



# Legislative Update on Child Development

October 13, 2015

(Number 26)

Final 2015 Issue

## Final Update

This *Update* includes the final action on all bills by the Governor. If bills were vetoed, we also include relevant portions of the Governor's veto message. Urgency legislation takes effect upon his signature; other legislation will take effect on January 1, 2016. Any bills that did not complete the process this year may be heard next year. All two-year bills must pass the house in which they were introduced by January 31, 2016.

## New Laws

### AB 271 • Obernolte

#### Alternative Payment: Electronic Records

This bill allows Alternative Payment Programs to maintain records electronically even if the original records are not created electronically. It requires conversion of paper records to electronic records and storage of electronic records to comply with minimum standards for trustworthy electronic record preservation. The bill requires electronic records and signatures to meet state and federal standards.

Sponsor: California Alternative Payment Program Association (916) 567-6797

Last amended: 5/28/15

Consultant: Justin Hyer (916) 319-2033

Signed: Chapter 476

### AB 302 • Cristina Garcia

#### Parenting Pupils: Lactation

This bill requires schools with a lactating pupil to provide reasonable accommodation on campus including access to a private and secure room with a power source to express milk or breastfeed an infant, a place to safely store expressed milk, and permission to bring a breast pump on campus. It prohibits students from incurring an academic penalty for using such accommodations.

Sponsors: California Latinas for Reproductive Justice (213) 270-5258, American Civil Liberties Union (916) 442-1036

Last amended: 7/14/15

Consultant: Ashley Medina (916) 319-2058

Signed: Chapter 690

### AB 762 • Mullin

#### Toddler Component Expansion

This bill allows toddler programs to serve children up to 3 years of age (instead of up to 30 months).

Last amended: 8/18/15

Consultant: Miriam Farouk (916) 319-2022

Signed: Chapter 373

### AB 833 • Bonta

#### Alameda County Pilot Project

This bill allows the County of Alameda to develop and implement an individualized county child care subsidy plan approved by the local planning council and the Alameda County Board of Supervisors that may modify state requirements for eligibility, fees, and reimbursement rates. It requires the Early Education and Support Division to review and approve or disapprove the plan and any changes to the plan within 30 days. The bill requires the county to demonstrate an increase in the child days of enrollment at the end of the first year.

Sponsor: Alameda County Early Care and Education Planning Council (510) 208-9675

Last amended: 9/4/15

Consultant: Jacqueline Orpilla (916) 319-2018

Signed: Chapter 563

### AB 982 • Eggman

#### Child Development: Homeless Eligibility

This bill allows a local educational agency liaison for homeless children, a Head Start program, or a transitional shelter to identify the need of homeless children for subsidized child care and development services.

Sponsor: National Association for the Education of Homeless Children and Youth (866) 862-2562

Last amended: 7/2/15

Consultant: Laura Ayala (916) 319-2013

Signed: Chapter 567

### AB 1207 • López

#### Child Care: Child Abuse Reporting

This bill requires the Department of Social Service to develop and disseminate information on the detection and reporting of child abuse to child care providers and provide statewide online instruction on child abuse for child care providers and, by January 1, 2018, require providers to complete the instruction prior to licensure or within 90 days of employment and at least once every two years.

Sponsor: Child Care Law Center (415) 558-8005

Last amended: 9/4/15

Consultant: Kristi Lopez (916) 319-2039

Signed: Chapter 414

### AB 1387 • Chu

#### Child Care Licensing: Penalties

This bill clarifies the complaint process for residential care facilities for the elderly. It requires citations imposing higher penalties for death, physical abuse or serious bodily injury to be approved by the program administrator of the Community Care Licensing Division instead of the Director of the Department of Social Services. The bill allows a written request for formal review of serious citations directly to the deputy director of the Community Care Licensing Division and not to a regional manager or the program administrator. It establishes processes to appeal other civil penalties and formal reviews of a finding of deficiency. The bill eliminates the use of funds from licensing penalties for finding alternative care for children when a center or home license is suspended or revoked.

Last amended: 9/4/15

Consultant: Daphne Hunt (916) 319-2089

Signed: Chapter 486

### SB 79 • Budget & Fiscal Review

#### Human Services Budget Trailer

This bill makes changes to federal immigration assistance, CalWORKs, community care licensing, child welfare services, adult protective services, and realignment to implement human services provisions of the budget. It increases inspections of community care facilities from once every five years to once every three years for child care facilities, once every two years for children's residential care facilities, and annual inspections of adult and senior care facilities. It suspends the exemption for the fingerprinting license fee for an additional two years. Contains other provisions.

Last amended: 6/17/15

Consultant: Samantha Lui (916) 651-4103

Signed: Chapter 20

### SB 103 • Budget & Fiscal Review

#### Budget: Education Finance

This bill extends the individualized county child care subsidy plan pilot program in the County of San Mateo indefinitely. Contains other provisions and technical changes to the budget.

Last amended: 8/25/15

Consultant: (916) 651-4103

Signed: Chapter 324

### SB 277 • Pan

#### Vaccinations: Personal Belief Exemption

This bill eliminates the exemption for any currently required immunizations for admittance to public or private schools, child care centers, family child care homes, or development centers based upon personal beliefs and only allows exemptions for medical reasons. It exempts children who currently have an exemption on file until they enter kindergarten or seventh grade. The bill provides that lack of required immunizations would not prevent students from accessing any required special education or related services. It allows exemptions for future required immunizations for personal belief deemed appropriate by the California Department of Public Health. The bill exempts a home-based private school and independent study programs where the child doesn't attend classroom-based instruction. It allows for the temporary exclusion only of children who have not been immunized from school due to exposure to disease.

Last amended: 6/18/15

Consultant: Darin Walsh (916) 651-4006

Signed: Chapter 35

### SB 579 • Jackson

#### Sick Leave: Child Care/School Emergency

This bill allows an employee, as part of the time allowed to participate in school activities, to find, enroll, or reenroll a child in school or day care or to address a child care or school emergency. It requires an employer to allow an employee to use sick leave to attend to preventative care of a child, parent, spouse, or domestic partner and prohibits discriminatory action against the employee for using or attempting to use sick leave for these purposes.

Sponsor: Child Care Law Center (415) 558-8005, Legal Aid Society – Employment Law Center (415) 864-8848

Last amended: 7/16/15

Consultant: Chris Reeve (916) 651-4019

Signed: Chapter 802

### SB 792 • Mendoza

#### Child Care Programs: Staff Immunizations

This bill requires employees and volunteers in child care centers and family child care homes, beginning September 1, 2016, to be immunized against measles, pertussis, and influenza. It allows employees to refuse the vaccination for influenza. The bill requires employees of child care centers (in addition to family child care homes) to show evidence of being clear of tuberculosis. It requires centers and homes to maintain records of staff immunizations.

Sponsor: Health Officers Association of California (916) 441-7405

Last amended: 9/4/15

Consultant: Dorian Almaraz (916) 651-4032

Signed: Chapter 807

## Vetoed by the Governor

### AB 47 • McCarty Preschool Funding

This bill would require, beginning June 30, 2018 and contingent upon sufficient funding provided in the state budget, all children in families below 75% of the state median income not enrolled in transitional kindergarten to have access to the State Preschool program the year before they enter kindergarten.

Last amended: 9/4/15

Consultant: Bryan Singh (916) 319-2007

Governor's Veto Message: "The discussion on expanding state preschool - which takes into account rates paid to providers as well as access and availability for families - should be considered in the budget process, as it is every year. A bill that sets an arbitrary deadline, contingent on a sufficient appropriation, is unnecessary."

### AB 74 • Calderon Community Care Licensing: Visits

This bill would require, beginning January 1, 2019, child care centers and family child care homes to receive an annual unannounced visit instead of a visit at least once every five years and more frequent visits under certain circumstances. It would require child care centers and family child care homes to be visited once every two years between January 1, 2018 and January 1, 2019 and visits to 20% of other centers and homes not subject to the biannual inspections.

Last amended: 9/2/15

Consultant: Kelsy Castillo (916) 319-2057

Governor's Veto Message: "Earlier this year, the 2015-16 Budget Act increased the frequency of inspections of licensed child care facilities to once every three years. Further increasing the frequency of these inspections may be a worthy goal, but the cost of this change should be considered in the budget process."

### SB 110 • Fuller Threats: Schools

This bill would make it a misdemeanor or felony to make willful threats of unlawful violence against another person with the prospect of immediate execution at a state preschool or public or private school, including by an electronic act, that creates a disruption at school.

Sponsor: Bakersfield Police Department (661) 327-7111

Last amended: 8/17/15

Consultant: Maddie Dunlap (916) 651-4016

Governor's Veto Message: "While I'm sympathetic and utterly committed to ensuring maximum safety for California's school children, the offensive conduct covered by this bill is already illegal."

### SB 456 • Block Threats: Discharge of Firearm at School

This bill would make it a misdemeanor or felony to make willful threats of discharging a firearm with the prospect of immediate execution at a state preschool or public or private school during a time that school or a school-sponsored event is taking place.

Last amended: 7/16/15

Consultant: Kevin Powers (916) 651-4039

Governor's Veto Message: "While I'm sympathetic and utterly committed to ensuring maximum safety for California's school children, the offensive conduct covered by this bill is already illegal."

### SB 548 • de León Family Child Care: Representation

This bill would, subject to funding provided for that purpose, require the State Department of Education to ensure that all family care care providers attend an in-person orientation training (including coverage of minimum health and safety standards). It would, subject to funding, require the State Department of Social Services and State Department of Education to provide con-

tact information to provider organizations within 30 days of a request, at the expense of the provider organizations. The bill would require the contact information to be used only to advocate on behalf of family child care providers and educate them on the rights and services available to them.

Sponsor: SEIU State Council (916) 442-3838

Last amended: 9/11/15

Consultant: Jennifer Troia (916) 651-4170

Governor's Veto Message: "The bill prematurely anticipates what will be necessary to comply with the new federal Child Care and Development Block Grant Act of 2014. California will need to be in compliance with an abundance of new requirements, not all of which are clear at this juncture. The Department of Education is currently working with stakeholders to update our state's plan, to be submitted by March 1, 2016, after further federal guidance is issued. Public input will be sought prior to the finalization of the plan. As part of that work, I will direct the State Advisory Council on Early Learning and Care to work with the department and review how the state can best position itself to meet those requirements efficiently and effectively, including the delivery of any training."

### Budget Bills

AB 93 • Weber • 2015-16 Budget • Chapter 10

SB 97 • Budget and Fiscal Review • 2015-16 Budget • Chapter 11

### Inactive Bills

AB 106 • Budget • Human Services Budget Trailer • Dropped

AB 128 • Budget • Budget: Education Finance • Dropped

AB 188 • Cristina Garcia • Alternative Payment: Eligibility • Two-year bill

AB 233 • López • Child Care Annual Eligibility • Two-year bill

AB 282 • Eggman • Corded Window Coverings • Two-year bill

AB 427 • Weber • Child Care Programs: Military Eligibility • Two-year bill

AB 492 • Gonzalez • CalWORKs: Diapers for Child Care • Two-year bill

AB 589 • López • Online Child Care Job Posting • Two-year bill

AB 598 • Rendon • Family Child Care Education Networks • Two-year bill

AB 648 • Low • Virtual Dental Home • Child care provisions deleted

AB 713 • Weber • Mandatory Kindergarten • Two-year bill

AB 743 • Eggman • CalWORKs Education and Training • Child care provisions deleted

AB 765 • Ridley-Thomas • Standard Reimbursement Rate • Two-year bill

AB 891 • Campos • After School Programs Priority • After school provisions deleted

AB 1114 • Bonilla • Kindergarten Evaluation • Provisions deleted

AB 1133 • Achadjian • Mental Health Intervention and Prevention • Two-year bill

AB 1161 • Olsen • Privately Funded Preschool Tax Credit • Two-year bill

AB 1314 • Thurmond • Early Care and Education Programs • Spot bill

AB 1467 • Bloom • Community Care Facilities: Penalties • Two-year bill

SB 94 • Budget & Fiscal Review • Eligibility Priority Trailer • Two-year bill

SB 114 • Liu • Education Facilities Bond • Two-year bill

SB 212 • Mendoza • Drug Trafficking Near Preschools • Child care provisions deleted

SB 268 • Nguyen • State Dependent Care Tax Credit • Two-year bill

SB 311 • Beall • Alum Rock Pilot Project • Two-year bill

SB 401 • Nguyen • Child Care Centers: Office Buildings • Two-year bill

SB 472 • Cannella • State Dependent Care Tax Credit • Spot bill

SB 567 • Liu • Child Care: Continuity of Services • Two-year bill

SB 645 • Hancock • After School Programs: Increased Funding • Two-year bill

SB 670 • Jackson • Employer Child Care Credits • Two-year bill

SB 749 • Morrell • Trustline Registry • Provisions deleted