

AMENDED IN ASSEMBLY AUGUST 30, 2000

AMENDED IN ASSEMBLY AUGUST 28, 2000

AMENDED IN ASSEMBLY AUGUST 7, 2000

AMENDED IN SENATE MAY 30, 2000

AMENDED IN SENATE APRIL 24, 2000

SENATE BILL

No. 1703

Introduced by Senator Escutia

February 22, 2000

~~An act to amend Section 8202 of, and to add Section 8276.8 to, the Education Code, relating to child care and development, and making an appropriation therefor. An act relating to child care, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1703, as amended, Escutia. Child care ~~and development.~~

Existing law provides the priority for state and federally subsidized child development services except as provided for in child care for recipients of the CalWORKs program.

Existing law requires the superintendent to submit to the Joint Legislative Budget Committee a report documenting the performance of child care and development programs.

~~This bill would state the Legislature's intent to provide sufficient funding through an appropriation in the annual Budget Act to fund the cost of providing high quality child care and development services for all individuals who meet~~

~~the income eligibility criteria by 2005. The bill would require the Superintendent of Public Instruction to submit to the Legislature a cost estimate for providing that high quality child care and those developmental services.~~

The bill would appropriate the sum of \$42,000,000 to the State Department of Education for specified child care purposes. *The bill would declare appropriations for these purposes to be General Fund revenues appropriated to school districts for the purposes of Section 8 of Article XVI of the California Constitution, and to be within the total allocations to school districts and community colleges from the General Fund proceeds of taxes appropriated pursuant to Article XIII B of the California Constitution.*

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1.—Section 8202 of the Education Code is~~
2 SECTION 1. (a) *The sum of forty-two million dollars*
3 *(\$42,000,000) is hereby appropriated from the General*
4 *Fund to the State Department of Education for the*
5 *purposes of funding, on a one-time basis, the following*
6 *activities related to child care and development services:*
7 (1) *Expansion of child care facilities in state-subsidized*
8 *centers through the purchase of portable facilities or*
9 *renovation and remodeling of existing space through the*
10 *Child Care Facilities Revolving Fund established*
11 *pursuant to Section 8278.3.*
12 (2) *Grants for repairs and modifications to existing*
13 *state-subsidized child care facilities to comply with health*
14 *and safety and other licensing requirements and the*
15 *federal Americans With Disabilities Act, and to increase*
16 *inclusion of children with disabilities.*
17 (3) *Grants for equipment and instructional materials*
18 *for state-subsidized child care providers, including those*
19 *necessary to increase the inclusion of children with*
20 *disabilities. Any grants for instructional materials shall be*
21 *for the purpose of purchasing materials aligned with*
22 *either the state’s academic content standards for*



1 kindergarten and grades 1 to 12, inclusive, or the state's
2 prekindergarten learning and development guidelines
3 for preschool age children.

4 (4) Grants for state-subsidized child care providers to
5 bring playground equipment into compliance with
6 regulatory requirements.

7 (b) It is intended that the State Department of
8 Education not impose traditional limits on grant amounts
9 or on the number of grants to child care providers for
10 purposes of paragraphs (2), (3), or (4) of subdivision (a),
11 in order to maximize service to children where need is
12 demonstrated. The State Department of Education shall
13 give priority in the allocation of funds pursuant to
14 subdivision (a) to underserved areas and to expanding
15 capacity to serve disabled children.

16 (c) (1) Funds appropriated pursuant to the act
17 adding this section shall not be available for expenditure
18 until an allocation plan is submitted by the State
19 Department of Education to the Department of Finance
20 and the Department of Finance approves the plan. The
21 allocation plan shall include, but is not limited to, the
22 amounts of funding that will be set aside for each of the
23 purposes specified in subdivision (a), specific criteria for
24 ensuring that priority is given to underserved areas, and
25 specific criteria for expanding child care capacity to serve
26 disabled children.

27 (2) The State Department of Education shall report to
28 the Legislature and the Department of Finance on or
29 before September 1 of each fiscal year, commencing with
30 September 1, 2001, and for three years thereafter, on the
31 implementation of the allocation plan described in
32 paragraph (2). The report shall include the numbers of
33 applications and funding by type of use, the child care
34 capacity generated, and the amount of funds remaining
35 for allocation.

36 (d) (1) The Department of Finance may consider
37 and approve an amount equal to a maximum of 30
38 percent of the funds appropriated pursuant to subdivision
39 (a), as determined by the State Department of
40 Education, to be granted to local planning councils or



1 resource and referrals agencies for purposes of increasing
2 the capacity of nonstate subsidized child care providers
3 to serve disabled children in child care settings that meet
4 their developmental needs, consistent with the intent of
5 the Child Care and Development Services Act pursuant
6 to Chapter 2 (commencing with Section 8200) of Part 6.
7 A local planning council or resource and referral agency
8 may expend funds granted to it pursuant to this
9 subdivision for any of the following:

10 (A) To contract for various purposes that may include,
11 but are not limited to, providing training and technical
12 assistance to child care and development providers,
13 developing local plans, and conducting awareness and
14 outreach, provided that the activities contracted for
15 further the purposes of this subdivision.

16 (B) To purchase or lease portable accessibility
17 enhancements that may be temporarily loaned or leased
18 to nonstate subsidized child care and development
19 providers to provide access to disabled children.

20 (C) To establish a direct loan program to nonstate
21 subsidized child care and development providers for
22 purposes that may include acquisition of physical
23 improvements, equipment, and instructional materials to
24 increase the providers' ability to serve disabled children.

25 (2) Any proposed allocations subject to this
26 subdivision shall include a detailed description of and
27 justification for the features of the program and shall
28 include the specific uses of the funds that may be
29 authorized, the amount and range of loan amounts, fiscal
30 accountability requirements for administering agencies
31 including loan repayments, and loan requirements for
32 child care providers that assure the funds are utilized to
33 efficiently increase services to children receiving
34 subsidies through state alternative payment programs,
35 including those serving CalWORKs populations.

36 (e) The Legislature finds and declares that funds
37 allocated for purposes of subdivision (d) serve an
38 essential educational purpose as a resource for public
39 elementary and secondary schools and are intended to
40 the educational mission of school districts and further the



1 education of public school pupils and others by providing
2 early childhood development for school readiness. It is,
3 therefore, the intent of the Legislature that,
4 notwithstanding Section 42102 of the Education Code,
5 the appropriation made by subdivision (a), for purposes
6 of subdivisions (a) and (d), shall be counted toward the
7 state minimum funding obligation of the public school
8 system under Section 8 of Article XVI of the California
9 Constitution.

10 (f) For purposes of making the computations required
11 by Section 8 of Article XVI of the California Constitution,
12 the appropriation made by subdivision (a) shall be
13 deemed to be “General Fund revenue appropriated for
14 school districts,” as defined in subdivision (c) of Section
15 41202 of the Education Code, for the 2000–01 fiscal year,
16 and included within the “total allocations to school
17 districts and community college from General Fund
18 proceeds of taxes appropriated pursuant to Article XIII
19 B,” as defined in subdivision (e) of Section 41202 of the
20 Education Code for the 2000–01 fiscal year.

21 amended to read:

22 8202. It is the intent of the Legislature that:

23 (a) All families have access to high quality child care
24 and development services pursuant to Section 8203,
25 through resource and referral services, where
26 appropriate, regardless of ethnic status, cultural
27 background, or special needs. It is further the intent that
28 high quality subsidized child care and development
29 services be provided to persons meeting the eligibility
30 criteria established under this chapter by 2005, to the
31 extent funding is made available by the Legislature and
32 Congress.

33 (b) The healthy physical, cognitive, social, and
34 emotional growth and development of children be
35 supported.

36 (c) Families achieve and maintain their personal,
37 social, economic, and emotional stability through an
38 opportunity to attain financial stability through
39 employment, while maximizing growth and
40 development of their children, and enhancing their



1 ~~parenting skills through participation in child care and~~
2 ~~development programs.~~

3 ~~(d) Community-level coordination in support of child~~
4 ~~care and development services be encouraged.~~

5 ~~(e) Families have a choice of programs that allow for~~
6 ~~maximum involvement in planning, implementation,~~
7 ~~operation, and evaluation of child care and development~~
8 ~~programs.~~

9 ~~(f) Parents and families be fully informed of their~~
10 ~~rights and responsibilities to evaluate the quality and~~
11 ~~safety of child care programs, including, but not limited~~
12 ~~to, their right to inspect child care licensing files.~~

13 ~~(g) Planning for expansion of child care and~~
14 ~~development programs be based on ongoing local needs~~
15 ~~assessments.~~

16 ~~(h) The Superintendent of Public Instruction, in~~
17 ~~providing funding to child care and development~~
18 ~~agencies, promote a range of services which will allow~~
19 ~~parents the opportunity to choose the type of care most~~
20 ~~suited to their needs. The program scope may include the~~
21 ~~following:~~

22 ~~(1) Programs located in centers, family day care~~
23 ~~homes, or in the child's own home.~~

24 ~~(2) Services provided part-day, full-day, and during~~
25 ~~nonstandard hours including weekend care, night and~~
26 ~~shift care, before and after school care, and care during~~
27 ~~holidays and vacation.~~

28 ~~(3) Child care services provided for infants, preschool,~~
29 ~~and schoolage children.~~

30 ~~(i) The Superintendent of Public Instruction be~~
31 ~~responsible for the establishment of a public hearing~~
32 ~~process or other public input process that ensures the~~
33 ~~participation of those agencies directly affected by a~~
34 ~~particular section or sections of this chapter.~~

35 ~~(j) Funding be increased for child care in order to~~
36 ~~provide child care services for all children.~~

37 ~~SEC. 2. Section 8276.8 is added to the Education~~
38 ~~Code, to read:~~

39 ~~8276.8. (a) It is the intent of the Legislature to~~
40 ~~provide sufficient funding through an appropriation in~~



1 ~~the annual Budget Act to fund the cost of providing high~~
2 ~~quality child care and development services for all~~
3 ~~individuals who meet the income eligibility criteria set~~
4 ~~forth in Section 8263.1 by 2005.~~

5 ~~(b) On or before March 1, 2001, the Superintendent~~
6 ~~of Public Instruction shall submit to the Legislature a cost~~
7 ~~estimate for providing high quality child care and~~
8 ~~development services for all individuals who meet the~~
9 ~~income eligibility criteria by 2005.~~

10 ~~SEC. 3. The sum of forty-two million dollars~~
11 ~~(\$42,000,000) is hereby appropriated from the General~~
12 ~~Fund to the State Department of Education for the~~
13 ~~purpose of funding child care technological advances,~~
14 ~~staff retention and training initiatives, facility and~~
15 ~~playground repairs, safety enhancements, development,~~
16 ~~and initiatives to increase child care for children with~~
17 ~~special needs, including physical access improvements.~~

