

AMENDED IN SENATE MAY 27, 2014
AMENDED IN SENATE APRIL 3, 2014
AMENDED IN SENATE MARCH 26, 2014

SENATE BILL

No. 1123

Introduced by Senator Liu

February 19, 2014

An act to amend Sections 8203, 8236, ~~8239~~, 8263, ~~8263.1~~, ~~8265.5~~, ~~and 8273~~ and 8263.1 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 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 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~~ 2nd priority required to go to eligible 4-year-old children before enrolling eligible 3-year-old children.

This bill would instead give ~~second~~ 2nd 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~~ $\frac{1}{2}$ 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 low-income
8 children from birth to 13 years of age. For children birth to three
9 years of age, the General Child Care Program funds centers and
10 family child care home networks in 49 of California's counties to
11 provide full-day, full-year child care and development services
12 that meet the State Department of Education's Infant/Toddler
13 Learning and Development Foundations, and include some
14 provisions for parent education and involvement such as parent
15 conferences and an orientation. However, several core,
16 research-based approaches to parent engagement and support are
17 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 as
32 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; focus
35 workforce development on provider-child relationships; promote
36 teacher-child interaction and a language rich learning environment;
37 support dual language learning; serve as a gateway to
38 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, and
3 adequately funded early learning and educational support system
4 for children from birth to five years of age that promotes access
5 to safe, high-quality, part-day and full-day services that support
6 the development of the whole child, especially for those children
7 who need it most, that includes, but is not limited to, the following:
8 (1) Supporting positive parent-child relationships and responsive
9 caregiving.
10 (2) Promoting language rich environments, including at home.
11 (3) Developmentally appropriate curriculum with differentiated
12 instruction.
13 (4) Knowledgeable, caring, and well-trained educators, staff,
14 and providers.
15 (5) Program activities and services that are age-appropriate and
16 meet the developmental needs of each child, including special
17 needs children.
18 (6) Promotion of healthy practices and activities.
19 (7) An educationally enriched environment that respects and
20 supports cultural, linguistic, and ability diversity.
21 (8) A physical environment that is safe and appropriate to the
22 ages and developmental needs of the children served.
23 (9) Provision for nutritional needs and physical activity of
24 children.
25 (10) Access for low-income infants, toddlers, and preschoolers
26 to high-quality early learning and care.
27 (11) Access for all four-year-old children to a voluntary,
28 high-quality transitional kindergarten program one year before
29 enrolling in kindergarten.
30 (12) Support services for children and families that include
31 referral of children to appropriate agencies, including referrals
32 related to, but not limited to, all of the following:
33 (A) Health care.
34 (B) Social services that include, but are not limited to, child
35 abuse prevention, identification of child and family needs, and
36 referral to appropriate agencies.
37 (C) Early childhood mental health services, including primary
38 prevention, crisis intervention, assessments, and referrals.
39 (D) Family support, parenting education, and family and
40 community engagement.

1 (E) Counseling, including family counseling.

2 (F) Nutrition services.

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

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

10 SEC. 3. Section 8203 of the Education Code is amended to
11 read:

12 8203. The Superintendent shall develop standards for the
13 implementation of quality programs. Indicators of quality shall
14 include, but not be limited to:

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

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

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

21 (d) Family and community involvement.

22 (e) Parent education and support.

23 (f) Efficient and effective local program administration.

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

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

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

33 (j) Resource and referral services.

34 (k) Alternative payment services.

35 (l) Provision for nutritional needs of children.

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

39 (n) Health services that include referral of children to appropriate
40 agencies for services.

1 (o) For services for infants and toddlers, continuity of care and
2 the assignment of primary caregivers.

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

5 8236. (a) (1) Each applicant or contracting agency funded
6 pursuant to Section 8235 shall give first priority to three- or
7 four-year-old neglected or abused children who are recipients of
8 child protective services, or who are at risk of being neglected,
9 abused, or exploited upon written referral from a legal, medical,
10 or social service agency. If an agency is unable to enroll a child
11 in this first priority category, the agency shall refer the child's
12 parent or guardian to local resource and referral services so that
13 services for the child can be located.

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

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

29 (b) In an application for the award of new funding for the
30 expansion of a California state preschool program that is
31 appropriated by the Legislature for that purpose in any fiscal year,
32 an agency shall furnish the Superintendent with an estimate of the
33 number of four-year-old and three-year-old children that it plans
34 to serve in the following fiscal year with those expansion funds.
35 The agency also shall furnish documentation that indicates the
36 basis of those estimates.

37 (c) This section does not preclude a local educational agency
38 from subcontracting with an appropriate public or private agency
39 to operate a California state preschool program and to apply for
40 funds made available for purposes of this section. If a school

1 district chooses not to operate or subcontract for a California state
2 preschool program, the Superintendent shall work with the county
3 office of education and other eligible agencies to explore possible
4 opportunities in contracting or alternative subcontracting to provide
5 a California state preschool program.

6 (d) This section does not prevent eligible children who are
7 currently receiving services from continuing to receive those
8 services in future years pursuant to this chapter.

9 ~~SEC. 5. Section 8239 of the Education Code is amended to~~
10 ~~read:~~

11 ~~8239. The Superintendent shall encourage state preschool~~
12 ~~program applicants or contracting agencies to offer full-day~~
13 ~~services through a combination of part-day preschool slots and~~
14 ~~wraparound general child care and development programs. In order~~
15 ~~to facilitate a full day of services, all of the following shall apply:~~

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

18 ~~(b) Wraparound general child care and development programs~~
19 ~~provided pursuant to this section may operate a minimum of 246~~
20 ~~days per year unless the child development contract specified a~~
21 ~~lower minimum days of operation. Part-day general child care and~~
22 ~~development programs may operate a full day for the remainder~~
23 ~~of the year after the completion of the preschool program.~~

24 ~~(c) Part-day preschool services combined with wraparound child~~
25 ~~care services shall be reimbursed at no more than the full-day~~
26 ~~standard reimbursement rate for general child care programs with~~
27 ~~adjustment factors, pursuant to Section 8265 and as determined in~~
28 ~~the annual Budget Act.~~

29 ~~(d) Three- and four-year-old children are eligible for wraparound~~
30 ~~child care services to supplement the part-day California state~~
31 ~~preschool program if the family meets at least one of the criteria~~
32 ~~specified in paragraph (1) of subdivision (a) of Section 8263, and~~
33 ~~the parents meet at least one of the criteria specified in paragraph~~
34 ~~(2) of subdivision (a) of Section 8263.~~

35 ~~(e) Fees shall be assessed and collected for families receiving~~
36 ~~wraparound child care services pursuant to Article 11.5~~
37 ~~(commencing with Section 8273).~~

38 ~~(f) The Superintendent shall annually report to the Department~~
39 ~~of Finance, on or before October 1 of each year, the fees collected~~

1 from families who have children enrolled in the California state
2 preschool program.

3 ~~(g) For purposes of this section, “wraparound child care~~
4 ~~services” and “wraparound general child care and development~~
5 ~~programs” mean services provided for the remaining portion of~~
6 ~~the day or remainder of the year following the completion of~~
7 ~~part-day preschool services that are necessary to meet the child~~
8 ~~care needs of parents eligible pursuant to subdivision (a) of Section~~
9 ~~8263. These services shall be provided consistent with the general~~
10 ~~child care and development programs provided pursuant to Article~~
11 ~~8 (commencing with Section 8240).~~

12 ~~SEC. 6.~~

13 *SEC. 5.* Section 8242 is added to the Education Code, to read:

14 8242. (a) General child care services for infants and toddlers
15 shall be known as California Strong Start services.

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

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

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

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

23 (4) Voluntary home visitation services.

24 (5) Nutrition services.

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

27 (c) The Superintendent shall develop standards, rules, and
28 regulations for the implementation of high-quality, evidenced-based
29 infant-toddler services, based on, but not limited to, the federal
30 Early Head Start model. The standards, rules, and regulations shall
31 achieve the following:

32 (1) Promote language rich environments, including supporting
33 a child’s home language and English acquisition.

34 (2) Promote responsive caregiving by parents, guardians, and
35 care providers.

36 (3) Be based on the Infant/Toddler Learning and Development
37 Foundations.

38 (d) California Strong Start service providers shall have the
39 flexibility to combine early learning and care services with one or

1 more of the additional services identified in subdivision (a), based
2 on the needs of the children and families served.

3 (e) California Strong Start service providers may coordinate
4 with First 5 *California* commissions, voluntary home visitation
5 programs, Early Head Start, child care, child welfare, early
6 childhood mental health and intervention including Early Start,
7 and health and nutrition services.

8 (f) (1) A family engagement supplemental grant shall be made
9 available to qualifying California Strong Start service providers,
10 as determined by the Superintendent, at a rate of one thousand
11 dollars (\$1,000) per eligible child. The Superintendent shall
12 distribute family engagement supplemental grant funds for the
13 purpose of providing evidence-based parent training services as
14 defined in the California Department of Social Services' California
15 Evidenced-Based ~~Clearing House~~ *Clearinghouse* for Child Welfare.

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

22 (g) (1) A voluntary home visitation supplemental grant shall
23 be made available to qualifying California Strong Start service
24 providers, as determined by the Superintendent. For children who
25 receive full-day early learning and care services, the supplemental
26 grant amount shall be two thousand five hundred dollars (\$2,500)
27 per child. For children who receive part-day early learning and
28 care services, the supplemental grant shall be six thousand dollars
29 (\$6,000) per child. The Superintendent shall distribute
30 supplemental grant funds for the purpose of providing
31 evidence-based voluntary home visitation services as defined in
32 the California Department of Social Services' California
33 Evidenced-Based ~~Clearing House~~ *Clearinghouse* for Child Welfare.

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

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

5 ~~SEC. 7.~~

6 *SEC. 6.* Section 8263 of the Education Code is amended to
7 read:

8 8263. (a) The Superintendent shall adopt rules and regulations
9 on eligibility, enrollment, and priority of services needed to
10 implement this chapter. In order to be eligible for federal and state
11 subsidized child development services, families shall meet at least
12 one requirement in each of the following areas:

13 (1) A family is (A) a current aid recipient, (B) income eligible,
14 (C) homeless, or (D) one whose children are recipients of protective
15 services, or whose children have been identified as being abused,
16 neglected, or exploited, or at risk of being abused, neglected, or
17 exploited.

18 (2) A family needs the child care services (A) because the child
19 is identified by a legal, medical, or social services agency, or
20 emergency shelter as (i) a recipient of protective services or (ii)
21 being neglected, abused, or exploited, or at risk of neglect, abuse,
22 or exploitation, or (B) because the parents are (i) engaged in
23 vocational training leading directly to a recognized trade,
24 paraprofession, or profession, (ii) employed or seeking
25 employment, (iii) seeking permanent housing for family stability,
26 or (iv) incapacitated.

27 (b) Except as provided in Article 15.5 (commencing with Section
28 8350), priority for federal and state subsidized child development
29 services is as follows:

30 (1) (A) First priority shall be given to neglected or abused
31 children who are recipients of child protective services, or children
32 who are at risk of being neglected or abused, upon written referral
33 from a legal, medical, or social services agency. If an agency is
34 unable to enroll a child in the first priority category, the agency
35 shall refer the family to local resource and referral services to
36 locate services for the child.

37 (B) A family who is receiving child care on the basis of being
38 a child at risk of abuse, neglect, or exploitation, as defined in
39 subdivision (k) of Section 8208, is eligible to receive services

1 pursuant to subparagraph (A) for up to three months, unless the
2 family becomes eligible pursuant to subparagraph (C).

3 (C) A family may receive child care services for up to 12 months
4 on the basis of a certification by the county child welfare agency
5 that child care services continue to be necessary or, if the child is
6 receiving child protective services during that period of time, and
7 the family requires child care and remains otherwise eligible. This
8 time limit does not apply if the family's child care referral is
9 recertified by the county child welfare agency.

10 (2) Second priority shall be given equally to eligible families,
11 regardless of the number of parents in the home, who are income
12 eligible. Within this priority, families with the lowest gross monthly
13 income in relation to family size, as determined by a schedule
14 adopted by the Superintendent, shall be admitted first. If two or
15 more families are in the same priority in relation to income, the
16 family that has a child with exceptional needs shall be admitted
17 first. If there is no family of the same priority with a child with
18 exceptional needs, the same priority family that has been on the
19 waiting list for the longest time shall be admitted first. For purposes
20 of determining order of admission, the grants of public assistance
21 recipients shall be counted as income.

22 (3) The Superintendent shall set criteria for, and may grant
23 specific waivers of, the priorities established in this subdivision
24 for agencies that wish to serve specific populations, including
25 children with exceptional needs or children of prisoners. These
26 new waivers shall not include proposals to avoid appropriate fee
27 schedules or admit ineligible families, but may include proposals
28 to accept members of special populations in other than strict income
29 order, as long as appropriate fees are paid.

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

34 (d) Notwithstanding any other law, in order to promote
35 continuity of services, a family enrolled in a state or federally
36 funded child care and development program whose services would
37 otherwise be terminated because the family no longer meets the
38 program income, eligibility, or need criteria may continue to
39 receive child development services in another state or federally
40 funded child care and development program if the contractor is

1 able to transfer the family’s enrollment to another program for
2 which the family is eligible before the date of termination of
3 services or to exchange the family’s existing enrollment with the
4 enrollment of a family in another program, provided that both
5 families satisfy the eligibility requirements for the program in
6 which they are being enrolled. The transfer of enrollment may be
7 to another program within the same administrative agency or to
8 another agency that administers state or federally funded child
9 care and development programs.

10 (e) In order to promote continuity of services, the Superintendent
11 may extend the 60-working-day period specified in subdivision
12 (a) of Section 18086.5 of Title 5 of the California Code of
13 Regulations for an additional 60 working days if he or she
14 determines that opportunities for employment have diminished to
15 the degree that one or both parents cannot reasonably be expected
16 to find employment within 60 working days and granting the
17 extension is in the public interest. The scope of extensions granted
18 pursuant to this subdivision shall be limited to the necessary
19 geographic areas and affected persons, which shall be described
20 in the Superintendent’s order granting the extension. It is the intent
21 of the Legislature that extensions granted pursuant to this
22 subdivision improve services in areas with high unemployment
23 rates and areas with disproportionately high numbers of seasonal
24 agricultural jobs.

25 (f) A physical examination and evaluation, including
26 age-appropriate immunization, shall be required before, or within
27 six weeks of, enrollment. A standard, rule, or regulation shall not
28 require medical examination or immunization for admission to a
29 child care and development program of a child whose parent or
30 guardian files a letter with the governing board of the child care
31 and development program stating that the medical examination or
32 immunization is contrary to his or her religious beliefs, or provide
33 for the exclusion of a child from the program because of a parent
34 or guardian having filed the letter. However, if there is good cause
35 to believe that a child is suffering from a recognized contagious
36 or infectious disease, the child shall be temporarily excluded from
37 the program until the governing board of the child care and
38 development program is satisfied that the child is not suffering
39 from that contagious or infectious disease.

1 (g) Regulations formulated and promulgated pursuant to this
2 section shall include the recommendations of the State Department
3 of Health Care Services relative to health care screening and the
4 provision of health care services. The Superintendent shall seek
5 the advice and assistance of these health authorities in situations
6 where service under this chapter includes or requires care of
7 children who are ill or children with exceptional needs.

8 (h) The Superintendent shall establish guidelines for the
9 collection of employer-sponsored child care benefit payments from
10 a parent whose child receives subsidized child care and
11 development services. These guidelines shall provide for the
12 collection of the full amount of the benefit payment, but not to
13 exceed the actual cost of child care and development services
14 provided, notwithstanding the applicable fee based on the fee
15 schedule.

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

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

23 ~~SEC. 8.~~

24 *SEC. 7.* Section 8263.1 of the Education Code is amended to
25 read:

26 8263.1. (a) For purposes of this chapter, “income eligible”
27 means either of the following:

28 (1) That a family’s adjusted monthly income is at or below 70
29 percent of the state median income, adjusted for family size, and
30 adjusted annually.

31 (2) That a family is eligible for CalFresh or Medi-Cal, or has a
32 ~~school-aged~~ *schoolaged* child eligible for free or reduced-price
33 lunch.

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

39 (c) Notwithstanding any other law, for the 2012–13 fiscal year,
40 the income eligibility limits shall be 70 percent of the state median

1 income that was in use for the 2007–08 fiscal year, adjusted for
2 family size.

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

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

11 (f) The income of a recipient of federal supplemental security
12 income benefits pursuant to Title XVI of the federal Social Security
13 Act (42 U.S.C. Sec. 1381 et seq.) and state supplemental program
14 benefits pursuant to Title XVI of the federal Social Security Act
15 and Chapter 3 (commencing with Section 12000) of Part 3 of
16 Division 9 of the Welfare and Institutions Code shall not be
17 included as income for purposes of determining eligibility for child
18 care under this chapter.

19 ~~SEC. 9.~~

20 *SEC. 8.* Section 8264.8 of the Education Code is amended to
21 read:

22 8264.8. (a) Until the Superintendent promulgates regulations
23 for center-based programs establishing staffing ratios, the following
24 staffing ratios shall apply:

25 (1) Infants, 0 to 2 years old—1:3 adult-child ratio, 1:18
26 teacher-child ratio.

27 (2) Infants and toddlers, 0 to 2 years old—1:4 adult-child ratio,
28 1:16 teacher-child ratio.

29 (3) Children 3 to 6 years old—1:8 adult-child ratio, 1:24
30 teacher-child ratio.

31 (4) Children 6 to 10 years old—1:14 adult-child ratio, 1:28
32 teacher-child ratio.

33 (5) Children 10 to 13 years old—1:18 adult-child ratio, 1:36
34 teacher-child ratio.

35 (6) If groups of children of varying ages are commingled, the
36 teacher and adult ratios shall be proportionate and appropriate to
37 the ages and groups of children.

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

1 ~~SEC. 10.~~

2 *SEC. 9.* Section 8264.9 is added to the Education Code, to read:

3 8264.9. (a) No later ~~then~~ *than* July 1, 2019, child care and
4 development services providers shall maintain the following
5 minimum ratios and group sizes:

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

10 (2) Toddlers, 18 months up to their 3rd birthday—~~1:4~~
11 *adult-to-child* *adult-child* ratio, ~~1:12—teacher-to-child~~ *teacher-child*
12 ratio, a group size of 12.

13 (3) Preschool, at least 30 months to kindergarten eligibility—~~1:8~~
14 *adult-to-child* *adult-child* ratio, ~~1:24—teacher-to-child~~ *teacher-child*
15 ratio, a group size of 24; or ~~1:10—adult-to-child~~ *adult-child* ratio,
16 ~~1:20—teacher-to-child~~ *teacher-child* ratio, a group size of 20.

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

20 (b) Compliance with the ratios established by subdivision (a)
21 shall be determined based on actual attendance.

22 (c) This section shall not apply to family child care home
23 education networks operating pursuant to Article 8.5 (commencing
24 with Section 8245).

25 (d) Notwithstanding Section 8264.8, this section does not
26 prevent child care and development services providers from
27 maintaining the ratios pursuant to this section before ~~to~~ July 1,
28 2019.

29 ~~SEC. 11.~~

30 *SEC. 10.* Section 8264.10 is added to the Education Code, to
31 read:

32 8264.10. (a) No later than July 1, 2019, child care and
33 development services providers shall have at least one teacher in
34 each classroom that holds at a minimum a child development
35 teacher permit issued by the Commission on Teacher Credentialing.

36 (b) No later than July 1, 2017, the Commission on Teacher
37 Credentialing shall review and amend the Child Development
38 Permit Matrix. The amendments shall include the following
39 requirements:

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

3 (2) Each permit holder shall have an individual professional
4 development plan that includes a minimum of 21 hours of annual
5 training, and that such training include in-classroom coaching.
6 In-classroom coaching may account for up to 10 of the 21 hours
7 each year.

8 ~~SEC. 12.— Section 8265.5 of the Education Code is amended to~~
9 ~~read:~~

10 ~~8265.5.— (a) In order to reflect the additional expense of serving~~
11 ~~children who meet any of the criteria outlined in paragraphs (1)~~
12 ~~to (7), inclusive, of subdivision (b) the provider agency's reported~~
13 ~~child days of enrollment for these children shall be multiplied by~~
14 ~~the adjustment factors listed below:~~

15 ~~(b) The adjustment factors shall apply to those programs for~~
16 ~~which assigned reimbursement rates are at or below the standard~~
17 ~~reimbursement rate. In addition, the adjustment factors shall apply~~
18 ~~to those programs for which assigned reimbursement rates are~~
19 ~~above the standard reimbursement rate, but the reimbursement~~
20 ~~rate, as adjusted, shall not exceed the adjusted standard~~
21 ~~reimbursement rate:~~

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

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

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

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

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

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

35 ~~(7) For limited-English-speaking and non-English-speaking~~
36 ~~children who are 2 years of age through kindergarten age, the~~
37 ~~adjustment factor shall be 1.1.~~

38 ~~(e) Use of the adjustment factors shall not increase the provider~~
39 ~~agency's total annual allocation.~~

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

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

11 ~~SEC. 13. Section 8273 of the Education Code is amended to~~
12 ~~read:~~

13 ~~8273. (a) The Superintendent shall establish a fee schedule~~
14 ~~for families using preschool and child care and development~~
15 ~~services pursuant to this chapter, including families receiving~~
16 ~~services pursuant to paragraph (1) of subdivision (b) of Section~~
17 ~~8263. It is the intent of the Legislature that the new fee schedule~~
18 ~~shall be simple and easy to implement.~~

19 ~~(b) The family fee schedule shall retain a flat monthly fee per~~
20 ~~family. The schedule shall differentiate between fees for part-time~~
21 ~~care and full-time care.~~

22 ~~(c) Using the most recently approved family fee schedule~~
23 ~~pursuant to subdivision (f) of Section 8447, families shall be~~
24 ~~assessed a flat monthly fee based on income, certified family need~~
25 ~~for full-time or part-time care services, and enrollment, and shall~~
26 ~~not be based on actual attendance. A recalculation of a family fee~~
27 ~~shall not occur if attendance varies from enrollment unless a change~~
28 ~~in need for care is assessed.~~

29 ~~(d) The Superintendent shall design the new family fee schedule~~
30 ~~based on the state median income data that was in use for the~~
31 ~~2007–08 fiscal year, adjusted for family size. The revised family~~
32 ~~fee schedule shall begin at income levels at which families~~
33 ~~currently begin paying fees. The revised fees shall not exceed 10~~
34 ~~percent of the family's monthly income. The Superintendent shall~~
35 ~~first submit the adjusted fee schedule to the Department of Finance~~
36 ~~for approval.~~

37 ~~(e) The income of a recipient of federal supplemental security~~
38 ~~income benefits pursuant to Title XVI of the federal Social Security~~
39 ~~Act (42 U.S.C. Sec. 1381 et seq.) and state supplemental program~~
40 ~~benefits pursuant to Title XVI of the federal Social Security Act~~

1 ~~(42 U.S.C. Sec. 1381 et seq.) and Chapter 3 (commencing with~~
2 ~~Section 12000) of Part 3 of Division 9 of the Welfare and~~
3 ~~Institutions Code shall not be included in total countable income~~
4 ~~for purposes of determining the amount of the family fee.~~

5 ~~(f) Family fees shall be assessed at initial enrollment and~~
6 ~~reassessed at update of certification or recertification.~~

7 ~~(g) It is the intent of the Legislature that the new family fees~~
8 ~~shall be cost neutral to the state and generate roughly the same~~
9 ~~amount of revenue as was generated under the previous family fee~~
10 ~~schedule.~~

11 ~~(h) The authority provided to the Superintendent to establish a~~
12 ~~fee schedule pursuant to this section shall not apply to the part-day~~
13 ~~preschool program pursuant to Section 8239.~~