

ASSEMBLY BILL

No. 2104

Introduced by Assembly Member Gordon

February 23, 2012

An act to amend Sections 8235, 8238, 8238.4, and 8239 of, and to repeal Sections 8238.1, 8238.2, 8238.3, 8238.5, and 8238.6 of, the Education Code, relating to child care.

LEGISLATIVE COUNSEL'S DIGEST

AB 2104, as introduced, Gordon. Child care: state preschool programs.

(1) Existing law requires the Superintendent of Public Instruction to administer state preschool programs, including, but not limited to, part-day and full-day age and developmentally appropriate programs for 3- and 4-year-old children.

This bill would instead provide that the state preschool programs shall include, but not be limited to, part-day and full-day age and developmentally appropriate programs designed to facilitate the transition to kindergarten for 3- and 4-year-old children.

(2) Existing law requires child development and preschool programs, as a condition of receipt of specified funds appropriated in the Budget Act of 2006, to include, but not be limited to, age and developmentally appropriate activities for children that are designed to facilitate their transition to kindergarten, and opportunities for parents and legal guardians to work with their children on interactive literacy activities, as defined.

This bill would instead require a participating California state preschool program, as a condition of receipt of specified funds appropriated in the Budget Act of 2013, to coordinate the provision of

(A) opportunities for parents and legal guardians to work with their children on interactive literacy activities, as defined, (B) specified parenting education, (C) referrals, as necessary, to providers of instruction in adult education and English as a second language in order to improve the academic skills of parents of children in participating classrooms, and (D) specified staff development.

(3) Existing law requires child development and preschool programs, as a condition of receipt of specified funds appropriated in the Budget Act of 2006, to coordinate the provision of specified parenting education, and referrals, as necessary, to providers of instruction in adult education and English as a second language in order to improve the academic skills of parents of children in participating classrooms.

This bill would repeal that provision, as its provisions are recodified.

(4) Existing law authorizes a local educational agency or a participating program on behalf of one or more participating programs to select a family literacy and education coordinator whose duties may include specified activities.

This bill would repeal that provision.

(5) Existing law requires child development and preschool programs, as a condition of receipt of specified funds appropriated in the Budget Act of 2006, to provide specified staff development for teachers in participating classrooms.

This bill would repeal that provision, as its provisions are recodified.

(6) Existing law establishes a schedule for the expenditure, by the Superintendent, of prescribed funds appropriated pursuant to the Budget Act of 2006 for child development and preschool programs.

This bill would instead establish a priority schedule for the distribution, by the Superintendent, of prescribed funds appropriated pursuant to the Budget Act of 2013 for qualifying California state preschool classrooms at a rate of \$2,500 per class. The bill would, among other things, assign first priority to California state preschool programs located in the attendance area of elementary schools in deciles 1 to 3, inclusive, based on the 2005 base Academic Performance Index, that received funding for classrooms established on or before June 30, 2013.

(7) Existing law requires, subject to the availability of specified funds, the Superintendent to conduct a specified evaluation of the effectiveness of prekindergarten and family literacy programs established pursuant to specified provisions of law.

This bill would repeal that provision.

(8) Existing law authorizes the use of up to \$5,000,000 of specified funds appropriated in the Budget Act of 2005 by the Superintendent to provide direct child care services for children in participating classrooms to meet the child care needs of parents for the portion of each day that is not covered by services provided as part of a specified preschool program.

This bill would repeal that provision.

(9) Existing law requires the Superintendent to encourage state preschool program applicants or contracting agencies to offer full-day services through a combination of part-day preschool slots and part-day general child care and development programs. Existing law provides specified requirements in order to facilitate a full day of services and requires a child who is enrolled in a preschool program to meet specified eligibility requirements in order to be eligible for part-day child care.

This bill would delete the latter provisions. The bill would also require that a child be deemed eligible for part-day care as long as the child is enrolled in a preschool program.

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 8235 of the Education Code is amended
2 to read:

3 8235. (a) The Superintendent shall administer all California
4 state preschool programs. Those programs shall include, but not
5 be limited to, part-day and full-day age and developmentally
6 appropriate programs *designed to facilitate the transition to*
7 *kindergarten* for three- and ~~four-year-old~~ *four-year-old* children
8 in educational development, health services, social services,
9 nutritional services, parent education and parent participation,
10 evaluation, and staff development. Preschool programs for which
11 federal reimbursement is not available shall be funded as prescribed
12 by the Legislature in the Budget Act, and unless otherwise specified
13 by the Legislature, shall not utilize federal funds made available
14 through Title XX of the Social Security Act (42 U.S.C. Sec. 1397).

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

1 (c) Notwithstanding any other ~~provision of~~ law, a part-day
 2 California state preschool program may provide services to children
 3 in families whose income is no more than 15 percent above the
 4 income eligibility threshold, as described in Sections 8263 and
 5 8263.1, after all eligible three- and four-year-old children have
 6 been enrolled. No more than 10 percent of children enrolled,
 7 calculated throughout the participating program’s entire contract,
 8 may be filled by children in families above the income eligibility
 9 threshold.

10 (d) A part-day California state preschool program shall operate
 11 for a minimum of (1) three hours per day, excluding time for
 12 home-to-school transportation, and (2) a minimum of 175 days
 13 per year, unless the contract specifies a lower number of days of
 14 operation.

15 (e) Three- and four-year-old children are eligible for full-day
 16 California state preschool program services if the family meets at
 17 least one of the criteria specified in paragraph (1) of subdivision
 18 (a) of Section 8263, and the parents meet at least one of the criteria
 19 specified in paragraph (2) of subdivision (a) of Section 8263.

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 246 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 pursuant
 27 to subdivisions (g) and (h) of Section 8263. Fees shall not be
 28 assessed for families whose children are enrolled in the part-day
 29 California state preschool program.

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

33 SEC. 2. Section 8238 of the Education Code is amended to
 34 read:

35 8238. As a condition of receipt of funds pursuant to Section
 36 8238.4, a participating *California state preschool* program shall
 37 ~~include, but not be limited to, both of~~ *coordinate the provision of*
 38 *all of* the following:

1 ~~(a) Age and developmentally appropriate activities for children~~
2 ~~in participating classrooms that are designed to facilitate their~~
3 ~~transition to kindergarten.~~

4 ~~(b)~~

5 (a) Opportunities for parents and legal guardians to work with
6 their children on interactive literacy activities. For purposes of this
7 subdivision, “interactive literacy activities” means activities in
8 which parents or legal guardians actively participate in facilitating
9 the acquisition by their children of prereading skills through guided
10 activities such as shared reading, learning the alphabet, and basic
11 vocabulary development.

12 (b) *Parenting education for parents and legal guardians of*
13 *children in participating classrooms to support the development*
14 *by their children of literacy skills. Parenting education shall*
15 *include, but not be limited to, instruction in all of the following:*

16 (1) *Providing support for the educational growth and success*
17 *of their children.*

18 (2) *Improving parent-school communications and parental*
19 *understanding of school structures and expectations.*

20 (3) *Becoming active partners with teachers in the education of*
21 *their children.*

22 (c) *Referrals, as necessary, to providers of instruction in adult*
23 *education and English as a second language in order to improve*
24 *the academic skills of parents and legal guardians of children in*
25 *participating classrooms.*

26 (d) *Staff development for teachers in participating classrooms*
27 *that includes, but is not limited to, all of the following:*

28 (1) *Development of a pedagogical knowledge, including, but*
29 *not limited to, improved instructional strategies.*

30 (2) *Knowledge and application of developmentally appropriate*
31 *assessments of the prereading skills of children in participating*
32 *classrooms.*

33 (3) *Information on working with families, including the use of*
34 *onsite coaching, for guided practice in interactive literacy*
35 *activities.*

36 SEC. 3. Section 8238.1 of the Education Code is repealed.

37 ~~8238.1. As a condition of receipt of funds pursuant to Section~~
38 ~~8238.4, a participating program shall coordinate the provision of~~
39 ~~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) Referrals, as necessary, to providers of instruction in adult~~
12 ~~education and English as a second language in order to improve~~
13 ~~the academic skills of parents and legal guardians of children in~~
14 ~~participating classrooms.~~

15 SEC. 4. Section 8238.2 of the Education Code is repealed.

16 ~~8238.2. A local educational agency or a participating program~~
17 ~~on behalf of one or more participating programs may select a~~
18 ~~family literacy and education coordinator whose duties may include~~
19 ~~all of the following:~~

20 ~~(a) Developing a system to coordinate the provision of literacy~~
21 ~~services to families at the local educational agency and community~~
22 ~~level.~~

23 ~~(b) Creating an organizational partnership between each program~~
24 ~~provider and an adult education program operated by a local~~
25 ~~educational agency or other community provider, as needed.~~

26 ~~(c) Promoting parental involvement in participating classrooms.~~

27 SEC. 5. Section 8238.3 of the Education Code is repealed.

28 ~~8238.3. As a condition of receipt of funds pursuant to Section~~
29 ~~8238.4, a participating program shall provide staff development~~
30 ~~for teachers in participating classrooms that includes, but is not~~
31 ~~limited to, all of the following:~~

32 ~~(a) Development of a pedagogical knowledge including, but~~
33 ~~not limited to, improved instructional strategies.~~

34 ~~(b) Knowledge and application of developmentally appropriate~~
35 ~~assessments of the prereading skills of children in participating~~
36 ~~classrooms.~~

37 ~~(c) Information on working with families, including the use of~~
38 ~~on site coaching, for guided practice in interactive literacy~~
39 ~~activities.~~

1 SEC. 6. Section 8238.4 of the Education Code is amended to
2 read:

3 8238.4. Of funds appropriated in Schedule (1) of Item
4 6110-196-0001 of Section 2.00 of the Budget Act of 2006 (Ch.
5 48, Stats. 2006) for child development and preschool programs,
6 ~~fifty million dollars (\$50,000,000) is available for expenditure~~
7 *2013 (Ch.____, Stats. 2013) for California state preschool*
8 *programs, five million dollars (\$5,000,000) shall be distributed*
9 *to qualifying California state preschool classrooms at a rate of*
10 *two thousand five hundred dollars (\$2,500) per class. Funds*
11 *received pursuant to this section shall be distributed by the*
12 *Superintendent as follows:*

13 ~~(a) (1) Forty-five million dollars (\$45,000,000) to reimburse~~
14 ~~participating programs on a per-child basis at the same rate that is~~
15 ~~used for the state preschool program, as determined in the annual~~
16 ~~Budget Act or other statute.~~

17 ~~(2) The funds described in paragraph (1) shall be assigned to~~
18 ~~programs~~

19 *(a) First priority shall be assigned to California state preschool*
20 *programs that are located in the attendance area of elementary*
21 *schools in deciles 1 to 3, inclusive, based on the 2005 base*
22 *Academic Performance Index pursuant to Section 52056 and*
23 *received funding for classrooms established on or before June 30,*
24 *2013. Within elementary schools in deciles 1 to 3, inclusive, based*
25 *on the 2005 base Academic Performance Index, preference shall*
26 *be provided to underserved areas as described in subdivision (d)*
27 *of Section 8279.3. If*

28 *(b) Funds not obligated pursuant to subdivision (a) on or before*
29 *July 1, 2013, shall be distributed, through a lottery process, to*
30 *California state preschool programs operating classrooms located*
31 *in the attendance area of elementary schools in deciles 1 to 3,*
32 *inclusive, based on the most recently published Academic*
33 *Performance Index pursuant to Section 52056.*

34 ~~(c) If the funds described in paragraph (1) are offered under a~~
35 ~~new competitive bidding process after January 1, 2008, this section~~
36 ~~are offered under a lottery process after July 1, 2013, due to the~~
37 ~~termination, suspension, or relinquishment of an original contract~~
38 ~~award and in order to maintain an existing class, the department~~
39 ~~shall assign first priority to successful applicants that will maintain~~
40 ~~that class within the attendance area of the elementary school as~~

1 originally granted *and assign second priority to California state*
2 *preschool programs operating classrooms located in the*
3 *attendance area of elementary schools in deciles 1 to 3, inclusive,*
4 *based on the most recently published Academic Performance Index*
5 *pursuant to Section 52056.*

6 ~~(3) Notwithstanding any other provision of law, programs~~
7 ~~receiving funding in this section shall serve children who would~~
8 ~~attend kindergarten in the subsequent academic year. No child~~
9 ~~shall receive services from a program under this section for more~~
10 ~~than one year.~~

11 ~~(4) Notwithstanding any other provision of law, a program~~
12 ~~receiving funding pursuant to this section may provide services to~~
13 ~~children in families above the income eligibility threshold, as~~
14 ~~described in Sections 8263 and 8263.1, if the number of contracted~~
15 ~~slots exceed the number of eligible children. No more than 20~~
16 ~~percent of contracted slots, calculated throughout the participating~~
17 ~~program's entire contract, may be filled by children in families~~
18 ~~above the income eligibility threshold.~~

19 ~~(5) The department shall report to the Department of Finance~~
20 ~~and the Legislature in the annual report specified in Section 8236.1~~
21 ~~and in the same format used for the annual report, the number of~~
22 ~~children who are being served by the California state preschool~~
23 ~~program. The report shall also include the number of children~~
24 ~~served above the income eligibility threshold and the age of all~~
25 ~~children served.~~

26 ~~(b) (1) Five million dollars (\$5,000,000) to be distributed to~~
27 ~~each participating class at a rate of two thousand five hundred~~
28 ~~dollars (\$2,500) per class per school year. Funds received pursuant~~
29 ~~to this subdivision may be used for all of the following purposes:~~

30 ~~(A) Compensation and support costs for program coordinators~~
31 ~~as described in Section 8238.2.~~

32 ~~(B) Staff development pursuant to Section 8238.3.~~

33 ~~(C) Family literacy services.~~

34 ~~(D) Instructional materials, including consumables.~~

35 ~~(2) In the event that the total amount described in paragraph (1)~~
36 ~~is insufficient to fund all of the participating class at the per~~
37 ~~classroom rate described in that paragraph, the class rate shall be~~
38 ~~prorated accordingly.~~

1 ~~(3) Eligibility to receive funding pursuant to this subdivision is~~
2 ~~restricted to participating programs that were eligible to receive~~
3 ~~funding pursuant to this section in the 2007-08 fiscal year.~~

4 ~~(e) The appropriation of funds for purposes of this section~~
5 ~~beyond the amounts described in this section shall be pursuant to~~
6 ~~the annual Budget Act or other statute.~~

7 ~~(d) Notwithstanding the provisions of this section to the contrary,~~
8 ~~programs receiving funding pursuant to this section may participate~~
9 ~~in all California state preschool programs administered by the~~
10 ~~Superintendent pursuant to Section 8235.~~

11 SEC. 7. Section 8238.5 of the Education Code is repealed.

12 ~~8238.5. Subject to the availability of funds for purposes of this~~
13 ~~section, as described in subdivision (e) of 8238.4, the~~
14 ~~Superintendent shall conduct an evaluation of the effectiveness of~~
15 ~~prekindergarten and family literacy programs established pursuant~~
16 ~~to this article. To the extent feasible, the evaluation shall do both~~
17 ~~of the following:~~

18 ~~(a) Rely on quantifiable measures of academic achievement of~~
19 ~~participating children, including, but not limited to, performance~~
20 ~~on the Standardized Testing and Reporting Program test and the~~
21 ~~English language development test administered in grade 3.~~

22 ~~(b) Estimate the costs and benefits of the programs.~~

23 SEC. 8. Section 8238.6 of the Education Code is repealed.

24 ~~8238.6. Notwithstanding any other provision of law, up to five~~
25 ~~million dollars (\$5,000,000) of unearned contract funds~~
26 ~~appropriated in Schedule (1.5)(a) of Item 6110-196-0001 of Section~~
27 ~~2.00 of the Budget Act of 2005 (Ch. 38, Stats. 2005) for general~~
28 ~~child care programs is available for expenditure by the~~
29 ~~Superintendent to provide direct child care services for children~~
30 ~~in participating classrooms to meet the child care needs of parents~~
31 ~~for the portion of each day that is not covered by services provided~~
32 ~~as part of a preschool program pursuant Section 8238.4.~~

33 SEC. 9. Section 8239 of the Education Code is amended to
34 read:

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

1 *part-day care as long as the child is enrolled in a preschool*
2 *program.*

3 ~~(a) Part-day preschool programs provided pursuant to this~~
4 ~~section shall operate between 175 and 180 days.~~

5 ~~(b) Part-day general child care and development programs~~
6 ~~provided pursuant to this section may operate a minimum of 246~~
7 ~~days per year unless the child development contract specified a~~
8 ~~lower minimum days of operation. Part-day general child care and~~
9 ~~development programs may operate a full-day for the remainder~~
10 ~~of the year after the completion of the preschool program.~~

11 ~~(c) Full day services provided under this section shall be~~
12 ~~reimbursed at no more than the standard reimbursement rate with~~
13 ~~adjustment factors.~~

14 ~~(d) Notwithstanding any provision of law, to be eligible for~~
15 ~~part-day child care, a child who is enrolled in a preschool program~~
16 ~~shall be required to meet the eligibility requirements specified in~~
17 ~~paragraph (4) of subdivision (a) of Section 8238.4 and the~~
18 ~~requirements pursuant to Sections 8263 and 8263.1 at the time of~~
19 ~~enrollment in a preschool. Subsequent to enrollment, a child shall~~
20 ~~be deemed eligible for part-day care as long as the child is enrolled~~
21 ~~in a preschool program.~~