

AMENDED IN SENATE JUNE 21, 2012

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**

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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. An act to amend Section 21113 of the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2104, as amended, Gordon. ~~Child care: state preschool programs. Vehicles: conditions or regulations: vehicles or animals.~~

*Existing law prohibits a person from driving any vehicle or animal, or stopping, parking, or leaving standing any vehicle or animal, whether attended or unattended, upon the driveways, paths, parking facilities, or the grounds of specified public entities, except with the permission of, and upon and subject to any condition or regulation that may be imposed by, the governing body of the specified public entity. Existing law also requires that all the provisions of the Vehicle Code relating to traffic upon the highways, except for those conditions imposed or regulations enacted by the governing board, legislative body, or officer applicable to that traffic, are applicable to the traffic upon the*

*driveways, paths, parking facilities, or grounds under the jurisdiction of the specified state or local agency.*

*This bill would authorize a governing board, legislative body, or officer that imposes any condition or regulation upon a person who drives a vehicle or animal, or stops, parks, or leaves standing any vehicle or animal, pursuant to these provisions, to enforce that condition or regulation in the same manner generally provided for the enforcement of parking regulations. The bill would also provide that the governing board, legislative body, or officer is considered the issuing agency for this purpose and is authorized to remove any animal from its driveways, paths, parking facilities, or grounds, or any vehicle in the same manner as a city, county, or jurisdiction of a state agency is authorized pursuant to specified provisions of law.*

~~(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 require a family literacy supplemental grant to be made available and distributed to qualifying California state preschool classrooms, as determined by the Superintendent, at a rate of \$2,500 per class. The bill would, among other things, assign first priority to California state preschool programs that 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~~-no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 21113 of the Vehicle Code is amended to  
2 read:  
3     21113. (a) ~~No~~A person shall *not* drive any vehicle or animal,  
4 ~~nor shall any person or~~ stop, park, or leave standing any vehicle  
5 or animal, whether attended or unattended, upon the driveways,  
6 paths, parking facilities, or the grounds of any public school, state  
7 university, state college, unit of the state park system, county park,  
8 municipal airport, rapid transit district, transit development board,  
9 transit district, joint powers agency operating or managing a  
10 commuter rail system, or any property under the direct control of  
11 the legislative body of a municipality, or any state, county, or  
12 hospital district institution or building, or any educational  
13 institution exempted, in whole or in part, from taxation, or any  
14 harbor improvement district or harbor district formed pursuant to  
15 Part 2 (commencing with Section 5800) or Part 3 (commencing  
16 with Section 6000) of Division 8 of the Harbors and Navigation  
17 Code, a district organized pursuant to Part 3 (commencing with  
18 Section 27000) of Division 16 of the Streets and Highways Code,  
19 or state grounds served by the Department of the California  
20 Highway Patrol, or any property under the possession or control  
21 of a housing authority formed pursuant to Article 2 (commencing  
22 with Section 34240) of Part 2 of Division 24 of the Health and  
23 Safety Code, except with the permission of, and upon and subject  
24 to any condition or regulation ~~which~~ *that* may be imposed by the  
25 legislative body of the municipality, or the governing board or

1 officer of the public school, state university, state college, county  
2 park, municipal airport, rapid transit district, transit development  
3 board, transit district, joint powers agency operating or managing  
4 a commuter rail system, or state, county, or hospital district  
5 institution or building, or educational institution, or harbor district,  
6 or a district organized pursuant to Part 3 (commencing with Section  
7 27000) of Division 16 of the Streets and Highways Code, or  
8 housing authority, or the Director of Parks and Recreation  
9 regarding units of the state park system or the state agency with  
10 jurisdiction over the grounds served by the Department of the  
11 California Highway Patrol.

12 (b) ~~Every~~A governing board, legislative body, or officer shall  
13 erect or place appropriate signs giving notice of any special  
14 conditions or regulations that are imposed under this section and  
15 ~~every~~ *the governing* board, legislative body, or officer shall also  
16 prepare and keep available at the principal administrative office  
17 of the *governing* board, legislative body, or officer, for examination  
18 by all interested persons, a written statement of all those special  
19 conditions and regulations adopted ~~under~~ *pursuant to* this section.

20 (c) ~~When any~~ a governing board, legislative body, or officer  
21 permits public traffic upon the driveways, paths, parking facilities,  
22 or grounds under their control then, except for those conditions  
23 imposed or regulations enacted by the governing board, legislative  
24 body, or officer applicable to the traffic, all the provisions of this  
25 code relating to traffic upon the highways shall be applicable to  
26 the traffic upon the driveways, paths, parking facilities, or grounds.

27 (d) *A governing board, legislative body, or officer that imposes*  
28 *any condition or regulation upon a person who drives a vehicle*  
29 *or animal, or stops, parks, or leaves standing any vehicle or*  
30 *animal, pursuant to subdivision (a), is authorized to enforce that*  
31 *condition or regulation in the manner provided in Article 3*  
32 *(commencing with Section 40200) of Chapter 1 of Division 17 of*  
33 *this code and shall be (1) considered the issuing agency for that*  
34 *purpose, and (2) is authorized to remove any animal from its*  
35 *driveways, paths, parking facilities, or grounds, or any vehicle in*  
36 *the same manner as a city, county, or jurisdiction of a state agency*  
37 *pursuant to Chapter 10 (commencing with Section 22650) of*  
38 *Division 11 of this code.*

39 (e)

1 (e) With respect to the permitted use of vehicles or animals on  
 2 property under the direct control of the legislative body of a  
 3 municipality, no change in the use of vehicles or animals on the  
 4 property, ~~which~~ *that* had been permitted on January 1, 1976, shall  
 5 be effective unless and until the legislative body, at a meeting open  
 6 to the general public, determines that the use of vehicles or animals  
 7 on the property should be prohibited or regulated.

8 (e)

9 (f) A transit development board may adopt ordinances, rules,  
 10 or regulations to restrict, or specify the conditions for, the use of  
 11 bicycles, motorized bicycles, skateboards, and roller skates on  
 12 property under the control of, or any portion of property used by,  
 13 the board.

14 (f)

15 (g) A public agency, including, but not limited to, the Regents  
 16 of the University of California and the Trustees of the California  
 17 State University, may adopt rules or regulations to restrict, or  
 18 specify the conditions for, the use of bicycles, motorized bicycles,  
 19 skateboards, and roller skates on public property under the  
 20 jurisdiction of that agency.

21 (g)

22 (h) “Housing authority,” for the purposes of this section, means  
 23 a housing authority located within a county with a population of  
 24 over six million people, and any other housing authority that  
 25 complies with the requirements of this section.

26 SECTION 1. ~~Section 8235 of the Education Code is amended~~  
 27 ~~to read:~~

28 ~~8235. (a) The Superintendent shall administer all California~~  
 29 ~~state preschool programs. Those programs shall include, but not~~  
 30 ~~be limited to, part-day and full-day age and developmentally~~  
 31 ~~appropriate programs designed to facilitate the transition to~~  
 32 ~~kindergarten for three- and four-year-old children in educational~~  
 33 ~~development, health services, social services, nutritional services,~~  
 34 ~~parent education and parent participation, evaluation, and staff~~  
 35 ~~development. Preschool programs for which federal reimbursement~~  
 36 ~~is not available shall be funded as prescribed by the Legislature~~  
 37 ~~in the Budget Act, and unless otherwise specified by the~~  
 38 ~~Legislature, shall not utilize federal funds made available through~~  
 39 ~~Title XX of the Social Security Act (42 U.S.C. Sec. 1397).~~

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

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

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

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

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

28 ~~(g) Fees shall be assessed and collected for families with~~  
29 ~~children in the full-day California state preschool program pursuant~~  
30 ~~to subdivisions (g) and (h) of Section 8263. Fees shall not be~~  
31 ~~assessed for families whose children are enrolled in the part-day~~  
32 ~~California state preschool program.~~

33 ~~(h) Any agency described in subdivision (c) of Section 8208 as~~  
34 ~~an "applicant or contracting agency" is eligible to contract to~~  
35 ~~operate a California state preschool program.~~

36 ~~SEC. 2. Section 8238 of the Education Code is amended to~~  
37 ~~read:~~

38 ~~8238. As a condition of receipt of funds pursuant to Section~~  
39 ~~8238.4, a participating California state preschool program shall~~  
40 ~~coordinate the provision of all of the following:~~

- 1 (a) ~~Opportunities for parents and legal guardians to work with~~  
 2 ~~their children on interactive literacy activities. For purposes of this~~  
 3 ~~subdivision, “interactive literacy activities” means activities in~~  
 4 ~~which parents or legal guardians actively participate in facilitating~~  
 5 ~~the acquisition by their children of prereading skills through guided~~  
 6 ~~activities such as shared reading, learning the alphabet, and basic~~  
 7 ~~vocabulary development.~~
- 8 (b) ~~Parenting education for parents and legal guardians of~~  
 9 ~~children in participating classrooms to support the development~~  
 10 ~~by their children of literacy skills. Parenting education shall~~  
 11 ~~include, but not be limited to, instruction in all of the following:~~
- 12 (1) ~~Providing support for the educational growth and success~~  
 13 ~~of their children.~~
- 14 (2) ~~Improving parent-school communications and parental~~  
 15 ~~understanding of school structures and expectations.~~
- 16 (3) ~~Becoming active partners with teachers in the education of~~  
 17 ~~their children.~~
- 18 (c) ~~Referrals, as necessary, to providers of instruction in adult~~  
 19 ~~education and English as a second language in order to improve~~  
 20 ~~the academic skills of parents and legal guardians of children in~~  
 21 ~~participating classrooms.~~
- 22 (d) ~~Staff development for teachers in participating classrooms~~  
 23 ~~that includes, but is not limited to, all of the following:~~
- 24 (1) ~~Development of a pedagogical knowledge, including, but~~  
 25 ~~not limited to, improved instructional strategies.~~
- 26 (2) ~~Knowledge and application of developmentally appropriate~~  
 27 ~~assessments of the prereading skills of children in participating~~  
 28 ~~classrooms.~~
- 29 (3) ~~Information on working with families, including the use of~~  
 30 ~~onsite coaching, for guided practice in interactive literacy activities.~~
- 31 ~~SEC. 3. Section 8238.1 of the Education Code is repealed.~~  
 32 ~~SEC. 4. Section 8238.2 of the Education Code is repealed.~~  
 33 ~~SEC. 5. Section 8238.3 of the Education Code is repealed.~~  
 34 ~~SEC. 6. Section 8238.4 of the Education Code is amended to~~  
 35 ~~read:~~
- 36 ~~8238.4. (a) A family literacy supplemental grant shall be made~~  
 37 ~~available and distributed to qualifying California state preschool~~  
 38 ~~classrooms, as determined by the Superintendent, at a rate of two~~  
 39 ~~thousand five hundred dollars (\$2,500) per class. The~~

1 Superintendent shall distribute the family literacy supplemental  
2 grant funds according to the following priorities:

3 (1) ~~First priority shall be assigned to California state preschool~~  
4 ~~programs that contract to receive this funding before July 1, 2013.~~  
5 ~~These programs shall receive this funding until their contract is~~  
6 ~~terminated or the California state preschool program no longer~~  
7 ~~provides family literacy services.~~

8 (2) ~~Second priority shall be assigned to California state~~  
9 ~~preschool programs operating classrooms located in the attendance~~  
10 ~~area of elementary schools in deciles 1 to 3, inclusive, based on~~  
11 ~~the most recently published Academic Performance Index pursuant~~  
12 ~~to Section 52056. The Superintendent shall use a lottery process~~  
13 ~~in implementing this paragraph.~~

14 (b) ~~A family literacy supplemental grant distributed pursuant~~  
15 ~~to this section shall be used for purposes specified in Section 8238.~~

16 (e) ~~Implementation of this section is contingent upon funding~~  
17 ~~being provided for family literacy supplemental grants for~~  
18 ~~California state preschool programs in the annual Budget Act or~~  
19 ~~other statute.~~

20 ~~SEC. 7. Section 8238.5 of the Education Code is repealed.~~

21 ~~SEC. 8. Section 8238.6 of the Education Code is repealed.~~

22 ~~SEC. 9. Section 8239 of the Education Code is amended to~~  
23 ~~read:~~

24 ~~8239. The Superintendent shall encourage state preschool~~  
25 ~~program applicants or contracting agencies to offer full-day~~  
26 ~~services through a combination of part-day preschool slots and~~  
27 ~~part-day general child care and development programs. Subsequent~~  
28 ~~to enrollment, a child shall be deemed eligible for part-day care~~  
29 ~~as long as the child is enrolled in a preschool program.~~