

**ASSEMBLY BILL**

**No. 324**

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**Introduced by Assembly Member Aguiar-Curry**

January 30, 2019

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An act to amend Section 8279.7 of the Education Code, relating to childcare.

LEGISLATIVE COUNSEL'S DIGEST

AB 324, as introduced, Aguiar-Curry. Childcare services: state subsidized childcare: employee retention funds.

Existing law requires that moneys in a specified item of the Budget Act of 2000 be allocated to local child care and development planning councils based on the percentage of state-subsidized, center-based childcare funds received in the county in which the council is located, and requires that these funds be used to address the retention of qualified childcare employees in state-subsidized childcare centers. Existing law authorizes these funds, and other specified funds, appropriated for these purposes, to be used in the County of Los Angeles if specified requirements are met to address the retention of qualified persons working in licensed childcare programs that serve a majority of children who receive subsidized childcare services, including, but not limited to, family daycare homes, as defined.

This bill would delete the requirement that these funds be used in the County of Los Angeles.

Existing law requires the Department of Education to develop guidelines for use by local childcare and development planning councils in developing county plans for the expenditure of funds described above. Existing law requires these guidelines to be consistent with the

department’s assessment of the current needs of the subsidized childcare workforce and subject to the approval of the Department of Finance.

This bill would delete the requirement that the guidelines be consistent with the department’s assessment and would delete the requirement that the Department of Finance approve the guidelines. The bill would instead require the guidelines to meet the intent of the above provisions.

The bill would make other conforming and nonsubstantive changes.

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. The Legislature finds and declares all of the  
2 following:

3 (a) Research shows that access to quality early care and  
4 education programs is crucial to children, families, and the future  
5 success of the state.

6 (b) Early care and education programs provide young children  
7 with valuable early learning and child development experiences  
8 that get them ready for school and a successful future. With access  
9 to quality childcare and early learning, families can also go to work  
10 and provide for their needs, knowing that their children are safe,  
11 nurtured, and learning.

12 (c) In recognizing the benefits of quality early care and education  
13 to a child’s lifelong wellbeing and to the path of families to  
14 self-sufficiency, it is the intent of the Legislature to build a strong  
15 foundation for the early care and education system that optimally  
16 serves the unique needs of California’s families and young children.

17 SEC. 2. Section 8279.7 of the Education Code is amended to  
18 read:

19 8279.7. (a) The Legislature recognizes the importance of  
20 providing quality ~~child care services. It is, therefore, the intent of~~  
21 ~~the Legislature to assist counties in improving the retention of~~  
22 ~~qualified child care employees who work directly with children~~  
23 ~~who receive state-subsidized child care services.~~ *childcare services.*

24 (b) ~~It is further the intent of the Legislature, in amending this~~  
25 ~~section during the 2009–10 Regular Session, to address the unique~~  
26 ~~challenges of the County of Los Angeles, in which an estimated~~  
27 ~~60,000 low-income children receive subsidized child care in~~

1 ~~nonstate-funded child care settings and an additional 50,000~~  
2 ~~eligible children are waiting for subsidized services.~~

3 ~~(e)~~

4 ~~(b) (1) Except as provided in paragraph (2), the funds~~  
5 ~~appropriated for the purposes of this section by paragraph (11) of~~  
6 ~~Schedule (b) of Item 6110-196-0001 of Section 2.00 of the Budget~~  
7 ~~Act of 2000 (Chapter 52 of the Statutes of 2000), and that are~~  
8 ~~described in subdivision (i) of Provision 7 of that item, and any~~  
9 ~~other funds appropriated for purposes of this section, shall be~~  
10 ~~allocated to local-child-care *childcare* and development planning~~  
11 ~~councils based on the percentage of state-subsidized, center-based~~  
12 ~~child-care *childcare* funds received in that county, and shall be~~  
13 ~~used to address the retention of qualified-child-care *childcare*~~  
14 ~~employees in state-subsidized child care centers.~~

15 ~~(2) Of the funds identified in paragraph (1), funds qualified~~  
16 ~~pursuant to subparagraphs (A) to (C), inclusive, and (B) may also~~  
17 ~~be used to address the retention of qualified persons working in~~  
18 ~~licensed-child-care *childcare* programs that serve a majority of~~  
19 ~~children who receive subsidized-child-care *childcare* services~~  
20 ~~pursuant to this chapter, including, but not limited to, family-day~~  
21 ~~care *daycare* homes as defined in Section 1596.78 of the Health~~  
22 ~~and Safety Code. To qualify for use pursuant to this paragraph,~~  
23 ~~the funds shall meet ~~at~~ both of the following requirements:~~

24 ~~(A) The funds are allocated for use in the County of Los~~  
25 ~~Angeles.~~

26 ~~(B)~~

27 ~~(A) The funds are appropriated in the annual Budget Act.~~

28 ~~(C)~~

29 ~~(B) The funds are unexpended after addressing the retention of~~  
30 ~~qualified-child-care *childcare* employees in state-subsidized-child~~  
31 ~~care *childcare* centers and family-child-care *childcare* home~~  
32 ~~education networks.~~

33 ~~(d)~~

34 ~~(c) The department shall develop guidelines *that meet the intent*~~  
35 ~~*of this section* for use by local-child-care *childcare* and~~  
36 ~~development planning councils in developing county plans for the~~  
37 ~~expenditure of funds allocated pursuant to this section. ~~These~~~~  
38 ~~~~guidelines shall be consistent with the department's assessment~~~~  
39 ~~~~of the current needs of the subsidized child care workforce, and~~~~  
40 ~~shall be subject to the approval of the Department of Finance. Any~~

1 county plan developed pursuant to these guidelines shall be  
2 approved by the department ~~prior to~~ *before* the allocation of funds  
3 to the local ~~child care~~ *childcare* and development planning council.

4 (e)

5 (d) Funds provided to a county for ~~the~~ purposes of this section  
6 shall be used in accordance with the plan approved pursuant to  
7 subdivision ~~(d)~~ (c). A county with an approved plan may retain  
8 up to 1 percent of the county’s total allocation made pursuant to  
9 this section for reimbursement of administrative expenses  
10 associated with the planning process.

11 (f)

12 (e) (1) The Superintendent shall provide an annual report, no  
13 later than April 10 of each year, to the Legislature, the Department  
14 of Finance, and the Governor that includes, but is not limited to,  
15 a summary of the distribution of the funds by county and a  
16 description of the use of the funds.

17 (2) *A report submitted to the Legislature pursuant to this*  
18 *subdivision shall be submitted in compliance with Section 9795*  
19 *of the Government Code.*