

AMENDED IN SENATE MAY 20, 2009

AMENDED IN SENATE MAY 4, 2009

AMENDED IN SENATE MARCH 31, 2009

**SENATE BILL**

**No. 244**

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**Introduced by Senator Wright  
(Coauthors: Senators Alquist, Hancock, and Liu)**

February 24, 2009

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An act to amend Sections ~~8212~~, 8227, 8236, ~~8240~~, 8263, 8301, 8499.5, and 79121 of, and to add Sections 8210 and 8499.11 to, the Education Code, and to amend Sections 401 and 16001.9 of the Welfare and Institutions Code, relating to children's services.

LEGISLATIVE COUNSEL'S DIGEST

SB 244, as amended, Wright. Children's services: high-risk children.

(1) The Child Care and Development Services Act requires the Superintendent of Public Instruction to administer child care and development programs that provide a full range of services for eligible children from infancy to 13 years of age.

~~This bill would require general child care and development programs to include priority enrollment, when slots become available, in programs operated by licensed child care providers or local educational agencies, for children from birth to 5 years of age who meet certain criteria, including children who are in the foster system, are at risk of being neglected, abused, or exploited are in relative care, were in the foster system and have recently been adopted, are homeless, or have a custodial parent who is in the foster care system, on probation, on parole, or in a correctional or residential treatment facility.~~

~~(2) Existing law authorizes funds to be used for child care resource and referral programs, and requires a child care and resource referral provider to publicize its services through all available media sources, agencies, and other appropriate methods.~~

~~This bill would require the child care and resource referral provider to include in the publicity a statement regarding the state's special interest in enrolling children from birth to 5 years of age who meet specified criteria in certain child care and development programs, including children in the foster system, in relative care, formerly in the foster system and recently adopted, who are homeless, or who have a custodial parent who meets specified criteria.~~

~~(3) Existing law authorizes funds appropriated for child care and development services to be used for alternative payment programs, and requires alternative payment agencies in each county to design, maintain, and administer a countywide centralized eligibility list that includes specified information relating to child characteristics.~~

~~This bill would require the central eligibility list also to include certain additional information, including whether *the a child from birth to 5 years of age* is in the foster care system, in relative care *or reunification*, formerly in the foster care system and recently adopted, homeless, or has a custodial parent who meets certain criteria.~~

~~(4)~~

~~(2) Existing law requires the Superintendent to administer all California state preschool programs, and requires applicants and contracting agencies to give priority to 3- or 4-year-old neglected or abused children or children who are at risk of being neglected, abused, or exploited, as specified. Existing law requires agencies, after children in that first priority category are enrolled, to enroll eligible 4-year-old children prior to enrolling eligible 3-year-old children.~~

~~This bill also would require priority to be given to children who meet specified other further prioritize the enrollment of the children in the 2nd category based on specified criteria, including children who are in relative care *or reunification*, are formerly in the foster care system and recently adopted, homeless, or have a custodial parent who meets specified criteria.~~

~~(5)~~

~~(3) Existing law sets forth certain requirements for a family to be eligible for federal and state subsidized child development services.~~

~~This bill would include families with children from birth to 5 years of age who *seek placement in a program operated by a licensed child*~~

*care provider or local educational agency who are in relative care or reunification, were in the foster care system and recently adopted, are homeless or are dependents of custodial parents who meet specified criteria. The bill would make conforming changes. The bill would also specify that those children have the right to continuous enrollment if their residence or placement changes, except as specified.*

~~(6)~~

(4) Existing law establishes the Early Learning Quality Improvement System Advisory Committee, and requires the committee to submit a report to the Legislature and the Governor by December 31, 2010.

This bill would require the committee to include additional information in that report relating to the availability and adequacy of ~~services~~ *high-quality child care and development programs* for certain children, including, ~~among others,~~ children from birth to 5 years of age who are in *the foster care system, in relative care or reunification, or were formerly in the foster care system*, who are at risk of abuse, neglect, or exploitation, are homeless, or have a custodial parent who meets specified criteria.

~~(7)~~

(5) Existing law provides for the establishment of local child care and development planning councils, and requires each local planning council to conduct an assessment of child care needs in the county that includes ~~specified~~ *all factors deemed appropriate by the local planning council, as specified.*

This bill ~~would require local planning councils to include additional factors relating to~~ *would include among those factors the need for child care for income-eligible children from birth to 5 years of age in relative care or reunification, who have formerly been in the foster care system and have recently been adopted, are homeless, or have a custodial parent that meets specified criteria.*

~~(8)~~

(6) The federal Head Start Act is established to promote school readiness for children from lower income families. Existing law states the Legislature's findings and declarations relating to federal requirements for grantees of federal Head Start funds.

This bill would express the Legislature's intent that ~~grantors of federal when Head Start funds and early Head Start programs perform community needs assessments and determine local priorities, that they seriously consider the needs of hidden populations and giving first priority for open slots to income-eligible children from birth to 5 years~~

of age who meet certain criteria, including children who are in the foster care system or at risk of abuse, neglect, or exploitation, among others.

(9)

(7) Existing law authorizes any county to institute a program of advocates for pupils in foster care placement that uses educational advocates to assist children in foster care through the educational system, including facilitating the school enrollment of pupils in foster care.

This bill would also require the advocate to facilitate the enrollment of children in *the foster care system* in child care and development programs.

(10)

(8) Existing law specifies that children in foster care have certain rights, including the right to attend school.

This bill would also include the right to attend high-quality child care and development programs.

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. Section 8210 is added to the Education Code, to  
2 read:

3 8210. In recognition of the importance of early brain  
4 development and the lifelong personal, social, and economic  
5 impacts of unmet early childhood needs, it is the intent of the  
6 Legislature that ~~the highest~~ *high* priority for enrollment in child  
7 care and development programs be given to children from birth to  
8 five years of age with the greatest ability to benefit from those  
9 programs. These include children who have been or are at risk of  
10 being abused, neglected or exploited, are in relative care *or*  
11 *reunification*, were in the foster *care* system and recently adopted,  
12 are homeless, or are dependents of parents who are in the foster  
13 *care* system, on probation, on parole, or in a correctional or  
14 residential treatment facility. Those children shall have the right  
15 to continuous enrollment in those programs even if the residence  
16 in which they are placed changes, if continued enrollment is  
17 considered to be in the best interest of the child.

18 Recognizing that meeting the needs of these children may present  
19 special challenges to child care and development programs, it is  
20 the intent of the Legislature to provide resources, when they

1 become available, to ensure that those programs benefit from the  
2 training and other support necessary to offer and maintain programs  
3 of the highest quality and achieve the desired child outcomes.

4 ~~SEC. 2. Section 8212 of the Education Code is amended to~~  
5 ~~read:~~

6 ~~8212. For purposes of this article, child care resource and~~  
7 ~~referral programs established to serve a defined geographic area~~  
8 ~~shall provide the following services:~~

9 ~~(a) Identification of the full range of existing child care services~~  
10 ~~through information provided by all relevant public and private~~  
11 ~~agencies in the areas of service, and the development of a resource~~  
12 ~~file of those services that shall be maintained and updated at least~~  
13 ~~quarterly. These services shall include, but are not limited to,~~  
14 ~~family day care homes, public and private day care programs,~~  
15 ~~full-time and part-time programs, and infant, preschool, and~~  
16 ~~extended care programs.~~

17 ~~The resource file shall include, but is not limited to, the following~~  
18 ~~information:~~

19 ~~(1) Type of program.~~

20 ~~(2) Hours of service.~~

21 ~~(3) Ages of children served.~~

22 ~~(4) Fees and eligibility for services.~~

23 ~~(5) Significant program information.~~

24 ~~(b) (1) Establishment of a referral process that responds to~~  
25 ~~parental need for information and that is provided with full~~  
26 ~~recognition of the confidentiality rights of parents. Resource and~~  
27 ~~referral programs shall make referrals to licensed child day care~~  
28 ~~facilities. Referrals shall be made to unlicensed care facilities only~~  
29 ~~if there is no requirement that the facility be licensed. The referral~~  
30 ~~process shall afford parents maximum access to all referral~~  
31 ~~information. This access shall include, but is not limited to,~~  
32 ~~telephone referrals to be made available for at least 30 hours per~~  
33 ~~week as part of a full week of operation. Every effort shall be made~~  
34 ~~to reach all parents within the defined geographic area, including,~~  
35 ~~but not limited to, any of the following:~~

36 ~~(A) Toll-free telephone lines.~~

37 ~~(B) Office space convenient to parents and providers.~~

38 ~~(C) Referrals in languages that are spoken in the community.~~

39 ~~Each child care resource and referral program shall publicize its~~  
40 ~~services through all available media sources, agencies, and other~~

1 appropriate methods. The publicity shall include a statement  
 2 regarding the state’s special interest in enrolling the following  
 3 children in programs that are operated by licensed child care  
 4 providers or local educational agencies: children from birth to five  
 5 years of age who are in the foster system, in relative care, formerly  
 6 in the foster system and recently adopted, homeless, or who have  
 7 a custodial parent who is in the foster care system, on probation,  
 8 on parole, or in a correctional or residential treatment facility.

9 (2) (A) Provision of information to any person who requests a  
 10 child care referral of his or her right to view the licensing  
 11 information of a licensed child day care facility required to be  
 12 maintained at the facility pursuant to Section 1596.859 of the  
 13 Health and Safety Code and to access any public files pertaining  
 14 to the facility that are maintained by the State Department of Social  
 15 Services Community Care Licensing Division.

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

18 “State law requires licensed child day care facilities to make  
 19 accessible to the public a copy of any licensing report pertaining  
 20 to the facility that documents a facility visit or a substantiated  
 21 complaint investigation. In addition, a more complete file regarding  
 22 a child care licensee may be available at an office of the State  
 23 Department of Social Services Community Care Licensing  
 24 Division. You have the right to access any public information in  
 25 these files.”

26 (c) Maintenance of ongoing documentation of requests for  
 27 service tabulated through the internal referral process. The  
 28 following documentation of requests for service shall be maintained  
 29 by all child care resource and referral programs:

- 30 (1) Number of calls and contacts to the child care information  
 31 and referral program or component.
- 32 (2) Ages of children served.
- 33 (3) Time category of child care request for each child.
- 34 (4) Special time category, such as nights, weekends, and swing  
 35 shift.
- 36 (5) Reason that the child care is needed.

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

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

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

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

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

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

15 ~~(e) Services prescribed by this section shall be provided in order~~  
16 ~~to maximize parental choice in the selection of child care to~~  
17 ~~facilitate the maintenance and development of child care services~~  
18 ~~and resources.~~

19 ~~(f) (1) A program operating pursuant to this article shall, within~~  
20 ~~two business days of receiving notice, remove a licensed child day~~  
21 ~~care facility with a revocation or a temporary suspension order, or~~  
22 ~~that is on probation from the program's referral list.~~

23 ~~(2) A program operating pursuant to this article shall, within~~  
24 ~~two business days of receiving notice, notify all entities, operating~~  
25 ~~a program under Article 3 (commencing with Section 8220) and~~  
26 ~~Article 15.5 (commencing with Section 8350) in the program's~~  
27 ~~jurisdiction, of a licensed child day care facility with a revocation~~  
28 ~~or a temporary suspension order, or that is on probation.~~

29 ~~SEC. 3.~~

30 *SEC. 2.* Section 8227 of the Education Code is amended to  
31 read:

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

1 than one alternative payment agency and more than one resource  
2 and referral program, the department shall establish a process to  
3 select the agency to develop, maintain, and administer the  
4 countywide centralized eligibility list.

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

10 (c) Each centralized eligibility list shall include all of the  
11 following:

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

14 (2) Child characteristics, including birth date and whether the  
15 child has special needs, and whether ~~the child is in the foster a~~  
16 *child from birth to five years of age is in the foster care* system,  
17 in relative care *or reunification*, formerly in the foster care system  
18 and recently adopted, homeless, or has a custodial parent who is  
19 in the foster care system, on probation, on parole, or in a  
20 correctional or residential treatment facility.

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

24 (d) Information collected for the centralized eligibility list shall  
25 be reported to the Superintendent on an annual basis on the date  
26 and in the manner determined by the department.

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

30 (2) A contractor with a campus child care and development  
31 program operating pursuant to Section 66060, migrant child care  
32 and development program operating on a seasonal basis pursuant  
33 to Section 8230, or program serving severely handicapped children  
34 pursuant to subdivision (d) of Section 8250 and who has a local  
35 site waiting list shall submit eligibility list information to the  
36 centralized eligibility list administrator for any parent seeking  
37 subsidized child care for whom these programs are not able to  
38 provide child care and development services. A child care and  
39 development contractor or program described in this paragraph  
40 may utilize any waiting lists developed at its local site to fill

1 vacancies for its specific population. Families enrolled from a local  
2 site waiting list shall be enrolled pursuant to Section 8263.

3 ~~SEC. 4.~~

4 *SEC. 3.* Section 8236 of the Education Code, as amended by  
5 Section 4 of Chapter 308 of the Statutes of 2008, is amended to  
6 read:

7 8236. (a) (1) Each applicant or contracting agency funded  
8 pursuant to Section 8235 shall give first priority to three- or  
9 four-year-old neglected or abused children who are recipients of  
10 child protective services, or who are at risk of being neglected,  
11 abused, or exploited upon written referral from a legal, medical,  
12 ~~or social service agency, or who are in relative care, formerly in~~  
13 ~~the foster system and recently adopted, homeless, or have a~~  
14 ~~custodial parent in the foster system, on probation, on parole, or~~  
15 ~~in a correctional or residential treatment facility. If an agency is~~  
16 ~~or social service agency. If an agency is~~ unable to enroll a child  
17 in this first priority category, the agency shall refer the child's  
18 parent or guardian to local resource and referral services so that  
19 services for the child can be located. ~~Priority enrollment shall be~~  
20 ~~granted when slots become available, but shall not be used to~~  
21 ~~displace children who are currently receiving care.~~

22 (2) Notwithstanding Section 8263, after children in the first  
23 priority category set forth in paragraph (1) are enrolled, each  
24 agency funded pursuant to Section 8235 shall give priority ~~to~~  
25 ~~eligible four-year-old children prior to enrolling eligible~~  
26 ~~three-year-old children. Each agency shall certify to the~~  
27 ~~Superintendent that enrollment priority is being given to eligible~~  
28 ~~four-year-old children. of enrollment in the following order:~~

29 (A) *Eligible four-year-old children who are in relative care or*  
30 *reunification, were in the foster care system and recently adopted,*  
31 *are homeless, or have a custodial parent in the foster care system,*  
32 *on probation, on parole, or in a correctional or residential*  
33 *treatment facility.*

34 (B) *Other eligible four-year-old children.*

35 (C) *Eligible three-year-old children who are in relative care or*  
36 *reunification, were in the foster care system and recently adopted,*  
37 *are homeless, or have a custodial parent in the foster care system,*  
38 *on probation, on parole, or in a correctional or residential*  
39 *treatment facility.*

40 (D) *Other eligible three-year-old children.*

1 (b) For California state preschool programs operating with  
2 funding that was initially allocated in a prior fiscal year, at least  
3 one-half of the children enrolled at a preschool site shall be  
4 four-year-old children. An exception to this requirement shall be  
5 approved by the Superintendent. The Superintendent shall inform  
6 the Secretary for Education and the Department of Finance of  
7 exceptions that have been granted and the reasons for granting the  
8 exceptions.

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

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

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

26 (d) Nothing in this section shall be deemed to preclude a local  
27 educational agency from subcontracting with an appropriate public  
28 or private agency to operate a California state preschool program  
29 and to apply for funds made available for the purposes of this  
30 section. If a school district chooses not to operate or subcontract  
31 for a California state preschool program, the Superintendent shall  
32 work with the county office of education and other eligible agencies  
33 to explore possible opportunities in contracting or alternative  
34 subcontracting to provide a California state preschool program.

35 (e) Nothing in this section shall prevent eligible children who  
36 are currently receiving services from continuing to receive those  
37 services in future years pursuant to this chapter.

38 ~~SEC. 5. Section 8240 of the Education Code is amended to~~  
39 ~~read:~~

1 8240. ~~The Superintendent, with funds appropriated for this~~  
2 ~~purpose, shall administer general child care and development~~  
3 ~~programs.~~

4 General child care and development programs shall include:

5 (a) Age and developmentally appropriate activities for children.

6 ~~(b) Supervision.~~

7 ~~(c) Parenting education and parent involvement.~~

8 ~~(d) Social services that include, but are not limited to,~~  
9 ~~identification of child and family needs and referral to appropriate~~  
10 ~~agencies.~~

11 ~~(e) Health services.~~

12 ~~(f) Nutrition.~~

13 ~~(g) Training and career ladder opportunities, documentation of~~  
14 ~~which shall be provided to the Department of Education.~~

15 ~~(h) Priority enrollment, when slots become available in programs~~  
16 ~~operated by licensed child care providers or local educational~~  
17 ~~agencies, for children from birth to five years of age who meet~~  
18 ~~any of the following criteria:~~

19 ~~(1) Are in the foster system.~~

20 ~~(2) Are at risk of being neglected or abused, upon written referral~~  
21 ~~from a legal, medical, or social service agency.~~

22 ~~(3) Are in relative care.~~

23 ~~(4) Were formerly in the foster system and recently adopted.~~

24 ~~(5) Are homeless.~~

25 ~~(6) Have a custodial parent in the foster system, on probation,~~  
26 ~~on parole, or in a correctional or residential treatment facility.~~

27 ~~SEC. 6.~~

28 *SEC. 4.* Section 8263 of the Education Code is amended to  
29 read:

30 8263. (a) The Superintendent shall adopt rules and regulations  
31 on eligibility, enrollment, and priority of services needed to  
32 implement this chapter. In order to be eligible for federal and state  
33 subsidized child development services, families shall meet at least  
34 one requirement in each of the following areas:

35 (1) A family is (A) a current aid recipient, (B) income eligible,  
36 (C) homeless, or (D) one whose children are recipients of protective  
37 services, or whose children have been identified as being abused,  
38 neglected, or exploited, or at risk of being abused, neglected, or  
39 exploited, or whose children from birth to five years of age are in  
40 relative care, formerly in the foster system and recently adopted,

1 ~~or who have a custodial parent in the foster system, on probation,~~  
 2 ~~on parole, or in a correctional or residential treatment facility.~~  
 3 ~~exploited.~~

4 (2) A family needs the child care services (A) because the child  
 5 is identified by a legal, medical, social services agency, or  
 6 emergency shelter as (i) a recipient of protective services or (ii)  
 7 being neglected, abused, or exploited, or at risk of neglect, abuse,  
 8 or exploitation, ~~or (B); (B) because a child is from birth to five~~  
 9 ~~years of age and seeks placement in a program operated by a~~  
 10 ~~licensed child care provider or local educational agency and is in~~  
 11 ~~relative care or reunification, or was in the foster care system and~~  
 12 ~~recently adopted, or is homeless or has a custodial parent in the~~  
 13 ~~foster care system, on probation, on parole, or in a correctional~~  
 14 ~~or residential treatment facility; or (C) because the parents are (i)~~  
 15 ~~engaged in vocational training leading directly to a recognized~~  
 16 ~~trade, paraprofession, or profession, (ii) employed or seeking~~  
 17 ~~employment, (iii) seeking permanent housing for family stability,~~  
 18 ~~or (iv) incapacitated.~~

19 (b) Except as provided in Article 15.5 (commencing with Section  
 20 8350), priority for state and federally subsidized child development  
 21 services is as follows:

22 (1) (A) First priority shall be given to neglected or abused  
 23 children who are recipients of child protective services, or children  
 24 who are at risk of being neglected or abused, upon written referral  
 25 from a legal, medical, or social services agency, ~~or children from~~  
 26 ~~birth to five years of age who are in relative care, formerly in the~~  
 27 ~~foster system and recently adopted, homeless, or who have a~~  
 28 ~~eustodial parent in the foster system, on probation, on parole, or~~  
 29 ~~in a correctional or residential treatment facility. If an agency is~~  
 30 ~~agency. If an agency is~~ unable to enroll a child in the first priority  
 31 category, the agency shall refer the family to local resource and  
 32 referral services to locate services for the child. ~~Priority enrollment~~  
 33 ~~shall be granted when slots become available, but shall not be used~~  
 34 ~~to displace children who are currently receiving care.~~

35 (B) A family who is receiving child care on the basis of being  
 36 a child at risk of abuse, neglect, or exploitation, as defined in  
 37 subdivision (k) of Section 8208, is eligible to receive services  
 38 pursuant to subparagraph (A) for up to three months, unless the  
 39 family becomes eligible pursuant to subparagraph (C).

1 (C) A family may receive child care services for up to 12 months  
2 on the basis of a certification by the county child welfare agency  
3 that child care services continue to be necessary or, if the child is  
4 receiving child protective services during that period of time, and  
5 the family requires child care and remains otherwise eligible. This  
6 time limit does not apply if the family's child care referral is  
7 recertified by the county child welfare agency.

8 (2) Second priority shall be given ~~equally~~ to eligible families,  
9 regardless of the number of parents in the home, who are income  
10 eligible. Within this priority, *children from birth to five years of*  
11 *age who are (i) seeking placement in a program operated by a*  
12 *licensed child care provider or local educational agency and (ii)*  
13 *in relative care or reunification, or were in the foster care system*  
14 *and recently adopted, or are homeless, or have a custodial parent*  
15 *in the foster care system, on probation, on parole, or in a*  
16 *correctional or residential treatment facility shall be placed at the*  
17 *top of the eligibility list. Following those children, families with*  
18 *the lowest gross monthly income in relation to family size, as*  
19 *determined by a schedule adopted by the Superintendent, shall be*  
20 *admitted first. If two or more families are in the same priority in*  
21 *relation to income, the family that has a child with exceptional*  
22 *needs shall be admitted first. If there is no family of the same*  
23 *priority with a child with exceptional needs, the same priority*  
24 *family that has been on the waiting list for the longest time shall*  
25 *be admitted first. For purposes of determining order of admission,*  
26 *the grants of public assistance recipients shall be counted as*  
27 *income.*

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

36 (c) Notwithstanding any other provision of law, in order to  
37 promote continuity of services, a family enrolled in a state or  
38 federally funded child care and development program whose  
39 services would otherwise be terminated because the family no  
40 longer meets the program income, eligibility, or need criteria may

1 continue to receive child development services in another state or  
2 federally funded child care and development program if the  
3 contractor is able to transfer the family's enrollment to another  
4 program for which the family is eligible prior to the date of  
5 termination of services or to exchange the family's existing  
6 enrollment with the enrollment of a family in another program,  
7 provided that both families satisfy the eligibility requirements for  
8 the program in which they are being enrolled. The transfer of  
9 enrollment may be to another program within the same  
10 administrative agency or to another agency that administers state  
11 or federally funded child care and development programs. *Also to*  
12 *promote continuity of services, children from birth to five years*  
13 *of age who are enrolled in a program operated by a licensed child*  
14 *care provider or local educational agency and who are in relative*  
15 *care or reunification, or were in the foster care system and recently*  
16 *adopted, or are homeless, or have a custodial parent in the foster*  
17 *care system, on probation, on parole, or in a correctional or*  
18 *residential treatment facility have the right to continuous*  
19 *enrollment if their residence or placement changes and no space*  
20 *is available in a comparable program in their new place of*  
21 *residence.*

22 (d) In order to promote continuity of services, the Superintendent  
23 may extend the 60-working-day period specified in subdivision  
24 (a) of Section 18101 of Title 5 of the California Code of  
25 Regulations for an additional 60 working days if he or she  
26 determines that opportunities for employment have diminished to  
27 the degree that one or both parents cannot reasonably be expected  
28 to find employment within 60 working days and granting the  
29 extension is in the public interest. The scope of extensions granted  
30 pursuant to this subdivision shall be limited to the necessary  
31 geographic areas and affected persons, which shall be described  
32 in the Superintendent's order granting the extension. It is the intent  
33 of the Legislature that extensions granted pursuant to this  
34 subdivision improve services in areas with high unemployment  
35 rates and areas with disproportionately high numbers of seasonal  
36 agricultural jobs.

37 (e) A physical examination and evaluation, including  
38 age-appropriate immunization, shall be required prior to, or within  
39 six weeks of, enrollment. A standard, rule, or regulation shall not  
40 require medical examination or immunization for admission to a

1 child care and development program of a child whose parent or  
2 guardian files a letter with the governing board of the child care  
3 and development program stating that the medical examination or  
4 immunization is contrary to his or her religious beliefs, or provide  
5 for the exclusion of a child from the program because of a parent  
6 or guardian having filed the letter. However, if there is good cause  
7 to believe that a child is suffering from a recognized contagious  
8 or infectious disease, the child shall be temporarily excluded from  
9 the program until the governing board of the child care and  
10 development program is satisfied that the child is not suffering  
11 from that contagious or infectious disease.

12 (f) Regulations formulated and promulgated pursuant to this  
13 section shall include the recommendations of the State Department  
14 of Health Care Services relative to health care screening and the  
15 provision of health care services. The Superintendent shall seek  
16 the advice and assistance of these health authorities in situations  
17 where service under this chapter includes or requires care of  
18 children who are ill or children with exceptional needs.

19 (g) (1) The Superintendent shall establish a fee schedule for  
20 families utilizing child care and development services pursuant to  
21 this chapter, including families receiving services under paragraph  
22 (1) of subdivision (b). Families receiving services under  
23 subparagraph (B) of paragraph (1) of subdivision (b) may be  
24 exempt from these fees for up to three months. Families receiving  
25 services under subparagraph (C) of paragraph (1) of subdivision  
26 (b) may be exempt from these fees for up to 12 months. The  
27 cumulative period of time of exemption from these fees for families  
28 receiving services under paragraph (1) of subdivision (b) shall not  
29 exceed 12 months.

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

38 (h) The family fee schedule shall include, but not be limited to,  
39 the following restrictions:

1 (1) Fees shall not be assessed for families whose children are  
2 enrolled in the state preschool program.

3 (2) A contractor or provider may require parents to provide  
4 diapers. A contractor or provider offering field trips either may  
5 include the cost of the field trips within the service rate charged  
6 to the parent or may charge parents an additional fee. Federal or  
7 state money shall not be used to reimburse parents for the costs of  
8 field trips if those costs are charged as an additional fee. A  
9 contractor or provider that charges parents an additional fee for  
10 field trips shall inform parents, prior to enrolling the child, that a  
11 fee may be charged and that no reimbursement will be available.  
12 A contractor or provider may charge parents for field trips or  
13 require parents to provide diapers only under the following  
14 circumstances:

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

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

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

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

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

26 Each contractor or provider shall establish a payment system  
27 that prevents the identification of children based on whether or  
28 not their parents have paid a field trip charge.

29 Expenses incurred and income received for field trips pursuant  
30 to this section shall be reported to the department. The income  
31 received for field trips shall be reported specifically as restricted  
32 income.

33 (i) The Superintendent shall establish guidelines for the  
34 collection of employer-sponsored child care benefit payments from  
35 a parent whose child receives subsidized child care and  
36 development services. These guidelines shall provide for the  
37 collection of the full amount of the benefit payment, but not to  
38 exceed the actual cost of child care and development services  
39 provided, notwithstanding the applicable fee based on the fee  
40 schedule.

1 (j) The Superintendent shall establish guidelines according to  
2 which the director or a duly authorized representative of the child  
3 care and development program will certify children as eligible for  
4 state reimbursement pursuant to this section.

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

8 ~~SEC. 7:~~

9 *SEC. 5.* Section 8301 of the Education Code is amended to  
10 read:

11 8301. (a) The advisory committee shall develop the policy  
12 and implementation plan for an Early Learning Quality  
13 Improvement System for the state and shall submit, to the  
14 Legislature and the Governor, an interim report by December 31,  
15 2009, and a final report by December 31, 2010, containing its  
16 recommendations for the creation of an Early Learning Quality  
17 Improvement System. The report shall address, but need not be  
18 limited to, the following four elements of a quality improvement  
19 system:

20 (1) An assessment and analysis of the existing early care and  
21 education infrastructure, including other state and local early  
22 learning quality improvement systems. The assessment shall  
23 identify and review existing quality rating systems in use and  
24 determine the features of those systems that are most effective in  
25 determining and improving quality.

26 (2) The development of an early learning quality rating scale  
27 for child development and care programs, including preschool,  
28 that serve children from birth to five years of age, inclusive,  
29 including preschool age children, infants, and toddlers. The early  
30 learning quality rating scale shall reflect features of quality rating  
31 systems that most directly contribute to high-quality care, as  
32 identified in the assessment pursuant to paragraph (1). The advisory  
33 committee shall consider consumer awareness so that parents  
34 receive accurate information about the type of program in which  
35 their children are enrolled. The advisory committee also may  
36 consider, but need not be limited to, the following features of  
37 high-quality programs:

38 (A) Developmentally, linguistically, and culturally appropriate  
39 practices.

- 1 (B) Staff qualifications and professional development and  
2 education needs.
- 3 (C) Staff compensation and retention.
- 4 (D) Group size and ratios.
- 5 (E) Learning environment.
- 6 (F) Statutory and regulatory compliance, including provisions  
7 of Title 5 and Title 22 of the California Code of Regulations  
8 relating to child care and development.
- 9 (G) Articulation within systems of care for children from birth  
10 to five years of age, and with the K-12 public school system.
- 11 (H) The inclusion of children with exceptional needs and  
12 children with disabilities.
- 13 (I) English learner support.
- 14 (J) Family involvement.
- 15 (K) Comprehensive health and development screenings using  
16 standard tools.
- 17 (L) Data collection and methods to support continuous quality  
18 improvement.
- 19 (M) Program management and leadership.
- 20 (N) Availability and adequacy of ~~services~~ *high-quality child*  
21 *care and development programs* for children from birth to five  
22 years of age who are in the foster *care* system, at risk of abuse,  
23 neglect, or exploitation, in relative care *or reunification*, formerly  
24 in the foster *care* system and recently adopted, homeless, or who  
25 have a custodial parent in the foster *care* system, on probation, on  
26 parole, or in a correctional or residential treatment facility.
- 27 (3) The development of a funding model aligned with the quality  
28 rating scale for child care and development programs that serve  
29 children from birth to five years of age, inclusive, including  
30 preschool.
- 31 (4) The advisory committee shall consider and make  
32 recommendations on how local, state, federal, and private  
33 resources, including resources available pursuant to the California  
34 Children and Families Act of 1998 (Division 108 (commencing  
35 with Section 130100) of the Health and Safety Code), can best be  
36 utilized to complement a statewide funding model as part of a  
37 comprehensive effort to improve the child care and development  
38 system of the state, including preschool.
- 39 (b) The advisory committee shall meet no less frequently than  
40 each quarter per year, at the call of the chairperson, at a time and

1 location convenient to the public, as the chairperson deems  
2 appropriate. All meetings shall be open to the public in accordance  
3 with Article 9 (commencing with Section 11120) of Chapter 1 of  
4 Part 1 of Division 3 of Title 2 of the Government Code. Once a  
5 draft report of the final report is complete, the advisory committee  
6 shall conduct no less than four public hearings in different parts  
7 of the state to ensure that the advisory committee obtains  
8 meaningful public input prior to submitting its report to the  
9 Governor and the Legislature.

10 ~~SEC. 8.~~

11 *SEC. 6.* Section 8499.5 of the Education Code is amended to  
12 read:

13 8499.5. (a) The department shall allocate child care funding  
14 pursuant to Chapter 2 (commencing with Section 8200) based on  
15 the amount of state and federal funding that is available.

16 (b) By May 30 of each year, upon approval by the county board  
17 of supervisors and the county superintendent of schools, each local  
18 planning council shall submit to the department the local priorities  
19 it has identified that reflect all child care needs in the county. To  
20 accomplish this, each local planning council shall do all of the  
21 following:

22 (1) Conduct an assessment of child care needs in the county no  
23 less than once every five years. The department shall define and  
24 prescribe data elements to be included in the needs assessment and  
25 shall specify the format for the data reporting. The needs  
26 assessment also shall include all factors deemed appropriate by  
27 the local planning council in order to obtain an accurate picture of  
28 the comprehensive child care needs in the county. The factors  
29 include, but are not limited to, all of the following:

30 (A) The needs of families eligible for subsidized child care.

31 (B) The needs of families not eligible for subsidized child care.

32 (C) The waiting lists for programs funded by the department  
33 and the State Department of Social Services.

34 (D) The need for child care for children determined by the child  
35 protective services agency to be neglected, abused, or exploited,  
36 or at risk of being neglected, abused, or exploited, or for  
37 *income-eligible* children from birth to five years of age who are  
38 in relative care *or reunification*, formerly in the foster *care* system  
39 and recently adopted, homeless, or who have a custodial parent in

1 the foster *care* system, on probation, on parole, or in a correctional  
2 or residential treatment facility.

3 (E) The number of children in families receiving public  
4 assistance, including food stamps, housing support, and Medi-Cal,  
5 and assistance from the Healthy Families Program and the  
6 Temporary Assistance to Needy Families (TANF) program.

7 (F) Family income among families with preschool or schoolage  
8 children.

9 (G) The number of children in migrant agricultural families  
10 who move from place to place for work or who are currently  
11 dependent for their income on agricultural employment in  
12 accordance with subdivision (a) of, and paragraphs (1) and (2) of  
13 subdivision (b) of, Section 8231.

14 (H) The number of children who have been determined by a  
15 regional center to require services pursuant to an individualized  
16 family service plan, or by a local educational agency to require  
17 services pursuant to an individualized education program or an  
18 individualized family service plan.

19 (I) The number of children in the county by primary language  
20 spoken pursuant to the department’s language survey.

21 (J) Special needs based on geographic considerations, including  
22 rural areas.

23 (K) The number of children needing child care services by age  
24 cohort.

25 (2) Document information gathered during the needs assessment  
26 which shall include, but need not be limited to, data on supply,  
27 demand, cost, and market rates for each category of child care in  
28 the county.

29 (3) Encourage public input in the development of the priorities.  
30 Opportunities for public input shall include at least one public  
31 hearing during which members of the public can comment on the  
32 proposed priorities.

33 (4) Prepare a comprehensive countywide child care plan  
34 designed to mobilize public and private resources to address  
35 identified needs.

36 (5) Conduct a periodic review of child care programs funded  
37 by the department and the State Department of Social Services to  
38 determine if identified priorities are being met.

39 (6) Collaborate with subsidized and nonsubsidized child care  
40 providers, county welfare departments, human service agencies,

1 regional centers, job training programs, employers, integrated child  
2 and family service councils, local and state children and families  
3 commissions, parent organizations, early start family resource  
4 centers, family empowerment centers on disability, local child care  
5 resource and referral programs, and other interested parties to  
6 foster partnerships designed to meet local child care needs.

7 (7) Design a system to consolidate local child care waiting lists,  
8 if a centralized eligibility list is not already in existence.

9 (8) Coordinate part-day programs, including state preschool  
10 and Head Start, with other child care and development services to  
11 provide full-day child care.

12 (9) Submit the results of the needs assessment and the local  
13 priorities identified by the local planning council to the board of  
14 supervisors and the county superintendent of schools for approval  
15 before submitting them to the department.

16 (10) Identify at least one, but not more than two, members to  
17 serve as part of the department team that reviews and scores  
18 proposals for the provision of services funded through contracts  
19 with the department. Local planning council representatives shall  
20 not review and score proposals from the geographic area covered  
21 by their own local planning council. The department shall notify  
22 each local planning council whenever this opportunity is available.

23 (c) The department, in conjunction with the State Department  
24 of Social Services and all appropriate statewide agencies and  
25 associations, shall develop guidelines for use by local planning  
26 councils to assist them in conducting needs assessments that are  
27 reliable and accurate. The guidelines shall include acceptable  
28 sources of demographic and child care data, and methodologies  
29 for assessing child care supply and demand.

30 (d) The department shall allocate funding within each county  
31 in accordance with the priorities identified by the local planning  
32 council of that county and submitted to the department pursuant  
33 to this section, unless the priorities do not meet the requirements  
34 of state or federal law.

35 ~~SEC. 9.~~

36 *SEC. 7.* Section 8499.11 is added to the Education Code, to  
37 read:

38 8499.11. It is the intent of the Legislature that when Head Start  
39 programs determine local priorities, they seriously consider giving

1 first priority for open slots to children from birth to five years of  
 2 age who meet the following criteria:  
 3 (a) ~~Are in the foster system.~~  
 4 (b) ~~Are at risk of abuse, neglect, or exploitation.~~  
 5 (c) ~~Are in relative care.~~  
 6 (d) ~~Were in the foster care system and have recently been~~  
 7 ~~adopted.~~  
 8 (e) ~~Are homeless.~~  
 9 (f) ~~Have a custodial parent in the foster system, on probation,~~  
 10 ~~on parole, or in a correctional or residential treatment facility. and~~  
 11 *early Head Start programs perform community needs assessments*  
 12 *and determine local priorities, they seriously consider the needs*  
 13 *of hidden populations and giving open slots to income-eligible*  
 14 *children who are in the foster care system, are at risk of being*  
 15 *abused, neglected, or exploited, are in relative care or*  
 16 *reunification, were in the foster care system and recently adopted,*  
 17 *are homeless, or have a custodial parent in the foster care system,*  
 18 *on probation, on parole, or in a correctional or residential*  
 19 *treatment facility.*

20 ~~SEC. 10.~~

21 *SEC. 8.* Section 79121 of the Education Code is amended to  
 22 read:

23 79121. (a) Notwithstanding any other provision of law, a child  
 24 under two years of age whose parent is a student, or whose parents  
 25 are students, may attend child development centers consistent with  
 26 the priorities established pursuant to law.

27 (b) Children of students attending school at a particular campus  
 28 shall have first priority for attendance at a child development center  
 29 at that campus.

30 (c) Student families, as described in Section 8263, shall pay  
 31 fees according to the fee schedule established by the Superintendent  
 32 pursuant to that section.

33 (d) Highest priority shall be given to student families with the  
 34 greatest income deficit, and lowest priority to student families with  
 35 the greatest income.

36 (e) For the purposes of assigning eligibility priority, applicant  
 37 student families shall be grouped according to the amount of their  
 38 income in one-hundred-dollar (\$100) monthly increments. All  
 39 student families within a particular income range shall be treated  
 40 as if their incomes were the same, and priority for eligibility within

1 each particular income range shall be assigned on the following  
2 basis:

3 (1) Single-parent student families.

4 (2) Two-parent families, where both parents are students or  
5 where one parent is a student and the other is working.

6 (f) Student families who are recipients of public assistance shall  
7 be subject to the same assignment of priority as other student  
8 families whose incomes fall in the same income range.

9 ~~SEC. 11.~~

10 *SEC. 9.* Section 401 of the Welfare and Institutions Code is  
11 amended to read:

12 401. The program shall utilize educational advocates to assist  
13 children in foster care through the educational system. To the  
14 extent possible, an advocate shall reflect the same racial or ethnic  
15 identification as the pupil being assisted. The educational advocates  
16 shall be required to comply with all statutory and regulatory  
17 provisions regarding standards of confidentiality that are applicable  
18 to children of schoolage who have been placed in foster care. The  
19 responsibilities of an advocate shall include at least the following  
20 duties:

21 (a) Facilitating the school enrollment of pupils in foster care,  
22 including enrollment in school or a program operated by a licensed  
23 child care provider or local educational agency.

24 (b) Locating a pupil's transcripts, immunization and school  
25 health records, individual education plans, and having these  
26 documents sent to the school to which the child is applying for  
27 enrollment, and to the department so that the information can be  
28 included in the child's health and education passport.

29 (c) Educating foster parents regarding how to enroll the pupil  
30 in school and what educational services are available.

31 ~~SEC. 12.~~

32 *SEC. 10.* Section 16001.9 of the Welfare and Institutions Code  
33 is amended to read:

34 16001.9. (a) It is the policy of the state that all children in  
35 foster care shall have the following rights:

36 (1) To live in a safe, healthy, and comfortable home where he  
37 or she is treated with respect.

38 (2) To be free from physical, sexual, emotional, or other abuse,  
39 or corporal punishment.

- 1 (3) To receive adequate and healthy food, adequate clothing,  
2 and, for youth in group homes, an allowance.
- 3 (4) To receive medical, dental, vision, and mental health  
4 services.
- 5 (5) To be free of the administration of medication or chemical  
6 substances, unless authorized by a physician.
- 7 (6) To contact family members, unless prohibited by court order,  
8 and social workers, attorneys, foster youth advocates and  
9 supporters, Court Appointed Special Advocates (CASAs), and  
10 probation officers.
- 11 (7) To visit and contact brothers and sisters, unless prohibited  
12 by court order.
- 13 (8) To contact the Community Care Licensing Division of the  
14 State Department of Social Services or the State Foster Care  
15 Ombudsperson regarding violations of rights, to speak to  
16 representatives of these offices confidentially, and to be free from  
17 threats or punishment for making complaints.
- 18 (9) To make and receive confidential telephone calls and send  
19 and receive unopened mail, unless prohibited by court order.
- 20 (10) To attend religious services and activities of his or her  
21 choice.
- 22 (11) To maintain an emancipation bank account and manage  
23 personal income, consistent with the child's age and developmental  
24 level, unless prohibited by the case plan.
- 25 (12) To not be locked in any room, building, or facility premises,  
26 unless placed in a community treatment facility.
- 27 (13) To attend high-quality child care and development programs  
28 and schools, and participate in extracurricular, cultural, and  
29 personal enrichment activities, consistent with the child's age and  
30 developmental level.
- 31 (14) To work and develop job skills at an age-appropriate level,  
32 consistent with state law.
- 33 (15) To have social contacts with people outside of the foster  
34 care system, such as teachers, church members, mentors, and  
35 friends.
- 36 (16) To attend Independent Living Program classes and activities  
37 if he or she meets age requirements.
- 38 (17) To attend court hearings and speak to the judge.
- 39 (18) To have storage space for private use.

1 (19) To be involved in the development of his or her own case  
2 plan and plan for permanent placement.

3 (20) To review his or her own case plan and plan for permanent  
4 placement, if he or she is 12 years of age or older and in a  
5 permanent placement, and to receive information about his or her  
6 out-of-home placement and case plan, including being told of  
7 changes to the plan.

8 (21) To be free from unreasonable searches of personal  
9 belongings.

10 (22) To confidentiality of all juvenile court records consistent  
11 with existing law.

12 (23) To have fair and equal access to all available services,  
13 placement, care, treatment, and benefits, and to not be subjected  
14 to discrimination or harassment on the basis of actual or perceived  
15 race, ethnic group identification, ancestry, national origin, color,  
16 religion, sex, sexual orientation, gender identity, mental or physical  
17 disability, or HIV status.

18 (24) At 16 years of age or older, to have access to existing  
19 information regarding the educational options available, including,  
20 but not limited to, the coursework necessary for vocational and  
21 postsecondary educational programs, and information regarding  
22 financial aid for postsecondary education.

23 (b) Nothing in this section shall be interpreted to require a foster  
24 care provider to take any action that would impair the health and  
25 safety of children in out-of-home placement.

26 (c) The State Department of Social Services and each county  
27 welfare department are encouraged to work with the Student Aid  
28 Commission, the University of California, the California State  
29 University, and the California Community Colleges to receive  
30 information pursuant to paragraph (24) of subdivision (a).

O