

**ASSEMBLY BILL**

**No. 2150**

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**Introduced by Assembly Members Santiago and Weber**

February 17, 2016

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An act to amend Sections 8263, 8263.1, and 8273.1 of the Education Code, and to amend Section 11323.2 of the Welfare and Institutions Code, relating to child care and development services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2150, as introduced, Santiago. Subsidized child care and development services: eligibility periods.

Existing law, the Child Care and Development Services Act, requires the Superintendent of Public Instruction to administer child care and development programs that offer a full range of services for eligible children from infancy to 13 years of age. Existing law requires the Superintendent to adopt rules and regulations on eligibility, enrollment, and priority of services needed to implement the act. The act, and regulations adopted pursuant to the act, set forth eligibility requirements for families to receive federal and state subsidized child development services and impose various time limits for receipt of services and recertification for continued services.

This bill would require that a family, upon establishing initial eligibility or ongoing eligibility for services under the act, be considered to meet all eligibility requirements for those services for not less than 12 months, receive those services for not less than 12 months before having their eligibility redetermined, and not be required to report changes to income or other changes for at least 12 months, except as provided. The bill would revise the definition of "income eligible" and provide that the definition applies for purposes of establishing initial

income eligibility for services under the act, and would add a definition of “ongoing income eligible” for purposes of establishing ongoing income eligibility for services under the act. The bill would repeal certain provisions that impose time limits for services under the act and a provision that authorizes the Superintendent to grant an extension of services, as specified. The bill would make other conforming changes.

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 8263 of the Education Code is amended  
2 to read:  
3 8263. (a) The Superintendent shall adopt rules and regulations  
4 on eligibility, enrollment, and priority of services needed to  
5 implement this chapter. In order to be eligible for federal and state  
6 subsidized child development services, families shall meet at least  
7 one requirement in each of the following areas:  
8 (1) A family is (A) a current aid recipient, (B) income eligible,  
9 (C) homeless, or (D) one whose children are recipients of protective  
10 services, or whose children have been identified as being abused,  
11 neglected, or exploited, or at risk of being abused, neglected, or  
12 exploited.  
13 (2) A family needs the child care services (A) because the child  
14 is identified by a legal, medical, or social services agency, 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 as (i) a recipient of protective services, (ii)  
19 being neglected, abused, or exploited, or at risk of neglect, abuse,  
20 or exploitation, or (iii) being homeless or (B) because the parents  
21 are (i) engaged in vocational training leading directly to a  
22 recognized trade, paraprofession, or profession, (ii) employed or  
23 seeking employment, (iii) seeking permanent housing for family  
24 stability, or (iv) incapacitated.  
25 (b) Except as provided in Article 15.5 (commencing with Section  
26 8350), priority for federal and state subsidized child development  
27 services is as follows:  
28 (1) ~~(A)~~First priority shall be given to neglected or abused  
29 children who are recipients of child protective services, or children

1 who are at risk of being neglected or abused, upon written referral  
2 from a legal, medical, or social services agency. If an agency is  
3 unable to enroll a child in the first priority category, the agency  
4 shall refer the family to local resource and referral services to  
5 locate services for the child.

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

11 ~~(C) A family may receive child care services for up to 12 months~~  
12 ~~on the basis of a certification by the county child welfare agency~~  
13 ~~that child care services continue to be necessary or, if the child is~~  
14 ~~receiving child protective services during that period of time, and~~  
15 ~~the family requires child care and remains otherwise eligible. This~~  
16 ~~time limit does not apply if the family's child care referral is~~  
17 ~~recertified by the county child welfare agency.~~

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

30 (3) The Superintendent shall set criteria for, and may grant  
31 specific waivers of, the priorities established in this subdivision  
32 for agencies that wish to serve specific populations, including  
33 children with exceptional needs or children of prisoners. These  
34 new waivers shall not include proposals to avoid appropriate fee  
35 schedules or admit ineligible families, but may include proposals  
36 to accept members of special populations in other than strict income  
37 order, as long as appropriate fees are paid.

38 (c) Notwithstanding any other law, in order to promote  
39 continuity of services, a family enrolled in a state or federally  
40 funded child care and development program whose services would

1 otherwise be terminated because the family no longer meets the  
 2 program income, eligibility, or need criteria may continue to  
 3 receive child development services in another state or federally  
 4 funded child care and development program if the contractor is  
 5 able to transfer the family’s enrollment to another program for  
 6 which the family is eligible before the date of termination of  
 7 services or to exchange the family’s existing enrollment with the  
 8 enrollment of a family in another program, provided that both  
 9 families satisfy the eligibility requirements for the program in  
 10 which they are being enrolled. The transfer of enrollment may be  
 11 to another program within the same administrative agency or to  
 12 another agency that administers state or federally funded child  
 13 care and development programs.

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

29 (e)

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

1 or infectious disease, the child shall be temporarily excluded from  
2 the program until the governing board of the child care and  
3 development program is satisfied that the child is not suffering  
4 from that contagious or infectious disease.

5 ~~(f)~~

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

13 ~~(g)~~

14 (f) The Superintendent shall establish guidelines for the  
15 collection of employer-sponsored child care benefit payments from  
16 a parent whose child receives subsidized child care and  
17 development services. These guidelines shall provide for the  
18 collection of the full amount of the benefit payment, but not to  
19 exceed the actual cost of child care and development services  
20 provided, notwithstanding the applicable fee based on the fee  
21 schedule.

22 ~~(h)~~

23 (g) The Superintendent shall establish guidelines according to  
24 which the director or a duly authorized representative of the child  
25 care and development program will certify children as eligible for  
26 state reimbursement pursuant to this section.

27 (h) *Except as provided in paragraphs (1) to (3), inclusive, upon*  
28 *establishing initial eligibility or ongoing eligibility for services*  
29 *under this chapter, a family shall be considered to meet all*  
30 *eligibility requirements for those services for not less than 12*  
31 *months, shall receive those services for not less than 12 months*  
32 *before having their eligibility redetermined, and shall not be*  
33 *required to report changes to income or other changes for at least*  
34 *12 months.*

35 (1) *A family shall report increases in income that exceed the*  
36 *threshold for ongoing income eligibility as described in subdivision*  
37 *(b) of Section 8263.1, and the family's ongoing eligibility for*  
38 *services shall at that time be redetermined.*

1 (2) A family that establishes initial eligibility or ongoing  
 2 eligibility on the basis of seeking employment shall receive services  
 3 under this chapter as follows:

4 (A) If seeking employment is the basis for initial eligibility, the  
 5 family shall receive services under this chapter for not less than  
 6 six months.

7 (B) If seeking employment is the only basis for ongoing eligibility  
 8 at the time of redetermination, the family shall receive services  
 9 under this chapter for six additional month unless the family  
 10 becomes eligible on another basis pursuant to paragraph (2) of  
 11 subdivision (a).

12 (3) A family may at any time voluntarily report income or other  
 13 changes. This information shall be used, as applicable, to reduce  
 14 a family’s fees, increase the family’s subsidy, or extend the period  
 15 of the family’s eligibility before redetermination.

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

19 SEC. 2. Section 8263.1 of the Education Code is amended to  
 20 read:

21 8263.1. (a) For purposes of *establishing initial income*  
 22 *eligibility for services under this chapter*, “income eligible” means  
 23 that a family’s adjusted monthly income is at or below 70 percent  
 24 of the state median income, ~~adjusted for family size, and adjusted~~  
 25 ~~annually, based on the most recent data on state median income~~  
 26 *published by the United States Census Bureau, for a family of the*  
 27 *same size.*

28 ~~(b) Notwithstanding any other law, for the 2011–12 fiscal year,~~  
 29 ~~the income eligibility limits that were in effect for the 2007–08~~  
 30 ~~fiscal year shall be reduced to 70 percent of the state median~~  
 31 ~~income that was in use for the 2007–08 fiscal year, adjusted for~~  
 32 ~~family size, effective July 1, 2011.~~

33 ~~(c) Notwithstanding any other law, for the 2012–13, 2013–14,~~  
 34 ~~2014–15, and 2015–16 fiscal years, the income eligibility limits~~  
 35 ~~shall be 70 percent of the state median income that was in use for~~  
 36 ~~the 2007–08 fiscal year, adjusted for family size.~~

37 ~~(d)~~

38 (b) For purposes of *establishing ongoing income eligibility*  
 39 *under this chapter*, “ongoing income eligible” means that a  
 40 family’s adjusted monthly income is at or below 85 percent of the

1 *state median income, based on the most recent data on state median*  
2 *income published by the United States Census Bureau, for a family*  
3 *of the same size.*

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

12 SEC. 3. Section 8273.1 of the Education Code is amended to  
13 read:

14 ~~8273.1.—(a) Families receiving services pursuant to~~  
15 ~~subparagraph (B) of paragraph (1) of subdivision (b) of Section~~  
16 ~~8263 may be exempt from family fees for up to three months.~~

17 ~~(b) Families receiving services pursuant to subparagraph (C) of~~  
18 ~~paragraph (1) of subdivision (b) of Section 8263 may be exempt~~  
19 ~~from family fees for up to 12 months.~~

20 ~~(c) The cumulative period of time of exemption from family~~  
21 ~~fees for families receiving services pursuant to paragraph (1) of~~  
22 ~~subdivision (b) of Section 8263 shall not exceed 12 months.~~

23 *8273.1. (a) A family that receives services pursuant to*  
24 *paragraph (1) of subdivision (b) of Section 8263 may be exempt*  
25 *from family fees for up to 12 months.*

26 ~~(d)~~

27 (b) Notwithstanding any other law, a family receiving  
28 CalWORKs cash aid shall not be charged a family fee.

29 ~~(e)~~

30 (c) Notwithstanding any other law, commencing with the  
31 2014–15 fiscal year, family fees shall not be assessed for the  
32 part-day California preschool program to income eligible families  
33 whose children are enrolled in that program pursuant to Article 7  
34 (commencing with Section 8235).

35 SEC. 4. Section 11323.2 of the Welfare and Institutions Code  
36 is amended to read:

37 11323.2. (a) Necessary supportive services shall be available  
38 to every participant in order to participate in the program activity  
39 to which he or she is assigned or to accept employment or the  
40 participant shall have good cause for not participating under

1 subdivision (f) of Section 11320.3. As provided in the  
2 welfare-to-work plan entered into between the county and  
3 participant pursuant to this article, supportive services shall include  
4 all of the following:

5 (1) Child care.

6 (A) Paid child care shall be available to every participant with  
7 a dependent child in the assistance unit who needs paid child care  
8 if the child is 10 years of age or under, or requires child care or  
9 supervision due to a physical, mental, or developmental disability  
10 or other similar condition as verified by the county welfare  
11 department, or who is under court supervision.

12 (B) To the extent funds are ~~available~~ *available*, paid child care  
13 shall be available to a participant with a dependent child in the  
14 assistance unit who needs paid child care if the child is 11 or 12  
15 years of age.

16 (C) Necessary child care services shall be available to every  
17 former recipient for up to two years, pursuant to Article 15.5  
18 (commencing with Section 8350) of Chapter 2 of Part 6 of Division  
19 1 of Title 1 of the Education Code.

20 (D) A child in foster care receiving benefits under Title IV-E  
21 of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.) or  
22 a child who would become a dependent child except for the receipt  
23 of federal Supplemental Security Income benefits pursuant to Title  
24 XVI of the federal Social Security Act (42 U.S.C. Sec. 1381 et  
25 seq.) shall be deemed to be a dependent child for the purposes of  
26 this paragraph.

27 (E) The provision of care and payment rates under this paragraph  
28 shall be governed by Article 15.5 (commencing with Section 8350)  
29 of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education  
30 Code. Parent fees shall be governed by ~~subdivisions (g) and (h)~~  
31 of Section 8263 of the Education Code.

32 (2) Transportation costs, which shall be governed by regional  
33 market rates as determined in accordance with regulations  
34 established by the department.

35 (3) Ancillary expenses, which shall include the cost of books,  
36 tools, clothing specifically required for the job, fees, and other  
37 necessary costs.

38 (4) Personal counseling. A participant who has personal or  
39 family problems that would affect the outcome of the  
40 welfare-to-work plan entered into pursuant to this article shall, to

1 the extent available, receive necessary counseling or therapy to  
2 help him or her and his or her family adjust to his or her job or  
3 training assignment.

4 (b) If provided in a county plan, the county may continue to  
5 provide case management and supportive services under this  
6 section to former participants who become employed. The county  
7 may provide these services for up to the first 12 months of  
8 employment to the extent they are not available from other sources  
9 and are needed for the individual to retain the employment.

O