

AMENDED IN ASSEMBLY MAY 6, 2003

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1326

Introduced by Assembly Member Simitian
(Coauthor: Assembly Member Mullin)
(Coauthor: Senator Sher)

February 21, 2003

An act to add and repeal Article 15.3 (commencing with Section 8340) of Chapter 2 of Part 6 of the Education Code, relating to child care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1326, as amended, Simitian. Child care subsidies: County of San Mateo: pilot project.

Existing law requires the Superintendent of Public Instruction to adopt rules and regulations on eligibility, enrollment, and priority of services for federal and state subsidized child care programs.

This bill would authorize the County of San Mateo, as a pilot project, to develop and implement an individualized county child care subsidy program. The bill would require the program to ensure that child care subsidies received by the county from specified sources are used to address local needs, conditions, and priorities of working families in the community. The bill would require the County of San Mateo, prior to implementing the program, to develop a plan with specified elements, including development of local policies that may, *except as specified*, supersede existing law with regard to eligibility requirements, fees,



reimbursement rates, and methods of maximizing use of funds. The bill would require the plan to be approved by the local child care planning council and the Child Development Division of the State Department of Education, as provided. The bill would require the County of San Mateo to submit annual reports to the Legislature and the State Department of Education that summarize the success of the program and to submit a final report to the Legislature on or before December 31, 2008.

This bill would authorize the County of San Mateo to implement the program until January 1, 2009, as specified. The bill would provide for the repeal of its provisions on January 1, 2011.

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. Article 15.3 (commencing with Section 8340)
2 is added to Chapter 2 of Part 6 of the Education Code, to read:

3
4 Article 15.3. Individualized County Child Care Subsidy
5 Program

6
7 8340. The County of San Mateo may, as a pilot project,
8 develop and implement an individualized county child care
9 subsidy program. The program shall ensure that child care
10 subsidies received by the county from the sources identified
11 pursuant to subdivision (c) of Section 8341 are used to address
12 local needs, conditions, and priorities of working families in the
13 community.

14 8341. Prior to implementing the program, the County of San
15 Mateo shall develop an individualized county child care subsidy
16 plan that includes the following four elements:

17 (a) An assessment to identify the county’s goal for its
18 subsidized child care system. The assessment shall examine
19 whether the current structure of subsidized child care funding
20 adequately supports working families in the county and whether
21 the county’s child care goals coincide with the state’s requirements
22 for funding, eligibility, priority, and reimbursement. The
23 assessment shall also identify barriers in the state’s child care
24 subsidy system that inhibit the county from meeting its child care



1 goals. In conducting the assessment, the county shall consider all
2 of the following:

3 (1) The general demographics of working families who are in
4 need of child care, including employment, income, cultural,
5 ethnic, and family composition.

6 (2) The current supply of available subsidized child care.

7 (3) The level of need for various types of subsidized child care
8 services including, but not limited to, infant care, after-hours care,
9 and special needs care.

10 (4) The county's self-sufficiency income level.

11 (5) Income eligibility levels for subsidized child care.

12 (6) Family fees.

13 (7) The cost of providing child care.

14 (8) The regional market rates, as established by the State
15 Department of Education, for different types of child care.

16 (9) The standard reimbursement rate or state per diem for
17 centers operating under contracts with the State Department of
18 Education.

19 (10) Trends in the county's unemployment rate and housing
20 affordability index.

21 (b) Development of a local policy to eliminate state-imposed
22 regulatory barriers to the county's achievement of its desired
23 outcomes for subsidized child care.

24 (1) The local policy shall do all of the following:

25 (A) Prioritize lowest income families first.

26 (B) Meet local goals that are consistent with the state's child
27 care goals.

28 (C) Identify current local policies that are affected by the
29 county's child care subsidy plan.

30 (D) Authorize existing State Department of Education
31 contractors, at their election, to amend existing contracts with the
32 State Department of Education, upon approval of the department,
33 in order to benefit from the local policy once it is adopted.

34 (2) The local policy may supersede state law concerning child
35 care subsidy programs with regard to only the following factors:

36 (A) Eligibility criteria including, but not limited to, age, family
37 size, time limits, income level, inclusion of former and current
38 CalWORKs participants, and special needs considerations, *except*
39 *that the local policy may not deny or reduce eligibility of a family*
40 *that qualifies for child care pursuant to Section 8353. Under the*



1 *local policy, a family that qualifies for child care pursuant to*
 2 *Section 8354 shall be treated for purposes of eligibility and fees in*
 3 *the same manner as a family that qualifies for subsidized child care*
 4 *on another basis pursuant to the local policy.*

5 (B) Fees including, but not limited to, family fees, sliding scale
 6 fees, and copayments.

7 (C) Reimbursement rates.

8 (D) Methods of maximizing the efficient use of subsidy funds,
 9 including, but not limited to, multiyear contracting with the State
 10 Department of Education for center-based child care, and
 11 interagency agreements that allow for flexible and temporary
 12 transfer of funds among agencies.

13 (c) Identification of funding sources that will be used to
 14 implement the program. Only the following sources of funds may
 15 be included in the program:

16 (1) Migrant child care funds received pursuant to Article 6
 17 (commencing with Section 8230).

18 (2) Funds for general child care and development programs as
 19 provided in Article 8 (commencing with Section 8240).

20 (3) State preschool program funds received pursuant to Article
 21 7 (commencing with Section 8235).

22 (4) Funds provided to CalWORKs recipients for stages 2 and
 23 3, as provided in Article 15.5 (commencing with Section 8350).

24 (5) Funds for campus child care and development programs
 25 pursuant to Article 6 (commencing with Section 66060) of
 26 Chapter 2 of Part 40.

27 (d) Establishment of measurable outcomes to evaluate the
 28 success of the program to achieve the county’s child care goals and
 29 to overcome any barriers identified in the state’s child care subsidy
 30 system.

31 8342. (a) The plan shall be submitted to the local child care
 32 planning council for approval. Upon approval of the plan by the
 33 local child care planning council, the county board of supervisors
 34 shall hold at least one public hearing on the plan. Following the
 35 hearing, if the county board of supervisors votes in favor of the
 36 plan, the plan shall be submitted to the Child Development
 37 Division of the State Department of Education for review.

38 (b) Within 30 days of receiving the plan, the Child
 39 Development Division shall review and either approve or
 40 disapprove the plan.



1 (c) The Child Development Division may disapprove only
2 those portions of the plan that are not in conformance with this
3 article.

4 (d) If any provision of the plan conflicts with federal law, the
5 Child Development Division shall apply to the appropriate federal
6 agency for a waiver. If a federal waiver is unobtainable, the Child
7 Development Division shall require the county to revise its plan to
8 conform to federal law.

9 8343. (a) Upon approval of the plan by the Child
10 Development Division, the County of San Mateo shall annually
11 prepare and submit to the Legislature and the State Department of
12 Education a report that summarizes the success of the pilot project
13 and the county's ability to maximize the use of funds and to
14 improve and stabilize child care in the county.

15 (b) On or before December 31, 2008, the County of San Mateo
16 shall submit a final report to the Legislature summarizing the
17 impact of the program on the child care needs of working families.

18 8245. The County of San Mateo may implement its
19 individualized county child care subsidy program until January 1,
20 2009, at which date the County of San Mateo shall terminate the
21 program. Between January 1, 2009, and January 1, 2011, the
22 County of San Mateo shall phase out the individualized county
23 child care *subsidy* program and, as of January 1, 2011, shall
24 implement the state's requirements for child care subsidies.

25 8346. This article shall remain in effect only until January 1,
26 2011, and as of that date is repealed, unless a later enacted statute,
27 which is enacted before January 1, 2011, deletes or extends that
28 date.

