

AMENDED IN ASSEMBLY APRIL 10, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 274

Introduced by Assembly Member Bonilla

February 11, 2013

An act to add Sections 8221.5, ~~8228~~, 8227.3, and 8262.3 to the Education Code, relating to child care and development services.

LEGISLATIVE COUNSEL'S DIGEST

AB 274, as amended, Bonilla. Child care and development services.

The Child Care and Development Services Act, administered by the State Department of Education, provides that children up to 13 years of age are eligible, with certain requirements, for child care and development services. The act requires the department to contract with local contracting agencies to provide for alternative payment programs, and authorizes alternative payment programs for services provided in licensed centers and family day care homes and for other types of programs that conform to applicable law.

This bill would require child care providers authorized to provide services pursuant to those provisions to submit to the alternative payment program a monthly attendance record *or invoice* for each child who received services that documents certified needs and hours of care provided. The bill would require the monthly attendance record *or invoice* to be ~~signed~~ *verified* under penalty of perjury by the parent or guardian of the child receiving services and by the child care provider once per month to ~~verify~~ *attest* that the child's attendance is accurately reflected ~~in the monthly attendance record~~. *The bill would require that*

the verification be made by signature or other ascertainable means. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. ~~The~~

The bill would also authorize alternative payment programs and providers to maintain records electronically, including, but not limited to, child immunization records.

Existing law authorizes the Superintendent of Public Instruction to enter into and execute local contractual agreements with any public or private entity or agency for the delivery of child care and development services related to the delivery of child care and development services or the furnishing of property, facilities, personnel, supplies, equipment, and administrative services related to the delivery of child care development services.

This bill would require the department, on and after January 1, 2015, at the request of a contractor, to request the Controller to make payments via direct deposit by electronic fund transfer, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

- 1 SECTION 1. Section 8221.5 is added to the Education Code,
- 2 to read:
- 3 8221.5. (a) Child care providers authorized to provide services
- 4 pursuant to this article shall submit to the alternative payment
- 5 program a monthly attendance record *or invoice* for each child
- 6 who received services that documents certified needs and hours
- 7 of care provided.
- 8 (b) The monthly attendance record *or invoice* shall be ~~signed~~
- 9 *verified*, under penalty of perjury, by the parent or guardian of the
- 10 child receiving services, and by the child care provider, once per
- 11 month to ~~verify~~ *attest* that the child’s attendance is accurately
- 12 reflected in the ~~monthly attendance record~~. *The verification shall*
- 13 *be made by signature or other ascertainable means.*

1 (c) The monthly attendance record may be maintained by the
2 child care provider in original format or electronically.

3 SEC. 2. Section ~~8228~~8227.3 is added to the Education Code,
4 to read:

5 ~~8228.~~

6 8227.3. (a) Alternative payment programs and providers
7 operating or providing services pursuant to this article may
8 maintain records electronically, subject to compliance with
9 necessary state and federal auditing requirements. Records that
10 may be maintained electronically include, but are not limited to,
11 the following:

12 (1) Child immunization records.

13 (2) Parental job verification records.

14 (3) Parent income verification.

15 (4) Parent school or training verifications and attendance
16 records.

17 (b) Nothing in this section requires an alternative payment
18 program to maintain records electronically.

19 SEC. 3. Section 8262.3 is added to the Education Code, to
20 read:

21 8262.3. On and after January 1, 2015, at the request of a
22 contractor, for a contract executed by the department pursuant to
23 Section 8262, the department shall request the Controller to make
24 a payment via direct deposit by electronic fund transfer into the
25 contractor's account at the financial institution of the contractor's
26 choice.

27 SEC. 4. No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 the only costs that may be incurred by a local agency or school
30 district will be incurred because this act creates a new crime or
31 infraction, eliminates a crime or infraction, or changes the penalty
32 for a crime or infraction, within the meaning of Section 17556 of
33 the Government Code, or changes the definition of a crime within
34 the meaning of Section 6 of Article XIII B of the California
35 Constitution.

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