 8341.5. To ensure that the annual and final reports required
11 pursuant to Section 8343 provide useful comparative information,
12 the Legislative Analyst and the Senate Office of Research shall
13 review the evaluation design, the baseline data, and the data
14 collection proposed in the ~~child care~~ subsidy plan of the county
15 before the plan is submitted to the local ~~child care~~ planning council
16 for approval.

17 *SEC. 95. Section 8342 of the Education Code is amended to*
18 *read:*

19 8342. (a) The plan shall be submitted to the local ~~child care~~
20 planning council for approval. Upon approval of the plan by the
21 local ~~child care~~ planning council, the county board of supervisors
22 shall hold at least one public hearing on the plan. Following the
23 hearing, if the county board of supervisors votes in favor of the
24 plan, the plan shall be submitted to the Child Development Division
25 of the department for review.

26 (b) Within 30 days of receiving the plan, the Child Development
27 Division shall review and either approve or disapprove the plan.

28 (c) Within 30 days of receiving any modification to the plan,
29 the Child Development Division shall review and either approve
30 or disapprove that modification to the plan.

31 (d) The Child Development Division may disapprove only those
32 portions of the plan or modifications to the plan that are not in
33 conformance with this article or that are in conflict with federal
34 law.

35 *SEC. 96. Section 8343 of the Education Code is amended to*
36 *read:*

37 8343. (a) Upon approval of the plan by the Child Development
38 Division, the County of San Mateo shall annually prepare and
39 submit to the Legislature, the Department of Social Services, and
40 the department a report that summarizes the success of the pilot

1 project and the county’s ability to maximize the use of funds and
2 to improve and stabilize ~~child~~ care in the county.

3 (b) On or before December 31, 2008, the County of San Mateo
4 shall submit a final report to the Legislature, the Department of
5 Social Services, and the department summarizing the impact of
6 the plan on the ~~child~~ care needs of working families.

7 *SEC. 97. Section 8344 of the Education Code is amended to*
8 *read:*

9 8344. The County of San Mateo may implement its
10 individualized county ~~child care~~ subsidy plan until January 1, 2014,
11 at which date the County of San Mateo shall terminate the plan.
12 Between January 1, 2014, and January 1, 2016, the County of San
13 Mateo shall phase out the individualized county ~~child care~~ subsidy
14 plan and, as of January 1, 2016, shall implement the state’s
15 requirements for ~~child care~~ subsidies. A child enrolling for the first
16 time for subsidized ~~child~~ care in San Mateo County after January
17 1, 2014, shall not be enrolled in the pilot program established
18 pursuant to this article and is subject to existing state laws and
19 regulations regarding ~~child~~ care eligibility and priority.

20 *SEC. 98. The heading of Article 15.5 (commencing with Section*
21 *8350) of Chapter 2 of Part 6 of Division 1 of Title 1 of the*
22 *Education Code is amended to read:*

23

24 Article 15.5. ~~Child Care for~~ Recipients of the CalWORKs
25 Program
26

27 *SEC. 99. Section 8350 of the Education Code is amended to*
28 *read:*

29 8350. (a) It is the intent of the Legislature in enacting this
30 article to ensure that recipients of aid under Chapter 2 (commencing
31 with Section 11200) of Part 3 of Division 9 of the Welfare and
32 Institutions Code, or any successor program, and former recipients
33 who have left aid for employment, are connected as soon as
34 possible to local ~~child care~~ resources, make stable ~~child care~~
35 arrangements *for services*, and continue to receive subsidized ~~child~~
36 ~~care~~ services after they no longer receive aid as long as they require
37 those services and meet the eligibility requirements set forth in
38 Sections 8263 and 8263.1.

39 (b) This article establishes three stages of child care services
40 through which a recipient of aid under Chapter 2 (commencing

1 with Section 11200) of Part 3 of Division 9 of the Welfare and
 2 Institutions Code, or any successor program, will pass. Further, as
 3 families' ~~child care~~ needs are met by county welfare departments
 4 and later by other local ~~child care and development~~ *early learning*
 5 *and educational support* contractors, it is the intent of the
 6 Legislature that families experience no break in their ~~child care~~
 7 services due to a transition between the three stages of child care
 8 services.

9 *SEC. 100. Section 8352 of the Education Code is amended to*
 10 *read:*

11 8352. (a) As soon as appropriate, a county welfare department
 12 shall refer families needing ~~child care~~ services to the local ~~child~~
 13 ~~care~~ resource and referral program funded pursuant to Article 2
 14 (commencing with Section 8210). Resource and referral program
 15 staff shall colocate with a county welfare department's case
 16 management offices for aid under Chapter 2 (commencing with
 17 Section 11200) of Part 3 of Division 9 of the Welfare and
 18 Institutions Code, or any successor program, or arrange other
 19 means of swift communication with parents and case managers of
 20 this aid. The local ~~child care~~ resource and referral program shall
 21 assist families to establish stable ~~child care~~ arrangements as soon
 22 as possible. These ~~child care~~ arrangements may include licensed
 23 and license-exempt care.

24 (b) *The resource and referral agencies in the county shall*
 25 *provide information regarding high-quality early learning and*
 26 *educational support options pursuant to subdivision (b) of Section*
 27 *8214 to alternative payment programs in the county to offer support*
 28 *services pursuant to Section 8220.5, and if available, provide*
 29 *information on quality rating and improvement systems.*

30 (c) *The department shall make informational resources available*
 31 *to both resource and referral and alternative payment programs*
 32 *pursuant to subdivision (c) of Section 8214.*

33 ~~(b)~~

34 (d) A program operating pursuant to this article shall, within
 35 two business days of being notified of a revocation or a temporary
 36 suspension order for a licensed child day care facility, do both of
 37 the following:

- 38 (1) Terminate payment to the facility.
- 39 (2) Notify each parent and the facility in writing that payment
- 40 has been terminated and the reason for the termination.

1 (e)

2 (e) A program operating pursuant to this article shall, upon being
3 notified that a licensed child care facility has been placed on
4 probation, provide written notice to each parent utilizing the facility
5 that the facility has been placed on probation and that the parent
6 has the option of selecting a different ~~child day care~~ provider or
7 remaining with the facility without risk of subsidy payments to
8 the provider being terminated. The Legislature urges each agency
9 operating pursuant to this section to provide the written notice
10 required by this subdivision in the primary language of the parent,
11 to the extent feasible.

12 *SEC. 101. Section 8353 of the Education Code is amended to*
13 *read:*

14 8353. (a) The second stage of child care begins when the
15 county determines that the recipient's work or approved work
16 activity is stable or when a recipient is transitioning off of aid and
17 ~~child care~~ is available through a local stage two program. Second
18 stage child care may be provided to a family who elects to receive
19 a lump-sum diversion payment or diversion services under Section
20 11266.5 of the Welfare and Institutions Code when a funded space
21 is not immediately available for the family in third stage. The local
22 stage two agency shall assist in moving families to stage three as
23 quickly as feasible. Former CalWORKs recipients are eligible to
24 receive ~~child care~~ services in stage one and stage two for up to a
25 total of no more than 24 months after they leave cash aid, or until
26 they are otherwise ineligible within that 24-month period. Family
27 size and income for purposes of determining eligibility and
28 calculating the family fee shall be determined pursuant to Sections
29 8263 and 8263.1. A family leaving cash aid under the CalWORKS
30 program shall receive up to two years of ~~child care~~, if otherwise
31 eligible, as needed to continue the family's employment. The
32 provision of the two-year time limit is not intended to limit
33 eligibility for ~~child care~~ under Section 8354.

34 (b) The second stage shall be administered by agencies
35 contracting with the ~~State Department of Education~~ *department*.
36 These contractors may be either agencies that have an alternative
37 payment contract pursuant to Section 8220.1 or county welfare
38 departments that choose to administer this stage in order to continue
39 to provide ~~child care~~ services for recipients or former recipients
40 of aid. If the county chooses to contract with the department to

1 provide alternative payment services, this contract shall not
2 displace, or result in the reduction of an existing contract of, a
3 current alternative payment program.

4 *SEC. 102. Section 8354 of the Education Code is amended to*
5 *read:*

6 8354. (a) The third stage of child care begins when a funded
7 space is available. CalWORKs recipients are eligible for the third
8 stage of child care. Persons who received a lump-sum diversion
9 payment or diversion services and former CalWORKs participants
10 are eligible if they have an income that does not exceed 70 percent
11 of the state median income pursuant to Section 8263.1. The third
12 stage shall be administered by programs contracting with the ~~State~~
13 ~~Department of Education~~ *department*. Parents' eligibility for ~~child~~
14 ~~care and development~~ services will be governed by Section 8263
15 and regulations adopted by the ~~State Department of Education~~
16 *department*.

17 (b) In order to move welfare recipients and former recipients
18 from their relationship with county welfare departments to
19 relationships with institutions providing services to working
20 families, it is the intent of the Legislature that families that are
21 former recipients of aid, or are transitioning off aid, receive their
22 ~~child care~~ assistance in the same fashion as other low-income
23 working families. Therefore, it is the intent of the Legislature that
24 families no longer rely on county welfare departments to obtain
25 ~~child care~~ subsidies beyond the time they are receiving other
26 services from the welfare department.

27 (c) A county welfare department shall not administer the third
28 stage of child care for CalWORKs recipients except to the extent
29 to which it delivered those services to families receiving, or within
30 one year of having received, Aid to Families with Dependent
31 Children ~~prior to~~ *before* the enactment of this section.

32 (d) This article does not preclude county welfare departments
33 from operating an alternative payment program under contract
34 with the ~~State Department of Education~~ *department* to serve
35 families referred by child protective services.

36 *SEC. 103. Section 8355 of the Education Code is amended to*
37 *read:*

38 8355. Child care during the third stage may be funded with
39 moneys dedicated to current and former recipients of aid under
40 Chapter 2 (commencing with Section 11200) of Part 3 of Division

1 9 of the Welfare and Institutions Code, or any successor program,
2 including the federal funds appropriated to alternative payment
3 program contractors in the 1996–97 fiscal year using the Budget
4 Act’s Section 28 process as described in subdivision (b). Nothing
5 shall prevent ~~child-care~~ services provided under stage three from
6 being funded with moneys from other federal or state sources.
7 Nothing in this article shall preclude current and former recipients
8 of aid under Chapter 2 (commencing with Section 11200) of Part
9 3 of Division 9 of the Welfare and Institutions Code, or any
10 successor program, from receiving ~~child-care~~ services pursuant to
11 other provisions of this chapter.

12 *SEC. 104. Section 8356 of the Education Code is amended to*
13 *read:*

14 8356. It is the intent of the Legislature that the ~~State Department~~
15 ~~of Education~~ *department* work with Head Start and *California*
16 state preschool programs to generate extended-day and evening
17 care for recipients of aid under Chapter 2 (commencing with
18 Section 11200) of Part 3 of Division 9 of the Welfare and
19 Institutions Code, or any successor program, through recruiting
20 and training parents to be licensed and license-exempt care
21 providers and shall facilitate connections between Head Start and
22 *California* state preschool *program* contractors and ~~child-care~~
23 certificate administrators, including counties and other alternative
24 payment programs, so that funds available for Sections 8351, 8353,
25 and 8354 cover the cost of this care.

26 *SEC. 105. Section 8357 of the Education Code is amended to*
27 *read:*

28 8357. (a) The cost of ~~child-care~~ services provided under this
29 article shall be governed by regional market rates. Recipients of
30 ~~child-care~~ services provided pursuant to this article shall be allowed
31 to choose the ~~child-care~~ services of licensed ~~child-care~~ providers
32 or ~~child-care~~ providers who are, by law, not required to be licensed,
33 and the cost of that ~~child~~ care shall be reimbursed by counties or
34 agencies that contract with the ~~State Department of Education~~
35 *department* if the cost is within the regional market rate. For
36 purposes of this section, “regional market rate” means care costing
37 no more than 1.5 market standard deviations above the mean cost
38 of care for that region. The regional market rate ceilings shall be
39 established at the 85th percentile of the 2005 regional market rate
40 survey for that region.

1 (b) Reimbursement to license-exempt ~~child-care~~ providers shall
2 not exceed 60 percent of the family child care home rate established
3 pursuant to subdivision (a), effective July 1, 2011.

4 (c) Reimbursement to ~~child-care~~ providers shall not exceed the
5 fee charged to private clients for the same service.

6 (d) Reimbursement shall not be made for ~~child-care~~ services
7 ~~when if~~ care is provided by parents, legal guardians, or members
8 of the assistance unit.

9 (e) A ~~child-care~~ provider located on an Indian reservation or
10 rancheria and exempted from state licensing requirements shall
11 meet applicable tribal standards.

12 (f) For purposes of this section, “reimbursement” means a direct
13 payment to the provider of ~~child-care~~ services, including
14 license-exempt providers. If care is provided in the home of the
15 recipient, payment may be made to the parent as the employer,
16 and the parent shall be informed of his or her concomitant legal
17 and financial reporting requirements. To allow time for the
18 development of the administrative systems necessary to issue direct
19 payments to providers, for a period not to exceed six months from
20 the effective date of this article, a county or an alternative payment
21 agency contracting with the ~~State Department of Education~~
22 *department* may reimburse the cost of ~~child-care~~ services through
23 a direct payment to a recipient of aid rather than to the ~~child-care~~
24 provider.

25 (g) Counties and alternative payment programs shall not be
26 bound by the rate limits described in subdivision (a) ~~when if~~ there
27 are, in the region, no more than two ~~child-care~~ providers of the
28 type needed by the recipient of ~~child-care~~ services provided under
29 this article.

30 (h) Notwithstanding any other ~~provision~~ of law, reimbursements
31 to ~~child-care~~ providers based upon a daily rate may only be
32 authorized under either of the following circumstances:

33 (1) A family has an unscheduled but documented need of six
34 hours or more per occurrence, such as the parent’s need to work
35 on a regularly scheduled day off, that exceeds the certified need
36 for ~~child~~ care.

37 (2) A family has a documented need of six hours or more per
38 day that exceeds no more than 14 days per month. In no event shall
39 reimbursements to a provider based on the daily rate over one

1 month's time exceed the provider's equivalent full-time monthly
2 rate or applicable monthly ceiling.

3 (3) This subdivision shall not limit providers from being
4 reimbursed for services using a weekly or monthly rate, pursuant
5 to subdivision (c) of Section 8222.

6 *SEC. 106. Section 8358 of the Education Code is amended to*
7 *read:*

8 8358. (a) ~~By January 31, 1998, the State Department of~~
9 ~~Education~~*The department* and the State Department of Social
10 Services shall design a form for license-exempt child care providers
11 to use for certifying health and safety requirements to the extent
12 required by federal law. Until the form is adopted, the information
13 required pursuant to Section 11324 of the Welfare and Institutions
14 Code shall continue to be maintained by the county welfare
15 department or contractor, as appropriate.

16 (b) ~~By January 31, 1998, the State Department of Education~~
17 *The department* and the State Department of Social Services shall
18 do both of the following:

19 (1) Design a standard process for complaints by parents about
20 the provision of child care that is exempt from licensure.

21 (2) Design, in consultation with local planning councils, a single
22 application for all ~~child care~~ *early learning and educational support*
23 programs and all families.

24 (c) (1) County welfare departments and alternative payment
25 programs shall encourage all providers who are licensed or who
26 are exempt from licensure and who are providing care under
27 Section 8351, 8353, or 8354, to secure training and education in
28 basic child development.

29 (2) ~~Child care provider~~ *Provider* job training provided to
30 CalWORKs recipients that is funded by either the ~~State Department~~
31 ~~of Education~~ *department* or the State Department of Social Services
32 shall include information on becoming a licensed ~~child care~~
33 provider.

34 (d) ~~The State Department of Education~~ *department* shall increase
35 consumer education and consumer awareness activities so that
36 parents will have the information needed to seek ~~child care of high~~
37 ~~quality~~ *high-quality services*. ~~High quality child care~~ *High-quality*
38 *services* shall include both licensed and license-exempt care.

39 *SEC. 107. Section 8358.5 of the Education Code is amended*
40 *to read:*

1 8358.5. Notwithstanding any other confidentiality requirement,
 2 the government or private agency administering subsidized ~~child~~
 3 care services shall share information necessary for the
 4 administration of the ~~child care~~ programs pursuant to this article
 5 and the CalWORKs program pursuant to Chapter 2 (commencing
 6 with Section 11200) of Part 3 of Division 9 of the Welfare and
 7 Institutions Code, for the time period for which the person receives
 8 ~~child care services~~.

9 *SEC. 108. Section 8359.1 of the Education Code is amended*
 10 *to read:*

11 8359.1. (a) It is the intent of the Legislature in enacting this
 12 article to provide sufficient funding through an appropriation in
 13 the annual Budget Act to fund the estimated cost of providing ~~child~~
 14 care for all individuals who are anticipated to need ~~child~~ care to
 15 participate in the welfare-to-work programs and to transition to
 16 work.

17 ~~(b) It is the intent of the Legislature that child care and~~
 18 ~~development contracts in existence on the effective date of this~~
 19 ~~section be allowed to continue until the end of the 1997-98 fiscal~~
 20 ~~year.~~

21 (e)
 22 (b) Funding for purposes of implementing this article shall be
 23 appropriated in the annual Budget Act.

24 *SEC. 109. The heading of Article 16 (commencing with Section*
 25 *8360) of Chapter 2 of Part 6 of Division 1 of Title 1 of the*
 26 *Education Code is amended to read:*

27
 28 Article 16. ~~Child Development Program~~ *Early Learning and*
 29 *Educational Support Personnel Qualifications*
 30

31 *SEC. 110. Section 8360 of the Education Code is amended to*
 32 *read:*

33 8360. (a) ~~(1) Child development~~ *Early learning and*
 34 *educational support* programs shall include a career ladder ~~program~~
 35 ~~for classroom instructional staff. Persons who are 18 years of age~~
 36 ~~and older may be employed as aides and may be eligible for salary~~
 37 ~~increases upon the completion of additional semester units in early~~
 38 ~~childhood education or child development. The governing board~~
 39 ~~of each contracting agency shall be encouraged to provide teachers~~
 40 *instructional staff* and aides with salary increases for the successful

1 completion of early childhood education or child development
2 courses in six semester unit increments *unit-based coursework*
3 *and degrees.*

4 ~~(2) Persons employed as teachers shall possess a permit issued~~
5 ~~by the Commission on Teacher Credentialing authorizing service~~
6 ~~in the care, development, and instruction of children in a child care~~
7 ~~and development program.~~

8 (b) Any person who meets the following criteria is eligible to
9 serve in an instructional capacity in a ~~child care and development~~
10 *an early learning and educational support program:*

11 ~~(1) Possesses a current credential issued by the Commission on~~
12 ~~Teacher Credentialing authorizing teaching service in elementary~~
13 ~~school or a single subject credential in home economics.~~

14 ~~(2) Twelve units in early childhood education or child~~
15 ~~development, or both, or two years' experience in early childhood~~
16 ~~education or a child care and development program.~~

17 *(1) Any person serving as a teacher in an early learning and*
18 *educational support program providing direct classroom services*
19 *shall possess a permit or credential issued by the Commission on*
20 *Teacher Credentialing, including, but not limited to, one of the*
21 *following:*

22 *(A) An associate teacher permit, or higher, authorizing service*
23 *in the care, development, and instruction of children in early*
24 *learning and educational support programs.*

25 *(B) A multiple subject credential with an authorization to teach*
26 *prekindergarten through grade 12, inclusive, in a self-contained*
27 *classroom.*

28 *(C) An elementary or a single subject credential in home*
29 *economics. Teachers with an elementary or single subject*
30 *credential must also have completed 12 semester units in early*
31 *childhood education or child development, or both, or have two*
32 *years' experience in early childhood education or an early learning*
33 *and educational support program.*

34 *(2) Persons who are 18 years of age and older may be employed*
35 *as aides and may be eligible for salary increases upon the*
36 *completion of additional semester units in early childhood*
37 *education or child development.*

38 *SEC. 111. Section 8360.1 of the Education Code is repealed.*

39 ~~8360.1. Except as waived under Section 8242 and except as~~
40 ~~stated in Section 18203 of Title 5 of the California Code of~~

1 Regulations regarding program directors in schoolage community
2 child care services programs, any entity operating child care and
3 development programs providing direct services to children, as
4 defined in Section 8244, at two or more sites, shall employ a
5 program director who possesses one of the following:

6 (a) A permit issued by the Commission on Teacher Credentialing
7 authorizing supervision of a child care and development program
8 operating in multiple sites.

9 (b) Any person who meets the following criteria is eligible to
10 supervise a child care and development program operating in
11 multiple sites and serve in an instructional capacity in a child care
12 and development program:

13 (1) Possesses a current credential issued by the Commission on
14 Teacher Credentialing authorizing teaching service in elementary
15 school or a single subject credential in home economics.

16 (2) Six units in administration and supervision of early childhood
17 education or child development, or both. The requirement set forth
18 in this paragraph does not apply to any person who was employed
19 as a program director prior to January 1, 1993, in a child care and
20 development program receiving funding under this chapter.

21 (3) Twelve units in early childhood education or child
22 development, or both, or at least two years' experience in early
23 childhood education or a child care and development program.

24 (e) A waiver issued by the Superintendent of Public Instruction
25 pursuant to Section 8244.

26 This section shall become operative on January 1, 1997.

27 *SEC. 112. Section 8360.1 is added to the Education Code, to*
28 *read:*

29 *8360.1. Except as waived under Section 8242 and except as*
30 *stated in Section 18203 of Title 5 of the California Code of*
31 *Regulations regarding program directors in schoolage community*
32 *services programs, any entity operating early learning and*
33 *educational support programs providing direct classroom services*
34 *to children, pursuant to Article 5 (commencing with Section 8228),*
35 *at two or more sites, shall employ a program director who*
36 *possesses a permit or credential issued by the Commission on*
37 *Teacher Credentialing authorizing supervision of a child care and*
38 *development program, including, but not limited to:*

39 (a) *An administrative credential.*

40 (b) *A children's center supervision permit.*

1 (c) A program director permit.

2 (d) A waiver issued by the Superintendent pursuant to Section
3 8244.

4 SEC. 113. Section 8360.2 of the Education Code is amended
5 to read:

6 8360.2. Not later than 95 days after the governing board of a
7 public agency sets the date a person employed by that board shall
8 begin service in a position requiring a ~~children's center~~
9 ~~instructional permit or a children's center supervision permit or~~
10 ~~credential~~, that person shall file, on or before that date, with the
11 county superintendent of schools a valid permit issued on or before
12 that date, authorizing him or her to serve in a position for which
13 he or she was employed. Upon renewal of that permit, that person
14 shall file that renewal with the county superintendent of schools
15 no later than 95 days after the renewal.

16 SEC. 114. The heading of Article 17 (commencing with Section
17 8390) of Chapter 2 of Part 6 of Division 1 of Title 1 of the
18 Education Code is amended to read:

19
20 Article 17. ~~Infant Care and Development and Toddler Services~~

21
22 SEC. 115. Section 8390 of the Education Code is amended to
23 read:

24 8390. The Superintendent of ~~Public Instruction~~ may, with funds
25 appropriated for ~~such~~ that purpose, enter into agreements with
26 school districts or community college districts or county
27 superintendents of schools for the establishment and maintenance
28 of *early learning and educational support* programs for ~~the care~~
29 ~~and development~~ of infants, and the training of ~~students~~ *pupils* in
30 their roles as parents, as part of the high school program.

31 SEC. 116. Section 8392 of the Education Code is amended to
32 read:

33 8392. ~~Infant care and development~~ *early learning and*
34 *educational support* services include, but are not limited to, the
35 following:

36 (a) Supervision and group care, providing for the physical and
37 emotional needs of the infant in a manner ~~which~~ that conveys
38 concern and engenders trust.

39 (b) Educational stimulation from the earliest development stages
40 onward.

1 (c) ~~Health~~ *Development and health* screening and treatment.

2 *SEC. 117. Section 8394 of the Education Code is amended to*
3 *read:*

4 8394. (a) In school districts maintaining more than one high
5 school, the governing board, after soliciting the opinions of ~~student~~
6 *pupil* parents and other interested persons, shall determine the
7 location of the ~~infant-care-and-development~~ center.

8 ~~Infant care and development~~

9 (b) *Infant* centers shall be located within high school buildings
10 or within that proximity to high school buildings as would ensure
11 convenient access by ~~student~~ *pupil* parents and other ~~students~~.
12 *pupils*.

13 *SEC. 118. Section 8395 of the Education Code is amended to*
14 *read:*

15 8395. To the extent funds are available, federal reimbursement
16 shall be claimed for any child receiving services in the ~~infant-care~~
17 ~~and development~~ *early learning and educational support* program.

18 *SEC. 119. Section 8397 of the Education Code is amended to*
19 *read:*

20 8397. (a) Notwithstanding any other law, infants whose parent
21 or parents are high school ~~students~~ *pupils* may attend ~~infant-care~~
22 ~~and development~~ centers while their parents attend high school.

23 (b) Notwithstanding any other law, ~~commencing January 1,~~
24 ~~1986,~~ the Superintendent of ~~Public Instruction~~ may enter into an
25 agreement pursuant to Section 8390 permitting infants whose
26 parent or parents are ~~students~~ *pupils* in grades 7 and 8 to attend
27 ~~infant-care-and-development~~ centers while their parents attend
28 school.

29 *SEC. 120. Section 8400 of the Education Code is amended to*
30 *read:*

31 8400. It has come to the attention of the Legislature that:

32 (a) Existing law does not provide for an administrative appeal
33 procedure to review and resolve disputes between the ~~State~~
34 ~~Department of Education~~ *department* and the over 750 local
35 contracting agencies ~~which~~ *that* contract with the department to
36 provide ~~child-care~~ *early learning and educational support* services
37 to low-income families in California.

38 (b) All disputes are currently resolved in the already
39 overburdened California courts resulting in a time-consuming and
40 costly process for both the contract agency and the department.

1 Extensive funds have been expended by the ~~State Department of~~
2 ~~Education~~ *department* for those purposes.

3 (c) The presence of public and private agencies, small as well
4 as large, in the subsidized ~~child~~ care delivery system provides
5 client families with a range of desirable services, and cost-effective
6 service mechanisms.

7 (d) The presence of an efficient administrative appeal procedure
8 will ensure program stability and encourage retention in the
9 delivery system of a range of service-providing agencies.

10 *SEC. 121. Section 8401 of the Education Code is amended to*
11 *read:*

12 8401. It is the intent of the Legislature to authorize an appeal
13 process for the resolution of disputes between the ~~State Department~~
14 ~~of Education~~ *department* and local agencies ~~which~~ *that* contract
15 with the ~~Department of Education~~ *department* pursuant to Section
16 8262 to provide ~~child care and development~~ *early learning and*
17 *educational support* services or to furnish property, facilities,
18 personnel, supplies, equipment and administrative services.

19 *SEC. 122. Section 8402 of the Education Code is amended to*
20 *read:*

21 8402. The ~~State Department of Education~~ *department* shall
22 provide an independent appeal procedure to each contracting
23 agency providing ~~child care and development~~ *early learning and*
24 *educational support* services pursuant to Section 8262. ~~Prior to~~
25 *Before* filing an appeal petition, the contracting agency shall have
26 submitted all previously required standard monthly or quarterly
27 reporting forms to the ~~State Department of Education~~ *department*.
28 The appeal procedure shall be conducted by the Office of
29 Administrative Hearings and shall be provided upon petition of
30 the contracting agency in any of the following circumstances:

31 (a) Termination or suspension of a contracting agency's contract.

32 (b) Denial of more than 4 percent or twenty-five thousand dollars
33 (\$25,000), whichever is less, of a local contracting agency's
34 contracted payment for services schedule.

35 (c) Demand for remittance of an overpayment of more than 4
36 percent or twenty-five thousand dollars (\$25,000), whichever is
37 less, of a local contracting agency's annual contract.

38 *SEC. 123. Section 8406.7 of the Education Code is amended*
39 *to read:*

1 8406.7. (a) Any agency that evidences chronic fiscal or
 2 program violations of a felony nature may have its contract
 3 suspended or terminated immediately, ~~provided if~~ there is
 4 documented evidence ~~thereof of these violations~~, and upon review
 5 and recommendation of the general counsel of the ~~State Department~~
 6 ~~of Education~~ department. A fiscal or programmatic violation
 7 constituting a breach of contract includes one or more of the
 8 following:

- 9 (1) Fraud, or conspiracy to defraud.
- 10 (2) Misuse of state funds in violation of the State of California
 11 Accounting Manual.
- 12 (3) Embezzlement.
- 13 (4) Threats of bodily or other harm to state officials.
- 14 (5) Bribery or attempted bribery of a state official.
- 15 (6) Unsafe or unhealthy physical environment or facility.
- 16 (7) Substantiated abuse or molestation of children.
- 17 (8) Failure to report suspected child abuse or molestation.
- 18 (9) Theft of supplies, equipment or food.

19 (b) An agency contract terminated for cause retains appeal rights
 20 in accordance with Section 8402.

21 (c) The ~~State Department of Education~~ department shall advise
 22 ~~child care and development~~ contractors of the ~~provision~~ provisions
 23 of this section within 30 working days of its enactment.

24 *SEC. 124. Section 8447 of the Education Code is amended to*
 25 *read:*

26 8447. (a) The Legislature hereby finds and declares that greater
 27 efficiencies may be achieved in the execution of state subsidized
 28 ~~child care and development~~ *early learning and educational support*
 29 program contracts with public and private agencies by the timely
 30 approval of contract provisions by the Department of Finance, the
 31 Department of General Services, and the State Department of
 32 Education and by authorizing the State Department of Education
 33 to establish a multiyear application, contract expenditure, and
 34 service review as may be necessary to provide timely service while
 35 preserving audit and oversight functions to protect the public
 36 welfare.

37 (b) (1) The Department of Finance and the Department of
 38 General Services shall approve or disapprove annual contract
 39 funding terms and conditions, including both family fee schedules
 40 and regional market rate schedules that are required to be adhered

1 to by contract, and contract face sheets submitted by the State
2 Department of Education not more than 30 working days from the
3 date of submission, unless unresolved conflicts remain between
4 the Department of Finance, the State Department of Education,
5 and the Department of General Services. The State Department of
6 Education shall resolve conflicts within an additional 30 working
7 day time period. Contracts and funding terms and conditions shall
8 be issued to ~~child care~~ contractors no later than June 1. Applications
9 for new child care funding shall be issued not more than 45
10 working days after the effective date of authorized new allocations
11 of child care moneys.

12 (2) Notwithstanding paragraph (1), the State Department of
13 Education shall implement the regional market rate schedules
14 based upon the county aggregates, as determined by the Regional
15 Market survey conducted in 2005.

16 (3) Notwithstanding paragraph (1), for the 2006–07 fiscal year,
17 the State Department of Education shall update the family fee
18 schedules by family size, based on the 2005 state median income
19 survey data for a family of four. The family fee schedule used
20 during the 2005–06 fiscal year shall remain in effect. However,
21 the department shall adjust the family fee schedule for families
22 that are newly eligible to receive or will continue to receive services
23 under the new income eligibility limits. The family fees shall not
24 exceed 10 percent of the family’s monthly income.

25 (4) Notwithstanding any other law, the family fee schedule that
26 was in effect for the 2007–08, 2008–09, 2009–10, and 2010–11
27 fiscal years shall be adjusted to reflect the income eligibility limits
28 specified in subdivision (b) of Section 8263.1 for the 2011–12
29 fiscal year, and shall retain a flat fee per family. The revised family
30 fee schedule shall begin at income levels at which families
31 currently begin paying fees. The revised family fees shall not
32 exceed 10 percent of the family’s monthly income. The State
33 Department of Education shall first submit the adjusted fee
34 schedule to the Department of Finance for approval in order to be
35 implemented by July 1, 2011.

36 (5) Notwithstanding any other law, the family fee schedule that
37 was in effect for the 2011–12 fiscal year pursuant to paragraph (4)
38 shall remain in effect for the 2012–13 fiscal year, and shall retain
39 a flat fee per family.

1 (6) It is the intent of the Legislature to fully fund the third stage
2 of child care for former CalWORKs recipients.

3 (c) With respect to subdivision (b), it is the intent of the
4 Legislature that the Department of Finance annually review
5 contract funding terms and conditions for the primary purpose of
6 ensuring consistency between child care contracts and the child
7 care budget. This review shall include evaluating any proposed
8 changes to contract language or other fiscal documents to which
9 the contractor is required to adhere, including those changes to
10 terms or conditions that authorize higher reimbursement rates, that
11 modify related adjustment factors, that modify administrative or
12 other service allowances, or that diminish fee revenues otherwise
13 available for services, to determine if the change is necessary or
14 has the potential effect of reducing the number of full-time
15 equivalent children that may be served.

16 (d) Alternative payment ~~child care systems~~, *programs*, as set
17 forth in Article 3 (commencing with Section 8220), shall be subject
18 to the rates established in the Regional Market Rate Survey of
19 California Child Care Providers for provider payments. The State
20 Department of Education shall contract to conduct and complete
21 a Regional Market Rate Survey no more frequently than once every
22 two years, consistent with federal regulations, with a goal of
23 completion by March 1.

24 (e) By March 1 of each year, the Department of Finance shall
25 provide to the State Department of Education the State Median
26 Income amount for a four-person household in California based
27 on the best available data. The State Department of Education shall
28 adjust its fee schedule for ~~child care~~ providers to reflect this
29 updated state median income; however, no changes based on
30 revisions to the state median income amount shall be implemented
31 midyear.

32 (f) Notwithstanding the June 1 date specified in subdivision (b),
33 changes to the regional market rate schedules and fee schedules
34 may be made at any other time to reflect the availability of accurate
35 data necessary for their completion, provided these documents
36 receive the approval of the Department of Finance. The Department
37 of Finance shall review the changes within 30 working days of
38 submission and the State Department of Education shall resolve
39 conflicts within an additional 30 working day period. Contractors
40 shall be given adequate notice ~~prior to~~ *before* the effective date of

1 the approved schedules. It is the intent of the Legislature that
2 contracts for services not be delayed by the timing of the
3 availability of accurate data needed to update these schedules.

4 (g) Notwithstanding any other ~~provision of law~~, no family
5 receiving CalWORKs cash aid may be charged a family fee.

6 *SEC. 125. Section 8448 of the Education Code is amended to*
7 *read:*

8 8448. As used in this article:

9 (a) “Financial and compliance audit” means a systematic review
10 or appraisal to determine each of the following:

11 (1) Whether the financial statements of an audited organization
12 fairly present the financial position and the results of financial
13 operations in accordance with generally accepted accounting
14 principles.

15 (2) Whether the organization has complied with laws and
16 regulations that may have a material effect upon the financial
17 statements.

18 (b) “Public accountants” means certified public accountants, or
19 state licensed public accountants.

20 (c) “Independent auditors” means public accountants who have
21 no direct or indirect relationship with the functions or activities
22 being audited or with the business conducted by any of the officials
23 or contractors being audited.

24 (d) “Generally accepted auditing standards” means the auditing
25 standards set forth in the financial and compliance element of the
26 “Government Auditing Standards” issued by the Comptroller
27 General of the United States and incorporating the audit standards
28 of the American Institute of Certified Public Accountants.

29 (e) “Direct service contract” means any contract with any public
30 or private entity for ~~child care and development~~ *early learning*
31 *and educational support* programs, resource and referral programs,
32 and programs contracting to provide support services, as defined
33 in Section 8208.

34 (f) “Nonprofit organization” means an organization described
35 in Section 501(c)(3) of the Internal Revenue Code of 1954 which
36 is exempt from taxation under Section 501(a) of that code, or any
37 nonprofit, scientific, or educational organization qualified under
38 Section 23701d of the Revenue and Taxation Code.

39 (g) (1) Annually, there shall be a single independent financial
40 and compliance audit of organizations that contract with the state

1 under a direct service contract. Any such audit shall include an
2 evaluation of the accounting and control systems of the direct
3 service contractor and of the activities by the contractor to comply
4 with the financial requirements of direct service contracts received
5 by the contractor from the state agency. The financial and
6 compliance requirements to be reviewed during the audit shall be
7 those developed and published by the ~~State Department of~~
8 ~~Education~~ *department* in consultation with the Department of
9 Finance. Audits carried out pursuant to this section shall be audits
10 of the contractor rather than audits of individual contracts or
11 programs. In the case of any contractor that receives less than
12 twenty-five thousand dollars (\$25,000) per year from any state
13 agency, the audit required by this section shall be conducted
14 biennially, unless there is evidence of fraud or other violation of
15 state law in connection with the direct service contract. The cost
16 of the audit may be included in direct service contracts.

17 ~~The~~

18 (2) *The* organization receiving funds from the state shall be
19 responsible for obtaining the required financial and compliance
20 audits of the organization and any subcontractors, except for direct
21 service subcontracts and other subcontracts exempt from ~~State~~
22 ~~Department of Education~~ *department* review, as agreed to by the
23 Departments of Finance and General Services. The audits shall be
24 made by independent auditors in accordance with generally
25 accepted auditing standards. The audit shall be completed by the
26 15th day of the fifth month following the end of the contractor's
27 fiscal year. A copy of the required audit shall be filed with the
28 ~~State Department of Education~~ *department* upon its completion.
29 In the event an audit is not filed, the ~~State Department of Education~~
30 *department* shall notify the organization of the contract violation.
31 The audit report filed shall be an integral part of the direct service
32 contract file.

33 (h) (1) Nothing in this article limits the authority of the ~~State~~
34 ~~Department of Education~~ *department* to make audits of direct
35 service contracts. However, if independent audits arranged for by
36 direct service contractors meet generally accepted auditing
37 standards, the ~~State Department of Education~~ *department* shall
38 rely on those audits and any additional audit work shall build upon
39 the work already done.

1 (2) Nothing in this article precludes the state from conducting,
2 or contracting for the conduct of, contract performance audits
3 which are not financial and compliance audits.

4 (3) Nothing in this article limits the state’s responsibility or
5 authority to enforce state law or regulations, procedures, or
6 reporting requirements arising pursuant thereto.

7 (4) Nothing in this article limits the responsibility of the ~~State~~
8 ~~Department of Education~~ *department* to provide an independent
9 appeal procedure according to the provisions of the Administrative
10 Procedure Act (Chapter 5 (commencing with Section 11500) of
11 Part 1 of Division 3 of Title 2) of the Government Code.

12 *SEC. 126. Section 8450 of the Education Code is amended to*
13 *read:*

14 8450. (a) All ~~child development~~ *early learning and educational*
15 *support* contractors are encouraged to develop and maintain a
16 reserve within the child development fund, derived from earned
17 but unexpended funds. ~~Child development contractors~~ *Contractors*
18 may retain all earned funds. For the purpose of this section, “earned
19 funds” are those for which the required number of eligible service
20 units have been provided.

21 (b) (1) Earned funds shall not be expended for any activities
22 proscribed by Section 8406.7. Earned but unexpended funds shall
23 remain in the contractor’s reserve account within the child
24 development fund and shall be expended only by direct *classroom*
25 ~~service-child development~~ programs that are funded under contract
26 with the department.

27 (2) Commencing July 1, 2011, a contractor may retain a reserve
28 fund balance, separate from the reserve fund retained pursuant to
29 subdivision (c) or (d), equal to 5 percent of the sum of the
30 maximum reimbursable amounts of all contracts to which the
31 contractor is a party, or two thousand dollars (\$2,000), whichever
32 is greater. This paragraph applies to direct *classroom* ~~service-child~~
33 ~~development~~ programs that are funded under contract with the
34 department.

35 (c) Notwithstanding subdivisions (a) and (b), a contractor may
36 retain a reserve fund balance for a resource and referral program,
37 separate from the balance retained pursuant to subdivision (b) or
38 (d), not to exceed 3 percent of the contract amount. Funds from
39 this reserve account may be expended only by resource and referral
40 programs that are funded under contract with the department.

1 (d) Notwithstanding subdivisions (a) and (b), a contractor may
 2 retain a reserve fund balance for alternative payment model and
 3 certificate-~~child care~~ contracts, separate from the reserve fund
 4 retained pursuant to subdivisions (b) and (c). Funds from this
 5 reserve account may be expended only by alternative payment
 6 model and certificate-~~child care~~ programs that are funded under
 7 contract with the department. The reserve amount allowed by this
 8 section may not exceed either of the following, whichever is
 9 greater:

10 (1) Two percent of the sum of the parts of each contract to which
 11 that contractor is a party that is allowed for administration pursuant
 12 to Section 8276.7 and that is allowed for supportive services
 13 pursuant to the provisions of the contract.

14 (2) One thousand dollars (\$1,000).

15 (e) Each contractor's audit shall identify any funds earned by
 16 the contractor for each contract through the provision of contracted
 17 services in excess of funds expended.

18 (f) Any interest earned on reserve funds shall be included in the
 19 fund balance of the reserve. This reserve fund shall be maintained
 20 in an interest-bearing account.

21 (g) Moneys in a contractor's reserve fund may be used only for
 22 expenses that are reasonable and necessary costs as defined in
 23 subdivision-~~(n)~~ (l) of Section 8208.

24 (h) Any reserve fund balance in excess of the amount authorized
 25 pursuant to subdivisions (b), (c), and (d) shall be returned to the
 26 department pursuant to procedures established by the department.

27 (i) Upon termination of all-~~child development~~ *early learning*
 28 *and educational support* contracts between a contractor and the
 29 department, all moneys in a contractor's reserve fund shall be
 30 returned to the department pursuant to procedures established by
 31 the department.

32 (j) Expenditures from, additions to, and balances in, the reserve
 33 fund shall be included in the agency's annual financial statements
 34 and audit.

35 *SEC. 127. Section 8493 of the Education Code is amended to*
 36 *read:*

37 8493. It is the intent of the Legislature that funds be
 38 appropriated for capital outlay for purposes of providing facilities
 39 for-~~child care and development~~ services provided pursuant to this
 40 chapter, including, but not limited to, all of the following purposes:

1 (a) For the purchase of relocatable facilities by the state for lease
2 to qualifying contracting agencies in areas with no available
3 economically practical or feasible child care and development
4 facilities.

5 (b) For renovation and repair of child care and development
6 facilities in order to comply with state and local health and safety
7 standards and licensing requirements, without unnecessarily
8 increasing the value of the facility.

9 *SEC. 128. Section 8494 of the Education Code is amended to*
10 *read:*

11 8494. (a) All of the following ~~child care and development~~
12 programs, other than those providing extended-day care services,
13 shall be eligible to receive a loan for the renovation and repair of
14 facilities used for the program or to lease relocatable facilities to
15 be used for the program:

16 (1) Private nonprofit ~~child care and development~~ programs
17 currently, or soon to be, under contract with the ~~State Department~~
18 ~~of Education~~ *department* pursuant to Section 8262.

19 (2) ~~Child care and development~~ *Early learning and educational*
20 *support* programs conducted pursuant to Article 4 (commencing
21 with Section 8225).

22 (3) ~~Child care and development~~ *Early learning and educational*
23 *support* programs operated by, or in a facility owned by, a public
24 entity.

25 (4) ~~Child care and development~~ *Early learning and educational*
26 *support* programs conducted pursuant to Article 7.1 (commencing
27 with Section 54740) of Chapter 9 of Part 29.

28 (b) A recipient of a loan pursuant to this section shall document
29 that the renovated facility shall comply with all laws and
30 regulations applicable to child care facilities provided for pursuant
31 to Chapter 3.4 (commencing with Section 1596.70) and Chapter
32 3.5 (commencing with Section 1596.90) of Division 2 of the Health
33 and Safety Code.

34 (c) A recipient of a loan pursuant to this section shall assure the
35 board that the renovated facility shall be used for the purposes of
36 the ~~child care and development~~ program for the entire loan period,
37 which shall be determined by the board as follows:

38 (1) For loans equal to or less than thirty thousand dollars
39 (\$30,000), not less than three years.

1 (2) For loans exceeding thirty thousand dollars (\$30,000), the
2 loan period shall increase one year for each additional ten thousand
3 dollars (\$10,000) or part thereof, to a maximum of fifty thousand
4 dollars (\$50,000).

5 (d) Interest on the loan principal shall be charged at a rate equal
6 to the average of the interest rate applied to the last three bond
7 sales pursuant to Chapter 21.6 (commencing with Section 17695)
8 of Part 10.

9 (e) In the event that a recipient ceases to use the renovated
10 facility for purposes of the ~~child care and development~~ program
11 ~~prior to~~ before the expiration of the loan period, the board shall
12 collect the entire outstanding balance of the loan, plus interest,
13 notwithstanding the loan period originally set pursuant to
14 subdivision (c), unless the board deems it appropriate to waive
15 repayment at that time.

16 (f) If the renovated facility has been continuously used for
17 purposes of the ~~child care and development~~ program for the entire
18 loan period, the board shall waive repayment of the amount of the
19 loan principal, plus interest, at the end of the loan period.

20 *SEC. 129. Section 8495 of the Education Code is amended to*
21 *read:*

22 8495. (a) There is hereby created in the State Treasury the
23 State Child Care Capital Outlay Fund. Notwithstanding Section
24 13340 of the Government Code, all moneys in the State Child Care
25 Capital Outlay Fund, including moneys deposited in that fund from
26 any source whatsoever, shall be continuously appropriated without
27 regard to fiscal year for expenditure pursuant to ~~the provisions of~~
28 this article. The fund shall be administered by the State Allocation
29 Board, which may authorize the expenditure of any moneys in the
30 fund for capital outlay projects pursuant to Section 8277.7 or this
31 article. Funds in the State Child Care Facilities Fund set aside for
32 the purposes of providing extended day care facilities pursuant to
33 Section 8477 shall be transferred to the State Child Care Capital
34 Outlay Fund upon the effective date of the act amending this
35 section in the 1997–98 Regular Session.

36 (b) The Superintendent of ~~Public Instruction~~ shall establish the
37 qualifications to determine the eligibility of ~~child care and~~
38 ~~development~~ agencies, including those that provide preschool and
39 extended day care services, to lease relocatable facilities under
40 this section.

1 (c) Although primary use of relocatable facilities shall be for
2 ~~child care and development~~ *early learning and educational support*
3 programs, including preschool and extended day care programs,
4 those facilities may be used for other purposes if the following
5 conditions are met:

6 (1) The alternative use of the facility does not infringe upon the
7 accessibility of ~~child care and development~~ *early learning and*
8 *educational support* programs including preschool or extended
9 day care programs.

10 (2) The Superintendent ~~of Public Instruction~~ authorizes
11 alternative use as being compatible with ~~child care and~~
12 ~~development~~ *early learning and educational support* programs,
13 including preschool or extended day care programs.

14 (d) The State Allocation Board, with the advice of the
15 Superintendent ~~of Public Instruction~~, may do all of the following:

16 (1) Establish any procedures and policies in connection with
17 the administration of this section that it deems necessary.

18 (2) Adopt any rules and regulations for the administration of
19 this section requiring those procedures, forms, and information
20 that it deems necessary.

21 (3) Have constructed, furnished, equipped, or otherwise require
22 whatever work is necessary to place relocatable facilities for ~~child~~
23 ~~care and development~~ *early learning and educational support*
24 services, including preschool and extended day care services where
25 needed.

26 (e) The board shall lease relocatable facilities to qualifying
27 agencies providing ~~child care and development~~ *early learning and*
28 *educational support* services, including preschool or extended day
29 care services, and shall charge rent of one dollar (\$1) per year. The
30 board shall require lessees to undertake all necessary maintenance,
31 repairs, renewal, and replacement to ensure that a project is at all
32 times kept in good repair, working order, and condition. All costs
33 incurred for this purpose shall be borne by the lessee. Neither the
34 board nor the state shall assume any responsibility for utility
35 services costs other than initial installation costs reimbursed under
36 this article, and the agency shall provide adequate safeguards to
37 protect the state's interest in this regard.

38 (f) The board shall require lessees to insure at their own expense
39 for the benefit of the state, any leased relocatable facility that is
40 the property of the state, against any risks, including liability from

1 the use thereof, in the amounts the board deems necessary to protect
2 the interests of the state. Neither the board nor the state shall
3 assume any responsibility for utility services costs other than initial
4 installation costs reimbursed under this article, and the agency
5 shall provide adequate safeguards to protect the state's interest in
6 this regard.

7 (g) No relocatable facilities shall be made available to an agency
8 unless the agency furnishes evidence, satisfactory to the board,
9 that the agency has no other facility available for rental, lease, or
10 purchase in the geographic service area that is economically or
11 otherwise feasible.

12 (h) The board shall have prepared for its use, performance
13 specifications for relocatable facilities and bids for their
14 construction that can be solicited from more than one responsible
15 bidder. The board shall from time to time solicit bids from, and
16 award to, the lowest responsible competitive bidder, contracts for
17 the construction or purchase of relocatable facilities that have been
18 approved for lease to eligible agencies that provide ~~child care and~~
19 ~~development~~ *early learning and educational support* services,
20 including preschool or extended day care services.

21 (i) If at any time the board determines that a lessees' need for
22 particular relocatable facilities that were made available to the
23 lessee pursuant to this article has ceased, the board may take
24 possession of the relocatable facilities and may lease them to other
25 eligible contracting agencies, or, if there is no longer a need for
26 the relocatable facilities, the board may dispose of them to public
27 or private parties in the manner it deems to be in the best interests
28 of the state.

29 (j) If a lessee uses a particular relocatable facility for only a
30 portion of the year, the board may enter into a second lease with
31 a public or private party for the use of that facility for the portion
32 of the year during which the facility would otherwise be unused,
33 in the manner it deems to be in the best interests of the state. The
34 lessee shall be subject to subdivisions (d) and (f).

35 *SEC. 130. Section 8495.1 of the Education Code is amended*
36 *to read:*

37 8495.1. (a) The State Allocation Board shall establish
38 regulations for the allocation of funds for capital outlay and for
39 the reimbursement of initial utility installation costs for purposes
40 of this chapter. The Superintendent of ~~Public Instruction~~ shall

1 establish qualifications for determining the eligibility of agencies
2 providing ~~child care and development~~ *early learning and*
3 *educational support* services, including preschool and extended
4 day care service, to apply for these funds.

5 (b) Notwithstanding any other ~~provision of~~ law, except for
6 Section 8477, priority in funding of capital outlay grants or
7 relocatables from funds administered pursuant to Section 8277.7
8 and under this article, shall be determined in the following order:

9 (1) Programs experiencing emergencies as defined by the
10 Superintendent of ~~Public Instruction~~ and the State Allocation
11 Board.

12 (2) Facilities lost due to the Class Size Reduction Program
13 (Chapter 6.10 (commencing with Section 52120) of Part 28).

14 (3) Expansion of ~~child care~~ *early learning and educational*
15 *support* services.

16 *SEC. 131. Section 8498 of the Education Code is amended to*
17 *read:*

18 8498. (a) The State Allocation Board may use up to 5 percent
19 of any appropriation for ~~the~~ purposes of this article to provide
20 loans to private nonsectarian ~~child care and development~~ *early*
21 *learning and educational support* programs not under contract
22 with the department for renovation and repair of existing program
23 facilities, in accordance with this section.

24 (b) The Superintendent shall establish qualifications to determine
25 the eligibility of ~~child care~~ agencies for loans pursuant to this
26 section.

27 (c) The board, with any necessary assistance from the
28 Superintendent, may do any of the following:

29 (1) Establish procedures and policies in connection with the
30 administration of this section it deems necessary.

31 (2) Adopt rules and regulations for the administration of this
32 section requiring procedure, forms, and information it deems
33 necessary.

34 (d) A recipient of a loan pursuant to this section shall do all of
35 the following:

36 (1) Document that the renovated facility shall comply with all
37 laws and regulations applicable to child care facilities provided
38 for pursuant to Chapter 3.4 (commencing with Section 1596.70)
39 and Chapter 3.5 (commencing with Section 1596.90) of Division
40 2 of the Health and Safety Code.

1 (2) Demonstrate to the satisfaction of the board that it will have
2 sufficient revenues to pay the principal and interest on the loan
3 and to maintain the operation of the child care facility.

4 (e) A recipient of a loan pursuant to this section shall assure the
5 board that the renovated facility shall be used for purposes of the
6 ~~child care and development~~ program for the following periods:

7 (1) For loans equal to or less than thirty thousand dollars
8 (\$30,000), not less than three years from the beginning of the loan
9 period.

10 (2) For loans exceeding thirty thousand dollars (\$30,000), the
11 fixed period of time shall increase one year for each additional ten
12 thousand dollars (\$10,000) or part thereof, to a maximum of fifty
13 thousand dollars (\$50,000).

14 (f) The board shall set the period of the loan for each recipient,
15 up to a maximum of 10 years, based upon the amount of the loan,
16 the recipient’s ability to repay the loan, and the length of time the
17 recipient has committed to use the renovated facility for purposes
18 of the ~~child care and development~~ program.

19 (g) Interest on the loan principal shall be charged at a rate equal
20 to the average of the interest rate applied to the last three bond
21 sales pursuant to Chapter 21.6 (commencing with Section 17695)
22 of Part 10.

23 (h) In the event that a recipient ceases to use the renovated
24 facility for purposes of the ~~child care and development~~ program
25 ~~prior to~~ before the expiration of the period specified pursuant to
26 subdivision (e), the board shall collect the entire outstanding
27 balance of the loan, plus interest, notwithstanding the loan period
28 originally set pursuant to subdivision (f).

29 *SEC. 132. Section 8499 of the Education Code is amended to*
30 *read:*

31 8499. For purposes of this chapter, the following definitions
32 shall apply:

33 (a) “Block grant” means the block grant contained in Title VI
34 of the Child Care and Development Fund, as established by the
35 federal Personal Responsibility and Work Opportunity
36 Reconciliation Act of 1996 (~~P.L.~~ *Public Law* 104-193).

37 (b) “Child care” means all licensed ~~child care and development~~
38 *early learning and educational support* services and license-exempt
39 child care, including, but not limited to, private for-profit programs,
40 nonprofit programs, and publicly funded programs, for all children

1 ~~up to and including 12~~ *from birth to 13* years of age, including
2 children with exceptional needs and children from all linguistic
3 and cultural backgrounds.

4 (c) “Child care provider” means a person who provides child
5 care services or represents persons who provide child care services.

6 (d) “Community representative” means a person who represents
7 an agency or business that provides private funding for child care
8 services, or who advocates for child care services through
9 participation in civic or community-based organizations but is not
10 a child care provider and does not represent an agency that
11 contracts with the State Department of Education to provide ~~child~~
12 ~~care and development~~ *early learning and educational support*
13 services.

14 (e) “Consumer” means a parent or person who receives, or who
15 has received within the past 36 months, child care services.

16 (f) “Department” means the State Department of Education.

17 (g) “Local planning council” means a local ~~child care and~~
18 ~~development~~ *early learning and educational support* planning
19 council as described in Section 8499.3.

20 (h) “Public agency representative” means a person who
21 represents a city, county, city and county, or local educational
22 agency.

23 *SEC. 133. The heading of Article 2 (commencing with Section*
24 *8499.3) of Chapter 2.3 of Part 6 of Division 1 of Title 1 of the*
25 *Education Code is amended to read:*

26
27 Article 2. Membership and Funding of Local ~~Child Care and~~
28 ~~Development~~ Planning Councils
29

30 *SEC. 134. Section 8499.3 of the Education Code is amended*
31 *to read:*

32 8499.3. (a) It is the intent of the Legislature that local ~~child~~
33 ~~care and development~~ planning councils shall provide a forum for
34 the identification of local priorities for ~~child care~~ *early learning*
35 *and educational support* and the development of policies to meet
36 the needs identified within those priorities.

37 (b) The county board of supervisors and the county
38 superintendent of schools shall do both of the following:

39 (1) Select the members of the local planning council. Before
40 making selections pursuant to this subdivision, the *county* board

1 of supervisors and the county superintendent of schools shall
2 publicize their intention to select the members and shall invite
3 local organizations to submit nominations. In counties in which
4 the *county* superintendent is appointed by the county board of
5 education, the county board of education may make the
6 appointment or may delegate that responsibility to the
7 superintendent.

8 (2) Establish the term of appointment for the members of the
9 local planning council.

10 (c) (1) The local planning council shall be comprised as follows:

11 (A) Twenty percent of the membership shall be consumers.

12 (B) Twenty percent of the membership shall be ~~child care~~
13 providers, reflective of the range of ~~child care~~ providers in the
14 county.

15 (C) Twenty percent of the membership shall be public agency
16 representatives.

17 (D) Twenty percent of the membership shall be community
18 representatives, who shall not be ~~child care~~ providers or agencies
19 that contract with the department to provide ~~child care and~~
20 development services.

21 (E) The remaining 20 percent shall be appointed at the discretion
22 of the appointing agencies.

23 (2) The *county* board of supervisors and the *county*
24 superintendent of schools shall each appoint one-half of the
25 members. In the case of uneven membership, both appointing
26 entities shall agree on the odd-numbered appointee.

27 (d) Every effort shall be made to ensure that the ethnic, racial,
28 and geographic composition of the local planning council is
29 reflective of the ethnic, racial, and geographic distribution of the
30 population of the county.

31 (e) The *county* board of supervisors and county superintendent
32 of schools may designate an existing ~~child care~~ planning council
33 or coordinated child and family services council as the local
34 planning council, as long as it has or can achieve the representation
35 set forth in this section.

36 (f) Upon establishment of a local planning council, the local
37 planning council shall elect a chair and select a staff.

38 (g) Each local planning council shall develop and implement a
39 training plan to provide increased efficiency, productivity, and
40 facilitation of local planning council meetings. This may include

1 developing a training manual, hiring facilitators, and identifying
2 strategies to meet the objectives of the council.

3 (h) No member of a local planning council shall participate in
4 a vote if he or she has a proprietary interest in the outcome of the
5 matter being voted upon.

6 *SEC. 135. Section 8499.5 of the Education Code is amended*
7 *to read:*

8 8499.5. (a) The department shall allocate ~~child care~~ funding
9 pursuant to Chapter 2 (commencing with Section 8200) based on
10 the amount of state and federal funding that is available.

11 (b) By May 30 of each year, upon approval by the county board
12 of supervisors and the county superintendent of schools, a local
13 planning council shall submit to the department the local priorities
14 it has identified that reflect all child care needs in the county. To
15 accomplish this, a local planning council shall do all of the
16 following:

17 (1) Conduct an assessment of child care needs in the county no
18 less than once every five years. The department shall define and
19 prescribe data elements to be included in the needs assessment and
20 shall specify the format for the data reporting. The needs
21 assessment shall also include all factors deemed appropriate by
22 the local planning council in order to obtain an accurate picture of
23 the comprehensive child care needs in the county. The factors
24 include, but are not limited to, all of the following:

25 (A) The needs of families eligible for subsidized ~~child~~ care.

26 (B) The needs of families not eligible for subsidized ~~child~~ care.

27 (C) The waiting lists for programs funded by the department
28 and the State Department of Social Services.

29 (D) The need for ~~child~~ care for children determined by the child
30 protective services agency to be neglected, abused, or exploited,
31 or at risk of being neglected, abused, or exploited.

32 (E) The number of children in families receiving public
33 assistance, including CalFresh benefits, housing support, and
34 Medi-Cal, and assistance from the Healthy Families Program and
35 the Temporary Assistance for Needy Families (TANF) program.

36 (F) Family income among families with preschool or schoolage
37 children.

38 (G) The number of children in migrant agricultural families
39 who move from place to place for work or who are currently
40 dependent for their income on agricultural employment in

1 accordance with subdivision (a) of, and paragraphs (1) and (2) of
2 subdivision (b) of, Section 8231.

3 (H) The number of children who have been determined by a
4 regional center to require services pursuant to an individualized
5 family service plan, or by a local educational agency to require
6 services pursuant to an individualized education program or an
7 individualized family service plan.

8 (I) The number of children in the county by primary language
9 spoken pursuant to the department's language survey.

10 (J) Special needs based on geographic considerations, including
11 rural areas.

12 (K) The number of children needing ~~child care~~ services by age
13 cohort.

14 (2) Document information gathered during the needs assessment
15 ~~which~~ *that* shall include, but need not be limited to, data on supply,
16 demand, cost, and market rates for each category of child care in
17 the county.

18 (3) Encourage public input in the development of the priorities.
19 Opportunities for public input shall include at least one public
20 hearing during which members of the public can comment on the
21 proposed priorities.

22 (4) Prepare a comprehensive countywide child care plan
23 designed to mobilize public and private resources to address
24 identified needs.

25 (5) Conduct a periodic review of child care programs funded
26 by the department and the State Department of Social Services to
27 determine if identified priorities are being met.

28 (6) Collaborate with subsidized and nonsubsidized ~~child care~~
29 providers, county welfare departments, human service agencies,
30 regional centers, job training programs, employers, integrated child
31 and family service councils, local and state children and families
32 commissions, parent organizations, early start family resource
33 centers, family empowerment centers on disability, local ~~child care~~
34 resource and referral programs, and other interested parties to
35 foster partnerships designed to meet local child care needs.

36 (7) Design a system to consolidate local child care waiting lists,
37 if a centralized eligibility list is not already in existence.

38 (8) Coordinate part-day programs, including *California* state
39 preschool and Head Start, with other ~~child care and development~~

1 *early learning and educational support* services to provide full-day
2 ~~child~~ care.

3 (9) Submit the results of the needs assessment and the local
4 priorities identified by the local planning council to the *county*
5 board of supervisors and the county superintendent of schools for
6 approval before submitting them to the department.

7 (10) Identify at least one, but not more than two, members to
8 serve as part of the department team that reviews and scores
9 proposals for the provision of services funded through contracts
10 with the department. Local planning council representatives may
11 not review and score proposals from the geographic area covered
12 by their own local planning council. The department shall notify
13 each local planning council whenever this opportunity is available.

14 (c) The department shall, in conjunction with the State
15 Department of Social Services and all appropriate statewide
16 agencies and associations, develop guidelines for use by local
17 planning councils to assist them in conducting needs assessments
18 that are reliable and accurate. The guidelines shall include
19 acceptable sources of demographic and child care data, and
20 methodologies for assessing child care supply and demand.

21 (d) The department shall allocate funding within each county
22 in accordance with the priorities identified by the local planning
23 council of that county and submitted to the department pursuant
24 to this section, unless the priorities do not meet the requirements
25 of state or federal law.

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**All matter omitted in this version of the bill
appears in the bill as amended in the
Senate, March 12, 2013. (JR11)**