

## Child Care Single System Plan

### SEC. 17. – Education Omnibus Trailer Bill

~~(a) The Department of Education shall develop a plan, with input from stakeholders, to transition contract-based funding for subsidized child care to voucher-based funding by 2019-20. The plan shall include recommendations to shift funding for the General Child Care and Migrant Child Care programs from contracted programs to voucher-based programs, and make recommendations for the reallocation of federal Child Care and Development Block Grant quality funds that currently support contracted programs.~~

(a) No later than May 1, 2017, the Department of Education shall develop all of the following:

(1) A set of recommendations to streamline the existing subsidized child care system, including General Child Care, Migrant Child Care, the Alternative Payment Program, and CalWORKs Child Care, using vouchers as the method of subsidy. The purpose of shifting from contracts to vouchers shall be to provide eligible working families with better access to child care services that align with their need to work and to attend eligible educational activities. Recommendations shall include:

(A) A single system of provider reimbursement that reflects the variations in the cost of doing business across the state.

(B) A single set of minimum quality and program guidelines for all subsidized providers by setting.

(C) Improved efficiency for parents to access information about subsidized care, to apply for and use vouchers, and to access care that meets their needs.

(D) Improved efficiency for providers accepting subsidies to receive payment for services.

(2) A set of recommendations to reallocate federal Child Care and Development Block Grant quality funds in accordance with the recommendations in paragraph (1).

(3) A plan to transition existing programs in accordance with the recommendations in paragraph (1) by 2019-20. To the extent possible, the plan shall include a process that ensures the transition does not disparately affect the continuity of care for families participating in contracted programs. The plan shall also ensure that contracted providers are provided appropriate transitional support and receive technical assistance to help them participate in voucher programs.

(4) All recommendations shall utilize existing infrastructure to the extent possible. The recommendations and the transition plan shall not increase existing state costs for subsidized child care and shall not reflect a reduction in the number of child care slots available statewide.

(5) The Department of Education shall participate in a stakeholder process in developing its recommendations and transition plan. Stakeholders shall include, but are not limited to, the Department of Social Services, the Governor's State Advisory Council for Early Learning and Care, First 5 California, alternative payment agencies, contracted child care providers, other subsidized child care providers, local educational agencies, and families utilizing subsidized care.

~~(b) The purpose of shifting from contracts to vouchers shall be to provide eligible working families with better access to child care services that align with their need to work and to attend eligible educational activities. To the extent possible, the plan shall include a process that ensures the transition does not disparately affect the continuity of care for families participating in contracted programs. The plan shall also ensure that contracted providers are provided appropriate transitional support and receive technical assistance to help them participate in voucher programs. The plan shall not increase existing state costs for the General Child Care Program and shall not reflect a reduction in the number of child care slots available statewide.~~

~~(c)~~(b) The Department of Education shall provide its recommendations and transition plan to the Legislature, Department of Finance, and the Executive Director of the State Board of Education no later than May 1, 2017. The Department shall make a draft of the plan available to the Department of Finance and the Governor's State Advisory Council for Early Learning and Care no less than 30 days before May 1, 2017, for comment and review.

## **County Offices of Education - Local Child Care Planning**

8499.

~~For purposes of this chapter, the following definitions shall apply:~~

~~(a) "Block grant" means the block grant contained in Title VI of the Child Care and Development Fund, as established by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193).~~

~~(b) "Child care" means all licensed child care and development services and license-exempt child care, including, but not limited to, private for-profit programs, nonprofit programs, and publicly funded programs, for all children up to and including 12 years of age, including children with exceptional needs and children from all linguistic and cultural backgrounds.~~

~~(c) "Child care provider" means a person who provides child care services or represents persons who provide child care services.~~

~~(d) "Community representative" means a person who represents an agency or business that provides private funding for child care services, or who advocates for child care services through participation in civic or community-based organizations but is not a child care provider and does not represent an agency that contracts with the State Department of Education to provide child care and development services.~~

~~(e) "Consumer" means a parent or person who receives, or who has received within the past 36 months, child care services.~~

~~(f) "Department" means the State Department of Education.~~

~~(g) "Local planning council" means a local child care and development planning council as described in Section 8499.3.~~

~~(h) "Public agency representative" means a person who represents a city, county, city and county, or local educational agency.~~

(a) It is the intent of the Legislature that county offices of education, either individually or in a consortium, provide a forum for the identification of local priorities for child care and the development of policies to meet the needs identified within those priorities.

(b) As a condition of the receipt of funding for that purpose, by May 30 of each year, the county superintendent of schools shall submit to the department the local priorities it has identified that reflect all child care needs in the county. To accomplish this, a county superintendent of schools shall do all of the following:

(1) Conduct an assessment of child care needs in the county no less frequently than once every three years. The department shall define and prescribe data elements to be included in the needs assessment and shall specify the format for the data reporting. The needs assessment shall also include all factors deemed appropriate by the county office of education in order to obtain an accurate picture of the comprehensive child care needs in the county. The factors shall include, but are not limited to, all of the following:

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

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

(C) Information on local waiting lists for state-subsidized child care programs, as available.

(D) The need for child care for children determined by a child protective services agency to be neglected, abused, or exploited, or at risk of being neglected, abused, or exploited.

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

(F) Family income among families with children younger than 13 years old.

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

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

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

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

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

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

(3) Identify local priorities for expanding access to subsidized child care, goals in regard to the local priorities, and the method for measuring the county office of education's progress toward achieving those goals.

(A) The county office of education shall work with the county board of supervisors, child care providers that reflect the range of child care providers in the county, local educational agencies, families, and human services and other local public agencies to develop priorities.

(B) The county office of education shall encourage public input and provide at least one public hearing during which members of the public can comment on the proposed priorities.

(4) Prepare a comprehensive countywide child care plan designed to mobilize public and private resources to address identified needs. County offices of education are encouraged to combine this plan with the Regional Early Learning Plan defined in Section XX to create an aligned set of early learning and child care priorities for their region.

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

(6) Coordinate part-day programs with other child care and development services to provide full-day child care.

(c) The department shall, in conjunction with the State Department of Social Services and all appropriate statewide agencies and associations, develop guidelines for use by county offices of education to assist them in conducting needs assessments that are reliable and accurate. The guidelines shall include acceptable sources of demographic and child care data, and methodologies for assessing child care supply and demand.

(d) Except as otherwise required by subdivision (c) of Section 8236, the department shall allocate funding within each county in accordance with the priorities identified by the respective county office of education and submitted to the department pursuant to this section, unless the priorities do not meet the requirements of state or federal law.

8499.3.

~~(a) It is the intent of the Legislature that local child care and development planning councils shall provide a forum for the identification of local priorities for child care and the development of policies to meet the needs identified within those priorities.~~

~~(b) The county office of supervisors and the county superintendent of schools shall do both of the following:~~

~~(1) Select the members of the local planning council. Before making selections pursuant to this subdivision, the board of supervisors and the county superintendent of schools shall publicize their intention to select the members and shall invite local organizations to submit nominations. In counties in which the superintendent is appointed by the county office of education, the county office of education may make the appointment or may delegate that responsibility to the superintendent.~~

~~(2) Establish the term of appointment for the members of the local planning council.~~

~~(c) (1) The local planning council shall be comprised as follows:~~

~~(A) Twenty percent of the membership shall be consumers.~~

~~(B) Twenty percent of the membership shall be child care providers, reflective of the range of child care providers in the county.~~

~~(C) Twenty percent of the membership shall be public agency representatives.~~

~~(D) Twenty percent of the membership shall be community representatives, who shall not be child care providers or agencies that contract with the department to provide child care and development services.~~

~~(E) The remaining 20 percent shall be appointed at the discretion of the appointing agencies.~~

~~(2) The board of supervisors and the superintendent of schools shall each appoint one half of the members. In the case of uneven membership, both appointing entities shall agree on the odd-numbered appointee.~~

~~(d) Every effort shall be made to ensure that the ethnic, racial, and geographic composition of the local planning council is reflective of the ethnic, racial, and geographic distribution of the population of the county.~~

~~(e) The board of supervisors and county superintendent of schools may designate an existing child care planning council or coordinated child and family services council as the local planning council, as long as it has or can achieve the representation set forth in this section.~~

~~(f) Upon establishment of a local planning council, the local planning council shall elect a chair and select a staff.~~

~~(g) Each local planning council shall develop and implement a training plan to provide increased efficiency, productivity, and facilitation of local planning council meetings. This may include developing a training manual, hiring facilitators, and identifying strategies to meet the objectives of the council.~~

~~(h) No member of a local planning council shall participate in a vote if he or she has a proprietary interest in the outcome of the matter being voted upon.~~

~~8499.5.~~

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

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

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

- ~~(A) The needs of families eligible for subsidized child care.~~
  - ~~(B) The needs of families not eligible for subsidized child care.~~
  - ~~(C) The waiting lists for programs funded by the department and the State Department of Social Services.~~
  - ~~(D) The need for child care for children determined by the child protective services agency to be neglected, abused, or exploited, or at risk of being neglected, abused, or exploited.~~
  - ~~(E) The number of children in families receiving public assistance, including CalFresh benefits, housing support, and Medi-Cal, and assistance from the Healthy Families Program and the Temporary Assistance for Needy Families (TANF) program.~~
  - ~~(F) Family income among families with preschool or schoolage children.~~
  - ~~(G) The number of children in migrant agricultural families who move from place to place for work or who are currently dependent for their income on agricultural employment in accordance with subdivision (a) of, and paragraphs (1) and (2) of subdivision (b) of, Section 8231.~~
  - ~~(H) The number of children who have been determined by a regional center to require services pursuant to an individualized family service plan, or by a local educational agency to require services pursuant to an individualized education program or an individualized family service plan.~~
  - ~~(I) The number of children in the county by primary language spoken pursuant to the department's language survey.~~
  - ~~(J) Special needs based on geographic considerations, including rural areas.~~
  - ~~(K) The number of children needing child care services by age cohort.~~
- ~~(2) Document information gathered during the needs assessment which shall include, but need not be limited to, data on supply, demand, cost, and market rates for each category of child care in the county.~~
  - ~~(3) Encourage public input in the development of the priorities. Opportunities for public input shall include at least one public hearing during which members of the public can comment on the proposed priorities.~~
  - ~~(4) Prepare a comprehensive countywide child care plan designed to mobilize public and private resources to address identified needs.~~
  - ~~(5) Conduct a periodic review of child care programs funded by the department and the State Department of Social Services to determine if identified priorities are being met.~~
  - ~~(6) Collaborate with subsidized and nonsubsidized child care providers, county welfare departments, human service agencies, regional centers, job training programs, employers, integrated child and family service councils, local and state children and families commissions, parent organizations, early start family resource centers, family empowerment centers on disability, local child care resource and referral programs, and other interested parties to foster partnerships designed to meet local child care needs.~~

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

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

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

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

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

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

8499.7.

(a) It is the intent of the Legislature that any additional conditions imposed upon local planning councils~~county offices of education~~ for local child care planning shall be funded from available federal funds to the greatest extent legally possible.

(b) Commencing with the 2016-17 fiscal year, the Department shall allocate funds designated for local planning councils in the annual Budget Act to county offices of education.

## **Single-Parent Verification**

8263.

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

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

(2) A family needs the child care services (A) because the child is identified by a legal, medical, or social services agency, a local educational agency liaison for homeless children and youths designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code, a Head Start program, or an emergency or transitional shelter as (i) a recipient of protective services, (ii) being neglected, abused, or exploited, or at risk of neglect, abuse, or exploitation, or (iii) being homeless or (B) because the parents are (i) engaged in vocational training leading directly to a recognized trade, paraprofession, or profession, (ii) employed or seeking employment, (iii) seeking permanent housing for family stability, or (iv) incapacitated.

(3) When only one parent has signed an application for enrollment, as required by the Department, and the information provided indicates the child(ren) in the family has another parent whose name does not appear on the application, then the presence or absence of that parent shall be self-certified by the parent signing the application, under penalty of perjury.

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

(1) First priority shall be given to neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency. If an agency is unable to enroll a child in the first priority category, the agency shall refer the family to local resource and referral services to locate services for the child.

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

(C) A family may receive child care services for up to 12 months on the basis of a certification by the county child welfare agency that child care services continue to be necessary or, if the child is receiving child protective services during that period of time, and the family requires child care and remains otherwise eligible. This time limit does not apply if the family's child care referral is 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 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 before 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 18086.5 of Title 5 of the California Code of Regulations for an additional 60 working days if he or she determines that opportunities for employment have diminished to the degree that one or both parents cannot reasonably be expected to find employment within 60 working days and granting the extension is in the public interest. The scope of extensions granted pursuant to this subdivision shall be limited to the necessary geographic areas and affected persons, which shall be described in the Superintendent's order granting the extension. It is the intent of the Legislature that extensions granted pursuant to this subdivision improve services in areas with high unemployment rates and areas with disproportionately high numbers of seasonal agricultural jobs.

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

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

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

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

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

## Notice of Action Changes

### SEC. XX

(a) In order to assist with a uniform due process system across the state, the Department shall create a required agency form for both (1) notice of action, application for services, and (2) notice of action, recipient of services. These forms shall comply and be equivalent with Section 658P(2) of the federal Child Care and Development Act of 2014 with regards to child care certificates.

(b) Notices of action forms must include information about parents' due process rights and be written in a user-friendly manner.

(c) The Superintendent shall adopt rules and regulations to specify additional criteria for notices of action, as defined in subdivisions (v) and (w) in Section 8208.

8208.

As used in this chapter:

(a) "Alternative payments" includes payments that are made by one child care agency to another agency or child care provider for the provision of child care and development services, and payments that are made by an agency to a parent for the parent's purchase of child care and development services.

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

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

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

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

(f) "Capital outlay" means the amount paid for the renovation and repair of child care and development facilities to comply with state and local health and safety standards, and the

amount paid for the state purchase of relocatable child care and development facilities for lease to qualifying contracting agencies.

(g) "Caregiver" means a person who provides direct care, supervision, and guidance to children in a child care and development facility.

(h) "Child care and development facility" means a residence or building or part thereof in which child care and development services are provided.

(i) "Child care and development programs" means those programs that offer a full range of services for children from infancy to 13 years of age, for any part of a day, by a public or private agency, in centers and family child care homes. These programs include, but are not limited to, all of the following:

(1) General child care and development.

(2) Migrant child care and development.

(3) Child care provided by the California School Age Families Education Program (Article 7.1 (commencing with Section 54740) of Chapter 9 of Part 29 of Division 4 of Title 2).

(4) California state preschool program.

(5) Resource and referral.

(6) Child care and development services for children with exceptional needs.

(7) Family child care home education network.

(8) Alternative payment.

(9) Schoolage community child care.

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

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

(l) "Children with exceptional needs" means either of the following:

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

(2) Children 3 to 21 years of age, inclusive, who have been determined to be eligible for special education and related services by an individualized education program team according to the special education requirements contained in Part 30 (commencing with Section 56000) of Division 4 of Title 2, and who meet eligibility criteria described in Section 56026 and, Article 2.5 (commencing with Section 56333) of Chapter 4 of Part 30 of Division 4 of Title 2, and Sections 3030 and 3031 of Title 5 of the California Code of Regulations. These children shall have an active individualized education program, shall be receiving early intervention services or appropriate special education and related services, and shall be children who require the special attention of adults in a child care setting. These children include children with intellectual disabilities, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (also referred to as emotional disturbance), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities, who need special education and related services consistent with Section 1401(3)(A) of Title 20 of the United States Code.

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

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

(o) "Elementary school," as contained in former Section 425 of Title 20 of the United States Code (the National Defense Education Act of 1958, Public Law 85-864, as amended), includes early childhood education programs and all child development programs, for the purpose of the cancellation provisions of loans to students in institutions of higher learning.

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

(q) "Health services" include, but are not limited to, all of the following:

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

(2) Health screening and health treatment, including a full range of immunization recorded on the appropriate state immunization form to the extent provided by the Medi-Cal Act (Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code) and the Child Health and Disability Prevention Program (Article 6 (commencing with Section

124025) of Chapter 3 of Part 2 of Division 106 of the Health and Safety Code), but only to the extent that ongoing care cannot be obtained utilizing community resources.

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

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

(r) "Higher educational institutions" means the Regents of the University of California, the Trustees of the California State University, the Board of Governors of the California Community Colleges, and the governing bodies of any accredited private nonprofit institution of postsecondary education.

(s) "Intergenerational staff" means persons of various generations.

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

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

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

(u) "Local educational agency" means a school district, a county office of education, a community college district, or a school district on behalf of one or more schools within the school district.

(v) "Notice of action, application for services" means a written statement of specific information issued by the contractor that informs the applicant of the contractor's decision to approve or deny child care services.

(w) "Notice of action, recipient of services" means a written statement of specific information issued by the contractor informing the family receiving child care services that a change has been made to their service agreement. These changes may include, but are not limited to, need and eligibility requirements that are no longer being met, fees that have not been paid, or the proposed modification of the fee or amount of services provided by the contractor.

~~(u)~~(x) "Parent" means a biological parent, stepparent, adoptive parent, foster parent, caretaker relative, or any other adult living with a child who has responsibility for the care and welfare of the child.

~~(v)~~(y) "Program director" means a person who, pursuant to Sections 8244 and 8360.1, is qualified to serve as a program director.

~~(w)~~(z) "Proprietary child care agency" means an organization or facility providing child care, which is operated for profit.

~~(x)~~(aa) "Resource and referral programs" means programs that provide information to parents, including referrals and coordination of community resources for parents and public or private providers of care. Services frequently include, but are not limited to: technical assistance for providers, toy-lending libraries, equipment-lending libraries, toy- and equipment-lending libraries, staff development programs, health and nutrition education, and referrals to social services.

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

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

~~(aa)~~(ad) (1) "Site supervisor" means a person who, regardless of his or her title, has operational program responsibility for a child care and development program at a single site. A site supervisor shall hold a permit issued by the Commission on Teacher Credentialing that authorizes supervision of a child care and development program operating in a single site. The Superintendent may waive the requirements of this subdivision if the Superintendent determines that the existence of compelling need is appropriately documented.

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

~~(ab)~~(ae) "Standard reimbursement rate" means that rate established by the Superintendent pursuant to Section 8265.

~~(ac)~~(af) "Startup costs" means those expenses an agency incurs in the process of opening a new or additional facility before the full enrollment of children.

~~(ad)~~(ag) "California state preschool program" means part-day and full-day educational programs for low-income or otherwise disadvantaged three- and four-year-old children.

~~(ae)~~(ah) "Support services" means those services that, when combined with child care and development services, help promote the healthy physical, mental, social, and emotional growth of children. Support services include, but are not limited to: protective services, parent training, provider and staff training, transportation, parent and child counseling, child development resource and referral services, and child placement counseling.

~~(af)~~(ai) "Teacher" means a person with the appropriate permit issued by the Commission on Teacher Credentialing who provides program supervision and instruction that includes supervision of a number of aides, volunteers, and groups of children.

~~(ag)~~(aj) "Underserved area" means a county or subcounty area, including, but not limited to, school districts, census tracts, or ZIP Code 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.

~~(ah)~~(ak) "Workday" means the time that the parent requires temporary care for a child for any of the following reasons:

(1) To undertake training in preparation for a job.

(2) To undertake or retain a job.

(3) To undertake other activities that are essential to maintaining or improving the social and economic function of the family, are beneficial to the community, or are required because of health problems in the family.

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

(1) November 1 of the 2012–13 fiscal year.

(2) October 1 of the 2013–14 fiscal year.

(3) September 1 of the 2014–15 fiscal year and each fiscal year thereafter.

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

(1) November 1 of the 2012–13 fiscal year.

(2) October 1 of the 2013–14 fiscal year.

(3) September 1 of the 2014–15 fiscal year and each fiscal year thereafter.

~~(ak) "Local educational agency" means a school district, a county office of education, a community college district, or a school district on behalf of one or more schools within the school district.~~

## **Remove Child Development Teacher and Supervisor Grant Program**

~~69620.~~

~~There is hereby established the Child Development Teacher and Supervisor Grant Program, to be administered by the Student Aid Commission, with participation by students attending California public or private two-year or four-year postsecondary educational institutions who intend to teach or supervise in the field of child care and development in a licensed children's center. The Student Aid Commission may enter into an agreement with another state or local agency to administer this program.~~

~~69621.~~

~~For purposes of this article, the following definitions apply:~~

~~(a) "Child Development Permit" means a permit issued by the Commission on Teacher Credentialing that authorizes an individual to teach, instruct, or supervise in a licensed child care and development program.~~

~~(b) "Licensed children's center" means a public school district-based, nonprofit community-based, or private proprietary program licensed by the State Department of Social Services under the health and safety requirements of Title 22 of the California Code of Regulations or administered by the State Department of Education under Title 5 of the California Code of Regulations. Licensed children's centers include federally subsidized, state-subsidized, and nonsubsidized child care and development programs serving children part day or full day.~~

~~69622.~~

~~(a) Participants shall be enrolled in an approved course of study leading to the teacher, site supervisor, or program director level of the Child Development Permit.~~

~~(b) An applicant shall be eligible to participate if he or she meets one of the following criteria:~~

~~(1) Is nominated by a postsecondary institution.~~

~~(2) Is nominated by his or her employing agency that holds an approved waiver of staffing qualifications on behalf of the applicant.~~

~~(c) From the list of applicants who are eligible under subdivisions (a) and (b), the Student Aid Commission, or an agency designated by the commission, shall select participants on the basis of their demonstrated financial need and academic achievement, which may include, but not be limited to, high school grade-point average, college grade-point average, or academic test scores.~~

~~(d) Participants shall maintain no less than half-time enrollment and satisfactory academic progress as defined by the postsecondary educational institution.~~

~~(e) Recipients of a grant may renew their participation by maintaining satisfactory academic progress, financial need, and intent to pursue the approved course of study leading to the teacher, site supervisor, or program director level as provided in subdivision (a). The maximum amount any one recipient may receive through the grant program is six thousand dollars (\$6,000).~~

~~(f) Participants may not concurrently receive benefits from the grant program under this article and from the Child Development Teacher Loan Assumption Program.~~

~~69623.~~

~~(a) To receive a grant under this article, a participant shall enter into a contractual agreement with the Student Aid Commission under which the participant agrees to do all of the following:~~

~~(1) Pursue a course of study leading to the Child Development Permit at the teacher, site supervisor, or program director level.~~

~~(2) Maintain full-time employment in a licensed children's center in California for a period of one year for each year in which grant assistance was received and provide the Student Aid Commission with evidence of compliance with this requirement.~~



~~(b) Each participant shall complete and return to the Student Aid Commission an employment verification for each year of service as a teacher, instructor, or supervisor. A year of employment may be based on a calendar year or a school year.~~

~~(c) The Student Aid Commission shall develop appropriate mechanisms to document and report annually to the State Department of Education regarding compliance with the requirements of paragraph (2) of subdivision (a).~~

~~69624.~~

~~(a) It is the intent of the Legislature that up to 100 new grants be awarded each year, or that the maximum number of grants be based on the amount of federal funds available from the Child Development Block Grant Act of 1990 (P.L. 97-35).~~

~~(b) (1) Grants shall be awarded in the amount of two thousand dollars (\$2,000) for each academic year if the participant is enrolled at least one-half time in a four-year institution.~~

~~(2) Grants shall be awarded in the amount of one thousand dollars (\$1,000) for each academic year if the participant is enrolled at least one-half time in a two-year institution.~~

~~(3) Participants may renew their awards for a maximum of one additional year.~~

~~69625.~~

~~(a) In order to accomplish the purposes set forth in this article, commencing January 1, 1998, the Controller, the State Department of Education, the State Department of Social Services, or any other state agency receiving funds from the Child Care Development Block Grant Act of 1990 (P.L. 97-35) shall make these funds available to the Student Aid Commission for this program only to the extent this program is incorporated into, and approved in, the state plan established pursuant to subsection (a) of Section 658E of Subchapter C as contained in Section 5082 of the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508).~~

~~(b) For the purpose of implementing this article, the State Department of Education or designated state agency shall enter into an interagency agreement with the Student Aid Commission to allocate federal funds received annually for purposes of this program and to include funds for the administrative costs.~~

~~(c) On or before January 1, 1999, and each year thereafter, the Student Aid Commission shall report to the State Department of Education or designated state agency regarding the federal funding level required to award 100 new grants and all of the renewal grants annually. The State Department of Education or designated state agency shall take these amounts into consideration when developing the state plan referenced in subdivision (a). The State Department of Education or designated state agency shall notify the Student Aid Commission of any revision to the federal funding level as reflected in changes to the Child Care and Development Block Grant State Plan.~~

~~(d) This program is contingent upon the receipt of federal funds for the childcare and development block grant for the purposes of implementing this program.~~

~~69626.~~

~~(a) The Student Aid Commission shall administer the Child Development Teacher and Supervisor Grant Program. This includes determining the application procedures and the selection criteria for grant awards.~~

~~(b) It is the intent of the Legislature that the Student Aid Commission consult with the Child Development Division of the California Department of Education, postsecondary educational institutions, and child care and development representatives of statewide organizations regarding the development of the program, including the program requirements and selection criteria.~~

~~69627.~~

~~Notwithstanding Section 7550.5 of the Government Code, the Student Aid Commission shall report to the Governor and the Legislature by January 1, 2001, on the Child Development Teacher and Supervisor Grant Program to assess the following:~~

~~(a) The number of applicants annually.~~

~~(b) The number of participants annually.~~

~~(c) The rate of compliance with academic and employment requirements.~~

~~(d) Participating postsecondary educational institutions.~~

~~(e) Needs assessment for program growth based on the eligible pool of applicants.~~

~~(f) Participation and success rates for each permit.~~

~~(g) The amount of grant funds awarded each year, by institution.~~

~~(Added by Stats. 1997, Ch. 721, Sec. 1. Effective January 1, 1998.)~~

~~069628.~~

~~This article shall not be implemented unless and until federal funds are made available for the purposes of implementing this article in accordance with subdivision (a) of Section 69625.~~