

ASSEMBLY BILL

No. 1683

Introduced by Assembly Member Torres

January 26, 2010

An act to amend Sections 8236, 12000, and 12001 of, and to add Section 8235.5 to, the Education Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1683, as introduced, Torres. Education: finance.

Existing law requires applicants or contracting agencies that operate a state preschool program to give first priority for participation to neglected or abused children who are recipients of child protective services, or recipients who are at risk of being neglected or abused, as specified.

This bill would state findings and declarations of the Legislature regarding children of youth who are in custody, on probation, or are in the foster care system. The bill would require priority for participation in state preschool programs also to be given to children who have a biological custodial parent who is, or who has been within the previous 6 months, a dependent or ward of the juvenile court pursuant to specified provisions of law. The bill would prohibit priority enrollment from being used to displace children who are currently receiving care.

Existing law requires the State Board of Education to direct the allocation and apportionment of federal funds to local educational agencies.

This bill instead would require the state board to direct the allocation and apportionment of federal funds to school districts, and would include county offices of education and other agencies, as specified, within the

definition of school districts for purposes of these provisions. The bill would also make conforming 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. Section 8235.5 is added to the Education Code,
2 to read:

3 8235.5. (a) The Legislature finds and declares that children
4 of youth who are in custody, on probation, or are in the foster care
5 system are at high risk of developmental delays and other cognitive,
6 social, and emotional difficulties.

7 (b) The Legislature further finds and declares that there is
8 sufficient evidence to suggest that stressful prenatal experiences
9 and even the physical and mental condition of parents prior to
10 conception impact brain development and future well-being.

11 (c) The Legislature further finds and declares that by extending
12 eligibility for other programs and services to those most in need,
13 specifically, the dependents of youth who are under court
14 supervision, the public would enjoy future savings in education,
15 health care, mental health, social services, and criminal justice.

16 SEC. 2. Section 8236 of the Education Code is amended to
17 read:

18 8236. (a) (1) Each applicant or contracting agency funded
19 pursuant to Section 8235 shall give first priority to three- or
20 four-year-old neglected or abused children who are recipients of
21 child protective services, ~~or~~ who are at risk of being neglected,
22 abused, or exploited upon written referral from a legal, medical,
23 or social service ~~agency~~ agency, *or children who have a biological*
24 *custodial parent who is, or who has been within the previous six*
25 *months, a dependent or ward of the juvenile court, pursuant to*
26 *Section 300, 601, or 602 of the Welfare and Institutions Code. If*
27 *an agency is unable to enroll a child in this first priority category,*
28 *the agency shall refer the child’s parent or guardian to local*
29 *resource and referral services so that services for the child can be*
30 *located. Priority enrollment shall be granted when slots become*
31 *available, but shall not be used to displace children who are*
32 *currently receiving care.*

1 (2) Notwithstanding Section 8263, after children in the first
2 priority category set forth in paragraph (1) are enrolled, each
3 agency funded pursuant to Section 8235 shall give priority to
4 eligible four-year-old children prior to enrolling eligible
5 three-year-old children. Each agency shall certify to the
6 Superintendent that enrollment priority is being given to eligible
7 four-year-old children.

8 (b) For California state preschool programs operating with
9 funding that was initially allocated in a prior fiscal year, at least
10 one-half of the children enrolled at a preschool site shall be
11 four-year-old children. Any exception to this requirement shall be
12 approved by the Superintendent. The Superintendent shall inform
13 the Secretary for Education and the Department of Finance of any
14 exceptions that have been granted and the reasons for granting the
15 exceptions.

16 (c) The following provisions apply to the award of new funding
17 for the expansion of the California state preschool program that is
18 appropriated by the Legislature for that purpose in any fiscal year:

19 (1) In an application for those expansion funds, an agency shall
20 furnish the Superintendent with an estimate of the number of
21 four-year-old and three-year-old children that it plans to serve in
22 the following fiscal year with those expansion funds. The agency
23 also shall furnish documentation that indicates the basis of those
24 estimates.

25 (2) In awarding contracts for expansion pursuant to this
26 subdivision, the Superintendent, after taking into account the
27 geographic criteria established pursuant to Section 8279.3, and the
28 ~~headquarters~~ *headquarters'* preferences and eligibility criteria
29 relating to fiscal or programmatic noncompliance established
30 pursuant to Section 8261, shall give priority to applicant agencies
31 that, in expending the expansion funds, will be serving the highest
32 percentage of four-year-old children.

33 (d) ~~Nothing in this section shall be deemed to~~ *This section does*
34 *not* preclude a local educational agency from subcontracting with
35 an appropriate public or private agency to operate a California
36 state preschool program and to apply for funds made available for
37 the purposes of this section. If a school district chooses not to
38 operate or subcontract for a California state preschool program,
39 the Superintendent shall work with the county office of education
40 and other eligible agencies to explore possible opportunities in

1 contracting or alternative subcontracting to provide a California
 2 state preschool program.

3 (e) ~~Nothing in this section shall~~ *This section does not prevent*
 4 eligible children who are currently receiving services from
 5 continuing to receive those services in future years pursuant to this
 6 chapter.

7 SEC. 3. Section 12000 of the Education Code is amended to
 8 read:

9 12000. ~~Whenever~~ *(a) If*, by any act of Congress, funds are
 10 provided as federal aid to education to the several states and the
 11 disposition of the funds is not otherwise provided for by or under
 12 the act of Congress or by or under any law of this state, the
 13 apportionment and distribution ~~thereof of those funds~~ to school
 14 districts shall, insofar as consistent with the requirements
 15 prescribed by the federal law and implementing rules and
 16 regulations, be governed by the standards set forth in this article.

17 ~~When any such~~

18 *(b) If a federal law designates a state ~~education~~ educational*
 19 *agency or other agency or officer primarily responsible for state*
 20 *supervision of public schools, ~~such that~~ designation shall be*
 21 *deemed to refer to the State Board of Education. The State Board*
 22 *of Education shall make timely application for any federal funds*
 23 *made available, and shall, pursuant to the federal law and ~~the~~*
 24 *provisions of this article, direct the allocation and apportionment*
 25 *of the federal funds to ~~local education agencies~~ school districts.*

26 *(c) As used in this article, “school districts” include school*
 27 *districts, county offices of education, and other agencies deemed*
 28 *eligible pursuant to state and federal law.*

29 SEC. 4. Section 12001 of the Education Code is amended to
 30 read:

31 12001. The State Board of Education shall adopt rules and
 32 regulations for the allocation of federal funds to ~~local~~ school
 33 ~~districts and other agencies~~ entitled to receive federal funds for
 34 the support of schools. In determining the rules and regulations
 35 by which ~~such those~~ allocations are to be made, the State Board
 36 of Education shall consider all factors of local effort and all
 37 educational programs maintained by ~~such agencies~~. ~~Such those~~
 38 *school districts. The rules and regulations adopted pursuant to this*
 39 *section shall be based upon need, and the ~~agencies~~² State Board*

- 1 *of Education shall carefully scrutinize the abilities and efforts shall*
- 2 *be carefully scrutinized of the affected school districts.*

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