# Notice to Providers Attachment A

## Relevant Code Sections of *Senate Bill 75, Chapter 51*, Statues of 2019

### *Education Code Section 8432*.

(c)(1) Upon receipt of a request from a provider organization, the State Department of Education, the State Department of Social Services, and any other state department or agency administering a state-funded early education program(s), with the assistance of any contractors or subcontractors and any political subdivisions of the state that are administering a state-funded early education program, shall immediately commence collecting information regarding any individual who has been a family childcare provider, as defined in *subdivision (a) of Section 8431*, within the preceding three months, including each family childcare provider’s name; home address; mailing address; county; work and cellular telephone numbers; email address, if known; the agency, contractor, subcontractor, or political subdivision of the state administering the state-funded early education program(s) in which the provider participates; the date the provider began subsidy care; the date the provider ended subsidy care, if applicable; whether the provider is licensed or not; the unique provider identification number, if applicable; and the state facility license number, if known. The State Department of Education, the State Department of Social Services, and any other state department or agency administering a state-funded early education program, with the assistance of any contractors or subcontractors and any political subdivisions of the state administering a state-funded early education program, shall make reasonable efforts to collect the information under this subdivision in a timely manner.

(2) Within 60 days of receipt of an initial request from a provider organization, the State Department of Education, the State Department of Social Services, and any other state department or agency administering a state-funded early education program(s) shall make available to the provider organization, in a manipulable electronic format unless demonstrably impracticable to do so, all of the information described in paragraph

(1) That is available based on the reasonable efforts of the State Department of Education, the State Department of Social Services, and any other state department or agency administering a state-funded early education program(s) to collect the information.

(3) As soon as it is in the department’s or agency’s possession, the State Department of Education, the State Department of Social Services, and any other state department or agency administering a state-funded early education program(s) shall make available to the provider organization any information described in paragraph (1) that cannot be reasonably collected within 60 days.

(d) Following an initial request as described in subdivision (c), but no earlier than 90 days following receipt of that request, the State Department of Education, the State Department of Social Services, and any other state department or agency administering a state-funded early education program(s) shall use reasonable efforts to continue to collect and make available to the requesting provider organization, in a manipulable electronic format unless demonstrably impracticable to do so, an updated list of the information described in paragraph (1) of subdivision (c), as of that date, every 30 days unless more frequent or more detailed lists are required by an agreement with a provider organization.

(e) Nothing in this section shall be construed to permit an agency, department, contractor, subcontractor, or a political subdivision of the state to delay or obstruct the collection or provision to a provider organization of information pursuant to subdivisions (c) and (d).

(f) This section does not preclude a provider organization and the Governor or the Governor’s designee from agreeing to a different interval within which the State Department of Social Services, the State Department of Education, and any other state department or agency administering a state-funded early education program(s) must provide the provider organization with this information.

(g) Any information regarding providers of small family daycare homes, as defined in *Section 1596.78 of the Health and Safety Code*, that is made available to the provider organization under this section shall be provided in a manner consistent with *Section 1596.86 of the Health and Safety Code*.

(h) The information provided under this section shall be provided in a manner consistent with *Section 6207* *of the Government Code* for a participant in the address confidentiality program established pursuant to Chapter 3.1 (commencing with *Section 6205*) of *Division 7 of Title 1 of the Government Code*.

(i) Upon receipt of a written request by a family childcare provider, the State Department of Education, the State Department of Social Services, and any other state department or agency administering a state-funded early education program(s) shall remove the family childcare provider’s contact information from any lists subsequently made available to a provider organization pursuant to subdivisions (c) and (d).

### *Government Code S****e****ction 6253.21*.

(a) Notwithstanding any other provision of this chapter to the contrary, information regarding family childcare providers, as defined in subdivision (a) of *Section 8431 of the Education Code*, is not subject to public disclosure pursuant to this chapter, except as provided in subdivision (b).

(b) Copies of names, addresses, home and work telephone numbers, personal cellular telephone numbers, and email addresses of persons described in subdivision (a) shall be made available, upon request, to provider organizations that have been determined to be a provider organization pursuant to subdivision (a) of *Section 8432 of the Education Code*. This information shall not be used by the receiving entity for any purpose other than for purposes of organizing, representing, and assisting family childcare providers.

(c) This section does not prohibit or limit the disclosure of information otherwise required to be disclosed by the *California Child Day Care Facilities Act (Chapter 3.4 (commencing with Section 1596.70) of, and Chapter 3.6 (commencing with Section 1597.30) of, or Chapter 3.5 (commencing with Section 1596.90) of, Division 2 of the Health and Safety Code*).

(d) All confidentiality requirements applicable to recipients of information pursuant to *Section 1596.86 of the Health and Safety Code* shall apply to protect the personal information of providers of small family day care homes, as defined in *Section 1596.78 of the Health and Safety Code* that is disclosed pursuant to subdivision (b).

(e) Upon written request of any family childcare provider as defined by subdivision (a) of *Section 8431 of the Education Code*, a public agency shall not disclose the employee’s home address, home telephone number, personal cellular telephone number, email address, or birth date pursuant to subdivision (b).

### *Health and Safety Code Section 1596.86*.

(b) To encourage the recruitment of small family day care homes and protect their personal privacy, the department shall prevent the use of lists containing names, addresses, and other identifying information of facilities identified as small family day care homes, except as necessary for administering the licensing program, facilitating the placement of children in these facilities, and providing the names and addresses to resource and referral agencies funded by the State Department of Education, food and nutrition programs funded by the State Department of Education, alternative payment programs funded by the State Department of Education, county programs under the Greater Avenues for *Independence Act of 1985 (Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code*), family day care organizations, provider organizations that have been determined to be provider organizations pursuant to subdivision (a) of *Section 8432 of the Education Code*, or specialized health care service plans licensed under the *Knox-Keene Health Care Service Plan Act of 1975*, as contained in *Chapter 2.2 (commencing with Section 1340*), which provide employee assistance program services that include childcare referral services. Upon request, parents seeking local day care services may receive the names and telephone numbers of local small family day care providers.

(c) The department, in consultation with the Child Development Division of the State Department of Education, shall adopt regulations relating to the confidentiality of information provided pursuant to subdivision (b) on small family day care homes. These regulations shall include procedures for updating lists or other information on small family day care providers to ensure referral only to licensed homes in good standing with the department. Any person or entity violating the regulations under this subdivision may be denied access by the department to information on small family day care homes and shall be reported by the department to the appropriate funding or licensing department.

California Department of Education

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