

AMENDED IN SENATE AUGUST 26, 2004
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

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~~ AB 2525, to be operative only if ~~SB 1657~~ AB 2525 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 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 shall have an active
3 individualized education program or individualized family service
4 plan, and be receiving early intervention services or appropriate
5 special education and services. These children, ages birth to 21
6 years, inclusive, may be autistic, developmentally disabled,
7 hearing impaired, speech impaired, visually impaired, seriously
8 emotionally disturbed, orthopedically impaired, otherwise health
9 impaired, multihandicapped, or children with specific learning
10 disabilities, who require the special attention of adults in a child
11 care setting.

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

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

30 (o) “Elementary school,” as contained in Section 425 of Title
31 20 of the United States Code (the National Defense Education Act
32 of 1958, Public Law 85-864, as amended), includes early
33 childhood education programs and all child development
34 programs, for the purpose of the cancellation provisions of loans
35 to students in institutions of higher learning.

36 (p) “Family child care home education network” means an
37 entity organized under law that contracts with the department
38 pursuant to Section 8245 to make payments to licensed family
39 child care home providers and to provide educational and support
40 services to those providers and to children and families eligible for



1 state-subsidized child care and development services. A family
2 child care home education network may also be referred to as a
3 family child care home system.

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

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

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

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

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

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

26 (s) “Intergenerational staff” means persons of various
27 generations.

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

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

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

36 (u) “Parent” means a biological parent, stepparent, adoptive
37 parent, foster parent, caretaker relative, or any other adult living
38 with a child who has responsibility for the care and welfare of the
39 child.



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

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

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

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

32 (aa) (1) “Site supervisor” means a person who, regardless of
33 his or her title, has operational program responsibility for a child
34 care and development program at a single site. A site supervisor
35 shall hold a permit issued by the Commission on Teacher
36 Credentialing that authorizes supervision of a child care and
37 development program operating in a single site. The
38 Superintendent of Public Instruction may waive the requirements
39 of this subdivision if the superintendent determines that the
40 existence of compelling need is appropriately documented.



1 (2) In respect to state preschool programs, a site supervisor may
2 qualify under any of the provisions in this subdivision, or may
3 qualify by holding an administrative credential or an
4 administrative services credential. A person who meets the
5 qualifications of a site supervisor under both Section 8244 and
6 subdivision (e) of Section 8360.1 is also qualified under this
7 subdivision.

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

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

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

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

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

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

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

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

36 (2) To undertake or retain a job.

37 (3) To undertake other activities that are essential to
38 maintaining or improving the social and economic function of the
39 family, are beneficial to the community, or are required because of
40 health problems in the family.



1 ~~SEC. 2.5.~~ Section 8208 of the Education Code is amended to
2 read:

3 8208. As used in this chapter:

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

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

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

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

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30 ~~their parent, family emergency, or to spend time with a parent or~~
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32 ~~best interest of the child.~~

33 (f) ~~“Capital outlay” means the amount paid for the renovation~~
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35 ~~state and local health and safety standards, and the amount paid for~~
36 ~~the state purchase of relocatable child care and development~~
37 ~~facilities for lease to qualifying contracting agencies.~~

38 (g) ~~“Caregiver” means a person who provides direct care,~~
39 ~~supervision, and guidance to children in a child care and~~
40 ~~development facility.~~



- 1 ~~(h) “Child care and development facility” means any~~
2 ~~residence or building or part thereof in which child care and~~
3 ~~development services are provided.~~
- 4 ~~(i) “Child care and development programs” means those~~
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6 ~~infancy to 13 years of age, for any part of a day, by a public or~~
7 ~~private agency, in centers and family child care homes. These~~
8 ~~programs include, but are not limited to, all of the following:~~
- 9 ~~(1) Campus child care and development.~~
10 ~~(2) General child care and development.~~
11 ~~(3) Migrant child care and development.~~
12 ~~(4) Child care provided by the California School Age Families~~
13 ~~Education Program (Article 7.1 (commencing with Section~~
14 ~~54740) of Chapter 9 of Part 29).~~
- 15 ~~(5) State preschool.~~
16 ~~(6) Resource and referral.~~
17 ~~(7) Child care and development services for children with~~
18 ~~exceptional needs.~~
- 19 ~~(8) Family child care home education network.~~
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26 ~~training, seeking employment, incapacitated, or in need of respite.~~
27 ~~These services may include direct care and supervision;~~
28 ~~instructional activities, resource and referral programs, and~~
29 ~~alternative payment arrangements.~~
- 30 ~~(k) “Children at risk of abuse, neglect, or exploitation” means~~
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36 ~~California Early Intervention Services Act (Title 14 (commencing~~
37 ~~with Section 95000) of the Government Code) and its~~
38 ~~implementing regulations, and children 3 years of age and older~~
39 ~~who have been determined to be eligible for special education and~~
40 ~~related services by an individualized education program team~~



1 according to the special education requirements contained in Part
2 30 (commencing with Section 56000), and meeting eligibility
3 criteria described in Section 56026 and Sections 56333 to 56338,
4 inclusive, and Sections 3030 and 3031 of Title 5 of the California
5 Code of Regulations. These children shall have an active
6 individualized education program or individualized family service
7 plan, and be receiving early intervention services or appropriate
8 special education and services. These children, ages birth to 21
9 years, inclusive, may be autistic, developmentally disabled,
10 hearing impaired, deaf, speech impaired, visually impaired,
11 seriously emotionally disturbed, orthopedically impaired,
12 otherwise health impaired, multihandicapped, or children with
13 specific learning disabilities, who require the special attention of
14 adults in a child care setting.

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

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

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

39 (p) “Family child care home education network” means an
40 entity organized under law that contracts with the department



1 pursuant to Section 8245 to make payments to licensed family
2 child care home providers and to provide educational and support
3 services to those providers and to children and families eligible for
4 state-subsidized child care and development services. A family
5 child care home education network may also be referred to as a
6 family child care home system.

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

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

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

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21 and providers.

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23 care agencies or individual health care professionals.

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25 University of California, the Trustees of the California State
26 University, the Board of Governors of the California Community
27 Colleges, and the governing bodies of any accredited private
28 nonprofit institution of postsecondary education.

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30 generations.

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

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

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

39 (u) “Parent” means a biological parent, stepparent, adoptive
40 parent, foster parent, caretaker relative, or any other adult living



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

3 (v) ~~“Program director” means a person who, pursuant to~~
4 ~~Sections 8244 and 8360.1, is qualified to serve as a program~~
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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
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7 qualifications of a site supervisor under both Section 8244 and
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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.

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32 Code areas, where the ratio of publicly subsidized child care and
33 development program services to the need for these services is low,
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36 temporary care for a child for any of the following reasons:

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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 (ai) ~~“Fraud” means the knowing representation of false or~~
4 ~~misleading facts, or the knowing nondisclosure of facts by a~~
5 ~~person, with the intent to deceive or defraud, for the purpose of~~
6 ~~establishing and maintaining eligibility or need for services or for~~
7 ~~the purpose of obtaining, for oneself or another, reimbursements~~
8 ~~for services.~~

9 *SEC. 2.5. Section 8208 of the Education Code is amended to*
10 *read:*

11 8208. As used in this chapter:

12 (a) “Alternative payments” includes payments that are made
13 by one child care agency to another agency or child care provider
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17 (b) “Alternative payment program” means a local government
18 agency or nonprofit organization that has contracted with the
19 department pursuant to Section 8220.2 to provide alternative
20 payments and to provide support services to parents and providers.

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

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

34 (e) “Attendance” means the number of children present at a
35 child care and development facility. “Attendance,” for the
36 purposes of reimbursement, includes excused absences by
37 children because of illness, quarantine, illness or quarantine of
38 their parent, family emergency, or to spend time with a parent or
39 other relative as required by a court of law or that is clearly in the
40 best interest of the child.



1 (f) “Capital outlay” means the amount paid for the renovation
2 and repair of child care and development facilities to comply with
3 state and local health and safety standards, and the amount paid for
4 the state purchase of relocatable child care and development
5 facilities for lease to qualifying contracting agencies.

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

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

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

17 (1) Campus child care and development.

18 (2) General child care and development.

19 (3) Migrant child care and development.

20 (4) Child care provided by the California School Age Families
21 Education Program (Article 7.1 (commencing with Section
22 54740) of Chapter 9 of Part 29).

23 (5) State preschool.

24 (6) Resource and referral.

25 (7) Child care and development services for children with
26 special needs.

27 (8) Family child care home *education* network.

28 (9) Alternative payment.

29 (10) Child abuse protection and prevention services.

30 (11) Schoolage community child care.

31 (j) “Child care and development services” means those
32 services designed to meet a wide variety of needs of children and
33 their families, while their parents or guardians are working, in
34 training, seeking employment, incapacitated, or in need of respite.
35 These services may include direct care and supervision,
36 instructional activities, resource and referral programs, and
37 alternative payment arrangements.

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



1 (l) “Children with exceptional needs” means infants and
2 toddlers, from birth to 36 months of age, inclusive, who have been
3 determined eligible for early intervention services pursuant to the
4 California Early Intervention Services Act (Title 14 (commencing
5 with Section 95000) of the Government Code) and its
6 implementing regulations, and children 3 years of age and older
7 who have been determined to be eligible for special education and
8 related services by an individualized education program team
9 according to the special education requirements contained in Part
10 30 (commencing with Section 56000), and meeting eligibility
11 criteria described in Section 56026 and Sections 56333 to 56338,
12 inclusive, and Sections 3030 and 3031 of Title 5 of the California
13 Code of Regulations. These children *shall* have an active
14 individualized education program or individualized family service
15 plan, and ~~are~~ *be* receiving early intervention services or
16 appropriate special education and services. These children, ages
17 birth to 21 years, inclusive, may be autistic, developmentally
18 disabled, ~~hard-of-hearing, deaf~~ *hearing impaired*, speech
19 impaired, visually ~~handicapped~~ *impaired*, seriously emotionally
20 disturbed, orthopedically impaired, ~~other~~ *otherwise* health
21 impaired, ~~deaf-blind~~, multihandicapped, or children with specific
22 learning disabilities, who require the special attention of adults in
23 a child care setting.

24 (m) “Closedown costs” means reimbursements for all
25 approved activities associated with the closing of operations at the
26 end of each growing season for migrant child development
27 programs only.

28 (n) “Cost” includes, but is not limited to, expenditures that are
29 related to the operation of child care and development programs.
30 “Cost” may include a reasonable amount for state and local
31 contributions to employee benefits, including approved retirement
32 programs, agency administration, and any other reasonable
33 program operational costs. “Cost” may also include amounts for
34 licensable facilities in the community served by the program,
35 including lease payments or depreciation, downpayments, and
36 payments of principal and interest on loans incurred to acquire,
37 rehabilitate, or construct licensable facilities, but these costs shall
38 not exceed fair market rents existing in the community in which
39 the facility is located. “Reasonable and necessary costs” are costs



1 that, in nature and amount, do not exceed what an ordinary prudent
2 person would incur in the conduct of a competitive business.

3 (o) “Elementary school,” as contained in Section 425 of Title
4 20 of the United States Code (the National Defense Education Act
5 of 1958, Public Law 85-864, as amended), includes early
6 childhood education programs and all child development
7 programs, for the purpose of the cancellation provisions of loans
8 to students in institutions of higher learning.

9 (p) “*Family child care home education network*” means an
10 entity organized under law that contracts with the department
11 pursuant to Section 8245 to make payments to licensed family child
12 care home providers and to provide educational and support
13 services to those providers and to children and families eligible for
14 state-subsidized child care and development services. A family
15 child care home education network may also be referred to as a
16 family child care home system.

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

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

21 (2) Health screening and health treatment, including a full
22 range of immunization recorded on the appropriate state
23 immunization form to the extent provided by the Medi-Cal Act
24 (Chapter 7 (commencing with Section 14000) of Part 3 of Division
25 9 of the Welfare and Institutions Code) and the Child Health and
26 Disability Prevention Program (Article 6 (commencing with
27 Section 124025) of Chapter 3 of Part 2 of Division 106 of the
28 Health and Safety Code), but only to the extent that ongoing care
29 cannot be obtained utilizing community resources.

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

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

34 ~~(q)~~

35 (r) “Higher educational institutions” means the Regents of the
36 University of California, the Trustees of the California State
37 University, the Board of Governors of the California Community
38 Colleges, and the governing bodies of any accredited private
39 nonprofit institution of postsecondary education.

40 ~~(r)~~



1 (s) “Intergenerational staff” means persons of various
2 generations.

3 ~~(s)~~

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

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

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

12 ~~(t)~~

13 (u) “Parent” means ~~any person~~ *a biological parent, stepparent,*
14 *adoptive parent, foster parent, caretaker relative, or any other*
15 *adult* living with a child who has responsibility for the care and
16 welfare of the child.

17 ~~(u)~~

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

21 ~~(v)~~

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

24 ~~(w)~~

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

33 ~~(x)~~

34 (y) “Severely disabled children” are children with exceptional
35 needs from birth to 21 years of age, inclusive, who require
36 intensive instruction and training in programs serving pupils with
37 the following profound disabilities: autism, blindness, deafness,
38 severe orthopedic impairments, serious emotional disturbances, or
39 severe mental retardation. “Severely disabled children” also
40 include those individuals who would have been eligible for



1 enrollment in a developmental center for handicapped pupils
2 under Chapter 6 (commencing with Section 56800) of Part 30 as
3 it read on January 1, 1980.

4 ~~(y)~~

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

13 ~~(z)~~

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

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

30 ~~(aa)~~

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

34 ~~(ab)~~

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 ~~(ac)~~



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

4 ~~(ad)~~

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

12 ~~(ae)~~

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

17 ~~(af)~~

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 ~~(ag)~~

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

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

27 (2) To undertake or retain a job.

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

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

34

35 Article 8.5. Family Child Care Home Education Networks

36

37 8245. (a) The Superintendent of Public Instruction, with
38 funds appropriated for this purpose, shall contract with entities
39 organized under law to operate family child care home education
40 networks that support educational objectives for children in



1 licensed family child care homes that serve families eligible for
2 subsidized child care.

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

5 (1) Age and developmentally appropriate activities for
6 children.

7 (2) Care and supervision of children.

8 (3) Parenting education.

9 (4) Identification of child and family social or health needs and
10 referral of the child or the family to the appropriate social or health
11 services.

12 (5) Nutrition.

13 (6) Training and support for the family child care home
14 education network’s family home providers and staff.

15 (7) Assessment of each family child care home provider to
16 ensure that services are of high quality and are educationally and
17 developmentally appropriate.

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

20 (9) Parent involvement.

21 8246. Each family child care home education network
22 contractor, in addition to the requirements set forth in subdivision
23 (b) of Section 8245, shall do all of the following:

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

25 (b) Recruit, train, support, and reimburse licensed family home
26 providers.

27 (c) Collect family fees in accordance with contract
28 requirements.

29 (d) Assess, according to standards set by the department, the
30 educational quality of the program offered in each family child
31 care home in the network.

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

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

39 (h) Provide data and reporting in accordance with contract
40 requirements.



1 8247. This article does not impose any new requirement on a
2 family child care home education network, nor does this article
3 require any increase in reimbursement rates. This article does not
4 require the department to modify its contracting procedure that
5 was in effect for a family child care home education network prior
6 to January 1, 2005.

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

14 *SEC. 4. Section 2.5 of this bill incorporates amendments to*
15 *Section 8208 of the Education Code proposed by both this bill and*
16 *AB 2525. It shall only become operative if (1) both bills are*
17 *enacted and become effective on or before January 1, 2005, (2)*
18 *each bill amends Section 8208 of the Education Code, and (3) this*
19 *bill is enacted after AB 2525, in which case Section 8208 of the*
20 *Education Code, as amended by AB 2525, shall remain operative*
21 *only until the operative date of this bill, at which time Section 2.5*
22 *of this bill shall become operative, and Section 2 of this bill shall*
23 *not become operative.*

