

AMENDED IN ASSEMBLY JANUARY 15, 2004

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 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 development.

LEGISLATIVE COUNSEL'S DIGEST

AB 379, as amended, Mullin. 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.

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 improve and  
2 ensure school readiness of children from state-subsidized families  
3 who receive day care in family child care homes. For the past three  
4 decades, the family child care home *education* network, also  
5 known as the family child care home system, contracted through  
6 the State Department of Education, has provided quality,  
7 education-oriented, child development programs. It is the intent of  
8 the Legislature in enacting this act, to clarify and codify the family  
9 child care home *education* network and ensure that the State  
10 Department of Education's desired results system of outcome  
11 measures apply to the network.

12 SEC. 2. Section 8208 of the Education Code is amended to  
13 read:

14 8208. As used in this chapter:

15 (a) "Alternative payments" includes payments that are made  
16 by one child care agency to another agency or child care provider  
17 for the provision of child care and development services, and  
18 payments that are made by an agency to a parent for the parent's  
19 purchase of child care and development services.

20 (b) "Alternative payment program" means a local government  
21 agency or nonprofit organization that has contracted with the  
22 department pursuant to Section 8220.2 to provide alternative  
23 payments and to provide support services to parents and providers.

24 (c) "Applicant or contracting agency" means a school district,  
25 community college district, college or university, county  
26 superintendent of schools, county, city, public agency, private  
27 nontax-exempt agency, private tax-exempt agency, or other entity  
28 that is authorized to establish, maintain, or operate services  
29 pursuant to this chapter. Private agencies and parent cooperatives,  
30 duly licensed by law, shall receive the same consideration as any  
31 other authorized entity with no loss of parental decisionmaking  
32 prerogatives as consistent with the provisions of this chapter.



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

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

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

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

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

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

- 28 (1) Campus child care and development.
- 29 (2) General child care and development.
- 30 (3) Migrant child care and development.
- 31 (4) Child care provided by the California School Age Families  
32 Education Program (Article 7.1 (commencing with Section  
33 54740) of Chapter 9 of Part 29).
- 34 (5) State preschool.
- 35 (6) Resource and referral.
- 36 (7) Child care and development services for children with  
37 special needs.
- 38 (8) Family child care home education network.
- 39 (9) Alternative payment.
- 40 (10) Child abuse protection and prevention services.



1 (11) Schoolage community child care.

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

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

12 (l) “Children with exceptional needs” means infants and  
13 toddlers, from birth to 36 months of age, inclusive, who have been  
14 determined eligible for early intervention services pursuant to the  
15 California Early Intervention Services Act (Title 14 (commencing  
16 with Section 95000) of the Government Code) and its  
17 implementing regulations, and children 3 years of age and older  
18 who have been determined to be eligible for special education and  
19 related services by an individualized education program team  
20 according to the special education requirements contained in Part  
21 30 (commencing with Section 56000), and meeting eligibility  
22 criteria described in Section 56026 and Sections 56333 to 56338,  
23 inclusive, and Sections 3030 and 3031 of Title 5 of the California  
24 Code of Regulations. These children may have an operative  
25 individualized education program or individualized family service  
26 plan, and be receiving early intervention services or appropriate  
27 special education and services. These children, ages birth to 21  
28 years, inclusive, may be autistic, developmentally disabled,  
29 hard-of-hearing, deaf, speech impaired, visually handicapped,  
30 seriously emotionally disturbed, orthopedically impaired, other  
31 health impaired, deaf-blind, multihandicapped, or children with  
32 specific learning disabilities, who require the special attention of  
33 adults in a child care setting.

34 (m) “Closedown costs” means reimbursements for all  
35 approved activities associated with the closing of operations at the  
36 end of each growing season for migrant child development  
37 programs only.

38 (n) “Cost” includes, but is not limited to, expenditures that are  
39 related to the operation of child care and development programs.  
40 “Cost” may include a reasonable amount for state and local



1 contributions to employee benefits, including approved retirement  
2 programs, agency administration, and any other reasonable  
3 program operational costs. “Cost” may also include amounts for  
4 licensable facilities in the community served by the program,  
5 including lease payments or depreciation, downpayments, and  
6 payments of principal and interest on loans incurred to acquire,  
7 rehabilitate, or construct licensable facilities, but these costs may  
8 not exceed fair market rents existing in the community in which  
9 the facility is located. “Reasonable and necessary costs” are costs  
10 that, in nature and amount, do not exceed what an ordinary prudent  
11 person would incur in the conduct of a competitive business.

12 (o) “Elementary school,” as contained in Section 425 of Title  
13 20 of the United States Code (the National Defense Education Act  
14 of 1958, Public Law 85-864, as amended), includes early  
15 childhood education programs and all child development  
16 programs, for the purpose of the cancellation provisions of loans  
17 to students in institutions of higher learning.

18 (p) “Family child care home education network” means a local  
19 education agency, local government agency, or nonprofit  
20 organization that contracts with the department pursuant to  
21 Section 8245 to make payments to *licensed* family child care home  
22 providers and to provide educational *and* support services to  
23 parents and to providers that serve state-subsidized families. A  
24 family child care home education network may also be referred to  
25 as a family child care home system.

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

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

30 (2) Health screening and health treatment, including a full  
31 range of immunization recorded on the appropriate state  
32 immunization form to the extent provided by the Medi-Cal Act  
33 (Chapter 7 (commencing with Section 14000) of Part 3 of Division  
34 9 of the Welfare and Institutions Code) and the Child Health and  
35 Disability Prevention Program (Article 6 (commencing with  
36 Section 124025) of Chapter 3 of Part 2 of Division 106 of the  
37 Health and Safety Code), but only to the extent that ongoing care  
38 cannot be obtained utilizing community resources.

39 (3) Health education and training for children, parents, staff,  
40 and providers.



- 1 (4) Followup treatment through referral to appropriate health  
2 care agencies or individual health care professionals.
- 3 (r) “Higher educational institutions” means the Regents of the  
4 University of California, the Trustees of the California State  
5 University, the Board of Governors of the California Community  
6 Colleges, and the governing bodies of any accredited private  
7 nonprofit institution of postsecondary education.
- 8 (s) “Intergenerational staff” means persons of various  
9 generations.
- 10 (t) “Limited-English-speaking-proficient and  
11 non-English-speaking-proficient children” means children who  
12 are unable to benefit fully from an English-only child care and  
13 development program as a result of either of the following:
- 14 (1) Having used a language other than English when they first  
15 began to speak.
- 16 (2) Having a language other than English predominantly or  
17 exclusively spoken at home.
- 18 (u) “Parent” means any person living with a child who has  
19 responsibility for the care and welfare of the child.
- 20 (v) “Program director” means a person who, pursuant to  
21 Sections 8244 and 8360.1, is qualified to serve as a program  
22 director.
- 23 (w) “Proprietary child care agency” means an organization or  
24 facility providing child care, which is operated for profit.
- 25 (x) “Resource and referral programs” means programs that  
26 provide information to parents, including referrals and  
27 coordination of community resources for parents and public or  
28 private providers of care. Services frequently include, but are not  
29 limited to: technical assistance for providers, toy-lending libraries,  
30 equipment-lending libraries, toy- and equipment-lending  
31 libraries, staff development programs, health and nutrition  
32 education, and referrals to social services.
- 33 (y) “Severely disabled children” are children with exceptional  
34 needs from birth to 21 years of age, inclusive, who require  
35 intensive instruction and training in programs serving pupils with  
36 the following profound disabilities: autism, blindness, deafness,  
37 severe orthopedic impairments, serious emotional disturbances, or  
38 severe mental retardation. “Severely disabled children” also  
39 include those individuals who would have been eligible for  
40 enrollment in a developmental center for handicapped pupils



1 under Chapter 6 (commencing with Section 56800) of Part 30 as  
2 it read on January 1, 1980.

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

11 (aa) (1) “Site supervisor” means a person who, regardless of  
12 his or her title, has operational program responsibility for a child  
13 care and development program at a single site. A site supervisor  
14 shall hold a permit issued by the Commission on Teacher  
15 Credentialing that authorizes supervision of a child care and  
16 development program operating in a single site. The  
17 Superintendent of Public Instruction may waive the requirements  
18 of this subdivision if the superintendent determines that the  
19 existence of compelling need is appropriately documented.

20 (2) In respect to state preschool programs, a site supervisor may  
21 qualify under any of the provisions in this subdivision, or may  
22 qualify by holding an administrative credential or an  
23 administrative services credential. A person who meets the  
24 qualifications of a site supervisor under both Section 8244 and  
25 subdivision (b) of Section 8360.1 is also qualified under this  
26 subdivision.

27 (ab) “Standard reimbursement rate” means that rate  
28 established by the Superintendent of Public Instruction pursuant  
29 to Section 8265.

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

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

36 (ae) “Support services” means those services that, when  
37 combined with child care and development services, help promote  
38 the healthy physical, mental, social, and emotional growth of  
39 children. Support services include, but are not limited to:  
40 protective services, parent training, provider and staff training,



1 transportation, parent and child counseling, child development  
2 resource and referral services, and child placement counseling.

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

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

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

- 14 (1) To undertake training in preparation for a job.
- 15 (2) To undertake or retain a job.
- 16 (3) To undertake other activities that are essential to  
17 maintaining or improving the social and economic function of the  
18 family, are beneficial to the community, or are required because of  
19 health problems in the family.

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

22  
23 Article 8.5. Family Child Care Home Education Networks

24  
25 8245. (a) The Superintendent of Public Instruction, with  
26 funds appropriated for this purpose, shall contract with local  
27 educational agencies, local government agencies, and nonprofit  
28 organizations to operate family child care home education  
29 networks that support educational objectives for children in family  
30 child care homes that serve families eligible for subsidized child  
31 care.

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

- 34 (1) Age and developmentally appropriate activities for  
35 children.
- 36 (2) Supervision of children.
- 37 (3) Parenting education and parent involvement.
- 38 (4) Social services that include, but are not limited to,  
39 identification of child and family needs and referral to appropriate  
40 agencies.



1 (5) Health services.

2 (6) Nutrition.

3 (7) Training and support for the family child care home  
4 education network's family home providers and staff.

5 (8) Assessment of each family home provider to ensure  
6 educational and developmentally appropriate programs for  
7 children.

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

10 8246. (a) Each family child care home education network  
11 contractor, in addition to the requirements set forth in subdivision

12 (b) of Section 8245, shall do all of the following:

13 (1) Recruit, enroll, and certify eligible families.

14 (2) Recruit, train, support, and reimburse licensed family home  
15 providers.

16 (3) Collect parental sliding scale fees.

17 (4) Set standards for educational quality and conduct  
18 assessments of the quality of the program offered by each family  
19 home providers.

20 (5) Ensure that basic health and nutrition requirements are met.

21 (6) Monitor contract compliance.

22 (7) Provide data and reporting as may be required by the  
23 department.

24 (b) Each family child care home education network contractor  
25 shall adopt a policy regarding the arrangement to be maintained  
26 with each family child care home provider and shall note in its  
27 records whether the provider is an employee or independent  
28 contractor.

29 (c) A family child care home education network contractor  
30 shall implement the department's desired results system of  
31 outcome measures. The department ~~shall~~ *may* modify the  
32 measures already developed for contracted child development  
33 centers to fit the services of family child care home education  
34 networks and their family child care homes.

35 8247. This article does not impose any new requirement on a  
36 family child care home education network that entered into a  
37 contract with the department on or before January 1, 2005, nor  
38 does this article require any increase in reimbursement rates under  
39 that contract. This article does not require the department to  
40 modify its contracting procedure that was in effect immediately



- 1 prior to January 1, 2005, for a family child care home education
- 2 network.

O

