

ASSEMBLY BILL

No. 982

Introduced by Assembly Member Eggman

February 26, 2015

An act to amend Sections 8205 and 8263 of the Education Code, relating to child care.

LEGISLATIVE COUNSEL'S DIGEST

AB 982, as introduced, Eggman. Child care and development: eligibility: priority: homeless children.

Existing law provides that it is the intent of the Legislature that in providing child development programs the Superintendent of Public Instruction give priority to children of families that qualify for public assistance and other low-income and disadvantaged families.

This bill would also include homeless families as part of the intended priority for child development programs.

Existing law requires the Superintendent to adopt rules and regulations on eligibility, enrollment, and priority of services needed to implement laws relating to child care and development services. Existing law requires families to meet certain requirements in order to be eligible for subsidized child development services, including that the family needs child care services because the child is identified by a legal, medical, or social services agency, or emergency shelter as being a recipient of a protective service or being neglected, abused, or exploited, as provided.

This bill would expand the list of entities that can identify a child in need to include a local educational agency liaison for homeless children and youths, a Head Start program, or a transitional shelter. The bill

would expand the list of children to be identified to include a homeless child.

Existing law provides priority for subsidized child development services. First priority, under the law, goes to neglected or abused children, as provided.

This bill would also provide first priority to homeless children, as provided.

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 8205 of the Education Code is amended
2 to read:

3 8205. It is the intent of the Legislature that in providing child
4 development programs the Superintendent of ~~Public Instruction~~
5 give priority to children of families that qualify under applicable
6 federal statutes or regulations as recipients of public assistance
7 and other low-income and disadvantaged families, *including*
8 *homeless families*. Federal reimbursement shall be claimed for ~~any~~
9 *a child receiving services under pursuant to this chapter for whom*
10 federal funds are available.

11 SEC. 2. Section 8263 of the Education Code is amended to
12 read:

13 8263. (a) The Superintendent shall adopt rules and regulations
14 on eligibility, enrollment, and priority of services needed to
15 implement this chapter. In order to be eligible for federal and state
16 subsidized child development services, families shall meet at least
17 one requirement in each of the following areas:

18 (1) A family is (A) a current aid recipient, (B) income eligible,
19 (C) homeless, or (D) one whose children are recipients of protective
20 services, or whose children have been identified as being abused,
21 neglected, or exploited, or at risk of being abused, neglected, or
22 exploited.

23 (2) A family needs the child care services (A) because the child
24 is identified by a legal, medical, or social services agency, *a local*
25 *educational agency liaison for homeless children and youths*
26 *designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of*
27 *the United States Code, a Head Start program, or an emergency*
28 *or transitional shelter as (i) a recipient of protective services or,*

1 (ii) being neglected, abused, or exploited, or at risk of neglect,
2 abuse, or exploitation, *or (iii) being homeless* or (B) because the
3 parents are (i) engaged in vocational training leading directly to a
4 recognized trade, paraprofession, or profession, (ii) employed or
5 seeking employment, (iii) seeking permanent housing for family
6 stability, or (iv) incapacitated.

7 (b) Except as provided in Article 15.5 (commencing with Section
8 8350), priority for federal and state subsidized child development
9 services is as follows:

10 (1) (A) (i) First priority shall be given to *both of the following*:
11 ~~neglected~~

12 (I) *Neglected* or abused children who are recipients of child
13 protective services, or children who are at risk of being neglected
14 or abused, upon written referral from a legal, medical, or social
15 services agency. ~~¶~~

16 (II) *Homeless children, upon written referral from a local*
17 *educational agency liaison for homeless children and youths*
18 *designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of*
19 *the United States Code, a Head Start program, or an emergency*
20 *or transitional shelter.*

21 (ii) *If an agency is unable to enroll a child in the first priority*
22 *category, the agency shall refer the family to local resource and*
23 *referral services to locate services for the child.*

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

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

36 (2) Second priority shall be given equally to eligible families,
37 regardless of the number of parents in the home, who are income
38 eligible. Within this priority, families with the lowest gross monthly
39 income in relation to family size, as determined by a schedule
40 adopted by the Superintendent, shall be admitted first. If two or

1 more families are in the same priority in relation to income, the
2 family that has a child with exceptional needs shall be admitted
3 first. If there is no family of the same priority with a child with
4 exceptional needs, the same priority family that has been on the
5 waiting list for the longest time shall be admitted first. For purposes
6 of determining order of admission, the grants of public assistance
7 recipients shall be counted as income.

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

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

32 (d) In order to promote continuity of services, the Superintendent
33 may extend the 60-working-day period specified in subdivision
34 (a) of Section 18086.5 of Title 5 of the California Code of
35 Regulations for an additional 60 working days if he or she
36 determines that opportunities for employment have diminished to
37 the degree that one or both parents cannot reasonably be expected
38 to find employment within 60 working days and granting the
39 extension is in the public interest. The scope of extensions granted
40 pursuant to this subdivision shall be limited to the necessary

1 geographic areas and affected persons, which shall be described
2 in the Superintendent's order granting the extension. It is the intent
3 of the Legislature that extensions granted pursuant to this
4 subdivision improve services in areas with high unemployment
5 rates and areas with disproportionately high numbers of seasonal
6 agricultural jobs.

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

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

29 (g) The Superintendent shall establish guidelines for the
30 collection of employer-sponsored child care benefit payments from
31 a parent whose child receives subsidized child care and
32 development services. These guidelines shall provide for the
33 collection of the full amount of the benefit payment, but not to
34 exceed the actual cost of child care and development services
35 provided, notwithstanding the applicable fee based on the fee
36 schedule.

37 (h) The Superintendent shall establish guidelines according to
38 which the director or a duly authorized representative of the child
39 care and development program will certify children as eligible for
40 state reimbursement pursuant to this section.

- 1 (i) Public funds shall not be paid directly or indirectly to an
- 2 agency that does not pay at least the minimum wage to each of its
- 3 employees.

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