

AMENDED IN ASSEMBLY MAY 25, 2012

AMENDED IN ASSEMBLY APRIL 25, 2012

AMENDED IN ASSEMBLY APRIL 10, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

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 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 schedule for the expenditure, by the Superintendent, of \$50,000,000 of prescribed funds appropriated

~~pursuant to the Budget Act of 2013. 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 require a family literacy supplemental grant to be made available and distributed to qualifying California state preschool classes classrooms, as determined by the Superintendent, 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 that received specified funding for classrooms established on or before June 30, 2013 contract to receive this funding before July 1, 2013. The bill would require family literacy supplemental grants to be used for specified purposes. The bill would also provide that implementation of the family literacy supplemental grant program is contingent upon funding being provided for the program in the annual Budget Act or other statute.~~

(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.

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

6 (f) A full-day California state preschool program shall operate
7 (1) full time as determined by the number of hours necessary to
8 meet the child care and development needs of families, and (2) a
9 minimum of 246 days per year, unless the contract specifies a
10 lower number of days of operation.

11 (g) Fees shall be assessed and collected for families with
12 children in the full-day California state preschool program pursuant
13 to subdivisions (g) and (h) of Section 8263. Fees shall not be
14 assessed for families whose children are enrolled in the part-day
15 California state preschool program.

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

19 SEC. 2. Section 8238 of the Education Code is amended to
20 read:

21 8238. As a condition of receipt of funds pursuant to Section
22 8238.4, a participating California state preschool program shall
23 coordinate the provision of all of the following:

24 (a) Opportunities for parents and legal guardians to work with
25 their children on interactive literacy activities. For purposes of this
26 subdivision, “interactive literacy activities” means activities in
27 which parents or legal guardians actively participate in facilitating
28 the acquisition by their children of prereading skills through guided
29 activities such as shared reading, learning the alphabet, and basic
30 vocabulary development.

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

35 (1) Providing support for the educational growth and success
36 of their children.

37 (2) Improving parent-school communications and parental
38 understanding of school structures and expectations.

39 (3) Becoming active partners with teachers in the education of
40 their children.

1 (c) Referrals, as necessary, to providers of instruction in adult
2 education and English as a second language in order to improve
3 the academic skills of parents and legal guardians of children in
4 participating classrooms.

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

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

9 (2) Knowledge and application of developmentally appropriate
10 assessments of the prereading skills of children in participating
11 classrooms.

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

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

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

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

17 SEC. 6. Section 8238.4 of the Education Code is amended to
18 read:

19 ~~8238.4. Of funds appropriated in Schedule (1) of Item~~
20 ~~6110-196-0001 of Section 2.00 of the Budget Act of 2013~~
21 ~~(Ch. _____, Stats. 2013) for California state preschool programs,~~
22 ~~fifty million dollars (\$50,000,000) is available for expenditure by~~
23 ~~the Superintendent as follows:~~

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

28 ~~(2) Of the funds described in paragraph (1), first priority shall~~
29 ~~be assigned to California state preschool programs that are located~~
30 ~~in the attendance area of elementary schools in deciles 1 to 3,~~
31 ~~inclusive, based on the 2005 base Academic Performance Index~~
32 ~~pursuant to Section 52056.~~

33 ~~(3) If the funds described in paragraph (1) are offered under a~~
34 ~~new competitive bidding process after January 1, 2013, due to the~~
35 ~~termination, suspension, or relinquishment of an original contract~~
36 ~~award, the funds shall be assigned to programs located in the~~
37 ~~attendance area of elementary schools in deciles 1 to 3, inclusive,~~
38 ~~based on the most recent base Academic Performance Index~~
39 ~~pursuant to Section 52056. Priority shall be given to successful~~

1 applicants that will maintain that class within the attendance area
2 of the elementary school as originally granted.

3 ~~(b) Five million dollars (\$5,000,000) to be distributed to~~
4 ~~8238.4. (a) A family literacy supplemental grant shall be made~~
5 ~~available and distributed to qualifying California state preschool~~
6 ~~classes classrooms, as determined by the Superintendent, at a rate~~
7 ~~of two thousand five hundred dollars (\$2,500) per class per fiscal~~
8 ~~year, to coordinate the provision of services pursuant to Section~~
9 ~~8238. Funds available pursuant to this section shall be distributed~~
10 ~~by the Superintendent as follows. The Superintendent shall~~
11 ~~distribute the family literacy supplemental grant funds according~~
12 ~~to the following priorities:~~

13 (1) First priority shall be assigned to California state preschool
14 programs that received funding pursuant to subdivision (a) for
15 classrooms established on or before June 30, 2013 contract to
16 receive this funding before July 1, 2013. These programs shall
17 receive this funding until their contract is terminated or the
18 California state preschool program no longer provides family
19 literacy services.

20 (2) Funds not obligated pursuant to paragraph (1) on or before
21 July 1, 2013, shall be distributed, through a lottery process, *Second*
22 *priority shall be assigned* to California state preschool programs
23 operating classrooms located in the attendance area of elementary
24 schools in deciles 1 to 3, inclusive, based on the most recently
25 published Academic Performance Index pursuant to Section 52056.
26 *The Superintendent shall use a lottery process in implementing*
27 *this paragraph.*

28 ~~(3) Funds described in this section that are made available after~~
29 ~~July 1, 2013, due to the termination, suspension, or relinquishment~~
30 ~~of an original contract award shall be assigned to applicants or~~
31 ~~contracting agencies awarded funding pursuant to paragraph (3)~~
32 ~~of subdivision (a).~~

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

35 *(c) Implementation of this section is contingent upon funding*
36 *being provided for family literacy supplemental grants for*
37 *California state preschool programs in the annual Budget Act or*
38 *other statute.*

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

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

1 SEC. 9. Section 8239 of the Education Code is amended to
2 read:
3 8239. The Superintendent shall encourage state preschool
4 program applicants or contracting agencies to offer full-day
5 services through a combination of part-day preschool slots and
6 part-day general child care and development programs. Subsequent
7 to enrollment, a child shall be deemed eligible for part-day care
8 as long as the child is enrolled in a preschool program.

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