

AMENDED IN ASSEMBLY APRIL 25, 2012

AMENDED IN ASSEMBLY APRIL 10, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2104**

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**Introduced by Assembly Member Gordon**

February 23, 2012

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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 amended, 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 \$50,000,000 of prescribed funds appropriated pursuant to the Budget Act of 2006 for child development and preschool programs. *Existing law requires \$45,000,000 of these funds to be used to reimburse participating programs on a per-child basis at a specified rate, and requires these funds to be assigned to programs located in the attendance area of elementary schools in deciles 1 to 3, inclusive, based on the 2005 base Academic Performance Index, with preferences provided to specified underserved areas. Existing law requires the remaining \$5,000,000 of these funds to be distributed to each participating class at a rate of \$2,500 per class per fiscal year and authorizes these funds to be used for specified purposes.*

This bill would instead establish a ~~priority~~ schedule for the ~~distribution~~ for ~~specified purposes~~ expenditure, by the Superintendent, of

*\$50,000,000 of prescribed funds appropriated pursuant to the Budget Act of 2013 for qualifying. The bill would require \$45,000,000 of these funds to be used to reimburse participating programs on a per-child basis at a specified rate, with first priority assigned 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. The bill would delete the preference for specified underserved areas. The bill would require the remaining \$5,000,000 to be distributed to California state preschool-classrooms classes at a rate of \$2,500 per class per fiscal year to coordinate the provision of specified services. 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 specified 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 children in educational  
8 development, health services, social services, nutritional services,  
9 parent education and parent participation, evaluation, and staff  
10 development. Preschool programs for which federal reimbursement  
11 is not available shall be funded as prescribed by the Legislature  
12 in the Budget Act, and unless otherwise specified by the  
13 Legislature, shall not utilize federal funds made available through  
14 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.

19 (c) Notwithstanding any other law, a part-day California state  
20 preschool program may provide services to children in families  
21 whose income is no more than 15 percent above the income  
22 eligibility threshold, as described in Sections 8263 and 8263.1,  
23 after all eligible three- and four-year-old children have been  
24 enrolled. No more than 10 percent of children enrolled, calculated  
25 throughout the participating program’s entire contract, may be  
26 filled by children in families above the income eligibility threshold.

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

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

37 (f) A full-day California state preschool program shall operate  
38 (1) full time as determined by the number of hours necessary to

1 meet the child care and development needs of families, and (2) a  
2 minimum of 246 days per year, unless the contract specifies a  
3 lower number of days of operation.

4 (g) Fees shall be assessed and collected for families with  
5 children in the full-day California state preschool program pursuant  
6 to subdivisions (g) and (h) of Section 8263. Fees shall not be  
7 assessed for families whose children are enrolled in the part-day  
8 California state preschool program.

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

12 SEC. 2. Section 8238 of the Education Code is amended to  
13 read:

14 8238. As a condition of receipt of funds pursuant to Section  
15 8238.4, a participating California state preschool program shall  
16 coordinate the provision of all of the following:

17 (a) Opportunities for parents and legal guardians to work with  
18 their children on interactive literacy activities. For purposes of this  
19 subdivision, “interactive literacy activities” means activities in  
20 which parents or legal guardians actively participate in facilitating  
21 the acquisition by their children of prereading skills through guided  
22 activities such as shared reading, learning the alphabet, and basic  
23 vocabulary development.

24 (b) Parenting education for parents and legal guardians of  
25 children in participating classrooms to support the development  
26 by their children of literacy skills. Parenting education shall  
27 include, but not be limited to, instruction in all of the following:

28 (1) Providing support for the educational growth and success  
29 of their children.

30 (2) Improving parent-school communications and parental  
31 understanding of school structures and expectations.

32 (3) Becoming active partners with teachers in the education of  
33 their children.

34 (c) Referrals, as necessary, to providers of instruction in adult  
35 education and English as a second language in order to improve  
36 the academic skills of parents and legal guardians of children in  
37 participating classrooms.

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

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

3 (2) Knowledge and application of developmentally appropriate  
4 assessments of the prereading skills of children in participating  
5 classrooms.

6 (3) Information on working with families, including the use of  
7 onsite coaching, for guided practice in interactive literacy activities.

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

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

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

11 SEC. 6. Section 8238.4 of the Education Code is amended to  
12 read:

13 8238.4. Of funds appropriated in Schedule (1) of Item  
14 6110-196-0001 of Section 2.00 of the Budget Act of 2013  
15 (Ch.\_\_\_\_, Stats. 2013) for California state preschool programs,  
16 ~~five~~ *fifty million dollars (\$50,000,000) is available for expenditure*  
17 *by the Superintendent as follows:*

18 (a) (1) *Forty-five million dollars (\$45,000,000) to reimburse*  
19 *participating programs on a per-child basis at the same rate that*  
20 *is used for the California state preschool program, as determined*  
21 *in the annual Budget Act or other statute.*

22 (2) *Of the funds described in paragraph (1), first priority shall*  
23 *be assigned to California state preschool programs that are located*  
24 *in the attendance area of elementary schools in deciles 1 to 3,*  
25 *inclusive, based on the 2005 base Academic Performance Index*  
26 *pursuant to Section 52056.*

27 (3) *If the funds described in paragraph (1) are offered under a*  
28 *new competitive bidding process after January 1, 2013, due to the*  
29 *termination, suspension, or relinquishment of an original contract*  
30 *award, the funds shall be assigned to programs located in the*  
31 *attendance area of elementary schools in deciles 1 to 3, inclusive,*  
32 *based on the most recent base Academic Performance Index*  
33 *pursuant to Section 52056. Priority shall be given to successful*  
34 *applicants that will maintain that class within the attendance area*  
35 *of the elementary school as originally granted.*

36 (b) *Five million dollars (\$5,000,000) shall to be distributed to*  
37 *qualifying California state preschool classrooms classes at a rate*  
38 *of two thousand five hundred dollars (\$2,500) per class per fiscal*  
39 *year, to coordinate the provision of services pursuant to Section*  
40 *8238. Funds received available pursuant to this section shall be*

1 distributed by the Superintendent, ~~for the purposes specified in~~  
2 ~~Section 8238~~, as follows:

3 (a)

4 (1) First priority shall be assigned to California state preschool  
5 programs that ~~are located in the attendance area of elementary~~  
6 ~~schools in deciles 1 to 3, inclusive, based on the 2005 base~~  
7 ~~Academic Performance Index pursuant to Section 52056 and~~  
8 received funding *pursuant to subdivision (a)* for classrooms  
9 established on or before June 30, 2013.

10 (b)

11 (2) Funds not obligated pursuant to ~~subdivision (a) paragraph~~  
12 ~~(1)~~ on or before July 1, 2013, shall be distributed, through a lottery  
13 process, to California state preschool programs operating  
14 classrooms located in the attendance area of elementary schools  
15 in deciles 1 to 3, inclusive, based on the most recently published  
16 Academic Performance Index pursuant to Section 52056.

17 (c) ~~If the funds~~

18 (3) ~~Funds described in this section are offered under a lottery~~  
19 ~~process that are made available~~ after July 1, 2013, due to the  
20 termination, suspension, or relinquishment of an original contract  
21 award ~~and in order to maintain an existing class, the department~~  
22 ~~shall assign first priority to successful applicants that will maintain~~  
23 ~~that class within the attendance area of the elementary school as~~  
24 ~~originally granted and assign second priority to California state~~  
25 ~~preschool programs operating classrooms located in the attendance~~  
26 ~~area of elementary schools in deciles 1 to 3, inclusive, based on~~  
27 ~~the most recently published Academic Performance Index pursuant~~  
28 ~~to Section 52056 shall be assigned to applicants or contracting~~  
29 ~~agencies awarded funding pursuant to paragraph (3) of subdivision~~  
30 ~~(a).~~

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

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

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. Subsequent

- 1 to enrollment, a child shall be deemed eligible for part-day care
- 2 as long as the child is enrolled in a preschool program.

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