

AMENDED IN SENATE APRIL 3, 2014

AMENDED IN SENATE MARCH 26, 2014

**SENATE BILL**

**No. 1123**

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**Introduced by Senator Liu**

February 19, 2014

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An act to amend ~~Section~~ Sections 8203, 8236, 8239, 8263, 8263.1, 8265.5, and 8273 of, to add Sections 8242, 8264.9, and 8264.10 to, and to amend and repeal Section 8264.8 of, the Education Code, relating to child care and development.

LEGISLATIVE COUNSEL'S DIGEST

SB 1123, as amended, Liu. Child care and ~~development: California State Preschool Program: part-day preschool: fees: development services.~~

Under existing law, the Child Care and Development Services Act is enacted for, among other purposes, the purpose of providing a comprehensive, coordinated, and cost-effective system of child care and development services for children from infancy to 13 years of age and their parents, including a full range of supervision, health, and support services through full- and part-time programs. Existing law requires the Superintendent of Public Instruction to administer all California state preschool programs. Existing law requires those programs to include, but not be limited to, part-day age and developmentally appropriate programs designed to facilitate the transition to kindergarten for ~~3- and 4- year-old~~ 3- and 4-year-old children in educational development, health services, social services, nutritional services, parent education and parent participation, evaluation, and staff development.

Existing law requires fees to be assessed and collected for families with children in part-day preschool programs *and requires the*

*Superintendent to establish a fee schedule for families using preschool and child care and development services pursuant to the act.*

*This bill would eliminate the requirement for families to be assessed these fees for part-day preschool programs and for the Superintendent to establish a fee schedule for families using the part-day preschool program and would make a conforming change.*

*Existing law requires the Superintendent to develop standards for the implementation of quality programs with indicators of quality required to include certain things, including parent education.*

*This bill would also include parent education and support and continuity of care and the assignment of primary caregivers for infants and toddlers as part of quality indicators.*

*Existing law requires each applicant or contracting agency of a California state preschool program to give first priority to 3- or 4-year-old neglected or abused children, as provided, with second priority required to go to eligible 4-year-old children before enrolling eligible 3-year-old children.*

*This bill would instead give second priority to 4-year-old children who are not enrolled in a state-funded transitional kindergarten program. The bill would require 4-year-old children enrolled in a state-funded transitional kindergarten program to be deemed eligible for supplemental education and care services through the California state preschool program if they meet certain eligibility requirements, as provided.*

*Existing law requires specified state preschool programs to have at least one-half of the children enrolled at a preschool site to be 4-year-old children and requires certain priority requirements for the award of new funding for the expansion of the preschool program.*

*This bill would delete these requirements.*

*This bill would require the Superintendent to develop standards, rules, and regulations for the implementation of high-quality, evidenced-based infant and toddler services that would be required to, among other things, promote responsive caregiving by parents, guardians, and care providers. The bill would, upon appropriation by the Legislature in the annual Budget Act or in any other statute, establish supplemental grants for purposes of funding parent training and voluntary home visitation services.*

*Existing law authorizes a family enrolled in state or federally funded child care and development programs whose services would otherwise be terminated because the family no longer meets the program criteria*

*to continue to receive child development services in another state or a federally funded child care and development program, as provided.*

*This bill would require a child to be deemed eligible for the remainder of the program year subsequent to enrollment in a state or federally funded child care and development program.*

*Existing law defines “income eligible,” for purposes of the act, to mean that a family’s adjusted monthly income is at or below 70% of the state median income, adjusted for family size, and adjusted annually.*

*This bill would also include in this definition a family that is eligible for Cal-Fresh or Medi-Cal, or has a school aged child eligible for free or reduced-price lunch.*

*Existing law establishes staffing ratios for center-based programs.*

*This bill would delete these ratios on July 1, 2019. The bill would require, no later than July 1, 2019, child care and development services providers to maintain updated staffing ratios, as provided. The bill would require no later than July 1, 2019, child care and development services providers to have at least one teacher in each classroom that holds at a minimum a child development teacher permit issued by the Commission on Teacher Credentialing.*

*Existing law requires, in order to reflect the additional expense of serving certain children, the provider agency’s reported child days of enrollment for these children to be multiplied by specified adjustment factors.*

*This bill would amend the adjustment factor rates for specified infants and toddlers who are served in a child day care center or family child care home, as provided.*

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. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The first three years of life are a period of dynamic and
- 4 unparalleled brain development in which children acquire the
- 5 ability to think, speak, learn, and reason. During these first 36
- 6 months, children need good health, strong families, and positive
- 7 early learning experiences to lay the foundation for later school
- 8 success. Low-income infants and toddlers are at a greater risk for
- 9 a variety of poorer outcomes and vulnerabilities, such as later

1 school failure, learning disabilities, behavior problems,  
2 developmental delay, and health impairments.

3 (b) *The most effective way to help babies and toddlers is to*  
4 *promote positive parent-child relationships.* Existing law requires  
5 the Superintendent of Public Instruction to administer child care  
6 and development programs, including the General Child Care and  
7 Development Program that provides services to eligible  
8 low-income children from birth to 13 years of age. For children  
9 birth to three years of age, the General Child Care Program funds  
10 centers and family child care home networks *in 49 of California's*  
11 *counties* to provide full-day, full-year child care and development  
12 services that meet the State Department of Education's  
13 Infant/Toddler Learning and Development Foundations, *and*  
14 *include some provisions for parent education and involvement*  
15 *such as parent conferences and an orientation.* However, several  
16 core, research-based approaches to parent engagement and  
17 support are not required nor is funding provided.

18 (c) The federal Early Head Start program serves low-income  
19 infants and toddlers with a flexible program model intended to  
20 meet the varied needs of families, including child care and  
21 development services, family engagement and support, *voluntary*  
22 home visitation services, and health services. Research shows that  
23 children who participated in Early Head Start had significantly  
24 larger vocabularies and scored higher on standardized measures  
25 of cognitive development, and that children and parents had more  
26 positive interactions, and parents provided more support for  
27 learning. Many different home visiting programs have been shown  
28 to significantly reduce the occurrence of child maltreatment and  
29 abuse, and improve children's health and school success. *Parent*  
30 *training programs, such as the Positive Parenting Program, have*  
31 *shown significant reductions in child abuse and neglect as well*  
32 *as improvements in school readiness, health, and well-being.*

33 (d) *High quality learning services for infants and toddlers*  
34 *strengthen family engagement and parent-child relationships;*  
35 *focus workforce development on provider-child relationships;*  
36 *promote teacher-child interaction and a language rich learning*  
37 *environment; support dual language learning; serve as a gateway*  
38 *to comprehensive services; and promote a choice of quality service*  
39 *options.*

1     *SEC. 2. (a) It is the intent of the Legislature to strategically*  
2 *use state and federal funds to provide a stable, comprehensive,*  
3 *and adequately funded early learning and educational support*  
4 *system for children from birth to five years of age that promotes*  
5 *access to safe, high-quality, part-day and full-day services that*  
6 *support the development of the whole child, especially for those*  
7 *children who need it most, that includes, but is not limited to, the*  
8 *following:*

9     *(1) Supporting positive parent-child relationships and responsive*  
10 *caregiving.*

11     *(2) Promoting language rich environments, including at home.*

12     *(3) Developmentally appropriate curriculum with differentiated*  
13 *instruction.*

14     *(4) Knowledgeable, caring, and well-trained educators, staff,*  
15 *and providers.*

16     *(5) Program activities and services that are age-appropriate*  
17 *and meet the developmental needs of each child, including special*  
18 *needs children.*

19     *(6) Promotion of healthy practices and activities.*

20     *(7) An educationally enriched environment that respects and*  
21 *supports cultural, linguistic, and ability diversity.*

22     *(8) A physical environment that is safe and appropriate to the*  
23 *ages and developmental needs of the children served.*

24     *(9) Provision for nutritional needs and physical activity of*  
25 *children.*

26     *(10) Access for low-income infants, toddlers, and preschoolers*  
27 *to high-quality early learning and care.*

28     *(11) Access for all four-year-old children to a voluntary,*  
29 *high-quality transitional kindergarten program one year before*  
30 *enrolling in kindergarten.*

31     *(12) Support services for children and families that include*  
32 *referral of children to appropriate agencies, including referrals*  
33 *related to, but not limited to, all of the following:*

34     *(A) Health care.*

35     *(B) Social services that include, but are not limited to, child*  
36 *abuse prevention, identification of child and family needs, and*  
37 *referral to appropriate agencies.*

38     *(C) Early childhood mental health services, including primary*  
39 *prevention, crisis intervention, assessments, and referrals.*

1 (D) Family support, parenting education, and family and  
2 community engagement.

3 (E) Counseling, including family counseling.

4 (F) Nutrition services.

5 (G) Interagency coordination and collaboration among the state  
6 agencies responsible for the provision of support services to  
7 children and their families.

8 (b) It is further the intent of the Legislature to ensure that  
9 expansion of transitional kindergarten does not adversely impact  
10 access to early care and education opportunities for infants and  
11 toddlers.

12 SEC. 3. Section 8203 of the Education Code is amended to  
13 read:

14 8203. The Superintendent of ~~Public Instruction~~ shall develop  
15 standards for the implementation of quality programs. Indicators  
16 of quality shall include, but not be limited to:

17 (a) A physical environment that is safe and appropriate to the  
18 ages of the children and that meets applicable licensing standards.

19 (b) Program activities and services that are age appropriate and  
20 meet the developmental needs of each child.

21 (c) Program activities and services that meet the cultural and  
22 linguistic needs of children and families.

23 (d) Family and community involvement.

24 (e) Parent education *and support*.

25 (f) Efficient and effective local program administration.

26 (g) Staff that possesses the appropriate and required  
27 qualifications or experience, or both. The appropriate staff  
28 qualifications shall reflect the diverse linguistic and cultural  
29 makeup of the children and families in the child care and  
30 development program. The use of intergenerational staff shall be  
31 encouraged.

32 (h) Program activities and services that meet the needs of  
33 children with exceptional needs and their families.

34 (i) Support services for children, families, and providers of care.

35 (j) Resource and referral services.

36 (k) Alternative payment services.

37 (l) Provision for nutritional needs of children.

38 (m) Social services that include, but are not limited to,  
39 identification of child and family needs and referral to appropriate  
40 agencies.

1 (n) Health services that include referral of children to appropriate  
2 agencies for services.

3 (o) *For services for infants and toddlers, continuity of care and*  
4 *the assignment of primary caregivers.*

5 SEC. 4. Section 8236 of the Education Code is amended to  
6 read:

7 8236. (a) (1) Each applicant or contracting agency funded  
8 pursuant to Section 8235 shall give first priority to three- or  
9 four-year-old neglected or abused children who are recipients of  
10 child protective services, or who are at risk of being neglected,  
11 abused, or exploited upon written referral from a legal, medical,  
12 or social service agency. If an agency is unable to enroll a child  
13 in this first priority category, the agency shall refer the child's  
14 parent or guardian to local resource and referral services so that  
15 services for the child can be located.

16 (2) Notwithstanding Section 8263, after children in the first  
17 priority category set forth in paragraph (1) are enrolled, each  
18 agency funded pursuant to Section 8235 shall give priority to  
19 eligible four-year-old children *who are not enrolled in a*  
20 *state-funded transitional kindergarten program* before enrolling  
21 eligible three-year-old children. Each agency shall certify to the  
22 Superintendent that enrollment priority is being given to eligible  
23 four-year-old children.

24 (3) *Four-year-old children enrolled in state-funded transitional*  
25 *kindergarten programs shall be deemed eligible for supplemental*  
26 *education and care services through the California state preschool*  
27 *program if they are also eligible for free and reduced-price lunch,*  
28 *Cal-Fresh or Medi-Cal programs, or if their family's adjusted*  
29 *monthly income is at or below 70 percent of the state median*  
30 *income, adjusted for family size, and adjusted annually.*

31 ~~(b) For California state preschool programs operating with~~  
32 ~~funding that was initially allocated in a prior fiscal year, at least~~  
33 ~~one-half of the children enrolled at a preschool site shall be~~  
34 ~~four-year-old children. Any exception to this requirement shall be~~  
35 ~~approved by the Superintendent. The Superintendent shall inform~~  
36 ~~the Department of Finance of any exceptions that have been granted~~  
37 ~~and the reasons for granting the exceptions.~~

38 ~~(c) The following provisions apply to the award of new funding~~  
39 ~~for the expansion of the California state preschool program that is~~  
40 ~~appropriated by the Legislature for that purpose in any fiscal year:~~

1     ~~(1)~~

2     ~~(b)~~ In an application for ~~those~~ *the award of new funding for the*  
3 ~~expansion funds of a California state preschool program that is~~  
4 ~~appropriated by the Legislature for that purpose in any fiscal year,~~  
5 an agency shall furnish the Superintendent with an estimate of the  
6 number of four-year-old and three-year-old children that it plans  
7 to serve in the following fiscal year with those expansion funds.  
8 The agency also shall furnish documentation that indicates the  
9 basis of those estimates.

10     ~~(2) In awarding contracts for expansion pursuant to this~~  
11 ~~subdivision, the Superintendent, after taking into account the~~  
12 ~~geographic criteria established pursuant to Section 8279.3, and the~~  
13 ~~headquarters preferences and eligibility criteria relating to fiscal~~  
14 ~~or programmatic noncompliance established pursuant to Section~~  
15 ~~8261, shall give priority to applicant agencies that, in expending~~  
16 ~~the expansion funds, will be serving the highest percentage of~~  
17 ~~four-year-old children.~~

18     ~~(d)~~

19     ~~(c)~~ This section does not preclude a local educational agency  
20 from subcontracting with an appropriate public or private agency  
21 to operate a California state preschool program and to apply for  
22 funds made available for the purposes of this section. If a school  
23 district chooses not to operate or subcontract for a California state  
24 preschool program, the Superintendent shall work with the county  
25 office of education and other eligible agencies to explore possible  
26 opportunities in contracting or alternative subcontracting to provide  
27 a California state preschool program.

28     ~~(e)~~

29     ~~(d)~~ This section does not prevent eligible children who are  
30 currently receiving services from continuing to receive those  
31 services in future years pursuant to this chapter.

32     ~~SEC. 2.~~

33     ~~SEC. 5.~~ 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 wraparound general child care and development programs. In order  
39 to facilitate a full day of services, all of the following shall apply:

1 (a) Part-day preschool programs provided pursuant to this  
2 section shall operate between 175 and 180 days.

3 (b) Wraparound general child care and development programs  
4 provided pursuant to this section may operate a minimum of 246  
5 days per year unless the child development contract specified a  
6 lower minimum days of operation. Part-day general child care and  
7 development programs may operate a full day for the remainder  
8 of the year after the completion of the preschool program.

9 (c) Part-day preschool services combined with wraparound child  
10 care services shall be reimbursed at no more than the full-day  
11 standard reimbursement rate for general child care programs with  
12 adjustment factors, pursuant to Section 8265 and as determined in  
13 the annual Budget Act.

14 (d) Three- and four-year-old children are eligible for wraparound  
15 child care services to supplement the part-day California state  
16 preschool program if the family meets at least one of the criteria  
17 specified in paragraph (1) of subdivision (a) of Section 8263, and  
18 the parents meet at least one of the criteria specified in paragraph  
19 (2) of subdivision (a) of Section 8263.

20 (e) Fees shall be assessed and collected for families receiving  
21 wraparound child care services pursuant to Article 11.5  
22 (commencing with Section 8273).

23 (f) The Superintendent shall annually report to the Department  
24 of Finance, on or before October 1 of each year, the fees collected  
25 from families who have children enrolled in the California state  
26 preschool program.

27 (g) For purposes of this section, “wraparound child care  
28 services” and “wraparound general child care and development  
29 programs” mean services provided for the remaining portion of  
30 the day or remainder of the year following the completion of  
31 part-day preschool services that are necessary to meet the child  
32 care needs of parents eligible pursuant to subdivision (a) of Section  
33 8263. These services shall be provided consistent with the general  
34 child care and development programs provided pursuant to Article  
35 8 (commencing with Section 8240).

36 *SEC. 6. Section 8242 is added to the Education Code, to read:*

37 *8242. (a) General child care services for infants and toddlers*  
38 *shall be known as California Strong Start services.*

1 (b) Services provided pursuant to this chapter that serve children  
2 from birth to their third birthday, shall include, but not be limited  
3 to, the following:

4 (1) Parent engagement and support services that promote  
5 positive parent-child relationships.

6 (2) Full-day early learning and care services.

7 (3) Part-day early learning and care services.

8 (4) Voluntary home visitation services.

9 (5) Nutrition services.

10 (6) Referrals to needed services such as health and dental care,  
11 child abuse prevention, housing, and early childhood mental  
12 health.

13 (c) The Superintendent shall develop standards, rules, and  
14 regulations for the implementation of high-quality, evidenced-based  
15 infant-toddler services, based on, but not limited to, the federal  
16 Early Head Start model. The standards, rules, and regulations  
17 shall achieve the following:

18 (1) Promote language rich environments, including supporting  
19 a child's home language and English acquisition.

20 (2) Promote responsive caregiving by parents, guardians, and  
21 care providers.

22 (3) Be based on the Infant/Toddler Learning and Development  
23 Foundations.

24 (d) California Strong Start service providers shall have the  
25 flexibility to combine early learning and care services with one or  
26 more of the additional services identified in subdivision (a), based  
27 on the needs of the children and families served.

28 (e) California Strong Start service providers may coordinate  
29 with First 5 commissions, voluntary home visitation programs,  
30 Early Head Start, child care, child welfare, early childhood mental  
31 health and intervention including Early Start, and health and  
32 nutrition services.

33 (f) (1) A family engagement supplemental grant shall be made  
34 available to qualifying California Strong Start service providers,  
35 as determined by the Superintendent, at a rate of one thousand  
36 dollars (\$1,000) per eligible child. The Superintendent shall  
37 distribute family engagement supplemental grant funds for the  
38 purpose of providing evidence-based parent training services as  
39 defined in the California Department of Social Services' California  
40 Evidenced-Based Clearing House for Child Welfare.

1 (2) A countywide or regional consortium of California Strong  
2 Start providers, with a lead grantee agency that is a First 5  
3 commission, county office of education, or other local public  
4 agency, may apply to the Superintendent for a countywide or  
5 regional grant for the total amount of eligible children pursuant  
6 to paragraph (1).

7 (g) (1) A voluntary home visitation supplemental grant shall  
8 be made available to qualifying California Strong Start service  
9 providers, as determined by the Superintendent. For children who  
10 receive full-day early learning and care services, the supplemental  
11 grant amount shall be two thousand five hundred dollars (\$2,500)  
12 per child. For children who receive part-day early learning and  
13 care services, the supplemental grant shall be six thousand dollars  
14 (\$6,000) per child. The Superintendent shall distribute  
15 supplemental grant funds for the purpose of providing  
16 evidence-based voluntary home visitation services as defined in  
17 the California Department of Social Services' California  
18 Evidenced-Based Clearing House for Child Welfare.

19 (2) A countywide or regional consortium of California Strong  
20 Start providers, with a lead grantee agency that is a First 5  
21 commission, county office of education, or other local public  
22 agency, may apply to the Superintendent for a countywide or  
23 regional grant for the total amount of eligible children pursuant  
24 to paragraph (1).

25 (h) Grants made pursuant to subdivisions (f) and (g) shall be  
26 made only upon appropriation by the Legislature in the annual  
27 Budget Act or in any other statute for purposes of funding general  
28 child care services.

29 SEC. 7. Section 8263 of the Education Code is amended to  
30 read:

31 8263. (a) The Superintendent shall adopt rules and regulations  
32 on eligibility, enrollment, and priority of services needed to  
33 implement this chapter. In order to be eligible for federal and state  
34 subsidized child development services, families shall meet at least  
35 one requirement in each of the following areas:

36 (1) A family is (A) a current aid recipient, (B) income eligible,  
37 (C) homeless, or (D) one whose children are recipients of protective  
38 services, or whose children have been identified as being abused,  
39 neglected, or exploited, or at risk of being abused, neglected, or  
40 exploited.

1 (2) A family needs the child care services (A) because the child  
2 is identified by a legal, medical, or social services agency, or  
3 emergency shelter as (i) a recipient of protective services or (ii)  
4 being neglected, abused, or exploited, or at risk of neglect, abuse,  
5 or exploitation, or (B) because the parents are (i) engaged in  
6 vocational training leading directly to a recognized trade,  
7 paraprofession, or profession, (ii) employed or seeking  
8 employment, (iii) seeking permanent housing for family stability,  
9 or (iv) incapacitated.

10 (b) Except as provided in Article 15.5 (commencing with Section  
11 8350), priority for federal and state subsidized child development  
12 services is as follows:

13 (1) (A) First priority shall be given to neglected or abused  
14 children who are recipients of child protective services, or children  
15 who are at risk of being neglected or abused, upon written referral  
16 from a legal, medical, or social services agency. If an agency is  
17 unable to enroll a child in the first priority category, the agency  
18 shall refer the family to local resource and referral services to  
19 locate services for the child.

20 (B) A family who is receiving child care on the basis of being  
21 a child at risk of abuse, neglect, or exploitation, as defined in  
22 subdivision (k) of Section 8208, is eligible to receive services  
23 pursuant to subparagraph (A) for up to three months, unless the  
24 family becomes eligible pursuant to subparagraph (C).

25 (C) A family may receive child care services for up to 12 months  
26 on the basis of a certification by the county child welfare agency  
27 that child care services continue to be necessary or, if the child is  
28 receiving child protective services during that period of time, and  
29 the family requires child care and remains otherwise eligible. This  
30 time limit does not apply if the family's child care referral is  
31 recertified by the county child welfare agency.

32 (2) Second priority shall be given equally to eligible families,  
33 regardless of the number of parents in the home, who are income  
34 eligible. Within this priority, families with the lowest gross monthly  
35 income in relation to family size, as determined by a schedule  
36 adopted by the Superintendent, shall be admitted first. If two or  
37 more families are in the same priority in relation to income, the  
38 family that has a child with exceptional needs shall be admitted  
39 first. If there is no family of the same priority with a child with  
40 exceptional needs, the same priority family that has been on the

1 waiting list for the longest time shall be admitted first. For purposes  
2 of determining order of admission, the grants of public assistance  
3 recipients shall be counted as income.

4 (3) The Superintendent shall set criteria for, and may grant  
5 specific waivers of, the priorities established in this subdivision  
6 for agencies that wish to serve specific populations, including  
7 children with exceptional needs or children of prisoners. These  
8 new waivers shall not include proposals to avoid appropriate fee  
9 schedules or admit ineligible families, but may include proposals  
10 to accept members of special populations in other than strict income  
11 order, as long as appropriate fees are paid.

12 *(c) Notwithstanding any other law, in order to promote*  
13 *continuity of services, subsequent to enrollment in a state or*  
14 *federally funded child care and development program, a child*  
15 *shall be deemed eligible for the remainder of the program year.*

16 ~~(e)~~

17 *(d) Notwithstanding any other law, in order to promote*  
18 *continuity of services, a family enrolled in a state or federally*  
19 *funded child care and development program whose services would*  
20 *otherwise be terminated because the family no longer meets the*  
21 *program income, eligibility, or need criteria may continue to*  
22 *receive child development services in another state or federally*  
23 *funded child care and development program if the contractor is*  
24 *able to transfer the family's enrollment to another program for*  
25 *which the family is eligible before the date of termination of*  
26 *services or to exchange the family's existing enrollment with the*  
27 *enrollment of a family in another program, provided that both*  
28 *families satisfy the eligibility requirements for the program in*  
29 *which they are being enrolled. The transfer of enrollment may be*  
30 *to another program within the same administrative agency or to*  
31 *another agency that administers state or federally funded child*  
32 *care and development programs.*

33 ~~(e)~~

34 *(e) In order to promote continuity of services, the Superintendent*  
35 *may extend the 60-working-day period specified in subdivision*  
36 *(a) of Section 18086.5 of Title 5 of the California Code of*  
37 *Regulations for an additional 60 working days if he or she*  
38 *determines that opportunities for employment have diminished to*  
39 *the degree that one or both parents cannot reasonably be expected*  
40 *to find employment within 60 working days and granting the*

1 extension is in the public interest. The scope of extensions granted  
2 pursuant to this subdivision shall be limited to the necessary  
3 geographic areas and affected persons, which shall be described  
4 in the Superintendent's order granting the extension. It is the intent  
5 of the Legislature that extensions granted pursuant to this  
6 subdivision improve services in areas with high unemployment  
7 rates and areas with disproportionately high numbers of seasonal  
8 agricultural jobs.

9 (e)

10 (f) A physical examination and evaluation, including  
11 age-appropriate immunization, shall be required before, or within  
12 six weeks of, enrollment. A standard, rule, or regulation shall not  
13 require medical examination or immunization for admission to a  
14 child care and development program of a child whose parent or  
15 guardian files a letter with the governing board of the child care  
16 and development program stating that the medical examination or  
17 immunization is contrary to his or her religious beliefs, or provide  
18 for the exclusion of a child from the program because of a parent  
19 or guardian having filed the letter. However, if there is good cause  
20 to believe that a child is suffering from a recognized contagious  
21 or infectious disease, the child shall be temporarily excluded from  
22 the program until the governing board of the child care and  
23 development program is satisfied that the child is not suffering  
24 from that contagious or infectious disease.

25 (f)

26 (g) Regulations formulated and promulgated pursuant to this  
27 section shall include the recommendations of the State Department  
28 of Health Care Services relative to health care screening and the  
29 provision of health care services. The Superintendent shall seek  
30 the advice and assistance of these health authorities in situations  
31 where service under this chapter includes or requires care of  
32 children who are ill or children with exceptional needs.

33 (g)

34 (h) The Superintendent shall establish guidelines for the  
35 collection of employer-sponsored child care benefit payments from  
36 a parent whose child receives subsidized child care and  
37 development services. These guidelines shall provide for the  
38 collection of the full amount of the benefit payment, but not to  
39 exceed the actual cost of child care and development services

1 provided, notwithstanding the applicable fee based on the fee  
2 schedule.

3 ~~(h)~~

4 (i) The Superintendent shall establish guidelines according to  
5 which the director or a duly authorized representative of the child  
6 care and development program will certify children as eligible for  
7 state reimbursement pursuant to this section.

8 ~~(i)~~

9 (j) Public funds shall not be paid directly or indirectly to an  
10 agency that does not pay at least the minimum wage to each of its  
11 employees.

12 *SEC. 8. Section 8263.1 of the Education Code is amended to*  
13 *read:*

14 8263.1. (a) For purposes of this chapter, “income eligible”  
15 means ~~that~~ *either of the following:*

16 (1) *That a family’s adjusted monthly income is at or below 70*  
17 *percent of the state median income, adjusted for family size, and*  
18 *adjusted annually.*

19 (2) *That a family is eligible for Cal-Fresh or Medi-Cal, or has*  
20 *a school-aged child eligible for free or reduced-price lunch.*

21 (b) Notwithstanding any other law, for the 2011–12 fiscal year,  
22 the income eligibility limits that were in effect for the 2007–08  
23 fiscal year shall be reduced to 70 percent of the state median  
24 income that was in use for the 2007–08 fiscal year, adjusted for  
25 family size, effective July 1, 2011.

26 (c) Notwithstanding any other law, for the 2012–13 fiscal year,  
27 the income eligibility limits shall be 70 percent of the state median  
28 income that was in use for the 2007–08 fiscal year, adjusted for  
29 family size.

30 (d) Notwithstanding any other law, for the 2013–14 fiscal year,  
31 the income eligibility limits shall be 70 percent of the state median  
32 income that was in use for the 2007–08 fiscal year, adjusted for  
33 family size.

34 (e) *Notwithstanding any other law, for the 2014–15 fiscal year*  
35 *and each year thereafter, the income eligibility limits shall not be*  
36 *less than 70 percent of the state median income for the prior fiscal*  
37 *year, adjusted for family size.*

38 ~~(e)~~

39 (f) The income of a recipient of federal supplemental security  
40 income benefits pursuant to Title XVI of the federal Social Security

1 Act (42 U.S.C. Sec. 1381 et seq.) and state supplemental program  
2 benefits pursuant to Title XVI of the federal Social Security Act  
3 and Chapter 3 (commencing with Section 12000) of Part 3 of  
4 Division 9 of the Welfare and Institutions Code shall not be  
5 included as income for purposes of determining eligibility for child  
6 care under this chapter.

7 *SEC. 9. Section 8264.8 of the Education Code is amended to*  
8 *read:*

9 8264.8. (a) ~~Until the Superintendent of Public Instruction~~  
10 promulgates regulations for center-based programs establishing  
11 staffing ratios, the following staffing ratios shall apply:

12 (a)  
13 (1) Infants, 0 to 2 years old—1:3 adult-child ratio, 1:18  
14 teacher-child ratio.

15 (b)  
16 (2) Infants and toddlers, 0 to 2 years old—1:4 adult-child ratio,  
17 1:16 teacher-child ratio.

18 (c)  
19 (3) Children 3 to 6 years old—1:8 adult-child ratio, 1:24  
20 teacher-child ratio.

21 (d)  
22 (4) Children 6 to 10 years old—1:14 adult-child ratio, 1:28  
23 teacher-child ratio.

24 (e)  
25 (5) Children 10 to 13 years old—1:18 adult-child ratio, 1:36  
26 teacher-child ratio.

27 (f)  
28 (6) If groups of children of varying ages are commingled, the  
29 teacher and adult ratios shall be proportionate and appropriate to  
30 the ages and groups of children.

31 (b) *This section shall remain in effect only until July 1, 2019,*  
32 *and as of that date is repealed, unless a later enacted statute, that*  
33 *is enacted before July 1, 2019, deletes or extends that date.*

34 *SEC. 10. Section 8264.9 is added to the Education Code, to*  
35 *read:*

36 8264.9. (a) *No later than July 1, 2019, child care and*  
37 *development services providers shall maintain the following*  
38 *minimum ratios and group sizes:*

1 (1) *Infants, birth to 18 months old — 1:4 adult-to-child ratio,*  
2 *1:8 teacher-to-child ratio, a group size of eight; or 1:3*  
3 *adult-to-child ratio, 1:9 teacher-to-child ratio, a group size of 9.*

4 (2) *Toddlers, 18 months up to their third birthday — 1:4*  
5 *adult-to-child ratio, 1:12 teacher-to-child ratio, a group size of*  
6 *12.*

7 (3) *Preschool, at least 30 months to kindergarten eligibility —*  
8 *1:8 adult-to-child ratio, 1:24 teacher-to-child ratio, a group size*  
9 *of 24; or 1:10 adult-to-child ratio, 1:20 teacher-to-child ratio, a*  
10 *group size of 20.*

11 (4) *Schoolage, enrolled in kindergarten to their 13th*  
12 *birthday — 1:14 adult-to-child ratio, 1:28 teacher-to-child ratio.*

13 (b) *Compliance with the ratios established by subdivision (a)*  
14 *shall be determined based on actual attendance.*

15 (c) *This section shall not apply to family child care home*  
16 *education networks operating pursuant to Article 8.5 (commencing*  
17 *with Section 8245).*

18 (d) *Notwithstanding Section 8264.8, this section does not prevent*  
19 *child care and development services providers from maintaining*  
20 *the ratios pursuant to this section before to July 1, 2019.*

21 *SEC. 11. Section 8264.10 is added to the Education Code, to*  
22 *read:*

23 *8264.10. (a) No later than July 1, 2019, child care and*  
24 *development services providers shall have at least one teacher in*  
25 *each classroom that holds at a minimum a child development*  
26 *teacher permit issued by the Commission on Teacher*  
27 *Credentialing.*

28 (b) *No later than July 1, 2017, the Commission on Teacher*  
29 *Credentialing shall review and amend the Child Development*  
30 *Permit Matrix. The amendments shall include the following*  
31 *requirements:*

32 (1) *Teachers and caregivers of infants and toddlers shall obtain*  
33 *six units in infant and toddler development.*

34 (2) *Each permit holder shall have an individual professional*  
35 *development plan that includes a minimum of 21 hours of annual*  
36 *training, and that such training include in-classroom coaching.*  
37 *In-classroom coaching may account for up to 10 of the 21 hours*  
38 *each year.*

39 *SEC. 12. Section 8265.5 of the Education Code is amended to*  
40 *read:*

1 8265.5. (a) In order to reflect the additional expense of serving  
2 children who meet any of the criteria outlined in paragraphs (1)  
3 to (7), inclusive, of subdivision (b) the provider agency's reported  
4 child days of enrollment for these children shall be multiplied by  
5 the adjustment factors listed below.

6 (b) The adjustment factors shall apply to those programs for  
7 which assigned reimbursement rates are at or below the standard  
8 reimbursement rate. In addition, the adjustment factors shall apply  
9 to those programs for which assigned reimbursement rates are  
10 above the standard reimbursement rate, but the reimbursement  
11 rate, as adjusted, shall not exceed the adjusted standard  
12 reimbursement rate.

13 (1) For infants who are 0 to 18 months of age and are served in  
14 a child day care center, the adjustment factor shall be ~~1.7~~ 2.3.

15 (2) For toddlers who are 18 to 36 months of age and are served  
16 in a child day care center, the adjustment factor shall be ~~1.4~~ 1.8.

17 (3) For infants and toddlers who are 0 to 36 months of age and  
18 are served in a family child care home, the adjustment factor shall  
19 be ~~1.4~~ 1.8.

20 (4) For children with exceptional needs who are 0 to 21 years  
21 of age, the adjustment factor shall be 1.2.

22 (5) For severely disabled children who are 0 to 21 years of age,  
23 the adjustment factor shall be 1.5.

24 (6) For ~~a child~~ *children* at risk of neglect, abuse, or exploitation  
25 who are 0 to 14 years of age, the adjustment factor shall be 1.1.

26 (7) For limited-English-speaking and non-English-speaking  
27 children who are 2 years of age through kindergarten age, the  
28 adjustment factor shall be 1.1.

29 (c) Use of the adjustment factors shall not increase the provider  
30 agency's total annual allocation.

31 (d) Days of enrollment for children having more than one of  
32 the criteria outlined in paragraphs (1) to (7), inclusive, of  
33 subdivision (b) shall not be reported under more than one of the  
34 above categories.

35 (e) The difference between the reimbursement resulting from  
36 the use of the adjustment factors outlined in paragraphs (1) to (7),  
37 inclusive, of subdivision (b) and the reimbursement that would  
38 otherwise be received by a provider in the absence of the  
39 adjustment factors shall be used for special and appropriate services  
40 for each child for whom an adjustment factor is claimed.

1     *SEC. 13. Section 8273 of the Education Code is amended to*  
2     *read:*

3     8273. (a) The Superintendent shall establish a fee schedule  
4     for families using preschool and child care and development  
5     services pursuant to this chapter, including families receiving  
6     services pursuant to paragraph (1) of subdivision (b) of Section  
7     8263. It is the intent of the Legislature that the new fee schedule  
8     shall be simple and easy to implement.

9     (b) The family fee schedule shall retain a flat monthly fee per  
10    family. The schedule shall differentiate between fees for part-time  
11    care and full-time care.

12    (c) Using the most recently approved family fee schedule  
13    pursuant to subdivision (f) of Section 8447, families shall be  
14    assessed a flat monthly fee based on income, certified family need  
15    for full-time or part-time care services, and enrollment, and shall  
16    not be based on actual attendance. ~~No~~ A recalculation of a family  
17    fee shall *not* occur if attendance varies from enrollment unless a  
18    change in need for care is assessed.

19    (d) The Superintendent shall design the new family fee schedule  
20    based on the state median income data that was in use for the  
21    2007–08 fiscal year, adjusted for family size. The revised family  
22    fee schedule shall begin at income levels at which families  
23    currently begin paying fees. The revised fees shall not exceed 10  
24    percent of the family’s monthly income. The Superintendent shall  
25    first submit the adjusted fee schedule to the Department of Finance  
26    for approval.

27    (e) The income of a recipient of federal supplemental security  
28    income benefits pursuant to Title XVI of the federal Social Security  
29    Act (42 U.S.C. Sec. 1381 et seq.) and state supplemental program  
30    benefits pursuant to Title XVI of the federal Social Security Act  
31    (42 U.S.C. Sec. 1381 et seq.) and Chapter 3 (commencing with  
32    Section 12000) of Part 3 of Division 9 of the Welfare and  
33    Institutions Code shall not be included in total countable income  
34    for purposes of determining the amount of the family fee.

35    (f) Family fees shall be assessed at initial enrollment and  
36    reassessed at update of certification or recertification.

37    (g) It is the intent of the Legislature that the new family fees  
38    shall be cost neutral to the state and generate roughly the same  
39    amount of revenue as was generated under the previous family fee  
40    schedule.

- 1     *(h) The authority provided to the Superintendent to establish a*
- 2     *fee schedule pursuant to this section shall not apply to the part-day*
- 3     *preschool program pursuant to Section 8239.*

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