

ASSEMBLY BILL

No. 769

Introduced by Assembly Member Torres

February 26, 2009

An act to amend Section 8236 of, and to add Section 8235.5 to, the Education Code, relating to state preschool.

LEGISLATIVE COUNSEL'S DIGEST

AB 769, as introduced, Torres. State preschool.

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 regarding children of youth that are in custody, on probation, or are in the foster care system. This bill would require priority for participation in state preschool programs also to be given to children who have a biological parent who is, or who has been within the previous 6 months, under the jurisdiction of the delinquency or dependency court.

Vote: majority. Appropriation: no. Fiscal committee: no.
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 that are in custody, on probation, or are in the foster care

1 system are at high risk of developmental delays and other cognitive,
2 social, and emotional difficulties.

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

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

12 SEC. 2. Section 8236 of the Education Code, as amended by
13 Section 5 of Chapter 730 of the Statutes of 2007, is amended to
14 read:

15 8236. (a) For purposes of this section, the following definitions
16 apply:

17 (1) "Eligible children" means children who are currently eligible
18 for the state preschool program.

19 (2) "Four-year-old children" means those children who will
20 have their fourth birthday on or before December 2 of the fiscal
21 year in which they are enrolled in a state preschool program.

22 (3) "Local educational agency" means a school district, a county
23 office of education, a community college district, or a school
24 district on behalf of one or more schools within the school district.

25 (4) "Superintendent" means the Superintendent of Public
26 Instruction.

27 (5) "Three-year-old children" means those children who will
28 have their third birthday on or before December 2 of the fiscal
29 year in which they are enrolled in a state preschool program.

30 (b) (1) Each applicant or contracting agency funded pursuant
31 to Section 8235 shall give first priority to neglected or abused
32 children who are recipients of child protective services, ~~or~~
33 recipients who are at risk of being neglected or abused, upon
34 written referral from a legal, medical, or social service agency, *or*
35 *children who have a biological parent who is, or who has been*
36 *within the previous six months, under the jurisdiction of the*
37 *delinquency or dependency court.* If an agency is unable to enroll
38 a child in this first priority category, the agency shall refer the
39 child's parent or guardian to local resource and referral services
40 so that services for the child can be located.

1 (2) After children in the first priority category set forth in
2 paragraph (1) are served, each agency funded pursuant to Section
3 8235 shall serve eligible four-year-old children prior to serving
4 eligible three-year-old children. Each agency shall certify to the
5 Superintendent that enrollment priority is being given to eligible
6 four-year-old children.

7 (c) For state preschool programs operating with funding that
8 was initially allocated in a prior fiscal year, at least half the children
9 enrolled at a preschool site shall be four-year-olds. Any exception
10 to this requirement shall be approved by the Superintendent. The
11 Superintendent shall inform the Secretary of Child Development
12 and Education of any exceptions that have been granted.

13 (d) The following provisions apply to the award of new funding
14 for the expansion of the state preschool program that is
15 appropriated by the Legislature for that purpose in any fiscal year:

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

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

30 (3) (A) Agencies that receive funding for the expansion of a
31 state preschool program shall enroll children in the following
32 priority order:

33 (i) Neglected or abused children who are recipients of child
34 protective services, ~~or~~ recipients who are at risk of being neglected
35 or abused, upon written referral from a legal, medical, or social
36 services agency, *or children who have a biological parent who is,*
37 *or who has been within the previous six months, under the*
38 *jurisdiction of the delinquency or dependency court.*

39 (ii) Four-year-old children who are eligible for the state
40 preschool program.

1 (B) Otherwise, children shall be enrolled based on other statutory
2 and regulatory priorities for the state preschool program.

3 (e) Nothing in this section shall be deemed to preclude a local
4 educational agency from subcontracting with an appropriate public
5 or private agency to operate a state preschool program and to apply
6 for funds made available for the purposes of this section. If a school
7 district chooses not to operate or subcontract for a state preschool
8 program, the Superintendent shall work with the county office of
9 education and other eligible agencies to explore possible
10 opportunities in contracting or alternative subcontracting to provide
11 a state preschool program.

12 (f) Nothing in this section shall prevent eligible children who
13 are currently receiving services from continuing to receive those
14 services in future years pursuant to this chapter.