

Introduced by Senator LiuFebruary 18, 2016

An act to amend Sections 8210, 8211, 8212, 8214, 8215, and 8216 of, to add Sections 8212.5, 8215.5, and 8218 to, and to repeal Section 8212.3 of, the Education Code, relating to child care and development services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1154, as introduced, Liu. Child care and development services: resource and referral programs.

(1) The Child Care and Development Services Act, administered by the State Department of Education, requires the Superintendent of Public Instruction to administer child care and development programs. Existing law authorizes funds appropriated for purposes of the act to be used for child care resource and referral programs, which may be operated by public or private nonprofit entities and are required to provide certain information and services to parents and child care providers relating to child care services in a defined geographic area.

This bill, which would be known as the Patricia Siegel Child Care Resource and Referral Memorial Act of 2016, would require a child care resource and referral program to provide specified additional services, including providing training and workshops relating to child care services, providing community resource assistance, and collaborating with and assisting other community agencies in planning, coordinating, and improving child care. The bill would delete provisions authorizing a resource and referral program to provide short-term respite care, as defined. The bill would require a resource and referral program to implement written complaint procedures. The bill would require a resource and referral program to provide basic child care referrals, as

defined, at no cost. The bill would require a resource and referral program to include additional information in the documentation a resource and referral program is required to maintain.

(2) Existing law requires the State Department of Social Services to prevent the use of lists containing names, addresses, and other identifying information of facilities identified as small family day care homes, with certain exceptions.

This bill, in addition, would require a child care resource and referral program to limit the distribution of lists of small family day care homes except when necessary to collaborate with federal, state, and local emergency response organizations for emergency preparedness and response efforts.

(3) Existing law establishes the California Child Care Initiative Project for certain purposes, including increasing the availability of qualified child care programs in the state.

This bill would instead establish 2 projects, to be known as the California Child Care Initiative Project - State Program and the California Child Care Initiative Project - Quality Plan Program, respectively.

(4) Existing law requires the State Department of Social Services to establish a trustline registry for purposes of conducting background checks for specified child care service providers and imposes certain responsibilities on child care resource and referral programs in the administration of the trustline registry.

This bill would impose additional requirements on resource and referral programs relating to the trustline registry, including reviewing trustline applications for in-home or license-exempt, home-based child care providers who are being paid through state- or federally funded child care subsidies and facilitating the trustline Web-based application process.

(5) This bill would make other conforming changes and nonsubstantive changes.

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

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

1 SECTION 1. This act shall be known, and may be cited, as the
2 Patricia Siegel Child Care Resource and Referral Memorial Act
3 of 2016.

1 SEC. 2. Section 8210 of the Education Code is amended to
2 read:

3 8210. Funds appropriated for the purpose of this ~~chapter may~~
4 *article shall* be used for child care resource and referral programs
5 ~~which that~~ may be operated by public or private nonprofit entities.

6 SEC. 3. Section 8211 of the Education Code is amended to
7 read:

8 8211. It is the intent of the Legislature ~~that one hundred eighty~~
9 ~~thousand dollars (\$180,000) be appropriated to appropriate funding~~
10 each fiscal year for allocation to child care ~~and development~~
11 resource and referral ~~agencies operated by local educational~~
12 ~~agencies for the purpose of the child care resources and referral~~
13 ~~program set forth in this article.~~ *programs.*

14 SEC. 4. Section 8212 of the Education Code is amended to
15 read:

16 8212. (a) *Child care resource and referral programs are*
17 *unique in their provision of services to all parents regardless of*
18 *income and all types of child care providers.* For purposes of this
19 article, child care resource and referral programs, established to
20 serve a defined geographic area, shall provide *all of* the following
21 services:

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

- 32 (1)
- 33 (A) Type of program.
- 34 (2)
- 35 (B) Hours of service.
- 36 (3)
- 37 (C) Ages of children served.
- 38 (4)
- 39 (D) Fees and eligibility for services.
- 40 (5)

- 1 (E) Significant program information.
- 2 ~~(b) (1) Establishment~~
- 3 (2) (A) (i) ~~Establishment~~ of a referral process ~~which that is~~
4 ~~described in writing and is available to parents and providers~~
5 ~~upon request, that responds to parental need for information to~~
6 ~~make the most informed child care choice for the family. Referrals~~
7 ~~shall be available to all persons requesting the information~~
8 ~~regardless of income level or other eligibility requirements. A child~~
9 ~~care resource and which is referral program shall limit the~~
10 ~~distribution of lists of small family day care homes as required~~
11 ~~pursuant to Section 1596.86 of the Health and Safety Code except~~
12 ~~when necessary to collaborate with federal, state, and local~~
13 ~~emergency response organizations for emergency preparedness~~
14 ~~and response efforts. Referrals shall be provided with full~~
15 ~~recognition of the confidentiality rights of parents. Resource and~~
16 ~~referral programs shall make referrals to licensed child day care~~
17 ~~facilities. Referrals shall be made facilities, and may make referrals~~
18 ~~to unlicensed care facilities only if there is no requirement~~
19 ~~programs that the facility be licensed. are legally exempt from~~
20 ~~licensing. The referral process shall afford parents maximum access~~
21 ~~to all referral information. This access shall include, but is not~~
22 ~~limited to, telephone referrals to be made available for at least 30~~
23 ~~hours per week as part of a full week of contracted operation.~~
24 ~~Every effort shall be made to reach make child care referrals~~
25 ~~accessible to all parents within the defined geographic area, area~~
26 ~~by using methods including, but not limited to, any of the~~
27 ~~following:~~
- 28 ~~(A)~~
- 29 (I) Toll-free telephone lines.
- 30 (II) Email and other appropriate technology.
- 31 ~~(B)~~
- 32 (III) Office space convenient to parents and providers.
- 33 ~~(C)~~
- 34 (IV) Referrals in languages ~~which that~~ are spoken in the
35 community.
- 36 (ii) Each child care resource and referral program shall publicize
37 its services through all available media sources, agencies, and other
38 appropriate methods.
- 39 ~~(2) (A) Provision~~

1 (B) (i) *Provision* of information to any person who requests a
2 child care referral of his or her right to view the licensing
3 information of a licensed child day care facility required to be
4 maintained at the facility pursuant to Section 1596.859 of the
5 Health and Safety Code and to access any public files pertaining
6 to the facility that are maintained by the State Department of Social
7 Services Community Care Licensing Division.

8 ~~(B)~~

9 (ii) A written or oral advisement in substantially the following
10 form will comply with the requirements of ~~subparagraph (A):~~
11 *clause (i):*

12 “State law requires licensed child day care facilities to make
13 accessible to the public a copy of any licensing report pertaining
14 to the facility that documents a facility visit or a substantiated
15 complaint investigation. In addition, a more complete file regarding
16 a child care licensee may be available at an office of the State
17 Department of Social Services Community Care Licensing
18 Division. You have the right to access any public information in
19 these files.”

20 ~~(e)~~

21 (3) (A) Maintenance of ongoing documentation of requests for
22 service tabulated through the internal referral process. The
23 following documentation of requests for service shall be maintained
24 by all child care resource and referral programs:

25 ~~(1)~~

26 (i) Number of calls and contacts to the child care ~~information~~
27 *resource* and referral program or component.

28 ~~(2)~~

29 (ii) Ages of children served.

30 ~~(3)~~

31 (iii) Time category of child care request for each child.

32 ~~(4)~~

33 (iv) Special time category, such as nights, weekends, and swing
34 shift.

35 ~~(5)~~

36 (v) Reason that the child care is needed.

37 (vi) *Requests for other child care information.*

38 (vii) *Child care supply information, including the number of*
39 *licensed child care programs, and, if available, the number of*
40 *license-exempt child care providers.*

- 1 ~~(2) This~~
- 2 (B) *This information shall be maintained in a manner that is*
- 3 *easily accessible for dissemination purposes.*
- 4 ~~(d)~~
- 5 (4) *Provision of technical assistance to existing and potential*
- 6 *providers of all types of child care services. services to improve*
- 7 *access to, increase the supply of, and improve the quality of child*
- 8 *care available in every community in California. This assistance*
- 9 *shall include, but not be limited to, all of the following:*
- 10 ~~(1) Information~~
- 11 (A) *Providing information on all aspects of initiating new child*
- 12 *care services including, but not limited to, licensing, zoning,*
- 13 *program and budget development, and assistance in finding this*
- 14 *information from other sources.*
- 15 ~~(2) Information~~
- 16 (B) *Providing information and resources that help existing child*
- 17 *care services providers to maximize their ability to serve the*
- 18 *children and parents of their community.*
- 19 (C) *Providing training and workshops on health and safety,*
- 20 *child development, special needs, and other topics related to*
- 21 *professional development.*
- 22 ~~(3) Dissemination of~~
- 23 (D) *Disseminating information on current public issues affecting*
- 24 *the local and state delivery of child care services.*
- 25 ~~(4) Facilitation of~~
- 26 (E) *Facilitating communication between existing child care and*
- 27 *child-related services providers in the community served.*
- 28 (F) *Providing information about community resources, child*
- 29 *care statistics, and opening a child care business to parents, child*
- 30 *care providers, community organizations, and government entities.*
- 31 (G) *Collaborating with community partners to increase*
- 32 *awareness of child care issues.*
- 33 (H) *Assisting community and public agencies in planning,*
- 34 *coordinating, and improving child care in the defined geographic*
- 35 *area.*
- 36 (I) *Partnering with local county welfare agencies in meeting*
- 37 *the child care needs of CalWORKs families.*
- 38 (J) *Facilitating efforts to expand child care services in the local*
- 39 *community based on demonstrated demand for services.*
- 40 Services

1 (b) Services prescribed by this section shall be provided in order
2 to maximize parental choice in the selection of child care to
3 facilitate the maintenance and development of child care services
4 and resources.

5 (e)

6 (c) (1) A program operating pursuant to this article shall, within
7 two business days of receiving ~~notice;~~ *notice from the State*
8 *Department of Social Services Community Care Licensing Division,*
9 remove a licensed child day care facility with a revocation or a
10 temporary suspension order, or that is on probation from the
11 program’s referral list.

12 (2) A program operating pursuant to this article shall, within
13 two business days of receiving notice, notify all entities, operating
14 a program under Article 3 (commencing with Section 8220) and
15 Article 15.5 (commencing with Section 8350) in the program’s
16 jurisdiction, of a licensed child day care facility with a revocation
17 or a temporary suspension order, or that is on probation.

18 SEC. 5. Section 8212.3 of the Education Code is repealed.

19 ~~8212.3.— (a) In addition to the services described in Section~~
20 ~~8212, a child care resource and referral program, established to~~
21 ~~serve a defined geographic area, may provide short-term respite~~
22 ~~child care. “Short-term respite care,” for purposes of this article,~~
23 ~~means temporary child care services to do any of the following:~~

24 ~~(1) Provide services to families identified and referred by child~~
25 ~~protective agencies.~~

26 ~~(2) Relieve the stress caused by child abuse, neglect, or~~
27 ~~exploitation, or the risk of abuse, neglect, or exploitation.~~

28 ~~(3) Assist parents who, because of serious illness or injury,~~
29 ~~homelessness, or family crisis, including temporary absence from~~
30 ~~the home because of illness or injury, would be unable without~~
31 ~~assistance to provide the normal care and nurture expected of~~
32 ~~parents.~~

33 ~~(4) Provide temporary relief to parents from the care of children~~
34 ~~with exceptional needs.~~

35 ~~(b) Pursuant to the delivery of short-term respite child care~~
36 ~~services, priority shall be given for the provision of services to~~
37 ~~families identified and referred by child protective agencies, to~~
38 ~~relieve the stress caused by child abuse, neglect, or exploitation,~~
39 ~~or the risks thereof, as described in paragraphs (1) and (2) of~~
40 ~~subdivision (a). Priority shall be given to assist parents and to~~

1 provide temporary relief to parents, as described in paragraphs (3)
 2 and (4) of subdivision (a) to the extent that resources are available.

3 SEC. 6. Section 8212.5 is added to the Education Code, to
 4 read:

5 8212.5. A child care resource and referral program shall
 6 develop and implement written complaint procedures that include
 7 all of the following:

- 8 (a) Procedures for documenting and resolving complaints.
- 9 (b) Procedures for referring reports of licensing violations to
 10 appropriate agencies.
- 11 (c) Procedures for removing and reinstating a child care provider
 12 from referral files.

13 SEC. 7. Section 8214 of the Education Code is amended to
 14 read:

15 8214. ~~Child Basic child care resources and referral referrals~~
 16 shall be provided *at no cost* to all persons requesting services and
 17 to all types of child care providers, services, regardless of income
 18 level or other eligibility criteria. *A basic child care referral shall*
 19 *include the names and telephone numbers of child care providers*
 20 *that meet the requested need of the parent or guardian seeking*
 21 *referrals in addition to the information and services described in*
 22 *Section 8216. A fee may be charged for an enhanced referral that*
 23 *includes information in addition to basic child care referral*
 24 *information. In addition to the services prescribed by this section,*
 25 *a child care resource and referral program may provide a wide*
 26 *variety of other parent and provider support and educational*
 27 *services. Services, including training, technical assistance, and*
 28 *other appropriate support that improves the quality of child care*
 29 *available in the community, may be provided for all types of child*
 30 *care providers, depending on the available funding for the services.*

31 SEC. 8. Section 8215 of the Education Code is amended to
 32 read:

33 8215. (a) There ~~is~~ *are* hereby established ~~a project~~ *two projects*,
 34 known as the California Child Care Initiative ~~Project. Project -~~
 35 *State Program and the California Child Care Initiative Project -*
 36 *Quality Plan Program, respectively.* It is the intent of the
 37 Legislature to promote and foster the ~~project~~ *California Child Care*
 38 *Initiative Project - State Program* in cooperation with private
 39 corporations and local governments. The objective of ~~the project~~

1 *both projects* is to increase the availability of quality child care
2 ~~programs~~ in the state.

3 (b) For purposes of this section, the California Child Care
4 Initiative Project means a project to ~~expand~~ *clarify* the role and
5 functions of ~~selected resource and referral agencies~~ *programs* in
6 ~~activities~~ *activities*, including needs assessment, recruitment and
7 screening of providers, technical assistance, and staff development
8 and training, in order to aid communities ~~in increasing their~~
9 ~~capability~~ *in to increase* the number of child care spaces available
10 and *improve* the quality of child care services offered.

11 ~~(e) The Superintendent of Public Instruction shall allocate all~~
12 ~~state funds appropriated for the California Child Care Initiative~~
13 ~~Project for the purpose of making grants to those child care~~
14 ~~resource and referral agencies that have been selected as pilot sites~~
15 ~~for the project.~~

16 ~~(d)~~

17 (c) The ~~project~~ *Superintendent* shall *allocate all state funds*
18 *appropriated for the California Child Care Initiative Project -*
19 *State Program and shall ensure that each dollar of state funds*
20 *allocated pursuant to this subdivision* ~~(e)~~ is matched by two dollars
21 ~~(\$2) statewide~~ from other sources, including private corporations,
22 the federal government, or local governments.

23 ~~(e) The grants to the sites made available by the project shall~~
24 ~~be comprised of a combination of state funds and other funds~~
25 ~~pursuant to subdivision (d).~~

26 ~~(f) The Superintendent of Public Instruction shall develop a data~~
27 ~~base for the project.~~

28 SEC. 9. Section 8215.5 is added to the Education Code, to
29 read:

30 8215.5. Child care resource and referral programs shall provide
31 a range of professional development services to all types of child
32 care providers, including, but not limited to, license-exempt child
33 care providers, licensed family day care homes, and center-based
34 child care and development programs, to support the development
35 of new child care services and to improve the quality of services
36 available in the state.

37 SEC. 10. Section 8216 of the Education Code is amended to
38 read:

39 8216. ~~When~~ *(a) A child care resource and referral program*
40 *shall maximize parental choice and supports for parents in locating*

1 child care resources in their community by doing all of the
2 following:

3 (1) Provide information regarding how to select child care
4 services that meet the needs of the parent and child.

5 (2) Provide a range of possible child care alternatives from
6 which a parent may choose.

7 (3) Provide information on licensing requirements and
8 procedures.

9 (4) Provide information on available child care subsidies and
10 eligibility requirements.

11 (b) When making referrals, ~~every~~ an agency operating both a
12 direct service program and a resource and referral program shall
13 provide at least four referrals, at least one of which shall be a
14 provider over which the agency has no fiscal or operational ~~control~~;
15 ~~as well as information to control. If there are fewer than four~~
16 ~~providers that meet the request of the parent, a family on resource~~
17 ~~and referral program shall provide all of the family's ability to~~
18 ~~choose a license-exempt provider.~~ referrals that meet the parent's
19 request.

20 SEC. 11. Section 8218 is added to the Education Code, to read:

21 8218. (a) A child care resource and referral program shall
22 implement the trustline registry program for license-exempt child
23 care providers pursuant to Section 1596.655 of the Health and
24 Safety Code.

25 (b) In addition to the responsibilities specified in Section
26 1596.655 of the Health and Safety Code, a child care resource and
27 referral program shall do both of the following:

28 (1) Review trustline applications for completeness and forward
29 the necessary application information to the State Department of
30 Social Services for in-home or license-exempt, home-based child
31 care providers who are being paid through state- or federally funded
32 child care subsidies.

33 (2) Cooperate with the California Child Care Resource and
34 Referral Network to facilitate the use of the trustline Web-based
35 application process.