

AMENDED IN ASSEMBLY APRIL 21, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 982

Introduced by Assembly Member Eggman

February 26, 2015

An act to amend Sections 8205 and 8263 of the Education Code, relating to child care.

LEGISLATIVE COUNSEL'S DIGEST

AB 982, as amended, Eggman. Child care and development: eligibility: ~~priority~~: homeless children.

Existing law provides that it is the intent of the Legislature that in providing child development programs the Superintendent of Public Instruction give priority to children of families that qualify for public assistance and other low-income and disadvantaged families.

This bill would also include homeless families as part of the intended priority for child development programs.

Existing law requires the Superintendent to adopt rules and regulations on eligibility, enrollment, and priority of services needed to implement laws relating to child care and development services. Existing law requires families to meet certain requirements in order to be eligible for subsidized child development services, including that the family needs child care services because the child is identified by a legal, medical, or social services agency, or emergency shelter as being a recipient of a protective service or being neglected, abused, or exploited, as provided.

This bill would expand the list of entities that can identify a child in need to include a local educational agency liaison for homeless children and youths, a Head Start program, or a transitional shelter. The bill

would expand the list of children to be identified to include a homeless child.

~~Existing law provides priority for subsidized child development services. First priority, under the law, goes to neglected or abused children, as provided.~~

~~This bill would also provide first priority to homeless children, 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. Section 8205 of the Education Code is amended
2 to read:

3 8205. It is the intent of the Legislature that in providing child
4 development programs the Superintendent give priority to children
5 of families that qualify under applicable federal statutes or
6 regulations as recipients of public assistance and other low-income
7 and disadvantaged families, including homeless families. Federal
8 reimbursement shall be claimed for a child receiving services
9 pursuant to this chapter for whom federal funds are available.

10 SEC. 2. Section 8263 of the Education Code is amended to
11 read:

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

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

22 (2) A family needs the child care services (A) because the child
23 is identified by a legal, medical, or social services agency, a local
24 educational agency liaison for homeless children and youths
25 designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of
26 the United States Code, a Head Start program, or an emergency
27 or transitional shelter as (i) a recipient of protective services, (ii)
28 being neglected, abused, or exploited, or at risk of neglect, abuse,

1 or exploitation, or (iii) being homeless or (B) because the parents
2 are (i) engaged in vocational training leading directly to a
3 recognized trade, paraprofession, or profession, (ii) employed or
4 seeking employment, (iii) seeking permanent housing for family
5 stability, or (iv) incapacitated.

6 (b) Except as provided in Article 15.5 (commencing with Section
7 8350), priority for federal and state subsidized child development
8 services is as follows:

9 (1) (A) ~~(i) First priority shall be given to both of the following:~~

10 ~~(I) Neglected to neglected or abused children who are recipients~~
11 ~~of child protective services, or children who are at risk of being~~
12 ~~neglected or abused, upon written referral from a legal, medical,~~
13 ~~or social services agency.~~

14 ~~(II) Homeless children, upon written referral from a local~~
15 ~~educational agency liaison for homeless children and youths~~
16 ~~designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of~~
17 ~~the United States Code, a Head Start program, or an emergency~~
18 ~~or transitional shelter.~~

19 ~~(ii) If agency. If an agency is unable to enroll a child in the first~~
20 ~~priority category, the agency shall refer the family to local resource~~
21 ~~and referral services to locate services for the child.~~

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

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

34 (2) Second priority shall be given equally to eligible families,
35 regardless of the number of parents in the home, who are income
36 eligible. Within this priority, families with the lowest gross monthly
37 income in relation to family size, as determined by a schedule
38 adopted by the Superintendent, shall be admitted first. If two or
39 more families are in the same priority in relation to income, the
40 family that has a child with exceptional needs shall be admitted

1 first. If there is no family of the same priority with a child with
2 exceptional needs, the same priority family that has been on the
3 waiting list for the longest time shall be admitted first. For purposes
4 of determining order of admission, the grants of public assistance
5 recipients shall be counted as income.

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

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

30 (d) In order to promote continuity of services, the Superintendent
31 may extend the 60-working-day period specified in subdivision
32 (a) of Section 18086.5 of Title 5 of the California Code of
33 Regulations for an additional 60 working days if he or she
34 determines that opportunities for employment have diminished to
35 the degree that one or both parents cannot reasonably be expected
36 to find employment within 60 working days and granting the
37 extension is in the public interest. The scope of extensions granted
38 pursuant to this subdivision shall be limited to the necessary
39 geographic areas and affected persons, which shall be described
40 in the Superintendent's order granting the extension. It is the intent

1 of the Legislature that extensions granted pursuant to this
2 subdivision improve services in areas with high unemployment
3 rates and areas with disproportionately high numbers of seasonal
4 agricultural jobs.

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

20 (f) Regulations formulated and promulgated pursuant to this
21 section shall include the recommendations of the State Department
22 of Health Care Services relative to health care screening and the
23 provision of health care services. The Superintendent shall seek
24 the advice and assistance of these health authorities in situations
25 where service under this chapter includes or requires care of
26 children who are ill or children with exceptional needs.

27 (g) The Superintendent shall establish guidelines for the
28 collection of employer-sponsored child care benefit payments from
29 a parent whose child receives subsidized child care and
30 development services. These guidelines shall provide for the
31 collection of the full amount of the benefit payment, but not to
32 exceed the actual cost of child care and development services
33 provided, notwithstanding the applicable fee based on the fee
34 schedule.

35 (h) The Superintendent shall establish guidelines according to
36 which the director or a duly authorized representative of the child
37 care and development program will certify children as eligible for
38 state reimbursement pursuant to this section.

- 1 (i) Public funds shall not be paid directly or indirectly to an
- 2 agency that does not pay at least the minimum wage to each of its
- 3 employees.

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