

AMENDED IN ASSEMBLY MAY 28, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1683

Introduced by Assembly Member Torres

January 26, 2010

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1683, as amended, 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 *school districts and other agencies entitled to receive those funds.*~~

~~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 *define* school districts for purposes of these provisions to include county offices of education and other agencies deemed eligible pursuant to state and federal law. The bill would also make conforming technical 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, who are at risk of being neglected, abused,
 22 or exploited upon written referral from a legal, medical, or social
 23 service agency, or children who have a biological custodial parent
 24 who is, or who has been within the previous six months, a
 25 dependent or ward of the juvenile court, pursuant to Section 300,
 26 601, or 602 of the Welfare and Institutions Code. If an agency is
 27 unable to enroll a child in this first priority category, the agency
 28 shall refer the child’s parent or guardian to local resource and
 29 referral services so that services for the child can be located.
 30 Priority enrollment shall be granted when slots become available,

1 but shall not be used to displace children who are currently
2 receiving care.

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

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

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

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

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

35 (d) This section does not preclude a local educational agency
36 from subcontracting with an appropriate public or private agency
37 to operate a California state preschool program and to apply for
38 funds made available for the purposes of this section. If a school
39 district chooses not to operate or subcontract for a California state
40 preschool program, the Superintendent shall work with the county

1 office of education and other eligible agencies to explore possible
 2 opportunities in contracting or alternative subcontracting to provide
 3 a California state preschool program.

4 ~~(e) This section does not prevent eligible children who are~~
 5 ~~currently receiving services from continuing to receive those~~
 6 ~~services in future years pursuant to this chapter.~~

7 ~~SEC. 3.~~

8 *SECTION 1.* Section 12000 of the Education Code is amended
 9 to read:

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

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

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

28 ~~SEC. 4.~~

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

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

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