

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2133**

---

---

**Introduced by Assembly Member Chu**

February 17, 2016

---

---

An act to ~~amend Section 89000 of~~ *add Sections 8221.6 and 8221.7* to the Education Code, relating to ~~postsecondary education: child care and development.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2133, as amended, Chu. ~~California State University: Child care: alternative payment programs: appeals process.~~

*Existing law, the Child Care and Development Services Act, requires the State Department of Education to contract with local contracting agencies for alternative payment programs that are intended to allow for maximum parental choice in child care.*

*This bill would require the department to establish an appeals process for parents who receive child care subsidies and for family child care providers who receive child care subsidy payments, as specified.*

~~Existing law establishes the California State University and its various campuses under the administration of the Trustees of the California State University.~~

~~This bill would make a nonsubstantive change in a provision relating to the trustees.~~

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

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

1     *SECTION 1. It is the intent of the Legislature to do all of the*  
2 *following:*

3     *(a) To ensure that parents eligible for child care subsidies*  
4 *through the alternative payment program, also known as the*  
5 *contractor, receive accurate and reliable information as to their*  
6 *eligibility for services and their right to choose the appropriate*  
7 *early education program for their child, and that eligible providers*  
8 *are able to care for subsidized children in accordance with state*  
9 *statute.*

10    *(b) To ensure that the providers of care receive appropriate*  
11 *referrals and accurate and timely payment for their services.*

12    *(c) To establish appeals processes to ensure that parents and*  
13 *providers have administrative remedies when they have reason to*  
14 *believe that a decision by an alternative payment program is*  
15 *incorrect.*

16    *SEC. 2. Section 8221.6 is added to the Education Code, to*  
17 *read:*

18    *8221.6. The department shall establish a two-step appeals*  
19 *process for parents who receive subsidies that includes a first step*  
20 *within the alternative payment program agency with the hearing*  
21 *officer being an administrative employee other than the employee*  
22 *who made the decision that is being appealed, and a second step*  
23 *within the department’s early education and support division. The*  
24 *department’s decision shall be final.*

25    *SEC. 3. Section 8221.7 is added to the Education Code, to*  
26 *read:*

27    *8221.7. The department shall establish a two-step appeals*  
28 *process for licensed and license-exempt family child care providers*  
29 *who receive subsidy payments through an alternative payment*  
30 *program. The first step shall be within the alternative payment*  
31 *program agency with the hearing officer being an administrative*  
32 *employee other than the employee who made the decision that is*  
33 *being appealed, and a second step within the department’s early*  
34 *education and support division. The department’s decision shall*  
35 *be final.*

36    ~~*SECTION 1. Section 89000 of the Education Code is amended*~~  
37 ~~*to read:*~~

1     89000. ~~For the purposes of this division, “trustees” means the~~  
2 ~~Trustees of the California State University, created under Section~~  
3 ~~66600.~~

O