

AMENDED IN SENATE JULY 19, 2004
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

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~~

(1) *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.

(2) *This bill would incorporate additional changes in Section 8208 of the Education Code, proposed by SB 1657, to be operative only if SB 1657 and this bill are both chaptered and become effective January 1, 2005, and this bill is chaptered last.*

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.



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

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

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

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

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

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

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

- 37 (1) Campus child care and development.
- 38 (2) General child care and development.
- 39 (3) Migrant child care and development.



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



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

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

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

22 (o) “Elementary school,” as contained in Section 425 of Title
23 20 of the United States Code (the National Defense Education Act
24 of 1958, Public Law 85-864, as amended), includes early
25 childhood education programs and all child development
26 programs, for the purpose of the cancellation provisions of loans
27 to students in institutions of higher learning.

28 (p) “Family child care home education network” means a *an*
29 entity organized under law that contracts with the department
30 pursuant to Section 8245 to make payments to licensed family
31 child care home providers and to provide educational and support
32 services to those providers and to children and families eligible for
33 state-subsidized child care and development services. A family
34 child care home education network may also be referred to as a
35 family child care home system.

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

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



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

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

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

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

19 (s) “Intergenerational staff” means persons of various
 20 generations.

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

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

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

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

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

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

36 (x) “Resource and referral programs” means programs that
 37 provide information to parents, including referrals and
 38 coordination of community resources for parents and public or
 39 private providers of care. Services frequently include, but are not
 40 limited to: technical assistance for providers, toy-lending libraries,



1 equipment-lending libraries, toy- and equipment-lending
2 libraries, staff development programs, health and nutrition
3 education, and referrals to social services.

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

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

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

31 (2) In respect to state preschool programs, a site supervisor may
32 qualify under any of the provisions in this subdivision, or may
33 qualify by holding an administrative credential or an
34 administrative services credential. A person who meets the
35 qualifications of a site supervisor under both Section 8244 and
36 subdivision (b) of Section 8360.1 is also qualified under this
37 subdivision.

38 (ab) “Standard reimbursement rate” means that rate
39 established by the Superintendent of Public Instruction pursuant
40 to Section 8265.



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

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

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

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

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

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

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

26 (2) To undertake or retain a job.

27 (3) To undertake other activities that are essential to
28 maintaining or improving the social and economic function of the
29 family, are beneficial to the community, or are required because of
30 health problems in the family.

31 *SEC. 2.5. Section 8208 of the Education Code is amended to*
32 *read:*

33 8208. As used in this chapter:

34 (a) “Alternative payments” includes payments that are made
35 by one child care agency to another agency or child care provider
36 for the provision of child care and development services, and
37 payments that are made by an agency to a parent for the parent’s
38 purchase of child care and development services.

39 (b) “Alternative payment program” means a local government
40 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 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, for any part of a day, by a public or
37 private agency, in centers and family child care homes. These
38 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~~ *exceptional* 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 *shall* have an ~~active~~
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~~ *impaired*, deaf, speech impaired,



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

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

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

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

31 (p) “*Family child care home education network*” means an
32 *entity organized under law that contracts with the department*
33 *pursuant to Section 8245 to make payments to licensed family child*
34 *care home providers and to provide educational and support*
35 *services to those providers and to children and families eligible for*
36 *state-subsidized child care and development services. A family*
37 *child care home education network may also be referred to as a*
38 *family child care home system.*

39 (q) “Health services” include, but are not limited to, all of the
40 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 (ai) “Fraud” means the knowing representation of false or
11 misleading facts, or the knowing nondisclosure of facts by a
12 person, with the intent to deceive or defraud, for the purpose of
13 establishing and maintaining eligibility or need for services or for
14 the purpose of obtaining, for oneself or another, reimbursements
15 for services.

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

18
19 Article 8.5. Family Child Care Home Education Networks

20
21 8245. (a) The Superintendent of Public Instruction, with
22 funds appropriated for this purpose, shall contract with entities
23 organized under law to operate family child care home education
24 networks that support educational objectives for children in
25 licensed family child care homes that serve families eligible for
26 subsidized child care.

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

- 29 (1) Age and developmentally appropriate activities for
30 children.
- 31 (2) Care and supervision of children.
- 32 (3) Parenting education.
- 33 (4) Social services that include, but are not limited to,
34 identification of child and family needs and referral to appropriate
35 agencies.
- 36 (5) Health services that include referral of children to
37 appropriate agencies for services.
- 38 (6) Nutrition.
- 39 (7) Training and support for the family child care home
40 education network’s family home providers and staff.



1 (8) Assessment of each family child care home provider to
2 ensure that services are of high quality and are educationally and
3 developmentally appropriate.
4 (9) Developmental profiles for children enrolled in the
5 program.
6 (10) Parent involvement.
7 8246. Each family child care home education network
8 contractor, in addition to the requirements set forth in subdivision
9 (b) of Section 8245, shall do all of the following:
10 (a) Recruit, enroll, and certify eligible families.
11 (b) Recruit, train, support, and reimburse licensed family home
12 providers.
13 (c) Collect family fees in accordance with contract
14 requirements.
15 (d) Assess the educational quality of the program offered in
16 each family child care home in the network, pursuant to
17 requirements to be established by the department.
18 (e) Assure that a developmental profile is completed for each
19 child based upon observations of network staff, in consultation
20 with the provider.
21 (f) Monitor requirements, including quality standards, and
22 conduct periodic assessments of program quality in each family
23 child care home affiliated with the network.
24 (g) Ensure that basic health and nutrition requirements are met.
25 (h) Provide data and reporting in accordance with contract
26 requirements.
27 (i) Establish a written policy that describes the relationship
28 between the family child care home education network and each
29 provider affiliated with the network including, but not limited to,
30 the establishment of rates and the conditions that determine
31 whether the provider is an independent contractor or is an
32 employee of the family child care home education network.
33 8247. This article does not impose any new requirement on a
34 family child care home education network that entered into a
35 contract with the department on or before January 1, 2005, nor
36 does this article require any increase in reimbursement rates under
37 that contract. This article does not require the department to
38 modify its contracting procedure that was in effect immediately
39 prior to January 1, 2005, for family child care home networks.



1 *SEC. 4. Section 2.5 of this bill incorporates amendments to*
2 *Section 8208 of the Education Code proposed by both this bill and*
3 *SB 1657. It shall only become operative if (1) both bills are enacted*
4 *and become effective on or before January 1, 2005, (2) each bill*
5 *amends Section 8208 of the Education Code, and (3) this bill is*
6 *enacted after SB 1657, in which case Section 2 of this bill shall not*
7 *become operative.*

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