

AMENDED IN ASSEMBLY JANUARY 6, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 379

Introduced by Assembly Member Mullin

February 14, 2003

An act to amend Section ~~8289~~ of 8208 of, and to add Article 8.5 (commencing with Section 8245) to Chapter 2 of Part 6 of, the Education Code, relating to child ~~care~~ development.

LEGISLATIVE COUNSEL'S DIGEST

AB 379, as amended, Mullin. ~~Child care: funding~~ Family child care home education networks.

Existing law requires the Superintendent of Public Instruction to administer general child care and development programs consisting of programs that offer a full range of services for children from infancy to 14 years of age, for any part of a day, by a public or private agency, in centers and family child care homes.

This bill would require the Superintendent of Public Instruction to contract with local education agencies, local government agencies, and nonprofit organizations to operate family child care home education networks that support educational objectives for children in family child care homes that serve families eligible for subsidized child care. The bill would require the family child care home education network programs to provide specified services, including age and developmentally appropriate activities for children, parenting education, and parent involvement. The bill would provide that its provisions do not impose any new requirement on a family child care

home education network that entered into a contract with the State Department of Education on or before January 1, 2005, as specified.

~~Existing law requires the State Department of Education to disburse augmentations to the base allocation for the expansion of child care and development programs to promote equal access to child development services across the state. Under existing law, the Superintendent of Public Instruction is required to develop and use a formula as a guide in disbursing the augmentations.~~

~~This bill would require the Superintendent of Public Instruction, when allocating funds for the expansion of infant and toddler programs, to consider the percentage of infants and toddlers in each county with working parents.~~

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.—Section 8289 of the Education Code is amended~~
- 2 *SECTION 1. It is the intent of the Legislature to improve and*
- 3 *ensure school readiness of children from state-subsidized families*
- 4 *who receive day care in family child care homes. For the past three*
- 5 *decades, the family child care home network, also known as the*
- 6 *family child care home system, contracted through the State*
- 7 *Department of Education, has provided quality,*
- 8 *education-oriented, child development programs. It is the intent of*
- 9 *the Legislature in enacting this act, to clarify and codify the family*
- 10 *child care home network and ensure that the State Department of*
- 11 *Education’s desired results system of outcome measures apply to*
- 12 *the network.*
- 13 *SEC. 2. Section 8208 of the Education Code is amended to*
- 14 *read:*
- 15 8208. As used in this chapter:
- 16 (a) “Alternative payments” includes payments that are made
- 17 by one child care agency to another agency or child care provider
- 18 for the provision of child care and development services, and
- 19 payments that are made by an agency to a parent for the parent’s
- 20 purchase of child care and development services.
- 21 (b) “Alternative payment program” means a local government
- 22 agency or nonprofit organization that has contracted with the



1 department pursuant to Section 8220.2 to provide alternative
2 payments and to provide support services to parents and providers.

3 (c) “Applicant or contracting agency” means a school district,
4 community college district, college or university, county
5 superintendent of schools, county, city, public agency, private
6 nontax-exempt agency, private tax-exempt agency, or other entity
7 that is authorized to establish, maintain, or operate services
8 pursuant to this chapter. Private agencies and parent cooperatives,
9 duly licensed by law, shall receive the same consideration as any
10 other authorized entity with no loss of parental decisionmaking
11 prerogatives as consistent with the provisions of this chapter.

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

16 (e) “Attendance” means the number of children present at a
17 child care and development facility. “Attendance,” for the
18 purposes of reimbursement, includes excused absences by
19 children because of illness, quarantine, illness or quarantine of
20 their parent, family emergency, or to spend time with a parent or
21 other relative as required by a court of law or that is clearly in the
22 best ~~interest~~ *interests* of the child.

23 (f) “Capital outlay” means the amount paid for the renovation
24 and repair of child care and development facilities to comply with
25 state and local health and safety standards, and the amount paid for
26 the state purchase of relocatable child care and development
27 facilities for lease to qualifying contracting agencies.

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

31 (h) “Child care and development facility” means any
32 residence or building or part thereof in which child care and
33 development services are provided.

34 (i) “Child care and development programs” means those
35 programs that offer a full range of services for children from
36 infancy to 14 years of age, *inclusive*, for any part of a day, by a
37 public or private agency, in centers and family child care homes.
38 These programs include, but are not limited to, all of the following:

- 39 (1) Campus child care and development.
40 (2) General child care and development.



- 1 (3) Migrant child care and development.
2 (4) Child care provided by the California School Age Families
3 Education Program (Article 7.1 (commencing with Section
4 54740) of Chapter 9 of Part 29).
5 (5) State preschool.
6 (6) Resource and referral.
7 (7) Child care and development services for children with
8 special needs.
9 (8) Family child care home *education* network.
10 (9) Alternative payment.
11 (10) Child abuse protection and prevention services.
12 (11) Schoolage community child care.
13 (j) “Child care and development services” means those
14 services designed to meet a wide variety of needs of children and
15 their families, while their parents or guardians are working, in
16 training, seeking employment, incapacitated, or in need of respite.
17 These services may include direct care and supervision,
18 instructional activities, resource and referral programs, and
19 alternative payment arrangements.
20 (k) “Children at risk of abuse, neglect, or exploitation” means
21 children who are so identified in a written referral from a legal,
22 medical, or social service agency, or emergency shelter.
23 (l) “Children with exceptional needs” means infants and
24 toddlers, from birth to 36 months of age, inclusive, who have been
25 determined eligible for early intervention services pursuant to the
26 California Early Intervention Services Act (Title 14 (commencing
27 with Section 95000) of the Government Code) and its
28 implementing regulations, and children 3 years of age and older
29 who have been determined to be eligible for special education and
30 related services by an individualized education program team
31 according to the special education requirements contained in Part
32 30 (commencing with Section 56000), and meeting eligibility
33 criteria described in Section 56026 and Sections 56333 to 56338,
34 inclusive, and Sections 3030 and 3031 of Title 5 of the California
35 Code of Regulations. These children *may* have an ~~active~~ *operative*
36 individualized education program or individualized family service
37 plan, and ~~are~~ *be* receiving early intervention services or
38 appropriate special education and services. These children, ages
39 birth to 21 years, inclusive, may be autistic, developmentally
40 disabled, hard-of-hearing, deaf, speech impaired, visually



1 handicapped, seriously emotionally disturbed, orthopedically
2 impaired, other health impaired, deaf-blind, multihandicapped, or
3 children with specific learning disabilities, who require the special
4 attention of adults in a child care setting.

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

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

24 (o) “Elementary school,” as contained in Section 425 of Title
25 20 of the United States Code (the National Defense Education Act
26 of 1958, Public Law 85-864, as amended), includes early
27 childhood education programs and all child development
28 programs, for the purpose of the cancellation provisions of loans
29 to students in institutions of higher learning.

30 (p) *“Family child care home education network” means a local*
31 *education agency, local government agency, or nonprofit*
32 *organization that contracts with the department pursuant to*
33 *Section 8245 to make payments to family child care home*
34 *providers and to provide educational support services to parents*
35 *and to providers that serve state-subsidized families. A family child*
36 *care home education network may also be referred to as a family*
37 *child care home system.*

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



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

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

12 (3) Health education and training for children, parents, staff,
13 and providers.

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

16 ~~(q)~~

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

22 ~~(t)~~

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

25 ~~(s)~~

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

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

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

34 ~~(t)~~

35 (u) “Parent” means any person living with a child who has
36 responsibility for the care and welfare of the child.

37 ~~(u)~~

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



1 ~~(v)~~
2 (w) “Proprietary child care agency” means an organization or
3 facility providing child care, which is operated for profit.

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

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

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

33 ~~(z)~~
34 (aa) (1) “Site supervisor” means a person who, regardless of
35 his or her title, has operational program responsibility for a child
36 care and development program at a single site. A site supervisor
37 shall hold a permit issued by the Commission on Teacher
38 Credentialing that authorizes supervision of a child care and
39 development program operating in a single site. The
40 Superintendent of Public Instruction may waive the requirements



1 of this subdivision if the superintendent determines that the
2 existence of compelling need is appropriately documented.

3 (2) In respect to state preschool programs, a site supervisor may
4 qualify under any of the provisions in this subdivision, or may
5 qualify by holding an administrative credential or an
6 administrative services credential. A person who meets the
7 qualifications of a site supervisor under both Section 8244 and
8 subdivision ~~(e)~~ (b) of Section 8360.1 is also qualified under this
9 subdivision.

10 ~~(aa)~~

11 (ab) “Standard reimbursement rate” means that rate
12 established by the Superintendent of Public Instruction pursuant
13 to Section 8265.

14 ~~(ab)~~

15 (ac) “Startup costs” means those expenses an agency incurs in
16 the process of opening a new or additional facility prior to the full
17 enrollment of children.

18 ~~(ae)~~

19 (ad) “State preschool services” means part-day educational
20 programs for low-income or otherwise disadvantaged
21 prekindergarten-age children.

22 ~~(ad)~~

23 (ae) “Support services” means those services that, when
24 combined with child care and development services, help promote
25 the healthy physical, mental, social, and emotional growth of
26 children. Support services include, but are not limited to:
27 protective services, parent training, provider and staff training,
28 transportation, parent and child counseling, child development
29 resource and referral services, and child placement counseling.

30 ~~(ae)~~

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

35 ~~(af)~~

36 (ag) “Underserved area” means a county or subcounty area,
37 including, but not limited to, school districts, census tracts, or ZIP
38 Code areas, where the ratio of publicly subsidized child care and
39 development program services to the need for these services is low,
40 as determined by the Superintendent of Public Instruction.



1 ~~(ag)~~
2 (ah) “Workday” means the time that the parent requires
3 temporary care for a child for any of the following reasons:
4 (1) To undertake training in preparation for a job.
5 (2) To undertake or retain a job.
6 (3) To undertake other activities that are essential to
7 maintaining or improving the social and economic function of the
8 family, are beneficial to the community, or are required because of
9 health problems in the family.

10 SEC. 3. Article 8.5 (commencing with Section 8245) is added
11 to Chapter 2 of Part 6 of the Education Code, to read:

12
13 Article 8.5. Family Child Care Home Education Networks

14
15 8245. (a) The Superintendent of Public Instruction, with
16 funds appropriated for this purpose, shall contract with local
17 educational agencies, local government agencies, and nonprofit
18 organizations to operate family child care home education
19 networks that support educational objectives for children in family
20 child care homes that serve families eligible for subsidized child
21 care.

22 (b) Family child care home education network programs shall
23 include, but are not limited to, all of the following:

24 (1) Age and developmentally appropriate activities for
25 children.

26 (2) Supervision of children.

27 (3) Parenting education and parent involvement.

28 (4) Social services that include, but are not limited to,
29 identification of child and family needs and referral to appropriate
30 agencies.

31 (5) Health services.

32 (6) Nutrition.

33 (7) Training and support for the family child care home
34 education network’s family home providers and staff.

35 (8) Assessment of each family home provider to ensure
36 educational and developmentally appropriate programs for
37 children.

38 (9) Developmental profiles for children enrolled in the
39 program.



1 8246. (a) Each family child care home education network
 2 contractor, in addition to the requirements set forth in subdivision
 3 (b) of Section 8245, shall do all of the following:

- 4 (1) Recruit, enroll, and certify eligible families.
- 5 (2) Recruit, train, support, and reimburse licensed family home
 6 providers.
- 7 (3) Collect parental sliding scale fees.
- 8 (4) Set standards for educational quality and conduct
 9 assessments of the quality of the program offered by each family
 10 home providers.
- 11 (5) Ensure that basic health and nutrition requirements are
 12 met.
- 13 (6) Monitor contract compliance.
- 14 (7) Provide data and reporting as may be required by the
 15 department.

16 (b) Each family child care home education network contractor
 17 shall adopt a policy regarding the arrangement to be maintained
 18 with each family child care home provider and shall note in its
 19 records whether the provider is an employee or independent
 20 contractor.

21 (c) A family child care home education network contractor
 22 shall implement the department's desired results system of
 23 outcome measures. The department shall modify the measures
 24 already developed for contracted child development centers to fit
 25 the services of family child care home education networks and
 26 their family child care homes.

27 8247. This article does not impose any new requirement on a
 28 family child care home education network that entered into a
 29 contract with the department on or before January 1, 2005, nor
 30 does this article require any increase in reimbursement rates under
 31 that contract. This article does not require the department to
 32 modify its contracting procedure that was in effect immediately
 33 prior to January 1, 2005, for a family child care home education
 34 network.

35 ~~to read:~~

36 ~~8289. (a) The State Department of Education shall disburse~~
 37 ~~augmentations to the base allocation for the expansion of child~~
 38 ~~care and development programs to promote equal access to child~~
 39 ~~development services across the state.~~



1 ~~(b) The Superintendent of Public Instruction shall use the~~
2 ~~formula developed pursuant to subdivision (c) and the priorities~~
3 ~~identified by local child care and development planning councils,~~
4 ~~unless those priorities do not meet the requirements of state or~~
5 ~~federal law, as a guide in disbursing augmentations pursuant to~~
6 ~~subdivision (a).~~

7 ~~(c) The Superintendent of Public Instruction shall develop a~~
8 ~~formula for prioritizing the disbursement of augmentations~~
9 ~~pursuant to this section. The formula shall give priority to~~
10 ~~allocating funds to underserved areas. The Superintendent of~~
11 ~~Public Instruction shall develop the formula by using the~~
12 ~~definition of “underserved area” in subdivision (af) of Section~~
13 ~~8208 and direct impact indicators of need for child care and~~
14 ~~development services in the county or subcounty areas. For~~
15 ~~purposes of this section, “subcounty areas” include, but are not~~
16 ~~limited to, school districts, census tracts, or ZIP Code areas that are~~
17 ~~deemed by the Superintendent of Public Instruction to be most~~
18 ~~appropriate to the type of program receiving an augmentation.~~
19 ~~Direct impact indicators of need may include, but are not limited~~
20 ~~to, the teenage pregnancy rate, the unemployment rate, parental~~
21 ~~workforce participation rates, area household income, or the~~
22 ~~number or percentage of families receiving public assistance,~~
23 ~~eligible for Medi-Cal, or eligible for free or reduced-price school~~
24 ~~meals, and any unique characteristics of the population served by~~
25 ~~the type of program receiving an augmentation.~~

26 ~~(d) When allocating funds for the expansion of infant and~~
27 ~~toddler programs, the Superintendent of Public Instruction shall~~
28 ~~also consider the percentage of infants and toddlers in each county~~
29 ~~with parents in the workforce.~~

30 ~~(e) To promote equal access to services, the Superintendent of~~
31 ~~Public Instruction shall include in guidelines developed for use by~~
32 ~~local planning councils pursuant to subdivision (c) of Section~~
33 ~~8499.5 guidance on identifying underserved areas and populations~~
34 ~~within counties. This guidance shall include reference to the direct~~
35 ~~impact indicators of need described in subdivision (c).~~

