

Introduced by Senator Liu

February 26, 2015

An act to amend Section 8263 of the Education Code, relating to child care.

LEGISLATIVE COUNSEL'S DIGEST

SB 567, as introduced, Liu. Child care programs: continuity of services.

The Child Care and Development Services Act is enacted for, among other purposes, the 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 authorizes a family enrolled in state or federally funded child care and development program whose services would otherwise be terminated because the family no longer meets the program criteria to continue to receive child development services in another state or a federally funded child care and development program, as provided.

This bill would require a child to be deemed eligible for the remainder of the program year subsequent to enrollment in a state or federally funded child care program.

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

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

- 1 SECTION 1. It is the intent of the Legislature to strategically
- 2 use state and federal funds to provide a stable, comprehensive, and

1 adequately funded early learning and educational support system
2 for children from birth to five years of age that promotes access
3 to safe, high-quality, part-day and full-day services that support
4 the development of the whole child, especially for those children
5 who need it most, that includes, but is not limited to, the following:
6 (a) Supporting positive parent-child relationships and responsive
7 caregiving.
8 (b) Promoting language-rich environments, including at home.
9 (c) Developmentally appropriate curriculum with differentiated
10 instruction.
11 (d) Knowledgeable, caring, and well-trained educators, staff,
12 and providers.
13 (e) Program activities and services that are age appropriate and
14 meet the developmental needs of each child, including special
15 needs children.
16 (f) Promotion of healthy practices and activities.
17 (g) An educationally enriched environment that respects and
18 supports cultural, linguistic, and ability diversity.
19 (h) A physical environment that is safe and appropriate to the
20 ages and developmental needs of the children served.
21 (i) Provision for nutritional needs and physical activity of
22 children.
23 (j) Access for low-income infants, toddlers, and preschoolers
24 to high-quality early learning and care.
25 (k) Support services for children and families that include
26 referral of children to appropriate agencies, including referrals
27 related to, but not limited to, all of the following:
28 (1) Health care.
29 (2) Social services that include, but are not limited to, child
30 abuse prevention, identification of child and family needs, and
31 referral to appropriate agencies.
32 (3) Early childhood mental health services, including primary
33 prevention, crisis intervention, assessments, and referrals.
34 (4) Family support, parenting education, and family and
35 community engagement.
36 (5) Counseling, including family counseling.
37 (6) Nutrition services.
38 (7) Interagency coordination and collaboration among the state
39 agencies responsible for the provision of support services to
40 children and their families.

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

3 8263. (a) The Superintendent shall adopt rules and regulations
4 on eligibility, enrollment, and priority of services needed to
5 implement this chapter. In order to be eligible for federal and state
6 subsidized child development services, families shall meet at least
7 one requirement in each of the following areas:

8 (1) A family is (A) a current aid recipient, (B) income eligible,
9 (C) homeless, or (D) one whose children are recipients of protective
10 services, or whose children have been identified as being abused,
11 neglected, or exploited, or at risk of being abused, neglected, or
12 exploited.

13 (2) A family needs the child care services (A) because the child
14 is identified by a legal, medical, or social services agency, or
15 emergency shelter as (i) a recipient of protective services or (ii)
16 being neglected, abused, or exploited, or at risk of neglect, abuse,
17 or exploitation, or (B) because the parents are (i) engaged in
18 vocational training leading directly to a recognized trade,
19 paraprofession, or profession, (ii) employed or seeking
20 employment, (iii) seeking permanent housing for family stability,
21 or (iv) incapacitated.

22 (b) Except as provided in Article 15.5 (commencing with Section
23 8350), priority for federal and state subsidized child development
24 services is as follows:

25 (1) (A) First priority shall be given to neglected or abused
26 children who are recipients of child protective services, or children
27 who are at risk of being neglected or abused, upon written referral
28 from a legal, medical, or social services agency. If an agency is
29 unable to enroll a child in the first priority category, the agency
30 shall refer the family to local resource and referral services to
31 locate services for the child.

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

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

1 the family requires child care and remains otherwise eligible. This
2 time limit does not apply if the family's child care referral is
3 recertified by the county child welfare agency.

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

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

24 *(c) Notwithstanding any other law, in order to promote*
25 *continuity of services, subsequent to enrollment in a state or*
26 *federally funded child care program, a child shall be deemed*
27 *eligible for the remainder of the program year.*

28 ~~(e)~~

29 *(d) Notwithstanding any other law, in order to promote*
30 *continuity of services, a family enrolled in a state or federally*
31 *funded child care and development program whose services would*
32 *otherwise be terminated because the family no longer meets the*
33 *program income, eligibility, or need criteria may continue to*
34 *receive child development services in another state or federally*
35 *funded child care and development program if the contractor is*
36 *able to transfer the family's enrollment to another program for*
37 *which the family is eligible before the date of termination of*
38 *services or to exchange the family's existing enrollment with the*
39 *enrollment of a family in another program, provided that both*
40 *families satisfy the eligibility requirements for the program in*

1 which they are being enrolled. The transfer of enrollment may be
2 to another program within the same administrative agency or to
3 another agency that administers state or federally funded child
4 care and development programs.

5 ~~(d)~~

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

21 ~~(e)~~

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

37 ~~(f)~~

38 (g) Regulations formulated and promulgated pursuant to this
39 section shall include the recommendations of the State Department
40 of Health Care Services relative to health care screening and the

1 provision of health care services. The Superintendent shall seek
2 the advice and assistance of these health authorities in situations
3 where service under this chapter includes or requires care of
4 children who are ill or children with exceptional needs.

5 ~~(g)~~

6 (h) The Superintendent shall establish guidelines for the
7 collection of employer-sponsored child care benefit payments from
8 a parent whose child receives subsidized child care and
9 development services. These guidelines shall provide for the
10 collection of the full amount of the benefit payment, but not to
11 exceed the actual cost of child care and development services
12 provided, notwithstanding the applicable fee based on the fee
13 schedule.

14 ~~(h)~~

15 (i) The Superintendent shall establish guidelines according to
16 which the director or a duly authorized representative of the child
17 care and development program will certify children as eligible for
18 state reimbursement pursuant to this section.

19 ~~(i)~~

20 (j) Public funds shall not be paid directly or indirectly to an
21 agency that does not pay at least the minimum wage to each of its
22 employees.