

West's Ann.Cal.Educ.Code T. 1, D. 1, Pt. 6, Ch. 2, Art. 7, Refs & Annos

West's Ann.Cal.Educ.Code § 8235

§ 8235. Administration; services included; eligibility of children; part-day programs; eligibility for operation of California state preschool program

Effective: June 27, 2012

(a) The Superintendent shall administer all California state preschool programs. Those programs shall include, but not be limited to, part-day age and developmentally appropriate programs designed to facilitate the transition to kindergarten for three- and four-year-old children in educational development, health services, social services, nutritional services, parent education and parent participation, evaluation, and staff development. Preschool programs for which federal reimbursement is not available shall be funded as prescribed by the Legislature in the Budget Act, and unless otherwise specified by the Legislature, shall not use federal funds made available through Title XX of the federal Social Security Act (42 U.S.C. Sec. 1397).

(b) Three- and four-year-old children are eligible for the part-day California state preschool program if the family meets at least one of the criteria specified in paragraph (1) of subdivision (a) of Section 8263.

(c) Notwithstanding any other law, a part-day California state preschool program may provide services to children in families whose income is no more than 15 percent above the income eligibility threshold, as described in Sections 8263 and 8263.1, after all eligible three- and four- year-old children have been enrolled. No more than 10 percent of children enrolled, calculated throughout the participating program's entire contract, may be filled by children in families above the income eligibility threshold.

(d) A part-day California state preschool program shall operate for a minimum of (1) three hours per day, excluding time for home-to-school transportation, and (2) a minimum of 175 days per year, unless the contract specifies a lower number of days of operation.

(e) Any agency described in subdivision (c) of Section 8208 as an "applicant or contracting agency" is eligible to contract to operate a California state preschool program.

(f) Part-day preschool services shall be reimbursed on a per capita basis, as determined by the Superintendent, and contingent on funding being provided for the part-day preschool services in the annual Budget Act.

(g) Federal Head Start funds used to provide services to families receiving California state preschool services shall be deemed nonrestricted funds.

West's Ann.Cal.Educ.Code § 8236

Current with urgency legislation through Ch. 25, also including Chs. 39 and 41 of 2014 Reg.Sess., Res. Ch. 1 of 2013-2014 2nd Ex.Sess., and all propositions on the 6/3/2014 ballot

California Codes \_Education Code \_Title 1. General Education Code Provisions \_Division 1. General Education Code Provisions \_Part 6. Education Programs--State Master Plans \_Chapter 2. Child Care and Development Services Act \_Article 7. California State Preschool Programs  
§ 8236. Priorities; funding provisions; subcontracting

Effective: January 1, 2012

(a)(1) Each applicant or contracting agency funded pursuant to Section 8235 shall give first priority to three- or four-year-old neglected or abused children 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 service agency. If an agency is unable to enroll a child in this first priority category, the agency shall refer the child's parent or guardian to local resource and referral services so that services for the child can be located.

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

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

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

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

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

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

Current with urgency legislation through Ch. 25, also including Chs. 39 and 41 of 2014 Reg.Sess., Res. Ch. 1 of 2013-2014 2nd Ex.Sess., and all propositions on the 6/3/2014 ballot

California Codes \_Education Code \_Title 1. General Education Code Provisions \_Division 1. General Education Code Provisions \_Part 6. Education Programs--State Master Plans \_Chapter 2. Child Care and Development Services Act \_Article 7. California State Preschool Programs

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

**West's Ann.Cal.Educ.Code § 8236.1**

**§ 8236.1. Annual monitoring of funding and hours of service; report**

**Effective: June 27, 2012**

The department shall annually monitor funding used in general child care and development programs for infants and toddlers, and hours of service provided in the California state preschool program, and shall annually report to the Department of Finance and to the Legislature a statewide summary identifying the estimated funding used for infants and toddlers, and the number of preschool age children receiving part-day preschool and wraparound child care services, as defined in subdivision (f) of Section 8239. The annual report shall include a comparison to the prior year on a county-by-county basis.

**West's Ann.Cal.Educ.Code § 8236.2**

**§ 8236.2. Repealed by Stats.2012, c. 38 (S.B.1016), § 9, eff. June 27, 2012**

**Effective: June 27, 2012**

**West's Ann.Cal.Educ.Code § 8237**

**§ 8237. Family eligibility certification and enrollment**

**Effective: July 1, 2009**

A part-day California state preschool program contracting agency has 120 calendar days prior to the first day of the beginning of the new preschool year to certify eligibility and enroll families into their program. Subsequent to enrollment, a child shall be deemed eligible for a part-day California state preschool program for the remainder of the program year.

**West's Ann.Cal.Educ.Code § 8238**

**§ 8238. Interactive literacy activities; parenting education; referrals to providers of instruction in adult education and English as a second language; staff development**

**Effective: June 27, 2012**

As a condition of receipt of funds pursuant to Section 8238.4, a participating part-day preschool program shall coordinate the provision of all of the following:

(a) Opportunities for parents and legal guardians to work with their children on interactive literacy activities. For purposes of this subdivision, "interactive literacy activities" means activities in which parents or legal guardians actively participate in facilitating the acquisition by their children of prereading skills through guided activities such

Current with urgency legislation through Ch. 25, also including Chs. 39 and 41 of 2014 Reg.Sess., Res. Ch. 1 of 2013-2014 2nd Ex.Sess., and all propositions on the 6/3/2014 ballot

California Codes \_Education Code \_Title 1. General Education Code Provisions \_Division 1. General Education Code Provisions \_Part 6. Education Programs--State Master Plans \_Chapter 2. Child Care and Development Services Act \_Article 7. California State Preschool Programs  
as shared reading, learning the alphabet, and basic vocabulary development.

(b) Parenting education for parents and legal guardians of children in participating classrooms to support the development by their children of literacy skills. Parenting education shall include, but not be limited to, instruction in all of the following:

(1) Providing support for the educational growth and success of their children.

(2) Improving parent-school communications and parental understanding of school structures and expectations.

(3) Becoming active partners with teachers in the education of their children.

(c) Referrals, as necessary, to providers of instruction in adult education and English as a second language in order to improve the academic skills of parents and legal guardians of children in participating classrooms.

(d) Staff development for teachers in participating classrooms that includes, but is not limited to, all of the following:

(1) Development of a pedagogical knowledge, including, but not limited to, improved instructional strategies.

(2) Knowledge and application of developmentally appropriate assessments of the prereading skills of children in participating classrooms.

(3) Information on working with families, including the use of onsite coaching, for guided practice in interactive literacy activities.

**West's Ann.Cal.Educ.Code § 8238.1**

§§ 8238.1 to 8238.3. Repealed by Stats.2012, c. 38 (S.B.1016), §§ 11 to 13, eff. June 27, 2012

Effective: June 27, 2012

**West's Ann.Cal.Educ.Code § 8238.2**

§§ 8238.1 to 8238.3. Repealed by Stats.2012, c. 38 (S.B.1016), §§ 11 to 13, eff. June 27, 2012

Effective: June 27, 2012

**West's Ann.Cal.Educ.Code § 8238.3**

Current with urgency legislation through Ch. 25, also including Chs. 39 and 41 of 2014 Reg.Sess., Res. Ch. 1 of 2013-2014 2nd Ex.Sess., and all propositions on the 6/3/2014 ballot

California Codes \_Education Code \_Title 1. General Education Code Provisions \_Division 1. General Education Code Provisions \_Part 6. Education Programs--State Master Plans \_Chapter 2. Child Care and Development Services Act \_Article 7. California State Preschool Programs

§§ 8238.1 to 8238.3. Repealed by Stats.2012, c. 38 (S.B.1016), §§ 11 to 13, eff. June 27, 2012

Effective: June 27, 2012

West's Ann.Cal.Educ.Code § 8238.4

§ 8238.4. Family literacy supplemental grant; distribution priorities; use of grant; implementation

Effective: June 27, 2012

(a) A family literacy supplemental grant shall be made available and distributed to qualifying California state preschool classrooms, as determined by the Superintendent, at a rate of two thousand five hundred dollars (\$2,500) per class. The Superintendent shall distribute the family literacy supplemental grant funds according to the following priorities:

(1) First priority shall be assigned to California state preschool programs that contract to receive this funding before July 1, 2012. These programs shall receive this funding until their contract is terminated or the California state preschool program no longer provides family literacy services.

(2) Second priority shall be assigned to California state preschool programs operating classrooms located in the attendance area of elementary schools in deciles 1 to 3, inclusive, based on the most recently published Academic Performance Index pursuant to Section 52056. The Superintendent shall use a lottery process in implementing this paragraph.

(b) A family literacy supplemental grant distributed pursuant to this section shall be used for purposes specified in Section 8238.

(c) Implementation of this section is contingent upon funding being provided for family literacy supplemental grants for California state preschool programs in the annual Budget Act or other statute.

West's Ann.Cal.Educ.Code § 8238.5

§§ 8238.5, 8238.6. Repealed by Stats.2012, c. 38 (S.B.1016), §§ 15, 16, eff. June 27, 2012

Effective: June 27, 2012

West's Ann.Cal.Educ.Code § 8238.6

§§ 8238.5, 8238.6. Repealed by Stats.2012, c. 38 (S.B.1016), §§ 15, 16, eff. June 27, 2012

Effective: June 27, 2012

West's Ann.Cal.Educ.Code § 8239

§ 8239. Full-day child care services encouraged; days of operation for part-day preschool and wraparound general child care and development programs; reimbursement for part-day preschool

Current with urgency legislation through Ch. 25, also including Chs. 39 and 41 of 2014 Reg.Sess., Res. Ch. 1 of 2013-2014 2nd Ex.Sess., and all propositions on the 6/3/2014 ballot

California Codes \_Education Code \_Title 1. General Education Code Provisions \_Division 1. General Education Code Provisions \_Part 6. Education Programs--State Master Plans \_Chapter 2. Child Care and Development Services Act \_Article 7. California State Preschool Programs  
services combined with wraparound child care services; eligibility for wraparound child care services; fees; annual report to Department of Finance

Effective: July 1, 2013

The Superintendent shall encourage state preschool program applicants or contracting agencies to offer full-day services through a combination of part-day preschool slots and wraparound general child care and development programs. In order to facilitate a full-day of services, all of the following shall apply:

- (a) Part-day preschool programs provided pursuant to this section shall operate between 175 and 180 days.
- (b) Wraparound general child care and development programs provided pursuant to this section may operate a minimum of 246 days per year unless the child development contract specified a lower minimum days of operation. Part-day general child care and development programs may operate a full-day for the remainder of the year after the completion of the preschool program.
- (c) Part-day preschool services combined with wraparound child care services shall be reimbursed at no more than the full-day standard reimbursement rate for general child care programs with adjustment factors, pursuant to Section 8265 and as determined in the annual Budget Act.
- (d) Three- and four-year-old children are eligible for wraparound child care services to supplement the part-day California state preschool program if the family meets at least one of the criteria specified in paragraph (1) of subdivision (a) of Section 8263, and the parents meet at least one of the criteria specified in paragraph (2) of subdivision (a) of Section 8263.
- (e) Fees shall be assessed and collected for families with children in part-day preschool programs, or families receiving wraparound child care services, or both, pursuant to Article 11.5 (commencing with Section 8273).
- (f) The Superintendent shall annually report to the Department of Finance, on or before October 1 of each year, the fees collected from families who have children enrolled in the California state preschool program. The report shall distinguish between family fees collected for part-day preschool programs and fees collected for wraparound child care services.
- (g) For purposes of this section, “wraparound child care services” and “wraparound general child care and development programs” mean services provided for the remaining portion of the day or remainder of the year following the completion of part-day preschool services that are necessary to meet the child care needs of parents eligible pursuant to subdivision (a) of Section 8263. These services shall be provided consistent with the general child care and development programs provided pursuant to Article 8 (commencing with Section 8240).

West's Ann.Cal.Educ.Code T. 1, D. 1, Pt. 6, Ch. 2, Art. 8, Refs & Annos

Current with urgency legislation through Ch. 25, also including Chs. 39 and 41 of 2014 Reg.Sess., Res. Ch. 1 of 2013-2014 2nd Ex.Sess., and all propositions on the 6/3/2014 ballot

California Codes \_Education Code \_Title 1. General Education Code Provisions \_Division 1. General Education Code Provisions \_Part 6. Education Programs--State Master Plans \_Chapter 2. Child Care and Development Services Act \_Article 7. California State Preschool Programs  
West's Ann.Cal.Educ.Code § 8240

**§ 8240. Administration; services included**

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

General child care and development programs shall include:

(a) Age and developmentally appropriate activities for children.

(b) Supervision.

(c) Parenting education and parent involvement.

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

(e) Health services.

(f) Nutrition.

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

**West's Ann.Cal.Educ.Code § 8241**

**§ 8241. Design of programs**

Programs operated pursuant to this chapter may be designed to meet child-related needs identified by parents or guardians which may include, but are not limited to, the following:

(a) Care for school-age children during non-school hours.

Current with urgency legislation through Ch. 25, also including Chs. 39 and 41 of 2014 Reg.Sess., Res. Ch. 1 of 2013-2014 2nd Ex.Sess., and all propositions on the 6/3/2014 ballot

California Codes \_Education Code \_Title 1. General Education Code Provisions \_Division 1. General Education Code Provisions \_Part 6. Education Programs--State Master Plans \_Chapter 2. Child Care and Development Services Act \_Article 7. California State Preschool Programs

(b) Weekend care.

(c) Night shift care.

(d) Worksite care.

(e) Temporary emergency child care.

(f) Child care for ill children.

**West's Ann.Cal.Educ.Code § 8242**

**§ 8242. Repealed by Stats.2004, c. 896 (A.B.2525), § 12, eff. Sept. 29, 2004**

**Effective: September 29, 2004**

**West's Ann.Cal.Educ.Code § 8243**

**§§ 8243, 8243.5. Repealed by Stats.1980, c. 798, § 2.5, eff. July 28, 1980**

**West's Ann.Cal.Educ.Code § 8243.5**

**§§ 8243, 8243.5. Repealed by Stats.1980, c. 798, § 2.5, eff. July 28, 1980**

**West's Ann.Cal.Educ.Code § 8244**

**§ 8244. Operation of programs at two or more sites; employment of program director; definitions**

(a)(1) Any entity operating child care and development programs funded pursuant to this chapter that provide direct services to children at two or more sites, including through more than one contract or subcontract funded pursuant to this chapter, shall employ a program director.

(2) Programs providing direct services to children, for the purposes of this section, are general child care and development programs pursuant to Article 8 (commencing with Section 8240), migrant child care and development programs pursuant to Article 6 (commencing with Section 8230), campus child care and development programs pursuant to Article 4 (commencing with Section 8225), state preschool programs pursuant to Article 7 (commencing with Section 8235), child care and development services for children with special needs programs pursuant to Article 9 (commencing with Section 8250), infant care and development services programs pursuant to Article 17 (commencing with Section 8390), and any of these programs operated through family child care homes.

(b)(1) For purposes of this section, the following definitions shall apply:

Current with urgency legislation through Ch. 25, also including Chs. 39 and 41 of 2014 Reg.Sess., Res. Ch. 1 of 2013-2014 2nd Ex.Sess., and all propositions on the 6/3/2014 ballot

**California Codes \_Education Code \_Title 1. General Education Code Provisions \_Division 1. General Education Code Provisions \_Part 6. Education Programs--State Master Plans \_Chapter 2. Child Care and Development Services Act \_Article 7. California State Preschool Programs**

(A) “Administrative responsibility” means awareness of the financial and business circumstances of the program, and, in appropriate cases, supervision of administrative and support personnel and the knowledge and authority to direct or modify administrative practices and procedures to ensure compliance to administrative and financial standards imposed by law.

(B) “Program director” means a person who, regardless of his or her title, has programmatic and administrative responsibility for a child care and development program that provides direct services to children at two or more sites.

(C) “Programmatic responsibility” means overall supervision of curriculum and instructional staff, including instructional aides, and the knowledge and authority to direct or modify program practices and procedures to ensure compliance to applicable quality and health and safety standards imposed by law.

(2) Administrative and programmatic responsibility also includes the responsibility to act as the representative for the child development program to the State Department of Education. With respect to programs operated through family child care homes, administrative and programmatic responsibility includes ensuring that quality services are provided in the family child care homes.

(c) The program director also may serve as the site supervisor at one of the sites, provided that he or she both fulfills the duties of a “day care center director,” as set forth in Section 101315 of Title 22 of the California Code of Regulations, and meets the qualifications for a site supervisor as set forth in subdivision (aa) of Section 8208.

(d) The Superintendent of Public Instruction may waive the qualifications for program director described in Sections 8360.1 and 8360.3 upon a finding of one of the following circumstances:

(1) The applicant is making satisfactory progress toward securing a permit issued by the Commission on Teacher Credentialing authorizing supervision of a child care and development program operating in two or more sites or fulfilling the qualifications for program directors in severely handicapped programs, as specified in Section 8360.3.

(2) The place of employment is so remote from institutions offering the necessary coursework as to make continuing education impracticable and the contractor has made a diligent search but has been unable to hire a more qualified applicant.

(e) The Superintendent of Public Instruction, upon good cause, may by rule identify and apply grounds in addition to those specified in subdivision (d) for granting a waiver of the qualifications for program director.

**West’s Ann.Cal.Educ.Code T. 1, D. 1, Pt. 6, Ch. 2, Art. 8.5, Refs & Annos**

**West’s Ann.Cal.Educ.Code § 8245**

Current with urgency legislation through Ch. 25, also including Chs. 39 and 41 of 2014 Reg.Sess., Res. Ch. 1 of 2013-2014 2nd Ex.Sess., and all propositions on the 6/3/2014 ballot

California Codes \_Education Code \_Title 1. General Education Code Provisions \_Division 1. General Education Code Provisions \_Part 6. Education Programs--State Master Plans \_Chapter 2. Child Care and Development Services Act \_Article 7. California State Preschool Programs

§ 8245. Contracts with entities operating family child care home education networks; programs included

Effective: January 1, 2005

(a) The Superintendent of Public Instruction, with funds appropriated for this purpose, shall contract with entities organized under law to operate family child care home education networks that support educational objectives for children in licensed family child care homes that serve families eligible for subsidized child care.

(b) Family child care home education network programs shall include, but are not limited to, all of the following:

(1) Age and developmentally appropriate activities for children.

(2) Care and supervision of children.

(3) Parenting education.

(4) Identification of child and family social or health needs and referral of the child or the family to the appropriate social or health services.

(5) Nutrition.

(6) Training and support for the family child care home education network's family home providers and staff.

(7) Assessment of each family child care home provider to ensure that services are of high quality and are educationally and developmentally appropriate.

(8) Developmental profiles for children enrolled in the program.

(9) Parent involvement.

**West's Ann.Cal.Educ.Code § 8246**

Current with urgency legislation through Ch. 25, also including Chs. 39 and 41 of 2014 Reg.Sess., Res. Ch. 1 of 2013-2014 2nd Ex.Sess., and all propositions on the 6/3/2014 ballot

California Codes \_Education Code \_Title 1. General Education Code Provisions \_Division 1. General Education Code Provisions \_Part 6. Education Programs--State Master Plans \_Chapter 2. Child Care and Development Services Act \_Article 7. California State Preschool Programs  
§ 8246. Family child care home education network contractor requirements

Effective: January 1, 2005

Each family child care home education network contractor, in addition to the requirements set forth in subdivision (b) of Section 8245, shall do all of the following:

- (a) Recruit, enroll, and certify eligible families.
- (b) Recruit, train, support, and reimburse licensed family home providers.
- (c) Collect family fees in accordance with contract requirements.
- (d) Assess, according to standards set by the department, the educational quality of the program offered in each family child care home in the network.
- (e) Assure that a developmental profile is completed for each child based upon observations of network staff, in consultation with the provider.
- (f) Monitor requirements, including quality standards, and conduct periodic assessments of program quality in each family child care home affiliated with the network.
- (g) Ensure that basic health and nutrition requirements are met.
- (h) Provide data and reporting in accordance with contract requirements.

West's Ann.Cal.Educ.Code § 8247

§ 8247. Limitations on imposing any new requirements

Effective: January 1, 2005

This article does not impose any new requirement on a family child care home education network, nor does this article require any increase in reimbursement rates. This article does not require the department to modify its contracting procedure that was in effect for a family child care home education network prior to January 1, 2005.

Current with urgency legislation through Ch. 25, also including Chs. 39 and 41 of 2014 Reg.Sess., Res. Ch. 1 of 2013-2014 2nd Ex.Sess., and all propositions on the 6/3/2014 ballot

California Codes \_Education Code \_Title 1. General Education Code Provisions \_Division 1. General Education Code Provisions \_Part 6. Education Programs--State Master Plans \_Chapter 2. Child Care and Development Services Act \_Article 7. California State Preschool Programs  
West's Ann.Cal.Educ.Code § 8248

§§ 8248, 8249. Repealed by Stats.1989, c. 1263, § 2, operative Jan. 1, 1993

West's Ann.Cal.Educ.Code § 8249

§§ 8248, 8249. Repealed by Stats.1989, c. 1263, § 2, operative Jan. 1, 1993

West's Ann.Cal.Educ.Code T. 1, D. 1, Pt. 6, Ch. 2, Art. 9, Refs & Annos

West's Ann.Cal.Educ.Code § 8250

§ 8250. Access to child care and development programs

Effective: January 1, 2007

(a) The Superintendent shall ensure that eligible children with exceptional needs are given equal access to all child care and development programs. Available federal and state funds for children with exceptional needs above the standard reimbursement amount shall be used to assist agencies in developing and supporting appropriate programs for these children.

(b) To provide children with exceptional needs with additional access to child care and development programs, the Superintendent shall establish alternate appropriate placements, such as self-contained programs and innovative programs using the least restrictive environment. These programs shall be started as expansion funds become available and shall be expanded throughout the implementation of the plan. The Superintendent shall utilize existing program models and input from program specialists to develop new program criteria and guidelines for programs serving children with exceptional needs. These programs may serve children with exceptional needs up to 21 years of age.

(c) Any child with exceptional needs served in child care and development programs shall be afforded all rights and protections guaranteed in state and federal laws and regulations for individuals with exceptional needs.

(d) Notwithstanding any other provision of this chapter, the Superintendent may develop unique reimbursement rates for, and make reimbursements to, child care and development programs that received state funding for the 1980 -81 fiscal year and serve severely disabled children, as defined in subdivision (y) of Section 8208, when all of the following conditions exist:

(1) Eligibility for enrollment of a severely disabled child in the program is the sole basis of the child's need for service.

(2) Services are provided to severely disabled children from birth to 21 years of age.

(3) No fees are charged to the parents of the severely disabled children receiving the services.

Current with urgency legislation through Ch. 25, also including Chs. 39 and 41 of 2014 Reg.Sess., Res. Ch. 1 of 2013-2014 2nd Ex.Sess., and all propositions on the 6/3/2014 ballot

California Codes \_Education Code \_Title 1. General Education Code Provisions \_Division 1. General Education Code Provisions \_Part 6. Education Programs--State Master Plans \_Chapter 2. Child Care and Development Services Act \_Article 7. California State Preschool Programs

(e) The Superintendent shall include child care and development providers in all personnel development for persons providing services for children with exceptional needs.

West's Ann.Cal.Educ.Code § 8250.1

§ 8250.1. Repealed by Stats.1980, c. 798, p. 2467, § 2.5, eff. July 28, 1980

West's Ann.Cal.Educ.Code § 8250.5

§ 8250.5. Americans with disabilities act; application to contractors

A contractor providing services pursuant to a general child care contract, a campus child care contract, a migrant child care contract, or an alternative payment child care contract is subject to the requirements of the Americans with Disabilities Act (42 U.S.C. Sec. 12101, et seq.).

West's Ann.Cal.Educ.Code § 8251

§ 8251. Provision for sick children

All child care and development programs shall include plans or programs, or both, for the care of the children when they are sick. These plans shall be age appropriate and parents shall be included in the planning and evaluation. The Superintendent of Public Instruction shall disseminate information regarding effective sick child care models to all child care and development programs.

Nothing in this chapter shall be construed to allow the practice of medicine without a license.

West's Ann.Cal.Educ.Code § 8252

§ 8252. Contracts; procedures for serving and referring child in need of care

(a) The Department of Education and the local county welfare department shall enter into contracts which establish the procedures for serving and referring a child in need of care as part of the provision of protective services pursuant to Chapter 5 (commencing with Section 16500) of Part 4 of Division 9 of the Welfare and Institutions Code. The Department of Education, in consultation with the State Department of Social Services, may contract with another appropriate community agency which provides services or referrals, or both, for the prevention or intervention of child abuse or neglect if no such contract for child care services exists between the Department of Education and the county welfare department.

Current with urgency legislation through Ch. 25, also including Chs. 39 and 41 of 2014 Reg.Sess., Res. Ch. 1 of 2013-2014 2nd Ex.Sess., and all propositions on the 6/3/2014 ballot

**California Codes \_Education Code \_Title 1. General Education Code Provisions \_Division 1. General Education Code Provisions \_Part 6. Education Programs--State Master Plans \_Chapter 2. Child Care and Development Services Act \_Article 7. California State Preschool Programs**

(b) The contracts shall specify the resource and referral program or operating agency or agencies providing child care and development pursuant to this chapter in the county that the local contracting agency shall contact to secure care for a child needing protective services. If an operating agency is unable to enroll the child, the local contracting agency described in subdivision (a) with the assistance of the providers of local resources and referral services shall locate services for the family. Payments for such located services in the absence of other funds shall be made by the local contracting agency.

The need for child care funded pursuant to this section shall be reviewed by the local contracting agency no less than every three months.

**West's Ann.Cal.Educ.Code § 8253**

**§§ 8253, 8254. Repealed by Stats.1980, c. 798, p. 2467, § 2.5, eff. July 28, 1980**

**West's Ann.Cal.Educ.Code § 8254**

**§§ 8253, 8254. Repealed by Stats.1980, c. 798, p. 2467, § 2.5, eff. July 28, 1980**

**West's Ann.Cal.Educ.Code T. 1, D. 1, Pt. 6, Ch. 2, Art. 10, Refs & Annos**

**West's Ann.Cal.Educ.Code § 8255**

**§ 8255. Legislative findings and declaration**

(a) The Legislature finds and declares that the effectiveness of child care and development programs can be increased through improved state administration, technical assistance to provider agencies, and monitoring.

(b) It is the intent of the Legislature:

(1) That the State Department of Education develop clear, consistent, and appropriate regulations for child care and development programs to replace policy guidelines which are not subject to the public hearing process, often inconsistent, and without the force of law.

(2) That the State Department of Education make better use of staff with direct field experience in child development programs.

(3) That better criteria be developed for the awarding, evaluating, and renewal of child care and development contracts.

(4) That improvements be made in the method of reimbursing child care and development program providers.

Current with urgency legislation through Ch. 25, also including Chs. 39 and 41 of 2014 Reg.Sess., Res. Ch. 1 of 2013-2014 2nd Ex.Sess., and all propositions on the 6/3/2014 ballot

California Codes \_Education Code \_Title 1. General Education Code Provisions \_Division 1. General Education Code Provisions \_Part 6. Education Programs--State Master Plans \_Chapter 2. Child Care and Development Services Act \_Article 7. California State Preschool Programs

(5) That increased effort be made to provide program operators with technical assistance in meeting their contractual obligations.

**West's Ann.Cal.Educ.Code § 8256**

**§ 8256. Duties of state education department**

The State Department of Education shall do all of the following:

(a) Establish a toll-free number for programs which receive funds from the state department pursuant to this chapter and which are in need of technical assistance to the extent that funds are made available for the purposes of this subdivision by Senate Bill 1674 of the 1984 portion of the 1983-84 Regular Session. This subdivision shall become inoperative on and after January 1, 1986.

(b) Gather information and act as a central clearinghouse on parenting materials.

(c) Develop procedures for annually evaluating the field services and the program support which is to be provided to the contracting agencies.

**West's Ann.Cal.Educ.Code § 8257**

**§ 8257. Administration of chapter**

**Effective: January 1, 2014**

The department shall do all of the following in administering the provisions of this chapter:

(a) Apply sanctions against contracting agencies that have serious licensing violations, as defined and reported by the State Department of Social Services pursuant to Section 1597.11 of the Health and Safety Code.

(b) Except in the case of immediate terminations taken pursuant to Sections 8406.7 or 8406.9, provide 90 days' written notification to any contractor whose agreement is being terminated. Notwithstanding Article 18 (commencing with Section 8400), the department shall establish procedures for placing a contractor whose agreement is being terminated into receivership. Action to initiate receivership shall be at the discretion of the department, and may be taken against a contractor whose agreement is being terminated either immediately or within 90 days. The receiver shall not be a department employee. The receiver shall have sufficient experience in the administration of child care and development programs to ensure compliance with the terms of the receivership.

**West's Ann.Cal.Educ.Code § 8258**

Current with urgency legislation through Ch. 25, also including Chs. 39 and 41 of 2014 Reg.Sess., Res. Ch. 1 of 2013-2014 2nd Ex.Sess., and all propositions on the 6/3/2014 ballot

California Codes \_Education Code \_Title 1. General Education Code Provisions \_Division 1. General Education Code Provisions \_Part 6. Education Programs--State Master Plans \_Chapter 2. Child Care and Development Services Act \_Article 7. California State Preschool Programs

**§ 8258. Employment or contracts of state education department former employees with agencies receiving funds pursuant to this chapter**

(a) No person employed by the State Department of Education in a policymaking position in the area of child care and development programs shall serve as a member of the board of directors, advisory council, or advisory committee for any agency receiving funds pursuant to this chapter. The provisions of this subdivision shall not apply to any person appointed prior to January 1, 1985.

(b) No retired, dismissed, separated, or formerly employed person of the state department employed under the State Civil Service or otherwise appointed to serve in the state department may enter into a contract pursuant to Section 8262 in which he or she engaged in any of the negotiations, transactions, planning, arrangements, or any part of the decisionmaking process relevant to the contract while employed in any capacity by the state department. The prohibition contained in this subdivision shall apply to the person only during the two-year period beginning on the date the person left state employment.

(c) For a period of 12 months following the date of his or her retirement, dismissal, or separation from state service, no person employed under State Civil Service or otherwise appointed to serve in the state department may enter into a contract pursuant to Section 8262 if he or she was employed by the department in a policymaking position in the area of child care and development programs within the 12-month period prior to his or her retirement, dismissal, or separation.

(d) For a period of 12 months following the date of his or her retirement, dismissal, or separation from state service, no person employed under State Civil Service or otherwise appointed to serve in the department may be employed by a contractor pursuant to Section 8262 if he or she engaged in any of the negotiations, transactions, planning, arrangements, or any part of the decisionmaking process relevant to the contract while employed in any capacity by the department.

(e) The provisions of subdivisions (b), (c), and (d) shall not apply to any persons who were already in the situations described by these subdivisions prior to January 1, 1985.

**West's Ann.Cal.Educ.Code § 8260**

**§ 8260. Duties of department**

The Department of Education shall develop and coordinate resources, provide technical assistance, monitor program implementation, generate maximum federal reimbursement wherever possible for the federally eligible children, and facilitate alternative funding for those children for whom federal funds are not available.

**West's Ann.Cal.Educ.Code § 8261**

**§ 8261. Rules and regulations**

Current with urgency legislation through Ch. 25, also including Chs. 39 and 41 of 2014 Reg.Sess., Res. Ch. 1 of 2013-2014 2nd Ex.Sess., and all propositions on the 6/3/2014 ballot

California Codes \_Education Code \_Title 1. General Education Code Provisions \_Division 1. General Education Code Provisions \_Part 6. Education Programs--State Master Plans \_Chapter 2. Child Care and Development Services Act \_Article 7. California State Preschool Programs  
Effective: January 1, 2004

(a) The Superintendent of Public Instruction shall adopt rules and regulations pursuant to this chapter. The rules and regulations shall include, but not be limited to, provisions which do all of the following:

(1) Provide clear guidelines for the selection of agencies when child development contracts are let, including, but not limited to, specification that any agency headquartered in the proposed service area on January 1, 1985, will be given priority for a new contract in that area, unless the State Department of Education makes a written determination that (A) the agency is not able to deliver the level of services specified in the request for proposal, or (B) the department has notified the agency that it is not in compliance with the terms of its contract.

(2) Provide for a contract monitoring system to ensure that agencies expend funds received pursuant to this chapter in accordance with the provisions of their contracts.

(3) Specify adequate standards of agency performance.

(4) Establish reporting requirements for service reports, including provisions for varying the frequency with which these reports are to be submitted on the basis of agency performance.

(5) Specify standards for withholding payments to agencies that fail to submit required fiscal reports.

(6) Set forth standards for department site visits to contracting agencies, including, but not limited to, specification as to the purpose of the visits, the personnel that will perform these visits, and the frequency of these visits which shall be as frequently as staff and budget resources permit. By September 1 of each year, the department shall report to the Senate Education, Senate Health and Human Services, Assembly Education, and Assembly Human Services Committees on the number of visits conducted during the previous fiscal year pursuant to this paragraph.

(b) The superintendent shall consult with the State Department of Social Services with respect to rules and regulations adopted relative to the disbursement of federal funds under Title XX of the federal Social Security Act.

(c) For purposes of expediting the implementation of state or federal legislation to expand child care services, the superintendent may waive (1) the regulations regarding the point qualifications for, and the process and scoring of, interviews of contract applicants pursuant to Section 18002 of Title 5 of the California Code of Regulations, or (2) the time limitations for scheduling and notification of appeal hearings and their results pursuant to Section 18003 of Title 5 of the California Code of Regulations. The superintendent shall ensure that the appeal hearings provided for in Section 18003 of Title 5 of the California Code of Regulations are conducted in a timely manner.

Current with urgency legislation through Ch. 25, also including Chs. 39 and 41 of 2014 Reg.Sess., Res. Ch. 1 of 2013-2014 2nd Ex.Sess., and all propositions on the 6/3/2014 ballot

**California Codes \_Education Code \_Title 1. General Education Code Provisions \_Division 1. General Education Code Provisions \_Part 6. Education Programs--State Master Plans \_Chapter 2. Child Care and Development Services Act \_Article 7. California State Preschool Programs**

(d)(1) Child care and development programs operated under contract from funds made available pursuant to the federal Child Care and Development Fund, shall be administered according to Division 19 (commencing with Section 17906) of Chapter 1 of Title 5 of the California Code of Regulations, unless provisions of these regulations conflict with federal regulations. If state and federal regulations conflict, the federal regulations shall apply unless a waiver of federal regulations is authorized.

(2) For purposes of this section, "Child Care and Development Fund" has the same meaning as in Section 98.2 of Title 45 of the Code of Federal Regulations.

**West's Ann.Cal.Educ.Code § 8261.5**

**§ 8261.5. Collection and submission of social security numbers**

**Effective: January 1, 2000**

For purposes of meeting state and federal reporting requirements and for the effective administration of child care and development programs, the Superintendent of Public Instruction is authorized to require the collection and submission of social security numbers of heads of households, and other information as required, from public and private agencies contracting with the State Department of Education pursuant to this chapter, including local educational agencies.

**West's Ann.Cal.Educ.Code § 8262**

**§ 8262. Local contracts**

Notwithstanding Sections 14616 and 14780<sup>1</sup> of the Government Code, the Superintendent of Public Instruction may enter into and execute local contractual agreements with any public or private entity or agency for the delivery of child care and development services or the furnishing of property, facilities, personnel, supplies, equipment, and administrative services related to the delivery of child care development services. Prior to entering into or executing a local agreement, the State Department of Education shall obtain annual approval from the Department of General Services and the Department of Finance as to the form and general content thereof. The agreements may only be made for the delivery of child care and development services, or the furnishing of property, facilities, personnel, supplies, equipment, or administrative services related thereto, which conform with the provisions of this chapter.

**West's Ann.Cal.Educ.Code § 8262.1**

**§ 8262.1. Contractors; maintenance of records in electronic format**

**Effective: January 1, 2014**

(a) Contractors operating or providing services pursuant to this chapter may maintain records in electronic format only if the original documents were created in electronic format. Records that may be created in electronic format and maintained electronically include, but are not limited to, the following:

(1) Child immunization records.

Current with urgency legislation through Ch. 25, also including Chs. 39 and 41 of 2014 Reg.Sess., Res. Ch. 1 of 2013-2014 2nd Ex.Sess., and all propositions on the 6/3/2014 ballot

California Codes \_Education Code \_Title 1. General Education Code Provisions \_Division 1. General Education Code Provisions \_Part 6. Education Programs--State Master Plans \_Chapter 2. Child Care and Development Services Act \_Article 7. California State Preschool Programs

(2) Parental job verification records.

(3) Parent income verification.

(4) Parent school or training verifications and attendance records.

(b) Pursuant to Section 33421, the original records shall be retained by each contractor for at least five years, or, where an audit has been requested by a state agency, until the date the audit is resolved, whichever is longer.

(c) Nothing in this section requires a contractor to create records electronically.

**West's Ann.Cal.Educ.Code § 8262.3**

**§ 8262.3. Payments to contractors; direct deposit**

**Effective: January 1, 2014**

On and after the date on which the Superintendent determines that the Financial Information System for California (Fi\$Cal Project) has been implemented within the department, at the request of a contractor, for a contract executed by the department pursuant to Section 8262, the department shall request the Controller to make a payment via direct deposit by electronic funds transfer through the Fi\$Cal Project into the contractor's account at the financial institution of the contractor's choice.

**West's Ann.Cal.Educ.Code § 8262.5**

**§ 8262.5. Child care and development facilities; contract transfers; certificate of operation; conditions**

(a) In contract transfer situations in programs funded pursuant to this chapter, the Superintendent of Public Instruction may grant a certificate of operation to child care and development facilities pursuant to this section.

(b) For purposes of maintaining continuity of services to children and receipt of state and federal child nutrition and child development funding, the superintendent may grant a certificate of operation to any child care and development facility which meets all of the following conditions:

(1) The superintendent, or his or her designee, has visited the facility and verified, in writing, to the State Department of Social Services licensing agency that the facility has no deficiencies at the time of granting the certificate of operation which would endanger the physical health, mental health, safety, or welfare of the children.

Current with urgency legislation through Ch. 25, also including Chs. 39 and 41 of 2014 Reg.Sess., Res. Ch. 1 of 2013-2014 2nd Ex.Sess., and all propositions on the 6/3/2014 ballot

**California Codes \_Education Code \_Title 1. General Education Code Provisions \_Division 1. General Education Code Provisions \_Part 6. Education Programs--State Master Plans \_Chapter 2. Child Care and Development Services Act \_Article 7. California State Preschool Programs**

(2) Without a certificate of operation in lieu of a license from the State Department of Social Services, the facility would be ineligible to receive state and federal child nutrition or child development funds.

(c) A facility issued a certificate of operation pursuant to this section shall be deemed to be operating under licensing standards for child care and development facilities specified by Chapters 3.4 (commencing with Section 1596.70), 3.5 (commencing with Section 1596.90), and 3.6 (commencing with Section 1597.30) of Division 2 of the Health and Safety Code and by Title 22 of the California Code of Regulations for the term specified on the certificate.

(d) A facility granted a certificate of operation shall submit a completed license application to the State Department of Social Services within 15 working days of the issuance of the certificate of operation. Failure to meet this requirement will result in the cancellation of the certificate of operation. The certificate of operation shall expire upon the issuance or denial of a license by the State Department of Social Services.

**West's Ann.Cal.Educ.Code § 8263**

**§ 8263. Eligibility, enrollment and priority of services; extensions; physical examinations; rules and regulations; guidelines**

**Effective: July 1, 2013**

(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, or emergency shelter as (i) a recipient of protective services or (ii) being neglected, abused, or exploited, or at risk of neglect, abuse, or exploitation, 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.

(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)(A) 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 Current with urgency legislation through Ch. 25, also including Chs. 39 and 41 of 2014 Reg.Sess., Res. Ch. 1 of 2013-2014 2nd Ex.Sess., and all propositions on the 6/3/2014 ballot

**California Codes \_Education Code \_Title 1. General Education Code Provisions \_Division 1. General Education Code Provisions \_Part 6. Education Programs--State Master Plans \_Chapter 2. Child Care and Development Services Act \_Article 7. California State Preschool Programs**

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.

Current with urgency legislation through Ch. 25, also including Chs. 39 and 41 of 2014 Reg.Sess., Res. Ch. 1 of 2013-2014 2nd Ex.Sess., and all propositions on the 6/3/2014 ballot

California Codes \_Education Code \_Title 1. General Education Code Provisions \_Division 1. General Education Code Provisions \_Part 6. Education Programs--State Master Plans \_Chapter 2. Child Care and Development Services Act \_Article 7. California State Preschool Programs

(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.

**West's Ann.Cal.Educ.Code § 8263.1**

**§ 8263.1. "Income eligible" defined; determination of eligibility for child care**

**Effective: July 1, 2013**

(a) For purposes of this chapter, "income eligible" means that a family's adjusted monthly income is at or below 70 percent of the state median income, adjusted for family size, and adjusted annually.

(b) Notwithstanding any other law, for the 2011-12 fiscal year, the income eligibility limits that were in effect for the 2007-08 fiscal year shall be reduced to 70 percent of the state median income that was in use for the 2007-08 fiscal year, adjusted for family size, effective July 1, 2011.

**California Codes \_Education Code \_Title 1. General Education Code Provisions \_Division 1. General Education Code Provisions \_Part 6. Education Programs--State Master Plans \_Chapter 2. Child Care and Development Services Act \_Article 7. California State Preschool Programs**

(c) Notwithstanding any other law, for the 2012-13 fiscal year, the income eligibility limits shall be 70 percent of the state median income that was in use for the 2007-08 fiscal year, adjusted for family size.

(d) Notwithstanding any other law, for the 2013-14 fiscal year, the income eligibility limits shall be 70 percent of the state median income that was in use for the 2007-08 fiscal year, adjusted for family size.

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

**West's Ann.Cal.Educ.Code § 8263.2**

**§ 8263.2. Reduction in maximum reimbursable amounts of contracts for specified programs;  
disenrollment of families from subsidized child care services**

**Effective: June 30, 2011**

(a) Notwithstanding any other law, effective July 1, 2011, the department shall reduce the maximum reimbursable amounts of the contracts for the Preschool Education Program, the General Child Care Program, the Migrant Day Care Program, the Alternative Payment Program, the CalWORKs Stage 3 Program, and the Allowance for Handicapped Program by 11 percent or by whatever proportion is necessary to ensure that expenditures for these programs do not exceed the amounts appropriated for them, including any reductions made subsequent to the adoption of the annual Budget Act. The department may consider the contractor's performance or whether the contractor serves children in underserved areas as defined in subdivision (ag) of Section 8208 when determining contract reductions, provided that the aggregate reduction to each program specified in this subdivision is 11 percent or by whatever proportion is necessary to ensure that expenditures for these programs do not exceed the amounts appropriated for them, including any reductions made subsequent to the adoption of the annual Budget Act.

(b) Notwithstanding any other law, effective July 1, 2011, families shall be disenrolled from subsidized child care services, consistent with the priorities for services specified in subdivision (b) of Section 8263. Families shall be disenrolled in the following order:

(1) Families whose income exceeds 70 percent of the state median income (SMI) adjusted for family size, except for families whose children are receiving child protective services or are at risk of being neglected or abused.

(2) Families with the highest income below 70 percent of the SMI, in relation to family size.

(3) Families that have the same income and have been enrolled in child care services the longest.

(4) Families that have the same income and have a child with exceptional needs.

Current with urgency legislation through Ch. 25, also including Chs. 39 and 41 of 2014 Reg.Sess., Res. Ch. 1 of 2013-2014 2nd Ex.Sess., and all propositions on the 6/3/2014 ballot

California Codes \_Education Code \_Title 1. General Education Code Provisions \_Division 1. General Education Code Provisions \_Part 6. Education Programs--State Master Plans \_Chapter 2. Child Care and Development Services Act \_Article 7. California State Preschool Programs

(5) Families whose children are receiving child protective services or are at risk of being neglected or abused, regardless of family income.

**West's Ann.Cal.Educ.Code § 8263.3**

**§ 8263.3. Reduction in maximum reimbursable amounts of contracts for specified programs; considerations; order of disenrollment**

**Effective: June 27, 2012**

(a) Notwithstanding any other law, and in addition to any reductions applied pursuant to Section 8263.2, effective July 1, 2012, the department shall reduce the maximum reimbursable amounts of the contracts for the General Child Care Program, the Migrant Day Care Program, the Alternative Payment Program, the CalWORKs Stage 3 Program, and the Allowance for Handicapped Program by 8.7 percent or by whatever proportion is necessary to ensure that expenditures for these programs do not exceed the amounts appropriated for them, as adjusted for any reductions in appropriations made subsequent to the adoption of the annual Budget Act. The department may consider the contractor's performance or whether the contractor serves children in underserved areas as defined in subdivision (ag) of Section 8208 when determining contract reductions, provided that the aggregate reduction to each program specified in this subdivision is 8.7 percent or whatever proportion is necessary to ensure that expenditures for these programs do not exceed the amounts appropriated for them, as adjusted for any reductions in appropriations made subsequent to the adoption of the annual Budget Act.

(b) Notwithstanding any other law, effective July 1, 2012, families shall be disenrolled from subsidized child care services, consistent with the priorities for services specified in subdivision (b) of Section 8263. Families shall be disenrolled in the following order:

(1) Families with the highest income in relation to family size.

(2) Families that have the same income and have been enrolled in child care services the longest.

(3) Families that have the same income and have a child with exceptional needs.

(4) Families whose children are receiving child protective services or are at risk of being neglected or abused, regardless of family income.

**West's Ann.Cal.Educ.Code § 8263.4**

**§ 8263.4. Preferred placement for otherwise eligible children ages 11 or 12; receipt of subsidized child care services; availability of before and after school programs; disenrollment; application of section;** Current with urgency legislation through Ch. 25, also including Chs. 39 and 41 of 2014 Reg.Sess., Res. Ch. 1 of 2013-2014 2nd Ex.Sess., and all propositions on the 6/3/2014 ballot

California Codes \_Education Code \_Title 1. General Education Code Provisions \_Division 1. General Education Code Provisions \_Part 6. Education Programs--State Master Plans \_Chapter 2. Child Care and Development Services Act \_Article 7. California State Preschool Programs  
annual report of savings

Effective: June 30, 2011

(a) The preferred placement for children who are 11 or 12 years of age and who are otherwise eligible for subsidized child care and development services shall be in a before or after school program.

(b) Children who are 11 or 12 years of age shall be eligible for subsidized child care services only for the portion of care needed that is not available in a before or after school program provided pursuant to Article 22.5 (commencing with Section 8482) or Article 22.6 (commencing with Section 8484.7). Contractors shall provide each family of an eligible 11 or 12 year old with the option of combining care provided in a before or after school program with subsidized child care in another setting, for those hours within a day when the before or after school program does not operate, in order to meet the child care needs of the family.

(c) Children who are 11 or 12 years of age, who are eligible for and who are receiving subsidized child care services, and for whom a before or after school program is not available, shall continue to receive subsidized child care services.

(d) A before or after school program shall be considered not available when a parent certifies in writing, on a form provided by the department that is translated into the parent's primary language pursuant to Sections 7295.4 and 7296.2 of the Government Code, the reason or reasons why the program would not meet the child care needs of the family. The reasons why a before or after school program shall be considered not available shall include, but not be limited to, any of the following:

(1) The program does not provide services when needed during the year, such as during the summer, school breaks, or intersession.

(2) The program does not provide services when needed during the day, such as in the early morning, evening, or weekend hours.

(3) The program is too geographically distant from the child's school of attendance.

(4) The program is too geographically distant from the parents' residence.

(5) Use of the program would create substantial transportation obstacles for the family.

(6) Any other reason that makes the use of before or after school care inappropriate for the child or burdensome on Current with urgency legislation through Ch. 25, also including Chs. 39 and 41 of 2014 Reg.Sess., Res. Ch. 1 of 2013-2014 2nd Ex.Sess., and all propositions on the 6/3/2014 ballot

California Codes \_Education Code \_Title 1. General Education Code Provisions \_Division 1. General Education Code Provisions \_Part 6. Education Programs--State Master Plans \_Chapter 2. Child Care and Development Services Act \_Article 7. California State Preschool Programs  
the family.

(e) If an 11 or 12 year old child who is enrolled in a subsidized child development program becomes ineligible for subsidized child care under subdivision (b) and is disenrolled from the before or after school program, or if the before or after school program no longer meets the child care needs of the family, the child shall be given priority to return to the subsidized child care services upon the parent's notification of the contractor of the need for child care.

(f) This section does not apply to an 11 or 12 year old child with a disability, including a child with exceptional needs who has an individualized education program as required by the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), or Part 30 (commencing with Section 56000) of Division 4 of Title 2.

(g) The savings generated each contract year by the implementation of the changes made to this section by the act amending this section during the 2005-06 Regular Session shall remain with each alternative payment program, child development center, or other contractor for the provision of child care services, except for care provided by programs pursuant to Article 15.5 (commencing with Section 8350). Each contractor shall report annually to the department the amount of savings resulting from this implementation, and the department shall report annually to the Legislature the amount of savings statewide resulting from that implementation.

**West's Ann.Cal.Educ.Code § 8263.5**

**§ 8263.5. Repealed by Stats.1984, c. 1602, § 3, eff. Sept. 30, 1984**

**West's Ann.Cal.Educ.Code § 8264**

**§ 8264. Delivery of health screening and followup services**

By July 1, 1981, and annually thereafter, the State Department of Health Services shall provide a mechanism for the delivery of health screening and followup services for children enrolled in child care and development programs for whom there are no appropriate health services accessible by referral.

**West's Ann.Cal.Educ.Code § 8264.5**

**§ 8264.5. Child development requirements; waiver or modification**

**Effective: July 1, 2009**

The Superintendent may waive or modify child development requirements in order to enable child development programs to serve combinations of eligible children in areas of low population. The child development programs for which the Superintendent may grant waivers shall include, but need not be limited to, California state preschool full-day programs, 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), infant care and development services, migrant child care and development programs, and general child care and development programs.

**West's Ann.Cal.Educ.Code § 8264.6**

Current with urgency legislation through Ch. 25, also including Chs. 39 and 41 of 2014 Reg.Sess., Res. Ch. 1 of 2013-2014 2nd Ex.Sess., and all propositions on the 6/3/2014 ballot

California Codes \_Education Code \_Title 1. General Education Code Provisions \_Division 1. General Education Code Provisions \_Part 6. Education Programs--State Master Plans \_Chapter 2. Child Care and Development Services Act \_Article 7. California State Preschool Programs  
§ 8264.6. Outreach services and technical assistance

Effective: September 29, 2004

The Superintendent of Public Instruction may provide outreach services and technical assistance to new child care contracting agencies and to those providing child care during nontraditional times, in underserved geographic areas, and for children with special child care needs, including infants and toddlers under three years of age.

West's Ann.Cal.Educ.Code § 8264.7

§ 8264.7. Staffing; basis of approval of programs

Effective: September 29, 2004

The Superintendent of Public Instruction shall establish rules and regulations for the staffing of all center-based child care and development programs under contract with the department.

Priority shall be given by the department to the employment of persons in child development programs with ethnic backgrounds which are similar to those of the child for whom child development services are provided.

For purposes of staffing child care and development programs, the role of a teacher in child supervision means direct supervision of the children as well as supervision of aides and groups of children.

Family child care homes shall operate pursuant to adult/child ratios prescribed in Chapter 7 (commencing with Section 86001) of Division 6 of Title 22 of the California Code of Regulations.

Approval by the Superintendent of Public Instruction of any ongoing or new programs seeking to operate under the ratios and standards established by the Superintendent of Public Instruction under this chapter shall be based upon the following considerations:

- (a) The type of facility in which care is being or is to be provided.
- (b) The ability of the Superintendent of Public Instruction to implement a funding source change.
- (c) The proportion of nonsubsidized children enrolled or to be enrolled by the agency.
- (d) The most cost-effective ratios possible for the type of services provided or to be provided by the agency.

The Superintendent of Public Instruction shall apply for such waivers of federal requirements as are necessary to carry out this section.

Current with urgency legislation through Ch. 25, also including Chs. 39 and 41 of 2014 Reg.Sess., Res. Ch. 1 of 2013-2014 2nd Ex.Sess., and all propositions on the 6/3/2014 ballot

California Codes \_Education Code \_Title 1. General Education Code Provisions \_Division 1. General Education Code Provisions \_Part 6. Education Programs--State Master Plans \_Chapter 2. Child Care and Development Services Act \_Article 7. California State Preschool Programs

West's Ann.Cal.Educ.Code § 8264.8

§ 8264.8. Regulations for center-based programs

Effective: September 29, 2004

Until the Superintendent of Public Instruction promulgates regulations for center-based programs establishing staffing ratios, the following staffing ratios shall apply:

- (a) Infants, 0 to 2 years old--1:3 adult-child ratio, 1:18 teacher-child ratio.
- (b) Infants and toddlers, 0 to 2 years old--1:4 adult-child ratio, 1:16 teacher-child ratio.
- (c) Children 3 to 6 years old--1:8 adult-child ratio, 1:24 teacher-child ratio.
- (d) Children 6 to 10 years old--1:14 adult-child ratio, 1:28 teacher-child ratio.
- (e) Children 10 to 13 years old--1:18 adult-child ratio, 1:36 teacher-child ratio.
- (f) If groups of children of varying ages are commingled, the teacher and adult ratios shall be proportionate and appropriate to the ages and groups of children.