

AMENDED IN ASSEMBLY JUNE 29, 2015

AMENDED IN ASSEMBLY JUNE 12, 2015

**SENATE BILL**

**No. 94**

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**Introduced by Committee on Budget and Fiscal Review**

January 9, 2015

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An act to amend Sections 8208, 8212, 8236, 8240, 8263, 8347.2, 8347.4, and 8499.5 of, ~~and~~ to add Section 8201.5 to, *and to repeal Section 8347.6 of*, 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. Child care and development: priority enrollment: underserved ~~areas:~~ *areas: individualized county child care subsidy plans.*

(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 *court* 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 *court 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 *court 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) The Child Care and Development Services Act has a 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 develop standards for the implementation of quality child care programs. Existing law authorizes the County of San Mateo, and as a pilot project, to develop an individualized county child care subsidy plan, as provided. Existing law requires the County of San Mateo to submit an annual report, until January 1, 2018, to the Legislature and other specified entities that summarizes the success of the plan, among other things. Existing law provides for the repeal of those provisions on January 1, 2019.*

*This bill would authorize the County of San Mateo to implement the individualized county child care subsidy plan indefinitely and would make conforming changes. The bill would make legislative findings and declarations regarding the need for special legislation for the County of San Mateo.*

~~(6)~~

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

~~(7)~~

(8) 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)~~

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

Vote: majority. Appropriation: yes. Fiscal committee: 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  
16 residence in which they are placed changes, if continued enrollment  
17 is considered to be in the best interest of the child.

18 SEC. 2. Section 8208 of the Education Code is amended to  
19 read:  
20 8208. As used in this chapter:  
21 (a) "Alternative payments" includes payments that are made by  
22 one child care agency to another agency or child care provider for  
23 the provision of child care and development services, and payments  
24 that are made by an agency to a parent for the parent's purchase  
25 of child care and development services.  
26 (b) "Alternative payment program" means a local government  
27 agency or nonprofit organization that has contracted with the  
28 department pursuant to Section 8220.1 to provide alternative  
29 payments and to provide support services to parents and providers.  
30 (c) "Applicant or contracting agency" means a school district,  
31 community college district, college or university, county  
32 superintendent of schools, county, city, public agency, private  
33 nontax-exempt agency, private tax-exempt agency, or other entity  
34 that is authorized to establish, maintain, or operate services  
35 pursuant to this chapter. Private agencies and parent cooperatives,

1 duly licensed by law, shall receive the same consideration as any  
2 other authorized entity with no loss of parental decisionmaking  
3 prerogatives as consistent with the provisions of this chapter.

4 (d) “Assigned reimbursement rate” is that rate established by  
5 the contract with the agency and is derived by dividing the total  
6 dollar amount of the contract by the minimum child day of average  
7 daily enrollment level of service required.

8 (e) “Attendance” means the number of children present at a  
9 child care and development facility. “Attendance,” for purposes  
10 of reimbursement, includes excused absences by children because  
11 of illness, quarantine, illness or quarantine of their parent, family  
12 emergency, or to spend time with a parent or other relative as  
13 required by a court of law or that is clearly in the best interest of  
14 the child.

15 (f) “Capital outlay” means the amount paid for the renovation  
16 and repair of child care and development facilities to comply with  
17 state and local health and safety standards, and the amount paid  
18 for the state purchase of relocatable child care and development  
19 facilities for lease to qualifying contracting agencies.

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

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

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

- 31 (1) General child care and development.
- 32 (2) Migrant child care and development.
- 33 (3) Child care provided by the California School Age Families  
34 Education Program (Article 7.1 (commencing with Section 54740)  
35 of Chapter 9 of Part 29 of Division 4 of Title 2).
- 36 (4) California state preschool program.
- 37 (5) Resource and referral.
- 38 (6) Child care and development services for children with  
39 exceptional needs.
- 40 (7) Family child care home education network.

1 (8) Alternative payment.

2 (9) Schoolage community child care.

3 (j) “Child care and development services” means those services  
4 designed to meet a wide variety of needs of children and their  
5 families, while their parents or guardians are working, in training,  
6 seeking employment, incapacitated, or in need of respite. These  
7 services may include direct care and supervision, instructional  
8 activities, resource and referral programs, and alternative payment  
9 arrangements.

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

13 (l) “Children with exceptional needs” means either of the  
14 following:

15 (1) Infants and toddlers under three years of age who have been  
16 determined to be eligible for early intervention services pursuant  
17 to the California Early Intervention Services Act (Title 14  
18 commencing with Section 95000) of the Government Code) and  
19 its implementing regulations. These children include an infant or  
20 toddler with a developmental delay or established risk condition,  
21 or who is at high risk of having a substantial developmental  
22 disability, as described in subdivision (a) of Section 95014 of the  
23 Government Code. These children shall have active individualized  
24 family service plans, shall be receiving early intervention services,  
25 and shall be children who require the special attention of adults in  
26 a child care setting.

27 (2) Children 3 to 21 years of age, inclusive, who have been  
28 determined to be eligible for special education and related services  
29 by an individualized education program team according to the  
30 special education requirements contained in Part 30 (commencing  
31 with Section 56000) of Division 4 of Title 2, and who meet  
32 eligibility criteria described in Section 56026 and, Article 2.5  
33 (commencing with Section 56333) of Chapter 4 of Part 30 of  
34 Division 4 of Title 2, and Sections 3030 and 3031 of Title 5 of the  
35 California Code of Regulations. These children shall have an active  
36 individualized education program, shall be receiving early  
37 intervention services or appropriate special education and related  
38 services, and shall be children who require the special attention of  
39 adults in a child care setting. These children include children with  
40 intellectual disabilities, hearing impairments (including deafness),

1 speech or language impairments, visual impairments (including  
2 blindness), serious emotional disturbance (also referred to as  
3 emotional disturbance), orthopedic impairments, autism, traumatic  
4 brain injury, other health impairments, or specific learning  
5 disabilities, who need special education and related services  
6 consistent with Section 1401(3)(A) of Title 20 of the United States  
7 Code.

8 (m) “Closedown costs” means reimbursements for all approved  
9 activities associated with the closing of operations at the end of  
10 each growing season for migrant child development programs  
11 only.

12 (n) “Cost” includes, but is not limited to, expenditures that are  
13 related to the operation of child care and development programs.  
14 “Cost” may include a reasonable amount for state and local  
15 contributions to employee benefits, including approved retirement  
16 programs, agency administration, and any other reasonable program  
17 operational costs. “Cost” may also include amounts for licensable  
18 facilities in the community served by the program, including lease  
19 payments or depreciation, downpayments, and payments of  
20 principal and interest on loans incurred to acquire, rehabilitate, or  
21 construct licensable facilities, but these costs shall not exceed fair  
22 market rents existing in the community in which the facility is  
23 located. “Reasonable and necessary costs” are costs that, in nature  
24 and amount, do not exceed what an ordinary prudent person would  
25 incur in the conduct of a competitive business.

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

32 (p) “Family child care home education network” means an entity  
33 organized under law that contracts with the department pursuant  
34 to Section 8245 to make payments to licensed family child care  
35 home providers and to provide educational and support services  
36 to those providers and to children and families eligible for  
37 state-subsidized child care and development services. A family  
38 child care home education network may also be referred to as a  
39 family child care home system.

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

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

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

14 (3) Health education and training for children, parents, staff,  
15 and providers.

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

18 (r) “Higher educational institutions” means the Regents of the  
19 University of California, the Trustees of the California State  
20 University, the Board of Governors of the California Community  
21 Colleges, and the governing bodies of any accredited private  
22 nonprofit institution of postsecondary education.

23 (s) “Intergenerational staff” means persons of various  
24 generations.

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

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

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

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

37 (v) “Program director” means a person who, pursuant to Sections  
38 8244 and 8360.1, is qualified to serve as a program director.

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

1 (x) “Resource and referral programs” means programs that  
2 provide information to parents, including referrals and coordination  
3 of community resources for parents and public or private providers  
4 of care. Services frequently include, but are not limited to: technical  
5 assistance for providers, toy-lending libraries, equipment-lending  
6 libraries, toy- and equipment-lending libraries, staff development  
7 programs, health and nutrition education, and referrals to social  
8 services.

9 (y) “Severely disabled children” are children with exceptional  
10 needs from birth to 21 years of age, inclusive, who require intensive  
11 instruction and training in programs serving pupils with the  
12 following profound disabilities: autism, blindness, deafness, severe  
13 orthopedic impairments, serious emotional disturbances, or severe  
14 intellectual disabilities. “Severely disabled children” also include  
15 those individuals who would have been eligible for enrollment in  
16 a developmental center for handicapped pupils under Chapter 6  
17 (commencing with Section 56800) of Part 30 of Division 4 of Title  
18 2, as that chapter read on January 1, 1980.

19 (z) “Short-term respite child care” means child care service to  
20 assist families whose children have been identified through written  
21 referral from a legal, medical, or social service agency, or  
22 emergency shelter as being neglected, abused, exploited, or  
23 homeless, or at risk of being neglected, abused, exploited, or  
24 homeless. Child care is provided for less than 24 hours per day in  
25 child care centers, treatment centers for abusive parents, family  
26 child care homes, or in the child’s own home.

27 (aa) (1) “Site supervisor” means a person who, regardless of  
28 his or her title, has operational program responsibility for a child  
29 care and development program at a single site. A site supervisor  
30 shall hold a permit issued by the Commission on Teacher  
31 Credentialing that authorizes supervision of a child care and  
32 development program operating in a single site. The Superintendent  
33 may waive the requirements of this subdivision if the  
34 Superintendent determines that the existence of compelling need  
35 is appropriately documented.

36 (2) For California state preschool programs, a site supervisor  
37 may qualify under any of the provisions in this subdivision, or  
38 may qualify by holding an administrative credential or an  
39 administrative services credential. A person who meets the

1 qualifications of a program director under both Sections 8244 and  
2 8360.1 is also qualified under this subdivision.

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

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

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

11 (ae) “Support services” means those services that, when  
12 combined with child care and development services, help promote  
13 the healthy physical, mental, social, and emotional growth of  
14 children. Support services include, but are not limited to: protective  
15 services, parent training, provider and staff training, transportation,  
16 parent and child counseling, child development resource and  
17 referral services, and child placement counseling.

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

22 (ag) “Underserved area” means a county or subcounty area,  
23 including, but not limited to, school districts, census tracts, or ZIP  
24 Code areas, where the ratio of publicly subsidized child care and  
25 development program services to the need for these services is  
26 low or where the overall number of eligible children without access  
27 to publicly subsidized child care and development program services  
28 is high, as determined by the Superintendent.

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

31 (1) To undertake training in preparation for a job.

32 (2) To undertake or retain a job.

33 (3) To undertake other activities that are essential to maintaining  
34 or improving the social and economic function of the family, are  
35 beneficial to the community, or are required because of health  
36 problems in the family.

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

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

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

- 9 (1) November 1 of the 2012–13 fiscal year.
- 10 (2) October 1 of the 2013–14 fiscal year.
- 11 (3) September 1 of the 2014–15 fiscal year and each fiscal year
- 12 thereafter.

13 (ak) “Local educational agency” means a school district, a  
14 county office of education, a community college district, or a  
15 school district on behalf of one or more schools within the school  
16 district.

17 SEC. 3. Section 8212 of the Education Code is amended to  
18 read:

19 8212. (a) For purposes of this article, child care resource and  
20 referral programs established to serve a defined geographic area  
21 shall provide the following services:

22 (1) (A) Identification of the full range of existing child care  
23 services through information provided by all relevant public and  
24 private agencies in the areas of service, and the development of a  
25 resource file of those services that shall be maintained and updated  
26 at least quarterly. These services shall include, but are not limited  
27 to, family day care homes, public and private day care programs,  
28 full-time and part-time programs, and infant, preschool, and  
29 extended care programs.

30 (B) The resource file shall include, but is not limited to, the  
31 following information:

- 32 (i) Type of program.
- 33 (ii) Hours of service.
- 34 (iii) Ages of children served.
- 35 (iv) Fees and eligibility for services.
- 36 (v) Significant program information.

37 (2) (A) Establishment of a referral process that responds to  
38 parental need for information and that is provided with full  
39 recognition of the confidentiality rights of parents. Resource and  
40 referral programs shall make referrals to licensed child day care

1 facilities. Referrals shall be made to unlicensed care facilities only  
2 if there is no requirement that the facility be licensed. The referral  
3 process shall afford parents maximum access to all referral  
4 information. This access shall include, but is not limited to,  
5 telephone referrals to be made available for at least 30 hours per  
6 week as part of a full week of operation. Every effort shall be made  
7 to reach all parents within the defined geographic area, including,  
8 but not limited to, any of the following:

- 9 (i) Toll-free telephone lines.  
10 (ii) Office space convenient to parents and providers.  
11 (iii) Referrals in languages that are spoken in the community.  
12 (B) Each child care resource and referral program shall publicize  
13 its services through all available media sources, agencies, and other  
14 appropriate methods. The publicity shall include a statement  
15 regarding the state's special interest in enrolling the following  
16 children in programs that are operated by licensed child care  
17 providers or local educational agencies: children placed by a child  
18 welfare agency with a relative or foster parent, children served by  
19 a child welfare agency who have an open dependency or voluntary  
20 child protective services court case, and children who are  
21 dependents of a parent with an open dependency court case.

22 (3) (A) Provision of information to any person who requests a  
23 child care referral of his or her right to view the licensing  
24 information of a licensed child day care facility required to be  
25 maintained at the facility pursuant to Section 1596.859 of the  
26 Health and Safety Code and to access any public files pertaining  
27 to the facility that are maintained by the State Department of Social  
28 Services Community Care Licensing Division.

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

31 "State law requires licensed child day care facilities to make  
32 accessible to the public a copy of any licensing report pertaining  
33 to the facility that documents a facility visit or a substantiated  
34 complaint investigation. In addition, a more complete file regarding  
35 a child care licensee may be available at an office of the State  
36 Department of Social Services Community Care Licensing  
37 Division. You have the right to access any public information in  
38 these files."

39 (4) Maintenance of ongoing documentation of requests for  
40 service tabulated through the internal referral process. The

1 following documentation of requests for service shall be maintained  
2 by all child care resource and referral programs:

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

5 (B) Ages of children served.

6 (C) Time category of child care request for each child.

7 (D) Special time category, such as nights, weekends, and swing  
8 shift.

9 (E) Reason that the child care is needed.

10 This information shall be maintained in a manner that is easily  
11 accessible for dissemination purposes.

12 (5) Provision of technical assistance to existing and potential  
13 providers of all types of child care services. This assistance shall  
14 include, but not be limited to:

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 (B) Information and resources that help existing child care  
20 services providers to maximize their ability to serve the children  
21 and parents of their community.

22 (C) Dissemination of information on current public issues  
23 affecting the local and state delivery of child care services.

24 (D) Facilitation of communication between existing child care  
25 and child-related services providers in the community served.

26 (b) Services prescribed by this section shall be provided in order  
27 to maximize parental choice in the selection of child care to  
28 facilitate the maintenance and development of child care services  
29 and resources.

30 (c) (1) A program operating pursuant to this article shall, within  
31 two business days of receiving notice, remove a licensed child day  
32 care facility with a revocation or a temporary suspension order, or  
33 that is on probation from the program's referral list.

34 (2) A program operating pursuant to this article shall, within  
35 two business days of receiving notice, notify all entities, operating  
36 a program under Article 3 (commencing with Section 8220) and  
37 Article 15.5 (commencing with Section 8350) in the program's  
38 jurisdiction, of a licensed child day care facility with a revocation  
39 or a temporary suspension order, or that is on probation.

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

3 8236. (a) (1) Each applicant or contracting agency funded  
4 pursuant to Section 8235 shall give first priority to three- or  
5 four-year-old neglected or abused children who are recipients of  
6 child protective services, or who are at risk of being neglected,  
7 abused, or exploited upon written referral from a legal, medical,  
8 or social service agency, including children placed by a child  
9 welfare agency with a relative or foster parent, children served by  
10 a child welfare agency who have an open dependency or voluntary  
11 child protective services court case, or children who are dependents  
12 of a parent with an open dependency court case. If an agency is  
13 unable to enroll a child in this first priority category, the agency  
14 shall refer the child's parent or guardian to local resources and  
15 referral services so that services for the child can be located.  
16 Priority enrollment shall be granted when slots become available,  
17 but shall not be used to displace children who are currently  
18 receiving care.

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

27 (b) For California state preschool programs operating with  
28 funding that was initially allocated in a prior fiscal year, at least  
29 one-half of the children enrolled at a preschool site shall be  
30 four-year-old children. Any exception to this requirement shall be  
31 approved by the Superintendent. The Superintendent shall inform  
32 the Department of Finance of any exceptions that have been granted  
33 and the reasons for granting the exceptions.

34 (c) (1) (A) Commencing June 15, 2015, and notwithstanding  
35 any other law, in awarding new funding for the expansion of a  
36 California state preschool program that is appropriated by the  
37 Legislature for that purpose in any fiscal year, the Superintendent,  
38 after taking into account the geographic criteria established  
39 pursuant to Section 8279.3 and the data described in subparagraph  
40 (B), shall give priority to applicant agencies that, in expending the

1 expansion funds, will provide the greatest progress toward  
2 achieving access to full-day, full-year services for all  
3 income-eligible four-year-old children.

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

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

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

15 (d) This section does not preclude a local educational agency  
16 from subcontracting with an appropriate public or private agency  
17 to operate a California state preschool program and to apply for  
18 funds made available for purposes of this section. If a school  
19 district chooses not to operate or subcontract for a California state  
20 preschool program, the Superintendent shall work with the county  
21 office of education and other eligible agencies to explore possible  
22 opportunities in contracting or alternative subcontracting to provide  
23 a California state preschool program.

24 (e) This section does not prevent eligible children who are  
25 receiving services from continuing to receive those services in  
26 future years pursuant to this chapter.

27 SEC. 5. Section 8240 of the Education Code is amended to  
28 read:

29 8240. (a) The Superintendent, with funds appropriated for this  
30 purpose, shall administer general child care and development  
31 programs.

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

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

34 (2) Supervision.

35 (3) Parenting education and parent involvement.

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

39 (5) Health services.

40 (6) Nutrition.

1 (7) Training and career ladder opportunities, documentation of  
2 which shall be provided to the department.

3 (8) Priority enrollment, when slots become available in programs  
4 operated by licensed child care providers or local educational  
5 agencies, for children from birth to five years of age who meet  
6 any of the following criteria:

7 (A) Are supervised by the child welfare system.

8 (B) Have an open dependency or voluntary child protective  
9 services court case.

10 (C) Are dependents of a parent with an open dependency court  
11 case.

12 SEC. 6. Section 8263 of the Education Code is amended to  
13 read:

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

19 (1) A family (A) is a current aid recipient, (B) is income eligible,  
20 (C) is homeless, or (D) has physical custody of a child who is a  
21 recipient of protective services, or a child who has been identified  
22 as being abused, neglected, or exploited, or at risk of being abused,  
23 neglected, or exploited, including a child placed by a child welfare  
24 agency with a relative or foster parent, a child served by a child  
25 welfare agency who has an open dependency or voluntary child  
26 protective services court case, or a child who is a dependent of a  
27 parent with an open dependency court case.

28 (2) A family needs the child care services (A) because the child  
29 is identified by a legal, medical, or social services agency, or  
30 emergency shelter as (i) a recipient of protective services, including  
31 a child placed by a child welfare agency with a relative or foster  
32 parent, a child served by a child welfare agency who has an open  
33 dependency or voluntary child protective services court case, or a  
34 child who is a dependent of a parent with an open dependency  
35 court case, or (ii) being neglected, abused, or exploited, or at risk  
36 of neglect, abuse, or exploitation, or (B) because the parents are  
37 (i) engaged in vocational training leading directly to a recognized  
38 trade, paraprofession, or profession, (ii) employed or seeking  
39 employment, (iii) seeking permanent housing for family stability,  
40 or (iv) incapacitated.

1 (b) Except as provided in Article 15.5 (commencing with Section  
2 8350), priority for federal and state subsidized child development  
3 services is as follows:

4 (1) (A) First priority shall be given to neglected or abused  
5 children who are recipients of child protective services, or children  
6 who are at risk of being neglected or abused, upon written referral  
7 from a legal, medical, or social services agency, including children  
8 placed by a child welfare agency with a relative or foster parent,  
9 children served by a child welfare agency who have an open  
10 dependency or voluntary child protective services court case, or  
11 children who are dependents of a parent with an open dependency  
12 court case. If an agency is unable to enroll a child in the first  
13 priority category, the agency shall refer the family to local resource  
14 and referral services to locate services for the child. Priority  
15 enrollment shall be granted when slots become available, but shall  
16 not be used to displace children who are currently receiving care.

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

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

29 (2) Second priority shall be given equally to eligible families,  
30 regardless of the number of parents in the home, who are income  
31 eligible. Within this priority, families with the lowest gross monthly  
32 income in relation to family size, as determined by a schedule  
33 adopted by the Superintendent, shall be admitted first. If two or  
34 more families are in the same priority in relation to income, the  
35 family that has a child with exceptional needs shall be admitted  
36 first. If there is no family of the same priority with a child with  
37 exceptional needs, the same priority family that has been on the  
38 waiting list for the longest time shall be admitted first. For purposes  
39 of determining order of admission, the grants of public assistance  
40 recipients shall be counted as income.

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

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

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

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

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

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

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

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

38 *SEC. 7. Section 8347.2 of the Education Code is amended to*  
39 *read:*

1 8347.2. For purposes of this article, “plan” means an  
2 individualized county child care subsidy plan developed and  
3 approved ~~under the pilot project~~ *as* described in Section 8347,  
4 which includes all of the following:

5 (a) An assessment to identify the county’s goal for its subsidized  
6 child care system. The assessment shall examine whether the  
7 current structure of subsidized child care funding adequately  
8 supports working families in the county and whether the county’s  
9 child care goals coincide with the state’s requirements for funding,  
10 eligibility, priority, and reimbursement. The assessment shall also  
11 identify barriers in the state’s child care subsidy system that inhibit  
12 the county from meeting its child care goals. In conducting the  
13 assessment, the county shall consider all of the following:

14 (1) The general demographics of families who are in need of  
15 child care, including employment, income, language, ethnic, and  
16 family composition.

17 (2) The current supply of available subsidized child care.

18 (3) The level of need for various types of subsidized child care  
19 services, including, but not limited to, infant care, after-hours care,  
20 and care for children with exceptional needs.

21 (4) The county’s self-sufficiency income level.

22 (5) Income eligibility levels for subsidized child care.

23 (6) Family fees.

24 (7) The cost of providing child care.

25 (8) The regional market rates, as established by the department,  
26 for different types of child care.

27 (9) The standard reimbursement rate or state per diem for centers  
28 operating under contracts with the department.

29 (10) Trends in the county’s unemployment rate and housing  
30 affordability index.

31 (b) (1) Development of a local policy to eliminate state-imposed  
32 regulatory barriers to the county’s achievement of its desired  
33 outcomes for subsidized child care.

34 (2) The local policy shall do all of the following:

35 (A) Prioritize lowest income families first.

36 (B) Follow the family fee schedule established pursuant to  
37 ~~subdivision (g) of Section 8263~~ *Section 8273* for those families  
38 that are income eligible, as defined by Section 8263.1.

39 (C) Meet local goals that are consistent with the state’s child  
40 care goals.

1 (D) Identify existing policies that would be affected by the  
2 county's plan.

3 (E) (i) Authorize any agency that provides child care and  
4 development services in the county through a contract with the  
5 department to apply to the department to amend existing contracts  
6 in order to benefit from the local policy.

7 (ii) The department shall approve an application to amend an  
8 existing contract if the plan is modified pursuant to Section 8347.3.

9 (iii) The contract of a department contractor who does not elect  
10 to request an amendment to its contract remains operative and  
11 enforceable.

12 (3) The local policy may supersede state law concerning child  
13 care subsidy programs with regard only to the following factors:

14 (A) Eligibility criteria, including, but not limited to, age, family  
15 size, time limits, income level, inclusion of former and current  
16 CalWORKs participants, and special needs considerations, except  
17 that the local policy ~~may~~ shall not deny or reduce eligibility of a  
18 family that qualifies for child care pursuant to Section 8353. Under  
19 the local policy, a family that qualifies for child care pursuant to  
20 Section 8354 shall be treated for purposes of eligibility and fees  
21 in the same manner as a family that qualifies for subsidized child  
22 care on another basis pursuant to the local policy.

23 (B) Fees, including, but not limited to, family fees, sliding scale  
24 fees, and copayments for those families that are not income eligible,  
25 as defined by Section 8263.1.

26 (C) Reimbursement rates.

27 (D) Methods of maximizing the efficient use of subsidy funds,  
28 including, but not limited to, multiyear contracting with the  
29 department for center-based child care, and interagency agreements  
30 that allow for flexible and temporary transfer of funds among  
31 agencies.

32 (c) Recognition that all funding sources utilized by direct service  
33 contractors that provide child care and development services in  
34 the county are eligible to be included in the county's plan.

35 (d) Establishment of measurable outcomes to evaluate the  
36 success of the plan to achieve the county's child care goals, and  
37 to overcome any barriers identified in the state's child care subsidy  
38 system.

39 *SEC. 8. Section 8347.4 of the Education Code is amended to*  
40 *read:*

1 8347.4. (a) The county shall annually prepare and submit to  
2 the Legislature, the State Department of Social Services, and the  
3 department a report that summarizes the success of the county’s  
4 plan, and the county’s ability to maximize the use of funds and to  
5 improve and stabilize child care in the county.

6 ~~(b) (1) The requirement for submitting a report imposed under~~  
7 ~~subdivision (a) is inoperative on January 1, 2018, pursuant to~~  
8 ~~Section 10231.5 of the Government Code.~~

9 (2)  
10 (b) A report to be submitted pursuant to subdivision (a) shall  
11 be submitted in compliance with Section 9795 of the Government  
12 Code.

13 *SEC. 9. Section 8347.6 of the Education Code is repealed.*

14 ~~8347.6. This article shall become inoperative on July 1, 2018,~~  
15 ~~and, as of January 1, 2019, is repealed, unless a later enacted~~  
16 ~~statute, that becomes operative on or before January 1, 2019,~~  
17 ~~deletes or extends the dates on which it becomes inoperative and~~  
18 ~~is repealed.~~

19 ~~SEC. 7.~~

20 *SEC. 10.* Section 8499.5 of the Education Code is amended to  
21 read:

22 8499.5. (a) The department shall allocate child care funding  
23 pursuant to Chapter 2 (commencing with Section 8200) based on  
24 the amount of state and federal funding that is available.

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

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

- 39 (A) The needs of families eligible for subsidized child care.
- 40 (B) The needs of families not eligible for subsidized child care.

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

3 (D) The need for child care for children determined by the child  
4 protective services agency to be neglected, abused, or exploited,  
5 or at risk of being neglected, abused, or exploited, including  
6 children placed by a child welfare agency with a relative or foster  
7 parent, children served by a child welfare agency who have an  
8 open dependency or voluntary child protective services court case,  
9 or children who are dependents of a parent with an open  
10 dependency court case.

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

15 (F) Family income among families with preschool or schoolage  
16 children.

17 (G) The number of children in migrant agricultural families  
18 who move from place to place for work or who are currently  
19 dependent for their income on agricultural employment in  
20 accordance with subdivision (a) of, and paragraphs (1) and (2) of  
21 subdivision (b) of, Section 8231.

22 (H) The number of children who have been determined by a  
23 regional center to require services pursuant to an individualized  
24 family service plan, or by a local educational agency to require  
25 services pursuant to an individualized education program or an  
26 individualized family service plan.

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

29 (J) Special needs based on geographic considerations, including  
30 rural areas.

31 (K) The number of children needing child care services by age  
32 cohort.

33 (2) Document information gathered during the needs assessment  
34 that shall include, but need not be limited to, data on supply,  
35 demand, cost, and market rates for each category of child care in  
36 the county.

37 (3) Encourage public input in the development of the priorities.  
38 Opportunities for public input shall include at least one public  
39 hearing during which members of the public can comment on the  
40 proposed priorities.

1 (4) Prepare a comprehensive countywide child care plan  
2 designed to mobilize public and private resources to address  
3 identified needs.

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

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

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

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

20 (9) Submit the results of the needs assessment and the local  
21 priorities identified by the local planning council to the board of  
22 supervisors and the county superintendent of schools for approval  
23 before submitting them to the department.

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

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

38 (d) Except as otherwise required by subdivision (c) of Section  
39 8236, the department shall allocate funding within each county in  
40 accordance with the priorities identified by the local planning

1 council of that county and submitted to the department pursuant  
2 to this section, unless the priorities do not meet the requirements  
3 of state or federal law.

4 *SEC. 11. The Legislature finds and declares that a special law,*  
5 *as set fort in Sections 7 to 9, inclusive, is necessary and that a*  
6 *general law cannot be made applicable within the meaning of*  
7 *Section 16 of Article IV of the California Constitution because of*  
8 *the unique circumstances concerning the County of San Mateo.*

9 ~~SEC. 8.~~

10 *SEC. 12.* The sum of one thousand dollars (\$1,000) is hereby  
11 appropriated from the General Fund to the State Department of  
12 Education for allocation for purposes of this act.

13 ~~SEC. 9.~~

14 *SEC. 13.* This act is a bill providing for appropriations related  
15 to the Budget Bill within the meaning of subdivision (e) of Section  
16 12 of Article IV of the California Constitution, has been identified  
17 as related to the budget in the Budget Bill, and shall take effect  
18 immediately.