

AMENDED IN SENATE JULY 15, 2010

AMENDED IN ASSEMBLY MAY 28, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2463

Introduced by Assembly Member Brownley

February 19, 2010

An act to amend Sections 8210, 8211, 8212, 8214, 8215, and 8216 of, to add Sections 8212.5, 8215.5, and 8218 to, and to repeal Section 8212.3 of, the Education Code, relating to child care and development services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2463, as amended, Brownley. Child care resource and referral programs.

(1) The Child Care and Development Services Act, administered by the State Department of Education, requires the Superintendent of Public Instruction to administer child care and development programs. Existing law authorizes funds appropriated for purposes of the act to be used for child care resource and referral programs, which may be operated by public or private nonprofit entities and are required to provide certain information and services to parents and child care providers relating to child care services in a defined geographic area.

This bill would require a child care resource and referral program to provide specified additional services, including providing training and workshops relating to child care services, community resource assistance, and collaborating with and assisting other community agencies in planning, coordinating, and improving child care. The bill would delete provisions authorizing a resource and referral program to

provide short-term respite care, as defined. The bill would require a resource and referral program to provide basic child care referrals, as defined, at no cost.

(2) Existing law requires the State Department of Social Services to prevent the use of lists containing names, addresses, and other identifying information of facilities identified as small family day care homes, with certain exceptions.

This bill, in addition, would require a child care resource and referral program to limit the distribution of lists of small family day care homes except when necessary to collaborate with federal, state, and local emergency response organizations for emergency preparedness and response efforts.

(3) Existing law establishes the California Child Care Initiative Project for certain purposes, including increasing the availability of qualified child care programs in the state.

This bill would instead establish 2 projects, to be known as the California Child Care Initiative Project - State Program, and the California Child Care Initiative Project - Quality Plan Program. The bill would establish the Growing, Learning, Caring Project to foster and improve the quality of child care in home-based settings.

(4) Existing law requires the State Department of Social Services to establish a trustline registry for purposes of conducting background checks for specified child care service providers, and imposes certain responsibilities on resource and referral programs in the administration of the trustline.

This bill would impose additional requirements on resource and referral programs relating to the trustline, including reviewing and processing trustline applications for in-home or license-exempt home-based child care providers who are being paid through state-funded child care subsidies, and facilitating the trustline automated registration process or the trustline Web-based application process. The bill would make other conforming changes.

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. Section 8210 of the Education Code is amended
2 to read:

1 8210. Funds appropriated for the purpose of this article shall
2 be used for child care resource and referral programs which may
3 be operated by public or private nonprofit entities.

4 SEC. 2. Section 8211 of the Education Code is amended to
5 read:

6 8211. It is the intent of the Legislature to appropriate each
7 fiscal year funding for allocation to child care and development
8 resource and referral programs.

9 SEC. 3. Section 8212 of the Education Code is amended to
10 read:

11 8212. Child care resource and referral programs are unique in
12 their provision of services to parents and all types of child care
13 providers. For purposes of this article, child care resource and
14 referral programs, established to serve a defined geographic area,
15 shall provide the following services:

16 (a) Identify the full range of existing child care services through
17 information provided by all relevant public and private agencies
18 in the areas of service, and the development of a resource file of
19 those services which shall be maintained and updated at least
20 quarterly. These services shall include, but not be limited to, family
21 day care homes, public and private day care programs, full-time
22 and part-time programs, and infant, preschool, and extended care
23 programs.

24 The resource file shall include, but not be limited to, the
25 following information:

- 26 (1) Type of program.
- 27 (2) Hours of service.
- 28 (3) Ages of children served.
- 29 (4) Fees and eligibility for services.
- 30 (5) Significant program information.

31 (b) (1) Establish a referral process that is described in writing
32 and is available to parents and providers upon request, that
33 responds to parental need for information. Referrals shall be
34 available to all persons requesting the information regardless of
35 income level or other eligibility requirements. A child care resource
36 and referral program shall limit the distribution of lists of small
37 family day care homes as required pursuant to Section 1596.86 of
38 the Health and Safety Code except when necessary to collaborate
39 with federal, state, and local emergency response organizations
40 for emergency preparedness and response efforts. Referrals shall

1 be provided with full recognition of the confidentiality rights of
2 parents. Resource and referral programs shall make referrals to
3 licensed child day care facilities, and may make referrals to
4 programs that are legally exempt from licensing. The referral
5 process shall afford parents maximum access and choice to all
6 referral information. This access shall include, but is not limited
7 to, telephone referrals to be made available for at least 30 hours
8 per week as part of a full week of contracted operation. Every
9 effort shall be made to make child care referrals accessible to all
10 parents within the defined geographic area by using methods
11 including, but not limited to, any of the following:

12 (A) Toll-free telephone lines.

13 (B) E-mail and other appropriate technology.

14 (C) Office space convenient to parents and providers.

15 (D) Referrals in languages that are spoken in the community.

16 Each child care resource and referral program shall publicize its
17 services through available media sources, agencies, and other
18 appropriate methods.

19 (2) (A) Provide information to any person who requests a child
20 care referral of his or her right to view the licensing information
21 of a licensed child day care facility required to be maintained at
22 the facility pursuant to Section 1596.859 of the Health and Safety
23 Code and to access any public files pertaining to the facility that
24 are maintained by the State Department of Social Services
25 Community Care Licensing Division.

26 (B) A written or oral advisement in substantially the following
27 form will comply with the requirements of subparagraph (A):

28 “State law requires licensed child day care facilities to make
29 accessible to the public a copy of any licensing report pertaining
30 to the facility that documents a facility visit or a substantiated
31 complaint investigation. In addition, a more complete file regarding
32 a child care licensee may be available at an office of the State
33 Department of Social Services Community Care Licensing
34 Division. You have the right to access any public information in
35 these files.”

36 (c) Maintain ongoing documentation of requests for service
37 tabulated through the internal referral process. The following
38 documentation of requests for service shall be maintained by all
39 child care resource and referral programs:

1 (1) Number of calls and contacts to the child care resource and
2 referral program or component.

3 (2) Ages of children served.

4 (3) Time category of child care request for each child.

5 (4) Special time category, such as nights, weekends, and swing
6 shift.

7 (5) Reason that the child care is needed.

8 This information shall be maintained in a manner that is easily
9 accessible for dissemination purposes.

10 (d) Provide technical assistance to existing and potential
11 providers of all types of child care services to improve access to,
12 increase the supply of, and improve the quality of child care
13 available in every community in California. This assistance shall
14 include, but not be limited to, the following:

15 (1) Provide information on all aspects of initiating new child
16 care services including, but not limited to, licensing, zoning,
17 program and budget development, and assistance in finding this
18 information from other sources.

19 (2) Provide information and resources that help existing child
20 care services providers to maximize their ability to serve the
21 children and parents of their community, including, for example,
22 site visits and toy and resource libraries.

23 (3) Provide training and workshops on health and safety, child
24 development, special needs, and other topics related to professional
25 development.

26 (4) Disseminate information on current public issues affecting
27 the local and state delivery of child care services.

28 (5) Facilitate communication between existing child care and
29 child-related services providers in the community served.

30 (6) Provide information about community resources, child care
31 statistics, and opening a child care business to parents, child care
32 providers, community organizations, and government entities.

33 (7) Collaborate with community partners to increase awareness
34 of child care issues.

35 (8) Assist community and public agencies in planning,
36 coordinating, and improving child care in the area.

37 (9) Partner with local county welfare agencies in meeting the
38 child care needs of CalWORKs families.

39 (10) Facilitate efforts to expand child care services in the local
40 community based on demonstrated demand for services.

(e) Services prescribed by this section shall be provided in order to maximize parental choice in the selection of child care to facilitate the maintenance and development of child care services and resources.

(f) (1) For purposes of statewide data compilation, a child care resource and referral—*agency program* shall provide to the California Child Care Resource and Referral Network the following information:

(A) Data from its service area on child care supply and demand.

(B) Data on other child care resource and referral services, including, but not limited to, training and technical assistance provided to parents and providers.

(2) A child care resource and referral—*agency program* shall provide the information in subparagraph (A) at least biennially and the information in subparagraph (B) no more frequently than quarterly.

(3) The network shall share compiled information on child care resource and referral services with the department annually.

(g) (1) When a program operating pursuant to this article receives notice from the community care licensing division of the State Department of Social Services that the license of a child day care facility has been revoked or suspended or that the facility is on probation, the program shall remove the facility from its referral lists.

(2) A program operating pursuant to this article shall, within two business days of receiving notice, notify all entities, operating a program under Article 3 (commencing with Section 8220) and Article 15.5 (commencing with Section 8350) in the program's jurisdiction, of a licensed child day care facility with a revocation or a temporary suspension order, or that is on probation.

SEC. 4. Section 8212.3 of the Education Code is repealed.

SEC. 5. Section 8212.5 is added to the Education Code, to read:

8212.5. A child care resource and referral program shall develop and implement written complaint procedures that include all of the following:

(a) Procedures for documenting and resolving complaints.

(b) Procedures for referring reports of licensing violations to appropriate agencies.

1 (c) Procedures for removing and reinstating a child care provider
2 from referral files.

3 SEC. 6. Section 8214 of the Education Code is amended to
4 read:

5 8214. Basic child care referrals shall be provided at no cost to
6 the requesting party and shall be available to all persons requesting
7 services, regardless of income level or other eligibility criteria. A
8 basic child care referral shall include the names and telephone
9 numbers of child care providers that meet the requested need of
10 the parent or guardian seeking referrals in addition to the
11 information and services described in Section 8216. A fee may be
12 charged for an enhanced referral that includes information in
13 addition to basic child care referral information. In addition to the
14 services prescribed by this section, a child care resource and referral
15 program may provide a wide variety of other parent and provider
16 support and educational services either at no cost to the parent or
17 provider or on a fee-for-service basis. Services, including training,
18 technical assistance, and other appropriate supports that improve
19 the quality of child care available in the community, may be
20 provided for all types of child care providers.

21 SEC. 7. Section 8215 of the Education Code is amended to
22 read:

23 8215. (a) There are hereby established two projects, known
24 as the California Child Care Initiative Project- State Program, and
25 the California Child Care Initiative Project - Quality Plan Program.
26 It is the intent of the Legislature to promote and foster the
27 California Child Care Initiative Project - State Program in
28 cooperation with private corporations and local governments. The
29 objective of both projects is to increase the availability of quality
30 child care in the state.

31 (b) For purposes of this section, the purpose of the California
32 Child Care Initiative Project is to clarify the role and functions of
33 resource and referral programs in activities including needs
34 assessment, recruitment and screening of providers, technical
35 assistance, and staff development and training, in order to aid
36 communities to increase the number of child care spaces available
37 and improve the quality of child care services offered.

38 (c) The Superintendent shall allocate all state and federal funds
39 appropriated for the California Child Care

1 Initiative Project - State Program and shall ensure that each dollar
2 of state funds allocated pursuant to this subdivision is matched by
3 two dollars (\$2) from other sources, including private corporations,
4 the federal government, or local governments.

5 SEC. 8. Section 8215.5 is added to the Education Code, to
6 read:

7 8215.5. (a) There is hereby established the Growing, Learning,
8 Caring Project a license-exempt training project for child care
9 providers who offer informal child care. The intent of the
10 Legislature in establishing the project is to foster and improve the
11 quality of child care in home-based child care settings.

12 (b) For purposes of this section, the Growing, Learning, Caring
13 Project clarifies the role and functions of resource and referral
14 programs in training, technical assistance, and supports for
15 license-exempt providers.

16 SEC. 9. Section 8216 of the Education Code is amended to
17 read:

18 8216. (a) A child care resource and referral program shall
19 maximize parental choice and supports for parents in locating child
20 care resources in their community by doing the following:

21 (1) Provide information regarding how to select child care
22 services that meet the needs of the parent and child.

23 (2) Provide a range of possible child care alternatives from
24 which a parent may choose.

25 (3) Provide information on licensing requirements and
26 procedures.

27 (4) Provide information on available child care subsidies and
28 eligibility requirements.

29 (b) When making referrals, an agency operating both a direct
30 service program and a resource and referral program shall provide
31 at least four referrals, at least one of which shall be a provider over
32 which the agency has no fiscal or operational control. If there are
33 fewer than four providers that can meet the request of the parent,
34 a resource and referral program shall provide all of the referrals
35 that meet the parent's request.

36 SEC. 10. Section 8218 is added to the Education Code, to read:

37 8218. (a) A child care resource and referral program shall
38 implement the trustline registry program for license-exempt child
39 care providers pursuant to Section 1596.655 of the Health and
40 Safety Code.

1 (b) In addition to the responsibilities specified in Section
2 1596.655 of the Health and Safety Code, a child care resource and
3 referral program shall do both of the following:

4 (1) Review trustline applications for completeness and forward
5 the necessary application information to the State Department of
6 Social Services in-home or license-exempt, home-based child care
7 providers who are being paid through state or federally funded
8 child care subsidies.

9 (2) Cooperate with the California Child Care Resource and
10 Referral Network to facilitate the use of the trustline automated
11 registration process or the trustline Web-based application process.