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AB-2698 California state preschool programs: general child care and development programs: mental health consultation services: adjustment factors. (2017-2018)

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Assembly Bill No. 2698

CHAPTER 946

An act to amend Section 8265.5 of, and to add Section 8265.2 to, the Education Code, relating to child care.

[Approved by Governor September 30, 2018. Filed with Secretary of State September 30, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2698, Rubio. California state preschool programs: general child care and development programs: mental health consultation services: adjustment factors.

Existing law, the Child Care and Development Services Act, establishes a system of child care and development services for children up to 13 years of age, and requires the Superintendent of Public Instruction to implement a plan establishing assigned reimbursement rates, per unit of average daily enrollment, to be paid by the state to provider agencies for the provision of those services. Existing law also provides for an adjustment factor to be applied to units of average daily enrollment if a provider agency serves children who meet specified criteria.

This bill would require the application of an adjustment factor of 1.05 for children who are served in a California state preschool program, infants and toddlers who are 0 to 36 months of age and are served in general child care and development programs, or children who are 0 to 5 years of age and are served in a family child care home education network setting funded by a general child care and development program, where early childhood mental health consultation services, as defined, are provided, pursuant to specified requirements.

Existing law prohibits reporting a child who meets the criteria for more than one adjustment factor under more than one adjustment factor category.

This bill, notwithstanding that prohibition, would require, for a child who meets the criteria for one of specified adjustment factors and for the adjustment factor added by this bill, that the reported child days of enrollment for that child be multiplied by the sum of the specified applicable adjustment factor and 0.05.

This bill would incorporate additional changes to Section 8265.5 of the Education Code proposed by both SB 874 and AB 1840, to be operative only if this bill and one or both of SB 874 and AB 1840 are enacted and this bill is enacted last.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares both of the following:

(1) Early childhood mental health consultation models provide important supports for effective classroom management and positive learning environments, including supportive teacher practices and strategies for supporting all children, including those with challenging behaviors and other social, emotional, and mental health concerns.

(2) Research shows that early childhood mental health consultation models can play an important role in addressing challenging behaviors and can yield positive social and emotional outcomes for children, including reducing preschool expulsions.

(b) It is the intent of the Legislature in enacting this act to encourage mental health consultation services in California state preschools and general child care and development programs as a means of providing adequate supports to teachers, children, and caregivers, including support in addressing challenging behaviors and other social, emotional, and mental health concerns.

SEC. 2. Section 8265.2 is added to the Education Code, to read:

8265.2. (a) (1) For purposes of this section, “early childhood mental health consultation service” means a service benefiting a child who is served in a California state preschool program, an infant or toddler who is 0 to 36 months of age and is served in a general child care and development program pursuant to this chapter, or a child who is 0 to 5 years of age and is served in a family child care home education network setting funded by a general child care and development program pursuant to this chapter.

(2) For purposes of this section, “early childhood mental health consultation service” includes, but is not limited to, all of the following:

(A) Support to respond effectively to all children, with a focus on young children with disabilities, challenging behaviors, and other special needs.

(B) Assistance through individual site consultations, provision of resources, formulation of training plans, referrals, and other methods that address the unique needs of programs and providers.

(C) Aid to providers in developing the skills and tools needed to be successful as they support the development and early learning of all children, including observing environments, facilitating the development of action plans, and supporting site implementation of those plans.

(D) The development of strategies for addressing prevalent child mental health concerns, including internalizing problems, such as appearing withdrawn, and externalizing problems, such as exhibiting challenging behaviors.

(E) If a child exhibits persistent and serious challenging behaviors, support with the pursuit and documentation of reasonable steps to maintain the child's safe participation in the program, as described in Section 8239.1.

(b) The cost to a provider agency of providing an early childhood mental health consultation service shall be reimbursable pursuant to Section 8265.5 if all of the following apply:

(1) The early childhood mental health consultation service is provided on a schedule of sufficient and consistent frequency to ensure that a mental health consultant is available to partner with staff and families in a timely and effective manner, as determined by the department.

(2) The early childhood mental health consultation service is supervised and provided by a licensed marriage and family therapist, a licensed clinical social worker, a licensed professional clinical counselor, a licensed psychologist, a licensed child and adolescent psychiatrist, or others as determined by the department. The supervisor shall have at least three years of experience working with children 0 to 5 years of age, shall be adequately insured, shall have held his or her respective license for a minimum of two years, and shall be in full compliance with all continuing education requirements applicable to his or her profession.

(3) The early childhood mental health consultation service uses a relationship-based model emphasizing strengthening relationships among early childhood education providers, parents, children, and representatives of community systems and resources, and integrates reflective practice into the onsite consultation model.

SEC. 3. Section 8265.5 of the Education Code is amended to read:

8265.5. (a) In order to reflect the additional expense of serving children who meet any of the criteria outlined in paragraphs (1) to (7), inclusive, of subdivision (b) the provider agency's reported child days of enrollment for these children shall be multiplied by the adjustment factors listed below.

(b) The adjustment factors shall apply to a full-day state preschool program and those programs for which assigned reimbursement rates are at or below the standard reimbursement rate. In addition, the adjustment factors shall apply to those programs for which assigned reimbursement rates are above the standard reimbursement rate, but the reimbursement rate, as adjusted, shall not exceed the adjusted standard reimbursement rate. The adjustment factors shall apply to those full-day state preschool programs for which assigned reimbursement rates are above the full-day state preschool reimbursement rate, but the reimbursement rate, as adjusted, shall not exceed the adjusted full-day state preschool reimbursement rate.

(1) For infants who are 0 to 18 months of age and are served in a child day care center or a family child care home, the adjustment factor shall be 2.44.

(2) For toddlers who are 18 to 36 months of age and are served in a child day care center or a family child care home, the adjustment factor shall be 1.8.

(3) For children with exceptional needs who are 0 to 21 years of age, the adjustment factor shall be 1.54.

(4) For severely disabled children who are 0 to 21 years of age, the adjustment factor shall be 1.93.

(5) For children at risk of neglect, abuse, or exploitation who are 0 to 14 years of age, the adjustment factor shall be 1.1.

(6) For limited-English-speaking and non-English-speaking children who are two years of age through kindergarten age, the adjustment factor shall be 1.1.

(7) For children who are served in a California state preschool program, infants and toddlers who are 0 to 36 months of age and are served in general child care and development programs, or children who are 0 to 5 years of age and are served in a family child care home education network setting funded by a general child care and development program, where early childhood mental health consultation services are provided, pursuant to Section 8265.2, the adjustment factor shall be 1.05.

(c) Use of the adjustment factors shall not increase the provider agency's total annual allocation.

(d) (1) Days of enrollment for children who meet more than one of the criteria outlined in paragraphs (1) to (6), inclusive, of subdivision (b) shall not be reported under more than one of the categories specified in those paragraphs.

(2) Notwithstanding paragraph (1), for children for whom an adjustment factor is applied pursuant to any of paragraphs (1) to (6), inclusive, of subdivision (b), and who are additionally eligible for the adjustment factor established in paragraph (7) of subdivision (b), reported child days of enrollment shall be multiplied by the sum of the applicable adjustment factor under paragraphs (1) to (6), inclusive, of subdivision (b) and 0.05.

(e) The difference between the reimbursement resulting from the use of the adjustment factors outlined in paragraphs (1) to (7), inclusive, of subdivision (b) and the reimbursement that would otherwise be received by a provider in the absence of the adjustment factors shall be used for special and appropriate services for each child for whom an adjustment factor is claimed.

SEC. 3.5. Section 8265.5 of the Education Code is amended to read:

8265.5. (a) In order to reflect the additional expense of serving children who meet any of the criteria outlined in subdivision (c), the provider agency's reported child days of enrollment for these children shall be multiplied by the adjustment factors listed below.

(b) The adjustment factors shall apply to a full-day state preschool program and those programs for which assigned reimbursement rates are at or below the standard reimbursement rate. In addition, the adjustment factors shall apply to those programs for which assigned reimbursement rates are above the standard reimbursement rate, but the reimbursement rate, as adjusted, shall not exceed the adjusted standard reimbursement rate. The adjustment factors shall apply to those full-day state preschool programs for which assigned reimbursement rates are above the full-day state preschool reimbursement rate, but the reimbursement rate, as adjusted, shall not exceed the adjusted full-day state preschool reimbursement rate.

(c) Notwithstanding any other law, commencing January 1, 2019, the adjustment factors shall be as follows:

(1) For infants who are 0 to 18 months of age and are served in a child day care center or a family child care home, the adjustment factor shall be 2.44.

(2) For toddlers who are 18 to 36 months of age and are served in a child day care center or a family child care home, the adjustment factor shall be 1.8.

(3) For children with exceptional needs who are 0 to 21 years of age, the adjustment factor shall be 1.54.

(4) For severely disabled children who are 0 to 21 years of age, the adjustment factor shall be 1.93.

(5) For children at risk of neglect, abuse, or exploitation who are 0 to 14 years of age, the adjustment factor shall be 1.1.

(6) For limited-English-speaking and non-English-speaking children who are two years of age through kindergarten age, the adjustment factor shall be 1.1.

(7) For children who are served in a California state preschool program, infants and toddlers who are 0 to 36 months of age and are served in general child care and development programs, or children who are 0 to 5 years of age and are served in a family child care home education network setting funded by a general child care and development program, where early childhood mental health consultation services are provided, pursuant to Section 8265.2, the adjustment factor shall be 1.05.

(d) Use of the adjustment factors shall not increase the provider agency's total annual allocation.

(e) (1) Days of enrollment for children who meet more than one of the criteria outlined in paragraphs (1) to (6), inclusive, of subdivision (c) shall not be reported under more than one of the categories specified in those paragraphs.

(2) Notwithstanding paragraph (1), for children for whom an adjustment factor is applied pursuant to any of paragraphs (1) to (6), inclusive, of subdivision (c), and who are additionally eligible for the adjustment factor established in paragraph (7) of subdivision (c), reported child days of enrollment shall be multiplied by the sum of the applicable adjustment factor under paragraphs (1) to (6), inclusive, of subdivision (c) and 0.05.

(f) The difference between the reimbursement resulting from the use of the adjustment factors outlined in subdivision (c) and the reimbursement that would otherwise be received by a provider in the absence of the adjustment factors shall be used for special and appropriate services for each child for whom an adjustment factor is claimed.

SEC. 4. Section 3.5 of this bill incorporates amendments to Section 8265.5 of the Education Code proposed by this bill, Senate Bill 874, and Assembly Bill 1840. That section of this bill shall only become operative if (1) this bill and one or both of Senate Bill 874 and Assembly Bill 1840 are enacted and become effective on or before January 1, 2019, (2) this bill and one or both of Senate Bill 874 and Assembly Bill 1840, as enacted, amends Section 8265.5 of the Education Code, and (3) this bill is enacted last of these bills amending Section 8265.5 of the Education Code, in which case Section 8265.5 of the Education Code, as amended by either Senate Bill 874 or Assembly Bill 1840, whichever is operative, shall remain operative only until the operative date of this bill, at which time Section 3.5 of this bill shall become operative, and Section 3 of this bill shall not become operative.