

AMENDED IN ASSEMBLY JUNE 12, 2015

SENATE BILL

No. 94

Introduced by Committee on Budget and Fiscal Review

January 9, 2015

~~An act relating to the Budget Act of 2015.~~ *An act to amend Sections 8208, 8212, 8236, 8240, 8263, and 8499.5 of, and to add Section 8201.5 to, the Education Code, relating to child care and development, and making an appropriation therefor; to take effect immediately, bill related to the budget.*

LEGISLATIVE COUNSEL'S DIGEST

SB 94, as amended, Committee on Budget and Fiscal Review. ~~Budget Act of 2015.~~ *Child care and development: priority enrollment: underserved areas.*

(1) The Child Care and Development Services Act requires the Superintendent of Public Instruction to administer child care and development programs that provide a full range of services for eligible children from infancy to 13 years of age. Existing law requires a child care resource and referral program, as defined, to publicize its services through all available media sources, agencies, and other appropriate methods.

This bill would require a child care resource and referral program to include in the publicity a statement regarding the state's special interest in enrolling children placed by a child welfare agency with a relative or foster parent, children served by a child welfare agency who have an open dependency or voluntary child protective services case, and children who are dependents of a parent with an open dependency court case, in programs that are operated by licensed child care providers or local educational agencies.

(2) Existing law requires an applicant or contracting agency, as defined, of a California state preschool program to give priority to children who meet certain criteria, including children who are recipients of child protective services.

This bill would require an applicant or contracting agency to also give priority enrollment to children placed by a child welfare agency with a relative or foster parent, children served by a child welfare agency who have an open dependency or voluntary child protective services case, and children who are dependents of a parent with an open dependency court case.

This bill would require general child care and development programs to include priority enrollment, when slots become available in programs operated by licensed child care providers or local educational agencies, for children from birth to 5 years of age who are supervised by the child welfare system, have an open dependency or voluntary child protective services court case, or are dependents of a parent with an open dependency case.

This bill would revise eligibility requirements for federal and state subsidized child development services administered by the Superintendent to include children placed by a child welfare agency with a relative or foster parent, children served by a child welfare agency who have an open dependency or voluntary child protective services court case, and children who are dependents of a parent with an open dependency court case.

(3) Existing law requires a local planning council to annually submit local priorities that reflect child care needs in the county to the State Department of Education, and requires a local planning council to conduct an assessment of the child care needs that includes specified factors.

This bill would include among those factors the child care needs of children placed by a child welfare agency with a relative or foster parent, children served by a child welfare agency who have an open dependency or voluntary child protective services court case, and children who are dependents of a parent with an open dependency court case.

(4) This bill would also express the Legislature's intent that the highest priority for enrollment in child care and development programs be given to children with the greatest need to benefit from those programs.

(5) Existing law defines certain terms for purposes of the Child Care and Development Services Act, including the term “underserved area,” to mean specified areas where the ratio of publicly subsidized child care and development program services to the need for these services is low, as determined by the Superintendent of Public Instruction.

This bill would revise the term “underserved area” to also include the specified areas where the overall number of eligible children without access to publicly subsidized child care and development program services is high, as determined by the Superintendent.

(6) This bill would appropriate \$1,000 to the State Department of Education for purposes of the above provisions.

(7) To the extent that the funds appropriated by this bill are allocated to a school district or a community college district, those funds would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

(8) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2015.~~

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

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

1 SECTION 1. Section 8201.5 is added to the Education Code,
2 to read:
3 8201.5. In recognition of the importance of early brain
4 development and the lifelong personal, social, and economic
5 impacts of unmet early childhood needs, it is the intent of the
6 Legislature that the highest priority for enrollment in child care
7 and development programs be given to children with the greatest
8 need to benefit from those programs. This priority extends to all
9 children who have been or are at risk of being abused, neglected,
10 or exploited, including children placed by a child welfare agency
11 with a relative or foster parent, children served by a child welfare
12 agency who have an open dependency or voluntary child protective
13 services court case, and children who are dependents of a parent
14 with an open dependency court case. Those children shall have
15 the right to continuous enrollment in those programs even if the

1 *residence in which they are placed changes, if continued enrollment*
2 *is considered to be in the best interest of the child.*

3 *SEC. 2. Section 8208 of the Education Code is amended to*
4 *read:*

5 8208. As used in this chapter:

6 (a) "Alternative payments" includes payments that are made by
7 one child care agency to another agency or child care provider for
8 the provision of child care and development services, and payments
9 that are made by an agency to a parent for the parent's purchase
10 of child care and development services.

11 (b) "Alternative payment program" means a local government
12 agency or nonprofit organization that has contracted with the
13 department pursuant to Section 8220.1 to provide alternative
14 payments and to provide support services to parents and providers.

15 (c) "Applicant or contracting agency" means a school district,
16 community college district, college or university, county
17 superintendent of schools, county, city, public agency, private
18 nontax-exempt agency, private tax-exempt agency, or other entity
19 that is authorized to establish, maintain, or operate services
20 pursuant to this chapter. Private agencies and parent cooperatives,
21 duly licensed by law, shall receive the same consideration as any
22 other authorized entity with no loss of parental decisionmaking
23 prerogatives as consistent with the provisions of this chapter.

24 (d) "Assigned reimbursement rate" is that rate established by
25 the contract with the agency and is derived by dividing the total
26 dollar amount of the contract by the minimum child day of average
27 daily enrollment level of service required.

28 (e) "Attendance" means the number of children present at a
29 child care and development facility. "Attendance," for purposes
30 of reimbursement, includes excused absences by children because
31 of illness, quarantine, illness or quarantine of their parent, family
32 emergency, or to spend time with a parent or other relative as
33 required by a court of law or that is clearly in the best interest of
34 the child.

35 (f) "Capital outlay" means the amount paid for the renovation
36 and repair of child care and development facilities to comply with
37 state and local health and safety standards, and the amount paid
38 for the state purchase of relocatable child care and development
39 facilities for lease to qualifying contracting agencies.

1 (g) “Caregiver” means a person who provides direct care,
2 supervision, and guidance to children in a child care and
3 development facility.

4 (h) “Child care and development facility” means a residence or
5 building or part thereof in which child care and development
6 services are provided.

7 (i) “Child care and development programs” means those
8 programs that offer a full range of services for children from
9 infancy to 13 years of age, for any part of a day, by a public or
10 private agency, in centers and family child care homes. These
11 programs include, but are not limited to, all of the following:

12 (1) General child care and development.

13 (2) Migrant child care and development.

14 (3) Child care provided by the California School Age Families
15 Education Program (Article 7.1 (commencing with Section 54740)
16 of Chapter 9 of Part 29 of Division 4 of Title 2).

17 (4) California state preschool program.

18 (5) Resource and referral.

19 (6) Child care and development services for children with
20 exceptional needs.

21 (7) Family child care home education network.

22 (8) Alternative payment.

23 (9) Schoolage community child care.

24 (j) “Child care and development services” means those services
25 designed to meet a wide variety of needs of children and their
26 families, while their parents or guardians are working, in training,
27 seeking employment, incapacitated, or in need of respite. These
28 services may include direct care and supervision, instructional
29 activities, resource and referral programs, and alternative payment
30 arrangements.

31 (k) “Children at risk of abuse, neglect, or exploitation” means
32 children who are so identified in a written referral from a legal,
33 medical, or social service agency, or emergency shelter.

34 (l) “Children with exceptional needs” means either of the
35 following:

36 (1) Infants and toddlers under three years of age who have been
37 determined to be eligible for early intervention services pursuant
38 to the California Early Intervention Services Act (Title 14
39 (commencing with Section 95000) of the Government Code) and
40 its implementing regulations. These children include an infant or

1 toddler with a developmental delay or established risk condition,
 2 or who is at high risk of having a substantial developmental
 3 disability, as ~~defined~~ *described* in subdivision (a) of Section 95014
 4 of the Government Code. These children shall have active
 5 individualized family service plans, shall be receiving early
 6 intervention services, and shall be children who require the special
 7 attention of adults in a child care setting.

8 (2) Children 3 to 21 years of age, inclusive, who have been
 9 determined to be eligible for special education and related services
 10 by an individualized education program team according to the
 11 special education requirements contained in Part 30 (commencing
 12 with Section 56000) of Division 4 of Title 2, and who meet
 13 eligibility criteria described in Section 56026 and, Article 2.5
 14 (commencing with Section 56333) of Chapter 4 of Part 30 of
 15 Division 4 of Title 2, and Sections 3030 and 3031 of Title 5 of the
 16 California Code of Regulations. These children shall have an active
 17 individualized education program, shall be receiving early
 18 intervention services or appropriate special education and related
 19 services, and shall be children who require the special attention of
 20 adults in a child care setting. These children include children with
 21 intellectual disabilities, hearing impairments (including deafness),
 22 speech or language impairments, visual impairments (including
 23 blindness), serious emotional disturbance (also referred to as
 24 emotional disturbance), orthopedic impairments, autism, traumatic
 25 brain injury, other health impairments, or specific learning
 26 disabilities, who need special education and related services
 27 consistent with Section 1401(3)(A) of Title 20 of the United States
 28 Code.

29 (m) “Closedown costs” means reimbursements for all approved
 30 activities associated with the closing of operations at the end of
 31 each growing season for migrant child development programs
 32 only.

33 (n) “Cost” includes, but is not limited to, expenditures that are
 34 related to the operation of child care and development programs.
 35 “Cost” may include a reasonable amount for state and local
 36 contributions to employee benefits, including approved retirement
 37 programs, agency administration, and any other reasonable program
 38 operational costs. “Cost” may also include amounts for licensable
 39 facilities in the community served by the program, including lease
 40 payments or depreciation, downpayments, and payments of

1 principal and interest on loans incurred to acquire, rehabilitate, or
2 construct licensable facilities, but these costs shall not exceed fair
3 market rents existing in the community in which the facility is
4 located. “Reasonable and necessary costs” are costs that, in nature
5 and amount, do not exceed what an ordinary prudent person would
6 incur in the conduct of a competitive business.

7 (o) “Elementary school,” as contained in former Section 425 of
8 Title 20 of the United States Code (the National Defense Education
9 Act of 1958, Public Law 85-864, as amended), includes early
10 childhood education programs and all child development programs,
11 for the purpose of the cancellation provisions of loans to students
12 in institutions of higher learning.

13 (p) “Family child care home education network” means an entity
14 organized under law that contracts with the department pursuant
15 to Section 8245 to make payments to licensed family child care
16 home providers and to provide educational and support services
17 to those providers and to children and families eligible for
18 state-subsidized child care and development services. A family
19 child care home education network may also be referred to as a
20 family child care home system.

21 (q) “Health services” include, but are not limited to, all of the
22 following:

23 (1) Referral, whenever possible, to appropriate health care
24 providers able to provide continuity of medical care.

25 (2) Health screening and health treatment, including a full range
26 of immunization recorded on the appropriate state immunization
27 form to the extent provided by the Medi-Cal Act (Chapter 7
28 commencing with Section 14000) of Part 3 of Division 9 of the
29 Welfare and Institutions Code) and the Child Health and Disability
30 Prevention Program (Article 6 (commencing with Section 124025)
31 of Chapter 3 of Part 2 of Division 106 of the Health and Safety
32 Code), but only to the extent that ongoing care cannot be obtained
33 utilizing community resources.

34 (3) Health education and training for children, parents, staff,
35 and providers.

36 (4) Followup treatment through referral to appropriate health
37 care agencies or individual health care professionals.

38 (r) “Higher educational institutions” means the Regents of the
39 University of California, the Trustees of the California State
40 University, the Board of Governors of the California Community

1 Colleges, and the governing bodies of any accredited private
2 nonprofit institution of postsecondary education.

3 (s) “Intergenerational staff” means persons of various
4 generations.

5 (t) “Limited-English-speaking-proficient and
6 non-English-speaking-proficient children” means children who
7 are unable to benefit fully from an English-only child care and
8 development program as a result of either of the following:

9 (1) Having used a language other than English when they first
10 began to speak.

11 (2) Having a language other than English predominantly or
12 exclusively spoken at home.

13 (u) “Parent” means a biological parent, stepparent, adoptive
14 parent, foster parent, caretaker relative, or any other adult living
15 with a child who has responsibility for the care and welfare of the
16 child.

17 (v) “Program director” means a person who, pursuant to Sections
18 8244 and 8360.1, is qualified to serve as a program director.

19 (w) “Proprietary child care agency” means an organization or
20 facility providing child care, which is operated for profit.

21 (x) “Resource and referral programs” means programs that
22 provide information to parents, including referrals and coordination
23 of community resources for parents and public or private providers
24 of care. Services frequently include, but are not limited to: technical
25 assistance for providers, toy-lending libraries, equipment-lending
26 libraries, toy- and equipment-lending libraries, staff development
27 programs, health and nutrition education, and referrals to social
28 services.

29 (y) “Severely disabled children” are children with exceptional
30 needs from birth to 21 years of age, inclusive, who require intensive
31 instruction and training in programs serving pupils with the
32 following profound disabilities: autism, blindness, deafness, severe
33 orthopedic impairments, serious emotional disturbances, or severe
34 intellectual disabilities. “Severely disabled children” also include
35 those individuals who would have been eligible for enrollment in
36 a developmental center for handicapped pupils under Chapter 6
37 (commencing with Section 56800) of Part 30 of Division 4 of Title
38 ~~2 as it 2, as that chapter~~ read on January 1, 1980.

39 (z) “Short-term respite child care” means child care service to
40 assist families whose children have been identified through written

1 referral from a legal, medical, or social service agency, or
2 emergency shelter as being neglected, abused, exploited, or
3 homeless, or at risk of being neglected, abused, exploited, or
4 homeless. Child care is provided for less than 24 hours per day in
5 child care centers, treatment centers for abusive parents, family
6 child care homes, or in the child’s own home.

7 (aa) (1) “Site supervisor” means a person who, regardless of
8 his or her title, has operational program responsibility for a child
9 care and development program at a single site. A site supervisor
10 shall hold a permit issued by the Commission on Teacher
11 Credentialing that authorizes supervision of a child care and
12 development program operating in a single site. The Superintendent
13 may waive the requirements of this subdivision if the
14 Superintendent determines that the existence of compelling need
15 is appropriately documented.

16 (2) For California state preschool programs, a site supervisor
17 may qualify under any of the provisions in this subdivision, or
18 may qualify by holding an administrative credential or an
19 administrative services credential. A person who meets the
20 qualifications of a program director under both Sections 8244 and
21 8360.1 is also qualified under this subdivision.

22 (ab) “Standard reimbursement rate” means that rate established
23 by the Superintendent pursuant to Section 8265.

24 (ac) “Startup costs” means those expenses an agency incurs in
25 the process of opening a new or additional facility before the full
26 enrollment of children.

27 (ad) “California state preschool program” means part-day and
28 full-day educational programs for low-income or otherwise
29 disadvantaged three- and four-year-old children.

30 (ae) “Support services” means those services that, when
31 combined with child care and development services, help promote
32 the healthy physical, mental, social, and emotional growth of
33 children. Support services include, but are not limited to: protective
34 services, parent training, provider and staff training, transportation,
35 parent and child counseling, child development resource and
36 referral services, and child placement counseling.

37 (af) “Teacher” means a person with the appropriate permit issued
38 by the Commission on Teacher Credentialing who provides
39 program supervision and instruction that includes supervision of
40 a number of aides, volunteers, and groups of children.

1 (ag) “Underserved area” means a county or subcounty area,
 2 including, but not limited to, school districts, census tracts, or ZIP
 3 Code areas, where the ratio of publicly subsidized child care and
 4 development program services to the need for these services is
 5 low *or where the overall number of eligible children without access*
 6 *to publicly subsidized child care and development program services*
 7 *is high*, as determined by the Superintendent.

8 (ah) “Workday” means the time that the parent requires
 9 temporary care for a child for any of the following reasons:

- 10 (1) To undertake training in preparation for a job.
 11 (2) To undertake or retain a job.
 12 (3) To undertake other activities that are essential to maintaining
 13 or improving the social and economic function of the family, are
 14 beneficial to the community, or are required because of health
 15 problems in the family.

16 (ai) “Three-year-old children” means children who will have
 17 their third birthday on or before the date specified of the fiscal
 18 year in which they are enrolled in a California state preschool
 19 program, as follows:

- 20 (1) November 1 of the 2012–13 fiscal year.
 21 (2) October 1 of the 2013–14 fiscal year.
 22 (3) September 1 of the 2014–15 fiscal year and each fiscal year
 23 thereafter.

24 (aj) “Four-year-old children” means children who will have
 25 their fourth birthday on or before the date specified of the fiscal
 26 year in which they are enrolled in a California state preschool
 27 program, as follows:

- 28 (1) November 1 of the 2012–13 fiscal year.
 29 (2) October 1 of the 2013–14 fiscal year.
 30 (3) September 1 of the 2014–15 fiscal year and each fiscal year
 31 thereafter.

32 (ak) “Local educational agency” means a school district, a
 33 county office of education, a community college district, or a
 34 school district on behalf of one or more schools within the school
 35 district.

36 *SEC. 3. Section 8212 of the Education Code is amended to*
 37 *read:*

38 8212. (a) For purposes of this article, child care resource and
 39 referral ~~programs~~, *programs* established to serve a defined
 40 geographic ~~area~~, *area* shall provide the following services:

- 1 ~~(a)~~
2 (1) (A) Identification of the full range of existing child care
3 services through information provided by all relevant public and
4 private agencies in the areas of service, and the development of a
5 resource file of those services ~~which~~ *that* shall be maintained and
6 updated at least quarterly. These services shall include, but *are*
7 ~~not be~~ limited to, family day care homes, public and private day
8 care programs, full-time and part-time programs, and infant,
9 preschool, and extended care programs.
10 (B) The resource file shall include, but *is not be* limited to, the
11 following information:
12 ~~(1)~~
13 (i) Type of program.
14 ~~(2)~~
15 (ii) Hours of service.
16 ~~(3)~~
17 (iii) Ages of children served.
18 ~~(4)~~
19 (iv) Fees and eligibility for services.
20 ~~(5)~~
21 (v) Significant program information.
22 ~~(b) (1)~~
23 (2) (A) Establishment of a referral process ~~which~~ *that* responds
24 to parental need for information and ~~which~~ *that* is provided with
25 full recognition of the confidentiality rights of parents. Resource
26 and referral programs shall make referrals to licensed child day
27 care facilities. Referrals shall be made to unlicensed care facilities
28 only if there is no requirement that the facility be licensed. The
29 referral process shall afford parents maximum access to all referral
30 information. This access shall include, but is not limited to,
31 telephone referrals to be made available for at least 30 hours per
32 week as part of a full week of operation. Every effort shall be made
33 to reach all parents within the defined geographic area, including,
34 but not limited to, any of the following:
35 (A)
36 (i) Toll-free telephone lines.
37 ~~(B)~~
38 (ii) Office space convenient to parents and providers.
39 ~~(C)~~

1 (iii) Referrals in languages—~~which~~ *that* are spoken in the
2 community.

3 (B) Each child care resource and referral program shall publicize
4 its services through all available media sources, agencies, and other
5 appropriate methods. *The publicity shall include a statement*
6 *regarding the state’s special interest in enrolling the following*
7 *children in programs that are operated by licensed child care*
8 *providers or local educational agencies: children placed by a child*
9 *welfare agency with a relative or foster parent, children served*
10 *by a child welfare agency who have an open dependency or*
11 *voluntary child protective services court case, and children who*
12 *are dependents of a parent with an open dependency court case.*

13 ~~(2)~~

14 (3) (A) Provision of information to any person who requests a
15 child care referral of his or her right to view the licensing
16 information of a licensed child day care facility required to be
17 maintained at the facility pursuant to Section 1596.859 of the
18 Health and Safety Code and to access any public files pertaining
19 to the facility that are maintained by the State Department of Social
20 Services Community Care Licensing Division.

21 (B) A written or oral advisement in substantially the following
22 form will comply with the requirements of subparagraph (A):

23 “State law requires licensed child day care facilities to make
24 accessible to the public a copy of any licensing report pertaining
25 to the facility that documents a facility visit or a substantiated
26 complaint investigation. In addition, a more complete file regarding
27 a child care licensee may be available at an office of the State
28 Department of Social Services Community Care Licensing
29 Division. You have the right to access any public information in
30 these files.”

31 ~~(e)~~

32 (4) Maintenance of ongoing documentation of requests for
33 service tabulated through the internal referral process. The
34 following documentation of requests for service shall be maintained
35 by all child care resource and referral programs:

36 ~~(1)~~

37 (A) Number of calls and contacts to the child care information
38 and referral program or component.

39 ~~(2)~~

40 (B) Ages of children served.

- 1 ~~(3)~~
- 2 (C) Time category of child care request for each child.
- 3 ~~(4)~~
- 4 (D) Special time category, such as nights, weekends, and swing
- 5 shift.
- 6 ~~(5)~~
- 7 (E) Reason that the child care is needed.
- 8 This information shall be maintained in a manner that is easily
- 9 accessible for dissemination purposes.
- 10 ~~(d)~~
- 11 (5) Provision of technical assistance to existing and potential
- 12 providers of all types of child care services. This assistance shall
- 13 include, but not be limited to:
- 14 ~~(1)~~
- 15 (A) Information on all aspects of initiating new child care
- 16 services including, but not limited to, licensing, zoning, program
- 17 and budget development, and assistance in finding this information
- 18 from other sources.
- 19 ~~(2)~~
- 20 (B) Information and resources that help existing child care
- 21 services providers to maximize their ability to serve the children
- 22 and parents of their community.
- 23 ~~(3)~~
- 24 (C) Dissemination of information on current public issues
- 25 affecting the local and state delivery of child care services.
- 26 ~~(4)~~
- 27 (D) Facilitation of communication between existing child care
- 28 and child-related services providers in the community served.
- 29 **Services**
- 30 (b) *Services* prescribed by this section shall be provided in order
- 31 to maximize parental choice in the selection of child care to
- 32 facilitate the maintenance and development of child care services
- 33 and resources.
- 34 ~~(e)~~
- 35 (c) (1) A program operating pursuant to this article shall, within
- 36 two business days of receiving notice, remove a licensed child day
- 37 care facility with a revocation or a temporary suspension order, or
- 38 that is on probation from the program's referral list.
- 39 (2) A program operating pursuant to this article shall, within
- 40 two business days of receiving notice, notify all entities, operating

1 a program under Article 3 (commencing with Section 8220) and
2 Article 15.5 (commencing with Section 8350) in the program's
3 jurisdiction, of a licensed child day care facility with a revocation
4 or a temporary suspension order, or that is on probation.

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~~ *agency, including children placed by a*
13 *child welfare agency with a relative or foster parent, children*
14 *served by a child welfare agency who have an open dependency*
15 *or voluntary child protective services court case, or children who*
16 *are dependents of a parent with an open dependency court case.*
17 If an agency is unable to enroll a child in this first priority category,
18 the agency shall refer the child's parent or guardian to local
19 resources and referral services so that services for the child can be
20 located. *Priority enrollment shall be granted when slots become*
21 *available, but shall not be used to displace children who are*
22 *currently receiving care.*

23 (2) Notwithstanding Section 8263, after children in the first
24 priority category set forth in paragraph (1) are enrolled, each
25 agency funded pursuant to Section 8235 shall give priority to
26 eligible four-year-old children who are not enrolled in a
27 state-funded transitional kindergarten program before enrolling
28 eligible three-year-old children. Each agency shall certify to the
29 Superintendent that enrollment priority is being given to eligible
30 four-year-old children.

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) (1) (A) Commencing June 15, 2015, and notwithstanding
39 any other law, in awarding new funding for the expansion of a
40 California state preschool program that is appropriated by the

1 Legislature for that purpose in any fiscal year, the Superintendent,
2 after taking into account the geographic criteria established
3 pursuant to Section 8279.3 and the data described in subparagraph
4 (B), shall give priority to applicant agencies that, in expending the
5 expansion funds, will provide the greatest progress toward
6 achieving access to full-day, full-year services for all
7 income-eligible four-year-old children.

8 (B) In awarding funding pursuant to subparagraph (A) and in
9 order to promote access for all income-eligible four-year-old
10 children to at least a part-day California state preschool program,
11 the department shall take into account the needs assessments
12 submitted to the department pursuant to Section 8499.5 and any
13 other high-quality data resources available to the department.

14 (2) Expansion funding awarded pursuant to paragraph (1) shall
15 be apportioned at the rate described in Section 8265 and as
16 determined in the annual Budget Act.

17 (3) A family child care home education network shall be eligible
18 to apply for expansion funding awarded pursuant to paragraph (1).

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

31 *SEC. 5. Section 8240 of the Education Code is amended to*
32 *read:*

33 8240. (a) ~~The Superintendent of Public Instruction,~~
34 *Superintendent*, with funds appropriated for this purpose, shall
35 administer general child care and development programs.

36 ~~General~~

37 (b) *General* child care and development programs shall include:

38 (a)

39 (1) Age and developmentally appropriate activities for children.

40 (b)

- 1 (2) Supervision.
- 2 ~~(e)~~
- 3 (3) Parenting education and parent involvement.
- 4 ~~(d)~~
- 5 (4) Social services that include, but are not limited to,
- 6 identification of child and family needs and referral to appropriate
- 7 agencies.
- 8 ~~(e)~~
- 9 (5) Health services.
- 10 ~~(f)~~
- 11 (6) Nutrition.
- 12 ~~(g)~~
- 13 (7) Training and career ladder opportunities, documentation of
- 14 which shall be provided to the ~~Department of Education~~
- 15 *department*.
- 16 (8) *Priority enrollment, when slots become available in*
- 17 *programs operated by licensed child care providers or local*
- 18 *educational agencies, for children from birth to five years of age*
- 19 *who meet any of the following criteria:*
- 20 (A) *Are supervised by the child welfare system.*
- 21 (B) *Have an open dependency or voluntary child protective*
- 22 *services court case.*
- 23 (C) *Are dependents of a parent with an open dependency court*
- 24 *case.*
- 25 SEC. 6. *Section 8263 of the Education Code is amended to*
- 26 *read:*
- 27 8263. (a) The Superintendent shall adopt rules and regulations
- 28 on eligibility, enrollment, and priority of services needed to
- 29 implement this chapter. In order to be eligible for federal and state
- 30 subsidized child development services, families shall meet at least
- 31 one requirement in each of the following areas:
- 32 (1) A family ~~is~~ (A) *is* a current aid recipient, (B) *is* income
- 33 eligible, (C) *is* homeless, or (D) ~~one whose children are recipients~~
- 34 ~~of~~ *has physical custody of a child who is a recipient of protective*
- 35 *services, or whose children have a child who has been identified*
- 36 *as being abused, neglected, or exploited, or at risk of being abused,*
- 37 ~~neglected, or exploited.~~ *exploited, including a child placed by a*
- 38 *child welfare agency with a relative or foster parent, a child served*
- 39 *by a child welfare agency who has an open dependency or*

1 *voluntary child protective services court case, or a child who is a*
2 *dependent of a parent with an open dependency court case.*

3 (2) A family needs the child care services (A) because the child
4 is identified by a legal, medical, or social services agency, or
5 emergency shelter as (i) a recipient of protective services, ~~services~~
6 *including a child placed by a child welfare agency with a relative*
7 *or foster parent, a child served by a child welfare agency who has*
8 *an open dependency or voluntary child protective services court*
9 *case, or a child who is a dependent of a parent with an open*
10 *dependency court case, or (ii) being neglected, abused, or*
11 *exploited, or at risk of neglect, abuse, or exploitation, or (B)*
12 *because the parents are (i) engaged in vocational training leading*
13 *directly to a recognized trade, paraprofession, or profession, (ii)*
14 *employed or seeking employment, (iii) seeking permanent housing*
15 *for family stability, or (iv) incapacitated.*

16 (b) Except as provided in Article 15.5 (commencing with Section
17 8350), priority for federal and state subsidized child development
18 services is as follows:

19 (1) (A) First priority shall be given to neglected or abused
20 children who are recipients of child protective services, or children
21 who are at risk of being neglected or abused, upon written referral
22 from a legal, medical, or social services ~~agency~~ *agency, including*
23 *children placed by a child welfare agency with a relative or foster*
24 *parent, children served by a child welfare agency who have an*
25 *open dependency or voluntary child protective services court case,*
26 *or children who are dependents of a parent with an open*
27 *dependency court case. If an agency is unable to enroll a child in*
28 *the first priority category, the agency shall refer the family to local*
29 *resource and referral services to locate services for the child.*
30 *Priority enrollment shall be granted when slots become available,*
31 *but shall not be used to displace children who are currently*
32 *receiving care.*

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

38 (C) A family may receive child care services for up to 12 months
39 on the basis of a certification by the county child welfare agency
40 that child care services continue to be necessary or, if the child is

1 receiving child protective services during that period of time, and
2 the family requires child care and remains otherwise eligible. This
3 time limit does not apply if the family’s child care referral is
4 recertified by the county child welfare agency.

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

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

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

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

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

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

38 (g) The Superintendent shall establish guidelines for the
39 collection of employer-sponsored child care benefit payments from
40 a parent whose child receives subsidized child care and

1 development services. These guidelines shall provide for the
2 collection of the full amount of the benefit payment, but not to
3 exceed the actual cost of child care and development services
4 provided, notwithstanding the applicable fee based on the fee
5 schedule.

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

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

13 *SEC. 7. Section 8499.5 of the Education Code is amended to*
14 *read:*

15 8499.5. (a) The department shall allocate child care funding
16 pursuant to Chapter 2 (commencing with Section 8200) based on
17 the amount of state and federal funding that is available.

18 (b) By May 30 of each year, upon approval by the county board
19 of supervisors and the county superintendent of schools, a local
20 planning council shall submit to the department the local priorities
21 it has identified that reflect all child care needs in the county. To
22 accomplish this, a local planning council shall do all of the
23 following:

24 (1) Conduct an assessment of child care needs in the county no
25 less frequently than once every five years. The department shall
26 define and prescribe data elements to be included in the needs
27 assessment and shall specify the format for the data reporting. The
28 needs assessment shall also include all factors deemed appropriate
29 by the local planning council in order to obtain an accurate picture
30 of the comprehensive child care needs in the county. The factors
31 include, but are not limited to, all of the following:

32 (A) The needs of families eligible for subsidized child care.

33 (B) The needs of families not eligible for subsidized child care.

34 (C) The waiting lists for programs funded by the department
35 and the State Department of Social Services.

36 (D) The need for child care for children determined by the child
37 protective services agency to be neglected, abused, or exploited,
38 or at risk of being neglected, abused, or ~~exploited~~ exploited,
39 including children placed by a child welfare agency with a relative
40 or foster parent, children served by a child welfare agency who

1 *have an open dependency or voluntary child protective services*
2 *court case, or children who are dependents of a parent with an*
3 *open dependency court case.*

4 (E) The number of children in families receiving public
5 assistance, including CalFresh benefits, housing support, and
6 Medi-Cal, and assistance from the Healthy Families Program and
7 the Temporary Assistance for Needy Families (TANF) program.

8 (F) Family income among families with preschool or schoolage
9 children.

10 (G) The number of children in migrant agricultural families
11 who move from place to place for work or who are currently
12 dependent for their income on agricultural employment in
13 accordance with subdivision (a) of, and paragraphs (1) and (2) of
14 subdivision (b) of, Section 8231.

15 (H) The number of children who have been determined by a
16 regional center to require services pursuant to an individualized
17 family service plan, or by a local educational agency to require
18 services pursuant to an individualized education program or an
19 individualized family service plan.

20 (I) The number of children in the county by primary language
21 spoken pursuant to the department's language survey.

22 (J) Special needs based on geographic considerations, including
23 rural areas.

24 (K) The number of children needing child care services by age
25 cohort.

26 (2) Document information gathered during the needs assessment
27 ~~which~~ *that* shall include, but need not be limited to, data on supply,
28 demand, cost, and market rates for each category of child care in
29 the county.

30 (3) Encourage public input in the development of the priorities.
31 Opportunities for public input shall include at least one public
32 hearing during which members of the public can comment on the
33 proposed priorities.

34 (4) Prepare a comprehensive countywide child care plan
35 designed to mobilize public and private resources to address
36 identified needs.

37 (5) Conduct a periodic review of child care programs funded
38 by the department and the State Department of Social Services to
39 determine if identified priorities are being met.

1 (6) Collaborate with subsidized and nonsubsidized child care
2 providers, county welfare departments, human service agencies,
3 regional centers, job training programs, employers, integrated child
4 and family service councils, local and state children and families
5 commissions, parent organizations, early start family resource
6 centers, family empowerment centers on disability, local child care
7 resource and referral programs, and other interested parties to
8 foster partnerships designed to meet local child care needs.

9 (7) Design a system to consolidate local child care waiting lists,
10 if a centralized eligibility list is not already in existence.

11 (8) Coordinate part-day programs, including state preschool
12 and Head Start, with other child care and development services to
13 provide full-day child care.

14 (9) Submit the results of the needs assessment and the local
15 priorities identified by the local planning council to the board of
16 supervisors and the county superintendent of schools for approval
17 before submitting them to the department.

18 (10) Identify at least one, but not more than two, members to
19 serve as part of the department team that reviews and scores
20 proposals for the provision of services funded through contracts
21 with the department. Local planning council representatives ~~may~~
22 *shall* not review and score proposals from the geographic area
23 covered by their own local planning council. The department shall
24 notify each local planning council whenever this opportunity is
25 available.

26 (c) The department shall, in conjunction with the State
27 Department of Social Services and all appropriate statewide
28 agencies and associations, develop guidelines for use by local
29 planning councils to assist them in conducting needs assessments
30 that are reliable and accurate. The guidelines shall include
31 acceptable sources of demographic and child care data, and
32 methodologies for assessing child care supply and demand.

33 (d) Except as otherwise required by subdivision (c) of Section
34 8236, the department shall allocate funding within each county in
35 accordance with the priorities identified by the local planning
36 council of that county and submitted to the department pursuant
37 to this section, unless the priorities do not meet the requirements
38 of state or federal law.

1 *SEC. 8. The sum of one thousand dollars (\$1,000) is hereby*
2 *appropriated from the General Fund to the State Department of*
3 *Education for allocation for purposes of this act.*

4 *SEC. 9. This act is a bill providing for appropriations related*
5 *to the Budget Bill within the meaning of subdivision (e) of Section*
6 *12 of Article IV of the California Constitution, has been identified*
7 *as related to the budget in the Budget Bill, and shall take effect*
8 *immediately.*

9 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
10 ~~changes relating to the Budget Act of 2015.~~

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