

AMENDED IN ASSEMBLY MAY 6, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2101

Introduced by Assembly Member Levine

February 20, 2014

An act to amend ~~Section~~ *Sections 8227.3 and 8262.1* of, and to add Sections 8227.4 and 8227.5 to, the Education Code, relating to child care.

LEGISLATIVE COUNSEL'S DIGEST

AB 2101, as amended, Levine. Child care: alternative payment programs and contractors: electronic records.

The Child Care and Development Services Act, administered by the State Department of Education, provides that children from infancy 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. Existing law authorizes alternative payment programs and providers and other contractors providing child care development services to maintain records in electronic format if the original documents were created in electronic format, including, but not limited to, child immunization records.

This bill would authorize contractors *and alternative payment programs and providers* to maintain records electronically regardless of whether the original documents were created in electronic format and would expand the type of records that can be maintained

electronically to include, among other things, attendance sheets. The bill would authorize alternative payment programs and providers to retain a case record using either electronic or other *types of* alternative storage technologies, as provided. The bill would authorize alternative payment programs and providers to use an electronic signature, as provided. *The bill would require the above provisions relating to the electronic retention of records or electronic signatures to be in compliance with state and federal standards, as determined by the department.*

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

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

1 SECTION 1. Section 8227.3 of the Education Code is amended
2 to read:

3 8227.3. (a) Alternative payment programs and providers
4 operating or providing services pursuant to this article may
5 maintain records in electronic format only if the original documents
6 were created in electronic format *electronically, in compliance*
7 *with state and federal standards as determined by the department.*

8 Records that may be created in electronic format and maintained
9 electronically include, but are not limited to, the following:

- 10 (1) Child immunization records.
- 11 (2) Parental job verification records.
- 12 (3) Parent income verification.
- 13 (4) Parent school or training verifications and attendance
14 records.
- 15 (5) Attendance sheets.
- 16 (6) Family eligibility and need files.
- 17 (7) Notices of actions.
- 18 (8) Family fee records.
- 19 (9) Provider invoices.

20 (b) Pursuant to Section 33421, the ~~original~~ records shall be
21 retained by each contractor for at least five years, or, where an
22 audit has been requested by a state agency, until the date the audit
23 is resolved, whichever is longer.

24 (c) ~~Nothing in this section requires~~ *does not require* an
25 alternative payment program or provider to create records
26 electronically.

1 SECTION 1.

2 SEC. 2. Section 8227.4 is added to the Education Code, to read:

3 8227.4. ~~Notwithstanding any other law, including Section~~
4 ~~8227.3, alternative~~ Alternative payment programs and providers
5 may retain a case record using either electronic or other *types of*
6 ~~alterative storage technologies. Permissible alternative storage~~
7 ~~technologies shall include, but are not limited to, photography,~~
8 ~~microphotography, electronically recorded video images on~~
9 ~~magnetic surfaces, electronic data processing systems, optical disk~~
10 ~~storage, or any other electronic medium that is a trusted system~~
11 ~~and that does not permit additions, deletions, or changes to the~~
12 ~~original document and meets all necessary state and federal laws~~
13 ~~for recording of permanent or nonpermanent records. A duplicate~~
14 ~~copy of any record reproduced shall be deemed to be an original,~~
15 *which complies with state and federal standards as determined by*
16 *the department.*

17 ~~SEC. 2.~~

18 SEC. 3. Section 8227.5 is added to the Education Code, to read:

19 8227.5. Alternative payment programs and providers operating
20 or providing services pursuant to this article may use an electronic
21 signature, *which complies with state and federal standards as*
22 *determined by the department,* that may be a marking that is either
23 computer generated or produced by electronic means and is
24 intended by the signatory to have the same effect as a handwritten
25 signature. ~~An e-mail signature may constitute an electronic~~
26 ~~signature.~~

27 ~~SEC. 3.~~

28 SEC. 4. Section 8262.1 of the Education Code is amended to
29 read:

30 8262.1. (a) Contractors operating or providing services
31 pursuant to this chapter may maintain records electronically, *in*
32 *compliance with state and federal standards as determined by the*
33 *department.* Records that may be created in electronic format and
34 maintained electronically include, but are not limited to, the
35 following:

- 36 (1) Child immunization records.
- 37 (2) Parental job verification records.
- 38 (3) Parent income verification.
- 39 (4) Parent school or training verifications and attendance
- 40 records.

- 1 (5) Attendance sheets.
- 2 (6) Family eligibility and need files.
- 3 (7) Notices of actions.
- 4 (8) Family fee records.
- 5 (9) Provider invoices.

6 (b) Pursuant to Section 33421, the records shall be retained by
7 each contractor for at least five years, or, where an audit has been
8 requested by a state agency, until the date the audit is resolved,
9 whichever is longer.

10 (c) This section does not require a contractor to create records
11 electronically.