

AMENDED IN SENATE MAY 4, 2009

AMENDED IN SENATE MARCH 31, 2009

**SENATE BILL**

**No. 244**

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**Introduced by Senator Wright**  
**(Coauthors: Senators Alquist, Hancock, and Liu)**

February 24, 2009

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An act 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 *custodial* 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 *from birth to 5 years of age* 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 *custodial* 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 *custodial* 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 *custodial* 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 *from birth to 5 years of age* who are in relative care, were in the foster system and recently adopted, or are dependents of *custodial* 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 *from birth to 5 years of age* who are in relative care or the foster system,

who are at risk of abuse, neglect, or exploitation, are homeless, or have a *custodial* 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 *from birth to 5 years of age* in relative care, who have formerly been in foster care and have recently been adopted, are homeless, or have a *custodial* 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 *from birth to 5 years of age* 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.

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 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

1 and development programs be given to children from birth to five  
2 years of age with the greatest ability to benefit from those  
3 programs. These include children who have been or are at risk of  
4 being abused, neglected or exploited, are in relative care, were in  
5 the foster system and recently adopted, are homeless, or are  
6 dependents of parents who are in the foster system, on probation,  
7 on parole, or in a correctional or residential treatment facility.  
8 Those children shall have the right to continuous enrollment in  
9 those programs even if the residence in which they are placed  
10 changes, if continued enrollment is considered to be in the best  
11 interest of the child.

12 Recognizing that meeting the needs of these children may present  
13 special challenges to child care and development programs, it is  
14 the intent of the Legislature to provide resources, when they  
15 become available, to ensure that those programs benefit from the  
16 training and other support necessary to offer and maintain programs  
17 of the highest quality and achieve the desired child outcomes.

18 SEC. 2. Section 8212 of the Education Code is amended to  
19 read:

20 8212. For purposes of this article, child care resource and  
21 referral programs established to serve a defined geographic area  
22 shall provide the following services:

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

31 The resource file shall include, but is not limited to, the following  
32 information:

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

38 (b) (1) Establishment of a referral process that responds to  
39 parental need for information and that is provided with full  
40 recognition of the confidentiality rights of parents. Resource and

1 referral programs shall make referrals to licensed child day care  
2 facilities. Referrals shall be made to unlicensed care facilities only  
3 if there is no requirement that the facility be licensed. The referral  
4 process shall afford parents maximum access to all referral  
5 information. This access shall include, but is not limited to,  
6 telephone referrals to be made available for at least 30 hours per  
7 week as part of a full week of operation. Every effort shall be made  
8 to reach all parents within the defined geographic area, including,  
9 but not limited to, any of the following:

10 (A) Toll-free telephone lines.

11 (B) Office space convenient to parents and providers.

12 (C) Referrals in languages that are spoken in the community.

13 Each child care resource and referral program shall publicize its  
14 services through all available media sources, agencies, and other  
15 appropriate methods. The publicity shall include a statement  
16 regarding the state's special interest in enrolling the following  
17 children in programs that are operated by licensed child care  
18 providers or local educational agencies: children *from birth to five*  
19 *years of age* who are in the foster system, in relative care, formerly  
20 in the foster system and recently adopted, homeless, or who have  
21 a *custodial* parent who is in the foster care system, on probation,  
22 on parole, or in a correctional or residential treatment facility.

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

(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.

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

(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. 3. Section 8227 of the Education Code is amended to read:

8227. (a) To the extent that funding is made available for this purpose through the annual Budget Act, the alternative payment agency in each county shall design, maintain, and administer a system to consolidate local child care waiting lists so as to establish a countywide centralized eligibility list. In those counties with more than one alternative payment agency, the agency that also administers the resource and referral program shall have the responsibility of developing, maintaining, and administering the countywide centralized eligibility list. In those counties with more than one alternative payment agency and more than one resource and referral program, the department shall establish a process to select the agency to develop, maintain, and administer the countywide centralized eligibility list.

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

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

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

(2) Child characteristics, including birth date and whether the child has special needs, and whether the child is in the foster system, in relative care, formerly in the foster system and recently adopted, homeless, or has a *custodial* parent who is in the foster care system, on probation, on parole, or in a correctional or residential treatment facility.

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

(d) Information collected for the centralized eligibility list shall be reported to the Superintendent on an annual basis on the date and in the manner determined by the department.

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

4 (2) A contractor with a campus child care and development  
5 program operating pursuant to Section 66060, migrant child care  
6 and development program operating on a seasonal basis pursuant  
7 to Section 8230, or program serving severely handicapped children  
8 pursuant to subdivision (d) of Section 8250 and who has a local  
9 site waiting list shall submit eligibility list information to the  
10 centralized eligibility list administrator for any parent seeking  
11 subsidized child care for whom these programs are not able to  
12 provide child care and development services. A child care and  
13 development contractor or program described in this paragraph  
14 may utilize any waiting lists developed at its local site to fill  
15 vacancies for its specific population. Families enrolled from a local  
16 site waiting list shall be enrolled pursuant to Section 8263.

17 SEC. 4. Section 8236 of the Education Code, as amended by  
18 Section 4 of Chapter 308 of the Statutes of 2008, is amended to  
19 read:

20 8236. (a) (1) Each applicant or contracting agency funded  
21 pursuant to Section 8235 shall give first priority to three- or  
22 four-year-old neglected or abused children who are recipients of  
23 child protective services, or who are at risk of being neglected,  
24 abused, or exploited upon written referral from a legal, medical,  
25 or social service agency, or who are in relative care, formerly in  
26 the foster system and recently adopted, homeless, or have a  
27 *custodial* parent in the foster system, on probation, on parole, or  
28 in a correctional or residential treatment facility. If an agency is  
29 unable to enroll a child in this first priority category, the agency  
30 shall refer the child's parent or guardian to local resource and  
31 referral services so that services for the child can be located.  
32 *Priority enrollment shall be granted when slots become available,*  
33 *but shall not be used to displace children who are currently*  
34 *receiving care.*

35 (2) Notwithstanding Section 8263, after children in the first  
36 priority category set forth in paragraph (1) are enrolled, each  
37 agency funded pursuant to Section 8235 shall give priority to  
38 eligible four-year-old children prior to enrolling eligible  
39 three-year-old children. Each agency shall certify to the

1 Superintendent that enrollment priority is being given to eligible  
2 four-year-old children.

3 (b) For California state preschool programs operating with  
4 funding that was initially allocated in a prior fiscal year, at least  
5 one-half of the children enrolled at a preschool site shall be  
6 four-year-old children. An exception to this requirement shall be  
7 approved by the Superintendent. The Superintendent shall inform  
8 the Secretary for Education and the Department of Finance of  
9 exceptions that have been granted and the reasons for granting the  
10 exceptions.

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

14 (1) In an application for those expansion funds, an agency shall  
15 furnish the Superintendent with an estimate of the number of  
16 four-year-old and three-year-old children that it plans to serve in  
17 the following fiscal year with those expansion funds. The agency  
18 also shall furnish documentation that indicates the basis of those  
19 estimates.

20 (2) In awarding contracts for expansion pursuant to this  
21 subdivision, the Superintendent, after taking into account the  
22 geographic criteria established pursuant to Section 8279.3, and the  
23 headquarters preferences and eligibility criteria relating to fiscal  
24 or programmatic noncompliance established pursuant to Section  
25 8261, shall give priority to applicant agencies that, in expending  
26 the expansion funds, will be serving the highest percentage of  
27 four-year-old children.

28 (d) Nothing in this section shall be deemed to preclude a local  
29 educational agency from subcontracting with an appropriate public  
30 or private agency to operate a California state preschool program  
31 and to apply for funds made available for the purposes of this  
32 section. If a school district chooses not to operate or subcontract  
33 for a California state preschool program, the Superintendent shall  
34 work with the county office of education and other eligible agencies  
35 to explore possible opportunities in contracting or alternative  
36 subcontracting to provide a California state preschool program.

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

1 SEC. 5. Section 8240 of the Education Code is amended to  
2 read:

3 8240. The Superintendent, with funds appropriated for this  
4 purpose, shall administer general child care and development  
5 programs.

6 General child care and development programs shall include:

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

8 (b) Supervision.

9 (c) Parenting education and parent involvement.

10 (d) Social services that include, but are not limited to,  
11 identification of child and family needs and referral to appropriate  
12 agencies.

13 (e) Health services.

14 (f) Nutrition.

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

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

21 (1) Are in the foster system.

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

24 (3) Are in relative care.

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

26 (5) Are homeless.

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

29 SEC. 6. Section 8263 of the Education Code is amended to  
30 read:

31 8263. (a) The Superintendent shall adopt rules and regulations  
32 on eligibility, enrollment, and priority of services needed to  
33 implement this chapter. In order to be eligible for federal and state  
34 subsidized child development services, families shall meet at least  
35 one requirement in each of the following areas:

36 (1) A family is (A) a current aid recipient, (B) income eligible,  
37 (C) homeless, or (D) one whose children are recipients of protective  
38 services, or whose children have been identified as being abused,  
39 neglected, or exploited, or at risk of being abused, neglected, or  
40 exploited, or whose children *from birth to five years of age* are in

1 relative care, formerly in the foster system and recently adopted,  
2 or who have a *custodial* parent in the foster system, on probation,  
3 on parole, or in a correctional or residential treatment facility.

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

13 (b) Except as provided in Article 15.5 (commencing with Section  
14 8350), priority for state and federally subsidized child development  
15 services is as follows:

16 (1) (A) First priority shall be given to neglected or abused  
17 children who are recipients of child protective services, or children  
18 who are at risk of being neglected or abused, upon written referral  
19 from a legal, medical, or social services agency, or *children from*  
20 *birth to five years of age* who are in relative care, formerly in the  
21 foster system and recently adopted, homeless, or who have a  
22 *custodial* parent in the foster system, on probation, on parole, or  
23 in a correctional or residential treatment facility. If an agency is  
24 unable to enroll a child in the first priority category, the agency  
25 shall refer the family to local resource and referral services to  
26 locate services for the child. *Priority enrollment shall be granted*  
27 *when slots become available, but shall not be used to displace*  
28 *children who are currently receiving care.*

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

34 (C) A family may receive child care services for up to 12 months  
35 on the basis of a certification by the county child welfare agency  
36 that child care services continue to be necessary or, if the child is  
37 receiving child protective services during that period of time, and  
38 the family requires child care and remains otherwise eligible. This  
39 time limit does not apply if the family's child care referral is  
40 recertified by the county child welfare agency.

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

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

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

(d) In order to promote continuity of services, the Superintendent may extend the 60-working-day period specified in subdivision (a) of Section 18101 of Title 5 of the California Code of Regulations for an additional 60 working days if he or she

1 determines that opportunities for employment have diminished to  
2 the degree that one or both parents cannot reasonably be expected  
3 to find employment within 60 working days and granting the  
4 extension is in the public interest. The scope of extensions granted  
5 pursuant to this subdivision shall be limited to the necessary  
6 geographic areas and affected persons, which shall be described  
7 in the Superintendent's order granting the extension. It is the intent  
8 of the Legislature that extensions granted pursuant to this  
9 subdivision improve services in areas with high unemployment  
10 rates and areas with disproportionately high numbers of seasonal  
11 agricultural jobs.

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

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

34 (g) (1) The Superintendent shall establish a fee schedule for  
35 families utilizing child care and development services pursuant to  
36 this chapter, including families receiving services under paragraph  
37 (1) of subdivision (b). Families receiving services under  
38 subparagraph (B) of paragraph (1) of subdivision (b) may be  
39 exempt from these fees for up to three months. Families receiving  
40 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).

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

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

4 Expenses incurred and income received for field trips pursuant  
5 to this section shall be reported to the department. The income  
6 received for field trips shall be reported specifically as restricted  
7 income.

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

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

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

23 SEC. 7. Section 8301 of the Education Code is amended to  
24 read:

25 8301. (a) The advisory committee shall develop the policy  
26 and implementation plan for an Early Learning Quality  
27 Improvement System for the state and shall submit, to the  
28 Legislature and the Governor, an interim report by December 31,  
29 2009, and a final report by December 31, 2010, containing its  
30 recommendations for the creation of an Early Learning Quality  
31 Improvement System. The report shall address, but need not be  
32 limited to, the following four elements of a quality improvement  
33 system:

34 (1) An assessment and analysis of the existing early care and  
35 education infrastructure, including other state and local early  
36 learning quality improvement systems. The assessment shall  
37 identify and review existing quality rating systems in use and  
38 determine the features of those systems that are most effective in  
39 determining and improving quality.

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

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

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

(C) Staff compensation and retention.

(D) Group size and ratios.

(E) Learning environment.

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

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

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

(I) English learner support.

(J) Family involvement.

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

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

(M) Program management and leadership.

(N) Availability and adequacy of services for children *from birth to five years of age who are* in the foster system, at risk of abuse, neglect, or exploitation, in relative care, formerly in the foster system and recently adopted, homeless, or who have a *custodial* parent in the foster system, on probation, on parole, or in a correctional or residential treatment facility.

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

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

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

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

26 8499.5. (a) The department shall allocate child care funding  
27 pursuant to Chapter 2 (commencing with Section 8200) based on  
28 the amount of state and federal funding that is available.

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

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

1 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 *for children*  
10 *from birth to five years of age who are* in relative care, formerly  
11 in the foster system and recently adopted, homeless, or who have  
12 a *custodial* parent in the foster system, on probation, on parole, or  
13 in a correctional or residential treatment facility.

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

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

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

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

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

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

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

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

1 (3) Encourage public input in the development of the priorities.  
2 Opportunities for public input shall include at least one public  
3 hearing during which members of the public can comment on the  
4 proposed priorities.

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

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

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

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

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

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

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

35 (c) The department, in conjunction with the State Department  
36 of Social Services and all appropriate statewide agencies and  
37 associations, shall develop guidelines for use by local planning  
38 councils to assist them in conducting needs assessments that are  
39 reliable and accurate. The guidelines shall include acceptable

1 sources of demographic and child care data, and methodologies  
2 for assessing child care supply and demand.

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

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

10 8499.11. It is the intent of the Legislature that when Head Start  
11 programs determine local priorities, they seriously consider giving  
12 first priority for open slots to children *from birth to five years of*  
13 *age* who meet the following criteria:

14 (a) Are in the foster system.

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

16 (c) Are in relative care.

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

19 (e) Are homeless.

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

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

24 79121. (a) Notwithstanding any other provision of law, a child  
25 under two years of age whose parent is a student, or whose parents  
26 are students, may attend child development centers consistent with  
27 the priorities established pursuant to law.

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

31 (c) Student families, as described in Section 8263, shall pay  
32 fees according to the fee schedule established by the Superintendent  
33 pursuant to that section.

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

37 (e) For the purposes of assigning eligibility priority, applicant  
38 student families shall be grouped according to the amount of their  
39 income in one-hundred-dollar (\$100) monthly increments. All  
40 student families within a particular income range shall be treated

1 as if their incomes were the same, and priority for eligibility within  
2 each particular income range shall be assigned on the following  
3 basis:

- 4 (1) Single-parent student families.
- 5 (2) Two-parent families, where both parents are students or  
6 where one parent is a student and the other is working.
- 7 (f) Student families who are recipients of public assistance shall  
8 be subject to the same assignment of priority as other student  
9 families whose incomes fall in the same income range.

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

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

- 21 (a) Facilitating the school enrollment of pupils in foster care,  
22 including enrollment in school or a program operated by a licensed  
23 child care provider or local educational agency.
- 24 (b) Locating a pupil's transcripts, immunization and school  
25 health records, individual education plans, and having these  
26 documents sent to the school to which the child is applying for  
27 enrollment, and to the department so that the information can be  
28 included in the child's health and education passport.
- 29 (c) Educating foster parents regarding how to enroll the pupil  
30 in school and what educational services are available.

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

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

- 35 (1) To live in a safe, healthy, and comfortable home where he  
36 or she is treated with respect.
- 37 (2) To be free from physical, sexual, emotional, or other abuse,  
38 or corporal punishment.
- 39 (3) To receive adequate and healthy food, adequate clothing,  
40 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 high-quality child care and development programs  
26 and schools, and participate in extracurricular, cultural, and  
27 personal enrichment activities, consistent with the child's age and  
28 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)~~ (24) of subdivision (a).