

AMENDED IN ASSEMBLY AUGUST 7, 2000

AMENDED IN SENATE MAY 30, 2000

AMENDED IN SENATE APRIL 24, 2000

SENATE BILL

No. 1703

Introduced by Senator Escutia

February 22, 2000

An act to amend ~~Sections 8202 and 8263~~ *Section 8202* of, and to add Section 8276.8 to, the Education Code, relating to child care and development.

LEGISLATIVE COUNSEL'S DIGEST

SB 1703, as amended, Escutia. Child care and development.

~~(1) Existing~~

Existing law provides the priority for state and federally subsidized child development services except as provided for in child care for recipients of the CalWORKs program.

~~This bill would also include provisions in the annual Budget Act as an exception for purposes of these priorities.~~

~~(2) Existing law requires the Superintendent of Public Instruction to adopt rules and regulations on eligibility, enrollment, and priority of services needed to implement the provisions of the Child Care and Development Services Act.~~
~~Existing~~

Existing law requires the superintendent to submit to the Joint Legislative Budget Committee a report documenting the performance of child care and development programs.

This bill would state the Legislature’s intent to provide sufficient funding through an appropriation in the annual Budget Act to fund the cost of providing high quality child care and development services for all individuals who meet the income eligibility criteria by 2005. The bill would require, ~~subject to an appropriation therefor,~~ the Superintendent of Public Instruction to submit to the Legislature a cost estimate for providing that high quality child care and those developmental services. The bill would also require, subject to an appropriation therefor, the superintendent to provide child care and development services for all income eligible individuals, operative January 1, 2005.

The bill would appropriate the sum of \$42,000,000 to the State Department of Education for specified child care purposes.

Vote: ~~majority~~ ^{2/3}. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: no.

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

- 1 SECTION 1. Section 8202 of the Education Code is
- 2 amended to read:
- 3 8202. It is the intent of the Legislature that:
- 4 (a) All families have access to high quality child care
- 5 and development services *pursuant to Section 8203,*
- 6 *through resource and referral services, where*
- 7 *appropriate, regardless of ethnic status, cultural*
- 8 *background, or special needs. It is further the intent that*
- 9 *high quality subsidized child care and development*
- 10 *services be provided to persons meeting the ~~income~~*
- 11 *eligibility criteria established under this chapter by 2005,*
- 12 *and to the extent funding is made available by the*
- 13 *Legislature and Congress, ~~to all persons meeting the~~*
- 14 *other eligibility criteria.*
- 15 (b) The healthy physical, cognitive, social, and
- 16 emotional growth and development of children be
- 17 supported.
- 18 (c) Families achieve and maintain their personal,
- 19 social, economic, and emotional stability through an
- 20 opportunity to attain financial stability through



1 employment, while maximizing growth and
2 development of their children, and enhancing their
3 parenting skills through participation in child care and
4 development programs.

5 (d) Community-level coordination in support of child
6 care and development services be encouraged.

7 (e) Families have a choice of programs that allow for
8 maximum involvement in planning, implementation,
9 operation, and evaluation of child care and development
10 programs.

11 (f) Parents and families be fully informed of their
12 rights and responsibilities to evaluate the quality and
13 safety of child care programs, including, but not limited
14 to, their right to inspect child care licensing files.

15 (g) Planning for expansion of child care and
16 development programs be based on ongoing local needs
17 assessments.

18 (h) The Superintendent of Public Instruction, in
19 providing funding to child care and development
20 agencies, promote a range of services which will allow
21 parents the opportunity to choose the type of care most
22 suited to their needs. The program scope may include the
23 following:

24 (1) Programs located in centers, family day care
25 homes, or in the child's own home.

26 (2) Services provided part-day, full-day, and during
27 nonstandard hours including weekend care, night and
28 shift care, before and after school care, and care during
29 holidays and vacation.

30 (3) Child care services provided for infants, preschool,
31 and schoolage children.

32 (i) The Superintendent of Public Instruction be
33 responsible for the establishment of a public hearing
34 process or other public input process that ensures the
35 participation of those agencies directly affected by a
36 particular section or sections of this chapter.

37 (j) Funding be increased for child care in order to
38 provide child care services for all children.

39 ~~SEC. 2. Section 8263 of the Education Code is~~
40 ~~amended to read:~~



1 8263. (a) The Superintendent of Public Instruction
2 shall adopt rules and regulations on eligibility,
3 enrollment, and priority of services needed to implement
4 this chapter. In order to be eligible for federal and state
5 subsidized child development services, families shall
6 meet at least one requirement in each of the following
7 areas:

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

13 (2) A family needs the child care service because the
14 child is identified by a legal, medical, social service
15 agency, or emergency shelter as (A) a recipient of
16 protective services, (B) being neglected, abused, or
17 exploited, or at risk of neglect, abuse, or exploitation, or
18 (C) having a medical or psychiatric special need which
19 cannot be met without provision of child day care, or the
20 parents are (i) engaged in vocational training leading
21 directly to a recognized trade, paraprofession, or
22 profession, (ii) employed or seeking employment, (iii)
23 seeking permanent housing for family stability, or (iv)
24 incapacitated, including a medical or psychiatric special
25 need which cannot be met without provision of child day
26 care.

27 (b) Except as provided in Article 15.5 (commencing
28 with Section 8350) and as provided in the annual Budget
29 Act, priority for state and federally subsidized child
30 development services is as follows:

31 (1) First priority shall be given to neglected or abused
32 children who are recipients of child protective services,
33 or recipients who are at risk of being neglected or abused,
34 upon written referral from a legal, medical, or social
35 service agency. When an agency is unable to enroll a child
36 in the first priority category, the agency shall refer the
37 family to local resource and referral services to locate
38 services for the child.

39 (2) Second priority shall be equally given to eligible
40 families, regardless of the number of parents in the home,



1 who are income eligible. Within this priority, families
2 with the lowest gross monthly income in relation to family
3 size, as determined by a schedule adopted by the
4 superintendent, shall be admitted first. When two or
5 more families are in the same priority in relation to
6 income, the family that has been on the waiting list for the
7 longest amount of time shall be admitted first. For
8 purposes of determining order of admission, the grants of
9 public assistance recipients shall be counted as income.

10 (3) The superintendent shall set criteria for and may
11 grant specific waivers of the priorities established in this
12 subdivision for agencies that wish to serve specific
13 populations, including disabled children or children of
14 prisoners. These new waivers shall not include proposals
15 to avoid appropriate fee schedules or admit ineligible
16 families, but may include proposals to accept members of
17 special populations in other than strict income order, as
18 long as appropriate fees are paid.

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

38 (d) A physical examination and evaluation, including
39 age-appropriate immunization, shall be required prior to,
40 or within six weeks of, enrollment. No standard, rule, or



1 regulation shall require medical examination or
2 immunization for admission to a child care and
3 development program of a child whose parent or
4 guardian files a letter with the governing board of the
5 child care and development program stating that the
6 medical examination or immunization is contrary to his
7 or her religious beliefs, or provide for the exclusion of a
8 child from the program because of a parent or guardian
9 having filed the letter. However, whenever there is good
10 cause to believe that a child is suffering from a recognized
11 contagious or infectious disease, the child shall be
12 temporarily excluded from the program until the
13 governing board of the child care and development
14 program is satisfied that any contagious or infectious
15 disease does not exist.

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

24 (f) The superintendent shall establish a fee schedule
25 for families utilizing child care and development services
26 pursuant to this chapter. The income of a recipient of
27 federal supplemental security income benefits pursuant
28 to Title XVI of the federal Social Security Act (42 U.S.C.
29 Sec. 1381 et seq.) and state supplemental program
30 benefits pursuant to Title XVI of the federal Social
31 Security Act and Chapter 3 (commencing with Section
32 12000) of Part 3 of Division 9 of the Welfare and
33 Institutions Code shall not be included as income for the
34 purposes of determining the amount of the family fee.
35 The fee schedule shall include, but not be limited to, the
36 following restrictions:

37 (1) No fees shall be assessed for families whose
38 children are enrolled in the state preschool program.

39 (2) A contractor or provider may require parents to
40 provide diapers. A contractor or provider offering field



1 ~~trips either may include the cost of the field trips within~~
2 ~~the service rate charged to the parent or may charge~~
3 ~~parents an additional fee. No federal or state money shall~~
4 ~~be used to reimburse parents for the costs of field trips if~~
5 ~~those costs are charged as an additional fee. A contractor~~
6 ~~or provider that charges parents an additional fee for field~~
7 ~~trips shall inform parents, prior to enrolling the child, that~~
8 ~~a fee may be charged and that no reimbursement will be~~
9 ~~available. A contractor or provider may charge parents~~
10 ~~for field trips or require parents to provide diapers only~~
11 ~~under the following circumstances:~~

12 ~~(A) The provider has a written policy that is adopted~~
13 ~~by the agency's governing board that includes parents in~~
14 ~~the decisionmaking process regarding both of the~~
15 ~~following:~~

16 ~~(i) Whether or not, and how much, to charge for field~~
17 ~~trip expenses.~~

18 ~~(ii) Whether or not to require parents to provide~~
19 ~~diapers.~~

20 ~~(B) The maximum total of charges per child in a~~
21 ~~contract year does not exceed twenty-five dollars (\$25).~~

22 ~~(C) No child is denied participation in a field trip due~~
23 ~~to the parent's inability or refusal to pay the charge. No~~
24 ~~adverse action shall be taken against any parent for that~~
25 ~~inability or refusal.~~

26 ~~Each contractor or provider shall establish a payment~~
27 ~~system that prevents the identification of children based~~
28 ~~on whether or not their parents have paid a field trip~~
29 ~~charge.~~

30 ~~Expenses incurred and income received for field trips~~
31 ~~pursuant to this section, shall be reported to the State~~
32 ~~Department of Education. The income received for field~~
33 ~~trips shall be reported specifically as restricted income.~~

34 ~~(g) The superintendent shall establish guidelines for~~
35 ~~the collection of employer-sponsored child care benefit~~
36 ~~payments from any parent whose child receives~~
37 ~~subsidized child care and development services. These~~
38 ~~guidelines shall provide for the collection of the full~~
39 ~~amount of the benefit payment, but not to exceed the~~
40 ~~actual cost of child care and development services~~



1 provided, notwithstanding the applicable fee based on
2 the fee schedule.

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

8 (i) No public funds shall be paid directly or indirectly
9 to any agency that does not pay at least the minimum
10 wage to each of its employees.

11 ~~SEC. 3.—~~

12 *SEC. 2.* Section 8276.8 is added to the Education
13 Code, to read:

14 8276.8. (a) It is the intent of the Legislature to
15 provide sufficient funding through an appropriation in
16 the annual Budget Act to fund the cost of providing high
17 quality child care and development services for all
18 individuals who meet the income eligibility criteria set
19 forth in Section 8263.1 by 2005.

20 (b) ~~Subject to an appropriation being made for~~
21 ~~purposes of this section, on~~ On or before March 1, 2001,
22 the Superintendent of Public Instruction shall submit to
23 the Legislature a cost estimate for providing high quality
24 child care and development services for all individuals
25 who meet the income eligibility criteria by 2005.

26 (c) Subject to an appropriation being made for
27 purposes of this section, the Superintendent of Public
28 Instruction shall provide child care and development
29 services for all income eligible individuals. This
30 subdivision shall become operative on January 1, 2005.

31 *SEC. 3.* *The sum of forty-two million dollars*
32 *(\$42,000,000) is hereby appropriated from the General*
33 *Fund to the State Department of Education for the*
34 *purpose of funding child care technological advances,*
35 *staff retention and training initiatives, facility and*
36 *playground repairs, safety enhancements, and*
37 *development, and initiatives to increase child care for*



- 1 *children with special needs, including physical access*
- 2 *improvements.*

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