

AMENDED IN SENATE SEPTEMBER 4, 2015

AMENDED IN SENATE JUNE 16, 2015

AMENDED IN ASSEMBLY APRIL 22, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 833**

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**Introduced by Assembly Member Bonta**

February 26, 2015

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An act to add and repeal Article 15.3 (commencing with Section 8340) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, relating to child care and development services.

LEGISLATIVE COUNSEL'S DIGEST

AB 833, as amended, Bonta. Child care and development services: individualized county child care subsidy plan: County of Alameda.

The Child Care and Development Services Act has a purpose of providing a comprehensive, coordinated, and cost-effective system of child care and development services for children from infancy to 13 years of age and their parents, including a full range of supervision, health, and support services through full- and part-time programs. Existing law requires the Superintendent of Public Instruction to develop standards for the implementation of quality child care programs. Existing law authorizes the County of San Mateo, as a pilot project, to develop an individualized county child care subsidy plan, as provided.

This bill would authorize, until January 1, 2021, the County of Alameda to develop an individualized county child care subsidy plan, as specified. The bill would require the plan to be submitted to the local

planning council and the Alameda County Board of Supervisors for approval, as specified. The bill would require the Early Education and Support Division of the State Department of Education to review and approve or disapprove the plan and any subsequent modifications to the plan. The bill would require the County of Alameda to annually prepare and submit to the Legislature, the State Department of Social Services, and the State Department of Education a report that contains specified information relating to the success of the county’s plan.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Alameda.

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. It is the intent of the Legislature to build a stable,  
2 comprehensive, and adequately funded high-quality early learning  
3 and educational support system for children from birth to five years  
4 of age, inclusive, with alignment and integration into the K–12  
5 education system by strategically using state and federal funds,  
6 and engaging all early care and education stakeholders, including  
7 K–12 education stakeholders, in an effort to provide access to  
8 affordable, high-quality services supported by adequate rates,  
9 integrated data systems, and a strong infrastructure that supports  
10 children and the educators that serve them.

11 SEC. 2. Article 15.3 (commencing with Section 8340) is added  
12 to Chapter 2 of Part 6 of Division 1 of Title 1 of the Education  
13 Code, to read:

14  
15 Article 15.3. Individualized County of Alameda Child Care  
16 Subsidy Plan  
17

18 8340. The County of Alameda may, as a pilot project, develop  
19 and implement an individualized county child care subsidy plan.  
20 The plan shall ensure that child care subsidies received by the  
21 County of Alameda are used to address local needs, conditions,  
22 and priorities of working families in the community.

23 8340.1. For purposes of this article, “county” means the County  
24 of Alameda.

1 8340.2. (a) For purposes of this article, “plan” means an  
2 individualized county child care subsidy plan developed and  
3 approved under the pilot project described in Section 8340, which  
4 includes all of the following:

5 ~~(a)~~

6 (I) An assessment to identify the county’s goal for its subsidized  
7 child care system. The assessment shall examine whether the  
8 current structure of subsidized child care funding adequately  
9 supports working families in the county and whether the county’s  
10 child care goals coincide with the state’s requirements for funding,  
11 eligibility, priority, and reimbursement. The assessment shall also  
12 identify barriers in the state’s child care subsidy system that inhibit  
13 the county from meeting its child care goals. In conducting the  
14 assessment, the county shall consider all of the following:

15 ~~(1)~~

16 (A) The general demographics of families who are in need of  
17 child care, including employment, income, language, ethnic, and  
18 family composition.

19 ~~(2)~~

20 (B) The current supply of available subsidized child care.

21 ~~(3)~~

22 (C) The level of need for various types of subsidized child care  
23 services, including, but not limited to, infant care, after-hours care,  
24 and care for children with exceptional needs.

25 ~~(4)~~

26 (D) The county’s self-sufficiency income level.

27 ~~(5)~~

28 (E) Income eligibility levels for subsidized child care.

29 ~~(6)~~

30 (F) Family fees.

31 ~~(7)~~

32 (G) The cost of providing child care.

33 ~~(8)~~

34 (H) The regional market rates, as established by the department,  
35 for different types of child care.

36 ~~(9)~~

37 (I) The standard reimbursement rate or state per diem for centers  
38 operating under contracts with the department.

39 ~~(10)~~

1 (J) Trends in the county’s unemployment rate and housing  
2 affordability index.

3 ~~(b)(1)~~

4 (2) (A) Development of a local policy to eliminate  
5 state-imposed regulatory barriers to the county’s achievement of  
6 its desired outcomes for subsidized child care.

7 ~~(2)~~

8 (B) The local policy shall do all of the following:

9 ~~(A)~~

10 (i) Prioritize lowest income families first.

11 ~~(B)~~

12 (ii) Follow the family fee schedule established pursuant to  
13 Section 8273 for those families that are income eligible, as defined  
14 by Section 8263.1.

15 ~~(C)~~

16 (iii) Meet local goals that are consistent with the state’s child  
17 care goals.

18 ~~(D)~~

19 (iv) Identify existing policies that would be affected by the  
20 county’s plan.

21 ~~(E)(i)~~

22 (v) (I) Authorize an agency that provides child care and  
23 development services in the county through a contract with the  
24 department *and either provides direct services or contracts with*  
25 *licensed providers or centers* to apply to the department to amend  
26 existing contracts in order to benefit from the local policy.

27 ~~(ii)~~

28 (II) The department shall approve an application to amend an  
29 existing contract if the plan is modified pursuant to Section 8340.3.

30 ~~(iii)~~

31 (III) The contract of a department contractor who does not elect  
32 to request an amendment to its contract remains operative and  
33 enforceable.

34 ~~(3)~~

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

37 ~~(A)~~

38 (i) Eligibility criteria, including, but not limited to, age, family  
39 size, time limits, income level, inclusion of former and current  
40 CalWORKs participants, and special needs considerations, except

1 that the local policy shall not deny or reduce eligibility of a family  
2 that qualifies for child care pursuant to Section 8353. Under the  
3 local policy, a family that qualifies for child care pursuant to  
4 Section 8354 shall be treated for purposes of eligibility and fees  
5 in the same manner as a family that qualifies for subsidized child  
6 care on another basis pursuant to the local policy.

7 ~~(B)~~

8 (ii) Fees, including, but not limited to, family fees, sliding scale  
9 fees, and copayments for those families that are not income eligible,  
10 as defined by Section 8263.1.

11 ~~(C)~~

12 (iii) Reimbursement rates.

13 ~~(D)~~

14 (iv) Methods of maximizing the efficient use of subsidy funds,  
15 including, but not limited to, multiyear contracting with the  
16 department for center-based child care, and interagency agreements  
17 that allow for flexible and temporary transfer of funds among  
18 agencies.

19 ~~(e)~~

20 (3) Recognition that all funding sources utilized by direct service  
21 contractors that provide child care and development services in  
22 the county *and contractors that contract with licensed providers*  
23 *and centers* are eligible to be included in the county's plan.

24 ~~(f)~~

25 (4) Establishment of measurable outcomes to evaluate the  
26 success of the plan to achieve the county's child care goals, and  
27 to overcome any barriers identified in the state's child care subsidy  
28 system.

29 (b) *Nothing in this section shall be construed to permit the*  
30 *county to change the regional market rate survey results for the*  
31 *county.*

32 8340.3. (a) The plan shall be submitted to the local planning  
33 council, as defined in subdivision (g) of Section 8499, for approval.  
34 Upon approval of the plan by the local planning council, the Board  
35 of Supervisors of the County of Alameda shall hold at least one  
36 public hearing on the plan. Following the hearing, if the board  
37 votes in favor of the plan, the plan shall be submitted to the Early  
38 Education and Support Division of the department for review.

1 (b) Within 30 days of receiving the plan, the Early Education  
2 and Support Division shall review and either approve or disapprove  
3 the plan.

4 (c) Within 30 days of receiving a modification to the plan, the  
5 Early Education and Support Division shall review and either  
6 approve or disapprove that modification to the plan.

7 (d) The Early Education and Support Division may disapprove  
8 only those portions of modifications to the plan that are not in  
9 conformance with this article or that are in conflict with federal  
10 law.

11 8340.4. The county shall, by the end of the first fiscal year of  
12 operation under the approved child care subsidy plan, demonstrate,  
13 in the report required pursuant to Section 8340.5, an increase in  
14 the aggregate days a child is enrolled in child care in the county  
15 as compared to the enrollment in the final quarter of the 2014–2015  
16 fiscal year.

17 8340.5. (a) The county shall annually prepare and submit to  
18 the Legislature, the State Department of Social Services, and the  
19 department a report that summarizes the success of the county’s  
20 plan, and the county’s ability to maximize the use of funds and to  
21 improve and stabilize child care in the county.

22 (b) A report to be submitted pursuant to subdivision (a) shall  
23 be submitted in compliance with Section 9795 of the Government  
24 Code.

25 8340.6. A participating contractor shall receive an increase or  
26 decrease in funding that the contractor would have received if the  
27 contractor had not participated in the plan.

28 8340.7. This article shall remain in effect only until January  
29 1, 2021, and as of that date is repealed, unless a later enacted  
30 statute, that is enacted before January 1, 2021, deletes or extends  
31 that date.

32 SEC. 3. The Legislature finds and declares that a special law  
33 is necessary and that a general law cannot be made applicable  
34 within the meaning of Section 16 of Article IV of the California  
35 Constitution because of the unique circumstances in the County  
36 of Alameda. Existing law does not reflect the fiscal reality of living  
37 in the County of Alameda, a high-cost county where the cost of  
38 living is well beyond the state median level, resulting in reduced  
39 access to quality child care. In recognition of the unintended  
40 consequences of living in a high-cost county, this act is necessary

- 1 to provide children and families in the County of Alameda proper
- 2 access to child care through an individualized county child care
- 3 subsidy plan.

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