

AMENDED IN SENATE MARCH 26, 2004
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~~ *entities organized under law* to operate family child care home education networks that support educational objectives for children in *licensed* 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~~ *child care and development services* in
4 family child care homes. For the past three decades, the family
5 child care home education network, also known as the family child
6 care home system, contracted through the State Department of
7 Education, has provided quality, education-oriented, child
8 development programs. It is the intent of the Legislature in
9 enacting this act, to clarify and codify the family child care home
10 education 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
23 department pursuant to Section 8220.2 to provide alternative
24 payments and to provide support services to parents and providers.

25 (c) “Applicant or contracting agency” means a school district,
26 community college district, college or university, county
27 superintendent of schools, county, city, public agency, private
28 nontax-exempt agency, private tax-exempt agency, or other entity
29 that is authorized to establish, maintain, or operate services
30 pursuant to this chapter. Private agencies and parent cooperatives,



1 duly licensed by law, shall receive the same consideration as any
2 other authorized entity with no loss of parental decisionmaking
3 prerogatives as consistent with the provisions of this chapter.

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

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

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

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

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

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

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



1 (8) Family child care home education network.

2 (9) Alternative payment.

3 (10) Child abuse protection and prevention services.

4 (11) Schoolage community child care.

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

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

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

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



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

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

21 (p) “Family child care home education network” means a ~~local~~
22 ~~education agency, local government agency, or nonprofit~~
23 ~~organization~~ *entity organized under law* that contracts with the
24 department pursuant to Section 8245 to make payments to licensed
25 family child care home providers and to provide educational and
26 support services to ~~parents and to providers that serve~~
27 ~~state-subsidized families. A those providers and to children and~~
28 *families eligible for state-subsidized child care and development*
29 *services.* A family child care home education network may also be
30 referred to as a family child care home system.

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

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

35 (2) Health screening and health treatment, including a full
36 range of immunization recorded on the appropriate state
37 immunization form to the extent provided by the Medi-Cal Act
38 (Chapter 7 (commencing with Section 14000) of Part 3 of Division
39 9 of the Welfare and Institutions Code) and the Child Health and
40 Disability Prevention Program (Article 6 (commencing with



1 Section 124025) of Chapter 3 of Part 2 of Division 106 of the
2 Health and Safety Code), but only to the extent that ongoing care
3 cannot be obtained utilizing community resources.

4 (3) Health education and training for children, parents, staff,
5 and providers.

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

8 (r) “Higher educational institutions” means the Regents of the
9 University of California, the Trustees of the California State
10 University, the Board of Governors of the California Community
11 Colleges, and the governing bodies of any accredited private
12 nonprofit institution of postsecondary education.

13 (s) “Intergenerational staff” means persons of various
14 generations.

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

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

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

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

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

28 (w) “Proprietary child care agency” means an organization or
29 facility providing child care, which is operated for profit.

30 (x) “Resource and referral programs” means programs that
31 provide information to parents, including referrals and
32 coordination of community resources for parents and public or
33 private providers of care. Services frequently include, but are not
34 limited to: technical assistance for providers, toy-lending libraries,
35 equipment-lending libraries, toy- and equipment-lending
36 libraries, staff development programs, health and nutrition
37 education, and referrals to social services.

38 (y) “Severely disabled children” are children with exceptional
39 needs from birth to 21 years of age, inclusive, who require
40 intensive instruction and training in programs serving pupils with



1 the following profound disabilities: autism, blindness, deafness,
2 severe orthopedic impairments, serious emotional disturbances, or
3 severe mental retardation. “Severely disabled children” also
4 include those individuals who would have been eligible for
5 enrollment in a developmental center for handicapped pupils
6 under Chapter 6 (commencing with Section 56800) of Part 30 as
7 it read on January 1, 1980.

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

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

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

32 (ab) “Standard reimbursement rate” means that rate
33 established by the Superintendent of Public Instruction pursuant
34 to Section 8265.

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

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



1 (ae) “Support services” means those services that, when
2 combined with child care and development services, help promote
3 the healthy physical, mental, social, and emotional growth of
4 children. Support services include, but are not limited to:
5 protective services, parent training, provider and staff training,
6 transportation, parent and child counseling, child development
7 resource and referral services, and child placement counseling.

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

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

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

19 (1) To undertake training in preparation for a job.

20 (2) To undertake or retain a job.

21 (3) To undertake other activities that are essential to
22 maintaining or improving the social and economic function of the
23 family, are beneficial to the community, or are required because of
24 health problems in the family.

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

27

28 Article 8.5. Family Child Care Home Education Networks

29

30 8245. (a) The Superintendent of Public Instruction, with
31 funds appropriated for this purpose, shall contract with ~~local~~
32 ~~educational agencies, local government agencies, and nonprofit~~
33 ~~organizations~~ *entities organized under law* to operate family child
34 care home education networks that support educational objectives
35 for children in *licensed* family child care homes that serve families
36 eligible for subsidized child care.

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

39 (1) Age and developmentally appropriate activities for
40 children.



1 (2) ~~Supervision~~ *Care and supervision of children.*

2 (3) ~~Parenting education and parent involvement.~~

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

6 (5) Health services *that include referral of children to*
7 *appropriate agencies for services.*

8 (6) Nutrition.

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

11 (8) Assessment of each family *child care* home provider to
12 ensure ~~educational and developmentally appropriate programs for~~
13 ~~children.~~ *that services are of high quality and are educationally*
14 *and developmentally appropriate.*

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

17 (10) *Parent involvement.*

18 8246. (a) Each family child care home education network
19 contractor, in addition to the requirements set forth in subdivision
20 (b) of Section 8245, shall do all of the following:

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

22 (2) Recruit, train, support, and reimburse licensed family home
23 providers.

24 (3) ~~Collect parental sliding scale fees.~~

25 (4) ~~Set standards for educational quality and conduct~~
26 ~~assessments of the quality of the program offered by each family~~
27 ~~home providers.~~

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

29 (6) ~~Monitor contract compliance.~~

30 (7) ~~Provide data and reporting as may be required by the~~
31 ~~department.~~

32 (3) *Collect family fees in accordance with contract*
33 *requirements.*

34 (4) *Assess the educational quality of the program offered in*
35 *each family child care home in the network, pursuant to*
36 *requirements to be established by the department.*

37 (5) *Assure that a developmental profile is completed for each*
38 *child based upon observations of network staff, in consultation*
39 *with the provider.*



1 (6) Monitor requirements, including quality standards, and
2 conduct periodic assessments of program quality in each family
3 child care home affiliated with the network.

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

6 (8) Provide data and reporting in accordance with contract
7 requirements.

8 (9) Establish a written policy that describes the relationship
9 between the family child care home education network and each
10 provider affiliated with the network including, but not limited to,
11 the establishment of rates and the conditions that determine
12 whether the provider is an independent contractor or is an
13 employee of the family child care home education network.

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

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

25 8247. This article does not impose any new requirement on a
26 family child care home education network that entered into a
27 contract with the department on or before January 1, 2005, nor
28 does this article require any increase in reimbursement rates under
29 that contract. This article does not require the department to
30 modify its contracting procedure that was in effect immediately
31 prior to January 1, 2005, for ~~a family child care home education~~
32 ~~network.~~ *family child care home networks.*

