

AMENDED IN ASSEMBLY APRIL 24, 2008

AMENDED IN ASSEMBLY APRIL 3, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2759

Introduced by Assembly Member Jones

(Principal coauthor: Senator Steinberg)

**(Coauthors: Assembly Members ~~Huffman~~ Brownley, Coto, Huffman,
Laird, Mullin, and Nunez)**

February 22, 2008

An act to amend Sections 8208, 8235, 8236, 8237, 8238, 8238.1, 8238.3, 8238.5, 8240, 8244, 8250.5, 8264.5, and 8266.1 of, to amend the heading of Article 7 (commencing with Section 8235) of Chapter 2 of Part 6 of Division 1 of Title 1 of, to amend the heading of ~~Title~~ Article 8 (commencing with Section 8240) of Chapter 2 of Part 6 of Division 1 of Title 1 of, to add Section 8236.1 to, *to repeal Section 8238.6 of*, and to repeal and add Sections 8238.4, ~~8239, and 8244~~ and 8239 of, the Education Code, relating to child care and development services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2759, as amended, Jones. State preschool programs: reform.

(1) Existing law requires the Superintendent of Public Instruction to administer state preschool programs, including part-day and preschool appropriate programs for prekindergarten children 3 to 5 years of age, inclusive, in educational development, health services, social services, nutritional services, parent education and participation, evaluation, and staff development.

This bill would recast those provisions as California state preschool programs. The bill would recast the general child care and development programs as the center child care and development programs and would include full-day programs within these provisions. The bill would specify that the California state preschool program is available to three-year-old and four-year-old children, as defined.

(2) Existing law establishes as schedule for expenditure of prescribed funds appropriated pursuant to the Budget Act of 2006, for child development in preschool programs.

This bill would repeal that provision. *The bill would also repeal a provision that authorizes the Superintendent to expend certain funds appropriated in the Budget Act of 2005.*

(3) Existing law requires the Superintendent and the ~~department~~ *State Department of Education* to administer prekindergarten and family literacy programs in accordance with specified funding and other requirements.

This bill would revise those requirements and would provide for the allocation of funds upon appropriation in the annual Budget Act or another statute. The bill would authorize the Superintendent to transfer funds appropriated on and after January 1, 2009, between center child care and development programs and the California state preschool program. *The bill would require the State Department of Education to annually monitor funding for child care and development programs for infants and toddlers, and would require the department to report on specified matters to the Department of Finance and the Legislature every 3 years.*

(4) Existing law establishes an enrollment priority for state preschool program services.

This bill would revise the enrollment priority.

(5) Existing law requires certain entities operating child care and development programs to employ a program director, and authorizes the Superintendent to waive the qualifications for the program director under specified circumstances.

This bill would recast those provisions *to replace references to general child care and development programs and to campus childcare and development programs with references to center childcare and development programs*, and would delete ~~the director qualification waiver provisions~~ *obsolete cross-references*.

(6) Existing law establishes reimbursement rates for child care and development program providers and requires the Superintendent to

establish a fee schedule for families utilizing child care services under these provisions.

This bill would revise those reimbursement rates for California state preschool program providers and would require fees to be assessed and collected for families with children in full-day preschool programs pursuant to the fee schedule provisions.

(7) The bill would become operative on July 1, 2009, and only if SB 1629 of the 2007–08 Regular Session of the Legislature is enacted and becomes effective on or before January 1, 2009.

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 Legislature finds and declares all of the
2 following:

3 (a) Learning begins at the earliest stages of life and research
4 shows that preschool is a proven investment in children's academic
5 success and their success later in life. A high-quality preschool
6 system would benefit California children, the state's systems of
7 public and higher education, its families and students, and its
8 economy overall.

9 (b) Effective preschool provides eager young learners with early
10 academic and social skills that prepare them for later learning.
11 Developing these skills requires developmentally appropriate,
12 intentional instruction from skilled teachers.

13 (c) Unfortunately, too many children are turned away from
14 preschool, and the children who lack access to preschool are
15 disproportionately children of color, children whose home language
16 is not English, and children whose parents did not graduate from
17 high school. Research has shown that only one-half of all eligible
18 children in California are enrolled in a state preschool or the federal
19 Head Start Program.

20 (d) Currently, California's preschool programs consist of both
21 state and federally funded programs for the provision of part-day
22 and full-day preschool and child care.

23 (e) According to the National Institute of Early Education
24 Research, California's state preschool programs meet only four of
25 10 benchmarks for quality preschool. A vast body of research

1 shows that only high-quality preschool results in the child outcomes
2 and cost-benefits widely attributed to preschool.

3 (f) The myriad of state child development programs that serve
4 children 3 to 5 years of age, inclusive, are unnecessarily complex;
5 programs are not rewarded or given enough support to achieve the
6 high-quality learning environments that our most disadvantaged
7 children need and deserve.

8 (g) In order to take full advantage of the integral role that a
9 quality preschool system plays in helping prepare children for
10 school, which would benefit the state's most vulnerable pupils and
11 children from low-income families, including English language
12 learners, California must create a more coherent and efficient
13 publicly funded preschool program and lay the groundwork for
14 high quality. Consolidating and streamlining the state's preschool
15 program within existing revenues and expenditures and creating
16 a system that rewards programs that provide higher quality learning
17 environments would greatly increase California's ability to bridge
18 the achievement gap.

19 (h) Making the necessary investments to expand the state's
20 preschool system while the state faces a budget shortfall will be
21 difficult, but important steps can be taken now to put in place the
22 framework for a high-quality prekindergarten system upon which
23 future expansion can be built.

24 SEC. 2. Section 8208 of the Education Code is amended to
25 read:

26 8208. As used in this chapter:

27 (a) "Alternative payments" includes payments that are made by
28 one child care agency to another agency or child care provider for
29 the provision of child care and development services, and payments
30 that are made by an agency to a parent for the parent's purchase
31 of child care and development services.

32 (b) "Alternative payment program" means a local government
33 agency or nonprofit organization that has contracted with the
34 department pursuant to Section 8220.2 to provide alternative
35 payments and to provide support services to parents and providers.

36 (c) "Applicant or contracting agency" means a school district,
37 community college district, college or university, county
38 superintendent of schools, county, city, public agency, private
39 nontax-exempt agency, private tax-exempt agency, or other entity
40 that is authorized to establish, maintain, or operate services

1 pursuant to this chapter. Private agencies and parent cooperatives,
2 duly licensed by law, shall receive the same consideration as any
3 other authorized entity with no loss of parental decisionmaking
4 prerogatives as consistent with the provisions of this chapter.

5 (d) "Assigned reimbursement rate" is that rate established by
6 the contract with the agency and is derived by dividing the total
7 dollar amount of the contract by the minimum child day of average
8 daily enrollment level of service required.

9 (e) "Attendance" means the number of children present at a
10 child care and development facility. "Attendance," for the purposes
11 of reimbursement, includes excused absences by children because
12 of illness, quarantine, illness or quarantine of their parent, family
13 emergency, or to spend time with a parent or other relative as
14 required by a court of law or that is clearly in the best interest of
15 the child.

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

21 (g) "Caregiver" means a person who provides direct care,
22 supervision, and guidance to children in a child care and
23 development facility.

24 (h) "Child care and development facility" means any residence
25 or building or part thereof in which child care and development
26 services are provided.

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

- 32 (1) Center child care and development.
- 33 (2) Migrant child care and development.
- 34 (3) Child care provided by the California School Age Families
35 Education Program (Article 7.1 (commencing with Section 54740)
36 of Chapter 9 of Part 29).
- 37 (4) California state preschool program.
- 38 (5) Resource and referral.
- 39 (6) Child care and development services for children with
40 exceptional needs.

1 (7) Family child care home education network.

2 (8) Alternative payment.

3 (9) Schoolage community child care.

4 (j) “Child care and development services” means those services
5 designed to meet a wide variety of needs of children and their
6 families, while their parents or guardians are working, in training,
7 seeking employment, incapacitated, or in need of respite. These
8 services may include direct care and supervision, instructional
9 activities, resource and referral programs, and alternative payment
10 arrangements.

11 (k) “Children at risk of abuse, neglect, or exploitation” means
12 children who are so identified in a written referral from a legal,
13 medical, or social service agency, or emergency shelter.

14 (l) “Children with exceptional needs” means either of the
15 following:

16 (1) Infants and toddlers under three years of age who have been
17 determined to be eligible for early intervention services pursuant
18 to the California Early Intervention Services Act (Title 14
19 (commencing with Section 95000) of the Government Code) and
20 its implementing regulations. These children include an infant or
21 toddler with a developmental delay or established risk condition,
22 or who is at high risk of having a substantial developmental
23 disability, as defined in subdivision (a) of Section 95014 of the
24 Government Code. These children shall have active individualized
25 family service plans, shall be receiving early intervention services,
26 and shall be children who require the special attention of adults in
27 a child care setting.

28 (2) Children ages 3 to 21 years, inclusive, who have been
29 determined to be eligible for special education and related services
30 by an individualized education program team according to the
31 special education requirements contained in Part 30 (commencing
32 with Section 56000), and who meet eligibility criteria described
33 in Section 56026 and Sections 56333 to 56338, inclusive, and
34 Sections 3030 and 3031 of Title 5 of the California Code of
35 Regulations. These children shall have an active individualized
36 education program, shall be receiving early intervention services
37 or appropriate special education and related services, and shall be
38 children who require the special attention of adults in a child care
39 setting. These children include children with mental retardation,
40 hearing impairments (including deafness), speech or language

1 impairments, visual impairments (including blindness), serious
2 emotional disturbance (also referred to as emotional disturbance),
3 orthopedic impairments, autism, traumatic brain injury, other health
4 impairments, or specific learning disabilities, who need special
5 education and related services consistent with paragraph (A) of
6 subsection (3) of Section 1401 of Title 20 of the United States
7 Code.

8 (m) "Closedown costs" means reimbursements for all approved
9 activities associated with the closing of operations at the end of
10 each growing season for migrant child development programs
11 only.

12 (n) "Cost" includes, but is not limited to, expenditures that are
13 related to the operation of child care and development programs.
14 "Cost" may include a reasonable amount for state and local
15 contributions to employee benefits, including approved retirement
16 programs, agency administration, and any other reasonable program
17 operational costs. "Cost" may also include amounts for licensable
18 facilities in the community served by the program, including lease
19 payments or depreciation, downpayments, and payments of
20 principal and interest on loans incurred to acquire, rehabilitate, or
21 construct licensable facilities, but these costs shall not exceed fair
22 market rents existing in the community in which the facility is
23 located. "Reasonable and necessary costs" are costs that, in nature
24 and amount, do not exceed what an ordinary prudent person would
25 incur in the conduct of a competitive business.

26 (o) "Elementary school," as contained in Section 425 of Title
27 20 of the United States Code (the National Defense Education Act
28 of 1958, Public Law 85-864, as amended), includes early childhood
29 education programs and all child development programs, for the
30 purpose of the cancellation provisions of loans to students in
31 institutions of higher learning.

32 (p) "Family child care home education network" means an entity
33 organized under law that contracts with the department pursuant
34 to Section 8245 to make payments to licensed family child care
35 home providers and to provide educational and support services
36 to those providers and to children and families eligible for
37 state-subsidized child care and development services. A family
38 child care home education network may also be referred to as a
39 family child care home system.

1 (q) “Health services” include, but are not limited to, all of the
2 following:

3 (1) Referral, whenever possible, to appropriate health care
4 providers able to provide continuity of medical care.

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

14 (3) Health education and training for children, parents, staff,
15 and providers.

16 (4) Followup treatment through referral to appropriate health
17 care agencies or individual health care professionals.

18 (r) “Higher educational institutions” means the Regents of the
19 University of California, the Trustees of the California State
20 University, the Board of Governors of the California Community
21 Colleges, and the governing bodies of any accredited private
22 nonprofit institution of postsecondary education.

23 (s) “Intergenerational staff” means persons of various
24 generations.

25 (t) “Limited-English-speaking-proficient and
26 non-English-speaking-proficient children” means children who
27 are unable to benefit fully from an English-only child care and
28 development program as a result of either of the following:

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

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

33 (u) “Parent” means a biological parent, stepparent, adoptive
34 parent, foster parent, caretaker relative, or any other adult living
35 with a child who has responsibility for the care and welfare of the
36 child.

37 (v) “Program director” means a person who, pursuant to Sections
38 8244 and 8360.1, is qualified to serve as a program director.

39 (w) “Proprietary child care agency” means an organization or
40 facility providing child care, which is operated for profit.

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

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

(z) “Short-term respite child care” means child care service to assist families whose children have been identified through written referral from a legal, medical, or social service agency, or emergency shelter as being neglected, abused, exploited, or homeless, or at risk of being neglected, abused, exploited, or homeless. Child care is provided for less than 24 hours per day in child care centers, treatment centers for abusive parents, family child care homes, or in the child’s own home.

(aa) (1) “Site supervisor” means a person who, regardless of his or her title, has operational program responsibility for a child care and development program at a single site. A site supervisor shall hold a permit issued by the Commission on Teacher Credentialing that authorizes supervision of a child care and development program operating in a single site. The Superintendent may waive the requirements of this subdivision if the superintendent determines that the existence of compelling need is appropriately documented.

(2) For California state preschool programs, a site supervisor may qualify under any of the provisions in this subdivision, or may qualify by holding an administrative credential or an administrative services credential. A person who meets the qualifications of a site supervisor under both Section 8244 and

1 subdivision (e) of Section 8360.1 is also qualified under this
2 subdivision.

3 (ab) “Standard reimbursement rate” means that rate established
4 by the Superintendent pursuant to Section 8265.

5 (ac) “Startup costs” means those expenses an agency incurs in
6 the process of opening a new or additional facility prior to the full
7 enrollment of children.

8 (ad) “California state preschool program” means part-day and
9 full-day educational programs for low-income or otherwise
10 disadvantaged three- and four-year-old children.

11 (ae) “Support services” means those services that, when
12 combined with child care and development services, help promote
13 the healthy physical, mental, social, and emotional growth of
14 children. Support services include, but are not limited to: protective
15 services, parent training, provider and staff training, transportation,
16 parent and child counseling, child development resource and
17 referral services, and child placement counseling.

18 (af) “Teacher” means a person with the appropriate permit issued
19 by the Commission on Teacher Credentialing who provides
20 program supervision and instruction that includes supervision of
21 a number of aides, volunteers, and groups of children.

22 (ag) “Underserved area” means a county or subcounty area,
23 including, but not limited to, school districts, census tracts, or ZIP
24 Code areas, where the ratio of publicly subsidized child care and
25 development program services to the need for these services is
26 low, as determined by the Superintendent.

27 (ah) “Workday” means the time that the parent requires
28 temporary care for a child for any of the following reasons:

29 (1) To undertake training in preparation for a job.

30 (2) To undertake or retain a job.

31 (3) To undertake other activities that are essential to maintaining
32 or improving the social and economic function of the family, are
33 beneficial to the community, or are required because of health
34 problems in the family.

35 (ai) “Three-year-old children” means children who will have
36 their third birthday on or before December 2 of the fiscal year in
37 which they are enrolled in a California state preschool program.

38 (aj) “Four-year-old children” means children who will have
39 their fourth birthday on or before December 2 of the fiscal year in
40 which they are enrolled in a California state preschool program.

1 (ak) “Interactive literacy activities” means activities in which
2 parents or guardians actively participate in facilitating the
3 acquisition by their children of prereading skills through guided
4 activities such as shared reading, learning the alphabet, and basic
5 vocabulary development.

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

9 SEC. 3. The heading of Article 7 (commencing with Section
10 8235) of Chapter 2 of Part 6 of Division 1 of Title 1 of the
11 Education Code is amended to read:

12
13 Article 7. California State Preschool Programs
14

15 SEC. 4. Section 8235 of the Education Code is amended to
16 read:

17 8235. (a) The Superintendent of Public Instruction shall
18 administer all California state preschool programs ~~in accordance~~
19 ~~with the funding priorities set forth in Section 8236.~~ Those
20 programs shall include, but not be limited to, part-day and full-day
21 ~~preschool~~ *age, culturally, linguistically, and developmentally*
22 appropriate programs for three- and four-year old children in
23 educational development, health services, social services,
24 nutritional services, parent education and parent participation,
25 evaluation, and staff development. Preschool programs for which
26 federal reimbursement is not available shall be funded as prescribed
27 by the Legislature in the Budget Act, and unless otherwise specified
28 by the Legislature, shall not utilize federal funds made available
29 through Title XX of the Social Security Act (42 U.S.C. Sec. 1397).

30 (b) Three- and four-year-old children are eligible for the part-day
31 California state preschool program if the family meets at least one
32 of the criteria specified in paragraph (1) of subdivision (a) of
33 Section 8263.

34 (c) Notwithstanding any other provision of law, a part-day
35 California state preschool program may provide services to children
36 in families above the income eligibility threshold, as described in
37 Sections 8263 and 8263.1, after all eligible three- and four-year-old
38 children have been enrolled. No more than 10 percent of children
39 enrolled, calculated throughout the participating program’s entire

1 contract, may be filled by children in families above the income
2 eligibility threshold.

3 *(d) A part-day California state preschool program shall operate*
4 *for a minimum of (1) three hours per day, excluding time for meals*
5 *and home-to-school transportation, and (2) 175 days per year,*
6 *unless the contract specifies a lower or higher number of days of*
7 *operation.*

8 ~~(d)~~

9 *(e) Three- and four-year-old children are eligible for full-day*
10 *California state preschool program services if the family meets at*
11 *least one of the criteria specified in paragraph (1) of subdivision*
12 *(a) of Section 8263, and the parents meet at least one of the criteria*
13 *specified in paragraph (2) of subdivision (a) of Section 8263.*

14 ~~*(e) Priority for receiving state preschool services shall be given*~~
15 ~~*to low-income families who meet the eligibility standards as*~~
16 ~~*established by the Superintendent, in accordance with the priorities*~~
17 ~~*set forth in Section 8236.*~~

18 ~~*(f) Reimbursement for state preschool programs shall be on a*~~
19 ~~*per capita basis, as determined by the Superintendent.*~~

20 *(f) A full-day California state preschool program shall operate*
21 *(1) full time determined by the number of hours necessary to meet*
22 *the child care and development needs of families, and (2) a*
23 *minimum of 250 days per year, unless the contract specifies a*
24 *lower number of days of operation.*

25 *(g) Fees shall be assessed and collected for families with*
26 *children in the full-day California state preschool program*
27 *pursuant to subdivisions (g) and (h) of Section 8263.*

28 ~~(g)~~

29 *(h) Any agency described in subdivision (c) of Section 8208 as*
30 *an “applicant or contracting agency” is eligible to contract to*
31 *operate a California state preschool program.*

32 SEC. 5. Section 8236 of the Education Code is amended to
33 read:

34 8236. (a) (1) Each applicant or contracting agency funded
35 pursuant to Section 8235 shall give first priority to three- or
36 four-year-old neglected or abused children who are recipients of
37 child protective services, or who are at risk of being neglected,
38 abused, or exploited upon written referral from a legal, medical,
39 or social service agency. If an agency is unable to enroll a child
40 in this first priority category, the agency shall refer the child's

1 parent or guardian to local resource and referral services so that
2 services for the child can be located.

3 (2) Notwithstanding Section 8263, after children in the first
4 priority category set forth in paragraph (1) are enrolled, each
5 agency funded pursuant to Section 8235 shall give priority to
6 eligible four-year-old children prior to enrolling eligible
7 three-year-old children. Each agency shall certify to the
8 Superintendent that enrollment priority is being given to eligible
9 four-year-old children.

10 (b) The following provisions apply to the award of new funding
11 for the expansion of the California state preschool program that is
12 appropriated by the Legislature for that purpose in any fiscal year:

13 (1) In an application for those expansion funds, an agency shall
14 furnish the Superintendent with an estimate of the number of
15 four-year-old and three-year-old children that it plans to serve in
16 the following fiscal year with those expansion funds. The agency
17 also shall furnish documentation that indicates the basis of those
18 estimates.

19 (2) In awarding contracts for expansion pursuant to this
20 subdivision, the Superintendent, after taking into account the
21 geographic criteria established pursuant to Section 8279.3, and the
22 headquarters preferences and eligibility criteria relating to fiscal
23 or programmatic noncompliance established pursuant to Section
24 8261, shall give priority to applicant agencies that, in expending
25 the expansion funds, will be serving the highest percentage of
26 four-year-old children.

27 (c) Nothing in this section shall prevent eligible children who
28 are currently receiving services from continuing to receive those
29 services in future years pursuant to this chapter.

30 SEC. 6. Section 8236.1 is added to the Education Code, to
31 read:

32 8236.1. (a) Notwithstanding any other provision of law, the
33 Superintendent may transfer funds appropriated on and after
34 January 1, 2009, between center child care and development
35 programs and the California state preschool program for the
36 purpose of maximizing funds and ensuring that the needs of the
37 service population are met.

38 (b) *The department, with data collected pursuant to Sections*
39 *8261.5 and 8265.5, Parts 98.70 and 98.71 of Title 45 of the Code*
40 *of Federal Regulations, shall annually monitor funding utilized in*

1 center child care and development programs for infants and
2 toddlers, and hours of service provided in the California state
3 preschool program, and every three years, shall report to the
4 Department of Finance and to the Legislature a statewide summary
5 identifying the estimated funding utilized for infants and toddlers,
6 and the number of preschool age children receiving full-time
7 development services.

8 SEC. 7. Section 8237 of the Education Code is amended to
9 read:

10 8237. A part-day California state preschool program contracting
11 agency has 120 calendar days prior to the first day of the beginning
12 of the new preschool year to certify eligibility and enroll families
13 into their program. Subsequent to enrollment, a child shall be
14 deemed eligible for a part-day California state preschool program
15 for the remainder of the program year.

16 SEC. 8. Section 8238 of the Education Code is amended to
17 read:

18 8238. California state preschool programs located in the
19 attendance area of elementary schools ranked in deciles 1 to 3,
20 inclusive, of the most recent base Academic Performance Index
21 established by the Superintendent pursuant to Section 52056, *that*
22 *receive funding for the literacy component based on the criteria*
23 *established by the Superintendent pursuant to paragraph (2) of*
24 *subdivision (c) of Section 8238.4*, shall provide both of the
25 following:

26 (a) Age and developmentally appropriate activities for children
27 in participating classrooms that are designed to facilitate their
28 transition to kindergarten.

29 (b) Opportunities for parents and legal guardians to work with
30 their children on interactive literacy activities.

31 SEC. 9. Section 8238.1 of the Education Code is amended to
32 read:

33 8238.1. California state preschool programs located in the
34 attendance area of elementary schools ranked in deciles 1 to 3,
35 inclusive, of the most recent base Academic Performance Index
36 established by the Superintendent pursuant to Section 52056, *that*
37 *receive funding for the literacy component based on the criteria*
38 *established by the Superintendent pursuant to paragraph (2) of*
39 *subdivision (c) of Section 8238.4*, shall coordinate the provision
40 of all of the following:

1 (a) Parenting education for parents and legal guardians of
2 children in participating classrooms to support the development
3 by their children of literacy skills. Parenting education shall
4 include, but not be limited to, instruction in all of the following:

5 (1) Providing support for the educational growth and success
6 of their children.

7 (2) Improving the parent-school communications and parental
8 understanding of school structures and expectations.

9 (3) Becoming active partners with teachers in the education of
10 their children.

11 (b) Making referrals, as necessary, to providers of instruction
12 in adult education and English as a second language in order to
13 improve the academic skills of parents and legal guardians of
14 children in participating classrooms.

15 SEC. 10. Section 8238.3 of the Education Code is amended to
16 read:

17 8238.3. California state preschool programs located in the
18 attendance area of elementary schools in deciles 1 to 3, inclusive,
19 based on the most recent base Academic Performance Index
20 established by the Superintendent pursuant to Section 52056, *that*
21 *receive funding for the literacy component based on the criteria*
22 *established by the Superintendent pursuant to paragraph (2) of*
23 *subdivision (c) of Section 8238.4*, shall provide staff development
24 for teachers in participating classrooms that includes, but is not
25 limited to, all of the following:

26 (a) Development of a pedagogical knowledge including, but
27 not limited to, improved instructional strategies.

28 (b) Knowledge and application of developmentally appropriate
29 assessments of the prereading skills of children in participating
30 classrooms.

31 (c) Information on working with families, including the use of
32 on site coaching, for guided practice in interactive literacy
33 activities.

34 SEC. 11. Section 8238.4 of the Education Code is repealed.

35 SEC. 12. Section 8238.4 is added to the Education Code, to
36 read:

37 8238.4. (a) When funds appropriated for the California state
38 preschool programs that are located in the attendance area of
39 elementary schools ranked in deciles 1 to 3, inclusive, of the most
40 recent base Academic Performance Index established by the

1 Superintendent pursuant to Section 52056, *that receive funding*
2 *for the literacy component based on the criteria established by the*
3 *Superintendent pursuant to paragraph (2) of subdivision (c),*, are
4 offered under a new competitive bidding process after January 1,
5 2008, due to the termination, suspension, or relinquishment of an
6 original contract award, the department shall assign first priority
7 to successful applicants that agree to maintain that class within the
8 attendance area of the elementary school as originally granted.

9 (b) The State Department of Education shall report to the
10 Department of Finance and the Legislature the number of children
11 who are being served in California state preschool programs. The
12 report shall also include the number of children served above the
13 income eligibility threshold.

14 (c) (1) Upon appropriation of funds in the annual Budget Act
15 or another statute, California state preschool programs located in
16 the attendance area of elementary schools ranked in deciles 1 to
17 3, inclusive, of the most recent base Academic Performance Index
18 established by the Superintendent pursuant to Section 52056, shall
19 receive up to five million dollars (\$5,000,000) to be distributed to
20 each participating class at a rate of two thousand five hundred
21 dollars (\$2,500) per class per school year. Funds received pursuant
22 to this subdivision may be used for all of the purposes described
23 in Sections 8238.1 to 8238.3, inclusive.

24 (2) If the total amount available for the purposes of paragraph
25 (1) is insufficient to fund all of the participating classes at the
26 per-class rate described in that paragraph, the Superintendent shall
27 set criteria for the distribution of the funds.

28 SEC. 13. Section 8238.5 of the Education Code is amended to
29 read:

30 8238.5. Subject to the availability of funds ~~for purposes of this~~
31 ~~section, as described in subdivision (c) of 8238.4,~~ the
32 Superintendent shall conduct an evaluation of the effectiveness of
33 California state preschool programs with family literacy
34 components established pursuant to this article. To the extent
35 feasible, the evaluation shall do both of the following:

36 (a) Rely on quantifiable measures of academic achievement of
37 participating children, including, but not limited to, performance
38 on the Standardized Testing and Reporting Program test and the
39 English language development test administered in grade 3.

40 (b) Estimate the costs and benefits of the programs.

1 *SEC. 14. Section 8238.6 of the Education Code is repealed.*

2 ~~8238.6. Notwithstanding any other provision of law, up to five~~
3 ~~million dollars (\$5,000,000) of unearned contract funds~~
4 ~~appropriated in Schedule (1.5)(a) of Item 6110-196-0001 of Section~~
5 ~~2.00 of the Budget Act of 2005 (Ch. 38, Stats. 2005) for general~~
6 ~~child care programs is available for expenditure by the~~
7 ~~Superintendent to provide direct child care services for children~~
8 ~~in participating classrooms to meet the child care needs of parents~~
9 ~~for the portion of each day that is not covered by services provided~~
10 ~~as part of a preschool program pursuant Section 8238.4.~~

11 ~~SEC. 14.~~

12 *SEC. 15. Section 8239 of the Education Code is repealed.*

13 ~~SEC. 15.~~

14 *SEC. 16. Section 8239 is added to the Education Code, to read:*

15 8239. (a) The Superintendent shall encourage California state
16 preschool program contracting agencies to offer full-day services
17 to parents who have a qualifying need.

18 (b) Part-day services provided under this section shall be
19 reimbursed on a per capita basis, as determined by the
20 Superintendent.

21 (c) Full-day services provided under this section shall be
22 reimbursed at no more than the standard reimbursement rate with
23 adjustment factors.

24 (d) Federal Head Start funds used to provide services to families
25 receiving California state preschool services shall be deemed
26 nonrestricted funds.

27 ~~SEC. 16.~~

28 *SEC. 17. The heading of Article 8 (commencing with Section*
29 *8240) of Chapter 2 of Part 6 of Division 1 of Title 1 of the*
30 *Education Code is amended to read:*

31
32 Article 8. Center Child Care and Development Programs

33
34 ~~SEC. 17.~~

35 *SEC. 18. Section 8240 of the Education Code is amended to*
36 *read:*

37 8240. The Superintendent, with funds appropriated for this
38 purpose, shall administer center child care and development
39 programs.

40 Center child care and development programs shall include:

1 (a) Age, culturally, linguistically, and developmentally
2 appropriate activities for children.

3 (b) Supervision.

4 (c) Parenting education and parent involvement.

5 (d) Social services that include, but are not limited to,
6 identification of child and family needs and referral to appropriate
7 agencies.

8 (e) Health services.

9 (f) Nutrition.

10 (g) Training and career ladder opportunities, documentation of
11 which shall be provided to the State Department of Education.

12 ~~SEC. 18. Section 8244 of the Education Code is repealed.~~

13 ~~SEC. 19. Section 8244 is added to the Education Code, to read:~~

14 ~~8244. (a) Any entity operating center child care and~~
15 ~~development programs funded pursuant to this chapter that provide~~
16 ~~direct services to children at two or more sites, including the use~~
17 ~~of more than one contract or subcontract funded pursuant to this~~
18 ~~chapter, shall employ a program director.~~

19 ~~(b) Programs providing direct services to children, for the~~
20 ~~purposes of this section, are center child care and development~~
21 ~~programs pursuant to this article, migrant child care and~~
22 ~~development programs pursuant to Article 6 (commencing with~~
23 ~~Section 8230), California state preschool programs pursuant to~~
24 ~~Article 7 (commencing with Section 8235), child care and~~
25 ~~development services for children with exceptional needs programs~~
26 ~~pursuant to Article 9 (commencing with Section 8250), infant care~~
27 ~~and development services programs pursuant to Article 17~~
28 ~~(commencing with Section 8390), and any of these programs~~
29 ~~operated through family child care homes.~~

30 ~~SEC. 19. Section 8244 of the Education Code is amended to~~
31 ~~read:~~

32 8244. (a) (1) Any entity operating *center* child care and
33 development programs funded pursuant to this chapter that provide
34 direct services to children at two or more sites, including ~~through~~
35 *the use of* more than one contract or subcontract funded pursuant
36 to this chapter, shall employ a program director.

37 (2) Programs providing direct services to children, for the
38 purposes of this section, are ~~general~~ *center* child care and
39 development programs pursuant to ~~Article 8 (commencing with~~
40 ~~Section 8240)~~ *this article*, migrant child care and development

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

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

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

18 (B) “Program director” means a person who, regardless of his
19 or her title, has programmatic and administrative responsibility
20 for a child care and development program that provides direct
21 services to children at two or more sites.

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

27 (2) Administrative and programmatic responsibility also includes
28 the responsibility to act as the representative for the child
29 development program to the State Department of Education. With
30 respect to programs operated through family child care homes,
31 administrative and programmatic responsibility includes ensuring
32 that quality services are provided in the family child care homes.

33 (c) The program director also may serve as the site supervisor
34 at one of the sites, provided that he or she both fulfills the duties
35 of a “day care center director,” as set forth in Section 101315 of
36 Title 22 of the California Code of Regulations, and meets the
37 qualifications for a site supervisor as set forth in subdivision (aa)
38 of Section 8208.

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

(1) The applicant is making satisfactory progress toward securing a permit issued by the Commission on Teacher Credentialing authorizing supervision of a child care and development program operating in two or more sites or fulfilling the qualifications for program directors in severely handicapped programs, as specified in Section 8360.3.

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

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

SEC. 20. Section 8250.5 of the Education Code is amended to read:

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

SEC. 21. Section 8264.5 of the Education Code is amended to read:

8264.5. The Superintendent of Public Instruction may waive or modify child development requirements in order to enable child development programs to serve combinations of eligible children in areas of low population. The child development programs for which the Superintendent may grant waivers shall include, but need not be limited to, California state preschool full-day programs, child care provided by the California School Age Families Education Program (Article 7.1 (commencing with Section 54740) of Chapter 9 of Part 29), infant care and development services, migrant child care and development programs, and center child care and development programs.

SEC. 22. Section 8266.1 of the Education Code is amended to read:

8266.1. Commencing with the 1995–96 fiscal year and each fiscal year thereafter, for the purposes of this chapter, reimbursement rates shall be adjusted by the following reimbursement factors for child care and development programs with a standard reimbursement rate, but shall not apply to the Resource and Referral Programs set forth in Article 2 (commencing with Section 8210), the Alternative Payment Programs set forth in Article 3 (commencing with Section 8220), the California state preschool programs set forth in Article 7 (commencing with Section 8235), the School-age Community Child Care Services programs set forth in Article 22 (commencing with Section 8460), or to the school-age parent and infant development programs:

(a) *For child care and development providers serving children for less than four hours per day, the reimbursement factor is 55 percent of the standard reimbursement rate.*

(b) *For California state preschool programs serving children for the minimum of three hours and less than four hours per day, the reimbursement factor is 62 percent of the standard reimbursement rate.*

(c) *For child care and development program providers serving children for not less than four hours per day, and less than six and one-half hours per day, the reimbursement factor is 75 percent of the standard reimbursement rate. For providers operating under the At Risk Child Care Program set forth in Article 15.5 (commencing with Section 8350) and serving children for not less than four hours per day, and less than seven hours per day, the reimbursement factor is 75 percent of the standard reimbursement rate.*

(d) *For child care and development program providers serving children for not less than six and one-half hours per day, and less than 10 and one-half hours per day, the reimbursement factor is 100 percent of the standard reimbursement rate. For providers operating under the At Risk Child Care Program set forth in Article 15.5 (commencing with Section 8350) and serving children for not less than seven hours per day, and less than 10 hours per day, the reimbursement factor is 100 percent of the standard reimbursement rate.*

1 ~~(d)~~

2 (e) For child care and development program providers serving
3 children for 10 and one-half hours or more per day, the
4 reimbursement factor is 118 percent of the standard reimbursement
5 rate.

6 SEC. 23. This act shall become operative on July 1, 2009.

7 SEC. 24. This act shall become operative only if Senate Bill
8 1629 of the 2007–08 Regular Session of the Legislature is enacted
9 and becomes effective on or before January 1, 2009.