

AMENDED IN ASSEMBLY AUGUST 24, 2015

AMENDED IN ASSEMBLY JUNE 29, 2015

AMENDED IN ASSEMBLY JUNE 12, 2015

**SENATE BILL**

**No. 94**

---

---

**Introduced by Committee on Budget and Fiscal Review**

January 9, 2015

---

---

An act to amend Sections 8208, 8212, 8236, 8240, 8263, ~~8347.2, 8347.4, and 8499.5~~ of, *and* to add Section 8201.5 to, ~~and to repeal Section 8347.6 of~~, the Education Code, relating to child care and development, and making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

SB 94, as amended, Committee on Budget and Fiscal Review. Child care and development: priority enrollment: underserved ~~areas: individualized county child care subsidy plans:~~ *areas.*

(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. Existing law requires a child care resource and referral program, as defined, to publicize its services through all available media sources, agencies, and other appropriate methods.

This bill would require a child care resource and referral program to include in the publicity a statement regarding the state's special interest in enrolling children placed by a child welfare agency with a relative or foster parent, children served by a child welfare agency who have an open dependency or voluntary child protective services court case,

and children who are dependents of a parent with an open dependency court case, in programs that are operated by licensed child care providers or local educational agencies.

(2) Existing law requires an applicant or contracting agency, as defined, of a California state preschool program to give priority to children who meet certain criteria, including children who are recipients of child protective services.

This bill would require an applicant or contracting agency to also give *first* priority enrollment to children placed by a child welfare agency with a relative or foster parent, children served by a child welfare agency who have an open dependency or voluntary child protective services court case, and children who are dependents of a parent with an open dependency court case. *The bill would require these priority enrollments to be considered along with the first priority and other priority enrollments for federal and state subsidized child development services administered by the Superintendent, as specified.*

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 are supervised by the child welfare system, have an open dependency or voluntary child protective services court case, or are dependents of a parent with an open dependency court case. *The bill would require these priority enrollments to be considered along with the first priority and other priority enrollments for federal and state subsidized child development services administered by the Superintendent, as specified.*

This bill would revise eligibility requirements for federal and state subsidized child development services administered by the Superintendent to include children placed by a child welfare agency with a relative or foster parent, children served by a child welfare agency who have an open dependency or voluntary child protective services court case, and children who are dependents of a parent with an open dependency court case. *The bill would require, among other things, that first priority enrollment for these services be given to neglected or abused children from birth to 5 years of age who are recipients of child protective services, or who are at risk of being neglected, abused, or exploited, upon written referral from a legal, medical, or social services agency who meet specified criteria.*

(3) Existing law requires a local planning council to annually submit local priorities that reflect child care needs in the county to the State

Department of Education, and requires a local planning council to conduct an assessment of the child care needs that includes specified factors.

This bill would include among those factors the child care needs of children placed by a child welfare agency with a relative or foster parent, children served by a child welfare agency who have an open dependency or voluntary child protective services court case, and children who are dependents of a parent with an open dependency court case.

(4) This bill would also express the Legislature’s intent that the highest priority for enrollment in child care and development programs be given to children with the greatest need to benefit from those programs.

(5) Existing law defines certain terms for purposes of the Child Care and Development Services Act, including the term “underserved area,” to mean specified areas where the ratio of publicly subsidized child care and development program services to the need for these services is low, as determined by the Superintendent of Public Instruction.

This bill would revise the term “underserved area” to also include the specified areas where the overall number of eligible children without access to publicly subsidized child care and development program services is high, as determined by the Superintendent.

~~(6) The Child Care and Development Services Act has a purpose of providing a comprehensive, coordinated, and cost-effective system of child care and development services for children from infancy to 13 years of age and their parents, including a full range of supervision, health, and support services through full- and part-time programs. Existing law requires the Superintendent of Public Instruction to develop standards for the implementation of quality child care programs. Existing law authorizes the County of San Mateo, and as a pilot project, to develop an individualized county child care subsidy plan, as provided. Existing law requires the County of San Mateo to submit an annual report, until January 1, 2018, to the Legislature and other specified entities that summarizes the success of the plan, among other things. Existing law provides for the repeal of those provisions on January 1, 2019.~~

~~This bill would authorize the County of San Mateo to implement the individualized county child care subsidy plan indefinitely and would make conforming changes. The bill would make legislative findings and declarations regarding the need for special legislation for the County of San Mateo.~~

(7)

(6) This bill would appropriate \$1,000 to the State Department of Education for allocation for purposes of the above provisions.

(8)

(7) To the extent that the funds appropriated by this bill are allocated to a school district or a community college district, those funds would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

(9)

(8) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

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

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

1 SECTION 1. Section 8201.5 is added to the Education Code,  
2 to read:

3 8201.5. 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 with the greatest  
8 need to benefit from those programs. This priority extends to all  
9 children who have been or are at risk of being abused, neglected,  
10 or exploited, including children placed by a child welfare agency  
11 with a relative or foster parent, children served by a child welfare  
12 agency who have an open dependency or voluntary child protective  
13 services court case, and children who are dependents of a parent  
14 with an open dependency court case. Those children shall have  
15 the right to continuous enrollment in those programs even if the  
16 residence in which they are placed changes, if continued enrollment  
17 is considered to be in the best interest of the child.

18 SEC. 2. Section 8208 of the Education Code is amended to  
19 read:

20 8208. As used in this chapter:

21 (a) "Alternative payments" includes payments that are made by  
22 one child care agency to another agency or child care provider for  
23 the provision of child care and development services, and payments

1 that are made by an agency to a parent for the parent’s purchase  
2 of child care and development services.

3 (b) “Alternative payment program” means a local government  
4 agency or nonprofit organization that has contracted with the  
5 department pursuant to Section 8220.1 to provide alternative  
6 payments and to provide support services to parents and providers.

7 (c) “Applicant or contracting agency” means a school district,  
8 community college district, college or university, county  
9 superintendent of schools, county, city, public agency, private  
10 nontax-exempt agency, private tax-exempt agency, or other entity  
11 that is authorized to establish, maintain, or operate services  
12 pursuant to this chapter. Private agencies and parent cooperatives,  
13 duly licensed by law, shall receive the same consideration as any  
14 other authorized entity with no loss of parental decisionmaking  
15 prerogatives as consistent with the provisions of this chapter.

16 (d) “Assigned reimbursement rate” is that rate established by  
17 the contract with the agency and is derived by dividing the total  
18 dollar amount of the contract by the minimum child day of average  
19 daily enrollment level of service required.

20 (e) “Attendance” means the number of children present at a  
21 child care and development facility. “Attendance,” for purposes  
22 of reimbursement, includes excused absences by children because  
23 of illness, quarantine, illness or quarantine of their parent, family  
24 emergency, or to spend time with a parent or other relative as  
25 required by a court of law or that is clearly in the best interest of  
26 the child.

27 (f) “Capital outlay” means the amount paid for the renovation  
28 and repair of child care and development facilities to comply with  
29 state and local health and safety standards, and the amount paid  
30 for the state purchase of relocatable child care and development  
31 facilities for lease to qualifying contracting agencies.

32 (g) “Caregiver” means a person who provides direct care,  
33 supervision, and guidance to children in a child care and  
34 development facility.

35 (h) “Child care and development facility” means a residence or  
36 building or part thereof in which child care and development  
37 services are provided.

38 (i) “Child care and development programs” means those  
39 programs that offer a full range of services for children from  
40 infancy to 13 years of age, for any part of a day, by a public or

1 private agency, in centers and family child care homes. These  
2 programs include, but are not limited to, all of the following:

- 3 (1) General child care and development.
- 4 (2) Migrant child care and development.
- 5 (3) Child care provided by the California School Age Families
- 6 Education Program (Article 7.1 (commencing with Section 54740)
- 7 of Chapter 9 of Part 29 of Division 4 of Title 2).
- 8 (4) California state preschool program.
- 9 (5) Resource and referral.
- 10 (6) Child care and development services for children with
- 11 exceptional needs.
- 12 (7) Family child care home education network.
- 13 (8) Alternative payment.
- 14 (9) Schoolage community child care.

15 (j) “Child care and development services” means those services  
16 designed to meet a wide variety of needs of children and their  
17 families, while their parents or guardians are working, in training,  
18 seeking employment, incapacitated, or in need of respite. These  
19 services may include direct care and supervision, instructional  
20 activities, resource and referral programs, and alternative payment  
21 arrangements.

22 (k) “Children at risk of abuse, neglect, or exploitation” means  
23 children who are so identified in a written referral from a legal,  
24 medical, or social service agency, or emergency shelter.

25 (l) “Children with exceptional needs” means either of the  
26 following:

27 (1) Infants and toddlers under three years of age who have been  
28 determined to be eligible for early intervention services pursuant  
29 to the California Early Intervention Services Act (Title 14  
30 (commencing with Section 95000) of the Government Code) and  
31 its implementing regulations. These children include an infant or  
32 toddler with a developmental delay or established risk condition,  
33 or who is at high risk of having a substantial developmental  
34 disability, as described in subdivision (a) of Section 95014 of the  
35 Government Code. These children shall have active individualized  
36 family service plans, shall be receiving early intervention services,  
37 and shall be children who require the special attention of adults in  
38 a child care setting.

39 (2) Children 3 to 21 years of age, inclusive, who have been  
40 determined to be eligible for special education and related services

1 by an individualized education program team according to the  
2 special education requirements contained in Part 30 (commencing  
3 with Section 56000) of Division 4 of Title 2, and who meet  
4 eligibility criteria described in Section 56026 and, Article 2.5  
5 (commencing with Section 56333) of Chapter 4 of Part 30 of  
6 Division 4 of Title 2, and Sections 3030 and 3031 of Title 5 of the  
7 California Code of Regulations. These children shall have an active  
8 individualized education program, shall be receiving early  
9 intervention services or appropriate special education and related  
10 services, and shall be children who require the special attention of  
11 adults in a child care setting. These children include children with  
12 intellectual disabilities, hearing impairments (including deafness),  
13 speech or language impairments, visual impairments (including  
14 blindness), serious emotional disturbance (also referred to as  
15 emotional disturbance), orthopedic impairments, autism, traumatic  
16 brain injury, other health impairments, or specific learning  
17 disabilities, who need special education and related services  
18 consistent with Section 1401(3)(A) of Title 20 of the United States  
19 Code.

20 (m) “Closedown costs” means reimbursements for all approved  
21 activities associated with the closing of operations at the end of  
22 each growing season for migrant child development programs  
23 only.

24 (n) “Cost” includes, but is not limited to, expenditures that are  
25 related to the operation of child care and development programs.  
26 “Cost” may include a reasonable amount for state and local  
27 contributions to employee benefits, including approved retirement  
28 programs, agency administration, and any other reasonable program  
29 operational costs. “Cost” may also include amounts for licensable  
30 facilities in the community served by the program, including lease  
31 payments or depreciation, downpayments, and payments of  
32 principal and interest on loans incurred to acquire, rehabilitate, or  
33 construct licensable facilities, but these costs shall not exceed fair  
34 market rents existing in the community in which the facility is  
35 located. “Reasonable and necessary costs” are costs that, in nature  
36 and amount, do not exceed what an ordinary prudent person would  
37 incur in the conduct of a competitive business.

38 (o) “Elementary school,” as contained in former Section 425 of  
39 Title 20 of the United States Code (the National Defense Education  
40 Act of 1958, Public Law 85-864, as amended), includes early

1 childhood education programs and all child development programs,  
2 for the purpose of the cancellation provisions of loans to students  
3 in institutions of higher learning.

4 (p) “Family child care home education network” means an entity  
5 organized under law that contracts with the department pursuant  
6 to Section 8245 to make payments to licensed family child care  
7 home providers and to provide educational and support services  
8 to those providers and to children and families eligible for  
9 state-subsidized child care and development services. A family  
10 child care home education network may also be referred to as a  
11 family child care home system.

12 (q) “Health services” include, but are not limited to, all of the  
13 following:

14 (1) Referral, whenever possible, to appropriate health care  
15 providers able to provide continuity of medical care.

16 (2) Health screening and health treatment, including a full range  
17 of immunization recorded on the appropriate state immunization  
18 form to the extent provided by the Medi-Cal Act (Chapter 7  
19 (commencing with Section 14000) of Part 3 of Division 9 of the  
20 Welfare and Institutions Code) and the Child Health and Disability  
21 Prevention Program (Article 6 (commencing with Section 124025)  
22 of Chapter 3 of Part 2 of Division 106 of the Health and Safety  
23 Code), but only to the extent that ongoing care cannot be obtained  
24 utilizing community resources.

25 (3) Health education and training for children, parents, staff,  
26 and providers.

27 (4) Followup treatment through referral to appropriate health  
28 care agencies or individual health care professionals.

29 (r) “Higher educational institutions” means the Regents of the  
30 University of California, the Trustees of the California State  
31 University, the Board of Governors of the California Community  
32 Colleges, and the governing bodies of any accredited private  
33 nonprofit institution of postsecondary education.

34 (s) “Intergenerational staff” means persons of various  
35 generations.

36 (t) “Limited-English-speaking-proficient and  
37 non-English-speaking-proficient children” means children who  
38 are unable to benefit fully from an English-only child care and  
39 development program as a result of either of the following:

1 (1) Having used a language other than English when they first  
2 began to speak.

3 (2) Having a language other than English predominantly or  
4 exclusively spoken at home.

5 (u) “Parent” means a biological parent, stepparent, adoptive  
6 parent, foster parent, caretaker relative, or any other adult living  
7 with a child who has responsibility for the care and welfare of the  
8 child.

9 (v) “Program director” means a person who, pursuant to Sections  
10 8244 and 8360.1, is qualified to serve as a program director.

11 (w) “Proprietary child care agency” means an organization or  
12 facility providing child care, which is operated for profit.

13 (x) “Resource and referral programs” means programs that  
14 provide information to parents, including referrals and coordination  
15 of community resources for parents and public or private providers  
16 of care. Services frequently include, but are not limited to: technical  
17 assistance for providers, toy-lending libraries, equipment-lending  
18 libraries, toy- and equipment-lending libraries, staff development  
19 programs, health and nutrition education, and referrals to social  
20 services.

21 (y) “Severely disabled children” are children with exceptional  
22 needs from birth to 21 years of age, inclusive, who require intensive  
23 instruction and training in programs serving pupils with the  
24 following profound disabilities: autism, blindness, deafness, severe  
25 orthopedic impairments, serious emotional disturbances, or severe  
26 intellectual disabilities. “Severely disabled children” also include  
27 those individuals who would have been eligible for enrollment in  
28 a developmental center for handicapped pupils under Chapter 6  
29 (commencing with Section 56800) of Part 30 of Division 4 of Title  
30 2, as that chapter read on January 1, 1980.

31 (z) “Short-term respite child care” means child care service to  
32 assist families whose children have been identified through written  
33 referral from a legal, medical, or social service agency, or  
34 emergency shelter as being neglected, abused, exploited, or  
35 homeless, or at risk of being neglected, abused, exploited, or  
36 homeless. Child care is provided for less than 24 hours per day in  
37 child care centers, treatment centers for abusive parents, family  
38 child care homes, or in the child’s own home.

39 (aa) (1) “Site supervisor” means a person who, regardless of  
40 his or her title, has operational program responsibility for a child

1 care and development program at a single site. A site supervisor  
2 shall hold a permit issued by the Commission on Teacher  
3 Credentialing that authorizes supervision of a child care and  
4 development program operating in a single site. The Superintendent  
5 may waive the requirements of this subdivision if the  
6 Superintendent determines that the existence of compelling need  
7 is appropriately documented.

8 (2) For California state preschool programs, a site supervisor  
9 may qualify under any of the provisions in this subdivision, or  
10 may qualify by holding an administrative credential or an  
11 administrative services credential. A person who meets the  
12 qualifications of a program director under both Sections 8244 and  
13 8360.1 is also qualified under this subdivision.

14 (ab) “Standard reimbursement rate” means that rate established  
15 by the Superintendent pursuant to Section 8265.

16 (ac) “Startup costs” means those expenses an agency incurs in  
17 the process of opening a new or additional facility before the full  
18 enrollment of children.

19 (ad) “California state preschool program” means part-day and  
20 full-day educational programs for low-income or otherwise  
21 disadvantaged three- and four-year-old children.

22 (ae) “Support services” means those services that, when  
23 combined with child care and development services, help promote  
24 the healthy physical, mental, social, and emotional growth of  
25 children. Support services include, but are not limited to: protective  
26 services, parent training, provider and staff training, transportation,  
27 parent and child counseling, child development resource and  
28 referral services, and child placement counseling.

29 (af) “Teacher” means a person with the appropriate permit issued  
30 by the Commission on Teacher Credentialing who provides  
31 program supervision and instruction that includes supervision of  
32 a number of aides, volunteers, and groups of children.

33 (ag) “Underserved area” means a county or subcounty area,  
34 including, but not limited to, school districts, census tracts, or ZIP  
35 Code areas, where the ratio of publicly subsidized child care and  
36 development program services to the need for these services is  
37 low or where the overall number of eligible children without access  
38 to publicly subsidized child care and development program services  
39 is high, as determined by the Superintendent.

1 (ah) “Workday” means the time that the parent requires  
2 temporary care for a child for any of the following reasons:

- 3 (1) To undertake training in preparation for a job.
- 4 (2) To undertake or retain a job.
- 5 (3) To undertake other activities that are essential to maintaining  
6 or improving the social and economic function of the family, are  
7 beneficial to the community, or are required because of health  
8 problems in the family.

9 (ai) “Three-year-old children” means children who will have  
10 their third birthday on or before the date specified of the fiscal  
11 year in which they are enrolled in a California state preschool  
12 program, as follows:

- 13 (1) November 1 of the 2012–13 fiscal year.
- 14 (2) October 1 of the 2013–14 fiscal year.
- 15 (3) September 1 of the 2014–15 fiscal year and each fiscal year  
16 thereafter.

17 (aj) “Four-year-old children” means children who will have  
18 their fourth birthday on or before the date specified of the fiscal  
19 year in which they are enrolled in a California state preschool  
20 program, as follows:

- 21 (1) November 1 of the 2012–13 fiscal year.
- 22 (2) October 1 of the 2013–14 fiscal year.
- 23 (3) September 1 of the 2014–15 fiscal year and each fiscal year  
24 thereafter.

25 (ak) “Local educational agency” means a school district, a  
26 county office of education, a community college district, or a  
27 school district on behalf of one or more schools within the school  
28 district.

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

31 8212. (a) For purposes of this article, child care resource and  
32 referral programs established to serve a defined geographic area  
33 shall provide the following services:

- 34 (1) (A) Identification of the full range of existing child care  
35 services through information provided by all relevant public and  
36 private agencies in the areas of service, and the development of a  
37 resource file of those services that shall be maintained and updated  
38 at least quarterly. These services shall include, but are not limited  
39 to, family day care homes, public and private day care programs,

1 full-time and part-time programs, and infant, preschool, and  
2 extended care programs.

3 (B) The resource file shall include, but is not limited to, the  
4 following information:

- 5 (i) Type of program.
- 6 (ii) Hours of service.
- 7 (iii) Ages of children served.
- 8 (iv) Fees and eligibility for services.
- 9 (v) Significant program information.

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

- 22 (i) Toll-free telephone lines.
- 23 (ii) Office space convenient to parents and providers.
- 24 (iii) Referrals in languages that are spoken in the community.

25 (B) Each child care resource and referral program shall publicize  
26 its services through all available media sources, agencies, and other  
27 appropriate methods. The publicity shall include a statement  
28 regarding the state’s special interest in enrolling the following  
29 children in programs that are operated by licensed child care  
30 providers or local educational agencies: children placed by a child  
31 welfare agency with a relative or foster parent, children served by  
32 a child welfare agency who have an open dependency or voluntary  
33 child protective services court case, and children who are  
34 dependents of a parent with an open dependency court case.

35 (3) (A) Provision of information to any person who requests a  
36 child care referral of his or her right to view the licensing  
37 information of a licensed child day care facility required to be  
38 maintained at the facility pursuant to Section 1596.859 of the  
39 Health and Safety Code and to access any public files pertaining

1 to the facility that are maintained by the State Department of Social  
2 Services Community Care Licensing Division.

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

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

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

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

19 (B) Ages of children served.

20 (C) Time category of child care request for each child.

21 (D) Special time category, such as nights, weekends, and swing  
22 shift.

23 (E) Reason that the child care is needed.

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

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

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

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

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

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

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

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

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

15 SEC. 4. Section 8236 of the Education Code is amended to  
16 read:

17 8236. (a) (1) Each applicant or contracting agency funded  
18 pursuant to Section 8235 shall give first priority to three- or  
19 four-year-old neglected or abused children who are recipients of  
20 child protective services, or who are at risk of being neglected,  
21 abused, or exploited upon written referral from a legal, medical,  
22 or social service agency, including children placed by a child  
23 welfare agency with a relative or foster parent, children served by  
24 a child welfare agency who have an open dependency or voluntary  
25 child protective services court case, or children who are dependents  
26 of a parent with an open dependency court case. If an agency is  
27 unable to enroll a child in this first priority category, the agency  
28 shall refer the child's parent or guardian to local resources and  
29 referral services so that services for the child can be located.  
30 Priority enrollment shall be granted when slots become available,  
31 but shall not be used to displace children who are currently  
32 receiving care.

33 (2) Notwithstanding Section 8263, after children in the first  
34 priority category set forth in paragraph (1) are enrolled, each  
35 agency funded pursuant to Section 8235 shall give priority to  
36 eligible four-year-old children who are not enrolled in a  
37 state-funded transitional kindergarten program before enrolling  
38 eligible three-year-old children. Each agency shall certify to the  
39 Superintendent that enrollment priority is being given to eligible  
40 four-year-old children.

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

8 (c) (1) (A) Commencing June 15, 2015, and notwithstanding  
9 any other law, in awarding new funding for the expansion of a  
10 California state preschool program that is appropriated by the  
11 Legislature for that purpose in any fiscal year, the Superintendent,  
12 after taking into account the geographic criteria established  
13 pursuant to Section 8279.3 and the data described in subparagraph  
14 (B), shall give priority to applicant agencies that, in expending the  
15 expansion funds, will provide the greatest progress toward  
16 achieving access to full-day, full-year services for all  
17 income-eligible four-year-old children.

18 (B) In awarding funding pursuant to subparagraph (A) and in  
19 order to promote access for all income-eligible four-year-old  
20 children to at least a part-day California state preschool program,  
21 the department shall take into account the needs assessments  
22 submitted to the department pursuant to Section 8499.5 and any  
23 other high-quality data resources available to the department.

24 (2) Expansion funding awarded pursuant to paragraph (1) shall  
25 be apportioned at the rate described in Section 8265 and as  
26 determined in the annual Budget Act.

27 (3) A family child care home education network shall be eligible  
28 to apply for expansion funding awarded pursuant to paragraph (1).

29 (d) This section does not preclude a local educational agency  
30 from subcontracting with an appropriate public or private agency  
31 to operate a California state preschool program and to apply for  
32 funds made available for purposes of this section. If a school  
33 district chooses not to operate or subcontract for a California state  
34 preschool program, the Superintendent shall work with the county  
35 office of education and other eligible agencies to explore possible  
36 opportunities in contracting or alternative subcontracting to provide  
37 a California state preschool program.

38 (e) This section does not prevent eligible children who are  
39 receiving services from continuing to receive those services in  
40 future years pursuant to this chapter.

1 (f) *The first priority and other priority enrollments established*  
2 *in this section shall be considered along with the first priority and*  
3 *other priority enrollments established in subdivision (b) of Section*  
4 *8263.*

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

7 8240. (a) The Superintendent, with funds appropriated for this  
8 purpose, shall administer general child care and development  
9 programs.

10 (b) General child care and development programs shall include:

11 (1) Age and developmentally appropriate activities for children.

12 (2) Supervision.

13 (3) Parenting education and parent involvement.

14 (4) Social services that include, but are not limited to,  
15 identification of child and family needs and referral to appropriate  
16 agencies.

17 (5) Health services.

18 (6) Nutrition.

19 (7) Training and career ladder opportunities, documentation of  
20 which shall be provided to the department.

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

25 (A) Are supervised by the child welfare system.

26 (B) Have an open dependency or voluntary child protective  
27 services court case.

28 (C) Are dependents of a parent with an open dependency court  
29 case.

30 (c) *The priority enrollments established pursuant to this section*  
31 *shall be considered along with the first priority and other priority*  
32 *enrollments established in subdivision (b) of Section 8263.*

33 SEC. 6. Section 8263 of the Education Code is amended to  
34 read:

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

1 (1) A family (A) is a current aid recipient, (B) is income eligible,  
2 (C) is homeless, or (D) has physical custody of a child who is a  
3 recipient of protective services, or a child who has been identified  
4 as being abused, neglected, or exploited, or at risk of being abused,  
5 neglected, or exploited, including a child placed by a child welfare  
6 agency with a relative or foster parent, a child served by a child  
7 welfare agency who has an open dependency or voluntary child  
8 protective services court case, or a child who is a dependent of a  
9 parent with an open dependency court case.

10 (2) A family needs the child care services (A) because the child  
11 is identified by a legal, medical, or social services agency, or  
12 emergency shelter as (i) a recipient of protective services, including  
13 a child placed by a child welfare agency with a relative or foster  
14 parent, a child served by a child welfare agency who has an open  
15 dependency or voluntary child protective services court case, or a  
16 child who is a dependent of a parent with an open dependency  
17 court case, or (ii) being neglected, abused, or exploited, or at risk  
18 of neglect, abuse, or exploitation, or (B) because the parents are  
19 (i) engaged in vocational training leading directly to a recognized  
20 trade, paraprofession, or profession, (ii) employed or seeking  
21 employment, (iii) seeking permanent housing for family stability,  
22 or (iv) incapacitated.

23 (b) Except as provided in Article 15.5 (commencing with Section  
24 8350), priority for federal and state subsidized child development  
25 services is as follows:

26 (1) (A) First priority shall be given to neglected or abused  
27 children who are recipients of child protective services, or children  
28 who are at risk of being neglected or abused, upon written referral  
29 from a legal, medical, or social services agency, including children  
30 placed by a child welfare agency with a relative or foster parent,  
31 children served by a child welfare agency who have an open  
32 dependency or voluntary child protective services court case, or  
33 children who are dependents of a parent with an open dependency  
34 court case. If an agency is unable to enroll a child in the first  
35 priority category, the agency shall refer the family to local resource  
36 and referral services to locate services for the child. Priority  
37 enrollment shall be granted when slots become available, but shall  
38 not be used to displace children who are currently receiving care.

39 (B) A family who is receiving child care on the basis of being  
40 a child at risk of abuse, neglect, or exploitation, as defined in

1 subdivision (k) of Section 8208, is eligible to receive services  
2 pursuant to subparagraph (A) for up to three months, unless the  
3 family becomes eligible pursuant to subparagraph (C).

4 (C) A family may receive child care services for up to 12 months  
5 on the basis of a certification by the county child welfare agency  
6 that child care services continue to be necessary or, if the child is  
7 receiving child protective services during that period of time, and  
8 the family requires child care and remains otherwise eligible. This  
9 time limit does not apply if the family's child care referral is  
10 recertified by the county child welfare agency.

11 (D) *First priority enrollment shall be given to neglected or*  
12 *abused children from birth to five years of age who are recipients*  
13 *of child protective services, or who are at risk of being neglected,*  
14 *abused, or exploited, upon written referral from a legal, medical,*  
15 *or social services agency, who meet the following criteria:*

16 (i) *Have an active dependency court case or a voluntary child*  
17 *protective services court case.*

18 (ii) *The child is residing or placed with either:*

19 (I) *A parent, step-parent, or guardian.*

20 (II) *A relative or nonrelative extended family member, and the*  
21 *provision of child care and development services is necessary to*  
22 *maintain the child in placement due to either financial hardship,*  
23 *to maintain a sibling set, or to ensure appropriate reunification*  
24 *services are provided to the parent and child.*

25 (III) *Foster parents, and the provision of child care and*  
26 *development services is necessary to maintain a sibling set in the*  
27 *same placement.*

28 (IV) *A custodial parent who is a dependent youth of the juvenile*  
29 *court, and said parent is residing or placed with a relative,*  
30 *nonrelative extended family member, or a foster home.*

31 (E) *All other neglected or abused children who do not meet the*  
32 *criteria above and who are recipients of child protective services,*  
33 *or who are at risk of being neglected, abused, or exploited, upon*  
34 *written referral from a legal, medical, or social services agency,*  
35 *and are children served by a child welfare agency who have a*  
36 *voluntary child protective services court case or are children with*  
37 *active dependency court cases, shall be given priority enrollment.*

38 (F) *Notwithstanding any other provision of this section, to*  
39 *improve access to and ensure continuity of care in child care and*  
40 *development services for all abused, neglected, and children who*

1 *are at risk of abuse and neglect, children receiving care pursuant*  
2 *to this section that subsequently meet the definition of “children”*  
3 *in subparagraph (D) or (E) shall continue to receive child care*  
4 *and development services so long as the children meet any of the*  
5 *following:*

6 *(i) Have an active dependency court case or a voluntary child*  
7 *protective services court case.*

8 *(ii) The child is residing or placed with either:*

9 *(I) A parent, step-parent, or guardian.*

10 *(II) A relative or nonrelative extended family member.*

11 *(III) Foster parents.*

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

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

32 (c) Notwithstanding any other law, in order to promote  
33 continuity of services, a family enrolled in a state or federally  
34 funded child care and development program whose services would  
35 otherwise be terminated because the family no longer meets the  
36 program income, eligibility, or need criteria may continue to  
37 receive child development services in another state or federally  
38 funded child care and development program if the contractor is  
39 able to transfer the family’s enrollment to another program for  
40 which the family is eligible before the date of termination of

1 services or to exchange the family's existing enrollment with the  
2 enrollment of a family in another program, provided that both  
3 families satisfy the eligibility requirements for the program in  
4 which they are being enrolled. The transfer of enrollment may be  
5 to another program within the same administrative agency or to  
6 another agency that administers state or federally funded child  
7 care and development programs.

8 (d) In order to promote continuity of services, the Superintendent  
9 may extend the 60-working-day period specified in subdivision  
10 (a) of Section 18086.5 of Title 5 of the California Code of  
11 Regulations for an additional 60 working days if he or she  
12 determines that opportunities for employment have diminished to  
13 the degree that one or both parents cannot reasonably be expected  
14 to find employment within 60 working days and granting the  
15 extension is in the public interest. The scope of extensions granted  
16 pursuant to this subdivision shall be limited to the necessary  
17 geographic areas and affected persons, which shall be described  
18 in the Superintendent's order granting the extension. It is the intent  
19 of the Legislature that extensions granted pursuant to this  
20 subdivision improve services in areas with high unemployment  
21 rates and areas with disproportionately high numbers of seasonal  
22 agricultural jobs.

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

38 (f) Regulations formulated and promulgated pursuant to this  
39 section shall include the recommendations of the State Department  
40 of Health Care Services relative to health care screening and the

1 provision of health care services. The Superintendent shall seek  
2 the advice and assistance of these health authorities in situations  
3 where service under this chapter includes or requires care of  
4 children who are ill or children with exceptional needs.

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

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

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

20 ~~SEC. 7.— Section 8347.2 of the Education Code is amended to~~  
21 ~~read:~~

22 ~~8347.2. For purposes of this article, “plan” means an~~  
23 ~~individualized county child care subsidy plan developed and~~  
24 ~~approved as described in Section 8347, which includes all of the~~  
25 ~~following:~~

26 ~~(a) An assessment to identify the county’s goal for its subsidized~~  
27 ~~child care system. The assessment shall examine whether the~~  
28 ~~current structure of subsidized child care funding adequately~~  
29 ~~supports working families in the county and whether the county’s~~  
30 ~~child care goals coincide with the state’s requirements for funding,~~  
31 ~~eligibility, priority, and reimbursement. The assessment shall also~~  
32 ~~identify barriers in the state’s child care subsidy system that inhibit~~  
33 ~~the county from meeting its child care goals. In conducting the~~  
34 ~~assessment, the county shall consider all of the following:~~

35 ~~(1) The general demographics of families who are in need of~~  
36 ~~child care, including employment, income, language, ethnic, and~~  
37 ~~family composition.~~

38 ~~(2) The current supply of available subsidized child care.~~

- 1     ~~(3) The level of need for various types of subsidized child care~~
- 2     ~~services, including, but not limited to, infant care, after-hours care,~~
- 3     ~~and care for children with exceptional needs.~~
- 4     ~~(4) The county’s self-sufficiency income level.~~
- 5     ~~(5) Income eligibility levels for subsidized child care.~~
- 6     ~~(6) Family fees.~~
- 7     ~~(7) The cost of providing child care.~~
- 8     ~~(8) The regional market rates, as established by the department,~~
- 9     ~~for different types of child care.~~
- 10    ~~(9) The standard reimbursement rate or state per diem for centers~~
- 11    ~~operating under contracts with the department.~~
- 12    ~~(10) Trends in the county’s unemployment rate and housing~~
- 13    ~~affordability index.~~
- 14    ~~(b) (1) Development of a local policy to eliminate state-imposed~~
- 15    ~~regulatory barriers to the county’s achievement of its desired~~
- 16    ~~outcomes for subsidized child care.~~
- 17    ~~(2) The local policy shall do all of the following:~~
- 18    ~~(A) Prioritize lowest income families first.~~
- 19    ~~(B) Follow the family fee schedule established pursuant to~~
- 20    ~~Section 8273 for those families that are income eligible, as defined~~
- 21    ~~by Section 8263.1.~~
- 22    ~~(C) Meet local goals that are consistent with the state’s child~~
- 23    ~~care goals.~~
- 24    ~~(D) Identify existing policies that would be affected by the~~
- 25    ~~county’s plan.~~
- 26    ~~(E) (i) Authorize any agency that provides child care and~~
- 27    ~~development services in the county through a contract with the~~
- 28    ~~department to apply to the department to amend existing contracts~~
- 29    ~~in order to benefit from the local policy.~~
- 30    ~~(ii) The department shall approve an application to amend an~~
- 31    ~~existing contract if the plan is modified pursuant to Section 8347.3.~~
- 32    ~~(iii) The contract of a department contractor who does not elect~~
- 33    ~~to request an amendment to its contract remains operative and~~
- 34    ~~enforceable.~~
- 35    ~~(3) The local policy may supersede state law concerning child~~
- 36    ~~care subsidy programs with regard only to the following factors:~~
- 37    ~~(A) Eligibility criteria, including, but not limited to, age, family~~
- 38    ~~size, time limits, income level, inclusion of former and current~~
- 39    ~~CalWORKs participants, and special needs considerations, except~~
- 40    ~~that the local policy shall not deny or reduce eligibility of a family~~

1 that qualifies for child care pursuant to Section 8353. Under the  
2 local policy, a family that qualifies for child care pursuant to  
3 Section 8354 shall be treated for purposes of eligibility and fees  
4 in the same manner as a family that qualifies for subsidized child  
5 care on another basis pursuant to the local policy.

6 ~~(B) Fees, including, but not limited to, family fees, sliding scale~~  
7 ~~fees, and copayments for those families that are not income eligible,~~  
8 ~~as defined by Section 8263.1.~~

9 ~~(C) Reimbursement rates.~~

10 ~~(D) Methods of maximizing the efficient use of subsidy funds,~~  
11 ~~including, but not limited to, multiyear contracting with the~~  
12 ~~department for center-based child care, and interagency agreements~~  
13 ~~that allow for flexible and temporary transfer of funds among~~  
14 ~~agencies.~~

15 ~~(e) Recognition that all funding sources utilized by direct service~~  
16 ~~contractors that provide child care and development services in~~  
17 ~~the county are eligible to be included in the county's plan.~~

18 ~~(d) Establishment of measurable outcomes to evaluate the~~  
19 ~~success of the plan to achieve the county's child care goals, and~~  
20 ~~to overcome any barriers identified in the state's child care subsidy~~  
21 ~~system.~~

22 ~~SEC. 8. Section 8347.4 of the Education Code is amended to~~  
23 ~~read:~~

24 ~~8347.4. (a) The county shall annually prepare and submit to~~  
25 ~~the Legislature, the State Department of Social Services, and the~~  
26 ~~department a report that summarizes the success of the county's~~  
27 ~~plan, and the county's ability to maximize the use of funds and to~~  
28 ~~improve and stabilize child care in the county.~~

29 ~~(b) A report to be submitted pursuant to subdivision (a) shall~~  
30 ~~be submitted in compliance with Section 9795 of the Government~~  
31 ~~Code.~~

32 ~~SEC. 9. Section 8347.6 of the Education Code is repealed.~~

33 ~~SEC. 10.~~

34 ~~SEC. 7. Section 8499.5 of the Education Code is amended to~~  
35 ~~read:~~

36 ~~8499.5. (a) The department shall allocate child care funding~~  
37 ~~pursuant to Chapter 2 (commencing with Section 8200) based on~~  
38 ~~the amount of state and federal funding that is available.~~

39 ~~(b) By May 30 of each year, upon approval by the county board~~  
40 ~~of supervisors and the county superintendent of schools, a local~~

1 planning council shall submit to the department the local priorities  
2 it has identified that reflect all child care needs in the county. To  
3 accomplish this, a local planning council shall do all of the  
4 following:

5 (1) Conduct an assessment of child care needs in the county no  
6 less frequently than once every five years. The department shall  
7 define and prescribe data elements to be included in the needs  
8 assessment and shall specify the format for the data reporting. The  
9 needs assessment shall also include all factors deemed appropriate  
10 by the local planning council in order to obtain an accurate picture  
11 of the comprehensive child care needs in the county. The factors  
12 include, but are not limited to, all of the following:

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

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

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

17 (D) The need for child care for children determined by the child  
18 protective services agency to be neglected, abused, or exploited,  
19 or at risk of being neglected, abused, or exploited, including  
20 children placed by a child welfare agency with a relative or foster  
21 parent, children served by a child welfare agency who have an  
22 open dependency or voluntary child protective services court case,  
23 or children who are dependents of a parent with an open  
24 dependency court case.

25 (E) The number of children in families receiving public  
26 assistance, including CalFresh benefits, housing support, and  
27 Medi-Cal, and assistance from the Healthy Families Program and  
28 the Temporary Assistance for Needy Families (TANF) program.

29 (F) Family income among families with preschool or schoolage  
30 children.

31 (G) The number of children in migrant agricultural families  
32 who move from place to place for work or who are currently  
33 dependent for their income on agricultural employment in  
34 accordance with subdivision (a) of, and paragraphs (1) and (2) of  
35 subdivision (b) of, Section 8231.

36 (H) The number of children who have been determined by a  
37 regional center to require services pursuant to an individualized  
38 family service plan, or by a local educational agency to require  
39 services pursuant to an individualized education program or an  
40 individualized family service plan.

- 1 (I) The number of children in the county by primary language  
2 spoken pursuant to the department's language survey.
- 3 (J) Special needs based on geographic considerations, including  
4 rural areas.
- 5 (K) The number of children needing child care services by age  
6 cohort.
- 7 (2) Document information gathered during the needs assessment  
8 that shall include, but need not be limited to, data on supply,  
9 demand, cost, and market rates for each category of child care in  
10 the county.
- 11 (3) Encourage public input in the development of the priorities.  
12 Opportunities for public input shall include at least one public  
13 hearing during which members of the public can comment on the  
14 proposed priorities.
- 15 (4) Prepare a comprehensive countywide child care plan  
16 designed to mobilize public and private resources to address  
17 identified needs.
- 18 (5) Conduct a periodic review of child care programs funded  
19 by the department and the State Department of Social Services to  
20 determine if identified priorities are being met.
- 21 (6) Collaborate with subsidized and unsubsidized child care  
22 providers, county welfare departments, human service agencies,  
23 regional centers, job training programs, employers, integrated child  
24 and family service councils, local and state children and families  
25 commissions, parent organizations, early start family resource  
26 centers, family empowerment centers on disability, local child care  
27 resource and referral programs, and other interested parties to  
28 foster partnerships designed to meet local child care needs.
- 29 (7) Design a system to consolidate local child care waiting lists,  
30 if a centralized eligibility list is not already in existence.
- 31 (8) Coordinate part-day programs, including state preschool  
32 and Head Start, with other child care and development services to  
33 provide full-day child care.
- 34 (9) Submit the results of the needs assessment and the local  
35 priorities identified by the local planning council to the board of  
36 supervisors and the county superintendent of schools for approval  
37 before submitting them to the department.
- 38 (10) Identify at least one, but not more than two, members to  
39 serve as part of the department team that reviews and scores  
40 proposals for the provision of services funded through contracts

1 with the department. Local planning council representatives shall  
2 not review and score proposals from the geographic area covered  
3 by their own local planning council. The department shall notify  
4 each local planning council whenever this opportunity is available.

5 (c) The department shall, in conjunction with the State  
6 Department of Social Services and all appropriate statewide  
7 agencies and associations, develop guidelines for use by local  
8 planning councils to assist them in conducting needs assessments  
9 that are reliable and accurate. The guidelines shall include  
10 acceptable sources of demographic and child care data, and  
11 methodologies for assessing child care supply and demand.

12 (d) Except as otherwise required by subdivision (c) of Section  
13 8236, the department shall allocate funding within each county in  
14 accordance with the priorities identified by the local planning  
15 council of that county and submitted to the department pursuant  
16 to this section, unless the priorities do not meet the requirements  
17 of state or federal law.

18 ~~SEC. 11. The Legislature finds and declares that a special law,  
19 as set fort in Sections 7 to 9, inclusive, is necessary and that a  
20 general law cannot be made applicable within the meaning of  
21 Section 16 of Article IV of the California Constitution because of  
22 the unique circumstances concerning the County of San Mateo.~~

23 ~~SEC. 12.~~

24 *SEC. 8.* The sum of one thousand dollars (\$1,000) is hereby  
25 appropriated from the General Fund to the State Department of  
26 Education for allocation for purposes of this act.

27 ~~SEC. 13.~~

28 *SEC. 9.* This act is a bill providing for appropriations related  
29 to the Budget Bill within the meaning of subdivision (e) of Section  
30 12 of Article IV of the California Constitution, has been identified  
31 as related to the budget in the Budget Bill, and shall take effect  
32 immediately.