

AMENDED IN ASSEMBLY APRIL 12, 2021  
california legislature—2021–22 regular session

**ASSEMBLY BILL**

**No. 1363**

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**Introduced by Assembly Member Luz Rivas (Coauthors:  
Assembly Members Chiu, Eduardo Garcia, and Medina)**

February 19, 2021

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An act to amend Sections 8203, 8208, and 8265.5 of, and to add Section 8264.9 to, the Education Code, relating to childcare.

**legislative counsel's digest**

AB 1363, as amended, Luz Rivas. Childcare: dual language learners.

Existing law, the Child Care and Development Services Act, has as one of its purposes the provision of a comprehensive, coordinated, and cost-effective system of childcare and development services for children from infancy to 13 years of age and their parents, including a full range of supervision, health, and support services through full- and part-time programs. The act requires the Superintendent of Public Instruction to develop standards for the implementation of quality programs and requires that indicators of quality include, among other things, program activities and services that meet the cultural and linguistic needs of children and families. The act 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, and provides for an adjustment factor of 1.1 to be applied to units of average daily enrollment if a provider agency serves limited-English-speaking and non-English-speaking children who are 2 years of age through kindergarten age.

Existing law, commencing July 1, 2021, transfers responsibility for the administration of specified childcare and development services programs from the State Department of Education to the State Department of Social Services. Existing law requires statutory references to the ~~Superintendent of Public Instruction, Superintendent,~~ for purposes of the programs transferred to the State Department of Social Services on July 1, 2021, to instead be construed to mean the State Department of Social Services.

This bill would require the above-described quality indicator to include program activities and services that meet the need of dual language learners for support in the development of their home language and English. The bill would instead require an adjustment factor of 1.1 to be applied to units of average daily enrollment if a provider agency serves dual language learners who are 2 years of age through kindergarten age. The bill would also require the ~~Superintendent of Public Instruction~~ to develop procedures for providers to identify and report data on dual language learners enrolled in a preschool program, as specified, and would require the reported data to include, among other things, a child’s home language and the language composition of the program staff. The bill would define “dual language learners” for these purposes to mean a child from birth to 5 years of age ~~who is enrolled in a California state preschool program~~ who is *exposed to or* learning 2 or more languages at the same time, or who is continuing to develop their home language while learning a second language, such as English.

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

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

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) Research shows that fluency in another language opens up
- 4 opportunities for people to succeed economically and academically.
- 5 It introduces people to new cultures and new ways of looking at
- 6 the world. The study of languages boosts pupils’ mental flexibility,
- 7 enhancing their ability to learn all subjects. The study of languages
- 8 helps to enrich communities economically, culturally, and socially.
- 9 Graduating multilingual and biliterate students greatly benefits the
- 10 state. California requires people with biliteracy skills and

1 cross-cultural competencies to work in and fuel the economy, to  
2 strengthen our social cohesion, and to enrich the quality of life in  
3 our communities.

4 (2) In 2016, California voters recognized the importance and  
5 benefits of learning one or more languages, in addition to English,  
6 when they overwhelmingly passed Proposition 58, the California  
7 Education for a Global Economy Initiative, giving the state a clear  
8 directive to promote, provide, and support biliteracy programs and  
9 opportunities for all pupils. In 2017, the State Board of Education  
10 adopted the California English Learner Roadmap, which declares  
11 biliteracy as a state goal and strongly promotes multilingual  
12 proficiency for all children, beginning in early childhood. Taken  
13 together, these policies reflect a dramatic shift in public sentiment  
14 away from a focus on English only and to a focus that values  
15 bilingualism as an asset and a strength. Brain development research  
16 reinforces that the early years of life present a timely opportunity  
17 for developing bilingualism.

18 (3) California is home to the nation's largest multilingual  
19 population. Approximately 60 percent of the state's children from  
20 birth through five years of age are dual language learners, and  
21 nearly 20 percent of school-aged children are English learners.  
22 Dual language and English learner children enter the education  
23 system with valuable linguistic and cultural assets that contribute  
24 to the state's rich diversity and competitiveness in a global  
25 economy. Research proves that when children and students are  
26 given the support they need to develop their home language and  
27 English language skills, over time they will outperform their  
28 monolingual peers because such support prevents language loss,  
29 promotes positive identity development, and strengthens family  
30 relations, all of which are critical to academic and life success.

31 (4) COVID-19 has significantly and disproportionately disrupted  
32 access for dual language learners to quality early learning and care.  
33 In these critical developmental years, dual language learners need  
34 responsive support in order to retain and build their rich linguistic  
35 base. Research by the American Institutes for Research shows that  
36 81 percent of dual language learners lost access to their childcare  
37 or preschool programs as a result of COVID-19.

38 (5) On December 1, 2020, Governor Gavin Newsom unveiled  
39 the state's Master Plan for Early Learning and Care, which  
40 identified supporting dual language learners as a critical lever in

1 achieving a more equitable system for all children. A major  
2 challenge in addressing the needs of dual language learners and  
3 their families is the lack of a systematic approach to identification  
4 of a child's home language. The Master Plan calls on the state to  
5 advance legislation to improve the way state-subsidized early  
6 learning and care providers identify and support their dual language  
7 learners by identifying who they are and their diverse languages,  
8 assessing and supporting the capacity of providers, teachers and  
9 staff to support their linguistic needs, and then to monitor the  
10 developmental progress of dual language learners along their  
11 language development journey.

12 (b) It is therefore the intent of the Legislature to enact legislation  
13 to achieve the goals for dual language learners established in the  
14 Master Plan for Early Learning and Care to collect data that will  
15 ensure their equitable access to high-quality early learning  
16 programs and inform future policies about how the state system  
17 and local programs can be improved to support their optimal  
18 bilingual and overall development.

19 (c) It is further the intent of the Legislature that the purpose of  
20 the identification of dual language learners is to better understand  
21 the child's language background in order to support and strengthen  
22 their dual language development and competencies, as well as to  
23 inform program curriculum, strategies used in the learning setting,  
24 professional development, and other supports for dual language  
25 learner children.

26 SEC. 2. Section 8203 of the Education Code is amended to  
27 read:

28 8203. The Superintendent of Public Instruction shall develop  
29 standards for the implementation of quality programs. Indicators  
30 of quality shall include, but not be limited to, all of the following:

31 (a) A physical environment that is safe and appropriate to the  
32 ages of the children and that meets applicable licensing standards.

33 (b) Program activities and services that are age appropriate and  
34 meet the developmental needs of each child.

35 (c) Program activities and services that meet the cultural and  
36 linguistic needs of children and families, including, but not limited  
37 to, program activities and services that meet the need of dual  
38 language learners for support in the development of their home  
39 language and English.

40 (d) Family and community involvement.

- 1 (e) Parent education.
  - 2 (f) Efficient and effective local program administration.
  - 3 (g) Staff that possesses the appropriate and required
  - 4 qualifications, experience, or training, or a combination thereof.
  - 5 The appropriate staff qualifications shall reflect the diverse
  - 6 linguistic and cultural makeup and needs of the children and
  - 7 families in the childcare and development program. The use of
  - 8 intergenerational staff shall be encouraged.
  - 9 (h) Program activities and services that meet the needs of
  - 10 children with exceptional needs and their families.
  - 11 (i) Support services for children, families, and providers of care.
  - 12 (j) Resource and referral services.
  - 13 (k) Alternative payment services.
  - 14 (l) Provision for nutritional needs of children.
  - 15 (m) Social services that include, but are not limited to,
  - 16 identification of child and family needs and referral to appropriate
  - 17 agencies.
  - 18 (n) Health services that include referral of children to appropriate
  - 19 agencies for services.
- 20 SEC. 3. Section 8208 of the Education Code is amended to
- 21 read:
- 22 8208. As used in this chapter:
- 23 (a) “Alternative payments” includes payments that are made by
  - 24 one childcare agency to another agency or childcare provider for
  - 25 the provision of childcare and development services, and payments
  - 26 that are made by an agency to a parent for the parent’s purchase
  - 27 of childcare and development services.
  - 28 (b) “Alternative payment program” means a local government
  - 29 agency or nonprofit organization that has contracted with the
  - 30 department pursuant to Section 8220.1 to provide alternative
  - 31 payments and to provide support services to parents and providers.
  - 32 (c) “Applicant or contracting agency” means a school district,
  - 33 community college district, college or university, county
  - 34 superintendent of schools, county, city, public agency, private
  - 35 nontax-exempt agency, private tax-exempt agency, or other entity
  - 36 that is authorized to establish, maintain, or operate services
  - 37 pursuant to this chapter. Private agencies and parent cooperatives,
  - 38 duly licensed by law, shall receive the same consideration as any
  - 39 other authorized entity with no loss of parental decisionmaking
  - 40 prerogatives as consistent with the provisions of this chapter.

- 1 (d) “Assigned reimbursement rate” is that rate established by  
 2 the contract with the agency and is derived by dividing the total  
 3 dollar amount of the contract by the minimum child day of average  
 4 daily enrollment level of service required.
- 5 (e) “Attendance” means the number of children present at a  
 6 childcare and development facility. “Attendance,” for purposes of  
 7 reimbursement, includes excused absences by children because of  
 8 illness, quarantine, illness or quarantine of their parent, family  
 9 emergency, or to spend time with a parent or other relative as  
 10 required by a court of law or that is clearly in the best interest of  
 11 the child.
- 12 (f) “Capital outlay” means the amount paid for the renovation  
 13 and repair of childcare and development facilities to comply with  
 14 state and local health and safety standards, and the amount paid  
 15 for the state purchase of relocatable childcare and development  
 16 facilities for lease to qualifying contracting agencies.
- 17 (g) “Caregiver” means a person who provides direct care,  
 18 supervision, and guidance to children in a childcare and  
 19 development facility.
- 20 (h) “Childcare and development facility” means a residence or  
 21 building or part thereof in which childcare and development  
 22 services are provided.
- 23 (i) “Child care and development programs” means those  
 24 programs that offer a full range of services for children from  
 25 infancy to 13 years of age, for any part of a day, by a public or  
 26 private agency, in centers and family childcare homes. These  
 27 programs include, but are not limited to, all of the following:
- 28 (1) General childcare and development.
  - 29 (2) Migrant childcare and development.
  - 30 (3) Child care provided by the California School Age Families  
 31 Education Program (Article 7.1 (commencing with Section 54740)  
 32 of Chapter 9 of Part 29 of Division 4 of Title 2).
  - 33 (4) California state preschool program.
  - 34 (5) Resource and referral.
  - 35 (6) Child care and development services for children with  
 36 exceptional needs.
  - 37 (7) Family childcare home education network.
  - 38 (8) Alternative payment.
  - 39 (9) Schoolage community childcare.

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

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

11 (l) “Children with exceptional needs” means either of the  
12 following:

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

25 (2) Children 3 to 21 years of age, inclusive, who have been  
26 determined to be eligible for special education and related services  
27 by an individualized education program team according to the  
28 special education requirements contained in Part 30 (commencing  
29 with Section 56000) of Division 4 of Title 2, and who meet  
30 eligibility criteria described in Section 56026 and, Article 2.5  
31 (commencing with Section 56333) of Chapter 4 of Part 30 of  
32 Division 4 of Title 2, and Sections 3030 and 3031 of Title 5 of the  
33 California Code of Regulations. These children shall have an active  
34 individualized education program, shall be receiving early  
35 intervention services or appropriate special education and related  
36 services, and shall be children who require the special attention of  
37 adults in a childcare setting. These children include children with  
38 intellectual disabilities, hearing impairments (including deafness),  
39 speech or language impairments, visual impairments (including  
40 blindness), serious emotional disturbance (also referred to as

1 emotional disturbance), orthopedic impairments, autism, traumatic  
2 brain injury, other health impairments, or specific learning  
3 disabilities, who need special education and related services  
4 consistent with Section 1401(3)(A) of Title 20 of the United States  
5 Code.

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

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

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

30 (p) “Family childcare home education network” means an entity  
31 organized under law that contracts with the department pursuant  
32 to Section 8245 to make payments to licensed family childcare  
33 home providers and to provide educational and support services  
34 to those providers and to children and families eligible for  
35 state-subsidized childcare and development services. A family  
36 childcare home education network may also be referred to as a  
37 family childcare home system.

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

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

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

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

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

16 (r) “Higher educational institutions” means the Regents of the  
17 University of California, the Trustees of the California State  
18 University, the Board of Governors of the California Community  
19 Colleges, and the governing bodies of any accredited private  
20 nonprofit institution of postsecondary education.

21 (s) “Intergenerational staff” means persons of various  
22 generations.

23 (t) “Dual language learner” means a child from birth to five  
24 years of age ~~who is enrolled in a California state preschool program~~  
25 who is *exposed to or* learning two or more languages at the same  
26 time, or who is continuing to develop their home language while  
27 learning a second language, such as English.

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

32 (v) “Program director” means a person who, pursuant to Sections  
33 8244 and 8360.1, is qualified to serve as a program director.

34 (w) “Proprietary childcare agency” means an organization or  
35 facility providing childcare, which is operated for profit.

36 (x) “Resource and referral programs” means programs that  
37 provide information to parents, including referrals and coordination  
38 of community resources for parents and public or private providers  
39 of care. Services frequently include, but are not limited to: technical  
40 assistance for providers, toy-lending libraries, equipment-lending

1 libraries, toy- and equipment-lending libraries, staff development  
2 programs, health and nutrition education, and referrals to social  
3 services.

4 (y) “Severely disabled children” are children with exceptional  
5 needs from birth to 21 years of age, inclusive, who require intensive  
6 instruction and training in programs serving pupils with the  
7 following profound disabilities: autism, blindness, deafness, severe  
8 orthopedic impairments, serious emotional disturbances, or severe  
9 intellectual disabilities. “Severely disabled children” also include  
10 those individuals who would have been eligible for enrollment in  
11 a developmental center for handicapped pupils under Chapter 6  
12 (commencing with Section 56800) of Part 30 of Division 4 of Title  
13 2 as it read on January 1, 1980.

14 (z) “Short-term respite childcare” means childcare service to  
15 assist families whose children have been identified through written  
16 referral from a legal, medical, or social service agency, or  
17 emergency shelter as being neglected, abused, exploited, or  
18 homeless, or at risk of being neglected, abused, exploited, or  
19 homeless. Childcare is provided for less than 24 hours per day in  
20 childcare centers, treatment centers for abusive parents, family  
21 childcare homes, or in the child’s own home.

22 (aa) (1) “Site supervisor” means a person who, regardless of  
23 title, has operational program responsibility for a childcare and  
24 development program at a single site. A site supervisor shall hold  
25 a permit issued by the Commission on Teacher Credentialing that  
26 authorizes supervision of a childcare and development program  
27 operating in a single site. The Superintendent may waive the  
28 requirements of this subdivision if the Superintendent determines  
29 that the existence of compelling need is appropriately documented.

30 (2) For California state preschool programs, a site supervisor  
31 may qualify under any of the provisions in this subdivision, or  
32 may qualify by holding an administrative credential or an  
33 administrative services credential. A person who meets the  
34 qualifications of a program director under both Sections 8244 and  
35 8360.1 is also qualified under this subdivision.

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

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

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

4 (ae) “Support services” means those services that, when  
5 combined with childcare and development services, help promote  
6 the healthy physical, mental, social, and emotional growth of  
7 children. Support services include, but are not limited to: protective  
8 services, parent training, provider and staff training, transportation,  
9 parent and child counseling, child development resource and  
10 referral services, and child placement counseling.

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

15 (ag) “Underserved area” means a county or subcounty area,  
16 including, but not limited to, school districts, census tracts, or ZIP  
17 Code areas, where the ratio of publicly subsidized childcare and  
18 development program services to the need for these services is  
19 low, as determined by the Superintendent.

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

- 22 (1) To undertake training in preparation for a job.  
23 (2) To undertake or retain a job.  
24 (3) To undertake other activities that are essential to maintaining  
25 or improving the social and economic function of the family, are  
26 beneficial to the community, or are required because of health  
27 problems in the family.

28 (ai) “Three-year-old children” means children who will have  
29 their third birthday on or before December 1 of the fiscal year in  
30 which they are enrolled in a California state preschool program.  
31 Children who have their third birthday on or after December 2 of  
32 the fiscal year, may be enrolled in a California state preschool  
33 program on or after their third birthday. Any child under four years  
34 of age shall be served in a California state preschool program  
35 facility, licensed in accordance with Title 22 of the California Code  
36 of Regulations.

37 (aj) “Four-year-old children” means children who will have  
38 their fourth birthday on or before December 1 of the fiscal year in  
39 which they are enrolled in a California state preschool program.

1 (ak) “Homeless children and youth” has the same meaning as  
 2 defined in Section 11434a(2) of the federal McKinney-Vento  
 3 Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.).

4 (al) “Local educational agency” means a school district, a county  
 5 office of education, a community college district, or a school  
 6 district acting on behalf of one or more schools within the school  
 7 district.

8 SEC. 4. Section 8264.9 is added to the Education Code, to  
 9 read:

10 8264.9. (a) *It is the intent of the Legislature for the state,*  
 11 *preschool providers, teachers, and staff to better understand the*  
 12 *language and developmental needs of dual language learners*  
 13 *enrolled in publicly funded preschool programs by identifying*  
 14 *them through a family language instrument and a family language*  
 15 *and interest interview. The identification of dual language learners*  
 16 *will help improve program quality and inform the allocation and*  
 17 *use of state and program resources to better support them and*  
 18 *their linguistic and developmental needs for success in school and*  
 19 *in life.*

20 ~~(a)~~

21 (b) The Superintendent of Public Instruction shall develop  
 22 procedures for providers to identify and report data on dual  
 23 language learners enrolled in a preschool program administered  
 24 pursuant to Article 7 (commencing with Section 8235).

25 ~~(b)~~

26 (c) The procedures developed by the Superintendent pursuant  
 27 to this section to identify dual language learners shall, at a  
 28 minimum, include all of the following:

29 (1) The distribution and collection of a completed ~~Family~~  
 30 ~~Language Instrument~~ *family language instrument developed by*  
 31 *the Superintendent from a parent or guardian of each child enrolled*  
 32 *in a program upon enrollment. The ~~Family Language Instrument~~*  
 33 ~~shall include, at a minimum, all of the following questions:~~ *family*  
 34 *language instruments shall, at a minimum, be able to identify the*  
 35 *languages to which the child is exposed in the child’s home and*  
 36 *community environment, which languages the child understands,*  
 37 *and which languages the child is able to speak.*  
 38

1 ~~What language(s) does the child hear or speak in the home with family~~  ~~Eng~~  
2 ~~members? Please check all that apply:~~  ~~Spa~~

3  ~~Yes~~

4  ~~Min~~

5 ~~(Portug)~~

6  ~~Alc~~

7  ~~Gre~~

8  ~~Hnd~~

9 ~~(Pilipino~~

10 ~~o~~  ~~r~~

11 ~~Tagalog).~~

12  ~~Rus~~

13  ~~Kan~~

14  ~~Heb~~

15  ~~Fri~~

16 ~~(Persian)~~

17  ~~Chr~~

18 Please

19 specify:

20 \_\_\_\_\_

21 ~~What language(s) does the child understand?~~

22 ~~What language(s) does the child speak?~~

23

24 (2) ~~(A)~~—A family language and interest interview conducted by  
25 the child’s teacher or other designated ~~staff~~. *staff that shall include,*  
26 *at a minimum, an inquiry and a discussion about the strengths and*  
27 *interests of the child, the language background of the child, and*  
28 *the needs of parents, guardians, or family members of the child to*  
29 *support the language and development of the child.*

30 ~~(B)~~—The interview shall include, at a minimum, an inquiry and  
31 a discussion about the strengths and interests of the child, the  
32 language background of the child, and the needs of parents,  
33 guardians, or family members of the child to support the language  
34 and development of the child.

35 (C) The interview shall be conducted when either of the  
36 following occur:

37 (i) After the provider reviews the completed Family Language  
38 Instrument, and the provider verifies that the child is a dual  
39 language learner.

- 1 ~~(ii) Within 60 days of program enrollment and through child~~  
 2 ~~observations, including the use of measures, such as the Desired~~  
 3 ~~Results Developmental Profile, the child demonstrates that they~~  
 4 ~~understand or speak a language other than English.~~  
 5 *(3) The Superintendent shall establish criteria for providers to*  
 6 *use to accurately identify dual language learners enrolled in their*  
 7 *programs based on the information collected from the family*  
 8 *language instrument and family language and interest interview.*  
 9 ~~(e)~~  
 10 *(d) The reported data about dual language learners and a*  
 11 *program shall include, at a minimum, all of the following:*  
 12 *(1) A child’s home language, the language the child uses most,*  
 13 *and the family’s preferred language in which to receive verbal and*  
 14 *written communication.*  
 15 *(2) A child’s race or ethnicity.*  
 16 *(3) Language characteristics of the program, including, but not*  
 17 *limited to, whether the program uses the home language for*  
 18 *instruction, such as a dual language immersion program, or another*  
 19 *program that supports the development of home languages.*  
 20 *(4) The language composition of the program staff.*  
 21 ~~(d)~~  
 22 *(e) To the maximum extent possible, the Superintendent of*  
 23 *Public Instruction shall use existing enrollment and reporting*  
 24 *procedures for providers to meet the requirements of this section.*  
 25 *(f) (1) To ensure dual language learners and their linguistic*  
 26 *and developmental needs are accurately identified in order to be*  
 27 *effectively supported by providers, the Superintendent shall develop*  
 28 *clear implementation procedures and related guidance for*  
 29 *providers.*  
 30 *(2) The Superintendent shall adopt regulations to implement*  
 31 *this section. Notwithstanding Chapter 3.5 (commencing with*  
 32 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*  
 33 *Code, on or before March 15, 2022, the Superintendent shall*  
 34 *develop informal directives and bulletins to implement this section*  
 35 *until the time regulations are adopted.*  
 36 ~~(e)~~  
 37 *(g) It is the intent of the Legislature to connect information*  
 38 *about dual language learners in the California Cradle-to-Career*  
 39 *Data System.*  
 40 ~~(f)~~

1 (h) This section shall not be deemed to be connected to or  
2 associated with the designation of an English learner in the K-12  
3 public school system.

4 SEC. 5. Section 8265.5 of the Education Code is amended to  
5 read:

6 8265.5. (a) In order to reflect the additional expense of serving  
7 children who meet any of the criteria outlined in subdivision (c),  
8 the provider agency's reported child days of enrollment for these  
9 children shall be multiplied by the adjustment factors listed below.

10 (b) (1) Except as provided in paragraph (2), the adjustment  
11 factors described in subdivision (c) shall apply to a state preschool  
12 program and those programs for which assigned reimbursement  
13 rates are at or below the standard reimbursement rate. In addition,  
14 the adjustment factors shall apply to those programs for which  
15 assigned reimbursement rates are above the standard reimbursement  
16 rate, but the reimbursement rate, as adjusted, shall not exceed the  
17 adjusted standard reimbursement rate. The adjustment factors shall  
18 apply to those state preschool programs for which assigned  
19 reimbursement rates are above the state preschool reimbursement  
20 rate, but the reimbursement rate, as adjusted, shall not exceed the  
21 adjusted state preschool reimbursement rate.

22 (2) The adjustment factors described in paragraphs (5) and (6)  
23 of subdivision (c) shall apply only for full-day preschool programs  
24 and those part-day preschool programs for which assigned  
25 reimbursement rates are at or below the standard reimbursement  
26 rate.

27 (c) Notwithstanding any other law, the adjustment factors shall  
28 be as follows:

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

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

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

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

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

- 1 (6) For dual language learners who are two years of age through  
2 kindergarten age, the adjustment factor shall be 1.1.
- 3 (7) For children who are served in a California state preschool  
4 program, infants and toddlers who are 0 to 36 months of age and  
5 are served in general childcare and development programs, or  
6 children who are 0 to 5 years of age and are served in a family  
7 childcare home education network setting funded by a general  
8 childcare and development program, where early childhood mental  
9 health consultation services are provided, pursuant to Section  
10 8265.2, the adjustment factor shall be 1.05.
- 11 (d) Use of the adjustment factors shall not increase the provider  
12 agency's total annual allocation.
- 13 (e) (1) Days of enrollment for children who meet more than  
14 one of the criteria outlined in paragraphs (1) to (6), inclusive, of  
15 subdivision (c) shall not be reported under more than one of the  
16 categories specified in those paragraphs.
- 17 (2) Notwithstanding paragraph (1), for children for whom an  
18 adjustment factor is applied pursuant to any of paragraphs (1) to  
19 (6), inclusive, of subdivision (c), and who are additionally eligible  
20 for the adjustment factor established in paragraph (7) of subdivision  
21 (c), reported child days of enrollment shall be multiplied by the  
22 sum of the applicable adjustment factor under paragraphs (1) to  
23 (6), inclusive, of subdivision (c) and 0.05.
- 24 (f) The difference between the reimbursement resulting from  
25 the use of the adjustment factors outlined in subdivision (c) and  
26 the reimbursement that would otherwise be received by a provider  
27 in the absence of the adjustment factors shall be used for special  
28 and appropriate services for each child for whom an adjustment  
29 factor is claimed.