

ASSEMBLY BILL

No. 1001

**Introduced by Assembly Member Ting
(Coauthor: Assembly Member Mullin)**

February 21, 2019

An act to amend Sections 8499.3 and 8499.5 of, and to add Section 8499.6 to, the Education Code, relating to childcare.

LEGISLATIVE COUNSEL'S DIGEST

AB 1001, as introduced, Ting. Childcare: local planning councils.

Existing law requires the county board of supervisors and the county superintendent of schools to select members for the local childcare and development planning council, known as a local planning council, for that county. Existing law provides requirements for the makeup of a local planning council. Existing law requires a local planning council, by May 30 of each year, and upon approval by the county board of supervisors and the county superintendent of schools, to submit to the State Department of Education the local priorities it has identified that reflect all childcare needs in the county, and requires the local planning council, in order to identify those local priorities, to do certain things, including, among others, conduct an assessment of childcare needs in the county at least once every 5 years.

This bill would revise the makeup requirements for local planning councils, as provided. The bill would provide that certain of the requirements imposed on local planning councils in order for the local planning council to identify local priorities apply only if the department adopts a statewide database to collect information about families seeking childcare, families' eligibility for childcare, and enrollment in childcare.

The bill would require a local planning council, at least twice each year, to convene a forum for stakeholders to provide input to and receive updates from the Quality Rating and Improvement System local consortium. The bill would require a local planning council to work with various specified entities to (1) identify entities or single locations in the county that provide comprehensive information to families about, among other things, eligibility for childcare and early childhood education program and services, (2) create opportunities for transition planning from, and coordinate enrollment from, childcare to transitional kindergarten and kindergarten, (3) facilitate the transition of children with exceptional needs into the K–12 system, and (4) identify existing facilities that could house a childcare program with or without modifications, as provided. By imposing new duties on local planning councils, the bill would impose a state-mandated local program. The bill would provide that the operation of these provisions is contingent upon an appropriation in the annual Budget Act for purposes of this section.

The bill would state the intent of the Legislature that, commencing with the 2019–20 fiscal year, the total annual appropriation for local planning councils be no less than \$10 million.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

- 1 SECTION 1. It is the intent of the Legislature that, commencing
- 2 with the 2019–20 fiscal year, the total annual appropriation for
- 3 local planning councils be no less than ten million dollars
- 4 (\$10,000,000).
- 5 SEC. 2. Section 8499.3 of the Education Code is amended to
- 6 read:
- 7 8499.3. (a) It is the intent of the Legislature that local-child
- 8 care childcare and development planning councils shall provide

1 a forum for the identification of *to identify* local priorities for child
2 care *childcare* and the development of *to develop* policies to meet
3 the needs identified within those ~~priorities~~. *priorities, and shall*
4 *seek to create a local system of support for childcare.*

5 (b) The county board of supervisors and the county
6 superintendent of schools shall do both of the following:

7 (1) Select the members of the local planning council. Before
8 making selections pursuant to this subdivision, the board of
9 supervisors and the county superintendent of schools shall publicize
10 their intention to select the members and shall invite local
11 organizations to submit nominations. In counties in which the
12 superintendent is appointed by the county board of education, the
13 county board of education may make the appointment or may
14 delegate that responsibility to the superintendent.

15 (2) Establish the term of appointment for the members of the
16 local planning council.

17 (c) (1) The local planning council shall be comprised as follows:

18 ~~(A) Twenty percent of the membership shall be consumers.~~

19 ~~(B) Twenty percent of the membership shall be child care~~
20 ~~providers, reflective of the range of child care providers in the~~
21 ~~county.~~

22 ~~(C) Twenty percent of the membership shall be public agency~~
23 ~~representatives.~~

24 ~~(D) Twenty percent of the membership shall be community~~
25 ~~representatives, who shall not be child care providers or agencies~~
26 ~~that contract with the department to provide child care and~~
27 ~~development services.~~

28 ~~(E) The remaining 20 percent shall be appointed at the discretion~~
29 ~~of the appointing agencies.~~

30 ~~(A) One representative from each resource and referral agency~~
31 ~~in the county.~~

32 ~~(B) One representative from each alternative payment program~~
33 ~~contractor in the county.~~

34 ~~(C) One representative from the local First 5 county commission.~~

35 ~~(D) One representative from the Quality Rating Improvement~~
36 ~~System local consortium, as defined in Section 8203.1.~~

37 ~~(E) One representative from the county office of education.~~

38 ~~(F) One representative from a school district within the county.~~

39 ~~(G) One representative from the board of supervisors.~~

40 ~~(H) One representative from the county health department.~~

1 (I) One representative from a regional center within the county.

2 (J) One representative who is a consumer.

3 (K) Two representatives who are childcare providers.

4 (L) One representative who is a community representative.

5 (2) The board of supervisors and the superintendent of schools
6 shall each appoint one-half of the members. In the case of uneven
7 membership, both appointing entities shall agree on the
8 odd-numbered appointee.

9 (d) Every effort shall be made to ensure that the ethnic, racial,
10 and geographic composition of the local planning council is
11 reflective of the ethnic, racial, and geographic distribution of the
12 population of the county.

13 (e) The board of supervisors and county superintendent of
14 schools may designate an existing ~~child care~~ *childcare* planning
15 council or coordinated child and family services council as the
16 local planning council, as long as it has or can achieve the
17 representation set forth in this section.

18 (f) Upon establishment of a local planning council, the local
19 planning council shall elect a chair and select a staff.

20 (g) Each local planning council shall develop and implement a
21 training plan to provide increased efficiency, productivity, and
22 facilitation of local planning council meetings. This may include
23 developing a training manual, hiring facilitators, and identifying
24 strategies to meet the objectives of the council.

25 (h) ~~No~~ A member of a local planning council shall *not* participate
26 in a vote if ~~he or she~~ *the member* has a proprietary interest in the
27 outcome of the matter being voted upon.

28 SEC. 3. Section 8499.5 of the Education Code is amended to
29 read:

30 8499.5. (a) The department shall allocate ~~child care~~ *childcare*
31 funding pursuant to Chapter 2 (commencing with Section 8200)
32 based on the amount of state and federal funding that is available.

33 (b) By May 30 of each year, upon approval by the county board
34 of supervisors and the county superintendent of schools, a local
35 planning council shall submit to the department the local priorities
36 it has identified that reflect all ~~child care~~ *childcare* needs in the
37 county. To accomplish this, a local planning council shall do all
38 of the following:

39 (1) *Encourage public input in the development of the priorities.*

40 *Opportunities for public input shall include at least one public*

1 *hearing during which members of the public can comment on the*
2 *proposed priorities.*

3 (2) *Collaborate with subsidized and nonsubsidized childcare*
4 *providers, county welfare departments, human service agencies,*
5 *regional centers, job training programs, employers, integrated*
6 *child and family service councils, local and state children and*
7 *families commissions, parent organizations, early start family*
8 *resource centers, family empowerment centers on disability, local*
9 *childcare resource and referral programs, and other interested*
10 *parties to foster partnerships designed to meet local childcare*
11 *needs.*

12 (3) *Coordinate part-day programs, including state preschool*
13 *and Head Start, with other childcare and development services to*
14 *provide full-day childcare.*

15 (c) *In addition to the requirements specified in paragraphs (1)*
16 *to (3), inclusive, of subdivision (b), if the department adopts a*
17 *statewide database to collect information about families seeking*
18 *childcare, families' eligibility for childcare, and enrollment in*
19 *childcare, a local planning council shall do all of the following*
20 *for purposes of identifying local priorities pursuant to subdivision*
21 *(b):*

22 (1) *Conduct an assessment of ~~child care~~ childcare needs in the*
23 *county no less frequently than once every five years. The*
24 *department shall define and prescribe data elements to be included*
25 *in the needs assessment and shall specify the format for the data*
26 *reporting. The needs assessment shall also include all factors*
27 *deemed appropriate by the local planning council in order to obtain*
28 *an accurate picture of the comprehensive ~~child care~~ childcare needs*
29 *in the county. The factors include, but are not limited to, all of the*
30 *following:*

31 (A) *The needs of families eligible for subsidized ~~child care~~*
32 *childcare.*

33 (B) *The needs of families not eligible for subsidized ~~child care~~*
34 *childcare.*

35 (C) *The waiting lists for programs funded by the department*
36 *and the State Department of Social Services.*

37 (D) *The need for ~~child care~~ childcare for children determined*
38 *by the child protective services agency to be neglected, abused,*
39 *or exploited, or at risk of being neglected, abused, or exploited.*

1 (E) The number of children in families receiving public
2 assistance, including CalFresh benefits, housing support, and
3 Medi-Cal, and assistance from the Healthy Families Program and
4 the Temporary Assistance for Needy Families (TANF) program.

5 (F) Family income among families with preschool or schoolage
6 children.

7 (G) The number of children in migrant agricultural families
8 who move from place to place for work or who are currently
9 dependent for their income on agricultural employment in
10 accordance with subdivision (a) of, and paragraphs (1) and (2) of
11 subdivision (b) of, Section 8231.

12 (H) The number of children who have been determined by a
13 regional center to require services pursuant to an individualized
14 family service plan, or by a local educational agency to require
15 services pursuant to an individualized education program or an
16 individualized family service plan.

17 (I) The number of children in the county by primary language
18 spoken pursuant to the department’s language survey.

19 (J) Special needs based on geographic considerations, including
20 rural areas.

21 (K) The number of children needing ~~child care~~ *childcare*
22 services by age cohort.

23 (2) Document information gathered during the needs assessment
24 that shall include, but need not be limited to, data on supply,
25 demand, cost, and market rates for each category of ~~child care~~
26 *childcare* in the county.

27 ~~(3) Encourage public input in the development of the priorities.~~
28 ~~Opportunities for public input shall include at least one public~~
29 ~~hearing during which members of the public can comment on the~~
30 ~~proposed priorities.~~

31 ~~(4)~~

32 (3) Prepare a comprehensive countywide ~~child care~~ *childcare*
33 plan designed to mobilize public and private resources to address
34 identified needs.

35 ~~(5)~~

36 (4) Conduct a periodic review of ~~child care~~ *childcare* programs
37 funded by the department and the State Department of Social
38 Services to determine if identified priorities are being met.

39 ~~(6) Collaborate with subsidized and nonsubsidized child care~~
40 ~~providers, county welfare departments, human service agencies,~~

1 regional centers, job training programs, employers, integrated child
2 and family service councils, local and state children and families
3 commissions, parent organizations, early start family resource
4 centers, family empowerment centers on disability, local child care
5 resource and referral programs, and other interested parties to
6 foster partnerships designed to meet local child care needs.

7 ~~(7)~~

8 (5) Design a system to consolidate local ~~child care~~ *childcare*
9 waiting lists, if a centralized eligibility list is not already in
10 existence.

11 ~~(8) Coordinate part-day programs, including state preschool~~
12 ~~and Head Start, with other child care and development services to~~
13 ~~provide full-day child care.~~

14 ~~(9)~~

15 (6) Submit the results of the needs assessment and the local
16 priorities identified by the local planning council to the board of
17 supervisors and the county superintendent of schools for approval
18 before submitting them to the department.

19 ~~(10)~~

20 (7) Identify at least one, but not more than two, members to
21 serve as part of the department team that reviews and scores
22 proposals for the provision of services funded through contracts
23 with the department. Local planning council representatives may
24 not review and score proposals from the geographic area covered
25 by their own local planning council. The department shall notify
26 each local planning council whenever this opportunity is available.

27 ~~(e)~~

28 (d) The needs assessment data shall be made available to
29 counties implementing individualized county ~~child care~~ *childcare*
30 subsidy plans pursuant to Article ~~15.5~~ *15.1* (commencing with
31 Section 8332).

32 ~~(d)~~

33 (e) The department shall, in conjunction with the State
34 Department of Social Services and all appropriate statewide
35 agencies and associations, develop guidelines for use by local
36 planning councils to assist them in conducting needs assessments
37 that are reliable and accurate. The guidelines shall include
38 acceptable sources of demographic and ~~child care~~ *childcare* data,
39 and methodologies for assessing ~~child care~~ *childcare* supply and
40 demand.

1 (e)

2 (f) Except as otherwise required by subdivision (c) of Section
3 8236, the department shall allocate funding within each county in
4 accordance with the priorities identified by the local planning
5 council of that county and submitted to the department pursuant
6 to this section, unless the priorities do not meet the requirements
7 of state or federal law.

8 SEC. 4. Section 8499.6 is added to the Education Code, to
9 read:

10 8499.6. (a) At least twice each year, a local planning council
11 shall convene a forum for stakeholders to provide input to and
12 receive updates from the Quality Rating and Improvement System
13 local consortium, as defined in Section 8203.1.

14 (b) A local planning council shall work with resource and
15 referral agencies, alternative payment program contractors, regional
16 centers, and the Quality Rating Improvement System local
17 consortia to identify entities or single locations in the county that
18 provide comprehensive information to families about eligibility
19 for childcare and early childhood education program and services,
20 childcare subsidies, developmental and health assessments and
21 screenings, and enrollment in subsidized health programs.

22 (c) A local planning council shall work with the Quality Rating
23 Improvement System local consortia and the school districts in
24 the county to do both of the following:

25 (1) Create opportunities for transition planning from childcare
26 to transitional kindergarten and kindergarten. At minimum, this
27 shall include convening two forums each year for childcare
28 providers, transitional kindergarten teachers, and kindergarten
29 teachers to coordinate curriculum and engage in transition planning.

30 (2) Coordinate enrollment from childcare to transitional
31 kindergarten and kindergarten.

32 (d) A local planning council shall work with the county office
33 of education, special education local plan areas, and the school
34 districts and regional centers in the county to facilitate the transition
35 of children with exceptional needs into the K–12 system.

36 (e) The local planning council shall work with the county office
37 of education, school districts, and childcare providers to regularly
38 identify existing facilities that could house a childcare program
39 with or without modifications. The local planning council shall

1 share a list of these facilities with the county superintendent of
2 schools and the county board of supervisors.

3 (f) The operation of this section is contingent upon an
4 appropriation in the annual Budget Act for purposes of this section.

5 SEC. 5. If the Commission on State Mandates determines that
6 this act contains costs mandated by the state, reimbursement to
7 local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.

O