

AMENDED IN SENATE AUGUST 25, 2004  
AMENDED IN SENATE AUGUST 17, 2004  
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

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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.

(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, as specified.

(2) *Under existing law the Child Care and Development Services Act provides services to children to age 14.*

*This bill would change the maximum age for eligibility in the program to 13, and would modify the definition of “parent” under the Child Care and Development Services Act, as specified.*

(3) 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.

(4) *This bill would make other technical and nonsubstantive changes to existing law.*

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:



1 (a) “Alternative payments” includes payments that are made  
2 by one child care agency to another agency or child care provider  
3 for the provision of child care and development services, and  
4 payments that are made by an agency to a parent for the parent’s  
5 purchase of child care and development services.

6 (b) “Alternative payment program” means a local government  
7 agency or nonprofit organization that has contracted with the  
8 department pursuant to Section 8220.2 to provide alternative  
9 payments and to provide support services to parents and providers.

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

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

23 (e) “Attendance” means the number of children present at a  
24 child care and development facility. “Attendance,” for the  
25 purposes of reimbursement, includes excused absences by  
26 children because of illness, quarantine, illness or quarantine of  
27 their parent, family emergency, or to spend time with a parent or  
28 other relative as required by a court of law or that is clearly in the  
29 best interest of the child.

30 (f) “Capital outlay” means the amount paid for the renovation  
31 and repair of child care and development facilities to comply with  
32 state and local health and safety standards, and the amount paid for  
33 the state purchase of relocatable child care and development  
34 facilities for lease to qualifying contracting agencies.

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

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



1 (i) “Child care and development programs” means those  
2 programs that offer a full range of services for children from  
3 infancy to ~~14~~ 13 years of age for any part of a day, by a public or  
4 private agency, in centers and family child care homes. These  
5 programs include, but are not limited to, all of the following:

6 (1) Campus child care and development.

7 (2) General child care and development.

8 (3) Migrant child care and development.

9 (4) Child care provided by the California School Age Families  
10 Education Program (Article 7.1 (commencing with Section  
11 54740) of Chapter 9 of Part 29).

12 (5) State preschool.

13 (6) Resource and referral.

14 (7) Child care and development services for children with  
15 special needs.

16 (8) Family child care home education network.

17 (9) Alternative payment.

18 (10) Child abuse protection and prevention services.

19 (11) Schoolage community child care.

20 (j) “Child care and development services” means those  
21 services designed to meet a wide variety of needs of children and  
22 their families, while their parents or guardians are working, in  
23 training, seeking employment, incapacitated, or in need of respite.  
24 These services may include direct care and supervision,  
25 instructional activities, resource and referral programs, and  
26 alternative payment arrangements.

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

30 (l) “Children with exceptional needs” means infants and  
31 toddlers, from birth to 36 months of age, inclusive, who have been  
32 determined eligible for early intervention services pursuant to the  
33 California Early Intervention Services Act (Title 14 (commencing  
34 with Section 95000) of the Government Code) and its  
35 implementing regulations, and children 3 years of age and older  
36 who have been determined to be eligible for special education and  
37 related services by an individualized education program team  
38 according to the special education requirements contained in Part  
39 30 (commencing with Section 56000), and meeting eligibility  
40 criteria described in Section 56026 and Sections 56333 to 56338,



1 inclusive, and Sections 3030 and 3031 of Title 5 of the California  
2 Code of Regulations. These children ~~have an~~ *shall have an active*  
3 individualized education program or individualized family service  
4 plan, and ~~are~~ *be* receiving early intervention services or  
5 appropriate special education and services. These children, ages  
6 birth to 21 years, inclusive, may be autistic, developmentally  
7 disabled, ~~hard of hearing, deaf, speech impaired, visually~~  
8 ~~handicapped,~~ *hearing impaired, speech impaired, visually*  
9 *impaired,* seriously emotionally disturbed, orthopedically  
10 impaired, ~~other~~ *otherwise* health impaired, ~~deaf-blind,~~  
11 multihandicapped, or children with specific learning disabilities,  
12 who require the special attention of adults in a child care setting.

13 (m) “Closedown costs” means reimbursements for all  
14 approved activities associated with the closing of operations at the  
15 end of each growing season for migrant child development  
16 programs only.

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

32 (o) “Elementary school,” as contained in Section 425 of Title  
33 20 of the United States Code (the National Defense Education Act  
34 of 1958, Public Law 85-864, as amended), includes early  
35 childhood education programs and all child development  
36 programs, for the purpose of the cancellation provisions of loans  
37 to students in institutions of higher learning.

38 (p) “Family child care home education network” means an  
39 entity organized under law that contracts with the department  
40 pursuant to Section 8245 to make payments to licensed family



1 child care home providers and to provide educational and support  
2 services to those providers and to children and families eligible for  
3 state-subsidized child care and development services. A family  
4 child care home education network may also be referred to as a  
5 family child care home system.

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

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

10 (2) Health screening and health treatment, including a full  
11 range of immunization recorded on the appropriate state  
12 immunization form to the extent provided by the Medi-Cal Act  
13 (Chapter 7 (commencing with Section 14000) of Part 3 of Division  
14 9 of the Welfare and Institutions Code) and the Child Health and  
15 Disability Prevention Program (Article 6 (commencing with  
16 Section 124025) of Chapter 3 of Part 2 of Division 106 of the  
17 Health and Safety Code), but only to the extent that ongoing care  
18 cannot be obtained utilizing community resources.

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

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

23 (r) “Higher educational institutions” means the Regents of the  
24 University of California, the Trustees of the California State  
25 University, the Board of Governors of the California Community  
26 Colleges, and the governing bodies of any accredited private  
27 nonprofit institution of postsecondary education.

28 (s) “Intergenerational staff” means persons of various  
29 generations.

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

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

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

38 (u) “Parent” means ~~any person~~ *a biological parent, stepparent,*  
39 *adoptive parent, foster parent, caretaker relative, or any other*



1 *adult* living with a child who has responsibility for the care and  
2 welfare of the child.

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

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

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

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

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

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 ~~(b)~~ (e) of Section 8360.1 is also qualified under this  
9 subdivision.

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

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

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

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

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

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

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

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

38 (2) To undertake or retain a job.

39 (3) To undertake other activities that are essential to  
40 maintaining or improving the social and economic function of the



1 family, are beneficial to the community, or are required because of  
2 health problems in the family.

3 SEC. 2.5. Section 8208 of the Education Code is amended to  
4 read:

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21 duly licensed by law, shall receive the same consideration as any  
22 other authorized entity with no loss of parental decisionmaking  
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25 the contract with the agency and is derived by dividing the total  
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36 and repair of child care and development facilities to comply with  
37 state and local health and safety standards, and the amount paid for  
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9 individualized education program or individualized family service  
10 plan, and be receiving early intervention services or appropriate  
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12 years, inclusive, may be autistic, developmentally disabled,  
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14 seriously emotionally disturbed, orthopedically impaired, ~~other~~  
15 *otherwise* health impaired, ~~hearing and visually impaired~~,  
16 multihandicapped, or children with specific learning disabilities,  
17 who require the special attention of adults in a child care setting.

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19 approved activities associated with the closing of operations at the  
20 end of each growing season for migrant child development  
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23 related to the operation of child care and development programs.  
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33 which the facility is located. “Reasonable and necessary costs” are  
34 costs that, in nature and amount, do not exceed what an ordinary  
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2 to students in institutions of higher learning.

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5 pursuant to Section 8245 to make payments to licensed family  
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8 state-subsidized child care and development services. A family  
9 child care home education network may also be referred to as a  
10 family child care home system.

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37 are unable to benefit fully from an English-only child care and  
38 development program as a result of either of the following:

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40 began to speak.



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

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4 *adoptive parent, foster parent, caretaker relative, or any other*  
5 *adult* living with a child who has responsibility for the care and  
6 welfare of the child.

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

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16 limited to: technical assistance for providers, toy-lending libraries,  
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21 needs from birth to 21 years of age, inclusive, who require  
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29 it read on January 1, 1980.

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31 assist families whose children have been identified through  
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33 emergency shelter as being neglected, abused, exploited, or  
34 homeless, or at risk of being neglected, abused, exploited, or  
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36 child care centers, treatment centers for abusive parents, family  
37 child care homes, or in the child’s own home.

38 (aa) (1) “Site supervisor” means a person who, regardless of  
39 his or her title, has operational program responsibility for a child  
40 care and development program at a single site. A site supervisor



1 shall hold a permit issued by the Commission on Teacher  
2 Credentialing that authorizes supervision of a child care and  
3 development program operating in a single site. The  
4 Superintendent of Public Instruction may waive the requirements  
5 of this subdivision if the superintendent determines that the  
6 existence of compelling need is appropriately documented.

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

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24 combined with child care and development services, help promote  
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30 (af) “Teacher” means a person with the appropriate permit  
31 issued by the Commission on Teacher Credentialing who provides  
32 program supervision and instruction that includes supervision of  
33 a number of aides, volunteers, and groups of children.

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

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40 temporary care for a child for any of the following reasons:



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

7 (ai) “Fraud” means the knowing representation of false or

8 misleading facts, or the knowing nondisclosure of facts by a

9 person, with the intent to deceive or defraud, for the purpose of

10 establishing and maintaining eligibility or need for services or for

11 the purpose of obtaining, for oneself or another, reimbursements

12 for services.

13 SEC. 3. Article 8.5 (commencing with Section 8245) is added

14 to Chapter 2 of Part 6 of the Education Code, to read:

15

16 Article 8.5. Family Child Care Home Education Networks

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18 8245. (a) The Superintendent of Public Instruction, with

19 funds appropriated for this purpose, shall contract with entities

20 organized under law to operate family child care home education

21 networks that support educational objectives for children in

22 licensed family child care homes that serve families eligible for

23 subsidized child care.

24 (b) Family child care home education network programs shall

25 include, but are not limited to, all of the following:

26 (1) Age and developmentally appropriate activities for

27 children.

28 (2) Care and supervision of children.

29 (3) Parenting education.

30 (4) Identification of child and family social or health needs and

31 referral of the child or the family to the appropriate social or health

32 services.

33 (5) Nutrition.

34 (6) Training and support for the family child care home

35 education network’s family home providers and staff.

36 (7) Assessment of each family child care home provider to

37 ensure that services are of high quality and are educationally and

38 developmentally appropriate.

39 (8) Developmental profiles for children enrolled in the

40 program.



1 (9) Parent involvement.  
2 8246. Each family child care home education network  
3 contractor, in addition to the requirements set forth in subdivision  
4 (b) of Section 8245, shall do all of the following:  
5 (a) Recruit, enroll, and certify eligible families.  
6 (b) Recruit, train, support, and reimburse licensed family home  
7 providers.  
8 (c) Collect family fees in accordance with contract  
9 requirements.  
10 (d) Assess, according to standards set by the department, the  
11 educational quality of the program offered in each family child  
12 care home in the network.  
13 (e) Assure that a developmental profile is completed for each  
14 child based upon observations of network staff, in consultation  
15 with the provider.  
16 (f) Monitor requirements, including quality standards, and  
17 conduct periodic assessments of program quality in each family  
18 child care home affiliated with the network.  
19 (g) Ensure that basic health and nutrition requirements are met.  
20 (h) Provide data and reporting in accordance with contract  
21 requirements.  
22 8247. This article does not impose any new requirement on a  
23 family child care home education network, nor does this article  
24 require any increase in reimbursement rates. This article does not  
25 require the department to modify its contracting procedure that  
26 was in effect for a family child care home education network prior  
27 to January 1, 2005.  
28 SEC. 4. Section 2.5 of this bill incorporates amendments to  
29 Section 8208 of the Education Code proposed by both this bill and  
30 SB 1657. It shall only become operative if (1) both bills are enacted  
31 and become effective on or before January 1, 2005, (2) each bill  
32 amends Section 8208 of the Education Code, and (3) this bill is  
33 enacted after SB 1657, in which case Section 2 of this bill shall not  
34 become operative.

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