

Introduced by Senator Wright

February 24, 2009

An act relating to children to amend Sections 8212, 8227, 8236, 8240, 8263, 8301, 8499.5, and 79121 of, and to add Sections 8210 and 8499.11 to, the Education Code, and to amend Sections 401 and 16001.9 of the Welfare and Institutions Code, relating to children's services.

LEGISLATIVE COUNSEL'S DIGEST

SB 244, as amended, Wright. Children's services: high-risk children.

(1) *The Child Care and Development Services Act requires the Superintendent of Public Instruction to administer child care and development programs that provide a full range of services for eligible children from infancy to 13 years of age.*

This bill would require general child care and development programs to include priority enrollment, when slots become available in programs operated by licensed child care providers or local educational agencies, for children from birth to 5 years of age who meet certain criteria, including children who are in the foster system, are at risk of being neglected, abused, or exploited are in relative care, were in the foster system and have recently been adopted, are homeless, or have a parent who is in the foster care system, on probation, on parole, or in a correctional or residential treatment facility.

(2) *Existing law authorizes funds to be used for child care resource and referral programs, and requires a child care and resource referral provider to publicize its services through all available media sources, agencies, and other appropriate methods.*

This bill would require the child care and resource referral provider to include in the publicity a statement regarding the state's special interest in enrolling children who meet specified criteria in certain child care and development programs, including children in the foster system, in relative care, formerly in the foster system and recently adopted, who are homeless, or who have a parent who meets specified criteria.

(3) Existing law authorizes funds appropriated for child care and development services to be used for alternative payment programs, and requires alternative payment agencies in each county to design, maintain, and administer a countywide centralized eligibility list that includes specified information relating to child characteristics.

This bill would require the central eligibility list also to include certain additional information, including whether the child is in the foster system, in relative care, formerly in the foster system and recently adopted, homeless, or has a parent who meets certain criteria.

(4) Existing law requires the Superintendent to administer all California state preschool programs, and requires applicants and contracting agencies to give priority to 3- or 4-year-old neglected or abused children or children who are at risk of being neglected, abused, or exploited, as specified.

This bill also would require priority to be given to children who meet specified other criteria, including children who are in relative care, are formerly in the foster system and recently adopted, homeless, or have a parent who meets specified criteria.

(5) Existing law sets forth certain requirements for a family to be eligible for federal and state-subsidized child development services.

This bill would include families with children who are in relative care, were in the foster system and recently adopted, or are dependents of parents who meet specified criteria. The bill would make conforming changes.

(6) Existing law establishes the Early Learning Quality Improvement System Advisory Committee, and requires the committee to submit a report to the Legislature and the Governor by December 31, 2010.

This bill would require the committee to include additional information in that report relating to the availability and adequacy of services for certain children, including, among others, children in relative care or the foster system, who are at risk of abuse, neglect, or exploitation, are homeless, or have a parent who meets specified criteria.

(7) Existing law provides for the establishment of local child care and development planning councils, and requires each local planning council to conduct an assessment of child care needs in the county that includes specified factors.

This bill would require local planning councils to include additional factors relating to children in relative care, who have formerly been in foster care and have recently been adopted, are homeless, or have a parent that meets specified criteria.

(8) The federal Head Start Act is established to promote school readiness for children from lower income families. Existing law states the Legislature's findings and declarations relating to federal requirements for grantees of federal Head Start funds.

This bill would express the Legislature's intent that grantors of federal Head Start funds seriously consider giving first priority for open slots to children who meet certain criteria, including children who are in the foster system or at risk of abuse, neglect, or exploitation, among others.

(9) Existing law authorizes any county to institute a program of advocates for pupils in foster care placement that uses educational advocates to assist children in foster care through the educational system, including facilitating the school enrollment of pupils in foster care.

This bill would also require the advocate to facilitate the enrollment of children in foster care in child care and development programs.

(10) Existing law specifies that children in foster care have certain rights, including the right to attend school.

This bill would also include the right to attend high-quality child care and development programs.

~~Existing law establishes various social services and other programs for children, administered by the State Department of Social Services.~~

~~This bill would declare the intent of the Legislature to enact legislation that would establish a more cohesive, effective, and equitable system for addressing the needs of high-risk children that would reduce the long-term educational, social, and economic impacts that occur when early childhood needs are not met, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8210 is added to the Education Code, to
2 read:

3 8210. In recognition of the importance of early brain
4 development and the lifelong personal, social, and economic
5 impacts of unmet early childhood needs, it is the intent of the
6 Legislature that the highest priority for enrollment in child care
7 and development programs be given to children from birth to five
8 years of age with the greatest ability to benefit from those
9 programs. These include children who have been or are at risk of
10 being abused, neglected or exploited, are in relative care, were in
11 the foster system and recently adopted, are homeless, or are
12 dependents of parents who are in the foster system, on probation,
13 on parole, or in a correctional or residential treatment facility.
14 Those children shall have the right to continuous enrollment in
15 those programs even if the residence in which they are placed
16 changes, if continued enrollment is considered to be in the best
17 interest of the child.

18 Recognizing that meeting the needs of these children may present
19 special challenges to child care and development programs, it is
20 the intent of the Legislature to provide resources, when they
21 become available, to ensure that those programs benefit from the
22 training and other support necessary to offer and maintain
23 programs of the highest quality and achieve the desired child
24 outcomes.

25 SEC. 2. Section 8212 of the Education Code is amended to
26 read:

27 8212. For purposes of this article, child care resource and
28 referral programs; established to serve a defined geographic area;
29 shall provide the following services:

30 (a) Identification of the full range of existing child care services
31 through information provided by all relevant public and private
32 agencies in the areas of service, and the development of a resource
33 file of those services ~~which~~ *that* shall be maintained and updated
34 at least quarterly. These services shall include, but ~~are not~~ *be*
35 limited to, family day care homes, public and private day care
36 programs, full-time and part-time programs, and infant, preschool,
37 and extended care programs.

1 The resource file shall include, but ~~is not~~ be limited to, the
2 following information:

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

8 (b) (1) Establishment of a referral process ~~which~~ *that* responds
9 to parental need for information and ~~which~~ *that* is provided with
10 full recognition of the confidentiality rights of parents. Resource
11 and referral programs shall make referrals to licensed child day
12 care facilities. Referrals shall be made to unlicensed care facilities
13 only if there is no requirement that the facility be licensed. The
14 referral process shall afford parents maximum access to all referral
15 information. This access shall include, but is not limited to,
16 telephone referrals to be made available for at least 30 hours per
17 week as part of a full week of operation. Every effort shall be made
18 to reach all parents within the defined geographic area, including,
19 but not limited to, any of the following:

- 20 (A) Toll-free telephone lines.
- 21 (B) Office space convenient to parents and providers.
- 22 (C) Referrals in languages ~~which~~ *that* are spoken in the
23 community.

24 Each child care resource and referral program shall publicize its
25 services through all available media sources, agencies, and other
26 appropriate methods. *The publicity shall include a statement*
27 *regarding the state's special interest in enrolling the following*
28 *children in programs that are operated by licensed child care*
29 *providers or local educational agencies: children who are in the*
30 *foster system, in relative care, formerly in the foster system and*
31 *recently adopted, homeless, or who have a parent who is in the*
32 *foster care system, on probation, on parole, or in a correctional*
33 *or residential treatment facility.*

34 (2) (A) Provision of information to any person who requests a
35 child care referral of his or her right to view the licensing
36 information of a licensed child day care facility required to be
37 maintained at the facility pursuant to Section 1596.859 of the
38 Health and Safety Code and to access any public files pertaining
39 to the facility that are maintained by the State Department of Social
40 Services Community Care Licensing Division.

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

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

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

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

(2) Ages of children served.

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

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

(5) Reason that the child care is needed.

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

(d) Provision of technical assistance to existing and potential providers of all types of child care services. This assistance shall include, but not be limited to:

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

(2) Information and resources that help existing child care services providers to maximize their ability to serve the children and parents of their community.

(3) Dissemination of information on current public issues affecting the local and state delivery of child care services.

(4) Facilitation of communication between existing child care and child-related services providers in the community served.

Services

(e) *Services* prescribed by this section shall be provided in order to maximize parental choice in the selection of child care to

1 facilitate the maintenance and development of child care services
2 and resources.

3 (e)

4 (f) (1) A program operating pursuant to this article shall, within
5 two business days of receiving notice, remove a licensed child day
6 care facility with a revocation or a temporary suspension order, or
7 that is on probation from the program's referral list.

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

14 *SEC. 3. Section 8227 of the Education Code is amended to*
15 *read:*

16 8227. (a) To the extent that funding is made available for this
17 purpose through the annual Budget Act, the alternative payment
18 agency in each county shall design, maintain, and administer a
19 system to consolidate local child care waiting lists so as to establish
20 a countywide centralized eligibility list. In those counties with
21 more than one alternative payment agency, the agency that also
22 administers the resource and referral program shall have the
23 responsibility of developing, maintaining, and administering the
24 countywide centralized eligibility list. In those counties with more
25 than one alternative payment agency and more than one resource
26 and referral program, the ~~State Department of Education~~
27 *department* shall establish a process to select the agency to develop,
28 maintain, and administer the countywide centralized eligibility
29 list.

30 (b) Notwithstanding subdivision (a), in those counties in which
31 a countywide centralized eligibility list exists, as of the date that
32 the act adding this section is enacted, the entity administering that
33 list may receive funding, instead of the entity specified under
34 subdivision (a).

35 (c) Each centralized eligibility list shall include all of the
36 following:

37 (1) Family characteristics, including ZIP Code of residence,
38 ZIP Code of employment, monthly income, and size.

39 (2) Child characteristics, including birth date and whether the
40 child has special needs, *and whether the child is in the foster*

1 system, in relative care, formerly in the foster system and recently
2 adopted, homeless, or has a parent who is in the foster care system,
3 on probation, on parole, or in a correctional or residential
4 treatment facility.

5 (3) Service characteristics, including reason for need, whether
6 full-time or part-time service is requested, and whether after hours
7 or weekend care is requested.

8 (d) Information collected for the centralized eligibility list shall
9 be reported to the Superintendent of Public Instruction on an annual
10 basis on the date and in the manner determined by the State
11 Department of Education department.

12 (e) (1) To be eligible to enter into an agreement with the
13 department to provide subsidized child care, a contractor shall
14 participate in and use the centralized eligibility list.

15 (2) A contractor with a campus child care and development
16 program operating pursuant to Section 66060, migrant child care
17 and development program operating on a seasonal basis pursuant
18 to Section 8230, or program serving severely handicapped children
19 pursuant to subdivision (d) of Section 8250 and who has a local
20 site waiting list shall submit eligibility list information to the
21 centralized eligibility list administrator for any parent seeking
22 subsidized child care for whom these programs are not able to
23 provide child care and development services. A child care and
24 development contractor or program described in this paragraph
25 may utilize any waiting lists developed at its local site to fill
26 vacancies for its specific population. Families enrolled from a local
27 site waiting list shall be enrolled pursuant to Section 8263.

28 SEC. 4. Section 8236 of the Education Code, as amended by
29 Section 4 of Chapter 308 of the Statutes of 2008, is amended to
30 read:

31 8236. (a) (1) Each applicant or contracting agency funded
32 pursuant to Section 8235 shall give first priority to three- or
33 four-year-old neglected or abused children who are recipients of
34 child protective services, or who are at risk of being neglected,
35 abused, or exploited upon written referral from a legal, medical,
36 or social service agency, or who are in relative care, formerly in
37 the foster system and recently adopted, homeless, or have a parent
38 in the foster system, on probation, on parole, or in a correctional
39 or residential treatment facility. If an agency is unable to enroll a
40 child in this first priority category, the agency shall refer the child's

1 parent or guardian to local resource and referral services so that
2 services for the child can be located.

3 (2) Notwithstanding Section 8263, after children in the first
4 priority category set forth in paragraph (1) are enrolled, each
5 agency funded pursuant to Section 8235 shall give priority to
6 eligible four-year-old children prior to enrolling eligible
7 three-year-old children. Each agency shall certify to the
8 Superintendent that enrollment priority is being given to eligible
9 four-year-old children.

10 (b) For California state preschool programs operating with
11 funding that was initially allocated in a prior fiscal year, at least
12 one-half of the children enrolled at a preschool site shall be
13 four-year-old children. ~~Any~~ An exception to this requirement shall
14 be approved by the Superintendent. The Superintendent shall
15 inform the Secretary for Education and the Department of Finance
16 of ~~any~~ exceptions that have been granted and the reasons for
17 granting the exceptions.

18 (c) The following provisions apply to the award of new funding
19 for the expansion of the California state preschool program that is
20 appropriated by the Legislature for that purpose in any fiscal year:

21 (1) In an application for those expansion funds, an agency shall
22 furnish the Superintendent with an estimate of the number of
23 four-year-old and three-year-old children that it plans to serve in
24 the following fiscal year with those expansion funds. The agency
25 also shall furnish documentation that indicates the basis of those
26 estimates.

27 (2) In awarding contracts for expansion pursuant to this
28 subdivision, the Superintendent, after taking into account the
29 geographic criteria established pursuant to Section 8279.3, and the
30 headquarters preferences and eligibility criteria relating to fiscal
31 or programmatic noncompliance established pursuant to Section
32 8261, shall give priority to applicant agencies that, in expending
33 the expansion funds, will be serving the highest percentage of
34 four-year-old children.

35 (d) Nothing in this section shall be deemed to preclude a local
36 educational agency from subcontracting with an appropriate public
37 or private agency to operate a California state preschool program
38 and to apply for funds made available for the purposes of this
39 section. If a school district chooses not to operate or subcontract
40 for a California state preschool program, the Superintendent shall

1 work with the county office of education and other eligible agencies
2 to explore possible opportunities in contracting or alternative
3 subcontracting to provide a California state preschool program.

4 (e) Nothing in this section shall prevent eligible children who
5 are currently receiving services from continuing to receive those
6 services in future years pursuant to this chapter.

7 *SEC. 5. Section 8240 of the Education Code is amended to*
8 *read:*

9 8240. The Superintendent of ~~Public Instruction~~, with funds
10 appropriated for this purpose, shall administer general child care
11 and development programs.

12 General child care and development programs shall include:

13 (a) Age and developmentally appropriate activities for children.

14 (b) Supervision.

15 (c) Parenting education and parent involvement.

16 (d) Social services that include, but are not limited to,
17 identification of child and family needs and referral to appropriate
18 agencies.

19 (e) Health services.

20 (f) Nutrition.

21 (g) Training and career ladder opportunities, documentation of
22 which shall be provided to the Department of Education.

23 (h) *Priority enrollment, when slots become available in*
24 *programs operated by licensed child care providers or local*
25 *educational agencies, for children from birth to five years of age*
26 *who meet any of the following criteria:*

27 (1) *Are in the foster system.*

28 (2) *Are at risk of being neglected or abused, upon written*
29 *referral from a legal, medical, or social service agency.*

30 (3) *Are in relative care.*

31 (4) *Were formerly in the foster system and recently adopted.*

32 (5) *Are homeless.*

33 (6) *Have a parent in the foster system, on probation, on parole,*
34 *or in a correctional or residential treatment facility.*

35 *SEC. 6. Section 8263 of the Education Code is amended to*
36 *read:*

37 8263. (a) The Superintendent shall adopt rules and regulations
38 on eligibility, enrollment, and priority of services needed to
39 implement this chapter. In order to be eligible for federal and state

1 subsidized child development services, families shall meet at least
2 one requirement in each of the following areas:

3 (1) A family is (A) a current aid recipient, (B) income eligible,
4 (C) homeless, or (D) one whose children are recipients of protective
5 services, or whose children have been identified as being abused,
6 neglected, or exploited, or at risk of being abused, neglected, or
7 exploited, *or whose children are in relative care, formerly in the*
8 *foster system and recently adopted, or who have a parent in the*
9 *foster system, on probation, on parole, or in a correctional or*
10 *residential treatment facility.*

11 (2) A family needs the child care services (A) because the child
12 is identified by a legal, medical, social services agency, or
13 emergency shelter as (i) a recipient of protective services or (ii)
14 being neglected, abused, or exploited, or at risk of neglect, abuse,
15 or exploitation, or (B) because the parents are (i) engaged in
16 vocational training leading directly to a recognized trade,
17 paraprofession, or profession, (ii) employed or seeking
18 employment, (iii) seeking permanent housing for family stability,
19 or (iv) incapacitated.

20 (b) Except as provided in Article 15.5 (commencing with Section
21 8350), priority for state and federally subsidized child development
22 services is as follows:

23 (1) (A) First priority shall be given to neglected or abused
24 children who are recipients of child protective services, or children
25 who are at risk of being neglected or abused, upon written referral
26 from a legal, medical, or social services agency, *or who are in*
27 *relative care, formerly in the foster system and recently adopted,*
28 *homeless, or who have a parent in the foster system, on probation,*
29 *on parole, or in a correctional or residential treatment facility.* If
30 an agency is unable to enroll a child in the first priority category,
31 the agency shall refer the family to local resource and referral
32 services to locate services for the child.

33 (B) A family who is receiving child care on the basis of being
34 a child at risk of abuse, neglect, or exploitation, as defined in
35 subdivision (k) of Section 8208, is eligible to receive services
36 pursuant to subparagraph (A) for up to three months, unless the
37 family becomes eligible pursuant to subparagraph (C).

38 (C) A family may receive child care services for up to 12 months
39 on the basis of a certification by the county child welfare agency
40 that child care services continue to be necessary or, if the child is

1 receiving child protective services during that period of time, and
2 the family requires child care and remains otherwise eligible. This
3 time limit does not apply if the family's child care referral is
4 recertified by the county child welfare agency.

5 (2) Second priority shall be given equally to eligible families,
6 regardless of the number of parents in the home, who are income
7 eligible. Within this priority, families with the lowest gross monthly
8 income in relation to family size, as determined by a schedule
9 adopted by the Superintendent, shall be admitted first. If two or
10 more families are in the same priority in relation to income, the
11 family that has a child with exceptional needs shall be admitted
12 first. If there is no family of the same priority with a child with
13 exceptional needs, the same priority family that has been on the
14 waiting list for the longest time shall be admitted first. For purposes
15 of determining order of admission, the grants of public assistance
16 recipients shall be counted as income.

17 (3) The Superintendent shall set criteria for and may grant
18 specific waivers of the priorities established in this subdivision for
19 agencies that wish to serve specific populations, including children
20 with exceptional needs or children of prisoners. These new waivers
21 shall not include proposals to avoid appropriate fee schedules or
22 admit ineligible families, but may include proposals to accept
23 members of special populations in other than strict income order,
24 as long as appropriate fees are paid.

25 (c) Notwithstanding any other provision of law, in order to
26 promote continuity of services, a family enrolled in a state or
27 federally funded child care and development program whose
28 services would otherwise be terminated because the family no
29 longer meets the program income, eligibility, or need criteria may
30 continue to receive child development services in another state or
31 federally funded child care and development program if the
32 contractor is able to transfer the family's enrollment to another
33 program for which the family is eligible prior to the date of
34 termination of services or to exchange the family's existing
35 enrollment with the enrollment of a family in another program,
36 provided that both families satisfy the eligibility requirements for
37 the program in which they are being enrolled. The transfer of
38 enrollment may be to another program within the same
39 administrative agency or to another agency that administers state
40 or federally funded child care and development programs.

1 (d) In order to promote continuity of services, the Superintendent
2 may extend the 60-working-day period specified in subdivision
3 (a) of Section 18101 of Title 5 of the California Code of
4 Regulations for an additional 60 working days if he or she
5 determines that opportunities for employment have diminished to
6 the degree that one or both parents cannot reasonably be expected
7 to find employment within 60 working days and granting the
8 extension is in the public interest. The scope of extensions granted
9 pursuant to this subdivision shall be limited to the necessary
10 geographic areas and affected persons, which shall be described
11 in the Superintendent's order granting the extension. It is the intent
12 of the Legislature that extensions granted pursuant to this
13 subdivision improve services in areas with high unemployment
14 rates and areas with disproportionately high numbers of seasonal
15 agricultural jobs.

16 (e) A physical examination and evaluation, including
17 age-appropriate immunization, shall be required prior to, or within
18 six weeks of, enrollment. A standard, rule, or regulation shall not
19 require medical examination or immunization for admission to a
20 child care and development program of a child whose parent or
21 guardian files a letter with the governing board of the child care
22 and development program stating that the medical examination or
23 immunization is contrary to his or her religious beliefs, or provide
24 for the exclusion of a child from the program because of a parent
25 or guardian having filed the letter. However, if there is good cause
26 to believe that a child is suffering from a recognized contagious
27 or infectious disease, the child shall be temporarily excluded from
28 the program until the governing board of the child care and
29 development program is satisfied that the child is not suffering
30 from that contagious or infectious disease.

31 (f) Regulations formulated and promulgated pursuant to this
32 section shall include the recommendations of the State Department
33 of Health Care Services relative to health care screening and the
34 provision of health care services. The Superintendent shall seek
35 the advice and assistance of these health authorities in situations
36 where service under this chapter includes or requires care of
37 children who are ill or children with exceptional needs.

38 (g) (1) The Superintendent shall establish a fee schedule for
39 families utilizing child care and development services pursuant to
40 this chapter, including families receiving services under paragraph

(1) of subdivision (b). Families receiving services under subparagraph (B) of paragraph (1) of subdivision (b) may be exempt from these fees for up to three months. Families receiving services under subparagraph (C) of paragraph (1) of subdivision (b) may be exempt from these fees for up to 12 months. The cumulative period of time of exemption from these fees for families receiving services under paragraph (1) of subdivision (b) shall not exceed 12 months.

(2) The income of a recipient of federal supplemental security income benefits pursuant to Title XVI of the federal Social Security Act (42 U.S.C. Sec. 1381 et seq.) and state supplemental program benefits pursuant to Title XVI of the federal Social Security Act and Chapter 3 (commencing with Section 12000) of Part 3 of Division 9 of the Welfare and Institutions Code shall not be included as income for the purposes of determining the amount of the family fee.

(h) The family fee schedule shall include, but not be limited to, the following restrictions:

(1) Fees shall not be assessed for families whose children are enrolled in the state preschool program.

(2) A contractor or provider may require parents to provide diapers. A contractor or provider offering field trips either may include the cost of the field trips within the service rate charged to the parent or may charge parents an additional fee. Federal or state money shall not be used to reimburse parents for the costs of field trips if those costs are charged as an additional fee. A contractor or provider that charges parents an additional fee for field trips shall inform parents, prior to enrolling the child, that a fee may be charged and that no reimbursement will be available. A contractor or provider may charge parents for field trips or require parents to provide diapers only under the following circumstances:

(A) The provider has a written policy that is adopted by the agency's governing board that includes parents in the decisionmaking process regarding both of the following:

(i) Whether or not, and how much, to charge for field trip expenses.

(ii) Whether or not to require parents to provide diapers.

(B) The maximum total of charges per child in a contract year does not exceed twenty-five dollars (\$25).

1 (C) A child shall not be denied participation in a field trip due
2 to the parent's inability or refusal to pay the charge. Adverse action
3 shall not be taken against a parent for that inability or refusal.

4 Each contractor or provider shall establish a payment system
5 that prevents the identification of children based on whether or
6 not their parents have paid a field trip charge.

7 Expenses incurred and income received for field trips pursuant
8 to this section shall be reported to the department. The income
9 received for field trips shall be reported specifically as restricted
10 income.

11 (i) The Superintendent shall establish guidelines for the
12 collection of employer-sponsored child care benefit payments from
13 a parent whose child receives subsidized child care and
14 development services. These guidelines shall provide for the
15 collection of the full amount of the benefit payment, but not to
16 exceed the actual cost of child care and development services
17 provided, notwithstanding the applicable fee based on the fee
18 schedule.

19 (j) The Superintendent shall establish guidelines according to
20 which the director or a duly authorized representative of the child
21 care and development program will certify children as eligible for
22 state reimbursement pursuant to this section.

23 (k) Public funds shall not be paid directly or indirectly to an
24 agency that does not pay at least the minimum wage to each of its
25 employees.

26 *SEC. 7. Section 8301 of the Education Code is amended to*
27 *read:*

28 8301. (a) The advisory committee shall develop the policy
29 and implementation plan for an Early Learning Quality
30 Improvement System for the state and shall submit, to the
31 Legislature and the Governor, an interim report by December 31,
32 2009, and a final report by December 31, 2010, containing its
33 recommendations for the creation of an Early Learning Quality
34 Improvement System. The report shall address, but need not be
35 limited to, the following four elements of a quality improvement
36 system:

37 (1) An assessment and analysis of the existing early care and
38 education infrastructure, including other state and local early
39 learning quality improvement systems. The assessment shall
40 identify and review existing quality rating systems in use and

1 determine the features of those systems that are most effective in
2 determining and improving quality.

3 (2) The development of an early learning quality rating scale
4 for child development and care programs, including preschool,
5 that serve children from birth to five years of age, inclusive,
6 including preschool age children, infants, and toddlers. The early
7 learning quality rating scale shall reflect features of quality rating
8 systems that most directly contribute to high-quality care, as
9 identified in the assessment pursuant to paragraph (1). The advisory
10 committee shall consider consumer awareness so that parents
11 receive accurate information about the type of program in which
12 their children are enrolled. The advisory committee also may
13 consider, but need not be limited to, the following features of
14 high-quality programs:

15 (A) Developmentally, linguistically, and culturally appropriate
16 practices.

17 (B) Staff qualifications and professional development and
18 education needs.

19 (C) Staff compensation and retention.

20 (D) Group size and ratios.

21 (E) Learning environment.

22 (F) Statutory and regulatory compliance, including provisions
23 of Title 5 and Title 22 of the California Code of Regulations
24 relating to child care and development.

25 (G) Articulation within systems of care for children from birth
26 to five years of age, and with the K-12 public school system.

27 (H) The inclusion of children with exceptional needs and
28 children with disabilities.

29 (I) English learner support.

30 (J) Family involvement.

31 (K) Comprehensive health and development screenings using
32 standard tools.

33 (L) Data collection and methods to support continuous quality
34 improvement.

35 (M) Program management and leadership.

36 (N) *Availability and adequacy of services for children in the*
37 *foster system, at risk of abuse, neglect, or exploitation, in relative*
38 *care, formerly in the foster system and recently adopted, homeless,*
39 *or who have a parent in the foster system, on probation, on parole,*
40 *or in a correctional or residential treatment facility.*

(3) The development of a funding model aligned with the quality rating scale for child care and development programs that serve children from birth to five years of age, inclusive, including preschool.

(4) The advisory committee shall consider and make recommendations on how local, state, federal, and private resources, including resources available pursuant to the California Children and Families Act of 1998 (Division 108 (commencing with Section 130100) of the Health and Safety Code), can best be utilized to complement a statewide funding model as part of a comprehensive effort to improve the child care and development system of the state, including preschool.

(b) The advisory committee shall meet no less frequently than each quarter per year, at the call of the chairperson, at a time and location convenient to the public, as the chairperson deems appropriate. All meetings shall be open to the public in accordance with Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code. Once a draft report of the final report is complete, the advisory committee shall conduct no less than four public hearings in different parts of the state to ensure that the advisory committee obtains meaningful public input prior to submitting its report to the Governor and the Legislature.

SEC. 8. Section 8499.5 of the Education Code is amended to read:

8499.5. (a) The department shall allocate child care funding pursuant to Chapter 2 (commencing with Section 8200) based on the amount of state and federal funding that is available.

(b) By May 30 of each year, upon approval by the county board of supervisors and the county superintendent of schools, each local planning council shall submit to the department the local priorities it has identified that reflect all child care needs in the county. To accomplish this, each local planning council shall do all of the following:

(1) Conduct an assessment of child care needs in the county no less than once every five years. The department shall define and prescribe data elements to be included in the needs assessment and shall specify the format for the data reporting. The needs assessment ~~shall~~ also *shall* include all factors deemed appropriate by the local planning council in order to obtain an accurate picture

1 of the comprehensive child care needs in the county. The factors
2 include, but are not limited to, all of the following:

3 (A) The needs of families eligible for subsidized child care.

4 (B) The needs of families not eligible for subsidized child care.

5 (C) The waiting lists for programs funded by the department
6 and the State Department of Social Services.

7 (D) The need for child care for children determined by the child
8 protective services agency to be neglected, abused, or exploited,
9 or at risk of being neglected, abused, or exploited, *or in relative*
10 *care, formerly in the foster system and recently adopted, homeless,*
11 *or who have a parent in the foster system, on probation, on parole,*
12 *or in a correctional or residential treatment facility.*

13 (E) The number of children in families receiving public
14 assistance, including food stamps, housing support, and Medi-Cal,
15 and assistance from the Healthy Families Program and the
16 Temporary Assistance to Needy Families (TANF) program.

17 (F) Family income among families with preschool or schoolage
18 children.

19 (G) The number of children in migrant agricultural families
20 who move from place to place for work or who are currently
21 dependent for their income on agricultural employment in
22 accordance with subdivision (a) of, and paragraphs (1) and (2) of
23 subdivision (b) of, Section 8231.

24 (H) The number of children who have been determined by a
25 regional center to require services pursuant to an individualized
26 family service plan, or by a local educational agency to require
27 services pursuant to an individualized education program or an
28 individualized family service plan.

29 (I) The number of children in the county by primary language
30 spoken pursuant to the department's language survey.

31 (J) Special needs based on geographic considerations, including
32 rural areas.

33 (K) The number of children needing child care services by age
34 cohort.

35 (2) Document information gathered during the needs assessment
36 which shall include, but need not be limited to, data on supply,
37 demand, cost, and market rates for each category of child care in
38 the county.

39 (3) Encourage public input in the development of the priorities.
40 Opportunities for public input shall include at least one public

1 hearing during which members of the public can comment on the
2 proposed priorities.

3 (4) Prepare a comprehensive countywide child care plan
4 designed to mobilize public and private resources to address
5 identified needs.

6 (5) Conduct a periodic review of child care programs funded
7 by the department and the *State* Department of Social Services to
8 determine if identified priorities are being met.

9 (6) Collaborate with subsidized and nonsubsidized child care
10 providers, county welfare departments, human service agencies,
11 regional centers, job training programs, employers, integrated child
12 and family service councils, local and state children and families
13 commissions, parent organizations, early start family resource
14 centers, family empowerment centers on disability, local child care
15 resource and referral programs, and other interested parties to
16 foster partnerships designed to meet local child care needs.

17 (7) Design a system to consolidate local child care waiting lists,
18 if a centralized eligibility list is not already in existence.

19 (8) Coordinate part-day programs, including state preschool
20 and Head Start, with other child care and development services to
21 provide full-day child care.

22 (9) Submit the results of the needs assessment and the local
23 priorities identified by the local planning council to the board of
24 supervisors and the county superintendent of schools for approval
25 before submitting them to the department.

26 (10) Identify at least one, but not more than two, members to
27 serve as part of the department team that reviews and scores
28 proposals for the provision of services funded through contracts
29 with the department. Local planning council representatives ~~may~~
30 *shall* not review and score proposals from the geographic area
31 covered by their own local planning council. The department shall
32 notify each local planning council whenever this opportunity is
33 available.

34 (c) The department ~~shall~~, in conjunction with the *State*
35 Department of Social Services and all appropriate statewide
36 agencies and associations, *shall* develop guidelines for use by local
37 planning councils to assist them in conducting needs assessments
38 that are reliable and accurate. The guidelines shall include
39 acceptable sources of demographic and child care data, and
40 methodologies for assessing child care supply and demand.

(d) The department shall allocate funding within each county in accordance with the priorities identified by the local planning council of that county and submitted to the department pursuant to this section, unless the priorities do not meet the requirements of state or federal law.

SEC. 9. Section 8499.11 is added to the Education Code, to read:

8499.11. It is the intent of the Legislature that when Head Start Programs determine local priorities, they seriously consider giving first priority for open slots to children who meet the following criteria:

(a) Are in the foster system.

(b) Are at risk of abuse, neglect, or exploitation.

(c) Are in relative care.

(d) Were in the foster care system and have recently been adopted.

(e) Are homeless.

(f) Have a parent in the foster system, on probation, on parole, or in a correctional or residential treatment facility.

SEC. 10. Section 79121 of the Education Code is amended to read:

79121. (a) Notwithstanding any other provision of law, a child under two years of age whose parent is a student, or whose parents are students, may attend child development centers consistent with the priorities established pursuant to law.

(b) Children of students attending school at a particular campus shall have first priority for attendance at a child development center at that campus.

(c) Student families, as described in Section 8263, shall pay fees according to the fee schedule established by the Superintendent of Public Instruction pursuant to ~~subdivision (f)~~ of that section.

(d) Highest priority shall be given to student families with the greatest income deficit, and lowest priority to student families with the greatest income.

(e) For the purposes of assigning eligibility priority, applicant student families shall be grouped according to the amount of their income in one-hundred-dollar (\$100) monthly increments. All student families within a particular income range shall be treated as if their incomes were the same, and priority for eligibility within

1 each particular income range shall be assigned on the following
2 basis:

3 (1) Single-parent student families.

4 (2) Two-parent families, where both parents are students or
5 where one parent is a student and the other is working.

6 (f) Student families who are recipients of public assistance shall
7 be subject to the same assignment of priority as other student
8 families whose incomes fall in the same income range.

9 *SEC. 11. Section 401 of the Welfare and Institutions Code is*
10 *amended to read:*

11 401. The program shall utilize educational advocates to assist
12 children in foster care through the educational system. To the
13 extent possible, an advocate shall reflect the same racial or ethnic
14 identification as the pupil being assisted. The educational advocates
15 shall be required to comply with all statutory and regulatory
16 provisions regarding standards of confidentiality that are applicable
17 to children of schoolage who have been placed in foster care. The
18 responsibilities of an advocate shall include at least the following
19 duties:

20 (a) Facilitating the school enrollment of pupils in foster care,
21 *including enrollment in school or a program operated by a licensed*
22 *child care provider or local educational agency.*

23 (b) Locating a pupil's transcripts, immunization and school
24 health records, individual education plans, and having these
25 documents sent to the school to which the child is applying for
26 enrollment, and to the department so that the information can be
27 included in the child's health and education passport.

28 (c) Educating foster parents regarding how to enroll the pupil
29 in school and what educational services are available.

30 *SEC. 12. Section 16001.9 of the Welfare and Institutions Code*
31 *is amended to read:*

32 16001.9. (a) It is the policy of the state that all children in
33 foster care shall have the following rights:

34 (1) To live in a safe, healthy, and comfortable home where he
35 or she is treated with respect.

36 (2) To be free from physical, sexual, emotional, or other abuse,
37 or corporal punishment.

38 (3) To receive adequate and healthy food, adequate clothing,
39 and, for youth in group homes, an allowance.

- 1 (4) To receive medical, dental, vision, and mental health
2 services.
- 3 (5) To be free of the administration of medication or chemical
4 substances, unless authorized by a physician.
- 5 (6) To contact family members, unless prohibited by court order,
6 and social workers, attorneys, foster youth advocates and
7 supporters, Court Appointed Special Advocates (CASAs), and
8 probation officers.
- 9 (7) To visit and contact brothers and sisters, unless prohibited
10 by court order.
- 11 (8) To contact the Community Care Licensing Division of the
12 State Department of Social Services or the State Foster Care
13 Ombudsperson regarding violations of rights, to speak to
14 representatives of these offices confidentially, and to be free from
15 threats or punishment for making complaints.
- 16 (9) To make and receive confidential telephone calls and send
17 and receive unopened mail, unless prohibited by court order.
- 18 (10) To attend religious services and activities of his or her
19 choice.
- 20 (11) To maintain an emancipation bank account and manage
21 personal income, consistent with the child's age and developmental
22 level, unless prohibited by the case plan.
- 23 (12) To not be locked in any room, building, or facility premises,
24 unless placed in a community treatment facility.
- 25 (13) To attend ~~school~~ *high-quality child care and development*
26 *programs and schools*, and participate in extracurricular, cultural,
27 and personal enrichment activities, consistent with the child's age
28 and developmental level.
- 29 (14) To work and develop job skills at an age-appropriate level,
30 consistent with state law.
- 31 (15) To have social contacts with people outside of the foster
32 care system, such as teachers, church members, mentors, and
33 friends.
- 34 (16) To attend Independent Living Program classes and activities
35 if he or she meets age requirements.
- 36 (17) To attend court hearings and speak to the judge.
- 37 (18) To have storage space for private use.
- 38 (19) To be involved in the development of his or her own case
39 plan and plan for permanent placement.

1 (20) To review his or her own case plan and plan for permanent
2 placement, if he or she is 12 years of age or older and in a
3 permanent placement, and to receive information about his or her
4 out-of-home placement and case plan, including being told of
5 changes to the plan.

6 (21) To be free from unreasonable searches of personal
7 belongings.

8 (22) To confidentiality of all juvenile court records consistent
9 with existing law.

10 (23) To have fair and equal access to all available services,
11 placement, care, treatment, and benefits, and to not be subjected
12 to discrimination or harassment on the basis of actual or perceived
13 race, ethnic group identification, ancestry, national origin, color,
14 religion, sex, sexual orientation, gender identity, mental or physical
15 disability, or HIV status.

16 (24) At 16 years of age or older, to have access to existing
17 information regarding the educational options available, including,
18 but not limited to, the coursework necessary for vocational and
19 postsecondary educational programs, and information regarding
20 financial aid for postsecondary education.

21 (b) Nothing in this section shall be interpreted to require a foster
22 care provider to take any action that would impair the health and
23 safety of children in out-of-home placement.

24 (c) The State Department of Social Services and each county
25 welfare department are encouraged to work with the Student Aid
26 Commission, the University of California, the California State
27 University, and the California Community Colleges to receive
28 information pursuant to paragraph (23) of subdivision (a).

29 ~~SECTION 1. It is the intent of the Legislature to enact~~
30 ~~legislation that would establish a more cohesive, effective, and~~
31 ~~equitable system for addressing the needs of high-risk children~~
32 ~~that would reduce the long-term educational, social, and economic~~
33 ~~impacts that occur when early childhood needs are not met. To~~
34 ~~accomplish this goal, the Legislature intends to enact legislation~~
35 ~~that would do all of the following:~~

36 ~~(a) Improve accountability and interagency cooperation by~~
37 ~~establishing, in each county or consortium of counties, a committee~~
38 ~~or similar entity with authority to coordinate systems of care;~~
39 ~~review data, and ensure timely delivery of services to high-risk~~
40 ~~children.~~

- 1 ~~(b) Implement changes to eligibility and priority enrollment~~
2 ~~criteria for existing early care and education programs to ensure~~
3 ~~inclusion of high-risk children.~~
- 4 ~~(c) Establish a state-level committee or similar entity to make~~
5 ~~recommendations to the Legislature before January 1, 2011, that~~
6 ~~will improve and integrate services to children with special needs,~~
7 ~~with particular attention to transition issues for children at age~~
8 ~~three.~~