

AMENDED IN SENATE AUGUST 3, 2010

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AMENDED IN ASSEMBLY MAY 28, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2463

Introduced by Assembly Member Brownley
(Coauthor: Senator Hancock)

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. *The bill would require a child care resource and referral program to include additional information in the documentation that a resource and referral program is required to maintain.*

(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:

SECTION 1. Section 8210 of the Education Code is amended to read:

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

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

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

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

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

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

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

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

(b) (1) Establish a referral process that is described in writing and is available to parents and providers upon request, that responds to parental need for information. Referrals shall be available to all persons requesting the information regardless of income level or other eligibility requirements. A child care resource and referral program shall limit the distribution of lists of small

1 family day care homes as required pursuant to Section 1596.86 of
2 the Health and Safety Code except when necessary to collaborate
3 with federal, state, and local emergency response organizations
4 for emergency preparedness and response efforts. Referrals shall
5 be provided with full recognition of the confidentiality rights of
6 parents. Resource and referral programs shall make referrals to
7 licensed child day care facilities, and may make referrals to
8 programs that are legally exempt from licensing. The referral
9 process shall afford parents maximum access and choice to all
10 referral information. This access shall include, but is not limited
11 to, telephone referrals to be made available for at least 30 hours
12 per week as part of a full week of contracted operation. Every
13 effort shall be made to make child care referrals accessible to all
14 parents within the defined geographic area by using methods
15 including, but not limited to, any of the following:

16 (A) Toll-free telephone lines.

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

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

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

20 Each child care resource and referral program shall publicize its
21 services through available media sources, agencies, and other
22 appropriate methods.

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

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

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

1 (c) Maintain ongoing documentation of requests for service
2 tabulated through the internal referral process. The following
3 documentation of requests for service shall be maintained by all
4 child care resource and referral programs:

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

7 (2) Ages of children served.

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

9 (4) Special time category, such as nights, weekends, and swing
10 shift.

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

12 (6) *Requests for other child care information.*

13 (7) *Child care supply information, including the number of*
14 *licensed child care programs, licensed family day care homes,*
15 *license-exempt child care programs, and, if available, the number*
16 *of license exempt child care providers.*

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

19 (d) Provide technical assistance to existing and potential
20 providers of all types of child care services to improve access to,
21 increase the supply of, and improve the quality of child care
22 available in every community in California. This assistance shall
23 include, but not be limited to, the following:

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

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

32 (3) Provide training and workshops on health and safety, child
33 development, special needs, and other topics related to professional
34 development.

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

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

1 (6) Provide information about community resources, child care
2 statistics, and opening a child care business to parents, child care
3 providers, community organizations, and government entities.

4 (7) Collaborate with community partners to increase awareness
5 of child care issues.

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

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

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

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

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

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

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

23 ~~(2) A child care resource and referral program shall provide the~~
24 ~~information in subparagraph (A) at least biennially and the~~
25 ~~information in subparagraph (B) no more frequently than quarterly.~~

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

28 ~~(g)~~

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

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

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

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

4 8212.5. A child care resource and referral program shall
5 develop and implement written complaint procedures that include
6 all of the following:

7 (a) Procedures for documenting and resolving complaints.

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

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

12 SEC. 6. Section 8214 of the Education Code is amended to
13 read:

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

30 SEC. 7. Section 8215 of the Education Code is amended to
31 read:

32 8215. (a) There are hereby established two projects, known
33 as the California Child Care Initiative Project- State Program, and
34 the California Child Care Initiative Project - Quality Plan Program.
35 It is the intent of the Legislature to promote and foster the
36 California Child Care Initiative Project - State Program in
37 cooperation with private corporations and local governments. The
38 objective of both projects is to increase the availability of quality
39 child care in the state.

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

(c) The Superintendent shall allocate all state and federal funds appropriated for the California Child Care Initiative Project-State Program and shall ensure that each dollar of state funds allocated pursuant to this subdivision is matched by two dollars (\$2) from other sources, including private corporations, the federal government, or local governments.

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

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

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

8215.5. Child care resource and referral programs shall provide a range of professional development services to all types of child care providers, including, but not limited to, license exempt child care providers, licensed family day care homes, and center-based child care and development programs, to support the development of new child care services and to improve the quality of services available in the state.

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

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

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

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

1 (3) Provide information on licensing requirements and
2 procedures.

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

5 (b) When making referrals, an agency operating both a direct
6 service program and a resource and referral program shall provide
7 at least four referrals, at least one of which shall be a provider over
8 which the agency has no fiscal or operational control. If there are
9 fewer than four providers that can meet the request of the parent,
10 a resource and referral program shall provide all of the referrals
11 that meet the parent's request.

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

13 8218. (a) A child care resource and referral program shall
14 implement the trustline registry program for license-exempt child
15 care providers pursuant to Section 1596.655 of the Health and
16 Safety Code.

17 (b) In addition to the responsibilities specified in Section
18 1596.655 of the Health and Safety Code, a child care resource and
19 referral program shall do both of the following:

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

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