

AMENDED IN SENATE MAY 27, 2004  
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**

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**Introduced by Assembly Member Mullin**

February 14, 2003

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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 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 child care and development services in family child  
4 care homes. For the past three decades, the family child care home  
5 education network, also known as the family child care home  
6 system, contracted through the State Department of Education, has  
7 provided quality, education-oriented, child development  
8 programs. It is the intent of the Legislature in enacting this act, to  
9 clarify and codify the family child care home education network  
10 and ensure that the State Department of Education’s desired results  
11 system of outcome 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



1 other authorized entity with no loss of parental decisionmaking  
2 prerogatives as consistent with the provisions of this chapter.

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

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

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

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

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

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

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



1 (9) Alternative payment.

2 (10) Child abuse protection and prevention services.

3 (11) Schoolage community child care.

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

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

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

36 (m) “Closedown costs” means reimbursements for all  
37 approved activities associated with the closing of operations at the  
38 end of each growing season for migrant child development  
39 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  
22 entity organized under law that contracts with the department  
23 pursuant to Section 8245 to make payments to licensed family  
24 child care home providers and to provide educational and support  
25 services to those providers and to children and families eligible for  
26 state-subsidized child care and development services. A family  
27 child care home education network may also be referred to as a  
28 family child care home system.

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

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

33 (2) Health screening and health treatment, including a full  
34 range of immunization recorded on the appropriate state  
35 immunization form to the extent provided by the Medi-Cal Act  
36 (Chapter 7 (commencing with Section 14000) of Part 3 of Division  
37 9 of the Welfare and Institutions Code) and the Child Health and  
38 Disability Prevention Program (Article 6 (commencing with  
39 Section 124025) of Chapter 3 of Part 2 of Division 106 of the



1 Health and Safety Code), but only to the extent that ongoing care  
2 cannot be obtained utilizing community resources.

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

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

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

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

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

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

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

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

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

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

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

37 (y) “Severely disabled children” are children with exceptional  
38 needs from birth to 21 years of age, inclusive, who require  
39 intensive instruction and training in programs serving pupils with  
40 the following profound disabilities: autism, blindness, deafness,



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

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

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

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

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

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

37 (ad) “State preschool services” means part-day educational  
38 programs for low-income or otherwise disadvantaged  
39 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 entities  
32 organized under law to operate family child care home education  
33 networks that support educational objectives for children in  
34 licensed family child care homes that serve families eligible for  
35 subsidized child care.

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

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

40 (2) Care and supervision of children.



1 (3) Parenting education .

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

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

7 (6) Nutrition.

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

10 (8) Assessment of each family child care home provider to  
11 ensure that services are of high quality and are educationally and  
12 developmentally appropriate.

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

15 (10) Parent involvement.

16 8246. ~~(a)~~—Each family child care home education network  
17 contractor, in addition to the requirements set forth in subdivision  
18 (b) of Section 8245, shall do all of the following:

19 ~~(1)~~—

20 (a) Recruit, enroll, and certify eligible families.

21 ~~(2)~~—

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

24 ~~(3)~~—

25 (c) Collect family fees in accordance with contract  
26 requirements.

27 ~~(4)~~—

28 (d) Assess the educational quality of the program offered in  
29 each family child care home in the network, pursuant to  
30 requirements to be established by the department.

31 ~~(5)~~—

32 (e) Assure that a developmental profile is completed for each  
33 child based upon observations of network staff, in consultation  
34 with the provider.

35 ~~(6)~~—

36 (f) Monitor requirements, including quality standards, and  
37 conduct periodic assessments of program quality in each family  
38 child care home affiliated with the network.

39 ~~(7)~~—

40 (g) Ensure that basic health and nutrition requirements are met.



1 ~~(8)~~  
2 (h) Provide data and reporting in accordance with contract  
3 requirements.

4 ~~(9)~~  
5 (i) Establish a written policy that describes the relationship  
6 between the family child care home education network and each  
7 provider affiliated with the network including, but not limited to,  
8 the establishment of rates and the conditions that determine  
9 whether the provider is an independent contractor or is an  
10 employee of the family child care home education network.

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

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

22 8247. This article does not impose any new requirement on a  
23 family child care home education network that entered into a  
24 contract with the department on or before January 1, 2005, nor  
25 does this article require any increase in reimbursement rates under  
26 that contract. This article does not require the department to  
27 modify its contracting procedure that was in effect immediately  
28 prior to January 1, 2005, for family child care home networks.

